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Goodbye or see you soon?: An analysis of change and continuity in External Migration Policy between the UK's Entry and Pending Exit from the European Union

Abstract

On the 23rd June 2016, there was a tectonic shift in the relationship between the UK and the EU but will this be felt as severely across all policy areas? External migration policy is one of the only agendas that has unified the two actors over the 43 years of their union and is not something that will disappear upon the enactment of Article 50. Currently there is little discussion of what will happen to the UK's involvement in external migration control projects, such as Frontex, that have taken both sides many years to establish and embody the policy ambition of the EU and the UK. This paper will examine the similarities and differences in the external migration policy between entry and exit negotiations to demonstrate that the policy around the control of external migration is inextricably linked. Using the Field Theory of Pierre Bourdieu this paper will evaluate the claim that external migration policy will always unify Westminster and Brussels. By using the themes of cooperation and securitization this paper will demonstrate that the hard Brexit that Theresa May is seeking will not be possible in the context to external migration control policy.

Introduction

To understand the way in which migration is currently being controlled by the United Kingdom (UK) and the European Union (EU) we must first understand the historical journey of both actors in context to migration. Understanding the history of the policies and the historical context in which they were enacted compliments the research as it introduces and explains some of the key decisions that have led to more complex structures in current migration control. It also introduces the early indicators of the relationship between the UK and the EU that will be analysed later in the thesis. This paper explores the establishment of the external migration control field throughout the latter half of the 20th century. A detailed understanding of these structures is needed to inform the use of Bourdieu and field theory and this will be explored in more detail throughout the paper. It will also be a critical overview of how the UK and the EU has engaged with migration over the past 60 years since the end of World War 2 (WW2). There is some discussion of pre WW2 policies however as they illustrate the earliest state migration policies therefore reflecting the attitudes of actors as the external migration control field as it became established. In particular, this paper will discuss the change in attitudes towards external migration into the region and how this change was reflected in

policy development from active immigrant recruitment post war too controlled and often restricted migration from the mid-1970s onwards. This paper will establish the historical connections between the actors of the external migration control field. In understanding the historical interactions between the actors the analysis that proceeds this paper is contextualised. Bourdieu highlighted that a field is not a static structure, it is instead a process that is historically and culturally constructed so to understand the modern external migration control field you first need to look at its earliest conceptions (Adler-Nissen, 2013).

The first part of the paper will be a discussion of post-WW2 migration in the European region with an examination of the policies of the France, Germany and the UK. The use of France and Germany is to illustrate the migration policies of the states in continental Europe as no regional structures or policies existed until 1957. Discussion of France and Germany post 1957 will be to allow a detailed comparison of the viewpoints of those contributing to the development of regional policies during the pre-Maastricht Treaty negotiations and the first established norms of the field. These two countries were chosen because of the influential role they played both in the conception of the EU and the power they then exercise within the EU now as the two of the largest economies in the region with some of the highest population of migrants. The use of France and Germany is solely for the purpose of this paper to add context to illustrate the similarities and differences as these states came together to negotiate regional migration policies.

The second part of the paper will be an analysis of the key junctures in migration policy history including the policies (domestic and regional) and their historical context from 1957 onwards and how these events caused migration policy in the UK and Europe to develop from active recruitment to controlled migration. The key events in history that have been chosen because of their political significance either directly or indirectly on UK and Europe migration policy development. For example, one of the historical events that will be discussed is Enoch Powell's *Rivers of Blood* speech. This event has been chosen not just because of the ramifications of the speech on UK migration policy but also as an exemplification of the changing attitudes across Europe. Another event will be the Maastricht Treaty (1992) as this was the consolidation of many years of integration in the European region and migration was one of the key areas of negotiation. Another key event is the Amsterdam Treaty (1997) which enacts the Schengen Agreement and was the framework in which many current policies have been based upon such as the development of the migration control mechanism Frontex. The 3 examples of events that will be discussed are key to this research because they illustrate the relationship between the UK and the EU, how their histories have similarities and differences and how this has effected and informed current migration policy. These events will not be analysed in isolation but in a wider context of political and social dynamics in the region, which is

why France and Germany have been chosen as examples, in order to gain an insight of the changing aspects of migration control throughout the 20th century. It will introduce and explore the conceptual dynamics of this thesis such as migration control mechanisms such as Frontex which are used by the actors in the region.

The Early Beginnings of Migration Control

Pre-WW2 historical trends in immigration policy across Europe vary from state to state. The early migration policies of Europe reflect the distinct differences in state formation (Sassen, 1999). The UK for example had a structured central government much earlier than its European counterparts such as France and Germany. That structured central government allows the production of national level policies which can then be implemented faster because the legislative structures are well established. An example of which is the first national level immigration act the UK enacted which was the Aliens Act 1905 and 1914. The Aliens Act was designed specifically to curb Jewish immigration from Eastern Europe and it is the first example of national level immigration control in the UK. Jewish immigration had created much hostility within the British public they often occupied less desirable areas of London and other major cities (Winder, 2005). "British governments since the 1905 Aliens Act... had two basic motivating factors which have determined the level of migration which has occurred in the form of the needs of the British economy and the hostility of public opinion" (Panayi, page 308, 2010). The UK was one of the first states in the world to introduce national level migration controls as complex as the Aliens Act. This is for three reasons, firstly, the UK always experienced high levels of immigration in comparison to other states as its position as a dominant colonial power meant that people would readily travel to the UK from its overseas territories. Secondly it was the centre of industrialisation in Europe which encouraged migrants, particularly from Ireland, to fill jobs in the burgeoning industries. Thirdly it was a state of transition for many migrants who were looking to travel from the UK's major ports in order to travel to the Americas. All the contribution factors indicate that migration control was an inevitability for the UK.

During this period of history mainland European states were still operating regionally with little or no central control meaning that migration control could be very different even if it was in the same state. Many of the differences related to the central industry of the region (Sassen, 1999). For example, the north eastern region of Germany had a very large agricultural sector thus required a large number of seasonal migrants to work within that industry. Although the migration control structures were disjointed all over Europe because of a lack of national level controls the number of migrants settled in one geographical area for very long was actually small in comparison to the UK as they preferred to move around Europe picking up short term seasonal occupations, which benefited the local populations as well as the migrants (Sassen, 1995). This early period indicates that early

regional control on migration was almost non-existent with controls existing to serve an ad hoc purpose (which suited the migratory patterns at the time). The UK Aliens Act 1905 and 1914 were unusual by comparison. The UK in contrast to its European counterparts were very quick to control migration. Such an early configuration of migration control is attributed to the fact that the UK was receiving migrants that were seemingly less desirable than experiencing the cyclical and seasonal migratory patterns that France and Germany were experiencing that were profitable for industries. It identifies an early beginning for the UK as a key actor in the newly forming external migration control field.

In the late 19th and early 20th century European migration controls centred on the notion of *jus sanguinis* and *jus solis*. *Jus sanguinis* is the principle that citizenship should be granted to those who share a common “blood” with nationality being centred on the principle that it is a biological inheritance rather than a cultural acquisition (Sassen, 1999). *Jus solis* is the granting of citizenship through the principle of birth and residence. Each principle has its positives and negatives. *Jus sanguinis* for example is very difficult to control as how far do you allow a bloodline to go back in order to grant citizenship. Germany was an advocate of applying *jus sanguinis* whereas France and the UK were more inclined to implement the principle of *jus solis*. The differences between the applications of the two principles differed on the nation building and sovereignty building practices of each of these states (Sassen, 1999). The reason for each state implementing these principles differently is down to the colonial territories each state occupied. Those subjects born outside of the UK and France still had to be considered as British or French subjects especially those born into upper class families who were living abroad as ambassadors or who had business prospects within the colonies (Czaika and de Haas, 2014). Germany on the other hand did not have the vast colonial territories of the UK and France therefore the application of the *jus sanguinis* principle was easier and allowed for those born in the borderlands of Germany to claim citizenship after the breakup of the Prussian empire.

As WW2 came to an end European governments were faced with the task of rebuilding their states and with a depleted population, immigration by many states was seen as the most convenient way to access a cheap labour supply (Henry, 1985). However, states also realised that allowing mass migration onto the labour markets would need structuring to ensure the system was not taken advantage of and it had a sufficient bureaucracy to control the inflow and outflow of migrants from across the European region and the world. However, each state took a different route in which to structure the migration control. “The legal frameworks through which the post war migration occurred were varied” (Hansen, 2003, page 25). There are two distinct ways in which migration control was formed at this time. The first was colonial (or neo/quasi colonial) linkages and the

second is organised recruitment (Sassen, 1999 and Hansen, 2003). As with the principles of *jus sanguinis* and *jus solis*, the uptake of which structure was dependent on the size of the empire that you were able to attain migrants from. The two distinct apparatuses reflect that labour migration at this time was highly modulated and happened within systematic settings and through a number of mechanisms. The structures of migration control that we see in modern policies were at this time beginning to take shape, consolidating the habitual behaviours. The norms of controlling external migration through highly structured mechanisms is still reflected in the actions of actors in the field.

The system of using colonial linkages for an immigrant workforce was undertaken by a number of European states including the UK. Colonies, in terms of utilising them for labour, had only been previously used for the slave trade (Czaika and de Haas, 2014). After the abolition of the slave trade, colonialism encouraged more emigration with British nationals exploring the possibility of greater prosperity in the colonies that at home, immigration in fact was relatively small (Holmes, 1988). The idea of exploiting this resource was very attractive to post-war European states. Initially the UK government were apprehensive to open the doors to the empire however they did eventually concede to allowing organised and active recruitment of workers for low skilled manufacturing and agricultural jobs. In the first few months following WW2, The UK adopted similar schemes to that of Germany and actively recruited from across Europe however this gave way to the UK using its colonial territories to recruit workers. Both these mechanisms will now be discussed in more detail.

Germany's *gastarbeiter* (guest worker) schemes were a highly centralised set of systems and a number of bilateral agreements were signed with European and North African states (Hansen, 2003 and Heckmann et al, 2009). The states included in the agreement were: Italy, Spain, Greece, Turkey, Morocco, Portugal, Tunisia and Yugoslavia. The German system was the most comprehensive and organised recruitment. Guest worker schemes encouraged temporary migration of workers and upon seeing the successes of other European states the UK's Royal Commission on Population Report in 1949 reported that immigration should be welcomed "without reserve" as long as the immigrants would be able to assimilate to "the host population" (Holmes, 1988 and Rees, 1993). An ageing population, many women returning to domestic roles after the war and the rise of the school leaving age removed a large section of the working population (Hansen, 2003). The UK recruited from prisoner of war camps and from groups of displaced persons whose homes had been destroyed or were not able to go home. "The so called displaced persons constituted an obvious pool of human resource" (Holmes, 1988) and the UK recruited around 80,000 workers from this section of society (Holmes, 1988). This recruitment was not on the same scale as Germany, whose guest worker numbers were in the millions. The number of workers was so high it now means that 10% of the current German population have an immigrant background as a direct result of the guest worker

schemes (www.loc.gov). The UK however did subscribe to a number of schemes such as the European Voluntary Worker scheme (EVW) actively recruited workers to go into unskilled manual labour. The majority of these workers came from Poland and other areas of Eastern Europe and the UK wanted to be seen as a state in which migrants could seek a better life. However, "it might be flattering to the national ego to assume... Britain was engaged in a great humanitarian venture... The fundamental influence over official policy was the economic policy in which the government had to operate." (Holmes, 1988, page 212). However, the small streams of labour from Eastern Europe that the UK had benefited from soon became difficult to access as the Iron Curtain descended across the eastern frontiers of Europe and the UK was also not economically recovering as quickly as its European counterparts which effected its popularity with migrants from Europe looking for a prosperous country of destination (Hansen, 2003). It caused the UK to readdress the issue of gaps in labour market and look to other alternatives.

Once the UK made the decision to no longer pursue recruitment from Europe, it copied the colonial mechanisms that France had begun to utilise through its own colonies, an early example of following other behaviours in the field. Migrants from colonial territories became more desirable as they were able to assimilate to the population in the UK quicker. This was because they knew English and were aware of the cultural customs. The UK government realised that although it lacked the strong economy and the cultural linkages with southern Europe it had over 600 million subjects in the colonies of the Empire (Hansen, 2003). In 1948 the British government enacted the British Nationality Act (1948). The Act stated that:

"Every person who under this Act is a citizen of the United Kingdom and Colonies or who under any enactment for the time being in force in any country mentioned in subsection (3) of this section is a citizen of that country shall be by virtue of that citizenship have the status of a British subject"

The British Nationality Act, 1948, page 1

The British Nationality Act had a clearly defined policy of what constituted UK national status for members of the public. The act was ratified at the same time as the Commonwealth of Nations (formally the British Commonwealth) was being established and formed part of the restructuring of sovereignty by the UK. The British Nationality Act and the Commonwealth being formed almost in the same period meant that the UK needed to establish who had the right to abode to avoid false claims being made. Once the act became law there was large scale migration of a number of colonial subjects from China, the West Indies, Africa and the Indian sub-continent. The initial migration that the British Nationalities Act attracted concentrated on immigrants from the colonies of the West

Indies. However, the act itself was not the only contributing factor to this migration. "It was related in part to the underdevelopment of British territories which had been starved of investment. Such prevailing conditions had resulted in a continual process of emigration by surplus power" (Holmes, 1988) and the immigration occurred from the islands that had the lowest per capita national income. Other conditions also had a contributing factor such as the United States of America imposing the McCarran-Walter Act in 1952 which placed heavy sanctions on the admittance of West Indians to the US. Another factor was the business behind immigration from the West Indies which included direct recruitment from employers such as the London Transport Executive and the British Hotels and Restaurants Association who entered joint business ventures with private steamship companies and airlines in order to transport new recruits across the Atlantic (Winder, 2005). The "business" of migration was also a trend seen in France whose industries sought to recruit directly from the country of origin and would later seek visa documentation from the National Office of Immigration (Hansen, 2003). Less than 10% of the immigrants from the new commonwealth were directly recruited by the UK government (Coleman, 1994). Other immigrants to the UK from the colonies travelled by their own means or were relatives of those who were directly recruited by the UK government. Politically and economically the large scale recruitment of workers from the old empire was a success however, the societal impact was negative. The race riots in Notting Hill and Nottingham in 1958 were evidence of a changing social environment. The race riots could be viewed in two respects. Firstly, they could be seen as a culmination of many years of tension between national and migrant communities (Winder, 2005). Secondly they could be viewed as a catalyst for the tensions and changes that happened socially and politically following the riots. In hindsight they were an element of both historical tensions and newly developed animosity. It led to changes in the way in which migration control was created by governments, creating some of the first signs of securitization.

The years previous to these riots the European economic and political landscape was changing. The Treaty Establishing the European Coal and Steel Community (ECSC) had been signed on the 18th April 1951 and continental Europe looked forward to creating "common definitions" (Article 69, Paragraph 2) of the goals that the region wanted to establish. The main idea behind creating this regional actor was to nurture economic growth across Europe as well as creating a bond between states which would hopefully prevent future wars. The establishing states believed this could be achieved by opening the internal border to allow for freer movement of goods and services. The establishing dates were: The Federal Republic of Germany, Belgium, France, Italy, Luxembourg and The Netherlands.

In order for this to be able to take place the establishing states understood the importance of creating easier movement of European citizens to facilitate the expansion. Under Article 76 of the treaty the members declared that there should be particular shared privileges and immunities for member states. These privileges included the introduction of a European Laissez-Passer for civil servants and members of the newly established institutions. These tentative moves towards the eventual ethos of freedom of movement indicate the changing attitudes towards internal movement throughout continental Europe. These early stages of control are not regional controls of migration. It is the earliest point of being able to identify a habitual norm. At this point control of migration remained solely in the hands of the member states however this would soon change. However, one can see the early steps towards the external migration control field as the creation of an inside and an outside cultures becomes normalised.

The Treaty of Rome (1957) established the European Economic Community (EEC). The establishment of the EEC took the premise of the ECSC (which was to begin freeing the ability for goods and services to move around the region) and elevated it to a more complex web of interdependencies. The Treaty of Rome (1957) laid the early foundations of what we now know as the EU. The EEC was the first economic community of its kind and it had very strong principles in relation to the movement of people, a philosophy carried from the establishing values of the ECSC. The formation of the EEC was also the formation of the field of external migration control. It believed that “the abolition, as between Member States, of obstacles to freedom of movement for persons, services and capital” (Treaty of Rome, 1957) was the key to a successful regional economy that would benefit all its members. It declared that member states were “resolved to ensure the economic and social progress of their countries by common action to eliminate the barriers which divide Europe” (page 2, 1957). In relation to migration around the region the treaty established the right to freedom of movement for all EEC citizens under Title III Free Movement of Persons, Services and Capital. The Treaty of Rome was a regional policy on a scale never witnessed before however there were still elements of control of migrants. Movement of citizens could only occur if they had an offer of employment or you prospectively wished to set up a firm or company within the member state that you were travelling to, the freedom of movement did not extend if you simply wanted to change the member state that you lived in. The treaty also outlined the rights of establishment for workers that travelled across the region. The rights secured not only secured abolition of any discrimination against employment in another member state but it also secured the rights of the families and dependents of the workers that travelled.

“Article 51

The council shall, acting unanimously on a proposal from the Commission, adopt such measures in the field of social security as are necessary to provide freedom of movement for workers; to this end, it shall make arrangements to secure for migrant workers and their dependents:

- (a) aggregation, for the purposes of acquiring and retaining the right to benefit and of calculating the amount of benefit, of all periods taken into account under the laws of the several countries;
- (b) payment of benefits to person's resident in the territories of Member States."

The Treaty of Rome, 1957, page 22

The establishing member states are demonstrating that European migration is of great importance to the prosperity of the region not only for its workers but also for the families and dependents of those moving around. It was also signalling the beginning of the end of a dependency of third country national migration through the guest worker schemes. The establishing member states recognised that internal migration would be easier to control and the migrants would settle quicker as they are European rather than being from outside the region where they may not assimilate to the local population as quickly. The Treaty of Rome is a historical turning point for continental Europe however the UK was not part of establishing the EEC and continued along the path of using immigrants from previous colonial territories. The Treaty of Rome however did afford the UK another status. Part 4 of the treaty outlined the how and which external territories to the newly established region would associate with overseas countries and external territories. The EEC wanted to create "special relations" with the UK and concluded that "the purpose of association shall be to promote the economic and social development of the countries and territories and to establish close economic relations between them and the Community as a whole" (Treaty of Rome, 1957, page 46). The 'special relationship' did not extend as far as allowing freedom of movement to the UK however from a historical perspective it demonstrates the early relationship that continental Europe and the UK were to create. What it did afford to the UK was some of the economic benefits of being next to a growing global economic power. The UK had managed to become a part of the EU external migration control field, from this point on a more established position could be negotiated, however it would be another 15 years until it would become a substantial actor within the field.

The UK began to feel the strain of commonwealth migration and the changes to the political territories and the social reaction to immigration from the new commonwealth led to the onset of a number of migration controls. The UK government felt compelled to change the law and the next

policy (which was an adaption of the Nationality Act) was the Commonwealth Immigrants Act which was passed on the 1st July 1962. This was different from the Nationality Act because it did not automatically grant citizenship to any colonial subject. The Immigrants Act was to begin with uncapped (although sanctions were quickly added) and prospective migrants would have to apply for “vouchers” in order to travel, it was seen as a precautionary measure to ensure there was some control to who was allowed to travel. Unlike the rest of Europe immigrants to the UK were not from mainland Europe (who could culturally integrate quicker) or the poorer fringes of the region but from Ireland and the new commonwealth which is attributed to the unique relationships and arrangements that the UK had with its previous colonies (Coleman, 1994). “This immigration began much earlier than on the continent and was controlled much earlier” (Coleman, 1994) and because immigration has started so much earlier the pressure on housing and employment social tension arose much earlier than it did on the continent.

From the Commonwealth Immigration Act 1962 policy development towards the control of immigration began to slow. However, the public opinion of immigration grew ever more hostile. The hostility from the public (the Notting Hill and Nottingham race riots as discussed earlier) soon began to seep into the rhetoric of the politics of immigration. Enoch Powell’s Rivers of Blood speech in 1968 is a perfect depiction of the public opinion towards migration but it also illustrated the shifting political narrative of the time towards migration. The preceding decade before this speech there has been a number of changes to the political environment such as tighter immigration controls from 1962 onwards, the emergence of the National Front in 1967, the tightening of the Commonwealth Immigration Act in 1968 and Powellism whose societal impact has been illustrated above. “Immigration controls are still opposed by the Left but not by the Labour party, even though particular aspects of the laws are denounced as racially discriminatory” (Coleman, 1994). Although Labour did introduce two Race Relations Acts (1965, 1976), which paved the way for the concept of multiculturalism, political parties agreed that immigration to the UK needed to be curbed. Before an exploration of the political implications context of the speech one must first understand its content. Below are two excerpts from the speech:

“We must be mad, literally mad, as a nation to be permitting the annual inflow of some 50,000 dependants, who are for the most part the material of the future growth of the immigrant-descended population. It is like watching a nation busily engaged in heaping up its own funeral pyre.”

Powell, 1968

Other quotes relay the “damage” that the Race Relations Bill would have on migrant integration;

“For these dangerous and divisive elements the legislation proposed in the Race Relations Bill is the very pabulum they need to flourish. Here is the means of showing that the immigrant communities can organise to consolidate their members, to agitate and campaign against their fellow citizens, and to overawe and dominate the rest with the legal weapons which the ignorant and the ill-informed have provided. As I look ahead, I am filled with foreboding; like the Roman, I seem to see "the River Tiber foaming with much blood."

Powell, 1968

The metaphor he uses depicts violence and rioting if migration was to be left at the same rate. The speech got him removed from his position as shadow Defence Secretary it did not dull the public support of the speech. A poll taken after the speech suggested that 70% of the UK population agreed with the sentiments of the speech (Hansen, 2003). For the UK this was a cross road in migration control. No longer was migration an element of population control but a potential threat that would not only damage the social fabric of UK society but also the economic and political stability of the state. The UK was not the only European state to witness a change to a restrictive approach towards external migration. The norms of the external migration control field were slowly establishing.

At this point states across Europe were opting for internal migration over external migration and these changes in political narrative became reflected in the policy. In France changes to the institutional framework that controlled migration showed a changing attitude to immigration particularly from states such as Algeria. A Directorate of Population and Migration was created in 1966 which sought to halt illegal immigration from North Africa and the southern states of Europe (Wihtol de Wenden, 1994). Germany at this time however was still was recruiting but at a far slower rate than before and there were changes being made to the politics of immigration in Germany. In 1971 (the same year the UK Immigration Act was created) migrant workers who had been in Germany for longer than five years were given permission to apply for permits which extended their stay by another five years. “These steps considerably diminished the regulatory power of the guest-worker concept and may be interpreted as a political compromise to take into account the gradual adaption of the foreign workers” (Rudolph, 1994, page 121). Although the two streams of migration were different (France and the UK having a colonial stream of immigrants and Germany having a guest worker scheme) the overall political aim was to slow immigration down or as the Conservative party manifesto describes “to reduce and keep new migration to a small inescapable minimum” (Coleman, 1994, page 58). This narrative would become migration control policy in the conception and enactment of the Immigration Act 1971.

The Act was the first comprehensive migration control policy in the UK. Previous to this act migration control had not had the same legislative functions and structures as this act created. The act outlined provisions for regulation and control, the administration for control, provisions for deportation and criminalized illegal immigration. One of the defining features of the Act was the recognition of different kinds of migration to the UK. It outlined that a definition should be made between temporary migration, student migration and permanent migration. By making a distinct definition between the different types of migration the UK government was able to make its controls bespoke to the differing kinds of migration the UK was receiving at the time of the enactment of the policy. The Act also uses the term partial the definition of which is any person who has the right to abode and is subject to immigration control. In 1971 this covered all citizens with the right to abode. Under Section Three of the Act, *General Provisions for Regulation and Control*, it declared that any person who is not patrial does not have the right to abode to unless they have been given special leave to remain. A special leave to remain would be refugee status or you patrial status is agreed once an immigrant has reached the UK after an appeal for example. Any non –patrial immigrant who is found to be living in the UK are considered criminals alongside those that have helped to remain in the UK. It gave the Home Office and the Police the right to arrest suspected illegal entry migrants and those that have overstayed without warrant or investigation as long as they have ‘reasonable cause’ to suspect an immigrant. These mechanisms and language were relatively unprecedented in the UK and reflected the political and social changes in the UK. It also demonstrates the European pattern of the increasing securitization of migration across the region.

Shortly after the enactment of the Immigration Act 1971 the UK began to aggressively bid for accession to the EEC. The Official Journal of the European Communities Special Edition (27th March 1972) recognised that previous accession applications made by the UK had been unfavourable. The UK was at first apprehensive about joining the community, claiming that it would erode sovereignty. However, in the early 1960’s the UK began to warm to the idea and initial attempts were made by the UK in 1963 and 1967 to start accession. These were halted by the French President Charles de Gaulle, who believed that the UK was not politically willing to join whole heartedly into the community (his apprehension was perhaps justified given the relationship the UK has with the EU). In fact, one of the most prominent factors were the UK’s hesitation over the freedom of movement of people. In 1973 the UK (under the Labour government of Edward Heath) joined the EEC. Bourdieu argues that an act is never solitary, everything an actor does places it within a field (Bourdieu, 2010). The UK joining the EEC was a clear message that it wished to appropriate diplomatic capital within the external migration control, therefore manipulating a privileged position. Accession widened the area of the EEC and as more countries joined member states realised that the bigger the area of free

movement the more people are likely to move as the opportunities for employment are widened. It also increases the external border and means the edge of the region was now in the Mediterranean. Granting of citizenship in one-member state meant that migrants were free to move all across the Community, this was a consideration for existing member states needed to address. The accession of Greece, Spain and Portugal saw that automatic freedom of movement was not granted to new member states. The fear of mass movement from the economically weaker states to the more prosperous north of the region caused the core members states of France and Germany to rethink if new states should have such freedoms. These limitations are the first signs of reluctance by European states to truly open their borders to free movement of people throughout the region, and the early establishment of the field.

Establishing the Habitus

Over the past few decades there have been significant paradigmatic shifts in the norms of the external migration control field and demonstration of doxical behaviours from key actors such as the UK. The first negotiations of the EEC member states to create a larger more comprehensive regional institution in the mid-1980s were the beginnings of what we know as migration control in the EU now. In comparison to previous legislation from individual member states the idea of free movement was a right rather than a privilege bestowed on those that had colonial or guest worker ties with a member state. "The Single European Act, 1986 which allowed freedom of movement within the EU from 1993, led to a series of Europe-wide policy measures aimed at curbing migration from outside the EU" (Bloch, 2002, page 54). Before this point migration control was an element of politics that had been mostly left to national governments, protecting your own territory came higher on the political agenda than protecting the borders of a state that was the other side of the region. The Maastricht Treaty (1992) was the introduction of the third pillar of Justice and Home Affairs (JHA) which shifted the EEC being a predominantly economic institution to a political institution that also handled the political affairs of Europe and its member states. This is not to suggest that member states lost all control over their own political affairs it simply added another level of relations between member states and the newly established European Union.

The Treaty of Rome (1957) had laid the foundations for free movement of people however the free movement was often stunted by member states immigration policies (Blade, 2003). What the EEC wanted to achieve, through the Maastricht Treaty, was an absolute abolition of internal borders and expansion of the power of the EU to jointly control borders. The idea received mixed reaction from member states on the basis of the security of the external border. "Much more problematic than regulating transnational migration within the EC/EU was the question of access to this region from the outside." (Blade, 2003, page 289). The UK saw it as an infringement on the sovereign territory

and the loss of too much political control. Underlining these main concerns was the loss of security. If migration control was even partially given to an external actor it would mean member state governments would not have full control over the measures taken to ensure clandestine migration was controlled appropriately. Another consideration for member states was the extension of the EU into the eastern region of Europe. At this point in history, migration and refugee displacement was high because the dismantling of the Soviet Union took its toll on internal Eastern European politics (Blade, 2003). However, the Maastricht Treaty was unanimously adopted.

In the Treaty a very specific article was inserted under the heading of *Common Rules and Competition, Taxation and Approximation of Laws*. Unlike previous treaties, Maastricht was building an institution and the introduction of the third pillar of Justice and Home Affairs was the consolidation of the dream of making the EU a political as well as an economic bloc. It also constructed a complex web of policy makers. Instead of the EEC existing as one institution the EU became a trio of institutions namely the Council, Commission and the Parliament as well as the Court of Justice of the European Union. The roles of all the branches of the EU are different. The council is the helm of the EU it points the EU and its member states to general political directions and dispel any issues that cannot be dealt with at level intergovernmental level. The parliament is the institution in which laws are debated and passed it also creates and agrees the EU's annual budget. The parliament also performs checks and balances on the Commission and the Parliament. The Commission is made up of 28 commissioners (and their staff) that deal with varying areas of the EU's remit. It is the institutions which upholds and implements the policies that have been overseen by the Council and the Parliament, it also controls the allocation of the budget and enforces European law as well as being the international "face" of the EU (europ.eu). All these varying facets of the EU have a direct impact upon the way that they create, implement and maintain policies directives. Especially in areas of high importance such as migration. Article K.1 of Title VI of the Maastricht Treaty recognises the external migration control as an area "of common interest" (1992). In one particular article (Article 100) in the Maastricht Treaty changed the way in which migration was viewed and handled by the EU and individual member states (Blade, 2003 and europa.eu). "Regulations relating to migration issues were consequently dealt with by the first [included within this pillar are the supranational mechanisms that encompassed the ECSC and EURATOM], and third pillars, which is why, for example, the list of countries for which a visa is compulsory could be issued as an EU decree" (Blade, 2003, page 290).

Article 100 c (1992) is one of the most important articles in relation to the control of migration in the region. Paragraph one, two, three and five of the article outline very specific laws for member states to adhere to:

“1. The Council, acting unanimously on a proposal from the Commission and after consulting the European Parliament, shall determine the third countries whose nationals must be in possession of a visa when crossing the external borders of the Member States.

2. However, in the event of an emergency situation in a third country posing a threat of a sudden inflow of nationals from that country into the Community, the Council, acting by a qualified majority on a recommendation from the Commission, may introduce, for a period not exceeding six months, a visa requirement for nationals from the country in question. The visa requirement established under this paragraph may be extended in accordance with the procedure referred to in paragraph 1.

3. From 1 January 1996, the Council shall adopt the decisions referred to in paragraph 1 by a qualified majority. The Council shall, before that date, acting by a qualified majority on a proposal from the Commission and after consulting the European Parliament, adopt measures relating to a uniform format for visas.

5. This Article shall be without prejudice to the exercise of the responsibilities incumbent upon the Member States with regard to the maintenance of law and order and the safeguarding of internal security.”

The Maastricht Treaty, 1992

These four paragraphs are evidence of a shift in the way in which the EU and particular member states deal with migration. In one sense it draws together member states and is the first attempt of unifying migration control and on the other it signifies a distinct lack of unification, these scenarios will now be broken down to understand how this new article changed migration control and how it simultaneously did not effect it.

In previous decades’ migration control had been distinctly a member state issue evidence of which can be seen in the varying different programmes that were maintained throughout Europe. “The Treaty of Maastricht opened up the possibility of ‘communitizing’ areas of national policy, that is, transferring them to EU law” (Blade, 2003, page 290). However, the changes that were being made were having a residual effect on the outer edges of the region. Many states on the periphery knew that the dismantling of the internal border would be good for economic growth however it would mean a strengthening of the external borders. Which is evident in state level political acts such as The Asylum and Immigration Appeal Act 1993.

In 1993 the Asylum and Immigrations Appeal Act consolidated the “new” form of migration as something that needed to be controlled. It was the first act in British history that consolidated rules and regulations over the admittance and settlement of asylum seekers in the UK. “The act

demonstrates a trademark of British migration policy, namely that the liberalisation of some measures is often countered with restrictiveness towards other aspects in one and the same act” (Cerna and Wietholtz, 2011, page 199). After the act was enforced the government’s preference over the type of migration that they were interested in which was further compounded by the Maastricht Treaty. In France the focus was not of European internal movement but of the importance of domestic politics. “Integration has little to do with the new migratory waves, with asylum seekers and illegals, or with the all-European debates. In the French model, the object is mostly a population that is or will become French” (Wihtol de Wenden, 1994, page 79). Across the border in Germany domestic issues also dominated the politics of migration with tensions between the populations from the GDR (German Democratic Republic) and the FRG (Federal Republic of Germany) (Rudolph, 1994). During this period the UK and the EU transitioned into a new period of negotiation and the political landscape changed. From the outside the migratory politics of the EU had converged and become unified in an ideological sense however the domestic politics of the member states that have been discussed illustrate a much different pattern of divergence at the time of the Maastricht Treaty (1992).

The years following the Maastricht Treaty saw many changes to the controls that managed migration across the region. “Between 1985 and 2000, the European continent experienced a steep increase of resident immigrants, from an estimated 23 million in 1985 to more than 56 million or 7.7% of the total European population in 2000” (Zincone et al, 2011, page 7). Although the change in population was significant the change in the geography of migration was also greatly different. States that had previously seen more emigration than immigration, in particular Spain and Italy, saw a rise in the number of immigrants reaching their shores during this time period. As already discussed the origins of migration prior to 1985 had been colonial, labour or refugee migrations (Bloch 2002, Coleman 1994, Hansen 2003 and Holmes 1988), whereas current migration patterns are more blurred. Alongside these changes there has been a shift in the way the EU, states and governments are making efforts to influence migration and settlement patterns. Pre-nation state, the regulation of admission was down to local authorities and cities, the building of nation states greatly influences the way migration is controlled, however it was the introduction of the welfare state systems that changed the way states controlled migration. It led to questions of who should be allowed access to welfare and how can “outsiders” slot into the nation based developed patterns of welfare. “Within Europe, the making of migration policies developed unevenly in terms of both time and place. Depending on national trajectories and experiences, such policies have also been articulated in various ways and at different points along the way” (Zincone et al, 2011, page 11).

States such as the UK, the Netherlands and France had to redefine colonial relations and migrants coming from colonial states. They also had to create very specific instruments to control these flows.

The Maastricht took a small step to the 'communitizing' of migration policies (Blade, 2003) whereas the Amsterdam Treaty (1997) expanded the concept. "It transferred to EC/EU law the subjects of the Schengen agreements that had previously been treated outside the EC/EU, and the entire area of visas, asylum and immigration issues was transferred from intergovernmental cooperation (third pillar) to the jurisdiction of the EC (first pillar)" (Blade, 2003). The key word that Blade uses is cooperation, before Amsterdam the ideological position of migration control across Europe was that of cooperation not political obligation to adhere to EU law however the treaty changed this position. The deeper integration of a semi common immigration and asylum policy did not gain public or political support in the UK, they instead adopted their own initiatives. After Labour's landslide election in 1997 they actively sought to revitalise the job market with highly skilled migrants. Between 1997-2008 highly skilled migration alongside student migration accounted for 52% of migration during this period (Cerna and Wietholtz, 2011). "Over the last decades, the UK has undergone a profound shift from a 'zero immigration country' to one that adheres to the paradigm of 'managed migration' (Cerna and Wietholtz, 2011, page 199). The "management" really boils down to an extremely restrictive policy towards asylum seekers and illegal immigrants however relatively open to highly skilled migration and student migration. The level of openness to this kind of migration can be greatly argued, however it is dependent on the politician and how the media perceives any new migration policy.

The UK may not have agreed to the Schengen however they did converge their policy with the external migration. Although each state is still responsible for the protection of its sovereign borders some control has now been assigned to other institutions under the Amsterdam Treaty. Quasi autonomous institutions that have been given the power to securitize migration such as Frontex (whose official name is European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union) whose purpose was to create an intelligence driven institution to combat clandestine migration from the East and South of the EU (Neal, 2009). It created an intergovernmental instrument to frame policies around a regional directive of migration control and securitization. The European Council on Justice and Home Affairs have taken dramatic steps in the past 15 years to reinforce region wide cooperation on internal and external migration, asylum and security. Frontex was the culmination of a number of strategies such as the External Border Practitioners Common Unit which was a group that was constituted of the members of Strategic Committee on Immigration, Frontiers and Asylum (SCIFA) and the executive

officers of national border control services. Firstly, the Council created a number of pilot projects across the EU which it called ad-hoc centres. They created six centres:

- Risk Analysis Centre (Helsinki, Finland)
- Centre for Land Borders (Berlin, Germany)
- Air Borders Centre (Rome, Italy)
- Western Sea Borders Centre (Madrid, Spain)
- Ad-hoc Training Centre for Training (Traiskirchen, Austria)
- Centre of Excellence (Dover, United Kingdom)
- Eastern Sea Borders Centre (Piraeus, Greece)

Information taken from: <http://frontex.europa.eu/about-frontex/origin>

From the establishment of these centres the council decided upon a wider reaching institution which eventually became Frontex by the Council Regulation (EC) 2007/2004. "Frontex promotes, coordinates and develops European border management in line with the EU fundamental rights charter applying the concept of Integrated Border Management." (Frontex, accessed 13th January 2014). Integrated Border Management (IBM) is a structure in which member states are urged to coordinate and cooperate border management through institutions such as Frontex. IBM promotes larger (more financially stable) states to support less developed states with funding and personal to develop their border protection (europa.eu). IBM is especially important in the Mediterranean as many of the states that process the largest proportion of the migratory volume from North Africa are lesser developed than their Northern European counterparts. Such funding is illustrated in the budget of Frontex. The 2013 budget is €93, 950 000 million, €8 million more than was first estimated for last year. Contributions from Schengen associated countries was €5, 730 000 million and from the UK a total of €1 million (frontex.europa.eu). More practically Frontex controls the joint effort of EU states to protect the EU's southern border, by land, sea and air. Although Frontex is not a policy maker its existence and its actions are evidence of the EU's trend of securitization of migration. This is illustrated through their publication of quarterly and yearly reports on their missions and current projects through the Euro-Med region.

There are other institutions which act out the orders of policy making institutions. Frontex is an example of a regional migration control institution whereas the UKVI is the nation state level migration control institution in the UK. The UKVI controls the UK borders, consulates and visa processing centres as well as internal visa processing and clandestine detention. The UKVI is far

more about the prevention on illegal immigration, the coordination of labour migration and the protection of refugees. It has largely been criticised for the way in which it runs its detention centres with groups such as Amnesty International and the UNHCR claiming that they are more like prisons than places of shelter for refugees. All of these actors play a role in the external migration control field as they correspond with the norms of the field. Their interaction away from the central actors of the field (member states) are what strengthens the field. They 'sign read', which means their actions confirms one habitus' affinity with another. In simpler terms if their behaviour deviates from other fields norms they are protected by the behaviours of those around them. Mirroring the habitual behaviour of those with greater power within the field means lesser actors can gain capital.

Conclusions

This paper has demonstrated the complexities of modern day migration control the UK and the EU. These complexities have arisen from the historical roles that each state has had in the recruitment and movement of labour across the region. The two types of early migratory streams (recruitment and colonial) have eventually led to the same conclusion of region wide control and although this control happened at a different pace it has eventually led to a regional consensus that external migration is contentious therefore is subject to strict control. The evidence from this paper illustrates that although policy convergence is a historical trend it is often by coincidence rather than an immediate want to secure a region wide policy. One historical trend and a trend that is still evident within current migration politics is the growing control and the use of many types of policies and institutions used to gain that control. A trend that has been accelerated by the dismantling of the EU's internal borders (Blade, 2003). The UK is a key factor in the politics of migration control in the region as it chooses to adhere to particular controls for example Frontex but not others, for example Schengen. From this paper onwards will be the analysis of policy documentations that have to the control of migration. Documentation such as the ones that have been mentioned here will be analysed in relation to how and why the UK uses particular EU migration control mechanisms but not others. The establishment of the field of external migration control was necessary in order to understand the behaviours and actions of the actors in the field.