Article
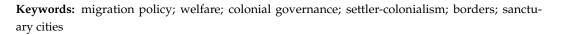
Legacies of British Imperialism in the Contemporary UK Asylum–Welfare Nexus

Rachel Humphris

School of Politics and International Relations, Queen Mary University of London, London E1 4NS, UK; r.humphris@qmul.ac.uk

Abstract: This article traces the imperial roots of the contemporary asylum–welfare nexus. It explores how English colonial governance exported Poor Law legislation firstly to colonial America (USA) and secondly to British North America (Canada). It argues that these three countries are an Anglophone shared moral space of law and governance, revealing the common unresolved contradictions underpinning contemporary debates about who 'deserves' entry, under what conditions, and why. Historical perspectives unsettle assumptions about the primacy of national geopolitical borders and the exceptionalism of contemporary migration. This article uses historical sociology to trace why and how national sovereignty took primacy over municipalities in controlling the mobility of people and the concomitant moral underpinnings. It then draws on new empirical research in three pioneering 'sanctuary cities' to explore how cities contest the entwining of welfare and migration governance. However, the article explores how these initiatives often reproduce justifications based on 'deservingness' and 'contribution'. Through tracing the common threads that led to these forms of governance, we can understand they are not self-evident. A historical perspective allows us to ask different questions and open realms of alternative possibilities.

Keywords: migration policy; welfare; colonial governance; settler-colonialism; borders; sanctuary cities

1. Introduction

This article traces how Britain's colonial past continues to shape the construction of categories of inclusion, belonging, and deservingness in contemporary asylum policy in Britain and beyond. It argues that a historical perspective sheds new light on the shared roots of welfare and asylum policies, unsettling assumptions about the exceptionalism of contemporary migration, the primacy of nation-state borders, and concomitant norms of governance. Britain's changing ideas about how to organise the relationship between population and territory for the strength and wealth of the nation shifted through the experience of governing colonial America and later British North America. This relationship involved the ongoing reconciliation of the desire for a large, cheap, flexible, and compliant labour force to satisfy economic demands with the desire to minimize any perceived social and economic costs (Hampshire 2013). These concerns had significant moral dimensions shaping who deserved to be present in a given territory, on what terms, and why. The reconciliation of this tension played out as much in the formation of the first modern conurbations as it does in debates about asylum and welfare policy today. Through historically tracing the common threads that led to these forms of governance, we can understand they are not self-evident. Excavating underlying justifications, fears, and desires allows us to ask different questions and open realms of alternative possibilities.

The article foregrounds how the ability and justifications to enter, remain in, or be removed from a given territory has a history that is crucial to the meaning of the contemporary asylum system in Britain and movements for its contestation. The 1601 Elizabethan

Poor Law created a moral landscape of inclusion, belonging, and deservingness that England exported to the embryonic cities of colonial America and British North America[1]. Through interactions between colony and metropole and later settler-colony and metropole, there was a move from urban sovereignty to national sovereignty and the geopolitical borders of the nation-state hardened and took primacy in determining inclusion. This shift led to the separation of social protection and migration as two different sets of policy concerns (Anderson 2013). While migration came under the purview and became a key marker of national sovereignty, municipalities controlled social protection that continued to be based on local residence and not formal citizenship. However, since the 1970s, migration controls have become increasingly entwined with welfare services (Fox 2022), leading to what migration scholars have termed 'everyday bordering' (Yuval-Davis et al. 2019; Griffiths and Yeo 2021; Kapoor and Narkowicz 2019).

Contestations of these forms of inland border control have emerged that gain particular salience when placed in a historical context. This article zooms in on pioneering 'sanctuary cities' in Canada, the USA, and the UK. Sanctuary cities have been variously defined but include a range of approaches from 'welcoming' refugees to non-cooperation between local government and national immigration enforcement (Bauder 2017). The article situates sanctuary cities within this historical context as inextricably linked to legacies of how English technologies of government regulate the relationship between population, territory, and wealth. I take these cities as windows to explore contemporary ramifications of these exclusionary legacies and consider whether they offer an alternative.

Focusing on the city in a historical perspective enables several theoretical interventions that link sanctuary cities to the broader stakes involved in contemporary European asylum, citizenship, and welfare policy. First, it should be noted that colonial America and British North America became settler–colonial societies alongside Australia (Veracini 2013). Settler-colonialism is a structure rather than an event (Wolfe 1999)[2]. In this sense, settler-colonialism does not ever 'end', as it seeks to replace the population of the colonized territory with a new society of settlers (including, but not exclusively from, the colonial metropole).

Acknowledgement of settler–colonial dynamics not only as a legacy but as a present practice dovetails with the concept of 'neocolonialism' (Spivak 1991, p. 220). Neocolonialism conceptualises race, gender, and class as historically re-inscribed[3] in the colonial encounter, which structured 'native' societies around the naturalisation of gendered and class hierarchies and in which the poor and racialized were infantilized and deemed to be 'naturally' at a lower stage of civilization. Neocolonial perspectives argue that these hierarchies remain chiefly relevant today as a principle reproducing global inequality between the wealthier, largely white Global North and the poorer, global majority of the Global South (Bhattacharyya 2018; Hanieh 2019; Winant 2004). It is this continuing reproduction of inequality (albeit in infinitely variable ways) that has led scholars to argue the governance of migration is a primary mode through which contemporary racial and class hierarchies are sustained (Mayblin 2017; Bhambra 2017). This article uses the lens of sanctuary cities to explore how these inequalities are reproduced and possibilities for their contestation.

Second, this article contributes to the ongoing project of, in Chakrabarty's (2000) words, 'provincializing Europe', by squarely framing the development of British welfare and asylum policy within the (settler–) colony–metropole nexus as one of the foundational processes of past and contemporary global inequalities. Colonies and settler-colonies functioned as laboratories of governance, as sites for experimenting with ruling strategies and techniques, with a view to improving the art of governing in the metropole (Comaroff 1998; Stoler and Cooper 1997; Rabinow 1989; Wright 1991). As scholars have alerted us, cities should be conceptualised as part of an ongoing imperial terrain (Danewid 2020; McClintock 1995; Stoler 2022). This adds to our understanding of the common moralities that infused municipalities that were transposed when they became an apparatus of nation-state migration government, including who is considered 'undesirable' or 'dangerous' and why, what constitutes 'legitimate' treatment, and notions of 'justice', who deserves it, and

on what terms. Focusing attention on how England colonised America allows a deeper understanding of the historical racial, gender, and class formations underpinning these processes[4].

Third, the historical development of cities charts how it was not until the seventeenth century that cities lost control of determining who could enter and reside within their jurisdiction (a process that is still unfolding) (Prak 2018). How the nation-state incorporated cities sheds light on the role of municipalities to manage the inherent contradictions and tensions within modern liberal democratic nation-states (Boswell 2007). Moreover, there was a fundamental shift in the location of power in the move from pre-modern city-states to nation-states (Scott 1998). Acknowledging this shift challenges the assumption of the primacy and permanence of the nation-state border and, in Mezzadra and Neilson's (2013) words, allows us to take the 'border as method'. The rise of modern statehood and market economy signifies at the same time a subordination of the city to the nation as the only sovereign political community (Magnusson 1996). Moreover, Mignolo (2003) has shown how the rise of modern nation-states and coloniality were two aspects of the same development in different forms of power. To understand the political relationship between the city and the nation-state, I follow Isin (1992, 2002), who argues that a historical analysis of the political status and legal nature of the modern city powerfully reveals the modern logic of government.

This historical perspective helps to reformulate a recurring question about asylum and welfare systems in Britain. We should not ask how the nation-state limits asylum seekers' and refugees' access to the welfare state, but rather explore the justifications for (and contradictions within) the specific kinds of governing rights and obligations nation-states possess, for what purposes, and how they emerged.

To do this, the article proceeds through three sections. First, it explores how and why immigration controls—based on the Poor Law's moral justifications and colonial governance—became a national government concern and was removed from urban control. Second, it focuses on internal governance of paupers and relief agencies' eligibility criteria that continued to be based on need and county residence, not national citizenship. Local Poor Laws and their residence requirements rather than federal-alienage-based restrictions marked the boundaries of social citizenship until the 1970s when the latter took primacy. Since then, all three countries have entwined migration and welfare policies. Third, drawing on new empirical material, it considers the implications of this history for contemporary debates on 'non-cooperation' in pioneering 'sanctuary cities' in Canada (Toronto), the USA (San Francisco), and the UK (Sheffield). Finally, the article concludes by reviewing what this analysis can tell us about the intractable tensions in governing the relationship between population and territory for the strength and wealth of liberal democratic nation-states.

2. Methods

The empirical material on sanctuary cities was produced through long-term ethnographic engagement across three pioneering and self-defining 'sanctuary cities' (San Francisco, Sheffield, and Toronto). This process began in 2018 and continues at the time of writing. My methods involved interviews, direct and participant observations, field notes, oral history interviews, and archival research (see Humphris 2020a, 2020b, 2021). In total, I conducted 160 interviews (see Table 1), engaged in three months of intensive participant observation in each city, including volunteering at migrant organisations, and consulted more than 10,000 archived documents.

Table 1. Interviews by city and type.

	San Francisco	Sheffield	Toronto
Advocates	3	2	4
Faith-based orgs	6	2	1
Government	22	13	18
Government vendors	14	n/a	22
NGOs/non-profits	13	28	12
Total	58	45	57
Grand Total			160

I traced how and where the idea of the sanctuary city was taken up and how it was discussed in professional, activist, or media circles, being attentive to the 'atmosphere' of situations where the sanctuary city was narrated (conferences, council chambers, advocate meetings, protests, NGO meetings with clients, educational events, arts events) (Wright and Reinhold 2011). I also mapped where migration status has conditioned social protection in each city. I endeavoured to keep my approach open and flexible rather than overly prescriptive due to the diversity of assemblages in and through which sanctuary cities are constituted and to remain oriented towards the relational, the fleeting, and the mobile (McCann and Ward 2012).

3. Poor Laws and the Roots of the Modern Asylum–Welfare Nexus

We can trace the circulation of ideas about controlling the movement of people between colony and metropole (and later settler-colony–colonial metropole) from the foundations of English settlement in colonial America. First, in the late seventeenth century settlers began forming towns rather than creating plantations. Whereas plantations were considered possessions that did not need governance, towns had to be governed to be useful. This shift also marks the beginning of settler-colonial relations where the sanctioned movement of settlers became the structuring principle of the colonial regime. It also crystalized the settler-colonial 'logic of elimination' as a genocidal process premised on access to territory (Wolfe 2006). Land settlement was associated with efficient administration of the population in order to be conducive to the wealth and strength of the settler-colony and therefore also the metropole. These ideas were entwined with significant moral dimensions ordering who deserved to be present in the municipality and under what conditions[5].

Debate on governing the poor can be traced back to 14th century English vagrancy laws (Anderson 2013, p. 13) which developed into the 16th century Poor Law tradition (Midgley 2011)[6]. The Poor Laws were an instrument of non-contributory poor relief based on residence (Midgley 1984; Seekings 2013)[7]. Alongside the Poor Laws, workhouses were used for 'promoting and inculcating principles and habits of industry and moral virtue' (Prak 2018, p. 288)[8].

Several other tools developed and circulated between England and the early settler-colonies to govern 'undesirable' or 'non-productive' residents. As early as 1569, England had established systems of removing 'vagrants' (both aliens and subjects) punishable by penal transportation (Anderson 2013, p. 21). Between 1827 and 1828, more than 40,000 individuals were removed from parishes in England and Wales (Feldman 2003, p. 90). Historical scholarship attests that a culture of excluding 'nonproducing members' from society with racialized underpinnings in colonial America was evident as early as 1634 (Kanstroom 2007, pp. 34–39)[9]. New England towns established a 'warning out' system that allowed them to remove inhabitants who had been reduced to poverty or for any other reason deemed socially objectionable, such as pregnancy or trespass (Zuckerman 1970, pp. 112–13). Police constables were paid for the bodily removal of 'undesirables' from incorporated towns (Kanstroom 2007, p. 91; Zuckerman 1970, p. 113).

Contemporary notions of deservingness for both 'failed citizens' and 'non-citizens' have a shared history that can be traced back to these early fears of the economic costs of

'non-producing members' for incorporated municipalities (Anderson 2013, p. 28). Little difference was made between itinerant paupers from inside or outside the nation-state in settler-colonies and metropole. However, by the early twentieth century, the geo-political national border assumed primary control over population movement (Rana 2014). In essence, the nation-state, not the city, now decided entry. The following section traces this shift in each pioneering sanctuary city.

4. Nation-State Sovereignty and the Separation of Welfare and Asylum Policy

4.1. San Francisco

In 1850, California became the 31st state and followed a remarkably similar approach as that of the Atlantic seaboard states in its approach to itinerant paupers. San Francisco was the first American city to pass an 'Ugly Law' in 1867; this occurred in the aftermath of the Gold Rush, when unemployed internal and foreign migrants were visibly poor in the city (Schweik 2009). No distinction was made between foreign migrants or internal itinerants; rather, inclusion was based on 'settlement'.

Shortly after the incorporation of California into the Union in 1850, the city also implemented their first immigrant taxes in the 1852 Passenger Act[10]. It required shipmasters to provide a bond of USD 500 or pay USD 5 in head money to the state of California for the entry of each passenger. Similar to immigrant taxes in Upper and Lower Canada, the act banned the landing of 'any lunatic, idiot, deaf, dumb, blind, crippled or infirm person' as well as any person who had been a pauper in any other country and who appeared to be likely to become a public charge 'from sickness or disease' (Baseler 1998, pp. 197–98).

The act established a Commissioner of Emigration for the city of San Francisco, authorising the official to implement the act's provisions (Kanazawa 2005, p. 786). California not only targeted the poor but also racially targeted Chinese migrants who were seen as threatening 'the most vital interests of the State and the people' due to successful gold mining (Kanazawa 2005, p. 783)[11]. The state legislature tried to exclude all non-European foreigners either through landing taxes or foreign miners' taxes (Hirota 2016, p. 89). However, every legislative attempt to restrict immigration suffered legal constraints due to its clash with federal authority. The tension was not due to a moral indictment but an economic concern over control of foreign commerce.

Until the mid-nineteenth century, the control of immigration was seen largely as a matter of internal police power (Kanstroom 2007, p. 92). Promoting foreign commerce was the impetus for federal authority to take precedence over state authority. In 1875, Congress passed a federal statute dealing with immigrants' entry[12]. Consequently, state legislations limiting the entry of aliens were deemed to be pre-empted by federal statute and the federal government began making arguments solely based on inherent sovereign powers not on foreign commerce clauses. Federal authority over immigration was established in the early twentieth century (Rana 2014) and that logic still governs today. At the same time, San Francisco followed New York City, which had stopped the deportation of paupers and legislated that those with residence should be supported in alms-houses and other forms of social protection provided by the city (Law 2014, p. 114). The link between social protection policy and migration policy, urban poor and migrant, urban sovereignty and national sovereignty was broken.

4.2. Toronto

In Canada, provinces had been relying on their inherent police powers and had passed statutes regulating immigration based on the English Poor Law tradition of forbidding entry to people that could become a burden upon local welfare. This applied to internal itinerants and foreign migrants. Toronto, two years after its incorporation as a city in 1834, adopted many measures taken directly from England as a means to discipline and to inculcate useful habits in its urban poor. 'Houses of industry' were established with the aim of abolishing begging and wandering vagrants alongside other institutions transposed from England including penitentiaries, asylums, prisons, and schools with the expressed aim

of improving 'the community at large' through disciplining to guard against idleness and habits of vice and immorality (Isin 1992, p. 147). Immigrant taxes were also in operation Lower and Upper Canada, transposed from New York and Massachusetts (Trebilcock and Kelley 2000, p. 51).

The Canadian Constitution Act of 1867 heralded immigration as a concurrent jurisdiction between federal government and the provinces; however, it granted federal Parliament wide discretion in defining the role of the provinces in immigration (Strazzari 2017, p. 63). Soon after the Constitution Act, the provinces agreed that federal Parliament would comprehensively deal with immigration. The Immigration Act 1869, the first federal statute on immigration, was heavily influenced by provincial statutes and was similarly aimed at deterring the entry of specific classes of immigrants deemed dangerous for public order or likely to become a burden on public welfare. These acts signalled the end of provincial control over who could enter or remain in their jurisdiction. They also represent the crystallization of the importance of national origin to formal citizenship. However, social citizenship and access to social assistance remained dependent on notions of residence, not formal citizenship status, until the mid-20th century—similar to the United States and Britain.

4.3. Sheffield

Britain drew lessons from experiences of colonial governance and implemented similar legislative frameworks to control local autonomy in the metropole. Sheffield gained a reputation for being a centre of revolutionary politics due its lack of centralised power, radical religious nonconformists, and militant artisans. Shaped by the failure of the thirteen colonies, British national government increasingly tried to bring the city under centralised control.[13] Following the model of the incorporated municipalities in British North America, Sheffield became incorporated as a town with a town council in 1842 (Price 2011, p. 38). It became fully constituted as an integral part of a system of nation-state governance subsumed under the control of the British Parliament.

Before 1842, any person born outside Hallamshire (the historical name for the area surrounding Sheffield) was considered a 'foreigner'. No distinction was made between those who crossed a national border and those from another parish. For example, from 1747, Sheffield's artisans feared lowered wages due to the influx of cheap labour of 'foreigners' from London, Birmingham, and Manchester. Parliament intervened in 1814 and removed regulations on the entry to the professions[14], ceasing local control of regulating newcomers to the city.

A further turning point in removing local autonomy was through the Poor Law Amendment Act of 1834 (the act). Sheffield had implemented its own system of the Poor Laws since the 16th century. Local 'Overseers of the Poor' collected local rates and supported the poor mostly through 'outdoor relief' rather than workhouses. The act provoked outcry and large protests because it ceased outdoor relief in favour of workhouses. Moreover, it instituted national, rather than parish, enforcement of Poor Laws through two new Poor Law Guardians, marking the end of municipal control of poor relief. However, while poor relief was governed nationally, access to relief continued to be conditioned on municipal residence and not national citizenship. As in Canada and the United States, Poor Laws were the underpinnings for modern day welfare states. Until the 1970s, eligibility for welfare was determined on urban residence rather than formal citizenship (Fox 2016). This opening allowed municipalities to retain local autonomy to determine who could access welfare within their jurisdiction, free from national control. That opening has progressively closed as national governments entwine immigration and welfare regulations through inland border enforcement. The article now turns to explore how these cities have contested this new incursion of national control and endeavoured to retain autonomy over social protection to city residents.

5. Colonial Governance and Contemporary Sanctuary Cities

Sanctuary cities have been heralded as a key mode through which inland border enforcement can be contested (Georgiou et al. 2022; Kwon and Roy 2017; Lenard and Madokoro 2021)—for example, through non-cooperation between local and national law enforcement, through municipal ID cards, or 'don't ask, don't tell' policies. It is crucial to note that sanctuary cities (with some variation), base justifications for their self-designation by returning to notions of 'residency' in the city, rather than formal nation-state citizenship. For example, in San Francisco eligibility for healthcare, education, and voting in some local elections is conditioned on proof of residency, not immigration status. The director of a municipal department focusing on immigration issues and civic affairs stated: 'We serve all of the people in the city, not just some of the people' (20 January 2019). Municipal officers made a similar argument in Toronto. As one municipal bureaucrat explained: 'I play the City of Toronto as an incorporation of its inhabitants. I go back to that every time' (3 October 2019).

A shared Anglophone moral universe resonates between these cities. Alongside residency, three continuing manifestations of English Poor Laws are evident through justifications for sanctuary cities: notions of contribution, controlling urban 'vice', and humanitarianism.

First, the most pervasive justification for sanctuary cities is the notion of contribution. This notion of contribution was also entrenched in 'presentism' and did not account for histories of negative reciprocal relations through slavery or indentured labour. A San Francisco supervisor clearly laid out his justification for sanctuary along these lines:

'We have a cross section of the population that contributes immensely to the economy, contributes immensely to the fabric of the city but yet they don't have the same rights. You can't take people's resources, take their labour, and then turn around and say we don't want them to have the same rights' (6 March 2019).

Contribution was also used in Toronto to justify an acceptance of asylum seekers and undocumented residents; however, contribution was solely framed in economic terms. A city vendor of refugee services explained:

'All these people are contributing. People working under the table are contributing. They are in the construction industry. They're shopping in grocery stores and keeping the economy going. You know, whether you're a refugee claimant, a migrant, a worker under the table. Everybody's contributing . . . ' (13 November 2019).

In Sheffield, the notion of contribution was not explicitly discussed but was implicitly evident through the support that was given to asylum seekers who volunteered at support organisations. Those who volunteered and were 'doing the right thing' were provided with extra support, such as large-scale public campaigns if their asylum claim failed[15]. Contribution—while effective at building public consensus for inclusion of asylum seekers—is based on the idea of a 'model minority' (Lee 2015). These residents are only tolerated as long as they fit into a proscribed role, which is probationary, contingent, and shifting. Notions of contribution therefore reproduce notions of deservingness based on being a 'productive' member of urban poor who is not an economic cost for the municipality. This is the same logic that was evident in the shared roots of welfare and asylum systems.

Second, public health and public safety narratives justified sanctuary policies as 'best for everyone'. By leveraging these arguments, sanctuary cities (re)produced two longstanding fears that emerge in cities regarding the urban poor: disorder and disease (Sandercock 2003). The director of a San Francisco criminal justice department reiterated and expanded on the notion:

'Somebody needs healthcare, they have measles, they have some other health situation that could be a public health situation. It's important they have confidence and be allowed to access healthcare because it could impact all of us. That's where our policies are important because they lead to a healthier city—when I say healthy I mean in terms of public safety, public health, public education' (1 February 2019).

In Toronto, labour market participation and demographics entwined with framing asylum seekers as potential vectors for disease or perpetrators of crime. A Toronto city councillor clearly articulated this merging of health of residents with the health of the city's economy:

'What good is it to us as a city to marginalize, and make invisible and push these people underground. They're going to have higher disease rates, higher crime rates, because people are going to do what they need to do to eat and to live. And have all kinds of abuse of them. So why is it in our interest to do that? And rich countries know that bottom line. You want to deal with those folks in a coherent, consistent, holistic manner? And take them out? Your economy falls apart' (15 October 2019).

He clearly articulates the fundamental tension sanctuary is aimed to solve between wealth creation (flexible, low-wage labour) and minimising social costs. The narrative that migrants' health has consequences for the wellbeing of the city and the nation was also evident in Sheffield. The dominant narrative in Sheffield was based on the principle of welcome and hospitality, as a community development officer explained: 'we have never had to use the public health kind of argument. It's about the welcomeness and the friendliness of the city'. However, while the idea of being a welcoming city was at the forefront of public narratives, in practice, the public health department funded the asylum seeker drop-in to monitor communicable diseases. The rationalisation and justification for including asylum seekers based on these arguments did not broaden common ground for progressive policies, failed to acknowledge and unsettle hegemonic understandings of belonging, and reproduced the understanding that asylum seekers are a potential underclass that threatened the health and safety of the city and its citizens.

Third, in all three cities, humanitarianism emerged through personalised stories used by advocates that connected individuals with different forms of legitimacy through victimhood. These strategies did not unsettle the contingent nature of belonging because they were portrayed as 'exceptional' cases. Pallister-Wilkins (2020, p. 991) defines humanitarianism as 'concerning logics developed to both effectively manage disaster and to secure imminently mobile populations for the maintenance of liberal order alongside and through the securing of life'—but some are deemed more deserving of support than others (Armbruster 2019; Holmes and Castañeda 2016). Humanitarianism has been conceived as 'depoliticizing' (Ticktin 2011), as emotional responses such as compassion replace a broader quest for rights (Fassin 2011; Danewid 2017). A distinction is made between humanitarian action and political action, with humanitarianism placed 'outside' and neutral in relation to politics. In Sheffield, this distinction was reproduced through volunteers' reflections on the beginnings of the City of Sanctuary campaign (see Humphris 2020b). A volunteer—engaged with this work at the time—commented 'I think the motivation was what I would probably call humanitarian. I think it wasn't strongly political'. This perspective also effectively sidesteps any discussion about the wider structural inequalities faced by racialized and minoritized residents due to historical legacies that might place obligations and duties on these services providers to provide services to them. Rather, this perspective continues to place service providers in the realm of 'helping' and sees asylum seekers solely as recipients of care, as granted through the generosity and compassion of volunteers. In Toronto, the treatment of Syrian refugees is a case in point. As a public health worker described:

'With the Syrian refugees there is this idea of compassion being extended. You see people feeling like they are in abundance, and not in scarcity. That doesn't extend to undocumented people' (1 October 2019).

Welcoming and hospitality are not considered obligations; therefore, few duties are placed on those working under this understanding of the sanctuary city. Through a historical lens, we can gain a deeper understanding of why arguments based on contribution, humanitarianism, or public health and public safety do not unsettle the hegemonic understandings of belonging and inclusion due to their deep-rooted legacies in English Poor Laws. Whilst sanctuary cities provide a notion of inclusion based on 'residency', they

reproduce the same underlying imperatives to limit perceived economic and social costs whilst increasing wealth.

6. Final Remarks: Reconnecting Asylum Seekers and the Urban Poor

This article demonstrates how models of urban citizenship in England exerted powerful influence on citizenship arrangements and governing institutions implemented in the (settler-) colonies of colonial America and British North America, which, in turn, circulated back to the metropole. These circulations of ideas and practices set in motion ways of thinking about the relation between population, territory, and wealth, and how to govern the resulting formations which still reverberate today.

First, as reviewed above, the changes in England provided the key concepts in political and legal discourse about the city that formed part of the English colonial apparatus in colonial America and later in modern city corporations in British North America. With the development of liberalism as a programme of nation-state administration in England, coupled with rapidly changing colonial conditions, a new series of policies emerged which constituted the city in modern political and legal terms as an apparatus of governance (Isin 1992, p. 12), which then was exported back to control 'unruly' cities, such as Sheffield.

Second, this article marks the shift from migration as a jurisdiction of localities to a nation-state concern. While central government has supremacy over immigration regulations, internal governance of paupers and relief agencies' eligibility criteria continued to be based on need and residence, not citizenship (Fox 2012)[16]. Municipal poor laws and their residence requirements rather than national-alienage-based restrictions marked the boundaries of social citizenship until the 1970s, when the latter took primacy (Fox 2016, p. 1056). Contemporary inland border enforcement threatens the balance municipalities had achieved between managing central authority and local autonomy. Sanctuary cities are used to maintain this balance. On one hand, the term can be leveraged to demonstrate that cities are compliant with national and federal immigration policies, through the claim that cities do not have the expertise and cannot spend their local resources on federal policies. On the other hand, it allows cities to maintain a precarious, cheap, flexible labour force and to provide basic social protection to those migrants through conditioning eligibility on residence. However, as explored above through the lens of sanctuary cities, returning to notions of urban residency does not necessarily unsettle long-standing categories of inclusion, as many justifications for seemingly progressive asylum policies rely on the same shared roots of deservingness and exclusion of 'non-productive' urban residents.

Third, nation-states shifted their justification for sovereignty over migration control. Arguments based on moral grounds rather than foreign commerce clauses obscure the link between population, territory, and wealth. A transformative approach might lie in foregrounding political economy perspectives within and beyond struggles for migrants' rights. There is potential in a multi-scaler perspective that links the governance of migration, as the primary mode through which global racial and class hierarchies are sustained, to the structural conditions that continue to reproduce urban inequality. In San Francisco, social movements that build solidarity between evictions of the urban poor and the deportation of undocumented residents are making these links and exploring new justifications for urban belonging that are not based on economic productivity (Humphris 2021). The historical perspective also gives weight to solidarities between indigenous and undocumented residents, such as Toronto's 'No One is Illegal on Stolen Land' campaign (Humphris 2020a). These movements start from the premise that the contemporary societies explored above are an expression of a colonial present; they take the fact that colonialism lives on as a legacy and as a present practice seriously. Tracing the shared development of welfare and asylum policies—through centring the way in which first cities and then nation-states have managed the tension between maintaining a cheap, flexible labour force and minimising responsibilities to provide them with social protection and rights—is a further effort to explore the present manifestations of colonialism; this tracing provides grounding that might allow alternative possibilities to emerge.

Institutional Review Board Statement: The study was conducted in accordance with the Declaration of Helsinki, and approved by the Ethics Committee of University of Birmingham (protocol code ERN_17-0871, 30 April 2018).

Informed Consent Statement: Informed consent was obtained from all subjects involved in the study.

Conflicts of Interest: The authors declare no conflict of interest.

Notes

1. I use 'colonial America' (or sometimes the thirteen colonies) to refer to the British North America from 1600 to 1776 and 'British North America' will refer to those colonies acquired by Britain by treaties in 1713 and 1763 which eventually became the provinces of Nova Scotia, Prince Edward Island, New Brunswick, Quebec, and Ontario.

2. Analysis that included Australia and its settler-colonial relations would be a fascinating area for further research.

3. Following Cedric Robinson (1983), I acknowledge that renderings of class, race and gender to subjugate and persecute ascribed groups did not begin with colonial encounters but took on new forms through imperial governance.

4. I am attentive to how different colonial projects unfolded differently, and that 'the quality and intensity of racism vary enormously in different colonial contexts and at different historical moments in any particular colonial encounter' (Stoler 1989, pp. 137–38). The circulations between colony and metropole were complex and diversified and relations that need to be explored rather than assumed.

5. Well-documented systems of extermination, forced movement and enslavement abounded from the foundation of colonial America. As Baseler notes, 'when the native Irish proved intractable, England embarked on a massive program of removal replacement . . . When similar problems emerged in America, the same devices of removal and transplantation were adopted' (1998, p. 35). Legal principles of extermination, deportation and containment circulated between Britain and its colonies in Ireland, colonial America and British North America in a shared Anglophone moral universe (Hirota 2016, p. 187; Baseler 1998, pp. 25–27, 161–62). See Saunt (2020) for indigenous extermination and Winks (2008) for slavery in Canada.

6. Poor laws were evident in New England and the South (including Connecticut, Rhode Island, Pennsylvania, Delaware and Virginia) beginning in 1683. They authorised local officials to send transient beggars to other colonies or to 'the country from whence they came' (Hirota 2016, p. 43).

7. The early discussion of tax-financed social assistance based on the Poor Law tradition throughout the British Empire pushed the colonies toward tax-financed social protection, an institutional legacy that has carried into contemporary times.

8. State poor laws restricted public assistance to individuals with a 'settlement'—typically, residence in a community for a period of months or a few years. Under this logic, neighbours (whether citizens or not) were entitled to support in time of need; transients were not. See Fox (2016, 2022).

9. By the middle of the 18th century, openings for urban citizenship had disappeared for 'Indians, free blacks, mulattos, white servants and apprentices and those without a fixed abode' (Prak 2018, p. 292). By the start of the American Revolution, citizenship was a whites-only institution in colonial America.

10. For a review of the relationship between population, territory and wealth in California from the 1848 Gold Rush see (Smith 2013). Migrations from the United States, Mexico, Chile, Peru, China and Hawai'i each brought regional and temporally distinct forms of wage labour, slavery, contract labour, debt bondage, peonage and indentured servitude.

11. The Chinese Exclusion cases and specifically *Fong Yue Ting* were founded in the plenary power doctrine that had been established in the justification for expelling Indigenous people from their land (see Kanstroom 2007, pp. 64–67, 95–107). The dilemma posed by Indian sovereignty related to the source of federal power. This dilemma was resolved through the notion of 'inherent power' through the 'Doctrine of Discovery', which gave the federal government 'ultimate title' over Indian land. This inherent power was also used to invalidate San Francisco ordinances designed to drive Chinese laundries out of business (see Kanstroom 2007, pp. 72–73).

12. Before 1875, California permitted state commissioners, at their discretion, to exact a bond for certain arriving immigrants. Chy Lung v. Freeman, an 1875 case, the Supreme Court established the notion of federal exclusivity in the field of immigration, 92 U.S. 275, 277 (1875).

13. Notable initiatives include the Sheffield Society for Constitutional Information inspired by Thomas Paine; the Sheffield Political Union for universal suffrage (1830); Trade Unions (from 1824) and anti-slavery movements (from 1825).

14. From 1747, the Cutlers' Company actively began encouraging 'foreigners' (defined as anyone residing outside Hallamshire) to Sheffield through newspaper advertisements. Labour recruited from London, Birmingham, York and Newcastle, caused resentment from the locally based workforce who called on the Company to protect them through tighter regulation of entry into their occupations. Local workers lost their battle in 1814 when Parliament removed all legal powers of regulation from the Cutlers' Company.

15 Change.org Petition 'Keep Victor Mujakachi safe' Available at: https://www.change.org/p/home-office-keep-victor-mujakachi-safe, accessed on 20 January 2022.

16 Also evident across the three countries are the actions of relief providers who did sometimes use citizenship, legal status or the perception that one was a foreigner to justify expelling those who requested relief based on racialized assumptions indicating the gap between policy and practice is longstanding (Fox 2012; Damer 2000; Ravetz 2003; Frost 2011).

References

Anderson, Bridget. 2013. *Us and Them?: The Dangerous Politics of Immigration Control*. Oxford: Oxford University Press.

Armbruster, Heidi. 2019. "It Was the Photograph of the Little Boy": Reflections on the Syrian Vulnerable Persons Resettlement Programme in the UK. *Ethnic and Racial Studies* 42: 2680–99. [CrossRef]

Baseler, Marilyn C. 1998. *"Asylum for Mankind": America, 1607–1800*. Ithaca: Cornell University Press.

Bauder, Harald. 2017. Sanctuary Cities: Policies and Practices in International Perspective. *International Migration* 55: 174–87. [CrossRef]

Bhambra, Gurminder K. 2017. The Current Crisis of Europe: Refugees, Colonialism, and the Limits of Cosmopolitanism. *European Law Journal* 23: 395–405. [CrossRef]

Bhattacharyya, Gargi. 2018. *Rethinking Racial Capitalism: Questions of Reproduction and Survival*. London: Rowman & Littlefield International.

Boswell, Christina. 2007. Theorizing Migration Policy: Is There a Third Way? *International Migration Review* 41: 75–100. [CrossRef]

Chakrabarty, Dipesh. 2000. *Provincializing Europe*. Princeton: Princeton University Press.

Comaroff, John L. 1998. Reflections on the Colonial State, in South Africa and Elsewhere: Factions, Fragments, Facts and Fictions. *Social Identities* 4: 321–61. [CrossRef]

Damer, Seán. 2000. 'Engineers of the Human Machine': The Social Practice of Council Housing Management in Glasgow, 1895–1939. *Urban Studies* 37: 2007–26. [CrossRef]

Danewid, Ida. 2017. White Innocence in the Black Mediterranean: Hospitality and the Erasure of History. *Third World Quarterly* 38: 1674–89. [CrossRef]

Danewid, Ida. 2020. The Fire This Time: Grenfell, Racial Capitalism and the Urbanisation of Empire. *European Journal of International Relations* 26: 289–313. [CrossRef]

Fassin, Didier. 2011. *Humanitarian Reason: A Moral History of the Present*. Berkeley: University of California Press.

Feldman, David. 2003. Migrants, Immigrants and Welfare from the Old Poor Law to the Welfare State. *Transactions of the Royal Historical Society* 13: 79–104. [CrossRef]

Fox, Cybelle. 2012. *Three Worlds of Relief: Race, Immigration, and Public and Private Social Welfare Spending in American Cities*. Princeton: Princeton University Press.

Fox, Cybelle. 2016. Unauthorized Welfare: The Origins of Immigrant Status Restrictions in American Social Policy. *Journal of American History* 102: 1051–74. [CrossRef]

Fox, Cybelle. 2022. Rethinking Sanctuary: The Origins of Non-Cooperation Policies in Social Welfare Agencies. *Law & Social Inquiry*, 1–30. [CrossRef]

Frost, Nick. 2011. *Rethinking Children and Families: The Relationship between Childhood, Families and the State*. London: A&C Black.

Georgiou, Myria, Suzanne Hall, and Deena Dajani. 2022. Suspension: Disabling the City of Refuge? *Journal of Ethnic and Migration Studies* 48: 2206–22. [CrossRef]

Griffiths, Melanie, and Colin Yeo. 2021. The UK's hostile environment: Deputising immigration control. *Critical Social Policy* 41: 521–44. [CrossRef]

Hampshire, James. 2013. *The Politics of Immigration: Contradictions of the Liberal State*. London: Polity.

Hanieh, Adam. 2019. The Contradictions of Global Migration. *Socialist Register* 55: 50–78.

Hirota, Hidetaka. 2016. *Expelling the Poor: Atlantic Seaboard States and the Nineteenth-Century Origins of American Immigration Policy*. Oxford: Oxford University Press.

Holmes, Seth M., and Heide Castañeda. 2016. Representing the "European Refugee Crisis" in Germany and Beyond: Deservingness and Difference, Life and Death. *American Ethnologist* 43: 12–24. [CrossRef]

Humphris, Rachel. 2020a. *A History of the Memories of the Sanctuary City in Toronto, Canada*. RCIS Working Paper 2020. Toronto: Ryerson Centre for Immigration and Settlement.

Humphris, Rachel. 2020b. *Sheffield: A History of Memories of the 'Sanctuary City'*. IRiS Working Paper Series 2020; Birmingham: Institute for Research into Superdiversity.

Humphris, Rachel. 2021. *San Francisco: A History of Memories of the 'Sanctuary City'*. Welcoming Cities Working Paper 2021: 1. London: Queen Mary University of London.

Isin, Engin F. 1992. *Cities without Citizens: Modernity of the City as a Corporation*. Toronto: Black Rose Books.

Isin, Engin F. 2002. *Being Political: Genealogies of Citizenship*. Minneapolis: University of Minnesota Press.

Kanazawa, Mark. 2005. Immigration, Exclusion, and Taxation: Anti-Chinese Legislation in Gold Rush California. *The Journal of Economic History* 65: 779–805. [CrossRef]

Kanstroom, Dan. 2007. *Deportation Nation: Outsiders in American History*. Harvard: Harvard University Press.

Kapoor, Nisha, and Kasia Narkowicz. 2019. Characterising Citizenship: Race, Criminalisation and the Extension of Internal Borders. *Sociology* 53: 652–70. [CrossRef]

Kwon, Christine, and Marissa Roy. 2017. Local Action, National Impact: Standing up for Sanctuary Cities. *Yale LJF* 127: 715.

Law, Anna O. 2014. Lunatics, Idiots, Paupers, and Negro Seamen—Immigration Federalism and the Early American State. *Studies in American Political Development* 28: 107–28. [CrossRef]

Lee, Stacy J. 2015. *Unraveling the" Model Minority" Stereotype: Listening to Asian American Youth*. New York: Teachers College Press.

Lenard, Patti Tamara, and Laura Madokoro. 2021. The Stakes of Sanctuary. *Migration and Society* 4: 1–15. [CrossRef]

Magnusson, Warren. 1996. *The Search for Political Space*. Toronto: University of Toronto Press.

Mayblin, Lucy. 2017. *Asylum after Empire: Colonial Legacies in the Politics of Asylum Seeking*. Lanham: Rowman & Littlefield.

McCann, Eugene, and Kevin Ward. 2012. Assembling Urbanism: Following Policies and 'Studying through' the Sites and Situations of Policy Making. *Environment and Planning A: Economy and Space* 44: 42–51. [CrossRef]

McClintock, Anne. 1995. *Imperial Leather: Race, Gender, and Sexuality in the Colonial Contest*. New York: Routledge.

Mezzadra, Sandro, and Brett Neilson. 2013. *Border as Method, or, the Multiplication of Labor*. Durham: Duke University Press.

Midgley, James. 1984. Poor Law Principles and Social Assistance in the Third World: A Study of the Perpetuation of Colonial Welfare. *International Social Work* 27: 19–29. [CrossRef]

Midgley, James. 2011. Imperialism, Colonialism and Social Welfare. In *Colonialism and Welfare: Social Policy and British Imperial Legacy*. Edited by James Midgley and David Piachaud. London: Edward Elgar Publishing, pp. 36–54.

Mignolo, Walter. 2003. *The Darker Side of the Renaissance: Literacy, Territoriality, and Colonization*. Ann Arbor: University of Michigan Press.

Pallister-Wilkins, Polly. 2020. Hotspots and the Geographies of Humanitarianism. *Environment and Planning D: Society and Space* 38: 991–1008. [CrossRef]

Prak, Maarten. 2018. *Citizens without Nations: Urban Citizenship in Europe and the World, C. 1000–1789*. Cambridge: Cambridge University Press.

Price, David. 2011. *Sheffield Troublemakers: Rebels and Radicals in Sheffield History*. London: Phillimore.

Rabinow, Paul. 1989. Governing Morocco: Modernity and Difference. *International Journal of Urban and Regional Research* 13: 32–46. [CrossRef]

Rana, Aziz. 2014. *The Two Faces of American Freedom*. Cambridge: Harvard University Press.

Ravetz, Alison. 2003. *Council Housing and Culture: The History of a Social Experiment*. London: Routledge.

Robinson, Cedric J. 1983. *Black Marxism: The Making of the Black Radical Tradition*. Chapel Hill: University of North Carolina Press.

Sandercock, Leonie. 2003. *Cosmopolis Ii: Mongrel Cities of the 21st Century*. London: A&C Black.

Saunt, Claudio. 2020. *Unworthy Republic: The Dispossession of Native Americans and the Road to Indian Territory*. New York: WW Norton & Company.

Schweik, Susan M. 2009. *The Ugly Laws: Disability in Public*. New York: New York University Press.

Scott, James C. 1998. *Seeing Like a State How Certain Schemes to Improve the Human Condition Have Failed*. Yale Agrarian Studies. New Haven: Yale University Press.

Seekings, Jeremy. 2013. *The Beveridge Report, the Colonial Office, and Welfare Reform in British Colonies*. Cape Town: University of Cape Town, *Unpublished paper*.

Smith, Stacey L. 2013. *Freedom's Frontier: California and the Struggle over Unfree Labor, Emancipation, and Reconstruction*. Chapel Hill: University of North Carolina Books.

Spivak, Gayatri Chakravorty. 1991. Neocolonialism and the Secret Agent of Knowledge. *Oxford Literary Review* 13: 220–51. [CrossRef]

Stoler, Ann Laura. 1989. Rethinking Colonial Categories: European Communities and the Boundaries of Rule. *Comparative Studies in Society and History* 31: 134–61. [CrossRef]

Stoler, Ann Laura. 2022. *Interior Frontiers: Essays on the Entrails of Inequality*. Oxford: Oxford University Press.

Stoler, Ann Laura, and Frederick Cooper. 1997. Between Metropole and Colony. In *Tensions of Empire: Colonial Cultures in a Bourgeois World*. Edited by Ann Laura Stoler and Frederick Cooper. Berkeley: University of California Press, pp. 1–56.

Strazzari, Davide. 2017. Immigration and Federalism in Canada: Beyond Quebec Exceptionalism? *Perspectives on Federalism* 9: 56–84. [CrossRef]

Ticktin, Miriam I. 2011. *Casualties of Care: Immigration and the Politics of Humanitarianism in France*. Oakland: University of California Press.

Trebilcock, Michael J., and Ninette Kelley. 2000. The Making of the Mosaic: A History of Canadian Immigration Policy. *The Canadian Historical Review* 81: 517–28.

Veracini, Lorenzo. 2013. 'Settler Colonialism': Career of a Concept. *The Journal of Imperial and Commonwealth History* 41: 313–33. [CrossRef]

Winant, Howard. 2004. *The New Politics of Race: Globalism, Difference, Justice*. Minnesota: University of Minnesota Press.

Winks, Robin W. 2008. Slavery, the Loyalists, and English Canada, 1760–1801. In *The History of Immigration and Racism in Canada: Essential Readings*. Edited by B. Walker. Ottawa: Canadian Scholars Press, pp. 27–40.

Wolfe, Patrick. 1999. *Settler Colonialism*. London: A&C Black.

Wolfe, Patrick. 2006. Settler Colonialism and the Elimination of the Native. *Journal of Genocide Research* 8: 387–409. [CrossRef]

Wright, Gwendolyn. 1991. *The Politics of Design in French Colonial Urbanism*. Chicago: University of Chicago Press.

Wright, Susan, and Sue Reinhold. 2011. 'Studying Through': A Strategy for Studying Political Transformation. Or Sex, Lies and British Politics. *Policy Worlds: Anthropology and the Analysis of Contemporary Power* 14: 86–104.

Yuval-Davis, Nira, Georgie Wemyss, and Kathryn Cassidy. 2019. *Bordering*. Hoboken: John Wiley & Sons.

Zuckerman, Michael. 1970. *Peaceable Kingdoms: New England Towns in the Eighteenth Century*. New York: Knopf, vol. 796.