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POLITYKA MIGRACYJNA ZJEDNOCZONEGO KRÓLESTWA NA OBECNYM ETAPIE (1991–2020)

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Adnotacja. Artykuł poświęcono kształtowaniu i ewolucji polityki migracyjnej brytyjskich gabinetów na obecnym etapie. Autor analizuje obowiązujące przepisy dotyczące migracji uchwalone przez gabinety brytyjskie w latach 1990=2020. Aktywny rozwój prawa migracyjnego rozpoczął się podczas kadencji konserwatysty Johna Majora (1990–1997). Jednak gabinet konserwatywny podjął kroki jedynie w kierunku kwotowania przepływów migracyjnych. Głównym celem prawa migracyjnego Zjednoczonego Królestwa było rozwiązanie problemu migracji jako zagrożenia dla bezpieczeństwa narodowego. Nacisk kładziony jest na działalność migracyjną gabinetu laburzysty Tony'ego Blaira (1997–2007) i koalicyjnych gabinetów konserwatywnych jako najbardziej lojalnych i wrogich wobec imigracji. Konkurencja między zasadami partii kontrolowanej (laburzystowskiej) i sztywnej (konserwatywnej) migracji za ich kadencji doprowadziły do uchwalenia odpowiednich przepisów. W swej istocie i treści zostały zaprojektowane w celu przezwyciężenia rosnącego kryzysu migracyjnego w kraju. Podkreślono znaczenie mediów i propagandy informacyjnej w odzwierciedlaniu imigracji jako trendu polityki wewnętrznej Wielkiej Brytanii i kluczowej przyczyny Brexitu (2016–2019).
Słowa kluczowe: imigracja, Wielka Brytania, Brexit, nielegalni migranci, polityka migracyjna, azyl, pracownicy migrujący.

MIGRATION POLICY OF THE UNITED KINGDOM AT THE PRESENT STAGE (1991–2020)

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Abstract. The article is devoted to the formation and evolution of the migration policy of British governments at the present stage. The author analyzes the current migration laws passed by the British governments from 1990 to 2020. The active development of migration legislation began during the premiership of the conservative John Major (1990–1997). Therefore, the Conservative government has taken steps only in the direction of quota migration flows. The basic purpose of the migration legislation of the United Kingdom was the comprehensive solution of the migration problem as a threat to national security. Special attention is paid to the migration component of the Labor government

of Tony Blair (1997–2007) and the coalition conservative governments as the most loyal and hostile on immigration. The competition between the party principles of controlled (Labor) and rigid (Conservative) migration under their rule has led to the adoption of coincident laws. In essence and content, they were designed to cope with the growing migration crisis in the country. The importance of the media and information propaganda in the reflection of immigration as a trend of British domestic policy and a key cause of Brexit (2016–2019) is emphasized.

Key words: immigration, Great Britain, Brexit, illegal migrants, migration policy, asylum, labour, migrants.

МІГРАЦІЙНА ПОЛІТИКА СПОЛУЧЕНОГО КОРОЛІВСТВА НА СУЧАСНОМУ ЕТАПІ (1991–2020)

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Анотація. Статтю присвячено формуванню та еволюції міграційної політики британських урядів на сучасному етапі. Автор аналізує чинні закони про міграцію, прийняті британськими урядами з 1990 до 2020 рр. Активний розвиток міграційного законодавства розпочався під час прем'єрства консерватора Джона Мейджора (1990–1997). Проте консервативний уряд робив кроки лише у напрямі квотування міграційних потоків. Основною метою міграційного законодавства Сполученого Королівства було комплексне вирішення проблеми міграції як загрози національній безпеці. Особлива увага приділяється міграційній діяльності лейбористського уряду Тоні Блера (1997–2007) та коаліційних консервативних урядів як найбільш лояльних та ворожих щодо імміграції. Конкуренція між партійними принципами контрольованої (лейбористської) та жорсткої (консервативної) міграції за їх каденції призвела до ухвалення відповідних законів. За своєю суттю та змістом вони були розроблені для подолання міграційної кризи в країні, що зростала. Підкреслюється важливість засобів масової інформації та інформаційної пропаганди у відображенні імміграції як тренду внутрішньої політики Великобританії та ключової причини Brexit (2016–2019).

Ключові слова: імміграція, Великобританія, Brexit, нелегальні мігранти, міграційна політика, притулок, трудові мігранти.

Introduction. Migration processes are one of the main features of globalization. Given the global economic and demographic structure of resources, they cause the outflow and inflow of population. Ukraine, as an element of globalization, is not an exception: with the collapse of the Soviet Union, large numbers of Ukrainian citizens were forced to go abroad in search of work and livelihoods. In recent years, there has been a new wave of migration, characterized by a significant increase in the number of citizens from the Middle East, North Africa and partly from Eastern Europe to Western Europe.

The United Kingdom is one of the countries that has always attracted migrants. As a migration project, it has always been characterized by a high standard of living and, perhaps, one of the highest wages in the European Union. However, as a member of the EU until 2019, Britain has always differed from its European partners in its autonomy and independence, particularly in the area of immigration policy. Beginning in the 1960's, when the British colonial empire gradually disintegrated, the British government realized the need to regulate the influx of people wishing to visit the country and settle here. As a result, Britain became one of the first European countries to impose restrictions on the arrival of new citizens, both from the Commonwealth or Europe and from the rest of the world. Britain's restrictive policy has had a significant impact on migrants from all around the world, including Ukrainians.

Main part. This article **aims** to analyze the immigration policy of the British governments during 1990–2020 and its consequences, impact on changes in the total number of immigrants and the evolution of emigration to the UK.

Modern British migration policy has its roots in the collapse of the British colonial system. Since the 1960's, the basis of British migration policy has been the strategy of double interventionism. It was then that several laws were passed, mainly concerning citizens of the Commonwealth, aimed at restricting their right to free entry.

The adoption of the Immigration Act in 1971 was the breaking point in British immigration policy. It introduced the category of "patrials", which included British citizens and all those born in the Commonwealth, as well as those who had family ties with them, and "non–patrials" – persons who did not have British roots, and who were under immigration control. Those, who were not allowed to stay in the UK after the adoption of this law, could be, for the first time, deported or imprisoned for 3 months (Mikhavchuk, 2015: 129).

As early as the 1980s, the migration situation changed dramatically due to the crisis in the Balkans and the crisis and collapse of the Soviet Union. In the late 1980s – early 1990s, the collapse of the Soviet Union and a series of political transformations in European countries increased the number of refugees and asylum seekers. As a result, further political reforms in the UK were aimed at limiting the number of potential migrants in one way or another (Mikhavchuk, 2014: 39). In 1987, the M. Thatcher's Conservative government (1979–1990) introduced the Immigration Act (the so–called "Carriers Liability Act"), according to which carriers who transported people without the necessary documentation, without a visa or with false documents, were personally liable in the form of a fine of £1,000 per person or could be imprisoned.

The migrant's movement control was liberalized in the early 1990s and had led to a significant influx in the United Kingdom. In this situation, the Conservative Party in the early 1990s began to gradually restrict the right to get asylum, as the British immigration system was not ready for such an influx of people. Finally, this is evidenced by the fact that until the 1990s, immigration rules were developed and controlled by the Home Office, not Parliament, because the issue of migration was not so important for the British government (Zubarev, 2009: 64).

In 1993 the Asylum and Immigration Appeals Act was adopted. The law exempted the government from providing housing for refugees and allowed detainees who had been denied asylum until further deportation. The applicants had only 48 hours to appeal in case of a refusal, their fingerprints were taken to avoid repeated requests. The result was an increase in asylum denials from 14% to 76% in 1994 (Zubarev, 2009: 66).

However, since 1995 the number of refugees began to grow: from 44 000 in 1994 to 55 000 in 1995, the majority were from African countries. Therefore, in 1996, a stricter law – Immigration and Asylum Act was adopted, which allowed asylum seekers returning to their homeland if it was considered safe (a "whitelist" of safe countries was formed accordingly). Those who came to the UK from this list were automatically denied asylum. Also, the law accelerated the procedures for filing appeals, limited the socio–economic rights of asylum seekers. Employers who hired illegal immigrants paid a fine of 5,000 pounds. From June 1994 to June 1996, 19 500 illegals were found, 6 300 of which were deported (Bloch, 2000: 33).

A draft was prepared during the premiership of J. Major (1990–1997), and in July 1998 a White Paper was published entitled «Fairer, Faster and Firmer – A Modern Approach to Immigration and Asylum», which addressed the need to improve asylum systems (Wagner, 2012: 26).

Tony Blairs Labourer government (1997–2007) proved to be the most productive in terms of legislation: in 10 years 7 laws, 2 white papers and 5 strategies for the development of the state in terms of migration were issued. However, Labours did not have a specific goal for migration policy, although, they supported the idea of maintaining zero migration. According to J. Wagner, a researcher at the University of Washington, T. Blair inherited an inefficient and failed asylum system, as a result of which Britain faced a large number of refugees (Wagner, 2012: 25).

A major easement of the immigration regime was the abolition of the "primary goal" rule. The inefficiency of the asylum system, abuse by applicants and their illegal residence in the country after receiving the refusal became the basis of the 1999 Immigration and Asylum Act, which's the main purpose was to change the conditions of reception of immigrants. Refugee applications now lasted up to 2 months, and those who were denied only one appeal were allowed. The National Asylum Seeker Service was established. The new system expanded the area of residence of refugees, which led to the growing dissatisfaction of the local population and the spread of violence and xenophobia, especially among people of colour (Finch, 2010: 22). Fines for importing illegal immigrants were increased, they could be detained.

As early as 2001, when Blair became prime minister for the second time, the problem of migration became one of the main issues in his political program, as the number of refugees grew rapidly: by 2002, it was 90 000 a year. The lion's share of heating interest and hatred for asylum seekers belonged to the media. According to research by the Ipsos MORI Centre, since the 2000s, the problem of migration has taken first place in surveys of citizens (Browne, 2002: 17).

The increase in the number of migrants led to a new White Paper stating that Britain was not a place for asylum seekers, but instead, the benefits of labour migration that the British economy needed were highlighted. It is worth noting, that this document was the first time it was about the condition of integration of an immigrant into British society, in particular for citizenship. In 2002, the Immigration, Citizenship and Asylum Act was adopted to create special centres for asylum seekers to house programs for their integration into British society. New potential immigrants had to take an English test, as well as know the peculiarities of life in Britain. In the area of illegal migration, the government empowered the police to search homes and increased fines.

The attitude towards migrant workers was completely different, the lack of which was considered to limit the country in providing services to citizens, in particular in the field of medicine and education. Therefore, the number of work permits was increased for these representatives: in 1995 – 1,600, in 1999 – 10,400, in 2003 – 44,400 (Finch, 2010:17). The main document relating to this period was the White Paper "Secure Borders, Safe Haven: Integration with Diversity in Modern Britain" adopted in 2002, which for the first time published a strategy for "managed migration". People whose talents and skills were needed by the British economy were invited to legally find employment: in 2000 the number of works permits issued to migrants reached 8566 thousand, in contrast to 1995 – 24,000 (Wagner, 2012: 29. Visa tests have been facilitated. In January 2002, the government launched a point–based program for workers outside the European Economic Area. The criterion was 75 points, which allowed to bring family members. Accordingly, under this program in 2002, 1197 work permits were issued, and in 2008 – 17,760 (Wadsworth, 2010: 38). Unskilled migrants were involved in agriculture, hospitality or the food industry. However, they were not allowed to bring the family and they were temporarily under a short–term contract. Admission conditions have also been eased for international students.

The 2004 "Asylum and Immigration Act" provided the creation of electronic monitoring of asylum seekers. Appeals for those who were denied were also narrowed. For the first time, the law officially established asylum–seeker status as temporary rather than permanent; deprived of the right to asylum of a refugee who was associated with terrorist activities. An electronic monitoring system for refugees, their voices and fingerprints has been set up. Employers could be imprisoned for two years for hiring illegals.

EU enlargement has led to a significant increase of emigrants from Eastern Europe: from May 2004 to September 2005, about 30,000 Eastern European citizens registered in the British labour market. Tony Blair believed that it was exactly Eastern European migrants who could meet Britain's need for low-skilled workers.

In 2006, the new Immigration, Asylum and Nationality Act was passed, which described a 5–year strategy for Britain in terms of asylum and immigration (Dwyer, 2011: 43). It allowed refugees to fully use their right to appeal if they were not linked to terrorism. Immigration officers were allowed to confiscate migrant documents, including fingerprints, and biometric tests were introduced. People with dual citizenship could be deprived of the British if they posed a threat to the British public good.

The turning point in the system for migrant workers happened in 2006 when the Ministry of Internal Affairs published a report on the introduction of a new points–based visa system (Mikhavchuk, 2015: 132). It finally divided migrants into the highly–skilled, whom society needs, and the low–skilled, who were of little value. It subordinated the influx of immigrants to national interests: Britain would accept only those migrants who benefited the country. There were 5 levels of visas for those wishing to work in the country: high–skilled workers, medium–skilled with an invitation to work, low–skilled, students, various temporary workers.

During the premiership of G. Brown (2007–2010), the UK borders Act was adopted in 2007. It was the first time that the issue of immigration was linked to national security. All immigrants undertook to obtain a biometric document. For a certain list of misdemeanours, they were detained for 12 months with subsequent deportation without the right to appeal. The Act marked progress in identification technology by introducing biometric registration as a prerequisite for those entering the UK. Note that G. Brown did not have a definite position on migration issues. At first, he refused to limit the number of migrants, but in 2009 it was called for stricter immigration rules. The Immigration, Crime and Justice Act defined a foreign criminal (migrant) as a person who has no right to live in the UK.

In 2009, the Immigration, Citizenship and Borders Act was adopted. For the first time, it allowed officers to deal with customs and revenue issues, including access to information about immigrants. From this point checking the income of tourists as potential immigrants have begun, at the expense of whether they will be able to provide for themselves while in Britain. Also, the law allowed to take the fingerprints of international criminals (Wagner, 2012: 37). Thus, Labour governments have tried to adhere to the principles of controlled migration. However, it collapsed as the number of migrants in the country steadily increased.

The Conservatives aimed to renovate Labour's migration policy. During the 2010 election campaign, they promised to reduce "net migration" to "tens of thousands" by 2015 (Robinson, 2013: 73). In April 2011, D. Cameron identified migrants from Africa and South Asia as the main ones to be reduced. With the appointment of T. May as state secretary (whose responsibilities include immigration), a "quiet revolution" in immigration policy began, caused the system of migration checks and called a "hostile environment". The main goal was to reduce migration from hundreds to tens of thousands (approximately to the level of 1997). One of the first measures introduced by T. May was the so–called trucks with "go home" posters, which travelled in multi–ethnic areas of London and intimidated illegal immigrants to either go home or be arrested (Partos&Bale, 2015: 171).

One of the most obvious direct consequences of the "hostile environment" policy was the Windrush scandal when Commonwealth citizens legally residing in Britain were declared illegal, lost their jobs, access to social and medical services, and some were eventually deported. The blame for this lies directly on T. May. On March 19, 2020, the Ministry of Internal Affairs issued a report that was the result of an independent investigation of the scandal; the report referred to unjustified "ignorance and recklessness" and recommended a full review of the "hostile environment" immigration policy.

It should be noted that it was T. May who first introduced restrictions on the entry of qualified migrants, especially doctors and IT specialists. After April 2011, the attitude towards international students became more hostile, as they were seen as potential economic migrants, so they were subject to higher educational requirements and a tougher complex of bureaucratic procedures for obtaining a visa (Duwell, Cherti&Lapshyna, 2018: 16).

In June 2012, T. May announced the implementing of new restrictions on family migrants, in particular from non–EU countries. The process of family reunification or inviting relatives became more complicated. Since 2012, the fight against those who can hide criminals as family members under the guise of human rights and evade deportation has begun. Family visitors coming to the UK were denied the right to appeal. T. May initiated a number of measures to deprive citizenship, although they gained real momentum in 2017. A test of goodwillness was introduced for people who want to obtain citizenship, which aimed to verify the ten–year history of immigration (Robinson, 2013: 77).

In October 2013, D. Cameron in a speech stressed the need to reduce the number of immigrants but stressed the importance of highly skilled workers for Britain as well (Robinson, 2013: 79). Accordingly, the British media began to highlight the inflated number of migrants from Europe, which caused dissatisfaction among British citizens, who have found a new problem – not only immigrants but also British taxes and contributions to the European Union, that significantly devastate the country's economy. On the whole, D. Cameron promised to hold a referendum on the expediency of Britain to remain in the European Union, which later resulted in the Brexit.

A new influx of migrants for the UK was a large influx of migrants from Bulgaria and Romania in 2014. While the government expected the arrival of about 15 thousand people a year, by 2016 there were more than 100 thousand (Voievoda&Kolodiazhna, 2018: 41).

In 2014, the British Parliament passed a new Immigration Act, which made the UK more hostile to illegals (although, as it revealed, to all migrants in general). The Act has complicated the process of opening a bank account,

obtaining a driver's license or renting a home. Foreigners who had certain criminal offences were first deported, and only then they could appeal, which took a lot of time and money. The law introduced a tenancy scheme, according to which private landlords were required to verify their immigration status and could not rent out housing to illegals. Moreover, the landlord could be fined 3,000 pounds or imprisoned for 5 years. Banks were required to submit all account information to the Immigration Service and freeze it upon prior request.

Instead, entrepreneurs and investors were waiting for more lenient rules when obtaining residency and opening visas. The emphasis of the Conservative Party was mainly on the financial capabilities of the individuals (Duwell, Cherti&Lapshyna, 2018: 16). The issue of asylum remained relatively intact, focusing mainly on speeding up the processing of applications and issuing decisions to reduce the applicant's stay in the country. T. May argued that Britain was not a country for refugees. However, during Cameron's first term as prime minister, the number of migrants in Britain grew steadily. Some of them came on visas of highly qualified workers but were employed in the field of care or care for the elderly, which did not correspond to the intentions and vision of the government in terms of regulating immigration.

Hoping to finally take control of immigration to avoid Brexit, Cameron's second government passed a new Immigration Act in 2016, which tightened measures against employers who hired illegal migrants – the money they earned was considered a profit from crime. Law enforcement officers were given the right to search and confiscate money and property. Besides, they could be evicted by the landlord without any appeal. Banks and builders' unions were from time to time undertaken to check the immigration status of their users, to report the completion of visas. Independent trials of detainees were guaranteed, except in cases of deportation and national danger. The so-called government scheme «first deportation, later appeal» was extended to all migrants (previously it was applied only to convicted criminals). Any migrant who has applied for a human rights violation or asylum could now be deported to his or her country pending an appeal against the decision to withdraw.

According to the new law, border officers could stop boats floating in border waters and check the documents of all people, conduct a search using force, and arrest. New requirements were put forward to migrants who worked in the public sphere, in particular, they were required to have a higher level of knowledge of the language, knowledge of office work. For migrants, various types of payments for certain work certificates or documents related to their status increased, only the cost of applying for a passport remained.

The 2016 referendum, which showed a minimal difference between EU supporters (52%) and those wishing to leave (48%), had a significant impact on the country's migration policy. The new head of government was elected T. May, who had little support in either parliament or her party. At the beginning of her premiership, the annual migration was 248,000 people a year. It is estimated that net migration in 2016 fell by 84 thousand compared to 2015 (Fernández-Reino, 2019: 6). This decline in net migration has mostly led to the fact that more people left the UK, mostly EU citizens. Initially, there were new requirements for the Health Service. In January 2017, the Ministry of the Interior ordered doctors, nurses and health professionals to share patient data, and health data could now be used to "find violators of immigration relations".

Additional rules for schools have taken place since June 2016, requiring them to spend time collecting more data on children, including their nationality and country of birth, and to pass it on to the Home Office. In higher education, administrators have been forced to conduct increasingly invasive checks on foreign students' documents to hand them back to immigration officials. T. May put pressure on government personnel, all intending to achieve increasing immigration control. After 2016, the government of T. May began to develop a new bill "The coordination of immigration and social security (exit from the EU)", the main purpose of which was to terminate the right of free movement of EU citizens and change their immigration status (Elgot, 2019). According to it, the government has proposed two new schemes: "permanent (residency) status" and "pre-settlement status", which will operate after the transition period on December 31, 2020. People who have lived in the UK for more than 5 years by 2020 will be able to get settled status, those who came after will be given a previous settled status, after which you will need to live another 5 years to get settled. Under the bill, all EU citizens who have not applied for permanent residence status, believing it to be an automatic right, will be deported. The right of permanent residence could also be granted to an official partner, spouses, children under 21, and after, if dependent, parents and dependents.

In February 2017, the May government published a new White Paper "The future of the British immigration system", based on the formation of a single immigration system after the end of free movement. A common system was established for both Europeans and other citizens, regardless of their nationality, because so far Britain has only accepted highly qualified workers from the rest of the world, and the EU – workers of all levels. Home Secretary S. Javid described these proposals as "the biggest change in our immigration system in one generation»" (Mason, R., 2020). However, these changes were focused on the fact that Britain will leave the EU by the end of March 2019, which did not happen. T. May's draft agreements have been rejected three times by the British Parliament since the beginning of 2019, as a result of which she announced in May that she would resign when a new government was formed.

In July 2019, the Prime Minister was elected B. Johnson, who promised at any cost to withdraw Britain from the European Union by October 31, 2019, – the last date agreed with the EU. In February 2020, a new system of obtaining work visas was published, which is based on the number of points and determines the category of employee: highly skilled, skilled, low-skilled, student, seasonal worker (Home Office&UK Visas and Immigration, 2020). In March 2020, a new bill on the coordination of immigration and social security was introduced in parliament, similar to the one proposed by the government of T. May. Boris Johnson's government is

quite extraordinary, but in terms of immigration, it adheres to the idea that the right to come to Britain, according to Home Secretary P. Patel, have only the "best and brightest" if needed by British society and economy (Home Office&UK Visas and Immigration, 2020).

Conclusions. Summing up the migration policy of the British governments, we cannot disagree with the opinion of the well-known columnist of The Guardian and professor of journalism R. Greenslade that now "the first columns of newspapers dedicated to migrants have disappeared, having done their job". According to him, such articles (with subtly veiled racist allusions) subconsciously pushed the British to support Brexit, and the "migration crisis" in Britain, as it is, never existed – it was a crisis invented by the media themselves (The Guardian observer editorial, 2020). The image of the whole country, where the emigrants came from, was formed on the example of individuals; the humiliation of immigration in the newspapers reflected the public's attitude to the subject. They have already done the worst, encouraging and exploiting deep divisions in society while alienating Britain from Europe.

Now it's really a crisis.

To sum up, the migration policy of the United Kingdom during 1990–2020 underwent a significant political evolution, one of the basic segments of which was the purpose of British governments of complex solving the migration problem as a threat to national security. Active development of migration legislation began under the premiership of J. Major and included quotas on migration flows, mainly for refugees. The Blair's Labor government sought to implement a program of managed migration along with better opportunities for migrant workers. However, already under the premiership of G. Brown, the priorities in migration policy were to address the issues of restraining and restricting the flow of immigrants, in particular with the help of the first time implemented biometric security tools. This trend developed during D. Cameron and, in particular, T. May premierships, who implemented the most severe measures aimed at establishing a limited number of immigrants and even deprivation of the right to stay in the country with subsequent deportation. The competition between the party principles of controlled (labour) and rigid (conservative) migration under their rule led to the adoption of packages of relevant laws, each of which was the opposite reaction to the previous one. However, despite political debates and party disputes, the legislation, in essence, and content, was designed to cope with the growing migration crisis in the country.

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