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The Xenophobe's Phrase Book

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I. The Referendum

On winning the general election on 7th May 2015 the Prime Minister, David Cameron, restated a Conservative Party manifesto commitment to hold an »in-out« referendum on the United Kingdom (UK)'s membership of the European Union (EU) by the end of 2017. David Cameron has said that he intends to renegotiate elements of the UK's terms of EU membership before the proposed referendum and is campaigning for Britain to remain in the EU on the proviso that he obtains the reforms he wants (BBC News, 15 October 2015). In his letter of 10 November 2015 setting out his demands to the President of the European Council, Donald Tusk, Cameron wrote:

»... we do want to find arrangements to allow a Member State like the UK to restore a sense of fairness to our immigration system and to reduce the current very high level of population flows from within the EU into the UK. These have been unplanned and are much higher than forecast – far higher than anything the EU's founding fathers ever envisaged ... we need to go further to reduce the numbers coming here. As I have said previously, we can reduce the flow of people coming from within the EU by reducing the draw that our welfare system can exert across Europe. So we have proposed that people coming to Britain from the EU must live here and contribute for four years before they qualify for in-work benefits or social housing. And that we should end the practice of sending child benefit overseas.« (Gov. UK, 10 November 2015).

Cameron's demands would appear to be supported by British voters. A national opinion poll reported by Ipsos Mori on 9 October 2015 found that 58 per cent of respondents think there should be further restrictions on free movement of EU citizens and a further 14 per cent said that free movement between EU countries should be stopped altogether. Of those who said they want more restriction on free movement, 59 per cent cited »people coming to claim benefits as their reason.« (Ipsos Mori on 9 October 2015). The poll

found that imposing restrictions on EU migrants' entitlement to UK benefits is by far the most popular aim from the list of areas that Cameron has stated he wants to renegotiate. Nearly two-thirds of British voters described achieving the objective of restricting EU migrants' entitlement to UK benefits as »very important« and the poll suggests the outcome of Cameron's negotiations in this area may be decisive to the outcome of the referendum (Ipsos Mori, 9 October 2015; Guardian, 9 October 2015).

Cameron's letter makes clear that his strategy to reduce the flow of EU migrants to the UK is to focus on further restricting access to the UK's social security benefits and tax credits (Gov.UK, 10 November 2015). The Financial Times (18 June 2015) reported that Cameron believes that by restricting migrants' access to social security benefits he will be able to convince the electorate to vote for the UK to remain in the EU. However, according to the Financial Times, to *»introduce a legally watertight four-year waiting period for claims Mr Cameron may need treaty change.«* (Financial Times 28 November 2014: Roberts, 2015). It has been reported that Angela Merkel has told Cameron that it *»goes without saying that there are things that are non-negotiable. That there are achievements of European integration that cannot be haggled over, for example the principle of free movement and the principle of non-discrimination.«* (BBC News, 15 October 2015; Roberts, 2015).

Cameron's approach is in line with the UK's policy over the past two decades of restricting access to social security for »people from abroad« (section 3); makes assumptions about the motives and impact of EU mobile workers (section 4); that is contradicted by the evidence (section 5); but has nevertheless been accompanied by shrill and at times abusive commentary by senior members of the British government and elements of the British media (section 6). Cameron's proposal to introduce a prior period of residence in the UK as a condition of entitlement to some British benefits is in contradiction to a fundamental principle of EU law – that of non-discrimination on the grounds of nationality. The regulations concerning free movement and social security are described in section 2. The conclusion argues that Cameron is exploiting the communitarian argument to create a moral panic that Britain's »generous« social security system is being *»taken advantage of«* by EEA migrants to convince his fellow EU leaders that unless they concede to his demands he will be unable to prevent a vote for British exit. However, Cameron is a »rational economic man« and his aim is not to reduce the flow of workers to Britain but to reduce migrant workers' social rights in order to further increase the net contribution of EU migrant workers in Britain's low wage economy.

II. Free Movement of Workers and the Coordination of Social Security

The European Economic Community (EEC) was founded in 1957 by the Treaty of Rome and came into being on 1 January 1958. The original six member countries were Belgium, France, Germany, Italy, Luxembourg and

the Netherlands. The EEC was a new concept of political organisation as member countries pooled elements of their national sovereignty that had resided with the nation state since the Treaty of Westphalia of 1648 brought an end to the Thirty Years War.¹ (Hartmann, 1974; Heater, 1990).

Having initially declined to join the EEC on its foundation the UK had a change of mind in the early 1960s but had its membership applications refused twice, in 1963 and 1967. The UK's next application for membership was accepted and, along with Denmark and Ireland, the UK joined the EEC on 1 January 1973 raising the number of member states from six to nine. The UK Prime Minister at the time, Edward Heath, said that membership would bring prosperity and cultural enrichment to Britain (BBC, n. d.).

The Treaty of Rome provides for free movement of goods, services, capital and labour (Europa). Article 48 of the Treaty of Rome – now article 45 of the Treaty on the Functioning of the European Union (TFEU) – provides for freedom of movement of workers to be secured within the Community through the abolition of any discrimination based on nationality between workers of the Member States as regards employment, remuneration and other conditions of work and employment which includes social security (Roberts, 2010). Free movement was originally introduced as a fundamental economic freedom (European Economic Community) and was limited to workers and their families (Watson, 1980; Holloway, 1981). Since the Treaty of Amsterdam (1997) free movement has been a fundamental freedom of European Citizenship. Today, every person holding the nationality of a Member State of the European Union is a citizen of the Union. EU citizenship is a set of rights additional to those of national citizenship. One of those rights is the right to move, work and reside freely within the EU (Europa).

The drafters of the Treaty of Rome recognised that the member states' different social security systems and the restrictions on benefit entitlement they contained could present an obstacle and deterrent to workers moving around the Community and be a barrier to the right to free movement enshrined in the Treaty (Watson, 1980; Holloway, 1981). The main obstacles for mobile workers lie in nationality and residence criteria attached to member states' benefits including, for example, the requirement for a minimum number of insurance periods – either years of residence or number of contributions paid – to qualify for a benefit and that benefits, once earned, may not be exportable or may have conditions attached to their export. Thus, for example, someone could have a full working life spread across several EU member countries and upon retirement not be entitled to a pension in any of those countries (Roberts, 2010). EU coordinating regulations adjust social security systems in relation to each other to protect the entitlements of mobile workers while leaving

1 The Treaty or Peace of Westphalia refers to the Treaties of Munster and Osnabruck.

the national schemes intact in other respects (Pennings, 2003). Regulation, 883/04², achieves coordination through four key principles:

- Equal treatment – discrimination on grounds of nationality is prohibited to guarantee that a person residing on the territory of a member state is subject to the same obligations and benefits from the same rights as the citizens of that member state.
- Determination of the applicable legislation – rules are laid down to determine which member country's legislation the person is subject to in order to prevent insurance in more than one member country or in none at all.
- Aggregation of insurance periods – rights in the course of acquisition are protected through aggregation of periods of insurance, residence or employment spent in each of the respective countries to establish a right to a benefit or pension in another member state.
- Export of benefits – rights already acquired are protected by allowing certain, mainly long term, benefits to be exported (Europa).

These principles apply to all European Union (EU) and European Economic Area (EEA) member countries (Europa; European Free Trade Association) and are reciprocal – UK nationals benefit to the same extent as other EU nationals.

Of the benefits and tax credits named by Cameron in his letter, UK Child Benefit and Child Tax Credit are classified as »family benefits« under Regulation 883/04 and covered by Article 4 on Equal Treatment which states that:

Unless otherwise provided for by this Regulation, persons to whom this Regulation applies shall enjoy the same benefits and be subject to the same obligations under the legislation of any Member State as the nationals thereof.

While UK legislation contains provisions that prevent Child Benefit and Child Tax Credit being paid for children who are not resident in Britain, Chapter 8 of Regulation 883/04 on Family Benefits provides that Child Benefit and Child Tax Credit can be paid to EEA migrants in the United Kingdom for their dependent children who are resident in another member state.

Working Tax Credit is classed as a »social advantage« under Regulation 492/11.³ Article 7 of Regulation 492/11 on »Employment and equality of treatment« provides that:

1. A worker who is a national of a Member State may not, in the territory of another Member State, be treated differently from national workers by reason of his nationality in respect of any conditions of employment and work, in particular as regards remuneration, dismissal, and, should he become unemployed, reinstatement or re-employment.

² Regulation (EC) No. 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems, Official Journal of the European Union, 30.4.2004.

³ Regulation (EU) No. 492/2011 of the European Parliament and of the Council of 5 April 2011 on freedom of movement for workers within the Union, Official Journal of the European Union. Regulation (EU) No. 492/2011 of the European Parliament and of the Council L 141, 27.5.2011.

2. *He shall enjoy the same social and tax advantages as national workers.*

Thus Cameron's demand for a four year residence requirement would be in breach of a fundamental principle of EU law – equal treatment which applies to both direct and indirect discrimination.⁴

III. Restriction of Benefits for Migrants in the UK

Cameron's proposals are a continuation of a series of measures that have been introduced over the last 20 years to restrict the access of non-UK nationals to British social security benefits.⁵ The UK now has a complex mix of multiple residency-related tests controlling access to benefits for »people from abroad«. Changes which became effective in 1996 excluded people subject to immigration control from receiving the non-contributory categorical benefits Attendance Allowance, Child Benefit, Disability Living Allowance and Invalid Care Allowance (now Carer's Allowance).⁶ However, EU nationals and members of their family are treated as having satisfied the associated residence test and some other groups are exempted from the test or are deemed to have passed it.

For those people who satisfy the above test, entitlement to non-contributory benefits is governed by further residence and presence conditions. Disability Living Allowance, Attendance Allowance, Carer's Allowance, and Child Tax Credit require a person to be »ordinarily resident«. Child Benefit requires a claimant to be present and ordinarily resident and (since 1 May 2004) a claimant also has to have a »right to reside« in the UK under UK or EU law. The child has to be present. For persons covered by Regulation 883/04 periods of residence spent in another member country count towards satisfying the test.

The UK's residence requirements were ratcheted up in 1994 with the introduction of the »Habitual Residence Test«.⁷ The test now applies to the receipt of the non-contributory income-based benefits: Income Support, Income-based Jobseeker's Allowance, Income-related Employment and Support Allowance, Pension Credit, Housing Benefit, Council Tax Reduction and Universal Credit. EU nationals who have the right of residence under EU legislation because they have worked in the UK are exempt from the requirement to be habitually resident. Other EU nationals, including jobseekers, are subject to the test. The Habitual Residence Test constituted part of the »*narrowing of access to benefit for people the Government believes the taxpayer should not*

4 Direct discrimination is treating someone less favourably than someone else because of a characteristic, in this case nationality. Indirect discrimination is where a law, policy or practice that applies to everyone particularly disadvantages people who share or do not share a particular characteristic, in this case nationality.

5 In Britain the term »social security« is used to refer to contributory, non-contributory categorical and non-contributory income-based cash benefits. This last category includes the UK's »tax credits«. Healthcare is considered to be a different category of service and is not included under the term »social security«.

6 Social Security (Immigration and Asylum) Consequential Amendments Regulations 2000 (SI 2000/636).

7 Miscellaneous Amendments (No. 3) Regulations 1994 (SI 1994 No. 1807).

be asked to support» (Statement by the Secretary of State for Social Security cited by Roberts, 2004).

On 1 May 2004 – the day accession country workers were permitted to enter the UK – the Social Security (Habitual Residence) Amendment Regulations 2004⁸ became effective. The amendment introduced a further test for receipt of the income-related benefits. Since this date, a claimant, as well as being present and habitually resident, also has to have a »right to reside« in the »Common Travel Area« (the UK, the Republic of Ireland, the Channel Islands or the Isle of Man) under UK or EU law. The Right to Reside Test has been subject to several legal challenges in the UK and in June 2015, at a hearing before the European Court of Justice, the European Commission argued that the UK government »has created a situation of direct discrimination« as the Right to Reside Test places additional conditions on EU nationals that are not applied to UK citizens (BBC News 11 August 2015).

The coalition of Conservatives and Liberal Democrats that formed a government in 2010 introduced a range of further measures to exclude EU migrant workers and citizens from access to UK benefits (see Table 1, below). Despite the technical nature of these amendments David Cameron took the unusual step for a Prime Minister of personally announcing the reforms himself (House of Commons Library, 2015).

Table 1: Measures introduced by the coalition government 2010–2015 to restrict access to UK benefits for migrants

Benefit	Date	Measure
All income-based benefits	December 2013	A »stronger, more robust« Habitual Residence Test
Income-based Jobseeker's Allowance	1 January 2014	A requirement to have been living in the UK for three months before becoming eligible
Jobseeker's Allowance and Housing Benefit, Child Benefit and Child Tax Credit	1 January 2014	An EEA jobseeker or former worker must show that they have a »genuine prospect of finding work« to receive benefit for more than six months
All income related benefits	1 March 2014	A new minimum earnings threshold to help determine whether an EEA national is or was in »genuine and effective« work, and consequently has a »right to reside« as a worker or self-employed person (and with it, entitlement to benefits)

⁸ Statutory Instruments, 2004 No. 1232 Social Security, The Social Security (Habitual Residence) Amendment Regulations 2004.

Benefit	Date	Measure
Housing Benefits and Jobseeker's Allowance	1 April 2014	New EEA jobseekers prevented from accessing Housing Benefits even if they are in receipt of Jobseeker's Allowance
Jobseeker's Allowance	9 April 2014	Ending routine use of interpretation services for most new claimants
Jobseeker's Allowance	28 April 2014	Requiring claimants whose spoken English is considered to be a barrier to work to undertake training to improve their language skills
Child Benefit and Child Tax Credit	1 July 2014	Requiring new jobseekers arriving in the UK to live in the country for three months in order to claim

Source: House of Commons Library, 2015

The Conservative government, elected in May 2015, has introduced further legislation to prevent EEA jobseekers from claiming Universal Credit (10 June 2015).

IV. »Benefit Tourism«

David Cameron's demand for new restrictions on EU migrants' access to UK benefits, in order to reduce the flow of EU migrant workers to Britain, makes assumptions about the motives of mobile workers coming to Britain. The logic of his argument is that EU mobile workers come to take advantage of Britain's »generous« social security system. Thus the assumption is that cutting access to UK benefits will reduce the flow of migrants to Britain. This assumption has informed the series of measures introduced to restrict EU mobile workers' access to UK benefits during the past 20 years. For example, the Habitual Residence Test was introduced into UK legislation following a speech by the then Secretary of State for Social Security, Peter Lilley, to the 1993 Conservative Party Conference in which he asserted that there was an increasing problem of »benefit tourism« to the UK caused by EU free movement rules. The Secretary of State argued that the UK's »generous« welfare system was encouraging an exodus of nationals from other member states with less generous benefit systems looking for better benefits in the UK. The Secretary of State promised »swift action to clamp down on benefits to foreigners« (Conservative Party Press Release, 6 October 1993 cited by NACAB, 1996; Roberts, 2004).

The Labour Party's Home Secretary, David Blunkett, explaining the reasoning behind the decision to give workers from the 2004 accession countries access to Britain's labour markets, stated that accession country nationals are welcome to come to the UK to work but not to claim benefits:

»... *working immigrants are welcome. Benefit tourists are not ... That*«, he explained *»is why the Government is putting in place a package of measures to prevent people who are not working from accessing benefits.«* (Home Office, 25 March 2004).

The package of measure introduced to restrict access to UK benefits for nationals arriving from the new member states included the Right to Reside Test and as explained by the Home Secretary:

»... *working with the International Organisation for Migration to put in place an information campaign in the Czech Republic, Slovakia, Hungary and Poland. The campaign will communicate a simple message – »You can come to the UK to work, if you register, but you cannot claim benefits.«* (Home Office, 23 February 2004).

The government informed the Social Security Advisory Committee⁹ that the underlying purpose of the new Right to Reside Test is to *»safeguard the UK's social security system from exploitation by people who wish to come to the UK not to work but to live off benefits.«* (SSAC, 2004: 3; Roberts, 2008). Angela Eagle, the then Parliamentary Under-Secretary of State at the Department for Social Security, said: *»It is right that our social security system should be safeguarded from abuse by people with little or no connection to the UK and we will continue to do this.«* (Angela Eagle in answer to a Parliamentary Question from Oona King (Hansard) cited by Roberts, 2004).

David Cameron continued the *»benefit tourism«* narrative when he *»shared his concerns«*, in an article in the Financial Times on 27 November 2013, over the impact of lifting transitional restrictions on the right of Romanian and Bulgarian to work in the UK from 1 January 2014 stating that the Government has introduced a series of measures *»to tighten up our EEA migration rules to ensure our welfare system is not taken advantage of.«* (House of Commons Library, 2015).

V. The Evidence

1. Benefit tourism

The evidence does not support the *»benefit tourism«* narrative. To coincide with opening the labour market to nationals from the new member countries on 1 May 2004 the Department for Work and Pensions¹⁰ centralized the administration of EU nationals' claims for Income-based Jobseeker's Allowance, Income Support and State Pension Credit. The Assessment Centre in Glasgow was initially staffed to manage 1200 claims per week (SSAC, 2004;

⁹ The Social Security Advisory Committee (SSAC) is an independent statutory body that advises the Secretary of State for Work and Pensions, and the Department of Social Development in Northern Ireland, on social security matters.

¹⁰ The Department for Work and Pensions (DWP) replaced the Department of Social Security in 2001 and is responsible for social security. It administers the State Pension and a range of working age, disability and sickness benefits.

Roberts, 2008). However, because migrants from the new member countries had come to the UK in order to work and not as »benefit tourists« as asserted by ministers, claims for benefits were much lower than the government had expected. During the period 1 May 2004 (the date of accession of the new member countries) to 31 March 2008 (as the global financial crisis impacted on the UK economy) there were just under 875 000 National Insurance Number applications by nationals from the Central and Eastern European accession countries. Of these almost all (97.6 %) were allocated for employment purposes, 1.6 per cent for Child Tax Credit and just 0.8 per cent related to benefits (Home Office, 2008; Roberts, 2008). Specifically, between May 2004 and March 2008, there were only 8899 applications for Income Support, 15 495 for Income-based Jobseeker's Allowance and 456 for State Pension Credit (Home Office, 2008; Roberts, 2008). Of these more than three-quarters (77 %) were refused under the Habitual Residence/Right to Reside tests (Home Office, 2008). Between accession in 2004 and the closure of the Worker Registration Scheme in 2011 there was a total of only 27 831 successful claims for tax funded income-related benefits, the majority of which were in 2009-10 during the Great Recession (Office for National Statistics). These figures, which show the *total* number of claims over a seven year period between 2004 and 2011, compare with 5.7 million claimants receiving British working age benefits in May 2010 (Department for Work and Pensions, 2010).

Further evidence to challenge the »benefit tourism« narrative is provided by an analysis of the impact on member countries' social security systems of intra-EU migrants claims for »special non-contributory benefits«¹¹ which concluded that the number of non-working EU migrants across the EU is very small; non-working EU migrants are only a very small proportion of recipients of »special non-contributory benefits«; and confirmed the UK data reported above that the impact of these claims is insignificant in comparison to the member countries' overall social security budgets. The study concluded that work is the key motivation and driver for intra-EU migration (ICF GHK in association with Milieu Ltd, 2013).

2. Net fiscal contribution

The evidence also contradicts the mantra that Britain's social security system needs to be »safeguarded from abuse by people with little or no connection to the UK.« (Angela Eagle in answer to a Parliamentary Question from Oona King (Hansard) cited by Roberts, 2004). The BBC News recently reported the Director General of the Confederation of British Industry (CBI), John Cridland, saying that the »vast majority« of migrants to the UK came to work and »benefit our economy«. The CBI Director General said »Our

11 »Special non-contributory cash benefits« are tax financed benefits to provide either supplementary, substitute or ancillary protection against risks covered by Regulation 883/04 – sickness, maternity and paternity, disability, old-age, bereavement, accidents at work and occupational diseases, death, unemployment, pre-retirement and costs of a family – to guarantee minimum subsistence, or are for disabled people connected to the member state's social environment.

hospitals and care homes couldn't function without overseas workers; building sites that we need to deliver more homes and big infrastructure projects would also stall.» (BBC News 30 August 2015). Research by Dustmann and Frattini (2014) found that during the ten years between 2001 and 2011, European migrants who had arrived in the UK after 2000, contributed over £ 20 bn to public finances and provided human capital that they estimated would have cost the UK £ 6.8 bn in spending on education. This is a view supported by the UK government's own analysis:

»In the long run, it is likely that the net fiscal contribution of an immigrant will be greater than that of a non-immigrant. For migrants of working age who enter the country this is relatively clear; the UK is receiving the fiscal contribution of their work, without paying for the education and training that enables them to work.» (Home Office, 2007).

One reason for EU migrants' high net contribution to the British economy is the low wages they are paid by Britain's employers. Evidence collected during the Worker Registration Scheme showed that, with the majority of Central and Eastern European migrants employed in low-skilled jobs, hourly rates of pay were very low – generally at around minimum legal wage levels. Evidence presented to the House of Lords showed that Polish workers in the UK earned an average of only £ 6 per hour during 2003–2006 (House of Lords, 2008; Roberts, 2008). Data from the Worker Registration Scheme showed that 70 per cent of Central and Eastern European workers who applied to the Scheme between April 2007 and March 2008 reported that their hourly wages rate was between £ 4.50 and £ 5.99. This compared to an average hourly wage of £ 11.50 for UK-born workers in 2006 – around twice that for workers from Central and Eastern Europe, even though UK-born workers were less educated and less skilled (House of Lords, 2008; Roberts, 2008).

3. Reciprocity

The right to move freely within the EU under the protection of the principle of non-discrimination and the social security coordinating regulations applies equally to UK nationals as it does to nationals of other EU member countries. A study undertaken and reported by the Guardian newspaper showed that it is by no means all »one-way« traffic:

»... unemployed Britons in Europe are drawing much more in benefits and allowances in the wealthier EU countries than their nationals are claiming in the UK, despite the British government's arguments about migrants flocking in to the country to secure better welfare payments.» *The research shows that: »more than four times as many Britons obtain unemployment benefits in Germany as Germans do in the UK, while the number of jobless Britons receiving benefits in Ireland exceeds their Irish counterparts in the UK by a rate of five to one ... In Finland, Sweden, Denmark, Belgium, Luxembourg, Germany, Austria, France and Ireland the number of Britons banking unemployment cheques is almost three times as high as the nationals of those countries re-*

ceiving parallel UK benefits – 23 011 Britons to 8720 nationals of those nine countries in the UK.» (Guardian, 19 January 2015).

The Guardian report challenges the »generous« UK benefits narrative:

»There are not only far more Britons drawing benefits in these countries than vice versa, but frequently the benefits elsewhere in Europe are much more generous than in the UK. A Briton in France receives more than three times as much as a jobless French person in the UK.« (Guardian, 19 January 2015).

Commenting on the Guardian's finding that around 2.5 per cent of Britons who are living in the EU are claiming unemployment benefits in other member countries which is *»the same level as the roughly 65 000 EU nationals claiming Jobseeker's Allowance in the UK«* Roxana Barbulescu pointed out that *»Thirty thousand people, or 2.5 per cent of all British nationals, in other EU member states means that the overwhelming majority of Brits abroad as well as European citizens in Britain are not an undue burden for the countries in which they live.«* (Barbulescu quoted by Guardian, 19 January 2015).

That UK nationals also benefit from free movement and social security coordination is further illustrated by the many thousands of British retirees in Spain and other Mediterranean countries who are treated equally with home country nationals within the host countries' healthcare systems (Roberts and Schulte et al., 2009). It is likely that elderly Britons living in Spain will need to make greater use of the Spanish healthcare system, for example, than young workers from Poland and other Central and Eastern European countries make of the UK's National Health Service.

The Polish Foreign Minister, Radoslaw Sikorski, commenting on David Cameron's wish to end the export of UK Child Benefit to Polish citizens working in the UK with children in Poland, reminded him of the evidence that Polish people contributed around double the amount to the British economy than they withdrew in benefits and that the EU coordination rules are reciprocal:

»If Britain gets our taxpayers, shouldn't it also pay their benefits? Why should Polish taxpayers subsidise British taxpayers' children?« Emphasising the principle of reciprocity that underpins social security coordination he added: *»UK social security rules apply to all resident EU citizens. No need to stigmatise Poles. What about British children abroad?«* (House of Commons, 2014).

VI. The Xenophobe's Phrase Book

Despite the evidence that migrant workers are a net benefit to the UK economy, the introduction of measures to restrict access to benefits for EU mobile workers and citizens has been accompanied by shrill and at times abusive commentary by senior members of the British government and elements of

the British media. In what might be the first use of the term the Secretary of State for Social Security told the 1993 Conservative Party Conference that:

»Community rules have opened up a new abuse: ›benefit tourism‹. People travelling round pretending to look for work. But really looking for the best benefits. Not so much a Cooks' tour as a Crooks tour« (Conservative Party Press Release, 6/10/93 cited by NACAB, 1996; Roberts, 2008).

To ribald laughter from the Conservative Party conference the Secretary of State continued:

- »Just imagine the advice you might find in a European phrase book for benefit tourists:
- ›Wo ist das Hotel?‹ Where is the housing department?
- ›Ou est le bureau de change?‹ Where do I cash my benefit cheque?
- ›Mio bambino e in Italia‹. Send child benefits to my family in Italy.
- ›J'en suis un citoyen de l' Europe‹. Give me benefits or I'll take you to the European Court«

(Conservative Party Press Release, 6/10/93 cited by NACAB, 1996; Roberts, 2008).

Since the 1993 Conservative Party conference the Polish and Romanian languages and those of other Central and Eastern European countries have entered the xenophobe's lexicon.

Apocryphal predictions appeared in some sections of the British media in the run up to Enlargement 2004. The Guardian newspaper reported in its Leader article on 21 January 2004 that:

»A new race scare is running in the media. It began on an inside page of the Sunday Times with a news story suggesting that at least 100 000 Gypsies are expected to arrive in the UK when the European Union expands by 10 states in May. The Sun followed up on Monday with a front page and two inside pages on the tens of thousands of Eastern European Gypsies heading for Britain. By yesterday, the Express was forecasting on its front page that 1.6 million Roma were ready to ›flood in‹.« (Guardian, 21 January 2004).

Peter Wilby, writing in the Guardian, suggested that the demonization of people from Eastern Europe is based on xenophobia and bigotry:

»The recent influx of East Europeans has allowed the Mail and other papers to revive their traditions of stoking xenophobia. Bigotry against black or brown people is no longer acceptable and may even fall foul of the law. The trick is to find substitutes. The Daily Express prefers ›illegals‹, the Mail concentrates on ›Poles‹«. (Guardian, Monday 11, August 2008; Roberts, 2008).

Commenting on the Ipsos Mori poll of 9 October 2015, the Managing Director of Ipsos Social Research Institute, Bobby Duffy noted that »the issues of Europe and immigration are becoming ›fused‹ in people's minds« (Ipsos Mori, 9 October 2015). In her speech to the Conservative Party conference on 6 October 2015 Home Secretary, Theresa May, introduced further fusion when she made a direct link between EU free movement regulations and the

refugee crisis – connecting refugees, rules on free movement of workers and criminality – when she told the conference:

»For years, despite its many other flaws and its criminal leadership, Libya was known as Europe's ›forward border‹. British immigration officials worked there with their European and Libyan counterparts to stop illegal immigration from Africa at its source. Now the criminal gangs that smuggle people into Europe have been able to work unimpeded. Free movement rules don't just mean European nationals have the right to reside in Britain, they now mean anybody who has married a European can come here almost without condition. And Schengen – the agreement that abolished borders between EU states apart from Britain and Ireland – means that once a migrant arrives in a country with weak border controls, like Greece, they can make their way across Europe and into Germany, or up to the British border at Calais, without checks. Many of those people will eventually get EU citizenship and the free movement rights that come with it.« (Independent, 6 October 2015).

David Cameron was widely criticised for his use of dehumanising language to make the same point. The BBC News reported on 30 July 2015 that *»Asked about the Calais crisis, he spoke of ›a swarm of people coming across the Mediterranean, seeking a better life, wanting to come to Britain‹«.* (BBC News, 30 July 2015). Cameron's point was further reinforced in the British media with the Daily Express claiming to have identified *»ungrateful«* migrants from Syria moving freely across the EU to exploit lax benefit rules, warning *»Britain next? Migrants ›on benefits‹ flood German village moaning ›there's no PlayStation‹«.* (Daily Express, 5 November 2015).

The demonization of EU mobile workers and citizens by the UK government and elements of the British media could be considered to contain a flavour of *»moral panic«*. Cohen (1972), *who coined the term* defined moral panic as *»... [a] condition, episode, person or group of persons emerges to become defined as a threat to societal values and interests«.* (Cohen, 1972: 9). Those who start the panic are referred to as *»moral entrepreneurs«* while those who allegedly threaten the social order are *»folk devils«*. In the case of EU migration the migrants are presented as the *»folk devils«* by the *»moral entrepreneurs«* in the UK government and media. The social order migrants threaten is the *»communitarian«* conception of national community.

For communitarians the solidarity of the national community is based on a melange of shared *»meanings, interests, values, sentiments, loyalties, affection and collective pride«* (Parekh, 1994: 94). In addition to the belief held by members of the community that they belong together, most communitarians consider that the community should enjoy a degree of political autonomy, that is, it should be a sovereign state; and for communitarians the modern *»nation state«* is bound together by the *»solidarities implicit in a common tax and public service system.«* (Coughlan, 1992: 112). However, according to communitarians, this sense of solidarity is bounded. People do not share a sense of solidarity with all human beings, but only with other members of the *»community«*. According to Coughlan (1992) *»the solidarities that exist within*

the nation state do not, or rarely, exist cross-nationally or between states. It is this fact above all that ties the redistributive welfare state irrevocably to the national level.» (Coughlan, 1992: 112). It is this view of community that is challenged by the European Union and in particular by free movement of workers and social rights at EU level.

VII. Conclusion: A Worrying Turn

Arguably, David Cameron is mobilising the communitarian argument to create a moral panic that Britain's »generous« social security system is being »taken advantage of« by EEA migrants to convince his fellow EU leaders that unless they concede to his demands he will be unable to prevent – and may indeed support – a vote for British exit. However, Cameron is a »rational economic man« and his aim is not to reduce the flow of workers to Britain – or British workers moving to Europe – but to reduce migrant workers' social rights. In this respect his argument to the British public, in the context of the forthcoming referendum, that reducing UK social security rights for EU migrant workers will reduce migration flows is not only founded on the fictitious notion of »benefit tourism« but is disingenuous. While further restriction of entitlement to income-based non-contributory benefits may cause hardship to individuals it will only lead to minor savings and is unlikely to have much impact on inward migration flows because the evidence shows that EU migrant workers are not coming to Britain to claim benefits but to work (Roberts, 2015).

However, as set out in Cameron's letter to the President of the European Council, the requirement »that people coming to Britain from the EU must live here and contribute for four years before they qualify for in-work benefits« (Gov.UK, 10 November 2015) is a key demand. Working Tax Credit, is an in-work benefit to supplement low wages. While the Habitual Residence and Right to Reside tests have effectively closed access to Britain's income-based benefits, Cameron's proposal »would affect more than 300 000 EU migrants working in Britain and claiming tax credits« (Guardian, 27

November 2014). These workers are claiming Working Tax Credit because of the low wages paid to migrant (and UK) workers by British employers. As EU recipients of Working Tax Credit are by definition working – many on the UK's building sites and in the UK's hospitals and care homes cited by the Director General of the Confederation of British Industry – and paying taxes, Cameron's proposal suggests that his concern is not so much »to ensure our welfare system is not taken advantage of« but to further increase the net contribution of EU migrant workers to Britain's low wage economy.

The UK government's tactic of creating moral panic over fellow European citizens exercising their legal right to work in the UK is a dangerous one. The Daily Telegraph reported that the pro market right of centre »Institute of Directors« »In an excoriating response to the Home Secretary's address ... accused her of jeopardising Britain's economic recovery with »irresponsible

rhetoric and pandering to anti-immigration sentiment« (Daily Telegraph, 6 October 2015). It may be more than Britain's economic recovery that is being jeopardised. Zeid Ra'ad Al Hussein, United Nations High Commissioner for Human Rights, warned the British government, »I think we have to be very careful about where this may lead.« While the Labour Party's Harriet Harman reminded Cameron to »remember he is talking about people and not insects« and called the use of »divisive« language a »worrying turn« (Guardian, 14 October 2015). Whatever the outcome of the referendum, Cameron's tactics may cause long term damage to British society. If he is successful they may also undermine the European social model. Berger and Mohr (1989), commenting on migrant workers who did not enjoy the protection of social security coordination, wrote they »are not born: they are not brought up: they do not age: they do not get tired: they do not die. They have a single function – to work« (Berger and Mohr, 1989: 64). The migrant has »no rights, claims or reality outside his filling of that job ... If he no longer does so, he is sent back to where he came from. It was not men who migrated but machine minders, sweepers, diggers, cement mixers, cleaners, driller, etc.« (Berger and Mohr, 1989: 58). This is not a model of migration that should be allowed to return to Europe.

VIII. References

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