

# The Hostile Environment Policy of the UK's Home Office

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Bachelor's Thesis  
2024



**Tomas Bata University in Zlín**  
Faculty of Humanities

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Univerzita Tomáše Bati ve Zlíně  
Fakulta humanitních studií  
Ústav moderních jazyků a literatur

Akademický rok: 2023/2024

# ZADÁNÍ BAKALÁŘSKÉ PRÁCE

(projektu, uměleckého díla, uměleckého výkonu)

Jméno a příjmení: **Martina Pijáčková**  
Osobní číslo: **H21827**  
Studijní program: **B0231P090005 Anglický jazyk pro manažerskou praxi**  
Forma studia: **Prezenční**  
Téma práce: **Politika nepřátelského prostředí Ministerstva vnitra Spojeného království**

## Zásady pro vypracování

Shromáždění materiálů k tématu  
Studium odborné literatury  
Formulace cílů práce  
Analýza prostředí Ministerstva vnitra v souladu s cíli práce  
Vyvození a formulace závěrů práce

Forma zpracování bakalářské práce: **tištěná/elektronická**  
Jazyk zpracování: **Angličtina**

**Seznam doporučené literatury:**

- Balch, Alex. *Immigration and the State: Fear, Greed and Hospitality*. London: Palgrave Macmillan, 2016.  
Gentleman, Amelia. *The Windrush Betrayal: Exposing the Hostile Environment*. London: Guardian Books, 2019.  
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Yeo, Colin. *Welcome to Britain: Fixing Our Broken Immigration System*. London: Biteback, 2020.

Vedoucí bakalářské práce: **Mgr. Helena Kaňková, Ph.D.**  
Ústav moderních jazyků a literatur

Datum zadání bakalářské práce: **1. února 2024**  
Termín odevzdání bakalářské práce: **6. května 2024**

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Ve Zlíně dne 27. února 2024

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## **ABSTRAKT**

Tato bakalářská práce se zabývá politikou nepřátelského prostředí Spojeného království, zavedenou v roce 2012. Tato politika, jejímž cílem je odrazovat od nelegální imigrace tím, že ztěžuje každodenní život osobám bez legálního statusu, vyvolala značné kontroverze a debaty. Tato práce zkoumá historické pozadí této politiky, její účinnost při kontrole imigrace a hodnotí její dopady na lidská práva imigrantů a jejich sociální integraci ve Spojeném království. Zvláštní pozornost je věnována velkým kontroverzím, jako byl skandál Windrush, které zdůrazňují napětí mezi národní bezpečností a právy jednotlivce. Analýza naznačuje, že ačkoli tato politika může posílit kontrolu imigrace, často se tak děje na úkor spravedlnosti a důstojnosti, čímž zdůrazňuje potřebu vyváženějšího přístupu.

**Klíčová slova:** Politika nepřátelského prostředí, lidská práva, kontrola imigrace, sociální integrace, Imigrační politika Spojeného království, skandál Windrush

## **ABSTRACT**

This bachelor thesis explores the United Kingdom's Hostile Environment Policy, initiated in 2012. The policy, designed to deter illegal immigration by making daily life increasingly difficult for those without legal status, has sparked significant controversy and debate. This thesis scrutinizes the policy's historical background, its effectiveness in controlling immigration and assesses its impacts on the human rights of immigrants and their social integration within the UK. Special attention is given to major controversies, such as the Windrush scandal, that underscore the tension between national security and individual rights. The analysis suggests that while the policy may strengthen immigration control, it often does so at the expense of fairness and dignity, highlighting the need for a more balanced approach.

**Keywords:** Hostile Environment Policy, Human Rights, Immigration Control, Social integration, UK Immigration Policy, Windrush Scandal

## **ACKNOWLEDGEMENTS**

I would like to express my gratitude to my supervisor Mgr. Helena Kaňková, Ph.D. for her time, valuable advice, and guidance. I would also like to express my sincerest thanks to my family and friends who have supported me throughout my studies.

I hereby declare that the print version of my bachelor's thesis and the electronic version of my thesis in the IS/STAG system are identical.

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## INTRODUCTION

The United Kingdom's immigration policy has historically oscillated between openness and restriction, reflecting broader socio-political dynamics and evolving economic needs. This thesis explores the Hostile Environment Policy, implemented in 2012 with the intention of deterring illegal immigration by making life progressively difficult for those without legal status. It critically examines the socio-economic impacts and human rights controversies associated with this policy and its broader implications on society and governance.

Understanding the distinction between legal and illegal immigration is crucial, as the policy targets primarily those without legal status. Legal immigration allows individuals to enter and remain in the UK through officially sanctioned channels, affording them various legal rights and protections. In contrast, illegal or undocumented immigration involves individuals entering or staying in the country without authorization, exposing them to significant vulnerabilities and legal repercussions. The Hostile Environment Policy was designed to make the UK a daunting destination for undocumented immigrants by restricting access to work, housing, health services, and more.

This thesis begins with the outline of the historical trajectories of UK immigration laws from the post-World War II era to the present, setting the stage for understanding the shift from open to restrictive policies. The second chapter delves into the development and implementation of the Hostile Environment measures, showing how these policies have integrated immigration control into both public and private sectors and fundamentally altered the landscape of immigration enforcement in the UK. The third chapter focuses on the policy's critical backlashes and human rights implications, with particular attention to high-profile controversies such as the Windrush scandal. This chapter highlights the unintended consequences of aggressive enforcement on individuals and communities, revealing the human aspect of the policy's impact. The fourth chapter discusses how the policy has specifically affected another vulnerable group— asylum seekers and refugees— differentiating their experiences from other immigrant groups and exploring the socio-economic and ethical implications. The final chapter evaluates the social integration and economic implications of the policy, synthesizing insights gained from previous chapters to propose a comprehensive evaluation of how such policies not only shape immigration patterns but also affect societal cohesion and national identity.

By comprehensively evaluating the Hostile Environment Policy, this thesis aims to uncover the socio-economic and human rights dimensions that have emerged since its

implementation and address its contemporary challenges. This work seeks to provide a deeper understanding of the ethical implications and its role in shaping the discourse on migration and integration in the modern socio-political climate.

## 1 A BRIEF HISTORY OF IMMIGRATION POLICIES

Even though relatively small numbers were present in earlier times, immigration has long characterised British society; it stems from the fact that the ethnic majority, which evolved over time, can be traced back to movements from continental Europe and possibly beyond. These movements included Celts, Romans, Angles, and Saxons – elements that nineteenth-century historians and mythmakers emphasized in constructing the English people. Much like many other European countries, Britain has a majority population whose origins trace back to the ‘Age of Migrations’ spanning from the decline of the Roman Empire to the early medieval era.<sup>1</sup> Before 1945, the majority of immigrants came from Europe, especially Ireland. The Irish famine in the 1840s caused a massive inflow of Irish migrants. Black and Asian migrants were a rarity in the late 19<sup>th</sup> and early 20<sup>th</sup> centuries.<sup>2</sup> Thus, prior to the twentieth century, there were no legal restrictions for immigrants. This era ended when the first fundamental immigration law was implemented: The Aliens Act 1905. It was mainly aimed at Jewish immigrants who migrated to the UK due to prosecution in Eastern Europe, particularly areas within the Russian Empire.<sup>3</sup> In 1901, the recorded number of Jews in the UK was around 140,000<sup>4</sup> and such a high number, which was still increasing, contributed to the act’s implementation. Another factor that contributed was that Britain perceived Jews as a threat to Britain’s imperial ambitions as they were deemed as occupying liminal status in terms of race and colonialism. Jews were deemed “sufficiently white” to participate in colonial endeavours, such as settling in East Africa in service of the British crown. Nevertheless, they were still discriminated against and marginalized within their communities, such as in London’s East End.<sup>5</sup>

Throughout the years, people came to Britain for various reasons, such as family connections, colonial history, personal ambition, or fleeing from their country due to war or political reasons. As immigration was increasing, other acts subsequently followed, step by

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<sup>1</sup> Panikos Panayi, *An Immigration History of Britain: Multicultural Racism Since 1800* (Longman Publishing Group, 2010), 11.

<sup>2</sup> Panayi, *An Immigration History of Britain: Multicultural Racism Since 1800*, 37.

<sup>3</sup> Nadine El-Enany, *(B)Ordering Britain: Law, Race and Empire*, (Manchester University Press, 2020), chap.2, Kindle.

<sup>4</sup> “The Proceedings of the Old Bailey,” accessed April 15, 2024, <https://www.oldbaileyonline.org/about/jewish>.

<sup>5</sup> Colin Yeo, *Welcome to Britain: Fixing Our Broken Immigration System* (London: Biteback Publishing, 2020), chap.1, Kindle. Hannah Ewence, *The Alien Jew in the British Imagination, 1881-1905: Space, Mobility and Territoriality* (Springer Nature, 2019), 16.

step putting constrictions on immigrants from all over the world and overall contributing to the creation of the Hostile Environment.<sup>6</sup>

## 1.1 After 1945

The post-World War II era marks a turning point in immigration policy in the UK due to significant social, economic, and political changes that the UK underwent after the end of the war. In 1945 the Labour Party came into power with Clement Attlee as Prime Minister. The party's platform was based on a strong commitment to social welfare, economic reform, and the creation of a welfare state. Key achievements included the establishment of the National Health Service in 1948, which provided healthcare to all UK citizens. They also brought major industries and utilities such as coal, steel, and rail under government control. Their approach towards immigration was significantly shaped by the need to recover British economy and the labour shortages in key industries.<sup>7</sup>

The immigration of this period unfolds in two major phases. First, the postcolonial wave, from the late 1940s to the early 1990s, primarily involved non-European, non-white people from Africa, South Asia, and the Caribbean. Subsequently, the post-1997 wave emerged, characterized by a significantly larger inflow that has impacted a broader area of Britain; in addition to fresh arrivals from Africa and South Asia, this wave mainly brought people without historical colonial ties to Britain, among them a larger minority of white East Europeans. These two phases can be subdivided even further into four flows: first, from 1948 to 1962, open door policy; after 1962, the door started closing slowly; in 1997, they partially reopened, and that brought historically unprecedented inflows; the fourth flow is the current attempt to limit the numbers again.<sup>8</sup>

### 1.1.1 Labour Shortages

After the second world war, Britain struggled with labour shortages. The labourers were sourced from colonies, which led to uncontrolled immigration of Black and Asian people; these immigrants were given the worst jobs and were considered undeserving of good social conditions.<sup>9</sup> Formally, no one invited them, but specific industries needing night or weekend

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<sup>6</sup> David Goodhart, *The British Dream: Successes and Failures of Post-War Immigration* (Atlantic Books Ltd, 2013), chap.3, Kindle.

<sup>7</sup> "History of Clement Attlee - GOV.UK," accessed April 23, 2024, <https://www.gov.uk/government/history/past-prime-ministers/clement-attlee>.

<sup>8</sup> Goodhart, *The British Dream: Successes and Failures of Post-War Immigration*, chap.3, Kindle.

<sup>9</sup> Robbie Shilliam, *Race and the Undeserving Poor: From Abolition to Brexit* (Agenda Publishing, 2018), 82.

workers welcomed individuals from India or Pakistan.<sup>10</sup> Another source of labour were Eastern European refugees, and given that they passed a medical examination, they were transported to Britain and allocated three years of state-directed employment, accommodation, social welfare, and education.<sup>11</sup>

### 1.1.2 Crumbling Empire

Post-war Britain was economically weakened and could no longer afford the costs of maintaining an empire. The financial strains were increased by the need to rebuild the domestic economy and the funding of the new welfare state.<sup>12</sup> Faced with the collapse of the British Empire, politicians were keen to maintain their global status and sustain economic ties with colonies and former colonies, embracing the notion of the Commonwealth.<sup>13</sup> The outcome of this desire was The British Nationality Act 1948.

## 1.2 The British Nationality Act 1948

The British Nationality Act was passed in 1948 by the Labour Government, and it gave rights to all citizens of the Empire and Commonwealth to reside and work in Britain.<sup>14</sup> Nevertheless, it did not grant any new rights; the existing rights were written into the law and served as a safeguard against any attempt to revoke them.<sup>15</sup> The act aimed to fortify Britain's status as a colonial power and a leading figure in the Commonwealth. Between 1948 and 1962, approximately half a million individuals from British colonies and the Commonwealth came to Britain.<sup>16</sup> The right for British citizens to enter the UK was there before the 1948 Act rolled out, but a small number of people exercised this right, and when they did, non-legislative steps were taken to restrict their entry. When the act came into force, the sudden inflow of so many people, especially from poor colonies, seizing the opportunity and claiming their rights came as a shock that was neither expected nor welcomed by the Parliament. Politicians tried to undermine it, deploying various 'informal controls' to reduce the number of New Commonwealth immigrants - people from Africa, The Caribbean, and

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<sup>10</sup> Goodhart, *The British Dream: Successes and Failures of Post-War Immigration*, chap.3, Kindle.

<sup>11</sup> El-Enany, (B) *Ordering Britain: Law, Race and Empire*, chap.3, Kindle.

<sup>12</sup> P. W. Preston, *Britain After the Five Crises: Financial Collapse, Migration, Brexit, Covid and the Ukraine* (Springer Nature, 2023), 24-25.

<sup>13</sup> Maya Goodfellow, *Hostile Environment: How Immigrants Became Scapegoats* (Verso Books, 2019), chap.2, Kindle.

<sup>14</sup> Goodhart, *The British Dream: Successes and Failures of Post-War Immigration*, chap.3, Kindle.

<sup>15</sup> Goodfellow, *Hostile Environment: How Immigrants Became Scapegoats*, chap.2, Kindle.

<sup>16</sup> El-Enany, (B) *Ordering Britain: Law, Race and Empire*, chap.3, Kindle.

the Indian subcontinent.<sup>17</sup> What the government really wanted to do by passing the 1948 Act was to facilitate movement for the people from Old Commonwealth countries – Australia, Canada, South Africa, and New Zealand - known as the ‘white dominions.’ This legislation is considered one of the most extraordinary in recent British history as it effectively allowed for the unrestricted migration of millions of people from colonies to Britain, resulting in a significant increase in the population of people of colour. This population influx occurred without full awareness of its long-term consequences.<sup>18</sup>

By the beginning of the 1950s, the Conservatives came to power, and politicians were already searching for ways to limit immigration from New Commonwealth countries; they even prepared and drafted the legislation. However, various factors, such as the opposition to restricting Irish immigration and reluctance to bar entry for ethnically white citizens from Old Commonwealth nations, hindered these efforts, so the legislation was abandoned.<sup>19</sup> In the late 1950s, racial tensions escalated, culminating in the Notting Hill Riots in 1958 when young white men targeted the Caribbean community in West London. This incident significantly shifted public and governmental attitudes towards immigration and integration.<sup>20</sup> By the early 1960s, priorities had changed, and the previously unrestricted movement within the Old Commonwealth was no longer tenable. The growing desire to control immigration led to the enactment of the Commonwealth Immigration Act of 1962, marking a significant turn in British immigration policy.<sup>21</sup>

### 1.3 Commonwealth Immigrants Act 1962

It was the first in a series of formal restrictions to free movement for citizens of the Commonwealth to the United Kingdom, the first attempt at controlling the inflows. However, it was not really about the numbers; the main concern was the colour of those arriving in Britain, because had it been about the numbers, it would have been also aimed at the Irish immigrants. For Irish citizens, there were no access restrictions. Also, a voucher program was implemented to ensure skilled workers from the Old Commonwealth could still access the UK. For other immigrants, immigrants of colour, a new law started to apply. Only those with passports issued directly by the British government retained the right to enter the

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<sup>17</sup> Yeo, *Welcome to Britain: Fixing Our Broken Immigration System*, chap. 1, Kindle.

<sup>18</sup> Goodhart, *The British Dream: Successes and Failures of Post-War Immigration*, chap.3, Kindle.

<sup>19</sup> Yeo, *Welcome to Britain: Fixing Our Broken Immigration System*, chap.1, Kindle.

<sup>20</sup> Christopher Hilliard, “Mapping the Notting Hill Riots: Racism and the Streets of Post-war Britain,” *History Workshop Journal* 93, no. 1 (April 1, 2022): 47, <https://doi.org/10.1093/hwj/dbac012>.

<sup>21</sup> Yeo, *Welcome to Britain: Fixing Our Broken Immigration System*, chap.1, Kindle.

UK, their own country of citizenship. Those holding passports issued by colonial governments lost this right, leading to disparities in the rights of individuals with the same nominal status. This shifted Britain's immigration policy from extremely open to highly restrictive, particularly impacting racialized groups and effectively operating as a 'zero immigration' policy for the subsequent forty years.<sup>22</sup> This policy and an application for joining the European Community submitted in the same year marked the beginning of the end of imperial ties.<sup>23</sup>

#### 1.4 Commonwealth Immigrants Act 1968

In 1964, the Labour Party came into power, but despite their historical support for less restrictive immigration policies, the political and social climate of the 1960s influenced their governance.

At the end of 1967, the number of immigrants started increasing, specifically Kenyan Asians, who, due to 'Africanisation,' were trying to get to Britain.<sup>24</sup> Africanisation in Kenya, initiated in 1961, aimed to increase African participation in socio-economic and political arenas by integrating Africans into public and private sectors. The policy sought to dismantle colonial economic structures that favoured Europeans and Asians, promoting African control over the local politics and economy. However, it led to the alienation and sidelining of non-Africans, particularly Asians, who felt detached from political activities. The implementation of Africanisation policies stirred feelings of insecurity among the Asian minority, affecting their role in the political process of post-independence Kenya.<sup>25</sup>

After Kenya gained independence, the passports of Asians were issued directly under the British government, and due to this loophole, they were not subjected to immigration control, as based on the 1962 Act they were supposed to.<sup>26</sup> About 2,000 a month started arriving to Britain in the late 1967 and early 1968. In February, the home secretary, James Callaghan, closed this loophole and stopped the enormous inflow. He announced that Kenyan Asians would no longer be able to enter the country beyond an annual 1,500 quota.<sup>27</sup>

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<sup>22</sup> Yeo, *Welcome to Britain: Fixing Our Broken Immigration System*, chap.1, Kindle. Goodfellow, *Hostile Environment: How Immigrants Became Scapegoats*, chap.2, Kindle.

<sup>23</sup> Goodhart, *The British Dream: Successes and Failures of Post-War Immigration*, chap.3, Kindle.

<sup>24</sup> Goodhart, *The British Dream: Successes and Failures of Post-War Immigration*, chap.3, Kindle.

<sup>25</sup> Edwin Nyagaka, "The impact of Africanization policy on Asian participation in elective politics in Nairobi city county, Kenya, 1963-1978," *International Journal of Multidisciplinary Research and Growth Evaluation* 04, no. 04 (2023): 999, [https://www.allmultidisciplinaryjournal.com/uploads/archives/20230821203104\\_D-23-111.1.pdf](https://www.allmultidisciplinaryjournal.com/uploads/archives/20230821203104_D-23-111.1.pdf).

<sup>26</sup> El-Enany, *(B)Ordering Britain: Law, Race and Empire*, chap.3, Kindle.

<sup>27</sup> Goodhart, *The British Dream: Successes and Failures of Post-War Immigration*, chap.3, Kindle.



On March 1, 1968, the Commonwealth Immigrants Act 1968 was passed, and it stated that any citizen of Britain or colonies would be subjected to immigration control unless they had one parent or grandparent born, raised, or registered in Britain as a citizen of Britain or its colonies.<sup>28</sup>

### 1.5 Immigration Act 1971

During the 1970s election, the Conservative Party, led by Edward Heath, took a moderate and centrist approach to many issues. However, in the realm of immigration, the party adopted a more restrictive stance. This stance was reflected by growing public concerns about immigration levels.<sup>29</sup>

The Immigration Act of 1971 ended the remaining privileges, for instance, the work permit that was implemented by the 1962 Act for the UK citizens and citizens from colonies; after 1971, regarding work matters, they were treated as citizens from other foreign nations, they were only allowed to come with a specific job offer or as a family member.<sup>30</sup> It brought a categorization of people from the Commonwealth; they were now categorized as ‘partial’ and ‘non-partial.’ To be classified as ‘partial,’ one had to have strong ties to the UK, such as being born there, having parents, grandparents, or both born or raised there. They faced no restrictions on entry. However, those classified as ‘non-partial’ had to face entry restrictions.<sup>31</sup> Rules for those categorised as ‘partial’ were clearly more beneficial for white people from Old Commonwealth, and for that reason, it was attacked as racist. The act also shifted the power to establish immigration regulations to the Home Secretary, with only minimal oversight from Parliament.<sup>32</sup> Even though it ended the right for Commonwealth and colony citizens to enter Britain, it brought the right of abode – the right to enter, stay, and work in Britain - this applied to those who already settled in Britain, granting they would not be subject to immigration laws or any restrictions for the period for which they may remain in the country.<sup>33</sup> When the act was introduced, Maudling, the home secretary, stated that the act aimed to achieve equality for all immigrants who were already part of the community. However, subsequent policies like the Hostile Environment and Immigration Acts 2014 and

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<sup>28</sup> Goodfellow, *Hostile Environment: How Immigrants Became Scapegoats*, chap.2, Kindle.

<sup>29</sup> Vincent Latour, “Entre Consensus, Consolidation Et Crise: Immigration Et Intégration En Grande-Bretagne Dans Les Années 1970,” *Revue Française De Civilisation Britannique* 22, no. hors-série (December 13, 2017), <https://doi.org/10.4000/rfcb.1719>.

<sup>30</sup> Goodhart, *The British Dream: Successes and Failures of Post-War Immigration*, chap.3, Kindle.

<sup>31</sup> Goodfellow, *Hostile Environment: How Immigrants Became Scapegoats*, chap.2, Kindle.

<sup>32</sup> Yeo, *Welcome to Britain: Fixing Our Broken Immigration System*, chap.1, Kindle. Goodhart, *The British Dream: Successes and Failures of Post-War Immigration*, chap.3, Kindle

<sup>33</sup> El-Enany, *(B)Ordering Britain: Law, Race and Empire*, chap.3, Kindle.

2016 had detrimental effects, which will be further described in Chapter 2. The 1971 Act, in the end, did not serve its purpose, and the burden of proof fell to the individuals to establish their right to stay, a requirement that often proved impossible to fulfil. This lack of protection contributed to the harmful consequences of the Hostile Environment Policy.<sup>34</sup>

### 1.6 The British Nationality Act 1981

In 1979, Marget Thatcher became the Prime Minister, shifting the country towards conservative ideologies after the Labour Party's tenure during the late 1970s. Although many restrictive policies were already in place when she came to power, she tightened the system even further. The British Nationality Act 1981 repealed the British Nationality Act 1948 and created the formal status of 'British citizen' for the first time. Being a citizen of Britain was associated with being part of a specific political entity that did not include territories under colonial rule or other countries within the Commonwealth.<sup>35</sup> Along with the new definition of the 'British citizen,' conditions for citizenship acquisition had changed. A person is a British citizen if he is born in Britain and if, at the time of birth, her/his mother or father is a British citizen or is settled in Britain. By this rule, the act removed the right of citizenship acquisition for those born in Britain. As a result, many racialized individuals who were already residing in Britain, as well as their children born into the country, were excluded from becoming citizens of post-imperial Britain.<sup>36</sup>

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<sup>34</sup> El-Enany, *(B)Ordering Britain: Law, Race and Empire*, chap.3, Kindle.

<sup>35</sup> Goodhart, *The British Dream: Successes and Failures of Post-War Immigration*, chap.3, Kindle. El-Enany, *(B)Ordering Britain: Law, Race and Empire*, chap.3, Kindle.

<sup>36</sup> El-Enany, *(B)Ordering Britain: Law, Race and Empire*, chap.3, Kindle.

## 2 ORIGINS AND IMPLEMENTATION OF THE HOSTILE ENVIRONMENT

Several factors and events contributed to 21<sup>st</sup> century migration politics and the subsequent implementation of the Hostile Environment Policy. Events influencing the migration policies and restrictions of the early 2000s were not happening only in the UK. The first impulse came overseas with the 9/11 terrorist attacks in 2001 that drove focus towards irregular migration. In 2004, the enlargement of the European Union granted free access to the UK for most Central and Eastern European states. In 2005, the 7/7 terrorist attacks in Britain raised questions about immigrants and whether they pose a threat to Britain.<sup>37</sup>

### 2.1 The Early 2000s

The turn of the century marked a significant shift in the UK policy regarding immigration. This period eventually led to the establishment of a new political consensus regarding the positive economic contributions of immigration to the British economy.<sup>38</sup>

In 1997, after 18 years of Conservative rule, the Labour Party, led by Tony Blair as Prime Minister, took office. This new administration, known as “New Labour,” marked a significant shift in immigration policy from strict controls to a more open, economically focused approach. Although immigration was not a prominent topic in their initial campaign or manifesto, over the next decade, New Labour implemented various measures that substantially increased immigration. The government’s strategy evolved from prioritizing national security and social cohesion to enhancing the economic benefits of immigration for the UK.<sup>39</sup>

There was no unified system for managing labour migration, and instead, the government issued multiple entry schemes, each with its own set of conditions and requirements.<sup>40</sup> Work permits originally issued under the 1971 legislation in response to labour demands and numerous company applications between 1997 and 2000; further liberalization of the work permit scheme in 2000, making it easier to obtain permits and extending their duration; graduating students were granted one-year work permits; quotas under the Seasonal Agricultural Workers were raised; and the Working Holiday workers

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<sup>37</sup> James Hollifield, Philip L. Martin, and Pia Orrenius, *Controlling Immigration: A Global Perspective, Third Edition* (Stanford University Press, 2014), 202.

<sup>38</sup> Alex Balch, *Immigration and the State: Fear, Greed and Hospitality* (Springer, 2016), 161.

<sup>39</sup> Hollifield, Martin, and Orrenius, *Controlling Immigration: A Global Perspective, Third Edition*, 222. Balch, *Immigration and the State: Fear, Greed and Hospitality*, 161.

<sup>40</sup> Balch, *Immigration and the State: Fear, Greed and Hospitality*, 161.

scheme was restructured to allow citizens to work in any sector for two years. In 2002, the government implemented a Highly Skilled Migrant Programme for skilled workers, meaning migrants with specific educational and professional skills could qualify for migration. In 2004, unskilled workers from member states joining the EU were also granted access to the UK labour market. These changes led to a significant increase in net migration within a few years.<sup>41</sup>

Despite New Labour's initial celebration of multicultural diversity, there was a shift towards racially-driven management of immigrants perceived as a threat to British "cohesion." This shift reflected a dual approach where, on one side, there was a promotion of how immigration benefited the country. Conversely, there was a strict approach towards migrants considered undesirable or perceived as not adhering to immigration rules. This dual approach involved expanding measures to deter and punish those deemed to violate immigrant laws, including penalties for employers hiring irregular migrants and the implementation of policies facilitating detention and removal of immigrants.<sup>42</sup>

### 2.1.1 Enlargement of the European Union

In 2004, the European Union underwent its most significant expansion to date. When ten, mostly disadvantaged, Eastern European countries joined, existing member states were allowed to impose restrictions on migration from these newly joined countries for up to seven years under the Accession Treaty. Most countries, including Austria, Germany, and France, opted to do so, but Ireland and Britain did not enforce these restrictions. The decision was made for several reasons, such as labour market needs, moral and political commitment, and estimated economic benefits. David Blunkett, then Home Secretary, argued that there was a demand for low-skilled workers, and if not addressed through legal channels, the positions would be filled by illegal migrants. The perspective was that allowing controlled migration would help meet the economic demand for labour. There was also a general feeling that having supported EU enlargement strongly, the UK had a moral obligation to allow citizens from new member states to migrate to Britain. Initially, it was estimated that the migration would be in small numbers but would bring significant economic benefits. The cost-benefit analysis supported the decision not to impose restrictions. At first, this approach by both the UK and Ireland was uncontroversial, but later the numbers of migrants far

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<sup>41</sup> Hollifield, Martin, and Orrenius, *Controlling Immigration: A Global Perspective, Third Edition*, 202-203.

<sup>42</sup> Balch, *Immigration and the State: Fear, Greed and Hospitality*, 162. Shilliam, *Race and the Undeserving Poor: From Abolition to Brexit*, 122-123.

exceeded estimates, leading to political and economic reassessments later.<sup>43</sup> Significant immigration also occurred from other EU countries that were already members before 2004, such as France, as well as from the rest of the world.<sup>44</sup>

### 2.1.2 London Bombings

On July 7, 2005, four young British-born Muslims carried out suicide bombings in central London, killing themselves and another fifty-two people. This happened only a day after London's successful bid to host the 2012 Olympics, during which the city's multicultural identity was celebrated. The bombings revealed the presence of violent hostility towards Britain within certain Muslim communities. Despite this, the official response to the bombings was somewhat composed. There was a unified effort to emphasize that the actions of the perpetrators did not represent the broader Muslim community in Britain.<sup>45</sup> However, in the aftermath of the bombings, Britain shifted back to the anti-immigration views, mainly targeting non-white immigrants like Muslim refugees. This shift led to policies prioritizing assimilation over multiculturalism, expecting newcomers to adhere to British norms and values.<sup>46</sup>

### 2.1.3 General Elections 2005

By the time of the 2005 general elections, pressure for stricter immigration policies grew. The Conservative Party made immigration a central theme of their election campaign, advocating for controlled immigration, increased border surveillance, and even proposing withdrawal from international refugee conventions and imposition of asylum application caps.<sup>47</sup> Even though the Labour Party won the election, they faced significant challenges, losing fifty-eight seats and witnessing a decline in public support.<sup>48</sup>

### 2.1.4 The Situation between 2006-2009

Even though the hostile environment started significantly expanding in 2012 and onwards, its subtle introduction began in 2006. This year, Home Secretary John Reid announced restricting the labour market for Romanians and Bulgarians as their countries were about to

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<sup>43</sup> Hollifield, Martin, and Orrenius, *Controlling Immigration: A Global Perspective, Third Edition*, 209-210.

<sup>44</sup> Panikos Panayi, *Migrant City* (Yale University Press, 2020), 21.

<sup>45</sup> Goodhart, *The British Dream: Successes and Failures of Post-War Immigration*, chap.5, Kindle.

<sup>46</sup> Shilliam, *Race and the Undeserving Poor: From Abolition to Brexit*, 124.

<sup>47</sup> Goodfellow, *Hostile Environment: How Immigrants Became Scapegoats*, chap.3, Kindle. Balch, *Immigration and the State: Fear, Greed and Hospitality*, 164. Hollifield, Martin, and Orrenius, *Controlling Immigration: A Global Perspective, Third Edition*, 210.

<sup>48</sup> Goodfellow, *Hostile Environment: How Immigrants Became Scapegoats*, chap.3, Kindle.

join the EU in January 2007. The same year, the government changed the period required to be eligible for residency. Immigrants now had to reside in the UK for five years instead of the original four to be considered eligible for residency status. The government also abolished a scheme for non-graduate doctors, which allowed non-graduate doctors to work in training positions without requiring a permit. Under the new policy, they needed a permit to work in such positions. Nevertheless, obtaining the permit would require proving that no British or EU graduates can fill the position.<sup>49</sup> In 2007, the Home Office suggested a stricter policy, creating an ‘uncomfortable’ environment for illegal migrants by denying them access to essential services such as legal aid, council housing, and NHS care.<sup>50</sup>

In 2008, the whole world was hit by a great economic recession. The recession had a nuanced impact on migration patterns in the UK. While the overall net migration did not decrease substantially, the nature and demographics of migration showed distinct shifts. During the recession, there was a noticeable decline in the number of economic migrants arriving in the UK, particularly from within the EU. However, the reduction in the number of people emigrating from the UK was even sharper, leading to a slight increase in net migration overall. A significant shift occurred in the composition of migrants; while previously, economic migrants dominated, the recession saw an increase in the proportion of students among incoming non-EU migrants. This change reflected the global economic slowdown, which limited job opportunities abroad, causing potential economic migrants to reconsider their options, and the UK’s strategic shift to attract more international students. This strategy was a part of broader policy adjustment during the recession, which also included the introduction of a new Points-Based System, designed to manage migration more effectively considering the economic conditions.<sup>51</sup>

The Points-Based System had been planned since the 2005 elections. It was a second attempt at establishing a point system. The first occurred in 2002 when HSMP was established. The system was supposed to ensure skilled workers coming into the UK; more skills meant receiving more points and a higher chance of being allowed to come to the UK.<sup>52</sup>

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<sup>49</sup> Goodfellow, *Hostile Environment: How Immigrants Became Scapegoats*, chap.3, Kindle.

<sup>50</sup> Goodfellow, *Hostile Environment: How Immigrants Became Scapegoats*, chap.3, Kindle. Melanie Griffiths and Colin Yeo, “The UK’s Hostile Environment: Deputising Immigration Control,” *Critical Social Policy* 41, no. 4 (January 11, 2021): 521-44, <https://doi.org/10.1177/026101832098065>.

<sup>51</sup> Jon Simmons, “The Impact of the Recession on Migration in the United Kingdom,” *Home Office UK*, 2014, 84–96, [https://ru.micisan.unam.mx/bitstream/handle/123456789/21634/L0103\\_0077.pdf?sequence=1](https://ru.micisan.unam.mx/bitstream/handle/123456789/21634/L0103_0077.pdf?sequence=1).

<sup>52</sup> Madeleine Sumption and Peter William Walsh, “‘The Points System Is Dead. Long Live the Points System!’ Why Immigration Policymakers in the UK Are Never Quite Happy With Their Points Systems #,” *Journal of Immigrant & Refugee Studies* 21, no. 1 (January 2, 2023): 92–93, <https://doi.org/10.1080/15562948.2022.2142719>.

The system also required employers and schools to monitor their foreign employees and students. If these individuals did not follow the rules, the government could penalize the employer or the school by taking their license or ability to hire or teach foreign people. This system was the predecessor of hostile environment policies, though it was not as strict as what came later.<sup>53</sup>

## 2.2 Origins of the Hostile Environment

The hostile environment can be defined as a series of measures that have been put in place to reduce the number of illegal migrants in the UK.<sup>54</sup> These measures influenced and changed the lives of immigrants unimaginably; they impacted their jobs, finances, and, most importantly, their families.<sup>55</sup>

During the 2010 elections, the Conservative Party set a clear target to reduce immigration numbers from the hundreds to tens of thousands; David Cameron set this target during an interview months before he became Prime Minister. He announced: “We would like to see net immigration in tens of thousands rather than hundreds of thousands. I don’t think that’s unrealistic; that’s the sort of figure it was in the 1990s, and I think we should see that again.”<sup>56</sup> However, despite the government’s efforts, immigration levels remained high throughout their term. This prompted the implementation of various measures to reduce net migration (the difference between the number of people who enter the country and the number who leave over a year). The net migration began rising in the late 1990s, gradually increasing to over 250,000 per year. This increase coincided with the expansion of the European Union in the mid-2000s, which led to higher immigration from European countries.<sup>57</sup> In 2010, when Theresa May became Home Secretary, her work on the hostile environment began. In 2012, during an interview with the *Telegraph*, she revealed her solution to the still high net migration – “to create a really hostile environment for illegal migrants.” The policies she introduced over the course of four years brought about significant changes to Britain’s immigration system.<sup>58</sup>

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<sup>53</sup> Griffiths and Yeo, “The UK’s Hostile Environment: Deputising Immigration Control.”

<sup>54</sup> Ippr. “Access Denied: The Human Impact of the Hostile Environment.” *IPPR*, September 2, 2020, accessed February 20, 2024, <https://www.ippr.org/articles/access-denied>.

<sup>55</sup> Balch, *Immigration and the State: Fear, Greed and Hospitality*, 166.

<sup>56</sup> Amelia Gentleman, *The Windrush Betrayal: Exposing the Hostile Environment* (Farber & Farber, 2019), chap.6, Kindle.

<sup>57</sup> Yeo, *Welcome to Britain: Fixing Our Broken Immigration System*, chap.1, Kindle.

<sup>58</sup> Gentleman, *The Windrush Betrayal: Exposing the Hostile Environment*, chap.6, Kindle.

The push for a stricter approach to immigration did not arise suddenly. It was influenced by the rising prominence of the UK Independence Party (UKIP) under Nigel Farage, who leveraged widespread discontent with austerity measures and targeted traditional working-class constituencies.<sup>59</sup> These austerity measures, introduced in response to the 2008 financial crisis, involved significant budget cuts and public sector downsizing. They aimed to reduce the public deficit but resulted in diminished public service capabilities, increased inequalities, and a heavier burden on vulnerable populations, such as immigrants.<sup>60</sup>

By late 2012, as the effects of austerity policies deepened, UKIP's support increased, as evidenced by opinion polls and their strong showing in the 2013 local elections. During this period, immigration became a key issue for UKIP, with Farage amplifying his rhetoric. He emphasized the strain he claimed immigration was placing on public services such as schools and the NHS. He stoked fears about the impending relaxation of work restrictions for Bulgarian and Romanian nationals. This rhetoric tapped into public fears and anxieties, significantly shaping the political landscape.<sup>61</sup>

With reduced public sector funding affecting even the Home Office due to austerity policies, the government innovated by outsourcing immigration checks. They required various public sector workers, including landlords, doctors, and teachers, to verify individuals' immigration statuses before providing services.<sup>62</sup>

This climate led to Theresa May's subsequent declaration of creating a "hostile environment" for illegal immigration. The initiation of the Hostile Environment Policy can thus be seen as both a response to the political ascent of anti-immigration sentiment championed by UKIP and a continuation of austerity politics. In this strategy, reducing public spending and controlling immigration were closely linked elements of the government's approach.<sup>63</sup>

### 2.2.1 Hostile Environment Working Group

In 2012, the government established an inter-ministerial group, initially named 'Hostile Environment Working Group,' which was supposed to be a discreet initiative whose job was

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<sup>59</sup> Jamie Grierson, "Hostile Environment: Anatomy of a Policy Disaster," *The Guardian*, August 27, 2018, <https://www.theguardian.com/uk-news/2018/aug/27/hostile-environment-anatomy-of-a-policy-disaster>.

<sup>60</sup> Tania Arrieta, "The Consequences of the Austerity Policies for Public Services in the UK," *Studies in Social Justice* 15, no. 3 (May 6, 2021): 518–37, <https://doi.org/10.26522/ssj.v15i3.2568>. Gentleman, *The Windrush Betrayal: Exposing the Hostile Environment*, chap.6, Kindle.

<sup>61</sup> Grierson, "Hostile Environment: Anatomy of a Policy Disaster."

<sup>62</sup> Gentleman, *The Windrush Betrayal: Exposing the Hostile Environment*, chap.6, Kindle.

<sup>63</sup> Grierson, "Hostile Environment: Anatomy of a Policy Disaster."



to strengthen immigration controls. However, its significance grew when Prime Minister David Cameron took charge, elevating its profile. This group played a pivotal role in the development of the Hostile Environment Policy for immigrants. It comprised ministers from various departments such as care services, employment, housing, school, justice, health, and transport, and they aimed to make life unbearable for unlawfully residing individuals by restricting access to essential services. One of the main tactics employed by the group was to mandate the presentation of immigration papers in all aspects of life. This was aimed at imposing restrictions on immigrants, mainly due to an anticipated influx of Romanians and Bulgarians following the lifting of work restrictions on January 1, 2014. However, this approach led to unintended consequences regarding the Windrush generation, which will be further discussed in Chapter 3.<sup>64</sup>

The group's aggressive approach, reinforced by the government's commitment to tightening immigration controls, paved the way for implementing the Hostile Environment Policy. This included developing new regulations and data-sharing agreements among government departments to identify individuals lacking evidence of status. These efforts ultimately led to the enforcement of the Immigration Acts of 2014 and 2016, consolidating the implementation of the Hostile Environment Policy.<sup>65</sup>

### 2.3 Immigration Acts 2014 and 2016

In 2014, Parliament passed a new Immigration Act, which introduced measures that made the lives of illegal migrants significantly harder. The act determined that illegal migrants were denied access to work and housing services, and they could not hold a bank account or a driving license.<sup>66</sup>

After the General election in 2015, one of the initial actions taken by the government was the intensification of the hostile environment and the introduction of a new immigration bill. The decision was driven by the pressure on the government regarding immigration issues, mainly due to its inability to meet the immigration reduction target during 2010-2015. The urgency was further underscored by the release of immigration statistics for March

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<sup>64</sup> Yeo, *Welcome to Britain: Fixing Our Broken Immigration System*, chap.3, Kindle. Gentleman, *The Windrush Betrayal: Exposing the Hostile Environment*, chap.6, Kindle.

<sup>65</sup> Yeo, *Welcome to Britain: Fixing Our Broken Immigration System*, chap.3, Kindle. Gentleman, *The Windrush Betrayal: Exposing the Hostile Environment*, chap.6, Kindle.

<sup>66</sup> Sheona York, "The 'hostile environment': How Home Office immigration policies and practices create and perpetuate illegality," *Journal of Immigration, Asylum and Nationality Law*, December 31, 2018, <https://kar.kent.ac.uk/69444/>.

2015, which revealed that net migration had not been reduced but instead reached a record figure of 330,000, surpassing the previous peak recorded in 2005.<sup>67</sup>

In 2016, Parliament passed an Immigration Act, which introduced new measures, tightening even further the rules set by the 2014 Act to address immigration-related offenses.<sup>68</sup>

### 2.3.1 The Right to Rent Scheme

One of the measures introduced by the 2014 Act that drew the most attention was the Right to Rent (RtR) scheme. This legislation relied on compliance by ‘private’ citizens. The implementation of RtR mandated landlords to verify the immigration status of potential tenants against a Home Office list, with penalties for non-compliance. The 2016 Act introduced criminal sanctions for knowingly renting to unauthorized migrants. This included the threat of imprisonment or hefty fines.<sup>69</sup>

Additionally, the act empowered landlords to terminate tenancies if the tenant was unauthorized. However, despite these measures, an inspection revealed significant areas for improvement in implementing and overseeing the RtR scheme. Concerns were raised about discrimination, exploitation, and homelessness, but the Home Office’s response was lacking. Overall, the scheme’s effectiveness in promoting immigration compliance was questioned due to insufficient coordination and monitoring by the Home Office.<sup>70</sup>

### 2.3.2 Financial Measures

The most significant measures introduced by the 2014 Act were the financial measures. These measures prevented illegal migrants from opening a bank account, and banks have been required to check the residence status of their potential customers. The 2016 Act expanded the rules even further by imposing obligations on banks to verify the immigration status of their account holders and report their findings to the Home Office without informing the account holder. Furthermore, the act empowered banks to freeze accounts without prior

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<sup>67</sup> Balch, *Immigration and the State: Fear, Greed and Hospitality*, 166.

<sup>68</sup> York, “The ‘Hostile Environment’: How Home Office Immigration Policies and Practices Create and Perpetuate Illegality.”

<sup>69</sup> Independent Chief Inspector of Borders And Immigration, “An inspection of the ‘Right to Rent’ scheme,” GOV.UK, March 28, 2018, accessed February 29, 2024, <https://www.gov.uk/government/publications/an-inspection-of-the-right-to-rent-scheme>.

<sup>70</sup> Immigration, “An Inspection of the ‘Right to Rent’ Scheme.” Yeo, *Welcome to Britain: Fixing Our Broken Immigration System*, chap.3, Kindle.

notice to the account holders. None of these processes required informing the migrant beforehand or providing an opportunity to correct errors or make representations.<sup>71</sup>

### 2.3.3 Immigration Checks in National Health Service

The hostile environment included measures to restricting healthcare for individuals not eligible for free care. Regulations implemented in 2015 and strengthened in 2017 required hospitals to conduct immigration checks and impose charges upfront for treatment. It prohibited providing non-urgent care if the patient was not able to pay. Additionally, a data-sharing agreement between the NHS and the Home Office facilitated the transfer of patient information related to immigration status. These policies can have severe consequences, potentially leading to life-threatening situations for vulnerable patients.<sup>72</sup>

Moreover, there is a risk of people being wrongly charged or even denied access to health care based on their immigration status. Such examples can be found within the group of immigrants who are not able to prove their status, such as people from the Windrush generation, even though they are taxpayers and contribute to the NHS.<sup>73</sup>

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<sup>71</sup> York, “The ‘Hostile Environment’: How Home Office Immigration Policies and Practices Create and Perpetuate Illegality.”

<sup>72</sup> Yeo, *Welcome to Britain: Fixing Our Broken Immigration System*, chap.3, Kindle. “Up-front Charging | the Hostile Environment and the NHS | UNISON National,” UNISON National, October 29, 2019, <https://www.unison.org.uk/at-work/health-care/big-issues/more-campaigns/hostile-environment-nhs/up-front-charging/>.

<sup>73</sup> “Up-Front Charging | the Hostile Environment and the NHS | UNISON National.”

### 3 MAJOR CONTROVERSIES OF THE HOSTILE ENVIRONMENT POLICY

The hostile environment, which is designed to deter illegal migrants and encourage voluntary departures through a series of measures described in the previous chapter, has sparked intense debates and scrutiny over the years. While the Hostile Environment Policy itself is somewhat controversial, controversies such as the Windrush Scandal, the “Go Home” campaign, and Brexit have magnified concerns about its effectiveness, fairness, and human rights implications.

#### 3.1 “Go Home” Campaign

Go Home vans were part of Operation Vaken, organised by the Home Office, which took place between July 22 and August 22, 2013. The campaign used vans that were sent to drive in areas with high populations of immigrants. The message on these vans said: “In the UK illegally? GO HOME OR FACE ARREST. Text HOME to 78070 for free advice, and help with travel documents. We can help you get home voluntarily without fear of arrest or detention.” This text was accompanied by a picture with a close-up uniform of a border guard holding handcuffs, a phone number to call, and a claim: “106 arrests last week in your area.” This whole campaign, which formed part of the hostile environment, was supposed to encourage the illegal migrants to leave willingly because, for the government, this was more efficient and cheaper than having to deport them.<sup>74</sup>

The Home Office fuelled this even further with its posts on Twitter. The tweets showed arrests of immigrants with texts such as: “There will be no hiding place for illegal immigrants with the new #immigrationbill.”<sup>75</sup> Another said: “62 suspected #immigrationoffenders arrested across the UK – 2 in Brentwood following Home Office operations.”<sup>76</sup> These tweets had sparked outrage among Twitter users; they had lambasted the Home Office, calling them xenophobic and accusing them of fearmongering to secure votes. Some described the

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<sup>74</sup> Hannah Jones et al., *Go Home? The Politics of Immigration Controversies* (Manchester University Press, 2017), chap.1, Kindle. Eleanor Jupp, Jessica Pykett, and Fiona Smith, *Emotional States: Sites and Spaces of Affective Governance*, 2016, <https://discovery.dundee.ac.uk/en/publications/emotional-states-sites-and-spaces-of-affective-governance>, 177.

<sup>75</sup> Home Office (@ukhomeoffice), “There will be no hiding place for illegal immigrants with the new #ImmigrationBill,” X, July 3, 2013, accessed March 8, 2024, <https://twitter.com/ukhomeoffice/status/352408433506533377?lang=cs>.

<sup>76</sup> Home Office (@ukhomeoffice), “62 suspected #immigrationoffenders arrested across UK - 2 arrested in Brentwood following Home Office operations,” X, August 1, 2013, accessed March 8, 2024, <https://twitter.com/ukhomeoffice/status/362954195193716737>.

campaign as appalling and sickening. Many expressed disillusionment and lack of pride in the Home Office's actions.<sup>77</sup>

The criticism did not come only from the general public; many politicians and civil society organisations commented on the drama surrounding the vans. Liberal Democrat Secretary Vince Cable said he finds the campaign "stupid and offensive." The day after that, the prime minister's spokesman stated that David Cameron disagreed and that the campaign was working.<sup>78</sup> The reaction to Cable's comment also came from Mark Harper, the Minister for Immigration at that time, saying that asking people who are in Britain illegally to leave is not racist.<sup>79</sup>

The civil rights organization Liberty revolted against the whole van scheme with their own van with a slogan: "Stirring up tension and division in the UK illegally? Home Office, think again."<sup>80</sup>

Another campaign run simultaneously with the "Go Home" vans. Posters and stickers with the calls for departure appeared in border agencies in Glasgow and London. This campaign was branded as racist. A charity in Glasgow, which works with asylum seekers, commented that they find the posters "shameful and deeply offensive." The Home Office spokesman's commentary about this highlighted the purpose of the posters and the aim to inform people about the available support and guidance for their dignified return home instead of traumatic forced removals. It also mentioned collaboration with community organizations to support individuals leaving the country voluntarily.<sup>81</sup>

Ironically, at approximately the same time Operation Vaken and the whole campaign took place, the Home Office issued over 100,000 visas for immigrants outside the EU because they needed to fill labour shortages.<sup>82</sup>

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<sup>77</sup> Home Office (@ukhomeoffice), "62 Suspected #immigrationoffenders Arrested across UK - 2 Arrested in Brentwood Following Home Office Operations." Home Office (@ukhomeoffice), "There Will Be No Hiding Place for Illegal Immigrants with the New #ImmigrationBill."

<sup>78</sup> Andrew Sparrow, "'Go Home' Campaign Against Illegal Immigrants Could Go Nationwide," *The Guardian*, July 10, 2019, <https://www.theguardian.com/uk-news/2013/jul/29/go-home-campaign-illegal-immigrants>.

<sup>79</sup> Jones et al., *Go Home? The Politics of Immigration Controversies*, chap.1, Kindle.

<sup>80</sup> Jones et al., *Go Home? The Politics of Immigration Controversies*, chap.1, Kindle.

<sup>81</sup> BBC News, "UK Border Agency Posters Branded 'racist,'" *BBC News*, August 30, 2013, accessed March 9, 2024, <https://www.bbc.com/news/uk-scotland-glasgow-west-23897533>.

<sup>82</sup> Goodfellow, *Hostile Environment: How Immigrants Became Scapegoats*, Introduction, Kindle.

## 3.2 The Windrush Scandal

The Windrush Scandal is an example of the negative impact the hostile environment had on legal immigrants. To understand the severity of the impact of the Windrush Scandal, it is first important to understand the background and historical context of the Windrush generation. The legislation that allowed them to settle in Britain is described in Chapter 1; this part focuses on who the Windrush generation is and how the implementation of the Hostile Environment Policy affected their lives.

### 3.2.1 The Windrush Generation

The term “Windrush generation” refers to a group of individuals who came to Britain from the West Indies, specifically Jamaica, in 1948 on the Empire Windrush ship and the individuals who came in the years after until the implementation of the 1971 Immigration Act in 1973. There is a common misconception about this term, as most people affected by the Windrush scandal were part of a later wave that came during the 1950s and 1960s. The Windrush generation is significant for various reasons; for one, the arrival of Windrush marked the beginning of a multicultural nation. Also, they arrived during a period of shifting immigration policies in the UK and were affected by rapid changes in legislation. The most significant impact had the 1971 Immigration Act, which had far-reaching consequences on the Windrush generation.<sup>83</sup>

### 3.2.2 How the Hostile Environment Policy Contributed to the Windrush Scandal

The fate of the Windrush generation was determined by two pledges: one made by David Cameron to reduce net migration and the other by Theresa May to create a "really hostile environment" for illegal migrants.<sup>84</sup> These pledges were backed by Acts passed in 2014 and 2016, detailed in Chapter 2, which stripped illegal immigrants of fundamental human rights. However, the issue with the Windrush generation lies in their legal right to be in the UK. Unfortunately, the Home Office's significant oversight and failure to document individuals meant that individuals granted permission to stay were not provided with the necessary paperwork to prove their status despite being legally entitled to stay. The Home Office

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<sup>83</sup> Gentleman, *The Windrush Betrayal: Exposing the Hostile Environment*, Introduction, Kindle. Mike Slaven, “The Windrush Scandal and the Individualization of Postcolonial Immigration Control in Britain,” *Ethnic and Racial Studies* 45, no. 16 (November 17, 2021): 49–71, <https://doi.org/10.1080/01419870.2021.2001555>. Huon Wardle and Laura Jan Obermuller, “‘Windrush Generation’ and ‘Hostile Environment,’” *Migration and Society* 2, no. 1 (June 1, 2019): 81–89, <https://doi.org/10.3167/arms.2019.020108>.

<sup>84</sup> Slaven, “The Windrush Scandal and the Individualization of Postcolonial Immigration Control in Britain.”

specifically targeted individuals who arrived in the UK as children from the Caribbean before legislative changes in 1973. Furthermore, in 2010, the Home Office, led by Theresa May, destroyed original landing cards that could have provided evidence of the Windrush generation's legal status.<sup>85</sup> The decision to destroy the landing cards has been a financial one. They could have been digitalised, but it was decided that it would be too expensive, and many papers had already been lost. There was no space anymore for the physical form of the papers, and so came the decision to destroy them completely.<sup>86</sup>

Many people found themselves without a job, without a home, without most fundamental human rights, and with a fear of being deported. People who had been taxpayers and an asset to society their whole lives now felt like aliens in their own country. Many members of the Windrush generation chose to leave the UK willingly, though the specific number of these voluntary departures is not documented. Additionally, it has been recorded that the government deported 164 individuals.<sup>87</sup>

In 2018, the government set up the Windrush Scheme, Windrush Taskforce, and Windrush Compensation Scheme for the scandal's victims as compensation for the harm caused; the number of victims eligible for compensation is estimated at 15,000. However, it was estimated that in 2023, 90% of those eligible to receive the compensation through the Windrush Compensation Scheme still did not receive it. The schemes have been widely criticized for needing to be faster, more adequate, and more complex.<sup>88</sup>

The Windrush Scandal raised the assumption that British administration and public policy inherently exclude individuals who do not fit the traditional "white" British identity. The scandal has challenged traditional notions of Britishness, prompting calls for a more

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<sup>85</sup> Irene Gedalof, "In the Wake of the Hostile Environment: Migration, Reproduction and the Windrush Scandal," *Feminist Theory* 23, no. 4 (January 5, 2022): 539–55, <https://doi.org/10.1177/146470012111046701>. BBC News, "What is Windrush and who are the Windrush generation?," *bbc.com*, July 27, 2023, accessed March 13, 2024, <https://www.bbc.com/news/uk-43782241>.

<sup>86</sup> Gentleman, *The Windrush Betrayal: Exposing the Hostile Environment*, chap.7, Kindle.

<sup>87</sup> Gentleman, *The Windrush Betrayal: Exposing the Hostile Environment*, chap.6, Kindle. Cassadee Orinthia Yan, "Windrush Scandal: Postcolonial Authoritarian Racism and its Reflection in Contemporary British Immigration and Nationality Law," *Migrationletters.Com*, October 13, 2023, 171-78, <https://doi.org/10.59670/ml.v20i7.4267>.

<sup>88</sup> Caolán Magee, "Windrush scandal: Thousands misclassified by UK as illegal immigrants still without compensation," *CNN*, June 22, 2023, <https://edition.cnn.com/2023/06/22/europe/windrush-compensation-scheme-home-office-intl-cmd/index.html>.

inclusive approach. Such an approach would acknowledge and celebrate the diverse backgrounds, races, and cultures that have not only shaped modern Britain but have also played a significant role in its historical development.<sup>89</sup>

### 3.3 Brexit

Amidst controversies over the Hostile Environment Policy, Britain's decision to leave the EU emerged as another contentious issue, though not directly related to the former. The decision was influenced by a complex mix of economic, political, and social factors, with rising concerns over immigration playing a pivotal role. These concerns shaped public opinion and deeply affected policy decisions, highlighting the intricate interconnections between domestic policies and broader geopolitical shifts. Brexit, while controversial in its own right, underscores how immigration concerns have profoundly influenced the UK's political landscape and its approach to migration and integration.<sup>90</sup>

The decision to hold a Brexit referendum was included in the Conservative Party's 2015 election manifesto as a strategic move. This was intended to appease the party's Eurosceptic wing and to counter the rising anti-EU sentiment fuelled by UKIP and its leader, Nigel Farage. However, the origins of the Brexit vote can be traced back to longstanding internal conflicts within the Conservative Party regarding the UK's relationship with the EU. The ongoing turmoil influenced the decision to resolve the issue through a referendum.<sup>91</sup>

The Brexit decision was also influenced by deepening socio-economic and spatial divides within the UK, exacerbated by austerity measures following the 2008 financial crisis. These divides created a fertile ground for Eurosceptic and populist rhetoric that blamed the EU for domestic issues.<sup>92</sup>

In 2016, a referendum on the UK's membership in the EU occurred. The result favoured leaving the EU, as 51% of the population voted to leave, and 48% voted to stay. Brexit has severely impacted the UK and EU countries as well. Brexit has led to changes in immigration

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<sup>89</sup> Magee, "Windrush Scandal: Thousands Misclassified by UK as Illegal Immigrants Still Without Compensation." Yan, "Windrush Scandal: Postcolonial Authoritarian Racism and Its Reflection in Contemporary British Immigration and Nationality Law."

<sup>90</sup> "The Impact of Brexit on Illegal Immigration to the UK," *Govari Qela* 8, no. 2 (April 17, 2023): 1116–18, <https://doi.org/10.25212/lfu.qzj.8.2.43>.

<sup>91</sup> Russell King, "On Europe, Immigration and Inequality: Brexit as a 'Wicked Problem,'" *Journal of Immigrant & Refugee Studies* 19, no. 1 (September 28, 2020): 27–28, <https://doi.org/10.1080/15562948.2020.1821275>.

<sup>92</sup> King, "On Europe, Immigration and Inequality: Brexit as a 'Wicked Problem,' 28"



and asylum policies. Brexit aimed at restoring control over Britain's borders, and harsher treatment of asylum seekers was expected.<sup>93</sup>

During the COVID-19 pandemic, Britain reduced means of transport from the EU mainland to the UK. As a result, refugees trying to reach the UK started using small boats, crossing the English Channel to get to the UK. The use of small boats began to increase significantly since around November 2018, mainly due to smugglers opting for this route. This uptick in crossing via small boats was characterized by almost 300 refugees arriving in just two months at the end of 2018 and continued to rise in 2019. The emergence of this route was influenced by several factors, including the closing off due to the COVID-19 pandemic, the closure of other traditional migration routes due to stricter immigration controls across Europe, and an increase in activities by organised smuggling networks. The decision to use small boats became a new method as other safer and legal routes to asylum were increasingly restricted or closed off.<sup>94</sup> Since 2020, the numbers have increased, and in September 2023, approximately 4,729 people used this "irregular" transport to reach the UK. This increase in irregular migration was seen as a failure to fulfil the promise of regaining political authority and control over the borders, and it had drawn attention and criticism from pro-Brexit MPs. Eventually, Britain left the EU on 31, January 2020. Brexit influenced illegal migration, as well as asylum seekers and refugees.<sup>95</sup> A new policy was implemented for asylum seekers and refugees to apply to stay in the UK; this policy and those that followed are further discussed in the following chapter.

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<sup>93</sup> "The Impact of Brexit on Illegal Immigration to the UK, 1116."

<sup>94</sup> Samuel Parker et al., "It's Time We Invested in Stronger Borders': Media Representations of Refugees Crossing The English Channel by Boat," *Critical Discourse Studies* 19, no. 4 (April 29, 2021): 349–51, <https://doi.org/10.1080/17405904.2021.1920998>.

<sup>95</sup> "The Impact of Brexit on Illegal Immigration to the UK, 1116.". Statista, "Number of People Crossing the Channel in Small Boats UK 2019-2023," January 10, 2024, <https://www.statista.com/statistics/1171253/small-boat-channel-crossings-in-the-uk/>.

## 4 IMPACT OF HOSTILE ENVIRONMENT ON ASYLUM SEEKERS AND REFUGEES

First, it is essential to note that refugees, asylum seekers, and immigrants are three different concepts. So far, the impact on immigrants, especially those who are in the UK illegally, has been covered as they are the main target of the Hostile Environment Policy. It is safe to say that the Hostile Environment Policy eventually influenced the whole country, even lawful citizens of the UK, such as in the case of the Windrush generation, discussed in the previous chapter. Therefore, asylum seekers and refugees were also influenced by the policy; even though they are usually subjected to different laws than immigrants, the Hostile Environment Policy is of such a large scale that it also affected them.

### 4.1 History of Asylum Policies

In 1951, the British government signed the Geneva Convention on the Status of Refugees, according to which the host state must take in refugees and provide them with essential life standards. The core principle of the Geneva Convention is non-refoulement, which ensures that countries adhering to the Convention provide a safe haven to individuals fleeing from dire threats in their home countries. It also defined legal obligations for refugees and the distinctions between asylum seekers and refugees. A refugee is someone who has fled their country because of a life-threatening situation and has been granted asylum. An asylum seeker is someone who has fled their home due to danger in their country and applied for asylum in a host state.<sup>96</sup>

Initially, the asylum policy was influenced by the Cold War and refugees seeking asylum from the Soviet Union. At first, Britain followed the convention in granting or refusing refugee status without specific legislation. In 1970, immigration rules included prosecution as a reason to appeal against entry refusal. In 1971, the Immigration Act granted authorities the power to detain asylum seekers from the Commonwealth, mainly targeting non-white individuals, without charge. Over time, there was an increase in legal measures aimed at limiting asylum applications, and the country shifted to a more restrictive regime because the number of applicants started to grow, especially from non-Europeans, and asylum seekers were categorised as a problem that needed to be solved. Legislative acts such

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<sup>96</sup> Lucy Mayblin, *Asylum After Empire: Colonial Legacies in the Politics of Asylum Seeking* (Rowman & Littlefield Publishers, 2017), 15-16, [https://openlibrary.org/books/OL29286570M/Asylum\\_after\\_Empire](https://openlibrary.org/books/OL29286570M/Asylum_after_Empire).  
UNHCR - The UN Refugee Agency, "The 1951 Refugee Convention | UNHCR," UNHCR, accessed March 16, 2024, <https://www.unhcr.org/about-unhcr/who-we-are/1951-refugee-convention>.

as the 1993 Asylum and Immigration Appeals Act, which incorporated provisions of the 1951 Convention into UK law, introduced measures like fingerprinting and fast-track procedures and reduced duties towards homeless asylum seekers. The legislative changes in the late 1990s significantly impacted asylum seekers in the UK. The 1996 Asylum and Immigration Act removed welfare benefits for asylum applicants already in the country. Subsequently, the 1998 Human Rights Act, enacted by the New Labour government, integrated the European Convention on Human Rights into domestic law, restricting the government's ability to deport asylum seekers if doing so would violate their human rights. However, in 1999, the Immigration and Asylum Act introduced a new framework that complicated access to state support for asylum seekers.<sup>97</sup>

While the National Asylum Support Service was established to provide basic assistance, removing mainstream benefits and imposing lower financial support created challenges. Additionally, immigration officers were granted expanded powers to search, arrest, and detain asylum seekers. The legislation of the early 2000s even further tightened the system and distanced itself from the 1951 Convention. The 2002 Nationality, Immigration, and Asylum Act made it illegal to travel without identity cards for asylum seekers, despite this contravening the 1951 Convention. Furthermore, the government announced its plan to halve the number of asylum seekers entering the UK within a year. In 2004, the Asylum and Immigration Act prohibited cash support for rejected asylum seekers and expanded grounds for exclusion from the 1951 Convention. In 2006, the Immigration, Asylum, and Nationality Act replaced the indefinite leave to remain status for refugees with a limited leave for five years. The legislation implemented over the years made it harder for refugees to receive protection and to get through the asylum process.<sup>98</sup> The impact of the restrictions and legislative measures can be seen from the number of applications, which reached their peak in 2002 with the number of 84,130. In 2012, the number fell to 21,785.<sup>99</sup>

#### 4.1.1 From 2014 onwards

In 2014, the government introduced the Immigration Act 2014, the first piece of legislation under the Hostile Environment Policy. Although not explicitly targeting asylum seekers and refugees, it significantly increased scrutiny and barriers for those trying to access services. The act empowered airlines to prevent migrants without proper visas from boarding flights

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<sup>97</sup> Ibid.

<sup>98</sup> Mayblin, *Asylum After Empire: Colonial Legacies in the Politics of Asylum Seeking*, 18-19.

<sup>99</sup> Gareth Mulvey, "Refugee Integration Policy: The Effects of UK Policy-Making on Refugees in Scotland," *Journal of Social Policy* 44, no. 2 (January 28, 2015): 363, <https://doi.org/10.1017/s004727941500001x>.

to the UK. By granting airlines the authority to do so, the government also sought to deter asylum seekers from reaching the UK by making it difficult for them to travel there. The government also imposed several restrictions, limiting access to essential services for individuals whose asylum applications had been refused, discouraging them from remaining in the UK.<sup>100</sup>

The hostility was evident during the Syrian crisis between 2010 and 2015 when the UK was resistant to take in many refugees. Instead, the government provided substantial financial support to humanitarian efforts in the region, mainly focusing on Syrian refugees in neighbouring countries and UN camps. They believed that meeting the needs of refugees would deter them from coming to the UK. They took in a deficient number of refugees in comparison to other European countries, but eventually, under public pressure, Prime Minister Cameron decided to accept the 20,000 quota refugees from UN camps in Lebanon, Turkey, and Jordan.<sup>101</sup>

In contrast, the UK government's response to the 2022 Russian invasion of Ukraine showed a different approach.<sup>102</sup> The government swiftly implemented the Ukraine Family Scheme and Ukraine Sponsorship Scheme, and from 2022 to 2023, around 174,000 people moved to the UK under these schemes.<sup>103</sup> This more welcoming stance towards Ukrainian refugees starkly contrasts with the treatment of Syrian refugees, highlighting potential biases in the government's refugee politics based on race and geographical origins.<sup>104</sup>

Research showed that Europeans generally feel more positively towards Ukrainian asylum seekers and refugees than, for example, Syrian ones. This is influenced by factors such as cultural and geographical proximity. Ukrainian asylum seekers, being European and culturally closer to many Europeans, are viewed more favourably than those from the Middle East or Africa. Syrians face higher levels of negative emotions and are often perceived as a threat; this prejudice influences the willingness to help them.<sup>105</sup>

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<sup>100</sup> Mayblin, *Asylum After Empire: Colonial Legacies in the Politics of Asylum Seeking*, 19.

<sup>101</sup> Yasmin Ibrahim and Anita Howarth, "Review of Humanitarian Refugee in the United Kingdom: Sanctuary, Asylum, and the Refugee Crisis," *Politics & Policy* 46, no. 3 (May 18, 2018): 375–77, <https://doi.org/10.1111/polp.12254>. Mayblin, *Asylum After Empire: Colonial Legacies in the Politics of Asylum Seeking*, 19.

<sup>102</sup> Manel Herat, "Ukrainian Refugees: (Un)Deservingness and the Politics of Exclusion," *Philosophy and Theory in Higher Education* 5, no. 3 (January 1, 2023): 520, <https://doi.org/10.3726/ptihe.032023.0511>.

<sup>103</sup> "Ukrainian Migration to the UK - Migration Observatory."

<sup>104</sup> Herat, "Ukrainian Refugees: (Un)Deservingness and the Politics of Exclusion, 529-530."

<sup>105</sup> Sharon Xuereb, "Emotions, Perceived Threat, Prejudice, and Attitudes Towards Helping Ukrainian, Syrian, and Somali Asylum Seekers," *PLoS One* 18, no. 9 (September 13, 2023): 3-5, <https://doi.org/10.1371/journal.pone.0290335>.

## 4.2 The Rwanda Asylum Deal

In 2022, the government passed the Nationality and Borders Act, which expanded the hostile environment towards asylum seekers and refugees. A key feature of this law is the provision that allows the UK to transfer asylum seekers to a third country, notably Rwanda, to process their asylum claims. This part of the law has sparked widespread concerns regarding the treatment and rights of asylum seekers sent to these countries. The subsequent Rwanda Policy, introduced in 2022, stipulates that asylum seekers sent to Rwanda will have their claims processed there. If these claims are accepted, the individuals can stay in Rwanda as refugees. However, if these claims are denied, these individuals cannot settle in Rwanda, seek asylum in another safe third country, or return to the UK to reapply for asylum.<sup>106</sup>

The push for the Rwanda asylum deal has been driven by political and economic factors. Politically, the government aimed to address public and media pressure over increasing numbers of asylum seekers arriving via small boats by implementing stringent and visible deterrents. Economically, the government argued that the Rwanda deal would reduce the cost of administering the asylum system in the UK by offshoring the processing of asylum claims.<sup>107</sup>

Moral and legal objections have been raised against this new legislation. One of the greatest moral concerns is mental health. Rwanda is very limited when it comes to mental health resources, and asylum seekers and refugees are more likely to be affected by some mental issues, primarily PTSD. As for the legal objections, there have been concerns about human rights in the UK's international legal obligations.<sup>108</sup>

In June 2022, the first deportation flight to Rwanda was about to take place, but it was cancelled due to a ruling by a judge at the European Court of Human Rights. On August 23, 1,295 migrants crossed the English Channel in 27 boats, the highest number recorded for a single day. In December, the High Court ruled the Rwanda Policy lawful but ordered the

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<sup>106</sup> Piyal Sen et al., "The UK's Exportation of Asylum Obligations to Rwanda: A Challenge to Mental Health, Ethics and the Law," *Medicine, Science and the Law* 62, no. 3 (June 14, 2022): 165–67, <https://doi.org/10.1177/00258024221104163>.

<sup>107</sup> Jennifer Morgan and Lizzy Willmington, "The Duty to Remove Asylum Seekers Under the Illegal Migration Act 2023: Is the Government's Plan to 'Stop the Boats' Now Doomed to Failure?," *Common Law World Review* 52, no. 4 (October 12, 2023): 103-9, <https://doi.org/10.1177/14737795231206156>.

<sup>108</sup> Sen et al., "The UK's Exportation of Asylum Obligations to Rwanda: A Challenge to Mental Health, Ethics and the Law, 165-7."

first deportation to be reconsidered. In 2022, a total of 45,755 migrants crossed the Channel.<sup>109</sup>

In January 2023, Prime Minister Rishi Sunak made it a key pledge to “stop the boats” and to address the migration crisis. Former Prime Minister Theresa May expressed criticism towards the plan to send asylum seekers to Rwanda, arguing that merely relocating people to claim asylum in Rwanda is insufficient. She also warned that such a policy might result in the UK neglecting its responsibilities towards victims of modern slavery. In March, the High Court judge ruled that asylum seekers scheduled for removal to Rwanda can appeal against Home Office decisions. This specifically applies to cases where there may be errors in assessing the risk that such relocation could pose to their human rights. In June, the number of people crossing the Channel that year surpassed 10,000.<sup>110</sup> In July, the government passed the Illegal Migration Act. This act gives the Home Secretary power to detain people arriving in the UK in small boats or other “irregular” means. This does not apply to children, at least until they turn 18.<sup>111</sup> According to statistics from September 2023, the number of boats dropped to 24,830, compared to September 2022, when the number was 33,029.<sup>112</sup> Throughout the year, the government faced challenges in managing the costs of asylum seekers, such as expenses for housing, processing asylum applications, and providing basic services. Notably, expenditures have risen due to the necessity of using hotels for accommodation, with the Home Office spending millions per day.<sup>113</sup>

In November 2023, the UK Supreme Court deemed the Rwanda Scheme unlawful due to several key concerns, such as the breaching of human rights, because the Rwanda Deal was found to contravene the European Convention on Human Rights, which prohibits torture and inhuman treatment. The court also raised concerns about Rwanda’s poor human rights record, including instances of extrajudicial killings, deaths in custody, enforced disappearances, and torture.<sup>114</sup> Suella Braverman openly expressed her expectation that the

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<sup>109</sup> William Mata and Pa Reporters, “Timeline of Rwanda Asylum Plan as Home Secretary Signs New Treaty,” *Evening Standard*, December 6, 2023, accessed March 12, 2024, <https://www.standard.co.uk/news/crime/suella-braverman-rishi-sunak-rwanda-supreme-court-priti-patel-b1120411.html>.

<sup>110</sup> Mata and Pa Reporters, “Timeline of Rwanda Asylum Plan as Home Secretary Signs New Treaty.”

<sup>111</sup> Refugee Council, “What Is the Illegal Migration Act? - Refugee Council,” Refugee Council, October 12, 2023, <https://www.refugeecouncil.org.uk/information/what-is-the-illegal-migration-act/>. Anthony Reuben, “Rishi Sunak’s five promises: What progress has he made?,” *bbc.com*, February 15, 2024, accessed March 19, 2024, <https://www.bbc.com/news/65647308>.

<sup>112</sup> Statista, “Number of People Crossing the Channel in Small Boats UK 2019-2023.”

<sup>113</sup> Reporters, “Timeline of Rwanda Asylum Plan as Home Secretary Signs New Treaty.”

<sup>114</sup> Sen et al., “The UK’s Exportation of Asylum Obligations to Rwanda: A Challenge to Mental Health, Ethics and the Law, 165-7.” BBC News, “What is the UK’s plan to send asylum seekers to Rwanda?,” *bbc.com*, March 13, 2024, accessed March 18, 2024, <https://www.bbc.com/news/explainers-61782866>.

Supreme Court would rule in favour of the government's position on the legality of the Rwanda Deal, affirming its lawfulness. However, Suella Braverman and Prime Minister Sunak indicated a willingness to take extreme measures if the government's plans should be challenged.<sup>115</sup>

At the end of 2023, the government presented a new draft of legislation that explicitly defines Rwanda as a "safe country." This definition is crucial for justifying the deportation of asylum seekers to Rwanda under UK immigration policy frameworks. In December, a new bilateral treaty was signed, further solidifying the arrangement by ensuring that individuals sent to Rwanda under this agreement cannot be deported back to their countries of origin. This measure aims to address the concerns of the Supreme Court about the safety and rights of individuals sent to Rwanda by offering them some protection. Furthermore, the bill empowers the UK government to disregard the European Court of Human Rights. This bold assertion of sovereignty over international human rights obligations represents a significant shift in how the UK interacts with international human rights mechanisms. Several international organizations have expressed criticism of the UK's approach to handling asylum seekers and the implications of the bill for human rights and international law, including the United Nations, the Council of Europe, and several human rights organizations.<sup>116</sup>

On April 23, the British Parliament approved the "Safety of Rwanda" bill, and on April 25, the government completed ratification, taking another step towards the first flight leaving.<sup>117</sup>

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<sup>115</sup> Morgan and Willmington, "The Duty to Remove Asylum Seekers Under the Illegal Migration Act 2023: Is the Government's Plan to 'Stop the Boats' Now Doomed to Failure?"

<sup>116</sup> Jean-Philippe Lefief, "Understanding the British Government's Plan to Send Migrants to Rwanda," *Le Monde.Fr*, April 25, 2024, [https://www.lemonde.fr/en/international/article/2024/04/24/understanding-the-british-government-s-plan-to-send-migrants-rwanda\\_6669425\\_4.html](https://www.lemonde.fr/en/international/article/2024/04/24/understanding-the-british-government-s-plan-to-send-migrants-rwanda_6669425_4.html).

<sup>117</sup> Lefief, "Understanding the British Government's Plan to Send Migrants to Rwanda."

## 5 PERSPECTIVE AND COMPLEXITIES OF IMMIGRATION

Understanding the multifaceted nature of immigration is crucial as it represents a complex issue with no straightforward solutions. Many nations struggle with immigration challenges, as there is no universally ideal resolution.

The opinion of the UK is not united in the matter of immigration; the two major parties, Labour and Conservative, have a different vision of how to deal with immigration. Conservative governments advocate for tighter restrictions regarding immigration. In contrast, opposition parties usually call for a more compassionate approach towards immigrants, and they emphasize the positive contributions of immigrants to society. Additionally, the political climate surrounding immigration can be influenced by international events and obligations.<sup>118</sup> Immigration, both legal and illegal, affects all aspects of a country, such as society, economy, and culture.

### 5.1 Social Integration

The inherent contradiction evident in Britain's implementation of the hostile environment juxtaposed with its demonstrated proficiency in immigrant assimilation underscores a notable paradox within contemporary immigration discourse. Despite the restrictive measures enacted to impede immigrant access, Britain's effectiveness in facilitating newcomers' economic, social, and cultural integration serves as a compelling model for emulation on a global scale.<sup>119</sup>

### 5.2 Economic Implications

In the past, immigrants have been portrayed as threats to jobs, wages, and public services, and there has been the perception that immigrants compete with locals in the labour market; these threats often lead to calling for tighter immigration controls. However, this is not necessarily true, as immigrants often need more language skills and education to compete with local workers. On the contrary, immigration can actually boost the economy by increasing productivity and filling job gaps. Immigrants can bring fresh ideas and energy, leading to better results in various fields. They also help industries that look for cheap labour

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<sup>118</sup> Yan, "Windrush Scandal: Postcolonial Authoritarian Racism and Its Reflection in Contemporary British Immigration and Nationality Law, 172."

<sup>119</sup> The Economist, "Britain Is the Best Place in Europe to Be an Immigrant," *The Economist*, March 21, 2024, <https://www.economist.com/leaders/2024/03/21/britain-is-the-best-place-in-europe-to-be-an-immigrant>.



and need many workers, like manufacturing or services. Skilled immigrants can contribute to scientific research and technological processes, driving overall economic development.<sup>120</sup>

Immigration stimulates economic growth through increased taxation, spending, and contributing to GDP. Particularly, working-age immigrants and international students significantly contribute to higher tax revenue and demand for goods and services, ultimately expanding the economy. When students want a visa, they must prove they have sufficient income. International students are ineligible for government student loans; this is yet another sizeable financial contribution.<sup>121</sup> In the 2021/2022 academic year, £41.9 billion was added to the UK economy thanks to international students; the cost of these students and their related dependants was estimated at a total of £4.4 billion.<sup>122</sup> A 2018 study found that immigrants from the European Economic Area make a higher net contribution to the UK economy than non-EEA immigrants. Moreover, both groups make higher contributions than UK-born workers.<sup>123</sup> Another factor that should be considered when listing the positive impacts of immigration on the economy is the aging British population. With the current level of immigration, every 1,000 working people (age 20-64) in Britain support 389 people over the age of 65. However, if the net migration was reduced to the Conservatives' target of 100,000 people per year, every 1,000 people would have to support 405 people over 65, and the gap is estimated to grow even further.<sup>124</sup>

Immigrants benefit Britain in filling the labour shortages. Home Secretary Suella Braverman argued that they should train their own workers for fruit picking, HGV drivers, butchers, and others instead of relying on immigrant workers. However, the issue lies in the time it takes to upskill individuals who may not have prior experience compared to migrant workers who already possess the necessary skills.<sup>125</sup>

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<sup>120</sup> Yizi Liu, "Immigration, Society, and the National Economy," *Advances in Education Humanities and Social Science Research* 6, no. 1 (August 1, 2023): 501, <https://doi.org/10.56028/aehtsr.6.1.501.2023>.

<sup>121</sup> Molly Blackall, "How Migration to the UK Really Impacts the Economy, as Cabinet Tensions Continue to Boil," *Inews.co.uk*, May 16, 2023, <https://inews.co.uk/news/how-migration-uk-impacts-economy-cabinet-tensions-2341959>.

<sup>122</sup> Webdev and Webdev, "The Effect of Immigration on the UK Economy," *Immigration Advice Service*, January 21, 2024, <https://iasservices.org.uk/the-effect-of-immigration-on-the-uk-economy/>.

<sup>123</sup> Blackall, "How Migration to the UK Really Impacts the Economy, as Cabinet Tensions Continue to Boil." The Economist, "Migrants Contribute More to Britain Than They Take, and Will Carry on Doing So," *The Economist*, September 26, 2018, <https://www.economist.com/graphic-detail/2018/09/26/migrants-contribute-more-to-britain-than-they-take-and-will-carry-on-doing-so>.

<sup>124</sup> Blackall, "How Migration to the UK Really Impacts the Economy, as Cabinet Tensions Continue to Boil." The Economist, "Migrants Contribute More to Britain Than They Take, and Will Carry on Doing So."

<sup>125</sup> Blackall, "How Migration to the UK Really Impacts the Economy, as Cabinet Tensions Continue to Boil"

### 5.3 Public Opinion

Public opinion on immigration is divided, and it has not remained constant throughout the years. The fluctuation is influenced by various factors, including economic conditions such as job availability and wages, concerns about national security like terrorism and crime, and questions of national identity related to national values and traditions.<sup>126</sup>

In recent years, public opinion has shifted, and in the economy, many people see immigration as a necessary means for country's economic recovery. The fluctuation of public opinion is evident because more than ten years ago, in 2012, only one in four people believed that immigrants were necessary for the UK's economy.<sup>127</sup>

The European Social Survey, done every two years, found out that in 2022, nearly 60% of respondents thought that immigration was very positive for the UK economy, 58% believed it enriched cultural life, and 58% that it overall made the UK a better place to live. Twenty years ago, in 2002, the results were much lower: only 17% expressed a positive outlook regarding the economic benefits of immigration, 33% considered it culturally enriching, and 20% believed it contributed to making the UK a better place to live. Even though the government still wants to reduce the number of immigrants by implementing various policies and measures, public's overall attitude toward immigration and increasing the number of immigrants is rather optimistic.<sup>128</sup>

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<sup>126</sup> Yan, "Windrush Scandal: Postcolonial Authoritarian Racism and Its Reflection in Contemporary British Immigration and Nationality Law, 171."

<sup>127</sup> Blackall, "How Migration to the UK Really Impacts the Economy, as Cabinet Tensions Continue to Boil"

<sup>128</sup> Patrick Butler, "Most British People Hold Positive View of Immigration, Survey Reveals," *The Guardian*, November 3, 2023, <https://www.theguardian.com/uk-news/2023/nov/03/most-british-people-hold-positive-view-of-immigration-survey-reveals>.

## CONCLUSION

This thesis has examined the intricate dynamics and far-reaching consequences of the UK's Hostile Environment Policy. The aim was to examine the socio-economic impacts of immigration and the contemporary challenges posed by the Hostile Environment Policy. Moreover, this thesis explored the formation of the Hostile Environment Policy against the backdrop of the history of immigration policies and the events leading up to the calls for tighter immigration controls.

The Hostile Environment Policy was primarily implemented to strengthen the UK's immigration laws by preventing undocumented immigrants from accessing public benefits and services. The rationale was that by making it difficult for illegal residents to live undetected, the policy would deter new illegal entries and encourage those without legal status to leave voluntarily. On the surface, this approach seems to offer a straightforward solution to illegal immigration by safeguarding public resources for citizens and legal residents who contribute to the economy.

The Hostile Environment Policy has arguably strengthened the UK's immigration control systems, reflecting a governmental commitment to national security and public order. By tightening access to public and private sector services for undocumented migrants, the policy has potentially deterred illegal immigration, aligning with its primary objectives.

However, the policy's implementation has raised substantial concerns regarding human rights and social ethics. One of the most significant criticisms is the policy's impact on vulnerable groups, particularly highlighted by the Windrush scandal, where legal residents and British citizens of Caribbean descendants were wrongfully detained and deported. Such measures, including the right to rent checks and restricted access to healthcare, have been discriminatory and led to wrongful denial of service, thereby infringing on individual rights and liberties.

Moreover, the policy has contributed to a climate of fear and mistrust within immigrant communities. The pervasive checks and the requirement for individuals to continuously prove their legal status have undermined social cohesion and integration. Such an environment's social and ethical implications are profound, disrupting community relations and potentially setting back the progress made in building an inclusive society.

The administrative and economic burdens of the Hostile Environment Policy also merit consideration. The costs of implementing the policy, including the legal challenges and compensations for wrongful actions, are substantial. These costs challenge the economic

justification of the policy, particularly when considering the potential economic contributions from immigrants deterred or removed from the workforce.

In conclusion, while the Hostile Environment Policy has achieved some of its objectives in controlling illegal immigration, the costs, both human and economic, have been profound. The policy's controversies and challenges highlight the need for a balanced approach that respects human rights and integrates effective immigration control with a commitment to social justice and community cohesion.

There is currently no definite solution to the complex challenges posed by immigration. The quest for a policy that effectively balances security, economic interests, and human rights continues, underscoring the need for innovative, multifaceted strategies that can adapt to changing circumstances and diverse needs.

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**LIST OF ABBREVIATIONS**

EEA	European Economic Areas
EU	European Union
GDP	Gross Domestic Product
HGV	Heavy Goods Vehicles
HSMP	Highly Skilled Migrant Programme
MPs	Members of Parliament
NHS	National Health Service
PBS	Points-Based Systems
PTSD	Posttraumatic Stress Disorder
RtR	Right to Rent
UK	United Kingdom
UKIP	United Kingdom Independence Party
UN	United Nations