Title: Governance, forced migration and welfare

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Abstract

Following an initial consideration of literature on governance and welfare this paper explores the welfare of forced migrants (i.e. refugees, asylum seekers, those with humanitarian leave to remain, and 'failed asylum seekers/'overstayers') at three linked levels. First, it considers the governance of forced migrants' at a supra-national level i.e. European Union policy. Second, particularly, but not exclusively in the context of the UK, it considers the extent to which the welfare rights of forced migrants in EU Member States have been subject to a process of 'hollowing out' (Jessop, 2000) or 'dispersal' (Clarke, 2004). Third, utilising data from a recently completed qualitative research project, the paper outlines the complex local systems of governance that exist in relation to the housing and social security rights of forced migrants in the UK. The consequences of these networks are highlighted. The paper concludes by arguing that the combination of a governance centred approach and qualitative enquiry allows for a more informed and grounded understanding of forced migration policy.

Introduction

This paper explores governance and forced migration in Europe on three levels. Initially, the concept of governance is considered and key issues related to the entry and welfare rights of forced migrants[i] are highlighted. Part two, discusses the emergent supra-national asylum policy of the European Union (EU) and moves on to offer an overview of recent policy changes at nation state level (i.e. within European Member States). As increasing numbers of forced migrants look to enter Europe certain common themes are evident in the policy responses of Member States. Many national governments have attempted to reduce the welfare rights enjoyed by forced migrants and simultaneously removed such migrants from the jurisdiction of mainstream welfare systems. An essential characteristic of policy at the Member State level has been a reduction in the direct role of the state in meeting the basic needs of forced migrants. This has been accompanied by willingness on the part of the state to devolve responsibility for the provision of forced migrants' welfare to an array of public, private and voluntary actors at regional and local levels. It is argued that, in seeking to manage forced migration, the 'dispersed state' (Clarke, 2004; Clarke and Newman, 1997) has become involved in complex networks of governance both within and beyond its own borders. Part three of the paper draws on a recently completed qualitative study in the city of Leeds (UK) to consider how such devolved networks of governance operate and the impact they have on forced migrants' welfare.

More generally the paper is an attempt to consider whether or not a focus on the governance of welfare (at a variety of levels), helps to facilitate a deeper understanding of how and why forced migrants' claims to publicly provided welfare

in host states are increasingly marginalized or dismissed. Daly (2003) notes that an interest in governance may be useful for three reasons. First, potentially it widens policy analysts' field of enquiry. Second, it highlights changes in institutional arrangements and offers insights into how apparently small policy changes may have a lasting effect on people's access to welfare rights. Third, governance requires that scholars keep one eye firmly focused on the state and its (changing) role as a powerful actor in its own right. Daly, however, also has certain reservations about the usefulness of governance for social policy analysis. Noting a tendency towards description rather than explanation, Daly fears that the broad brush theoretical approach of many governance theorists, may marginalize the detailed analysis of welfare policies and their effects on different social groups that are a central part of social policy enquiry. She also argues that certain writers on governance display a tendency to reify the role of the state, rather than looking to locate the state and its policies in a wider social reality. In this respect Daly, citing Rose (1996), argues that governance may "spell the death of the social" (2003 :125). Daly's concerns are reconsidered in the conclusion to this paper. However, first it is necessary to explore the idea of governance and how it connects to welfare and forced migration.

Governance and welfare

Broadly speaking governance is about the exercise of authority within a particular sphere (Pierre and Peters, 2000). More precisely within recent academic literature the increased interest in *governance* as opposed to *government* has been associated with a move away from the national mixed economy of welfare of the past (with a providing state at its core), towards a new post-national mixed economy in which multi-level

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networks and partnerships are increasingly important in the delivery of welfare (Jessop, 1999). In this 'new' world of welfare Daly (2003) states that governance scholars are concerned to analyse,

Relationships among local, regional and national levels, the role of the state and its relationship to civil society, the (re)positioning of different interest groups and the framing, orientation and implementation of policies... [Governance] is seen to imply a network form of control, to refer primarily to a process and to have associated with it diverse agents. The locale and exercise of power are central to governance... It is especially attuned to a changing set of arrangements wherein there is a possibility that the state may no longer occupy a privileged position (:115-116).

Daly identifies several understandings of governance that draw on different literatures within social science. First, she notes that 'international political economy' tends to focus on the erosion of the authority of the nation state. This authority is seen as being transferred both upwards to trans-national organisations and downward to regional or local bodies. Two issues are central here, the extent to which national governments are still able to exert control over other institutions within and beyond the nation state and also the impact of globalisation on the power of national governments. Discussions in the latter case focus on the degree to which the nation state is being 'hollowed out' i.e. its powers and functions are being transferred to, or taken away by, international global capital and/or supra-national organisations (rf. Jessop, 1999 and subsequent discussions). Second, the 'public policy' literature builds on these concerns and explores the development of EU and other international organisations and their effect on the state. Here the EU is seen as a distinct and perhaps new form of multi-level governance based on deliberative democracy. Finally, Daly notes that social

scientists from the 'post structuralist' school see governance as concerned with the power dynamics against which everyday experiences are played out. A linked concern here is how welfare institutions may seek to mould or control individual behaviour. All three approaches have relevance for a discussion of forced migration and welfare.

Theories of governance may also have a distinctly normative or prescriptive element. Merrien (1998) argues that for those who are keen to espouse a failure of the (nation) state thesis, governance offers an opportunity for the expansion of neo-liberal ideas. Such commentators would argue that traditional forms of state power have become exhausted in the face of increasingly globalised markets. For those on the Right 'good' governance within nation states is evidenced by a decentralization of power away from the state, a shift from a redistributory state to a regulatory state; movement away from an ethos of public service and provision towards market management and increased co-operation between the state and the market sector. Governance has also proved to be a useful tool for international financial organisations (e.g. the International Monetary Fund, the World Bank), the statutes of which forbid them from engaging in overtly political matters. When pursuing institutional reforms, in particular within developing nations, evoking governance provides powerful international actors with a smokescreen. Their preferred free market approach to welfare reform can easily be presented as a matter of 'good' governance rather than retrenchment (Hewitt de Alcántara, 1998).

Networks of governance that involve a range of actors from the public, private and voluntary sectors also hold certain attractions for those of the centre/Left looking to forge a 'Third Way' for welfare. Embracing governance allows contemporary

governments to present welfare reform as being about facilitating relationships and interdependence between diverse actors operating within a diffuse set of policy networks and funding arrangements. 'Third Way' welfare is to be delivered through a combination of 'joined up' government and a mixed economy of welfare. Individuals become active agents of their own well-being through interaction with a host of agencies and institutions from local to supra-national levels (Daly, 2003; Newman, 2001; Jessop, 2000; Stoker, 2000). The New Labour government in the UK is certainly keen to follow such a path. It has propagated a 'partnership culture' in relation to social welfare. This approach links government action at different levels, i.e. local, regional and national, with a range of other potential providers of welfare such as the private and charitable/voluntary sectors (Glendinning and Powell, 2002; Rummery, 2002).

Governance and forced migration?

Jessop (1999), highlights why a governance approach may be particularly useful when studying forced migration. Certainly a basic assumption that underpinned the Keynesian welfare national state (KWNS) model, i.e. that welfare states were relatively homogonous and concerned to deliver welfare only to a closed national population, is undermined by increasing migration. Indeed, the rising numbers seeking asylum in Western Europe are often presented by the popular media as indicating the failure of national states to govern their territories authoritatively. Jessop's discussion of the 'hollowing out' of the nation state as powers are delegated upwards, sideways and downwards is also highly relevant. Increasingly national governments are becoming involved in complex multi-level networks of governance

to keep forced migrants out and/or to provide meagre levels of welfare for those who enter their territory. Jessop points out, however, that much political power remains with the nation state and, as subsequent discussions show, policy related to the entry and welfare of forced migrants remains very much the prerogative of nation states.

The current network of governance around forced migration is best characterised as a reworking of state power in changed circumstances. The nation state remains a key player and "the most significant site of struggle among competing global, triadic, supra-national, national, regional and local forces", (Jessop, 1994 :27). Many of the 'partners' involved in policy are subordinate to the aims and ambitions of national governments driving a particular policy agenda (see Clarke and Glenndining, 2002). Overall this brief outline of governance leads to two main conclusions. First, the concept has diverse origins and can be understood in a variety of ways and used to a variety of ends. Second, as Jessop (1999 :351) notes, "changing definitions of welfare; the changing institutions responsible for its delivery and the practices, in and through which, welfare is delivered" all have an important impact on welfare of forced migrants.

The welfare of forced migrants in the European Union: upwards, sideways and downwards?

The international agreements of the past (e.g. Schengen, 1985) paved the way for the cautious development of an immigration policy within the EU institutions. The elevation of aspects of asylum policy to the supra-national level has been accompanied by a series of reforms within many Member States which have seen

national governments adopt policies that move responsibility for the welfare of forced migrants out of mainstream systems whilst simultaneously reducing levels of provision. In many instances the nation state's responsibility for the welfare of forced migrants is effectively being devolved downwards to a complex network of regional and local actors that includes local authorities, private companies and voluntary and charitable agencies. In addition Member States are keen to deflect the problem of forced migration sideways onto other states.

Upwards and sideways: towards a common European asylum system?

Following the European Council declaration in favour of promoting greater co-operation between Member States on migration in Amsterdam (1997) an agreement was reached at Tampere in 1999 to establish four areas of common policy. These are concerned with developing, partnerships with forced migrants' countries of origin, establishing a common EU asylum system, improving the rights of third country nationals who are legally resident within the EU and managing migration flows (rf. Caviedes, 2004; Veenkamp et al 2003; Moraes, 2003; Geddes, 2001 for details). Discussions below focus primarily on the development of a common EU asylum policy, and the implications that this has for forced migrants who look to enter Member States.

Member States have been keen to agree common minimum standards for the care of forced migrants in order to curb 'asylum shopping' and to reduce the possibility of certain states with more 'generous' welfare provisions attracting larger numbers of asylum claims (Refugee Council, 2004a). When policing national borders Member

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States can no longer act unilaterally. Restrictive entry policies in one state may have a knock on effect in pushing people to try and enter another EU state (Caviedes, 2004). Faced with these considerations in May 2004 Member States agreed shared procedures for the processing of asylum claims and the reception, care and removal of forced migrants (Black, 2004). The details of this policy are laid out in a number of EU Regulations and Directives.

Council Directive 2003/9/EC sets out minimum standards for the reception of asylum seekers and is concerned with rights to work, training and welfare. Highly conditional subsistence level benefits and shelter are to be made available to those who do not have the means to support themselves. Under pressure from the UK government Member States have agreed to the inclusion of article 16 which outlines powers for states to withdraw the right to social support from individuals who are deemed to be abusing the system. Article 11 states that asylum seekers shall be allowed to work if a decision on their claim has not been reached within a twelve month period in cases where the delay is due to institutional failure on the part of the state.

Agreement on a common definition of 'refugee' and a subsidiary humanitarian protection status has also been reached (Directive COM (2000) 578). One positive outcome of this unified approach is that those persecuted by non state agents may now qualify for refugee status. Previously France and Germany only entertained asylum claims from those fleeing state sponsored persecution. More negatively the rights of those granted humanitarian protection status (i.e. someone who may require temporary protection and limited leave to remain), have been reduced (Refugee Council, 2004a).

The two other legislative devices at the heart of developing supra-national EU asylum policy are also of interest to governance scholars. Regulation 343/2003, the so called Dublin II regulation, has been in force since September 2003 and is a system of rules concerned with establishing responsibility for individual asylum seekers. Effectively the Member State who first allowed a particular forced migrant to enter its borders, legally or illegally, has a duty to examine the claim for asylum and support the migrant during that process. Directive COM(2000) 578 final is concerned with establishing EU wide standards and procedures for the processing of asylum claims and the granting and withdrawal of refugee status. This Directive expands the definition of 'unfounded cases' to include those forced migrants who arrive with insufficient or false documentation and those arriving from an agreed list of 'safe countries of origin'. Migrants whose claims are deemed to be 'unfounded' will be subject to removal to a 'safe third country' (outside the EU), prior to any appeal (ECRE, 2004a, Refugee Council, 2004a). An attempt to deflect responsibility for the care of forced migrants sideways onto other nation states, preferably 'third country' states, is clearly part of future 'Europeanised' asylum policy.

Emergent EU asylum policy has been heavily criticised. The United Nations Commissioner for Refugees has condemned Member States for pandering to populist pressures in bringing the worst elements of national policy into EU law (see also Kjaerum, 2002). Furthermore, the new grounds to exclude certain individuals from refugee status may be in breach of the UN Refugee Convention. Others argue that seeking asylum in Europe has effectively been criminalised and that destitution remains a real possibility for forced migrants resident in EU states (ECRE, 2004a, 2004b).

Cooperation at the supra-national EU level has given Member States a policy arena in which to legitimise and extend exclusive elements of national policy and keep forced migrants out (Geddes, 2001). Additionally, those seeking asylum are increasingly constructed as unwanted, 'undeserving' economic migrants and a potential drain on national resources. In some other areas of migration policy it may be appropriate to describe EU Member States as semi-sovereign actors but in matters related to the entry, residence and support of forced migrants Member States are keen to keep a tight grip on policy, albeit within a changed institutional framework (Del'Olio, 2004; Dwyer, 2004b; Geddes, 2003; Sales, 2002). The emergence of a common policy at the EU level does not signal a loss of state control,

rather it can be argued that states are seeking to reassert control over forms of migration that their policies define as unwanted. This allows them to resolve problems of international regulatory failure in European forums that strengthen the role of executive actors (Geddes, 2001 :29).

Contemporary forced migration is a global phenomenon (Castles, 2004, 2003) but policy changes that relate to forced migrants social welfare are being played out against the backdrop of national welfare states many of which are currently undergoing restructuring and retrenchment (Geddes, 2003; Düvell and Jordan, 2002). As part of that process many European states have looked to separate out and reduce the social rights of forced migrants.

Downwards: the dispersal of forced migrants' welfare rights within EU Member States

As the numbers of forced migrants entering the EU has risen, restrictive immigration and asylum legislation has been introduced in individual Member States (Sales, 2002). Stringent efforts to keep forced migrants out have been combined with attempts to reduce the welfare entitlements of those who enter to seek asylum (Bloch and Schuster, 2002). Such legislative changes have consolidated the link between immigration/residency status and welfare entitlement (Cohen, 2002a).

In the United Kingdom the welfare rights of forced migrants have been systematically reduced by five pieces of legislation in the past eleven years. All persons seeking asylum are now subject to a distinct system of welfare provision under the management of the National Asylum Support System (NASS) which is responsible for the co-ordination and funding of accommodation and financial support. NASS meets its housing responsibilities by subcontracting to a mixture of accommodation providers including local authorities and private landlords (Sales, 2002). Following an induction period spent in emergency accommodation, NASS permits individuals to choose one of two support options; accommodation and subsistence or subsistence only. The right to NASS support is, however, highly conditional. Individuals must be destitute, accommodation is offered on a 'no choice' basis and clients have to agree to be dispersed to an allocated cluster area. If any of the above, or certain other specified, conditions are broken the right to housing and financial support can be withdrawn (CPAG, 2002; Finch, 2001; Zetter and Pearl, 2000). Section 55 of the Nationality, Immigration and Asylum Act (2002) states that migrants must apply for

asylum status 'as soon as is reasonably practicable' (i.e. within three days of entering the UK) or face disqualification from public support. This policy has pushed 1000s of forced migrants into extreme poverty or destitution, has been roundly condemned, and subject to challenge in the courts (see GLA, 2004; IAP, 2004; Refugee Council, 2004b; 2002a; Shelter, 2003). Although section 55 is currently under review the limited welfare rights of forced migrants in the UK have recently been further reduced in the new Asylum and Immigration (Treatment of Claimants etc.) Act (2004) (rf Dwyer and Brown, 2004 for further details).

Work reviewing the welfare of forced migrants across EU Member States illustrates that the UK's exclusionary approach is far from unique. Schuster's (2000) review of the welfare provided to asylum seekers in seven states[ii] concluded, that whilst differences which reflect specific national approaches remain, states look to provide meagre subsistence level benefits/support and cheap accommodation, often in hostels cut off from the main populace. A detailed comparison of the provisions available to forced migrants in specific EU nation states lies beyond the remit of this piece, however, a consideration of forced migration and welfare policy in specific EU Member States highlights a number of points salient to this discussion of governance.

First, the notion of the 'dispersed state' (Clarke, 2004; Clarke and Newman, 1997) in which,

> *'Dispersal' has fragmented service provision, multiplying the number of agents and agencies involved, increasing the number of (micro) decision-making settings and generating new problems of coordination, regulation and scrutiny (Clarke, 2004 :37),*

is particularly pertinent when considering the welfare of forced migrants. The regional and local networks of public, private voluntary/charitable providers that are now charged with meeting the basic needs of forced migrants in many states across the EU are a classic example of the complex patterns of devolved and dissolute governance that characterise the dispersed state. For relevant discussions and details of Germany, Italy, the UK and Scandinavian countries refer to: Del'Olio, (2004), Geddes, (2003), Liedtke, (2002), Morris. (2001); for Greece, Sitaropoulos, (2002) and Spain, Jubany-Baucells, (2002). Furthermore, dispersal of forced migrants, in the literal sense, is now a non negotiable principle that underpins welfare provision in a number of EU states (Robinson et al 2003; Morris, 2001).

Second, it remains the case, that regardless of the myriad of potential providers, individual Member States (in exercising their power to define the specific socio-legal status of each forced migrant), retain the ultimate power in determining the welfare provisions that may, or may not, accrue to specific categories of forced migrant. This is good example of individual Member States retaining effective power within changed institutional circumstances. As previously noted Member States now have to recognise supra-national (i.e. EU) definitions of 'refugee' etc as outlined in Directive COM (2000) 578. Nonetheless, the process of examining forced migrants' asylum claims and the allocation of a particular socio-legal category (and any derived rights to welfare), remain with individual Member states. Individuals whose asylum claim is rejected by Member States and who are routinely denied the right to paid work often find they either have to somehow fend for themselves and/or rely on charity. Such stark choices have previously been a feature of less developed Southern European welfare states but as Member States look to restrict and reduce the rights of certain

categories of forced migrants a reliance on illegal work and/or charity is becoming more commonplace (Dwyer and Brown, 2004; Bloch and Schuster, 2002).

Third, involving a range of public and private, voluntary actors in the local and regional delivery of welfare can be characterised, somewhat optimistically, as a 'joined up' network of governance. A more sceptical analysis of the situation vis a vis the dispersal of forced migrants' welfare, however, may perhaps emphasise the symbiosis at the heart of such 'partnerships'. For example Cohen (2002a, b) argues that, in the UK, local authorities (LAs) recognised that cooperation with NASS dispersal policies would provide potential tenants for empty properties. He also believes that certain voluntary, non governmental organisations (NGOs) organisations have compromised their independence and critical capacity by entering into Home Office funded contracts to supply regional support services. Whilst LAs and NGOs may now need NASS, the state's power relative to its private partners maybe somewhat weaker. Public/private partnerships will only be of interest to the private sector for as long as they remain profitable (Rummery, 2002).

An interest in meeting the basic human needs of forced migrants does not appear to be a central focus of developing EU asylum policy (Kjaerum, 2002; Boswell, 2000), indeed, greater emphasis has been placed on ensuring that a tough line on asylum and forced migration is extended to the ten accession countries (Lavenex, 2003). Overall the supra-national harmonisation that has occurred is, at best, characterised as part of a general levelling down of standards (Düvell and Jordan, 2002). Within individual Member States, national governments have deliberately sought to separate out and simultaneously reduce and/or remove the welfare entitlements of forced migrants. As

part of this process the state has increasingly involved a complex array of agencies in the regional and localised delivery of welfare.

The 'dispersed' state in action: forced migrants and welfare in Leeds (UK)

Leeds (population 700,000), is the biggest city in the Yorkshire and Humberside region of England; an area which has the highest regional population (20% of the UK total), of NASS accommodated asylum seekers. The biggest population within the region is resident in Leeds (Home Office, 2004a). Statistics show 2,574 asylum seekers living in Leeds on 1/9/04. This figure does not include 'failed asylum seekers', those opting for 'subsistence only' support, nor those denied provision under Section 55. It does include unaccompanied minors cared for by the social services (LRAS, 2004).

The Yorkshire and Humberside Consortium for Asylum Seekers and Refugees (established in 2000), consists of ten local authorities. As a member of the consortium Leeds City Council is contracted to NASS to provide 336 properties until October 2005. In June 2003 the council also negotiated a separate contract to provide 65 spaces in the 'Hillside' induction centre for newly dispersed asylum seekers (LCC, 2004). Three other agencies, the Angel Group, Clearsprings, (private companies) and Safehaven Yorkshire (a not for profit organisation), are also contracted to supply accommodation for dispersed asylum seekers. These landlords provide the bulk of asylum seekers'[iii] accommodation in Leeds some of which they procure through sub letting arrangements with other local private landlords (Wilson, 2001).

Some informal welfare services are also provided by various charitable and voluntary agencies across the city. A key aim of the Leeds research was to explore the roles of formal and informal welfare agencies and actors in meeting the basic needs of forced migrants. Before discussing the ways in which localised networks of governance operate in Leeds and how they effect the welfare rights and day to day lives of dispersed forced migrants, an outline of our study is required.

The Leeds study: method and sampling

In total thirty four respondents took part in the study. Semi-structured qualitative interviews were conducted with 23 forced migrants and 11 key respondents involved in the delivery of welfare services. A purposive non random sampling technique was used and 5 refugees, 7 asylum seekers, 6 people with subsidiary humanitarian protection status and 5 failed asylum seekers/'overstayers' were interviewed. 14 of the forced migrants were male and 10 were female. Ages ranged between 21 and 57 years. Migrants identified 9 countries of origin i.e. Afghanistan, Democratic Republic of Congo, Iran, Iraq, Iraqi Kurdistan, Kosovo, Pakistan, Somalia, and Zimbabwe.

Interviews were conducted in Leeds between 30/1/2004 and 21/6/2004 and lasted on average 60 minutes. Two ethical principles underpinned the fieldwork; informed consent and confidentiality. Forced migrants who participated each received a £20 supermarket voucher. All migrants were offered the use of a suitable interpreter but the majority (21) chose to be interviewed in English. Interviews were recorded on audiotape and transcribed verbatim. Subsequent transcripts were anonymised, assigned a code number (i.e. FM1, KR2 etc.) and analysed using grid analysis and

thematic coding techniques (Ritchie et al, 2003; Mason, 2002). A Nudist 6 computer software package was used to assist this process.

<u>Socio-legal status and the 'hollowing out' of forced migrants' welfare rights</u>

Within the generic population of forced migrants dispersed across the UK four sub categories each with widely differing rights can be identified (CPAG, 2002; Morris, 2002; Sales, 2002). *Refugees* have the same welfare rights as full citizens. They can work and enjoy rights to family reunion. *Asylum seekers* are migrants who are making a claim for refugee status. Welfare rights for this group vary considerably depending on their date of entry. Individuals lodging 'in country claims' more than 72 hours after entry effectively have no right to public support under 'Section 55' rules. Since July 2002 asylum seekers have not been allowed to work and they have no rights to family reunion. *Humanitarian protection/discretionary leave status* (previously known as exceptional leave to remain i.e. ELR), is granted for periods of up to 3 years to certain migrants who the government recognises would be in danger if they were returned to their country of origin. They enjoy the same welfare rights as citizens, may work, but lack rights to family reunion. *Failed asylum seekers/'overstayers'* are asylum seekers whose claims have been turned down and who have no right to remain and thus no recourse to social welfare or (legal) paid work.

The elaborate local networks of governance that regulate the welfare of these four groups of forced migrants in Leeds are mapped out in Figures 1 and 2. These diagrams summarise the various rights and options available to individuals in respect of meeting their basic housing and financial needs (dependent on their particular

socio-legal status), at any given time. Such complex arrangements are often now an established part of policy across Europe (Robinson et al 2003). Mapping institutional arrangements and socio-legal categories in this way is very much the stuff of governance scholars. In isolation this can appear as a remote and technical exercise. The negative impacts of these diverse arrangements on the day to day well-being of forced migrants are evidenced by the Leeds study.

INSERT FIGS 1 AND 2

The general inadequacy of the current social security and housing provisions available to many forced migrants and their routine experience of poverty and social exclusion has been discussed elsewhere and are not the explicit focus of this paper (see Dwyer and Brown, 2004). However, it is important to note that the welfare rights of certain forced migrants have (to borrow Jessop's terminology), been 'hollowed out' to extinction. The state's allocation of a specific socio-legal category is in itself an instrument of governance that defines an individual forced migrant's welfare rights. At risk of stating the obvious, failed asylum seekers/'overstayers' and those denied welfare under Section 55 rules are the most disadvantaged.

Destitution is a real if largely hidden problem for these migrants. A recent Leeds City Council report notes that only 19 of 120 asylum seekers whose claims were rejected in 2003 have been removed from the UK (LCC, 2004). The whereabouts and means of support of the remainder are unknown. The total number of destitute forced migrants in the UK is unknown due to the clandestine nature of the problem but Brangwyn (2004) notes that the London boroughs supported 34,818 destitute asylum

seekers in April 2004. One of our respondents (FM1) who is involved with a Leeds based RCO, stated that their organisation had a list of 40 destitute people. A Section 55 respondent, devoid of access to social welfare provision, was entirely reliant on charity for his day to day survival.

Look at me you're looking at a pauper...let me use the word we're scrounging, just scrounging, there is no structure of survival. We are merely existing and I don't know why in the first world people are allowed to go like that...We have been having food from this couple they support us, some other times well-wishers just throw you a food parcel... Once or twice I've got a food parcel from St George's Crypt....Things need to change. Its inhuman for this kind of treatment especially for close to one year (FM 18 Section 55 asylum seeker).

Two other respondents who were destitute were almost nostalgic about their previous 'asylum seeker' status which afforded them accommodation and limited financial support under NASS rules. Such sentiments reflect their current plight, i.e. a situation in which they are devoid of any rights to welfare, rather than the generosity of NASS provision.

FM6: At first it was good since we were living in a supported [NASS] house and everything was well. We were living in a nice way and getting our money from the post office. But when it came to the end of the tribunal, we were told to move out of the house. That's when the problems started (Failed asylum seeker/'overstayer'[FM5 nodding in agreement]).

FM5: That's why we are now facing problems. Since we are not allowed to work, this leaves us destitute. It's not easy being destitute because there's nothing you can do, you've got nothing to eat, you have no more support, no

where to stay, no work. Destitution, that's why we have problems (Failed asylum seeker/'overstayer').

Another graphic account of the impact of a specific socio-legal status came from a key informant.

With Section 55 we're seeing some people who are not eligible for support when they apply. A couple of weeks ago I had an eight month pregnant woman who was destitute. She couldn't get social services to take her on as a pregnant woman, in relation to the unborn child, and NASS were saying that she'd not applied for support in enough time. So obviously that had massive implications for her. At the other end there are destitute people who have come to the end of the process who go home to find their bags on the doorstep. There's been no move to deport them and they have got nowhere to go (KR1 a nurse).

Forced migrants granted refugee status or leave to remain under humanitarian protection rules are, relatively speaking, better off than asylum seekers and 'failed asylum seekers/overstayers' in terms of their welfare rights. However, problems remain for these groups. Two key informants described how the development of a separate NASS welfare system for asylum seekers left many successful asylum applicants unprepared for the harsh realties of life at the sharp end of the mainstream British social security system.

I don't think there are as many issues for an asylum seeker as for a refugee. For a refugee you get a decision and the period of notice that you're given to end one support system and start another support system is a big issue….It [the NASS system] makes people dependent. It institutionalises people... Once they get a positive decision it is very difficult. They have no idea of the cost of living

in terms of renting accommodation and paying bills (KR5 manager of local

authority asylum team).

The inadequacy of mainstream benefits was noted by 5 respondents who had humanitarian protection or refugee status. One individual was over £1000 in arrears on their electricity bill and was struggling to cope. Another reflected that she was previously 'better off' as an asylum seeker rather than under her current refugee status.

When I got £38 every week [as an asylum seeker], I bought some food and every

two of three weeks I saved some money and bought clothes. But now - £54 for

one week its not enough really....I need to account for gas, for electricity, for

some food, for water- it's not enough (FM14 refugee).

A positive change of socio-legal status may bring access to the same social security rights as other citizens, but these are essentially rights to limited and increasingly conditional (Dwyer, 2004a; b) social assistance benefits.

Housing and socio-legal status

A 'positive' transition across socio-legal statuses from asylum seeker to humanitarian protection status or refugee also raises other, housing related, issues. Several key respondents stated that the current transition period of 28 days allowed for successful asylum applicants to move out of NASS accommodation was insufficient. Delays and a lack of co-ordination between agencies often lead to a much shorter period of notice to leave NASS support. Finding new accommodation in such a short period is often impossible (see also Craig et al, 2004; Carter and El Hassan, 2003; Puckett, 2003). Four of our 11 respondents with refugee or humanitarian leave status lived in various

hostels or slept on friends' floors before finding a new home. In 2003 Leeds Council received a total of 337 applications from people who recorded their cause of homelessness as being a refugee. In the same year 276 applications for re-housing were received from refugees (LCC, 2004). Puckett (2003) also reports that SafeHaven refused to evict 300 tenants in Yorkshire because of fears that they would become homeless on leaving NASS accommodation.

The Leeds research suggests that hidden homelessness is widespread among migrants who have no right to apply to be housed. All of the failed asylum seeker/'overstayers' and the section 55 respondent were effectively homeless. Although the government now recognises that more effective and personalised support is required in the transition period for those who achieve refugee status (Home Office, 2004b) homelessness among forced migrants has become a national issue (Shelter, 2004). Additionally, failed asylum seekers, many of whom stay in the UK, remain reliant on other forced migrants for shelter (see below). This factor, coupled with the high demand for social rented property in Leeds, will ensure that homelessness among forced migrants remains an issue in the immediate future.

Housing asylum seekers: regulation, scrutiny and boundary disputes

Details about the contracts that NASS has signed with various agencies which provide accommodation for asylum seekers are hard to access as agreements are covered by the Official Secrets Act. However, NASS's inexperience in managing housing, and its willingness to devolve power to individual providers, has led to variable and, on occasions, sub standard provision.

NASS is certainly not very experienced yet... so the kind of housing management issues that a social housing provider or social landlord and local authority would be familiar with, overcrowding, transfers, those sorts of issues its just not experienced in dealing with and therefore hasn't worked out its policies. It relies very much on providers to do the sensible thing... if they don't know what the sensible thing is there is no knowledge and experience base back at NASS to give them proper guidance (KR10 NASS respondent).

Several other key respondents argued that, particularly in the early days of dispersal, this lack of central guidance from NASS allowed private companies to provide an inadequate or inappropriate service.

Local authority housing tends to be reasonably good, ex council houses in not particularly desirable areas that they will do up... they'll have all the basics and a fairly good standard. When the whole dispersal thing started off private housing providers were a different kettle of fish and they would, and still do [sub]contract to a another landlord. Who will contract to another landlord and you have a whole series of landlords going down to a person who might have one or two houses and there was no monitoring down there and some of the conditions were pretty much appalling ... Things have improved over time,... NASS have started to check on things (KR2 national charity Leeds manager).

Even if standards have improved, and our study and others (Craig et al, 2004; Quilgars, et al 2003; Robinson, et al 2003) suggest that problems may persist, other housing issues remain. Respondents noted that there was not enough accommodation for families, that the NASS housing system was inflexible, and at times slow in responding to requests for a change of address, even in cases where clients suffered racial harassment. NASS's relative inexperience in housing management and the

diversity of landlords involved in supplying accommodation (see figure 2) appear initially to have hindered the state's ability to regulate and inspect local providers and ensure the required quality of service.

NASS has been severely criticised for mismanagement and wasting public money (Noble et al 2003). The initial accommodation contracts that NASS negotiated were set up on the basis that contractors would be paid for beds supplied rather than occupied. The recent fall in asylum applications means that nationally NASS is paying for 25,000 unoccupied accommodation places (Leppard and Winnett, 2004). Keen to avoid future criticism, and with a stated aim of reducing costs, NASS is currently renegotiating new contracts to start in 2005. Against this backdrop the various agencies involved in supplying accommodation in Leeds are keen to protect and develop their particular role. Leeds City Council has made strong representations for LAs in the Regional Consortium to be given an enhanced provisory role and certain controls over the private sector (LCC, 2004). This appears to be the government's preferred future approach (Bennett, 2004). Potentially this could lead to a reversal of fortunes in respect of public and private housing provision and is unlikely to be supported by non LA agencies. Emergent 'boundary disputes' (Clarke, 2004) between the various agencies now involved in providing and managing asylum seeker's accommodation seem likely.

Picking up the pieces: a role for NGOs, RCOs and other forced migrants

In the absence of state provision in certain Southern European welfare states, non governmental organisations (NGOs) have long been key welfare providers for forced

migrants. In many other European welfare states NGOs that were previously concerned with campaigning in support of migrants are having to play an increasing role in meeting basic needs.. Increasingly these organisations are being drawn into complex and often competitive arrangements to support forced migrants (Düvell and Jordan, 2002). In Leeds a range of informal welfare services is provided by an assortment of charitable and voluntary agencies across the city. In addition there are a growing number of Refugee Community Organisations (RCOs) which offer varying levels of advice, companionship and support. As the state erodes forced migrants' rights to public welfare the voluntary/informal sector is often left to pick up the pieces

RCOs differ from mainstream NGOs in that they often lack paid staff and are not registered charities. The continued existence of many remains precarious. In spite of these facts the UK government has stated that it wants to expand the welfare role of RCOs in the future provision of support for forced migrants. (Zetter and Pearl, 2000). Three of the forced migrants we interviewed (two asylum seekers, one with ELR) ran Leeds based RCOs. All, in spite of highly constrained personal circumstances, devoted substantial amounts of time to supporting other forced migrants. Their organisations provide a variety of cultural, social and sporting events and also offer informal legal advice and links to more formal welfare providers and educational institutions to fellow nationals. None of these organisations is more than a year old. Each individual is essential for the continuation of their particular RCO, which without their efforts, would cease to exist. The little funding that is available to RCOs has to be obtained via a system of local competitive tendering.

> *FM23: We don't have money....I'm living in NASS accommodation that is my*
>
> *office, I have that very small room. They [migrants] call me and we meet there.*

Interviewer: And do you get money?

FM22: I've asked [The Community Chest fund]for two lots of funding. The first for a cultural event and they gave us the money…On the second one I asked for £5000 and they gave us £1000 and you can't really do the work you want to do…

A respondent with responsibility for community development in Leeds was dismayed at the assumption that marginalized communities were somehow expected to step in and offer support in instances where formal welfare rights had been removed.

I think it's appalling to rely on RCOs. I think the whole idea of this system was that somehow there would not need to be a lot of provision because everybody's going to be looked after by RCOs informally.… [Let] the community take care of everybody on the basis that nobody will be just lying on the street, or freezing from cold. We are reverting back to a draconian system where people don't have any rights, especially asylum seekers (KR3 respondent from national refugee charity).

Leaving aside debates about the desirability of migrant communities taking on a greater role, the contingent and informal nature of many RCOs (Kelly, 2003) and their limited funding indicate that many are ill equipped to take on a greater role in meeting basic welfare needs (Zetter and Pearl, 2000, 2004).

Self help or no help?

The burden of providing emergency accommodation and basic day to day necessities for those who have limited, or no, recourse to social welfare is increasingly falling on

other forced migrants who are themselves impoverished. Sixteen of the 23 migrants in our study spoke of reliance on other forced migrants for basic necessities (i.e. food, clothes, accommodation), at some time. All the 'overstayers' in our study are reliant on other forced migrants for accommodation. Those who illegally work often rent a room from a 'friend' (i.e. a fellow national) on a short term basis. Usually this accommodation is offered for a reasonable charge. These arrangements are insecure, but clandestine failed asylum seekers/'overstayers' have very few other options. FM15 had lodged with 8 or 9 different people at the time of interview.

> *On the streets it's easy to talk to anyone, 'hi hi please if you know somebody with a room this is my telephone number, contact me please'. It depends, sometimes I'll live in one house two or three months. If we like each other I stay in the house, but if I get a problem with them I have to change (FM15 failed asylum seeker/'overstayer').*

Beyond emergency overnight accommodation, homeless forced migrants who lack the ability to pay are totally reliant on the charity of other forced migrants for shelter. Much is offered and little expected in return, but overcrowding is commonplace.

> *I know of some houses where 10 people live together because one of them gets 4 years [ELR] and the council give him a house and another 9 people are refused. They don't have any other place to go they stay with a friend (FM 11 ELR).*

> *What private providers have found... is a house that should accommodate 2 people has actually got 20 people staying in it because they've not let their friends to sleep on the streets they've invited them into their own NASS accommodation, so there's a lot of overcrowding going on (KR5 manager of local authority asylum team).*

It was noted in the introduction to this paper that governance theorists from the post-structuralist school are concerned with the ways in which welfare institutions seek to control individual behaviour. The two quotes above illustrate that other forced migrants are able to help their less fortunate contemporaries even though such actions may jeopardise their personal right to public welfare provisions. Although nation states actively seek to mould and constrain the options available to forced migrants as they try to meet their basic needs no system of governance is total in its control. Nonetheless, the welfare rights of forced migrants are subject to the dual processes of separation and erosion. The setting up of localised networks of governance has done little to enhance the public welfare that forced migrants can call upon. The Leeds based study reinforces Rummery's (2002) assertion that there is little evidence to suggest that such partnerships are enhancing the welfare of end users. The new networks of the dispersed state do not intrinsically provide solutions to the problem of who cares for forced migrants in a host state (Merrien, 1998). Arguably they make their day to day living conditions worse.

Conclusions

This discussion of governance, welfare and forced migration has shown how nation states have used supra-national and localised networks of governance to deter the entry of unwanted forced migrants. Simultaneously, national governments have exercised their authority in a variety of settings to reduce or eradicate the welfare rights of forced migrants. In some respects this paper can be seen as a descriptive account of the reconfiguration and exercise of state power in changed institutional circumstances (Clarke and Glenndinning, 2002; Jessop, 1999). However, a focus on

forced migration and welfare offers insights into why such changes have occurred. Contemporary forced migration is a global phenomenon but in seeking asylum forced migrants are essentially looking to nation states for protection and support. As many European welfare states undergo the shift towards 'active/Third Way' welfare regimes a qualitative shift has occurred in the key principles that underpin access to national collective welfare rights. Notions of need and entitlement have become secondary to issues of claim and contribution. The concept of a social right is increasingly giving way to the idea of 'conditional entitlement' (Dwyer, 2004a). In a world where nation states are looking to do less for their own citizens we should not perhaps be too surprised if they choose to ignore the needs of those that are deemed to be outside the national jurisdiction. The 'deserving' dissident fleeing the political persecution of the Cold War era is long gone. Instead, states today, ably assisted by the populist press (Statham, 2003) have constructed forced migrants as 'undeserving' economic immigrants who have made no prior contribution to their host state and should, therefore, expect little in return.

To conclude I want to return to Daly's (2003) reservations about the value of governance centred studies. Daly sees governance, with its central focus on the nation state, as an important aspect of social policy. However, she also fears that scholars of governance may marginalise the social in their desire to highlight changing institutional frameworks and new regulatory patterns of power. The utilisation of qualitative research that explores the effects of new and emergent networks of governance on the day to day lives of forced migrants lets the social back into governance theory and allows for a grounded "conceptualising [of] how social policy connects state and society" (Daly, 2003: 127). The social context and the lived affects

of policy become an integral aspect of 'grand' theories of governance. In this way it become possible to highlight how the 'public issues' of migration and welfare policy structure the 'private troubles' (Mills, 1959) of forced migrants who arrive at our borders. The focus on governance, however, leads us away from an individualised, pathological understanding of forced migration and forces us to look 'upstream' (Sinfield, 2004) at the wider structures and events that cause forced migration, and then, often consign those seeking refuge to the margins of host societies.

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[i] In this paper the term forced migrant is used as general label to include the four groups of international migrants under discussion (i.e. refugees, asylum seekers, those with humanitarian leave to remain, and 'overstayers'). It is recognised that others e.g. those displaced by development projects and people trafficked illegally for exploitative purposes are also forced migrants (rf. Castles, 2003).

[ii] France, Germany, Greece, Italy, the Netherlands, Sweden and the UK.

[iii] On 29th February 2004 1737 asylum seekers were non LCC supported and 814 supported by the council (LCC, 2004).