

specific policy. But there are no grounds for claims that regularising irregular migrants would generate unsustainable costs to British taxpayers. It is more likely that any net increase in costs to public services or benefits would be largely offset, and possibly even outweighed, by increased revenue from income tax and National Insurance contributions which regularised migrants would generate. The Institute for Public Policy Research estimated in 2006, for example, that regularising migrant workers in the UK could generate up to £1 billion in additional fiscal revenue.

Keeping large numbers of people outside the system and cut off from public services itself creates big hidden costs in a modern society. UK immigration policy now requires the NHS, for example, to deny irregular migrants free hospital care for most medical conditions until they become an emergency. Current Home Office moves to use health records to catch and remove them may deepen their exclusion from NHS care. The likely result is not only more ill-health for them personally, but also higher long-run costs when the NHS treats them eventually for more advanced illnesses - and ultimately perhaps, risks to public health.

Similarly, evidence is now emerging from local authorities that the presence of large numbers of local residents in irregular status already puts some pressure

*Any extra demand on public funds is likely to be substantially offset by increased tax revenue and efficiency gains.*

on public services, which is much harder to respond to efficiently because this 'shadow' population is excluded from most official data and planning systems.

#### **What would be the impact on pay and employment for other workers if irregular migrants were given legal status in the UK?**

A migrant working irregularly in the UK has no legal contract of employment and therefore no enforceable employment rights. Many employers in the UK are willing to employ irregular migrants, but people working outside the law are at risk of exploitation, including low pay, lack of health and safety regulations and long working hours. Research indicates that the informal sector, where most irregular migrants at present find jobs (alongside UK-born people working 'off-the-books') may have the effect of undercutting lower-paid employees in the legally-regulated economy.

Bringing irregular migrants into formal employment could help to roll back the grey economy, potentially strengthening the position of both foreign and British workers in accessing employment rights and improving working conditions in the low-paid sector. Trade unions, employers and other agencies could help to secure this long-term benefit by making sure that statutory employment rights apply across such sectors.

*Enabling irregular migrants to move into mainstream work should make it easier to ensure decent standards and jobs for the wider workforce.*

### **If We Opt For Regularisation, How Can We Make Sure It Really Works?**

Regularisation programmes cannot stop more irregular migrants from arriving. But they are, on available evidence, the only effective way to sort out growing problems created by having high numbers of residents with few rights, living outside the law. Learning from other countries we think that, to be successful, a regularisation programme in the UK would need to:

- Start from an understanding of how employers and migrants behave, their needs, and a flexible approach to meeting those needs without condoning exploitation.
- Work alongside policy reform to remove drivers of irregular immigration – for example, opening up realistic routes to low-skilled employment and family reunion.
- Take account of the needs of local and regional government.
- Be open and transparent, to win the confidence of migrants their organisations and the communities where they settle.
- Take action to remove the reasons for irregularity so that newly regularised migrants don't "slip back" into irregularity.
- Not impose complex conditions for the pathways out of irregularity which may leave migrants vulnerable and some still dependant on social services.
- Include integration strategies that allow migrants to upgrade their skills and requalify.
- Supplement a one-off amnesty with longer-term provisions allowing future people who have broken the rules to resolve their situation.

*A regularisation programme in the UK should be carefully planned, based on a realistic assessment of migration trends and accompanied by wider policy reforms.*

#### **Sources of information**

Key sources of information referred to in this briefing paper include:

- CLANDESTINO: an EU research project covering 15 countries [www.clandestino.eliamep.gr](http://www.clandestino.eliamep.gr) / [www.irregular-migration.hwwi.net](http://www.irregular-migration.hwwi.net)
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- Migrants' Rights Network (2008). Papers Please: the impact of the civil penalty regime on the employment rights of migrants in the UK. [www.migrantsrights.org.uk](http://www.migrantsrights.org.uk)
- The Regularisation of Undocumented Migrants: Literature Survey and Country Case Studies (2005). COMPAS, University of Oxford [www.compas.ox.ac.uk](http://www.compas.ox.ac.uk)
- Council of Europe (2007). Regularisation programmes for irregular migrants, Doc11350 [www.assembly.coe.int](http://www.assembly.coe.int)

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**MigrationWork** is a not-for-profit consultancy set up to help communities, practitioners and policy-makers to respond to migration, in ways that ensure both migrant and 'host' communities can benefit from this process and move towards integration. [www.migrationwork.org](http://www.migrationwork.org)

#### **Migrants Rights Network**

The Migrants' Rights Network (MRN) is a charity working for a rights-based approach to migration, with migrants as full partners in developing the policies and procedures which affect life in the UK. [www.migrantsrights.org.uk](http://www.migrantsrights.org.uk)

#### **City Parochial Foundation**

Established in 1891, City Parochial Foundation (CPF) is one of the largest independent charitable foundations in London. It aims to enable and empower the poor of London to tackle poverty and its root causes, and to ensure that its funds reach those most in need. [www.cityparochial.org.uk](http://www.cityparochial.org.uk)

#### **Briefing paper methodology**

*This briefing was written to give an objective review of information about irregular migrants and regularisation. During the course of the drafting, three roundtable discussions were held, involving non-governmental organisations, trade unions, academics, public sector workers and migrant activists. It is based on a longer pamphlet, available at [www.migrationwork.org.uk](http://www.migrationwork.org.uk) or at [www.migrantsrights.org.uk](http://www.migrantsrights.org.uk), which includes full references for the information cited here. Many thanks to all who contributed to both publications.*

*The known presence of an estimated 725,000 irregular migrants in the UK presents politicians and civil society with a challenge which is currently not being met.*

*In this briefing paper, MigrationWork and the Migrants' Rights Network use independent research findings to present some of the facts about irregular migrants, and argue that a new approach, involving a regularisation programme, is urgently needed.*



**Note on terminology:**  
The term 'irregular migrants' describes people who are not complying with some aspect of immigration law and rules. Although often referred to as 'illegal migrants', many people prefer to use the terms 'irregular', or 'undocumented', migrants. This is because many irregular migrants commit administrative, rather than criminal, offences and so it is misleading to use the term 'illegal' which has strong associations with criminality.

# **Irregular Migrants:**

the urgent need for a new approach



## **Key points**

#### **Who are the irregular migrants in the UK?**

- Irregular migration is not primarily a matter of crossing borders. Most irregular migrants arrive in the UK legally and become irregular later.
- The proportion of irregular migrants in the UK population is, on best estimates, similar to many other EU countries and half that in the USA.

#### **Why isn't enforcement the answer?**

- Tougher border controls are unlikely to make a significant dent in the number of irregular migrants in the UK and may even increase it.
- Tougher in-country enforcement cannot solve the problem; removing all irregular migrants, even if they could be found, would cost over £8 billion and take decades.

#### **What do we know about regularisation programmes?**

- They offer a chance for people who have fallen out of the system to resolve their situation.
- There is no evidence that they act as a significant "pull" factor for future migrants.
- Any extra demand on public funds from regularised migrants is likely to be substantially offset by their own contributions to tax revenue and by efficiency gains.
- Enabling irregular migrants to move into mainstream work should make it easier to maintain decent standards and jobs for the wider workforce.
- A regularisation programme in the UK should be carefully planned, based on a realistic assessment of migration trends and accompanied by wider policy reforms.



## Who Are The Irregular Migrants In The UK?

### How do people become irregular migrants?

Although irregular migrants are a varied and largely hidden group of people, research conducted by academics, think tanks and Government bodies gives us some indication of the ways that people become irregular. Most begin by entering the UK through legal routes such as coming to work, visit family members or seek asylum, and become irregular later. This can happen for many reasons. Some people find they have accidentally overrun their permission to be here or, as a result of the complicated immigration rules, no longer meet the criteria to renew their stay in the UK. Others knowingly stay without permission, for example because they fear conflict in their country of origin, or to keep sending money to families there. Some migrants in paid employment in the UK become irregular if they lose their job but remain in the UK. Recession may mean this happens more often.

It is likely that the 'illegal entrants' who often appear in headlines and political speeches – referring to migrants who cross the UK border in secret – are a minority of irregular migrants. Entering the UK illegally is dangerous, often means paying large fees to people who facilitate it and can be fatal. Those who do it are likely to be the most desperate, and typically include the majority of people seeking asylum.

Once people become irregular in the UK, it is usually very hard for them to resolve their status and be re-issued with the papers they need. Until recently they might sort out their situation by leaving the country and applying for a fresh visa allowing them to return and continue their stay. But since March 2008 this possible solution has been closed by the Government, with new regulations banning people who breach immigration rules from returning to the UK for between one and ten years. Some people who become irregular can't return to their country of origin even if they want to because of unsafe conditions, lack of documentation needed to travel, or refusal of their country of origin to accept them. Others have British children now (because the other parent is British or settled here) or are too ill to travel. A minority find themselves homeless and destitute in the UK, reliant on support sometimes provided by local charities or churches.

*Irregular migration is not primarily a matter of crossing borders. Most irregular migrants arrive in the UK legally and become irregular later.*

### How many irregular migrants are there in the UK, and how does this compare to other countries?



Estimating the number of irregular migrants in the UK is very difficult and methods are much debated. A Home Office study using a widely-accepted method produced a tentative estimate of 430,000 for 2001, or 0.7% of UK population in that year. Using similar methodology - but adding children born to them in the UK - a recent London School of Economics

report gave a central estimate of 725,000 irregular migrants at end-2007, around two-thirds of them living in London. (Leaving out UK-born children to allow direct comparison with the earlier Home Office study, this implied a total of about 660,000 UK-wide.) About 220,000 or just under a third were estimated to be former asylum seekers whose cases the Government was still trying to resolve. On this basis, irregular migrant households made up around 1.2% of UK population at the end of 2007.

There is no evidence that the number of irregular migrants in the UK is disproportionately high. Research from some other European countries such as Germany and Austria indicates a percentage of irregular migrants roughly equal to the UK figure. Total estimates for irregular migrant numbers within the whole European Union (EU) vary between 2.8 and 8 million, or between 0.6% and 1.6% of the total EU population of just under 500 million. Some of the variation in estimates may reflect different definitions of 'irregular migrant', for example whether the category covers refused asylum seekers or people who are 'semi-irregular'.

The 2007 estimate for the UK is under half the proportion of irregular migrants in the United States of America, where 3.8% of the total population are estimated to be irregular migrants.

*The proportion of irregular migrants in the UK population is, on best estimates, similar to many other EU countries and half that in the USA.*

## Why Isn't Enforcement The Answer?

### Can't we put an end to irregular immigration by stopping them from entering at the border?

UK government strategy since 2000 has given priority to tightening border controls, making it more difficult for people to seek asylum in the UK and to enter on lower-skilled working visas. But as most irregular migrants arrive in the UK legally, increasing border controls can't do much to end irregular migration.

In fact as the Government tightened controls over the last decade, estimated numbers of irregular migrants in the UK rose roughly 50% from 430,000 in 2001 to 660,000 (on equivalent basis) at the end of 2007. This is likely to be for a number of reasons. Tougher border controls mean that once migrants become irregular here, they are less likely to return to countries of origin as their chances of returning to the UK legally are slim. Heavier border controls and higher fees for visas and residence permits also make it harder for people to comply, so more 'fall out' of the system. And many, driven to migrate by overwhelming need (for example to escape danger or support their family), will try to do so whether it is legal or not.

Other countries have found the same: numbers of irregular migrants rose in tandem with increasing border controls. In the USA for example, alongside high investment in border control since the Clinton era, irregular migrant numbers have risen from around 5 million in 1996 to an estimated 12 million in 2008. Indications from the UK and other countries are that strengthening border controls is a limited tool for dealing with irregular migration and may in fact contribute to an increase in numbers of irregular migrants present in the country.

*Tougher border controls are unlikely to make a significant dent in the number of irregular migrants in the UK and may even increase it.*

### OK, there are irregular migrants in the UK, so can't we just find and deport them?

Current government policy is to try to remove irregular migrants who do not leave voluntarily. But first they have to be found, detained and transported. In 2005 the National Audit Office estimated that forcibly removing a refused asylum seeker costs, on average, £11,000. Direct costs for removing a family can exceed £28,000. On the 2007 estimate of 725,000 irregular migrants in the UK including families, this implies a cost of well over £8 billion to remove them all. It would also take a long time, about 30 years at current deportation rates.

Claims that internal controls can help to find and ultimately remove irregular migrants living in the UK are not supported by the figures. Government immigration statistics show that



in 2007 just under 28,000 people – fewer than 4% of the total estimated 725,000 irregular migrants – were removed or voluntarily left the UK following enforcement action within the country (as distinct from being turned away at ports of entry). Moreover, the stock of irregular migrants is constantly replenished as new people fall outside

the system. So in-country enforcement measures barely make a dent in the number of irregular migrants living here.

There may also be wider costs of tougher in-country enforcement for British society. The government is currently increasing pressures on public authorities and private companies not to provide services or employment to irregular migrants in the UK. Early indications from research are that this may generate public mistrust of foreign (and 'foreign-looking') people in the UK, potentially threatening equal access to employment or services for many people of different colour, national or ethnic origin.

*Tougher in-country enforcement cannot solve the problem – and has real economic and social costs.*

## What Do We Know About Regularisation Programmes?

### What is regularisation?

A 'regularisation' is a government policy that offers the chance for some, or all, irregular migrants living in a country to apply for some kind of legal status in that country. It can be a one-off measure (often called an 'amnesty') or a permanent feature of the immigration rules. Many governments across the world have regularised irregular migrants living in their countries, including the United States, Spain, Italy and France. Though little publicised, regularisation policies have brought up to six million migrants into regular status across Europe.

The British government has regularised over 45,000 people through 'one-off' regularisation schemes between 1996 and 2008. The UK currently has two 'long-residence' rules enabling foreign nationals who have lived here lawfully for 10 years, or have lived here unlawfully for 14 years, to apply for residence permits. But meeting their criteria is very difficult. Only 3,155 migrants gained status in the UK under long-residence rules in 2007, most applying under the 10 year rule. There is currently no viable way to resolve the position of the vast majority of the UK's estimated 725,000 irregular migrants.

Although so far rejected by the UK government regularisation programmes are seen by many states as a helpful step towards addressing the problems associated with irregular migration. An inclusive regularisation programme in the UK could bring irregular migrants into the legal framework, generate tax revenue, tackle the informal economy and ensure that basic rights can be protected. Integrating irregular migrants into local communities would be much easier. In April 2009 President Obama announced his intention to press ahead with planning a major regularisation programme in the USA.

*Regularisation programmes offer a chance for people who have fallen out of the system to resolve their situation.*

### If we regularise migrants without permission to be here, won't that cause a 'pull factor', attracting more irregular migrants to come to the UK?

Separating out the effect of regularisation programmes from the impact of other immigration policies is extremely hard. But research by the Council of Europe, and in 2008 by the independent International Centre for Migration

Policy Development (ICMPD) looking at such programmes in European countries since 1996, has found no evidence that they 'pulled' further numbers of irregular migrants. Close examination of migration trends in those countries indicates that the strength of the national economy – and hence opportunities for employment there – influence migrants' decisions about entering or staying in a country much more than the attraction of regularisation programmes.

In 2007, on behalf of the Council of Europe, Conservative MP Peter Greenway reviewed the Spanish regularisation of almost 700,000 people in 2005. He concluded that any 'pull factor' attracting further migrants to Spain was offset by policy reforms which simultaneously gave more scope for regular labour migration and challenged illegal employment. In hindsight, he said, the amnesty had been "a success". This Spanish experience indicates how regularisation will work best when combined with strong measures to fulfil the labour market's need for migrant workers, and properly regulate employment conditions.

*There is no evidence that regularisation programmes act as a significant 'pull factor' for future migrants.*

### What would be the cost to the taxpayer of giving irregular migrants legal status?

Irregular migrants are currently barred from access to almost all social security benefits and services in the UK. If regularised, there would inevitably be an increase in demand for state support.

Economic costs and benefits of regularisation cannot be estimated accurately without considering the detail of a

