

Public opinion, responsiveness and constraint: Britain's three immigration policy regimes

Robert Ford

Will Jennings

Will Somerville

Forthcoming in the *Journal of Ethnic and Migration Studies*

Abstract

We examine the links between public opinion and policy in the UK over the past thirty years. We show that public views about immigration are responsive to changes in immigration levels and differences between migrant groups, and that policymakers are sensitive to these changes. Policymakers look to respond to the public mood on migration, but face growing constraints in doing so. The interaction of public opinion, policy and constraint has produced three distinct policy regimes. In the first, from 1982-1997, policymakers faced few constraints, immigration was tightly controlled and the public were unconcerned about the issue. In the second, from 1997-2004, migration policy was selectively liberalised in response to external and interest group pressures, producing increasing inflows and growing public demands for restriction. In the third, from 2004 to the time of writing, public demand for restriction is strong but policymakers face significant constraints in responding. In all periods, policymakers seek to focus restriction on the migrant streams most opposed by the public, but as they have lost discretionary power over the issue they have been forced to take action against more economically valuable and socially accepted migrant streams. The growing constraints on policymakers have therefore sharpened the trade-off between the "responsive" government of meeting public demands for immigration restriction and the "responsible" government goal of providing for the needs of a flexible, globally integrated economy.

Keywords: Immigration, Britain, public opinion, policy gap

Word count (excluding tables): 8,975

Authors

Robert Ford is Senior Lecturer in Politics and a research fellow in the Centre on the Dynamics of Ethnicity, University of Manchester

Department of Politics, School of Social Sciences, Arthur Lewis Building, Oxford Road, Manchester, M13 9PL

rob.ford@manchester.ac.uk

Will Jennings is Professor of Political Science and Public Policy at the University of Southampton

Politics & International Relations

Social Sciences

University of Southampton

Southampton

SO17 1BJ

United Kingdom

w.j.jennings@soton.ac.uk

Will Somerville is a Senior Policy Analyst at the Migration Policy Institute and a visiting Professor at the University of Sheffield

Migration Policy Institute

1400 16th Street NW

Suite 300

Washington, DC 20036

w.somerville@migrationpolicy.org

Introduction

The “policy gap hypothesis” was first proposed in path-breaking work by Gary Freeman (1994; 1995) who asked why public preferences for tough restrictions on migration often do not translate into government action. Freeman argues that the general public holds restrictive views, but public opinion is slow to ‘mobilise and crystallize’ (1995: 884) so policy is made by organized groups whose ‘orientations are overwhelmingly admissionist’ (p. 888; also see Freeman, 2004).

Freeman highlighted the UK as a major exception, a ‘deviant case’ (Freeman, 1994). Freeman noted public opinion in the UK was restrictive but was deviant because the numbers entering the country were low, and policy was restrictive. This insight was taken forward by other scholars who investigated why UK policy had been more responsive. Randall Hansen (2000) suggested that strong executive power on immigration allowed greater control, though with important exceptions, such as inflows of Commonwealth migrants despite public opposition. Paul Statham and Andrew Geddes have suggested that policy development, unusually, results from independent, public elites and not an influential, ‘organized public’ base. They conclude that civil society engagement in British immigration policy is relatively weak and as a result policy is ‘determined top-down’ (Statham and Geddes, 2006: 266). Christian Joppke (1999) suggests Freeman’s argument of client politics requires amendment as liberal states accept ‘unwanted immigration’ because of new legal restrictions on policy discretion (Joppke, 1998) but concedes that the UK’s strong central executive and legislative powers may enable greater control. Britain may also be a deviant case because it had stronger, more active elite actors on the restrictionist side, including parts of the media and of the Conservative party (Layton-Henry, 1992).

Others have suggested that UK exceptionalism may be overstated (Somerville, 2007; Somerville and Goodman, 2010). The scale of immigration over the last 15 years has put paid to the idea that immigration has been restricted in line with public preferences: in absolute and comparative terms Britain has accepted high levels of migration, despite consistent public opposition. However, beyond absolute numbers, the recent UK policy process fits the policy gap hypothesis and that, as elsewhere, a key explanation for the gap between preferences and outcomes is the activity of pro-migration interest groups, working alongside pro-migration government departments (such as HM’s Treasury).

Scholars have defined the policy gap differently. Gallya Lahav and Virginie Guiraudon (2006) note there are at least three elements to the policy gap hypothesis: the disjuncture between public opinion and policy elites in decision-making and implementation; the relationship between principals and agents; and the dynamic between international and domestic policy-making arenas. In this article, we are seeking to examine the first, answering the question Lahav and Guiraudon pose: ‘to what extent are policy responses commensurate with input factors?’ (2006, p. 212).

To do so we take a largely inductive approach, highlighting different factors influencing the evolving policy-opinion relationship using mixed methods to analyse the evolution of policy in the UK over the

last three decades. We argue that public opposition—in the UK case at least —has produced restrictive policy responses only when other forces are aligned to allow policy responsiveness. Immigration policy is a comprehensive set of complex and interlocking rules and regulations that apply different legal and administrative constraints to asylum and refugee migration, economic migration, migration for study, and family flows (Somerville and Goodman, 2010; Spencer, 2011). Where a particular immigration stream becomes politically salient (e.g. asylum or economic migration), policymakers have responded by seeking to restrict it. However, policymakers cannot generally produce immediate and deep policy change: restrictive reform is constrained by international and European law, global economic trends and organised interests. These constraints have increased over time.

Policymakers therefore cannot respond to public demands with radical change, but instead they offer a steady grind of incrementally more restrictive policies. Importantly, these reforms are often *not* focussed where public opposition is strongest, but where policymakers can most easily demonstrate action. For policymakers facing intense public sentiment and constraints on their response, any action is sometimes better than none. However, when public concern about a form of migration is not politically salient, there is also less pressure to restrict it. It is then sometimes possible for organised interest groups to change policy, typically in a more liberal direction.

This article proceeds in three parts. First, we lay out the changes in public opinion towards immigrants over the last thirty years. We draw upon methods developed by Stimson (1991) to examine policy preferences, and show that a prevailing “mood” underlies public immigration policy preferences, with a wide range of immigration attitudes loading onto an underlying preference for more or less immigration. This public mood towards immigration is broadly restrictive, but responds thermostatically to changes in policy conditions: it becomes more restrictive when inflows of immigrants increase, and less restrictive when inflows drop. The salience of immigration to the public is even more responsive to migration flows, in particular the importance voters attach to immigration rises sharply when inflows increase.

While there is an identifiable generalised mood in public preferences about immigration, we also show that the public respond to differences between migrant groups. The public react differently to asylum migrants; labour migrants; students and family reunion migrants. They also recognise and respond to differences in skill level and in ethnic origin. British voters show a pragmatic outlook: supporting migrants whose economic contribution is clearer (students, skilled workers) while opposing other streams, in particular asylum and low skilled labour inflows, where the case is less clear cut.

In the second section, we lay out the major changes to policy over the last thirty years, showing how the interaction between public opinion, policy and external shocks and constraints is associated with three distinct regimes over this period. We define a regime in this context as a stable package of legal and administrative measures seeking to achieve a set of broadly understandable objectives. However, within each regime policy responses to different migrant streams have remained highly differentiated, with policymakers showing a clear preference for restricting the most negatively regarded migrant flows while maintaining liberal rules for economically and socially desirable migrants. Only in the latest regime, since 2004, have policy makers made sustained efforts to control flows of students and highly

skilled workers. This is linked to the confluence of a highly negative public mood and serious constraints on the ability of policymakers to act against more negatively regarded migrant groups - in particular low skilled labour from new EU members. As a result, they have been forced to move against more accepted migrant groups in an effort to demonstrate responsiveness to overall public concern.

The evidence we present suggests a contingent relationship between public opinion and immigration throughout this period. Public opinion becomes an important factor when the prevailing mood is highly negative and the issue is salient to voters and to the media, forcing policy responses from governing and opposition parties alike. This pattern is observed for asylum policymaking in 1999-2003, work migration policymaking from 2005-2010, and to study, family reunion and work policymaking from 2010 onwards. Where the immigration mood reaches a sufficiently negative threshold, it has been followed by policy reforms that are incremental and restrictive. Due to external constraints, however, radical restriction has not been possible. Furthermore, developing and implementing restrictive policies had become steadily harder over time.

Public opinion 1982-2012

Policymakers respond to two aspects of public opinion. Firstly, the general public mood about immigration - the intensity of voter demands for restriction of migration, and secondly the importance voters attach to immigration reduction relative to other issues. Greater policy activity to restrict migration will occur at times when voters have a more negative view of current migration levels and regard migration as a more important problem. Secondly, the pattern of public attitudes to specific sets of migrants (for example, those coming for asylum, for work, for study and for family reunion reasons) structures policymaker responses. Policymakers take more restrictive action against groups of migrants regarded by the public as problematic, while taking a more liberal approach towards migrants the public regards as beneficial or (at least) unproblematic.

Evolving public opinion about immigration: preferences and salience

Data on the UK public's views on immigration over the last thirty years is not as comprehensive as one might expect. Survey questions on immigration have been infrequent and irregular, with no consistent question asked over an extended period. This makes it hard to analyse change in public attitudes. As a solution, we have taken all available survey data and constructed a new measure of underlying policy preferences on immigration over time. Using 182 survey items identified between 1958 and 2012, we use Stimson's (1991) 'dyad ratios algorithm' to estimate common variation in British attitudes about immigration.¹ The measure captures generalised negative attitudes about immigration, which we label 'immigration mood', by extracting the underlying dimension of data from all available survey responses. This method was developed in the US to measure the underlying dimension of public preferences on a left-right scale (Stimson, 1991), and has been since applied in Britain to the study of policy preferences (Bartle et al., 2011) and evaluations of party competence (Green and Jennings, 2012).

¹ The dyad ratios algorithm was first applied to survey items relating to preferences for immigration in Jennings (2009).

Our data are drawn from a range of sources, including the British Social Attitudes survey and the British Election Study, and commercial pollsters such as Gallup, National Opinion Polls (NOP), Ipsos-MORI and YouGov.² For example, some questions ask whether people think there is too much immigration or whether the number of immigrants should be increased or reduced while other questions ask about the impact immigration is having on British society. Using this data, we extracted the underlying dimension of pro- and anti-immigration sentiment across all the survey items asked on at least two different points in time.³ This dimension explains some 79% of negative attitudes about immigration, suggesting a high degree of common variation, an underlying "mood", across the range of questions. Interestingly, this first dimension explains only 57% of positive attitudes, suggesting negative views of immigration are more coherent than supportive opinion.

In Figure 1 we plot this new measure of immigration mood, which can be interpreted as the public's preference for less immigration. From the data it is apparent that the British public became less negative about immigration through the 1980s up until 1997, before turning increasingly hostile in the 15 years since, returning to the level seen in 1982 in 2012.

[Insert Figure 1 about here]

In contrast to the episodic survey data on attitudes about immigrants and immigration policy, there is continuous and longstanding data on the salience of immigration as an issue. Since 1947, pollsters in Britain have asked the public about the 'most important problem' (MIP) or the 'most important issue' facing the country (Jennings and Wlezien 2011). In Figure 2 we plot the salience of immigration relative to other issues over time.⁴ Here we see that the salience of immigration to the public was close to zero for much of the 1980s and 1990s, as the public was concerned about other issues. However, from around 1999, the proportion of respondents rating immigration and asylum as one of the nation's most important problems escalated rapidly, reaching a high of over 20% in 2007, before declining, in part due to the rise of economic concerns following the global financial crisis.

² While the N of 182 is substantially lower than the number of survey items included in Stimson's measure of preferences across all policy domains, the data is sufficiently evenly distributed over time to provide a reliable measure of change in public opinion. This is confirmed through inspection of the standard errors of the mood estimates.

³ Stimson's (1991) dyad ratios method is premised on the idea that the ratios of aggregate survey responses to the same question at different points in time provide meaningful information about change in public attitudes over time. Each of these pairs of responses constitutes a dyad. Survey responses provide observations of positive/negative attitudes towards immigrants or immigration; for example, the percentage of respondents expressing positive/negative attitudes about immigrants taking jobs from native born Britons, immigration numbers, immigration from specific countries, immigration controls, repatriation of immigrants, the contribution of immigrants to British society, and the association of immigrants with crime rates. For each question series, there is at least one ratio estimate (i.e. dyad) and often overlapping estimates of positive/negative attitudes in a given year. However, not every survey item is an equivalent indicator of the underlying construct. As a result, the squared correlations of each item with the latent dimension are estimated iteratively and used to weight items in the index proportional to their indicator validity (Bartle et al. 2011, p. 269). The dyad ratios algorithm thus extracts the central tendency of survey items relating to immigration, analogous to a principal components approach.

⁴ Our measure combines Gallup data on the 'most important problem' and Ipsos-MORI data on the 'most important issue' over the period between 1982 and 2000 (Gallup ceased political polling in Britain in 2001).

[Insert Figure 2 about here]

Disaggregating public opinion about migration

The preference (“mood”) and salience measures demonstrate that the public is responsive to the overall migration level. When migration levels were low in the 1980s and early 1990s, the mood of the public was relatively permissive, and issue salience was low. As migration levels turned upwards sharply in the late 1990s and 2000s, the mood turned restrictive and salience rose sharply. This is consistent with a thermostatic public response (Soroka and Wlezien, 2010): rises in immigration are associated with increased demands for restriction.

The public response is directly and indirectly affected by a various factors, of course. In particular, media coverage and party responses are likely to interact with public opinion. High levels of predominantly negative media coverage of the issue, from the late 1990s onwards may have influenced public opinion on immigration, increasing both voter demands for restriction and the importance attached to the issue (MORI, 2005; 2014). The media are undoubtedly a primary channel through which voters receive information about policy and outcomes in this domain. However, the direction of influence runs both ways: the attention devoted by the media to immigration is also influenced by the scale of inflows and the state of public opinion. Furthermore, party strategy, especially in the Conservative Party, has focused on framing immigration as a problem of numbers and control (and seeking to raise its salience in debate) throughout the period under study (Bale, 2011). While the precise mechanisms underpinning the relationship are complex, what is clear from our data is that British public opinion responds to changes in migration levels in a meaningful way: when migration levels change, the public mood also shifts.

The aggregate evidence suggests there are ebbs and flows in the public's opposition to immigration overall, but other data also suggests the public do not treat all migrants equally. The British perceive some migrants as more salient or problematic than others, a perception which conditions the pattern of policy response. Three migrant characteristics are particularly relevant: where immigrants have come from, why they have come, and what they have to offer. Each speaks to public concerns about immigration - which have both economic and cultural aspects - in a different way (Ford, 2012; Ford, Morrell and Heath, 2012; Ford and Heath, 2014).

Immigrants' origins are a signal of their likely economic contribution: migrants from wealthy Western countries are more likely to have skills and money than migrants from the developing world. Migration from countries which are more culturally and ethnically different to Britain also trigger public anxieties about national identity and values, and racial and religious prejudices (Ford, 2011). The motive for migration also sends signals about economic and cultural effects. Migrants who come to work or study are seen as more likely to contribute economically, and, by being absorbed into the world of work or education, less likely to pose integration problems. Similar arguments will lead voters to pay attention to migrants' skills: those with better education and professional skills signal they will make a strong economic contribution and pose fewer integration issues.

Figure 3, based on British Social Attitudes data, plots levels of opposition to migration from four different origin regions between 1983 and 1996. Opposition to wealthy white migrants (Europeans and especially Australians) is much lower than to poorer, non-white migrants (West Indians and South Asians). However, opposition to non-white migration also dropped more rapidly over the period. This partly reflects generational declines in racial prejudice (Ford, 2008) but may also reflect a greater public focus on these groups, resulting in a larger attitudinal response to the restrictive policy in this period.

[Insert Figure 3 about here]

Skills, like origins, have large effects on British views of migrants, as Table 1 shows: in 2009, at the height of public concern about immigration, a clear majority (58%) *opposed* reducing skilled labour migration, while the same proportion *supported* reducing unskilled labour migration. A 2011 survey by the same organisation (Transatlantic Trends Immigration) shows even larger differences in reactions to immigrants with strong and weak educational qualifications, while data from 2010 show that British voters support recruiting immigrants to jobs in public services such as medicine and old age care (Ford, 2012).

[Insert Table 1 about here]

Recent data also shows that different motives for migration yield very different reactions (Migration Observatory, 2011; see also Ford and Heath, 2014). The poll asked British respondents what kind of migrants they typically had in mind when asked about migration. Asylum (61%) and work (52%) were far more prominent motives in the public mind than marriage (33%) or study (29%). Demands for reduction showed a similar split: majorities supported cuts to asylum, unskilled labour and extended family but only small minorities wanted reductions to college or university students or the highly skilled. Close family (40%) fell in between.

The 2011 British Social Attitudes survey advanced this examination further, conducting a series of randomised experiments to test the effects of different migrant characteristics on public reactions (Ford, Morrell and Heath, 2012; see also MORI, 2014). The results are summarised in Tables 2a and 2b. Skill level, educational quality, time in the country and reason for migration all have substantial effects on views of migrants. Table 2b illustrates how these effects can interact: the influence of origin region is largest on views of family reunion and low skilled migrants, groups with few economic skills, and smallest on views of high skilled workers and students, where the economic case is clearer. Where a migrant comes from thus matters much less when they have something to offer, economically.

[Insert Table 2a and 2b about here]

The survey data provide compelling evidence that British reactions to migrants are conditioned by where they come from, why they come and what they offer. Unfortunately, most of these questions have not been asked over multiple years, so it is hard to see how these reactions relate to the general public mood on immigration. However, it is clear that large differences exist even when immigration mood is very negative, as it was in 2009-11, when most of the data reviewed here was collected.

How public opinion influences policy change in the UK

Our review shows there is both a coherent public mood about immigration - a demand for reduction which is responsive to migration levels and significant differences in perceptions of specific migrant streams - the British are more accepting of migrants who are less ethnically distinct, and where the economic contribution is clearer. Both the intensity of opposition and the degree of discrimination between migrant groups also increase with age. In this section we summarise the impact these two components of public opinion have on migration policy.

The government responds to both general and specific immigration preferences. Negative shifts in the public mood create pressure for restriction, but policy responses focus on the migration streams perceived by voters as most problematic. This assumes, however, that policymakers have full discretion to craft policy in response to public demands. As we shall show, this assumption no longer holds; policy responses are constrained, particularly by the European Union (EU), international law, interest groups and global economic trends. These constraints have grown over recent decades. As a result policymakers, finding themselves unable to restrict migrant inflows most opposed by voters, have started imposing restrictions on more accepted and economically important migrant streams in order to demonstrate responsiveness to the public mood.

Links between public opinion and policy on immigration have been shown before. Will Jennings (2009) demonstrates a link between public concern about asylum and the number of asylum applications made, but no link between public opinion and grants of refugee status, where there is less discretion in bureaucratic decision-making. Jennings demonstrates a feedback loop on asylum, with policymakers responding to increasing public concern with more restrictive policy. We argue that this feedback loop applies to immigration policy more generally, but has focussed on the migration streams where public opinion is more negative.

Understanding the evolution of policy 1982-2012: three opinion-policy regimes

Public opposition to migration influences policy outcomes, generating pressure for restriction, which is followed by policy action when mood and salience are above a certain threshold. A number of intermediary factors influence this relationship. When confronted with demands for immigration restriction, policymakers must consider the impact of their actions on the electoral and interest group constituencies within their party coalitions; the likely reaction of powerful economic interests; and how such actions will be portrayed in the media. They must also consider the constraints on policy: formal legal constraints stemming from EU regulations, human rights and administrative law, and informal economic constraints stemming from the needs of an open economy, where many sectors need access to an international labour market.

In short, immigration policy evolves as policymakers seek to balance responsive government (i.e. taking restrictive action to meet public demands) with responsible government (i.e. maintaining an immigration system which meets the constraints stemming from legal rules and economic demands) (Mair, 2009). Even when public demands are intense, policy is constrained and change is therefore path dependent and incremental. This interaction of public opinion, policy and constraints has produced

three distinct policy regimes over the past three decades. The first regime was one of low concern, low constraint and restrictive policy under Margaret Thatcher and John Major's Conservative governments (1982-1997). Migration was low and stable, both public demands for restriction and interest group pressures for liberalisation were muted and policymakers faced few external constraints. The result was limited policy activity, and a stable low immigration regime that broadly adhered to principles in place since the late 1960s, built around tight and rigorous control, with intense activity only in response to external shocks.

The second regime was one of liberalising policy, increasing constraint and rising public concern, which encompassed the first and most of the second Labour terms of office (1997-2004). Labour liberalised many migration streams in response to internal and external pressures, and also took decisions over EU accession and new rights law (such as the Children's Act and the Human Rights Act), which placed new constraints on future policy. The liberalising policy shift on economic (work and study) migration took place when salience and mood were rising, but were accompanied by a strongly restrictive stance on asylum (i.e. there was a duality in policy). The period saw large increases in migration inflows, triggering in turn negative shifts in the public mood and an increase in the political salience of immigration.

The final regime, including Labour's third term and continuing through the first four years of the Coalition government to the time of writing, is one of high concern, restrictive policy and high constraint. Both Labour and Conservative policymakers have sought to tighten policy in response to intense public demands but face more significant constraints in doing so than their predecessors. In particular, they have been unable to restrict the largest migrant stream causing public concern, labour migration from Eastern Europe, so they have been forced instead to pursue an escalating series of incremental restrictions against other forms of migration to demonstrate responsiveness. However, these have required taking action against migrants deemed valuable by key interest groups and the public at large. As a result, the responsive government goal of reduced migration is in this period increasingly at odds with the responsible government goal of recruiting the "best and the brightest" to Britain's firms and universities.

The following examination of the three regimes bears out the importance of both aggregate mood and specific reactions to policy development. In each period, the pressure for policy action follows from the general mood, but the focus of action reflects preferences between migrants. Policymakers respond to the nuances of public understanding, seeking to restrict "problematic" migration flows and encourage those regarded as beneficial.

Low concern and restrictive policy: 1982-1997

The Thatcher and Major governments were a period of stable immigration policy, built around two pillars in place since the 1960s: restriction of immigration (built on four key laws in 1962, 1968, 1971, and 1981) and the integration of existing immigrants (built on three laws in 1965, 1968, and 1976 and focused primarily on combating racial discrimination). The 1971 legislation in particular can be seen as the "foundation stone" of all current immigration law and policy in the UK, providing the overall

structure of the law as it stands today and crucially giving the Home Secretary extensive and flexible discretionary rule-making powers.

Law and policy between 1982 and 1997 operated within this paradigm without dramatic shifts. Immigration was tightly controlled and the public were satisfied with this outcome, resulting in a relaxed public mood about immigration and low political salience, and there was little pressure from partisan or economic interests for wholesale reform. The Conservative party under Thatcher and Major was well aware of the potency of immigration: many remembered the upheavals associated with Enoch Powell in 1968 and the Ugandan Asians crisis in 1971. The party was therefore sensitive to the public demand for tight restriction, in particular of non-white immigration, and also aware that integration of settled immigrants was important to head off social problems. They embedded the policy framework designed to ensure maximum discretionary power to achieve these goals. There was little electoral pressure for liberal reform, as the settled migrant population was still relatively small and strongly aligned to Labour. The main economic interest in favour of liberalisation was business, but calls for change were muted as business needs were largely met, at least until labour market conditions tightened in the late 1990s. However, this period also saw the signature of the Maastricht Treaty in 1992, which granted EU citizens free movement rights, and hence threatened the future viability of a policy regime based on strong central control.

Policy in each major area of migration reflected the prevalent restrictive framework but was also sensitive to differences in the value of migrants. Economic migration was limited, but the Conservatives did use their broad discretionary powers to liberalise when business demanded it. A work permit system was administered by the Department of Employment outside of the immigration rules, allowing employers to petition government on the basis of labour market need (Trott, 2005). Liberal rules for skilled workers were also reflected in the two-tier system created in 1991, which relaxed rules for international intra-company transfers (a significant source of less regulated migration to this day) and again in 1996, when the work permit system incorporated the General Agreement on Trade in Services, allowing easier entry for some professionals on short-term contracts. There was no significant effort to restrict student migrant numbers.

Things were very different for family reunion migrants, whose economic contribution was less clear and, as they came primarily from South Asia, attracted stronger opposition (see Figure 1 earlier). The Conservatives introduced the "primary purpose" rule which granted broad powers to border officials to determine whether family reunion was the main reason for migration. This impacted heavily on Indian, Pakistani, and Bangladeshi families who were often subjected to intrusive investigation (Commission for Racial Equality, 1985). There was also significant change with the passage of the 1981 British Nationality Act, which altered the contract of citizenship (Layton-Henry, 2004), and eliminated remaining migration rights for some, primarily poor and non-white, groups of residents in Britain's former colonies. Further policy change followed in relation to Hong Kong, as Conservative policymakers sought to head off a potentially contentious inflow of poorer, non-white migrants from the colony as transfer of sovereignty to China approached.

Later in this period asylum migration began to emerge as an area of significant public concern and hence policy activity. The stimulus to this was political crises abroad - the fall of Communism in Eastern Europe; conflicts in Africa; and the disintegration of Yugoslavia - which produced a sharp increase in asylum applications to Britain. This triggered significant public and media alarm about a wave of impoverished refugees. The government responded with two Parliamentary Acts in 1993 and 1996, targeted primarily at asylum migration. The 1993 legislation was focussed on bringing asylum migration into the post-1960s framework of tight control and maximum administrative discretion. It achieved this through restrictions on appeals, provision for detention of asylum seekers, and a tiered system of (inferior) welfare support. Asylum applications remained high despite these measures and in response to continuing negative media reporting and public opposition, the government passed further legislation in 1996 further extending powers to deal with allegedly "bogus" claims, reducing appeal rights and further restricting asylum seekers' access to welfare benefits, with implications for how local governments resourced asylum seekers.

Selective liberalisation and deteriorating mood: 1997-2004

The system Labour inherited in 1997 was still built on the two pillars established in 1971, restriction and integration. The public mood on immigration in 1997 was at its least negative for decades, and the political salience of the issue was very low. In their first two terms, the Labour government selectively liberalised this system in response to internal and external pressures. As in the previous regime, the most liberal rules were applied to forms of migration that were most positively regarded by the public (skilled labour, students) while further restrictions were imposed on "problematic" asylum seekers. While the overall direction of travel was the opposite to the previous regime, we therefore see a continuity here in terms of differentiated policy responses dictated by the strength of public concerns.

Economic migration, in particular, was extensively liberalised, reflecting the balance of pressures on the Labour government: strong lobbying from business interests for a more liberal system and limited resistance from a quiescent public, in line with the policy gap theory. For the highly skilled, the main policy lever was a relaxation of work permit rules and more liberal rule application. For example, work experience requirements were dropped for the highly skilled, and skilled workers were allowed to enter the UK multiple times for short term contracts. Less important in terms of numbers, but of critical relevance to the direction of future policy, was the establishment of a prototype points system. Labour introduced two schemes, the Innovator's Scheme and the Highly Skilled Migrants Programme, which complemented other programmes on the 'supply side' including the Investors or Business Person schemes (Somerville, 2007; 2013). All of these changes were designed to encourage highly skilled migration, reflecting support for such migrants among policymakers and voters alike.

Changes to low skill migration, where the case in favour was weaker, were more limited and included the introduction of new Sector Based Schemes and attempts to reform temporary routes such as the Working Holidaymaker Scheme. The most politically crucial decision was not to impose labour market restrictions on the eight countries that acceded to the European Union in May 2004. The very large migration from the A8 nations which followed was far beyond that anticipated by policymakers, who

had not intended to stimulate a mass influx, but then found themselves unable to shift policy in response.

Migration for study was another area where the economic and social case was easy to make, and policymakers responded with significant liberal reform. Tony Blair launched the first of two Prime Minister's Initiatives in 1999, with a target to increase the number of non-EU international students by 75,000 in six years, which was met ahead of schedule without stimulating media criticism or public concern.

Migration for families, where public opinion was less supportive, was liberalised in two key ways, though in neither case was increasing migration a primary goal. In 1997, the new Labour government dropped the 'primary purpose rule' which had provided officials with extensive powers to investigate the legitimacy of foreign spouses. Ethnic minority community groups had complained that such rules were discriminatory, and the rule change was made to meet the concerns of an electorally important constituency, without much thought to its potential impact on numbers. The second change was the passage of the Human Rights Act in 1998: Article 8,⁵ in particular, strengthened family reunion rights. This increased the constraints on future policymakers, although the significance of this was not considered at the time.

Throughout this period asylum migration, already the focus of negative media and public attention in the early 1990s, was the subject of sustained restrictive policy action, showing that even when the overall public mood was permissive, "problem" groups were subject to more restrictive policy responses. Asylum numbers jumped in the early years of Labour's government, primarily in response to external events, triggering a new round of negative media coverage and public anxiety. In response, Labour passed three Parliamentary Acts which aimed to reducing numbers and assuage public concerns. Key reforms included welfare benefit cuts and the development of a shadow system of welfare support; dispersal of asylum seekers around the country; ensuring asylum seekers could only claim in the country of arrival; increased use of detention and removal; and the "export" of borders, whereby new visa requirements prevented would be asylum seekers from presenting their claims in the UK in the first place.

However, while policymakers sought to impose tough sanctions on asylum migration, their ability to make immediate, radical restrictive moves was constrained by three factors: existing human rights and administrative law, EU institutions and governance, and interest groups. Policy became more restrictive over time but at a much slower pace than government desired. Human rights law constrained action in various ways; examples include cases upheld against destitution (2005 Adam, Limbuela and Tesema case), against non-refoulement⁶ (1996 Chahal case), widening the understanding of persecution to include threats against sexual minorities (2010 HJ and HT case), and threats from non-state actors (1998

⁵ Article 8 of the Human Rights Act is the Right to Privacy, with the key clause being that "everyone has the right for his private and family life ...".

⁶ Non-refoulement is a principle of international law that a state will not forcibly expel someone who could be recognised as a refugee or may face torture or degrading treatment in the country to which they are being returned.

Adan case). Administrative law has also played a key role in constraining policymakers (Rawlings, 2005): around half of all Judicial Review cases since 1997 have concerned asylum and migration decision-making.

The second constraining factor, EU institutions and governance, followed from the Treaty of Amsterdam in 1997, which promised a common migration and asylum area, and made the EU an important actor in migration policy, particularly asylum policy. Most change at the European Union level has come from Member States collaborating to reduce numbers and increase enforcement action against illegal migrants. Examples include passage of the second Dublin Convention in 2003, which meant asylum seekers could only claim asylum in the country of arrival. However, the European Commission has also played a key role in developing and applying international legal and regulatory norms, particularly regarding asylum seekers (Kaunert, 2009) and has developed competences to review asylum decisions beyond human rights through a body of jurisprudence emerging from the EU *acquis*. The EU has thus developed the ability to constrain radical restrictive asylum policies, though the overall direction of policy is controlled by Member States.

Third, while pro-asylum interest groups do not possess the power of business or economic interests, they can often block, slow down and even reverse certain decisions. In particular, there has been a substantial advance in asylum children's rights and protections brought about through co-ordinated work by all the major children's charities, the signature victory coming in 2008 when the Government lifted its reservation on the Convention of the Rights of the Child.

Public pressure and constrained restriction: 2004-2012

By 2004, the public mood on immigration had turned very negative and the salience of immigration had risen sharply, with the public regularly naming it as one of their top concerns. An additional source of pressure was the emergence of politically mobilised opposition to immigration. The far right British National Party and the radical right Eurosceptic UK Independence Party both increased their support to record levels by campaigning for radical cuts to immigration, winning over a large, older white working class electorate and threatening the prospects of both main governing parties (Ford and Goodwin, 2010; Ford and Goodwin, 2014)

In this third period, two governments have responded to the intense and politically threatening negative public mood with restrictive reforms, but both have been hampered by new constraints. The discretion available to Thatcher-era policymakers is a thing of the past, and policymakers unable to restrict the inflows concerning the public most are forced to focus on inflows that voters care about less .

This new phase was inaugurated by the release of a five-year plan for managing economic migration (Home Office, 2005), which aimed to consolidate economic migrants (at least 22 categories and 80 routes) into different "tiers" based on clear merit criteria. The resulting Points-Based System was less liberal and more rule-bound than the 1997-2005 regime. The Coalition government (2010-2012) has maintained this structure, but sought to restrict numbers, for example cutting the first tier (for highly skilled workers) to just 1,000 people a year with "exceptional talent". The efforts of both governments reflect a difficult trade-off, between the desire to exert greater control on non-EU labour migration to

offset lack of control over intra-EU movements, and the desire to remain open to high skill, high value economic migrants. Pressure from interest groups has been substantial in this area, especially from business, and has limited the scope for restriction even where the government has discretionary power. For example, severe restrictions on work permits fell on the supply side (Tier 1) but not on the demand side, where employers petition for workers (Tier 2). A Tier 2 quota more than twenty times the size of Tier 1 was approved, excluding intra-company transfers, which remain uncapped.

On family migration, as with economic migration, policymakers in the current period have responded to negative mood with incremental tightening. Labour raised the age to marry twice (from 16 to 18 in 2004 and then to 21 in 2008), and introduced additional language requirements and citizenship tests. The Coalition government have pursued a far more restrictive approach, tying family migration rights to economic resources by introducing an income threshold set at £18,600. This policy reform fits with the demands of public opinion: it reduces numbers, but also focuses on restricting migrants with least economic resources.

Liberal student migration policies were maintained for longer, reflecting lower public concern, and support from businesses and universities for a system which has become one of Britain's biggest export earners. In 2006, the second Prime Minister's Initiative aimed at students was launched, and work options for foreign graduates were extended, even as other forms of economic migration were being restricted. The Coalition however, faced with an intensely negative public mood and a strong desire to demonstrate action with large numerical cuts, have introduced restrictions to student migration for the first time, tightening the student visa system, especially for the students judged least economically valuable: those studying at further education colleges rather than universities.

Asylum migration has received little policy attention since 2004, a huge contrast to the previous two eras, reflecting far lower numbers of applications, and consequently lower media and public attention. However, the public remained hostile and the existing policy regime has been broadly retained. Again, it is important to note the growing constraints on policy in this area, in particular as a result of developments in human rights law. For example, the 2008 law change on the age to marry was struck down. Changes to economic migration routes were challenged as inconsistent with administrative law (most importantly in the Alvi case, 2012) leading to many extensions of existing permissions to work. The European Union looms larger than ever, as the largest source of labour migrants, which cannot be constrained under existing treaty arrangements. The EU also continues to shape policy and constrain action through jurisprudence, institutions and regulation.

Conclusions

Our findings in relation to the co-evolution of public opinion and policy suggest a number of important and interrelated dynamics. The long period of restrictive immigration policy in the 1980s and 1990s was associated with a relaxation in public concern about immigration, low levels of public attention to the issue, and growing sectional pressure for liberal reform. The incoming Labour administration responded to a permissive public mood and pressures from pro-migration interests with selective liberalisation. However, at the same time new policy constraints on inflows, from advances in individual rights and

growing European Union integration, produced new inflows that were not intended by policymakers, but which are also much harder to restrict. When migrant inflows increased in response to a strong economy, chain migration, intended policy liberalisation and unintended policy constraint, the public responded negatively. Public preferences have become increasingly restrictive and reducing immigration became a more important political goal on voters' agendas, a shift in attitudes which was aided by a set of predominantly negative frames reproduced regularly in the media together with Conservative party electoral strategy throughout the 1990s and 2000s.

This negative shift in the public mood and increased salience of the issue have produced sustained pressure for restrictive policy reforms to close the reopened "policy gap" between preferences and outcomes. However, the new constraints on policymakers mean restrictive policies cannot be targeted, as before, at the most "problematic" migrant groups, and are often targeted instead at less opposed groups, since policymakers now lack the discretion to be both "responsive" and "responsible" by prioritising restriction of "problem" groups. These dynamics are consistent with the idea of a feedback loop between public opinion and policy, an ebb and flow between periods of permissive and restrictive opinion and policy, but also highlight the growing difficulty of balancing public and interest group demands in an era of growing policy constraints. From this perspective, the "policy gap" in Britain, when it occurs, is not the result of sustained policy influence from pro-migration interest groups, as Freeman argued, but instead the result of the constraints on political elites' ability to respond to restrictive public opinion. While policy will tend to respond to voter demands in the long run, a "policy gap" may exist for many years while political elites search for policy responses which square restrictionist voter demands with external policy constraints.

Our review of both public opinion and policy responses has shown that responses to immigrants are highly differentiated and dependent on the perceived qualities of immigrants. Student migrants, for example, are regarded as beneficial while asylum seekers are regarded as costly and a source of social problems. Public views and policy responses reflect this balance of preferences between migrants, regardless of the overall public mood. However, public opinion on which forms of migration are problematic is not fixed. Negative public views of a group may in part be a product of restrictive policy and rhetoric, suggesting the new focus on less "problematic" groups may backfire by bringing negative attention to migrant flows that previously did not concern voters or journalists.

We have also shown that the interaction of forces is critical to understanding the opinion-policy link. Restrictive policy change on immigration is a response to public demand, but it is an incremental process even in periods of intense public concern. This is because of the growth of external constraints on policy, especially on restriction of some of the most negatively regarded groups. The pace of change is also slow because other actors are seeking to obstruct or reverse the direction of travel, and now have more venues in which to do so. While such actors are generally not successful in achieving policy reversal, they can, and do, slow the pace of change.

Conversely, liberal policy change has occurred when the public is quiescent, and proceeded through sweeping reforms, often with unintended consequences. In the UK this occurred to several migration streams in the 1997-2004 period, when migration was a low political priority and a network of key

actors were given wide discretion to craft a new liberal model. It is also important to emphasise the impact of unintended consequences in driving migration increases - most notably with the opening of labour markets to European migrants in 2004 - but also in the development of human rights legislation. In both cases, policymakers both liberalised the rules and constrained their ability to reverse course. While the goal of policy action is the restriction of "problem" immigration streams, external constraints make change an incremental, slow process. Furthermore, as external constraints have grown policymakers have been forced to push restrictive reforms onto less problematic migration flows in order to demonstrate effectiveness. However, such policies may be an ineffective response, as many reforms affect immigrants who do not concern the public or the media, who notice the mismatch. They may therefore fail to shift the prevailing public mood or even worsen it by highlighting the failure of policymakers to address the "problem" migration flows.

Further comparative analysis may be instructive in ascertaining whether similar complex patterns of dynamic interaction between immigration policy, public opinion and organised interests can explain immigration policy evolution in other countries (for instance the cases of Ireland or Spain) which have experienced large shifts in the number and composition of migration flows, and growing constraints on their ability to respond to changing migration patterns.

Bibliography

- Bale, Tim (2011). *The Conservative Party: From Thatcher to Cameron*. London: Polity Press.
- Bartle, John, Sebastian Dellepiane-Avellaneda, and James A. Stimson (2011). 'The Moving Centre: Preferences for Government Activity in Britain, 1950-2005.' *British Journal of Political Science* 41(2): 259-285.
- Boswell, Christina (2007). 'Theorizing Migration Policy: Is there a Third Way?' *International Migration Review* 41(1): 75-100
- Commission for Racial Equality (1985). *Immigration Control Procedures: Report of a Formal Investigation*. London: Commission for Racial Equality.
- Ford, Robert (2008). 'Is racial prejudice declining in Britain?' *British Journal of Sociology* 59(4): 609-636.
- Ford, Robert (2011). 'Acceptable and unacceptable immigrants: the ethnic hierarchy in British immigration preferences.' *Journal of Ethnic and Migration Studies* 37(7): 1017-1037.
- Ford, Robert (2012). *Parochial and Cosmopolitan Britain: Examining the social divide in reactions to immigration, report for the George Marshall Foundation "Transatlantic Trends: Immigration" project*.
- Ford, Robert and Matthew Goodwin (2010). 'Angry White Men: Individual and contextual predictors of support for the British National Party.' *Political Studies* 58(1): 1-25
- Ford, Robert and Matthew Goodwin (2014) *Revolt on the Right: Understanding Support for the Radical Right in Britain*, Abingdon: Routledge
- Ford, Robert, Gareth Morrell, and Anthony Heath (2012). 'Fewer but better? British attitudes to immigration.' In *British Social Attitudes: the 29th Report*, London: National Centre for Social Research
- Ford, Robert and Anthony Heath (2014) "Immigration: A Nation Divided?" In *British Social Attitudes: the 31st Report*, London: National Centre for Social Research
- Freeman, Gary (1994). 'Britain, the deviant case', in Wayne Cornelius, Philip L. Martin, and James F. Hollifield, (eds.) *Controlling immigration: a global perspective*, Stanford University Press, Stanford, pp. 297-300.
- Freeman, Gary (1995). 'Modes of Immigration Politics in Liberal Democratic States', *International Migration Review*, 19:4, 881-908.
- Freeman, Gary (2004). 'Commentary' in Cornelius, Wayne, Tsuda, T, Martin, P, and Hollifield, J (eds) *Controlling immigration: a global perspective*, Second Edition, pp 334-337, Stanford: Stanford University Press.
- Geddes, Andrew (2003). *The politics of migration and immigration in Europe*. London: SAGE.

Green, Jane, and Will Jennings (2012). 'Valence as Macro-Competence: An Analysis of Mood in Party Competence Evaluations in the U.K.' *British Journal of Political Science* 42(2): 311-343

Hampshire, James (2008). *Regulating migration risks: the emergence of risk-based border controls in the UK*. Sussex Centre for Migration Research Working Paper.

Hansen, Randall (2000). *Citizenship and immigration in post-war Britain: the institutional origins of a multicultural nation*. Oxford: Oxford University Press.

Jennings, Will (2009). 'The Public Thermostat, Political Responsiveness and Error-Correction: Border Control and Asylum in Britain, 1994-2007.' *British Journal of Political Science* 39(4): 847-870.

Jennings, Will, and Christopher Wlezien (2011). 'Distinguishing between Most Important Problems and Issues?' *Public Opinion Quarterly* 75(3): 545-555

Joppke, Christian (1998). 'Why Liberal States Accept Unwanted Immigration.' *World Politics* 50(2): 266-293.

Joppke, Christian (1999). *Immigration and the Nation State: the United States, Germany and Great Britain*, Oxford: Oxford University Press.

Kaunert, Christian (2009). 'Liberty versus security? EU asylum policy and the European Commission.' *Journal of Contemporary European Research* 5(2): 148-170

Lahav, Gallya (2004). 'Public Opinion towards Immigration in the European Union: Does it Matter?' *Comparative Political Studies* 37(10): 1151-1183.

Lahav, Gallya and Virginie Guiraudon (2006). 'Actors and Venues in Immigration Control: Closing the Gap between Political Demands and Policy Outcomes.' *West European Politics* 29(2): 201-223.

Layton-Henry, Zig (1992). *The politics of immigration: Immigration, race, and race relations in post-war Britain*, Oxford: Blackwell.

Layton-Henry, Zig (2004). 'Britain from immigration control to migration management', in Wayne A. Cornelius, T. Tsuda, Philip L. Martin and James F. Hollifield (eds) *Controlling immigration: a global perspective*, 2nd edition, Stanford, CA: Stanford University Press, pp 297-333.

Mair, Peter (2009). 'Responsive versus Responsible Government.' Max Planck Institute for the Study of Societies Working Paper 09/8, <http://www.mpifg.de/pu/workpap/wp09-8.pdf> (accessed 30/08/2013)

Migration Observatory (2011). *Thinking behind the numbers: Understanding Public Opinion on Immigration in Britain*. Oxford: Migration Observatory. Available at:

<http://migrationobservatory.ox.ac.uk/sites/files/migobs/Report%20-%20Public%20Opinion.pdf>

MORI (2005). *You Are What You Read? How Newspaper Readership Is Related to Views*. London: MORI.

MORI (2014). *Perceptions and Reality. Public Attitudes to Immigration*. London: MORI.

Rawlings, Richard (2005). 'Review, Revenge and Retreat.' *Modern Law Review* 68(3): 378-410

Saggar, Shमित (1998). *Race and British Electoral Politics*. London: UCL.

Somerville, Will (2007). *Immigration under New Labour*. Bristol: Policy Press.

Somerville, Will (2013). 'The Politics and Policy of Highly Skilled Immigration under New Labour, 1997-2009' in Triadafilopoulos, Triadafilos (Ed.) *Wanted or Welcome: Policies for Highly Skilled Immigrants in Comparative Perspective*, New York: Springer.

Somerville, Will, and Sara Beth Goodman (2010). 'The role of networks in the development of UK migration policy', *Political Studies* 58(5): 951-970.

Soroka, Stuart, and Christopher Wlezien (2010). *Politics, Public Opinion, and Policy*. Cambridge: Cambridge University Press.

Spencer, Sarah (2011). *The Migration Debate*. Bristol: Policy Press.

Statham, Paul and Andrew Geddes (2006). 'Elites and the organised public: who drives British immigration policy and in which direction?' *Western European Politics* 29(2): 248-269.

Stimson, James A. (1991). *Public Opinion in America: Moods, Cycles, and Swings*. Boulder: Westview.

Trott, P (2005) Working, business, investment and retirement in the UK, in Macdonald, I and Webber, F (eds) *Macdonald's Law and Practice* (6th edition), Butterworth's (UK)

Table 1: Demand for reduction of immigration, by skill level

	Reduce number of highly skilled immigrant workers?	Reduce number of unskilled immigrant workers?
Strongly support	14	29
Somewhat support	24	29
Oppose	35	23
Strongly oppose	23	16
Don't know/refuse	5	3

Source: Transatlantic Trends 2009

Table 2a: Effect of skill level, qualifications and reason for migration on support for migrants

Support = proportion saying accepting such migrants is neutral or "good for Britain"	Worker: skill level (Professionals or Unskilled)	Student: Qualifications (good grades, bad grades)	Family: Time in country (10 years, 3 years)	Reason for migration (Labour, family)
Support for most liked group	73	68	46	52
Support for least liked group	30	25	37	41
<i>Difference most liked - least liked</i>	43	43	9	11

Source: British Social Attitudes, 2011

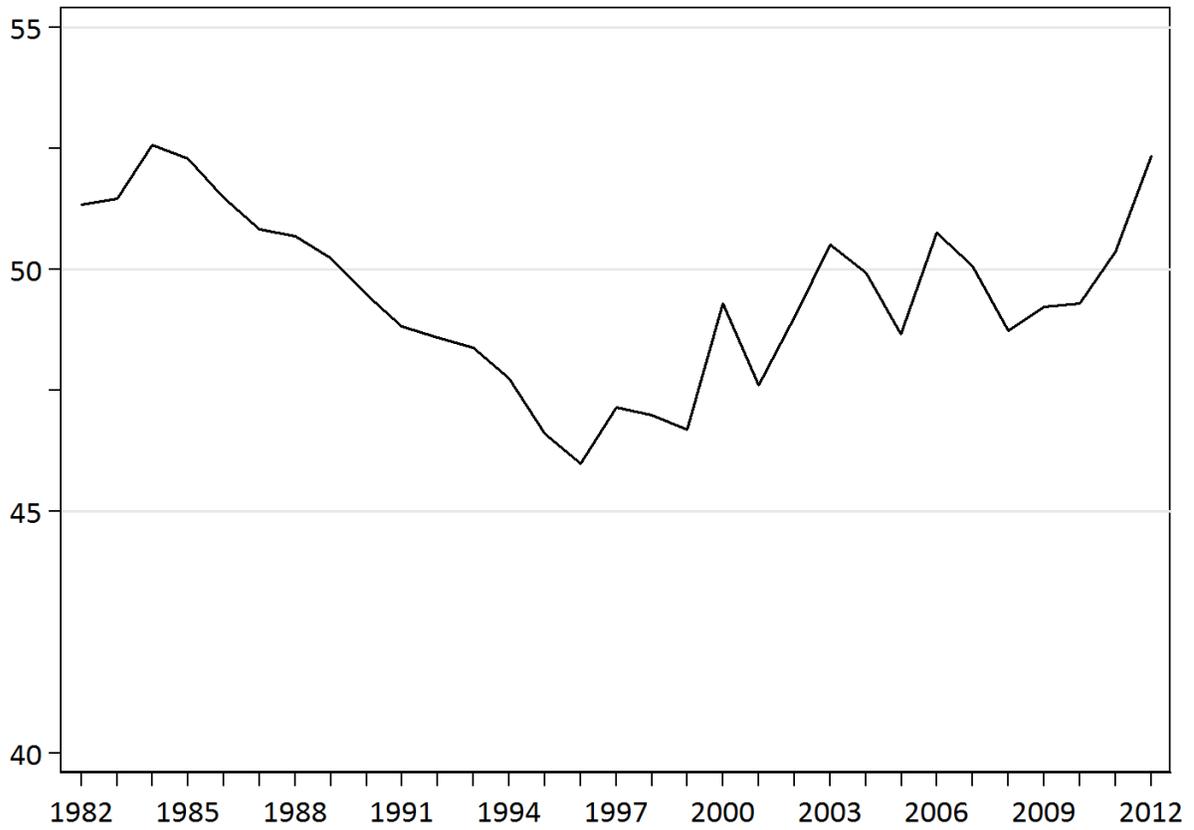
Table 2b: Effect of origin region on support for migrants, by other characteristics

	High skilled labour	Low skilled labour	High qual student	Low qual student	Family, 10yrs in country	Family, 3yrs in country
Support for most liked region	61	24	51	11	34	26
Support for least liked region	56	13	44	9	19	13
<i>Difference most liked - least liked</i>	5	11	7	2	15	13

Source: British Social Attitudes, 2011

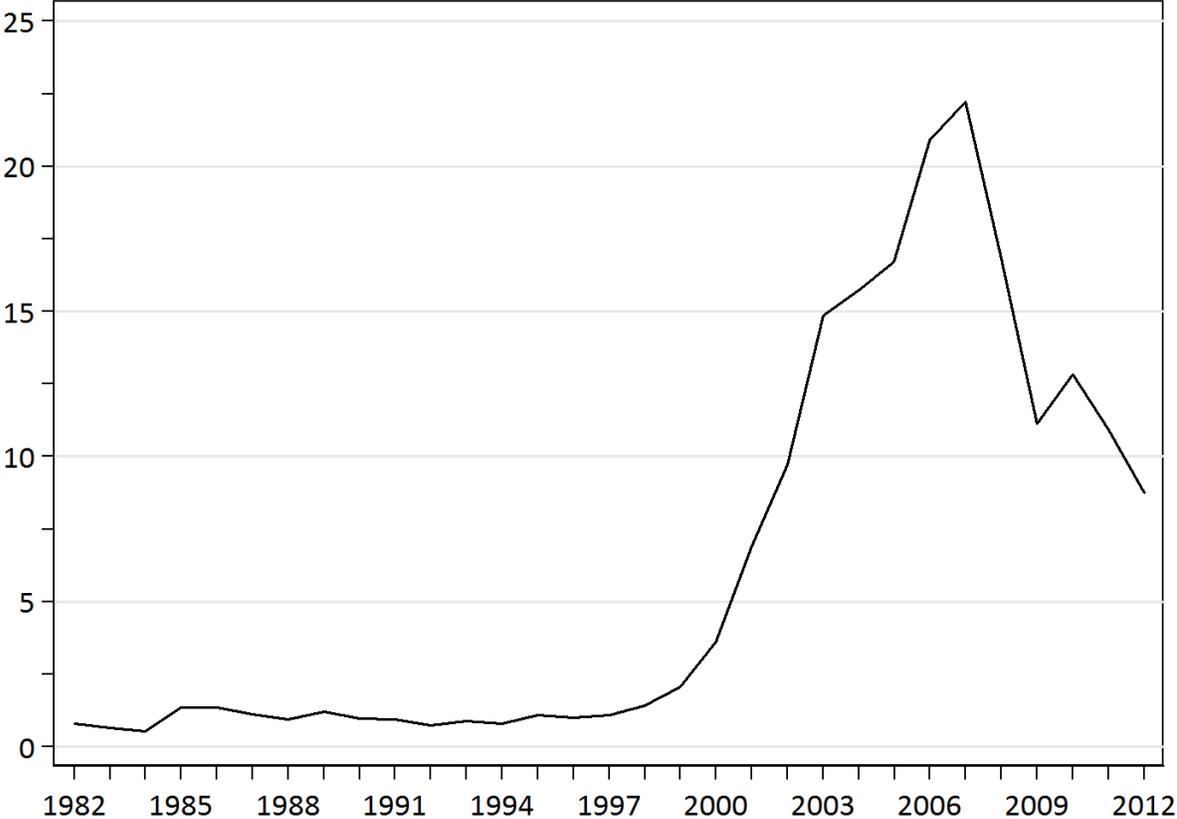
Captions for figures

Figure 1: Immigration Policy Mood 1982-2012



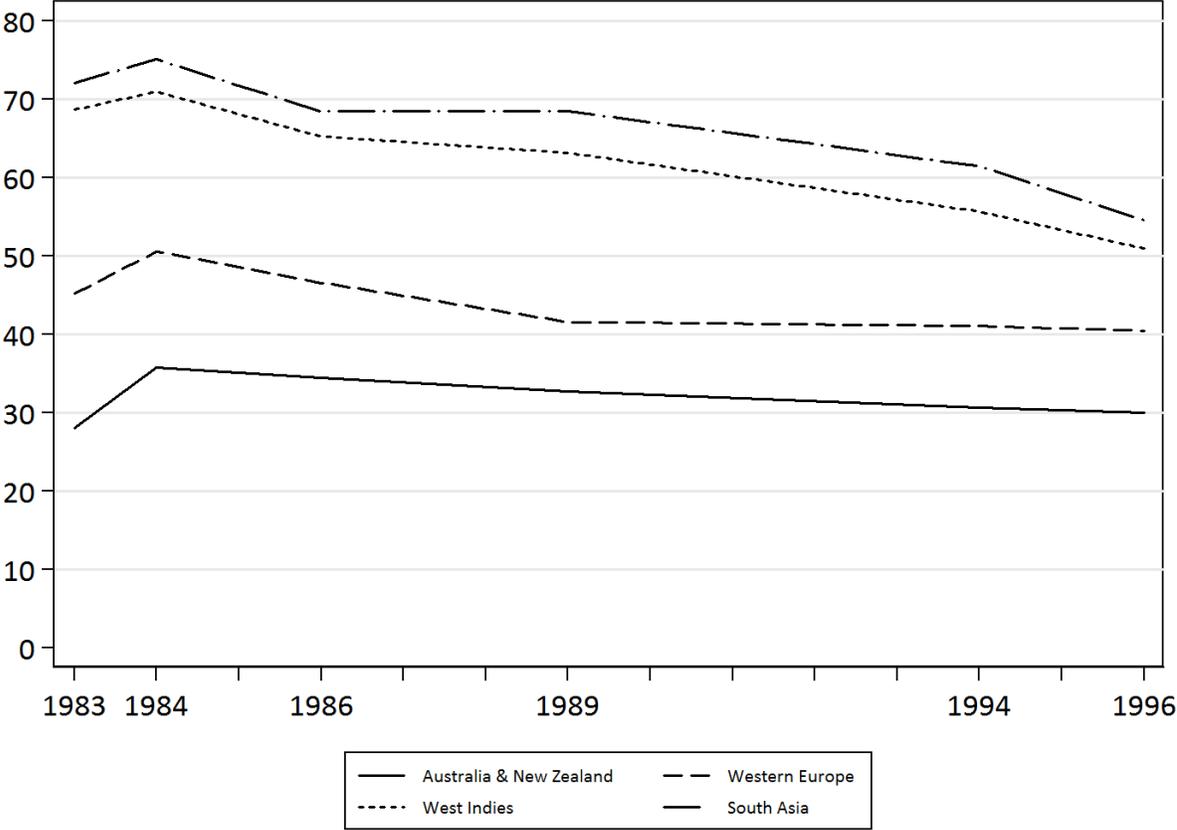
Source: authors' compilation of 182 immigration attitudes items asked in repeated surveys. Higher figures indicate more opposition to immigration.

Figure 2: Salience of immigration as a political problem



Source: Gallup (1982-2000); IPSOS-MORI (1982-2012)

Figure 3: Opposition to migration from four origin regions 1983-1996



Source: British Social Attitudes 1983-1996. Chart shows share of British respondents demanding that the numbers of migrants from each region be reduced.