

## Immigration and asylum policy under Cameron's Conservatives

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In 2005, the newly elected leader of the Conservative Party, David Cameron, appointed Damian Green his shadow minister for immigration. It is a post which is not without its problems, given the importance of immigration to the Conservatives, who, since at least the mid 1960s, have generally enjoyed higher public trust on the issue than their main rival, Labour. Immigration is an issue which, while it might play well with voters, has become an increasingly important issue for them in recent years – and it has the potential to divide the Tories. Some are concerned by the divisive and disintegrative impact of immigration on British society and culture. Others, while by no means unaware of that impact, are nonetheless keen to support business and allow workers to be brought in without barriers. The appointment of Green, widely viewed as a left-of-centre Tory and a moderate, therefore provoked a mixed response.

On one side were ‘the modernisers’ – those who believed that the Conservative Party, if it were to stand a chance of winning the next general election and elections beyond that, had to change the way it looked and sounded, and in particular to persuade people that it was comfortable with the multi-ethnic, less class-bound and less traditional country the UK had become since the sixties. For them, Cameron’s decision was all of a piece with a new, more reasonable-sounding and evidence-based approach to immigration policy-making, with none of the hysteria of previous years that had proved so off-putting to many voters – especially the well-heeled and well-educated voters who had deserted the Conservatives in their droves from 1997 onwards. Other Tories, however, worried that Cameron’s rebranding project had been taken too far, that it was running too far ahead of the majority of voters, particularly on immigration, and that it was a mistake to trust such an important portfolio to a politician with notably liberal views. Their concerns only increased when, in 2010, Prime Minister Cameron appointed as his first (and so far only) Home Secretary, a woman, Theresa May, who had first

come to prominence back in 2002 when, as Conservative Party Chairman she had warned delegates at the Tories' annual conference that they needed to do all they could to rebut the charge that they had become 'the nasty party.'

So, did Green's appointment to the immigration portfolio and May's becoming Home Secretary with overall responsibility for the issue signify a clear victory for the modernisers? Not quite. In practice, immigration policy under the Conservatives in recent years has been remarkably restrictive, hard-line and, at times, both hyperbolic and hyperactive. This was the case even under Green when he was shadow minister from 2005 to 2010 and then minister from 2010 to 2012. But it has been all the more so since he moved on. Green's successor, Mark Harper, will be remembered for the 'go home' poster vans targeting illegal immigrants, as well as for resigning, apparently honourably, when it was discovered that he himself had employed an illegal immigrant as a housekeeper – a minor scandal which eventually saw her deported while he was returned to government office after what was deemed a decent interval. His successor as minister, James Brokenshire, quickly earned a name for himself with his first ministerial speech in which (almost incredibly given his predecessor's reasons for resigning) he condemned elites employing foreign nationals as nannies, cleaners and tradespeople, when British citizens were without jobs. And all the while, Theresa May has been tightening eligibility and announcing crackdown after crackdown in order to meet the government's ultimately unmeetable target of reducing net migration (the number entering the UK minus the number leaving) 'from the hundreds to the tens of thousands' – a target supposedly based on the migration levels in the UK in the Major period (Conservative Party, 2010) and, incidentally, one that recalls the Party's manifesto pledge of 1974 to bring down 'new immigration...to a small and inescapable minimum' (cited in Bale and Partos, 2014).

This is not to say that there has been no liberalisation, especially when Cameron's modernisation project seemed to be in full swing. Certainly, in the period immediately following Cameron's election as leader, immigration was rarely mentioned – a deliberate strategy to help decontaminate the toxic Conservative brand after two terms of populist rhetoric from previous leaders who had worried out loud about Britain becoming 'a foreign land' and asked, many thought insidiously, 'are you thinking what we're thinking' about immigration in general. (Bale et al, 2011). In an attempt to change the party's image, especially in the light of opinion research by Tory donor, Lord Ashcroft, that seemed to

suggest that even popular policies could be made unpopular simply by telling voters that they'd been put forward by the Conservatives (Ashcroft, 2005), Cameron decided, at least temporarily, to avoid issues such as immigration, crime and Europe, which had dominated the Conservatives' election campaigns in 2001 and 2005 and focus instead – at least, in public – on 'softer' issues, such as the environment, while making forays into Labour territory, such as the NHS and public spending more generally. A brief hiatus on immigration policy is not equivalent to modernisation, however. And anyway, could Cameron, as the politician who had written much of the 2005 general election manifesto – a document which proposed, for example, a limit on the number of refugees that the UK would accept as well as probably unrealisable improvements to border controls – really modernise the Party's outlook on the issue?

It is less than straightforward, of course, to explain what exactly modernisation could mean when it comes to Conservative Party immigration and asylum policy. Does it signal a more liberal line, informed by hard evidence and expert opinion particularly from economists and business, rather than driven by media hysteria and exaggerated public perceptions of the numbers of foreigners coming in? Or is it more about the sincere promotion of a more tolerant, humane approach – a byproduct of the 'compassionate Conservatism' that Cameron used routinely to refer to when he first became leader. Or does modernisation imply little more than a temporary change of tone, soon giving way to policies that actually grow more rather than less restrictive in response to domestic political pressure from the public and from UKIP – itself a reaction to the huge inflows generated by accession of new member states to the EU in 2004 and the desperate struggle of millions from the developing world to escape poverty and conflict?

Perhaps the true test of modernisation, since the term implies some sort of progressive departure from tradition, is whether policies of today would have been conceived of, legislated for, and implemented in a supposedly more reactionary past. Would the Conservative Party under Margaret Thatcher or John Major have gone so far – or would it have gone further? How about under Ted Heath? Or William Hague, Iain Duncan-Smith or Michael Howard, imagining for a moment that they had become Prime Minister? It is possible of course to argue that these governments, imaginary or real, faced different challenges, not least in terms of numbers and that, had they been faced with a 'clearing up the mess' made by

New Labour, they may have behaved every bit as restrictively. That, however, won't quite do, especially in Heath's case. Faced with an emergency and the need to protect tens of thousands of Ugandan Asians with a right to flee to the UK to avoid persecution by Idi Amin, and notwithstanding the fact that Heath had tightened Tory policy in opposition before 1970 in response to the pressure created by public and party support for Enoch Powell, Heath accepted his legal and moral duty. The situation under Thatcher and Major, as we shall see, was a little less clear cut. Thatcher, having tightened the rules by passing a new Nationality Act, made it at least theoretically possible for thousands of Hong Kong Chinese to settle in the UK but there were more restrictive aspects to her policy. For his part, Major was in office when the first people began to flee to the UK from the former Yugoslavia. It would be wrong to say he simply pulled up the drawbridge but his government was not quite as generous as some thought it should be.

In as much as we can apply a historical (and in part counterfactual) modernisation test to Conservative policy since 2005, it comes down to asking whether, in both opposition and government, Cameron has moved in a more progressive direction, with less of a focus on restriction than those leaders who preceded him? The answer, in that case, would appear to be a clear 'no'. That does not, however, mean there has been no change, or modernisation, whatsoever. We draw on empirical material that includes party publications and policy documents as well as media coverage in order to consider the degree to which 'modernisation' is evident in Conservative immigration policy during the last decade, separating that policy into four areas (economic migration, students, family and asylum) on the grounds that some may have undergone a greater degree of modernisation than others. Overall, we find that the outstanding feature of Tory immigration policy since 2005 has been the ratcheting up of the hard-line rhetoric and policies that began in late 2007 and has accelerated in government as concerns about UKIP have mounted. Initially, this was accompanied by a stress on distinguishing between 'good' and 'bad' immigration, presumably in order to please its nostalgics and traditionalists without completely alienating its modernisers and, indeed, its business backers. Since entering government, however, and with UKIP breathing more and more heavily down their necks, the Tories seem to have downplayed modernisation in favour of talking (and sometimes even acting) tough.

### **The best – and the rest: economic migration**

In 2012, a former Conservative MP writing on modernisation asked ‘What’s wrong with trying to keep a grip with one hand on those who vote for you while reaching out with the other to those who don’t?’ (Goodman 2012). The Conservatives under Cameron have been trying to pursue this difficult task with regard to economic migration. Many such migrants have become subject to stricter regulation than ever before, in the hope of bringing down numbers, and therefore reassuring the public, without at the same time cutting off the supply of desirable new entrants. At this end of the spectrum, immediately after illegal immigrants – the lowest of the low – are non highly-skilled migrants who are thought, rightly or wrongly, to displace and/or undercut the native labour force or else said to make undue claims on the welfare state and put similarly unwelcome pressure on public services. At the other extreme, however, are those economic migrants, particularly investors, who are positively encouraged to enter the UK with special promotional campaigns (Britain is GREAT) and new incentive schemes: those from China now have access to an unprecedented online 24-hour visa scheme (Home Office, 2014). In short, there are sheep and there are goats and the aim is to sort them.

The coalition government’s Immigration Act of 2014 may be symptomatic of what one might term the Conservatives’ post-modernisation resort to restrictive and punitive rhetoric on immigration. But it is more than simply rhetorical. The Act will, if its objectives are met, make the UK a more hostile environment for illegal immigrants. It is now more difficult for those with no right to be in the UK to open a bank account, to apply for a driving licence or to rent privately. Foreign criminals are to be deported first and allowed to appeal later – despite concerns that it might actually increase the costs for the Home Office which would have to fund travel expenditure for their return to the UK. Linking economic migrants with excessive financial costs has been a theme of the Conservatives for some time now. Two years into the coalition government, there were fresh attempts to link the issue of economic immigration with the disproportionate use of state benefits and tax revenue. And yet, at the same time, a government-commissioned study estimated that foreign-born workers are *less* likely to claim benefits than UK nationals (Department for Work and Pensions, 2012). Despite this, it was announced that, for the first time, the government was now recording the nationalities of benefit claimants. The employment minister, Chris Grayling, justified this action as a means of ensuring that the UK did not attract ‘benefit tourists’ (BBC News, 2012a). Detecting such people has now become everyone’s responsibility. One can argue that this is not completely novel: a Conservative government brought in the Immigration (Carrier’s Liability) Act of

1987, through which airlines and shipping companies were given the responsibility of ensuring their passenger had the correct documentation – and fined if this was not case. But recent legislation has gone much further in passing the responsibility of the border guard on to individual members of the public, such as landlords, or to the employer, and the penalties for those failing to carry out such obligations have risen considerably – indeed they can even cost a government minister his job!

The official granting of special privileges to business people, entrepreneurs and investors, however, has little or no precedent. Never before has there been such an emphasis on those with financial resources even if it has become almost common wisdom nowadays – and not just in the UK – to divide immigrants into those considered beneficial to the country (the highly-skilled and highly-educated) and those we do not want (the low-skilled and low-paid) – otherwise known as ‘the brightest and the best’, and very distinct from ‘the rest’. In recent years, for example, changes have meant that those with a Tier 1 (Investor) visa can apply for resident status after three years (the usual period is five years) if they invest £5m in the UK. For £10m, visitors on Investor visas can pursue fast-track settlement after two years. In addition, ‘high-potential’ business people no longer need to bring funding of at least £200,000 for a visa to the UK; they can come with the comparatively knock-down rate of £50,000 if the funding comes from a government-approved ‘reputable’ organisation. They are also welcome to bring along their business partners. Investors are now allowed to spend up to 180 days outside of the UK, a doubling of the previous limit of 90 days, without this having a negative impact on their right to settle in the UK.<sup>1</sup>

### **The brightest: student migration**

For Conservative ministers (and there will not be a Liberal Democrat immigration minister for the remainder of the current government term) keeping watch over the net migration figures, student migration is a easy target. Certainly, intervention in this category can reduce the numbers markedly and without much delay. Under this government, international students, some of them regarded as primarily economic migrants and potential security risks, now have to be better-educated, higher achievers and endure more complicated bureaucratic procedures in order to gain visas. There is an extent, then, to which the ‘bogus’ asylum

seekers of the 1990s/2000s so reviled by the Conservative Party and the tabloid press have been replaced, in the imagination of party members and supportive journalists (although, interestingly, not so much in the imagination of the public) by ‘bogus’ students who attend ‘bogus’ colleges and enrol on ‘bogus’ degrees. Nowhere is the mismatch between the Conservatives’ appreciation of the potential economic benefits of the influx of highly-skilled, highly-educated individuals, on the one hand, and their desire to respond to worries about numbers more generally, on the other, so glaring. Cameron’s reforms to student migration have been viewed by some within the modernising movement as reneging on one of Thatcher’s ‘most important free-trade measures’ (Hillman, 2014). Within just two years of entering government in 1979, Thatcher took steps to end public subsidy for international students, so they had to pay the full costs of their tuition. As a result, the cap on international students was removed, as they were no longer a cost to the taxpayer. A former education minister under John Major has commented that the coalition government’s policy of curbing international student numbers was ‘not geared towards economic arguments but the spur of public anxiety about immigration’ (Lord Boswell, cited in Olad, 2011). Similarly, the coalition government’s reforms to student migration were introduced in April 2011 amid fears that implementation would reduce the UK’s competitiveness by damaging a key economic sector (BBC News, 2011). Successful applicants for a student visa now need a higher level of English language attainment, among other requirements. Furthermore, graduates of UK universities no longer have the Tier 1 (Post-study work) route open to them; instead they need a skilled job offer from a sponsoring employer to remain in the country. The number of student visas issued has ‘collapsed’: from 314,305 Tier 4 visas issued in 2009 to 218,773 in 2013 – a drop of 36% (Bowman, 2014).

Ironically, international students are the category of migrants that the general public is least opposed to (see Hillman, 2014 and also Duffy and Frere-Smith, 2014). They also inject billions of pounds into the UK’s economy. Furthermore, most international students leave the UK after their studies (Hillman, 2014). As one chapter in the edited volume ‘The Modernisers’ Manifesto’ puts it ‘Blocking someone from coming to the UK to spend lots of money before going home again, while leaving a useful imprint behind, is irrational’ (ibid). Regardless, student migrants have become victims of the drive to reduce immigration levels, despite calls for international students to be removed from net migration figures by, among others, universities, thinktanks and five parliamentary committees (ibid). In fact,

Conservative ministers pursuing this hard-line approach towards international students are out of step with their more modernising prospective parliamentary candidates and possibly large numbers of party members. In November 2014 it was reported that more party members believe students should be excluded from the immigration target than retained (Goodman, 2014). An earlier survey in 2014 found that 78% of candidates thought international students should be excluded from any target for reducing immigration and 69% thought that the UK should aim to recruit all 'legitimate international students' rather than just the *crème de la crème*. Conservative candidates did, however, agree (88%) that international students should not be allowed to remain in the UK to work for a limited period once their studies had ended (Higher Education Policy Institute, 2014). Even more ironically, not only Labour but UKIP too now support removing students from immigration targets.

In September 2012, the media reported a hardening in public attitudes against international students, despite - or perhaps *because of* - the government's increasingly heavy-handed stance. In a YouGov poll, 70% believed there should be a limit on the number of overseas students educated in the UK and the same percentage believed that students with poor English should be deported (Workpermit, 2012). In that same month, during the Conservative Party Conference, Home Secretary Theresa May argued forcefully that the higher education sector should not receive special treatment because of its value to the British economy (BBC News 2012b). This followed a draconian move on the part of the then UKBA to suspend London Metropolitan University's licence to sponsor visa applicants in August 2012 - an example of a government prepared to publicly - and promptly - come down hard on immigration 'abuse' before considering the impact of such an ill-timed decision (a month before the start of term). Some 2,000 students had their visas cancelled and were given 60 days to find a place at another university or leave the country. Ministers condemned the university's 'systematic failure' to confirm the immigration status of its international students (see Meikle and Malik, 2012), but critics of the decision questioned the government's conception of universities as enforcers of border security. Concerns were raised regarding the reputational damage to the UK's higher education sector. The Prime Minister publicly backed the ruling, stating that the university had 'real abuses going on' and that such a dramatic move was necessary to control immigration (Channel 4 News, 2012). Within months, London Metropolitan successfully appealed UKBA's decision. And backing for the hard-line at the top of government has not prevented modernisers such as MP Jo Johnson, head of the



Number 10 Policy Unit arguing publicly for international students to be spared such punitive policy. It is hard to conclude that the restrictions on international students are driven by a desire to reduce abuse of the immigration routes, or safeguard public finances, when as Johnson has stated, ‘the difference [students] make to long-term net migration is relatively small’ and yet ‘the difference these choices make to the UK economy is very significant’ (cited in Hillman, 2014).

### **It’s all relative[s] – family migration**

The contemporary Conservative Party have not applied their brand of ‘compassionate Conservatism’ to family migration. Britons – and not just those individuals settled in the UK – now find it much more difficult to bring in their non-EU spouses, children and elderly relatives. Greater financial requirements (a minimum annual income of £18,600) have been introduced for those who wish to bring a non-EU relative to the UK, which has decreased the number of British citizens and residents who can act as sponsors to just over half of the population. More rigorous English language tests and ‘checks’ on marriages have been introduced. Appeal rights for those refused family visas to visit relatives in the UK have been severely reduced. Even those who do meet the requirements may only bring their partner into the UK after a ‘probationary period’ of several years – to test how genuine the relationship is. The desire to cut down on immigration through the family route is nothing new. The Conservatives’ 1966 manifesto pledged that those entering the UK would have to ‘declare’ potential dependents (Bale and Partos, 2014); similarly, the Conservative manifesto of 1979 proposed a register of Commonwealth wives (not husbands) and children eligible for settlement. although the pledge was disregarded once the Tories had won office on account of its being impractical, ineffective, and expensive, while other related measures did not survive legal scrutiny.<sup>2</sup> What distinguishes now and then is that measures were not only promised but delivered and do have the potential to make a difference. What is also novel is that recent measures which restrict the right of relatives visiting and settling down in the UK are framed explicitly around financial costs and criminal activity. In 2012, changes to family migration policy were, according to government documents, primarily about ‘stop[ping] family criminals hiding behind human rights law to dodge deportation’ (a reference to Article 8) and ‘ensur[ing] only migrants who can pay their way are allowed’ to enter the UK (Home Office press release, June 2012). This explains recent measures which stipulate that elderly

dependent relatives may enter and settle in the UK only if it can be demonstrated that they require a level of care that can only be provided by the UK citizen or resident, and only if that care can be provided without recourse to public funds. The reforms are expected to save the taxpayer some £570m in health costs and £530m in benefits over the next decade (Home Office, 2012). These policy developments have nevertheless been widely criticised by campaign groups for causing hardship to would-be migrants and their relatives and have led some to argue that Cameron has ‘appeared to jettison those early promises to be a different kind of Conservative’ (Montgomerie, 2014).

The changes are unlikely to make much difference to the criminal gangs involved in arranging fake marriages between EU and non-EU nationals, who will undoubtedly find more sophisticated ways to exploit the system. However, the changes will impact on those individuals who would like to bring their partners, children or elderly relatives to live with them in the UK – which is why there has been a series of legal challenges to the Conservatives’ family migration policy. Some of these have been brought on behalf of UK citizens in relationships with non-EU citizens whom they cannot live with in the UK as a result of the recently introduced minimum income requirements. In July 2014, legal proceedings against the government’s salary minimum were upheld by the Court of Appeal, which ruled that it is legal for the government to impose an income threshold on sponsors hoping to bring in their spouse – even though Britons in full-time employment on the minimum wage would not be able to bring their spouses. However, there are likely to be further challenges in relation to the fact that the salary limit has no bearing on those in the UK with EU (non-UK) nationality, who can bring in their non-EU partner. This is down to EU citizens being protected by EU freedom of movement laws, which the government’s national legislative programme cannot interfere with.

### **Nothing to see here - asylum**

Towards the end of the third Thatcher government, in 1989, a new Immigration Act came into force. It had restricted the right of appeal for rejected asylum seekers, made ‘overstaying’ an offence and forbade those on ‘temporary permission’ to work. For those given ‘exceptional leave to remain’, they would now have to wait seven years rather than four

before applying for permanent residence status. As was reported in the media at the time: ‘In the three months leading up to the passing of the [...] Act, 60 people a week were applying for asylum. Then, overnight, it fell to 25.’<sup>3</sup> Even under John Major, a leader widely seen as less concerned by immigration and asylum matters, there were two separate major pieces of asylum-related legislation in 1993 and 1996. Furthermore, in 1991, the Tories doubled the fine for carriers transporting people without the correct documentation (identity documents and visas), which made it even less likely that asylum seekers could even reach the UK, as many leave their country using forged or inadequate documentation. The Conservatives followed this up with visa restrictions, so that by 1992, residents of the former Yugoslavia found it nearly impossible to enter; by 1995, those caught up in the civil war in Sierra Leone were likewise prevented from entering the UK.

By 2005, talk of bogus asylum seekers had become a staple of Conservative and media discourse, and of public opinion polls. At the election that year Michael Howard proposed a fixed quota on the number of asylum seekers that the UK would accept, and even suggested removing its obligations under the 1951 UN Convention on Refugees in order to do this (Bale and Partos, 2014). Fast forward to 2014, however, and we find that Cameron’s government has not had spent time on asylum policy, and nor do the public seem anywhere near as concerned about the issue as they were previously. In some senses, then, the Conservative-led government can be said to be pursuing modernisation as defined by Cameron during his bid for the leadership, since it has been paying less attention to issues that voters do not care about. Things could not be more different from just a decade or so ago. In the 1990s, the emphasis of immigration policy moved to asylum; as applications for asylum increased, asylum issues received a disproportionate amount of press coverage and political attention.<sup>4</sup> In 1987, there were more than 4,000 asylum applications; in 2003, there were over 84,000. By 2011 that number had fallen to less than 20,000 (Blinder, 2014) with a corresponding decline in the number of voters exercised about the issue. One poll for UKBA found that individuals at risk of torture or persecution were the most mentioned group when the British public were asked which migrant groups should be given priority to come to be allowed into the UK (Duffy and Frere-Smith, 2014).

It is also the case that there is little leeway with regard to bringing in new legislation on asylum; there already exists a substantial body of domestic and international legislation on

this issue. In some respects, previous Conservative governments have already done the difficult work and there is not much left to do; there is not much further the Party could go – without breaching the UK’s international obligations. Policy for asylum seekers has remained relatively untouched, and although there is a new emphasis on locating and deporting failed asylum seekers and expediting the process and cutting costs, the backlog of cases remains (Gowers and Hawkins, 2013). The previous target to conclude new asylum applications within six months has been replaced by a series of ‘performance indicators’ to monitor outcomes over time, which include the number of decisions taken within 30 days, the quality of the decision, the successful application grant rate and the number of decisions overturned on appeal (ibid). There is also one policy intervention in this area that fits well into the socially liberal modernisation agenda: Cameron’s personal assurance in February 2010 that gay and lesbian asylum seekers would not be returned to countries in which they would be persecuted on account of their sexual orientation (see Taylor, 2014). In government, the pledge made the cut, with the coalition agreement committing the government to prevent the removal of asylum seekers who would be at risk of persecution on account of their sexual orientation (Blinder, 2014). However, despite publication of guidance for caseworkers on how to assess asylum claims based on the applicants’ sexual orientation, there have been a number of reports in the press of asylum seekers being returned to gay-unfriendly places (see Butt, 2011). In theory, modernisation, perhaps; in practice, not always the case.

## **Conclusion**

The Conservatives’ modernisation project, incomplete, abandoned or otherwise, has not left a heavy footprint on immigration policy. Indeed, in both tone and substance, policy in this area can easily appear to have run completely counter to the spirit of such a project. Certainly there has not been the rupture either from the recent or the dim and distant past that some followers – and critics too – expected. There was a period of silence on the issue at the start of Cameron’s leadership, but this was quickly made up for after 2007 with the introduction of tougher policy. Admittedly, as we have shown, it slightly depends on which area you look at. Family migration is hardly a shining example of compassionate Conservatism, but aspects of the latter are clearly visible in the government’s treatment of particular groups of asylum applicants. Meanwhile, chronic tensions between Tories on economic and student migration remain unresolved. The formation of a coalition with the Liberal Democrats has done little or

nothing to halt the tightening of government policy and the toughening of Tory rhetoric on immigration (see Hampshire and Bale, forthcoming). It is also true that policy more generally is sometimes more sensitive to liberal opinion than it might have been in the (admittedly unlikely) event that a Conservative government been elected in 2005 – but only just. For example, the ‘go home’ billboard vans directed at illegal immigrants, which were introduced during Mark Harper’s period as immigration minister were not in the end deployed nationwide following an outcry in the liberal media (joined even by UKIP) at the threatening and crude terminology employed – this in spite of the fact that, the scheme had ‘worked’ in the sense of encouraging nearly a dozen people to ‘go home’ (BBC News, 2013). Arguably, however, such a crude scheme would never have made it off the drawing board in the first place under a truly modernising Conservative government. Such an initiative also seems particularly short-sighted given the growing importance of ethnic minority voters, whom the Tories have struggled to capture (see Dodd and Syal, 2013; Ballinger, 2014; James, 2014).

For all this, it is questionable whether departing from modernisation and ‘getting to grips’ with immigration has been much use to the Conservative Party in recent years. The Party is now seen as *less competent* on the issue of immigration than it was; indeed, the public have less confidence in its ability to deliver than it did (Duffy and Frere-Smith, 2014). The Party cannot fulfil its promises; reducing net migration to the tens of thousands is just one example of a pledge that, following the release in August 2014 of the figure of 243,000 in the year up to March 2014, will not and cannot be met. . That is so is, at least partly, down to the essentially unstoppable flow of migrants from the EU. Cameron, in a big speech on immigration in November 2014, laid out further measures to try and reduce the flow, largely by making it more difficult for EU citizens to claim benefits, but stopped short of threatening to impose a temporary cap on numbers that would have directly challenged the EU’s rules on free movement (Spectator). Voters are not fools and know that this will have little or no effect and that the only way to re-impose control over such flows is Brexit, which at the moment only UKIP is pushing for. Even when popular policies are legislated for, the public are not aware that these interventions have been implemented – and even if they are aware – they do not think they will work.

As late as May 2014, Cameron had been telling the Commons Liaison Committee that the net migration cap was ‘perfectly achievable’. But maintaining the focus on the issue, rather than quietly dropping it may be self-defeating (BBC News, 2014). The hard-line approach does not seem to be satisfying voters; it may be making them even more concerned. In recent years, the number of people who consider immigration and immigrants to be one of the pressing issues in the UK has varied but has risen overall (see Ipsos MORI, 2014). One might expect that, with the Conservatives bringing in more and more restrictive policies, the public would grow more relaxed about the issue (see Will Jennings’ work on the thermostatic concept in Jennings, 2009) but this has not been the case. In May 2010, just before the coalition government was formed and when immigration policies were discussed in the widely-watched TV debates between the leaders of the then three main parties, 38% of the public said immigration was a number one concern. Within months, this percentage had fallen to the mid-late 20s, rising to the mid-30s during the second half of 2013, reaching a peak of 41% in early 2014, and then remaining in the high 30s thereafter.

One of the reasons for this is almost certainly the prominence given to the issue by UKIP, which in recent years has taken a leaf out of the playbook of continental radical right wing populist parties and begun to mobilise heavily on migration as well as on what used to be its single signature issue, leaving the European Union. It is this challenge on its flank that has, in no small part, driven the Conservatives to adopt tougher and tougher positions – up to and including, it still appears, a threat to make the ability to restrict free movement within the EU a ‘red line’ in Cameron’s putative renegotiation with Brussels in advance of a referendum. It has not, however, done much to contain, let alone defeat, that challenge. It may even have made it worse – indeed, by trying too hard to shoot Farage’s fox, Cameron may actually have fed it. To modernisers, especially if they are also part of the small minority of active Conservatives who are not, as a reflex, hostile to all things EU, all this is worrying – a worry they share with business, which, after all, has a vested interest in being able to recruit the brightest and the best without undue hindrance. Indeed, one only has to read some of the ideas put forward by a think tank like Bright Blue (see Shorthouse and Kirkby, 2015, and Bowman, 2014) to see quite how far from modernisation (and indeed economic as well as social liberalism) the Party has travelled on this issue. Whether it can ever get back on track while it is determined to mimic UKIP so closely is surely doubtful. A defeat, and the leadership contest this would trigger, makes a further move to the restrictive right even more

likely: Boris Johnson's enthusiasm for immigration – which made sense while he was representing London and promoting the City's interest in the free movement of labour – seems to be waning the closer he gets to a crack at the leadership; Theresa May, on the other hand, seems more than willing to play it 'nasty' if that's what it takes to beat him; George Osborne warned *Sun* readers in the summer of 2014 that the 'floodgates' would open were Labour to regain office. If this is the ground that the Party's metropolitan liberals choose to stand on nowadays, modernisation looks a long, long way away.

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<sup>1</sup> As ever migrants have found ways to exploit the new emphasis on business people. It was reported in July 2014 that criteria for entrepreneur visas would be tightened, following research that found that many were not working as entrepreneurs setting up businesses but had taken low-skilled jobs (Barrett, 2014). Tax returns found that individuals whose students visas had expired were transferring to entrepreneur status; this visa category will now be much more difficult to obtain, and more documentation of business activities will be required.

<sup>2</sup> The Thatcher government did try to prevent women in the UK (who were British residents) from bringing in their fiancés and husbands from overseas – an issue which mainly affected those with relatives on the Indian sub-continent. This restriction did not apply to men, who could bring in their fiancées or wives from abroad, ostensibly because it was ‘normal’ for the female partner to join the man wherever he might be settled. The policy did not survive the declaration from the ECHR in May 1985 that the Conservative government’s immigration rules were unlawful. The rules were found to have discriminated against women: ‘under the rules, foreign men with full residency rights in the UK can bring in their wives or fiancées, but foreign women cannot’. In response to the ECHR ruling, the Conservative government announced that it would tighten up matters further still. New rules made it more difficult for *men as well as women* who had settled in the UK, but were not British citizens, to be joined by their spouses from abroad. Archive material from National Archives, dated 15 November 1979 and from press coverage archive 29 May 1985.

<sup>3</sup> From press coverage archive 4 Jan 1989, *The Independent*.

<sup>4</sup> Personal interview with former immigration minister from 1990s.