IMMIGRATION AFTER BREXIT: WHERE ARE WE GOING?
Foreword

Immigration was a key, if not the key issue in the referendum of 2016. This report explores what has happened to immigration and immigration policy since that vote. It examines the way in which the UK government has reacted to the ending of free movement, and explores the impact of new policies on immigration levels. It represents a state-of-the-art analysis of what has happened, where we have got to, and what might transpire in the future.

I am profoundly grateful to two of the acknowledged experts in the field - Jonathan Portes and Madeleine Sumption - for putting the report together. They were ably assisted by contributions from Catherine Barnard, Fiona Costello, Rob Ford, Stephen Hunsaker, Sophie Stowers and Peter Walsh.

Joelle Grogan and her research team provided editorial assistance and took care of the design process, for which they also have my thanks.

I hope you find what follows interesting and informative.

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EXECUTIVE SUMMARY

Immigration, and in particular free movement, was a key driver of the vote to leave the European Union. However, although most voters expected Brexit to result in a fall in immigration, Vote Leave’s commitment was to end free movement and to introduce a new system for work migration that does not discriminate by country of origin and that prioritises skilled work. The system introduced in January 2021 does broadly that, with skill and salary thresholds that mean that in principle non-UK residents can qualify for a Skilled Work Visa for most high- and middle-skill jobs.

The initial impact of this has been to reduce migration in sectors that were previously reliant on relatively lower skilled and lower paid workers from the EU, particularly hospitality and transport, aggravating labour shortages. However, there is little evidence so far that this has resulted in any significant increase in relative pay in these sectors. Correspondingly, other sectors, such as ICT and professional services, have benefited from the more liberal provisions of the new system for relatively highly paid workers from outside the EU. This adjustment may have some way to run, since there are many occupations which would in principle be eligible under the new system but where few visas have been issued so far. By far the largest increase in work migration has been in the health and care sector, where the system is even more liberal and has recently been extended to low paid jobs in social care.

At the same time as these shifts in work-related migration, there have been large increases in the numbers arriving on other migration routes. While UK universities are less attractive for EU students, this has been more than offset by an increase in international students from outside the EU, with the new Graduate Visa proving particularly attractive for some nationalities. In the last two years there have also been large numbers of arrivals from Hong Kong and Ukraine. Some of these factors will only provide a temporary boost to overall net migration, which will almost certainly fall back from current levels, but overall net migration is likely to remain relatively high by historical standards for the foreseeable future.

However, public concern about overall migration levels appears far more muted than in the run-up to the referendum. There has been a substantial and sustained shift towards more positive attitudes towards migration in general, and in particular for work-related migration, as long as it is perceived to be controlled and in sectors or jobs where there is demand for workers. Public and political
Concern has centred instead on the rapid growth in the number of people crossing the Channel on small boats, which has added to pressures on an already under-resourced and poorly managed asylum system. The government’s response has been to seek to make it more difficult to claim asylum in the UK, but this approach faces major challenges, both practical and legal.

Despite the major changes of the last few years, there is little prospect of stability. However, there is a broad public consensus that any system should meet the needs of the economy and labour market, reward contribution, and be relatively generous towards genuine refugees – although the definition of the latter, and how policy on asylum and refugees should operate in practice, remain highly contested. The positive turn in public opinion, and the general acceptance of the principles of the post-Brexit immigration system should offer an opportunity to secure public consent for an approach that reflects both economic realities and political constraints. But that will require a degree of commitment, in particular to maintaining a broadly stable policy environment despite inevitable political and business pressures to tinker with the system in one way or another. It will also require an approach to refugee flows that addresses current pressures in a more humane and cost-effective way, while managing public expectations about the power of the tools the government holds.
INTRODUCTION

Where we are now

The new post-Brexit immigration system ends free movement with the EU and favours skilled workers regardless of their country of origin. However, both the economics and politics of immigration remain hotly contested. Immigration is at record levels, driven both by a rapid expansion in international student numbers and by refugees from Hong Kong and Ukraine. Consequently, there is pressure to make aspects of the system more restrictive, particularly for those bringing dependents. At the same time, however, labour shortages have emerged in a number of sectors that were particularly reliant on EU-origin workers. Meanwhile, the rapid growth in the numbers crossing the Channel in small boats, primarily seeking asylum, combined with an increasingly dysfunctional and expensive system for processing claims, has generated a growing perception that the UK government has lost control of the UK’s borders.

This report provides a guide to this complex landscape, looking both backwards and forwards. We explain the origins of the new system: how immigration and free movement contributed to the vote for Brexit, how the UK government’s ‘red line’ on free movement drove the nature of the eventual Brexit deal, and the origins and functioning of the EU Settlement Scheme. We set out the current state of the migration system for the main groups of migrants to the UK: those coming to work, students, family members, and those seeking asylum. And we discuss what future trends are likely to emerge, and the key issues that are likely to confront policy makers against the background of a British public that is more positive about immigration than at any time in living memory.

Immigration and the referendum

The referendum was the culmination of a long period of strong, politically mobilised scepticism about migration and its effects. This was particularly the case in the years following the decision not to impose transitional controls on migration from the new EU member states of Central and Eastern Europe in 2004. The salience of migration was already high before then, and was pushed higher still as large inflows from Poland and other new member states stoked concerns about pressure on public services and the undercutting of wages. The Conservative opposition sought to capitalise on these with a pledge to reduce immigration to the ‘tens of thousands’ – a pledge which proved impossible to fulfil – further polarising the debate over EU migration.
Much of the campaign discourse linked a vote for Brexit to an increased ability to control the number (and nature) of people entering the UK. The slogan, ‘Vote Leave, Take Control,’ summed up the entire Leave campaign across a range of policy areas. However, it was particularly effective and resonant with respect to immigration policy and border control, because (in contrast to several other policy areas) it contained a very large element of truth: free movement of workers is one of the foundational ‘four freedoms’ of the EU and, as long as it remained a member, the UK was obliged to respect this central obligation.

The Remain campaign found it difficult to counter the argument that the only way for the UK to ‘control’ immigration was to leave. Negative attitudes to immigration, and in particular free movement within the EU, were strongly associated with opposition to UK membership. 80% of those who thought that immigration was mostly a force for good voted Remain. A negative view of immigration was also a strong predictor of a ‘Leave’ vote, though even among Remain voters there was considerable support for controls on migrants arriving from Europe.

So, if the UK’s vote to leave the EU was a vote for, or more specifically against, anything, it was a vote against free movement of workers within the EU, and for a new approach to managing immigration to the UK. And most voters - whether Remain or Leave - believed that Brexit would reduce immigration. However, while making immigration central to the referendum campaign, and strongly implying that Brexit would result in a sharp fall in immigration, Vote Leave were generally quite careful to avoid making specific promises to reduce immigration numbers. Instead, their commitment was to end free movement and introduce ‘a fairer immigration system that is better for Britain, stops discriminating on the basis of where you come from, and instead allows us to pick people on the basis of skills.’ In addition, at least some Vote Leave campaigners stated that Brexit would allow the system to be liberalised for those coming from outside the EU.

**Immigration and the negotiations**

In the immediate aftermath of the Brexit vote, many policymakers believed it would be in the UK’s economic interests after Brexit to retain most or all of the benefits of membership of the single market - either by maintaining membership of the European Economic Area (like Norway) or via a series of bilateral agreements (like Switzerland). Given the relatively narrow margin of the referendum result, such a ‘soft Brexit’ was also advocated on political grounds, representing something of a halfway house between full membership of the EU and a third-country arrangement, and thus potentially reflecting the closeness of the referendum result.
However, the UK government, first under Theresa May and then Boris Johnson, rejected such an approach, making clear “we are not leaving the European Union only to give up control of immigration.” This meant in turn that the EU was never forced to consider what, if any, compromises it could make on free movement. Instead, the EU underlined the fact that free movement was an integral part of single market membership. In this sense, then, the UK’s desire for a post-Brexit immigration system that ended free movement and broadly fulfilled Vote Leave’s commitment to ‘non-discrimination’ between EU nationals and others drove the entire approach to the Brexit negotiations on both sides, making a ‘hard Brexit’ inevitable.

**The EU Settlement Scheme**

During the Brexit negotiations, there was a broad political consensus that those EU (and EEA/Swiss) nationals (‘EU+’) as well as their qualifying third-country family members who had exercised their EU free movement rights to come to the UK (and UK nationals already living in Europe) before 31 December 2020 should have their rights broadly protected. Protection of the rights of citizens who had exercised free movement rights before Brexit was enshrined in the Withdrawal Agreement (WA). In March 2019, the UK introduced the EU Settlement Scheme (EUSS) to implement this part of the WA. The EUSS required EU+ citizens to apply for ‘settled status’ for those who qualified with five years residence – or ‘pre-settled status’ for those who had been resident in the UK for less than five years.

Prior to the establishment of EUSS, the government had no accurate record of how many EU+ nationals were in the UK. It estimated that perhaps 3.4 million would be eligible. In fact, about six million people (including half a million non-EU+ citizens who are family members of EU+ citizens) have applied, with the vast majority – over 90% – receiving a grant of status. The most common nationalities were Romanian, Polish, Italian, Portuguese and Spanish, with a particularly high number of late applications from Romanians, suggesting a lower level of awareness of the scheme among this group. The relatively low number of applications from Irish citizens reflects the fact that mutual rights of entry and residence have not been affected by the Brexit process (although rights with respect to family members are).
The contrast between the numbers who applied to EUSS and the results of the census – which estimated that about 3.5 million EU citizens (excluding Irish citizens) were resident in the UK in 2021 – is striking. Some, especially those with little or no English, may have been undercounted by the largely digital census. But it seems likely that many of those who applied to the EUSS are no longer resident in the UK, but may nevertheless retain the right of residence here. There is little or no evidence, however, on whether many of these individuals are likely to return in future.
THE POST-BREXIT MIGRATION SYSTEM

The points-based system for work migration

During the Brexit campaign, criticisms of free movement came in two main forms. First, some argued that having liberal rules for EU citizens and restrictive ones for non-EU citizens was discriminatory, and that ending free movement would create the space to liberalise non-EU migration and welcome more migrants from Commonwealth countries. More liberal non-EU immigration after Brexit would “save our curry houses,” the public was told.

Second, critics of free movement highlighted the fact that the government could not select EU migrants while it remained part of the EU single market. By contrast, a selective immigration system would give the UK greater ‘control’ over migration, allowing the UK to reduce migration into low-wage jobs. While EU citizens worked in jobs across the skill spectrum, they were overrepresented in low-wage occupations such as waiting tables, food processing and logistics. This was because free movement allowed them to move here for any job, while work visas were unavailable for non-EU citizens.

How has Brexit changed the immigration system?

The flagship feature of the post-Brexit immigration system was the ‘points-based system.’ Widely touted as ‘Australian-style,’ the points system operating since January 2021 bears little resemblance to Australia’s labour migration policy. In fact, the points in the new system are largely cosmetic. Workers are selected in effectively the same way as non-EU citizens were selected before Brexit, i.e. based on a job offer from a qualifying employer for a qualifying position.

The result is that the post-Brexit immigration system is much more restrictive, costly, and less flexible for EU citizens than the one that preceded it. Workers must have a job offer from an employer with a sponsor licence, earning at least £25,600 in most cases (jobs on the shortage occupation list require a salary of at least £20,480). Jobs not classified as ‘skilled’ – meaning RQF3 (roughly A-levels) or above – are usually ineligible, although the government made an exception for entry-level care workers in February 2022.

For skilled workers in the health and care sectors, a special ‘Health and Care Visa’ was introduced in 2020, just before Brexit. Initially, this was largely symbolic: its provisions were virtually identical to those for visas health workers already had access to, albeit with lower fees. Care workers were not eligible for this visa
despite the branding. However, it was substantially liberalised in early 2022 when the government extended it to care workers, responding to substantial shortages in the care sector. A separate short-term scheme for seasonal agricultural workers has expanded over time, reaching 45,000 places in 2023 (with 2,000 of these for the poultry sector).

The post-Brexit system also includes some unsponsored work visas that allow migrants to do jobs at any skill level, albeit on a temporary basis. The post-study work regime for graduating international students – closed during the period of immigration restrictions in 2010-2012 – was reintroduced, rebranded as the ‘graduate route’. A new ‘High Potential Individual’ route offers similar rights to people graduating from highly ranked universities outside of the UK. These visas target graduates, but in practice can be used for any job. In addition, the Youth Mobility Scheme offers 2-3-year visas to nationals of certain countries with reciprocal agreements. This does not yet include any European nations, although the government has previously said that it remains open to negotiating such deals with EU counterparts on a bilateral basis.

For non-EU citizens, the new system is thus more liberal. The salary requirement is just over £4,000 lower than it was before Brexit, middle-skilled jobs such as skilled trades are newly eligible for sponsored work visas, and there are more opportunities for graduates to get unsponsored work visas.

**How has the new immigration system affected immigration patterns?**

Low EU migration post-Brexit may partly be a result of the pandemic. However, by the year ending June 2022 – a period marked by persistent labour shortages and low unemployment – official estimates suggested that EU net migration was still negative. Lower EU migration has disproportionately affected sectors that employ low-wage workers, very much as analysts had projected.

Many also predicted that the post-Brexit immigration system would reduce overall immigration to the UK, because of these reductions in EU migration. This was the consistent conclusion of projections made before the new system came into force. After all, EU citizens made up around half of net migration to the UK in the mid-2000s, and most of that comprised people who would not have been eligible under the proposed new system.

However, no forecasts anticipated the scale of the increase in non-EU migration that would take place post-pandemic under the new immigration system. By the year ending June 2022, the UK reached record-high immigration and net migration levels, due to a much larger than expected increase in non-EU migration. One reason the increase was not anticipated was that the single biggest driver in the growth in visas issued from 2019 to mid-2022 was the ‘bespoke humanitarian
routes’ introduced for people fleeing Hong Kong and Ukraine. These routes were not a consequence of Brexit but of developments overseas.

**Visa grants to non-EU citizens, by category**

*Excludes visitor, transit, and short-term study. Total year ending.*

![Graph showing visa grants to non-EU citizens by category over time](image)


Notes: Main applicants and dependants. Figures exclude short-term study due to a policy change in December 2022, which gave short-term students visitor visas instead of study visas. Figures of BNO visas exclude those issued in response to an in-country application.

The post-Brexit immigration system is likely to have played at least some role in the two other main contributors to higher non-EU migration: international students and work visa holders. The former are discussed in more detail below. As for the latter, a **sharp increase in skilled work visa grants** was driven primarily by recruitment to the health and social care sector (under the new Health and Care Visa rather than the ‘mainstream’ Skilled Worker Visa). In 2022, work visa grants were further boosted by the decision to extend eligibility to low paid care workers, following a [Migration Advisory Committee report](https://www.gov.uk/government/publications/health-and-care-visas) that found the end of free movement had exacerbated shortages in the care workforce. [Provisional data](https://www.gov.uk/government/collections/health-and-care-visas-statistics) suggest that care workers and senior care workers – who only became eligible for visas under the post-Brexit immigration system – accounted for 56,900 visa grants in 2022.

**What have been the early impacts of The post-Brexit immigration system on the economy and labour market?**

Pre-Brexit projections, including those from within government, also assumed that reduced migration would have a negative impact on the economy and hence the public finances. In particular, the Office of Budget Responsibility (OBR), in addition to its forecast that Brexit would reduce productivity and hence GDP by 4%, also assumed an additional hit to the economy resulting from reduced labour supply. However, in its most recent forecast, in November 2022, it reversed this prediction, stating: ‘Only the higher-than-expected numbers of migrants coming to the UK
under the post-Brexit migration regime adds materially to prospects for potential output growth over the coming five years relative to the assumptions that we made in March.’

At a sectoral level, evidence on the impacts of the post-Brexit immigration system is still emerging. EU migration into low-wage jobs has indeed fallen and non-EU migration has risen (although curry houses may not have experienced the staffing boom they had hoped for). This appears to have contributed to labour shortages experienced across the UK labour market in 2022, although it is not the only cause. The bounce-back in recruitment after the pandemic has also played a role, combined with long-term problems that some low-wage occupations have had attracting workers to jobs with poor pay and conditions. While it is impossible to separate the impacts of the new system from other factors, early analysis suggests that accommodation, administration and retail/wholesale have all seen significant shortfalls.

### EU and non-EU change in employment, 2020-22, selected sectors, with counterfactuals.

<table>
<thead>
<tr>
<th>Sector</th>
<th>Out-turn, Q2 2022 number of workers</th>
<th>Counterfactual, Q2 2022 number of workers</th>
<th>Gain/loss of workers under new system</th>
<th>Gain/loss as % of total employment in sector</th>
</tr>
</thead>
<tbody>
<tr>
<td>Health and social work</td>
<td>EU 276,000</td>
<td>278,000</td>
<td>-1,700</td>
<td>-0.04%</td>
</tr>
<tr>
<td></td>
<td>Non-EU 711,000</td>
<td>637,000</td>
<td>74,000</td>
<td>1.65%</td>
</tr>
<tr>
<td>Education</td>
<td>EU 237,000</td>
<td>195,000</td>
<td>42,000</td>
<td>1.20%</td>
</tr>
<tr>
<td></td>
<td>Non-EU 357,000</td>
<td>299,000</td>
<td>58,000</td>
<td>1.68%</td>
</tr>
<tr>
<td>Public admin and defence</td>
<td>EU 100,000</td>
<td>106,000</td>
<td>-5,800</td>
<td>-0.23%</td>
</tr>
<tr>
<td></td>
<td>Non-EU 188,000</td>
<td>163,000</td>
<td>25,000</td>
<td>0.99%</td>
</tr>
<tr>
<td>Admin and support</td>
<td>EU 121,000</td>
<td>153,000</td>
<td>-32,000</td>
<td>-2.26%</td>
</tr>
<tr>
<td></td>
<td>Non-EU 182,000</td>
<td>204,000</td>
<td>-22,000</td>
<td>-1.56%</td>
</tr>
<tr>
<td>Finance and insurance</td>
<td>EU 103,000</td>
<td>114,000</td>
<td>-12,000</td>
<td>-0.84%</td>
</tr>
<tr>
<td></td>
<td>Non-EU 184,000</td>
<td>189,000</td>
<td>-5,500</td>
<td>-0.39%</td>
</tr>
<tr>
<td>Information and communication</td>
<td>EU 150,000</td>
<td>159,000</td>
<td>-9,000</td>
<td>-0.55%</td>
</tr>
<tr>
<td></td>
<td>Non-EU 291,000</td>
<td>271,000</td>
<td>20,000</td>
<td>1.22%</td>
</tr>
<tr>
<td>Accommodation and food</td>
<td>EU 177,000</td>
<td>244,000</td>
<td>-67,000</td>
<td>-4.08%</td>
</tr>
<tr>
<td></td>
<td>Non-EU 251,000</td>
<td>282,000</td>
<td>-31,000</td>
<td>-1.86%</td>
</tr>
</tbody>
</table>
Despite qualitative evidence that some employers have tried to attract workers with better pay and conditions, labour market data in 2022 did not provide any evidence that immigration had led systematically to higher pay. Indeed, the sector that saw the largest decline in the EU labour force in the two years to June 2021 – hospitality – had seen one of the smallest increases in pay since before the pandemic. The Migration Advisory Committee found no evidence that reduced EU migration has, as yet, boosted pay in the affected sectors.

**Nominal median pay growth in selected sectors, 2019–2022**

*Monthly pay including regular pay, bonuses and overtime*

Source: HMRC PAYE RTI, October 2019 and October 2022
This is consistent with evidence on the impacts of immigration in the past, which suggests that rather than increasing wages to attract UK workers, employers are more likely to respond to lower labour supply in low-wage jobs by reducing the number of people they hire. This could mean greater automation, where this is feasible – although measuring the scale of such changes is difficult. It could also simply mean slower growth in labour-intensive sectors.

In some areas of the economy, evidence of the impacts of ending free movement is particularly difficult to gather. Before Brexit, for example, EU citizens could come and go for short-term contracts, freelance gigs, or short stints at their overseas employer’s UK site. Some of these activities are still possible, with or without extra paperwork and costs. But official data sources do not capture how much they have declined in practice. Where data do exist, they suggest the impacts could be substantial. Private-sector data suggest a sharp decline in school trips from EU schools to the UK, for example, affecting local economies in some areas of the country.

**International students post-Brexit**

International student migration is generally uncontroversial with the public – indeed international students are mostly not perceived as ‘immigrants’ at all. Economic evidence suggests that they have broadly positive impacts. In particular, the high tuition fees they pay have contributed a growing share of UK higher education revenues, cross-subsidising education for domestic students and research. This is one reason why the government’s International Education Strategy in 2019 put in place a target to increase the number of international students and diversify the countries they come from.

However, international students have sometimes been controversial because of their contribution to immigration numbers. International students contribute substantially to estimates of immigration, under the standard definition of people moving between countries for more than a year. Over the longer term, they make a much smaller contribution to net migration, which – for better or worse – is the main measure in political debates about the scale of migration in the UK. The vast majority – well over 80% – of international students leave the UK within a few years, but some do remain long term.

Consequently, over the past 20 years, the pendulum has swung between more restrictive and more liberal rules. Following a boom in student recruitment in the late 2000s, the Coalition government tightened the immigration rules in the early 2010s, removing sponsor licenses from hundreds of colleges and limiting post-study work rights.
Policy towards international students post-Brexit

The post-Brexit period has brought two main changes to immigration rules for international students. On the one hand, EU citizens now require student visas and no longer receive subsidised tuition or loans. On the other, while visa rules for non-EU students have remained broadly constant, the government reintroduced post-study work rights in July 2021, allowing most students to remain in the UK for two years after they graduate, during which time they can work in any job.

Immigration policy is just one factor that affects the UK’s attractiveness to international students. The most important include the quality of higher education and perceptions that the country offers a welcoming environment. But it is striking that, post-Brexit, numbers of EU and non-EU students have moved in opposite directions. We have seen both a sharp decrease in EU student applications and a sharp increase from outside the EU.

The reduction in EU student numbers almost certainly relates primarily to the large increase in fees - a direct result of Brexit, but not of immigration rules. It is difficult to know how much of the increase in non-EU student numbers results directly from the main policy change this group has faced, namely the liberalisation of post-study work rules. Other factors could be at play, such as efforts by universities to drum up business in new countries, as the government’s International Education Strategy encouraged them to do. The countries of origin that saw the largest increases in student visa grants since 2019 - India and Nigeria - were among the priority countries identified in that strategy. The greater restrictiveness, especially during and after the pandemic, of key ‘competitor’ countries like the US and Australia, is also likely to have played a role.

The image contains a graph titled "Number of applicants for undergraduate study at UK universities and number of visas issued at any level" and another graph titled "Student visa issuance by region of origin." The graphs illustrate trends in student applications and visa issuances from 2013 to 2022, with a focus on changes post-Brexit.
The largest increases in student visa grants have come from nationals of countries that have tended to make greatest use of post-study work visas. Citizens from India, Nigeria and Pakistan in particular have been the most likely to move to work visas after graduation, and also saw the largest absolute increases in student visas. The Home Office does not publish data on the types of courses student visa holders are doing, but it holds data on the duration of the visa, which is typically up to five months longer than the course of study. Freedom of information data, available on request, suggest that the share of students (excluding accompanying family members) who received visas lasting less than 18 months (consistent with a one-year master’s or shorter) in the years ending September 2021 and 2022 – at 60% – was broadly similar to the share under the pre-pandemic, pre-Brexit regime in the five years ending September 2019 (when it was 56%). That is, increases have taken place for courses of all durations.

Another striking change under the post-Brexit immigration system is a higher share of student visas going to dependant family members (spouses and children). Undergraduate students typically cannot bring dependants, but graduate students can. Policy towards dependants on student visas has not changed, although it appears the UK has become more attractive to students bringing family members. The increase in dependants has been driven by Nigerian and Indian citizens.
Refugees and asylum

The UK’s asylum and refugee policy has been less directly affected by Brexit. Although EU membership did constrain and influence UK policy, it was primarily under the control of the UK government. Nevertheless, there have been several important policy changes over the last few years.

There are two major policy trends, going in opposite directions. On the one hand, the UK has moved to restrict its regular asylum system, through which the Home Office processes applications for protection from those who have reached British soil. The recent government pronouncement that only people coming to the UK via ‘safe and legal’ routes will be given refuge – if it is actually implemented – implies opting out of the global asylum system altogether. That system is, after all, premised on hearing people’s claims for asylum regardless of the safety or legality of their method of arrival.

On the other hand, the post-Brexit period has seen the biggest movement of refugees to the UK since at least World War Two. Since the end of the transition period, the government has granted status under humanitarian routes to around 437,000 people. Around 85% are Ukrainians or Hongkongers.

Leaving the EU, and the end of Dublin

The UK withdrew from the EU’s Common Asylum System when the Brexit transition period ended on 30 December 2020. Consequently, it lost access to EURODAC, the EU’s fingerprint database, which is used to monitor asylum seekers across Europe. At the same time, the UK withdrew from the Dublin system, which allows for the transfer of some asylum seekers between EU
member states (although even prior to Brexit only a relatively small minority of asylum seekers were removed from the UK under the Dublin system).

At the same time, an increasing number of people, approximately 46,000 in 2022, have been crossing the English Channel in small boats, most seeking asylum on arrival; this paralleled a more general rise in the numbers seeking asylum across Europe, **approaching a million** in 2022. The phenomenon of small boat arrivals became a focal point in debates about migration and asylum in the UK. In response, the government has pursued policies to deter irregular arrivals and demonstrate ‘control’ over the borders.

### Small boat arrivals and asylum restriction

The first major policy statement on addressing small boat arrivals came in April 2021, with the government’s publication of its ‘**New Plan for Immigration**’. The main vehicle for the new measures has been the Nationality and Borders Act, which came into force on 28 June 2022. The stated aim of the act was to ‘discourage asylum seekers from travelling to the UK other than via safe and legal routes.’ The government proposes to achieve this via two main policies.

The first is a replacement of the Dublin system. New rules on ‘inadmissibility’ aim to prevent people from claiming asylum in the UK if they have a ‘connection’ to a safe third country, including any they travelled through en route to the UK. The government will try to remove such people. But this will be difficult because the UK has few removal agreements with other countries. So far, of the 18,000 asylum seekers considered for inadmissibility, just 21 have been removed.

The Rwanda policy, announced on 14 April 2022, is one such removals agreement. Under the policy, people who entered the UK from a safe third country in a ‘dangerous’ way – which presumably includes all those arriving by small boat – risk being relocated to Rwanda, where they can lodge their claim. Successful applicants will be granted status in Rwanda, not the UK. Legal challenges grounded the first Rwanda flight in June 2022, and are ongoing. Until these are concluded, nobody will be sent to the east African country. But even if flights do begin, questions remain over whether the policy will deter boat arrivals, given Rwanda’s initial capacity to accommodate only 200 people at once.

A second plank of the Nationality and Borders Act is the ‘two-tier system,’ which reduces the rights of those who entered the UK irregularly. Specifically, they will require ten years of residence before acquiring permanent status, instead of the usual five. Moreover, they may not be able to bring their partner or children to join them in the UK.
The core aim of all these policies is deterrence. There is little evidence from either the UK or the EU, however, that deterrence policies deter asylum-seeking or irregular arrivals. Nor will they do anything to address the long-standing decline in the timeliness of asylum decisions, which has contributed to a large backlog of asylum cases. On 31 December 2022, 132,200 main applicants were awaiting an initial decision on their asylum application – the largest backlog in around 20 years. Most of this growth happened in the last four years. On 30 September 2018, the backlog stood at 24,000 applications. This led the government to pledge a doubling of asylum decision-makers by August 2023, and to process by the end of 2023 the roughly 92,000 applications lodged before 28 June 2022 when the Nationality and Borders Act came into effect.

**New ‘bespoke humanitarian routes’**

These policy restrictions have been introduced alongside the government’s creation of three nationality-specific ‘bespoke humanitarian routes’:

- The first is the Hong Kong British National Overseas visa scheme, introduced on 31 January 2021 in response to China’s political crackdown in Hong Kong. The scheme functions as a typical (albeit more liberal) visa route, which makes it easier for Hong Kong British National (Overseas) (BNO) status holders to migrate to the UK than if they applied under the normal work, study, or family visa routes. Between 31 January 2021 and 31 December 2022, 154,000 BNO visas were issued.
• The second bespoke humanitarian route is for Afghans, introduced in response to the return to power of the Taliban in the summer of 2021. As of 31 December 2022, 13,000 people had been granted settlement under the Afghan route.

• Finally, there are two visa routes for Ukrainians fleeing the war: the Ukraine Family Scheme, and the Ukraine Sponsorship Scheme, known as Homes for Ukraine. As of 21 February 2023, 219,000 visas had been issued under these routes, which provide permission to stay for three years, but not (currently) a route to settlement.

Since Brexit, the UK has offered status on humanitarian grounds to many more people through its bespoke humanitarian routes than through its asylum system and refugee resettlement programmes (which admit refugees already identified by the UN). Resettlement numbers were 75% lower than in 2019. From 1 January 2021 to 31 December 2022, the UK gave protection to 31,000 people through the regular asylum application process.

Prime Minister Rishi Sunak has said that the government will aim to offer protection only to those who arrive via a safe and legal route. This raises two questions. First, does the UK intend, in effect, to withdraw from the global asylum system, based on the 1951 Refugee Convention, which is based on hearing the claims of irregular entrants? Second, if the government accepts the principle that refugees should not be sent to their countries of origin where they might be at risk, where will it send them?

Public opinion

The vote to Leave was closely linked to concerns over immigration. Yet, public anxieties around the issue were beginning to melt away even as the referendum took place. Over the last decade, beginning before the referendum, we have witnessed a gradual shift in attitudes towards immigration across all demographic groups regardless of age, education level, ethnicity, or vote choice in 2016.

This has manifested itself in a number of ways. First, the proportion of people who think migration to Britain should fall has dropped, while the share favouring increases in migration has risen. In 2022, for the first time in polling history, more people favoured maintaining, or even increasing, levels of migration than favoured reductions. This is particularly striking given the fact that the year to June 2022 also saw net migration levels hit record highs.
Second, the public has become more positive about the impact of migration, with data from July 2022 showing that 46% of people now believe migration is a force for good, while 29% disagree. Before the referendum, the balance of opinion was negative. The same positive shift is evident when the public is asked about the economic and cultural impacts of migration: in 2022, around half of voters were positive about the economic and cultural impacts of migration, up from a third in 2014.

Finally, the salience of immigration as a public concern has collapsed since the referendum, albeit with a small uptick following an increase in small boat crossings in 2022. At the time of the referendum, around half of the public named
immigration as a top concern every month. Yet by the end of 2022, this had fallen to an average of just 11%. Average concern about immigration in 2021 and 2022 was at its lowest levels in two decades.

The slump in the salience of immigration could reflect a post-referendum belief that Brexit would introduce new immigration controls and address their concerns. However, as we have seen, it is not just salience that has changed – the underlying level of concern is also lower.

This is not to say all voters are now happy with the immigration situation. Concerns remain about past and present policy. A majority of the public think migration was too high over the past decade, and a large minority still see its effects in negative terms. However, across a wide range of measures, hostility to immigration is lower now than it used to be.

The shift in mood may reflect a belief that Brexit has delivered stricter controls on immigration. Freedom of movement has now ended. People looking to work in Britain, whether from the EU or beyond, must meet a salary threshold, and possess an offer of ‘skilled’ work and sponsorship from an employer, to receive a visa. This policy approach is broadly popular and makes it harder to claim the government is not exercising control over who comes to Britain, even if overall migration levels remain high.

However, this theory is hard to square with other data. If voters had noticed and approved of the post-Brexit framework, they should be pleased with the government’s record. Yet 79% disapprove of the government’s handling of the issue. The reasons for this are complex, and stretch beyond the points-based system, but they do not suggest satisfaction with policy is the main driver of positive attitude shifts.
A more plausible driver is a positive shift in perceptions of the contribution of immigrants to the UK, particularly following pandemic pressures on the health sector and rising skill shortages elsewhere.

Voters have become more likely to see migration as a solution to labour shortages and a driver of economic growth. Support for migrant recruitment has grown sharply in the last few years, not only in sectors such as health, where support for migrant workers has typically been high, but also in lower skilled sectors such as fruit picking, where the share supporting increased migration has more than doubled since 2016.

The public remain more supportive of migration in ‘high-skilled’ sectors, but voters focus on more than just ‘skill’ or salary in judging migrants, giving weight to other factors such as whether migrants work in ‘essential’ or ‘non-essential’ fields. Polling has found increasingly positive attitudes towards those working in key, but ‘low-skilled,’ sectors such as care, food manufacturing, haulage and delivery in the last decade, particularly after the pandemic.

A concurrent, albeit more gradual, shift which has contributed to more liberal migration attitudes is demographic change. Even before the referendum, long term shifts in the composition of the British population were driving a slow positive shift in attitudes towards immigration. Groups with more liberal attitudes such as graduates, voters from BAME backgrounds and younger, more socially liberal generations, are steadily growing, shifts confirmed in 2021 census data.
WHAT NEXT FOR MIGRATION AFTER BREXIT

What is the outlook for migration trends?

Unless further unexpected factors intervene to push up migration to the UK, there is no reason to assume that net migration will continue to remain at current levels in the long term. Even if immigration levels remained the same as in 2022 indefinitely, net migration would fall in the coming years. This is because many migrants only remain for a few years, pushing up emigration (and thus subtracting from net migration) when they leave. This is especially relevant for international students, whose departure rates are high. At the same time, immigration levels may fall due to a smaller number of people arriving from Ukraine and perhaps Hong Kong.

Even if immigration and net migration are likely to fall, the level they ‘settle down’ to will not necessarily be lower than it was before Brexit. A long-term reduction in net migration following Brexit was a reasonable assumption that featured in analysis from the OBR, Home Office, Migration Advisory Committee, and academics. However, those analyses assumed that the system for work migration would be more restrictive than it has proved to be in practice; and largely ignored student migration. As shown above, work and study migration has in fact increased. Even though most of these workers and students will leave the UK within a few years, the ones who remain permanently will still contribute to long-term net migration.

Workers and students

Between 2018 and 2022, the number of visas issued to non-EU workers and students increased by 200,000 (104%) and 316,000 (111%) respectively. However, Home Office data suggests that only about 17% remain for more than about seven years. Simple arithmetic therefore suggests that if the current number of around 600,000 student arrivals were sustained long term, it would add roughly 100,000 annually to net migration.

Future migration patterns will thus depend to some degree on whether current demand for international study and skilled work in the UK persists. As of the third quarter of 2022, student visa grants showed no sign of falling back from their post-Covid bounce. A weaker labour market might reduce demand for skilled work visas in the private sector.
However, the biggest single user of work visas is the health and care sector, dominated by either public sector employment (i.e. the NHS) or public-sector contracts (i.e. social care). Future demand for overseas workers in these roles will depend at least to some extent on the government’s ability to expand the domestic training pipeline or improve retention for health roles, and improve pay and conditions in social care. As of early 2023, the government had not responded to the Migration Advisory Committee’s April 2022 report recommending higher pay to attract domestic workers into the care sector. The government’s main message in its policy statement introducing the points-based system in February 2020 was that ‘employers will need to adjust’ to more restrictive migration policies. Ironically, it is where government bodies are the employer (or indirectly determine pay via public-sector contracts), that adjustment is proving difficult and reliance on skilled workers from abroad has increased the most.

On the other hand, the number of EU citizens coming to the UK on skilled worker visas has been very low. One potential explanation is that employers in sectors employing high shares of EU citizens, such as construction, are unfamiliar with the visa sponsorship system because they are only newly eligible to use it. Greater familiarity with the system over time could lead to greater take-up in middle-skilled jobs. It is also possible that some of those granted status under EUSS, but who have left the country, might return. However, it seems likely that a combination of the introduction of the new system and broader economic and demographic factors have made the UK permanently less attractive to potential migrants from the EU.

In other words, demand for work visas could fall back under some scenarios, such as an improvement in training and retention in the health sector, but this is by no means guaranteed.

**Refugees and the asylum system**

Asylum migration is more volatile and unpredictable than other forms of migration. The future outlook for asylum applications – many of which currently involve people crossing the Channel in small boats – is thus highly uncertain. The number of people seeking asylum rises and falls due to external factors largely beyond government control, and past research suggests policy is just one factor affecting the numbers. There is some evidence that policies physically preventing people from reaching the territory to claim asylum have reduced asylum applications in the past. For example, in May 2022 the UK government introduced a visa requirement for citizens of El Salvador in order to stop them reaching the UK to claim asylum. Applications from Salvadoran citizens fell by 96% between the first and third quarters of the year.
However, the evidence behind policies that aim to shape prospective asylum seekers’ decisions by threatening to treat them less favourably after they arrive is less convincing. Some asylum seekers are not aware of ‘deterrence’ policies, and others will feel that the risks are worth it. The current government approach is based primarily on the idea of deterrence rather than physical enforcement, which is particularly challenging in the Channel. As a result, there is no reason to expect that measures to penalise people arriving in small boats will have a dramatic impact on the number of asylum claims in future, although there is some chance they could fall back of their own accord.

The EU Settlement Scheme

The EUSS is designed to protect the rights of past migrants rather than constituting a feature of the current migration system. However, the Windrush scandal illustrates that such ‘legacy issues’ can have important political and policy implications, not to mention real-world impacts on individuals and families. Although refusal rates have been low in percentage terms – 5% for EU nationals and 8% for non-EEA – that still amounts to more than 375,000 and rising. For those without leave to remain, the government’s ‘hostile environment’ makes it particularly difficult to live and work in the UK because employers and landlords have to check on the individuals’ settlement status. However, as yet, we are not aware of any formal deportations.

A key medium-term issue is the more than two million people granted ‘pre-settled’ status. The rules of the scheme obliged them to make a new application to transition to (full and permanent) ‘settled status’ before the expiry of their pre-settled status after five years. Failure to do that would have meant they became unlawfully resident, with vulnerable and marginalised individuals particularly likely to be affected. However, following a successful judicial review challenge brought by the Independent Monitoring Authority, a body set up under the Withdrawal Agreement to monitor how the UK is protecting the rights of EU+ nationals, this requirement has been found to be unlawful. Their rights will therefore be maintained even where someone with pre-settled status fails to make a timely application to change to settled status. The Home Office will now need to bring forward new rules to resolve the position of this group, and will have to decide how liberal or restrictive to be in its implementation of the judgment.
Where next for migration policy?

The political environment

Since the Brexit referendum, and especially since Brexit itself, the UK immigration system has changed radically. The end of freedom of movement accompanied a somewhat greater degree of openness to skilled workers and students from outside the EU. At the same time, economic and geopolitical shocks – from the pandemic to developments in Hong Kong, Ukraine and Afghanistan – have also had a major impact on the nature of migration flows.

Historical precedent might suggest that a period of such radical change could be followed by one of stability, with immigration becoming less of a political and policy focus, as was the case in the 1980s and 1990s after the turbulence of the 1960s and 1970s. And that is indeed what some predicted; Dominic Cummings argued that “once there’s democratic control of immigration policy, immigration will go back to being a second- or third-order issue.”

This now seems far from plausible. In none of the main areas of migration policy described above do we appear to have yet attained in a stable equilibrium. Instead, this and future governments are likely to be confronted by several difficult policy choices. Meanwhile, public opinion has shifted considerably – becoming much more positive towards immigration overall, particularly from an economic perspective, while concerns have grown about cross-Channel arrivals.

The post-Brexit system, entailing a more selective migration policy, centred around a minimum salary and focusing on ‘skilled’ jobs, has been implemented at a time when the public is becoming more positive and flexible about immigration. The element of ‘control’ is clearly important to voters – even those who are typically pro-migration express clear preferences for a system of controls rather than free movement. Priorities for workers, particularly in sectors where the UK is experiencing skill shortages, and for students coming to UK universities, are popular. Yet voters are also increasingly open to lowering income requirements, applying less strict rules for family reunion, and opening up to migrants who work in low-wage but high-social contribution areas such as social care.

While only a minority of the public actively want higher migration, there is little demand for policy change designed to cut migration substantially. Data shows voters prioritise selection and control over cuts to numbers as a goal for policy. This, alongside the lack of a negative reaction to last years’ record migration statistics, suggests that there is little public demand for numerical caps or targets. The tension between the economic benefits of a more liberal and flexible migration policy on the one hand, and a perceived political imperative to reduce numbers on the other, while they have not entirely vanished, may therefore be less of a constraint in the future.
**Work-related migration**

On work-related migration, the key feature of free movement from a labour market perspective was that it allowed migration to be driven by demand, with little or no intervention required by government. For better or worse, a skills-based system requires the government to take a view, implicit or explicit, on which sectors and occupations it wishes to prioritise. So far, it has chosen – influenced by domestic labour shortages – to favour the health and care sector, while maintaining a broader approach which in practice favours high productivity service sectors such as finance, ICT, higher education and business services. Given the concentration of the latter sectors in London, and the higher level of wages there, this also means the system is in practice very London-centric, at least as far as the private sector is concerned. From one perspective, this plays to the ongoing strengths of the British economy. London already benefits from agglomeration economies, and has a much higher share of higher-paid, higher-skilled jobs: the current system will facilitate further growth in these sectors. On the other hand, far from ‘levelling up,’ this inherent bias could in fact be seen to be exacerbating existing regional and spatial inequalities, by making it even harder for areas with relatively high numbers of low paid and/or low skilled occupations to recruit migrant workers.

The key policy choice, then, will be whether to continue with a broadly ‘neutral’ system, which both separates immigration decisions from the broader domestic economic context and implicitly uses salary as the best available proxy for a migrant’s value to the UK economy, or whether to attempt to attune the system to the government’s domestic economic priorities. The latter might involve, for example, linking policy more explicitly to sectoral skills and training strategies, as has been proposed by Labour. The former risks disconnecting migration policy, which has become increasingly central to the functioning of the UK labour market, from wider economic and social strategy. The latter risks overcomplicating the system, making it more vulnerable to lobbying from business groups, and falling into the trap of assuming that the UK labour market can be predicted and planned by Westminster and Whitehall.

Another key choice will be to decide whether and how to provide work visas for low-wage work. The two low-wage sectors that currently have employer-sponsored visa schemes have seen widespread reports of exploitation of migrant workers. These problems will likely only worsen as the number of workers participating in the schemes increases. However, other sectors have been calling for short-term work visas too, and for an expansion of the two-year Youth Mobility Scheme visa to EU countries. The economic downturn and political impact of temporarily high net migration numbers may well take any further liberalisation off the table in the short term. But in the longer term, the government will continue to face pressure to provide concessions to low-wage sectors that previously benefited from free movement.
**Students**

For students, policy choices relate not only to the immigration system, but more to the government’s wider strategy (or lack of it) for higher education. The relaxation of Theresa May’s restrictive approach to international students, followed by the introduction of the Graduate Visa, has led to a rapid expansion in international student demand. This in turn has been met with strong growth in supply, allowing universities to compensate for large real-terms cuts in domestic student fees by increasing revenues from international students.

In the 2010s, it could plausibly be argued that this dynamic was benign, with a reasonable but not excessive degree of cross-subsidisation meaning that domestic and international student provision complemented each other. There was no evidence suggesting that international students were ‘crowding out’ domestic ones. However, there is no guarantee that this will continue to be the case going forward; the risk is that at current fee levels universities will have little choice but to prefer more lucrative foreign students.

Within government, discussions are currently ongoing as to whether to introduce new restrictions, especially on which students can bring dependents to the UK. Modest changes to the rules may limit future growth, although will not necessarily reverse it. However, if the government’s response is aimed at severely restricting student visas in order to reduce net migration, the risk is that large parts of the sector will simply become uneconomic. Decisions affecting the number of international students thus cannot be taken in isolation from decisions about the future of UK higher education and its financing.

**Trade deals**

The relationship between migration and trade remains contested, both in economic and policy terms. In most cases, migration does not play a major part in trade deals. For example, while the EU-Canada and now the UK-Canada FTAs do contain some relatively minor provisions on mobility for the provision of services, they are far from central and are not much utilised in practice. The UK-Australia deal expands the existing provisions for youth mobility somewhat in both directions, but its overall impact on immigration provisions for Australians is relatively modest.

The big exception is India, where migration issues have long been a key part of any possible deal. Indeed, the UK’s negative attitude on this topic was one of the major roadblocks to an EU-India FTA as far back as 2010, and Theresa May’s disastrous visit to India in 2016 underlined this. The introduction of the new system has arguably made a deal more plausible, by giving the Indian side much of what they would have asked for in bilateral negotiations, as evidenced by the
very sharp rise in Indian work and student migration over the last two years. However, the Indian government would like to see a considerably more flexible system for short-term work visas, alongside at least a symbolic gesture towards equality with Australia on youth mobility.

Regardless of the government’s short-term political constraints, economic and political self-interest are likely to dominate here. India is the world’s most populous country and likely to be one of the major sources of global growth over the next few decades; it is also a country where the UK’s historic and current economic and cultural links makes ‘Global Britain’ a genuinely credible strategy, at a time when neither a US-UK nor a China-UK deal is likely any time soon. This raises the question as to whether the UK government will want to jeopardise this prize over the type of migration flexibilities sought by India, which in any case are just as likely to benefit the UK.

**Refugees**

The only safe prediction here is that the UK’s policy towards refugees will remain primarily reactive, driven by geopolitical events elsewhere and their consequence for refugee flows. To some extent this is inevitable, and not dissimilar from the approach taken by other advanced economies. In particular, the government seems wedded to a ‘deterrent’ model, denying those who arrive here irregularly the right to remain, even if they fulfil the conditions for refugee status.

An alternative approach would be to manage flows more proactively, with greater cooperation both with other European countries (especially France), including cooperation not just on enforcement but also on ‘burden-sharing,’ establishing limited routes for those with family or other connections to the UK to apply from abroad. Regardless of the approach the government takes, the evidence suggests that there is no easy solution – particularly to the ethically and politically difficult problem of small boat arrivals.

One area where the government does have substantial control is the management of the asylum system once people arrive. The growing backlog of claimants awaiting decisions on their claims has great human costs, is expensive and damaging to public confidence. The government has promised faster and more efficient processing for applicants in 2023, although it has allowed the scale of backlog to become so large that digging itself out will be an enormous challenge. Nonetheless – unlike the government’s objectives to reduce small boat crossings or deter asylum applications more broadly – addressing the asylum backlog is a challenge that it has clear tools to address, given sufficient resources and planning.
Conclusion

Debates on UK immigration policy are often framed as trade-offs between economic and political imperatives, with business and those seeking to prioritise growth seeking a more liberal migration policy, particularly in sectors facing skill or labour shortages, while politicians who fear the potency of anti-immigration sentiments prefer a more restrictive approach. This tension has often been mirrored within government, with the Home Office prioritising ‘control’ while the Treasury, the Department for Business, in its various incarnations, and the Department for Education pushing for liberalisation. This is indeed reflected in part in current debates, with the current Home Secretary seeking to tighten policy, especially on students, even as the OBR points out that increased immigration is one of the few levers that can reliably deliver higher growth in the short term.

However, as we enter election territory, both the Conservative and Labour parties may want to take a more nuanced and longer term view, and consider the implications of the changing migration trends as well as the concurrent shift in attitudes towards inward migration. For the Conservatives, headline grabbing hard-line initiatives such as the Rwanda policy risk alienating moderate and liberal voters, while also failing to convince hard-liners who have lost faith in the party’s ability to grip the migration issue. While Labour may be relieved by polling suggesting that, for the first time, a liberal immigration policy is not an electoral handicap, they will still be reluctant to put the spotlight on an issue which remains more polarising than their preferred terrain of the economy and public services. Though Labour’s approach to immigration is viewed more positively than that of the Conservatives for the first time in decades – albeit with relatively few substantive policy differences – public confidence in both main parties remains exceptionally low. Voters have lost faith in the government, but remain sceptical of the opposition.

Yet, for the first time in many years, the path to rebuilding public support is relatively clear. The public clearly expect transparent and fair rules for immigration, which are effectively implemented. But there is a broad consensus that any system should meet the needs of the economy and labour market, reward contribution, and be relatively generous towards genuine refugees – although the definition of the latter, and how policy on asylum and refugees should operate in practice, remain highly contested. A government which credibly delivers these outcomes will find that, thanks to a mixture of demographic and attitudinal shifts, an open and flexible migration system can enjoy strong majority support. The debates to come on immigration in the next decade could be very different to the ones we have had before.
The positive turn in public opinion, and the general acceptance of the principles – if not necessarily the detail – of the post-Brexit immigration system should offer an opportunity to secure public consent for an approach that reflects both economic realities and political constraints. But that will require a degree of commitment, in particular to maintaining a broadly stable policy environment despite inevitable political and business pressures to tinker with the system in one way or another. This means largely ‘looking through’ the very large increases in the headline figures, mostly driven by temporary factors, rather than over-reacting with hasty policy change. It will also require an approach to refugee flows that addresses current pressures in a more humane and cost-effective way, while managing public expectations about the power of the tools the government holds.
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