



# UNDOCUMENTED MIGRATION IN THE U.K. CLANDESTINO



## *Counting the Uncountable: Data and Trends across Europe*

Research Brief

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### KEY POINTS

#### *Main facts and figures*

- The phenomenon of irregular migration involves people that are legally or judicially denoted as ‘illegal entrants’ in the UK; in a wider discursive context, they are also referred to as ‘unlawful’, ‘unauthorised’, ‘undocumented’ or ‘irregular’. All terms refer to a still elusive and increasingly complex legal term which includes irregular entry, residence and/or employment.

#### *Quality assessment of estimates found in literature*

- Official data associated with the term ‘illegal entrant’, such as enforcement figures, are incomplete, scattered and rare, though improvements are announced. Only one estimate discloses its methods and reduces the statistical bias to an acceptable minimum (Woodbridge 2005). This study estimates an irregular migrant population of 430,000 in 2001. Other estimates of irregular migration in the UK are scarce or of low quality (e.g. 200.000: Djajic (2001); 670.000: MWUK (2005)).
- Most figures in political and public discourse can be evaluated as guesswork, underlie highly politicised forces and are often grossly exaggerated, possibly for the purpose of raising alarm or justifying the enforcement agencies’ activities.

#### *Main paths of irregularity*

- The majority of irregular migrants actually enter the country legally and subsequently move into irregular status. The most common forms are working longer hours/in other jobs than permitted, working without permission, and/or ‘overstaying’ the expiry date of their visa or as otherwise authorised by their ‘leave to enter’.
- Only a small minority enter clandestinely. Nevertheless, the dominant and perhaps misleading image of a ‘clandestine intruder’ irregularly crossing a border from France or Belgium, pervades throughout much of the political discourse, tabloid headlines and enforcement agency rhetoric.

#### *Relevant policies*

- The past decade has been characterised by an increase of protectionist immigration legislation. Structural reform of the Home Office, enhanced internal surveillance and control and newly initiated police operations epitomise a principle shift in this policy domain from a previously liberal approach to a tough enforcement ethos.



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<http://www.eliamep.gr/en/category/migration/>

## **THE RESEARCH**

*Estimates and guesstimates of irregular migration in Europe 'travel' freely and uncritically among experts, journalists and policy makers without it being clear who produced them first and how. Their source may not be clear, their direction, however, definitely is: these numbers are routinely used as a means of arousing public anxiety about migration and exercising pressure for policy responses.*

*This study critically explores the sources of data and estimates of irregular migration and, in particular, the validity and reliability of the methods used in their production. In doing so, it shows why and how migrants become irregular and whether and how they can achieve legal status. We also critically assess the policies aimed at tackling the phenomenon of irregular migration.*

## **Background of Migration Situation in UK**

Post-war migration flows had been largely dominated by the arrival of labour migrants from the British Commonwealth, hence the former colonies in Asia, Africa and the Caribbean. This was followed by significant migration of family members. From the early 1990s, large-scale arrival of refugees was recorded. From the late 1990s, immigration was fostered by relatively low levels of unemployment and a continuing demand for (migrant) workers in the UK. This inspired both, large-scale immigration from EU-8 countries and significant irregular migration from various parts of the world. Thus, over the course of time, migrant populations have become increasingly diverse.

During earlier decades and due to constantly high levels of emigration of British nationals the balance of emigration and immigration (net migration) was negative. But in 1994 flows of immigration increased substantially and between 1997 and 2006, the net migration flow became positive, accounting for 1.623.000 persons. The large-scale arrival of refugees, immigration of EU-8 nationals and more recently the issue of irregular migration became highly contentious issue on political and public agendas.

Until the 1960s and early 1970s, the UK hardly sought to regulate immigration flows from Commonwealth countries. But from the early 1970s, immigration legislation became increasingly restrictive and doors for further labour immigration were gradually closed. The 1990s were characterised by numerous policy changes and whilst asylum migration was limited labour migration was partially liberalised. The most recent policy change aims at reducing overall immigration.

In general terms, policy making and discourse of immigration control both face issues of integration, community relations, diversity and social cohesion.

## **Size and Demographic Features of Irregular Migration**

Estimations on irregular migrant populations in the UK are highly limited. The Woodbridge study (2005), commissioned by the Home Office offers the most reliable estimation currently available. Although scientifically classified by the CLANDESTINO project as 'medium quality' estimation it is the only attempt that utilises a satisfactory methodology. It suggested that the irregular migrant population in the UK in April 2001 was 430,000 (based on range of 310,000 and 570,000). This central estimate equals 0.7 per cent of the total UK population (59 mio.) and 11.8 per cent of the UK total foreign-born population.

Several critical questions need to be noted. For instance, Dorling (2007) points to uncertainties towards the general practicality of attempting to estimate this population group at all, and Düvell (2006) draws attention to the regularising effect of the Worker Registration Scheme for EU-8 national (around 70,000), which was not taken into account in the Woodbridge estimate. Nevertheless, this estimation reduced the possible plethora of methodological or statistical bias, faced by estimating a so-called 'hidden population'.

Data and research regarding proportions of nationalities among the irregular migrant population in the UK is extremely rare and only tentative indications are available. For example, detention centres produce data that rank their populations by nationality. Between 2001 and 2006, significant numbers were from Jamaica, Nigeria, Pakistan, China, Turkey, and India (in descending order). Qualitative research projects conducted on detention centre populations (Black et al. 2005) indicate that the population tends to be male dominated and that majority are aged between 25-29 years old. However, these small-scale samples are taken from a very specific group and are not representative for the irregular migrant population.

Similarly few studies focus on irregular migrants in the workplace or the industries and sectors where migrants may work irregularly. It is thought that irregular migrants are more likely to work in jobs that are commonly considered as dirty, difficult and danger-

## Main Paths into and out of Irregularity

-ous, so-called '3-d' jobs. These include sectors such as construction, agriculture and horticulture, food processing, domestic work, cleaning, and hospitality services (Anderson and Ruhs 2007). Anecdotal evidence also shows that irregular migrant work occurs in white collar sectors, including finance.

Due to the under-researched nature of this field a well-founded position on the size, demographic features and composition of the irregular migrant population cannot be given.

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

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

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

A common breach of conditions is that of working in violation of employment restrictions. Such restrictions refer to hours worked per week or period of stay, as this is the case for instance for students, au-pairs or working holiday makers, or the condition may concern a certain 'purpose of stay'. If an overseas student is working more than 20 hours a week during term time or if a 'working holiday maker' works for the full length of their stay as opposed to half of it then this is in violation of their employment restrictions and the purpose of their stay. But also an unauthorised transfer from one employer to another employer, or from one job to another, may contradict the original 'purpose of stay' and therefore would represent a breach of conditions. Another common breach of the conditions of 'leave to enter' is not leaving the country by the expiry date of the visa and instead overstaying. Finally, evading immigration controls by crossing the borders clandestinely is a breach of immigration law. In essence, any movement or action that is not explicitly allowed within the terms and conditions of a respective immigration status is denoted as 'illegal'.

The expression 'illegal entrant' gradually became a legal 'umbrella-category' which equated two very different types of migration offences. It is used not only when a person is apprehended and convicted as such at the port of entry, as one would assume, but also when a person is in breach of his or her "leave to enter". But because it covers those who *enter* in breach and those who *stay* in breach of the immigration regulations and conditions it tends to be misleading.

In terms of the main paths into irregularity and referring to various sources (e.g. Cholewinski 2005; Düvell and Jordan 2003), it can be assumed that overstaying and/or breaking conditions of work restrictions make up the largest proportion of people who could count as irregular migrants. The majority of people enters legally and subsequently moves into an irregular status. Although it is unknown how many people clandestinely cross the borders it can be assumed that this is the smallest group. In this light the term 'illegal entrant' misleadingly suggests that irregular migrants are mostly 'illegal intruders'. Instead, the reality is that the majority of migrants overtly enter the UK but slip into irregularity at a later stage of their stay.

A special group is rejected asylum seekers who discontinue to register at the given reporting centre and who are assumed to be still residing in the UK (so-called 'absconded asylum seekers').

## Main Policy Recommendations

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

### For more information

The full report on UK, by Bastian Vollmer, is available at <http://www.eliamep.gr/en/category/migration/>.

Read the research briefings and full reports of the other 14 countries included in the CLANDESTINO project at <http://www.eliamep.gr/en/category/migration/>

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