



**Country
report
United
Kingdom**

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Hierarchies of Vulnerability: Social Protection of Labour Migrants in the UK

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Executive Summary

Migration policy in the UK has been linked to the needs of the economy since the mid-nineties, but the labour migrant's choices and social protection needs are not wholly governed by similar economic rationale. Social protection of migrants is better understood by utilising a wider framework of social protection based upon their level of vulnerability and that encompasses formal and informal measures of a transformative, promotive, protective and preventative nature. Accordingly, a historically informed position that takes into account immigration policy alongside changing race relations and social security provision is utilised here; intercultural/interracial relationships are increasingly complicated whilst the relationship between the state and the individual has been reconfigured under the logic of neoliberalism, with deservedness linked to work and the responsibility for finding and keeping work progressively falling upon the individual worker. Migrants, especially those from outside the EU15 who have limited access to social security provisions, face the paradoxical position of being welcomed by businesses and the state due to their high flexibility and minimal utilisation of the welfare state on the one hand, whilst facing increasing unease and hostility from anti-immigrant groups, the same state that welcomes them and large numbers of the general public on the other. The highly unregulated and flexible economy has allowed many migrants to easily find work and businesses to remain competitive whilst simultaneously creating the conditions for widespread exploitation and producing divisions amongst workers, both between UK born/migrant and between different groupings of labour migrants. Exploitation is linked to a hierarchy of vulnerability with the rights and entitlements guaranteed or not by a migrant's legal status, the legal provisions between the UK and a migrant's 'home' country, unionisation, racism, contract type and flexibility all affecting this vulnerability hierarchy. With the onset of the economic crisis there has been a significant drop in the numbers of people migrating to the UK. The downturn has also led to increased levels of unemployment, but this has not disproportionately affected migrants in already working in the UK. There are serious consequences for the social protection of migrants however, especially in regards to: welfare cuts that will result in even fewer checks on employment practices and increased living costs, the increased downwards pressure on profit margins and numbers of UK-born workers 'forced' into the labour market due to changing unemployment regulations and cuts in housing benefits. The situation is complicated by the upcoming cap on the numbers of migrants from outside the UK. There are many possibilities for improving the social protection of migrants in the UK. Three concrete examples – a pilot scheme that offers free travel home for homeless A8 migrants, a legal challenge to the interim cap on non-EU migration and information guides produced by unions – will be detailed and given exploratory evaluations.

Methodological preface: Conceptions, Definitions and Framework for Assessment

In this report I utilise the conceptions of social protection developed by Sabates-Wheeler and Waite (Sabates-Wheeler and Waite 2003). They forcefully argue for a conception of social protection that takes into account the spatial, temporal and contextual elements that construct *vulnerability*. Such a conception suggests a wide-ranging definition of social protection, namely:

Social protection... [as] all public and private initiatives that provide income or consumption transfers to the poor, protect the vulnerable against livelihood risks, and enhance the social status and rights of the marginalised; with the overall objective of reducing the economic and social vulnerability of the poor, vulnerable and marginalised groups (Devereux, Ntale, and Sabates-Wheeler 2002 in Sabates-Wheeler and Waite, 2003)

This broad definition can be broken down into four parts: 1) formal social protection access i.e. social security; 2) the portability of such formal social protection; 3) the conditions in the labour market; 4) informal networks and support (Avato, Koettl, and Sabates-Wheeler 2010:456). Though such a wide-ranging definition of social protection has its problems – not least that it weakens the analytical clarity of the concept by spreading its meaning very broadly – it is essential as it both a) makes sure that the 'social is put back into social protection', i.e. that we recognise that social and economic vulnerabilities are intertwined and also focus on gender inequality, limited citizenship and social discrimination (Holmes and Jones 2009) and b) allows us to address the underlying structural determinants of the vulnerability of migrants, including those that go beyond the boundaries of the nation state.

This last point is important because vulnerability and possible social protection of migrants is not confined to the conditions within any given state¹. Thus it holds that initiatives that bolster the social protection of migrants can be transnational in character. Indeed, a perfect example of social protection with a transnational dimension is migration itself. Accordingly, whilst I will focus on the policies of the national state and some nationally based initiatives as per the desires of this report's commissioners, I will also emphasise the transnational links and examine efforts at maximising the social protection of migrants that work across borders; the national state and global processes are not separate entities, they should be examined together.

One wider structure of especial important in governing the social protection of transnational labour migrants is the increasingly intertwined international economy. There has been a deepening and widening of the commodification of labour brought about by the globalisation of financial markets, the transnationalisation of production and a push towards a global labour market (Overbeek 2002). This set of global processes is clearly apparent in tensions it creates in localised national territories. However, these processes are often regulated not only at the national level but also through the spread of international laws, partly negotiated by privatized intermediary institutional arrangements running parallel to the nation state and without democratic scrutiny (Sassen 1999). In regards to labour migration, overall there has been a tendency towards greater liberalisation of migration that is economically desirable, with mobility of (selective) people encouraged through changing regulations to fit the demands of flexible economies, whilst illegal migration and asylum has been subject to a concerted controlling effort. It is within this global matrix of deepening labour commodification, 'desirable migrant' mobility/'undesirable migrant' repression and the prevalence of transnational regulations that we must analyse the social protection of migrants in the UK.

1 There is a tendency towards 'methodological nationalism', which has resulted in work on migration that stops at the borders of the state in question, helping reinforce the conception that nation states are the 'natural' boundaries for society and missing the transnational dimension of the migration process (Wimmer and Glick Schiller 2002).

1. Country Overview: Migrant groups and development trends

The UK has a long history of both immigration and emigration. As will be seen below, the fluctuating liberalisation/restrictiveness of controls regarding immigration are intimately tied to the demands of the national and international job market, mediated by state's response to these demands and contingent on wider geopolitical events. The two major waves of migration described below highlight these interconnected processes. Moreover, migration patterns influence and are influenced by contemporaneous changes in welfare provisions and 'intercultural' relations, including public perceptions of these. It is through this three-pronged contextual web of 1) the labour market, 2) the welfare state and 3) intercultural relations which we can understand the challenges and solutions regarding social protection of migrants in the UK.

As the sun was setting on the British Empire, it reconfigured itself as the British Commonwealth as it attempted to maintain its influence over former colonies. One plank of this shift from Empire to Commonwealth was the British Nationality Act of 1948, an act that allowed roughly 800 million people to work and live in the UK without a visa – helpfully filling the shortage in unskilled labour. Many hundreds of thousands took this opportunity each year. As the need for unskilled immigration dried up, sections of the public and politicians voiced their concern at the large number of non-white British people now living and working the UK. The Commonwealth Immigrants Act in 1962, a further act in 1968 and the 1971 Immigration Act set in place the framework for tightly regulated and extremely limited immigration, stringently controlled by the Home Office. Whilst this did not stop new arrivals into the UK in the form of family reunions or through claims of asylum, it did significantly reduce labour migration. This closed border policy-orientation continued until the late 1990's.

The post war period also witnessed the creation of the UK's welfare state. The system was based on the Beveridge Report of 1942 (Beveridge 1942) and importantly included three assumptions – family allowances, a National Health Service and full employment. The post-war Labour Government introduced three acts with the report as a guide, namely the 1946 National Insurance Act, the National Health Service Act 1946 the 1948 National Assistance Act (a replacement for the Poor Law that had been in place since the 1600's). The UK's welfare state encompassed social security, health, housing, education and children's welfare. With the election of the Thatcher government in 1979 and with it Britain's neo-liberal turn, there was a strong move to dismantle public welfare schemes and enforce market principles alongside a liberal work ethic (Schierup 2006:114). Thus, by the mid-nineties, UK's social spending expenditure as a share of its GDP was the lowest among northern and central European Union member states², had some of the highest levels of inequalities and had the third largest proportion of people living under the national poverty limit (Vogel 2003:121-126).

Immigration policy in this period was complimented by a series of attempts by various governments at inter-racial harmony. These began with the 1965 Race Relations Act, which was expanded in a series of Race Relations (1967, 1968, 1976, 2000 amend.), Local Government (1966) and Human Rights (1998) acts and amendments. These government initiatives were broadly based on the widely held belief that positive race relations were only possible in the context of a restrictive immigration policy (Schierup 2006). Indeed, it has been argued that there is a clear and undeniable link between the restrictive asylum and immigration acts on the one hand and the attempts to improve race relations on the other (Solomos 2003). These state attempt to control public and media unrest over immigration on two fronts had some interesting characteristics, the most important of which were that the problems and solutions were framed in *racial* or *ethnic* terms and that the search for the

2 Only Luxembourg was lower.

solutions of these racial problems lead to an ever-expanding *institutionalisation* of the ‘fight against racism’ (Schierup 2006). Even though the state was self-congratulatory, dwelling on its successes in the mid-nineties³, the experience of a majority of migrants was still one of structural racism; they were often portrayed as ‘cunning’, ‘loathsome’ and ‘unprincipled’ and, in spite of some liberal initiatives, had to face racist policies and practices in many areas of society (Craig 2007). This state-nurtured negative portrayal did not stop the encouraging mass migration once more, as the iron curtain fell and eastern European labour migrants began to enter the British workforce in large numbers.

As Britain emerged from recession in the 1990's its economy once again was in need of cheap labour, thus with a logic broadly similar to the migrant-inducement of the 1960's, the UK sought to *manage migration* in relation to the perceived needs of the economy. These measures were largely taken by the Labour governments of Tony Blair⁴ and Gordon Brown. This major policy break from the previous decades saw a large-scale increase in the numbers of migrants coming to work in the UK, whilst asylum regulations became increasingly restrictive. The most important policy measures within this managed migration framework were the creation of the Highly Skilled Migrant Program (HSMP) in 2002 and 2007's Points Based System (PBS), which assessed the nation's economic need for individual immigrants based on their skill set. Before the PBS came into place, there was over 80 ways in which migrants could legally enter the UK. The new system reduced this to five – depending upon how many points a migrant scores, she is put into a certain tier. The system at introduction was as follows: Tier 1 migrants, highly skilled with experience and top qualifications, could enter the UK without having pre-arranged a job; Tier 2 migrants, skilled workers, could be sponsored by an employer if it could be proven that they have not been able to fill the post with a UK worker⁵; Tier 3 migrants, low skilled migrants: this tier has never been utilised as the government has tried to source low skilled migrants from within the EEA; Tier 4, students; Tier 5, temporary workers – with a maximum stay of 24 months and no switching to other tiers – including religious figures, sports players, touring bands etc.

Increased labour migration was not, despite the claims by sections of the xenophobic press, only down to policy measures however. The increasingly integrated global economy produced new migration possibilities and pressures, with both workers and places of work ever-more unstable and prone to relocation. In broader terms, the government's response was one of *economic flexibility* – or, to oversimplify slightly, the state now moulded itself around the flows of capital rather than attempting to mould flows of capital round the state. In terms of labour migration, this meant the filling of 'skills shortages' not through the lengthy process of educating and training the resident population but through welcoming workers from abroad with the required skill sets⁶. The pinnacle of this approach was the UK's decision to allow migrants from the A8 countries⁷ unrestricted access to its labour market⁸, something that all other current EU members bar Ireland and Sweden chose to postpone⁹.

3 There were of course elements of the policy to be celebrated. Strong legal frameworks were now in place through which individuals and groups could, for example, take current or potential employees to court if they believed they were the victim of racial discrimination.

4 For a concise overview of Tony Blair's migration legacy see (Somerville 2007).

5 This tier is further subdivided into ‘general’, ‘minister of religion’, ‘sports person’ and Intra Company Transfers (more about these below).

6 It also meant an increasingly de-unionised workforce on temporary and part-time contracts.

7 10 countries joined the EU in 2004, 8 of which are former Socialist Bloc countries and are often referred to as the Accession 8 or A8. They are: Czech Republic, Hungary, Poland, Slovakia, Estonia, Latvia, Lithuania and Slovenia. The UK has since places restrictions on labour migration on Romania and Bulgaria when they joined the EU in 2007.

8 Migrants planning to work for more than one month are required to register with the “Worker Registration Scheme” and pay the £90 fee although there is anecdotal evidence that many migrants chose not to register as it is not strictly enforced.

9 The current Conservative-Liberal coalition is currently reviewing this managed-migration policy, proposing a cap on

The economic crisis, which hit Britain in mid-2008, is a pertinent to cut off point from which to migration numbers during this period. Government statistics¹⁰ reveal that around 590,000 people came to live in the UK in 2008 (86 per cent of whom were not British), up slightly from the 574,000 who came in 2007. Emigration meanwhile was 427,000 in 2008, 255,000 of whom were none British and 69,000 of whom were from A8 countries. Net migration was 163,000 in 2008 down from 2007's 233,000. Though there has been a relative continuity in migration figures since A8 accession, 2008's net migration numbers were the lowest since 2004 (ONS 2009). Using a different data set, it was estimated that in 2005 1.5 million migrants were working in the UK an increase of almost 600,000 from 1995 (Salt and Millar 2006)

There is strong evidence to suggest that in broad economic terms the UK's managed-migration policy has been beneficial when judged on the Government's 'good for the economy' criteria. In 2007, the Government justified its managed migration policy with loud proclamations that labour migrants contributed £6 billion to the economy each year¹¹. This figure has been criticised by those both in favour and against large-scale labour migration, partly due to the problem of using overall GDP as indicator of what is beneficial to existing UK residents – as overall GDP also includes the output of immigrants. The debate was re-opened a year later in a highly commented upon report from the House of Lords, which featured a damning critique of the Government's 'economic benefits' claim. The report pointed out that the government's claim was based on insufficient data but then went on to make a set of policy recommendations based – bizarrely – on the same 'insufficient' data (House of Lords 2008). The ensuing public debate over whether migration is 'good for the economy' was, and continues to be, confused and highly-politicised (Cook 2008). Recent regression analysis however, has shown that A8 migrants have made a positive contribution to public finance each year¹² because, when compared with the native population, they have a higher probability of being employed, pay more indirect taxes, use less public services and claim less benefits¹³ (Dustmann et al. 2010).

Whatever the benefits to the economy the vast majority of newspapers, numerous anti-immigration campaign groups¹⁴ and, according to opinion polls, most of the public believe that levels of migration to the UK are too high. Indeed, opinion polls have increasingly found that the British public has become more and more hostile towards immigration, with people often citing it as the most important issue facing the country¹⁵ (Crawley 2005). This unease – or some might say hostility – towards migrants, points to the increasingly complex multicultural relations in the UK. Indeed, despite the shift away from 'race-relations', the term 'multicultural' is also no longer an adequate term for describing a country where inflammatory newspaper headlines about white Polish labour migrants co-exist with radically differing attitudes towards Muslim and non-Muslim

non-EU migration, and will be disused in the context of the economic crisis below (section 4).

10 It must be noted that these figures are a conservative estimate, as the figures come from household surveys of those who have been at an address for at least 6 months and migrants have a tendency to move between households.

11 (See: House of Lords 2008)

12 This is of little comfort to local councils however, as the settlement of migrants highly uneven resulting in pressure on schools, hospitals and other public services in certain parts of the country. It has been suggested that this problem, though dealt with at a local level, is nevertheless a national one due to the UK's highly centralised tax collection and distribution mechanisms; the job of managing the public services burden on specific local councils is the job of central government as it is they who control the purse strings (Trades Union Congress 2007).

13 More precisely they are 60% less likely to be in receipt of state benefits or tax credits and 58% less likely to utilise social housing. This is partly due to the fact many migrants are young (thus healthy) and without families but, even allowing for the demographic differences they would be 13% less likely to receive benefits (Dustmann, Frattini, and Halls 2010)

14 Exemplified by Migration Watch.

15 Crawley also points out that these opinion polls usually fail to take into account how attitude might be influenced by labour market position and income, race, gender, knowledge of migration issues, age and immersion in media and political dominant discourses.

migrants (or the children and grandchildren of migrants) from the same country of origin¹⁶. The government's response has been twofold: on the one hand increasingly draconian immigration and asylum policies such as detention camps for asylum seekers including children (see: IPPR 2003) and on the other a shift from a discourse of 'multiculturalism' to 'social cohesion'. This shift saw, especially under the Home Secretary David Blunkett (from 2001-2004), an emphasis on greater cultural homogeneity and social-economic integration – Blunkett was said to be influenced by the concept of social capital¹⁷ and social trust and was worried that that ethnic diversity could destabilize these (Schierup 2006:123). The state wanted migrants for the good of the economy but it was troubled by what it perceived to be the social tensions created by the large influx of migrants¹⁸, demanding certain behavioural traits from those it let benefit from working in the UK. The Borders, Citizenship and Immigration Act 2009 was in some respects a continuation of these ideas, with new provisions on what migrants must do to gain citizenship including the barring of citizenship for those involved in unpatriotic behaviour. There were clearly 'good migrants' and 'bad migrants', the good being those who not only worked hard and contributed taxes but made efforts to integrate into society. On the other hand, the UK born population also saw a shift in the behavioural traits demanded of them, with welfare deservedness and responsibility of work provision reconfigured along the lines of neoliberal logic.

From the 1980's successive governments have radically changed conceptions of what the welfare state should be – with social security deservedness increasingly defined in relation to work. Governments – both Conservative and New Labour – fundamentally changed the way social security functions, increasingly operationalised as a means of support rather than protection and only available if certain behavioural characteristics are adhered to (Carmel and Papadopoulos 2003). Noting the transformation of the Department for Social Security into the Department for Work and Pensions in 2001, Carmel and Papadopoulos see the removal of 'social security' from the title as a symbolic manifestation of the shift in policy that places *work* at the centre of the renegotiated state-citizen contract: security is not a right but a support to which one is entitled if people suitably mould themselves into an employable person, a person who is flexible to the demands of the market economy and the who is responsible for her employment first and foremost. Interestingly, these latest changes took place during a period when the UK increasingly saw its sovereignty over social security policy contested by the laws and regulations of the European Union (see: Ferrera 2005). Enforced through EU-wide legal mechanisms rather than the national or EU parliaments, the trend has been towards reconceptualising welfare states to accommodate inter-state mobility, challenging the very notions upon which welfare systems were originally set up – i.e. a bounded, stable population who would be born, work and die within the same system. It is within this reconfigured workfare system that allows for mobility and places the responsibility for finding work onto the individual that I will examine the social protection afforded to labour migrants in the next section.

2. Migrants' Social Protection

This section is structured in line with the four elements of migrant social protection outlined by Avato, Koettl, and Sabates-Wheeler and mentioned above: formal i.e. social security, portability of formal social security, labour market conditions and informal networks. Due to limitations of space

16 A startling example of an 'anti-Muslim' movement is the English Defence League. After some small scale but headline grabbing protests against the opening of mosques, the group swelled in numbers attracted thousands to town centre demonstrations where they continue their quest to stop Sharia Law being introduced in the U.K. by shouting 'Muslim bombers off our streets' and singing 'Allah is a paedo'. On these demonstrations they proudly stand alongside blacks and Asians who share their anti-Muslim sentiments.

17 'Social capital' has been used so widely and generally without proper definition (Harris and DeRenzi 1997) and has often become a tool for the political right both to mask processes (Fine 2003)

18 Of course the Government's worries did not only concern economic migrants but also those coming to the UK through family reunification schemes and so on.

I will not touch upon the role of networks.

Formal Social Protection: Migrants Access to and Portability of Social Security in the UK

In regards to access to and portability of social security in the UK there are four different categories into which immigrants can fall: migrants from the European Economic Area, migrants from countries with a reciprocal social security agreement (SSA) with the UK, migrants from countries with a bilateral SSA with the UK and migrants from all other countries (Avato 2008).

In respect to migrants from the European Economic Area, social security is available to all those who have a National Insurance Number (NI) and are actively seeking work. However it is important to further distinguish between those from A8, those from older E15 member states and those from Romania and Bulgaria. Migrants from A8 countries can only receive social security benefits if they have signed up for the Worker Registration Scheme (which as the name suggests you need to be a worker to do so). After one year of continuous work A8 migrants are then entitled to the same contribution based social security benefits as others from the EEA. In this way, access to certain elements of social security is bound to employment status. Non-contributory based benefits, such as health care, are available to all who are legally living in the UK whatever their employment status. Romanians and Bulgarians differ because they do not have as easy (legal) access to the UK labour market but must first obtain a worker authorisation document. Migrants from countries with whom the UK has reciprocal SSA's are also covered by similar privileges as those relating to migrants from EEA countries. The UK has full reciprocal SSA's with Canada, Barbados, Israel, Mauritius, Bermuda, Jamaica, Philippines, Jersey, Turkey, Guernsey, USA, Isle of Man, Serbia, Croatia, Montenegro and Bosnia-Herzegovina. The UK has restricted bi-lateral SSAs (Double Contribution Conventions) with Japan and South Korea¹⁹²⁰ thus the agreements only cover social security contribution liability and do not include access to benefits. Migrants from all other countries in the UK for work, study, visiting family members or other similar reasons who only have 'limited leave to remain' have only been given this leave with the condition that they can financially support themselves without public funds. Accordingly, these migrants cannot usually access benefits and other forms of formal social security.

In regards to portability of earned benefits, EEA migrants are covered by the EU-wide system. Most contributory benefits (for instance state pensions) are movable from one member state to another based on the provisions laid out in EU Regulations 883/2004 and also apply to Third Country Nationals who have five years of residence within the EU. One of the reasons SSA's were introduced was to stop double contributions and allow for portability of contributions paid in one country to be transferred to another.

Thus on paper, the UK has one of the most advanced systems of formal social security provision in the world. It must also be noted, though slightly out of focus in this report, the bilateral agreements also give UK emigrants excellent cover in many countries around the world. Certain issues deserve further attention however. The need for one year's continual employment before becoming eligible for benefits poses certain problems for migrants from A8 countries, especially if they are employed on temporary contracts and thus can be sacked without warning. There are numerous instances of migrants being caught in this very position, their vulnerability exasperated by lack of knowledge about their working rights and rules regarding benefit eligibility (see section 4). The paper work required to access benefits can also prove to be a problem. According to John Rossington from the Crime Reduction Initiative, a company that works with destitute migrants, "the paper work that the Home Office require to access benefits is extensive. I've been on training courses, so I've just about got my head round it. It's a very complicated process." Moreover, these provisions for social

19 HM Revenues and Customs <http://www.hmrc.gov.uk/manuals/nimmanual/nim33015.htm> accessed 24/11/10

20 A notable exception is Australia, with whom the agreement expired in 2001.

security access and portability do not cover the large number of migrant workers who fall below the state's radar.

It is estimated that there are somewhere between 300,000 and 800,000 illegal migrants in the UK (Wilkinson and Craig 2011:182) who, as their irregular status suggests, have little or no access to formal social protection. Many legal migrant workers also have little access to formal social security; they are often unaware of their working rights and find themselves in situations of high vulnerability (Mcdowell, Batnitzky, and Dyer 2009). It goes without saying that undocumented migrants cannot transfer social security benefits from one country to another. The vulnerabilities faced by both legal and illegal migrants are, in a large part, the result of the relatively unregulated labour market – a labour market that's unregulated nature is praised by the state for being flexible to market demands, as well condemned by many for the opportunities for the exploitation of the vulnerabilities of labour migrants.

Labour Market Conditions

In an excellent study of the working conditions of migrants in the eastern part of England, Wilkinson and Craig (2011) noted the exploitation and abuse suffered by migrants due to the lightness of labour market regulation, pointing out that the Organisation for Economic Co-operation and Development (OECD) has claimed that the UK has one of the least regulated labour markets among developed countries. What this means for many migrants is low paid work without holiday pay, sick pay or access to trade unions. The study went on to show that in many cases, these already small wage packets were reduced through illegal and unfair practices, such as overly large NI or tax deductions, high housing costs in poor quality multiple-occupancy dwellings organised by the employer, unpaid overtime, large signing on fees and deductions for the purchase of often inadequate safety clothing. The exploitation of vulnerability does not stop there however, there is evidence of migrants are forced to live in gangmaster accommodation even when there is no work thus running up debts that must later be paid off²¹, that they experience dangerous working conditions with long unsociable hours and have an inability to complain and challenge unfair practices due to the threat of violence (Wilkinson and Craig 2011) (Adamson, Wilkinson, and Craig 2008).

However, the vulnerabilities faced by *irregular migrants* paints an even grimmer picture. In the same report it is argued that the key characteristics defining the experiences of undocumented workers are: fear of deportation, housing exploitation, no or little access to information on rights, inability to gain regular work and minimum pay, isolation, no or little access to healthcare, fear of violence, experience of abuse and intimidation (physical, sexual and verbal), tough working conditions, inability to use authorities to complain about unfair practices and an unwillingness to utilise trade unions and other forms of support (Wilkinson and Craig 2011:186-187). The authors suggest that these conditions meet the International Labour Organisations criteria for forced labour (see also: Criag et al. 2007).

Another area where regulations are under limited scrutiny, although it appears that the situation is not as serious in regards to exploitation, is with migrants who arrive to the UK on Intra Company Transfers (ICTs) under Tier 2 of the PBS. Companies are able to bring in workers on ICTs if they are already established members of staff for the company in a different country, if they are a graduate trainee or if they arrive on a 'skills transfer' – a new recruit who has skills that are not available in the UK. The migrants are supposed to be remunerated at levels comparable with a worker in a similar position. According to Sean Bamford, the TUC's migrant policy executive, a large proportion of ICTs are software engineers from India and levels of pay are not strictly

21 Essentially indebted labour.

controlled (especially in regards to pay deductions for living costs and the like). These migrants are also completely dependent upon their company for their legal status in the UK, something that makes complaining about mistreatment often undesirable. It must be noted that within this section of the migrant labour market there is vast diversity; there is a world of difference between an American manager of a multinational company and an Indian IT trainee.

Indeed the divisions between workers in the UK's economy are worth highlighting as they reveal differing levels of vulnerability. In the years following A8 accession UK employers constructed divisions between 'hard working' newcomers and 'lazy' or 'ineffectual' UK-born workers, with employers actively seeking to employ young, flexible, educated and temporary workers from eastern Europe (Cook 2006). This shows that migrants do not simply come and fill empty slots in labour market but rather that labour migrant flows and labour markets react to one another; the presence of migrants and their levels of vulnerability impact upon the labour market (Bauder 2006). McDowell et al (2009) detail the relationship between migrants with different types of vulnerability and the labour market through their case study of agency workers in a hotel and a hospital in London. They show how in the service economy not only do employers distinguish between the hardworking newcomers UK born workers, but also how divisions have been constructed amongst different migrant groups. Working through an employment agency is particularly precarious in the UK²² – within the first year workers can be instantly sacked and often have little entitlement to sick or holiday pay. Whilst those who have a secure legal status – such as those from EU countries – can use the agency work as a stepping stone to a better position in the labour market, those from outside the EEA are trapped in these precarious jobs with little or no prospect of advancement or escape. Furthermore, these legal status inequalities are often further exasperated by ethnicity and skin colour that play a role in deepening the inequalities within the migrant labour force in Greater London (Mcdowell et al. 2009).

3. The Economic Crises and the Migrant Communities

At the time of writing, political developments concerning migration and social protection are moving at a quite rapid pace. In the last weeks the Conservative-Liberal Coalition Government, led by David Cameron and elected in May 2010, has announced fundamental reforms of the welfare and benefits system and widespread cuts across all manner of public spending²³. At the same time the Government has also proposed a cap on the number of migrants coming to the UK, although for reasons that appear to have little to do with the economic crisis – or for that matter the economy at all. Neither the cuts nor cap will come into force until part way through 2011²⁴; nevertheless it is worth examining their potential ramifications of these two sets of possibilities as well as their interrelations. One affect of the economic crisis on migration that can already be observed however, is a sharp decline in the numbers of migrants coming to the UK, thus after exploring what the latest migration statistics can tell us about how the economic crisis has affected immigration, I will examine the welfare cuts and the immigration cap.

Immigration and Unemployment Levels

As of late 2010, the UK is no longer technically in recession. Though GDP growth remains low, estimated at 0.8% for Third Quarter 2010 (Office for National Statistics 2010) the situation is healthier than in when GDP fell by 6.4 % from early 2008 to mid 2009. The crisis seems to have

²² The UK has refused to implement the full provisions of the European Union Agency Directive

²³ People have started to take the streets, especially students protesting against the cuts of Education Maintenance Allowance and the proposed increased in university tuition fees to £9,000 a year. It is fair to say that there is an angry, increasingly polarised and occasionally explosive debate.

²⁴ An interim cap on migration was put into place, which was subject to a legal challenge by the Joint Council for the Welfare of Immigrants and discussed in Part 4 below.

affected the level of immigration. Certain flows of migration have been significantly reduced, with migration from eastern Europe having been almost halved from 2007 to 2009 with return migration increasing by about 50% amongst the same group during 2008-2009 (Papademetriou et al. 2010). Reduced migration from A8 countries has contributed the lowest number of National Insurance Number registrations (the number needed to legally work) since 2004/5, falling to 573,000 in 2009/10. Despite the decrease of A8 migrants they still made up nearly half of this number, whilst Asian and Middle Eastern Migration rose by 24% from the previous year to account for 33% of new National Insurance registrations.

The recession has had an impact on employment; before the economic crisis the UK had an unemployment rate of 5.2 % that rose to 8 % at the beginning of 2010 before coming down to 7.7% by the third quarter of 2010 (ONS 2010). The slight improvement in figures comes with the rather large caveat that the UK now has 7.98m part-time workers, the highest since records began in 1992 and that 1.15m of these are working part time because they cannot find full-time employment (another record). Though it might have been expected that the rise in unemployment affected migrants worse than the UK born population, broadly speaking *migrant workers have not been disproportionately affected* with fluctuations in levels of employment affecting migrant and non-migrant alike (Coleman 2010). Thus it is not surprising that unemployment amongst newly arrived migrants is also low with only 3.7% of the 686 000 who registered for NI number claiming Job Seekers Allowance or other unemployment related benefits within 6 months of registration²⁵ (Department for Work and Pensions 2010). It must be noted however that migrants are more likely to be unemployed than the native UK population and whilst the gap in unemployment levels between migrants and non-migrants was closing before the crisis hit in 2008, the gap has ceased to close since the beginning of the recession (Papademetriou et al. 2010).

There is also widespread diversity within the figures. Analysis shows that since the crisis unemployment has risen amongst migrants from Africa and Pakistan/Bangladesh, whilst immigrants from the EU (both from EU15 and EUA8 countries), North America and India seem to have fared as well or even better than UK born workers. Moreover, less-educated migrants, workers who do not speak English at home, migrants who belong to ethnic minorities and migrants from poorer countries (India excepted) have been hardest hit in terms of unemployment – in short those who were already in vulnerable positions have found themselves increasingly vulnerable with the onset of the crisis (Papademetriou et al. 2010).

Welfare Cuts

The UK's National Debt in November 2010 was £971 billion – 65.2% of National GDP. Whilst significantly lower than the levels of debt seen in the half century before the 1970's, it is an increase on recent levels; it was a low of 29% of GDP in 2002, 30% in 2002 and at 37 % in 2007 before the start of the economic crisis (ONS 2010). The crisis has led to an increase in National Debt because more money has been spent on unemployment benefits, less money has been received in taxes and banks have been given large amounts of money²⁶. The Government's response, already declared before they were elected in May 2010, has been to cut public spending. In terms of welfare spending, £11 billion of cuts were announced in June and further £7 billion announced in October as part of the Spending Review, as part of £81bn of overall public spending cuts over four years. The Institute for Fiscal Studies argued that the October Spending Review is regressive with those on lower incomes shouldering more of the burden than those on higher incomes, with the caveat that the previous Labour Government's tax increases for the wealthiest meaning that overall fiscal

²⁵ Of course the limitation on unemployment benefit claims outlined above account for this number to a large extent – i.e. A8 migrants cannot claim until they have been in continual employment for one year.

²⁶ Ireland has also received a loan of around £7 billion.

consolidation affects those on the highest incomes most²⁷. The cuts will hit the poorest more than the richest in both percentage of income and sometimes even in cash terms, with poor and middle income households with children losing the most. Currently the full impact of these cuts is yet to be ascertained as most have not yet come into force; certain departmental spending cuts have yet to be announced – on average each government department must make cuts of 17% – and the full knock on effect of public sector job cuts, somewhere between 450,000 and 1million is unclear²⁸. Accordingly, some of what follows, especially in regards to what affects labour migrants' social protection, is predictive in nature.

One of the main areas where vulnerable migrants will most probably see their situation transformed for the worse is in regards to the upholding of workplace regulations. According to Mick Wilkinson, Director of the Centre for Research on Social Justice in a Globalising World at the University of Hull and a senior researcher in the Contemporary Slave Research Centre at Wilberforce Institute for the study of Slavery and Emancipation, the situation for the most exploited migrants is bleak. Arguing that with unemployment rising dramatically and with benefits being reformed to force people into work, there will be downwards pressure on pay on conditions and more people moving to work in the informal economy. Moreover, this situation strengthens the hand of employment agencies, many of whom often ignore European legislation in their systematic abuse of employment practices, with a long record of exploiting migrant workers even during times of relatively high employment. Dr. Wilkinson also points out that most of the employment enforcement agencies have seen no increases in staffing over the past 10 years; the Employment Agency Standards Inspectorate²⁹ is “there in name only, carries out token inspections, very rarely prosecutes and employers who are found to be mistreating or exploiting workers are generally just given a slap across the wrist or a warning”; and the Gangmasters Licensing Authority³⁰ have seen their budgets slashed since the spending cuts have been announced. In sum, “because of government cutbacks so we're looking at a situation where on the one hand employment conditions are becoming worse and on the other hand enforcement agencies are not in any position to enforce what little legislation currently exists. So it's going to get worse.”

According Richard Exell, the Trade Union Congress' Senior Policy Officer, cuts in housing benefits could hit migrants particularly hard. Housing benefit is designed to help people on low incomes pay their rent. The government is cutting housing benefit³¹ so that those on low incomes in expensive areas will no longer be able to pay 100% of their rent from the benefit³². In the immediate future it has been suggested that large areas of cities, especially London, will become unaffordable for those on low incomes. According to Richard Exell, “the problems that many migrant workers already face - having to travel long distances to get to their jobs - are probably going to be exasperated” by the move. The Conservative Mayor of London Boris Johnson commented at the time that the policy could lead to "Kosovo-style social cleansing" in London (a comment he later retracted).

Another area that will negatively impact on those of low incomes of working age are the changes to the tax credit system, a system introduced by the previous Government as an attempt to encourage

²⁷ See <http://www.ifs.org.uk/publications/5314> for the for the Institute for Fiscal Studies' full response.

²⁸ For example it is not only public sector job cuts that will be lost but also private sector jobs that rely on public sector contracts.

²⁹ The EAS's mission is “[t]o work with agencies, employers and workers to ensure compliance with employment rights, particularly for vulnerable agency workers.” It is supposed to enforce the Employment Agencies Act 1973 and the associated Conduct of Employment Agencies and Employment Businesses Regulations. For more see <http://www.bis.gov.uk/policies/employment-matters/eas>

³⁰ Set up in 2006 to regulate the supply of workers to the horticultural, agricultural and shellfish industries only.

³¹ The government argued that, as well as saving money this will lower renting costs overall, as currently rent is inflated by landlords who increase rents knowing that it is the state and not tenants who pay. Whether this will work, if it is even the best way to reduce rents, is debatable.

³² The limit will now be £400/week for a four-bedroom property and £250/week for a two-bedroom property.

those in lower paid jobs. Before 2010, all families that have a *combined* income of up to £58,000 receive child tax credit of differing amounts. From 2011 only those families earning up to £41,329 and from 2012 only those families with *combined* incomes more than £23,275 will receive this benefit, reducing the benefit to just 1.3 million of the poorest households. As Pakistani/Bangladeshi and A8 migrants are over represented among recipients of tax credits it is likely that they will be affected by these cuts (Papademetriou et al. 2010).

The Immigration Cap

It has been a policy pledge of the Conservatives since before the election to reduce the numbers of migrants annually coming to the UK from the 'hundreds of thousands to the tens of thousands.' Whilst not directly related to the current economic situation, it is certainly relevant in a number of ways and it is certainly relevant for the social protection of migrants in the UK. The first way the cap is related is that, as detailed above, the economic crisis has helped the Conservatives fulfil their policy aim as the UK's bleak economic climate has seemingly putting off many potential migrants. Secondly, the ease in which the government has been able to argue for the cap – in spite of its obvious shortcomings – most probably has been helped by the increasing levels of unemployment amongst the UK's resident population – migration becomes more of an issue when there are fewer jobs to go round.

The annual immigration cap from April 2011 will be 21,700 for non-EEA workers. 20,700 of the total will be skilled migrants (Tier 2) and the remaining 1000 'exceptional talent' – scientists, doctors, academics etc. The cap does not affect EEA workers and as it is EEA workers who make up most of the immigration to the UK the cap itself will not have a significant impact on the numbers of migrants. Secondly, the cap will not apply to Intra Company Transfers (discussed above). There will be some restrictions on ICTs however, including a new minimum salary of £40,000 for those staying more than a year and a £24,000 minimum for those staying less than one year. In the view of Dr Wilkinson from the University of Hull, it could lead to a further 30,000 migrants moving into the informal economy, especially as the move is taking place at a time when regulation of workplaces is being cut. Finally, it has been argued by many, including Habib Rahman chief executive of the Joint Council for the Welfare of Immigrants (JCWI), that the cap is extremely inflexible and thus damaging to British businesses – the quota is not linked to the needs of the economy primarily, but rather to a political goal in the first instance. Of course these are only shortcomings if we take the Government's policy aims at face value, rather than as a popular policy pledge with which they can claim to reduce the numbers of immigrants without upsetting business leaders. As the cap will not come into place until April 2011, the government introduced an interim cap on June 28th 2010 so as to stop a surge in applications before the cap comes into force. This interim cap has been subject to a successful legal challenge relating to the nature in which it was brought into force, something outlined in the final section below on practices that attempt to provide social protection of migrants.

5. Practices to that Attempt to Provide Social Protection and to Prevent Mistreatment

In this section I will detail three practices that have attempted to provide social protection or prevent mistreatment of migrants. These are by no means exhaustive evaluations, the nature of the research prevents this; this section should rather be read as explorative accounts of practices that have, with varying degrees of success, realised innovative social protection responses to the rapidly changing situation of migrants in the UK. I will utilise a vulnerability sensitive frame through which to offer this exploratory evaluation following Sabates-Wheeler and Waite (Sabates-Wheeler and Waite 2003) in distinguishing between the following four overlapping types of social protection: 1) transformative measures – including empowerment, equity and 'social rights' that seek to improve

the 'bargaining power' of groups and individuals; 2) promotive measures – that seek improvement in capabilities and real incomes; 3) preventative measures – social security provision (both state and non-state); and 4) protective measures – narrowly targeted safety nets. The three practices that I have chosen to explore relate to the three areas that have significantly changed the vulnerability levels of migrants with the onset of the economic crisis discussed above – return migration and access to welfare, workplace rights and safety and the cap on migration. It must be stressed however, that the issues addressed by these practices were in existence pre-crisis.

National Reconnection Service

The National Reconnection Service is a pilot scheme that gives homeless migrants from A8 countries free travel back to their home countries if they have no access to public funds. As discussed above, A8 migrants who have not spent one year in continuous employment are not generally eligible for out of work benefits, including free housing. The scheme is administered by the Crime Reduction Initiative (CRI), a company with a long history of working with homeless people in the UK, and is funded by the government. In the words of John Rossington, the Development Manager at CRI,

“There is a loophole really. There are considerable EU funds available from people from outside the EU to return home but there is no help available for EU nationals who get stuck in another country. A lot of these people are just stuck really. They come over here often with false impressions of what the British economy is like and what they'll be able to do. On the whole it's the more unskilled members of those country's communities who are ending up on the street. A lot of them speak little or no English and don't have a trade. They end up on the streets, sleeping rough, having to commit crime to eat with no way for them to get home. This service tries to address the issue.”

Currently this pilot scheme is active in the east of England and parts of Yorkshire; 67 migrants have chosen to return in east of England and a similar number in Yorkshire. There is only funding for the project until the end of March 2011, whereupon the continuation of the service will depend upon the government's evaluation. The CRI is trying to develop relationships with charities and organisation in A8 countries to facilitate the continued social protection of migrants upon their return with only limited successes so far. According to John Rossington, with younger migrants aged 18-25, the attempt to assure social protection upon return can be as simple as letting the returning migrants use his mobile phone to call their parents. The CRI's offer to homeless migrants is not always taken up however; many refuse for a variety of reasons including – in the opinion of CRI – shame at having 'failed' abroad or due to outstanding charges for petty crimes back home. A fear of the CRI's is that for those who stay homeless can become institutionalised, citing the numbers of elderly Irish living rough on the streets of Britain who have been stuck in the same situation for decades. Although the CRI suspects that the economic crisis may have increased the numbers of homeless migrants, in general this is a problem that was in existence before the downturn. They rather identify two causal factors: unrealistic expectations on the part of migrants and the behaviour of certain gangmasters and employers.

In terms of offering social protection for migrants, the scheme is interesting in a number of ways. As noted above migration in itself is one of the key forms of social protection available to people throughout the world, as they seek to fundamentally alter their surroundings and thus opportunities to secure their own social protection. For those who have chosen to utilise the National Reconnection Service, migration as a form of social protection has failed; they have found themselves in a considerably more vulnerable position than before. On an EU policy level there seems to be a short sightedness with free movement of labour understood not only an internal market in which movement is free from restrictions, but also that it is free from financial costs. Certainly the enthusiastic trumpeting of the value of free movement of labour could be tempered with policies that account for those who – through misfortune, misinformation or misuse – find

themselves in extremely vulnerable positions. This programme, albeit a pilot one limited in geographical scope, addresses the pressing and severe social protection challenges thrown up by 'free' movement of labour within a multilingual sphere where knowledge about labour market conditions in other member states is often lacking and, especially in the case of the UK, where lack of regulations allows for unscrupulous gangmasters and employers to exploit the vulnerable. There is a strong case for the extension of this programme, even in the current climate where public spending cuts are deep and widespread; even if the government takes the uncaring position that it should not concern itself with the well being of labour migrants who have failed to 'succeed' on the labour market, it is considerably cheaper to pay for the buses and flights of migrants than to deal with the costs of petty crime³³ and homelessness.

The National Reconnection Service is a largely protective measure however. It is a narrowly targeted attempt to solve the much larger problems that labour migrants face: widespread exploitation on the labour market, inability to access many benefits before working continuously for one year and a lack of reliable information about working in the UK. Furthermore, there is something quite perverse about the state on the one hand welcoming A8 workers to the UK and allowing them to be abused and exploited for the benefit of British companies and, on the other, finding the resources to fly them home once they have outlived their usefulness (or maybe never even found their usefulness at all). This logic underlines the prevailing attitude towards economic migrants – the state may well instigate certain measures that give short term relief but will not attempt to transform the structures that lie at the root of migrants' vulnerability if it damages economic competitiveness/flexibility.

Legal Challenge to the Interim Migration Cap

Soon after the government announced the interim cap on migrant workers – brought in to stop the perceived last minute flood of applications – a legal challenge was launched against it by the Joint Council for the Welfare of Immigrants (JCWI) and the English Community Care Association. The legal basis for the challenge was that the government rushed through the interim cap without proper parliamentary scrutiny and, in December 2010, the courts ruled against the government. The government is currently considering its options and whether or not it has the possibility to appeal the decision. The challenge to this interim cap will diminish in significance once the cap proper comes into force in April 2011. The undemocratic way in which the law was brought into place was only the means through which JCWI and English Community Care Association attacked the cap however, their opposition to the migration cap – interim and in the long term – runs deeper than this. According to Habib Rahman, chief executive of JCWI, the cap as it will adversely affect migrants that are already in the UK,

“We usually represent lower income bracket migrants – care workers, nurses, those kind of skilled people – and when their visa needs to be renewed, they will be seen as a new application once the cap comes into place. Another example is when a student comes here and they change their course of study or their university, they will have to apply to renew their visa and if the quota is full then it will not be given. These are just some of the examples of the indirect ways that the cap will affect people and that's why we're interested in fighting it as a way of protecting those migrants who are already here.”

The JCWI foresees that they will continue to find ways in which to challenge the migration cap. In a political climate where the two main political parties³⁴ both 'talk tough' on immigration yet

³³ John Rossington estimates that 50% of cases at Boston's (a town in the east of England) Magistrates Court involved labour migrants from A8 countries.

³⁴ The third largest political party, the Liberal Democrats, have the most 'pro-migration' policy of all. Where they differed from the Conservative and the Labour Party was in their 2010 pre-election policy pledge to legalise all

continue to oversee large scale immigration it is important that civil society holds governments to account, especially in instances such as this, where changes are brought in without proper prior scrutiny. Furthermore, the arbitrary cap as a political tool appears to be flawed on many levels – it cannot promise to lower the numbers of migrants as it does not (cannot) apply to EU migrants, it may leave skill shortages in key areas of the economy like healthcare and will lead to further insecurities for many migrants who need to renew their visas or change conditions of their stay. Thus this attempt at transforming the conditions of migrants by JCWI is certainly one that could, if successful in the long run, improve the social protection of migrants by reducing insecurities and thus vulnerability.

If one were to find a significant critique of the opposition to this legal challenge, it would be that the logic that underpins JCWI's work here and elsewhere is a logic that is broadly in agreement with the business lobby. Indeed, part of their argument against the cap, and migration controls more generally, is that it is damaging to the British economy. Moreover, they have been campaigning in the last 3-4 years for “keeping avenues open in developing countries for people to come – to preserve the links, because immigration has served this country well and currently we have a discriminatory system [between EU and non-EU]... We know that in a globalised world migration has been a contributing factor in reducing poverty.” Certainly the JCWI's campaigning work is more nuanced than simply aligning themselves with those who demand open borders from the business community, yet there remain problems with strengthening the for the ‘good of the economy’ argument in favour of migration, as can be seen in the case of the increasing prevalence of precariousness in the UK's service economy (Mcdowell et al. 2009). On one level it could even be argued that the cap on immigration – no matter how flawed or populist – has begun to sever the link between labour migration and demands of the UK's economy.

Trade Union Guides

There have been two recent projects by the Trades Union Congress (TUC) that directly address the social protection of migrants – the multilingual *Working in the UK: Your Rights* for labour migrants from A8 countries and the *Safety & Migrant Workers: A Practical Guide for Safety Representatives*. The first of these publications is targeted directly at migrants and aims to inform them about their rights in the workplace. It is published in Czech, English, Estonian, Hungarian, Latvian, Lithuanian, Polish, Russian, Slovak, French and Spanish. Editions are updated due to perceived need, for example the guide was not originally in Russian but after encountering many ethnic Russians from the Baltic States it's coverage has expanded. The leaflet is 16 pages long and includes the basic workplace rights information (minimum wage, entitlement to sick pay etc.) a section for agency workers, information about the role of unions and advice on how to enforce rights that are not being upheld. Sean Bamford, a Policy Officer at the TUC, hinted that the TUC may soon stop funding the guide's distribution and updating as money might be better spent elsewhere. He cites the growing integration, improving English ability (including access to networks of migrants from A8 countries who speak English) on the one hand and the sheer diversity of languages spoken on the other, as reasons for its possible discontinuation. Moreover, he points out that the EU's mobility portal EURES³⁵ now offers much of the same information. The *Safety & Migrant Workers: A Practical Guide for Safety Representatives* meanwhile is aimed at unionists and offers practical advice on how to deal with the changed makeup of the workplace. Many of the suggestions it gives are in regards to informing the migrants of their rights in areas of health and safety, suggesting that many

undocumented migrants. This policy position could be seen as more honest or consistent with their claims that migration was good for the economy, unlike the other two parties who hold the often conflicting positions talking simultaneously about being tough on controlling the numbers of immigrants whilst largely following the demands of the business lobby. However, since coming into government as part of the coalition the Liberal Democrats have jettisoned the legalisation policy pledge.

³⁵ <http://ec.europa.eu/eures>

come from countries when such things as risk assessments or the provision of adequate protective clothing are less common. In the field of enforcement it also urges that care be taken when abuses of health and safety rules are uncovered as migrants may fear losing their jobs (and thus in some cases their legal right to remain) and thus issues should be fully discussed with the worker before proceeding.

Both of these guides are both partly promotive and transformative measures, they seek to improve the bargaining power of migrants as well as the capabilities and the income of migrant workers. The more information migrants and union officials that deal with migrants have in regards to rights in the workplace and how these can best be enforced, the more vulnerabilities are reduced. With the current climate of cuts, information that helps unions uphold health and safety conditions in the workplace for migrants is especially important. According to Brenden Barber, the General Secretary of the TUC, “health and Safety Executive has just seen its funding cut by 35 per cent and that – combined with a 28 per cent cut in local government funding – will have a very damaging impact on safety in UK workplaces.”

The problem with the work of unions, a problem that they are well aware of, is that the sectors of the economy where the most abuses take place are the sectors where union membership is at its weakest. Sean Bamford believes that the failure of unions to increase density amongst certain labour migrants is not related to migration per se, but is rather related to longstanding problems of low density in certain sectors of the economy. For example, whereas there is a high union membership density amongst nurses (both migrant and non-migrant) there is a low membership density amongst hotel cleaners. Trade unions are discredited in certain sending countries, especially in eastern Europe, further reducing the attractiveness of unions in the UK. Regarding the social protection of migrants in the future Sean Bamford says that “we will keep banging our head against the brick wall attempting to increase density in areas where we have traditionally had few members, that’s our main job.” Undoubtedly unions can play a role in the social protection of migrants as part of their role in supporting workers as a wider group, but their role is limited by membership density. In a labour market that is increasingly characterised by temporary contracts, employment agencies and part time work the challenge unions face in regards to migrant workers is part of a much bigger challenge brought about by the continuing reconfiguration of work-employer relations in the UK.

5. Conclusion: A Framework for Understanding the Hierarchies of Vulnerability

As way of a conclusion I would like to suggest an initial framework (*table 1*) through which to understand the hierarchies of vulnerability amongst labour migrants in the UK in a simplified form. This could help NGOs, charities, governments, unions and policy makers to better comprehend which migrants are the most vulnerable and thus where social protection should be targeted. This is by no means meant to be a comprehensive framework, but rather an outline that could be deepened and adjusted by further research. As above, I only touch upon formal social security (access and portability) as well as labour market conditions. The roles networks play in these hierarchies are undoubtedly important, but due to the limitations of research type are not touched upon here.

Table 1: Hierarchies of Vulnerability

	Formal Social Security (access and portability)		Labour Market Conditions				
	Legal Status		Contract Type		Unions	Racism	Flexibility
	<i>Indefinite leave to remain</i>	<i>Limited leave to remain</i>	<i>Full time</i>	<i>Part-time</i>			
L e a s t V u l n e r a b l e	EU15 reciprocal SSA		Salaried		Unionised	Whiter	Flexible
		reciprocal SSA	Salaried				
	A8		Invoice				
	A2		Temp. non-agency		Non-unionised in a unionised work place		
	Bilateral SSA (DCC)	A2	Temp. non-agency				
M o s t V u l n e r a b l e		Bilateral SSA (DCC)	Temp. Agency				
	documented migrants rest of the world				Non-unionised in a non-unionised workplace	Blacker	Inflexible
		documented migrants rest of the world	Temp. Agency				
	undocumented migrants rest of the world						

All of the above factors have been discussed in the previous sections, but flexibility demands a few words more. Flexibility is both the source of a labour migrant’s success as well as the source of her vulnerability; flexibility is demanded by the labour market, but it also allows for exploitation; whereas it guards against vulnerability in the short term it also contributes to the continued flexibilisation of the labour market. Flexibility is governed by many factors including age,

dependents and attitude towards workplace regulations but any of these factors is open to change. As the young mobile labour migrant becomes older, has children and begins to desire proper pay and conditions their decreasing flexibility makes them increasingly undesirable. This can be offset to a certain extent by the acquisition of desirable transferable skills. Certainly, this further individualisation of responsibility would be the neoliberal response to problem of social protection in a flexible labour market.

Finally, it should be noted that whilst there are certainly important reactive programmes that aim to minimise the risks faced by individuals and groups (some of which are detailed above) in broad terms policy measures should be rather more concerned with the underlying causes of vulnerability. The two most obvious transformative policy measures would be the legalisation of the more than half a million undocumented migrants and a stricter enforcement of workplace rules and regulation. However, there seems to be little political will for either. Moreover, with the economic crisis and cuts in public spending vulnerabilities will be exasperated. Until the structures underlying the exploitation of the UK's most vulnerable labour migrants are transformed, the reduction of vulnerability remains in the hands of those who manage to administer social protection in the various ways detailed above.

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