The 'Grammar' of Migration

CONSTRUCTIVISM AND EUROPEANISATION IN THE CREATION OF NARRATIVES IN UK IMMIGRATION POLICY IN RELATION TO THE EU MIGRATION AND ASYLUM FRAMEWORK

Amy Duong 409657ad

EUR: FACULTY OF SOCIAL SCIENCES | MSC. INTERNATIONAL MANAGEMENT AND POLICY
FIRST READER: DR. PETER SCHOLTEN
SECOND READER: PROF. FRANS VAN NISPEN
WORD COUNT: 28, 280 (EXCLUDING APPENDIX & BIBLIOGRAPHY)
DATE OF COMPLETION: 16TH JULY 2015

Summary

This paper aims to uncover the manner in which narratives (or frames) of migration and asylum were constructed by the UK executive. These narratives will serve to broaden one's understanding as to why the UK government decided not to opt into two EU Council Directives: The Family Reunification Directive and the Long Term Residents Directive. It is argued that in order to understand the final outcome of a decision, one must take into account the historical discourse which has been contested and molded by mutually constituting actors. The theoretical approaches of constructivism and Europeanisation will inform the thinking of this research. This paper aims to highlight the relevance of constructivism in analysis of domestic and EU politics, and seeks to advance the view of Europeanisation as a change in logic of action within actors.

Acknowledgements

This thesis is the culmination of a challenging and intellectually stimulating year. Its completion would not have been possible without the insightful and invaluable input from my supervisor Dr. Peter Scholten; I am grateful for his patience, comments and critique. My gratitude extends to Prof. Frans van Nispen for his constructive feedback. I would also like to thank the rest of the IMP administrative and teaching staff for providing an excellent academic environment, and my wonderful IMP classmates for their support and good humour.

Contents

List of Acronyms

Explanatory Memorandum	EM
European Union	EU
Family Reunification Directive	FRD
House of Commons	HoC
House of Lords	HoL
Long Term Residents Directive	LTR
Prime Minister	PM
Third Country Nationals	TCNs
Westminster Model	WM

Chapter 1: Introduction

In the EU, the language of immigration is often presented as technical. However, there is no escaping the political nature of these issues because "migration and asylum impact squarely and directly on the sovereign power, authority and capacity of states, on key social institutions, such as labour markets and welfare states and on complex notions of belonging and identity" (Geddes, 2008: 5). Immigration is therefore a 'high politics' area (Green, 2007), and is often spoken as a nexus between other salient policy areas such as integration and security.

Although immigration is a weighty issue that affects all member states, the UK is a remarkable case based upon the history of its engagement with the European migration and asylum framework. The 1997 Amsterdam Treaty explicitly linked the policy areas of free movement, immigration and asylum, and moved these policy spheres from the third pillar (which was originally named Justice and Home Affairs (JHA)) to a newly created Title IV of the Community pillar; this meant that decision making would be on an unanimous basis (Geddes, 2008). The British government opposed the move towards supranational decision making in policy areas related to immigration and asylum by choosing to fully opt out of the Title IV Treaty provisions (Geddes, 2008). As such, the UK government maintains the prerogative to decide whether or not to opt-into subsequent developments under Title IV. Two such developments were the Council Directive 2003/86/EC of 22 September 2003 on the Right to Family Reunification (hereinafter referred to as the Family Reunification Directive), and the Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents (hereinafter referred to as the Long-term residents Directive). The UK decided against opting into these Directives, so this paper is interested in the processes which led to that decision.

Political decision making in the UK has a long and established tradition based upon parliamentary sovereignty which is a product of its constitutional history. However, the growing influence of the EU has led to an increasingly interlinked immigration policy, as a result, much has been written about whether or not the processes and internal dynamics of the Westminster model have succumbed to the effects of Europeanisation (Bulmer and Burch, 2005; Consterdine and Hampshire, 2014; Statham and Geddes, 2007).

It is argued that Europeanisation is "when the logic of domestic political actors changes. This happens when elements of EU policy-making become a cognitive and normative 'frame of reference' and both the logic of action and the logic of meaning are guided by Europe. Europe [becomes] the 'grammar' of domestic political action" (Radaelli, 2004: 9). At the time of the decision not to opt-into the Directives, there were many economic, political and societal factors; these factors occurred at the domestic level and at the EU level, and it will be argued that these influenced the debate surrounding the decision not to opt-in. The principle objective is to examine the role of the UK executive and how they used their position and the aforementioned factors to drive the discourse by creating certain perceptions - or 'frames' - of immigration and policy through a variety of narratives. The central research question of this paper is therefore:

> *How can the framing of migration explain the UK decision not to opt into both the Family Reunification Directive and the Long-term Residents Directive?*

The wording of the question bears explaining: the use of the term 'opt-in' instead of 'opt out' is a technicality. The British decision to opt out of the Title IV Treaty provisions meant that the government could decide on a 'case by case' basis to opt-into any immigration and asylum measures introduced under the Amsterdam Treaty; Tony Blair stated, "under the treaty, the United Kingdom can...participate in areas of interest to us if we so choose, at our option. That is not an opt-out but an opt-in, as we choose" (HL Deb 18 June 1997 vol 580 cc1243-57). While the reality of British immigration policy in regard to the EU framework is not affected by this choice of wording, it is worth pointing out this subtle semantic technicality which implies a somewhat more negative starting point of choosing to 'opt in' as opposed to one where Britain is included in the first instance. In addition to the central research question, one is also interested in the following sub questions:

> A. *What arguments were made in the debates about migration?*
> B. *What is the historical context of the two Directives?*
> C. *To what extent was an institutional framing of migration utilised in the discourse?*
> D. *To what extent was an economic framing of migration utilised in the discourse?*
> E. *To what extent was a negative social framing of migration utilized in the discourse?*
> F. *To what extent was a political framing of migration utilised in the discourse?*
> G. *To what extent was the discourse 'Europeanised'?*

This research will be driven by constructivist theory because it suits the aims of investigating the construction of narratives in the wider debate about British immigration policy. Immigration can often be a confusing topic, the many categories of migrants such as 'refugees', 'asylum seekers', and 'economic migrants' have legal implications for the respective treatment of each group. However, in the wider debate, these terms elide and 'immigration' and 'immigrants' become one homogenous group which may often be construed as problematic (Geddes, 2008); in the case of the UK, one aims to uncover whether and how immigration was 'problematised'. Whether or not the British government's choice not to opt into the Directives is seen as a 'good' or 'bad' decision is not the debate here, rather one is intrigued to uncover 'why' the government came to the conclusion that not opting-in was considered to be the best option. By extension, this paper seeks to understand 'for the best interests of whom' the government thought they were acting, and the motivations they cited as reasoning for their actions.

Therefore the framing of immigration is of importance here because through tracing this process, one hopes to reveal how the British government perceived a 'problem' and how they formed a perceived 'solution'. The use of constructivism is relevant as it allows for a historical approach in which one can witness the emergence of a particular narrative; the objective of this research is to discover how the UK government sought to make sense of the hugely complex, politically salient and sometimes emotive topic of immigration. The period of research begins at the start of the Blair administration in May 1997 and ends when the Directives came into effect in October 2003 (Blair was still PM at the time). The Blair administration has garnered much literature from many fields but it is still - in my opinion - worthy of investigation due to the amount of developments that occurred both domestically in the UK and within the EU, these will be outlined in further detail later on in the paper. Labour's manifesto stated a desire to be seen as an active player in the EU and this made a marked break with the approaches of previous UK governments; this set off a chain of interesting dynamics and institutional changes which not only affected the EU but domestic UK polity and policy. In studying the particular dynamics of one country, one runs the risk of overlooking important international developments that may have had an impact upon the domestic processes. Immigration and asylum are matters that cross borders, it is therefore myopic to ignore the larger EU discoursal landscape. Given that the central enquiry of this paper is the UK decision not to opt into two Council Directives, it is impossible to neglect the EU and the theoretical discussions of Europeanisation.

Therefore with constructivism and Europeanisation, two thirds of the '3 cornered fight' - two theories and empirics - (Blatter and Haverland, 2012) of a congruence analysis have been specified. The advantage of performing a congruence analysis is that it allows for the possibility of theoretical innovation. The decision for applying these two theories is because, in my view, they are complementary and will reciprocally highlight new perspectives in each other. The literature on Europeanisation has retreated from the traditional view of top-down pressures emanating from the EU (Börzel, 2002; Bulmer and Burch, 2005) and proceeded to the perspective that Europeanisation is a dual dynamic process. This renewed approach to Europeanisation means that it is a theoretical framework that can furnish the constructivist maxim of mutually constituting actors. Constructivism moves the reader away from the traditional view of a two-tiered model of Europeanisation and accentuates the embeddedness of mutually constituting actors (Risse, 2004). By bringing Europeanisation via a constructivist approach into the theorisation of why the UK decided not to opt into the directives, one adds the changing perceptions of actors (Christensen and Snyder, 1990) to what could otherwise be a vapid examination of British immigration policy without any due diligence paid to the wider EU developments in immigration and asylum.

What this paper ambitiously aims to do, is to use constructivism to provide an alternative perspective on the current literature of Europeanisation. It will be argued that the EU can at times be seen as problematic and at others, be seen as an opportunity structure within which member states can choose to engage; this in itself can be seen as a form of Europeanisation, rather than the simple aggregation of EU legislation a state transposes. Radaelli's (2004) point about Europeanisation as a change of logic in the actions of actors resonates with the thrust of this research and fits well with the constructivist approach; in aiming to uncover the narratives that were constructed by the UK government, not only will this paper try to highlight the way various constructed categories of 'immigration' were mobilised, but also how the topic of 'Europe' and the EU entered the discourse, and if they did indeed become 'grammar' in the immigration narrative (Radaelli, 2004).

PURPOSE OF RESEARCH - SOCIETAL RELEVANCE

The motivation in choosing this line of research is to gain a better understanding of the internal dynamics of the UK political system within the context of a growing EU and the increasing importance of immigration. During the course of the Blair administration (1997-2007) a total of five new immigration

laws were introduced which eclipsed legislation in any other area of social policy (Boswell, 2008). During this period, the UK also experienced its largest migration flow (Consterdine & Hampshire, 2014) following the ascension of the A8 countries in 2004. If we fast forward to the present day, the "social relevance" (Lenert et al, 2007:22) of this topic is evident if one browses the headlines of major British newspapers.

At the time of writing, the EU is facing a 'migration crisis' with as many as 40,000 refugees and asylum seekers arriving on the shores of the EU via boat. The southern Mediterranean countries (Italy and Greece) are taking in the largest numbers of 'boat people' and are asking for more help from other EU Member States (UNHCR, 2015). The EU is yet to decide on a course of action on how to tackle this 'crisis', but the current state of play as it stands reveals what appears to be an uncooperative approach; Member States have decided against accepting mandatory migrant quotas (Traynor, 2015). This migration debate is happening within the backdrop of the international security issue of Islamic State, difficult economic times in the EU and a general mood of anti-immigration as evidenced by the steady rise of fringe right-wing parties in nations throughout the EU. This is especially the case in the UK.

The rising popularity of the right-wing, Eurosceptic, United Kingdom Independence Party (UKIP) has given increasing salience to matters about the EU and immigration. Recently, the British Prime Minister David Cameron called for a cap on EU migration to the UK which was met with disapproval from the European Commission and other member states, most notably Germany, who claimed that the imposition of such a cap would violate one of the core pillars of the single market (Wintour & Traynor, 2014). Cameron's demand takes place within the larger debate of EU membership and a 'Brexit' - a British exit from the EU - with immigration appearing to be one of the main sticking points in a debate surrounding domestic politics, supranational decision making, and nationhood.

In the national political arena, where it is argued that politicians vie for the electorate's vote in order to stay in power (Minogue, 1959), the national conversation about migration is a battlefield in which one can often encounter different constructions of migrants. It is often difficult to separate fact from fiction, and it can be easy to conflate different categories of migrants with different needs (e.g.: economic migrants, asylum seekers, and refugees) especially in the face of negative public opinion or lack of understanding about the nuances of migration.

The practical relevance of this paper is thus: in understanding the history of the UK's attitude towards migration, and how the UK executive framed migration in the run-up to the decision of not opting in, one hopes to use that knowledge and apply that perspective to the EU-wide 'migration crisis'.

One hopes to use the findings of this paper to understand how migration is presented in the media, how migration is contested in the domestic political arenas of Member States, and how migration is portrayed in the EU discussion. With the aforementioned socio-economic and political factors, one can use the knowledge from this paper to unpack the reasons why certain narratives of migration emerge and are presented as such; one can understand the fears and preferences of actors through the unravelling of a narrative.

Chapter 2: Theory

EUROPEANISATION AS TRANSPOSITION

Europeanisation has often been conceptualised as a solely top-down process in which the supranational European level exerts influence upon national level institutions and processes, and subsequently causes change in national policy making. As such, in terms of research design, Europeanisation has often been operationalised as pressure emanating down from the EU institutions which duly leads to national institutional adaptation (Cowles et. al, 2001). This leads one to a body of literature which views Europeanisation as the transposition of Directives into national law; see for example Falkner (2003), Töller (2010), and Versluis (2004).

Lodge (2002) writes that this is the 'traditional' view of Europeanisation and the studies that arise provide an easily quantifiable measure of how much a Member State's national policy has been affected by EU legislation. In addition to transposition of Directives, Member States need to comply with policies and judgments from the European Commission and the Court of Justice (Lodge, 2002). By taking the view of Europeanisation as transposition (or compliance), what emerges is a picture of differentiation throughout the EU as Member States demonstrate diversity in speed and type of policy transposition (Lodge, 2002); additionally Member State discretion contributes to the varied rates of transposition. These kinds of studies have their uses in quantitative comparative studies: they allow for easy and quick inter-case comparison when one wishes to determine the amount of policy 'fit' or 'misfit' in relation to EU policies and Directives (Falkner, 2003). While institutional differences and costs of implementation often serve as explanations for disparate rates of transposition and compliance, in my opinion, these studies fail to escape the top-down conceptualization of Europeanisation and they lack insight into the interaction between institutions at the intra-national, inter-national, and national-EU level; this abstraction of Europeanisation leaves the Member States as passive actors which react to top down action from the EU.

Furthermore, these kinds of studies tend to focus upon policies that are regulatory in character (2002). Social policy especially in the case of the UK, which has an opt out in the Title IV provisions, means that simply investigating the amount of policy implementation and transposition of Directives will miss the subtleties of the dynamic this paper wishes to investigate; it is not the transposition of the Directive which is of concern here but rather the effect the EU had upon the national discourse.

EUROPEANISATION AS DUAL INTERACTION

This paper aims to be more nuanced in its treatment of Europeanisation, and instead views the interaction as an iterative process which also ensures Member States have effective input in EU policy making in Brussels; these effects of national adaptation then feed back into the EU.

Europeanisation is often a vague term which means different things when placed within different contexts. As Olsen (2002) argues, although there is no single definition for the term Europeanisation, it is still a useful term in understanding the processes of an evolving European polity and outlines five different types of Europeanisation:

1. Europeanisation as physical changes in external boundaries of the EU
2. Europeanisation as the development of institutions at the European level
3. Europeanisation as the central EU influence upon national governance systems
4. Europeanisation as a transposition of political systems from one level of governance to another
5. Europeanisation as a political unification project as initially laid out in the vision of the EU founders

Olsen's third and fourth distinctions are most relevant in this investigation of why the UK decided not to opt into the Directives. This is because one is interested in the influence of the EU on the national discourse about migration (point 3.) and how this has affected the logic of action within the UK executive and Parliament (point 4.). Olsen's distinctions are elements that feature in the definition outlined by Bulmer and Radaelli (2004). Their definition of Europeanisation and the one that this paper will follow is as stated below:

> Europeanisation consists of processes of a) construction, b) diffusion and c) institutionalisation of formal and informal rules, procedures, policy paradigms, styles, "ways of doing things" and shared beliefs and norms which are defined and consolidated in the EU policy process and incorporated in the logic of domestic (national and subnational) discourse, political structures and public policies (2004 in Bulmer and Burch, 2005:3).

In the UK context, adaptation to the EU is a process "aligning two institutional logics: that of the EU and that of UK governance" (Bulmer and Burch, 2005:3). Therefore, it is argued that one should perceive Europeanisation as a dual interaction whereby member states are able to both 'download' and 'upload' policy preferences according to national interests and action capacity (Börzel, 2002), or to use Bulmer and Burch's (2005) terminology, Member States possess the aptitude for "reception" and "projection". Reception (or downloading) refers to the Member States' ability, capacity and extent to transpose EU legislation into domestic law; projection (or uploading) refers to the "development of machinery for securing an effective voice in the formulation of policy in Brussels. It means learning the rules of the EU game, and they may be different from those in the domestic political system" (Bulmer and Burch, 2005:4), one could relate this aspect to March and Olsen's "logic of appropriateness" whereby actors "figure out the appropriate rule in a given social situation" (March and Olsen, 1998: 951).

Another aspect of this "projection" or "uploading" is viewing the EU as an opportunity structure. The EU can be a platform for resolving domestic policy problems that are not easily settled in a national context, especially if the scale of the problem reaches beyond national borders, for example, immigration and cross border crime. This point is furthered by Radaelli (2004) who asserts that one major criticism of Europeanisation is it often assumes an innate downward pressure that compels actors to adapt, whereas in reality domestic actors can decide whether or not to use 'Europe' on their own accord, in the absence of pressure (Radaelli, 2004).

If one takes the definition of Europeanisation as the consolidation of rules and procedures within EU policy which is then consequently incorporated into the national political structure, then the development of the European Economic Area (with its market integration and the removal of trade barriers) is a clear example of such Europeanisation. This follows from globalisation literature which postulates that an increasing convergence in both formal and informal institutions is likely to occur under global economic forces (which are neolibral in nature) (Cowles, et. al, 2001). Thus, if Europeanisation can be expected in policy areas that are susceptible to global/regional market forces, then this assumption conversely implies that there are spaces in European policy areas which are not sensitive to such pressures, for example, immigration, in which convergence may be less evident. Balch and Geddes (2012) write that "in the areas of migration and integration policy, power still remains concentrated in the hands of national interior ministries. This points to the pre-eminent role held by the

executive branches of national governments in the development of EU policy and also helps to account for the emphasis in interpretations of policy development" (2012:2).

Following this logic, the actions of executive branches of national governments, especially in relation to EU immigration matters, are mutually constituting in that not only is the development of policy driven by the executive, but this duly has a 'feedback effect' (Risse, 2004:162) upon how executives act in the future. Therefore this reinforces the view that Europeanisation is a process. Europeanisation itself should not be understood as a final end state, instead it should be seen as an explanandum; "it demands explanation of what goes on inside the process" (Radaelli, 2004). The theory of Europeanisation is relevant to the central research question because the UK decision not to opt into the Directives should be seen as a process in which the UK executive navigated its immigration position within the larger EU framework.

According to the literature reviewed so far, UK immigration policy is driven by the executive but this is affected by the wider EU structure; UK preferences can subsequently be 'uploaded' which then become part of the EU framework. Additionally, if one takes the view of Europeanisation as a change in logic of action and debate which has been reconfigured in reference to the EU (Radaelli, 2004), one can therefore expect the empirical evidence to contain incidences where the migration discourse is driven in relation to the EU framework. One could argue the concept of 'feedback effects' of Europeanisation is closely related to the constructivist dictum of mutually constituting social construction of actor (UK) and structure (EU). Mutual social effects serve to influence an actor's choices via changes in perceptions (Wendt, 1992), thus if we continue this line of thought through to the operationalisation of Europeanisation as a two way process, this fits in quite nicely with the constructivist approach of actively socially constructed meanings; in this research, one infers that 'the EU' in parliamentary discourse is a socially constructed concept with specific meaning for the UK executive regarding aspects of immigration policy. These concepts will be elaborated below in the second theoretical foundation of this paper: constructivism.

CONSTRUCTIVISM

The central conceit of constructivism is that identity is formed through a process of mutual constitution; this is the view that actors and structures are constantly interacting and exist through an active process (Checkel, 1998); reality is a social construct where collectively constructed norms and understandings

form the framework in which actors create their identities via their interactions. In investigating Europeanisation, constructivism becomes even more relevant if one focuses on the constitutive feedback effects of Europeanisation on Member States and their domestic political discourse; the executive's understandings of immigration policy is molded by the EU structure and therefore influences Directive decisions.

One shouldn't just view the EU as an entity that constrains actor's choices; it provides the basic 'rules of the game' (Risse, 2004:163), but it is also a sphere in which actors can define their interests and identities. Within an EU context, it is difficult to deny that the EU is itself constituted of multiple actors (even though it is often spoken in ominous terms); therefore it is fallacious to think of the EU (and other social institutions) as being 'external' to actors. Instead, through the constructivist lens, one should view a range of actors that can include, but is not excluded to national governments, businesses, or interest groups who "are deeply embedded in and affected by the social institutions in which they act." (Risse, 2004). As such, according to constructivist thought, it is impossible to identify the properties (for example, the interests and preferences) of social agents without reference to the social structure in which they are embedded.

One important factor that shouldn't be overlooked is that the key issue of how relevant actors *perceive* the stakes in particular policies (Freeman, 2006); this closely relates to Wendt's (1992) assertion that 'anarchy is what states make of it'. The perception of a situation is a socially constructed meaning which is only valid if actors choose to regard it as so. For example, an actor - such as an executive of an EU Member State - can choose to perceive the EU as an opportunity structure or as an entity that threatens domestic executive authority. This perception therefore informs the actions that actors consequently take within a given situation. This is a point that is reiterated by Robert Jervis (in Christensen and Snyder, 1990) who argues that states and their leadership act upon their beliefs and perceptions of the views and actions of other states; these perceptions can be shaped any new information that states incorporate. Alternatively states can choose to use old information (i.e. history) to inform their worldview (1990).

Historical context therefore plays an important role in the constructivist approach. Because social reality is an iterative and active process, constructivists believe that past actions and ideas can affect future actions, this is because the way in which countries perceive one another is based on past

behavior (Wendt, 1992). The aforementioned 'feedback effects' are again relevant because one cannot begin to understand major EU decisions taken by the executives of the national governments without taking into the feedback effects of "previous institutional decisions on the identities and interests of the member states' governments and societies into account" (Risse, 2004:162). This historical perspective also provides potential for norms, values, preferences and interests to change in time because all of these properties are mutually constitutive (Risse, 2004).

Constructivism differs from other traditional IR theories because it grants theoretical leeway in examining a range of state and non-state actors; other IR theories tend to give precedent to state actors, which are in turn assumed to be uniform and constant in their interests and preferences (Checkel, 1998). The "imagery of actors including governments as calculating machines who always know what they want and are never uncertain about the future and even their own stakes and interests" is therefore rejected (Risse, 2004:162). Thus from a theoretical point of view, constructivism allows one to conceptualise actors on a micro, intrastate level and to appraise the effects of Europeanisation in a domestic context. If one follows from our definition of Europeanisation as the institutionalisation and diffusion of EU practices, then Europeanisation is an intrastate process whereby "EU requirements and policies have affected the determination of member states' policy agendas and goals" (Bulmer and Burch, 1998). This process of affectation whereby the EU becomes a locus of logic and action (Radaelli, 2004), coupled with historical context therefore join up and feed back into the way member states perceive their preferences and options within the EU structure. This point reinforces the importance of both Europeanisation and constructivism theory in answering the central enquiry of why the UK came to its decision not to opt into the Directives; a decision does not take place in isolation from its historical discourse and in order to understand why the UK executive thought its decision was 'correct' for the UK, one needs to uncover how the discourse was constructed and became Europeanised.

Bulmer and Burch's (1998) point is especially pertinent because this paper assumes that the nucleus of member state preference and action is the executive. Stated in the most simplistic terms, the central actor in terms of analysis will be the British executive but constructivism informs the researcher that the properties of this unit is itself constituted of multiple parts. Of central concern is the way in which the internal dynamics and interests of the executive have been shaped (and consequently, 'Europeanised'), and how they have in turn shaped the EU immigration and asylum framework. In the creation of a narrative, Radaelli's (2004) argument that Europeanisation is a discourse with Europe as a point of

reference plays into the storytelling theme. Therefore framing analysis - which is a valuable constructivist tool - will serve to unravel not only the framing of immigration, but also the extent to which the discourse was Europeanised.

FRAMES AND FRAMING

A frame is a "central organizing idea or story line that provides meaning" (Gamson and Modigliani, 1987:143). It can be criticised that a frame is "definitional, static, and potentially taxonomizing approach to the subject" (van Hulst and Yanow, 2014). Therefore, it is argued that in analysing policy, one should shift focus from 'frames' to the more dynamic, conscious engagement of 'framing' (2014) Framing analysis forces the policy analyst to shift from the traditional view of looking at policy with the starting point of 'what's to be done?' to asking herself 'what's the problem represented to be?' (2014). Thus by understanding how an actor represents a problem, one has a basis upon which to understand their respective policy responses. This is because when one understands how an actor represents a problem, one can also uncover their perceptions and consequently their preferences and motivations.

Schön highlights a useful step by step process in which a frame emerges. Firstly, issues are problematised through a process of framing whereby features of a situation are *named*. Secondly certain features of a situation are *selected* and are then finally bound together through a process of *storytelling* that creates an intelligible narrative (Schön, 1993).

Naming is a process when actors utilise language that demonstrate their understanding of a situation, often this is in the form of metaphors for example, housing "decay" (Schön, 1993). The result of naming is that features of a situation are *selected* and attention is therefore diverted from, or focused on certain features. If one were to use a film making analogy, then this step of 'selecting' is akin to a director making edits to a film. Thus, a situation is 'edited' to suit the vision of the director. These features subsequently form constituent parts of situational *stories*: it is via this process of storytelling through which actors deliberately define a problem (1993).

Framing results from 'sense-making' (van Hulst and Yanow, 2014) on the part of actors, through the use of language; actors can render ambiguous situations into those that are more easily comprehensible. Following from above, story-telling is a method in which one can grasp a situation (make sense of it) and decide if it is a 'problem'. It is argued that framing is a process that is integral to our comprehension of

the world; "What gets produced in the framing process is both a model of the world…and a model for subsequent action in that world." (van Hulst and Yanow, 2014: 12) Therefore framing enables actors to have a specific understanding of a situation and it informs their imagination of what "could or should" happen next (van Hulst and Yanow, 2014: 13). As such, framing is essential in understanding the constructivist idea of a socially constructed world; actors are constantly producing models of the world and it is within those models within which actions are carried out and are endued with meaning. The meaning of an action or word is only so far as its actor intends it to be. For example if an actor perceives immigration to be a source of crime, then his reaction may be to imprison all migrants. In his mind, this would be the appropriate response to what he perceives to be a problem. However a separate actor may deem this action to be inhumane and unjust. As such, this re-emphasises the importance of the discursive practices that we have outlined in the literature above; the dynamic process of contestation can lead to changes in perception and therefore meaning, and ultimately action. It is for that reason that this paper will focus on Parliamentary debates in order to discover how the main actors perceived migration.

What follows in the below section is a hypothesising of four processes of 'framing' - institutional, economic/rational, social and political - in order to investigate which narrative created by the executive is the most persuasive in representing the 'problem'/'solution' of immigration and the EU, and how this informed the UK decision not to opt-into the Family Reunification and Long Term Residents Directives.

Having presented the theoretical framework of this paper, one can begin to answer sub-question A (*What arguments were made in the debates about migration?*) in presenting four hypothesis about the arguments/migration framing one can expect to find in this investigation of why the UK decided not to opt into the Directives.

HYPOTHESES 1 - INSTITUTIONAL FRAMING

Much of the literature conflates Europeanisation with a larger pan-European convergence of institutions and policies, or the transposition of Directives; however, this is not the view of Europeanisation that this paper wishes to follow. Moreover, it has also been attested that a European-wide convergence between Member States is not necessarily possible because the effects of Member States "projecting"

or "uploading" national preferences onto the EU is a major factor in the persistence of divergence (Bulmer and Burch, 1998).

To advance this point, disparity and idiosyncrasies can be empirically witnessed; this can take the form of Member States opting out or in of certain measures (such as the UK), and also in the way in which Member States approach Europeanisation. Börzel (2002) makes the distinction between three types of Member States: 1. Pace-setters: those Member States that actively seek to influence policy at a European level to further their own interests. 2. Foot draggers: Member States that block or delay costly policies, and 3. Fence sitters; those Member States that neither systematically seek to influence nor hinder policy. With regard to the UK, one would tentatively place the British government in between the first two categories; the UK has been very active deregulation and working towards the common market (Börzel, 2002), but in matters of immigration the UK has proven to be somewhat more uncooperative. These types of approach are derived from the preferences of national actors which shape the national response to Europeanisation (Börzel, 2002). This furthers the point made by Olsen (2002) and Rokkan (1999): divergence is to be expected due to the variance of institutional structures and histories amongst Member states (Rokkan, 1999).

Institutions and their respective developments are a result and a reflection of preferences and power of identifiable actors; additionally, existing institutional arrangements are a major factor in constraining and driving change (Olsen, 2002). Moreover, there is often the misconception that Europeanisation itself is a uniform process, but one must bear in mind that the EU is, in institutional terms, a relatively jumbled polity with variation across policy spheres. Thus, while one can anticipate a certain level of convergence, there is scope to expect a degree of policy deviation between Member States. It is argued that:

> "The legislative and regulatory vehicles of the EU, particularly the directives and the doctrine of mutual recognition, allow great discretion and flexibility in implementing legislation, let alone institutional adaptation. Directives (as opposed to regulations) leave each state to devise its own way of implementing their goals" (Cowles, et. al., 2001).

One cannot ignore the institutional framework within which the UK operates because institutions are political entities which are resistant, but not immune, to change (Olsen, 2002). This resistance means

that institutions are relatively stable, therefore one can expect the UK institutional system, with its various self-interested actors, and the central decision making body of the executive to be resistant (but not invulnerable) to top-down European policy influence and will conversely seek to project their own interests in the EU.

Norms, values and significance are deeply embedded within national institutions (Risse, 2001). In a policy area such as immigration which elicits sensitive emotions about national sovereignty, the persistence of national interests is highly resistant to change, this is especially so in relation to the UK,

> "Parts of English nation-state identity are often viewed as potentially threatened by European integration. Institutions such as the Parliament and the Crown form important elements of a collective nation-state identity. The identity-related meanings attached to these institutions center on a peculiar understanding of national sovereignty." (Risse, 2001:205)

"Europe" is still, in the minds of the British political elite, characterised as the "other" (Risse, 2001). This is a different construction of Europe from one that exists in Germany, which has lent itself to being more compatible with a post-War German nation-state identity. The evolution of different nation-state identities means that some Member States are more susceptible to Europeanisation than others (Risse, 2001).

European and national identities are not zero sum games and studies have revealed that it is possible for people to have allegiances to multiple identities (Risse, 2004). Risse (2004) offers a rather charming image of the Russian Matruska doll, a concept which suggests some hierarchy between people's sense of belonging and loyalties, with national identity forming the core and European identity forming the outer layer of the doll. Both Europe and the nation are, what Anderson (2006) terms 'imagined communities', but in this visualisation of identity hierarchy, it could just be that "Europe and the EU are distant realities and are more remote than their imagined national communities" (Risse, 2004:168). Nonetheless, the imagination of Europe is still rather distant as Risse (2001) has already argued, British nation state identity is tied up with the entrenched notion of parliamentary sovereignty which appears to be particularly sticky.

"The norm of sovereignty, for example, not only regulates the interactions of states in international affairs, it also defines what a state *is* in the first place" (Risse, 2004:163). Constructivists concentrate on these definitions of identities of actors (in this case: states) in order to account for their interests. With the constructivist trope that identities are mutually constituting (and it is identities that inform an actor's preferences) (Checkel, 1998), it could be argued that the UK identification with parliamentary sovereignty is reproduced and projected with more strength when thought of in terms of the EU. When such a rooted value of sovereignty is juxtaposed against the EU, especially when EU measures and decision making procedures are perceived to pose a threat to the said notion of sovereignty, then this Europeanisation (as a logic of thinking in reference to Europe) (Radaelli, 2004) has the negative effect of further entrenching this deep seated belief of parliamentary sovereignty. This leads us to the first hypothesis:

> *H1. The UK didn't opt into the two directives because of an institutional framing of the decision making sovereignty of the UK executive.*

Hypothesis 2 - Economic/Rational Framing

It is argued that Europeanisation has largely been driven by economic factors; this assertion is strongly held by proponents of Liberal Institutionalism (LI) (Schimmelfennig, 2004). To view Europeanisation through this particular lens means beginning an analysis by outlining state preferences through the structure of domestic economic interests (Schimmelfennig, 2004). Although proponents of LI attest that economic interests are generated at the national level through the bargaining of political actors, one effect of Europeanisation is that it provides state executives with additional institutional and informational resources that can in turn be used to weaken parliamentary control and to dampen the influence of powerful domestic interest groups such as trade unions (Moravcsik, 1997). This assumption therefore has implications for intra-State actor dynamics, especially as it is attested by some authors (Geddes, 2008) that "while there is some evidence of refocused political activity [on the EU level], the main point of reference for key actors in EU migration and asylum policy process remains *national*" (2008:38, emphasis added). Additionally, within this national domain, it is argued that immigration policy is dominated by the political elite (Statham and Geddes, 2006).

The 1997 Labour Manifesto made economic growth one of their election pledges; the words 'global' and 'Europe' were used in conjunction with their economic objectives and this suggests that the Labour

Party projected a regional and international outlook in terms of economic policy. This party position informs our next hypothesis in that one can postulate that with an economic objective in mind (that made reference to Europe and the global markets), the Labour Party sought to encourage migration of an economic nature in order to enhance the labour market and thereby bringing growth and benefits to the British economy. Therefore the next hypothesis postulates that the executive drove the economic migration debate and advocated a more selective approach to migration:

> *H2. The UK didn't opt into the two Directives because of an economic framing based on a rational cost-benefit analysis of the immigration debate.*

HYPOTHESIS 3 - SOCIAL FRAMING

If we follow the logic of the second hypothesis, then it implies the Labour government at the time began to make a marked distinction between economic migration, which would have been considered as 'good' migration, and other forms of 'problematic' or 'burdensome' immigration. Different types of migrant flows are characterised in different manners; certain forms of immigration are viewed as more problematic than others, for example asylum seekers have always been viewed as problematic for the UK (Geddes, 2008). By categorising migration in such a way, states 'make sense' of migration (Weick, 1995 in Geddes, 2008) and make sense of themselves and others. This in turn informs states who 'belongs' and who has access to state and its provisions (i.e.: welfare) (Geddes, 2008).

Geddes (2008) makes the distinction between three types of borders which will be useful in the formation of the next hypothesis because borders are integral to understanding international migration and the "categorisations of migration and migrants that develop" (2008:4). It is via borders that states understand and make sense of immigration:

1. *Territorial borders* which have been the traditional demarcation of the limit of a state's sovereign power of exclusion
2. *Organisational borders* which provide points of access of work and welfare for migrants
3. *Conceptual borders* of identity and belonging.

The final type of border may be somewhat wooly in character but Geddes asserts that it possesses "an important and powerful resonance in debates across Europe about migration" (2008:3). If we connect

this imagining of borders with Risse's (2004) earlier argument that 'Europe' is another imagined community that exists further outwards in a concentric circle of regional, national and international identity, then one can make the argument that the EU becomes a new frame of reference for the UK government in conceptualising who 'belongs' and who is 'entitled'. Thus the conceptualisation of borders itself becomes Europeanised, and one can propose another concentric model which categorises degrees of 'belonging'; EU citizens are imagined as being closer to 'belonging' and 'entitled' more so than TCNs.

As such, in relation to debates about the impact of migrants, one can hypothesise that there will be a negative framing of TCN's that was more prevalent than any framing of EU migrants. Therefore in the debates surrounding the decision not to opt into the two Directives, one can expect to see arguments about welfare and the negative impacts of TCN migration on the UK welfare system, as well as negative social impacts.

H3. *The UK didn't opt-into the two directives because of a negative social framing of TCN immigration.*

HYPOTHESIS 4 - POLITICAL FRAMING

In any study of Europeanisation, one shouldn't overlook the importance of ideology; one shouldn't underestimate the relevance of the progressive and modernist political leanings of the Labour government that held office while the UK transformed immigration policy and negotiated its position in relation to EU migration and asylum measures. Politics is important, especially in the analysis of Europeanisation, because by placing focus on the points of conflict and "patterns of contestation" (Radaelli, 2004:16), one can better understand the EU and its member states as sets of decision making arenas with their own political dynamics. Here the role of power in politics plays a part; the UK institutional setting is relevant in that the executive is accountable to Parliament which acts as a check on executive power. However as has been alluded to earlier, matters relating to immigration policy are dominated by the political elite (the executive). It is useful to highlight this aspect because the UK government went against House of Lords EU Committee recommendations to opt-into the two Directives and in the context of this research, this is an important point of contestation.

Minogue (1959) contests that "politics is 'nothing else but the struggle for power'", and power in this context means the ability to make decisions on behalf of the larger society (1959:276). Politicians have an incentive to maintain their political positions and the trappings of power that it entails, political parties therefore compete for the allegiance of the voter (Minogue, 1959). Individual issues therefore become platforms upon which battles for the public vote take place, the issue of the EU therefore becomes politicised and is contested as such. The two main political parties in the UK, the Labour and the Conservatives positioned themselves on opposite ends of the spectrum: Labour as the pro-European party and the Conservatives as the anti-European party. The domestic debate surrounding the UK and its place within the EU has been a long and contested one; not only has it been an inter-party political issue, it has also been one that has divided parties internally (Bulmer, 2008). The Labour Party transformed itself into a pro-European party in the 1990's whereas it had strongly opposed the EU in the past (Daniels, 1998). This anti to pro transformation leads us to our fourth and final hypothesis. To use Börzel's (2002) terminology, the Labour Party wanted to move from being 'foot draggers' to 'pace-setters' - Member States that seek to actively influence EU policy to further their own interests - in the EU domain.

It could be hypothesised that political motivations of appeasing the electorate lead the Labour Party to demonstrate that they could play a constructive role in EU matters. The Labour Party wanted to establish themselves as the party that could take a stronger, more proactive role in the EU. Yet at the same time, by securing the authority to choose not to opt into two Directives, the Labour Party could demonstrate that they were playing the EU game according to British terms, thereby placating domestic concerns about Britain's role in the EU. Under this line of thinking, the decision not to opt into the Directives was a calculated strategy to hold onto electoral support (and consequently domestic power); this therefore leads us to our final hypothesis:

> H4. The UK didn't opt into the two Directives because of a political framing of the Labour party taking an active and leading role in the EU.

EUROPEANISATION AND THE HYPOTHESES

The thread that runs through all four hypotheses is 'Europe' becomes a point of reference in the immigration debate. The hypotheses suggest that the framing of the discourse in the four contexts of institutional, economic, social and political domains became Europeanised, and formed - to use

Radaelli's (2004) terminology - the 'grammatical' structure that underpinned the discourse. Europe and the EU therefore become assimilated into the logic of the British government and constitute the formation of interests and preferences which then informed the discourse and the actions of the executive. Therefore constructivism can be a heuristic tool in uncovering the dynamic discoursal process of Europeanisation. The research of narratives will highlight whether 'Europe' or the 'EU' became a source of problem or resolution when it came to immigration. That is, whether the EU was seen as a 'threat' or as an 'opportunity structure'. Thus one can respectively hypothesise the following about the EU in regard to the four hypotheses:

H1. Institutional:	*EU as a threat to UK sovereignty*
H2. Economic/Rational:	*EU as an opportunity structure for the government's economic goals*
H3. Social:	*EU as a threat to UK's admission of TCNs*
H4. Political:	*EU as an opportunity structure for wider UK interests*

SUMMARY

The four hypotheses highlight the types of arguments that one can expect in the examination of the discourse of the decision not to opt into the two Council Directives. They can be schematized in the below flowchart (Image 1). They will drive the research in ascertaining which constructed narrative, or process of 'framing' (van Hulst and Yanow , 2014), holds the most sway in explaining why the British government chose not to opt in, and how the Labour executive manufactured the discourse to organise the issue of immigration in terms that fit their interests and preferences. What follows in the next section will be an outline of the analytical operationalisation of the parliamentary debates and exchanges which informed the executive decision.

Image 1.
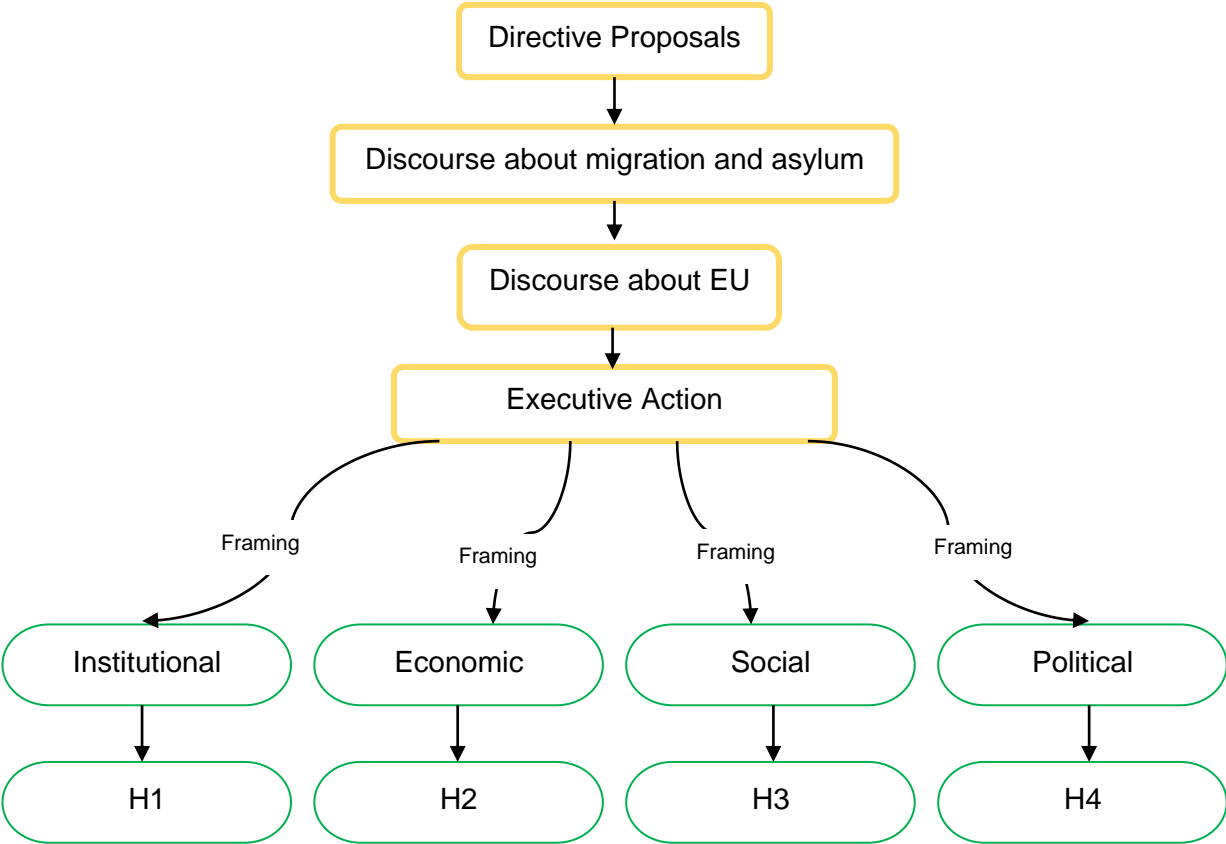
Chapter 3: Research Design

In order to understand the logic of the actions of the British executive, one needs to understand the discourse within which the action itself takes place (Adcock, et. al., 2009). As social scientists, our objective is to provide explanations. Any explanation is but a simplification of the real life events; it is impossible to know everything about one particular subject so a researcher one is always limited in what one can achieve (Allison and Zelikow, 1999). However, to combat such limitations, a research design needs to have multiple simplifications in order to highlight any distortions or limitations of whatever conceptual framework one wishes to utilise in order to offer an explanation of a phenomenon (1999). This is the reasoning behind having four competing hypotheses as it avoids confirmation bias and a tendency to fall back onto one set of explanations/simplifications that are "convenient and compelling" (1999:8).

Allison and Zelikow (1999) argue that the actions of states are never "unstructured happenings" but are purposeful actions borne of actors with purposeful intentions. This conceptualisation is salient because "*decision* presupposes a decider and a choice among alternatives with reference to some goal. *Policy* means the realization in a number of particular instances of some agent's objectives" (1999:16). In the context of the central research question: *How can the framing of migration explain the UK decision not to opt into both the Family Reunification Directive and the Long-term Residents Directive?* The central 'decider'/actor is the UK executive and our empirical manifestation of executive action is immigration framing. The 'policy' of not opting into the Directives is hypothesised to be affected by four frames which are our main variables: institutional, economic, social, and political frames.

Jervis (in Christensen and Snyder, 1990) argues that actors respond to old, existing and new information in order to account for their preferences and interests. As such, it is impossible to extract the decision of the two Directives from the wider immigration debate because it is relevant and feeds into the frames which the executive created. The research will be driven by constructivist approach of framing analysis, which will be used to conceptualise parliamentary debates and official government documents into empirically operationalisable dimensions so that evidence of the executive's framing of immigration can be gathered (Pan and Kosicki, 1993). Framing shapes the debate and informs the interests of the main political actors; a frame defines a problem by highlighting its effects and whom is affected (Entman,

1993), therefore, by highlighting a certain aspect of immigration, the executive can affect how other actors conceive the issue (Kim, et. al., 2011).

SOURCES

Primary research will take the form of desk research of the analysis of parliamentary debates (both House of Commons and House of Lords), committee hearings, ministerial questions and correspondence, and minister speeches. In order to inform the Houses about EU proposals, the Cabinet Office produces an explanatory memorandum (EM) that accompanies the text which is to be scrutinised. This EM usually gives a brief summary of the proposal and the legal and financial implications it has for the UK, as well as setting out the UK government's initial position on the proposal. Therefore these EM's will provide a glimpse into the government's stance and how and/or if the original stance was changed, and how this position was driven forward in the larger debate. These documents will be valuable primary sources in providing a historical perspective of the parliamentary discourse; the objective is to reveal the positioning of relevant decision makers (Huysmans and Buonfino, 2008).

Secondary sources will provide invaluable information on Europeanisation which has become a popular academic topic in recent times. There is a lot of literature on the 'Europeanisation' of the UK politics and UK's role in the EU (Allen, 2003; Bulmer and Lequesne, 2005; Bulmer and Burch 1998; Cowles et. al., 2001) which contain analysis of other UK opt out decisions (such as that of the Schengen agreement - see Fletcher, 2009; Adler-Nissen, 2009). Immigration is a topic that always carries weight for politics and academia alike, again literature is plentiful especially when it comes to implications for national borders (see Geddes, 2005 and 2008), sovereignty and access to the welfare state.

In testing H2, secondary sources in the form of newspaper coverage will be used. The media can be used by those in power or opposition as a potent tool to further their arguments. The media can also stand alone and serve as a check on government power, raising issues which they deem to be in the public interest. Both are mutually constituting as the political elite absorb and react to information in the public arena, and vice versa; it is a fluid process whereby both actors are molded.

Having identified our sources, the time frame for research is May 1997 to October 2003. This period covers the start of the Blair administration up until the point the Directives came into force; the

proposals for the two Directives were first published on 1 December 1999. Documents will be selected based upon the coding system detailed below.

CODING

Frame analysis requires that one understands how actors made sense of a situation. The process of framing can be broken down into three steps: naming (articulating a situation in language that reveals the actors understanding), selecting (focusing on/diverting attention away from certain aspects of a situation) and finally making sense of these constituent parts by storytelling (Schön, 1993). In order to identify the above arguments made by the main actor (the executive), a system of coding based upon the aforementioned trio of steps will be used while scanning the documents. Furthermore, each hypothesis assumes a level of Europeanisation whereby the discussion becomes framed in reference to the EU, this is operationalised as reading Parliamentary documents in order to ascertain whether the EU became 'problematised' (seen as a 'threat') or 'solutionized' (seen as an 'opportunity structure') in each frame. This coding is presented in Table 1. The same coding will be used when reading the (sometimes counter) narratives offered by secondary actors (Conservatives and HoL). The coding system will enable one to determine which hypothesis is an adequate answer to the central research question and the sub questions of UK internal dynamics and UK-EU dynamics.

The four hypotheses are indicative of the types of argument (or 'stories') that one expects from parliamentary discourse. These can be categorised respectively as such: 1. Institutional, 2. Economic/Rational, 3. Social, and 4. Political:

H1. *The UK didn't opt into the two directives because of an institutional framing of the decision making sovereignty of the UK executive.*

H2. *The UK didn't opt into the two Directives because of an economic framing based on a rational cost-benefit analysis of the immigration debate.*

H3. *The UK didn't opt-into the two directives because of a negative social framing of TCN immigration.*

H4. *The UK didn't opt into the two Directives because of a political framing of the Labour party taking an active and leading role in the EU.*

Table 1.

	Institutional	Economic/Rational	Social	Political
Naming	Immigration Control Border Control	Economic Migration High skilled migrants Managed migration	Asylum Seekers Illegal Immigration Refugees 'Bogus'/'Genuine'	Asylum Seekers Illegal Immigration Refugees
Selecting (Focus on aspects of a situation)	- Parliamentary sovereignty - National sovereignty - UK decision/policy making authority - Border/frontier control - British exceptionalism - Amsterdam Treaty - Title IV opt out	- Economic/Business needs - UK economic performance (growth) - Economic contribution of migration - Labour and skills shortages/growing sectors - Statistics - Rational - Flexible labour markets	- Welfare burden - Social costs (burden on health & education system, housing, detention) - Crime - Abuse of asylum system - Integration problems	- UK as active/constructive player in EU - British influence in EU - The interest of the British people/public/nation - Failure of previous immigration policy/government - Britain's place in Europe/the EU
EU	Threat	Opportunity Structure	Threat	Opportunity Structure

Each narrative presupposes different motivations therefore the testing of each hypothesis begins with identifying the various aspects of migration or immigration 'problems' that were named (Schön, 1993), as outlined in Table 1. (see Appendix for a more detailed coding scheme). The coding serves as a starting point in tracing the storytelling process, because "other, unnamed features (the repertoire of name- or category- and policy-relevant elements) may help to establish that meaning (or contest it)" (van Hulst and Yanow, 2014:17). Each hypothesis assumes a "situation specific" category of immigration (2014:16) that corresponds to a respective 'story' one expects to find in the discourse. It is in the process of storytelling that actors can explain "sketch the context in which certain worries came into being" (van Hulst, 2012). Thus each hypothesis 'selects' different features of a situation (see Table 1) that are then 'woven' to form a coherent narrative (Gamson and Modigliani, 1989).

Every explanation is a simplification (Allison and Zelikow, 1999); the choice to have four narratives is in itself a simplification but as a researcher, one has to make methodological choices. A frame is an abstract concept (Blatter and Haverland, 2012) but the validity of the hermeneutic approach of this paper is strengthened by operationalising a frame (hypothesis) that has been theoretically derived. By defining what is 'named' and the elements of a frame that are 'selected', one can come to a deeper understanding of what is measured (Matthes and Kohring, 2008) and one hopes that the empirical

evidence uncovered here can bolster the constructivist and Europeanisation explanations for the actions of the executive. The practicalities of the research, the sifting and coding of parliamentary documents will be done by hand: Each appearance of a frame will be identified with the 'named' migration category, once each frame has been highlighted, the respective debates will be read to ascertain if there are any incidences of 'selecting' features (which serve to bolster the frame). The appearance of each frame will be counted - the occurrence of each frame will be marked with 'one' despite further mentions in the debate - in order to determine which frame is the most dominant. What follows in the next chapter is the historical context of the two Directives and the institutional set up of the UK which outlines the main actors and decision making system.

Chapter 4: Background

This chapter will answer sub-question B (*What is the historical context of the two Directives?)* by detailing a historical narrative of how the two Directives came about. The proposals for the Directives were a long time in the making and took place within a rapidly changing migration and EU background, the importance of which shouldn't be overlooked because history informs the manner in which actors perceive present events and their subsequent actions.

BACKGROUND TO THE DIRECTIVES

By the late 1990's, migration and asylum were increasingly salient. The fall of the Iron Wall resulted in an increased migrant flow from the former Eastern Bloc in the early 1990's (Salt and Almeida, 2006), while the Balkans war in the mid to late 1990's meant that EU states were receiving a large number of refugees and asylum seekers. The largest group were Kosovars who were fleeing Serbian persecution and by April 1999 the number of Kosovar refugees had reached 600,000 (Kondaj, 2002). Amid this backdrop of migratory movement which pushed immigration to the forefront of debate, the 1990's were also a pivotal decade in the expansion of EU immigration and asylum competencies. In the UK context, the 1990's was the decade in which the UK would become one of the more popular destinations for asylum seekers, this development challenged the tradition of 'zero-immigration' policies. Consequently, the matter of asylum was of particular concern to UK authorities especially as this fuelled the perception in certain sections of the political elite of the UK being a 'soft touch' (generous in housing and welfare payments to asylum seekers) in comparison to other EU Member States (Boswell, 1998).

Thus with a large migration flow from Eastern Europe and the pressure of increasing asylum seeker numbers in the EU, there was impetus for action. Both the LTR and FRD are part of a six pack of legislative proposals to which Member States committed in order to achieve a Common European Asylum System by the deadline of 2012. The other proposals of this six pack are: the Dublin and Eurodac Regulations, the Qualification, Reception Conditions and Procedures Directives (European Council, 1999). The logic behind a standardised EU approach was one of achieving a balanced distribution of asylum applicants amongst EU Member States (Boswell, 1998). Of the aforementioned proposals, the first concerted EU effort resulted in the Dublin Convention. This ensured that only one

Member State would be responsible for the processing of an asylum application, thereby reducing 'asylum shopping' (the practice of asylum seekers making applications in more than one Member State), but it did little to harmonise the rules for examining an asylum application (Geddes, 2008). The second significant development was the Schengen Agreement which was signed by Germany, France, Belgium, the Netherlands and Luxembourg in 1995.

Compared to the Dublin Convention, the Schengen Agreement was more brazen in its ambition to provide a formalised approach to immigration and asylum policy; it abolished internal border security checks to further the objective of internal free movement across the EU, and introduced a joint visa system including police cooperation and the handling of asylum applications (Fletcher, 2009). The UK opted out of this Agreement choosing instead to maintain its own border controls and visa system via the Schengen Protocol (Costello and Hancox, 2014). It is argued that border control has been central to UK migration management, possibly due to the UK's geographical position in relation to the rest of continental Europe (2014). Despite remaining outside the Schengen area, the UK does participate in policing and security aspects of Schengen; however, the nature of an opt out has meant that cooperation on security aspects of migration, an area in which the UK holds a special interest, has proven to be more complicated (Boswell, 2008). Schengen's importance was heightened when the 1997 Amsterdam Treaty incorporated the Agreement into the EU thus making it an important cornerstone of the EU immigration and asylum framework (Geddes, 2008).

Despite these developments, there were a further series of ad-hoc European cooperation on immigration matters which were unsatisfactory and this accentuated the need for a more unified and harmonised approach (Geddes, 2008). The Tampere Council meeting was a seminal event about immigration and asylum which took place from 15-16 October 1999. In the run up to the meeting, one of the major items up for discussion was "a strategy paper on migration and asylum" (Statewatch, 1999) which topped the list of priorities that included tackling cross border crime and the establishment of a European Judicial Area. It was at Tampere that the governments of the Member States gathered; their aim was to further the objectives laid out in Amsterdam to achieve a unified European strategy in dealing with the growing issues of immigration and asylum.

Among the items on the Tampere agenda was the explicit aim to extend rights to long term TCNs residents in EU Member States. The Presidency Conclusions report state that:

"The European Union must ensure fair treatment of third country nationals who reside legally on the territory of its Member States. A more vigorous integration policy should aim at granting them rights and obligations comparable to those of EU citizens…A person, who has resided legally in a Member State for a period of time to be determined and who holds a long-term residence permit, should be granted in that Member State a set of uniform rights which are as near as possible to those enjoyed by EU citizens; e.g. the right to reside, receive education, and work as an employee or self-employed person, as well as the principle of non-discrimination vis-à-vis the citizens of the State of residence. The European Council endorses the objective that long-term legally resident third country nationals be offered the opportunity to obtain the nationality of the Member State in which they are resident." (European Council, 1999)

These concluding points would eventually inform the proposal for the LTR. The EU wanted to ensure that TCN's rights would come in line with Member States citizen's rights under the LTR; a consequence of ensuring equal rights meant that the right to a family life as guaranteed under Article 8 of the European Convention of Human Rights would have to be addressed, and thus the proposal for a FRD followed as an extension of logic (European Council, 1999), but the proposal for the FRD would emerge sooner than that of the LTR. The overall aim of the Tampere Council meeting was to advance the objective of Member States working towards a common EU asylum and migration policy (European Council, 1999), not only to more evenly migrant distribution, but also to rights of TCN's are harmonised across the EU. The Directives pose a challenge to the UK political elite because they aim to ensure the rights of migrants whereas traditionally, the UK has tended to participate in restrictive, policing measures (Costello and Hancox, 2014). Why and how the UK has traditionally had a restrictive immigration policy is furthered below, where our attention will now turn to the UK constitutional system and the main actors in the UK political system.

THE UK CONSTITUTIONAL SYSTEM AND THE EXECUTIVE

The UK is a majoritarian parliamentary democracy, often referred to as the 'Westminster Model' (WM). It is unique in modern democracies in its absence of a uniform written constitution. Thus the UK possesses a "constitutional flexibility around a centralised government under executive dominance" (Whitehead, 2013:11). Under the WM, and as a result of the unrepresentative 'First Past the Post'

voting system, power is typically concentrated in one-party executives. However one shouldn't view the WM as 'power hoarding' (2013), instead it is now one of 'power dispersing': some legislative power has been ceded to the EU, and regional devolution in the UK has decentralised national and EU policy responses.

Despite the existence of a UK 'Supreme Court' which came into operation in 2009 after the Constitutional Reform Act of 2005, the lack of a written constitution means that there is no real and full separation of judicial and executive power; it is a unique characteristic of the UK system that the judiciary is an agent of the Crown (Whitehead, 2013). The judiciary does not act as an independent protector of democratic rights; rather it is at the service of sovereign power which is nested within Parliament and the Crown. In comparison to the US, the UK judiciary is a relatively weak counterbalance to the executive: in the US constitutionally backed independent courts can protect the fundamental rights of citizens and immigrants (Joppke, 1999) and is subsequently a powerful check on executive power. Some argue this constitutional feature of the UK system leads to the 'exceptionalism' and effectiveness of British immigration controls, leaving the British parliament plenty of scope to pass legislation as it pleases with relative ease. However, this is not without negative consequences because "in immigration policy, this institutional arrangement entails a dualism of extreme legislative openness and executive closure, which is detrimental to the interests of immigrants" (Joppke, 1999:103).

Traditionally, executive authority lies with the monarch but this power has been devolved to, and is exercised by Her Majesty's Government. Government decisions are taken by the UK executive; the executive refers to the Cabinet which is the central decision making body and consists of senior ministers who head various departments, the most important government department in the context of this paper is the Home Office which oversees immigration policy and is headed by the Home Secretary (Parliament UK, 2015). The heads of departments form the Cabinet and are led by the Prime Minister (PM) who is considered the 'first amongst equals' (Parliament UK, 2015); executive decisions arise from weekly Cabinet meetings that are headed by the PM. This collective body, herein after referred to as the 'executive' will be the main actor under investigation in this paper, and its decision not to opt-in is the purpose of this research.

The government is first and foremost accountable to Parliament which consists of two houses, the House of Commons (HoC) and the House of Lords (HoL). Executive decisions are further analysed,

and/or informed via a system of committee hearings. The HoC has the European Scrutiny Committee which sifts through EU legal documents, assesses the significance of each proposal and decides whether or not to question the Government, or to clear the documents from scrutiny (House of Commons, 2015). Once an EU document has passed this first barrier of scrutiny, it moves on to the next. The HoL has the European Select Committee which oversees the work of six sub-committees that deal with different policy areas, similarly to the European Scrutiny Committee, the Select Committee assesses the legal and political implications. The Select Committee's work is rooted in the Scrutiny Reserve Resolution which means that the Government cannot agree to any EU proposal until it has been cleared from scrutiny (House of Lords, 2015). The devolution of power from Westminster to authorities in Scotland, Wales and Northern Ireland during the Labour government meant that the traditional centralised machinery that had shaped the UK's diplomatic and administrative responses to EU influences took on a new dimension (Bulmer and Burch, 2005). However, in the high politics matter of immigration, devolution had little impact upon the central executive's this arrangement.

To briefly summarise, the UK political system is therefore one which is constituted of many actors that can affect (to vary degrees) an executive decision through debate and review. It is within the discursive environment of the House of Parliament that the interests and preferences of the British executive are constructed through a dialectic process. A constructivist approach to studying why the UK government decided not to opt into the two Council Directives would entail special attention to "the ongoing struggles, contestations, and discourses...over the years" (Risse, 2004:162) in relation to immigration policy and how the matter was 'framed' by the executive. The section below will specify the actors in greater detail.

ACTORS

"Political action is often understood as the mobilisation of bias" (Balch & Geddes, 2012:4), it is therefore important for us to identify - among the many actors and stakeholders - the source of the bias which leads to a particular outcome. Policy processes are driven forward, but who or what is in the driving seat? In this research, the central actor is the UK executive which consists of the Cabinet led by the PM; this is the central decision making body that is accountable to Parliament. The purpose of focusing on the executive as the main actor is that according to the literature, the executive is the main driver in policy matters of immigration. Secondary actors will be the Conservative Party (the main opposition party) and the HoL. The choice to have secondary actors is motivated by the constructivist leanings of

this paper: a discourse implies an interaction between multiple actors, and as we have argued earlier in the paper, actors mutually constitute (Checkel, 1998). Furthermore, it is via the contestations between these actors through which socially constructed meanings of immigration and its subsequent narrative of are established.

Social constructivism places an emphasis on "communicative and discursive practices" (Risse, 2004:164) which means that if one wishes to understand and explain social behaviour, one needs to closely examine words, language, and communicative utterances as it is via these discursive practices that actors give significance to their actions. One method of studying these types of discursive practices is by looking at discourse as a domain in which power relationships are formed and maintained (Risse, 2004); through examining the discursive process, one should critically assess who is allowed to speak within the "discursive arena" (and subsequently, who is excluded), the construction of meaning, and the permeation of meanings which become so forceful and dominant that they become taken for granted, i.e.: they become a "norm" (Risse, 2004:165).   Political elites can shape discourse by acting through institutions but this articulation of political demands depends on resources and is limited by institutional structures (Statham and Geddes, 2006).

Following from Risse's (2004) assertion of discourse as an interplay of power, this paper is primarily interested in which narratives (or frames) became dominant (Huysmans and Buonfino, 2008). The dialogue between the Labour Government and the opposition Conservative Party reflect the horizontal dynamics of the lower chamber of parliament (House of Commons), whereas the dialogue between the executive and the upper chamber (House of Lords) reflect the horizontal institutional dynamic. For the purpose of this research paper, the most important discursive arena is the institutional setting of the Houses of Parliament in which formal debates are held because it is the 'public' face of UK politics. However, by taking these two dimensions (horizontal and vertical), one hopes to achieve a better understanding of how the British political system framed the debate in order to make a European level policy decision.

Chapter 5: Empirical Evidence - FRD

In this chapter and the next, the Directives will be treated separately: a description of each Directive will be provided followed by empirical evidence from Parliamentary documents, speeches and media. These were selected by the coding system outlined in the previous section, and will be presented historically in order to reconstruct the emergence of particular frames. Parliamentary documents were selected based on the migration categories that were 'named' and then read in relation to 'selected' features that were expected to be utilised to further the argument of each frame. The evidence from Parliamentary debates will be summarised at the end of this chapter but what follows will be a process of reconstructed storytelling; this is our version of sense-making as one attempts to discover how framing affected the UK decision not to opt into the two Directives. In addition to parliamentary discourse, critique about the proposals mainly took place in committees, thus evidence was also taken from committee hearings and corresponding written evidence (e.g. letters from ministers). The advantage of applying the coding historically is that it allows one to ascertain when certain frames emerged (either on their own accord or simultaneously with other frames) and became dominant, it further enriches one's understanding of the decision by providing situational context. The significance of the highlighted quotes and sections will be analysed in Chapter 7. We will begin with a historical narrative of the wider immigration debate from when Blair assumed power as a PM until the discussion of the two Directives.

FAMILY REUNIFICATION DIRECTIVE

It is argued that the UK rules regarding family reunification of third country nationals are more stringent than other Member States (Groenendijk et. al., 2007). In the UK, the right to family reunification is tied up with the categorisation of labour migration. Labour migration in the UK is based on a 5 level tier system, with tier 1 considered to be highly skilled migrants with a definite employment offer. Each tier corresponds with a different set of rights (Boswell, 2008). Under this system, those TCN's who qualify as tier 1 and 2 have immediate rights to family reunification. The remaining tiers have no rights to family reunification. One could argue that the UK system is complicated and to an extent unfair in its unequal treatment of TCN's by placing them into different tiers. In this regard, the UK rules are less favourable than those offered by the proposed Directive. Additionally, the UK criteria for child reunification is quite difficult to test as it depends on whether or not the parents or single parent has 'sole responsibility for

the child'. However, on the other hand, the UK is one of a minority of Member States that provide right to family reunification for unmarried partners, and spouses can be admitted so long as the sponsor is settled (2007).

The aim of the FRD is to establish a common European approach to the law relating to the right to family reunification which would contribute to an eventual harmonisation of Member State treatment of TCNs. The objective of the directive is to enable the family of legally resident TCNs to join them in the Member State in which they are residing. It is argued that through the protection of the family unit, TCNs are better able to integrate in their host Member State (EU, 2011a). Discussions for a unified European approach to family reunification have been a long time in the making; the legislation proposal was first published on 1 December 1999 after the issue of the TCN rights was reiterated in the Tampere Council in October 1999.

Despite the desire for a 'common EU approach to asylum and migration policy', the Directive allows for a certain degree of autonomy of Member States in deciding whom can enter and the authorisation of residency. Additionally, the Directive also allows for Member States to impose their own integration measures, Member States remain free to authorise family reunification of the sponsor's parents, unmarried children who are above the age of majority, and unmarried partners (EU, 2011a).

DISCOURSE - FAMILY REUNIFICATION DIRECTIVE

In a Commons debate on 1 March 2000 about the Family Reunification Directive, Labour MP Neil Gerrard raised the point about UK policy on family reunification and its negative impacts on the asylum system; namely that there were a significant number of asylum applications that were actually family members of settled TCNs. Gerrard urged the executive:

> "Our current policies are somewhat harsh and cause problems for families. In time we may find that some of those policies fall foul of the Human Rights Act 1998 and end up being less generous than the EU proposals...We must approach the directive from the point of view of the desirability of agreeing and achieving good common standards across the EU and influencing the parts of the directive about which we have doubts. I hope that we will be fully *engaged* in that process and thereby improve our own legislation. By becoming *involved in influencing the directive*, we shall contribute to a fairer system across the EU." (HC Deb 1 March 2000, c84WH)

Immigration secretary Roche replied: "we will consider our position in relation to the proposal, and will advise Parliament accordingly. I assure this Chamber that we will *participate* in discussion of the text, and that policy issues will be drawn to the attention of the Commission and other member states." (HC Deb 1 March 2000, c86WH). She further insisted that any decision would have to be in line with the UK's 'fair, firm and fast' policies. This rhetoric was a consistent phrase through Labour's term in office and can be traced to one of the first parliamentary debates under Blair's premiership.

The New Labour government made its first reference to immigration policy in a Commons debate on 9 June 1997; citing the need for a 'firm but fair' immigration policy; this position was reiterated by the opposition and was one point upon which both side could agree (HC Deb 9 June 1997). The concept of a 'firm but fair' immigration policy would make later appearances throughout the immigration discourse during the Blair administration. The same 9 June 1997 debate brings up the categorisation of 'genuine' and 'bogus' refugees and asylum claims, and the issue of the admission of elderly relatives is also raised in the debate. (HC Deb 9 June 1997). The use of the terms 'genuine' and 'bogus' would also make further appearances in Commons debates. The HoL would be more cautious in employing such terms, later urging a renewed perspective on the immigration and asylum debate whereby such alienating terms are avoided. Asylum was a particularly sticky issue, although it didn't enter the main discourse until later on in the Blair administration, throughout HoC debates, it was a constant recurring question asked by opposition MPs.

As the Blair administration entered its second year, asylum and illegal immigration became a pressing issue for the government and became contested in Commons debates. In a question and answer session on 30 March 1998, the Conservative opposition pressed the government for figures regarding asylum seekers and illegal immigrants. Mike O'Brian the Parliamentary Under-Secretary for the Home Office replied:

> "Our inheritance from the *previous Government* was pretty appalling; in fact, the asylum system that we inherited was a shambles. There were 50,000 people in the Home Office backlog, there were 23,000 in the appeal system and other people had simply disappeared. We are now reviewing the whole process and ensuring that we put in place a firmer, faster and fairer asylum system." (HC Deb 30 March 1998 c881)

The above response is characteristic of the asylum issue whenever it appears in question and answers sessions. In the above quote, O'Brian makes an explicit contrast to the previous government and its failures in the area of asylum which suggests a political argument in line with our forth hypothesis. When Labour came to power in 1997, the immigration and asylum system had a backlog of almost 52,000 asylum cases (Wagner, 2012). He further reiterates the mantra of Labour's stance towards asylum and immigration policy: 'firmer, faster and fairer'.

Asylum became such a questioned topic that the Labour Party introduced the Immigration and Asylum Bill in 1999 which came about after a White Paper entitled 'Fairer, Faster and Firmer: A Modern Approach to Immigration and Asylum' published in July 1998 by the Secretary of State for the Home Department Jack Straw. In a Commons debate dated 22nd February 1999, Straw declared:

> "We want a fairer system that reflects our commitment to race equality and human rights; we
> want a faster system that is able to deal quickly with all applicants, whether visiting this country
> or seeking to remain here longer; and we want a firmer system, with strong controls at ports
> and effective enforcement against those not entitled to stay. This Bill is vital in helping to deliver
> those objectives." (emphasis added, HC Deb 22 February 1999, c37) Straw further asserted that
> "there is also considerable evidence to suggest that cash benefits act as a 'pull factor'" (HC Deb
> 22 February 1999, c46).

Straw's view wasn't shared by his fellow Labour MP Graham Allen who warned:

> "The public rhetoric of tough talking often gives the impression that the debate is about an open
> immigration policy and the prospect of fighting off floods of immigrants who would swamp the
> country...It causes massive harm to the lives of many people from immigrant communities who
> properly live in Britain. Stereotypes about immigrants are created and reinforced, giving rise to
> a negative impression of all immigrants and their families in this country." (HC Deb 22 February
> 1999, c64)

The Immigration and Asylum Bill was the first concerted effort of the Labour government in tackling the 'problem' of asylum. The White Paper highlighted the growing issue of asylum with applications at

32,000 in 1997 compared to 4,000 in 1988 (Home Office, 1998). Despite the perception of the Conservative Party as traditionally being the party with the tougher stance on immigration (Schuster, 2003), the 1999 Bill introduced by Labour took a harsher stance towards asylum seekers; one of the more controversial aspects of the Bill was that asylum seekers would no longer receive cash benefits but would instead be issued with weekly food vouchers worth £35 (Wagner, 2012).

Despite the introduction of this Bill, only two years later the new Home Secretary David Blunkett announced plans for a new Bill entitled the Nationality, Immigration and Asylum Bill. In his announcement, Blunkett made explicit reference to the Tampere Council meeting and stated:

> "I hope that the more managed, more sensible and more balanced approach to dealing with, assessing and being able to support asylum seekers in Europe will take effect soon...*I hope that we will be able to establish a sensible system that ensures that asylum shopping and benefit shopping do not take place.*" (emphasis added, HC Deb 24 April 2002, c343)

The language thus appears to be stressing that asylum seekers were 'targeting' the UK in order to take advantage of 'benefits' (the UK welfare system) because it was seen as 'soft touch' on immigration (Schuster, 2003). The perception of the UK as a 'soft touch' was reiterated by the Conservative opposition in Commons debate. The introduction of yet another immigration and asylum bill with the removal of cash benefits reflects asylum and welfare system abuse as a central concern for the Labour Government. Although the 'soft touch' rhetoric infiltrated the immigration debate in the Commons, and later on in the media, this view was challenged early on by the HoL on several occasions.

In a Lord's' discussion about the Tampere Council Meeting, the Liberal Democrat peer challenged the perception that the UK was a 'soft touch' for asylum seekers, "I should note that Britain is not the softest touch within the European Union. It emerges clearly from the document that I have just been reading that the Netherlands and Germany still take a more generous approach than we do." (HL Deb 11 October 1999, c84). Talking about the "inaccurate belief" that the UK is a soft country, Liberal Democrat Baroness Ludford stated: "The idea that people come here because we are a 'soft' country would be less relevant as someone fearing persecution would know that the treatment he or she would receive would be no different in any European State" (HL Deb 1 November 2002 cc437-439). However, this did little to stem the tide of the growing prominence of the asylum discourse and its subsequent negative portrayal.

Asylum gradually became more pressing as the 2001 General Election loomed large; immigration was the most important issue that concerned British citizens (Wagner, 2012). This made a marked distinction between the 1997 campaign where immigration was barely mentioned. Media coverage of the Sangatte camp in France intensified the feeling that Britain was a country under siege and further the notion that the UK was a 'soft touch' for asylum seekers; one headline from the Telegraph read 'Police on alert to stop invasion by immigrants' (29 December 2001). A selection of some of the tabloid headlines of the Daily Express during the autumn of 2001 include: 'Stop the Invasion', 'We can't take any more asylum seekers', 'Asylum invasion reaches 12,000 a month', 'Asylum: we're being invaded' (Schuster, 2003). The intense media attention which problematised asylum seekers gave added urgency to the government to act. Despite the media hysteria about the crisis of asylum - asylum seeker numbers had decreased since the beginning of the Blair administration (Schuster, 2003). Thus one could argue that this is the emergence of a negative social framing of migrants and asylum seekers, underpinned by the rhetoric of a 'fair, firm and fast' approach to migration policy which influenced the decision of not opting into the FRD.

In a Committee hearing on 25 April 2001 in regard to the FRD, (at that time a decision had not yet been reached, although the government had exhibited an inclination against opting in) Roche reiterated the need to retain control over UK immigration policy but that does not mean UK policy should be "seriously at odds with those of the member states participating in such measures. The UK Government intend to be active participants" (EU Standing Committee, 2001). In the same hearing Roche made reference to the LTR and argued that while the government "enthusiastically" support the extension of rights to TCN's resident in Member States, the extension of the right of freedom of movement was problematic and would give the government "serious difficulty" (2001).

The FRD posed a challenge to the authority of the UK government. In defending the reason for not opting in, Secretary of State Barbara Roche stated in a Commons debate 1 March 2000 that opting in would "significantly weaken the United Kingdom's marriage rules and efforts being made to tighten them up in the face of marriage *abuse* for immigration purposes." (emphasis added, HC Deb 1 March 2000, c85WH). By mentioning 'abuse' Roche is aligning her reason towards the 'genuine' and 'bogus' categorisation of migrants, and is therefore furthering the government's agenda of a 'firm' and 'fair' immigration policy; in fact she further states that the government's current family reunification policies

form part of a system of asylum policies that are "fair, firm and fast" (HC Deb 1 March 2000, c86WH). In the same debate, a fellow Labour MP Neil Gerrard raised the issue of the discrepancy between the rights of TCNs and EU nationals was too wide and that family reunification should be seen as something that adds value, he states:

> "I am not clear why the Government believe that action at the Community level, rather than at member state level, will not produce benefits. If we do not opt into the directive, we might operate family reunification policies that do not reach the level of such policies across the rest of the EU. I am not sure to whose benefit that would be." (HC Deb 1 March 2000, c82WH)

Gerrard pushed the argument that family reunification was advantageous for better integration by citing a UNHCR report. (HC Deb 1 March 2000, c82WH) and this is a view that would echoed by the HoL who stated the Family Reunification Directive "would lead to greater stability for migrants and would hasten their integration" (HL Deb 23 July 2001, c1722).

Speaking about the Family Reunification Directive and the government's general approach to immigration policy, in a HoL debate, Labour peer Baroness Turner of Camden stated

> "We understand that the Government have reservations, which have already been expressed. They insist on maintaining frontier controls, which they are entitled to do under the opt-out, and thus maintaining *control over their own immigration policy*. I realise that this is a traditional view based largely on our geography." (HL Deb 23 July 2001, cc1722-1723)

Her point is further by Liberal Democrat peer Lord Wallace of Saltaire who said:

> "I am amazed by the extent to which the Government have still wanted to talk about British immigration policy, as though we were still a *sovereign* island country" (HL Deb 23 July 2001, c1736).

The significance and the centrality of the arguments of border control and immigration policy can be traced back to the first test of the Labour government: The Amsterdam Council meeting on 16 and 17 June 1997. Here, Tony Blair would secure an opt out from the Title IV Treaty provisions. Although

immigration wasn't a major manifesto pledge in the 1997 election and wasn't a priority for Labour, the looming Council meeting meant that it was pushed to the forefront of the domestic political agenda as soon as Blair became PM. In a Commons debate on 18 June 1997, the day immediately after the Council meeting, Blair triumphantly declared the achievements of the negotiations in obtaining a favourable position for the UK, stating that:

> "Our aims in the negotiations were to protect our *essential interests* over immigration, foreign policy, defence and a central role for Britain in Europe, to promote changes of real interest to the British people and to move Europe on to a new and positive agenda. We also promised to bring a *fresh and constructive approach* to Europe and to the negotiations" (emphasis added, HC Deb 18 June 1997, c313)

The negotiations had implications for national immigration policy, and in his speech Blair further affirmed the primacy of British sovereignty:

> "First, we have obtained legal security for our frontier controls, through a legally binding protocol to the treaty. That is an achievement of lasting value, attained for the first time. The key point in the protocol says: The United Kingdom shall be entitled…to exercise at its frontiers with other member states such controls on persons seeking to enter the United Kingdom as it may consider necessary for the purpose. I know that will be welcomed by the whole House. We have ensured that we, and only we, *decide border policy*, and that *policies on immigration, asylum and visas are made in Britain*, not in Brussels." (emphasis added, HC Deb 18 June 1997, c313)

When pushed on the matter of sovereignty by the Leader of the Opposition John Major, Blair responded with an assurance and an argument for British exceptionalism:

> "It is more sensible to realise that the rest of Europe has a genuine, *different* interest. In the rest of Europe, people want a uniform system of asylum, immigration and visa policy throughout the continent of Europe—and they want it, in many ways, to toughen their immigration and asylum policy...Our interest is different and there is no harm in recognising that there are *different* interests. The purpose of the protocol is to secure our legal frontiers, but to allow other

countries, if they want to do things *differently*, to have another system, with our having the power to join them if we want to, but being under no obligation to do so." (emphasis added, HC Deb 18 June 1997, c319)

The Amsterdam Council Meeting was an obvious platform for the Blair administration to demonstrate their concerted effort to increase the UK's participation and influence within the EU; Blair wanted to change Britain's stance into one which was more proactive than in previous Conservative administrations. The first quote above where Blair outlines a 'central role for Britain' and 'a constructive approach' reflect the 1997 New Labour Manifesto objective of a more assertive stance within the EU stating that "to lead means to be more involved, to be constructive, to be capable of getting out own way" (Labour, 1997).

This manifesto pledge would be reiterated fresh after election victory, in a Commons debate on 20 May 1997, the new Labour Chancellor Gordon Brown stated:

> "The *difference between the Conservative party and the Labour party* is that Labour has been united in its position on Europe, whereas divisions on Europe are rife among those on the Opposition Front Bench. Those divisions will keep the Conservative party out of power for many years to come." (emphasis added, HC Deb 20 May 1997, c542)

The thrust of Brown's claim is that the Conservatives were shown to be ineffectual at the European level to the detriment of the UK, this also had (and would continue to have) the effect of keeping the Conservatives out of power. This view was affirmed by Tony Blair in the Commons on 18 June 1997 after the Amsterdam Council meeting:

> "It is in *British interests to be part of Europe*. If we are part of Europe, it is in British interests to be constructive and engaged. Of course, we must protect our *national interests*, and all countries do. The absurdity of the foreign policy of the previous Government was that, in the end, the policy was directed at party and not at the *interests of the country*. That is what has to change." (emphasis added, HC Deb 18 June 1997, c323)

For the Blair administration, the objective of the Amsterdam negotiations was to retain national sovereignty in relation to frontiers, immigration and asylum policy. It was a concern shared by the Conservative party and the HoL also expressed relief that national control over these matters had not been ceded to the EU at the expense of being an active European partner (HL Deb 16 June 1997 c1254). In a Lords debate about the Amsterdam meeting, Labour peer Lord Jenkins of Hillhead praised Blair's efforts, saying that:

> "*Britain has moved from being the problem of Europe to perhaps offering at least a part of the solution*, at the same time showing how relatively easy it is with a little good will to achieve quite a lot of what are thought to be Britain's special interests, some of which I am more enthusiastic about than others. *The contrast with the previous Government's ineffective mixture of braggadocio, humiliating retreat and maximum ill will could hardly be greater*." (emphasis added, HL Deb 16 June 1997, c1250)

He further attacked the Conservative party, describing it as "a party which handled the European issue in such a way as to wreck Britain's influence in Europe and at the same time nearly destroy itself was a remarkable feat which might have been expected to produce a little humility." (emphasis added, HL Deb 18 June 1997, c1250). Thus through this historical passage, one can infer that the framing of sovereignty and the Labour party's competency in leading the UK in EU, influenced the manner in which the executive approached the debate not only about the FRD but also the LTR. In the next chapter, our attention will now turn to the LTR. The chapter will end with a brief summary of both of the Directives.

Chapter 6: Empirical Evidence - LTR

Following the same pattern as the previous chapter (outline of the Directive, historical reconstruction and a dissection of the decision of the Directive), this section will focus on the LTR. At the end of the chapter, there will be a brief summary of both Directives. The section closes with Figure 1 which illustrates a time line of key events for both Directives.

LONG-TERM RESIDENTS DIRECTIVE

Similar to the FRD, access to permanent residence conforms to the tier system. Tier 1 migrants (highly skilled) are encouraged to settle in the UK and can acquire permanent residency or citizenship after five years. On the opposite end of the spectrum, low-skilled migrants are given a period of stay between 12 - 24 months, after which they must return to their country of origin. It is worth noting that with low-skilled workers, their temporal status is emphasised while high skilled migrants are incentivised to stay in the UK (Boswell, 2008). UK law does not permit long term TCN's who are resident in other Member States the right to work as employed or self-employed persons in the UK. The Directive, with its proposal to grant these rights after five years residency, is less generous than the UK requirement of four years continuous residency. The UK law also allows for more discretion in regards to absences when a link to the UK can be proved whereas the Directive specifically states an absence of six months or more as a violation to continuous residency.

The aim of the LTR aims to ensure that Member States must recognise the long-term resident status of all non-EU nationals after five continuous years of legal residency (EU, 2011b). The objective of the Directive is to create equal treatment of TCN's throughout the Union, but like the FRD, it allows a degree of discretion for Member States to impose further integration measures (such as language requirements) where they deem it necessary and appropriate. The Directive aims to ensure that those who receive long-term resident status will enjoy equal treatment as nationals with regard to employment rights, welfare and social benefits, education and health services, and freedom of movement (EU, 2011b). It is part of the EU's drive to ensure common standards across Member States. Having said that, a pre-Tampere press conference organised by Germany, France and the UK stated that "foreigners have responsibilities as well as rights and that they have in particular the obligation to respect and to share the laws which exist in Europe both in private life (personal rights) and in social life. In this regard, common procedures for withdrawal of residence permits and for expulsion, where there

is a threat to public order and security, should be sought by the European Union." (Statewatch, 1999) It can be seen that from an 'EU' front, the worthy good intentions of the language of common standards is undermined by three of the biggest Member States asserting their concerns about security. This quote does serve to reiterate the importance that the UK government placed on security in relation to the matter of migration and asylum.

DISCOURSE - LONG-TERM RESIDENTS DIRECTIVE

Following Amsterdam, the next significant event which would trigger debate about immigration and asylum would be the Tampere Council Meeting which convened on 14 to 16 October 1999. One of the pressing topics was the extension of rights to TCN's to bring them in line with the rights of EU citizens. Blair said in his statement to the Commons:

> "All EU countries are now committed to providing equal access to education, healthcare and other benefits, *as we already do for long term residents in the United Kingdom.*" (emphasis added, HC Deb 19 October 1999, c253)

By emphasising that the UK already provides TCN's with the rights that were proposed in Tampere, Blair implicitly reinforces the idea of British exceptionalism and hints that it is the rest of Europe that needs to play catch up. With reference to the larger agenda of common standards, Blair further asserted that:

> "What we favour is the adoption of some common procedure, and the introduction of proper minimum standards; but as a result of what we negotiated at Amsterdam, we retain integrity over *our own borders*." (emphasis added, HC Deb 19 October 1999, c264)

From the above quotes, we can witness the emergence of a discourse that focuses on sovereignty and British exceptionalism that continues through to the discussion of the LTR. The EM of the LTR stated that "the UK would probably have to allow a long-term resident from another Member State to enter and remain" (Home Office, 2001). In the Select Committee on European Scrutiny report, the executive's position was that the Directive would "prejudice the maintenance of our national *immigration controls*" (emphasis added, 18 July 2001, HC 152-i: para 6.9). The EM raised further concerns about the logistics of consolidating the Directive's proposals with UK border control, pointing out that "questions would arise as to whether the UK could continue to subject to *immigration control* someone who had achieved

long-term resident status in the UK, who was re-entering the UK from another Member State" (emphasis added, 18 July 2001, HC 152-i: para 6.10). The FRD also posed the challenge for UK immigration control in that "it does not include the UK's requirements for entry clearance of accommodation" (18 July 2001, HC 152-i: para 6.9).

In a European Standing Committee debate about the possibility of opting into the two Directives, Immigration Minister Barbara Roche expressed the executive's position: "We are committed to maintaining the opt out secured at Amsterdam...*we reserve the right to decide* whether to opt in. Our primary consideration is the maintenance of our *border controls*." (emphasis added, EU Standing Committee, 2001) A Labour member of the committee, Kelvin Hopkins MP, agreed with Roche, remarking: "Great Britain should maintain its own immigration policies given, for example, its *distinctive* labour market and birth-rate." (2001)

Roche replied: "because of the UK's unique history and geography, it takes a distinctive position with regard to border controls, which is why we strongly believe that that is an imperative matter." and she ended the Committee meeting by reaffirming the executive's position on TCN's (both in the sense of long term residents and family reunification) "Matters that involve the status of third party nationals are intimately bound up with the opt-out that the Prime Minister secured at Amsterdam. Our position is clear cut." (EU Standing Committee, 2001). It would therefore appear that the argument of national decision making sovereignty around the Amsterdam Council Meeting continues to hold ground for the executive as it debate the LTR.

When the LTR and its EM were considered by the HoC Select Committee on European Scrutiny, one of the concluding points of the report stated and raised the following question:

> "We are surprised to see no reference to consultation with industry about this proposal. We draw the Minister's attention to the potential benefits to employers in relation to recruitment and transfer of staff from other Member States, and ask whether she agrees that there would advantages for the UK in this fuller realisation of the internal market." (18 July 2001, HC 152-i: para 6.15)

In response to this, the Minister Angela Eagle (who replaced Barbara Roche in 2001) reiterated the government's stance in "ensuring that the United Kingdom is competitive in the global economy" and further wrote:

> "An individual's decision to migrate to the United Kingdom, or for that matter any other country, is highly complex and involves many factors; any restrictions on movement throughout the European Union will probably for a minor part of that decision. Economic opportunity, family or community ties and the English language are arguably far greater factors in choosing the United Kingdom as a base in Europe...Many high skilled individuals - such as those briefly seconded to a multi-national's UK office - only spend a short time in the United Kingdom as part of their global careers. They would not be considered as long term residents and would not be able to benefit from access to the single market as envisaged by this Directive" (Home Office, 2002)

The general tone of her argument is that the Directive does little, if anything, to contribute to existing UK legislation in regard to economic migration; she cites the government's 'Innovators' scheme which facilitates the movement of entrepreneurs to the UK (and was spearheaded by her predecessor Roche), and as the above illustrated, she argues that the proposed Directive will be of little benefit to short term high skilled workers. In the same letter, Eagle makes explicit reference to the EU and places the emphasis on other Member States to ensure a visa system that is "clear, transparent and quick" so that those legally residing in the UK can enter the Schengen area.

This claim that the Directive will be of little benefit is furthered in a House of Lords debate which took place on the 23 July 2001, five days before the deadline of opting in. When asked if there had been any lobbying from businesses such as the Engineering Employers Federation or employers of medical professionals (i.e. highly skilled sectors), the answer from Labour peer Lord Rooker stated that there had been no intensive lobbying from employer's organisations and that only "a very limited group of people in this country will benefit from the Directive" (HL Deb 23rd July 2001, c1668).

In the above quote, the framing of economic migration to which the executive alludes is evident from the beginning of the Labour administration. The Labour party had a consistent rhetoric about creating and sustaining economic growth; unemployment was a pressing issue not only in the UK but also

elsewhere in the EU. Early HoC debates centred on the desire to create a flexible labour market and the need to increase skills in the labour market. This ambition was reflected in Labour education policy - one of the 1997 Labour election campaign mantras was 'Education, education, education' - and training policies such as the government's flagship Welfare to Work scheme which aimed to get the long term unemployed back into work (HC Deb 19 December 1997). Thus there was an emphasis on economic growth, improving skills and education, and providing training. In other continental European countries, for example, Germany and its 'guest workers' system, immigration played an explicit role in employment policy and industrial growth.

This was not the case in the UK whose attitude to immigration was one of postcolonial obligation borne from its large legacy of Empire and Commonwealth (Joppke, 1999), which was accepted for political and moral purposes such as family reunification and asylum. Historically these had been the largest migration flows to the UK and were combated with the UK's traditionally highly restrictive 'zero-immigration' policy (Joppke, 1999). Additionally, the UK is different from say, the United States where immigration has been crucial to the nation's founding myth (Joppke, 1999). All this would change as in the mid to late 1990's; the UK became one of the most popular destinations for asylum seekers (Green, 2007). At this point in the discourse, economic migration and the framing of immigration as such had not yet entered the fray, but there was talk about creating (EU wide) 'flexible labour markets'.

Labour's desire to move towards a flexible labour market was echoed by the Conservative opposition, in Commons debate on 20 May 1997 while the Labour Chancellor laid out his economic plans for the Labour administration, Conservative MP Kenneth Clarke asserted that:

> "The biggest problem on the continent is unemployment and, as long as we have 1.6 million unemployed, jobs should be at the centre of our debates...the main reason for unemployment remaining so high on the *continent*, even when the economies achieve growth, is that European countries do not have *the flexible labour market* of this country. At the moment, *Government after Government on the continent are insisting on moving towards flexible labour markets*." (emphasis added, HC Deb 20 May 1997, c535)

This desire for a flexible labour market is evidenced by the government's position going into the Helsinki Council Meeting in December 1999 (two months after the Tampere meeting where it was agreed that

the EU would work towards a common framework in asylum matters). In the run up to this, Foreign Secretary Robin Cook mentioned:

> "We expect Helsinki to update the employment guidelines and to adopt a paper on the information society in *Europe*, both of which measures serve Britain's priority in developing a *skilled*, flexible labour force and a knowledge-driven industry" (emphasis added, HC Deb 1 December 1999, c314).

After both Tampere and Helsinki, the debate surrounding immigration gradually became economic in nature, namely that the government were interested in attracted high skilled workers in order to combat a skills shortage in the UK; the discourse explicitly converged in Minister of State for Asylum and Immigration Barbara Roche's keynote speech.

On 11 September 2000, Roche delivered a speech at the Institute of Public Policy Research (IPPR) which called for a renewed discussion on immigration policy. The IPPR are a left-leaning think tank who advocated the many positive economic benefits of immigration (Consterdine & Hampshire, 2014). In fact, a review of Labour's immigration of policy was conducted by the economist Jonathan Portes (Consterdine & Hampshire, 2014: 290). Two types of non-governmental actors were involved in Labour's new immigration policy. The first group were think tanks. The second category were interest groups that comprised of employee and employer associations who strongly supported, and lobbied for the liberalisation of immigration policy in light of labour and skills shortage in sectors such as finance and IT (2014). Roche's opening statement was that UK "immigration policy must protect and promote our national interest, both economically and socially." Roche further cited the benefits of "economically driven migration" which is ever more pertinent as the UK was "seeing the emergence of labour shortages in key areas of the economy". She argued that immigration policy must be able to respond to the needs of *business* and extended an invitation of consultation to "members of the *business* community".   The speech concludes with the assertion that the UK "must have effective immigration controls [which is]...a *firm, fair* and credible asylum system which honours our international obligations and which cannot be exploited by the *racketeers*." (emphasis added, Roche, 2000)

Statistically, this desire to attract high skilled workers is reflected in the number of work permits that were issued under Blair's premiership, the total amount of permits more than doubled from the

previous Conservative government. 62, 795 work permits were issued in 1997, in 2001 this had increased to 108, 825 (Wagner, 2012). At the same time, the UK was experiencing a period of strong economic growth which was coupled with a labour and skills shortage (Consterdine and Hampshire, 2014). Immigration policy of this same period included a relaxation of work permit criteria, new migrant worker schemes were launched. Official OECD figures for the period 1997-2005 placed the number of foreign nationals that stayed in the UK for longer than a year at 3.4 million (Boswell, 2008), of which the largest migration flow came from other EU States (Consterdine & Hampshire, 2014). Some have argued that this moment in British immigration represents a 'critical juncture' whereby the UK became a country of net immigration where it had previously been a nation of net emigration (2014). The government acknowledged that "overall, migrants had a net positive impact on the UK in 1999 of around £2.5 billion" (HL Deb 23 July 2001, c1706). Therefore, the executive's preference for economic growth gradually fed into an immigration debate and Roche's speech was seminal in a change in tact from the Labour government and the UK's approach to economic migration. This inclination for a flexible labour market that could respond to the needs of business and the economy was not without contradiction: there is an inherent tension between the maintenance of national immigration controls and flexible labour markets.

The House of Lords were strongly in favour of the government opting into the Directive, they had the view that "labour migration must fit with wider employment policy" (HL Deb 23 July 2001, c1711). But again, the dichotomy of immigration and economic migration appears to be irreconcilable with the government's insistence on the primacy of UK border controls. The House of Lords published a report in which they believed that "immigration policy should be framed so as to allow businesses to meet their legitimate recruitment needs quickly and efficiently" (HL Deb 23 July 2001, c1707). They further argued that the Title IV opt out which Blair proudly touted as an ability to choose on a 'case by case basis' into which Directives the UK could opt, meant that the UK's participation in the EU framework is "rather lop-sided" - the HoL were critical of the UK's tendency to opt into policing measure designed to combat illegal immigration but not to those which are more positive and ensured rights of TCN's - and this has the effect of "making the UK less rather than more attractive to the highly skilled and enterprising immigrants we need" (HL Deb 23 July 2001, c1708).

Additionally, the HoL raise an interesting point about the economic and social implications of immigration policy. The new economic migration agenda entailed the involvement of more

economically oriented ministries such as the Treasury, the Department for Work and Pensions, and the Department for Business, Enterprise and Regulatory Reform (Boswell, 2008). Therefore "the increased role of businesses in immigration policy formulation represented a departure in the UK, where historically the HO's 'law and order' framing had predominated" (Consterdine & Hampshire, 2014:288) but this did not completely break the HO's dominance of immigration policy. In explicit reference to the Family Reunification Directive, the HoL argued that it makes sense to opt in based upon its social benefits:

> "It is the Home Office which finds itself having to wield the interests of the economy and the labour market rather than one of the economic departments...Is not immigration policy an *economic* policy with *social* implications? And if economic policy should mould immigration policy, surely social policy should determine the Government's attitude to the family reunification directive. Is it socially wholesome, let alone just, to prevent people who are domiciled here from having their nearest family with them?" (emphasis added, HL Deb 23 July 2001, c1711)

The aforementioned involvement of other government departments in immigration policy is especially relevant in the context of the Long Term Residents Directive. In the government's explanatory memorandum (EM), it explains that the Long Term residents Directive will mean providing TCN's with "access to employment and self-employed activity; education and vocational training; the recognition of qualifications; social protection including health care; social assistance; social and tax benefits; access to goods and services, including housing; freedom of association, affiliation and membership of worker's or employer's organisations; and free access to the Member State's territory" as such, it is of concern for departments other than the Home Office who has primacy on immigration matters. The EM states that the Directive may be relevant to the Secretaries of State for Work and Pensions, Health, Trade and Industry, Education and Skills, Foreign and Commonwealth Affairs. The Directive therefore has implications for the economy, welfare state and social cohesion (Home Office, 2001).

When pushed on the point of skills shortages in the HoL debate by Baroness Greengross a crossbench peer (which has no affiliation with any political party) who asked "does the Minister agree that the UK is experiencing a shortage of low skilled labour and...Does the Minister accept that opting into the Directive would provide the UK with an accessible pool of labour, which it badly needs?" (HL Deb 23 July

2001, c1668). Lord Rooker answered that that would not be justification alone for opting in, and that the Government's stance is one that is opposed to the extension of the right of freedom of movement simply because "we in this country insist on maintaining the right to decide who is resident here." (HL Deb 23 July 2001, c1669)

The topic of asylum was one that frequently appeared in both House debates. In the House of Lords, questions were asked about the costs of supporting, detaining, and processing of asylum seekers. From the beginning of the Blair administration in May and up until the start of his second term in 2001, the topic of 'asylum' was raised on ninety seven separate occasions either in the form of an oral debate or in a written question. During the same period, there were only thirty one occasions when 'asylum' was raised in the House of Commons, although the debates are more extensive than the questioning and scrutiny of the House of Lords.

The problem of the cost of asylum to the UK would be reflected in the executive's use of language in reference to the Long Term Residents Directive, an EM explained that "the draft Directive would give those long-term resident third-country nationals, who were resident in the UK for a limited period, wider access to benefits." (18 July 2001, HC 152-i: para 6.9). Although the executive's official position in relation to the Welfare aspect is not explicitly stated, the fact that this was highlighted as an implication suggests that this was an area of concern. Given the debate about asylum in both Houses, and the heightened media attention paid to asylum seekers crossing the Channel Tunnel, the issue of access to welfare appears to be one that is sensitive for the government.

The HoL urged the need to have a 'rational' debate and blamed the negative portrayal of asylum seekers by the media who "have all too often portrayed asylum seekers as bogus spongers, and that has cast a negative light over all immigrants. It is no wonder that the British Government are determined to keep control of their own frontiers." (HL Deb 23 July 2001, c1717)

In a House of Lords' report, after the decision had been taken not to opt into the Long Term Residents Directive, the peers raised the question of the UK's non participation by expressing their concern about how this would affect the UK's ability to exert influence, the report states:

"we find it hard to believe that other Member States will be particularly impressed by UK efforts to 'ensure that our colleagues in Europe have clear, transparent and quick visa procedures to allow those residing in the United Kingdom to enter the Schengen area.'" (Select Committee EU Scrutiny, 2002 para: 1.21)

In a European Standing Committee, Barbara Roche said of the UK position regarding the two Directives:

"By virtue of our protocol to that treaty, the United Kingdom can choose on a case-by-case basis whether to opt in to each element. In May 1999, my right hon. Friend the Home Secretary announced our policy of opting into those elements that did not interfere with the maintenance of our *border controls*. The UK is playing an *active* part in negotiations on asylum and good progress is being made." (emphasis added, EU Standing Committee, 2001b)

The HoL were wary that the UK's pick and mix approach to EU directives could have a negative impact on the UK's influence and position in the EU, they urged the executive that "the UK is on the back foot in getting its view to prevail in Brussels because it is half in, half out of the common policies on immigration, asylum and borders...weaken the *UK's influence* on the overall debate." (emphasis added, HL Deb 1 November 2002, c435)

The HoL hosted a debate about a wide ranging report about the government's approach to Immigration Policy produced by the European Union Committee. The report stated in reference to the UK's opt out of Title IV that:

"It appears that the Government contemplate using this protocol to opt into policing measures designed to combine illegal immigration, but do not envisage opting into more positive measures that might have an impact on the admissions policy of the UK or border controls...In short, the sub-committee has not been and is not convinced that the policy of the UK to retain independent border controls is likely to be effective or that it represents the best use of resources" (HL Deb 23 July 2001, cc1708-1709).

While the HoL were largely sceptical of the executive's selective approach to EU immigration and asylum measures and urged the government to take a different tact, this did not deter from the final decision of not opting into the two Directives.

Summary of both Directives

Both Directives would have legal and policy making implications for the UK executive and would challenge how the UK traditionally viewed immigration policy, and the role of the EU within that domain. From this reconstructed narrative which outlines the wider debate which leads to the discussion of the two Directives, it can be witnessed that different frames emerged at different times and varied in their dominance. In the chapter that proceeds, the significance of this evidence will be analysed. We shall break the reconstructed narrative into the four proposed hypotheses and determine which hypothesis, if any, is most adequate in explaining why the UK chose not to opt into the two Directives.

.

```
┌─────────────────────────────────────────────┐
│  2nd May 1997 - Labour wins the General       │
│  Election                                     │
└─────────────────────────────────────────────┘
                     ↓
┌─────────────────────────────────────────────┐
│  16th - 17th June 1997 - Amsterdam Council    │
│  Meeting                                      │
└─────────────────────────────────────────────┘
                     ↓
┌─────────────────────────────────────────────┐
│  14th - 16th October 1999 - Tampere Council   │
│  Meeting                                      │
└─────────────────────────────────────────────┘
                     ↓
┌─────────────────────────────────────────────┐
│  11th November 1999 - UK passes Immigration   │
│  and Asylum Act 1999                          │
└─────────────────────────────────────────────┘
                     ↓
┌─────────────────────────────────────────────┐
│  1st December 1999 - FRD Proposal             │
└─────────────────────────────────────────────┘
                     ↓
┌─────────────────────────────────────────────┐
│  10th - 11th December 1999 - Helsinki Council │
│  Meeting                                      │
└─────────────────────────────────────────────┘
                     ↓
┌─────────────────────────────────────────────┐
│  1st March 2001 - LTR Proposal                │
└─────────────────────────────────────────────┘
                     ↓
┌─────────────────────────────────────────────┐
│  7th June 2001 - UK General Election (Labour  │
│  wins second term)                            │
└─────────────────────────────────────────────┘
                     ↓
┌─────────────────────────────────────────────┐
│  February 2002 - Labour makes proposals for   │
│  the Nationality, Immigration and Asylum Bill │
└─────────────────────────────────────────────┘
                     ↓
┌─────────────────────────────────────────────┐
│  22nd September 2003 - FRD Passed             │
└─────────────────────────────────────────────┘
                     ↓
┌─────────────────────────────────────────────┐
│  25th November 2003 - LTR Passed             │
└─────────────────────────────────────────────┘
```

Figure 1.

Chapter 7: Analysis

In chapter 2, four hypotheses were presented which reflected the arguments that one expected to find in the discourse. Chapter 3 outlined a research design in which the methods of scanning Parliamentary documents in order to find evidence of the four frames were stated. Chapter 4 provided historical contexts and chapter 5 presented the empirical evidence in the form of narratives that constituted the discourse on the decision not to opt into the Directives. Here, in this chapter, we will use the evidence to analysis the adequacy of each hypothesis as an explanation of the decision. First of all, the results from the parliamentary documents coding are illustrated below.

Between the period of May 1997 to October 2003, a total of 153 HoL debates and 62 HoC debates which entailed a mention of a 'named' immigration category were scanned and then read for evidence of one or more frames according to the hypotheses. This can be witnessed in Table 2. In many incidences, a debate contained reference to more than one frame which explains the higher number of frames than documents/debates scanned.

Table 2.

		Debates with Mentions of 'Named' migration categories	H1	H2	H3	H4
	HoC	10	7	0	3	6
1997	HoL	34	8	0	22	4
	HoC	9	3	2	6	3
1998	HoL	66	13	8	47	11
	HoC	5	1	1	4	3
1999	HoL	18	3	5	16	4
	HoC	14	1	0	11	5
2000	HoL	13	0	4	11	0
	HoC	7	3	2	6	1
2001	HoL	13	0	5	12	1
	HoC	9	2	5	3	2
2002	HoL	6	4	4	6	1
	HoC	8	1	4	6	2
2003	HoL	3	3	2	3	1

Figures 1. and 2. illustrate the data in the table and explicitly reveals the emergence and dominance of frames across the research period.
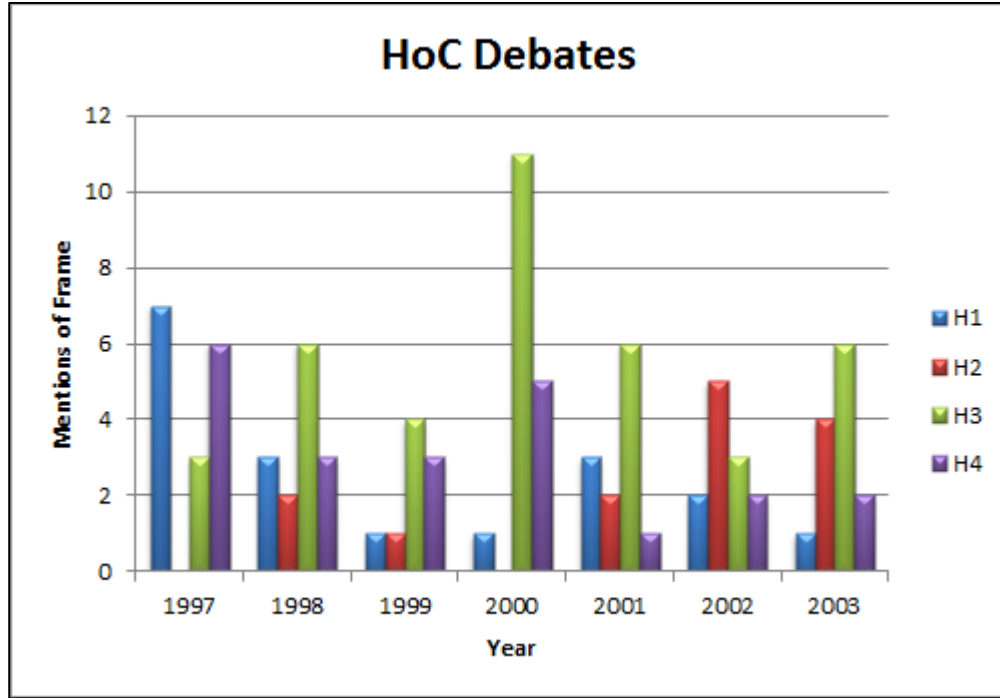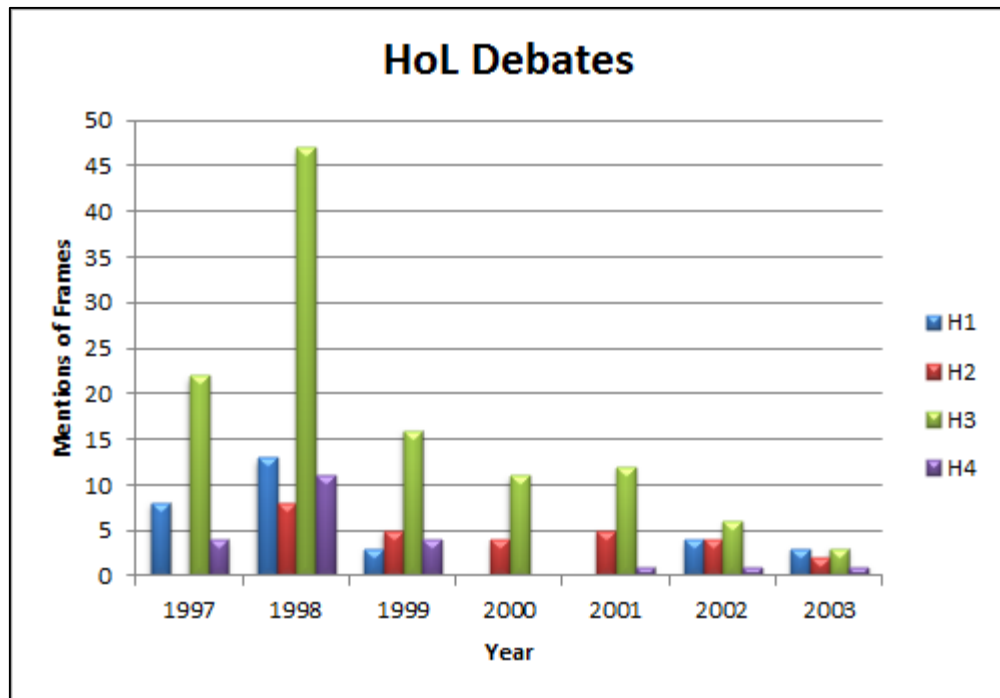
Figure 1.

Figure 2.

Parliamentary sovereignty in the UK has endured due to the historical and institutional set up of the UK. This hypothesis assumes that the executive pushed the narrative that the decision not to opt-into the Directives was motivated by preserving British decision making sovereignty. Thus in the coding, it was expected that the executive would 'name' the problem or challenges as 'immigration control' or 'border control' that was threatened by the EU. By consequence, the following features were expected to be highlighted: Parliamentary sovereignty; national sovereignty, UK decision/policy making authority, British exceptionalism, Amsterdam Treaty, and Title IV opt out. These features were highlighted by all three actors, which demonstrate it was clearly a universal concern.

In relation to the Long Term Residents Directive, while the government repeatedly emphasised their support for the principle of fair treatment for TCNs, the proposal to extend the right of freedom of movement to TCN's was seen as problematic by the government as it would mean ceding control to other Member States the UK right of deciding who enters; the Family Reunification Directive posed a similar dilemma. As highlighted in the empirical section, when speaking in reference to the Tampere proposals, Blair emphasised that the UK already had provisions for ensuring the rights of TCN's, thereby insisting that the UK was already at the forefront of promoting TCN rights while the rest of the EU needed to catch up. In reality, these rights were themselves a result of the European Convention of Human Rights which was incorporated in UK law via the Human Rights Act of 1998 under Blair's administration. The passing of this Act meant that British subjects, asylum seekers and immigrants were now afforded a degree of legal protection that was previously absent; it also brought the unique UK system closer to the European (and international) norm of 'democratic rule of law' (Whitehead, 2013:22). One could argue that this convergence with the EU could be seen as one example of Europeanisation.

Thus the issue appeared to be not solely parliamentary decision making sovereignty, but also the threat of the UK immigration control to decide who is allowed to enter the country. One could make the argument that the initial, pivotal decision to opt out entirely of the Title IV clause set the UK on a track that would follow the sovereignty arguments which dominated the discourse. Although Blair pushed the argument that the opt out allowed the UK to have a flexible approach to the EU immigration and

asylum framework, ensuring the 'best of both worlds' (Geddes, 2005) without surrendering decision making sovereignty or compromising UK border control. While Labour and the Conservatives agreed on very little, both were adamant that the UK should retain sovereignty over its borders, and therefore immigration policy. This discourse began after the Amsterdam Council meeting, and was most evident in Blair's language which he emphasised the continued ability of the UK to maintain control of its own immigration policies and border controls. Although the discourse then doesn't appear as frequently as other frames, the notion of sovereignty and border control which is shared by politicians of all political affiliations, maintains its saliency. In a committee meeting on 25 April 2001, the Minister of State, Home Office Barbara Roche underlined the government's position which is "to retain control of our immigration policy. We would not agree to measures that would undermine the integrity of our frontier controls." (EU Standing Committee, 2001).

In two separate Committee debates, the appearance of the "UK's unique history and geography" (EU Standing Committee, 2001) emphasises the government's view of UK exceptionalism. This is highlighted in Blair's insistence that Britain's interests are 'different'. This was said in 1997, but the government's message remains constant. In a Committee debate on 25 April 2001, the Minister of State, Home Office Barbara Roche stated that the UK "takes a *distinctive* position with a regard to border controls, which is why we strongly believe that that is an imperative matter" (emphasis added, EU Standing Committee, 2001). It should be noted that UK exceptionalism was an argument that was also stressed by non-executive actors, suggesting that this is a widespread perception in the UK political elite.

The narrative of maintaining decision making sovereignty forwarded by the executive was not challenged by the Conservative Party - both parties were equally concerned with maintaining sovereignty over UK frontiers and immigration policy. In 1997, mentions of the sovereign frame were more numerous than the other three; the fact that the Amsterdam Council meeting was held during this year may have been a contributing factor. From table 1, it can be witnessed that there were 7 debates in 1997 that made explicit reference to the sovereign frame. The debate was clearly structured in reference to the EU but the difference between the two parties was actor perception. The EU was perceived by the Conservative party to be more of a threat British Parliamentary sovereignty - parliamentary questions and attacks from the opposition were centred on gaining *reassurance* from the executive that UK decision making sovereignty had not been impeded. For the Conservatives, the EU became problematised as a 'threat' to sovereignty which subsequently became a prime asset in need of

'protection'. Labour, on the other hand, emphasised a more constructive and cooperative approach to the EU, insisting the success of the Amsterdam Treaty Title IV opt out meant that British sovereignty was secured. The executive's argument, especially from Blair and the senior ministers was that Britain and its national interests were better served by being an active player within the EU, but strictly on terms that were favourable for the UK. Both Directives posed a special problem of deterritorialization to the British government (Geddes, 2008); opting into the Directives would have challenged the traditional state power of admission. The Directives would be irreconcilable with the salience of UK borders and the strongly held idea that Britain is unique due to its island history. Thus the decision not to opt in signalled that whatever the circumstances, British and Parliamentary sovereignty in regard to immigration policy would always endure.

This wasn't a view that was shared by the House of Lords; although to an extent, there are the same intra party dynamics that mirror those of the Commons (Labour - Conservative); the HoL tends to act uniformly in supplying the best possible advice in terms of research and policy implications. The HoL were sceptical about the UK government's fixation on retaining sovereignty, citing they weren't 'convinced' that it was the best use of resources. In fact, it can be witnessed in Figure 2 that mentions of the sovereign frame in 1997 were fewer than the negative social framing of TCNs, this implies that the HoL were more concerned with the costs and implications of immigration and asylum seekers and less so (in relation to the HoC) with national sovereignty. This was not the view of the executive who ultimately made the decision. The deadline for a decision whether or not to opt was the 28 July 2001, and in a HoL debate a few days before the government had announced an official decision, Liberal Democrat peer Lord Lester of Herne Hill asked in a straightforward manner: "My lords, what are the benefits and burdens of deciding to opt in to the Directive?" (HL Deb 28 July 2001, c1669) to which the Minister of State for Asylum and Immigration answered "we in this country insist on maintaining the right to decide who is resident here." (HL Deb 28 July 2001, c1669)

HYPOTHESIS TWO: THE UK DIDN'T OPT INTO THE TWO DIRECTIVES BECAUSE OF AN ECONOMIC FRAMING BASED ON A RATIONAL COST-BENEFIT ANALYSIS OF THE IMMIGRATION DEBATE.

The second hypothesis suggests that as the executive wanted to portray the benefits of economic migration, thus one expected the following forms of migration to be 'named': 'economic migration', 'high skilled migrants', 'managed migration'. Consequently, one expected that aspects of the UK

economy would be selected and emphasised in the frame; these aspects were predicted to be highlighted in the discourse: economic or business needs, UK economic performance, economic contribution of migration, labour and skills shortages, growing sectors, the use of statistics, the need for a 'rational' debate, and the importance of developing a 'flexible labour market'. It was predicted that the EU would be seen as an opportunity structure in attaining the economic goals of the government.

Labour's 'hyperactivity' (Consterdine & Hampshire, 2014:277) about immigration was a marked distinction from governments in the past, and around 2000 and 2001, the subject of immigration reform had been broached by a few key Labour politicians. This was most evident in Immigration Minister Barbara Roche's speech delivered at the Institute of Public Policy Research. In the speech, Roche makes ten references to the 'economy' or 'economic'. It is notable that Roche also makes five references to 'global' and 'international' in reference to Britain's economy. This plays into the Labour government's regional EU outlook (and the desire to be seen as a constructive player in the EU) and also further globally. This economic frame therefore also furnishes the political framing of the Labour party leadership as a competent player and pace setter in the EU.

This speech reflects a number of themes that later emerge in the larger discussion about immigration. Firstly there was the growing debate about a shortage of skills that was happening in the UK, a concern to stimulate sustainable economic growth, and also the Europe-wide trend of deregulation and increasing the flexibility of labour markets. These were all themes that seeped into Parliamentary debates; the rhetoric of ensuring "a skilled, adaptable labour force and increased flexibility and adaptability in the labour market…thereby raising the sustainable level of employment in Britain and Europe" (HC Deb 15 January 1998, c474), demonstrates that there was a discourse that tied UK economic growth with the EU. From the regional and international dimension of Roche's speech and the prominence of the EU in regard to economic policy in general Parliament debates, one could argue that this is an example of the Europeanisation of the discourse whereby as hypothesised, the EU is seen as an opportunity structure. This is also reflected in the Conservative MP Kenneth Clark pointing out other European governments and suggesting that the UK take a similar route in labour market liberalisation.

As evidenced in the empirical section, the Labour Party pushed the agenda of creating jobs, improving skills, and improving the UK economy from the very beginning of their first term in government. The

language of labour markets prior to the Tampere Council meeting still did not involve migration, but after the Helsinki Council Meeting, the discourse between immigration and the need to address the shortage of skills in the UK began to converge. This was most evident in immigration minister Roche's seminal immigration policy speech which signified a distinct change of tone in the government's perception to immigration policy. Gradually the discourse began to be infiltrated by mentions of reports and statistical data that were used to justify the executive's argument that economic migration is of benefit to the UK. According to Table 2, this frame only gained prominence in 2002, when there were five debates that made reference to the benefits of economic migration. It is also useful to point out that in the previous year 2001; there were five mentions of this frame, possible due to Roche's speech. However in 1998, there were 8 mentions of this frame in the HoL, this could be due to the fact that the HoL was concerned with asylum and migration matters as evidenced by the number of mentions of the social frame (this will be elaborated upon later) but were at lengths to demarcate the different categories of migrants, as such 'economic migrants' emerged as a topic but not necessarily as a frame.

The executive's emphasis on economic migration implied a desire to control migration, with migrant selection being a primary concern; it appeared 'rational' to allow those with desperately needed skills to come and work in the UK. Therefore the two Directives, which emphasised TCN rights and wellbeing with seemingly few direct benefits to the economy or labour market, didn't fit the executive's rational framing. There was also the further implication of having to accept TCN's that had been subject to another Member State's immigration control did not fit the executive's framing of controlling migration for an economic purpose. This final point can arguably be related to the first framing of sovereignty: the ability to control and select migrants is intricately tied with the sovereign notion of a state holding the ultimate power in deciding who has access to the state and its labour market.

Roche's insistence of a 'firm' and 'fair' asylum system is one that almost becomes a mantra for the Labour party. In later debates and discussions, immigration policy is always spoken in such terms of being 'firm' and 'fair' and 'rational'. The government's rhetoric on immigration matters suggests a desire to project a tough stance on those migrants that are seen as problematic, namely those that are illegal and are of no perceivable economic benefit to the UK economy. With the use of this language, it can be argued that there is an overlap between the economic and social framing; indeed both frames almost coincide in timing in their dominance in parliamentary discourse. The final theme in Roche's speech, which is somewhat more implicit in her single mention, is the concern of illegal immigration in

her mention of 'racketeers'. The use of 'racketeers' further suggests that there is an overlap with social framing. In fact, with the empirical evidence, the HoL appeared to stress the important link between social and economic policy, this is most evident in the question: "Is not immigration policy an *economic* policy with *social* implications?" This question demonstrates how immigration policy is always intrinsically tied with other issues. Where H2 differs from H1 is timescale, the economic framing process didn't fully emerge as an immigration frame until the year 2000 onwards whereas the framing of sovereignty had always been consistent since the beginning of the Blair administration and throughout subsequent debate about immigration policy and EU migration measures.

HYPOTHESIS THREE: THE UK DIDN'T OPT INTO THE TWO DIRECTIVES BECAUSE OF A NEGATIVE SOCIAL FRAMING OF TCN IMMIGRATION.

The third hypothesis implies that there was a negative social framing around TCN migration that had negative social costs and consequences for the welfare state. It was expected that the executive would name the following aspects of migration: 'asylum seekers', 'illegal immigration', 'refugees', and the dichotomous categorisation of 'bogus' and 'genuine'. Subsequently, the following features of immigration and asylum were expected to be accentuated: Welfare burden, social costs (burden on health & education system, housing, detention), crime, abuse of the UK asylum system, and integration problems. The EU was predicted to be seen as a threat as the Directives represented increased rights for TCNs.

Asylum was a topic that featured heavily in both House debates. Table 2 illustrates that incidences of the named categories associated with this hypothesis greatly exceeded the amount for the other hypotheses. At its peak, there were 47 mentions in the HoL in 1998, compared to 6 in the HoC in the same year. In the Commons, the question of asylum seeker numbers was often raised to keep the government in check; it was also debated because of the legislative measures that were introduced by Labour. Parallel to the Commons debates, the Lord's questions centred on costs of detention, housing and processing. One must also remember that there was a huge asylum back log left from the previous Conservative government. While 'immigration' wasn't an important election topic in 1997 and did not feature in the Labour manifesto, it can be seen from the empirical evidence that this did not deter politicians from discussing the issue. It is clear from the evidence in both HoC and HoL debates that the topic of 'immigration' and 'asylum' was a constant during the whole period of research. This suggests

that other frames took the limelight while the matter continued to rumble on until it reached a 'critical juncture'. That juncture would be the year 2000 in the run up to the 2001 election which ran in tandem with frantic negative media attention to the Sangatte asylum centre was at its most heightened. Thus the negative framing in the parliamentary discourse not only constituted the public discourse, but was also affected by it. Similar to the process of economic framing, the urgency of this negative social frame did not appear until a few years into the Blair administration, although the rhetoric of a 'fairer, faster and firmer' immigration policy was present from the start.

The executive's repeated use of the phrase (and variants of the phrase) 'fairer, faster and firmer' was at times echoed by the Opposition party suggesting that this is was an issue that both parties wanted to address. The Labour Party were consistent with this stance on immigration policy, alongside this the contrasting pairing of 'bogus' and 'genuine' asylum seekers. The use of the word 'fair' implies that the previous asylum system was unfair and therefore needed to be fixed. It also implies that the system was ripe for abuse by those who were not 'genuine' asylum seekers and therefore this 'unfairness' needed to be rectified. 'Fair' further suggests normative criteria against which border authorities could measure and admit migrants into the UK. What the executive meant by 'fair' was never explicitly explained, it is entirely subjective, but the use of this terms implies an alluding to a British sense of 'fairness'. 'Firm' implies a strong and tough stance on admission, the use of words such as 'fair' and 'firm' suggests that immigration and asylum were manageable factors that could be determined by the government who were firmly in control.

As immigration minister Roche argued, the Family Reunification Directive undermined UK marriage rules. She uses the word 'abuse' to reflect the perception the system was ripe for perversion and therefore feeding into the framing of an immigration and asylum system that was prone to abuse and needed to be rectified. On the other hand, the LTD would undermine control as evidenced in the concern expressed over the extension of the right to freedom of movement. Both Directives would have implications for the welfare state in allowing TCNs wider access to benefits and the issue of welfare was one that was salient for the government, especially in the context of media attention that was heavily focused on the 'soft-touch' of the UK. This welfare abuse concern was reflected in the 1999 Immigration and Asylum bill whereby asylum seekers would be issued with vouchers instead of receiving cash benefits.

With the strong media pressure on asylum, there was the perception that the government had lost control over the asylum system. Although factually speaking this wasn't the case - asylum seeker numbers had decreased (Schuster, 2003) but it could be argued that the decision not to opt in was a gesture in order to demonstrate that the government was firmly in 'control'. 'Control' in the sense of immigration and asylum numbers; 'control' in their ability to navigate the UK within EU and even take a leading role that suits the national interest; 'control' of access to welfare and perhaps most importantly as demonstrated by the empirical evidence, 'control' of UK borders and frontier control. One could argue that the decision not to opt in was due to a desire to project a sense of control and that everything was in line with their 'fairer, faster and firmer' immigration policies. Given the negative framing of asylum seekers in the early 2000's, the choice not to opt in was partly due to the perception of the EU as a threat to the executive's control of third country migration.

HYPOTHESIS FOUR: THE UK DIDN'T OPT INTO THE TWO DIRECTIVES BECAUSE OF A POLITICAL FRAMING OF THE LABOUR PARTY TAKING AN ACTIVE AND LEADING ROLE IN THE EU.

This hypothesis suggested that the executive wanted to portray the Labour as a party which could act in Britain's interests on the EU stage. It was therefore predicted that the following aspects of migration would be named: 'asylum seekers'; 'illegal immigration'; refugees'. It was predicted that the executive would push the frame that the EU could be seen as an opportunity structure in tackling the aforementioned named issues. It was then hypothesised that the executive would the following features in the discourse: UK as active or constructive player in EU; British influence in EU, public or national interest; Failure of previous immigration policy and the Conservative government; Britain's place in the EU.

The discourse was also more pertinent at the beginning of Blair's first term because of the proximity of the Amsterdam Council meeting when leadership and active participation in EU matters took precedent. As one can see in Table 2 in 1997, there were 6 mentions of H4 compared to 0 mentions of H2 and only 3 of H3. It is also noteworthy to see how there is another peak in the mentions of this frame in 2000 (the year before a General Election) where there were 5 mentions of this frame. At these points, the this frame was heightened because of the marked difference in EU interaction between the new Labour government and the previous Conservative administration, which according to Labour had left the UK 'isolated', 'marginalised' and lacking 'influence'. This framing also made a significant appearance during

debates in the run up and aftermath of the Tampere Council meeting, but the incidences in 2001 (an election year) thereby confound the expectation that this is solely an EU related frame unlike H2 and H3. It is also of note that this frame diminished as H2 and H3 became more dominant, suggesting a shift in agenda on part of the executive. It appears that the political frame had domestic saliency and wasn't exclusively evident in EU only debates. With the negative media attention surrounding the Sangatte asylum centre, it would suggest that the public were made increasingly aware the 'issue' of asylum and the role of the EU within the 'problem'. It seems that both the Labour and Conservative parties used this frame to earn political capital in the run up to an election.

However, in the debate and scrutiny of the two Directives, this frame wasn't as prominent as the others. The main areas of concern appear to be 'border' and 'frontier' control. The mentions of these terms in the same sentences as UK influence suggest that there is a close link between political power and sovereign power. Thus there is an overlap with H1 and the political framing of H4. The hypothesis was centred on the executive framing itself as an effective leader in the EU; being a 'leader' suggests a capacity to make decisions. In the context of the immigration policy, the ability to control borders is thus an indication of decision making and leadership.

Although the framing of the EU was one of an opportunity structure, one could infer that the reason for not opting into the Directives were symbolic because it would demonstrate how the Labour party were positioning the UK as a an active partner in the EU but one who would hold the ultimate say; the decision not to opt in demonstrates that the Labour were actively engaged in the EU but decidedly on their terms. Empirically, one can conclude that this framing is not particularly strong in the decision of the Directives, it blended with H1 and from previous analysis sections, and other frames hold more sway in the perception of the migration issues and solutions on hand. One has to bear in mind that Wednesday debates, also known as Prime Minister's Questions (PMQs), are televised and broadcast live on radio in the UK, the rhetoric of Labour's leadership in a high politics area such as the EU could have been utilised for political point scoring and the desire to project a strong, positive public opinion of the Labour Government and maybe Blair in particular.

SUMMARY - CROSS-CASE COMPARISON.

It would appear from the evidence that has been collated and presented in chapter 5, a multitude of frames played there parts in constituting the decision of the Directives. The language of sovereignty was

evident in the discourse of both Directives. The period 1999-2001 saw the heightening of a negative social framing in the HoC (see Figure 1) while the arguments for economic migration, which began as an economic discourse to improve the UK labour market in earlier years, entered the discourse with politicians emphasising the benefits of economic migration. This framing of economic migration was explicitly used in the discussion of the LTR with the executive pursing the line that the UK already had sufficient provisions for high-skilled migrants.

On the other hand, the negative social framing played a large part in the discourse about the FRD, where concerns about 'abuse' were raised. This negative framing was also utilised in the discussion about the LTR in relation to TCN's access to welfare. Thus we can draw the tentative sub-conclusion that the frames had varying degrees of effect in the decision each Directive. The extent of applicability of the hypotheses will now be examined in the final chapter where one will attempt to draw some conclusions about the findings of this paper.

Chapter 8: Conclusions

To conclude, it is worth revisiting the central research question that drove this paper:

> *How can the framing of migration explain the UK decision not to opt into both the Family Reunification Directive and the Long-term Residents Directive?*

This was followed by a series of sub questions:

> A. *What arguments were made in the debates about migration?*
> B. *What is the historical context of the two Directives?*
> C. *To what extent was an institutional framing of migration utilised in the discourse?*
> D. *To what extent was an economic framing of migration utilised in the discourse?*
> E. *To what extent was a negative social framing of migration utilized in the discourse?*
> F. *To what extent was a political framing of migration utilised in the discourse?*
> G. *To what extent was the discourse 'Europeanised'?*

In order to draw our final conclusions, we will examine each of the sub-questions then answer the central research question. The first sub-question was addressed in chapter 2 where four possible types of arguments were hypothesised: institutional, economic, social and political. The second sub-question was answered in chapter 4 which highlighted the background of the two Directives and outlined the UK constitutional set-up which lent itself to a restrictive immigration policy. We will therefore proceed to examine the sub-questions C-F which relate to the adequacy of the hypotheses, sub-question G which will answer the question of Europeanisation, and finally conclusions, recommendations and reflections will be offered.

> C. *To what extent was an institutional framing of migration utilised in the discourse?*

The institutional frame certainly held a lot of sway at the beginning of Labour's first term, it featured heavily in the debates surrounding the Amsterdam Council Meeting and subsequent Council Meetings. The language of this frame, (such as sovereignty, border control and British exceptionalism) was also

evident in the discourse of the decision not to opt into either of the Directives. However, as it has been demonstrated in chapter 5 and 6, this frame was soon dominated by other frames, especially H2 and H3. Certainly, it could be argued that the strong insistence of maintaining border control and sovereignty over immigration policy (which led to the UK opt-out of the Schengen Agreement and Title IV provisions respectively), largely constituted to the final decisions of these two Directives. As outlined in chapter 4, the UK constitutional system demonstrates a proud tradition of parliamentary sovereignty – it is a "norm" to use the terminology of constructivism. Thus once the perceived threat (i.e.: EU imposed decisions) to this norm had been pacified, and the UK secured an opt-in which Blair asserted meant that the UK could "choose on a case by case basis" on what Directives to participate, discourse was mobilised to achieve other political means. Such political purposes included aiming to achieve economic growth or reducing asylum seeker numbers. Thus in the decision of the Directives, although the language of sovereignty was mobilised, it was language of a frame that arose years beforehand; when the Directives were in scrutiny, H2 and H3 were the dominant frames in discourse.

D. To what extent was an economic framing of migration utilised in the discourse?

This Economic framing did not feature much in the discussion of the FRD but was more evident in the decision against opting into the LTR. This was explicit in the HoL debate in which questions were asked about the involvement of business groups. As mentioned in chapter 6, this economic frame only rose in salience at the turn of the century when the economic debate converged with immigration. The momentous event was Roche's speech which reveals a step change in the economic migration debate and signalled a change in Labour's migration stance; not only did Labour want to pursue its 'fairer, firmer and faster' migration policies, but it wanted to do so in a 'sensible' and 'rational' manner with a view to the global economy. The LTR had implications for existing UK law in regard to TCN; the comment that the LTR is of 'little benefit' to existing high-skilled TCNs is revealing because it implies that the executive was only interested in furthering incentives for high-skilled migrants. Despite this, the ultimate stance of the executive was that they insisted on maintenance on who could enter the UK, which is a matter of sovereignty and therefore falls into the first frame of H1.

E. To what extent was a negative social framing of migration utilized in the discourse?

This frame featured in the debates surrounding the FRD, especially as the risk of fake marriages was raised by the immigration minister. Outside of debate around the Directive, it was a strong frame in its appearance in debates throughout the years that lead up to the decision of the Directives. H3 further reaffirms the constructivist view that concepts and their meanings are socially constructed. The parliamentary discourse took place within heightened negative media coverage of asylum seekers but it is hard to say whether the media fuelled the parliamentary discourse or vice versa, it instead demonstrates that they are intrinsically bound up. Thus to separate them and focus on one but not the other would diminish our understanding of how a larger narrative came to be. This furthers the mutually constituting nature of actors and their perceptions which is the central argument of constructivism. From H3, one can also infer that although immigration wasn't officially on the agenda in 1997, this doesn't diminish the fact that it was still a contested matter especially in the HoL who were focused on the costs and rights of asylum seekers and migrants. Therefore, although the executive may push an 'official' agenda, one can see from the evidence, this does not mean a topic will simply go away. Rather it simmers in the background until it is mobilised by the executive.

F.   *To what extent was a political framing of migration utilised in the discourse?*

Taking all the frames and hypotheses into account, perhaps the political frame (H4) is the least valid of them all. While there was a lot of debate about Labour's more proactive approach to the EU, by the time the Directives were on the agenda, the rhetoric of juxtaposing Labour and Conservative attitudes towards the EU was employed less. The frame also didn't hold as much sway as the others, as other 'named' issues became more dominant and their respective aspects were highlighted. Therefore in answer to the sub-question, political framing wasn't used to a great extent, at least when in comparison to the others. Not only did these other frames dominate the discourse, but others infiltrated the public perception of the reality of the immigration and asylum debate, this was especially so in the case of social framing (H3). At the beginning of the Blair administration, the strongest frame appears to be that of national sovereignty (H1), this was hotly debated in the run up to Amsterdam and the UK has been consistent in its rhetoric and practise of maintenance of border control. One can notice that a frame is more dominant when the issue that is 'named' is one that is shared by both the executive and the opposition party. For example both parties were concerned with the retention of sovereignty and this frame was particularly enduring with its appearances in the discourse throughout all the years; this is also true of H2 and H3 where economic and asylum abuses were of concern (although these frames did

not appear in every parliamentary year). This raises an important point: the two major political parties influence the dominant frames. A discourse by nature is a dual process, thus this paper reinforces that the preferences of the executive are affected by the opposition party as much it is by public perception or media.

SUMMARY - HYPOTHESES

The Directives had many policy and socio-economic implications. The various implications were highlighted, framed and projected when it suited the executive (see H2 and H3) and vice versa; certain frames that were useful at the certain times were dropped when they no longer served the debate that the executive wanted to further (H4). As the empirical evidence and the analysis has demonstrated, the resultant framing of immigration was a blend of all four frames, where certain frames played more prominence at one particular time, and at other times there was a synthesis of frames where one or more bleed into each other. It was stated in the theory section that politics could be seen as a mobilisation of bias. In the case of UK immigration policy, one could argue that politicians of both Labour and Conservative leanings mobilised the negative framing of asylum seekers which created an identifiable 'issue' in the public discoursal arena. This can be affirmed by the evidence which supports H2; the spike in a negative framing of TCN's prior to the 2000 is revealing. One could argue that this issue was utilised as political capital in a pre-election point scoring battle.

G. To what extent was the discourse 'Europeanised'?

With regard to Europeanisation, the aim of this paper was to examine whether the narratives were framed in relation to the EU and became the 'grammar' of the stories that were woven by the executive. This is evident in all four hypotheses and is most explicit in H1: UK sovereignty is seen as under direct threat from the EU. The most interesting frame is H2; here one can see how the economic framing pushed by the executive gradually became Europeanised: the EU was seen as a solution to the desire to create a flexible labour market, and this gradually converged with the topic of immigration to create a framing of economic migration which would benefit the UK economy. In H3, the EU became problematised and this is reflected in the language used by the immigration minister, stating that the EU Directives would have implications for the UK's existing laws to combat 'bogus' marriages. The ability to decide who is 'genuine' or 'bogus' elides with the notion of H1 and the power of admission into the UK.

In respect to sub question B. about UK-EU dynamics, this research reinforces the contemporary idea of Europeanisation as a dual process and not one that is solely top down and oppressive. The UK case demonstrates that a country is able to use the EU as an opportunity structure to achieve its preferences, and to reject its proposals if they are not in line which their agenda.

THE HOUSE OF LORDS

While one can argue the mutually constituted identity of the executive in regard to the opposition party, this is not necessarily the case with the House of Lords. One can observe that the patterns of framing differ significantly from that of the HoC. The framing of H1 wasn't of great concern in the HoL, in fact, from the evidence and the selected quotes, the HoL was of the view that the fixation on sovereignty was causing subsequent governments to act in a manner which could be detrimental to the UK's positions in matters relating to immigration and the EU. From Figure 2 one can observe that the H3 was the most salient in HoL discourse, this reinforces the proposition that the HoL were more concerned with the practicalities of costs and the logistics of processing and detaining asylum seekers. This shouldn't be misconstrued as a negative discourse as hypothesised in H3; rather the language of the HoL narrative was one that aimed to further a sensible debate about migration and asylum. The HoL emphasised the need to separate the debate between asylum and economic migration pronouncing that "asylum and economic migration must not be confused, economic labour market policy drives migration policy, but the humanitarian status of refugees must keep its own validity." (HL Deb 23 July 2001, c1710) Perhaps it can be argued that the executive took advantage of the confusion of the terms in order to further their own interests; the HoL stated that "In a small way, the Government have recognised that there is confusion in people's minds about asylum seekers, economic migrants, legal and illegal immigration" (HL Deb 1 November 2002, c439). Whether this is true or not is inconclusive but certainly their action of not opting into the Directives was not to the benefit of migrants. This led the HoL urged the government to take a more unified approach to the EU immigration and asylum framework as ensuring TCN rights had a larger beneficial impact of social cohesion, making the UK a more appealing destination for high skilled migrants, and improving Britain's standing in its treatment of migrants.

By choosing not to opt into both of these Council Directives, the UK appears to be on a track of divergence from the EU immigration and integration framework. Two years after the transposition of the Directives, the HoL ordered a review of the government's decision not to opt in and observed:

"We consider that the United Kingdom should review its opt-out from both these measures, which together provide an excellent foundation of rights for migrant workers in the EU. They do not have any consequences for its position on border controls, and would enhance the position of third country nationals resident in the United Kingdom…Moreover, [it] is not only a matter of improving their living and working conditions: it is also a matter of fostering their harmonious integration into society" (House of Lords European Union Committee 2005: para 102).

Thus with seemingly no consequences for border control and all the benefits of migrant rights and immigrant integration according to expert scrutiny of the House of Lords European Union Committee, the UK maintains its position on refusing to opt in, and this doesn't look likely to change.

One of the biggest conclusions that one can take away from this paper is related to the dynamics of the UK polity (sub question A.) and the emergence of narratives. This research reveals that the HoL will press on matters which may not necessarily concern the executive at a certain moment in time, this implies that the HoC is more of an arena where the 'public' face of politics is played out, but the more pressing issues are constantly discussed in the HoL. Asylum was certainly an important matter as the UK asylum system was failing to cope with increasing numbers of applicants but these were matters that were initially debated in the HoL.

FINAL CONCLUSIONS

In the introduction, the question of how framing can explain the UK decision not to opt into the Directives was raised as this paper's central research question. The answer to that question could be simplified as such: the UK executive decided against opting in because of an entrenched notion of sovereignty that resulted from a framing of the UK as a sovereign island country; this in turn influenced the negotiations at Amsterdam. One is reminded of Sorensen's (1967) observation about the mundane inevitability of political leaders and their decisions: "The basic decisions, which confine their choices, have all too often been previously made". His central conceit implies that when one comprehends the structure within which decisions are taken in order to tackle a perceived problem, and then very often we find that the final decisions are "frequently anticlimactic" (Allison and Zelikow, 1999:163). With the UK's opt of Title IV of the Amsterdam Treaty; one can argue that this may have set the UK on a path dependent trajectory. However one mustn't overlook the strength of negative social framing of TCN's which became so dominant in the 2000, while coinciding with an economic migration framing. Both of

these factors coincided with the notion of sovereignty, the combined effect was to echo the primacy of the ability to admit people who fit a UK defined criteria (economically beneficial, not a burden on the welfare state) and the UK's ultimate control over its borders. Contrary to the insistence of HoL recommendations, it appears that the UK executive ultimately chose not to act in the benefit to migrants and asylum seekers by rejecting these two Directives.

Although the final decision is often anticlimactic, what this paper has attempted to show is the complexity and dynamism of a discourse surrounding a topic such as immigration. Various influencing factors that can lead to different 'stories' whereby the portrayal of 'problems' and 'solutions' can differ depending on the tale the main actor wishes to tell; some stories have a longer shelf life while others have limited use and are dropped when they no longer serve the actor's agenda or 'sense-making'. Therefore in examining any decision, it will be foolish to dismiss the historical context which led to the final outcome, as this paper has demonstrated, our understanding is enriched when one traces the background. One can reveal things which one initially may not realise are relevant in influencing the final decision.

Recommendations

The introduction laid out the migration context within which this paper was completed, and as I researched and wrote this paper, I couldn't help but feel a sense of déjà vu. In the British media, there was once again reports (with a negative tint) about the migrants entering the UK via the French port Calais, and the British PM urging cooperation with the French authorities (Topping and Mason, 2015), at the same time the EU were still in discussions about migrants travelling to the EU via the Mediterranean sea. What this paper has uncovered is that certain frames are mobilized, usually when it suits the executive. The matter of migration and asylum never goes away yet attention is only paid, often in a negative manner, when there is a confluence of events. The HoL rightly urged the government to have a sensible discussion about migration matters; I feel that this is advice that has not yet been heeded. The nuances of the terms immigrants, refugees, and asylum seekers – which are often confused by the general public - are often conveniently ignored as the political elite mobilise frames that suit their agenda. What I hope this paper achieves is that it will encourage the average consumer of news, or anyone interested in migration policy, to look deeper at the history and language of migration discourse in order to reveal a deeper understanding of the motives of the central decision makers in an policy area that is so often wrought with emotive concepts such as 'national values'. I hope it will encourage

readers to look beyond the rhetoric and realize that human lives are at stake; this is a long term matter which cannot be pushed to one side when it is not convenient to talk about it.

REFLECTIONS

What this paper hypothesised is that the UK executive 'made sense' of the two Directives through a system of framing, however, one of the biggest difficulties encountered in this paper is the separation of frames. Often it is easy to make a theoretical abstraction about a real life phenomenon and isolate it from other factors but in reality, the debate around immigration has many interrelated layers. Teasing out the various facets of the discussion is a challenge as they often overlap and are spoken in dual terms as one closely affects the other. For example, the argument that the UK may be looking to increase its intake of highly skilled migrants could not only be an economic factor (in that they wish to increase the level of skills and qualifications in the labour market) but could also be a social cohesion argument in that the government may have the logic that higher skilled migrants are more easily integrated and are less dependent on the welfare state.

There were also time limitations which restricted the scope of investigation – there are some interesting themes which are raised in this paper, such as the self-reflection on the part of the actors which would have been a fascinating angle to research.

Appendix

Coding Scheme

Below is an outline of the coding scheme which was used to analyse parliamentary debates and relevant documents. The codes were drawn from an initial scan of the documentation and then determined via the hypotheses laid out in chapter 2. The incidence of each code was marked with '1' despite repetition in the same document.

Institutional Frame

Named categories
- Immigration Control
- Border Control

   Selected features
   - Parliamentary sovereignty
      - UK decision/policy making authority
         - Authority to decide
         - Right to decide
         - Final say
         - UK/British Laws
      - National sovereignty
         - Britain decides
   - Border/frontier control
      - Control of frontiers
      - Maintain control
      - Legal frontiers
      - Deciding who enters the country
   - British exceptionalism
      - Geography
         - Island
      - UK history
      - 'Unique'
      - 'Distinct'
      - 'Different' from rest of EU
         - Emphasis on the way things are done differently in UK vs. EU
   - Amsterdam Treaty
      - Title IV opt out

Economic Frame

   Named categories
   - Economic Migration
   - High skilled migrants
   - Managed migration

Selected features
- UK economic performance
  - Growth
  - GDP
- Economic contribution of migration
  - Citation of positive statistics of economic contribution
- Labour and skills shortages/growing sectors
  - Economic needs
  - Business needs
  - High skills
  - Low skills
- Rational
  - Citing statistics
  - 'Rational'
  - 'Sensible'
- Flexible labour markets
  - Internal markets
  - Single market
  - Flexibility
  - Mobile

Social Frame

Named categories
- Asylum Seekers
- Illegal Immigration
- Refugees
- 'Bogus'/'Genuine'

Selected features
- Welfare burden
  - Welfare abuse
  - Welfare as 'pull factor'
  - Welfare shopping
- Social costs
  - Burden on health & education system, housing, detention
  - Citation of number of asylum seekers
- Crime
  - Trafficking
  - Smuggling
  - Racketeers
- Abuse of asylum system
  - Abuse
  - Fair, firm and fast
  - Asylum shopping
  - UK as 'soft touch'
- Integration problems
  - Stereotypes

- E.g. 'Spongers'
- British values
- British society

Political Frame

Named categories
- Asylum Seekers
- Illegal Immigration
- Refugees

Selected features
- UK as active/constructive player in EU
  - Constructive partner
  - Participation
  - Engagement
  - Involvement
  - Contribution
  - British influence in EU
    - Influence
  - Britain's place in Europe/the EU
    - EU
    - The continent
    - Leader
    - UK in EU
    - Central role in EU
- The interest of the British people/public/nation
  - 'Essential' interests
  - 'National' Interests
  - 'Special' interests
- Failure of previous immigration policy/government
  - Previous government
  - 'Difference' between Labour and Conservative
  - Negative adjectives associated with previous government
    - 'Shambles'
    - 'Mess'
    - 'Incompetent'

Europeanisation – EU as 'grammar' of the discourse

Once Parliamentary debates and relevant documents had been coded according to the four frames, they were read again in order to determine if the EU was seen as a 'threat' or an 'opportunity structure'. The following coding was applied.

EU as a 'threat'

- Not ruled by Brussels
- Not ruled by the EU
- EU undermining the UK

EU as an 'opportunity structure'

- UK benefits in being EU
- EU can help to achieve UK aims
  - EU can help improve UK laws
  - EU can help improve UK society
  - UK future lies with EU
  - Mimicking other EU countries

Bibliography

Adcock, R., Bevir, M., & Stimson, S. C. (2009). A history of political science: How? What? Why? *Modern political science: Anglo-American exchanges since 1880* pp. 1-17 Princeton University Press.

Adler-Nissen, R. (2009). Behind the scenes of differentiated integration: Circumventing national opt-outs in justice and home affairs. *Journal of European Public Policy, 16*(1), pp. 62-80.

Allen, D. (2013). The United Kingdom: Towards isolation and a parting of ways. In S. Bulmer, & C. Lequesne (Eds.), *The member states of the European union* pp. 108-133. Oxford: Oxford University Press.

Allison, G. T., & Zelikow, P. (1999). *Essence of decision: Explaining the Cuban missile crisis* Longman New York.

Anderson, B. (2006). Imagined communities (new ed.). *New York & London: Verso.*

Balch, A., & Geddes, A. (2012) Connections Between Admission Policies and Integration Policies at EU-level and Given Linkages with National Policy Making.

Blatter, J., & Haverland, M. (2012). *Designing case studies: Explanatory approaches in small-N research* Palgrave Macmillan.

Börzel, T. A. (2002). Member State Responses to Europeanization. *JCMS: Journal of Common Market Studies, 40*(2), pp. 193-214.

Boswell, C. (2008). UK Labour Migration Policy: Permanent Revolution? *CESPI Paper*

Bulmer, S. (2008). *New Labour and the European Union 1997-2007.* (No. Working Paper FG1). Berlin: Stiftung Wissenschaft und Politik.

Bulmer, S., & Burch, M. (1998). Organizing for Europe: Whitehall, the British state and European Union. *Public Administration, 76*(4), pp. 601-628.

Bulmer, S., & Burch, M. (2005). The Europeanization of UK government: From quiet revolution to explicit Step-Change? *Public Administration, 83*(4), pp. 861-890.

Bulmer, S., & Lequesne, C. (2005). The European Union and its Member States: An overview. *The Member States of the European Union*, pp. 1-20.

Checkel, J. T. (1998). The Constructivist Turn in International Relations Theory. *World Politics, 50*(02), pp. 324-348.

Christensen, T. J., & Snyder, J. (1990). Chain Gangs and Passed Bucks: Predicting Alliance Patterns in Multipolarity. *International Organization, 44*(02), pp. 137-168.

Consterdine, E., & Hampshire, J. (2014). Immigration policy under New Labour: Exploring a critical juncture. *British Politics, 9*(3), pp. 275-296.

Costello, C. & Hancox, E. (2014). Policy Primer: The UK, EU Citizenship and the Free Movement of Persons. *The Migration Observatory Paper*: University Oxford Press

Cowles, M. G., Caporaso, J. A., & Risse-Kappen, T. (2001). *Transforming Europe: Europeanization and domestic change* Cornell University Press.

Daniels, P. (1998). From Hostility to 'Constructive Engagement': The Europeanisation of the Labour party. *West European Politics, 21*(1), pp. 72-96.

Entman, R. M. (1993). Framing: Toward Clarification of a Fractured Paradigm. *Journal of Communication, 43*(4), pp. 51-58.

EU. (2011a). Family reunification. Retrieved 06/04, 2015, van http://europa.eu/legislation_summaries/justice_freedom_security/free_movement_of_persons_asylum_immigration/l33118_en.htm

EU. (2011b). Status of non-EU nationals who are long term residents. Retrieved 06/04, 2015, van http://europa.eu/legislation_summaries/justice_freedom_security/free_movement_of_persons_asylum_immigration/l23034_en.htm

EU Standing Committee (2001) *Immigration Policy Report*, 25 April

EU Standing Committee (2001b) *Asylum Report*, 2 May

European Council (1999) *Tampere Presidency Conclusions*

Fletcher, M. (2009). Schengen, the European Court of Justice and Flexibility under the Lisbon Treaty: Balancing the United Kingdom's "Ins" and "Outs," *European Constitutional Law Review, 5*(1), pp. 71-98.

Falkner, G. (2003) Comparing Europeanisation Effects: From Metaphor to Operationalisation. European Integration online Papers (EIoP), Vol. 7, No. 13

Freeman, G. P. (2006). National Models, Policy Types, and the Politics of Immigration in Liberal Democracies. *West European Politics, 29*(2), pp. 227-247.

Gamson, W. A., & Modigliani, A. (1989). Media discourse and public opinion on nuclear power: A constructionist approach. *American Journal of Sociology,* pp. 1-37.

Geddes, A. (2008). *Immigration and European Integration*. Manchester: Manchester University Press.

Geddes, A. (2005). Getting the Best of Both Worlds? Britain, the EU and migration policy. *International Affairs, 81*(4), pp. 723-740.

Green, S. (2007). Divergent Traditions, Converging Responses: Immigration and Integration Policy in the UK and Germany. *German Politics, 16*(1), pp. 95-115.

Groenendijk, K., Fernhout, R., Van Dam, D., Van Oers, R., & Strik, T. (2007). The Family Reunification Directive in EU Member States. *The First Year of Implementation. Centre for Migration Law, Nijmegen.Nijmegen: Wolf Legal Publishers*

Home Office (1998) *White Paper: Fairer, Faster and Firmer: A Modern Approach to Immigration and Asylum*

Home Office (2001) *Explanatory Memorandum*, 20 June, Council Number 8237/01

Home Office (2002) Letter from Angela Eagle to Jimmy Hood, 3rd January

House of Commons Debate (1997) 20 May, Hansard Series 6 Vol. 294

House of Commons Debate (1997) 9 June, Hansard Series 6 Vol. 295

House of Commons Debate (1997) 18 June, Hansard Series 6 Vol. 296

House of Commons Debate (1997) 19 December, Hansard Series 6 Vol. 303

House of Commons Debate (1998) 15 January, Hansard Series 6 Vol. 304

House of Commons Debate (1999) 22 February, Hansard Series 6 Vol. 326

House of Commons Debate (1999) 30 March, Hansard Series 6 Vol. 309

House of Commons Debate (1999) 19 October, Hansard Series 6 Vol. 336

House of Commons Debate (1999) 11 October, Hansard Series 5 Vol. 605

House of Commons Debate (1999) 1 December, Hansard Series 6 Vol. 340

House of Commons Debate (2000) 1 March, Hansard Series 6 Vol. 345

House of Commons Debate (2002) 24 April, Hansard Series 6 Vol. 384

House of Commons. (2015). European scrutiny committee - Role. Retrieved 05/29, 2015, van
    http://www.parliament.uk/business/committees/committees-a-z/commons-select/european-scrutiny-committee/role/

House of Lords Debate (1997) 16 June, Hansard Series 5 Vol. 580

House of Lords Debate (1997) 18 June, Hansard Series 5 Vol. 580

House of Lords Debate (1999) 11 October, Hansard Series 5 Vol. 605

House of Lords Debate (1999) 19 October, Hansard Series 5 Vol. 605

House of Lords Debate (2002) 1 November, Hansard Series 5 Vol. 640

House of Lords Debate (2001) 23 July, Hansard Series 5 Vol. 626

House of Lords. (2015). The Scrutiny Reserve Resolution and Scrutiny Overrides. Retrieved 05/29, 2015, van
    http://www.parliament.uk/business/committees/committees-a-z/lords-select/eu-select-committee-/committee-work/parliament-2010/the-scrutiny-reserve-resolution1/

House of Lords European Union Committee. (2005). *Economic migration to the EU.* HL Paper 58. London: The
    Stationery Office Limited.

Huysmans, J., & Buonfino, A. (2008). Politics of Exception and Unease: Immigration, Asylum and Terrorism in Parliamentary Debates in the UK. *Political Studies, 56*(4), pp. 766-788.

Joppke, C., & Brubaker, W. R. (1999). *Immigration and the Nation-State: The United States, Germany, and Great Britain* Oxford University Press Oxford.

Kim, S., Carvalho, J. P., Davis, A. G., & Mullins, A. M. (2011). The View of the Border: News Framing of the Definition, Causes, and Solutions to Illegal Immigration. *Mass Communication and Society, 14*(3), pp. 292-314.

Kondaj, R. (2002). Management of Refugee Crisis in Albania during the 1999 Kosovo Conflict. *Croatian Medical Journal, 43*(2), pp. 190-194.

Labour Party. (1997). New Labour Because Britain Deserves Better. Retrieved 06/04, 2015, van http://www.politicsresources.net/area/uk/man/lab97.htm

Lehnert, M., & Miller, B. & Wonka, A. (2007). Increasing the Relevance of Research Questions: Considerations on Theoretical and Social Relevance in Political Science. In Gschwend, T. & Schimmelfennig, F. (Ed.), *Research design in political science: How to practice what they preach* pp. 21-33. Hampshire: Palgrave Macmillan.

Lodge, M. (2002). Varieties of Europeanisation and the national regulatory state. *Public policy and administration*, *17*(2), 43-67.

March, J. G., & Olsen, J. P. (1998). The Institutional Dynamics of International Political Orders. *International Organization, 52*(04), pp. 943-969.

Matthes, J., & Kohring, M. (2008). The Content Analysis of Media Frames: Toward Improving Reliability and Validity. *Journal of Communication, 58*(2), pp. 258-279.

Minogue, K. R. (1959). Power in Politics. *Political Studies, 7*(3), pp. 269-289.

Moravcsik, A. (1998). *The Choice for Europe: Social purpose and state power from Messina to Maastricht* Cambridge University Press.

Olsen, J. P. (2002). The Many faces of Europeanization. *JCMS: Journal of Common Market Studies, 40*(5), pp. 921-952.

Pan, Z., & Kosicki, G. M. (1993). Framing Analysis: An Approach to News Discourse. *Political Communication, 10*(1), pp. 55-75.

Parliament UK. (2015). Parliament's Role. Retrieved van http://www.parliament.uk/about/how/role/

Radaelli, C. M. (2004). Europeanisation: Solution or Problem? *European Integration Online Papers (EIoP), 8*(16)

Risse, T. (2004). Social Constructivism and European Integration. In Wiener, A. and Diez, T. (Ed.), *European integration theory* (pp. 159-175). Oxford: Oxford University Press.

Risse, T. (2001). A European Identity? Europeanization and the Evolution of Nation-State Identities. *Transforming Europe: Europeanization and Domestic Change*, pp. 198-216.

Risse, T., Cowles, M. G., & Caporaso, J. (2001). Europeanization and Domestic Change: Introduction. *Transforming Europe: Europeanization and Domestic Change*, pp. 1-20.

Roche, Barbara (2000) "*UK Migration in a Global Economy*"

Rokkan, S. (1999). *State Formation, Nation-building, and Mass Politics in Europe: The theory of Stein Rokkan: Based on his collected works* Oxford University Press.

Salt, J., & Almeida, J. C. (2006). International Migration in Europe. Patterns and Trends since the Mid-1990s. *Revue Européenne Des Migrations Internationales, 22*(2), pp. 155-175.

Select Committee on European Scrutiny (2001) First Report 18 July HC 152-i

Select Committee on EU Scrutiny (2002) Fifteenth Report, 11 February HC 152-xv

Schimmelfennig, F. (2009). *Chapter 4: Liberal Intergovernmentalism*. In A. wiener, & T. Diez, European Integration Theory, pp. 67-87

Schön, D. (1993). Generative Metaphor: A Perspective on problem-setting in social policy. In A. Ortony (Ed.), Cambridge University Press. pp. 137-163

Schuster, L. (2003). Asylum Seekers: Sangatte and the Tunnel. *Parliamentary Affairs, 56*(3), pp. 506-522.

Sorensen, T. (1967). You Get to Walk to Work. *New York Times Magazine,*

Statewatch. (1999). The Story of Tampere, *9*(5)

Statham, P., & Geddes, A. (2007). Elites and the 'Organised Public': Who drives British Immigration Politics and In Which Direction? *Immigration Policy in Europe: The Politics of Control,* 48.

The Telegraph (2001). '*Police on alert to stop invasion by immigrants*', 29 December

Töller, A. E. (2010). Measuring and Comparing the Europeanization of National Legislation: A Research Note. JCMS: Journal of Common Market Studies, 48: 417–444.

Topping, A. & Mason, R. (2015). Calais deputy mayor turns up the heat on David Cameron over migrants. *The Guardian*. 25th June

Traynor, I. (2015). European Leaders Scrap Plans for Migrant Quota System. *The Guardian*. 25th June

UNHCR. (2015). The Sea Route to Europe: The Mediterranean passage in the age of refugees. 1st July

Van Hulst, M. (2012). Storytelling, a Model of and a Model for Planning. *Planning Theory*

van Hulst, M., & Yanow, D. (2014). From Policy "Frames" to "Framing" Theorizing a More Dynamic, Political Approach. *The American Review of Public Administration,*

Versluis, E. (2004). Explaining variations in implementation of EU directives. *European Integration online papers*, *8*(19).

Wagner, J. (2012). A Changing Immigration System: Immigration policies under Tony Blair and Gordon Brown. *Washington University International Review,* 22.

Wendt, A. (1992). Anarchy is What States Make of It: The Social Construction of Power Politics*. International Organization, 46*(02), pp. 391-425.

Whitehead, L. (2013). The Westminster System. *Taiwan Journal of Democracy,* pp. 9-38.

Wintour, P., & Traynor, I. (2014). Angela Merkel forces David Cameron Retreat from EU Migrant Cap. *The Guardian* 28th November