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Immigration and the Worker Citizen

Bridget Anderson

Introduction

There has been and continues to be considerable academic and public debate on the impact of immigration. The impacts of migration on the social, the economic and the political are perceived as multifarious and profoundly disruptive. The story is one of unparalleled movement and huge demographic change driven by both international and rural–urban migration. This is analysed as a direct threat to sovereignty and generating costs and benefits that must be traded off, in turn threatening to pose a 'tragedy of commons' for scarce resources. In European Union (EU) member states, particularly the EU15, these kinds of arguments are increasingly viewed through the lens of the welfare state. There are claims that free movement of EU citizens results both in higher welfare bills and in increased unemployment for national workers, and in response many EU states are tightening access to welfare benefits for resident EU citizens.

In this chapter I will argue for the importance of demythologising formal citizenship and moving beyond an approach that takes migrants and marginalised citizens as competitors for privileges of membership. I begin by examining how immigration law and its implementation not only create migrants but also help to produce differentiated citizenship. That is, immigration law and practice is as constitutive of citizenship as it is of non-citizenship. The myth of 'full citizenship' is commonly deployed with reference to low-waged labour markets, and I then examine the rise of the worker citizen and the implications of this for citizens who claim welfare benefits. I argue that the moral worth of labour is a feature of debates on both migration and welfare benefits and can be used to divide migrants and citizens in low-waged labour markets.

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I then consider the EU citizen as the paradigm of the worker citizen, and the contradictions that emerge in attempts to control their mobility through welfare state restrictions. I end by emphasising the importance of an analysis that is sensitive to, but does not simply reproduce, the differentiation between migrants and citizens.

Immigration and citizenship as a global regime

Immigration controls and enforcement are necessary to the functioning of the nation state system (Hindess 2000). The global expansion of this system is relatively recent and followed the decline of European empires post WW2. This saw attempts to cut the world into nation states, with borders of 'nations' mapping on to states, and with every human associated with a particular state territory. Most (though by no means all) were given citizenship of that territory. In the context of the Cold War, capitalist liberal democracies recognised the right to leave one's state of citizenship as a fundamental human right. Citizen should be free to leave 'their' territory but they did and do not have a concomitant right of entry.[1] The right to leave a place does not mean that one has the right to go anywhere else.

This imbalance is of crucial importance in a world of growing inequality. The resources to which citizens have access by virtue of their citizenship vary considerably, depending on the state. A citizen resident in, for example, Sweden can expect a very different level of state provision than, for example, a citizen of Liberia. Some theorists have described birthright citizenship as akin to a feudal privilege (Carens 2013, Shachar 2009), a provocative move given that citizenship is often contrasted with subjecthood. Yet they point out that citizenship is a status which for many is not attained on merit, and it results in substantially different life chances – the life expectancy of a woman born in Japan is over 87 years, while the life expectancy of a woman born in Sierra Leone is 48 years.

Given these very significant discrepancies, arguably the only common right of citizenship that is granted by all states is the right not to be deported and the right of entry to their state of citizenship.[2] Even these in practice are not absolute. Citizens can be legally and forcibly removed from their state of citizenship when they are extradited, and there are also instances when acknowledged citizens have been refused entry.[3] Indeed, while the requirement to be admitted is cast as a right of the citizen, it might be better characterised as a duty of admittance that is imposed on and by states, a duty that is required for mutual

recognition of sovereignty. If states refuse to accept the entry of their 'undesirable' citizens, they risk other states following suit, thereby limiting their own power to deport non-citizens.

This global citizenship regime is coming under pressure from above and from below, and its tensions with liberal values of universalism and rights are increasingly exposed. Even this most minimal interpretation of a common meaning to citizenship is potentially under threat as in September 2014 UK Prime Minister David Cameron proposed to refuse re-admittance to UK nationals who had left to fight in Syria. The decline in asylum and rise in temporary workers, the prevalence of dual nationality, the tolerance of statelessness, the emergence of citizenship stripping as a tool of government, and free movement for EU workers within the European Union, all are measures from above that challenge this regime. They are matched by pressures from below, including the growth in undocumented migration, mass stormings of international crossings, and the political rejection of citizenship, with people burning their passports as a symbol of their allegiance to a different kind of collectivity, the 'Caliphate'.

Immigration controls: making the difference

Despite these challenges immigration controls continue to be regarded as a tap, admitting non-citizens as tourists, as skilled workers or as partners of citizens, and stopping the economically and socially undesirable. However immigration and citizenship law do not simply control the movement of 'migrants', but they are critical to the production of migrants and of citizenship as a social field. The law does not just give immigration flows a particular character but actively produces social relations. These social relations are premised on a citizen/non-citizen binary and on multiple differentiations between non-citizens.

The citizen/non-citizen binary underpins the justificatory logic that immigration controls on *non-citizens* are necessary in order to protect and prioritise *citizens*. Political theorists may question whether this is *just* (Carens 2013), the press may query whether immigration security is *sufficient* to protect citizens against criminals and terrorists, but rarely is the principle questioned that controls ultimately contribute to the well-being of citizens. Thus citizenship is represented as a dichotomous in/out relation, and all citizens are equal vis-à-vis non-citizens. In contrast, non-citizenship is highly differentiated. The movement of citizens from the global North is far easier than those from the global South. The law firm Henley and Partners produces an annual Visa Restrictions

Index. The highest ranking states for 2014 are United Kingdom, Finland, Sweden and Germany, the lowest, Afghanistan, Iraq and Somalia. In the European Union, EU citizens have different rights to Third Country Nationals (Anderson et al. 2014), while often states offer preferential access to territory and labour markets to citizens of states with whom they have historical ties, economic relations or bilateral agreements.

Notably the people whose movement tends to be the most controlled by the global citizenship regime are those imagined as the global poor, in their guise as the 'unskilled', the low waged, the desperate (Anderson 2013). While policy makers in liberal democracies are keen to claim that immigration controls are not racist, there are no claims that immigration controls are *not* designed to keep out these people. Indeed keeping out the poor and facilitating the mobility of high net worth individuals/'highly skilled' and so on is the sign of a well-designed immigration policy. It is increasingly difficult for the poor to enter Europe other than through the human rights protected routes of asylum and family migration, and these routes are in practice made ever more difficult. Liberal democratic states' recognition of the rights to asylum and family life does not mean that such rights are recognised for non-citizens on their territory. Furthermore, the legal relation is not independent of the socio-political. 'Immigration' is not a word commonly used to describe the movement of US bankers or British professors. Many members of Europe's royal families are foreign born, but they are not imagined as 'migrants'. In public debate the migrant tends to be strongly imagined as the global poor: not the football star but the person who cleans his house. There is a certain self-fulfilling prophecy about migrants being in the poorest jobs – for when foreigners are in well-paid jobs they are no longer 'migrants'.

Immigration in law and practice therefore produces differences between non-citizens, as they are turned into asylum seekers, low-skilled migrants, the brightest and the best and so on. Yet looked at a little closer it becomes apparent that immigration controls also produce differentiated citizenship, for citizens are not in isolation from those 'migrants' who are enforced against. Citizen children may be removed with their parents or separated from them through immigration detention. Citizens 'harbouring', facilitating illegal entry or deliberately employing an 'illegal immigrant' may be subject to criminal prosecution. The legal regulation of family migration varies between European states, but most have a subsistence requirement, making it extremely difficult for those who are unemployed or disabled to live with non-European Economic Area (EEA) partners (Anderson 2013). In Norway,

for instance, an application to enter as a family member must include documentation of income equivalent to civil service pay grade 8 – about €28,000 (Eggebø 2013). In the United Kingdom, nationals who do not earn a minimum of £18,600 are not able to sponsor a partner or spouse for entry. Of all British national employees an estimated 43% would not qualify as a sponsor, and of British women employees 57% do not qualify.[4] The right of low-waged and unemployed citizens of Norway and the United Kingdom in this instance, to be joined by their partners and children, has effectively been removed.

Immigration controls are not only about entry but are erected around services, jobs, housing, health and the university campus. In the UK there was a doubling of workplace enforcement visit arrests between the last quarter of 2012 and the last quarter of 2013, from 661 to 1,127.[5] It is not just documents that are checked: Do you 'really love' your partner? Are you really planning to only stay for a year? Processes of bordering require those checking to be able to see into the soul. There is evidence that anxieties about enforcement responsibilities and a generalised sense that certain groups are not entitled are leading to migrants being wrongly denied access to services (Price and Spencer 2015). Furthermore, while citizens are not subject to immigration controls, they must first prove that they are citizens in order not to be so subject, and certain groups, particularly Black and ethnic minority citizens, are more likely to be considered 'migrants' than middle-class White people. This has serious consequences. Jacqueline Stevens has estimated that the US Immigration and Customs Enforcement illegally detained or deported 4,000 US citizens in 2010 alone. The majority were Black, with low educational achievement and often with mental health problems (Stevens 2011). No such research has been conducted in Europe, but there have been cases of illegal removal and immigration detention of UK nationals with similar profiles to those found by Stevens (see, for example, Dyer 2008). While it is tempting to see this as inadvertent misinterpretation by individual officials, it needs to be read alongside explicit differential treatment in policy between states whose citizenry are constructed as White and states whose citizenry are constructed as Black. For example, although US and Australian nationals are thought to comprise a significant proportion of visa over-stayers, they are not an enforcement priority:

> From our analysis of detected overstayers, some may be doing so inadvertently, of whom many are thought to be young and from countries with reasonably high GDP per capita and perhaps with

> high levels of education. Anecdotal evidence suggests that these groups do not intend to stay long term in the UK and require low levels of encouragement to return home. (Home Office 2007: 10)

Enforcement and naturalisation: the fantasy of 'Full Citizenship'

This massive expansion of bordering practices means that controls cannot be enforced by immigration officers alone. The United Kingdom is in the grip of what Liberty has called 'an unprecedented collective extension of immigration responsibility' (Liberty 2013), and immigration enforcement has become so normalised it is even an acceptable subject of reality television shows (Aliverti 2013). Immigration is policed by airport staff, lorry drivers, registrars, employers, landlords, bank clerks, university lecturers and others. Citizens are also encouraged to report in a private capacity, and concerned members of the public can telephone hotlines to report illegality. In 2013 some 75,000 allegations were logged in the Intelligence Management Systems, which by February 2014 had resulted in 4,000 arrests and 1,000 removals.[6]

These enforcement practices reify citizenship's privileges by focussing attention on migrants' abjection. For example, the 2014 UK Immigration Act introduced a requirement on landlords to check whether their tenants have the 'right to rent'. This 'right to rent' had not been previously formulated; it was not previously conceived of as a right that citizens formally had and does not improve citizens' access to housing in an overcrowded private rental sector. Many citizens on welfare benefits, for example, may find themselves excluded from renting particular accommodation. Effectively these kinds of daily enforcement practices work with immigration and citizenship laws to have the combined effect of seeming to stabilise 'full citizenship', turning attention towards the citizen/migrant binary and well away from the gendered, classed and racialised borders within formal citizenship. Emphasising the dichotomous inclusions/exclusions of citizenship as a legal status encourages an assumption not only that immigration controls have no direct adverse consequences for citizens but also that all citizens are fully and equally included.

Full citizenship is, as Cohen puts it, a 'myth': 'In the final analysis, citizenship does not make a citizenry equal. In fact, it appears to institutionalize both difference and inequalities, albeit in sometimes unexpected ways' (Cohen 2014: 12). The mythic qualities of full citizenship are perhaps most clearly exposed in naturalisation processes.

When people apply to be naturalised, the procedures and requirements typically attempt to map formal citizenship on to the community of value (Anderson 2013). Applicants must prove not just that they fulfil technical requirements but also that they are Good Citizens. In order to acquire the rights of formal citizens, those who want to naturalise have to demonstrate 'super citizenship'.[7] States often require that naturalisation applicants be sponsored by a citizen who themselves is a respected member of the community. Many states have a 'good character' requirement, and in the United Kingdom failing the good character requirement is the most common single reason for failed naturalisation applications, accounting for 37% of rejections in 2012 (Migration Observatory 2013).

What serves as evidence of good character varies from state to state, and may be more or less defined, but criminal convictions are often cited as an obstruction to naturalisation. In the United Kingdom there was widespread dismay when it became known that citizenship was being granted to applicants who had in the past committed criminal offences, and conversely migrants and their supporters are often keen to claim that migrants/refugees 'are not criminals'. People with criminal convictions may be formal citizens, but they are strongly imagined as internal Others. Minor convictions can result in a permanent loss of rights, and these 'invisible punishments' can have grave consequences. In the United States, for example, a felony conviction by anyone in a household may be grounds for the household's eviction from public housing, and in many states convicted drug felons lose the right to vote, to Medicaid, to food aid, public housing and to any form of government education grant, for life (Brewer and Heitzeg 2008). For these people, disproportionately Black men, the promise of formal citizenship is largely reduced to the bare toleration of their presence on state territory. There may be more political possibilities in investigating what is held in common between 'criminals' and 'migrants' than is often believed. The position of 'criminals' exemplifies how formal citizenship does not necessarily entail privileged status. This is an obvious point to make, but it is surprising how easily it is forgotten when it comes to arguments about migration.

The myth of full citizenship entrenches the idea that migrants and citizens are competitors for the privileges of membership, often presented as a competition fought in the low-waged labour market. Yet the benefit claimant can be as demonised as the migrant. On the one hand, the migrant is presented as unfairly taking jobs from nationals; on the other hand, lazy citizens are coddled by welfare benefits. Unemployed

citizens are often, quite literally, portrayed as immobile, lacking 'get up and go', stuck in housing estates, not moving from their beds and flat-screen televisions. In contrast, migrants are too mobile and should be staying where they belong rather than taking jobs and money from UK nationals. The strong local communities that are so vividly depicted as under threat from immigration are of no relevance when it comes to the UK public debate about welfare benefits. In contrast to debates about migration, when it comes to the labour market the ideal national worker is depicted as unmoored, ranging across the entirety of the country in their search for employment. The presentation of the national labour market as a space of privilege for citizens where jobs are preserved for them runs alongside the national as a disciplinary area within which citizens are compelled to search for work.

The rise of the worker citizen

Across Europe the citizenship of formal citizens is increasingly cast as being deserved by hard-working, self-reliant individuals prepared to take responsibility for themselves. For post-war European states welfare benefits were a pre-condition of well-functioning labour markets. They were underpinned by a 'male breadwinner' model, a settlement between male labour and capital (Lewis 1992). This assumed the full-time lifelong employment of a male wage earner, with a female spouse responsible for childrearing, care of dependants and household labour. She accrued social rights by virtue of her status as dependent rather than through the unpaid work of care, though the development of certain benefits, such as the family allowance, provided some universal entitlement on the basis of care. Thus, to use the language of citizenship, the Good Citizen was a (heterosexual able-bodied) man, and women had differentiated access to citizenship through their relationship with a working man. Welfare state researchers have since analysed the shift from the male breadwinner to the 'adult worker' model (Lewis 2002), defined as a social system in which all adults are expected to take paid employment in order to secure economic independence. At the same time there has been a move towards 'activation', emphasising training and more targeted welfare, in order to reintegrate welfare claimants into the labour market through encouraging them to be more employable. Access to social benefits is increasingly conditional on work (Dwyer 2004). While many welfare rights in the development of welfare states have always been conditional, the combination of activation and the adult worker model have replaced

the principle of rights as central to the organisation of welfare provision with the principle of conditionality (Dwyer 2004). This marks a significant shift of dependence away from the state and on to the market. In marked contrast to the post-war period, welfare benefits are viewed as obstructing rather than facilitating a well-functioning labour market. The 'full citizen' is not only a legal citizen but a worker citizen.

These European changes have been very evident in the United Kingdom. Recent years have seen the rise in pensionable age, tough disability and sickness regulations and tightening requirements on lone parents' availability for work. This means particular adult groups, women, older people and citizens who are sick or with disabilities, are increasingly no longer considered legitimately inactive. Welfare has become punitive towards benefits claimants, 'disciplining the poor' into work, irrespective of the conditions of work or the conditions of the labour market. More money is paid out in pensions than out-of-work benefits, yet in the same way as the 'illegal immigrant' shapes anxieties about immigration so the out-of-work claimant is the subject of rhetorical claims about welfare abuse. Benefit claimants, like migrants, have a problem of 'culture', and may be scrutinised for evidence of the right type of behaviour. In September 2014 the government announced it was investigating developing attitude tests to assess if the unemployed have a psychological resistance to work. Proposed pilots will categorise them as 'determined', 'bewildered' or 'despondent', and those deemed 'less mentally prepared' will be subject to intensive coaching. Rights to social assistance that were premised on universalism are distributed on the basis of preparedness to work, manifest in the new 'claimant commitment' that is a requirement of Universal Credit. Conditions imposed on 'work seekers' include mandatory participation in employment-related programmes, job search interviews and unpaid work placements. In addition, there has in recent years been an increase in the use of sanctions for failure to comply with work-related conditions. In total, 290,000 Jobseeker Allowance (JSA) sanctions were issued in 2013, with lone parents, disabled people and the under-25s particularly vulnerable (Watts et al. 2014). The maximum sanction is complete withdrawal of benefits for three years, and benefit sanctions have been identified as one of the key factors behind increasing demand for food banks. All citizens have a right to social assistance, but accessing this right in practice can be presented as failing to live up to the virtues of citizenship. Being in paid employment is increasingly a mark of the Good Citizen.

Being in employment is also of course the mark of a Good Migrant. Migrants and their supporters, including employers, are often keen to claim that they work hard and have a good work ethic. This can be carried over into naturalisation requirements. In Finland applicants must 'be able to establish [their] livelihood beyond any doubt'.[8] In Ireland, applicants are required to submit proof of economic resources and set out details of any social welfare payments they have received in the preceding three years, and people have been refused citizenship for accessing unemployment benefits after a long history of employment (Becker and Cosgrave 2013). In the Netherlands and Spain, applying for social assistance may result in non-renewal of residence permits, thereby jeopardising their immigration status and length of stay for the purposes of acquiring citizenship (Price and Spencer 2014).

Rather than undermining national pride in the welfare state, this shift to worker citizenship is seen as necessary to protect a precious national asset. Importantly it is also seen as a demand that has purchase by virtue of the rights of the 'taxpayer'. The relation between the worker citizen and the taxpayer has not been intellectually explored, but it is strongly evidenced in contemporary politics. It is the taxpayer rather than the citizen whom the government often says it is accountable to, particularly when it comes to the welfare state. The taxpayer has added virtue at a time when tax evasion by wealthy individuals and large companies has been acknowledged as scandalous. The taxpayer has become the symbol of an ordinary hard-working person who has been ripped off by not only the wealthy but also by the idle poor. In short, the taxpayer is the worker citizen. The taxpayer makes explicit the internal exclusions of the Good Citizen and the continuing importance of the relation between citizenship and property.

The deserving and the undeserving poor

In recent years in the United Kingdom there has been a marked intensification of anti-welfarist arguments and the ideology of the 'undeserving poor' (Harper 2014). The non-worker, the idle, the person who can't be bothered to get up in the morning is set in opposition to the hard-working citizen. In Chancellor George Osborne's words:

> [W]here's the fairness, we ask, for the shift worker, leaving home in the dark hours of the early morning, who looks up at the closed blinds of their next door neighbour, sleeping off a life on benefits? … we speak for that worker. We speak for all those who want to work hard and get on. (8th October 2012)

This is effectively an appeal to the doctrine of less eligibility, a guiding principle of the workhouse and the 1834 Poor Law. The able-bodied person in receipt of poor relief 'on the whole shall not be made really or apparently as eligible as the independent labourer of the lowest class' (Poor Law Amendment Act 1834). That is, the conditions for the pauper were to be more difficult than for the working poor. As Jeremy Bentham put it:

> If the condition of persons maintained without property by the labour of others were rendered more eligible than that of persons maintained by their own labour then … individuals destitute of property would be continually withdrawing themselves from the class of person maintained by their own labour to the class of persons maintained by the eligibility of others.

Or, as then housing minister Grant Shapps put it, 'It can't be right to have people on housing benefit living on streets which hard-working families cannot afford to live on'. Thus the problem of some poor people's refusal to submit to the discipline of labour was and continues to be presented as a problem of values.

The exhortations to labour are not new, and they have long been bound up with control of mobility. There has, it seems, been a problem of people prepared to live off the generosity of others for centuries in England. The first vagrancy statute of 1349 warned of 'valiant beggars' who 'as long as they live of begging, do refuse to labour, giving themselves to idleness and vice, and sometimes to theft and other abominations'. The giving of alms to these people was 'monstrous', and by the time of the 1536 Act for the Punishment of Sturdy Vagabonds and Beggars alms collectors were required 'to compel all and every sturdy vagabond and valiant beggar to be set and kept to continual labour'. Under the Poor Law only the settled poor could claim poor relief, and strong efforts were made to limit the areas where the poor could receive relief – only in their parish of birth or a parish where they had applied for settlement. The control of mobility of beggars and labourers was achieved largely through the development of the Elizabethan Poor Law and the 1662 Act, which was far more effective than attempts to control mobility through vagrancy law.

According to Locke, the ways in which an individual made use of his property, his life, liberty and possessions was a consequence of his character and what he chose to do. Individuals could choose whether to improve themselves or to take a passive 'listless' attitude to the world,

expecting the earth to act as a womb. Thus the world was given 'to the use of the industrious and the rational, not to the fancy or covetousness of the quarrelsome and contentious' (Locke, second treatise, Chapter 5). According to Locke the industrious and the rational could legitimately appropriate more effectively and accumulate more property than those who could not rouse themselves from listlessness. But claims of the virtue of labour have also a long history of being made by radicals. Winstanley too insisted on the universal obligation to labour. In his commonwealth each individual was to be obliged to work, and idleness would be admonished and then punished by whipping and being set to work 'till he submit to right order'. He did not follow Locke's distinction between industrious improvers and listless poor but rather berated the wealthy: 'all rich men live at ease, feeding and clothing themselves by the labours of other men, not by their own'. That is, like Locke, he perceived a strongly moral dimension to labour, but unlike Locke, there was no honour in the market – 'when mankind did begin to buy and sell, then did he fall from his innocence'. There is a long history to virtue in labour, and it is not the prerogative of left or right (Brace 2004).

This strongly moral dimension to labour is a feature of many of the debates around migration and citizenship. For migrants the moral value of labour helps to turn it into a *right* that is intimately tied up with belonging, a right that they do not have, so it is that the migrant is presented as unfairly taking jobs from hard-working nationals. Yet this hard worker forced onto welfare is at constant risk of sliding into the benefit scrounger because for citizens the moral value of labour turns it into a *duty* that some fail to fulfil. Having failed to contribute to their side of the bargain it can be legitimate to deny citizens as well as migrants access to the welfare state. The worker citizen produces two forms of undeservingness: idleness, 'the mother and root of all vices', and not belonging, manifest in the contemporary figures of the benefit scrounger and the migrant. Those who do belong (citizens) are idle, and those who are not idle (migrants) do not belong.

Citizenship of the European Union

So far this chapter has focussed on immigration controls as mechanisms of differentiation. However not all 'migrants' are subject to immigration controls. Free movement of EU citizens is one of the four fundamental freedoms of the EU and was one of the founding principles set out in the 1957 Treaty of Rome. Under the Free Movement Directive, EEA citizens have the right of free movement and residence across the EEA with no

conditions on their stay for the first three months. Its aim was to enable workers from states with high unemployment levels to move to those with high labour needs, thus regulating supply and demand within EU labour markets. However, while free movement is the prerogative of EU citizens, the right to remain in an EU member state for longer than three months is principally the prerogative of EU *workers* – though the self-sufficient who do not claim benefits are also acceptable. The EU citizen is paradigmatically a worker citizen. EU nationals may have a right to reside as a work seeker (and therefore to claim social assistance) under certain conditions, but after three months, residence is contingent upon people not becoming an 'undue burden' on the country of residence.

Concerns about 'benefit tourism' were first voiced in the mid-1990s. Non-EU citizens could be excluded from accessing social security via immigration laws ('no recourse to public funds'), but EU citizens were not subject to immigration controls and were not to be discriminated against. What, then, was to prevent them from 'welfare shopping', choosing to live in states which had more generous provision? These anxieties resulted in the introduction of Habitual Residence Tests (HRTs) in many EU states. These were designed to demonstrate applicants were legally resident and were intending to remain in their host state for a reasonable period of time. The United Kingdom was one of only three EU states to open its labour markets to citizens of states that joined the European Union in 2004, and notably at the same time it introduced a right to reside requirement as a pre-requirement for demonstrating 'habitual residence'. The right to reside requirement means that applicants must demonstrate not only that they are legally resident but also that they are economically active or able to support themselves. Between 2009 and 2011 the majority of applications for tax-funded income-related benefits from nationals of the states that joined the EU in 2004 were disallowed because they failed the right to reside and the HRTs (71% in 2009, 69% in 2010 and 67% in 2011).

Because EU nationals were not subject to immigration controls, the requirements for habitual residence and right to reside were imposed via national social security regulations. This meant that tests were applied to returning nationals as well as mobile EU citizens. It is an illustration of how changes brought in with a view to constraining EU citizens ('migrants') can also have negative consequences for UK nationals ('citizens'). The consequences of toughening the HRT and defining 'appreciable period' to a fixed period of three months fell on returning UK nationals in a wide variety of situations: from the filmmaker who had been interning in Brussels for four months, to the woman who

returned from Libya after the breakdown of her marriage to find herself and her two (Libyan) children destitute, to the young person returning who has been teaching English in South Korea for 12 months.

Entitlement to welfare for EU nationals, like UK nationals, is constructed in terms of individual responsibility to work, but the criteria for achieving worker/jobseeker status are ever more restrictive. To attain worker status, the European Court has found that work has to be deemed to be 'genuine and effective' and not 'marginal and ancillary'. In February 2014, in response to growing concerns about Bulgarian and Romanian workers, the United Kingdom announced that one of the tests for 'genuine and effective work' would be earning above the national insurance threshold of £153 a week for three months. Those who earned less became subject to stringent tests making it extremely difficult for them to attain worker status and the accompanying right to reside. The power of the full citizenship myth is demonstrated by the fact that, as these proposals came into force, apprenticeships offering as little as £2.73 an hour, or just over £100 a week, were being enthusiastically endorsed for British young people, even though for those who are not citizens, these positions do not constitute genuine and effective work.

The result of the intersections of exclusions of welfare benefits and EU nationals in the United Kingdom is proving counter-intuitive. After claiming social assistance for three to six months EEA nationals are now required to pass a Genuine Prospect of Work (GPoW) Test. The claimant must provide 'compelling evidence' that they have a genuine chance of being engaged in 'genuine and effective work' in order to be eligible for benefits and indeed not have their right to reside withdrawn. This means they must be seeking work of a kind that is available in the local area and that the individual has experience or training in doing. In contrast, a resident national citizen who is applying for social assistance must be prepared to do any work, irrespective of whether it is 'marginal and ancillary' or whether they have to travel outside of the local area to get there. The logic of the worker citizen means that UK nationals must demonstrate willingness to take low-waged poor work, while new EU migrants are not genuinely work seekers because there is no 'genuine and effective work' available for them.

Conclusion

Protests about the situation of the low-waged and benefit claimants have not joined up with protests about migrant rights. At best immigration only raises difficult issues. It is I believe very important to

address this, and to look more closely at the quality of the jobs for which EU nationals are competing. In the United Kingdom we have one of the most deregulated labour markets in Europe, and it is consistently one of the lowest in the Organisation for Economic Co-operation and Development's (OECD) employment protection league. 'British jobs' viewed through the lens of full citizenship are imagined as honourable and well-protected. The problem is that many jobs are not 'British' if by 'British' is implied secure, rewarding and justly recompensed jobs. In practice what is on offer are 'migrant jobs for British workers'. Tying migrant workers to employers through sponsorship requirements or denying migrants access to social assistance does not necessarily protect citizens. Rather, it risks pressurising migrants into accepting poor work, particularly in deregulated and informal labour markets, thereby undermining terms and conditions for workers more generally.

While migration is seen as undermining the social solidarity necessary for the welfare state, perhaps it is also support for the welfare state that engenders social solidarity. The challenge is the 'national'. To what extent is it possible to have meaningful politics that are entirely circumscribed by the national? This is a question whose answer must be uncovered in practice. One way of doing this is including immigration in politics where it is often marginalised or regarded as making too many complications – such as housing and welfare benefits. This is not to create a hierarchy of suffering, a competition of who is the worst off, but to illuminate contradictions, challenge our own assumptions and work towards new ways of living together that do not require people to choose between exclusion or failure and between migrants or citizens.

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Notes

1. Though following the logic of the Cold War, which viewed some citizens as in need of protection from their state of citizenship, asylum was a necessary exception.
2. This is sole citizenship. Dual nationality raises other issues that are not dealt with here.

3. http://glenngreenwald.blogspot.co.uk/2006/08/still-more-unchecked-powers-for-bush.html.
4. Notably £18,600 is substantially more than the national minimum wage (about £13,500), raising the question of what participation in society is possible for these British citizens.
5. https://www.whatdotheyknow.com/request/224830/response/560110/attach/3/FOI%2032599%20Grove%20White.pdf.
6. http://icinspector.independent.gov.uk/wp-content/uploads/2014/10/An-inspection-of-the-Intelligence-Management-System-FINAL-WEB.pdf.
7. In the debate around the 2009 citizenship proposals, then Immigration Minister Phil Woolas was clear about this. When questioned about the proposal to reject naturalisation applicants who demonstrated 'an active disregard for British values', he had refused to rule out the possibility that protesting about British intervention in Afghanistan and Iraq might be treated as such a disregard: 'As a point of principle … if you don't break the law and you are a citizen, that's fine. But if someone is applying to be a citizen to our country we do think that you should not only obey the law but show you are committed to our country' (Travis 2009).
8. http://www.migri.fi/finnish_citizenship/applying_for_citizenship/requirements/means_of_support.

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