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### **Paper:**

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## **In the teeth of the machine: workfare, immigration enforcement and the regulation of ‘surplus labour’**

This article examines the development of a particular policy framework that is coming to fruition in the UK after decades of gestation. It examines how the administration of ‘workfare’ and the operation of immigration enforcement, while existing independently of each other, mutually reinforce each other. It explores how they operate at the sharp end of a labour market strategy seeking to appease the relentless demand for ‘flexible’, disposable workforces. And in the process, it analyses how they are used to both produce and manage these labour forces.

On the surface, workfare and immigration enforcement perform opposite functions to one another: they act as mirrors of each other, coercing some people into the labour market whilst forcing others out of it. If workfare is part of a punitive ideological project enforcing work on particular groups of people, immigration enforcement is part of an ideological project asserting that work, for some people, is a crime. But as this article attempts to show, these two mechanisms operate as central factors in a much broader strategy of statecraft: one which seeks to manage and contain two very different ‘surplus populations’ by policing the boundaries of the labour market. And in this context, there are certain parallels in the way that operate. Both, for example, seek to co-opt civil society into helping carry out their functions by reporting ‘offenders’. Both materialise, in many ways, through attempts to discipline particular certain sections of the population. Both are fundamental to the ongoing, violent and contested processes of neoliberalisation.

These processes are not, of course, unique to the UK. As is well established, the neoliberal counter-revolution that has swept through global economies from the 1970s (roughly) onwards, has been just that: a *global* counter-revolution. And, as David Harvey (2005: 169) has suggested, ‘under neoliberalization, the figure of the “disposable worker” emerges as prototypical upon the world stage’. At the same time, these global processes are uneven. For they cannot be divorced from the realities of ‘disorganic development’ that Sivanandan (1979), for example, described nearly four decades ago, as well as the trajectories of this since this point. But by focusing on the UK, this article explores the manner in which workfare and immigration strategies have emerged as key components of a machinery geared simultaneously towards facilitating and managing both ‘external’ and ‘internal’ reserve armies of labour (see Bellamy Foster et al, 2011). In other words, they both reinforce and are reinforced by each other.

Underpinned as they are by a complex assemblage of factors including attempts to facilitate labour forces, regulate labour markets assuage demands for labour and control levels and ‘types’ of migration, these strategies should not be seen in isolation. Rather, they can be more accurately understood as making up part of a much broader multiplicity of measures and shifts responding to the mass social dislocations and precarities underpinned by neoliberalisation. As Wacqaunt (2009) has argued, this has taken the form of an intensification and retrenchment of penal power in conjunction, also, with workfare. But alongside (and in conjunction with) this ‘penalisation’ of poverty, de Giorgi (2010: 152) has also described:

an emerging framework of penal and extra-penal regulation of migrations in which the illegalization and the hyper-criminalization of immigrants work symbiotically

toward the reproduction of a vulnerable labor force, suitable for the most exploitative sectors of the post-Fordist economy.

It is against this broader backdrop, it is suggested here, that the workfare and immigration enforcement policy trajectory that is described in the pages that follow, is situated. And it is a policy trajectory, it is argued, that is operationalised through the threat and realisation of destitution. If workfare is underpinned directly by the threat of destitution in order to enforce either work or a state of ‘work-readiness’, migration policies contain within them an assumption (in some contexts at least) that destitution will force those who are of no economic ‘use’ from the country. At its most transparent point, this can be witnessed through the enforced destitution of irregular migrants, often – but not always – involving those who have been refused a claim for asylum. And it is against this backdrop that these police drives have inserted – by design on the one hand and by default on the other – particular forms of coercive labour into the heart of the UK’s economy. These forms of labour are conceived of, in political terminology at least, in radically different ways. They are certainly regulated in radically different ways. But they fulfil different elements of a policy project that is carefully considered, consciously embedded and exists at the centre of contemporary government strategy. In order to understand these processes, though, it is necessary to first understand their contemporary roots in a managed migration and welfare compact that was put in place under New Labour.

### *From workfare...*

The story of New Labour’s ascent to power in 1997 has been well told (Anderson and Mann, 1997; Fielding, 2002). Under the leadership of Tony Blair, the party ended eighteen years of Conservative rule with a landslide electoral victory on the one hand, and with a promise for a new Britain on the other. Driven by a narrative of ‘modernisation’, Blair had liberated the Party from values which he described as ‘out of date’ (cited in Freedan, 1999: 43), and was a key figure in its new-found embrace of capitalism as a progressive, moralising force. As a strategy, this had liberals effusive with praise, with the *Economist*, for example, fawning over the ‘combination of reform and slick marketing’ that had ‘transformed the Labour Party’s image – as perceived by both insiders and outsiders – from obsolete relic to modernising party of government’ (*Economist*, 1997). The *Guardian*, meanwhile, was lauding Blair for a vision that ‘spoke to the passions of the party as well as to the preoccupations of the wider electorate’ (cited in British Political Speech, 2017) after just his second speech as party leader as far back as 1995. In New Labour, those seduced by emerging talk of a potential ‘Cool Britannia’ found a vehicle through which this vision could be realised. And after the party was elected, a procession of courtiers rushed to draft position papers, policy ideas and mission statements hoping to capitalise on talk of a brave new world.

One such example was *Britain™: renewing our identity*, an influential document by the think-tank Demos, which called for the ‘re-imagining’ of a Britain that was ‘now ready for its spring’ (Leonard, 1997: 70). According to Demos (Ibid), a ‘period of renewal and self-confidence’ was being entered, and its insights included the creation of a ‘Promoting Britain Unit’ and the suggestion that a tour should be organised by the monarch of ‘all sites where there is still bitterness about Britain’s past – from Ireland to Iran – to heal difficult memories and to signal that Britain has moved beyond its imperial heritage’ (Ibid: 5). Too often, it continued, Britain was seen as a place ‘whose time has come and gone – bogged down by tradition, riven by class and threatened by industrial disputes, the IRA and poverty-stricken inner cities’ (Ibid: 9). So what was needed was a new national consensus based on ideas of

Britain as a nation of fair play, a global ‘hub’, a creative island united in its diversity, a silent revolutionary driving forward change and, crucially, a nation that was ‘open for business’. None of this was possible, of course, without delivering a brand and drawing lessons from the ‘explosion of new techniques for branding businesses’ (Ibid: 38). But in the new government, such slick advertising-cum-activism visions had a new-found political machine.

New Labour, after all, was famously described by Margaret Thatcher as her greatest achievement (see Jones, 2013); and it was a love-affair that, by its leader at least, was reciprocated. ‘Blair was the most fundamentalist of the three Thatcherite prime ministers’, wrote journalist Simon Jenkins in 2006 (2006: 205, referring at that point to John Major, Tony Blair and Gordon Brown), and took her economic and cultural ‘revolution’ in to territory that she was never able. Indeed, as Stuart Hall (2003: 20) observed in a prescient analysis of New Labour’s hegemonic strategy, where it *did* break with Thatcherism this was frequently part of an attempt to ‘establish neo-liberal society on firmer, less contested factions’. This ‘double-shuffle’ – a wedding of neoliberal capital accumulation and the assertion of ‘active government’ – was a strategy of statecraft that was both wide-ranging and far-reaching. But a significant target, Hall observed, was the delivery and rationale of welfare:

The passing-off of market fundamentalism as ‘the new common sense’ has helped to drive home the critical lesson which underpins the ‘reform’ of the welfare state: the role of the state ‘nowadays’ is not to support the less fortunate or powerful in a society which ‘naturally’ produces huge inequalities of wealth, power and opportunity, but to help individuals *themselves to provide* for all their social needs – health, education, environmental, travel, housing, parenting, security in unemployment, pensions in old age, etc. Those who can – the new middle class majority – must. The rest – the ‘residuum’ – must be ‘targeted’, means-tested, and kept to a minimum of provision lest the burden threaten ‘wealth creation’ (Ibid: 18).

It was against this backdrop that in Blair’s first speech as prime minister – his much-quoted speech on the Aylesbury estate in south London – he stated that the biggest challenge facing his ‘welfare-to-work’ government was to ‘to refashion our institutions to bring the new workless class back into society and into useful work’ (cited in Finn, 2001: 357). In this analysis, concerted focus would be turned onto those who he saw as unable or unwilling to cope with globalisation (for discussion, see Young and Matthews, 2003), and whilst workfare had already been a feature of policy for some time by this point, Blair’s government turned to it with a zeal that was tantamount to evangelical. The beauty of workfare of course – for its acolytes at least – was that it replaced the ‘right to work’ with ‘a duty to work’ (Freedan, 1999: 47). It depicted the consequences of structural issues – the decimation of entire communities through neoliberal restructuring, the entrenchment of poverty, the ripping apart of entire localities through deindustrialisation and so on – as the result of personal failings. And against the backdrop of the ‘paradigm shift’ from Fordism to post-Fordism (see Jessop, 1993 for discussion), it consolidated a ‘system of regulation designed to condition and coerce benefit claimants into taking low-wage, flexible and insecure jobs, thereby supplying a contingent labour supply that reduces wage pressure and encourages employment growth’ (Sunley et al, 2006: 7).

If the poor, the young, the un-or-underemployed would not adapt to this brand-new-brand of a Labour-championed ‘turbo capitalism’ – the term was leader-in-waiting Gordon Brown’s (cited in Jenkins, 2006: 255) – then they would be forced to do so. And drawing lessons from

the workfare experiment that was already well underway in the United States, some £5.2 billion was initially pumped into the New Deal, a flagship active labour market policy introduced in 1998, which included (among other things) compulsory work and training programmes for the young and long-term unemployed, work ‘incentives’ and the use of benefit sanctions for those who were uncompliant (Daguerre and Etherington, 2014: 20-1). By the end of March 2002, around 784,800 18-24-year-olds had started on the New Deal in Britain, with another 353,400 people above 25 having started on the New Deal for the Long-Term Unemployed and a further 117,900 having been placed on a re-engineered New Deal 25+ programme (Office of National Statistics, 2002: 378). These figures are by no means exhaustive. But what was clear, even just a few years after the New Deal’s introduction, was that employers were hungry for more and more referrals, and it was providing a means through which people could be funnelled into insecure, temporal and temporary sections of neoliberal labour markets. Indeed, as Jamie Peck (2001: 6) has discussed in a panoramic analysis of workfare:

Stripped down to its labor-regulatory essence, workfare is not about creating jobs for people that don’t have them: it is about creating workers for jobs that nobody wants. In a Foucauldian sense, it is seeking to make ‘docile bodies’ for the new economy: flexible, self-reliant, and self-disciplining.

### **... to managed migration**

None of the above is new, of course. It is a story that has been debated over and discussed repeatedly.<sup>1</sup> But if active labour market policies could be seen as *one* part of a response to the neoliberal restructuring of labour markets that has taken place over the last few decades, disciplining the most ‘vulnerable’ sections of the population into a world of temporary, precarious work, their flip-side was to be found in the enactment of managed migration policies that spoke, in certain ways, to the same concerns. As Arun Kundnani has discussed, the transformation of Britain’s labour market that has increasingly led to a demand for ‘rightless’ workers to exploit (2007a) is umbilically connected to the brutal impacts of free market globalisation which has generated ‘the conditions for large-scale emigration from many regions of the world’. And ‘[j]ust as welfare-to-work ... sought to produce the kinds of cheap, ‘flexible’ workers that the new economy demanded’, he suggests, ‘so too would New Labour’s managed migration policy, directed at the floating population of migrant workers according to the demands of low wages and disposability’ (2007b: 143-4). It is through the enactment of managed migration policies, in other words, that the belief that migration should more concretely be tied to the needs, demands and whims of employers and economic cycles was given legislative and political form.

The New Labour government did not take long to formulate this vision. Just a few months after being elected, it published the White Paper *Our Competitive Future: Building the Knowledge Driven Economy* (Department for Trade and Industry, 1998) which, according to some commentators, was key to both lowering the barriers to employment facing ‘highly skilled’ migrants, and consequently therefore a ‘liberalisation’ of migration policy in certain other contexts (see Consterdine and Hampshire, 2014 for discussion). A few years later, the 2002 White Paper *Secure Borders, Safe Haven: Integration with Diversity in Modern Britain* (Home Office, 2002), built on this further, and set out the framework for a fully-functioning

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<sup>1</sup> It is not the place here to discuss in depth the internationalisation of workfare, the way it embodies a particular process of uneven, fluid, global policy transfer and, indeed, its deep-rooted ideological history. For discussion though see, for example (Krinsky, 2007; Peck and Theodore, 2001; and Prashad, 2003).

managed migration system. And at its core was a desire to provide the labour market with a workforce at ‘both the high and low end of the skill spectrum’ as it needed, and on the terms it desired. As has been noted elsewhere (Kundnani 2007b: 143), this policy architecture sought to reconcile a desire to ‘maximise the economic gains of a migrant workforce, while preventing that workforce from acquiring a social and political presence in Britain’. Thus, in this context, migration was to be encouraged but only on specific terms. Work permits for those in ‘shortage occupations’ (such as nursing or construction), for example, were relaxed for a while, with the 175,000 issued in 2003 double the number issued three years earlier (Webber, 2012: 105). And in 2005, five tiers of entry were introduced with rights allocated on the basis of the tier a person was slotted into. The result, by design, was a ‘strict hierarchy of classes of entry and associated privileges: ranging from the right to settle for the highly skilled, to only temporary admission with no rights to benefits for the low skilled’ (May et al, 2007: 157).

The EU expansions at the beginning of the 21<sup>st</sup> century added layers to these arrangements by opening routes for ‘newer’ migrant labour that nominally had more rights than some managed migration schemes intended. But at the same time, they widened the net of available workers who, no matter what rights they possessed, could not always access them. In 2004 for example, ten countries became EU member states, with ‘A8 nationals’<sup>2</sup> required to report to the Home Office to register with a particular employer, and re-register if they changed employer, in a system which linked access to rights to employment status. According to the Office for National Statistics, whilst there were some 17,000 national insurance number (NINO) allocations to ‘A8’ nationals in 2003, this increased to nearly 335,000 in 2007, before declining to around 168,000 in 2009 (Gillingham, 2010: 12). And for some people, in practice, the system above and other variations meant becoming tied to employers who could exploit workers in full knowledge that the law provided a framework for doing so (see, for example, Sporton, 2013). What was created, in other words, was a model perfect for passing on the risks facing businesses from employers to migrant employees. For it was frequently those working in ‘lower’ skilled occupations that were demanded in an increasingly ‘flexible’ economy: easily hired, easily fired, and for many employers at least, easily forgotten about when their economic use was over. As such, it was also a model with significant implications for immigration policing.

With European workers providing a ‘new’ migrant reserve army of labour, and the managed migration system codifying migration to economic whims, New Labour turned its attention to irregular migrants, made up in large part of non-EU migrants who had fallen foul of immigration legislation. Immigration enforcement was already directed against this sub-section of the population, of course. As Paul Gordon (1981: 33) has discussed, for example, the Immigration Act 1971 marked a greater shift in immigration policing towards ‘internal’ controls; and despite no central records being kept, he documented twenty-five passport raids’ on homes and workplaces between October 1973 and April 1978. In an indication of the increasing attention on this issue, meanwhile, under the Immigration and Asylum Act 1996, a £5,000 fine was introduced for employers who knowingly employed someone without permission.

But New Labour pledged to increase enforcement activity to levels that had never been witnessed before. In 2002, it stated that it was creating a series of ‘hit squads’ concentrating on undocumented working, with immigration minister Lord Rooker claiming that ‘We are

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<sup>2</sup> The ‘A8’ countries were Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia, and Slovenia.

having a look, sector by sector' and continuing to state that 'There will be no amnesties. Some people will be sent packing, there's no question about that. If nothing else it will help us to meet our removal targets' (cited in Burrell, 2002). And within a few years, this commitment was beginning to bear fruit. Between April 2005 and March 2006, 2,915 enforcement visits were carried out related to undocumented working, a figure that increased to 4,614 a year later. That same year, the Immigration, Asylum and Nationality Act 2006 was enacted, strengthening the powers available to immigration officers, introducing £2,000 civil penalties for employers found to be employing undocumented migrants, and creating a sanctions system operating through civil and criminal law in the process. And just one year after this, it set out a seven-point plan to 'shut down illegal working', of which enforcement activities were integral. Thus by 2008, a 'watch list' of 'immigration offenders' had been established, local multi-agency immigration teams had been set up to assist in the process of tracking them down (Home Office, 2008) and the sanctions employers faced had been strengthened once again. A civil penalty system was established making employers liable for penalties up to £10,000 for employing undocumented workers (see Cherti, 2014: 9). Between April 2007 and March 2008, there were 7,178 'illegal working visits', or around twenty, on average, per day.

### **Managing the 'reserve army of labour'**

What the above discussion has attempted to do is set out, very broadly, an overview of the relationship between managed migration and workfare policies under the New Labour government, and how these were utilised to control and regulate the flow of workers in Britain's increasingly flexible labour market. In both of these strategies, there was an inherent attempt to reshape welfare and immigration policies as mechanisms to condition people into accepting precarious work, and under particular conditions. And they were underpinned by an increasingly aggressive enforcement strategy seeking to ensure the removal from the country of those whose status was 'irregular' and/or were deemed no longer to serve an economic function.

What follows indicates how the framework established in this period has been built upon by the last three Conservative or Conservative-led governments (in coalition, at varying times, with the Liberal Democrats and the Democratic Unionist Party). However, it is not the purpose to simply explain the development of laws and policies in this period and their implementation. Rather, the analysis that follows aims to plot key trajectories in policy direction. For it is doing so that their dynamics can be drawn out, and also, their implications explored.

#### *Destitution as labour market policy*

In his first major speech on immigration as Prime Minister in 2011, David Cameron made absolutely clear that, for his government, the 'control' of welfare and immigration was symbiotic. 'Immigration and welfare reform are two sides of the same coin', he claimed, before continuing to state that 'migrants are filling gaps in the labour market left wide open by a welfare system that for years has paid British people not to work' (Cameron, 2011). Such assertions have been reiterated by senior party figures on several occasions since Cameron made them, to the point that they have become something of an orthodoxy. And in 2014, for example, the then Work and Pensions Secretary Iain Duncan Smith asserted that his government had inherited a situation characterised by 'the welfare system trapping people in dependency and removing the drive to go to work... and the open door immigration policy

which meant they were so easily replaced by foreign workers coming in' (Smith, 2014). What was therefore necessary (it was claimed) was a new 'social settlement' which would regulate the 'supply' and 'demand' of labour.

This forging of a 'new' social settlement has been a central ambition of the Conservative administrations. And at its core has been the increased use of destitution through a combination of immigration and welfare policies in order to promote shifts or significant alterations in behaviour. This is entirely consistent with the 'instrumental behaviourism' that Peter Dwyer and Sharon Wright (2014: 29), for example, have discussed as key to ongoing strategies of welfare reform. Indeed, such is the enthusiasm for this 'behaviour change agenda' that – as has been well documented – behavioural insights have come to occupy a central place in policy making and practice (see Jones et al, 2013 for critical discussion).

The increased utilisation – the increased 'weaponisation', even – of destitution, gives just one indication of the force which can reside behind such aims. Such was the extent of workfare expansionism after the coalition government came to power that the activist group Boycott Workfare (2014: 67-70) described it as having 'exploded', with 22,000 people being referred onto workfare schemes each month by February 2013, and nine distinct workfare schemes in existence just over a year later. Workfare, of course, has very long ideological roots (see Fletcher, 2015). Yet the sheer scope of programmes introduced since 2010, and indeed their reach, is in the UK, at least, unprecedented; and according to one source 'close to the DWP [Department for Work and Pensions]', at least, one of its aims, albeit one that is rarely spoken-about, has been to force workers to compete with migrant labour. 'Labour failed to introduce a proper sanctions regime in 13 years', this source suggested in 2011, before continuing to claim:

We need to get the unemployed work-ready and we know this is an urgent problem which is why we have introduced the work programme. When faced with young, sparky eastern Europeans coming here to work, it is essential that Britons have the skills to compete (cited in Winnett, 2011).

Presumably, what was meant by a 'proper sanctions regime' was one that operated on a much more pervasive level; and this has certainly been something that the coalition government attempted with vigour. The punitive capacity of sanctions was extended so that, in extreme cases, they equated to a denial of benefits for a period of up to three years for not complying with imposed conditions. Such is the ubiquity with which sanctions began to be applied that the academic David Webster at one point described them as Britain's 'secret penal system'. As he stated, with over million people being sanctioned in 2013, this made them more common than fines handed out by the magistrates or sheriffs courts (Webster, 2015). And this in turn, of course, has been reinforced by the expansion of spurious 'medical' assessments, through which thousands of ill and disabled people have been declared 'fit-to-work' and consequently had benefits withdrawn or reallocated (Crossan, 2017; Griffiths, 2011).

In order to funnel people into submitting to unpaid work then, or to enforce an idea of being 'work-ready', the increased use of mechanisms known to lead to homelessness (Batty et al, 2015), malnutrition (Spurr, 2014), starvation (Ryan, 2014a) and self-harm (Salford City Partnership, 2015) has been deemed a perfectly justifiable aim of policy. The link between reliance on food banks and sanctions, for example, has been described in one study as 'dynamically related' (Loopstra et al, 2016: 3). In 2015 the charity Crisis conducted a survey of 1,000 people experiencing homelessness, and of these, more than 200 had been subjected



to benefit sanctions that year, with 21 per cent saying this led to their homelessness (Batty et al, 2015). In 2017, the House of Commons Public Accounts Committee published a report reiterating the link between sanctions and debt, rent arrears and homelessness (House of Commons, 2017). And mortality statistics released by the DWP – only after being required to do so by the Information Commissioner – revealed that 2,380 people died between December 2011 and 2014 after being found ‘fit to work’ and subsequently having benefits sanctioned. Put another way, that equates to over 80 deaths a month. Upon releasing these statistics, the DWP (2015: 4) warned that it ‘does not hold information on the reason for death’, so consequently ‘no causal effect between the WCA decision and the number of people who died within a year of that decision should be assumed from these figures’. But its own internal ‘peer review’ processes certainly indicate that there is an awareness that these processes can be linked.

Conducted when a suicide or other form of death is ‘associated with a DWP activity’ (cited in McVeigh, 2016), 49 peer review process were carried out between February 2012 and August 2014. Forty were instigated after someone had ended their own life, and in ten of these reviews, the death occurred after the person was sanctioned (see DWP, 2016). One person who died in this period was David Clapson, a 59-year-old diabetic man. Mr Clapson’s benefits were sanctioned in 2013 after he missed two appointments. And without the money he received on jobseekers allowance, he could neither afford to eat, or to top-up his electricity card. A few weeks later he was found dead on his sofa, surrounded by CVs, having suffered diabetic ketoacidosis as he was unable to refrigerate his insulin. A coroner later said he had no food in his stomach at his time of death, and he had £3.44 in his bank on the day he died (see Ryan, 2014b). In February 2017, law firm Leigh Day (2017) issued a judicial review challenging the decision not to hold an inquest into his death, stating that:

The effect of the Coroner’s refusal is that no official investigation will be conducted into how it was that a vulnerable diabetic, known to the DWP and dependent on State benefits to live, came to die in his home from starvation, alone and without the means to feed himself or refrigerate his insulin in 21st century Britain.

But if the facilitation of destitution was becoming increasingly pervasive through welfare policies though, it was also, in tandem, becoming increasing central to immigration and asylum control, with equally as significant labour force implications. On the one hand, this has been linked to what Gabriella Alberti (2017: 2) has described as ‘the emergence of a mechanism of welfare and migration controls based on the conditionality of *retaining worker status* for the purpose of claiming social benefits’. In 2014, for example, newly arrived EEA jobseekers were denied access to claiming Universal Credit (the Conservative government’s flagship welfare policy). And rules were introduced denying certain EEA jobseekers access to housing benefit, limiting access to income-based jobseekers allowance to three months in certain cases, and denying access to income-based JSA and benefits for children until the person has been in the UK for three months (Rutledge, 2016). An already-existing ban on ‘low-skilled’ non-EU workers, meanwhile, was upheld indefinitely, among other measures ensuring that those who were not members of the EU had to fulfil strict conditions to retain access to or gain access to services, under the rubric of what the government called ‘employment-related settlement’ (see for example, Green, 2012). Or in other words, what was both refined and built upon was a framework within which the threat of destitution ensured that migrants – aside from particular sub-categories – were first and foremost *workers*.

On the other hand, the use of a destitution as a mechanism to force ‘irregular. migrants from the country has moved increasingly to the heart of asylum and immigration policy. This, of course, is in-and-of-itself nothing new. In 2002, for example, the right to work for asylum seekers was removed, denying them ‘legal’ access to the labour market. This dovetailed with the construction of a distinct welfare system that had been under construction for years, including a reduction of financial support to which asylum seekers were entitled, and the denial of all support from those whose claim for asylum was refused. And in the process, thousands of ‘refused’ asylum seekers were forced almost at a stroke into the most extreme destitution.<sup>3</sup> By 2007, there were around 533,000 ‘irregular migrants’ in the UK, of whom many would be refused asylum seekers, according to a report by the London School of Economics Authority (Gordon et al, 2009: 6). But in the years since, this is a figure that has only continued to swell further. In 2016, for example, the Red Cross warned that it was seeing a ‘record number’ of destitute asylum seekers, with 9,000 people coming to that one organisation alone, in the previous year (Red Cross, 2016). Yet despite warnings about the human cost of this policy framework, the response has simply been to embed it deeper. The Immigration Act 2016, for example, contained measures to remove support from ‘refused’ asylum seekers with children – a group which was previously afforded some relief – in its attempts to force them, too, to leave the country. And there have been attempts to apply principles with a somewhat similar aim to (some) European migrants. Witness, for example, the detention and removal of hundreds of people – as revealed by the Public Interest Law Unit and North East London Migrant Action (NELMA) (2017) – under a 2016 policy defining rough sleeping as an ‘abuse’ of EU citizens’ ‘right to freedom of movement’. Some would have been destituted because they lost their employment. This policy, described by NELMA as a ‘social policy which used imprisonment and deportation as solutions to eradicate homelessness’, was ruled unlawful in December 2017 (cited in Taylor, 2017). But there is no doubt that in both mainstream welfare policy and immigration and asylum policy the threat or actualisation of destitution has moved to the centre stage.

### *Facilitating forced labour?*

What these mechanisms above indicate is a sweeping, blunt, use of state-sanctioned – state-*designed* – poverty in order (in part) to dictate access to the labour market and indeed, to

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<sup>3</sup> The role of New Labour’s immigration and asylum policies in creating the conditions for forced labour is well known. In its first piece of asylum and immigration legislation, in 1999, it codified what was designed to be a separate form of welfare support for asylum seekers with its own set of rationales and aims, replacing cash support with vouchers. And this measure was just the first salvo in a politics of explicit welfare chauvinism, with the effect of twisting the welfare system into a brutal, penury-making machine. The previous government, of course, had established a base from which this could be established. Laws introduced in the 1990s placed an onus upon local authorities to investigate the status of benefit claimants who they thought may be seeking asylum, removed the right to certain social security benefits from people who claimed asylum ‘in country’, and removed support from all asylum seekers whose claim had been refused and who were waiting the outcome of appeals (see Burnett, 2009 for discussion). But New Labour was able to take such measures much further than had so far been achieved. In 2002 for example, it introduced legislation refusing support outright to asylum seekers who did not apply immediately on arrival. And while certain aspects of this parallel welfare system were defeated by an ongoing series of legal challenges between human rights or immigration lawyers and the state (vouchers are no longer given as policy except for in particular circumstances such as through the provision of ‘Section 4’ support, mainly given to those whose claims have been refused but have agreed to sign-up to a ‘voluntary return’ programme) the principles, in many other ways, remain an integral feature of government policy.

broader social protections. They indicate a policy response aiming to meet the insatiable demands for ‘flexible’, pliant workers whilst, at the same time, seeking to control the types, and numbers of migrants within the UK. And in this context, they variously draw upon, utilise and seek to differing factions of available ‘surplus labour’. Thus, whilst certainly not claiming that there have been no differences between the governments in power over the last few decades, the general trajectory has been an increasingly aggressive turn to workfare emerging in *conjunction* with an increasingly restrictive managed migration framework, backed by enforcement policies. Or to put it another way, the enthusiasm for workfare can be read as one part of an attempt to discipline the most marginalised sub-sections of the ‘internal’ poor, whilst simultaneously seeking to reduce reliance on that which is available to businesses ‘externally’.

Now, there are a number of interweaved points that emerge from this that are of particular importance here. First, workfare has *always* reproduced and embedded structural inequalities. In 2011, for example, the Social Security Advisory Committee warned that evidence, including from the DWP’s own research, showed that ‘ethnic minority claimants and those with a learning difficulty tend to be disproportionately sanctioned for not actively seeking employment’ (Social Security Advisory Committee, 2011: 4.17). Between 2012 and 2016, meanwhile, researchers from the LSE’s International Inequalities Institute analysed data suggesting that: ‘Independent of age and gender, White claimants were less likely to be referred for a [Jobseeker’s Allowance, JSA] sanction, and less likely to ultimately receive a sanction, than were claimants from other ethnic groups’ (de Vries et al, 2017: 19). More than one million benefit sanctions were imposed on disabled people between 2010 and 2017 (Savage and Ferguson, 2018). Moreover, between October 2012 and December 2016, 26 per cent of decisions to apply a sanction or disallow a claim were carried out on those of an ethnic group other than ‘white’, despite, according to the most recent census, these groups making up 14 per cent of the population. At the same time, workfare schemes focusing on young people, for example (such as the Youth Obligation, implemented in 2017), are likely to Hoover up those groups experiencing structural discrimination. These include black 18-24 year olds, of whom 25 per cent were unemployed in the year to December 2016, or Pakistani and Bangladeshi people of the same age group (28 per cent employment in the same period), compared to 12 per cent of their white counterparts (Powell, 2017: 2). Things like the measures introduced in 2012 – perversely on the United Nations Day of Persons with Disabilities – to expand the means through which disabled people could be forced to work unpaid indefinitely in order to receive out-of-work benefits make clear that those with disabilities are to be subjected to intensive attention (Pring, 2012). And although the scheme that this is part of has since been abandoned – along with others – it is a marker of the institutional commitment to workfare that when one scheme closes, another takes its place. In 2017, the Work and Health Programme was launched with a focus on the long-term unemployed, as well as disabled people and those with health conditions (among others) (see Mirza-Davies and McGuinness, 2016).

Second, this instrumental use of destitution, in conjunction with that produced through immigration and asylum policy, facilitates and reproduces a supply of ‘workers’ who exist as a base of supra-exploitative labour, stripped of rights and shorn, in real terms, of protections. That destitution amongst migrant populations – particularly (but not exclusively) those whose status is ‘irregular’ - produces undocumented workers is well known (see, for example Lewis et al, 2014). And *one* of the aims of workfare schemes, meanwhile, is by definition the creation of a temporal workforce. Of course, this does not mean that those forced onto workfare schemes and those working as undocumented workers share exactly the same

experiences. Indeed, these experiences are mitigated by the immigration and welfare systems themselves, with undocumented workers facing different threats to those on workfare, and vice versa. But one thing that unites them is the way that the imperatives of the law discipline workers into accepting any working conditions, no matter how brutal and no matter how violent. It is in this context, therefore, that workers in these situations can face *some* similar degrading working conditions and risks of harm and injury that are compounded by the particular status of working itself. For example, empirical research indicates that both sets of workers share experiences of being forced to work for longer hours than other employees, being forced to work harder than other employees and being denied things like breaks or rest times. They report being humiliated and degraded by their employers. They report having been forced to work in potentially dangerous environments such as with chemicals, operating machinery or doing heavy lifting, without access to safety equipment. They report having suffered serious injuries like burns, crushed limbs or the exacerbation of respiratory problems. And as a result of their immigration or welfare status, they have either been too fearful to raise concerns about their working conditions or have been threatened by their employers that they will be made destitute for doing so (see Burnett and Whyte 2010; 2017). Indeed, if the degrading labour of undocumented working is underpinned (at least in part) by the destitution caused by the removal of the right to work, the degrading labour of workfare is underpinned (at least in part) by the removal of the right to refuse work. Little wonder those subject to these practices refer to them as forced labour (Ibid).

Third, this consequently reveals something very particular about the role of unfree labour in the ‘social settlement’ that has been constructed, and is potentially set to be reconstructed further. According to the UK Border Agency (now renamed Immigration Enforcement), undocumented working ‘undercuts legal workers and creates illegal profits. It also puts illegal workers themselves at great risk’ (Home Office, 2007). Yet remove the stigmatising reference to the status of workers, and this is a description that could apply *almost word-for-word* to workfare, which gives employers access to a free workforce, undercuts other workers, creates profits from unpaid labour and puts workers at great risk. The difference, however, is that workfare is the state’s *own* coercive, exploitative labour – mandated not as a consequence of policy, but by its design. And this is not just a matter of semantics. It is reflected in the diametrically opposed forms of regulation to which these labour practices are subject.

Thus, while businesses exploiting undocumented workers are named and shamed as a matter of policy, with the details brandished in the local press and publicised by the Home Office, and workers themselves subject to attempts to remove them from the country; the government, at exactly the same time, fights vehemently to protect the anonymity of those businesses profiting from workfare. In 2006, for example, 12,927 enforcement visits (immigration raids) were carried out in the UK (not all of which were on workplaces). But by 2015, this had increased to 20,544. Between 2010 and 2015, the first five years of the Conservative administration, 102,327 immigration enforcement operations were carried out across the UK, of which eradicating undocumented workers was one of (although not the only) the central aims.<sup>4</sup> And while this intensified enforcement activity was taking place, as ‘Frank Zola’ has exposed, for example, the government spent close to £100,000 on attempting to ensure that the identities of those businesses, local authorities, charities, social enterprises and so on that exploited the free labour of workfare remained secret (ultimately

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<sup>4</sup> Figures obtained under the Freedom of Information Act 2000.

unsuccessfully).<sup>5</sup> Indeed, viewed against this backdrop, the aim of this ‘social settlement’ is not to combat labour exploitation as such, but to use the rhetoric of combating labour exploitation to legitimise greater immigration control.

In a similar context, whilst a business employing undocumented workers can now be fined up to £20,000 pound per worker (Home Office, 2014), a business using workfare, on the contrary, will actually be paid (through the value of the workers’ unpaid labour) to do so. And while undocumented working has now been made a criminal offence under the Immigration Act 2016, with workers facing arrest and wages potentially being confiscated as ‘proceeds of crime’, it is *not* working under conditions of workfare that can lead to a benefit claimant having their benefits confiscated. Indeed, one of the things connected to the government’s drive to create a ‘hostile environment’<sup>6</sup> for irregular migrants has been the elevation of calls to its ‘illegal immigration hotline’ as a form of national duty, with former prime minister David Cameron, for example, appealing to ‘everyone in the country’ to help ‘reclaim our border’ by ‘reporting suspected illegal immigrants to our Border Agency’ (BBC, 2011). Yet contrast this form of ‘duty’ with that evoked by *The Sun* and backed by the former Work and Pensions Secretary Iain Duncan Smith ‘to be patriotic and report any cheats you know by calling the National benefit Fraud Hotline’ in a ‘crusade’ to ‘blitz the cheats’ (Dunn, 2012). If the former claims it is one’s duty to report people *for* working in conditions of insecure labour, the latter claims it is one’s duty to report people *for not* working in conditions of insecure labour. In both cases, these repositories receive thousands of ‘reports’ per month that are largely ineffective, existing more as vehicles for malicious accusations. Yet as stated elsewhere, this is beside the point, for:

Both ensure that their respective target communities know they live under permanent surveillance. They elevate snooping to a public virtue. They turn neighbour against neighbour. And they ask us to have blind faith in systems which routinely inflict harm upon those they come into contact with. They seek to make immigration and welfare officers of us all (Burnett, 2015: 100).

## Conclusion

Ultimately, when seen in its entirety then, the ‘social settlement’ outlined in part above has underpinned a system of immigration and welfare control whereby, it is envisaged at least, a form of public-backed naming and shaming coalesces with an amassing of concrete state power in order to coerce people both *into* and *out of* the labour market according to their immigration and welfare status. And in this way, it is a settlement that embodies attempts to realise what the late architectural critic Lewis Mumford (1966: 19) described in the mid-

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<sup>5</sup> See ‘What do They Know’, for more information:

<https://www.whatdotheyknow.com/request/349441/response/857038/attach/html/2/FoI%202837%20reply.pdf.html>

<sup>6</sup> In 2012, in an interview with the *Daily Telegraph* about the Conservative Party’s plans for immigration and asylum policy, the then Home Secretary Theresa May explained that the ‘aim is to create here in Britain a really hostile environment for illegal migration’, continuing to state that ‘what we don’t want is a situation where people think that they can come here and overstay because they’re able to access everything they need’ (cited in Kirkup and Winnett, 2012). This quickly became a central component of Conservative policy, and was given legislative form through the Immigration Act 2014 and the Immigration Act 2016. Measures, which have been met by resistance, have included the increased pressure to turn services such as (but not exclusive to) schools and medical care, as well as housing and banks, into silos of immigration control. They have also included measures to further restrict access to legal support, and new offences aimed at criminalising undocumented migrants (for discussion, see for example, Corporate Watch, 2017; Hiam et al, 2018; Gower, 2015: 5).

1960s as the ‘utopian ideal of total control from above, absolute obedience from below’, or a form of power and rule which he described as ‘the machine’.

According to Mumford, this ‘machine’ in its historical form was made up of more than the coercive power of state institutions and the measures these institutions enacted. It was also the mechanisms through which, in theory at least, the citizenry was co-opted into acting in unison with these measures. As he understood, it was not just a mode of rule then, but a mode of rule which embodied the form of society that it was part of. And in its present-day form at least, it is worth bearing in mind that the contemporary ‘machine’ exposes the centrality of the UK economy’s reliance on precarious, and even forced labour. This is not the way that forced labour is talked about by the current prime minister, for example, when she declares herself to be spearheading the fight against ‘the most appalling mistreatment and exploitation’ (cited in Hope, 2017). Rather it is a form of appalling mistreatment and exploitation that is the consequence of carefully constructed, consciously administered policies.

The extent to which this settlement will be sustained in the future is unclear. It will no doubt be impacted by the terms of the UK’s withdrawal from the European Union: terms that are, at the time of writing, uncertain. But what is not uncertain is the fact that a plethora of industry representatives, political figures and think-tanks have been putting significant effort into ensuring that industries have ready access to cheap labour regardless of how these terms are manifested. In September 2016, for example, the Agriculture & Horticulture Development Board (AHDB) set out its concerns about the ‘availability’ and ‘affordability’ of agricultural labour post-Brexit, noting that the number of EU-born workers in this sector rose from 15,957 in 2011 to 22,517 in 2015 and that this was indicative of the sector’s increasing reliance on migrants. Britain’s 1.6 million unemployed people represent ‘potential sources of labour’, it went on to state, before claiming that because ‘many people may prefer to remain outside the workforce than take a seasonal or relatively low paid role ... broader changes to the welfare system to increase the incentives to work may be required’ (Swales and Baker, 2016: 16). According to a report for the British Hospitality Association, meanwhile, published that same year, EU nationals make up between 12 and 24 per cent of those in the hospitality industry; and it will be difficult to replace them for reasons including local demands for labour and what is chillingly described as the ‘stock’ of unemployed workers. Among the suggestions put forward by industry members are the creation of ‘initiatives aimed at specific population groups e.g. the long-term unemployed and ex prisoners’ (KPMG, 2017: 9).

It is within such statements that the crux of this ‘social settlement’ can be found: ‘stocks’ of potential workers, who are subject to a bewildering array of policy experiments of which the impacts, in real terms, are mediated by immigration status and eligibility to work, as well as by race, class, disability and other means through which oppression is reproduced. As this article has attempted to show, at its core, this is a ‘social settlement’ consisting of attempts to manage and control the reserve armies of labour through a combination of coercion, appeals to national duty, expulsion and destitution. And ultimately, it involves a form of violence that can be understood in terms of dangerous working conditions, malnutrition, humiliation and degradation.

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