

**BETWEEN COSMOPOLITANISM AND NATIONALISM:
THE RIGHTS OF EU DENIZENS IN THE UK**

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ABSTRACT

In 2016, following the Brexit referendum, the UK voted to leave the EU (52% against 48%), and with that, the UK commenced the process of withdrawal from the European Union. ‘Leavers’ built their campaign mostly on a nationalistic rhetoric that stressed the importance of recovering the UK’s sovereignty from the EU and controlling its borders from the free movement of EU citizens. The sole idea of EU citizenship was perceived as threatening to the British national identity and the cosmopolitan dimension of EU integration clashed with narrow visions of the nation-state in the UK. In this context, denizens’ rights enacted by EU treaties, specifically, freedom of movement, demonstrated an uncomfortable arrangement in British politics and public opinion.

The research examines the political, economic and public opinion factors that led to the initial acceptance and later to the erosion of EU denizens’ rights. It adopts a qualitative approach to the analysis of political, economic and public opinion documents and reports to gain a deeper understanding of the complex phenomena of denizen rights and then uncover patterns, themes and meanings related to the area of investigation.

This research argues that the protection of EU denizens’ rights in the UK oscillated between the cosmopolitan dimension of EU integration and narrow visions of the nation-state in Britain. On the one hand, accepting these rights was necessary for the UK to benefit from the economic and capitalist advantages provided by the EU market, and this enabled British industries to access effective reserve labor among the EU workforce. On the other hand, there was a growing perception that those rights were eroding the UK’s national sovereignty and threatening its ability to govern itself. Amid EU integration, when EU denizenship emerged into a powerful status that was overlapping the idea of a British nation-state, EU denizens’ rights became a contested issue that reflects the precariousness of cosmopolitan visions of transnational citizenship.

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Abbreviations, Terminologies and Explanation of Concepts

A2 - Bulgaria and Romania

A8 - Cyprus, Malta, Poland, Czechia, Slovakia, Hungary, Slovenia, Estonia, Lithuania and Latvia

CFR - Charter of Fundamental Rights

CJEU - Court of Justice of the European Union

EEA - European Economic Area

EEC - European Economic Community

EC - European Community

ECHR - European Convention on Human Rights

ECJ - European Court of Justice

EMU - European Monetary Union

EP - European Parliament

ERM - European Exchange Rate Mechanism

EU - European Union

EU2 - Bulgaria and Romania

EU8 - Czechia, Estonia, Hungary, Latvia, Lithuania, Malta, Poland and Slovakia

EU27 - Recent EU Member States from February 2020 (UK is not included)

EUSS - European Union Settlement Scheme

HRT - Habitual Residence Test

MP - Member of (British) Parliament

NHS - National Health Service

OEEC - Organization for European Economic Cooperation

PR - Permanent Residence

SEA - Single European Act

SNP - Scottish National Party

SSC - Social Security Coordination

TEEC - Treaty on Establishing European Economic Community

TEU - Treaty on Establishing European Union

TFEU - Treaty on the Functioning of the European Union

UK - United Kingdom

UKIP - United Kingdom Independence Party

UN - United Nations

WA - Withdrawal Agreement

WWII - World War II

INTRODUCTION

RATIONALE OF THE STUDY

British Prime Minister David Cameron's declaration of the failure of multiculturalism at the Munich Security Conference in February 2011 ignited my curiosity about the trajectory of immigration and cultural diversity in the United Kingdom and throughout Western Europe. His provocative speech motivated me to investigate whether Britain would experience significant shifts in the demographic landscape and a possible retreat from ethno-racial pluralism. Since then, I began closely monitoring and exploring these trends and defended my Master's Thesis, 'Multiculturalism in Western Europe: From Implementation to Failure' at Carleton University, Ottawa, Canada, in 2015. The findings revealed that while political and social anti-migrant backlash impacted non-EU citizens, EU nationals remained largely unaffected by British anti-migrant policies enacted between 2011 and 2016. Following a narrow majority vote for Brexit in June 2016, the situation for millions of European denizens living and working in the UK drastically shifted. They now faced potential exclusion and deportation upon Britain's formal departure from the EU and its treaties. This significant moment prompted my research to investigate the conditions and status of European immigrants in Britain, leading to a detailed examination across socioeconomic, political and anthropological dimensions.

Revisiting the historical roots of interaction between British national citizenship and European cosmopolitan denizenship is essential for making an academic contribution in this field. This examination reveals the ongoing shifts in the rights of EU denizens who live and work in the UK. This doctoral research began its chronological exploration in 1948, a significant year when the United Kingdom started welcoming large-scale waves of immigration, laying the foundation for what would become one of the most diverse and multicultural societies. Simultaneously, Western European states were laying the groundwork for what would later evolve into the European Union, establishing the

initial instruments of the European Community.

Migration from the EU constituted a substantial group of foreigners arriving in Britain. Moreover, unlike other categories of migrants, whose terms of entry and stay in the UK depend entirely on British domestic immigration controls, the EU citizens enjoyed particular rights provided by the European Union's treaties. Before 'Brexit', EU nationals were permitted to live and work in the UK like ordinary British citizens. The idea of EU citizenship and the EU cosmopolitan view on integration supported this enhancement of EU denizens' rights. However, such idea was rejected by Eurosceptics in the UK. The British government often tried to balance its historical and cultural ties to Europe with an alleged British social and cultural identity. On the one hand, it was enjoying membership in the EU common market while, on the other hand, never aimed to surrender its sovereignty. In this context, genuinely embracing EU denizen rights has created tension in British public opinion and politics.

During the initial phases of EU integration, the British authorities speculated that the empowered status of denizens adopted via the Treaty of Rome was a sufficient compromise to obtain the desired economic benefit for its capitalist economy. An increased number of EU foreign-born nationals who filled many job vacancies in the high-skilled economy, in the service sector and in the low-wage industries was seen as advantageous as this foreign labor provided secure economic interests from free movements. Thus, British politics and society were ready to accept the rights of EU denizens as they saw them as beneficial from the economic advantages provided by the EU market. Indeed, EU denizens formed a large part of the labor reserve available to employers. They contributed to the flexibility of the EU labor market by offering their skills and services to satisfy labor demands in different countries. The 'market citizenship' of the 'European Reserve Labour' has gained prominence, surpassing the traditional notion of the nation-state. At the same time, the role of EU denizens in meeting labor needs reflected the hierarchical structure within the borderless capitalist market and its inequalities.

However, over time, there was a growing perception among vocal political minorities in the Conservative Party and eventually from a more significant majority among British citizens that the EU denizens' rights were eroding national sovereignty and threatening the country's ability to govern itself. In the process, EU denizens' rights in the UK became a contested issue. This research focuses on the status of EU denizens in Britain, and the economic, political and social factors contributing to the erosion of their rights. The main argument, in essence, is that the protection of denizens' rights was constantly oscillating between the cosmopolitan dimension of EU integration from one side and Eurosceptic and nationalistic ideas from another. In this context, Brexit represents the triumph of the latter vision.

The focus on EU denizens' rights (except for Irish nationals who possess distinctive 'associated status' under the Ireland Act 1949 and the Good Friday Agreement) requires a clear understanding of the rights involved. The four rights granted by EU membership are; a) the right to residence and free movement, b) freedom to work, c) access to social security benefits, and d) enforcement of existing rights by EU juridical institutions (Cirlig, 2020: 6, 7 and 8). The project relies on the fundamental concepts of citizenship and denizenship, and their constant counteraction between each other.

CITIZENSHIP

Heater (2006: 170) argues that "citizenship is about the individual's character of living a cultivated, considerate human life". This concept might also be treated as a set of norms, values and practices designed to solve collective action problems, which involve the recognition by individuals that they have rights and obligations to each other if they wish to solve some national problem (Pattie et al., 2004: 22). Joppke (2007: 38) also defines at least three general aspects of citizenship. The first is citizenship as a status denoting formal state membership and the rules of access to it. The second one depicts citizenship as the rights given to citizens, which is about the formal capacities and immunities connected with such status. The third is citizenship as identity, which refers to behaviour of individuals

in acting and conceiving of themselves as members of a collectivity or a nation-state. In addition to this, some scholars present a fourth aspect, known as participation (Bartram, 2018: 675). Nevertheless, it is important to note that the case is different within each nation-state depending on its historical process. In a British historical example, T.H. Marshall (1950) argued in ‘Citizenship and Social Class’ that British nationality is a “successful accumulation of civil, political and social rights” (Mantu, 2015: 2). This concept emerged in a “tandem with the development of capitalism” (Hatta, 2016: 937-938) through three different phases of class struggle between the labor force and bourgeois that were tied to the bond of allegiance and belonging (Mantu, 2015: 6). The first phase is granting legal rights, which guarantees trade unions, “liberty of the person, freedom of speech, thought and faith, the right to own property and to conclude valid contracts, and the right to justice” (Hatta, 2016: 938). The second phase is when British citizens have achieved their full political rights to vote and run for public office. The third phase is practicing social rights that grant access to welfare, pensions, education and employment.

DENIZENSHIP

Benton (2010: 12) argues that the term ‘denizen’ defines anyone who “lives habitually in a country but is not a native-born citizen”. This type of civilian is any foreign national who was admitted to residence and certain social, legal and economic rights (political ones are exempt or limited) in a host country on a permanent basis (Penninx and Garcés-Mascareñas, 2016: 20-21). Nevertheless, the concept of denizenship is shaped differently in every state and at every level of institutional authority. British terms and conditions for ordinary denizens depend on unlimited power dictated by the Home Office and the House of Westminster (Joppke, 1998a: 132). These government agencies directly enact legislation and policy rules affecting the inclusivity of migrants (Prabhat, 2019: 201) amid the absence of a written constitution. However, unlike the Commonwealth and other non-EU counterparts, the rights of EU foreign-born nationals who moved to the UK were protected by EU supranational institutions.

As stipulated in Article 21 of (Consolidated Version of) the Treaty on the Functioning of the European Union (TEU) - every citizen of the Union shall have the right to move and reside freely within the territory of the Member States, subject to the limitations and conditions laid down in this Treaty and by the measures adopted to give it effect (Carmel et al., 2016: 15 and Joppke, 2010: 21). Directive 2004/38/EC is quite similar. It postulates that EU citizens can move and reside without a visa on the basis of valid specified documents, as it reduces or removes immigration barriers between Member States (Guma and Jones, 2019: 2 and Shuibhne, 2012: 136). At the same time, residence is a welfare entitlement principle associated with universalism and inclusiveness (Bruzelius, 2019: 70). Being an EU citizen provides an opportunity for border crossing but it does not grant an unconditional right to residency. Legal residency is dependent on being an economically self-supporting individual. Thus, the right to move is related to the second right of being economically active - to seek employment or to run an enterprise - across the EU (Seubert, 2019: 52). Cirlig (2020: 7) also notes that there are benefits for economically inactive residents, for example comprehensive sickness insurance but this is more relevant to the third right. These social security benefits grant EU foreign-born nationals the access to British social support programs, such as pensions and healthcare. Eventually, when the notion of 'European Citizenship' was enacted by the Treaty of Maastricht in 1993, EU citizens were able to freely exercise those rights in all EU countries and those that joined the EU after, including the UK, as guaranteed by the EU treaties. Therefore, all EU citizens who move to the UK would obtain full rights to live and work and live as their British counterparts (Bloemraad et al., 2008: 166; Ireland, 1991: 460 and Lockwood, 1996: 542-543).

Finally, the responsibility to protect EU denizens' rights across the European Union falls into the hands of the European Court of Justice (ECJ). The right of enforcement involves the ability of the ECJ to intervene in any case where it is believed that the right(s) of an EU foreign-born national is violated (including the three mentioned ones). EU citizenship is, at its core, a "right of non-

discrimination on the grounds of nationality for citizens of a member state in relation to all the other member states” (Bauböck and Guiraudon, 2009: 444). Joppke (2010: 23-24) argues that the ECJ has made EU citizenship ‘socially consequential’, as the EU denizen who lives in the UK is supposed to freely exercise and defend their existing rights like any other EU citizen regardless of where they are residing within the EU.

THE RESEARCH QUESTION

The conflict between the British understanding of citizenship and the country’s place in EU integration driven mainly by narrow visions of the nation-state from conservative government and the cosmopolitan view on EU denizen rights enacted by EU treaties from the wider EU community. This research analyses how and why economic, political and social factors contributed to the acceptance and then to the erosion of EU denizens’ rights from the time the UK joined the EU to the time it left. On the one hand, the UK had to concede to the EU treaty rights and its related directives in order to benefit from the economic and capitalist advantages provided by the EU market. On the other hand, the UK faced a growing rhetoric of losing its national sovereignty and lacking its ability to control migration into the country. Therefore, EU denizen rights in Britain have always been a contested issue since the establishment of the European Community (EC) (the previous name of the EU until 1993) until the final withdrawal of the UK from the EU in 2020.

The political dimension exposed the role of British authorities and institutions in the dynamics of denizens’ rights in the context of the EU integration process. The economic dimension highlighted the influence of the demands of British capitalist industries and their desire to make a maximum profit from the EU market. Finally, the public attitude towards EU immigration reveals the growth of public discomfort regarding the presence of EU citizens who live and work in Britain. This research analyses the contribution of each of those three distinctive factors in the dynamics of denizens’ rights in the specific historical context.

This research explains why, after the downfall of the British Empire and at the initial stages of the EU integration (1948-2004), the growing presence of EU citizens was welcomed insofar as the British-based capitalist industry was benefiting from access to the EU workforce. This is in addition to ethnic elements underpinning racist attitudes towards EU migrants. Later, I discuss the three dimensions of how the EU enlargements in 2004 and 2007, especially when the recession that hit in the late 2000s, reinforced Euroscepticism, eventually leading up to the Brexit result in the June 2016 Referendum. Finally, I elaborate on how British authorities, during the Brexit Withdrawal Period and its aftermath (2016-2022), managed to reach a beneficial ‘Soft Brexit’ agreement with EU officials. For the UK’s side, this bilateral consensus guarantees both the restored sovereign immigration control and to keep certain EU foreign-born nationals who are useful ‘segmented reserve labour’ for the British capitalist industry in the post-Brexit era.

OUTLINE OF THE CHAPTERS

Chapter one reviews the literature on key sociological concepts underpinning this project: citizenship, denizenship, civic stratification and cosmopolitanism. The review shows how these concepts closely counteract and shape economic, political and social factors, and provide a framework for understanding the complex dynamics at play in the UK’s immigration policies and the EU treaties and directives and the ways in which they affect the rights and status of EU citizens living in the country. Furthermore, the thesis analyzes migration theories that are relevant to understanding the phenomenon of EU migration to the UK. One argument presented in all those theories is that the economic interests of the British capitalist industry primarily derive from the acceptance of denizen rights for EU nationals. This perspective suggests that the British government has allowed EU foreign-born nationals to reside and work in the UK because it benefits the domestic capitalist industries and allows them to accumulate wealth. This is the main ideological drive in signing the EU treaties that made this possible. In addition, the dissertation examines various theories that help to understand the

dynamics between British society and EU denizens. These include cultural theories, political theories, economic competition theories and others. Ultimately, this research argues that the Economic Competition Theory of cost-benefit rationale is the most relevant one for understanding the phenomena of acceptance or rejection of EU foreign-born nationals by the British mainstream population regarding economic and capitalist advantages of the EU.

Chapter two covers methodology and explains why and how the project selects and utilizes qualitative research method instead of quantitative one in order to prioritize documents written by academic experts and government agencies that provide detailed information on specific policies and their implementation. Through analysis of various types of documents, this research uses a qualitative approach to reveal a set of factors underpinning the status and rights of EU denizens in the UK, and then uncovers patterns, themes and meanings related to the area of investigation. Although qualitative research has some limits, its findings still provide valuable insights into the nuances and complexities of the topic of this thesis. This chapter clarifies the selection criteria of materials and documents that help to explain relevant immigration policies and how those are properly interpreted through analysis of related policy reports, public opinion surveys and political debates. In addition to this, the research takes into account elements such as the date of publication, the authority or credibility of the source, the level of detail provided and the perspective or bias of the author.

The third chapter focuses on a political dimension, which is the most direct factor that exposes how the British political establishment reluctantly agreed to become a member of the EU in consideration of its capitalist interests within the regional market but not to Europe's cosmopolitan ideals. It concentrates on how the British authorities react to the stages of EU integration and implementation of specific treaties and supporting directives that deal with each treaty right from the decline of the British Empire until the Brexit Referendum that took place in June 2016. This chapter also chronologically focuses on the significance and effectiveness of specific relevant articles within

British legislation and EU Treaties and Directives that deal with freedom of movement/residence, right to work, social security benefits and anti-discriminative measures.

Chapter four stresses the economic foundations underpinning the European Union that are essential in order to understand the adoption and expansion of EU citizenship rights, namely freedom of movement/right to reside, right to work and access to the welfare system (that includes social security benefits). The evolutionary development of Western capitalism, from a state-based Keynesian economy during the First Cold War Era towards neoliberal Globalization, points out how economic issues translate into the importance of functioning of the EU 'market-based project' over the idea of the nation-state through transfer and hiring of the EU workers to expand British sectors. Therefore, this chapter elaborates why expansion and enforcement of 'segmented reserve labour' among the EU diaspora fulfills the agenda of capitalist transformation, while the underclass segment would always remain in the lowest hierarchy among the EU denizens, regardless of EU Treaty power.

The fifth chapter elaborates on how the British public reacted to the freedom of movement of EU citizens and other rights that were allowed, such as the right to work and access to the welfare benefits. In addition to this, the Economic Competition Theory suggests that the EU's system facilitates cost and benefit exchange with profound distributional consequences for individuals arising from differences in asset mobility and for countries arising from varieties of capitalism (Hooghe and Marks, 2005: 420). Thus, the British public support for further EU integration and immigration really depends on how the British mainstream perceives the socio-economic conditions (Vliegthart and al., 2008: 417) at each historical stage.

Chapter six examines the implications of Brexit on the rights of EU citizens and illustrates how those rights became embroiled in complex political discussions between the EU and the British negotiating sides that took place during the Withdrawal Period between 2016 and 2020, and beyond. It focuses on how two major factors - public attitude and economy - directly and indirectly affected the

outcomes of the ‘soft-Brexit’ Withdrawal Agreement (WA) by investigating expectations, concerns and reactions of local employers from all economic sectors towards the EU workforce whom they hire. Consequently, through the analysis of a political factor, the research paper can identify the gaps in the final WA regarding the effectiveness and efficiency of universal EU citizenship for each EU denizen. The context should concern all kinds and types (age, social status, etc.) among EU foreign-born nationals who aimed to register under the European Union Settlement Scheme (EUSS) in order to live and work in the UK as well as the WA articles that deal with accessing social security benefits and enforcement of ECJ to protect denizens’ rights.

The final chapter reviews the findings on the main research question regarding how the shift of EU denizens’ rights in the UK reflects the British approach towards European integration through balancing national costs and benefits rather than ceding too much sovereignty or explicitly merging into an EU cosmopolitan project. Second, it will discuss the contributions made to the understanding of denizens’ rights in the context of Brexit and the EU. Last, it points to potential research projects that emerge from this research.

Chapter ONE

LITERATURE REVIEW

This research reviews four major concepts in order to examine and answer the main research question. These concepts are citizenship, denizenship, civic stratification and cosmopolitanism. Through a thorough understanding of these concepts, I can articulate the notion of how the rights of EU citizens were developed. This research critically evaluates the British nation-state's capacity to promote denizen empowerment while concurrently pursuing its capitalist agenda and preserving its sovereignty within its EU membership.

Furthermore, the literature review introduces two additional inputs in order to demonstrate the deeper significance of the selected research topic. Those are demonstrated in 'Theoretical Approach To Denizen Rights in a Capitalist System' and 'Understanding Public Attitudes Towards EU Denizens' sections. Along with the four introduced concepts, the materials from both sections further reflect the Marxist principle that global capitalism has always been playing a major part in segregation and reshaping social cleavages between the mainstream and the denizen population within Western societies. 'Theoretical Approach To Denizen Rights in a Capitalist System' examines the dynamics of denizens' rights in the context of the Globalization of capital through the lenses of migration theory that provides a framework for comprehending the movement of people across borders and the implications it has for their status and rights. Furthermore, 'Understanding Public Attitudes Towards EU Denizens' emphasizes why Economic Competition Theory is the most relevant one to reflect how British nationals really react and what they really expect from the presence of the EU citizens within the EU market.

1.1. CITIZENSHIP

1.1.1. The Origins of the Notion

‘Citizenship’ has been viewed as a somewhat complex and changing concept (Osler and Starkey, 2005: 8) that also varies by nation-state and timeframe. But it is traditionally understood as a full legal and social inclusion and belonging into some ‘society’ within the boundaries of a specific ‘nation-state’ or polity (Bauböck and Guiraudon, 2009: 439; Rubenstein and Adler, 2000: 522; Turner, 1993: 497 and Williams, 2007: 241). The notion of citizenship has at least four dimensions - a) legal status or nationality, b) configuration of rights and duties in relation to the state, c) psychological membership or identity, and d) moral authority over all social activities (Benton, 2010: 10 and Young, 1998: 269). In this case, the concept of citizenship always entails a tension between inclusion and exclusion (Bloemraad et al., 2008: 155).

Citizenship is originally one of the oldest political concepts of Western political philosophy, rooted in the Greek tradition, with Aristotle developing a concept whereby “civic membership provided a novel legal and social framework for communal membership in a world accustomed to tribal loyalties” (Shafir and Brysk, 2006: 276). In the Roman Empire, citizenship was linked with legal protections of property, in the medieval polis with guild membership, and in the modern era, for the first time, tied in with the freedom to choose one’s employment, and later, with employment in general (ibid: 277).

Beginning from the Roman Imperial Era, the general notion of citizenship in the British Isles was first identified as a status of membership rights in a self-governing political community. It was based on a tradition that guarantees full legal protection of holding public office, voting and owning property (Bauböck, 2006: 15, 27 and 31) to remain free in a slave-owning system time. Romans were the first who conferred this notion of ‘citizen’ to the inhabitants of Britain. In Medieval Europe, the

idea of a citizen 'commune' was based on feudal-monarchical character, where the civilians were running all aspects of a city's life (Heater, 2006: 4 and 7).

1.1.2. The Marshallian Notion on Citizenship

The meaning of citizenship has altered again after the emergence of a traditional capitalist economic model that replaced feudalism and absolute monarchy during the 18th and 19th Centuries. The historical notion of citizenship in Britain was best described by Marshall (1950) in 'Citizenship and Social Class'. From his point of view, initially, the development of civil rights emerged from the general concept of freedom (Marshall, 1950: 12). "In the Middle Ages, a peasant could acquire the status of a free man by fleeing to a town" (Heater, 2006: 199). Urban freedom and citizenship became synonymous with each other, and consequently, "when freedom became universal, citizenship grew from a local into a national institution" (ibid: 199).

It is important to note that the etymological term 'capitalism' originated from the 'capital city'. In the feudal Medieval system, larger towns were solitary locations of free finances and prevailing private property in Catholic Europe. Logically speaking, it is the reason why Marshall concluded that British citizenship consequently emerged amid the development of capitalism (Hatta, 2016: 937-938) in the following centuries. Regardless of criticisms from Marx, citizenship rights would be nothing else but a disguise of inequalities that finally favours only the wealthiest in this economic system (Bosniak, 2006: 21). Marshall introduced three distinct phases towards equalization. In the first stage, which took place during the 18th century, British layers of society were granted to practice legal rights, which are obliged to guarantee trade unions, "liberty of the person, freedom of speech, thought and faith, the right to own property and to conclude valid contracts, and the right to justice" (Hatta, 2016: 938).

British economic model is more equivalent to a liberal theory that emphasizes the importance of individual freedom and treating the political community as a mechanism for maximizing individual welfare. In this model, civilians must cooperate to solve various collective action problems and an

option for achieving their demands lies “through the medium of the state” (Pattie et al., 2004: 10-11). Such accomplishments have prevailed through the repeal of the ‘Combination Acts’ and the enactment of the ‘Statute of Artificers’ (ibid: 8-9) that ultimately eliminated the remnants of the feudal system. In the next stage, during the 19th century, British citizens achieved their full political rights to vote and run for political office, commencing with the enactment of the Parliamentary Reform Act of 1832 (ibid: 8-9). In the third stage, to avert harsh class conflict among British people (Hatta, 2016: 939) and to preserve exploitative capitalist system (ibid: 938) during the Great Depression (1929-1933) that provoked moral ethos of ‘rights’ not just in national welfare states across the West but on global level as well (Faist, 2007: 6), every British resident was eventually granted social rights that grant access to welfare, pensions, education and employment (Yuval-Davis, 1991: 61-62). Marshall (1950) argues that this expansion of citizenship rights in terms of social dimension also enabled a historic compromise between the working and bourgeois classes (Faist, 2007: 7 and 17) in order to incorporate the former class into a new type of sovereign polity, known as the modern nation-state (Shafir and Brysk, 2006: 278).

Eventually, British citizenship serves as a fundamental roadmap in terms of full integration into mainstream society as this concept determines who is entitled to full political rights. For naturalized foreigners, citizenship also “awards certain formal, legal rights to new members of society — such as full access to public benefits, voting rights, protection from deportation, and the right to run for public office” (Banulescu-Bogdan, 2012).

1.1.3. Criticism of Marshallian View on British Citizenship

Many scholars criticized Marshall for his oversimplification of providing equal rights for every single resident living in the welfare system of Britain. From the seventeenth century until 1948, Britons were simply regarded as British subjects of the Crown (Pattie et al., 2004: 22). First of all, the entitlements flowed from an ‘individual’ relationship with the monarch rather than the possession of a

republican type of citizenship along with resident of Britain's overseas realms – citizenship of the United Kingdom and Colonies - that include “both Borneo cannibals and noble Lords” (Joppke, 1999b: 640-641). Since its enactment, the British Nationality Act 1948 proceeded all imperial citizens (both White British and non-White British) to fully possess the very same legal, political and social obligations (Hansen, 2003: 101). Britain dealt with post-colonial immigrants who had the same legal status as the native population (Joppke, 1999b: 641).

Eventually, the traditional concept of nation-building elements shaped by recurring wars, the Protestant religion and the image of empire builder historically have lost relevance. This was caused by diminishing religious affiliation, loss of empire, increasing Globalization, rapid demographic transformation into a diverse society, and devolution of power to Scotland, Wales and Northern Ireland. That is why a civic notion of Britishness has replaced the ethnocentric view of national identity in public opinion (Saggar and Somerville, 2012: 6). The influence of immigration concerns on the redefinition of British citizenship was reflected in the partial abolishment of *jus soli* enacted by the 1981 British Nationality Act, which finally established British Citizenship after the end of the colonial era (Joppke, 1999a: 112-113).

Nevertheless, unlike the French jurisdiction of citizenship based on a republican model from its 1789 revolution, the UK's model continues to have no written constitution - a fundamental condition that would be an excellent source of expansion for denizens' rights (Morris, 2002: 80-81). Thus, citizenship rights can be easily redefined by any Immigration or Nationality Acts that are formalized by the sovereign British parliament instead of the people's masses (Joppke, 1999a: 269 and Prabhat, 2019: 201). Other than that, the modern-day notion of British citizenship is still not a uniform concept. British Nationality is composed of three components today - ordinary British citizenship, British dependent territory citizenship and British overseas citizenship. Each of these components still possesses different levels and dimensions of rights (Joppke, 1999a: 112). For example, neither British dependent territories

(that includes some Cypriot nationals and Hong Kong residents) nor British overseas citizens are as equal as the ordinary citizens of the metropolis because of their lack of entitlement to automatically settle in the metropolis (Triandafyllidou, 2001: 64).

It is also important to mention that being granted any specific right does not indicate full membership or obtaining resources to practice it. This background, together with an inclusive approach to citizenship based on territory rather than blood, meant that migrants' rights were more commonly addressed through concerns about 'race relations' than as part of immigration law. Certainly, this was a reflection of Britain's colonial legacy. Before 1982, the colonial or Commonwealth denizen was not viewed as a citizen but rather as an imperial subject. They are still similarly treated likewise even today, regardless that all legal permanent Commonwealth residents (that includes Bangladeshis, Fijians, Guyanese, Jamaicans and Nigerians) are granted all legal, political and social rights in the UK.

During the first decades of the post-World War II (post-WWII) era, debates around issues of belonging among ethnic and racial minorities have concentrated on all levels of British citizenship, including civil, political and social. Nevertheless, for any immigrant, the primary concern of many relevant struggles and debates has been around an even more fundamental right - the right to enter, or, once having entered, the right to remain in a specific country, which relates to ethnic and racial divisions (Yuval-Davis, 1991: 61). Since the UK allowed for large-scale immigration, non-White British (once labeled as 'coloured') Commonwealth citizens could not avoid discrimination and exploitation in their job places. Those Commonwealth immigrants include Greek Cypriots and Maltese of European descent seeking better life abroad who were treated as a reserve labor army (Burrell, 2016: 31 and Morris, 1994: 142) for the damaged British economy in the post-World War II era. It was expected that they would eventually move back to their countries of origin after the full economic recovery. This approach follows the logic that "where there is racial or ethnic segregation, there should be economic stratification" (Wolpe, 1986: 114).

With limited resources to influence British politics, these underclass imperial citizens could not protect themselves from the negative effects of British Nationality Act 1981. Based on *jus soli* (right of soil) with some elements of ‘right of blood’ or *jus sanguinis* (Joppke, 2003: 435), this legislative act ultimately marked the line between the British nationals and denizens (precursory colonial subjects) where the former were automatically deprived of many rights that they enjoyed as imperial citizens (Guild, 2016: 39 and Hammar, 1990: 23).

1.1.4. Neoliberalization of British Citizenship

Another limitation in Marshall’s (1950) argument is that civil rights always solely rely on the evolutionary process of the welfare state that clashes with capitalism. This was no longer viable since the era of free-market neoliberalism that emerged in the 1980s. The neoliberal doctrine of ‘New Right’ abolished the corporatist model of Keynesianism and the influence on civil rights was gradually handed to the power of the market instead of the State (Rose and Miller, 2010: 296). Margaret Thatcher’s economic liberalization policies stimulated civil rights based on individualism and Globalization, while a collectivity exists where persons coordinate their actions because they treat themselves as a common identity (Callincos, 2004: 153). Eventually, the powers of global capital have diminished (or transformed) the idea of state sovereignty and its role of reshaping citizenship policies by making the given concept more ‘fluid’ or liberal (Costa, 2004: 212; Morris, 2003: 75; Somers and Roberts, 2008: 404 and Turner, 1990: 194-195). Soysal (1994: 3 and 138-139) argues that limits on citizenship are a consequence of economic Globalization run by a decentralized global marketplace of multi-national corporations and finances, large-scale immigration and supranational political institutions prevailing over the traditional idea of state-bounded Keynesianism.

In the present day, similar to other EU Member States, the concept of British citizenship is undergoing redefinition with consideration of five important aspects. First, residence rather than birth becomes an increasingly important factor in shaping citizenship rights (Delanty and Rumford, 2007:

89). In this case, freedom of movement of European (including British) nationals across frontiers is not only a set of rights but also “a mechanism of closure that sharply demarcates the boundaries of states” (Joppke, 1999b: 629). Second, since the establishment of EU citizenship by the Maastricht Treaty in 1992, the traditional notion of nation-state citizenship is no longer valid. British nationality becomes based on human rights (previously enacted by the United Nation’s Universal Declaration of Human Rights in 1948) and on the protection of individual dignity regardless of a person’s background (Joppke 1998a: 73 and Waldinger and Fitzgerald, 2004: 1187). Thus, the qualifications and duties of British citizens have become universalized, and the traditional view of Britishness was losing its privilege (Soysal and Wong, 2007: 81). Third, telecommunications and cyber technology have transformed the very notion of citizenship. Fourth, one of the traditional assumptions of UK nationality, namely the separation of the private from the public, has been undermined. Fifth, the collective or cultural rights were replaced by individual rights (Delanty and Rumford, 2007: 89-90). Those three last aspects are relevant to the liberal nationalist theory that economic Globalization and institutional internationalization inevitably lead British citizenship to a decoupling of the borders, economy, collective society and nation-state (Bader, 2007: 117 and Soysal, 2000: 5).

As a result of these complexities, there are presently two levels of liberal citizenship, which is not solely defined as a relation to the State. The first one is a legal requirement, and the second is a moral one, where all citizens treat each other in a non-discriminatory manner in public and in most of the institutions of civil society and, at the same time, do not harm one another (Spinner-Halev, 1999: 66-67). As rights become based on residency instead of nationality status, the distinction between citizen and foreigner becomes eroded (Hansen, 2003: 87), which is more relevant to the Nationality, Immigration and Asylum Act 2002. That is why in 2002, amid the increasing role of the market economy and the end of the First Cold War in 1991-1992, the UK introduced citizenship into the new form of curriculum as an independent subject (Soysal and Wong, 2007: 73) teaching that liberal

democratic citizenship involves Kymlicka's three main principles (1998: 143). The first one is social justice and equality for every individual in all aspects of life. The second one is deliberative democracy. The third one is individual freedom when personal participation in one's own culture is also a fulfilling aspect of individual freedom and belonging. Those educational priorities point to a shift in the model of a good citizen from the type based solely on national collective norms towards broader values that replace administrative structures and procedures of local and national states (previously dominant in the earlier curricula), where the new citizen is an active and responsible one— contributing at local, national and international levels (Soysal and Wong, 2007: 85). Thus, the modern-day British Nationality offers two optional conceptions of equal citizenship footing. The first one is the right to get assimilated by abandoning one's own original identity and becoming fully pledged to the British mainstream culture while tolerating one's differences in the private sphere. The second option is the right to have one's difference (based on foreign-born minority group) recognized and supported in the public and private spheres (Modood, 1997: 20).

As the UK had been a member of the neoliberal EU, EU citizenship, which represents a multi-tiered form of membership (Soysal, 2000: 5-6), confers upon EU (including British) nationals on the basis of denizens' rights that extending beyond the sovereignty of a Member State (Wiesbrock, 2012: 69). According to the Article 20 of the Treaty on the Functioning of the European Union (TFEU), 'every person holding the nationality of a Member State shall be a citizen of the Union'.

However, this does not mean that the notion of national citizenship disappears. Citizenship of the EU only complements but does not replace British citizenship (Maas, 2013: 20). Like all other Member States, the concept of British Nationality is still attached to the idea of a nation-state prior to Brexit, and the EU is still some sort of transnational juridic-political institution (Kostakopoulou, 2018: 857). Post-nationalism, as a key player against the notion of a nation-state role, does not prevail in modern-day societies, when cosmopolitan ideas of rights based on UN standards are empowered only

with the mutual consent of all Member States (Kymlicka, 2001b: 275). In such conditions, Soysal's (2000) argument that the nation-state has entirely lost its capacity to reshape naturalization rules is not accurate (Modood and Meer, 2013: 26), despite the fact that the UK is a major contributor to creating effective EU and global integration (Calhoun, 2017: 73).

Furthermore, amid the Brexit vote in 2016, which is considered to be both nationalistic and anti-neoliberal (Callinicos, 2017: 195), British domestic agencies - UK Parliament and the Home Office - restored their influence on EU denizen rights to the same level as used to be before the enactment of the Maastricht Treaty in 1993. Thus, the European Union (Withdrawal Agreement) Act 2020 becomes an "egregious example of the domestic politicization wave" (Rosamond, 2020: 1088) caused by the 2008 debt crisis that restructured both EU and British politics (MacClancy, 2019: 369). British Nationality has regained its prominent role in determining the conditions for EU foreign-born nationals to exercise residence, free movement and working rights, as well as their eligibility for social security benefits and ability to appeal to the ECJ in the UK as a former Member State.

1.2. DENIZENSHIP

In contrast to narrow definitions of citizenship clearly aligned to membership of the nation-state, denizenship represented a new regime of supranational rights with a long history in the making. The term originates from the process of receiving rights of British subject-hood through royal prerogative, which was introduced by an 'Act for Denization' in 1601. A denizen is a foreigner who is awarded citizenship by royal letters patent but is still incapable of inheriting or holding any public office like the British people (Benton, 2010: 12).

Like the Commonwealth and all other immigrant categories in the UK, EU denizens never belonged to the British majority or national minority group. The first one is the mainstream one, composed of people of Anglo-Saxon descent who live primarily in England, while British nationhood includes a second group composed of Cornish, Scottish, Welsh and (Northern) Irish (Kymlicka, 2007:

68) who enjoy privileges to possess own parliaments, Celtic customs and languages. In comparison, EU denizens of foreign origin should be regarded as immigrant minorities (ibid: 75).

It was only after WWII that the notion of denizenship gradually adopted its form in the context of the EU project when Western European states recruited large numbers of foreign citizens to their domestic labor markets and were then followed by their family members who remained in the host states (Freeman, 1995: 892). This led to the occurrence of a new group of denizens who gained a secure residence status but not full citizenship (Schiffner, 2018: 70). Denizenship is best indicated by Hammar's three entrance 'gates' for any country of destination. The first one is immigration regulation that grants temporary work and residence permits. The second gate is the regulation of residential status, granting permanent work and residence permits without any specific time term. The final gate is the naturalization process into full citizenship of the host nation-state (Benton, 2010: 47 and Hammar, 1990: 21-22). The denizen status is positioned between the second and the third categories (Atikcan, 2006: 7-8), and thus, the status of 'denizen' should still be accounted as second-class citizenship (Benton, 2014: 121). In contradiction to Marshall's (1950) theory, along with legal rights, denizens automatically acquire the full social rights of a host nation without obtaining political ones first (Yamashita, 2017: 151). This concerns most EU denizens (except for Maltese, Irish and Cypriots) living in Britain who, in comparison with their Commonwealth counterparts, are not eligible to vote in federal elections and national referendums. Soysal (1994) argues that the crucial determinant for denizens' rights through an expansion of scope on a territorial basis becomes a place of residence instead of regular citizenship in a host nation-state (Soysal, 1994: 138-139 and Morris, 2002: 249). On an individual scale, this form of denizenship denotes persons valuing their individual diversity and having multiple identities at the same time, such as "being a Londoner, young, female" or anybody else, which is relevant to the idea of cosmopolitanism (Delanty and Rumford, 2007: 23-24; Modood, 2019: 240 and Vertovec, 2009: 83).

First, massive labor force migration rapidly altered the demographic landscape of Western societies in the late 20th century through the remarkable expansion of the denizenship role. This fulfilled the neoliberal agenda, where British business elites favoured denizens over citizens “to meet the needs of the flexibility of employment conditions in unstable markets as denizens come without the automatic burden of welfare and pension benefit” (Turner, 2016: 690). Denizenship or ‘market citizenship’ gradually becomes some “weaker emphasis on individualism and privatization means that the active citizen has become increasingly a passive consumer exercising individual choices in a society dominated by the market and by commercial values” (ibid: 685). This is also based on the belief that the EU is a market and most of its freedoms should express the interests of property and commodity owners (Kostakopoulou, 2005: 238).

In this so-called “global compression of time and space” – present-day transnational connections maintained by immigrants are denser and more intense than those in the past (Joppke and Morawska, 2003: 22). The migrant diasporas “through their daily life activities and social, economic and political relations, can create social fields that cross national boundaries” and sending and receiving states are able to promote transnational activities and allegiances (Bloemraad et al., 2008: 167). That is why, amid a global intellectual shift in the context of Europe, along with economic Globalization, human rights regimes postulated the demise of nationality and its ideology of sovereignty in the decision-making of immigration (Joppke, 1998b: 268 and Mantu, 2015: 9), more cosmopolitan conception of political theory becomes mandatory to build proper supra- and subnational institutions (Kymlicka, 2001b: 234) that protect the entitlement of legal foreign residents (Soysal, 1994: 154 and Soysal, 1996: 5). That process of legal, political and cultural Globalization stimulated the creation of the European Union along with its EU citizenship (Delanty and Rumford, 2007: 23 and 93-94).

In the 1990s, Soysal (1994) was one of the first scholars to indicate that declining notion of

citizenship has either been increasingly detached from the nation-state collectivity or involves at least more than one nation-state (Bauböck and Guiraudon, 2009: 441; Feldblum, 1998: 238-239; Joppke and Morawska, 2003: 17-18 and Soysal and Wong, 2007: 80. They have articulated that Marshall's (1950) position of citizenship of civil, political and social rights relying on national or territorial basis is no longer viable (Pattie et al., 2004: 12 and Bauböck and Guiraudon, 2009: 444-445). As a result, if modern citizenship had always combined 'internal inclusion' with 'external exclusion', its externally exclusive dimension would have notably weakened in the second half of the 20th century (Joppke, 2008: 542). Therefore, a unified citizenship, established by the Maastricht Treaty in 1993, involves a significant loss of sovereignty on the part of Member States in relation to their immigration policy (Coutts, 2018: 242). State and citizenship no longer remain the only mechanisms to deliver rights (Mantu, 2015: 10).

Despite the fact that EU citizenship was originally derived from the 'market citizenship' of the EU community, "denuded of any social or political dimension", it is much more multi-dimensional (Coutts, 2018: 246-247). Supported by supranational institutions, this post-national EU citizenship aims to create a new idea of belonging to an overarching European identity and institution (Bloemraad et al., 2008: 165; Maas, 2013: 20; Shaw, 2000: 290-291 and Sassen, 1998: 50-51). It aims to "strengthen the protection of the rights and interests of the nationals of its member states" (Joppke, 1998a: 29), and gives the projection of a good life and just society (Thym, 2017: 3), associated with the UN-based standards of human rights, democracy and fundamental right, while undermining the boundaries of the nation-state (Guild and Peers, 2006: 100 and Soysal, 1998: 199 and 206). Those EU passports of "personal circumstances" (Kochenov, 2017: 38) opts EU denizens from any necessity to become naturalized British nationals if they request protection of rights and inclusivity in local communities (Bozhinoska, 2017: 7) and can enjoy rights approximately at the same level as nationals (Coutts, 2018: 239-240), with residence as the basis for allocating other rights, including access to local social benefits (ibid: 241). The EU citizenship or denizenship backed by EU treaties, along with the international

human rights regime, has indeed diminished the difference between nationals and foreigners by circumscribing the power of receiving states (Waldinger and Fitzgerald, 2004: 1187). If national citizenship is a status that confers rights upon individuals, the “rights that are associated with transnational [EU] citizenship are generally exercised not against the [EU] as a whole but rather vis-a-vis other Member State” (Coutts, 2018: 235-236).

Despite the fact that national citizenship of the EU Member States, including the UK, has been a ‘sedentary status’, EU citizenship still does not replace national citizenship, as the terms of naturalization are still directly dictated by the authorities of Member States (Morris, 2002: 16). EU citizenship is subsidiary and complementary to their national citizenships (Joppke, 1998a: 30 and Schiffner, 2018: 69). Thus, it does not fully support Kymlicka’s statement that “political status of persons in the EU should no longer be mediated by national citizenship, and that popular sovereignty should no longer be primarily embodied in national legislatures” (Kymlicka, 2006: 133-134). The modern-day EU is not a federal state but rather a federal polity composed of independent Member States that share a common structure of political authority for the joint decision-making process (Bauböck, 2007: 457).

1.3. COSMOPOLITANISM

The EU project of socio-economic and political integration of EU Member States has slowly developed the notion of denizenship as a rights status necessary for the strengthening of the continental market. In this sense, denizenship needs to be engaged with an EU cosmopolitan ideal that supersedes the notion of a nation-state beyond its borders rather than to be absorbed into something specific or a supra-national entity such as EU heritage or EU supra-state (Delanty and Rumford, 2007: 23). Thus, the recent notion of the EU denizenship needs to be applied to its criteria by superseding the idea of British nation-state and citizenship.

In order to be more precise about what the concept of cosmopolitanism really means, it is vital

to compare the concept with other integration models that prevailed in Western societies during the second half of the 20th and at the beginning of the 21st centuries. The assimilationist, exclusionist (or fragmented pluralist), integrationist, multiculturalist and transnationalism models evolve at varying levels and dimensions of inclusion and exclusion among the foreign-born nationals living in British and other Western societies during the 'age of migration' (Becker, 2004: 163; Kivisto, 2002: 40; Modood and Meer, 2013: 39 and Morawska, 2003: 134). Chronologically, the following content covers the analysis for each of these models from the oldest and the least flexible to the most recent and arguably the most inclusive ones for EU denizens.

Once labeled as universalist, the assimilationist model is the most original but least flexible, practiced globally in the first few decades following post-WWII. It is also defined as the policy of incorporating migrants "into a society through one-sided process of adaptation" (Castles, 1993: 1). In response, all immigrants must surrender "their distinctive linguistic, cultural or social characteristics and become indistinguishable from the majority population (ibid: 1-2). Assimilation is also a multi-optional process involving "the incorporation of immigrants and their offspring into the economic, political and social institutions, and culture of different segments of the host society" (Morawska, 2003: 134). There is an 'upward assimilation' achieved by upper or middle-class denizen who usually possess a higher degree of inclusion, "into the economic, political and social institutions, and culture of different segments of the host society" (ibid: 134), compared to their lower-class counterparts (predominant majority of immigrants) who face 'downward assimilation'. The consequences of the latter group might eventually lead to exclusionist outcomes or segregation from mainstream society. In the British case, the 'downward assimilation' of migrant commodities has resulted in-class struggle among immigrants and eventually led to events such as the Notting Hill race riots. To ease tensions and gain political support from foreign minorities, Home Secretary Roy Jenkins declared that Britain no longer needed any assimilationist melting pot, which produces a homogenous "societal mould, in this

instance creating a stereotypical Englishman” (Joppke, 1996: 480).

As a result of social struggle, these Commonwealth commodities were successful in pushing the capitalist system to soften and humanize the integration process of foreign-born labor into the Keynesian corporatist system (Nikolinakos, 1975: 14). This shift from an assimilationist approach has criminalized racial discrimination in the British public and rejected colonialist and white supremacist discourse (Joppke, 1996: 455) towards ‘coloured’ Commonwealth residents. This integrationist (or semi-multiculturalist) model, embraced by Jenkins, was better understood “not as a flattening process of assimilation, but as equal opportunity, accompanied by cultural diversity, in an atmosphere of mutual tolerance” (Ashcroft and Bevir, 2018: 5 and Mathieu, 2018: 46). Nevertheless, these anti-discrimination policies only perpetuated uneven pluralism in Britain, which is still basically ethnocentric, requires immigrants to be loyal British citizens, and bring little damage and accept the British way of life as the main one across the UK (Modood, 1997: 80-81).

Later on, amid the emergence of anti-racism and Globalization, stimulated by free market forces and EU integration, assimilationist and integrationist models have lost their relevance in an increasingly diverse Britain. Labour Prime Ministers Tony Blair and Gordon Brown eventually enacted a ‘New Labour’ program between 1997 and 2010 that embraced a multiculturalist model. It involved a new set of policies that were aimed to eradicate institutionalized racism further, liberalize large-scale migration and integrate denizens. As a rejection of assimilation, multiculturalism was also known to be some form of anti-colonialism (Joppke, 1998a: 31-32), based on “targeting immigrants only, seeking to transform them into ethnic minorities” (Joppke and Morawska, 2003: 12). However, as multiculturalism is still not yet fully or universally theorized (Willet, 1998: 1), this concept is best described as a normative stance towards the pluralist characteristic of culturally diverse societies (Loegaard, 2013: 34). Both Kymlicka (2012: 4) and Malik (2010: 12-13) described it as a social model and state response to acknowledge an increasing cultural, religious and ethno-racial diversity, and to

embrace the “panoply of customs, traditions and other elements” (Kymlicka, 2012: 4).

Like British multiculturalism, EU transnationalism introduces both elements of personal choice - individual and collective ones - in order to choose any identity characterized by increasing evidence of transcultural syncretism and hybridization (Kivisto, 2002: 40), as monoculturalism or homogeneous societies cannot persist in the new forms of cosmopolitanism and creolization of increasingly complex and diverse Britain (Vertovec, 2007: 1046-1047). It was best described by Morawska (2003: 134) who articulated that this model “sustains regular or situationally mobilized involvement of immigrants and their children in a few or several economic, political, cultural and social affairs of their home countries at different (national or local) levels”. The issue of transnationalism was also becoming a significant player amid economic Globalization and the rise of long-distance technology that stimulated the birth of transnational communities amongst migrant groups. Transnationalism from below seems to work best in a top-down approach with globalizing forces from above that have been weakening the controlling and legitimating powers of the receiving State (Joppke and Morawska, 2003: 20), and keeping relations between two or more countries or regions of settlement and home origins (Koopmans and Statham, 2003: 201). This applies to the nature of EU law, which treats EU citizens as individuals who are “entitled to transnational rights claims and states as cooperative actors operating on an equal footing” (Fichera, 2018: 260).

Amid further erosion of nation-states’ role by Globalization forces, cosmopolitanism has emerged as the supranational integrationist model. Unlike state-sponsored multiculturalism, it does not require any hyphenation or creolization of foreign-born groups and instead relies entirely on personhood choice and Jacque Rousseau’s stance on European Enlightenment, regarding self-recognition of individual based on shared ideas and human rights (Joppke, 2008: 533 and Taylor, 1994: 27). Cosmopolitanism is also not identical to the idea of transnationalism, which still embraces the idea of cultural and ethnic identity and state sovereignties, while cosmopolitanism runs up against any form

of nationalism and advocates for open borders (Kymlicka, 2001b: 203-204). The supranational integration model only treats the state as a protector of the individual, instead of cultural rights (ibid: 219). Cosmopolitanism is an agent of Globalization that includes the partial erosion of national sovereignty and the growth of post-national citizenship, the emergence of global economic and labor markets, a corresponding growth of diaspora communities and cultural hybridity as an aspect of mainstream political life (Turner, 2016: 687-688).

Henceforth, rights and claims of individuals and personal autonomy are legitimized by ideologies grounded in a transnational community through international codes, conventions and laws on human rights, independent of their citizenship in a nation-state, instead of traditional collectivism (Crowder, 2013: 46; Joppke, 2004: 249; Parekh, 2000: 93 and 95 and Soysal, 1994: 42). Thus, it is a responsibility of each autonomous individual or a good market citizen (Kochenov, 2017: 52) to determine themselves an understanding of a good life (Taylor, 1994: 57), where identities are being identified as individuals (Laffan, 1996: 83) instead of class or nation-state collectives (Callincos, 2004: 155). This individualization emphasizes Kantian universal cosmopolitanism (Crowder, 2013: 93), where Globalization is also about a moral aspect of individual or personal autonomy, which is equivalent to Western values (Crowder: 2013: 122 and Soysal, 1994: 133). Furthermore, this individualization process provides transnational communication, which leads to the production of discourses and meanings by evading the constraints imposed by centres of power located within nation-states and advances further democratization in the EU public sphere that has often been described as being “fragmented, polymorphous, polyphonic and even anarchistic” (Nitoiu, 2013: 29). At the same time, cosmopolitan universalism refers to Schwartz’s original emphasis to propagate the well-being of all others and to achieve the motivational goal of “understanding, appreciation, tolerance, and protection for the welfare of all people and for nature” (Nistor and Ilut, 2011: 32-33) as the notion of human rights and universal personhood has become a pervasive element of world culture (Benton,

2010: 12 and Joppke, 1999a: 269). This is rather relevant to the philosophy of post-modernism, where the “individual is always an individual” in shaping any institution (Sztompka, 1994: 263).

The Eurocentric human rights movement has been criticized in particular for adopting Western individualism as the basis for the modern exercise of rights (Turner, 1993: 499). In contrast to this, supporters of collective rights may find this claim objectionable and argue that they do not side with the community against its members. They also claim that only collective rights are offered as a way of countering these pressures against the dominance of mainstream societies in the UK, which leads to assimilation, conversion and language transformation (Tamir, 1999: 159). Furthermore, the opponents of modern-day individualism have argued that recognition of personhood, as opposed to nation-state citizenship, can dismantle fundamental protections associated with citizenship status, especially equality before the law (Kochenov, 2017: 48).

Nonetheless, modern-day EU citizenship still cannot be regarded as a complete achievement of cosmopolitanism. Firstly, while EU citizenship displays features of cosmopolitan citizenship, this development is dedicated to transnational market origins instead of committing ideals to construct a global society (Coutts, 2018: 239). Marxists have criticized Locke for advocating a bourgeois cosmopolitan morality (Crowder, 2013: 20) that fails to treat the low, middle and wealthy classes as equals within capitalist societies. Marx even once proclaimed that any citizenship right is an ideological mask of individual property rights (Turner, 1993: 493). Second, EU citizenship has been used as a vehicle for the construction of a specific EU identity and carries with it its own boundaries and exclusions. Thus, EU citizenship nonetheless remains bounded in space and as a community (Coutts, 2018: 239), as it still primarily defends the rights of citizens belonging to the Member States (Joppke, 1998a: 29 and Pattie et al., 2004: 13-14). It contradicts the notion of world citizenship based on the existence of the entire human race (Linklater, 1999: 41), where the equality of status and human rights shall be inalienable to everyone in a liberal-democratic state (Joppke, 2001a: 431). In addition to

this, Globalization was once theorized “to extinguish minority national identities and to be replaced by a supranational cosmopolitan identity or by post-constitutional identity” (Kymlicka, 2001a: 61 and Kymlicka, 2001b: 275) based on Emmanuel Kant’s cosmopolitan right to hospitality by means of rational development of identities beyond the national level (Faist, 2007: 11). In contradiction to this, the west-centric EU model of pluralism, bounded in the geographic space of 28 Member States (prior to Brexit) for the notion of EU citizenship, only opposes the notion of universality. Like all other nation-state citizenships, EU nationality still reflects a dual nature to be both internally inclusive and externally exclusive (Joppke, 2001a: 432). EU citizenship was denounced as hypocritical by post-colonial and de-colonial critics as it was designed for EU privilege instead of promoting some universal enlightenment (Favell, 2019: 158). The individual identity of any EU foreign-born national is seen as possessing two major dimensions. The first one is a collective dimension, which involves belonging to a specific ethnicity, religion and/or nationality. The second is a personal dimension, consisting of personal characteristics - intelligence, charm and cupidity (Appiah, 1994: 151), which does not necessarily demonstrate a supranational individual without a sense of belonging to a specific identity, prejudice and/or nationalistic ideas.

The problem with Habermas’ understanding of cosmopolitanism is that it is not related to any EU citizen in anything but a “minimal sense of accepting otherness and insubstantial notions of a ‘common European way of life’” (Delanty and Rumford, 2007: 103). The idea of a cosmopolitan European people is thus caught up in the paradox of having to appeal to notions of commonality while denying the existence of an underlying ‘we’ as a community of fate (ibid: 103). Regardless that multiple identities suffice, as long as the EU project respects the heterogeneity and diversity of local as well as national communities, this project still requires redistribution and ‘solidarity among the strangers’ (Risse, 2010: 8).

1.4. CIVIC STRATIFICATION

Civic stratification highlights the unequal distribution of rights and privileges based on citizenship status. This concept helps to examine the interaction between British citizenship and EU denizenship, providing insights into the rights dynamics among EU citizens residing in the UK. It can effectively illustrate the extent to which the idea of cosmopolitan status among EU foreign-born nationals has superseded and influenced British sovereignty over decades of expanding Globalization from the post-WWII era to Brexit. Civic stratification theory provides a framework for analyzing the impact of various factors, such as political, economic and public attitudes, on the rights and vulnerabilities of EU denizens.

Lockwood (1996) defines civic stratification as a system of inequality based on the relationship between different categories of individuals and the state, and “the rights thereby granted or denied” (Morris, 2003: 79). It is present in all countries and can happen between all types, groups and layers of societies. It is also important to note that civic stratification “is the construction of formal devices of inclusion and exclusion with respect to rights” as “it opens up the question of the structured differentiation of non-citizen populations” (Morris, 2002: 146). Thus, it also deals with the status of foreign nationals permanently living in some country, which can also be defined simultaneously by income, education attainment, ethnic background and gender (Turner, 1988: 3). Civic status is another factor that affects social positions in contemporary Western societies - a factor that has become more prevalent in the age of migration that commenced after 1948 and concluded at the age of rights at the beginning of the 21st Century (Morris, 2003: 74). It should not be ignored that any type of stratified rights usually creates a climate of suspicion and surveillance (ibid: 81). This circumstance affects the integration pattern of denizen population living in any country who would always face formal and legal differences between citizens and various categories of non-citizens. It is important to note that cleavages of civic stratification may vary by state “depending on their history, socio-economic

characteristics, and the political climate toward immigration, among other factors” (Banulescu-Bogdan, 2012).

Regardless of the obtained status rights by any foreigner, there is always inequality in *de jure* entitlement to rights or *de facto* access to rights, known as social cleavages that vary by time period and location. Lockwood (1996) and Morris (2003) express four fundamental dimensions of civic stratification that measure denizens’ abilities to exercise their rights, their social categorization by the rights themselves, and their motivation to extend and enlarge them. Those are civic expansion, civic gain, civic exclusion and civic deficit (Lockwood, 1996: 536). The first two former are responsible for the expansion of rights and the two latter are responsible for the contraction of rights, which can also indicate whether any formally held right can be enhanced or restricted in practice (Morris, 2003: 81). Furthermore, through detailed analysis of these four dimensions of civic stratification, it becomes apparent that there are two axes of stratification, which denizens face - the first is differences in citizenship rights and the second is differences in moral and material resources (Leerkes et al., 2017: 43).

The first dimension of civic stratification is civic expansion - a condition when some existing rights are aspired to but are not achieved by foreigners. For example, the creation of the European Community, Treaties of Paris (1951) and Rome (1957) effectively established a virtually free labor market for EU workers to reside outside their country of origin in another EU state as ordinary residents (Lockwood, 1996: 542-543 and Morris, 1994: 142). Nevertheless, the legitimacy of exercising a specific right does not mean that it is available for these immigrants to extensively exercise, like acquiring high-wage jobs or affordable housing.

The second dimension of civic gain describes some situations when some citizen obtains resources to eliminate obstacles to exercise their existing rights (Lockwood, 1996: 541-542). Usually, money and good connections are easier possessed by the wealthier classes than by the middle and

lower classes in modern-day capitalist societies. This is relevant to an economic gain of market citizens within the EU – as consumers, employees and businesspeople – can be regarded “as a form of social investment in human capital” (Faist, 2007: 18).

Another good instance of civic gain related to social gain is the expansion of freedom of movement and non-discrimination in regard to civil and social rights through the foundations of common citizenship in a federation (Bauböck, 2007: 471). It was established by the Treaty of Maastricht in 1993. This is more extensively provided by the consequent Treaty of Amsterdam (1997) that upgrades EU citizenship to a complementary level. Finally, the Lisbon Treaty (2007) also provides civic gain by making EU citizenship as ‘additional’ (Article 20 TFEU), which enables psychological, legal and political belonging in the area of residence (Wiesbrock, 2012: 69-70). EU denizens can now become politically involved in EU citizen initiatives to develop EU-level policies outside their country of origin (European Commission, 2010: 21), which advocates for a more active involvement of citizens and civil society in the EU project. After taking effect on December 1st 2009, the Lisbon Treaty also enables EU denizens to travel, seek work, study or retire in another Member State. It is argued that “entitlement to rights is no longer dependent upon the status of citizenship” (Soysal, 1994: 154 and Soysal, 1996: 5), superseded by the rights of long-term residents based on diversity and universal personhood (Hansen, 2003: 87) protected by the authority of supranational organizations, such as the European Court of Justice (Morris, 2003: 75 and Turner, 1993: 498).

Nevertheless, amid the lack of full cosmopolitanism of EU citizenship, EU denizens would remain vulnerable targets of discrimination and exploitation despite the fact that human rights have triumphed and constitutionally implemented (Benton, 2014: 54). The third dimension is civic exclusion, which reflects a loss of existing rights for specific groups of people, known as *de jure* or *de facto* exclusion of some minority from the full range of civil, political and social rights enjoyed by the majority (Lockwood, 1996: 537).

The fourth and final one is a civic deficit, which introduces some settings when a specific minority lacks or is denied resources to exercise the obtained formal right. It is possible to distinguish at least three types of civic deficit: power deficit, stigmatized deficit and fiscal deficit. In such conditions, excluded individuals or groups may usually lack moral and physical resources to obtain the necessary rights (ibid: 537). The power deficit demonstrates the absence of the ability to demonstrate specific legal, social or political rights that a specific group has the legitimacy to exercise. The stigmatized deficit is also a very usual phenomenon as denizens might face discrimination based on ethnic, racial or class background by the native majority. Examples of fiscal deficit include harsh exploitation, lack of pensions and poverty traps (ibid: 545). As Marshall once pointed out that citizenship (whether British or any other European one) does not guarantee equality of income, the nation-state system cannot protect low- and middle-class civilians from the exploitative verses of a global village, including denizens, regardless of whether or not they obtain British passports (Anderson, 2017: 1532-1533). Perhaps EU denizenship status might exacerbate private domination but it cannot eliminate it fully. Thus, disadvantaged citizens and denizens would remain subjects to similar types of domination (Benton, 2010: 8) and eventually feel pressure.

Civic stratification instrument may demonstrate six vulnerability indicators, which EU foreign-born nationals of all backgrounds may possess and then face the challenges to enjoy their given denizen rights. The first one is immigration status, where different types of visas or permanent permits facilitate different relationships of power and dependence between employers and employees. The second indicator is state and citizenship of origin, where EU denizens receive protection from supranational citizenship rather than from the external citizenship of their home country. They have much stronger accountability mechanisms, such as ECJ. Nevertheless, Brexit has clearly demonstrated that such privilege can be potentially lost or eroded. The third indicator is the length of residence. The fourth indicator that matters is the amount of wealth when only higher-wage EU denizens can afford more

influence and protection than their poorer counterparts, among whom include non-economically active EU denizens relying on family or welfare support. The final one refers to language, skills and education among the EU denizens, which reflect that those who understand the local British system and are able to speak English (or national minority) language are likely to be much less vulnerable to the domination of the mainstream. Regarding the latter two, with the entire control of these disadvantaged migrant/denizen groups with poorer education and lower wage standards, it is also effective for the bourgeois-based authorities to dictate the terms of stay and entry for the denizens (Benton, 2010: 119-120 and Benton, 2014: 57-58).

1.5. THEORETICAL APPROACH TO DENIZEN RIGHTS IN A CAPITALIST SYSTEM

A comprehensive understanding of denizen rights in the UK and its evolution within a capitalist system may require integrating elements from different perspectives and taking an interdisciplinary approach. This research explores the dynamics of denizens' rights in the context of the Globalization of the capitalist system, which constantly affects and changes the migration pattern and shapes related policies. This is why migration theories can be useful in the analysis of the problems related to denizens' rights, as they provide a framework for understanding the movement of people across borders and the implications it has for their legal status and rights.

Western capitalism in the UK has also altered throughout the historical process from the period of decolonization to the present day. In order to understand how this constantly changing landscape is reshaping the status of EU denizens over decades and analyze the dynamics of denizens' rights during such shifts, the research paper utilizes effective instruments and frameworks from different migration theories. In this research, the selection of proper theory depends on the historical stage and model of capitalism within which the UK is an active player in the EU migration market (Modood and Salt, 2011: 6). Moreover, sometimes multiple migration theories could be applicable to articulate a specific

stage or timeframe.

1.5.1. Marxist Approach: Migration and Capitalism

The Marxist approach to migration theory analyzes migration within the broader framework of capitalist modes of production and class dynamics. Capitalist systems create divisions within the labor market to maximize profit and maintain control over workers, resulting in segmented labor. In this context, denizens often find themselves within the segmented labor market. As mentioned, the UK has joined the EU market to boost its capitalist industries by importing ‘segmented reserve labour’ among EU migrant workers. More vulnerable denizens in the UK labor force can be advantageous for employers as it reduces workers’ bargaining power and allows the British bourgeois to exert downward pressure on wages, thereby increasing their profits. Marxist migration theory effectively reflects that immigration is an organic part of capitalist development and of the international division of labor after decolonization and amid the emergence of liberal Globalization. Furthermore, the Marxist approach correctly predicts the short-term correlation between the economic cycle and immigration policies, which is explained by the law of supply and demand (Hollifield 1992: 22 and Meyers, 2000: 1247-1248). These cycles influence the political and policy landscape, including how denizens are treated and perceived. It helps to get an additional perspective on the oscillation of the protection of denizens’ rights in the UK.

Nevertheless, the Marxist theory alone that focuses on the economic dimension of capitalism may not be enough to research the nature of the constant reshaping of EU denizens’ rights. This economic perspective could be very one-sided as it does not seriously consider the political factors that influence the economic processes or the social relations within the framework in which economic phenomena occur. The politics of migration as a multi-sided phenomenon (Nikolinakos, 1975: 5-6) should also be explored from the views of other migration theories. By integrating these theories with Marxist economic analysis and examining social, political and legal elements, the research project can

better understand the complexities surrounding denizens' rights within the capitalist system.

1.5.2. Denizenship and Economic Exploitation

In order to demonstrate a flexible approach regarding how the evolution of capitalism oscillates denizen rights, this section introduces series of other migration theories that were formulated by various scholars since the 1960s, when immigration became a national interest of EU and British politics (Joppke, 1998b: 282). Although some of these do not directly cover economic framework, one way or another, all of these theories correlate with the classic Marxist notion that political economy towards denizens is accurately associated with the concept of capitalist development and exploitation - a stance which is ignored by the modern-day liberals (Laden and Owen, 2007: 107). Despite the fact that international migration is a unique social phenomenon (O'Reilly, 2015: 25-26) affecting our everyday lives, all migration theories consent to a certain degree that denizens are commodities rather than regular residents who always serve their purpose for exploitative means of capitalist economy ruled by bourgeois Britain. Thus, these can also provide background about how the alteration of capitalism constantly reshapes shifts of rights among the EU denizens in order to keep the exploitative system flourishing through immigrant labor (Liebig, 2003: 8-9 and 20-21 and Meyers, 2000: 1248-1249).

1.5.2.1. National Identity and Modernization Theories

Overall, British national identity substantially impacts the rights and treatment of EU denizens in the UK. It influences the formulation of policies, the decision-making process concerning the scope and extent of granted rights, and public attitudes toward EU denizens. National identity theory can provide a useful framework for understanding how political developments, economic conditions and the broader sociocultural context shape the dynamics of EU denizens' rights within the UK. Thus, migration theory highlights that historical experiences, cultural idioms and social conflicts contribute to a common understanding of the past, the present and the future immigration policies of the bourgeois

system in several ways. First, it argues that state policies are influenced to some extent by the history and traditional ways of thinking of a society. Settler societies, like Canada or Australia, usually favour permanent immigration as they have been built by immigrants. Second, colonialist and ethnic states, such as capitalist Britain, before the 1980s tended to oppose such immigration, especially of dissimilar ethnic origin and/or usually prefer temporary labor migration if necessary. The third is that major racial, ethnic and religious conflicts within societies influence the attitudes of the contending groups towards the composition of immigration, as it may alter the demographic and political face of the country (Meyers, 2000: 1254-1255).

Modernization theory is just another Eurocentric (usually referred to as West-centric) approach that had emerged as a synthesis of anthropological and sociological models of social change and neoclassical capitalist economics in the 1950s and the 1960s. This followed up the dominant paradigm of economic and cultural change, which states that migrants who worked in the liberal capitalist West should come back civilized (Kearney, 1986: 333). Moreover, the modernization theory suggests that there are always push factors (that enforce emigration) associated with traditional (family-based) societies and pull factors (that cause immigration) in the developed areas (ibid: 338). The most important aspect in the context of denizens' rights, this migration theory can contribute to understanding how prioritization of economic growth can affect the rights and status of denizens, eventually leading to their marginalization.

Nevertheless, the extent to which these two theories inform denizens' rights research depends on the specific historical and socio-political context. For example, from the 1970s, the vast presence of the denizen population led to the rejection of assimilation by British authorities to accept foreign minorities as full members of the community "based on rational and liberal values" through modern-day multiculturalism (Malik, 2010: 16).

1.5.2.2. Institutional Theory of Migration

The institutionalist theory of migration provides a theoretical framework that examines how social institutions and structures shape migration processes and outcomes. It can be valuable in analyzing the dynamics of EU denizens' rights in the UK by providing insights into the role of British and EU institutions, rules, norms and regulations they established. The theory provides insight into power dynamics and the role of various actors, such as government bodies, policymakers, advocacy groups and EU institutions (Meyers, 2000: 1262). It helps to examine how they influence the development, implementation and enforcement of rules and policies related to EU denizens' rights. For example, European Communities Act 1972 obliges the UK parliament to recognize the supremacy of EC law and publish all its regulations and directives but preserves significant power for national parliaments to repeal any decision by EU institutions. Applying institutional theory to migration provides a perspective on the importance of supranational institutions in enforcing rules and policies related to EU denizens' rights. This theory recognizes that institutions can change over time, and past choices have long-lasting effects and can influence their decision. Applying this perspective to EU denizens' rights in the UK helps to understand the historical development of denizens' rights policies, the influence of EU membership and the impact of Brexit.

1.5.2.3. Theory of Realism

The theory of realism provides valuable insight into the evolution of EU denizens' rights in the UK, especially how power dynamics between the EU and the UK influence the negotiation and determination of those rights. This theory is based on "depicting international affairs as a struggle for power among self-interested states" (Meyers, 2000: 1263). For example, decolonization and the disastrous post-WWII aftermath pushed the UK to join the EU market to restore its prosperity. The theory is based on four assumptions. First, it argues that states are the principal and the most important actors and represent the key unit of analysis as they run immigration policy. Second, the State is viewed

as a unitary actor which faces the outside world as an integrated unit. Third, the State is a rational actor. And fourth, national security issues are the most important on the international agenda (Hollifield, 1992: 21-22 and Meyers, 2000: 1263).

The theory of realism emphasizes that states act in their self-interest. This perspective helps to understand how the UK government's priorities, such as maintaining sovereignty, pursuing national interests and controlling immigration, shape its policies towards EU denizens (from the 1990s, national sovereignty and migration controls became a constant platform for British Eurosceptics). Realism's focus on self-interest provides insights into the dynamics of EU-UK negotiations regarding denizens' rights. For example, in February 2016, the EU Council accepted the British demand to be excluded from the EU's founding ambition to forge into a tighter union (Auer, 2017: 42). It allowed non-discriminatory treatment of EU migrants to be subject to limitations on the grounds of public policy, public security or public health. Nonetheless, this theory may not be sufficient to analyze shaping immigration policies fully. Thus, it is important to consider other theories that also focus on social and economic aspects.

1.5.2.4. Domestic Politics Theory

The domestic politics (or society-centred) approach argues that the State serves up as a neutral player for the societal interests of different groups and parties that affect migration politics. It is usually divided into two sides - the first, which aims to support and expand, and the second, which aims to restrict, halt or reverse. The support side usually includes employers who aim to attract cheaper and affordable foreign workforce for the sake of boosting profit. The opposite side usually includes unions and nationalist groups who aim to protect their identity and job places. Furthermore, those sides usually attribute changes in immigration policy to constantly changing socio-economic factors, especially economic crises and huge inflow of immigration, which intersect. Nevertheless, the role of policymakers is to determine compromise between both conflicting sides (Meyers, 2000: 1257 and

1259-1260). By employing the domestic politics approach, the research can articulate how domestic political factors such as party politics, interest group dynamics, public opinion and electoral considerations influence the UK's recognition, protection and implementation of denizens' rights. For example, electoral cycles and the changing political landscape can influence the prioritization and implementation of policies related to the rights of foreign nationals.

1.5.2.5. Articulation and Dependency Theories

Many migration theories argue that migrant labor is treated as a commodity within the capitalist system, and migrants, including denizens, are viewed as a source of cheap and flexible labor, which can be exploited for economic gain. Articulation theory examines how foreign-born labor becomes integrated into the broader economic structure through immigration, as this type of labor is a power that can be produced and reproduced outside of the capitalist system. International and intra-EU immigration also embodies the contradiction of the global economy and its national political and social organization among the ruling classes of destination countries. Dependency theory reflects that hegemony (the rich Global North and/or West that includes Britain) always extracts a surplus from the periphery (the poor/underdeveloped Global South and/or Eastern Europe) by attracting these migrant commodities. It is not concerned about the flow of cash and goods in the opposite direction and its role in the perpetuation of underdevelopment in the poor Global South (Anderson, 2017: 1534; Favell, 2019: 158 and Kearney, 1986: 339 and 342). As a result of all of this, the British bourgeois class always seeks to stabilize their national power at the cost of the world system and, at the same time, extracts the local labor force of more backward ruling classes (Harris, 1980: 59). EU denizens' rights in the UK can be explored from the perspective of economic articulation, where the demands of specific sectors or industries drive their presence. Later in this work, we argue that such EU 'commodities' would remain in a lower hierarchy than Britons, no matter what skill or education level they possess or what kind of economic system persists. Moreover, all the EU foreign-born nationals who are unskilled, unemployed

and rely on welfare support always remained vulnerable targets for restrictive policies from the British state, no matter how much their denizens' rights are empowered or protected by the EU treaties.

1.5.2.6. Structural Approach and Family Migration Theories

Structural approach and family migration theories consider the crucial role of social, economic and political structural factors in shaping migration policies and practices. It helps to provide insights into their impact on the rights and experiences of denizens. Other than emphasizing that institutional, socio-economic and political forces drive migration, the structural approach theory also focuses on a synthesis between structure (social arrangements affecting the personal choices of migrants) and agency (migrant's individual capacity to make decisions), especially after the establishment of family networks between sending and receiving nation-states (Boyd, 1989: 641 and Liebig, 2003: 16-17). Family migration theory claims that it is family rather than individual choice that pushes the decision-making of a country for destination and leaving or returning to the homeland (Liebig, 2003: 7-8). In supporting statements to family migration and structural theories, Neo-Marxists believe that migration behaviour is directly related to the structural process and cannot be explained in terms of individual motivation alone (Shrestha, 1987: 331).

1.5.2.7. International (World) System Theory

The international (world) system theory considers the role of global norms, institutions and international governance structures in shaping migration policies and practices and how they influence the rights and treatment of non-citizens, such as EU denizens. Massey (1993) noted that state authorities cannot influence international migration through policies that produce small changes in wages or employment rates. Therefore, immigrants would continue to fill a demand for labor that is structurally built into modern-day post-industrial economies and societies. Only a major shift in the economic system or rather an abandonment of capitalism, which is indicated by international (world) system theory, can alter all these rules (Massey et al., 1993: 444) to fulfill the demands of nationalists

to shut the borders and halt migration. This argument also supports the statement on why multinational corporations based in North American and Western European metropolises continue to remain active players within the global migration market (Modood and Salt, 2011: 6) in the ceaseless quest for cheap labor (Kivisto, 2002: 38) from the overseas and the peripheral EU states.

International migration (world) system theory reflects that there are receiving group of countries (the metropolis of colonial Empires or rather hegemonic centres of the capitalist system mainly in Western Europe and North America) on one hand, and on another there is a set of specific sending countries (peripheries) linked to it by unusually large flows of immigrants (Massey et al., 1993: 454 and O'Reilly, 2015: 28). Furthermore, international migration (world) system combines elements of micro- and macro-economic approaches of understanding the immigration on a global level (Boyd, 1989: 641). This mutuality is another reason for the examination of social networks in migration, through phones, telegraph and later on, social media (ibid: 641). Like the structural approach, this statement is supported by (social) networks theories of migration, suggesting that when private ties between sending and receiving countries are established through space and time, settled immigrants help new arrivals (usually their family members and friends) to move and establish themselves in the same host countries (Liebig, 2003: 8-9).

1.5.2.8. Theories of Neofunctionalism and Intergovernmentalism

The theories of neofunctionalism and intergovernmentalism as frameworks can help to analyze EU integration and offer insights into the dynamics of supranational governance and intergovernmental cooperation, which have implications for the recognition and protection of denizens' rights. The theory of neofunctionalism argues that nation-states eventually lose the strength to conduct their own sovereign foreign and key domestic policies instead of making joint decisions with central organs, as a theory of intergovernmentalism articulates (Falkner, 2012: 294). This reality of neofunctionalism is remarkable amid increasing capitalist Globalization, which also reveals at least three problems of

political economy in terms of immigration. The first one is the problem with British capacity to exercise its full border and migration control as EU nation-states have given up a lot of their sovereignty powers to the EU and its supranational agents (EU Council, EU Commission and European Court of Justice) (ibid: 296). The second one is the notion of citizenship, which is still a discriminatory concept that currently conflicts with the calls for respect for universal human rights. The third problem is foreign nationals continue to remain as commodities to boost local British firms and industries (Hollifield, 1992: 10-11) amid the expansion of the globalized economy that eliminated the political borders (Sassen, 1998: 72-73).

1.5.2.9. Neoclassical and Self-Selection theories

Both neoclassical and self-selection theories offer insights into the economic motivations and decision-making processes of migrants with a focus on cost-benefit analysis or the role of individual characteristics and human capital, such as skills and education, in shaping migration patterns. In terms of the push factors, neoclassical theory on macro-level suggests that economic factors naturally push migrants in the direction “from low-wage to higher-wage” countries (Massey et al., 1993: 433-434 and O’Reilly: 2015: 26). This indicates that the international migration of EU denizen workers is caused by the wage gap between Britain and developing countries in Southern and later in Eastern Europe and considers the probability of employment in the destination country as main determinant of the decision to migrate, alongside wage differentials (Petrache, 2019: 221). These theories become central to the analysis of migration from a supply-side perspective, where especially positively self-selected migrants prefer to move to places (such as the UK) where they would be better paid than in their country of origin (Liebig, 2003: 10). EU denizens in the UK may be motivated by economic factors rather than solely seeking to exercise specific rights. From the perspective of these theories, EU denizens’ rights may be closely tied to their economic contributions and perceived economic value to the UK. Those influence the development of policies and public attitudes towards such immigrants.

1.5.2.10. Dual Labor Market Theory

Dual/Segmented labor market theory expands the neoclassical model theory of migration by acknowledging the segmented nature of labor markets, as it emphasizes that wealthy states' quest for cheap labor from poorer ones plays a key role in opening the borders (O'Reilly, 2015: 27). The theory challenges a homogeneous labor market concept based only on supply and demand because it proposes the existence of two distinct labor markets - the first one is the primary labor market with stable and well-paid jobs, and the second is the secondary labor market that consists of low-wage, temporary and precarious jobs.

It also concludes that local actors in industrialized nation-states, such as state governments and local employers, also play an active role in the recruitment of the immigrant workforce. This means that immigrants do not just arrive and stay in these industrialized countries but they must also get employed on behalf of firms and industries after the consent of authorities. Those agencies utilize power to exploit foreign workers while holding wages constant in order to keep the system of exploitation functional. Furthermore, low-level wages in immigrant-receiving societies never hike in response to a decrease in the supply of immigrant workers. Salaries are deliberately held down by institutional mechanisms and cannot respond to shifts in supply and demand. Low-level wages, of course, may drop. However, as a result of the increase in the supply of immigrant workers, social and institutional checks that keep low-level wages from rising do not prevent them from further falling (Massey et al., 1993: 444 and Yinger, 1986: 35). EU denizens in the UK, particularly those in the secondary labor market, may experience challenges and vulnerabilities regarding their rights. They ended up as a segmented 'reserve army of commodities' for the means of the British-based bourgeois class and its capitalist industries and enterprises.

By examining such segmentation, dual labor market theory can provide insights into the dynamics of EU denizens' rights in the UK. It helps to understand how EU migration has helped

employers to create and sustain more flexible and efficient business models instead of suppressing native workers (Rolfe and Hudson-Sharp, 2016: 53) and support free movement and aim to recruit ‘segmented reserve labour’ from other EU countries (Rolfe et al., 2019: R7-R8) in different historical stages, including the post-Brexit period.

1.5.2.II. Migration Channels and Human Capital Theories

Migration channels theory is closely associated with the dual labor market theory but takes an organizational perspective by finding some single determinant of movement (Liebig, 2003: 17-18), which may not ever be detected. Human capital theory also complements dual market theory by stating that migration is an effective system of investment activity for enterprises to boost their own profit. In addition to this, it emphasizes that the choice of destination is selected by the rate of return, psychic costs, locational preferences, net incomes, unemployment rate and even standards of living (which can sometimes be more valuable than costs of living) (ibid: 5-6).

1.5.3. Is Unified Migration Theory Ever Possible?

It is important to note that none of these mentioned standard migration theories can be applicable at all levels and/or at all times (O’Reilly, 2015: 25-26 and 31) in terms of how Globalization of capital constantly oscillates denizen rights. Many scholars suggest some non-existent eclectic mix of theoretical approaches is mandatory to construct a unifying theory of its understanding as Massey (1990) argued migration theory is “fragmented into a diverse set of semi-autonomous research literatures with little intercommunication among them” (Liebig, 2003: 4 and Massey, 1990: 3). Simultaneously, one of the explanations behind the current lack of unifying migration theory is one group of scholars corroborate that only in the future, “synthesis of existing theoretical approaches should eventually provide an integrated approach to the study of international migration as a whole (O’Reilly, 2015: 30).

Other researchers see no necessity in it because such attempts would eventually lead to a “drift

from sociology” (ibid: 30). Both world (international) migration systems and network theories warn about frequent determination of global migration regime, characterized by relatively intense exchanges of goods, capital and people between certain countries (Massey et al., 1993: 454 and O’Reilly, 2015: 28). Therefore, the concept of migration system is not a uniformed or separate theory but rather a generalization of several sociological aspects of migration. Networks theory also articulates those factors behind migration waves constantly reshape over time. In supporting statement, cumulative causation theory treats migration as a “dynamic, path-dependent and self-feeding process, influenced at various levels (family, community, nation) and by historical process” (Liebeg, 2003: 8 and 19). Sometimes, all three foregoing and very similar theories are mixed into migration systems theory that dictates four principles. First, political and economic relationships are more important than physic-geographic ones, second, there is a core nation that attracts foreigners, third, nations may belong to several migration systems (especially among sending), and lastly, as political and economic conditions change, new systems evolve (Massey et al., 1993: 454).

Some novel approaches may emerge by examining non-linear, circular and temporary flows that also include non-labor types of migration, such as post-colonial relationships, gender migration and the concept of mobilities. Nevertheless, the latter content of the research paper would rather focus on the novel migration theory [and integrationist model] of transnationalism, which particularly focuses on modern-day counter-flows to capitalist Globalization and movement restrictions (O’Reilly, 2015: 29 and 30), and introduces the theory of post-functionalism. In comparison with assimilationist and multiculturalist approaches, transnationalism demonstrates increasing relevance in terms of building personal and progressing bonds amid the emergence of cyberspace and cheap long-distance communication technology, a phenomenon that is commonplace in modern society. This is often associated with a complex combination of constructed styles, social institutions and everyday practices, described in terms of syncretism, creolization, bricolage, cultural translation and hybridity in both host

and origin Member States (Vertovec, 1999: 450 and 451). Post-functionalism disagrees with functionalism that the role of a State has completely diminished in terms of shaping migration. Instead, it articulates that migration policy is altogether shaped by a complex set of actors in multi-level governance of the global world, including the states, national identity, political parties and domestic democratic institutions (Leuffen et al., 2022: 144-145 and 146 and Dennison and Geddes, 2018: 1138 and 1141-1142).

1.6. UNDERSTANDING PUBLIC ATTITUDES TOWARDS EU DENIZENS

The Brexit Referendum of June 2016 clearly demonstrated that the public attitude among British people towards EU freedom of movement cannot be ignored. Like capitalist development, democratic trends of the British mainstream population are also causes that challenged the conception of the state as a unitary and monolithic source of power (Blackmore and Lauder, 2005: 98) in terms of adoption of specific immigration policy-making that oscillates denizens' rights. Furthermore, socially-oriented domestic politics immigration theory from the previous section once stated that attitudes towards immigrants depend on constantly changing socio-economic factors. Definitely, economic recessions and pressure from migration would deliver more frustration, while financial stability and growth would bring indifference or even satisfaction from foreign-born workers. That is why the public attitude and Brexit withdrawal period chapters apply the Economic Competition Theory regarding this cost-benefit rationale of the British mainstream's treatment towards EU foreign-born nationals. However, in order to make sure that this social theory is the most appropriate one, this research must review and compare four other conceptual determinants - Group Conflict, Contact, Social Identity and Cue theories. Reviewing and comparing those social theories would also be a very useful framework for a thorough understanding of negative views and stereotypes towards otherness among EU migrants.

The first two theories, Group Conflict and Contact, directly deal with the 'fear of immigration' (instead of actual immigration) that has always been more prevalent over economic issues and has

given the Brexit campaign great momentum (Horova, 2021: 130; Petrache, 2019: 223 and Tammes, 2017: 145 and 148) on taking back control of borders along with protection of British sovereignty and identity. The first one - Group Conflict theory - articulates that migrants or minority groups can appear to threaten the interests, identities, or status of the majority, especially among the ones who fear cultural and/or demographic replacement. The Contact theory suggests that sustained positive contact with members of other ethnic, religious, racial, or national groups produces more positive attitudes toward members of that group. This kind of result was demonstrated among the Remainers who favoured the EU project. On the other hand, among the Leavers, the lack of personal interaction between the mainstream and the foreign-born population demonstrates distrust or fear towards EU denizens (Blinder, 2011a: 8).

Social Identity Theory treats the EU as a polity overarching established territorial communities and considers how public opinion is constrained by citizens' conceptions of their identities. Cue theory regards the EU as an extension of domestic politics and argues that public attitudes are guided by domestic ideology and political organizations (Hooghe and Marks, 2005: 420). More extensively than the economic competition, those two theories address the Europeanization experiment in the UK since its accession into the European Community more thoroughly. This process is closely associated with the idea of cosmopolitanism (Delanty and Rumford, 2007: 22), denoting persons valuing their individual diversity and having multiple identities at the same time (Modood, 2019: 240 and Vertovec, 2009: 83). This kind of othering among the EU minority groups has always been the subject of targeted populations through cultural characterization, popular images, or groupings (Schneider and Ingram, 1993: 334) making EU migrants wanting to integrate like those who are from the Commonwealth and elsewhere (Van Der Zwet et al., 2020: 517 and 519). Such situation should be better considered as the conflict between cosmopolitan EU and the nation-based British, as citizenships and identities have always been constructed out of a synchronic web of affiliations and public sentiments amid the

migration patterns (Maier, 2007: 67 and Mantu, 2015: 13). Such negative treatment from the British mainstream may appear to be problematic for the EU denizens who try to develop their social and emotional attachments and interactions with local societies, and as well as for the EU's idea of 'united in diversity' (Van Der Zwet et al., 2020: 528).

The Economic Competition Theory remains the most relevant one in understanding public expression regarding the economic benefit or loss from EU citizens and, at the same time, keeping sovereign control over immigration throughout stages of capitalist development and integration of the EU and its market-based system. Also, this theory demonstrates that native workers do not wish to compete with EU denizens with similar skills. At the same time, this theory more directly explains how the British mainstream public reacts to EU foreign-born nationals exercising and empowering their rights to live, work and use social benefits (Blinder, 2011a: 8).

Chapter TWO

METHODOLOGY

2.1. SELECTION OF QUALITATIVE RESEARCH

2.1.1. Why is Qualitative Research Method selected?

The legal-political implications that affect denizen rights are directly and indirectly framed by policies that British authorities and EU institutions adopt and practice. Thus, this research conducts a qualitative analysis that focuses on EU treaty documents, legislations and directives as a general source of materials to cover the policies that deal with denizens' rights. In this sense, the methodology develops a social policy approach. In addition, the research examines academic and political debates and opinion surveys in the UK. Overall, these documents provide a rich source of information for understanding the various layers of factors underpinning the status of EU denizens in the UK.

It evaluates how those policy changes have impacted their specific rights - free movement, right to work, access to social security benefits and empowerment of the EU denizen status (Somekh et al., 2005: 10). The methodology also develops a historical approach necessary to locate the erosion of rights with its larger economic and political context. Therefore, the dissertation deals with multiple timeframes, beginning from 1948 until the immediate post-Brexit period.

As this research uses qualitative methodologies, specifically document analysis, no independent quantitative research is required. The academic project does not conduct any interviews with any EU individuals about practicing specific rights or with any British nationals on how they react to the presence of European denizens working and living in the UK. This dissertation deals with multiple timeframes, beginning from 1948 until the present day, and such conditions exclude any relevance to objectively conduct real-life empirical deductive analysis of the selected issue that varied for decades through quantitative or mixed research methods.

Finally, statistical reports and surveys are used to illustrate and support the main arguments discussed. Surveys, opinion polls and statistical data from population reports of British, the EU and other official statistical institutions and research centres (such as IPSOS Mori, the European Commission's Eurobarometer and the University of Oxford's Migration Observatory and COMPAS) will be retrieved for supportive evidence. These supportive findings can outline the outcomes and extend the scope of these policies and treaties that affect the status and rights of these EU denizens. In the same manner as qualitative materials, quantitative results interpreted on summary of findings, tables and graphs can also help researchers to evaluate political discourse and existing content provided in official reports (Bryman, 2012: 557). Data from public opinion surveys on how the British public reacts to the presence of immigrants (including EU denizens) and what they expect from the EU project is made visible through the use of Tables in chapter five.

2.1.2. How is Qualitative Research used?

The qualitative research method is based on the collection and analysis of relevant texts and documents (Bryman, 2012: 383) that serve as general sources of arguments and facts to support research arguments. In order to examine the nature of treaty and migration legislations, the project conducts thorough content analysis to interpret the meaning in the documents provided and to address readers' and researchers' specific circumstances of some policy or treaty. In addition to this, "qualitative types of methodologies" are appropriate for researching phenomena that require "deep contextual understanding to be meaningful" (Azungah, 2018: 385). To support the arguments and facts from the primary sources, this research collects relevant reports (from academic and research institutes, law agencies, firms and think tanks), news articles, data, scholarly books and academic journals that cover relevant issues, including public attitude towards foreigners, capitalist development and British immigration policies, in order to develop a holistic picture on what affects the EU denizens' rights. One important point to note is that the uniqueness of this thesis is that it thoroughly investigates the

academic and media materials to formulate whether or not the Brexit event and its aftermath indeed deliver any real shift of status among EU nationals in the UK.

All materials were accessed from the research databases, mass-media outlets and from some relevant independent (and research-oriented) sources (Bryman, 2012: 550). Content analysis was implemented, as it is a very direct technique to determine the nature of policies enacted. Therefore, the usage of content analysis is a very broad, transparent and flexible method to generate all the necessary information and track changes in opinion and policy. Therefore, I find this to be the best method despite it being criticized as being non-theoretical.

2.1.3. Strengths and Weaknesses of Qualitative Research

The major strength of the qualitative method is that it demonstrates flexibility about how and why some phenomena take place based on a theory of interactions, events and processes (Kara, 2015: 27). Furthermore, it delivers strategic case selection and purposeful sampling of rich information for in-depth study to document diversity. Quantitative researchers sometimes criticize the qualitative method as being too subjective and impressionistic. Nevertheless, this criticism is not unreliable as the qualitative research method requests gradual narrowing down the topic or some concern/problem in order to make it concise enough (Bryman, 2012: 405).

Furthermore, qualitative research of content is often described as non-theoretical (ibid: 307) and might appear “far from being unified bodies of thought” (May, 2001: 184). Thus, it is imperative to verify any biased and/or insufficient information or position and to properly assess the validity and reliability of specific information and its sources. In this regard, this method is more time-consuming in order to avoid misleading conclusions, especially while retrieving materials from the media sphere. For example, one group of the outlets can be supportive and even ignorant about gaps or weaknesses delivered by immigration policies that favour open-door EU immigration but may harm the interests and conditions of certain British nationals, and vice versa. A pro-immigration stance is indeed expected

from *The Guardian* newspaper, which is more supportive of the left-wing platform, while a eurosceptic stance is expected from the right-wing *The Telegraph* media set.

2.2. INTERPRETATION OF MATERIALS FOR THE TOPIC

To detect and analyze changing dynamics in EU denizens' rights in a more clear manner, I make the distinction between policy as a text and policy as a discourse. The former dictates that the text allows for interpretation by policy actors, such as British authorities and EU central institutions. The latter sees policy as a part of a wider system of social relations, framing what is said and thought. Policy texts emerge and also produce particular policy discourse (Blackmore and Lauder, 2005: 98) that are described in specific articles or content within British legislation, EU directives and EU treaties. A final distinction is that policy is more about problem-setting instead of problem-solving (ibid, 2005: 100).

This research accepts Scott's (2006) four criteria for assessing the quality of the evidence available from the written materials. The criteria that should be addressed are authenticity, credibility, representativeness and meaning. In terms of authenticity, the validity of authorship can often appear unclear, while the outputs can usually be genuine. Credibility "refers on extent to which the evidence is reliable and to what extent the accuracy of documents are provided" (May, 2001: 189-190). Some evidence might be "clear and comprehensible but may require considerable awareness of contextual factors" (Bryman, 2012: 553). Representativeness debates whether the data is typical enough to represent relevant issues or topics (Bryman, 2012: 553 and May, 2001: 189-190).

Finally, through chronological analysis, this qualitative piece of research work articulates to what extent EU citizenship facilitated the cosmopolitan status of European denizens living in the United Kingdom. Nevertheless, there are certain limits of state authorities and the EU treaties to influence citizenship and denizenship policies. These cannot be treated as the sole factor in changing

the denizen status in the United Kingdom. For instance, during the 1980s and beyond, Globalization, on the one hand, and democratic demands of diverse populations, on the other, challenged the conception of the state as a unitary and monolithic source of power (Blackmore and Lauder, 2005: 98). Along with political factors, it is mandatory to cover events and external social (particularly the public attitude) and economic conditions that potentially impact the pattern of the integration process, such as inter-racial and inter-ethnic relations, along with altering models of capitalism.

Chapter THREE

FROM IMPERIAL DECOLONIZATION TOWARDS EUROPEAN 'GLOBALIZATION'

Since the end of WWII, the UK has faced the decline of its colonial empire. The former imperialistic power served as the main source of economic and political significance on a global level. Thereafter, British authorities thought of re-establishing their political and economic relevance by attaching themselves to the US, NATO and the EU (Kinnvall, 2016: 158). In this case, although the EU represented a threat to political narratives of British exceptionalism, it was a way to remain relevant in the global field. Being a member of the EU is not like being a member of the post-colonial transnational Commonwealth of Nations. It is in this context that the question of EU denizens' rights in the UK needs to be located between the British approach towards EU integration through balancing national costs and benefits with the uncomfortable tension with the EU cosmopolitan project.

However, the balancing act was difficult as joining the EU meant getting involved in complex institutional arrangements such as negotiating and accepting EU treaties, policies, legislations, resolutions and directives. This chapter examines these EC/EU Treaties and directives that shaped the EU denizens' rights, such as freedom to move and reside, freedom to work and access to social security benefits. In the latter sections, the materials analyze how the EU Member States and EU central institutions established and expanded the powers of ECJ – a judiciary institution that enforces and protects the EU denizens' rights from discrimination and abuses. The analysis of the chapter develops a chronological account of the formation of the EU with a focus on EU citizenship and rights and concludes with the 2016 Referendum when British authorities shifted their political course in order to regain control over borders and immigration.

3.1. THE EMBRYONIC PHASE OF THE EU DENIZENS' RIGHTS (1957-1970s)

The original European idea of eliminating obstacles to the free movement of persons and

establishing the principle of equal treatment of migrant workers can be traced back to the Paris Treaty (1948). Its Article 8 established the Organization for European Economic Cooperation (OEEC) (Barnard and Butlin, 2018: 208 and Centre Virtuel de la Connaissance Sur l'Europe, 2017). Nevertheless, the first real fundamental milestone in establishing the EC is the Treaty of Rome (1957). Interestingly, regardless of the fact the UK was not an original member of the EC, it already took an active part in its realization. For example, in April 1952, a working group consisting of Belgium, France, Germany, Italy and the UK debated two major issues - to identify the obstacles to the free movement and to eliminate as many of these as possible (Barnard and Butlin, 2018: 210). This proves that the goals and perspectives of the EU project have always been a real issue for the British political agenda in the post-WWII era.

The materials covering that primary timeframe explain how and why the original Member States of the EC were obliged to provide the EC workers the first stage of supranational rights. Understanding the geopolitical and historical process reflects how the EC workers obtained the civic expansion of their free movement and residence rights, right to work and access to social security benefits in other Member States. In parallel, materials covering the increasing role of human rights explain how EC denizens obtained the fundamental instrument to enhance and enforce their rights in the consequent decades through the ECJ. Through a Marxist lenses, the establishment of those rights fulfilled the urgent necessity of Western nation-states to restore and expand the capitalist market in the post-WWII period. Thus, the EC was required to increase the mobility of EC citizens and capital moving and working in other industrialized nations by eliminating the obstacles of free movement, which was seen as the main vehicle of economic and political integration (Schmidt, 2017: 19). That objective was once mentioned in Treaty of Rome's Article 3(c) that aimed to eliminate all possible barriers for persons, goods and services (Streit and Mussler, 1995: 14).

3.1.1. The Establishment of the European Economic Community

After the end of WWII, the real goal of the USA's involvement in the affairs of continental Europe was to avoid the spread of Communism and the hegemony of the Soviet Union across the continent during the First Cold War Era (1946-1991) (Goodhart, 2020: 91-92). That is why the American foreign policy lobbied for the regional free market (from the iron and steel community through the common market to the EU) in order to preserve the idea of global capitalism. Also, in order to reconsider the futures of their empires or rather adjust to the changing economic and political circumstances of decolonization (Kinnvall, 2016: 158), the continental EC powers (France, Belgium and Netherlands) that were weakened by the war opted to integrate together in order to retain their capitalist interests in overseas continents (Callinicos, 2017: 187 and 189). Furthermore, it was essential to include Germany as well to achieve this aim.

The shift to find common economic concerns - thus moving away from conflict - has emerged as the primary responsibility for EC integration since the late 1940s (Gabel and Whitten, 1997: 83). Trade liberalization in the European Economic Community (EEC), founded by the Treaty of Rome in 1957, and the free movement, provides equal access to required resources for rebuilding infrastructure and expanding market access for production. Only a common market throughout the community of harmonious development of economic activities can promote growth and improved competitiveness for EC firms in the world market, along with continuous and balanced expansion, increased stability, an accelerated raising of the standard of living and closer relations between its Member States, as set out in the Article 2 of the Treaty of Rome (1948) (Börner, 2020: 428 and O'Leary and Sánchez, 2021: 510). This is how freedom of movement for workers and the right to work in other Member States were established (Title III Article 48). As mentioned in Title III Article 118, access to the social security system is mandatory to ensure that persons exercising their freedom of movement are guaranteed protection when moving from one Member State to another (Solacolu, 2021: 113). It is important to

add that both Articles 48 and 118 also include provisions that oblige Member States to combat discrimination and prejudice directed at non-nationals. This is relevant to the enforcement of EU denizens' rights supported by Article 164 to "ensure observance of law and justice in the interpretation and application of this Treaty". The complaints and other relevant cases should be heard by the ECJ, which ambitiously interprets the EU law to expand social and residence rights for EU Denizens in the host Member State (Conant, 2021: 1596).

Despite the fact that the initial negotiations were held in the 1940s and the beginning of the 1950s between the European states, including the UK, and these talks were aimed to ensure that future members had no intention to remove free movement control through work permits (Barnard and Butlin, 2018: 207 and 210), the final version of Article 48 EEC (now as Art. 45 TFEU) contained no quotas, gradual implementation of the free movement of persons, or any emergency brakes (ibid: 211). The enactment of the Commonwealth Act 1948 also reflects the refusal of the British government and parties to participate directly in the European cooperation schemes that France and Germany were initiating in the 1940s and the 1950s (Spiering, 2004: 131). Clement Attlee's Labour Government tried to preserve British identity and political influence through the Commonwealth Act 1948, which aimed at securing Britain's position at the head of a renewed Commonwealth sphere of influence by re-asserting Britain's status as the 'mother-country' (Ashcroft, 2006: 5) and by holding the overseas residents as colonial subjects, including Cypriots and Maltese, for the sake of unity of the dying British Empire (Joppke, 1999a: 101). Despite the fact that Commonwealth Act 1948 is supposed to make British native and Overseas/Commonwealth denizens as equal citizens at the metropole, the foreign workers can be deported, as they still remain underprivileged in comparison with the ethnic majority in Britain (Nikolinakos, 1975: 12).

3.1.2. The Rising Importance of EC Denizens' Rights in the Expanding EC Market

As the role and significance of the EC market were gradually expanding throughout the years in

order to boost the political and economic significance of its Member States during the golden age of capitalism, so did the EC denizens' rights in terms of freedom of movement, right to work and accessing social security benefits. Therefore, it was becoming more mandatory to eliminate certain restrictions that existed between Member States and, at the same time, to expand opportunities for EC foreign nationals who lived and worked in other Member States.

The directives and regulations adopted in the 1960s and the 1970s indeed promoted the rights of free movement and residence for workers and later self-employed persons (in the 1970s) as well as their right in certain circumstances to remain, facilitated the application of the derogation from free movement permitted by the first EC Treaty in Title III Article 48(1).¹ The political factor in establishing the free movement of European workers created the need to ensure the effective functioning of a common continental market in employing a foreign-born workforce.²

In parallel to this, the progress of economic integration and the intensity of regional market unleashed several unintended policy outcomes resulting in an unprecedented supranational regime of social-security coordination (Title III Article 118), which was established at the zenith of Fordist production models of manufacturing industry (Börner, 2020: 429 and Carmel et al., 2016: 23). Initially, the European Council has adopted two regulations about social security for cross-border workers, which are Regulations No 3/1958 and No 4/1958 (Solacolu, 2021: 114). The consequent related directives, which are more aimed at the general EC denizen population, are Regulations (EEC) No

¹ These are Council Directives 64/221/EEC of 25 February 1964 (on the co-ordination of special measures concerning the movement and residence of foreign nationals which are justified on grounds of public policy, public security or public health), 68/360/EEC of 15 October 1968 (abolition of restrictions on movement and residence for EC workers), 73/148/EEC of 21 May 1973 (abolition of restriction of free movement and residence for all the EC nationals) and of 75/35/ECC of 17 December 1974 (that expands 64/221/EEC in terms of self-employed capacity) (Krzysztofik, 2016: 166 and 168 and O'Leary and Sánchez, 2021: 512).

² Regulations (EEC) No. 1612/68 of 15 October 1968 (grants rights to access trade union, public housings, social advantages and vocational training) and No. 1251/70 of the Commission of 29 June 1970 (right of workers to remain after getting employed in the host state) (Ferrera, 2005: 100 and Van Der Mei, 2003: 27), and Council Directive 75/34/ECC of 17 December 1974 (right to remain in a self-employed capacity) that deal with the Treaty of Rome' right to work (Title III of Articles 48(2) and (3)).

1408/71 of the Council of 14 June 1971 (access to social security benefits) (Carmel et al., 2016: 23) and its amended version of No. 574/72 of the Council of 21 March 1972.

3.2. THE UNITED KINGDOM JOINS THE EUROPEAN COMMUNITY

Even before the UK joined the EC in 1973, the aftermath of WWII had demonstrated that the EC would become an influential agency in the near future, which would affect all its current and future members. Indeed, the historical development progressed the first fundamental steps for certain types (primarily economically-based) of EC denizens to achieve civic gain and civic expansion of transnational rights regarding free movement, permission to work and access to welfare benefits. Even though the UK was not yet a member, it would have been obliged to give certain concessions to make the continental market functional, regardless of its status within the existing EC.

Amid the deterioration of British ambitions through decolonization, especially after the diplomatic loss to the USSR and the USA during the Suez Canal Crisis in 1956 (Wall, 2008: 1-2), the attention of UK politics in the 1960s had turned towards integration with Western Europe. This is the closest geographical region to the UK, producing strong economic growth. By all other means, the UK eventually joined the EC in 1973, after being delayed by French President Charles de Gaulle's vetoes of its membership in 1963 and in 1967 (Abboushi, 2017: 195; Callinicos, 2017: 189-190; Holmwood, 2007: 31 and Wall, 2020: 48). Britain did not object to the automatic approval for EC workers to practice their established rights, as initiated by Treaty of Rome, because the presence of a small number of EC foreign workers did not raise any concern. When British politics were raising issues on foreign-born population, it was focused on immigration from the Commonwealth nations, some of which were not yet members of any European agency (like Cyprus and Malta), and these countries were treated as overseas underdeveloped nations. The racialized nature of these contrasting attitudes was self-evident.

3.2.1. Concerns of British Politics on Joining the European Community (1960s-1973)

The first real concern regarding EC integration, debated in British politics, was based on

defending its political sovereignty and controlling its foreign trade and domestic laws overall (which, one way or another, involves the control of its immigration policies) in the EC market instead of the flow of EC foreign-born nationals. The Conservative Party's position strictly supported the stance of expanding the regional market as far as possible while ignoring an arrangement modelled after the embedded liberalism paradigm implemented by the Treaty of Paris (Polomarkakis, 2018: 294). Its counterpart, the Labour Party, initially called for the outright rejection of EC integration based on its economic roots while appealing to an anti-capitalist sentiment among trade unions, which did not consider the dimension of the EU social reforms. However, when the Labour Party manifesto had finally adopted the Tory course towards common market membership in 1966, Harold Wilson was only concerned about EC agricultural policy that would have "a most serious and damaging effect on Commonwealth imports and upon our balance of payments" (Miller, 2015: 5). This statement gives the UK (both the governing and opposition parties) to be concerned more with the protection of its sovereignty and not control of immigration.

When the House of Commons was debating the terms of EEC membership in 1971, Members of Parliament (MPs) were informed about what the nature of the European Community would mean. Laws enacted on the EEC level would never replace domestic laws and could not be altered or overturned by Parliament, except by a decision to leave the EEC altogether. Nevertheless, the MPs were assured that power would rest primarily in the hands of governments, especially those of Germany, France and the UK (Wall, 2020: 296). That is why on 28th October 1971, after some six days and 300 hours of debate, the sovereign House of Commons voted in favour of accession, with 356 in support and 244 against, where only thirty- seven Eurosceptic Conservative MPs voted against and sixty-nine Labour MPs, led by Roy Jenkins, voted in favour (Westlake, 2017: 4). Edward Heath's Conservative government took advantage of its constitutional sovereign power of the democratically-elected Parliament to proceed to the EC with the support of all three major parties (Conservatives,

Labour and Liberal Democrats) in 1972 without holding up any referendums, despite its proposal by Eurosceptic Conservative MP Bruce Campbell on 10th December 1969 who gained support only from fifty-five MPs (ibid: 5).

This relative passiveness among the British authorities was stimulating Euroscepticism among nationalistic and unionist politicians such as Enoch Powell who, in 1969, appealed to the white working class against EEC membership (Wall, 2020: 93). He doubted the stance of Lord Chancellor Dilhorne, in 1962 (and repeatedly in 1967) that “the vast majority of men and women in this country will never directly feel the impact of Community-made law at all” (Wall, 2020: 108) and that laws agreed at EC level would eventually replace the political power of the British Parliament. In April 1972, the anti-market Conservative MPs Neil Marten and Enoch Powell tabled an amendment to the European Communities Bill calling for an entry referendum (Westlake, 2017: 5) with support from their party peers and by Harold Wilson Labour’s Shadow Cabinet who shifted their stance a renegotiation of the terms of entry (Evans, 2018: 128). This vote forced Roy Jenkins to resign as deputy Labour leader (Westlake, 2007: 4 and 5), as he objected to the Eurosceptic stance of previous leaders like Hugh Gaitskell, Harold Wilson and James Callaghan (Spiering, 2004: 131).

3.2.2. EC Referendum - The First Test of European Integration (1975)

As a result of the UK’s accession in 1973 and holding up the Referendum in 1975, the concrete topic that was never debated or negotiated in depth by British politics was the EC’s freedom of movement (Glencross, 2015: 26). The EC was still a market-based project and was definitely treated like some form of loose entity that predominantly triggered field related to economy and its commodities. EC migrants were treated as frontier and seasonal workers attached to their countries of origin instead of permanent foreign-born residents of the host countries. Also, the Member States were capable of exempting (Maas, 2007: 26) and enacting their own immigration and anti-discrimination policies independently from the EC’s established agencies, which can sometimes limit and ignore EC

principles. In addition to this, during the period of Keynesianism, most Member States within the European Community were regarded as a form of intense politico-economic cooperation (Goodhart, 2020: 92-93) that only jointly and unanimously approve any agreement. Therefore, there were no serious objections regarding political sovereignty as the European Communities Act 1972 obliges the UK parliament to recognize the supremacy of EC law and publish all its regulations and directives but preserves significant power for national parliaments to repeal any decision by EU institutions (Schmidt, 2017: 28 and Schmidt, 2020: 782-783).

During the Referendum campaign and negotiations with the original EC members, Labour Prime Minister Harold Wilson was debating concerns on Common Agricultural Policy (CAP), the UK contribution to the EEC budget, the goal of the Economic and Monetary Union, the harmonization of VAT and finally, parliamentary sovereignty in pursuing regional, industrial and fiscal policies (Miller, 2015: 4). Foreign Secretary James Callaghan who was the main negotiator, questioned to what extent further EC integration would affect the relations with the USA, as the UK and US were strong supporters of each other (ibid: 10). The only point raised in relation to immigration was on capital movement (had been equivalent to the movement of workers), whereby the UK committed to reach any agreement which protected its own balance of payments and full employment policies (ibid: 16).

3.2.3. EC Political Power vs. UK Domestic Immigration Politics

Indeed, constructive and multi-sided debates regarding European Community membership on the sidelines of the 1973 Referendum proved that the UK became a member at the historical stage when the EC was already a significant international institution that could not be solely treated as an economic market. The early part of the 1970s marked the true beginning of the transformation from the ‘Europe of materials’ to the ‘Europe for citizens’ (Wiener, 1997: 4).

Nevertheless, immigration politics on the supranational level, as well as the existing rights that EC workers already had, still was not regarded as a serious issue (Holmwood, 2017: 32). The European

Community remained as the arena between Member States, which compete between each other to gain political and economic dominance, without abandoning its notion of national sovereignty and own vision of the future of Europe. This depended on each Member State's leader, such as British Prime Minister Edward Heath who shared perspectives of the original six members on dynamic federation with "the progressive construction of European Union" (Wall, 2008: 23).

Instead of embracing the idea of a New Europe, the UK was still self-oriented on its own immigration and Nationality politics based on ethnocentric and nationalistic rhetoric that kept a colonial overtone around the Commonwealth and British Empire. Its domestic regulations were not based on Europeanization or universalization of the rights of the foreign-born denizen population (Clayton, 2016: 11 and Joppke, 1999a: 223) as demanded by the EC political project. For example, despite becoming a member of the EC, the UK has ignored objections to some of its domestic policies, such as the 1968 Commonwealth Immigration Act, which was found by the European Commission in 1972 to be racially discriminatory to exclude former colonial subjects (including Cypriots and Maltese) from entering into Britain (Joppke, 1998b: 131-132). Also, one way or another, the UK authorities could still limit the existing rights of EC foreign-born nationals originating from the Rome Treaty, which is significantly less supreme than the power of Member States. The 1971 Immigration Act was the very legislation in effect after the UK joined the EC, which equally discriminated against Commonwealth denizens and other aliens, including a significant number of Italian workers who resided there. Despite its Section 1(5) securing the right for all Cypriot and Maltese men legally settled in Britain before 1973 to be joined by their nuclear family from abroad without any state interference (Joppke, 1998b: 289), this legislation involves the replacement of employment vouchers more rigid work-permit requirement already in place for foreign-born nationals. It also includes greater deportation powers and a rockier transition from temporary to permanent residence (Joppke, 1999a: 111). This also applies to non-economic migrants from the EC as they have still enjoyed less privilege

than their economic counterparts (Van Der Mei, 2003: 50) based on the market treaties and directives that were enacted before British accession to the EC in 1973. In this scenario, EC denizens in Britain, like prior to the accession of the UK into the EC, continued to face an atmosphere based on assimilationist and nationalizing idioms (Joppke and Morawska, 2003: 4-5).

The process of implementing rights to other categories of EC foreign-born nationals was too insignificant, slow and gradual (Maas, 2007: 43) regardless that from the 1970s, there were the first attempts to transform 'market citizenship' towards genuine EU citizenship (Van Der Mei, 2003: 43-44). For example, the 1975 European Summit in Paris finally initiated the importance of EC institutions' transnational role in combating discrimination against foreigners and the advancement of the immigrant political integration (Ireland, 1991: 462). The following steps were taken in November 1977 when the European Parliament (EP) issued a resolution of founding EU Citizenship and when in July 1979 European Commission proposed draft directive based on Articles 308 (formerly 235) and 46(2) (formerly 56(2)), to abolish all remaining restrictions of free movement for all types of EC citizens who did not enjoy their rights under Articles 39 or 43 ECC (Maas, 2007: 33-34 and Van Der Mei, 2003: 44).

3.2.4. British Nationalism vs. EC Cosmopolitanism

In addition to this, British authorities have practiced its sovereign power by not signing the Fourth Protocol to the European Convention on Human Rights (Council of Europe, 1963), stipulating that 'no one shall be deprived of the right to enter the territory of the State of which he is a national' (Joppke, 1999a: 110). Instead, under domestic pressure, the UK has implemented its own anti-discriminatory laws (eventually leading up to multiculturalism) in order to abandon the colonialist mentality (Joppke, 1996: 455) towards the foreign-born populations. The first domestic catalyst was the race riots and protests, admitting that racism is a powerful structural force but there is always the risk of contestation and disruption of capitalism (Saha, 2018: 51). That is why the more liberal wing of Tories could find a compromise with Labour to promote good race relations on domestic level towards

immigrants who have already settled in the UK (Ashcroft, 2006: 5 and Kivisto, 2002: 144) in order to make their exploitative system more functional. The second catalyst is it was impossible to assimilate a large number of denizens, as admitted by the 1965 White Paper Immigration that Britain is already a multi-racial society (Joppke, 1999a: 223-224; Joppke, 1999b: 642 and UK Parliament, 1965). Labour Home Secretary Roy Jenkins, in May 1966, advocated for 'Integration' in an "atmosphere of mutual tolerance accompanied by cultural diversity" (Joppke, 1996: 480).

The original anti-discriminatory law is the Race Relations Act 1965, which sets up a statutory board (Section 2) to combat racially motivated discrimination in public facilities. The Race Relations Act 1968 expanded the powers of the board to conduct investigations on discrimination in employment, housing and the provision of goods and services (Article 14) (Berthoud et al., 1997: 1-2; Joppke, 1996: 480-481 and Koopmans and Statham, 2003: 213). Last, the Race Relations Act 1976 established the Commission for Racial Equality (Part VII, Article 43) to conduct formal investigations and advise the government on policy and local Race Relations Councils (RRC) to provide social welfare and monitor racial discrimination at the local level (Joppke, 1996: 481; Joppke, 1999b: 643 and Soysal, 1996: 6). It explicitly rejects reverse discrimination while permitting certain forms of positive action in "certain circumstances, such as special employment training for members of ethnic groups that are underrepresented in certain sectors of the economy, or preferred hiring when a specific need can be shown" (Joppke, 1996: 481).

The nature of those three legislations is similar to that of European civil rights as it also originated from the Universal Declaration of Human Rights, adopted in 1948, because all of these combat discrimination for all categories of foreign-born denizens in Britain, regardless of race, ethnicity and nationality. Nevertheless, in contradiction to the EC agenda of empowering individuals belonging specifically to the EC denizen category, those Race Relations Acts were rather focused on racial or ethnic collectivity among the New Commonwealth citizens instead of the individuals

belonging specifically to the EC denizen category (Favell, 1998: 331-332; Koopmans and Statham, 2003: 219 and Meer and Modood, 2013: 83). British uneven pluralism was still basically ethnocentric that mandates immigrants to be loyal British citizens and deliver minor damage to the British way of life (Melotti, 1997: 79).

Despite a lack of British political objection towards embryonic post-national denizens' rights during the first stages of EC integration (Morris, 2002: 242) and rather relative passiveness regarding the accession, the EC has exploited the opportunity to achieve further development of its lagging supranational power (Delanty and Rumford, 1997: 69). In formal terms, the British nation-state was still playing a dominant decision-making role in its membership of the EC. That is why no referendum was held in the UK until 1973 before the doctrine of the absolute sovereignty of Parliament granted to do so (Westlake, 2017: 5). Nevertheless, the UK was already merged into a political project, to which – according to most original British Eurosceptics – Britain had not joined when it decided to become a member of the EEC in 1973 (Susen, 2017: 153-154). The UK was independently changing its domestic immigration legislation in favour of EC workers in order to fulfill the criteria of the European market regarding free movement. That is how the right of citizens of Member States to work and reside in other Member States was automatically established (Morris, 1997: 195). Also, despite the fact that the UK kept its anti-discriminatory practices under its full domestic control while the EC lacked an analogous mechanism, British legislation to combat xenophobia in public spaces and workplaces followed the course toward cosmopolitanism. The Race Relations Acts applied to combat discrimination based on ethnic or national origins, one way or another, ease the burden on foreigners belonging to the EC category, including their non-working family members.

3.3. NEO-LIBERALIZATION OF EC DENIZENS' RIGHTS

As the EC members were slowly integrating together and the EC social space was becoming more salient (Delanty and Rumford, 2007: 4), the problem of integrating foreign-born labor and new

settler migrants, including their offspring, seriously emerged in the 1970s and 1980s, when the postwar liberalism and human-rights discourse applied to the immigration dimension of politics (Joppke and Morawska, 2003: 5 and 22). Aside from this, from the 1970s, increased competition in the world market and the shift from an industrial to a service economy prompted revolutionary alterations in a range of policies that impacted social citizenship across the whole of Europe (Devlin et al, 2014: 12 and Soysal, 2012: 3). For example, the 1982 Provision No. 855/82, extended social security benefits to the self-employed instead of simple employees (Maas, 2007: 40). Marshallian traditional concepts become undermined by “the dynamics of a world economy which produces instabilities and difficulties within states and between states and which outreach the control of any single ‘centre’” (Morris, 1994: 139).

3.3.1. The First National/Post-National Tension

The neoliberal system demonstrated a necessity to enact the Single European Act (SEA, 1986) and its commitment to establishing, by 1992, a frontier-free area for the movement of goods, persons, services and capital (Morris, 2002: 243). The objectives of these were to stem migration from outside of the EC and put more focus on EC denizens (Manktelow, 2019: 85). As Thatcher’s government promoted free-market and neoliberalism, the UK easily adopted the Act early on despite the fact that it did not enter into force in the EEC until July 1987, because of ratification process among other Member States. The relationship between major political actors (states and other governing state bodies) and significant economic actors (corporations, banks and financial firms) becomes one of complex symbiosis (Hearn, 2017: 27). Such conflicting conditions were periodically demonstrated between the Thatcherite UK and continental Europe in the process of deregulation in which a growing number of states are furthering economic Globalization and guaranteeing the rights of persons and capital (Sassen, 1998: 53-54). It really established the sense of community (Maas, 2007: 46) as Article 8A of the SEA defined the internal market as “an area without internal frontiers in which free

movement of goods, persons, services and capital is ensured in accordance with the provisions of this Treaty” (Wall, 2008: 70 and Wall, 2020: 180).

Definitely, the concerns over sovereignty were under debate while enacting SEA 1986, which asserts the right of Member States to take the measures they consider necessary for the control of migration and “galvanized the nascent European-level immigrant organizing” (Ireland, 1991: 470 and Morris, 1994: 153). Thatcher rejected the European Social Charter of 1988, which included a detailed list of worker’s/citizen’s rights that is an expression of Europe’s conception of society and the individual’s rights within a unified labor market (Ireland, 1991: 463), which was thought to be socialism via the backdoor (Maas, 2007: 39 and 43).

In another case, despite the UK’s worries about extending residence rights for non-economic residents, arguing that “students, pensioners, and the self-supporting should not become a burden on the host social security or health services” (Maas, 2007: 41), they were granted with the right to reside in other Member States based on Articles 18(1) or 12(1) EC and were regulated by Directives 93/96 (for students), 90/365 (for pensioners) and 90/364 (for all other Community members) (Currie, 2007: 18-19 and Van Der Mei, 2003: 43). By adopting those directives, the European Council strengthened the development of EU citizenship. However, the persons who could benefit from non-economic residence rights were often persons who, in many cases, would have been already entitled to reside on the basis of national law. The ones who were not able to provide much progress could not reside in any other Member State (ibid: 45). EC citizens who have exercised their non-economic rights of residence are entitled to be treated equally with the nationals of the host state. For extension of rights, Article 12(1) EC has more extensively activated for these non-economic citizens within the scope of application of the Treaty’s struggle against “any discrimination on grounds of nationality” (ibid: 49).

Despite the UK’s attempt to preserve its independent influence and power across the EC, economic and political Globalization began to “reduce the autonomy of the British state in immigration

policy making” (Joppke, 1998b: 268). Restrictive British Nationality Act 1981 (that formalized a series of efforts to redefine British nationality) (Feldblum, 1998: 241) and Immigration Act 1988 could be applied only to the Commonwealth (by the former legislation) and other non-EC categories of immigrants in the UK. If the latter legislation did not enact section 7(1) to exempt EC persons and their family members as agreed by section 2(2) of the European Communities Act 1972, then this abuse of the market principle would potentially lead to punishing measures up to downgrading and even exclusion of UK from EC membership. After desperate attempts to renationalize this policy sphere from the imperial past, the British state citizenship was already too limited to resist the emergent internationalization of EC rights protecting the denizens of EC nationalities in both economic and non-economic matters (Sassen, 1998: 52 and 70-71 and Tilly, 1992: 25, Figure 1).

3.4. ESTABLISHMENT OF EU CITIZENSHIP

3.4.1. The End of the Cold War

Indeed, the further post-war developments in Europe, before the collapse of the Soviet Bloc in 1989, demonstrated a number of contradictory trends, with increasing national closure alongside the emergence of transnational and multinational forces caused by global capital, that diminished time and space, where it was impossible for nationalism to flourish, amid implementation of non-discrimination and human rights norms (Callinicos, 2017: 182 and Joppke, 2005: 54). The hegemony of liberal human rights ideologies and democratic principles were gradually becoming prevalent amid increasing dominance of liberal market ideologies undermining the existing definitions of the welfare (and socialist) state and the citizen/state relationship (Soysal and Wong, 2007: 73). Globalization has facilitated both the breaking down of boundaries that once separated all the populations of nation-states and the creation of new boundaries that challenge the national significance of countries that eventually led to the establishment of the EU (Laitin, 2001: 84).

After the collapse of the Soviet Union in 1990-1992, Globalization took shape in many forms -

economic, political, legal and cultural (Delanty and Rumford, 2005: 11 and 20). Amid economic Globalization, if space and sovereignty become irrelevant, then the territorial state should become less relevant too, along with its immigration politics (Joppke, 1998a: 5), as cosmopolitanism runs against any form of nationalism (Kymlicka 2001: 203). That is why political Globalization has marked a significant shift in politics from the nation-state to civil society (Delanty and Rumford, 2007: 93). Thus, political systems were being transformed by the growing importance of non-state actors in politics, such as transnational, subnational and quasi-governmental EU, in influencing, if not actually guiding migration policy (Freeman, 1998: 89-90 and Kivisto, 2002: 186). This stimulated legal Globalization, which also relates to the increased interdependence of nation-states, which are increasingly embedded in international legal contexts (Bader, 2007: 117; Delanty and Rumford. 2007: 93 and 94 and Vertovec, 1999: 452) with the changing nature of membership in the modern world (Feldblum, 1998: 234), enhanced by human rights-based EU and United Nations (UN) inspired support (Hedetoft, 2013: 323; Morris, 2003: 75 and 76 and Soysal, 1998: 199).

This interrelated procedure of political and legal Globalization gave birth to the novel and unique notion of EU citizenship, which was enacted by the Treaty of Maastricht in 1993. Louis Henkin once proclaimed that transnational norm of anti-discrimination and human rights is the idea of our time (Ruzza, 2006: 124 and Sharp, 2017: 43), which granted EU citizens to make claims against their host States and allow them to invoke a measure of post-modernist personal autonomy, instead of traditional sense of collective identity (Costa, 2004: 212 and 213; Hansen, 2003: 87 and Soysal, 2000: 5) in the formal political scene (Sassen, 1998: 70-71).

3.4.2. Right of Residence and Free Movement

On the 14th and 15th December 1990, the European Council in Rome proposed several sets of EU citizenship concept. Those include social and economic rights consisting of freedom of movement and residence irrespective of engagement in economic activity, equality of opportunity and treatment

for all the EC citizens (European Council, 1990: 7 and Maas, 2007: 48). This was achieved when all the already existing sets of social and economic rights of citizenship by virtue of membership of the European Community codified in the Social Charter were incorporated into the Maastricht Treaty (Heater, 2006: 230).

Title II, Part 2, Article 8 (or Article 17(1) in Nice Consolidated Version) of the Maastricht treaty introduces the notion of citizenship of the [EU]. Article 17(2) (Nice Version) states that all [EU] citizens should enjoy the rights conferred by the Treaty (Guild and Peers, 2006: 85). Based on Rome European Council 1990, this Treaty also granted all EU citizens four sets of rights (in its original Maastricht version). The first one is the right to move and reside (Article 8A). The second is political rights to vote and stand as a candidate in municipal and EU parliamentary elections in the host state (Article 8B). Third is the right to joint diplomatic and consular protection abroad (Article 8C). The final one is the right to petition Parliament and appeal to the newly Established Ombudsman (Article 8D) who would receive complaints from the EU citizens regarding the function of most EU institutions (European Council, 1990: 7 and Maas, 2007: 48 and 50).

Moreover, most of the Treaty articles and Union legislative measures in the social policy area continued to be concerned with freedom of movement of labor across national borders (Streeck, 1995: 40). This was the principle described in the Schengen Treaty to which France, Germany, Belgium, Luxembourg and the Netherlands had committed themselves earlier on June 14th 1985 (Wall, 2020: 180). However, through a soft Eurosceptic approach, both the UK and Ireland, while being supportive of the free movement of goods, services and capital across the continent, aimed to keep some level of control of what they have perceived as a threat of non-EU immigration (Espinoza and Moraes, 2012: 158 and Morris, 1994: 153-154). Furthermore, it is important to note that since 1985, the real purpose why the Member States were negotiating to eliminate the borders as soon as possible was to avoid checks and queues for lorry drivers who transfer trade commodities (Bertozi, 2008: 3-4). Despite the

fact that the UK consented to participate in external border control and in police and intelligence cooperation against cross-border crime and terrorism (1985 Schengen Agreement; Craig, 2010: 332), it still did not see any point in eliminating the border checks as it is geographically an island-nation, making the stops inevitable from a physical point of view (Solacolu, 2021: 113). Nevertheless, regardless of Britain not giving up its passport control, the EU citizens still possessed the right to freely live and move anywhere within the UK after crossing the border since the Schengen Zone took effect on March 26th 1995.

3.4.3. Right to Work

As previously mentioned, Article 8 of the Maastricht Treaty also fulfills the free market agenda. It also expands the rights of national citizens beyond their nation-state, alongside conceding its “discretionary power of immigrant admission to the labor markets and delivering the reciprocal liberalization of immigration policy between European countries” (Heater, 2006: 229-230 and Lutz, 2021: 270).

3.4.4. Access to Social Benefits

Furthermore, the Maastricht Treaty permits fundamental (previously enacted by the Treaty of Rome) articles to combat discrimination and access social security to be effective even today. Article 18 TFEU bans discrimination based on nationality (Bruzelius, 2019: 74; De Waele, 2010: 324 and Höpner and Schäfer, 2012: 447), while Article 45(2) TFEU prohibits discrimination against workers from the other Member States in terms of “employment, remuneration and other conditions of work and employments” (Carmel et al., 2016: 15; O’Leary and Sánchez, 2021: 533 and Reynolds, 2017: 69). Any EU citizen who legally resides in another Member State must not be treated any differently than citizens of that country (Shaw, 2000: 293-294). According to this legal doctrine, EU citizens also have the right, in principle, to claim social benefits in EU countries even though they may not have made financial contributions to the respective social security system (Höpner and Schäfer, 2012: 447).

3.4.5. The Impact of ‘Europeanization’ on British Domestic Legislations

Since the enforcement of the Maastricht Treaty, the EU denizens’ rights were officially assumed within a single status for both British nationals and EU citizens (Bloemraad et al., 2008: 166; Ireland, 1991: 460 and Soysal, 1994: 141). The EU treaty powers were not just superseding but also impacting British immigration and nationality policies in regard to the treatment of EU foreign-born nationals who reside in the UK. For instance, the British Nationality Act 1981 has been added with some (but not replaced) thin layer of additional rights by Title II (Article 9) that protects the EU residents within the UK (De Waele, 2010: 320 and Guma and Jones, 2019: 2). In this case, the UK is obliged to fulfill all the obligations so that the EU foreign-born nationals could fully exercise their existing rights.

Despite the fact that the UK still possessed domestic-level immigration policies, its ‘New Labour’ course was headed towards implementing cosmopolitan concepts of justice that demonstrated elements of European universalism and super-diversity (Vertovec, 2007: 1049). This conceptual alternative and supplement to both assimilation and multiculturalism was further empowering the EU transnational communities that were established across the UK amid EU enlargements and integration and then furthering the Globalization process (Kivisto, 2002: 38). For example, the Race Relations (Amendment) Act 2000 aimed to eradicate institutionalized racism by obligating certain public authorities, including the police and immigration services, to take action to correct ethnic inequalities and latent biases in recruitment, employment and service delivery. It was fulfilled by proceeding with Section 1 of the 2000 Act to insert new sections 19B, 19C, 19D, 19E and 19F into Part III of the Race Relations 1976 Act. The Equality Act 2010 brought together all existing duties and a series of changes over the 2000s decade into Part 2 Chapter 1 Section 9, dealing with a range of ethnic, racial and national minorities and any vulnerable communities (Saggar and Somerville, 2006: 13-14). Such domestic implementation of law theoretically allows EU foreign-born nationals to exercise their rights freely and provides a remedy through the ECJ should those rights be violated.

3.5. BEFORE LISBON TREATY

The post-Soviet geopolitical developments and increasing Globalization led to greater interdependence among EU Member States in fulfilling the obligations of EU integration. Indeed, the EU was becoming a post-national state with the centralization of political power (Calhoun, 2004: 236), as Soysal (1994) hypothesized that the Western nation-states are “losing ground to a more universal model of membership, anchored in deterritorialized notions of persons’ rights” (Soysal, 1994: 3; Freeman, 1998: 102-103 and Joppke 1999b: 241). Although the UK was passive enough in approving new key arrangements to make individual rights more supranational, the immediate guarantor still remains the nation-state (Freeman, 1998: 91 and Morris, 1997: 198-199). Therefore, EU citizenship is still based on the national models of membership, constitutionally defined in all the Member States (Bozhinoska, 2017: 8). This section emphasizes how and why the joint decision trap between all the Member States in the European Council advances further Treaties and Directives (Alter, 1998: 136-137), while the UK independently enforces some minor regulations and temporary exemptions in order to fulfill mandatory milestones of the EU project.

3.5.1. Further Individualization after the Treaty of Amsterdam

After the Treaty of Amsterdam took effect on May 1st 1999, which stimulated the EU enlargement in 2004 and 2007, immigration to the UK became increasingly Europeanized and individualized. The term Europeanization is most often used to refer to the degree to which a State’s policies, politics or laws are harmonized with the EU law, the extent to which national actors shape or are shaped by the EU, or, less frequently, the degree of micro-level Europeanized behaviour amongst citizens. Article 19 TFEU merely empowers EU action to tackle discrimination on more extensive grounds, such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or other opinions, membership of a national minority, property, birth, disability, age, or sexual orientation (Craig, 2010: 227). The Amsterdam Treaty also created comprehensive legislation (based on

Article 13 EC) to combat any form of discrimination (Craig, 2010: 196 and Modood and Meer, 2012: 40).

While the EU integration problematizes the nation-states' dominance over individual self-understanding and self-expression (Soysal, 1994: 154), the effect of EU denizens' rights continues to depend on the will and consent of individual countries (Shafir and Brysk, 2006: 284-285). Geoffrey Howe and Tony Blair were among the very few British politicians who sought to address the issue of sovereignty (Wall, 2008: 206). The Labour 1997 Manifesto emphasized "Europe where national identities are not submerged and where countries cooperate together, not a giant and unmanageable super state run from the centre. Ours will be a sovereignty rooted in being part, not of an EU superstate, but a nation, proud of its identity and of its alliance in Europe" (Wall, 2008: 162-163). The UK continued to offer the starkest dissenting voice (Feldblum, 1998: 255) in comparison with other Member States (such as Slovakia and Slovenia) that were too small or weak to flourish as independent actors (Goodhart, 2020: 95).

For example, Britain and Ireland successfully opposed the move of the Amsterdam Treaty (1997) arrangements by moving immigration and asylum from the third pillar of inter-governmental negotiation to the first pillar of community competence under a new Title IV of the EC Treaty (as amended by the Amsterdam Treaty) (Craig, 2010: 335-336). Both of these Member States negotiated a selective opt-in and also secured exclusion from the requirement to abolish controls at internal borders (Craig, 2010: 342; Espinoza and Moraes, 2012: 158 and Morris, 2002: 11). For example, British authorities ignored Article 62 EC (expanded on Article 61(a) EC), which requires within a period of five years after entry into force of the Amsterdam Treaty an adoption of measures to ensure, in compliance with Article 14 EC, the absence of controls on persons, whether they were EU citizens or nationals from third countries when crossing internal borders (Craig, 2010: 349 and 350). The UK did not apply this exception in order to acquire high-level human resources and to counter specific skill

shortages (Gumbrell-McCormick and Hyman, 2017: 174 and Wright, 2010: 162) for a well-performing neoliberal economy. On the other hand, the institutional strength provided by the UK blocked domestic political forces that opposed the open-door policy (Wright, 2010: 158).

Later on, as the result was a large and unforeseen influx of EU nationals, the UK enabled restrictions on Bulgaria and Romania for the maximum allowed period of 7 years (Carmel et al., 2016: 24 and Yang, 2014: 70) in order to manage migration and prevent the benefit tourism (Wright, 2010: 162 and 166). Nevertheless, those domestic restrictions are not permanent. As agreed in the Treaties of Accession of 16th April 2003 (EUR-Lex, 2003) and of 25th April 2005 (EUR-Lex, 2005), it was specified that the existing EU Member States were permitted to restrict the right of nationals from the A8 states acceding on 1st May 2004, and the A2 states acceding on 1st January 2007, to work freely in their labor markets for up to seven years. The Treaties established that the existing EU Member States would be allowed to review their stances on the second and fifth anniversaries of the dates of accession (ibid: 159).

Other than that, from 1st May 2004, in response to concerns about the impact of the enlargement of the EU, the British-based Habitual Residence Test (HRT) legislation introduced some prerequisites before granting the original test, which decides whether an EU individual can stay in the UK on a permanent basis. This initial test aims to determine whether any EU individual has a right to reside and then the original HRT is proceeded. Anyone who does not have a right to reside automatically fails to move on to HRT that, in case of success, enables residence in traditional terms of European Community law. Thus, they consequently cannot qualify for any residence-based benefits (Gellérné, 2016: 153-154).

3.5.2. Citizens' Residence Directive and current Social Security Provision

Other than the UK's ability to make some exemptions and regulations, the decision-making process on EU-level migration was still dominated by all the Member States instead of some post-

national body (Espinoza and Moraes, 2012: 171). The EU citizenship is still attached to the idea of nationalities representing each Member State (Linklater, 1999: 43), and its related Directives are produced by EU policymaking jointly and concurrently with all of its members (Bruzelius, 2019: 71).

Mutually adopted Directive 2004/38/EC of 29 April 2004, known as the Citizens' Rights Directive, further empowered the cosmopolitan status of denizens by consolidating a number of previous regulations and directives dealing with freedom of movement and residence dating back to the 1960s. As Articles 38(1) and (2) repealed a series of previously enacted ECC directives (Dennison and Geddes, 2018: 1139-1140), Article 6 provides every EU citizen (including students) to freely move and reside in any EU Member State without any claim to be supported by the host state, and requires to hold a valid identity card or passport during the first three months (Cambien, 2020: 215-216; Hailbronner and Sánchez, 2011: 505 and O'Leary and Sánchez, 2021: 514). Furthermore, EU citizens and their families can stay longer than three months conditionally on having health insurance and sufficient resources. However, the directive does not exclude access to social benefits before five years of residence (Schmidt, 2017: 22), whereas the right to reside of economically inactive citizens (who are not spouses or dependants of a worker) is conditional on having comprehensive sickness insurance and sufficient resources not to become a burden on the host Member States' social assistance system (Art. 7, 2004/38/EC) (Bruzelius, 2019: 72 and Cambien, 2020: 215-216).

Article 14 also permits EU citizens and their families to retain the right of residence 'as long as they do not become an unreasonable burden on the social assistance system of the host Member State' (Conant, 2021: 1595-1596). Article 24(2) of Directive 2004/38 states that social assistance does not have to be provided to workers in the first three months by the host Member States, nor shall it be obliged prior to the acquisition of the right of permanent residence, to grant maintenance aid for studies, including vocational training, consisting in student grants or student loans to persons other than workers, self-employed persons, persons who retain such status and members of their families. The

ones who reside longer than three months but less than five years cannot obtain student grants and loans unless they are workers or self-employed (Barnard and Butlin, 2018: 213; Carmel et al., 2016: 16 and Conant, 2021: 1595-1596). In other words, their second-category counterparts who never worked in the host country face more limits to possess the same level of entitlements to stay longer than three months in order not to become a burden of the social assistance system in the host Member State (Guild et al., 2019: 130).

Moreover, the EU social security coordination Regulation 883/2004/EC altogether with the freedom of movement directive (2004/38/EC), regulates EU citizens' social rights at the EU level (Solacolu, 2021: 115). In addition to this, family benefits, unemployment assistance and health insurance were accessible to EU migrants (Carmel et al., 2016: 43). The Regulation 883/2004/EC establishes a general principle that benefits shall not be reduced or adjusted 'on account of the fact' that a social security beneficiary or their family members reside in another Member State (Art. 7). Thus, the place of residence should not define the ability of social security beneficiaries to access their entitlements (i.e., wherever they live), although this is subject to very specific time limits in the case of unemployment benefits (Art. 63) (ibid: 17).

Regulation 883/2004/EC contains an extremely brief note regarding rights to reside with 'residence means habitual residence' (Art. 1 (j)). Nevertheless, the legislation of the country of residence applies when a person is not economically active or is economically active in two or more Member States or where a worker has several employers (Art. 13, 883/2004/EC) when employed or self-employed people are subject to the legislation of the state where the economic activity is being pursued (Bruzelius, 2019: 74 and Carmel et al., 2016: 16).

3.6. ENFORCEMENT OF EU RIGHTS ABOVE NATION-STATE LEVEL (1948-2009)

The EU project that dissolved the borders between the Member States needs some supranational institutions to supervise common judicial space across the EU. That is why the ECJ was founded in

1952 to directly protect and empower the legitimacy of EU denizens' rights in other Member States. Throughout the growing influence of the EU political project, the increasing relevance of individual and supranational status among EU nationals prevailed over the idea of Member States that rather rely on the power of national courts. This is clearly reflected in the evolutionary process of ECJ, from the protection of workers (1952) to the protection of cosmopolitan EU citizens (2009).

3.6.1. The Implementation of Human Rights and European Central Jurisdictions

The First Cold War era facilitated the first steps of codification and universalization of human rights (Benton, 2010: 52). WWII did not only deliver economic damages but also clearly demonstrated what kind of tragic aftermath Adolf Hitler's policy based on racism, prejudice and discrimination would lead to. That is why, for many decades, the UN and other civil society organizations were recognizing and institutionalizing human rights on a global level (Shafir and Brysk, 2006: 283-284). The Universal Declaration of Human Rights (1948) and the International Covenants on Economic, Social and Cultural Rights (1966) recognize a long and expansive list of human rights, including adequate standard of living (Article 25 of 1948 Universal Declaration of Human Rights) and to social security (Article 22 of 1948 Universal Declaration of Human Rights), the right to work and to equal pay for equal work (Article 23 of 1948 Universal Declaration of Human Rights) (ibid: 276). This is not to say that the global discourse on human rights was tempered by colonial and ethnocentric limitations both in theory and in practice.

In response to this, the idea of EU integration was proposed as a social and political transnational project to reassess controversial episodes in European history. It was aimed to promote intercultural and political debate between former enemies and to prevent another aggressive form of nationalism that can potentially cause tragic consequences and disrupt economic development (Joppke and Morawska, 2003: 4-5 and Zappetini, 2016: 90). Also, in competition to the Soviet Union, which promoted internationalism of the working class among all the nationalities, the EC (later EU) tried to

raise barriers and implement EU law on precedence over the national law (Maas, 2007: 12). Indeed, the institutionalization of EU rights through the UN charter should also be treated as a central aspect of the social process of Globalization (Turner, 1993: 490).

Nevertheless, before EU citizenship was officially introduced, EC civil rights had already entailed several relevant transnational rights of free movement in three dimensions. The first one is market-shaping integration, the second is enforcing integration and the third is the creation of an EU non-discrimination zone (Höpner and Schäfer, 2012: 438-439). The procedure of the third dimension commenced with the economic European Community for Coal and Steel (ECSC) of 1951, which was built on the Brussels Treaty's approach. Its Article 69(1) recognized the principle of non-discrimination on the grounds of Nationality in the coal and steel industries of workers with qualification criteria, subject to the 'limitations imposed by the fundamental needs of health and public order' (Barnard and Butlin, 2018: 209 and Centre Virtuel de la Connaissance Sur l'Europe, 2017).

The consequent Rome Treaty refers to the peoples of Europe instead of citizens, as Article 2 makes no distinction based on citizenship. This indicates that the political power of EC agencies extends beyond the boundaries of nation-states and relies more on individuals to combat any potential discriminative or restrictive measures by local authorities. This is confirmed in the Consolidated Version of the Treaty Establishing the European Community by Article 3(1), which refers to the Freedom of movement of persons, and its (d) section mentions 'the entry and movement of persons as regards Title 4'. As Article 12 prohibits discrimination based on Nationality, Article 13 provides a legal base to adopt measures banning discrimination on six grounds based on Nationality, which includes racial or ethnic origin (Articles 12 and 13 were formulated by Article 7 of the original 1957 Rome version) (Centre Virtuel de la Connaissance Sur l'Europe, 2017 and Guild and Peers, 2006: 84-85). Applying some general non-discrimination clause of the community treaty to the free movement of workers in Article 45 TFEU (Article 39 EC) (O'Leary and Sánchez, 2021: 509-510), Article 48(2) EEC

(Treaty of Rome) authorizes ‘the abolition of any discrimination based on nationality between workers of the Member States as regards to employment, remuneration and other conditions of work and employment’ (Barnard and Butlin, 2018: 209-210; Ireland, 1991: 461; Joppke, 2001: 355 and Schmidt, 2017: 19). Furthermore, the 38/64 regulation has replaced the 1961 Regulation 15 on national preference over EU workers and henceforth, no discrimination was allowed in the job places (Maas, 2007: 20).

It is also important to note that if the ECJ (originally the Court of Justice of the European Coal and Steel Communities) had not been established by the Treaty of Paris 1952 to ensure that the supranational high authority does not surpass its power over Member States or firms, then it would have been problematic to “eliminate the barriers which divide Europe” (Alter, 1998: 124; Maas, 2007: 27 and Richardson, 2012: 335). One of the purposes of the Treaty of Rome in re-organizing this judicial institution into the Court of Justice of the European Communities is to provide some individual (or transnational) power for the European workers living abroad to lodge an application whereby their right(s) had been violated by the host State (Alter, 1998: 126 and 127). In 1964, the Court officially recognized that the Treaty of Rome had created its own legal system (Article 164). This milestone is also seen as the first step towards the supremacy of ECJ over the sovereignties of the Member States (Maas, 2007: 28) to further protect and empower the rights established by the Treaty of Rome (ibid: 11-12). The ECJ has succeeded in making this transition by linking the freedom of movement—Article 21 of the TFEU—to the ban on discrimination based on Nationality (Article 18 of the TFEU). Article 7 of Regulation 1612/68 regarding the access of social benefit establishment and services to children of EC workers (derogated from anti-discriminatory Article 18 TFEU and more specifically from Article 45(2)) could be empowered by the ECJ from the provisions of Articles 49 (freedom of establishment) and 56 (freedom to provide services) TFEU (Barnard and Butlin, 2018: 211-212 and O’Leary and Sánchez, 2021: 511 and 531). However, it does not apply to individuals who are economically inactive

(Börner, 2020: 427).

Overall, this section clearly emphasizes that the ECJ was founded for the purpose of stability and prosperity of the international market. Thus, the protection of the rights of EC workers could never be ignored as it would risk disruption of the capitalist system in Western European societies and the EC project. Eventually, as the importance and influence of the European market grew in other aspects of everyday life among EU citizens, so do their rights. That is why the ECJ's trajectory has expanded to the citizen rights of EC migrants.

3.6.2. 'European Citizens' as New Judicial Subjects

The dynamics of Europeanization were bounded by the processes of Globalization and new forms of social transformation (Delanty and Rumford, 2007: 7). The EU Immigration Policy was already being shaped and empowered by powerful multinational corporations and international organizations within the EU political space and those actors eventually commenced to constrain states' sovereignty, while the growing number of international free trade agreements similarly push markets beyond state borders (Bloemraad et al., 2000: 165) to enact new migration policies or to extend EU denizens' rights. Soysal (1994) argued that citizenship has been superseded by residence status, which grants much of the same social and economic rights as citizenship (Morris, 2003: 78-79), and at the same time, the politics of immigration involves a transfer of jurisdiction (Joppke, 1998a: 5) in the late twentieth century, sometimes described as both the age of migration and the age of rights (Morris, 2002: 143).

As the Maastricht Treaty has transformed the notion of individualism (originally emphasized in Treaty of Rome 1957 and Rome European Council 1990), so does the involvement of ECJ as "a mechanism for the defence of individual rights" within the eliminated frontiers (Alter, 1998: 127; European Council, 1990: 6-7 and Maas, 2007: 48). EU citizenship mandated new rights to be transferred into a European judiciary space (revitalized from national spaces) instead of the old rights

bounded in the nation-state territory (Costa, 2004: 222 and Joppke, 1998a: 5).

The EU institutions have provided more social rights for EU denizens, such as access to services, provisions and resources through the gradual empowerment of the ECJ (Dell’Olio, 2005: 125 and De Waele, 2010: 319). This body obliges Title II (Article 9) to observe the principle of equality in the daily lives of its citizens in all its activities regarding fundamental rights of free movement, residence and anti-discrimination (De Waele, 2010: 320; Kostakopoulou, 2018: 854 and 857 and Schmidt, 2017: 17). Since then, this applies to not only EU workers but also to their dependents (Höpner and Schäfer, 2012: 431) as the 1992 Maastricht Treaty identified new categories of EU citizenship (under Article 9 TEU and Article 20 TFEU) and its associated rights for the nationals of EU Member States (Feldblum, 1998: 231-232).

3.6.3. Rise of ‘European Cosmopolitanism’

Since the Maastricht Treaty, subsequent treaties gradually strengthened the rights of the nationals through the introduction of common citizenship and maintaining the sense of community patrimony and constitutional status (Dell’Olio, 2005: 56). For the post-nationalists, further integration in local (but foreign-origin societies) occurs independently of national citizenship with the premise of universal personhood (Hansen, 2003: 87). If space becomes irrelevant for the flow of capital or information, the territorial State becomes irrelevant too. This is the meaning of Globalization in relation to the State by making it less mobile (Joppke, 1998a: 12-13). Notably, in the EU, residence rather than birth becomes a primary factor in determining citizenship rights for migrants (Delanty and Rumford, 2007: 89). Rights increasingly assume universality, legal uniformity and abstractness and are defined at the global level (Soysal, 1998: 208). Thus, the State can no longer be protected “from scrutiny in how it treats individuals within its territory” (Rubenstein and Adler, 2000: 528).

Despite the failed attempt to establish a European Constitution where all the EU-28 citizens would be treated as one nationality (De Waele, 2010: 322 and Heater, 2006: 230-231), the entry into

force of the semi-constitutional Lisbon Treaty (Craig, 2010: 6-7) only further strengthened the notion of EU citizenship (European Commission, 2010: 14), which was signed by the Member States on 13rd December 2007 and entered into force on 1st December 2009, significantly amending the previous Treaties of Rome (TEEC) and Maastricht (TEU) (Apostolache, 2019: 29). It states in Article 20(1) TFEU that EU citizenship, first is accessible only through the holding of Member State nationality and, second, ‘shall be additional to and not replace national citizenship’ (Shuibhne, 2019: 114).

This means that anti-discriminative measures across the European Union are more multi-level and multi-dimensional than ever and overlap the national jurisdictions of the Member States. That is how the Lisbon Treaty officially re-established the international-level Court of Justice of the European Communities into the supranational ECJ in 2009. Also, according to the binding Article 6(2) of the Treaty on European Union (TEU), the European Union, along with its jurisdictions, shall also accede to the European Convention on Human Rights (ECHR) (Craig, 2010: 193 and Lock, 2012: 109). It reflects that limitations and conditions related to freedom of movement should be applied only on the grounds of public policy, public security and public health (Kostakopoulou, 2005: 251). The ECHR, in principle, is transferable across national borders without restriction and is not subject to large variations of national legislation.

The EU has established the dual principles of direct effect—namely, that EU laws must be applied by national courts even without their adoption by national parliaments signalling that relevant EU law always prevails over conflicting national laws (Shafir and Brysk, 2006: 284), ECJ at the Member State level, where national courts, administrations and legislatures are bound to respect the EU (Schmidt, 2017: 27). This also demonstrates the first practical steps about how the emergent international human rights regime engages territoriality and sovereignty (Sassen, 1998: 52) for EU Member States to follow-up specific obligations under Article 6(2) of the Treaty on Establishing European Union (TEU) (Lock, 2012: 109-110). ECJ significance downgraded the level of power for

sovereign nation-states to control the conditions of entry and residence for non-citizens, whose court cases far exceed the number of citizens who live in any host Member State (Joppke, 2001: 355). The legal order of the EU is marked by a high level of political judicialization and a widespread displacement of political competence to judicial actors (Thornhill, 2017: 77-78), as the UK legal system incorporates a vast body of EU law (Wiener, 2017: 143). Many observers argued that the constitutional order of the EU has been created, in essence, by non-mandated judicial actors, where the ECJ, acting *de facto* as a constitutional court, in regard to the protection of rights for EU denizens (Thornhill, 2017: 77-78).

The emerging EU polity grants legitimacy to promote universal principles such as peace, prosperity and respect for human rights on a global level (Nitoiu, 2013: 27) in order to achieve an improved standard of living and cohesion for EU denizens in host Member State (Morris, 2002: 251-252). The first norm is ethical universalism, which “can be restated in a moderate and pluralist form of approach that balances universality with a proper regard for legitimate difference” (Crowder, 2013: 192). The second norm is to accept reasonable disagreement that functions and experiences all negative lessons, outcomes and results in order to bring up new solutions for any existing problem (ibid: 195). Finally, the third norm of European Globalization is personal autonomy (ibid: 196), where EU migrants were incorporated as individuals in the liberal polity, which is also equivalent to fulfilling Western values (Azoulai et al., 2016: 3-4 and Crowder, 2013: 122). Security is expressed, for example, by important principles of EU law, such as the principles of autonomy and effectiveness/uniformity, which have been employed by the Court of Justice of the European Union (CJEU) to grant the authority of EU law and to manage disputes (Fichera, 2018: 250).

In other words, the EU-level rights can be essentially identical to Member State-level rights, with the only difference being the scope of the two groups of rights. Meaning the EU-level rights cover the whole territory of the EU, including all of the Member States, while national rights are confined to

particular Member States and their national courts (Kochenov, 2011: 96). It is the same scenario with ECJ judgments in that they are directly based on a Treaty provision (instead of an EU-made provision adopted on the basis of this primary law), they can only be reversed by unanimous agreement by the national governments in either an intergovernmental conference or, at the very least, in the European Council, which would be followed by the Member States' approval (Falkner, 2012: 298).

Finally, Article 7(2) of Regulation 492/11 enhances the Maastricht Treaty's Article 24 to enforce the notion that all EU citizens and their family members residing in other Member States 'shall enjoy the very same treatment as the nationals of that Member State within the scope of the Treaty' (Barnard and Butlin, 2018: 213). The same procedure is applied towards more extensive social security standards (Regulation 987/2009) under Article 21(3) TFEU that came into force on 1st May 2010 regarding the protection of EU citizens and their family members (Shuibhne, 2012: 140).

3.7. DAVID CAMERON PREMIERSHIPS (2010-2016)

By the time when softly Eurosceptic David Cameron's Conservatives won the general election in 2010, the most recent Lisbon Treaty (2009) paralyzed the ability to reform the European Union and its policies from the domestic perspective of any nation-state. The Treaty of Lisbon has further confirmed the objective of a common policy in the area of migration and asylum and affirmed that those policies should be governed by the principle of solidarity and fair division of responsibility, including financial implications, between the Member States. This has been accelerated by the strengthened role of the EP through the executive European Council. Thus, the European legislative body becomes a powerful decision-making body in EU politics, including immigration (Espinoza and Moraes, 2012: 171). This reveals how and why Tory's attempt to reform the European Union through the UK's agenda did not deliver any big expectations regarding restrictions on free movement and other EU denizens' rights. The empowerment of EU institutions through the Lisbon Treaty left for the British side with no option but to radically restore lost sovereignty through the Leave vote on the EU

membership referendum in June 2016.

3.7.1. David Cameron's Coalition Government (2010-2015)

After the end of 'New Labour', both David Cameron and Nick Clegg in the Conservative-Liberal Democratic Coalition (2010-2015), have embraced the idea that the UK's future was global, where "Europe is a crucial condition of global greatness, and that London would lead the way" (Calhoun, 2017: 65). On the other hand, especially since Global Recession, freedom of movement of human individuals becomes the most controversial of the 'four freedoms' of goods, services, capital and people. It became the least compatible with a normal nation-state (Goodhart, 2020: 100) amid the lack of common EU immigration and integration policy (Lesinska, 2014: 46), especially when the citizens of the new Member States of Central and Eastern Europe were allowed to exercise their freedom of movement into the UK without delay (Curtice 2017: 34).

Also, it was one of the factors that put pressure on public services, alongside increasing Globalization, deindustrialization, job automation and population aging (Bhambra, 2017: S215; Parker, 2017: 488 and Soysal, 2012: 8). This was reflected in Nigel Farage's speech in which he was referring to the fact that when the Treaty of Amsterdam's five years delay of free movement inevitably expires, the UK would face a new and unlimited wave of A2 nationals (29 million Romanians and Bulgarians) from the newest Member States, which would also be a repetition of dramatic consequence as it was already brought up by the first enlargement (Maeva, 2017: 12). Furthermore, the newest Treaty of Lisbon would make those EU nationals even more powerful and their complementary rights would live off the British people expense. Amid this unease and social and political burden, the United Kingdom Independence Party (UKIP) came second in the 2009 European Parliament elections, performed less well in the 2010 General Election but again made a significant win at the expense of the Conservatives during the 2012 local elections (Wall, 2020: 269). Nigel Farage's party drastically won the most seats in EU elections in 2014 and gained the third largest number of votes in the British General election in

2015, despite gaining the sole seat.

In response to the hard Euroscepticism from within his party, David Cameron's Coalition government in 2010 pledged to introduce an annual immigration cap. It would bring net migration down to tens of thousands during the next session of the Parliament (Evans and Mellon, 2019: 81), in order to "ensure cohesion and protect domestic public services" (Yang, 2014: 78). By the time Cameron's 2011 conference speech on immigration had become part of the welfare picture, that the economy inherited from the 'New Labour', it was argued to have left "a welfare system that trapped millions in dependency and an immigration system that brought in migrant workers to do the jobs that those on welfare were being paid not to do" (Morris, 2019: 82-83). Although David Cameron failed to call up an EU membership referendum in advance during the autumn of 2011, when the House of Commons motion in favour of an In/Out referendum on EU membership was defeated by 483 votes to 111 (Wall, 2020: 270), on 23rd January 2013, the Prime Minister announced that, if re-elected in the 2015 general election, he would negotiate a 'new settlement' for Britain inside the EU before holding up a referendum on membership (Glynn and Menon, 2018: 21). David Cameron's soft Eurosceptic speech in 2013 indicated that Britain must remain "an argumentative and rather strong-minded member of the family of European nations" (Wall, 2020: 277) and there would be no further transfer of sovereignty of powers during the course of the Parliament and future EU treaty proposals would be subject to a referendum (ibid: 266-267). His manifesto also promised to abolish the 1998 Human Rights Act and to amend The 1972 European Communities Act (ibid: 266 and 281). Consequently, David Cameron stated that limiting the residence rights for unemployed EU migrants and cracking down on 'abuse of free movement' and 'rogue' EU benefit claims would "reduce the incentive for lower paid, low-skilled EU workers to come here in the first place" (Morris, 2019: 83). Also, Cameron's welfare austerity policy in Britain was implemented by public demand to cut immediate and 'indefinite' benefit payments for EU foreign-born nationals because there were complaints of a 40% rate of welfare dependency among

recent arrivals and that immigration has trapped British people on benefits and only drives down wages (ibid: 84).

3.7.2. Britain's Last Attempt to Impose Migrant Limits prior to EU Referendum (2015-2016)

Indeed, the Conservatives' outright 2015 election victory meant that Tory Prime Minister must fulfill his promise (Bulmer and Quaglia, 2018: 1092 and Westlake, 2017: 14) and had actually pushed David Cameron's government to call for a referendum on the country's EU membership amid growing support of the UKIP among the increasingly Eurosceptic voters (McGowan, 2017: 3 and Westlake, 2017:10). During his May 2015 Immigration speech, David Cameron reinforced this stance: "Under the free movement rules, the national welfare systems can provide an unintended additional incentive for large migratory movements... That's why I and many others believe it is right for us to reduce the incentives for people who want to come here and we need to be able to exert greater control on arrivals from inside the EU too. The principle of the free movement of labor is a basic treaty right and it is a key part of the single market" (Currie, 2016: 341). Viewing the Brexit settlement from the perspectives of EU peripheries, it can be concluded that the idea of multi-speed Europe has reached the area of the free movement of people principle (Gellér-Lukács et al., 2016: 428).

Cameron repeated this anti-migrant stance "to exert greater control on arrivals from inside the EU" on November 10th 2015 (Cameron, 2015 and Costea, 2018a: 125). One of the objectives was to tackle abuses of the right to free movement and enable the UK to control migration flow from the EU. First, it was proposed that free movement would not apply to new members being admitted to the EU in the future until those developing economies have converged to the closer development as the original but more industrialized Member States. Second, the importance of the goal of fighting abuses of free movement, which includes tougher and longer re-entry bans for fraudsters and people who collude in marriages of convenience, stronger powers to deport criminals and stop them from coming back, as well as preventing entry in the first place, and also addressing ECJ judgments that have

widened the scope of free movement in a way that has made it more difficult to tackle this kind of abuse. Third, in order to reduce the attractiveness of the British welfare system, Cameron proposed that people coming to Britain from the EU must live there and contribute for four years before they qualify for in-work benefits or social housing, along with abolishing the practice of sending child benefits overseas. During the Chatham House November 10th 2015 speech, Cameron insisted that tackling abuses of the right to free movement and enabling the UK's control of immigration would be one of the four major objectives for renegotiation to achieve along with protecting the single market for Britain and others outside the Eurozone (Objective 1), writing business competitiveness into the DNA (Objective 2), and exempting Britain from an 'ever closer union' and bolstering national parliaments through legally binding and irreversible changes (Objective 3) (Cameron, 2015 and Wall, 2020: 282).

On 7th December 2015, President of the European Council Donald Tusk replied to these demands that "while we see good prospects for agreeing on ways to fight abuses and possibly on some reforms related to the export of child benefits, there is presently no consensus on the request that people coming to Britain from the EU must live there and contribute for four years before they qualify for in-work benefits or social housing" (Gellér-Lukács et al., 2016: 423). This British request was incompatible with the criteria of single market membership, free movement and provisions on non-discrimination. Instead, the EU offered some 'alert and safeguard' mechanism to fulfill Cameron's demands, which could only be applied if any Member State proves any inflows of an "exceptional magnitude" over "an extended period of time undermining essential aspects of its social security system". However, this would not be enforced without approval by the Commission and all heads of government in the European Council (Dennison and Geddes, 2018: 1146).

Nevertheless, in February 2016, the EU Council accepted the British demand to be excluded from the EU's founding ambition to forge 'an ever closer union' (Auer, 2017: 42) by re-asserting more power to the British parliament as reflected by UK Sovereignty Bill (Wall, 2020: 267). On immigration

issues, there was an agreed text that allowed non-discriminatory treatment of EU migrants to be subject to limitations on grounds of public policy, public security, or public health. Overriding reasons of public interest could also be used to restrict freedom of movement (ibid: 284). Amid seeking the perseverance to the Single Market after withdrawal, Cameron secured belated significant concessions from the EU side – in respect to the principle of equal treatment and possibly even some form of emergency brake on migration itself through proposed amendment of Regulation 492/2011 to provide an alert and safeguard mechanism that responds to situations of inflow of workers from other Member States of an exceptional magnitude over an extended period of time. This allows restrictions to non-contributory in-work benefits to the extent necessary for newly arriving workers within a period of seven years and for four years for each worker. Also, the European Council and Commission agreed to amend Regulation 883/2004 on the coordination of social security systems for Member States in regard to the indexation of exported child benefits (Gellérné, 2016: 143-144). Furthermore, the UK's 'New Settlement' agreement included provisions that grant Member States to deny social benefits to people who lack sufficient resources in order to claim a right of residence or were solely entitled to reside because of their search for employment (Barnard and Butlin, 2018: 220-221).

Nevertheless, it was already too little, too late for the UK and the EU, because the belated and unrealized concessions failed to prevent the British from voting out leave (Auer, 2017: 42). On the domestic level, the British Eurosceptic press and many backbench Conservative MPs dismissed the renegotiation outcome as offensive and worthless. In the campaign itself, Cameron and pro-EU organizations were then forced to avoid the topic, highlighting, like Cameron's initial tens-of-thousands target, as an example of the government's inability to halt rights-based free movement while in the EU. At European Council meetings, Cameron made a mistake by viewing the EU entirely through a domestic prism (Wall, 2020: 288) with the lack of the UK's ability to independently shape the dynamics of EU migration policies (Dennison and Geddes, 2018: 1141-1142, 1146-1147 and 1150).

The authorization of EU immigration is now practiced by EU institutions, with the joint consent between all Member States. For example, amid the Syrian refugee crisis of 2015-2016 that has exposed the difficulty of the EU in commanding Member States' solidarity within the framework of EU law, the Tory Prime Minister once excused that it is required to jointly "address wider abuses of the right to free movement within Europe and to reduce the very high flow of people coming to Britain from across Europe" (Cameron, 2015 and Schiek, 2018: 223). Furthermore, the provisional agreement with EU institutions regarding future restrictions for EU foreign-born nationals contains many gaps. For example, it proposed provisions for Regulations 492/2011 and 883/2004, which contain no reference as to whether or not discriminatory measures can be objectively justified against Article 45 TFEU to protect the employment and welfare among British nationals (Barnard and Butlin, 2018: 221-222).

David Cameron could not fulfill any initial promises to reduce the number of new arrivals during his premiership (Evans and Mellon, 2019: 81) from 2010. In the 12 months before the referendum, net immigration was 385,000, almost equally divided between EU and non-EU citizens, as against 256,000 in 2010, despite the fact that entry from outside the EU was restricted. Besides that, the UK had no power or border to halt EU immigration. The EU denizens, who, for the first time, made up the plurality of immigrants in Britain, were another major reason for the influx demanded, on the one hand, for workers with high skills (as in health care) and on the other, for cheap and flexible low-skilled labor (Gumbrell-McCormick and Hyman, 2017: 174).

Neither Conservative Prime Minister was able to restrict public benefits and social housing for four years after arrival as it was plainly incompatible with single market membership, free movement and provisions on non-discrimination (Dennison and Geddes, 2018: 1146-1147). In response, it was revealed in early 2016 that the number of annual registrations by EU foreign-born nationals for National Insurance—the UK's social security benefit scheme—was more than doubled according to the official immigration statistics, adding to the growing sense of alarm amongst Conservatives regarding

the UK's immigration policy, that becomes increasingly 'Europeanized' (ibid, 2018: 1145-1146).

Continued lack of control over EU immigration was an ultimate catalyst to the Brexit vote, in a dramatic situation when one government "absent-mindedly ushered in a mass immigration society without asking the voters" but failed to achieve its promises (Goodhart, 2020: 125). This has also resulted in over 55% of Conservative MPs backing Remain while approaching 45% supported a Leave vote (Curtice, 2017: 25). Vote Leave has offered a more pragmatic campaign focused on the theme of sovereignty and democratic control with concerns about immigration (Glynn and Menon, 2018: 25). This was encapsulated in the campaign's key phrase of 'taking back control'. The ownership over the campaign's key slogan is uncontested. Dominic Cummings, the Vote Leave's campaign director, is credited with the slogan, drawn from experience of focus group research—a 19-page unpublished report Cummings drew together in 2014 from this research mentioned 'control' 37 times and 'take back control' five times (ibid, 2018: 24). In the 2016 Referendum over the UK's membership of the EU, the question of how Brexit would impact migration to the UK was a major point of contention. Those leading the campaign to leave the EU promised lower levels of immigration and the introduction of an 'Australian type points-based system' to regulate future inflows of EU denizens to the country while at the same time maintaining access to the EU single market. At the same time, the status of EU denizens already living in the UK was not a key topic in the debate. However, the leaders of the Leave campaign once suggested that EU foreign-born nationals already residing in the UK would be granted some form of residence permit and would retain most of their current rights (Vargas-Silva, 2016: 251).

CONCLUSION

The chapter elaborated on how British authorities initially did not see any concerns about entering the EC and enacting EU denizens' rights. Despite the warning that the UK might lose sovereignty to the EU treaties, Britain benefited from the EU market and enjoyed itself as a powerful and influential player in the EU political arena after the loss of its Empire. In parallel, regardless of the

fact that it has been argued by some that national citizenship has been devalued by the EU institutions and that, in effect, the residence status became more powerful for EU foreigners (Morris, 1997: 204), for many decades the Member States still remain the final ‘masters of the treaty’, and its related directives and regulations (Maas, 2013: 19).

That is why British authorities were happy to embrace the idea of EC denizens’ rights and immigration policies on the regional level since joining the EC in 1973. Even Thatcher’s criticism of the EU project and opting out of the Schengen Zone was a confrontation towards centralization of EC power, socialism and stemming non-European immigration instead of dealing with concerns on EC migration from the EC.

Nevertheless, from the 1990s, national sovereignty and migration controls became a constant platform for British Eurosceptics. In an increasingly interdependent world, any issue about independent power located at the member-state level was becoming misplaced, as the “sovereignty has been decentralized and territory partly denationalized” (Auer, 2017: 42). While ‘New Labour’ did not foresee freedom of movement as a threat, Tony Blair and Gordon Brown continued the course towards more powerful EU treaties that further enforced the EU denizens’ rights, while making insignificant restrictions such as delaying freedom of movement for Romanian and Bulgarian citizens to seven years. Thus, despite the fact that the Treaty of Amsterdam was aware that Western European states must be given some time to adapt to the aftermath of dramatic EU enlargements in 2004 and 2007, the members were obliged eventually to open up (after seven years of a wait) the borders and then automatically granted all existing rights for the newcomers from Eastern Europe. This loss of sovereignty indicates that the UK would sooner or later give up and oblige all of the regulations of supranational institutions, which were gradually becoming more powerful.

In the aftermath, when David Cameron’s administration seriously and directly re-negotiated with other EU Member States and institutions to achieve some compromise (at least for the UK)

regarding freedom of movement, work, access to social benefits and appealing to ECJ for EU denizens, it was already too late. Increasingly restrictive British immigration policies have lost their capacity to impact EU foreign-born nationals (with minor exceptions), and those are mostly applied to other categories of foreign minorities. The only option left in order to restore real control of borders is to quit the membership instead of reforming the EU through remnants of sovereign power and imperial glory.

In reality, amid the process of Globalization, the British nation-state faced threats ‘from above’ – the processes of post-national economic and political Globalization – and ‘from below’ – in the guise of transnational migrants whose familial, economic, cultural and political affinities cut across national borders (Feldblum, 1998: 240-241 and Rosbrook-Thompson, 2015: 1615). The EU is no longer mediated by national citizenship, and popular sovereignty is no longer dictated by national legislatures (Kymlicka, 2006: 133-134). Further overlapping citizenship rights can extend from subnational to transnational levels and cut across several categories of citizens and foreigners (Feldblum, 1998: 238). Thus, EU citizenship can be considered not simply as complementing national membership but as displacing national citizenships of existing Member States (ibid: 240-241) as the citizenship power of all the EU-27 nationals who are physically located in the UK can completely bypass the nationality power of this host Member State. On the other hand, the Brexit case proved that member-state nationality is not completely decoupled as it still remains an ultimate guarantor of protecting the rights of its citizens belonging to the Member States, mechanisms for the delivery of rights “based on EU’s experience with EU citizenship and its own immigration framework” (Joppke, 1998a: 29-30 and Mantu, 2015: 10).

Chapter FOUR

THE EMERGENCE OF EUROPEAN MARKET CITIZENS WITHIN BRITISH CAPITALISM

The previous chapter on the political dimension emphasized that the UK agreed to join the EC in 1973 mainly due to economic interests. This goal was functional to Britain's longstanding capitalist goals, whereas access to EU markets was regarded as a strategic growth model after the decline of its Empire. At the same time, the UK demanded a foreign-born labor force in order to sustain its post-WWII recovery and long-term economic development of its capitalist system run by ordinary British nationals. Nevertheless, it is important to note that the capitalist model on which the EU market was founded has altered over time. A thorough analysis of the gradual transformation from the Keynesian system towards neoliberalism, this chapter elaborates on how EU denizenship or rather 'market citizenship' has emerged up a powerful status of 'European Reserve Labor' that overlaps the idea of a nation-state but carrying out the hierarchal structure of the borderless capitalist market.

Lockwood agrees with T.H. Marshall's (1950) theory that all the cleavages of citizenship rights get constantly reshaped by the economic development of capitalism as well as by the internal clashes of classes and social groups existing within any capitalist society (Lockwood, 1996: 535 and Scase, 1977: 20 and 22). This struggle is assigned a determining role not only in the economy but in structuring all social relations between classes regarding race and ethnicity (Cross, 1992: 4-5 and Yinger, 1986: 30 and 37). Furthermore, there would always be a hierarchical ladder among the existing social groups in the capitalist welfare societies (Morris, 2006: 80), no matter what type of right is acquired or empowered by any lower-status groups. These tensions were not absent in reference to EU denizens.

EU denizens had specific extensive rights that set them aside from other migrants, such as residence and freedom of movement, right to work and access to social security benefits. Nonetheless, these workers can be somehow described as 'commodities'. Ultimately, the analysis of this important

factor also proves why EU denizens ended up as a segmented ‘reserve army of commodities’ for the means of the British-based bourgeois class and its capitalist industries and enterprises. The British Nationality Act 1948 and the arrival of migrant workers from the Commonwealth immigration in the UK initiated a real tension between the rights and the markets in order to prevent competition between British citizens and foreign-born nationals of any sort (Morris, 2006: 87) that still continue in the present day.

4.1. FORDISM AND KEYNESIANISM IN THE UK (1948-1979)

Since the post-WWII era, the UK has experienced a gradual decline of its colonial rule, which, along with the rising influence of worker unions and nationalization of certain industries, resulted in long-term economic decline and the loss of market competition in the international arena (Elbaum and Lazonick, 1984: 573-574 and 581-582). Amid diminishing geo-political and economic influence, the UK could no longer practice colonialism, which effectively served as an engine of capitalist development and afford itself to exploit the ‘colonial material’ abroad (Hollifield, 1992: 22). On domestic level, high taxation in the state-interventionist Keynesian system kept the UK’s annual per capita growth with only 0.9% and the rate of physical investment was the lowest than in any other Western countries between 1940 and 1960 (Cooley and Ohanian, 1997: 440). In parallel to this, amid an expansion of social program protection and improved standards by Clement Attlee’s social-democratic platform and post-WWII capitalist boom, increasing number of denizens were arriving “as part of a conscious recruiting process involving state and industry” (Panayi, 2000: 79). This process was fulfilled “for the purpose of carrying out menial industrial tasks which members of the native population increasingly avoided as British nationals became ever more educated” (ibid: 79).

4.1.1. The Birth of Denizen Labor

After the facilities for exploitation were relocated from colonial realms into the British metropole (Nikolinakos 1975: 8), the consequent immigration from 1948 was not only caused by push

factors in Commonwealth countries (low wages and high unemployment) but also by the pull factors in the UK driven by a chronic and unavoidable need for ‘reserve army’ among denizen labor. According to the institutionalist approach, the UK was still a ‘strong state’ that enacted its immigration policies to fulfill its ‘national interests’ to restore its economy and national glory. Indeed, foreign labor served as a relief for troubled vacated industries because they demonstrated flexibility about wage demands and about where they should be employed (Harris, 1980: 45-46). According to dual labor migration theory, this demand for cheap immigrant low-skilled labor originates from fundamental characteristics of industrial societies and their economies (Massey et al., 1993: 440-441; O’Reilly, 2015: 27 and Yinger, 1986: 35), which might also serve up as a single determinant of an international movement, as migration channels theory suggests. However, it is more relevant to rely on neoclassical theory on micro-level that post-WWII development caused international migration to become some ‘conceptualized’ form of investment in human capital on a permanent basis where some people from abroad choose to move to the UK, in order to be more productive and to find work relevant to their skills (Massey et al., 1993: 434).

Marshall points out that economic changes led to the extension of civil rights, then to political rights, and finally, by using their political rights, the labor class ultimately gained their social rights (Bloemraad et al., 2008: 157). However, it is not entirely accurate that every cultural or social group possesses an equal number of resources to practice specific rights. Richer and more resourceful British workers were increasingly more successful in moving to higher-income economic sectors. In comparison, despite the fact that Cypriots and Maltese have possessed full political, economic and legal Imperial citizenship rights (enacted by British Nationality Act 1948) (Ashcroft and Bevir, 2006: 5; Hansen, 2003: 101 and Kostakopolou, 2018: 863-864) along with their White British counterparts, those poor and marginalized denizens generally filled the gaps in the low-wage sectors (Nikolinakos, 1975: 7-8). Immigrants were disproportionately employed in jobs that required “arduous physical

effort, had poor working conditions, and offered little security” (Morris, 1994: 147).

Furthermore, those post-WWII demographic developments and demand for the accumulation of capital and wealth led to the consequent increase in demand for foreign manpower. Though defined in terms of race and ethnicity, the underclass of denizen proletariat was also becoming defined in terms of economic class (Morris, 1994: 83). With the entire control of this disadvantaged migrant/denizen groups who generally possess poorer education standards and obtain lower wage, it was also effective for capitalists in Britain to dictate terms and conditions for immigrants about what welfare claims (part of their imperial rights!) they are allowed to make and what position they should occupy in the labor market (ibid: 7). Besides that, Commonwealth denizens become effective objects for racial/ethnic discrimination that stimulates the “rate of exploitation through division of working class to maximize surplus value” (Nikolinakos, 1975: 13). The humiliating status of Commonwealth workers were exploited on three levels - the first one as individuals, the second one as a sub-proletariat, which faces harsher conditions than British-born proletariat, and the third level as their nationalities of countries oppressed by metropolis even after their formal independence in 1960 (Cyprus) and in 1964 (Malta) (ibid: 13).

As a result of this, EC foreign minorities were generally identifiable by their origins and by their class (Cross, 1992: 2), as at the same time, they were usually living in poor housing and in crime-ridden areas (ibid: 2-3). It is also important to note that racial division of labor is equivalent to the ethnic composition of labor (Cohen, 1992: 23). Along with Italian post-war immigration to Britain, Maltese and “Greek-Cypriot men and women were very same ‘migrant labour’ like all other New Commonwealth migrants” (Burrell, 2016: 31) prior to the accession of the UK into the EC in 1973 as class theory can and shall be supplemented by the theory of ethnicity (Rex, 1986: 81). Therefore, “all Commonwealth immigration is characterized by being economically motivated and the Cypriots are no exception” (Burrell, 2016: 31).

In fact, the UK effectively established an internal colonialist system known as ‘Empire Strikes Back’, which is relevant to modernization and national identity theories. This term is central to the point that racism, which prioritizes the ‘effect’ of the relations of production, can only be “understood by analyzing it in relation to the basic structural features of capitalism” (Solomos, 1986: 98 and 100). It is significant to note that these patterns will play a role in the relationship between British society and EU denizens further down the road. Racism and ethnic hierarchy can be understood as the product of contemporary and historical struggles which are by no means reducible to wider sets of economic and social relations (ibid: 95). In this reformulated empire, the new classes within Fordist model are marked by ethnic bonding and their functioning were shaped by similar ideas and structures inherited from the older colonial order (Rex, 1986: 71). Within this class/race debate, classical and neoclassical economic theorists tried to explain racial and ethnic inequalities primarily by reference to economic dimension driven by global market (Yinger, 1986: 35). Hall (1980) rejects an idea that racism is a general feature of all human societies (Solomos, 1986: 92). According to this author, racism has some relative autonomy from economic, political and ideological relations and there is no “on-way correspondence between racism and specific economic or other forms of social relations” (ibid: 92). He criticizes a dichotomous view of ‘race’ and ‘class’, arguing that in a ‘racially structured’ society it is impossible to understand those two concepts “through discrete mode of analysis” (ibid: 92).

Perhaps Hall (1980) was correct about the autonomy of racism but the post-WWII capitalist system took advantage of the colonialist mentality of White British towards racial and ethnic minorities. Labour, capital and markets, “while never sufficient as mono-casual explanations, do determine the organizational needs from which ethnic ideologies emanate and with which they dialectically interact” (Wolpe, 1986: 117). As the liberalized Keynesian form of capitalism eventually replaced white supremacist colonialism, the new system indeed reduced the notions of ‘race’ and ‘ethnicity’ of foreign workers into ‘classes’ (Solomos, 1986: 87). This system provides an approach in

hiring these migrants for low wage jobs and at the same time harshly and comfortably exploiting foreign workers as inferior as an ethnic ideology always “emanate from the economy” (Wolpe, 1986: 118). Thus, Marxist theory is very relevant for this case as class theory shall be supplemented by the theory of ethnicity (Rex, 1986: 81).

In addition to this, conflict, assimilationist oppression or exploitation of racialized and ‘ethnicized’ working class have occurred not just simply between individuals but also between different groups. Trade unions and political parties (Labour) were formed on an ethnic and colonial basis to combat oppression or exploitation in groups, as it was impossible for any denizen individual with particular cultural, ethnic or cultural characteristics to leave their own group and join another (ibid: 71-72). This means that in a discriminative atmosphere, it was categorically and systematically very difficult for any migrant worker to independently upgrade his/her social status. Such racial justification played great importance for the capitalist racially-structured societies with a rule - where there is a racial stratification, there is always an economic one (Wolpe, 1986: 114). With false consciousness and stereotypes towards minorities among White British, the underclass immigrant worker is easily treated as a commodity for harsh exploitation. Most important of all, these machinations by the ruling class can effectively keep indirect control over the less educated working class through divisions of labor (ibid: 119-120). On the other hand, Parekh once criticized this so-called ‘assimilationist’ approach as inconclusive because it “cannot occur without a climate of tolerance, wherein prejudice and discrimination are officially rejected, the state nevertheless plays an important role in creating and preserving” hostile environment (Kivisto, 2002: 35 and Parekh, 2000: 198).

Despite the fact that ruling bourgeoisie created racial stratification and civic exclusion in the context of class differentiation and exploitative practices that utilized race prejudice to predate the creation of the concept of racism and race relations (Miles, 2000: 127-128), this discriminative capitalist system risked “the potential for contestation and disruption” (Saha, 2018: 51). Members of

racialized and ‘ethnicized’ denizen class succeeded to expand their rights through class struggle and race riots, and by pressuring Labour party, which is obliged to protect the socio-economic rights of foreign-born workers among the Commonwealth/Imperial voters. In the aftermath, consequently enacted legislations, the Race Relations Act of 1965, 1968 and 1976, at some point minimized racial/ethnic discrimination in public spaces, suppressed colonialist mentality among White Britons and definitely provided a framework of rights for foreign minorities. A state-sponsored “‘race relations’ industry has emerged, which obliges authority of the Commission for Racial Equality and local bodies to report and advise on practices for ensuring equal treatment, particularly in the labor market” (Koopmans and Statham, 2003: 213). In supporting statement, Marx once pointed out that classes, to some extent, deliver “indeterminate effects of processes of struggle that are structured in terms of the totality of the prevailing economic, social and political conditions” (Cainzos, 1994: 102). This establishment of a less prejudiced environment indeed provided more opportunities and resources for Cypriot and Maltese denizens in terms of residence choice and freedom of movement, right to work and accessibility to social security benefits.

4.1.2. Was the Welfare State Available to Denizens?

Before the emergence of Thatcherite laissez-faire economic policies in 1979, stimulated by the 1973 oil crisis, Marshallian theory claimed that only within the welfare state of the Keynesian-Fordist program the development of equalization based on achieving full employment and securing of social rights would eventually avert class conflict and promote cohesion and integration of all classes. Logically speaking, this would establish more equality between the mainstream and the EC minorities living in welfare-based EC. Furthermore, securing some social rights indeed fostered a sense of community and national membership and loyalty among the working class, which eventually led to a sense of common heritage and collectivity (Hatta, 2016: 939 and 941 and Morris, 1994: 136-137). As a result, Marshall was right about his theory of citizenship only at the time of the writing of his book in

1950 on citizenship powers. This was the precise time when rights were effectively established and served as some basic requirement for the functioning of capital and the market before 1979 (Morris, 2006: 80). Throughout the post-WWII decades, social liberalism, which has replaced colonialism, indeed succeeded to enhance the existing rights for foreigners and adapt them into the Fordist model of capitalism at significant degree (Kymlicka, 2013: 102).

Nonetheless, despite the fact that Cypriot and Maltese imperial citizens held identical legal, economic and social rights as native citizens in Britain since 1948, they did not possess an equal amount of resources to practice and enhance any of these. EU labor class always lagged behind the British-born labor class in terms of entitlement, accessing and exercising their rights. That is why the working and living conditions of Italian guest workers were not any different from their Imperial/Commonwealth counterparts from Cyprus or Malta. This foreign-born reserve army of EU labor usually possessed much less skills and experience. They were also too economically excluded and ethnically segregated to eliminate the vulnerability of harsh exploitation, ostracism and discrimination in public spaces and workplaces by dominant groups (Benton, 2010: 8). As a result of this, it is accurate to classify the predominant majority of the EC denizen workforce as an underclass in the early stages of open-door immigration from 1948.

4.2. EU WORKERS: EXCLUDED UNDERCLASS OR ‘SEGMENTED RESERVE LABOUR’?

In the 1980s, the notion of the underclass was initially introduced in reflection of outcomes demonstrated by Margaret Thatcher’s aggressive monetarist reforms in Britain. In reaction to this, Morris regarded social citizenship and underclass as some linked concepts. The former represents inclusion that includes those who succeeded in owner-occupation and share-ownership sectors. The latter is a social exclusion or disenfranchisement and moral failure in the welfare state, where numerous workers were left unemployed and isolated in terms of income, life chances and political aspirations (Morris, 1994: 155 and Welshman, 2013: 167 and 172). Nonetheless, Morris (1994) also once

suggested that the debate regarding the underclass should be changed for further reconsideration. Like the concept of citizenship, the idea and composition of the underclass may vary by social group, time period and location (Morris, 1994: 10 and Welshman, 2013: 12).

As mentioned in the previous section, from the 1940s to the 1970s, the underclass in the UK could be referred to as both Commonwealth and EC denizen minorities who had poorer educational standards and who were concentrated in low-wage jobs. Many of these foreigners (both unemployed or semi-employed) were very vulnerable (along with the inability to exercise their citizenship rights) to become even more marginalized (downward assimilation) amid consequent economic change and technological advances. Those two circumstances were expected to eventually eliminate the need for disposable jobs that immigrants mostly occupy and expand the job market for the higher-skilled British workers while UK-based industry reduces the struggle between the native labor force and the bourgeois classes (Morawska, 2003: 134; Morris, 1994: 145 and Welshman, 2013: 164-165). Thus, ‘foreign labor’ could also be defined as a counterpart to an idea of social classes on the basis of either ineffective or non-participant layers of society (Morris and Irwin, 1992: 402 and Welshman, 2013: 12).

Moreover, a vulnerable EU foreign-born underclass still exists today as large influxes that were caused by European Enlargements in 2004 and 2007 have brought up a significant number of nationals who are unskilled and who may rely on welfare. For instance, the research eventually mentions the presence of Roma people from Bulgaria and Romania who have poor digital skills amid their street lifestyles. This is a possible explanation for why two Romanians responded that some British citizens embrace the myth of “Europeans (and especially East Europeans) coming to the UK to steal their jobs” without even differentiation between EU and non-EU migration (Petrache, 2019: 232-233). For example, one respondent said that “when I told them I was Romanian, the only thing young people knew about Romanians was gypsies and vampires” (Bulat, 2017: 37). This makes poor Romanians to be also stereotyped as Gypsy or Roma people who only beg for money (Nadolu, 2020: 25).

However, for the later decades, it is inaccurate to stereotype the notion of the underclass with any specific ethnicity, race or denizenship group. In 1975, Westergaard and Resler once mentioned that in Britain, denizen minorities “were not concentrated uniformly at the bottom of the economic order” (Welshman, 2013: 165). Moreover, throughout historical alterations of the capitalist system, EU denizens were always composed of the excluded underclass and more inclusive ‘segmented reserve labour’ portions. In the initial stage, the ones belonging to the latter were exceptionally few. Nowadays, in the modern-day liberalization trend of global capitalism, this portion has gradually grown as skilled EU denizens easily take temporary and permanent jobs, including in highly advanced and better-paid sectors of innovative British industries (Campos, 2018).

Meyers emphasizes five major reasons behind bringing up this industrial reserve army into the host societies. The first one is that capitalists exploit it to force down nationwide working-class salaries. Second, immigration supplies capitalists with supplementary labor for the sake of expansion of capital accumulation while exploiting cheaper, more mobile and disposable labor of migrants from peripheral states. The third reason is that low-wage immigration definitely provides profits to increase, while British workers would be protected from the effects of competition. Fourth, immigration prevents sudden economic turbulence or crisis. Finally, this sort of working immigration prevents structural inflation in the neoliberal system (Meyers, 2000: 1249; Morris, 1994: 142 and Holmwood, 2017: 38). One way or another, according to the articulation theory, Meyers (2000) suggests that all denizens as ‘segmented reserve labour’ were ever incorporated into British capitalist industry in order to expand and to flourish, especially during higher economic cycles. Therefore, because of their more inclusive purpose in later decades, each single EU denizen cannot be referred to the Marxist and Morris’ notion of marginalized lumpenproletariat (aka the ‘underclass’) as “some rootless mass divorced from the means of production” (Welshman, 2013: 3). Nowadays, more resourceful EU denizen workers may also possess more advantage over poor and unemployed native-born Briton who can suffer from the

negative effects of neoliberal capitalism and/or immigration policies.

In a supporting statement to this argument, all migration theories, introduced previously in chapter one, one way or another reflect the same idea that EU denizens rely on obtaining more life opportunities and better-paid jobs while moving into and getting hired in the new country of residence. Employment is one of the most fundamental aspects of adaptation of any denizen into local society by dealing with standards of living issues such as economic independence, planning for the future, meeting members of the host society, improving language skills, self-esteem and self-reliance (Ager and Strang, 2008: 170). In parallel to this, the residence is a “welfare entitlement principle associated with universalism and inclusiveness” of all civilians, regardless of their class or status (Bruzelius, 2019: 70). Last, the access to social security benefits and empowerment of their rights by certain EU jurisdictions must also provide them a guarantee to be ‘segmented reserve labour’ with extensive denizen powers instead of ‘excluded underclass’ with none or very limited rights in the modern-day British capitalist system.

4.3. THE ORIGINS OF EU ‘MARKET CITIZENSHIP’

4.3.1. Treaty of Paris (1951)

The main aim of the EC was to ensure peace and safety across the European continent while focusing on two functions, which are securing the smooth operation of the internal market and ensuring a secure marketplace for capitalist development across the continent (Fichera, 2018: 254). It was not yet about establishing some common cosmopolitan political project. Thus, transnational denizens’ rights originated from the Treaty of Paris (signed in 1951 and took effect in 1952) was solely based on the EC workers’ rights (Maas, 2007: 11-12) who work in factories and mines of other Member States (ibid: 18) and for other economically active people.

On the other hand, it laid out the foundation of transnational European market rights for European (particularly Italian) migrants who live and work in other original Member States - Belgium,

France, (West) Germany, Netherlands and Luxembourg. Aside from recognizing the Member States to support the re-adaptation of workers laid off in the process of adjusting to the new common market, the Treaty of Paris' Articles 56 and 58 provided the establishment of a supranational fund to support the retraining and resettlement of redundant workers. Article 68 has provided the high authority to raise issues regarding harsh wage exploitation set by certain enterprises in certain regions or countries within the EESC Community (Ferrera, 2005: 93). In addition to this, Article 69(4) sought to guarantee the elimination of discrimination and establishment of social security guarantee (Giubboni, 2007: 361). Nevertheless, the significance of the Treaty of Paris was very limited as it was only concerned with coal and steel industries, which were the most mandatory resources for the restoration and the re-ignition of EC capitalist economies in the post-WWII era.

4.3.2. Treaty of Rome (1957)

The consequent Treaty of Rome (ECC) that took effect in 1958 laid out more real fundamental roadmap towards the establishment of market constitution or 'embryonic form of EU Citizenship' (Maas, 2007:18 and Van Der Mei, 2003: 27). It includes provisions supporting progressive acceptance of complete labor mobility within the Community (Article 48) and supporting aggregation and international transfer of foreign workers' social security benefits (Article 51) (Ireland, 1991: 461). At the same time, it launched a proposal of common EC denizenship in terms of labor mobility in the common market on the European continent (Giubboni, 2007: 361), which Article 3(c) aimed to eliminate all possible barriers for persons, goods and services (Streit and Mussler, 1995: 14). The 'thin citizens' among the EC migrant workers have achieved fundamental right for free movement (Art. 39 or formerly 48(2) EEC), choice of residency and work regardless of their nationality (Articles 40, 41 and 43) and social security protection (Art. 42 or formerly 51 EEC) (Giubboni, 2007: 361; Jabłonowski, 2019: 28-29 and Threlfall, 2003: 125). All those protections were under the supervision of the ECJ, which also covered economic and social rights such as student grants, the right to live

together with an unmarried partner, the coverage of funeral expenses and the usage of own language in the judicial processes (Van Der Mei, 2003: 33).

On the other hand, this limited harmonization and flexibility of EC denizens' rights (based on Article 117 EEC) still served for market purposes only. This proves once again that initially, the European Community aimed to boost economic prosperity for each single Member State within the same market instead of creating some political project that may affect the level of sovereignties among the Member States. As Article 2 of EEC postulates, the EC contributes to achieving 'a harmonious development of economic activities, a continuous and balanced expansion, increased stability, an accelerated raising of the standard of living and closer relations between its Member States' (Börner, 2020: 428; Eigmüller, 2013: 365; Ferrera, 2005: 94 and Threlfall, 2003: 122). That is why the initial phase of rights only demonstrated an incomplete image of EC citizens "as economically and transnationally active 'market citizens'" in the entire EC project (Börner, 2020: 427). That is also why the notion of "EC denizen" was not initially established as a single category based on individual privilege. Instead, the Treaty of Rome only distinguished among workers (Art. 48), the self-employed who benefit from freedom of establishment (Art. 52), and those who provide cross-border services (Art. 59) (Maas, 2007: 33).

4.3.3. The Keynesian 'European Market'

The creation of the EC effectively established a virtually free labor market for the original six members (Morris, 1994: 142), where the industrialized Member states exploited cheap, mobile and disposable labor of migrants from the Southern European (primarily from Italy) region. Consequently, amid the increasing demand for the foreign workforce, some restrictions were only softened after the EC gradually adopted secondary legislation that provided those provisions and amendments during the 1950s, the 1960s and the 1970s in order to fulfill further agenda of the capitalist market. Nonetheless, none of these additional regulations and directives aimed to influence or overlap the political

sovereignty of existing Member States.

In terms of rights related to freedom of movement, choice of residence and work, the pioneer Council 1961 Regulation 15 of 16 August 1961 (EUR-Lex, 1961) protected only national markets and maintained the requirement for workers to obtain a special work document. Community workers were supposed to wait three weeks from the notice of vacancy in order to make sure that there was no worker available within the Member State. Once these conditions are met, the community worker shall get hired. No Member State could implement quotas of number of EC workers with this regulation except for seasonal workers who have different provisions (Maas, 2007: 19). Afterwards, the EC market adopted 64/221/EEC of 25 February 1964 (on the co-ordination of special measures concerning the movement and residence of foreign nationals which are justified on grounds of public policy, public security or public health) that has replaced the discriminatory 1961 national preference over EC workers (frontier workers, seasonal workers, artists and musicians) and accorded the rights to their family members and then have rights to education and employment (Maas, 2007: 20). Furthermore, initially the permission for entry could only occur if EC migrant workers have received their offer of employment (from abroad) or if there were realistic prospects to establish firm or enterprise but Directive 64/240 excepted EC denizen to move without any job offer exclusively in terms of eventually becoming employed only. The ones who aim to work for more than three months must require residence permits from local authorities (Guild et al., 2019: 116). Thus, EC only permits new arrivals who are accommodated in the country of origin instead of giving them a chance to access necessary resources in the country of destination in an immediate manner. If an EC worker voluntarily quits the job or retires, then he/she must leave the host country except the ones who gained some entitlements to remain or involuntarily lost employment (Van Der Mei, 2003: 31).

Although the Treaty of Rome had no mention of any rights of free movement and residence for family members of EC workers, Regulation 1612/68 provided for rights of entry and residence as well

as the rights to pursue an activity as an employed or self-employed person and, in the case of children, to be admitted to general education and vocational courses (O’Leary and Sánchez, 2003: 512-513). This is a pioneer regulation where economically inactive EC citizens can access social benefits on the basis of a combination of Articles 18, 20 and 21 TFEU (ibid: 539). Council Directive 68/360/EEC of 15 October 1968 (abolition of restrictions on movement and residence for workers) provides that free movement becomes a fundamental right and community workers were no longer foreign workers and even guest-workers, which was also a full achievement of the fundamental right of the first aspect regarding the future EU citizenship for all Member States (Maas, 2007: 20-21). In the 1970s, the next adopted EC directive was Regulation (EEC) No 1251/70 of 29 June 1970 (right of workers to remain after getting employed in the host state) (Ferrera, 2005: 100).

The pioneer regulations that deal with social security for cross-border workers are Regulations No 3/1958 and No 4/1958 (Solacolu, 2021: 114). This fulfills the Treaty of Rome’s doctrine that citizens of other Member States have the right, in principle, to claim social benefits in countries other than their original homeland, despite the fact that they may not have made financial contributions to the respective social security system (Höpner and Schäfer, 2012: 447). Regulation 38/64 granted mobile ones to be conferred with an equal entitlement to apply for vacancies arising in another Member State and prohibited those countries from favouring their own nationals in the employment sector (Guild et al., 2019: 116). Regulation (EEC) No 1612/68 of 15 October 1968 grants rights to access trade unions, public housing, social advantages and vocational training (Van Der Mei, 2003: 27). Regulation (EEC) No 1408/71 of the Council of 14 June 1971 expands access to welfare benefits (in terms of pension and health-care) (Carmel et al., 2016: 23), while Regulation (EEC) No. 574/72 of the Council of 21 March 1972 is an amended version of the previous one. Indeed, those directives still did not touch upon any fields related to Member State sovereignty but have already effectively begun to demonstrate non-market rights that would eventually transform an increasing number of EC workers into the ‘segmented

reserve labour’.

4.3.4. The Emergence of ‘Market Citizenship’

Despite the fact that the Treaty of Rome and its consequent directives expanded the rights contained in the Treaty of Paris to the non-working migrants (Maas, 2007: 26-27), this 1957 Treaty and its directives were still rather focused on the purpose of further economic integration and contained no mention of cosmopolitan or individual denizen rights (Craig, 2010: 194). Also, this Treaty did not entirely eliminate the control of migrant influx and kept most of the obstacles for EC denizens to live and work in another Member State on a national level (Maas, 2007: 26) with limited effect on the supranational level (Caporaso and Tarrow, 2009: 605). In the Fordist or Keynesian model of capitalism, only Member States can still coherently dictate their own terms for entry and permanent residence (Manktelow, 2019: 86), while EC appeared to be nothing else but some loose custom union by the 1980s (Ferrera, 2005: 114). For example, in the UK, EC migrants would not gain their automatic rights prior to joining in 1973 if the Immigration Act 1971 had not enacted the priority of EEC citizens over the New Commonwealth (including the long-term) residents to enter and work in the British labor market (Williams, 2015: 523), while the newly acceded Member States (Greece, Spain and Portugal) continued to keep restrictions on free movement among EC workers (Guild et al., 2019: 6-7).

On the other hand, regardless of the fact the Treaty of Rome and its consequent directives did not achieve a full milestone of free movement, the aftermath was successful enough in establishing special relations of this Member State within this regional market that eventually brought to the enactment of consequent and more powerful treaties (Manktelow, 2019: 81-82). This fulfilled the main purpose of the Treaty of Rome, which is an ‘imprint of liberal vision’ for the final stages of the common market across Europe (Pollack, 2000: 272). Regardless of this incomplete fulfillment of pillars, this international Treaty did not only formally abolish discrimination of employment (Article 48 EEC) in another Member State but it also secured the rights of EC denizens’ family members and other

dependants who travel along with them (Article 51 EEC) (Börner, 429: 2020; Guild et al., 2019: 92 and Manktelow, 2019: 81), as reflected by structural approach, networks and at some extent, family migration theories. The most mandatory result is that the Marshallian power of citizenship (belonging to other EC countries) indeed progressed to protect the most fundamental socio-economic rights of denizens' workers beyond the nation's borders within the EC.

According to the realist approach, the idea of EC market liberalization allowed the UK to be closely aligned with the most dynamic growth poles in the world economy by joining the EC. The British government could still control who moves within British borders with other Member States despite the automatic enforcement of already existing EC denizen rights conducted by the Paris Treaty (1951) and Treaty of Rome (1957), and their related directives. However, the UK should expect an increasing risk of far-reaching powers of interference in the control of its domestic economy possessed by the supranational market authorities. The proof of this speculation is that the gradual empowerment of transnational rights related to residence and work for European commodities has already stimulated the further necessity for market integration and liberalization during the 1950s and the 1960s (Miller, 2015: 24 and Rosamond, 2020: 1095). As a result of this, the EC indeed delivered potential 'segmented reserve labour' that would be effective and useful for the British-based economy as soon as the UK became a member in 1973.

4.4. THE RISE OF NEOLIBERALISM (1973-1986)

Until the oil crisis in 1973, the politics of immigration in Western European states conformed in important respects to the liberal democratic model and was, consequently, vastly more expansive than mass opinion would have justified. When the oil crisis commenced and the Bretton Woods system collapsed in 1973, the Keynesian welfare state faced the crisis to thrive and protect the rights of disadvantaged layers of society (Wiener, 1997: 4). The new economic model was becoming mandatory in order to combat the unemployment, even among the previous temporary migrants who did not to

return to their home countries as expected (Freeman, 1995: 892).

From the late 1970s to the 1980s, most state authorities in Western Europe consequently surrendered themselves to neoliberal forces of free market, NGOs and private corporations, which replaced states as planning regulators of economic activity. In this post-modernist era, large-scale market and bureaucratic-corporate influences (accomplished through exploitation) have already begun to affect the everyday lives of ordinary citizens and denizens (Calhoun, 1994: 186). Marshallian concept of state citizenship becomes less affordable. Entrepreneurship replaces state regulation, and private firms become active agents seeking to maximize their own profit (Rose and Miller, 2010: 296). Eventually, the presence of cheap labor migrant workers was expected to deprive some native citizens away of certain sectors of employment for the sake of larger profit and keeping wages down for the middle-class native population (Machin and Vaitilingham, 2017: 84 and 85 and Morris, 1994: 142). Thus, according to human capital theory, those individual EC foreign-born nationals become nothing else but some form of investment activity to boost the economies of private enterprises. The new EC social project strongly endorses individuality and the active participation of citizens as the route to socially cohesive and inclusive European societies, where rights shift away from government and corporate responsibility to the individual workers and families (Soysal, 2012: 12 and 14-15).

Indeed, the Council Directives 73/148/EEC of 21 May 1973 (abolition of restriction of free movement and residence), 75/34/ECC of 17 December 1974 (right to remain in a self-employed capacity) and 75/35/ECC of 17 December 1974 (that expands 64/221/EEC in terms of self-employed capacity) can be remarked as pioneer regulations as those abolish restrictions on movement and residence for the self-employed EC individual who lives and works abroad (Guild et al., 2019: 5) and the very first step of replacing EC workers by the notion of EU citizens (regardless of their class). Such instance also elaborates that one of the most mandatory milestones for the foundation of perspective EU denizenship required the increasing role of cosmopolitanism, with the overarching goal of

constructing a single market without internal frontiers (Wiener, 1997: 4).

Transnational economic processes that involve deregulation in finance have had the effect of partly denationalizing national territory (Sassen, 1998: 53-54). Thus, the research must focus beyond Marshall's emphasis on citizenship relevant for the timeframes between the 18th and the middle of the 20th centuries, and instead concentrate on the individual responsibility of each denizen to thrive in a new place of belonging while living abroad (Costa, 2004: 212). Morris even stated that amid the shift of the economic model from a Keynesian welfare state towards a free-market regime, the emergence of individual rights and protections were extending beyond the national borders, and declining obligations afforded by the state authorities have brought to new stirrings within the civic stratification among the EC denizens (Morris, 2002: 19-20 and Morris, 2003: 75).

As Hall (1980) once pointed out, divisions, instead of solidarity, became the rule in the Thatcherite's 'New Right' system from 1979. There, large and significant sectors of the working class are filled with "unemployed, semi-skilled and unskilled, part-time, male and female, the low-paid migrant workers" no longer see themselves as an underclass in a traditional labor way (Cross, 1992: 5) in relation to British nationals who usually exercise more power and influence with their large concentration of wealth and control over these neoliberal corporations. Traditional Marxists once articulated that this modern-day neoliberalism ignores the notion of the class struggle and, therefore, treats pluralism as an irrelevant approach to the achievement of equality and egalitarianism in modern-day Western societies. In this case scenario, many EC denizens may be already more inclusive (partly amid support of existing EC treaty rights) than low-income British workers who rely on welfare and suffer joblessness amid some industries floating overseas. An increasing number of EC foreign-born nationals were becoming 'segmented reserve labour' selected to sustain British deregulated firms, despite the fact that the radical neoliberal shift from the robust Keynesian system initially delivered economic difficulties for the UK's industries to adapt (Callinicos, 2017: 190). Since then, the

consequent analysis must emphasize whether denizens' rights indeed provide 'pluralistic' EC individuals to economically contribute to the British *laissez-faire* capitalism without any abuse of its state sovereignty, originally based on the traditional idea of collective nationhood.

4.5. FROM STATE-CENTRED TO SUPRANATIONAL EU MARKET (1986-1993)

4.5.1. Single European Act (1986)

Indeed, the rise of neoliberal forces across Europe pushed authorities to reconsider the role of EC denizenship after the Oil Crisis in 1973. The common EC market began to emerge as an empowered independent and influential agency that overlaps the sovereignty of the Member States, including independent dictation of terms for the EC migrants. As the economic model of capitalism was switched from collectivist Fordism to individualist neoliberalism, the goal of EC doctrine in the 1980s was based on relaunching the whole EC project to establish the supranational market on the continent and to eliminate the remaining barriers of the free movement of capital and commodities as soon as possible (Ferrera, 2005: 114). This case remarkably demonstrated how the shift of the capitalist model in Western states enhanced rights for EC denizens from the nation-state level to a more cosmopolitan dimension.

The SEA 1986 provided a clear pathway to create four freedoms of goods, capital, services and persons that broadened the concept of an individual market participant to include not only the worker but also the EC consumer or self-employed people (Eigmüller, 2013: 365 and Höpner and Schäfer, 2012: 442). Eventually, three new categories of EC denizens gained privileges to reside in other Member States as specified in Article 1 in each of the directives adopted between 1990 and 1993. The first two categories who are students (Directive 93/96) and pensioners (Directive 90/364), can receive public academic finances and retirement support if they do not deliver the financial burden of a host state and do not bankrupt public supports of the original citizens. The third category of 'other EC citizens' (which includes self-employed) (90/365) must guarantee sufficient means to support

themselves and their family members (Van Der Mei, 2003: 47-48) while living in any other Member State.

Indeed, the neoliberal reforms and policies of market-based SEA have further dismantled the idea of collectivism and replaced it with the ideals of individualism, which embraces personal dignity, personal autonomy and well-being at the centre, instead of the idea of the nation-state (Soysal, 2012: 14-15). The power of the ECJ has also evolved to protect the rights of both the economic and non-economic residents on the EC level (Van der Mei, 2003: 48-49). It applied four dimensions whether a citizen fell within the personal scope of the Treaty - possession of a Member State nationality for the purposes of community law, the establishment of an economic link with the internal market, the establishment of a cross-border situation and the establishment of a logical connection existing among the three also interpreted as an intention to contribute to the internal market (Kochenov, 2011: 66). This indicates that the power of EC denizen becomes more reliant on the free market instead of any Member State. Thus, their neoliberal purpose must keep and increase the significance for most of these individuals as 'segmented reserve labour' as long as this system persists.

4.5.2. Margaret Thatcher's Response to the Single European Act Agenda

As a political and economic nationalist, Margaret Thatcher was ambitious for the very original idea of the EEC single market without frontiers and peace as once aspired by the Treaty of Rome (Laffan, 1996: 83 and Wall, 2008: 41-42) through the promotion of shared democratic principles and economic policies that can boost British stagnant economy and expand the financial significance of the Pound Sterling (Wall, 2020: 73) on the continent. Furthermore, it provides access to more commodities, such as a low-wage labor force (both men and women) from poorer EC countries and resists the demands of organized workers in developed metropolis (Sassen-Koob, 1984: 1444-1445). That is why Thatcher's Monetarist platform approved SEA with her agenda aimed to finalize a non-bureaucratic frontier-free area for the movement of goods, workers, services and capital by 1992, as described in

Article 8A (Morris, 2002: 243; Wall, 2008: 70 and Wall, 2020: 180). Therefore, Thatcher rejected willingness to negotiate any new treaty (Moravcsik, 1991: 32 and Wall, 2020: 171) or common constitution, a single currency, and any centralized political and economic management (Wilkinson, 2016: 135) that could undermine competitiveness and the welfare cuts that were already in the process in Britain (Polomarkakis, 2018: 294). At the same time, in order to avoid any EC-level bureaucratic agency responsible for the free movement of people between Member States, she did not give up British passport controls and opted out of the free movement proposed by the Schengen Agreement in 1985. However, this rejection aimed to stem unnecessary non-EC immigration from the continent instead of delivering new obstacles for EC passport holders.

Regardless of the quick ratification of SEA, the pro-business Tory Prime Minister eventually became more Eurosceptic towards further steps in light of EC spillover towards monetary union and social policy as she did during the 1988 Bruges speech (Bulmer and Quaglia, 2018: 1091). Initially, the White Paper in 1985 on Completing the Internal Market, on which SEA was based, originally proposed improving living and working conditions through occupational health and safety measures, standardized contracts, and rights for part-time and temporary EC denizen workers (Commission of the European Communities, 1985: 19, 20 and 21; Maas, 2007: 39; Manktelow, 2019: 85 and Snell, 2021: 582-583). The 1986 SEA strengthened the regulatory approach to harmonize national social policies and expanded the functional scope of social regulation towards the fields of social dialogue, health and safety, while top-down harmonization remained an instrument of economic integration (Börner, 2020: 428 and Pech, 2012: 17). Delors could also notice that the single market could be made to encompass a social dimension and that the scope for increased community competence and, therefore, for more power for the European Commission, was considerable (Wall, 2008: 48).

This stance contradicted Chancellor of Exchequer Geoffrey Howe's stance regarding powers and limits should not go "thus far and no further" as has been set in the original Treaty of Rome by

claiming that an enlarged community of twelve Member States would only pose more problems of centralization of institutionalized market governance without taking any further steps for improvements (ibid: 37 and 206). On 20th September 1988 in Bruges, Thatcher took advantage of a speech to the College of Europe to articulate that “we have not successfully rolled back the frontiers of the state in Britain, only to see them re-imposed at a European level with a European superstate exercising a new dominance from Brussels” (Wall, 2008: 8 and Wassenberg, 2020: 60). Thatcher was increasingly sceptical towards the centralization of EC market by establishing a European currency and European Central Bank (ECB) (McGowan, 2017: 19 and Wall, 2008: 88-89), despite the fact that she unexpectedly conceded Pound Sterling into the regional Exchange Rate Mechanism (ERM) (Westlake, 2017: 6-7 and 8).

In response to the European Council in June 1989, which stressed that the social market must cover both economic and non-economic concerns, Thatcher vetoed 14 of 17 employment-related regulations that were considered to be too socialist and too centrally planned. In addition to this, she passed eight acts restricting the powers of unions to combat restrictive practices, strikes and pressure for higher wages, which would rather distort the function of the proposed centralized market (Heater, 2006: 212). In addition to this, the UK delayed the adoption of the Social Charter (combining Social Charter with Economic charters), including the Community Charter of the Fundamental Social Rights of Workers in December 1989 (Polomarkakis, 2018: 295 and Solacolu, 2021: 114) until Tony Blair’s ‘New Labour’ Era (Maas, 2007: 42-43). Amid the New Right’s anti-socialist stances, Thatcher’s policies were oppressive towards both British and EC working classes and favoured only richer individuals, regardless of national, ethnic or racial origin. This reflects that EC denizens can no longer demonstrate any class distinctions from their British counterparts in the neoliberal system that already possessed both the UK and the rest of Western Europe. Nevertheless, such slightly Eurosceptic moves were controversial, and eventually, Margaret Thatcher and Geoffrey Howe were pushed to resign from

all their posts by their Europhilic Tory peers in November 1990.

4.5.3. John Major's Pragmatism

The next Tory Prime Minister, John Major, made a game-changing strategy (Wall, 2020: 215). Despite of the Eurosceptic rebellion from some prominent party members, including Margaret Thatcher herself to put up a referendum and significant sections of British business opinion to join the Euro, John Major ratified and implemented the Maastricht Treaty (Westlake, 2017: 8). On the other hand, John Major prevented to lose British economic power in EC by securing desirable option to exempt UK from the Social Chapter and by rejecting German Chancellor Helmut Kohl's offer for single currency that contended no permanent opt-outs for the subsequent Treaty (Abboushi, 2017: 195; Wall, 2020: 210 and Westlake, 2017: 8). This opt-out Maastricht accord was only extended to monetary union, leading toward the creation of the Eurozone and the European Central Bank on 1st January 1999 (Holmwood, 2017: 31). Such outcome was achieved by Major's forced exit from the European Exchange Rate Mechanism (ERM) on 16th September 1992 (Black Wednesday) after a failed attempt to keep the Pound Sterling above the lower currency exchange limit, compounded a sense of outrage about the Maastricht Treaty's plans for a single currency (Bulmer and Quaglia, 2018: 1091 and Westlake, 2017: 8).

After securing a compromise of an opt-out option from the future Euro (which serves up as the fundamental step of political integration) (Callinicos, 2017: 189-190) and European Monetary Union (EMU) (Wall, 2008: 114-115) other Europhilic neo-conservative Tory members also celebrated that "the Maastricht settlement was a decisive British victory over the federalist welfare state-building project" (Holmwood, 2017: 33). Also, despite of being a semi-detached member, Britain increasingly established special leadership role in financial services (with its Pound Sterling), where City of London heavily shapes the EU financial regulation (Wall, 2020: 262) just as Germany champions in the motor industry and France in agriculture (Goodhart, 2020: 96). Thus, despite the fact that the UK remained

stubbornly an offshore island economically, its financial centre in London was a driving force behind the creation of the single market, which eventually completed new milestones of EC integration (Callinicos, 2017: 189-190). This would be more resourceful and flexible for the capitalists to benefit from EC commodities who continued increasingly becoming ‘segmented reserve labour’ instead of excluded ones.

4.6. EU CITIZENSHIP: THE MAASTRICHT TREATY AND THE INCREASED REGULATION OF THE EU MARKET

From the 1970s, on increased competition in the world market and the shift from industrial to a service economy prompted alterations in a range of policies that impacted on social citizenship in Europe (Devlin et al, 2014: 13). However, despite of the loss of nation-states’ control over the market economy, as suggested by a theory of neofunctionalism, indeed a more visible transformation has occurred since the 1990s (Soysal, 2012: 3 and Streeck, 1995: 33). The SEA 1986, which advocated for freedom of movement within the EU by January 1st 1993 (but was actually achieved with implementation of Schengen Agreement in March 1995), eventually led to a series of Europe-wide policy measures aimed to accept some institutional reform that would regulate the internationalized market (Craig, 2010: 37). The aftermath of this emerging market power and the insurgence of free movement within the European Community (no longer being solely economic) officially established the notion of EU citizenship, when the Treaty of Maastricht was signed and ratified by 1993 (Blanchet, 2016: 149). Also known as the Treaty on European Union, its Article 8 clarifies that ‘every person holding the nationality of a Member State shall be a citizen of the Union’ in this intra-EU migration regime that overlaps state sovereignty (Joppke, 1998a: 20 and Shaw, 2000: 293-294). In this context, the development of EU citizenship and EU denizen rights was functional to the European economic project.

4.6.1. Free Movement and Residence

The process of gradual decentralization of state monopolies among EU Member States and the increase of regionalization and localization (Ferrera, 2005: 170 and 173-174) stimulated further gradual elimination of inter-state borders and barriers for the flow of human capital across Europe (ibid: 114). Article 14 (2) of the Consolidated version of the Treaty on European Union defines the internal market as an area in which freedom of movement of persons, goods, services and capital is ensured in accordance with the provision of the Treaty (Guild and Peers, 2006: 85), and expands the rights of national citizens beyond their nation-state (Lutz, 2021: 270). Furthermore, Article 21(1) claims that ‘every citizen of the Union shall have the right to move and reside freely within the territory of the Member States, subject to the limitations and conditions laid down in this Treaty’ for the intra-EU regime (Bauböck, 2007: 481 and Joppke, 1998a: 21). Article 26(2) of the TFEU also requires that the task of free movement of goods, persons, services and capital must be done ‘in accordance with the provisions of the Treaties’ (Shuibhne, 2019: 111). As a result, a “new generation of active labor market policies was introduced, inspired by a ‘partnership’ approach aimed at mobilizing all pertinent local actors, both public and private” (Ferrera, 2005: 199).

4.6.2. Employment and Right to Work

This TFEU has also replaced the articles of the original Treaty of Rome regarding the permission of EU migrant workers to work in other Member States, such as Articles 39-43 that replaced the Treaty of Rome’s Articles 48-52 (Threlfall, 2003: 125). Those effectively strengthened the ‘market citizenship’ in the sphere of employment across the continent (Jabłonowski, 2019: 74). In parallel to this, although this ‘self-employed’ regulation of 1612/48 was never adopted, individual EU workers have the right to defend themselves under Article 43 (Van Der Mei, 2003: 42). The Maastricht Treaty’s Article 48 also constitutionalized separate residence-based Directives of 90/365 (for pensioners), 90/366, 93/96 (latter two are for international students) and 90/364 (for all other

Community members), which express right of free movement for EU citizens no matter whether they are economically active or inactive (Börner, 2020: 429; Guild et al., 2019: 120-121 and Krzysztofik, 2016: 168).

4.6.3. Social Security Benefit

In parallel to this, a similar scenario happened with the enactment of terms for accessing social security benefits. In the Keynesian era, it only granted EU workers to all types of benefits (sickness, maternity leave, invalidity, accident, and others), except for the victims of war (Van Der Mei, 2003: 64-65). However, its further amendments of Regulation 1408/71 also expanded for individual players - for self-employed in 1981 and then for students (in 1999) (ibid: 65). In comparison with Treaties of Paris and Rome, the Maastricht one was more concerned about the cohesion of EU workers on supra-national level, such as the adoption of Article 138 [Article 153 in Consolidated Version] that enacted worker health and safety regulations (Pollack, 2000: 275) and expanded the rights of their family members. This market-centred requirement still basically extends equal access to social benefits only to citizens who are active market participants (employed, self-employed and financially self-sufficient citizens but not the ones who look for work) (Shuibhne, 2019: 114).

4.6.4. Protecting the Interests of the EU Market

Regardless of EU citizenship being coupled with the reinterpretation of the substance of economic activity by the ECJ, any EU denizen falls within the personal scope of EU law. Those intentions to contribute to the Internal Market are no longer considered since the “theoretical underpinning of integration has moved beyond a purely economic rationale” (Kochenov, 2011: 68). Nevertheless, the Union citizenship still cannot, therefore, be regarded as an effective step towards the foundation and maintaining substantial non-market rights. Many of these regulations can, however, be interpreted as the outcome of market-creating, ‘negative integration’ in the EU, including the abolition of barriers to the free exchange of production factors that include goods, capital, services and also

freedom of work (Faist, 2007: 17). Thus, enforcement of rights of EU citizens heavily depends on the power of the supranational market. It is not by chance that Article 3(2) TEU is placed before Article 3(3) TEU, where free movement is guaranteed and is prioritized over the establishment of an internal market. In practice, the proclamation of the free movement paradigm is characterized by the prevalence of economic objectives over social needs (Fichera, 2018: 254). Finally, ECJ classifies any economic activity performed by an EC citizen “outside a relationship of subordination with respect to condition of work or remuneration and under his own personal responsibility” as an activity pursued in a self-employed capacity for the purposes of Article 49 TFEU of Free Movement of Persons (O’Leary and Sánchez, 2021: 534).

4.6.5. The Neo-Liberal Emergence of EU Individuals

The further individualization of rights through the Maastricht Treaty continues to demonstrate that European ‘segmented reserve labour’ is committed to the free-market principles instead of authorities of any Member State on a local level. That is why any significance of the British state regarding EU migration control was radically downgraded, as it was the only possible way for the British capitalist industry to accumulate their wealth in the era of Globalization and neoliberalism. This civil gain also resulted in the establishment of flexibility and non-discrimination (Koikkalainen, 2019: 121-122) for the foreign (both current and potential) workforce, which fulfills the neoliberal agenda.

The distinction between EU worker and non-worker has been completely eliminated (Van Der Mei, 2003: 50) as the notion of European underclass, and thus, EU citizens become another object of governance for European polity (Dell’Olio, 2005: 40 and Eigmüller, 2013: 365-366). Furthermore, the Marshallian concept of being a source of rights has also switched place (Dell’Olio, 2005: 40 and Krzysztofik, 2016: 168) on a more multi-layered (national and supranational) level (Kostakopolou, 2018: 856) within EU borderless market. In this case scenario, from this point towards the present, it completely depends on the responsibility of EU individual (regardless of social status, class or skill

level) to practice any obtained right and to collect resources necessary for living and working in the UK, and unlike their British counterparts, they must be more self-reliant to overlap any domestic challenges.

The only way the Member States can implement limits is if there is an erosion or threat to public policy, security and health of some nation-state (Article 27(1) TEU) (Guild et al., 2019: 258). However, this principal exception has nothing to do with the idea of the market, as well as politics and public opinion regarding EU immigration overall, and finally, it does not touch upon the main research question that focuses on conflicting sides between the protection of sovereignty and gaining benefit from the membership.

4.7. FROM TREATY OF AMSTERDAM TO LISBON TREATY

The following section introduces three EU treaties that took part amid further steps of socio-economic integration, trans-nationalization and enlargement of the EU until the Global Recession hit the world economy in the late 2000s. The Treaty of Amsterdam (1997), the Treaty of Nice (2003) and the Lisbon Treaty (2009) continued to turn away from fundamental commitments to non-market values, “in contrast to how the logic of economic constitutionalism once considered the market to be distant or at least apart from these other values” in a more constitutional or republican sense (Shuibhne, 2019: 123). Nevertheless, these non-market values demonstrate further purpose to make EU ‘segmented reserve labour’ even more powerful in order to fulfill the needs of British-based neoliberal industries that aim to benefit from free market access across Europe. In parallel to this, the role of the nation-state in regulating the market along with EU commodities within ‘segmented reserve labour’ continued to be overlapped or ignored, especially when there is no risk of disruption for capitalist development.

4.7.1. Treaty of Amsterdam (1997)

The Treaty of Amsterdam (1997) is less neoliberal in nature than the Treaty of Maastricht (1993) and its predecessors, as it introduces some regulatory provisions and is more focused on human

rights, progressive freedom, justice and enlargement of the future EU Member States. Article 61 (ex. 73I) of the Amsterdam Treaty aims to establish an area of freedom, security and justice within the EU, and Article 62 (ex. 73J) explicitly recognizes that this shall apply to all persons, including non-EU nationals (Ferrera, 2005: 143 and Pollack, 2000: 287). Furthermore, under the influence of social-democratic principles of Tony Blair's 'New Labour' program, the Employment Chapter was agreed to in Amsterdam and incorporated into the treaty (Articles 125–130) that formally makes 'a high level of employment' as an EU objective. This milestone is provided for the co-ordination and monitoring of national employment policies and the creation of an advisory committee on employment (Pollack, 2000: 284). In parallel to this, this Treaty laid down the principles and procedures of a coordinated European Employment Strategy (EES), encouraging all the Member States to work within a common framework (later known as the open method of coordination) to increase their capacity to create more and better jobs, and provide workers with the required skills to fill them (Ferrera, 2005: 189). The UK started following the EEC's Fundamental Social Rights of Workers (1989) in the late 1990s, which it initially rejected during the Thatcher era when the Treaty of Amsterdam consolidated all the existing dispositions on Social Policy in a single title (Solacolu, 2021:114). This underscores the notion of EU denizenship around economic activity.

Regardless of the fact that Treaty of Amsterdam (1997) articles indeed involve some elements of regulated social-market capitalism, it is still a victory for a neoliberal agenda as it requests only minimal polity or institutional intervention. In terms of trans-nationalization of rights, the EU institutions have only encouraged socio-economic cohesion among EU citizens basically for the sake of implementing a common market regime over the Member States and boosting competition instead of eliminating exploitation or achieving an egalitarian society (Pollack, 2000: 270 and 279). For example, Article 62, which is expanded on Article 61(a) EC, rushed to eliminate all their remaining obstacles to free movements for future EU denizens (who would serve up as employees) within five years before

the first enlargement on May 1st 2004. In addition to this, Article 65 EC empowered the Community to enact measures regarding judicial (ECJ) cooperation in civil matters having cross-border implications for the sake of making the internal regional market more functional (Craig, 2010: 357). This further demonstrates that the interests of nation-states are ignored and the Treaty of Amsterdam prioritizes the interests of Transnational Corporations, including British-based ones, by further boosting EU denizens' rights.

4.7.2. Treaty of Nice (2003)

The Treaty of Nice (2003) expanded preceding regulating measures amid the enlargement of the EU. According to the theory of intergovernmentalism, EU central institutions and the original Member States agreed to postpone the opening of labor markets to A8 workers for a maximum period of seven years. If necessary, it allowed EU countries to adapt to the new conditions of the supranational market that involves large-scale freedom of movement of workers (Samaluk, 2014: 35-36 and Wright, 2010: 157). The rationale behind those measures was to protect EU-15 states against the prospect of increased unemployment in the event of large inflows of reserve labor from the poorer central and eastern European states (Wright, 2010: 157) who flee from their host countries amid higher poverty rates and unemployment levels, after suffering from dramatic shock therapy (Samaluk, 2014: 37). The Treaty of Nice's interventionist policies (enabled on local level by sovereignty of nation-states) were mandatory in order not to disrupt further integration of the capitalist European market.

On the one hand, the UK was one of the three nation-states (along with Ireland and Sweden) that practiced no restrictions towards the A8 nationals from 2004 because of its economic dynamism (run by supranational markets) that performed better than in most other EU-15 states (Gumbrell-McCormick and Hyman, 2017: 174). Furthermore, state bureaucracy enabled the government to override the domestic political pressures that were opposed to such free movement policy of large waves of denizens (Wright, 2010: 158). Nevertheless, this was not the same case when Bulgaria and

Romania acceded to the European Union in 2007 (ibid: 158). Despite the fact that the nationals of both of these member states were allowed to migrate and reside in the UK as long as they wished, during this transitional period, the new EU citizens had limited access to the labor market. The logic behind these minor restrictions is as the first enlargement demonstrated an unexpectedly large flow of EU15 nationals, temporary limits were necessary to prevent overwhelming the neoliberal machine. Those conditions demonstrate that the EU denizens, as segmented labor, generally continue to face hierarchical relations in the UK, which is also reflected in the selection and hiring of foreign workers (Snel et al., 2014: 518, 519 and 522) in order to satisfy capitalist needs.

4.7.3. Expansion of Rights: Directive 2004/38 EC

Directive 2004/38 expanded residence rights for EU workers to enjoy their status as both economic and non-economic residents. The first-category individuals who have previously worked or engaged in self-employed activities and have since ceased exercising economic activity in another Member State will continue to retain the status of ‘worker’ or ‘self-employed person’ for the purposes of enjoying a right of residence in accordance with Article 7(1)(a) once they comply with conditions laid down in Article 7(3) from (a) to (d). In addition to this, former workers or self-employed persons who have reached retirement age are still privileged for permanent residence (Guild et al., 2019: 128-129). Article 7(1)(a) states that residence above three months is available to all EU citizen workers or self-employed in a second Member State. Article 7(1)(b) claims that residence above three months is available to all citizens (economically active and inactive EU citizens and their family members) who can show they are not an ‘unreasonable burden’ on the social assistance system of MS of residence, and that they have comprehensive health insurance (Carmel et al., 2016: 16 and 21). Article 7(3)(c) indicates that even during a brief working period, including short-term contracts (less than 12 months), if followed by unemployment, should enable EU workers, if they are registered unemployed, to have a right of residence no less than six months (ibid: 16). Article 7(3)(d) deals with vocational training.

In parallel, Directive 2004/38 also demonstrates that the EU is still not a state but a treaty-based functional regime established by a number of Member States to mutually create and supervise a common economic market (Joppke, 2001: 353). In this procedure, the roles of the nation-states still apply in cases to limit specific EU denizens who do not wish to contribute to the prosperity of the neoliberal market that is based in the UK and other richer Western European states.

4.7.4. The Lisbon Treaty (2009)

The Lisbon Treaty (effective from December 1st 2009) was also concerned about economic and financial governance in order to keep the capital free and competitive enough on concepts of the social market economy “capable of sustainable economic growth with more and better jobs and greater social cohesion” (Craig, 2010: 296 and Lianos, 2012: 260). This latest accord has also strengthened the existing socio-economic EU denizens’ rights in terms of residence, employment and anti-discrimination from previous treaties with more constitutional power towards ECJ and other EU supranational political and financial institutions based on Article 3(2) TEU, thereby signifying its centrality to EU policy. The new provisions of Lisbon Treaty include Articles 15, 16, 19, 21, 30 and 31 - freedom to choose an occupation and the right to engage in work; freedom to conduct a business; the right to property; freedom of movement and residence; protection in the event of removal, expulsion, or extradition; protection against unjustified dismissal; and fair and just working conditions (Craig, 2010: 205-206 and Shuibhne, 2012: 140). On the other hand, the Lisbon Treaty did not deliver any cardinal changes to the formal aspect of EU citizenship regarding employment, free movement and residence (Shuibhne, 2012: 136), and thus, those necessities were left without debate.

The Treaty on the Functioning of the European Union (renamed by Treaty of Lisbon) is not discussed by the ECJ when one of the economic freedoms applies to the facts of the case. This indicates that the free movement rights exercised under Article 21 TFEU are different from rights exercised by workers or service providers. However, Article 26 TFEU refers more broadly to the free

movement of persons in the EU internal market (Shuibhne, 2019: 114). Although the ECJ did acknowledge the protection of public finance as a legitimate concern of Member States, it rationalized proportionate citizen claims against that concern by ruling out that beneficiaries of the right of residence must not deliver any burden on local social welfare programs (ibid: 116).

The emergence of a German-origin coordinated market economy may already indicate that EU denizen economic rights were rather incorporated into the EU supranational entity instead of just simply being agents of the free market or citizens of some EU Member State (Lianos, 2012: 260-261). This means that with the additional layer of rights that EU denizens possess by the Lisbon accord, they can officially remark themselves as supranational or local residents no matter where they are, as long as the free market persists. That means, for example, that while located in the UK, they can supersede Member-State legislations and look for jobs or access retirement services in the same uniform manner as being located in Croatia or Estonia.

However, there are still some persisting gaps between EU denizens' status and British citizens' rights. Any EU individual with limited capital and knowledge remains the most vulnerable to domestic limits implemented in Britain (Samaluk, 2014: 224). That means that this 'segmented reserve labour' must fulfill the criteria of the neoliberal market in order to contribute benefits to the British-based capitalist economy. Article 3(3) of the Treaty on European Union (TEU), added by the Lisbon Treaty, exemplified an integrated conception of market and non-market goals for EU law and policy-making. This idea of the social market economy still mandates the convergence of capitalist market criteria and social objectives rather than conceiving them as 'contradictory pairs' (Azoulai et al., 2016: 4 and Shuibhne, 2019: 111). Furthermore, the national finance pay for social rights would be extended only to EU citizens who are market participants (Shuibhne, 2019: 118).

4.8. THE ERA OF GLOBALIZATION AND 'NEW LABOUR' (1994-2010)

From the Schengen Treaty (signed on 14th June 1985 and took effect on 26th March 1995) that

established freedom of movement for EU citizens by abolishing internal borders between EC/ EU Member States to the Maastricht Treaty of 1992 that further enhanced this project by creating conditions for a monetary union, Europe appeared to be moving towards common neoliberal Eurozone. Up to the mid-2010s, the EU's internal borders continued to lose importance, yet all the while, its external boundaries remained significantly impenetrable (Auer, 2017: 44). This section looks more thoroughly at how it affected the idea of British nationhood itself to control its borders.

4.8.1. The EU and the Era of Globalization

First of all, there are three important dimensions of the relationship between the UK and Globalization. The first highlights the tension between the processes of the EU along with its Member States and Globalization-inspired transformations across Europe. The second focuses on the ways in which Globalization works to fragment as well as to integrate, for which the term 'fragmentation' is sometimes employed. Thus, it would make the EU project impossible for ultimate economic, political and social unity. The third dimension recognizes that territorial expansion and the construction of the EU trading bloc have given the mandate for the development of Globalization (Delanty and Rumford, 2007: 9).

Despite Tony Blair's commitment to the further steps of the EU project and the Single Market (Wall, 2020: 229-230), the UK remained the last sovereign financial bastion within the EU power, which its economic influence over the EU market is based on Pound Sterling (Bulmer and Quaglia, 2018: 1091). In comparison with the Euro currency, British financial influence extends to Commonwealth overseas. On the other hand, along with the increasing cosmopolitan power of the EU market, the further process of economic Globalization across the world from the 1990s until the 2010s continued to demonstrate the declining significance of the UK in economic regulation of its domestic industries despite the fact that the London City dominated trade in the eurozone and EU financial markets (Callinicos, 2017: 189-190). At the same time, powerful multinational corporations constrain

States' sovereignty, and a growing number of international free trade agreements and institutions push markets and their commodities beyond the state borders, as claimed by Globalization and neoliberal institutional theories (Meyers, 2000: 1266-1267).

Economic Globalization has become the most remarkable kind of Globalization, often equated with global Americanization or McDonalozation. Most economists, sociologists and geographers agree that Trans-National Corporations (TNCs) are the major institutional form of transnational practices. Those serve as a key to understanding the process of Globalization (Delanty and Rumford, 2007: 94 and Vertovec, 1999: 452) and the increasing power of a market-based transnational EU. It explains the mobilization of potential immigrants (of any category) in the sending societies, as well as the interest of domestic employers in acquiring them but not their actual acceptance by the British state (Joppke, 1998b: 269). This indicates that the movement of the EU segmented labor is completely dictated by the rules and demand of the free market and its corporations, and this is a process that none of the EU Member States can resist or control so far, including the wealthy and hegemonic ones, such as the UK.

4.8.2. 'New Labour' and the Accession of Eastern Europe

In the neoliberal 'New Labour' agenda (1997-2010) bonded to the EU project, business elites in the UK were bringing in cheap labor among European commodities (Turner, 2016: 690). The EU enlargements that occurred in 2004 and 2007 were unprecedented in scale in the EU's history, which demonstrated the power of economic Globalization in full effect where physical territory across the continent no longer matters. The majority of the ten Central and Eastern European countries that acceded in 2004 and 2007 combined weak domestic labor protection systems with a high proportion of workers and enterprises aimed to take advantage of free movement rights provided by the European Treaty (Zahn, 2016: 387). That approach of dependency theory was effectively demonstrated when Employment Agencies, British industries and British Trade Unions lusted for more cheap labor during the EU enlargement processes in 2004 and 2007 in Eastern Europe, when this country used the

approach of post-colonialism within Europe for the sake of extracting human commodities (Afonso et al., 2020: 538; Kinnvall, 2016: 155 and Samaluk, 2014: 19).

According to the international migration (world) system and hegemonic stability theories, it is possible to view the process of EU enlargement as a colonial endeavour where the hegemonic Western region exploits the peripheral former Eastern European states after the collapse of Communism in the East (Kinnvall, 2016: 156 and 157). Indeed, after massive privatization in Eastern Europe caused by Shock Therapy in those peripheral Member States, it was very beneficial for British firms and recruitment agencies that used colonial practices to commodify and import even high-skilled human commodities. Moreover, according to neoclassical economic theories, as a conceptualized form of investment in human capital on a permanent basis, this segmented labor from low-wage countries is demanded by high-wage UK, where they can be more productive and eventually find work relevant to their skills (Massey et al., 1993: 434).

This pre-Brexit immigration regime has enabled the development of a valid business model in some firms of certain sectors with relatively large proportions of low-skilled jobs where EU migrant workers fill vacancies undesired by native Britons and consequently addressing labor shortages more generally. This model may be characterized as a low road one from an economic development perspective since the jobs involved are often characterized by relatively low wages and under-utilization of many foreign workers' skills, especially where highly skilled workers from Europe, with rich and diverse skills and experience, fill low-skilled jobs (Anderson et al., 2006: 89; Green, 2019: R22 and Samaluk, 2014: 218). In comparison with other immigrant groups, A8 denizens were heavily employed by agencies in the manufacturing and hospitality sectors (hotels and restaurants) (Clancy, 2008: 22).

Despite the injustice, Eastern Europeans definitely demonstrated their self-worth in low-skilled jobs and were raised with a hard work ethic in their home countries with the upbringing to complain

very little about their employers (Samaluk, 2014: 163 and 181). Also, as a result of this individualism and decentralization, self-selection theory becomes crucial to the analysis of migration from a supply-side perspective, where especially positively self-selected migrants prefer to move to places (such as the UK) where they would be better paid than in the country of origin (Liebig, 2003:10), amid gaps in income and employment opportunities between the new and old Member States (Machin and Vaitilingham, 2017: 80, 82, 83 and 84 and Yang, 2014: 73). In result to this, new EU denizens mainly find employment in semi-routine and routine occupations (Drinkwater et al., 2009: 172). Aside from that, from the late 1990s, Poles, in particular, increasingly took advantage of a provision granted by the Europe Agreement of 1991 (ratified in 1994) between the EU and candidate states that allowed migrants to launch their own enterprises (ibid: 164). In parallel to this, between 1997 and 2008, the UK actively sought to revitalize the job market with highly skilled migrants alongside students who accounted for 52% of migration during Tony Blair's and Gordon Brown's premierships (Manktelow, 2019: 89).

Indeed, opening the wide doors for Eastern European immigration contributed positively to the British-based transnational corporations. First, even though most of them were employed in the low-wage and low-skilled sectors, there is no significant evidence that they came to the UK to claim benefits. Instead, A8 and later A2 workers come to work (Blanchflower et al., 2007: 15 and Devlin et al., 2014: 34) despite the fact that they are entitled to do this when they are registered under the Work Request System. This mobility of Eastern European nationals indeed helped to reduce inflation and lowered the natural rate of unemployment, eased bottlenecks in the labor market, increased the flexibility of the labor force, eased inflationary pressure points on the economy and had no discernible negative impact on unemployment in the UK (Pollard et al., 2008: 54 and Reed and Latorre, 2009: 34). Workers from Eastern European states have plugged skills gaps in Western European countries that have opened their labor markets (Barysch, 2005: 1). In English firms, during 2008 and 2009, positive

contributions of ethnic diversity on innovation and exporting (ideas pooling, knowledge spillovers and diaspora networks) outweighed any negative elements, such as lower trust towards minorities and social capital discrimination. Thus, such results are positive for the nourishment of British capitalism regarding innovation and exporting (Nathan, 2005: 291). Amid such labor contributions from EU-segmented labor, other than an unexpected slight increase in wages among natives or naturalized Britons, there is also a lack of evidence that immigrants take away jobs from British nationals. The UK's unemployment rate was relatively low in the 2008–2015 period, peaking at just over 8% in 2011 before falling back to slightly over 5% by 2015 (Doherty, 2016: 380; Dustmann et al., 2012: 166; Gilpin et al., 2006: 29; Lemos and Portes, 2008: 3-4; Reed and Latorre, 2009: 34 and Ruhs and Vargas-Silva, 2020: 3-4).

4.8.3. Celebration of European Cosmopolitanism or Neo-Liberal Form of Ethnic Governance?

Neoliberal 'New Labour' ignores that many people belonging to minority groups have become proportionally economically disadvantaged because of their lack of wealth and their role in the middle/upper classes under the new form of ethnic governance under laissez-faire capitalism (Saha, 2018: 61 and 63). In addition to this, only wealthy nations like British state still remained as the ultimate guarantor for EU or global capital (primarily because of its Pound Sterling monetary power) to either enhance or limit certain human rights of European commodities in order to achieve exploitative means of expanding capitalist economy for the sake of own profit (Sassen, 1998: 53).

First, in terms of enhancement, the pro-business Blair government allowed immediate free movement for A8 workers because the economic base was strong and there was high labor demand (Devlin et al., 2014: 16; Salt and Millar, 2006: 346 and Wright, 2010: 162), which, also ideologically, chimed with multiculturalist 'New Labour'. EU free movement was related to the fully deregulated British labor market, in which the existence of flexible migrant labor became crucial (Dennison and Geddes, 2018: 1142).

Second, in terms of restrictions, it is important to indicate that the large EU influx from 2004 included not only skilled workers but also their dependants (children and seniors), unskilled workers and other individuals who may be long-term unemployed and/or potential contenders for welfare support. In order “to manage migration, to prevent the benefit tourism and to address the concerns of many British natives who were subject to austerity measures aimed at deficit reduction” (Morris, 2019: 86), Blair’s government granted seven years delay of free movement, from 2007 to 2013, towards Bulgarian and Romanian immigrants after the second enlargement (Wright, 2010: 157). After the labor restrictions were lifted on 1st May 2014, Romanians and Bulgarians faced some limits for claiming social benefits for up to three months in order to deter people from coming from these countries (Gellérné, 2016: 153-154). As a result of these kinds of limitations, disadvantaged EU labor migrants, many of whom were living on the move, cannot properly settle, integrate and stay on a permanent basis (Lulle et al., 2018: 3).

In ‘New Labour’, the cultural economy of race and ethnicity only becomes a new kind of commerce and capital, where racial difference is glamorized and indeed seduces the other into thinking that this represents an opportunity for cultural and economic recognition (Saha, 2018: 67). Indeed, an indication of the racialized politics of neoliberalism is contained in the very idea of a working class that can be distinguished along racial lines as both left behind and ‘white’ (Holmwood, 2017: 32). Other than that, it also proves that EU foreign-born denizens would rather remain ‘ethnicized’ instead of transforming into ‘cosmopolitan’ category of people in the UK among whom more resourceful ‘segmented reserve labour’ are favoured.

4.9. RE-THINKING REGULATION OF EU MARKET (2010-2016)

The financial crisis and recession in 2008 were demonstrating the first turbulence of the economic system. In this context, freedom of movement becomes the most controversial of the four freedoms of goods, services, capital and people, and is the one that is least compatible with a normal

nation-state (Goodhart, 2020: 100). Cameron has presented his slightly Eurosceptic stance during 23rd January 2013 Bloomberg Speech, built on five principles on the renewed Single Market, amid increased Thatcherite-era fear of regulatory takeover of domestic liberalization by supranational agents (Rosamond, 2020: 1090 and Westlake, 2017: 14). The first principle is competitiveness with less EU Directives and creating a less bureaucratic and centralized union. The second principle is accepting flexibility regarding the diversity of economic and political integration. David Cameron's third principle is that "power must be able to flow back to Member States, not just away from them". Cameron's fourth principle is accepting national parliaments as "the true source of real democratic legitimacy and accountability in the EU". The fifth principle is fairness, which would protect the integrity and fairness of the single market for all EU member-states (Wall, 2020: 278-279).

Each of these principles, one way or another, followed David Cameron's Coalition policy agenda that advocated for control of immigration policy and to cap the overall level of net migration in order to attract the brightest and the best among the EU denizens (Park et al., 2012: 27). In addition to this, in order to prevent abuses of its social benefit system by potential underclass among EU foreign-born nationals, David Cameron implemented from January 2014 three months wait for EU jobseekers before application for work benefits in contrast to retained workers who require six months instead. Furthermore, a minimum earnings threshold has been introduced for the European Economic Area (EEA) to the designation of worker status (150 Pounds per week from 1st March 2014). Other than that, new jobseekers have been excluded from eligibility for Housing Benefits, and in March 2015, the Parliament approved provisions to exclude EEA jobseekers from eligibility for the Universal Credit system (Government of the United Kingdom, 2013; Government of the United Kingdom: Department for Works and Pensions, 2014 and Morris, 2019: 87).

On the other hand, there were three aspects that thoroughly explain why it was unrealistic for David Cameron to restore significant control over EU immigration despite minor concessions that deal

with the ones who are unemployed or aim to rely on welfare. First of all, where transnational economic spaces have been extended and formalized, the existing frameworks for immigration policy become very problematic. Secondly, economic Globalization demonstrated the displacement of government functions to non-governmental or quasi-governmental institutions. Third, the legitimization process for states under the rule of law calls for respect and enforcement of international human rights codes, regardless of the nationality and legal status of an individual. Last, the state itself has been transformed by this combination of developments, with the implementation of the transnational regimes—whether the global rights of capital or the human rights regardless of nationality (Sassen, 1998: 72-73). One way or another, all those three aspects reflect that none of the restrictions would ever fundamentally apply, especially in conditions where numerous EU foreign-born nationals effectively function as a ‘segmented labour force’ in a neoliberal market.

CONCLUSION

By the beginning of the 21st century, the termination of post-colonial Keynesianism and the rise of the free-market ideology is connected with the general political and economic shift called neoliberalism and ‘Globalization’. This has often been presented as a gradual decline of state relevance by the powers of major free-market economic actors (Hearn, 2017: 27) while capital accumulation was becoming increasingly internationalized and later globalized. The decentralized and the deregulated capitalist EU market programme assures mass immigration and super-diversity, as it further demonstrates the growing insignificance of national borders, sovereignty and nationality itself in a frontier-free community (Barber, 2015: 310-311; Morris, 1994: 139 and Sassen, 1998: 58-59). The EU eventually takes up the role of treaty-based political entity with an increasing deal of power ‘to create and supervise a common economic market, in which the free movement of goods, persons, services and capital is ensured’, as originated by Article 7a of Treaty of Rome (Calhoun, 1994: 184 and Joppke, 2001: 353). That is why there have been large population flows and rapid growth of permanent foreign

residents in host societies, alongside expanding recognition and enforcement of rights among European ‘segmented reserve labour’ over and above those rooted in membership of a particular nation-state (Morris, 1997: 192).

While awarding rights on the basis of socioeconomic class, the neoliberal elitist model of free movement within the EU zone stigmatizes the working poor who are usually under or unemployed and who rely on welfare (O’Brien, 2016: 939). Those individuals among EU and British nationals who are unfit for the prosperity of the market can be regarded as a modern-day underclass. The next two chapters will prove that disadvantaged EU citizens are less demanded by British capitalist society and, like prior to Brexit, are least protected by neoliberal EU treaties, especially in times of crisis. This would also state that EU Treaties did not achieve the ultimate goal of making EU foreign-born nationals residing in other Member States into real ‘cosmopolitan’ individuals.

Chapter FIVE

BRITISH PUBLIC ATTITUDE: THE 'OTHERING' OF EU CITIZENS AS A TARGET GROUP

Brexit clearly demonstrated that the public attitude factor among ordinary Britons has always mattered and cannot be disregarded (Hearn, 2017: 19) by politics and the capitalist economy regarding the control of borders and the free movement of persons. Schneider's and Ingram's (1993) theory was correct that the social construction of target populations has a powerful influence on public officials and shapes both policy agenda and the actual design of British citizenship or nationality and immigration policies (1993: 334). Also, despite the fact that the UK has already been an active player in the global migration market to benefit itself, Meyers (2000) was right that racist attitudes among Britons also affect the migration pattern. Xenophobia pushed UK authorities to enact certain restrictions (but never leading to an absolute halt or reversal of an open-door migration policy!) for denizens of dissimilar ethnic (non-White British) origins from the 1960s until the 1980s (Modood and Salt, 2011: 6 and Meyers, 2000: 1247). Thus, the attitude may indirectly affect policies regarding how EU foreign-born nationals exercise their freedom of movement, get hired in the British labor market and, to a lesser extent, accessing social security benefits. In more recent cases, the Brexit Referendum on June 23rd 2016 demonstrated that the phenomena of Eurosceptic treatment towards EU citizens and project is already persistent in the long-term, as opposition or criticism to Europe is as old as the idea of European integration itself (Spiering, 2004: 127 and 131 and Wassenberg, 2020: 55 and 59).

Nonetheless, either tolerant or xenophobic treatment towards the presence of EU foreign-born nationals has always been significantly reflected by cost-benefit rationale among the British mainstream, whom includes small-, medium- and large-sized employers. By relying on Economic Competition Theory, it is important to reflect on how the British mainstream faced benefits or pressure

from EU workers in each historical stage of EU integration and immigration.

5.1. BRITISH WHITES and EUROPEAN ‘COLOUREDS’ (1962 -1973)

The latest period of Imperial decline (1962-1973) is the first remarkable timeframe for analysis as it took place in the historical crossroads. First of all, the British Empire was facing its final and decisive post-WWII crumble of the white supremacist Colonial Era, which vastly minimized access to overseas resources of all kinds. Second, the UK took its first step of giving up its sovereignty and control of borders by acceding to the supranational European Community in 1973. Last, the British nation-state was inevitably becoming increasingly multicultural and diverse, where the Britons commenced to live and work side by side with EU denizens. Therefore, for the sake of constructive comparison, it is mandatory to discuss in thorough detail how the British treated EC foreign-born nationals back in these years and what Britons really expected from this kind of immigration before feeling the first effects of the EU project.

5.1.1. White Supremacism and ‘Racialization’ of European Immigrants

In the 1960s, forms of discriminative colonial-era racialization towards foreign-born nationals were prevalent in the UK. British identity was constructed alongside ethnic and racial lines with the exclusion of others. This was not only part of exclusionary rhetoric but the foundation for racist attitudes and slogans, such as “no blacks and no dogs allowed” and “there is no black in Union Jack” (Kivisto, 2002: 141). Saha (2018: 51) argues that regardless of the potential for contestation and disruption of capitalism, a theory of race and cultural production recognizes racism as a powerful structural force in all Western societies for the exploitation of foreign-born labor. These controversial classifications reflect the colonialist and ethnocentric legacy of the British empire, where the metropolitan British nation was predominantly white and exploited overseas sections of the empire that were ‘non-White’.

It is also important to indicate that British discourse towards foreign minorities was

transforming from skin colour in the 1950s to race and culture in the 1960s, then to ethnicity in the 1990s, and finally to religion in the more recent period (Grillo, 2010: 58). Although the original meaning of being British was strictly meant to be white (Modood, 2007: 18), racialization did not necessarily mean that it has to be based on phenotypical and biological difference. It also concerns the ethnocultural origins and anthropological type of a foreign-born person as well, including EC denizens who moved to Britain in the first decades of the post-WWII era. There is an excellent example with Irish nurses who mostly migrated between the 1950s and the 1970s, when they were counted as white and EC insiders but, at the same time, as ‘cultural outsiders’ (Rzepnikowska, 2019: 64 and 65). Furthermore, Dyer (2007) once recognized the distinction between the whiteness of the “English, Anglo-Saxons or North Europeans from Southern or Eastern Europeans due to the specificity of the former in the past 19th and 20th centuries” (ibid: 64). Thus, in relation to Britons, EC foreign-born nationals from the Mediterranean basin (Italy, Cyprus and Malta) were treated as marginalized groups in the same manner as their Commonwealth counterparts and other migrants from overseas. British racism of the colonialist period attached great significance to culture and bodily characteristics - skin colour, hair type and facial features (Laden and Owen, 2007: 69-70), which are distinctive among swarthy-skinned Italians, Maltese and Greek Cypriots of Mediterranean upbringing from the fair-skinned native Britons belonging to ‘supremacist’ Nordic heritage.

5.1.2. Freedom of Movement and Residence

The racialized background that dominated British society became more visible with the large-scale immigration after WWII. Despite the need to bring in workers from the Commonwealth to support its economic and capitalist goals, British society was not willing and tolerant enough to accept, integrate, or assimilate the newcomers. Drawing from group conflict and contact theories, the Commonwealth immigrants, including those from Cyprus and Malta, experienced very racist treatment from British society. According to the earliest-available surveys from 1963 (Butler and Stokes, 1979),

the native public has always favoured a reduction in the numbers of ‘coloured’ (a controversial term used in official statistics in the 1960s) residents, regardless during this period, the immigrant inflows were still very low, and the UK was considered as a culturally homogeneous society.

According to the Political Change in Britain 1963-1970 report published in 1979, 83% of the respondents stated that there were too many immigrants who were let into the country, while 12% gave no complaint in 1963 (Butler and Stokes, 1979: 63-5 and TABLE 1A). In 1964, the analogous results were 81% vs. 13%, and in 1966 - 81% vs. 14%. Furthermore, in 1964, 52% of those respondents with negative connotations demonstrated very strong concern, 34% had fairly strong and 14% were not very strong. In 1966, the analogous results were 54% (had very strong concern), 33% (had fairly strong) and 13% (were not very strong). That is why Conservatives were gaining support because in 1964 and 1966, 26% of respondents in both cases believed that Tories would keep immigrants out in comparison with Labourites 19% (in 1964) and 13% (in 1966) (ibid: 64-5 and 66-5, and TABLE 1B).

TABLE 1A - Disapproval of ‘Coloured’ (incl. Cypriots and Maltese) Immigration in the UK (1962-1966)

	1963	1964	1966
Too Many	83%	81%	81%
No Complaint	12%	13%	14%
Other/No Response	5%	6%	5%

TABLE 1B - Concerns on ‘Coloured’ Immigrants among ‘Too Many’ Respondents (1962-1966)

	1963	1964	1966
Very Strong	N/A	52%	54%
Fairly Strong	N/A	34%	33%
Not Very Strong	N/A	14%	13%

Both of these surveys indicate that Britons did not aim to eventually accept or integrate EC foreigners as part of British society or workforce on a permanent basis. It was needed to hire this underclass in order to quickly restore industries damaged by WWII, to achieve long-term economic expansion, and then to deliver them back to their 'inferior' countries of origin. Therefore, Britons were not ready to give up any movement and residence control and preferred to appeal for keeping those temporary EC denizens under close monitoring, like all other foreigners.

That is why, to re-gain voters' support, the anti-racist Labour Party conceded to implement the Commonwealth Immigrants Act 1968, which expands initial restrictive measures of the Commonwealth Immigrants Act 1962, enacted by the Monday Club Conservatives who continued to embrace ethnocentric 'White supremacist' colonialist mentality towards 'non-White' Commonwealth immigrants (Guild, 2016: 38). Denial of entry to 'coloured' or New Commonwealth (including Maltese and Cypriot) migrants enhanced during 1962 and 1968 Commonwealth and 1971 Immigration Acts and instead, only enabled the return migration of White British settlers from the Old and New Commonwealths. The latter category indicates that Commonwealth residents should be free of immigration control if they had a 'substantial connection' to at least one parent or grandparent born or naturalized in the UK (Clayton, 2016: 10; Joppke, 1998a: 131-132 and 146; Joppke, 1998b: 287-288; Morris, 1994: 145 and Prabhat, 2019: 200-201).

Nevertheless, it was still not enough, and that is the reason why Enoch Powell's controversial speech 'Rivers of Blood' about fear of being flooded by foreigners successfully appealed to the British public to re-elect Tories (in 1970 and again in 1979). The Tories enacted further restrictive immigration policies based on racist attitudes, such as the Immigration Act 1971 (Joppke, 1999a: 110-111). Those British immigration policies were formulated based on birth and ancestry through the introduction of an ethnic marker that had so far been absent from the precise definition of Britishness (ibid: 104-105). In parallel, not surprisingly, Britain did not ever sign and ratify the EC Fourth Protocol to the European

Convention on Human Rights (1963), which dictates that “no one shall be deprived of the right to enter the territory of the State of which he is a national” (ibid: 110). Indeed, primary Cypriot and Maltese (Commonwealth!) immigration had effectively been halted before 1973, with no turning point on lifting any restrictions during the Oil Crisis (ibid: 102).

Prejudice and racism among native Britons stimulated authorities to deny or to vastly restrict rights of entry and residence for EC migrants instead of promoting integration policies (Prabhat, 2019: 200-201). These policies were partly successful in weakening rights and keeping out these New Commonwealth (including Cypriots and Maltese), an attitude that contrasted with an open-handed attitude towards descendants of British settlers (Old Commonwealth) who belong to the White British (Northern Irish, English, Cornish, Welsh and Scottish) identity (Joppke, 1999a: 108).

5.1.3. Purpose of Facing Discrimination in the Workplace

Indeed, migration flows were tempered rather than halted or reversed indefinitely by these restrictive migration policies in the 1960s and the 1970s (Park et al., 2012: 27). This fact contradicts the statement that British authorities and employers were ever interested in ultimately abandoning its capitalist goals to exploit the foreign labor. Instead, in the accounts of colonialist and orientalist discourses, the construction of racial and ethnic stereotypes was seen as nothing else but a crucial element for the prosperity of the hegemonic project. This allows Britain to exploit its migrant commodities from colonial or Commonwealth realms (Young, 2000: 268-269), as well as from the less developed countries in Europe, primarily Italy.

While Hall (1980) criticizes a dichotomous view on race and ‘class’ relation (Solomos, 1986: 92), more pragmatic scholars such as Miles argue that the idea of ‘race’ actually hides real economic relationship between the oppressors and the oppressed, and prejudice is provoked in the context of class differentiation by the bourgeoisie for its inhuman and degrading treatment of the workforce (Back and Solomos, 2000: 7 and 8 and Miles, 2000: 127). Therefore, class is not the operation of a race-neutral

economic system but itself a part of an economic system that was deeply racialized in post-WWII Britain (Bhambra, 2017: S227).

Despite the fact that the British ruling class justified colonialism and imperialism as an attempt to civilize inferior races through assimilation, the Maltese and Cypriots instead faced ostracism, racism and hostility that forced them to occupy the jobs unfavourable by the working class among the mainstream (Miles, 2000: 130). Thus, Cypriots, Maltese or any other immigrants were negatively regarded as a segmented and powerless group who were “proximate targets of the extent of socio-economic burdens that will be greater than is needed to achieve effective results” (Schneider and Ingram, 1993: 337). Also, those permanent workers were solely serving as the ‘reserve army’ of cheap temporary labor (or underclass) to sustain local capitalist expansions, and their presence has assisted the division of the working class through machinations of prejudice (Miles, 2000: 131 and Wolpe, 1986: 120).

As a result of this, the otherness of all these minorities became identifiable by their origins and by their occupations and class as they were also forced to be stuck in poverty and live in poor housing and in crime-ridden estates (Cross, 1992: 2-3 and 9). Those hostile conditions of the racialized labor markets during the 1950s and 1960s in the UK, equivalent to the systematic ethnic composition of labor (Cohen, 1992: 23), had maintained higher-wage jobs for White British workers. As a result of this, “the process of racialization has effects on, but is also structured within and by economic relations” (Wolpe, 1986: 124), and ethnic ideologies derive from the economy (ibid: 118), while capitalist relations invoke the notion of the false consciousness (ibid:119-120) in British society, where ‘inferior’ Cypriot and Maltese immigrants were entitled to work in low-paid and unaffordable jobs and get employed by their ‘civilized’ White British employers (regardless of their class background). As a final result, racial and ethnic discrimination indeed facilitated a process of labor exploitation and ‘otherness’, which had been established from the historically specific processes of colonialism and

imperialism that accompanied the development of capitalism as a global exploitative system (Miles, 2000: 128). Ultimately, discrimination and harsh discrimination in the workplace were definitely functional on account of racialized attitudes, which also did not favour foreigners to stay in the UK on a permanent basis and/or become adsorbed into the mainstream.

As a final result of those racist attitudes, the British bourgeois achieved their goals of gaining profit by encouraging racism through their control of the educational system and the mainstream media (Meyers, 2000: 1249). Therefore, the purpose of post-colonial racial theories was to regulate the current organic crisis of British capitalism (Solomos, 1986: 92). According to Economic Competition Theory, racist ideological insights were incorporated into class consciousness among the British workers (Weakliem, 1993: 395) that were prioritizing the ‘effect’ of the relations of production (Solomos, 1986: 100). The employers were successful in delaying and in limiting anti-racist policies to keep their exploitative control over foreign-born subjects as longer and as effective as possible.

Attempts to legislate against racial discrimination were largely ineffective. The Race Relations Act of 1965, which “outlawed discrimination in public places and incitement to racial hatred verbally or in writing” (Panayi, 2000: 202), was only applicable to places of public resort, such as hotels and restaurants, where only high-income and upper-class immigrants could afford. There was still no alternative for low-income and lower-class migrants to obtain proper access to basic needs, such as food and housing (BBC, 1965). Only the amendments enacted in the Race Relations Acts of 1968 and 1976 have ultimately criminalized racism toward disadvantaged Commonwealth citizens but those processes were overdue amid the political and economic pressure of the bourgeois class. Nevertheless, as the votes, complaints and demands of Commonwealth denizen workers were becoming more significant, discrimination in housing and workplaces became less reliable to acquire profits for the British domestic firms and industries within the Fordist regime of accommodation (Kymlicka, 2013: 102).

There is clear and consistent evidence of long-standing racial and ethnically based oppression, where racism was practiced most obviously against minorities in the sanitary sector, in housing, in education and in employment (Allen and Macey, 1990: 383-384). This strangeness and ‘newness’, as well as the lack of English language by some EC denizens, were identified as the main source of problems, “with the concepts of prejudice and discrimination being largely confined to individual states of mind and action” (ibid: 376). The arguments demonstrate the fact that postwar immigration to Britain from the Commonwealth, including Cyprus and Malta, was essentially undesired immigration (Joppke, 1999a: 101-102). The migrants remained as post-colonial subjects for two reasons. First of all, because of colonial legacy, and second, because they “radically contest the ‘place’ assigned to them” by existing political and legal boundaries (Kinnvall, 2016: 159-160).

Racism and discrimination in the workplaces and households, and fear of being deported by British authorities indeed emphasize the treatment of European (Cypriot, Italian and Maltese) nationals living and working in the UK. Such statements of cultural and biological stigmatization were very viable even when their numbers were not large. Ultimately, those targeted Commonwealth migrants were portrayed as dependents or deviants who frequently failed to mobilize or object to the distribution of benefits and burdens because they had been stigmatized and labeled by consequent restrictive British Nationality policies. Thus, they also would not see themselves as legitimate, participative or effective agents in the British public (Schneider and Ingram, 1993: 344). In short, racialization and migration have a long history in British society, deeply intertwined with economic needs and societal prejudice against otherness. This pattern will resurface in new ways as freedom of movement becomes part of the economic strategy of the British government as it seeks access to EC markets.

5.2. EC REFERENDUM and ITS AFTERMATH (1973-1979)

In 1975, the UK European Communities membership referendum that took place on June 5th provided the electorate with an opportunity to vote on a sole issue regarding leaving or remaining in the

EC. This was the point when the EC did not yet possess any strong form of complex socio-political project (Susen, 2017: 154), and that is why the original form of British ‘Euro-scepticism’ (a very original ‘hyphenated’ term given by The Times newspaper), which is today relevant to the ‘soft’ one, opposed economic integration into the EC market in order to protect its own sovereignty (Spiering, 2004: 128-129). Thus, debates were more about economic opportunities instead of immigration (Holmwood, 2017: 38), regardless that back in 1974, conservative nationalist and partisan Enoch Powell encouraged leaving to prevent any further influx of foreigners (ibid: 32).

British voters were rather concerned about whether the EC would ease the economic hardships caused by the oil crisis of 1973 and would guarantee more security from any wars under the slogan that nationalism kills (Saunders, 2016: 320). The ‘Remain’ campaigners, such as Britain in Europe (BIE), supported by the European Movement, the business community, the press and the Anglican Church, argued that it was economic difficulties, not EC integration itself, threatened UK sovereign power (Miller, 2015: 22 and Saunders, 2016: 319). The Conservative Party’s main position has always been based on expanding the regional market for British commerce and industries while avoiding any attempts to build any pro-welfare initiative in an economic-based EC project. Thus, moderate Tory supporters did not object to their leader and Prime Minister Edward Heath acceding into the block back in 1972 (Polomarkakis, 2018: 294).

Nevertheless, the loudest voices of Euroscepticism were demonstrated among Labour Prime Minister Harold Wilson and his successor, Foreign Secretary James Callaghan. As opposition, they have called up for the denial of economic EC integration based on its capitalist roots while appealing to a socialist sentiment among British trade unions (Moore, 2017: 359). That is also why, in 1973, they demonstrated flexibility towards Eurosceptic Tories to give the British public a democratic choice on a major issue they were not previously asked. Nevertheless, the Labour government eventually endorsed European integration as it secured agreement with eight other EC member partners during Paris

Summit (December 1974) and Dublin European Council (March 1975) on issues such as European regional policy, a budgetary correction mechanism and market access for New Zealand dairy products (Miller, 2015: 4). As this agreement secured British sovereignty by safeguarding its independent trade relations and economic interests with Commonwealth partners, the pro-market 'Remainers' were satisfied with 67% of public approval to remain in EC. This kind of public approval was later confirmed by 'British Election Study in 1975' with the survey result (that never questioned the concern regarding EC immigrants), where 987 respondents believed that the common EC Market is a good thing, 606 responded believed that it would not matter in either way, and only 478 responded stated that is a bad thing (Saerlvik et al., 1984: 31).

One way or another, the issues about the EC market and approval of EC membership highlight that the British public did not express any real concern related to EC workers, including their rights to reside and to work as a fundamental element that concerns being part of membership. Three reasons behind this are, first of all, EC migrants strictly fulfilled the economic obligations of the European market. Second, there is no existing evidence of public opinion concerning EC workers in terms of ethnicity or race. And third, it is unlikely that there were too many of them. It is hard to estimate their real numbers amid the lack of reliable figures on nationality and ethnicity between 1971 and 1981 but it is unlikely that it was as significant as the oil crisis in 1973 and its aftermath that pushed away many temporary Italian workers and their families to return home or to move elsewhere. By the time when Margaret Thatcher came to power in 1979, the UK public continued to be more primarily concerned about economic difficulties caused by the oil crisis instead of insignificant EC immigration. Britain was one of the poorest original Member States in terms of relative prosperity despite being the second-largest net contributor to the EC budget after West Germany. That is why its issue of being part of Europe was not seriously debated during the Conservative manifesto for the 1979 election (Wall, 2008: 5).

5.3. THE RISE OF EUROSCEPTICISM DURING THE ‘NEW RIGHT’ ERA (1979-1993)

5.3.1. Individualism Replaces Collectivity

With Margaret Thatcher’s claim that there is no such thing as society, the responsibilities and obligations of all residents in Britain (including denizens) were transferred from the welfare state power to the level of individual with voluntary engagements in civil society who can express Britishness or belonging to any other identity in her/his own personal way (Modood, 2007: 126 and Soysal, 2012: 12). The identities have become defined as individuals (Laffan, 1996: 83) and the minority rights of EC immigrants in the UK were also no longer regarded as primarily communitarian as it was in the pre-1989 era and instead those become very liberal and ‘individualistic’ (Laden and Owen, 2007: 27).

The ‘New Right’ social policies were founded on principles of individualistic ideology, which “assumes theoretical primacy of individual actors rather than of pre-existent social groups” (Mason, 1986: 16). It is more relevant to Emmanuel Kant’s theory, suggesting that individuals act rationally to achieve maximum advantage in relation to their preferences. Consequently, individualistic non-discrimination and human rights norms commenced the course of dismantling “nationalism’s last (though also the first and the short-term) bastion” of post-imperial British nation-state, aiming to erase ethnic and cultural particularism from its legislations and policies (Joppke, 2005: 54).

5.3.2. The Formation of a European Community

Until the late 1980s, “the process of European integration was accompanied by a ‘permissive consensus’ on the part of the European citizenry” (Steenbergen et al., 2007: 15). Consequently, the younger generations among EC and British were becoming truly the leading social force advocating for more opened borders and regarded the state only as the main protector of individual rights. The rights and claims of denizen individuals were developed based on the idea of a transnational community through emerging international codes, conventions and laws on human rights independent of their

citizenship in a nation-state (Soysal, 1994: 142).

Hypothetically speaking, the British mainstream is supposed to demonstrate some shift of attitudes towards EC foreigners amid the Americanization of Western societies, succeeded by wider processes of Globalization that caused generational changes and major changes in values and identities, and socio-cognitive structures (Delanty and Rumford, 2007: 4 and 19). Thus, the rest of the section indicates to what extent this statement is valid in the British case by analysis of achievements and shortfalls during the ‘New Right’.

5.3.2.1. Achievements of Europeanization During the ‘New Right’

In the British case, according to Eurobarometer Surveys in 1987 and 1988, more Britons celebrated the European Unity, with 20% supporting very much and 40% to some extent advocating for unification, while 7% opposing it very much and 18% at some extent against it (in Spring 1988), and 38% (generally) and 14% (strongly) of respondents were supporting the idea of United States of Europe and 21% (generally) and 16% (strongly) opposed to that (in March 1987) (Commission of the European Communities, 1987: A8; Commission of the European Communities, 1988: B48 and Pinder et al., 1991: 104-105). Supporters believed that EC integration protects British national identity instead of impairing it, which fulfills Thatcher’s European vision to “preserve traditions, parliamentary powers and sense of national pride in one’s own country” (Wall, 2020: 186). Indeed, it demonstrated some shift from an ethnocentric view — a focus on British ancestry — to a civic understanding of Britishness as respect for the rule of law and shared (broadly liberal) values, where British society was moving into the direction of ‘public neutrality’ (Joppke, 2005: 54).

5.3.2.2. Shortfalls of Europeanization During The ‘New Right’

Paradoxically, a more positive understanding of EC integration did not translate into more flexible migration policies. There are three reasons behind that insufficiency. The first one is that British people were still electing the Tory party that advocated for the reduction of foreigners in the

UK. Second, the number of Commonwealth immigrants still overwhelmingly prevailed over the EC foreign-born nationals. In 1990, Italians made up the largest non-Irish European group, with only 75,000 persons among all the 1.9 million foreign-born citizens (Castles, 1993: 10). The third one was that west-centric notions of liberal-democratic and market-based individualism and human rights are even nowadays alien to collective customs held by foreign nationals from traditional non-Western countries, including Eastern Europe. In recent examples, being free from the traditional customs of Romania or Poland and discovering some 'bigger picture' was constructed as a feature of a Western lifestyle in the UK. This also somehow reflects contradictions between 'superior West' and 'inferior East' (Andreouli and Howarth, 2019: 286-287 and Turner, 1993: 499). In pre-1989, this type of liberal and 'individualistic' approach towards minority rights was even more prevalent in Anglophone and Western European societies (Laden and Owen, 2007: 27).

Perhaps this stereotypical and somewhat racist rhetoric among the British public pushed British authorities to enact more restrictive British Nationality Act 1981 and Immigration Act 1988 (Platt, 1991: 36 and Prabhat, 2019: 202), despite the fact that racialization of foreigners becomes no longer valid (Joppke, 1999a: 111-112). Enoch Powell and other xenophobic voters who elected Margaret Thatcher celebrated the enactment of the British Nationality Act 1981, which officially declared Britain as a nation-state and citizenship in the ruins of the colonial Empire. According to this pioneer Citizenship Act, the British authorities have divided its colonial residents into two categories - British subjects and the Aliens. Furthermore, the term British came to mean the UK alone, rather than any wider Commonwealth, in order to protect its own heritage from the non-Western New Commonwealth contenders despite the fact that this nationality reform demonstrated little public interest among Britons and did not imitate any debate over the meaning of Britishness in a post-imperial age (Hammar, 1990: 23; Joppke, 1999a: 113 and Van Der Zwet et al., 2020: 522).

According to the British General Election Study in 1983, 43.9% of respondents expressed

satisfaction about putting restrictions on Commonwealth immigration (which was still pre-dominant among foreign-born minorities). An interesting fact to note that a significant percentage of respondents (33.1%) have replied that not enough immigrants are getting deported, while only 12.3% replied that such strict policies had gone too far and the rest 10.8% do not know the answer (Social and Community Planning Research, 1983: 22). Perhaps younger British individuals were less racist than their older counterparts in the 1980s but their relatively xenophobic attitude towards foreign-born minorities may also mean that they are not tolerant enough to live side by side with EC foreign-born nationals, especially the ones who do not share western principles, on a permanent basis. This, of course, demonstrates that despite abandoning its White Supremacist and Colonialist ideals, British society was still ethnocentric and was not on a real course toward European cosmopolitanism.

The consequent Immigration Act 1988 has also fulfilled the post-imperial legacy by removing the rights of naturalized British citizens to be joined by foreign-born spouses and other dependants (Triandafyllidou, 2001: 64), although they are already citizens of EC Member States. Also, this was another legislation proving that the British people had no desire to give up their sovereignty and identity to some cosmopolitan project. At the same time, the Euroscepticism during the 1980s also reflects that the British expected only to benefit from the EC market project and its immigrants in the same manner as they had expected while entering the EC.

5.3.3. Euroscepticism of the 1980s

First, it is important to indicate that two kinds of modern Euroscepticism have emerged since the 1980s. The first one is the rejection of the principle underlying European integration itself or ‘hard Euroscepticism’, and the second is opposition towards ‘an ever-closer union’, which its realization is run independently by the centralized EC and later on by more powerful and supranational EU (‘soft Euroscepticism’) (Susen, 2017: 154 and Wassenberg, 2020: 58a). Since the EC Referendum took place in 1973 and the British course of EC integration persisted, the idea of ‘hard Eurosceptic’ was redefined

to promote the idea that the UK or any other state should totally avoid or withdraw from the European project overall (Spiering, 2004: 128 and 130).

By the end of the 1980s, Margaret Thatcher was becoming softly Eurosceptic (relevant to 'economic' in modern-day standards) in terms of opposing any regulations and centralizations of the free market across Europe by the EC institutions. The 'hard' or 'political' Euroscepticism was limited among old-fashioned seventeen Conservative backbenchers, whom some of them, like Enoch Powell, despised the EC project from its very foundation and anti-market Labour Party leader Michael Foot who, under the 1983 election manifesto, pledged to begin negotiations to withdraw from the EU (Westlake, 2017: 6-7 and Spiering, 2004: 131). On the other hand, because of her pragmatic stance on the EC market from which the UK has benefited, Ms. Thatcher managed to win another General Election in 1987.

By the end of this 1987 election campaign, British business awareness of the opportunities of the single market through a three-month campaign of television advertising had risen from 3% to 97%, along with public support for EEC membership also rose to around 66% (Wall, 2020: 181). Few years later, among the respondents for the 'British General Election Surveys in 1992', 1319 replied that UK should continue to be a member of the EC, in comparison with 243 who preferred the withdrawal, 32 do not know the answer, and 14 have not answered (Taylor and Senior, 1993: 28). This survey also reflects that British nationals did not have any complaints about permanent residents from richer Western EC Member States with sufficient means to invest into local market economy, as well as to support themselves and their family members as required by Article 1 of Directive 90/364 (Van Der Mei, 2003: 204). That is why British people still express preferences for richer (and predominantly white) immigrants from wealthier (Western) Europe and Australia, as they deliver less pressure than the migrants from less-developed countries (including Eastern Europe). This is a stereotypical 'ethnic hierarchy' of foreigners from the different regions also exists in the UK, with richer West Europeans

regarded most favourably, followed by poorer East Europeans with net support around 15 points lower but less problematic and discriminated than non-white (particularly African and Muslim immigrants) labor force with a further 12–20 points behind (Blinder, 2011a: 2, Blinder and Richards, 2020: 2 and Park et al., 2012: 39).

On the other hand, this suggests that the British public remained least enthusiastic about the EC project that still appeared suspicious of attempts to extend integration beyond the economic dimension despite being broadly positive about the incoming EU (Cinnirella, 1997: 20). They were not anti-European but they were not really concerned about any contribution for the future of EC (including formulation of common immigration policy) or creating EC identity as such (Hewstone, 1986: 38). Britons had the lowest support towards further Western European unification in 1988 (60%) and founding the United States of Europe in 1987 (52%) in comparison with their European counterparts (73% regarding unification in 1988 and 63% regarding the proposed Union state in 1987) (Commission of the European Communities, 1987: A8; Commission of the European Communities, 1988: B48; Pinder et al., 1991: 104-105 and TABLE 2).

TABLE 2 - Support on Perspectives of European Project in 1987-1988

	Among Britons	Among Continental Europeans
Support for European Unification (1988)	60%	73%
Founding the ‘United States of Europe’ (1987)	52%	63%

In brief summary, those results indeed reflect that British individuals during the ‘New Right’ Era were less supportive of the cosmopolitan EC project than their continental counterparts. Nonetheless, regardless of evident British Euroscepticism in the 1980s, most Native Britons were still generally approving benefits from EC market projects, as well as guarantees for the protection of their

identity and co-existence of British nationhood alongside other Member States. Other than that, there is little evidence that EU immigration specifically was becoming a contested issue influencing vote choice in the 1980s among Britons (Evans and Mellon, 2019: 78).

5.4. BRITISH PUBLIC OPINION AND THE EU (1993-2004)

5.4.1. The 1990s

The development of EU citizenship was an integral part of the EU project. It was not about securing equal rights and building further political integration but it was also part of an effort to strengthen notions of EU identity. However, this was a major undertaking in the British context. Nationalist views and rhetoric often conflated the EU project as a threat to national identity and sovereignty.

At first, the rise of free market ideology (part of the EU integration), along with Thatcherism, which is connected with Globalization and neoliberalism (Hearn, 2017: 27), made British identity more fluid as it recently includes many communities and it is a subject of the evolutionary process (Gamble, 2015: 292). The neoliberal agenda of the British ‘New Right’ was eventually incorporated with the Western cosmopolitan elements of ‘New Labour’ amid Globalization and the official establishment of the European Union that were taking place in the 1990s and the 2000s (Joppke, 2008: 536). ‘Europeanization’ becomes some form of post-national self-understanding that expresses itself within, as much as beyond, national identities. Post-national and cosmopolitan currents have become remarkable within national identities, which should not be seen as resistant to global forces (Delanty and Rumford, 2007: 23). This form of individualism weakened communal bonds and identities in the late twentieth and at the beginning of the twenty-first century. This is, to some degree, an unfinished revolution (Kaufmann, 2014: 275) as younger generations become more individualistic than the older ones. Indeed, older white people feel consistently more negative both about immigration and racial tolerance than the younger groups in British society. According to the Ipsos MORI surveys in 1999,

more than four in five (84%) of those age 55 and older regard immigration as a large problem compared to 74% of the population as a whole, with the lowest level of concern among the younger age groups (only 44% belonging to 15-29 age groups stated that there are too many immigrants) (Page, 2009: 1-2).

Nevertheless, in the same scenario as in the 1980s, EU immigration surprisingly was still not a major topic that concerned British voters in the 1990s decade that exposed the real explosion of European project-making, stimulated by the collapse of the Soviet Bloc (Evans and Mellon, 2019: 78). The answer is that the number of EU denizens were still insignificant in comparison with the large number of Commonwealth immigrants, whom Britons could not fully tolerate in large numbers. Thus, it would be hard to judge expectations and reactions regarding large-scale immigration at a larger scope back in those days. According to the British General Election Study in 1997, the surveyed Britons were much more concerned about the issues of Education and Health rather than the presence of immigrants and being a member of the European Union (ESRC Research Centre, 1999: A0364, A0365, A0366 and A0367).

In reality, British people were still not European or cosmopolitan enough as expected to be at first sight. According to Eurobarometer surveys conducted from Spring until Autumn 1999, a country-by-country analysis showed that support for European Union membership remained very low in the UK (with only 29%) (European Commission, 2000: B30). In comparison with other EU Member States, British respondents still manifested a relatively weak European identity, which might conflict with the national identity of Britons (Cinnirella, 1997: 22). The attitude towards the EU among British individuals is very similar to before the EU was officially formed in 1993. This hypothesizes that EU denizens would still be treated in an unfriendly manner as Commonwealth immigrants if they were present in significant numbers before the first EU enlargement in 2004 and/or delivered economic pressure before the Global Recession in 2008.

Multiple independent studies conducted by Gabel confirm that in the 1990s, British public attitudes (like in all other Member States) towards the EU were dominated by the Economic Competition Theory based on the cost–benefit rationale. Moreover, during that period, the UK enjoyed relative economic opportunities, prosperity and stability, provided by perspectives of EU membership. Even British regions that faced higher levels of unemployment were more enthusiastic about further integration in order to ease their economic burden (Carey, 2002: 389; Gabel, 1998: 950 and Gabel and Whitten, 1997: 89, 90-91 and 92). Gabel’s findings also support Easton’s theory, which argues that British citizens who benefit directly from the liberalization of these economic gains (including through immigration), like farmers (who currently employ cherry pickers among Eastern Europeans), border residents and the highly educated middle class, would exhibit higher levels of support (Carey, 2002: 389). Thus, if there were some serious concerns among the mainstream in the 1990s, EU immigration was not on the list.

5.4.2. The 2000s

Nevertheless, one point to assess is since Tony Blair’s government adopted the ‘New Labour’ course towards further EU integration, in the consequent elections, the British working class started to defect to the Conservative party, which was increasingly Eurosceptic, while the middle and upper classes were increasingly supportive of Labour who promised prosperity by freedom of movement of capital and people in the European Union (Evans and Mellon, 2019: 78). According to the studies conducted in 2002, more economically threatened groups, such as poorer and working-class Britons, usually demonstrate more negative views regarding economic and cultural contributions of migration than richer layers of British societies. For example, less than 40% of those from a professional occupational group saw immigration as having negative economic impacts, compared with more than 50% among those from a routine occupational group (Park et al., 2012: 33).

The 2003 data collected by the British Social Attitudes survey on public attitudes towards

foreign-born nationals still reflects negativity surrounding the issue of overall immigration in the UK (Park et al., 2012: 27). Much of the demand for reduction seen in 2003 may have reflected concern about the likely future effects of continued high migration (primarily from the Commonwealth states) rather than a perception that immigrants had already had significant negative effects. Those survey results showed that 49% of the respondents replied that there are too many immigrants, 16% responded that migration should remain the same and only 23% asked to reduce a little, along with 5% asking for more diversity. At the same time, only a minority of respondents agreed (or strongly agreed) that migrants steal job places from the native workforce (45%). The surveys demonstrated even worse results after eight years, with public opposition towards immigrants increasing sharply from the already high levels recorded in 1995 when only 39% were asking to reduce it a lot, 24% to reduce it a little, 27% were advocating to remain the same and 4% were demanding more foreigners (Park et al., 2012: 27 and 30 and TABLE 3). Likewise, only a minority disagreed that migrants deliver benefits for the British economy (42%) and 25% of respondents “neither agree nor disagree” (Blinder, 2011a: 7-8). Nonetheless, this negativity does not give sufficient evidence that insignificant EU immigration delivered any serious burden or disapproval of the EU project among native Britons.

TABLE 3 - British Attitudes Towards Overall Immigration

	1995	2003
Too many immigrants	39%	49%
Reduced a little	24%	23%
Positive about migration/Remain the same	27%	16%
More Diversity and foreigners	4%	5%

5.5. EU ENLARGEMENTS (2004-2014)

5.5.1. Understanding Reactions from Britons

This section focuses on the Enlargement Period 2004-2014, which ultimately involved a very real experience of Britons facing the large presence of EU Citizens from other Member States. The initial findings show that even in early 2004, there was a positive relationship between concern about immigration and disapproval of the EU. However, the relationship strengthened substantially over time, with the gap in EU perceptions between people who worry about immigration and those who do not effectively double between 2004 and 2013 (Evans and Mellon, 2019: 81). That fear of foreign influx has subsequently re-emerged on almost every occasion when new Member States have acceded to the EEC, EC and subsequently EU between 2004 and 2007 (O’Leary and Sánchez, 2021: 507-508).

From the perspectives of the job market, the influx of EU denizens would rather be seen and treated as contenders in employment sectors by less cosmopolitan and usually rural, working-class and poorer Britons. Drawing from Schneider’s and Ingram’s target group theory, as the rights of those EU foreign-born nationals have been reinforced by EU Treaties, they are supposed to have more privilege and power than any other disadvantaged minorities who often fail to mobilize and theoretically possess the lowest level of participation (1993: 344). Furthermore, supranational rights will likely be treated with suspicion rather than with respect by the British public. Those contenders realize that conflict is common and would not rely on the British government, which is not really interested in resolving any conflicts or problems. Their individual power becomes more important than public interests and rationales are simply subterfuge rather than valid arguments justifying the distribution of interests and costs because the British or any other local government cannot be trusted (Schneider and Ingram, 1993: 342).

The labor market model explains that the income-distribution effects of migration depend on the skill composition of migrants relative to natives in the destination country. If immigrants are, on

average, more unskilled than the natives, they would harm unskilled natives and would only benefit skilled ones, as the arrival will induce an increase in the skilled wage and a decrease in the unskilled wage. At the same time, if immigrants are, on average, more skilled than the natives, the income-distribution effects of migration through the labor market would reverse. The unskilled native workers end up benefiting from migration, while skilled workers would be disadvantaged. If migration is unskilled (relative to natives on average), public attitudes would be positively correlated with the level of individual skill, while if migration is skilled, attitudes would be negatively correlated with the level of individual skill. If migration is unskilled, under both policy scenarios, all natives will be negatively affected by the presence of foreign workers through a welfare-state leakage effect. On the other hand, if immigration is skilled, all natives will benefit from a positive welfare spillover. However, the extent to which natives suffer (benefit) from unskilled (skilled) migration through the welfare state channel will differ according to each individual native's income level (Facchini and Mayda, 2008: 669).

Benefits from EU immigration also play a key role in shaping two key individual-level variables among British citizens. The first one is the level of education, which captures the impact of labor market effects on attitudes, and the second is the level of income, which captures the effect of welfare-state considerations on attitudes. Those two variables are clearly correlated since well-educated individuals tend to have higher incomes (ibid, 2008: 672). Indeed, periodical preference for or hostility towards EU migrant workers may also vary by skill level and economic sector because native citizens evaluate the economic consequences of EU integration for themselves and for the groups of which they are part (Gabel and Whitten, 1997: 81-82 and Hooghe and Marks, 2005: 420). Luthra also suggested that migrant experience of a hostile or friendly migration policy environment (shaped by attitudes and demand) may vary across multiple levels, indicating that attitude within specific institutions such as schools, local service providers and workplaces to the decision depends greatly on space and time at the meso-level (2021: 191).

5.5.2. The First Influx of EU Nationals (2004-2008)

The number of Eastern EU nationals arriving in the UK was much larger than previously anticipated. Since the British government automatically granted the EU8 countries unrestricted and immediate access to the UK's labor market, there were hundreds of thousands of contenders per annum instead of the predicted between 5,000 and 20,000 migrants per year (Yang, 2014: 65). By 2013, approximately 1.24 million people born in Czechia, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia lived in the UK in comparison with 170,000 in 2004. Interesting fact to note that this net migration to the UK was actually much lower than in Germany, Spain and France because of the high emigration rate among British nationals moving to other EU countries, such as Spain (Van Der Zwet et al., 2020: 519-520). Between 2011 and 2012, close to a million people born in EU8 countries settled in the UK, while 70% of the immigrants from Eastern European countries arrived in the UK and Ireland alone in 2003 (Yang, 2014: 70). Thriving economy, low unemployment and high labor demand generated a robust pull factor to the UK. At the time of accession, the unemployment rate in Poland in 2003 was almost 20%, while unemployment in the UK was less than 5%. Some even speculated that migration to the UK would have been 155,000 without the first EU enlargement, whereas 610,000 migrants from EU from EU8 countries resided in the UK by the end of 2008 (ibid: 72). This also reflected another major political problem within the EU today is that it opened UK opened internal borders and extended the external ones (after recent enlargements) too fast without formulating a common immigration and integration policy (Lesinska, 2014: 46).

Reflecting on the post-2004 migration from 'Eastern' to 'Western' Europe, Favell (2008) argued that East European migrants are, in fact, treated like regional 'free movers' but not as immigrants. With the borders open, they are more likely to engage in temporary circular and transnational mobility, governed by the ebb and flow of economic demand, than by long-term permanent immigration and asylum seeking" (Guma and Jones, 2019: 2 and Favell, 2008: 703). The image of mobile Eastern

Europeans constantly on the move between the UK and home was reinforced by various studies that documented their high levels of transnational movement and practices (Favell, 2019: 163). In addition to this, the EU denizens were still treated like foreigners who do not belong in the UK on a permanent basis. When thinking about immigrants, people in Britain most commonly think about foreign citizens - 62% normally think about non-EU citizens and 51% about EU citizens (excluding British) - rather than about people who were born abroad and have acquired British nationality (40%) (The Migration Observatory, 2011: 3). Such rapid increase of diversity across British and other EU societies would inevitably escalate more conflicts over belonging and loyalty (Delanty and Rumford, 2007: 78), especially in the times of turmoil.

In many cases, British citizens treated Eastern European citizens an uneducated and unskilled force who came to the richer West to seek an easy life through manual jobs, such as the position of the proverbial plumber, builder, electrician, or cleaner. The ‘new wave’ of migrants faced some suspicion and social circumspection from the mainstream without gaining solidarity from the assimilated ‘old wave’ counterparts in the UK from the post-war generation, with a different mentality known as ‘Polonia’. Despite the fact that within five years after accession, the life of Eastern European immigrants has become more stabilized, better organized, more predictable and even routinized, they still claim that their life “is slowly becoming normal” (Rabikowska, 2010: 286-287).

Such negative and stereotypical attitudes towards immigration, in general, were increasing rapidly within a few years after the first enlargement, when the number of foreign-born EU nationals was growing suddenly and dramatically. British official policy and negative stereotypes articulated by tabloids also affect the migrants’ adaptation to the new country (Maeva, 2017: 18-19). According to a 2007 Ipsos-MORI poll, for example, 76% said that immigration should be much tougher (64%) or stopped altogether (12%), while 68% agreed that there were already too many immigrants in the UK (Blinder, 2011b: 3 and TABLE 4). Indeed, the proportion of respondents favouring some reduction in

migration rose from 72% in 2003 to 78% in 2008, just before the onset of the financial crisis, when the economy had less concern than race relations and immigration until the mid-2008 (Blinder, 2011b: 5; Park et al., 2012: 30 and TABLE 4). Further liberalization of the EU labor market indeed clashes with the restrictive immigration and residence controls because of concerns since 2008 (Lesinska, 2014: 47-48), and the enlargements in 2004 and 2007 only added more difficulties and complexities to these pre-existing problems of backwardness that the trade union functions were facing. This involves “reassessing types of functions that they can adopt at a national and European level in order to effectively respond to European enlargement” (Zahn, 2016: 388).

TABLE 4 - Call to Reduce Immigration in the UK

2003	2007	2008
72%	76%	78%

British attitudes have been socially polarized for over the decade as in nearly every case, the negative shift in assessments of immigration impacts is much larger for the groups that were already threatened more by migration. This was echoed by the emergence of nationalist parties such as UKIP that structured their mission around opposing the EU membership. UKIP gained momentum following the very substantial waves from Eastern European countries to the UK following their accession to the EU in 2004, on which the Labour government placed no restrictions. In the 2009 election to the EP, the UKIP came second, with 16.5% of the votes (Johnston et al., 2018: 103). One of the more significant results of these changes was the positive correlation between EU and immigration attitudes increased steadily from 2004 onwards (Dennison and Geddes, 2018: 1146).

5.5.3. Global Recession Strengthens Instant Anti-Migrant Backlash (2008)

Social anxiety and anti-EU rhetoric peaked during the Global Recession in the late 2000s due to

the high levels of net inwards migration of the EU. This concern was also reflected in the ‘British jobs for the British workers’ slogan that only began to recede in the fall of 2008 with evidence that some migrants, on short-term contracts and more easily disposed of by employers, were returning home or found jobs elsewhere in Europe, and because economic concerns were prevailing over other worries (Page, 2009: 1). When 24% of the British public cited unemployment as a key issue in February 2009, the working class was more concerned about losing jobs to foreigners, 88% of them wanted it stopped and very restricted in comparison to 63% among the upper middle class (ibid: 3). Especially, this is true among the economically vulnerable people (Blinder, 2011a: 8). This can be explained on basic economic theory that Market liberalization rewards those who have high levels of human capital and penalizes those with low levels of human capital (Hooghe and Marks, 2004: 415). As the Recession hit, the experiences of financially marginal groups with low or insecure incomes may have diverged from the more secure groups in society, as both their general economic anxiety and their specific concerns about immigration have spiked (Park et al., 2012: 33). With such vulnerability towards supranational ‘Europeanization’ and rapid changes in an increasingly globalized world, British workers were weary that their rights would be outpaced by more competitive and hard-working ones among the large waves of cosmopolitan denizens from the Eastern EU Member States (Zahn, 2016: 388-389 and 390). Working right for EU denizens was based on calculations about the perceived costs and benefits of EU integration and immigration (Clarke et al., 2016: 441, 442 and 454), which stimulated new forms of competition and new inequalities regarding the job market competition. For example, Polish migrants were increasingly “perceived as an economic threat responsible for job shortages, unemployment, and the strain on social services” (Rzepnikowska, 2019: 66).

Further results reveal that the probability of supporting immigration of at least some unskilled workers from EU countries is the lowest among Britons in low-skilled occupations (33%), with low-level education (34%) who are more likely in poorer health (34%) and who face difficulty to cope on

their income (35%) (Blinder and Markaki, 2018: 36-37). According to British Chamber of Commerce, EEA workers are less likely to be recruited where there is a ready supply of UK labor with the skills and attributes required for the role (Migration Advisory Committee, 2018a: 47). It was believed that British citizens doing low-skilled jobs are likely to feel even more like a replaceable subject in the existing economic capitalist and neoliberal model as they are exposed to greater competition from foreign-born workers, including Eastern Europeans (Goodhart, 2020: 121-122).

Levels of public concern were rising towards increasing levels of immigration, including EU free movement. This led to a conflicting tension between a government that is 'responsive' to public attitudes and the one that is 'responsible' for the given economic contributions of EU citizens and demands in key economic sectors for labor from other EU Member States (Dennison and Geddes, 2018: 1142). The economic crisis has significantly strengthened beliefs held by certain Member States that freedom of movement should be limited to 'deserving migrants' (Lafleur and Mescoli, 2018: 483). The political issue was really about how EU immigration would be delivering negative effects on the job market amid the Global Recession, unlike far-right parties and their supporters who generally oppose any multiculturalist societies (Grillo, 2010: 53). Whereas, there was a political battlefield of anti-immigration vote regarding free movement for EU denizen that had been between the British National Party, UKIP and Conservatives (Dennison and Geddes, 2018: 1146). At the same time, Gordon Brown's 'New Labour' government failed to address local concerns and to invest properly in de-industrialized areas. Those empty promises stimulated a prevalence of xenophobic and anti-immigrant concerns among British working classes (Moore, 2017: 361). That is why softly Eurosceptic Tories under the leadership of David Cameron managed to win twice in 2010 and 2015 amid appeals from older and even 'cosmopolitan' younger vote. According to the Ipsos MORI survey in 2008, the majority of the latter age group under 29 said they were very concerned about this vast immigration influx (67% in 2008 in comparison with 44% in 1999) (Page, 2009: 1-2).

5.6. TOWARDS THE EU REFERENDUM

5.6.1. The 2010s

The flow of migrants into Britain since 2004 has been the largest in British history. The public had reacted to this with strengthened demands for a reduction in migration and increasingly negative views about the cultural and economic impact of migrants on Britain (Park et al., 2012: 40). When David Cameron's government took power, immigration ranked consistently among the top four issues, well ahead of education and about on a par with crime, despite the fact that it briefly dropped out of the top five issues in April 2011 (Blinder, 2011b: 5). Overall, 75% of respondents were advocating a reduction in immigration overall including 51% wanting a large reduction (Blinder, 3: 2011 and Park et al., 2012: 30). Also, while 60% of all respondents rating the impact of immigration unfavourably, only 24% of Britons were holding a positive attitude towards immigration (Park et al., 2012: 32). The net rating of the economic impact of migration fell from negative (-17) to (-22) from 2002 to 2011. Despite this negative shift, nearly 48% of respondents perceive the economic impact of migration to be neutral or positive (ibid: 31). At a significant degree, this reflects why around 80% of White Britons felt the overall immigration should be reduced, with 60% calling for it to be reduced a lot according to citizenship surveys 2010-2011 and Census 2011, despite the fact that the economy began to recover from the financial crisis (Kaufmann, 2014: 267 and 270).

Furthermore, when migration and employment restrictions on Romanians and Bulgarians were lifted in January 2014, even expanded massive backlash across the UK was provoked against Eastern Europeans (Bulat, 2017: 26). Approximately three-quarters of British respondents expressed concern about the possible influx of Romanians and Bulgarian migrants (Yang, 2014: 64) similar to the one that used to be since the first enlargement in 2004. Romanians and Bulgarians were also perceived very negatively from the very beginning of the 2007 enlargement, as the postponement of free movement for Bulgarian and Romanian workers until 2014 was promoted with a political campaign stereotyping

migrant workers both due to fears of falling wages and the arrival of new cheap labor (Maeva, 2017: 13-14). They were also seen as potential benefit tourists who try to capitalize on their right to free movement by abusing welfare support and social services in Western EU Member States (Manolova, 2017a: 4) and who make little to “no positive contribution to the local economy” (Manolova, 2017b: 45). Those expectations were exaggerated by visa scandal that previously took place in the British Embassy in Sofia in 2004 (Maeva, 2017: 11). While Polish nationals have occasionally enjoyed a reputation as ‘good workers’ (MacKenzie and Forde: 2009: 150) and Hungarians have remained mostly invisible, Romanians have borne the brunt of public anxiety of being stereotyped as ‘Gypsy beggar’ who does not want to work but to take advantage of the local and richer welfare system (Fox et al., 2015: 735). In numerous opinion surveys and in UKIP’s campaign literature, EU immigration was demonstrated as a prominent concern, while non-EU immigration was not debated (Kaufmann, 2014: 270-271). Such strong anti-immigrant sentiments in Britain were the reason why, in August 2015, the Polish community once organized a strike against ‘the lack of respect’ for their contribution to the British economy and the local poor working conditions (Maeva, 2017: 20).

In terms of debate about how open or hostile the British citizens have become towards large waves of EU citizens, Gumbrell-McCormick and Hyman once argued that class struggle was indeed a major factor behind Brexit as it was delivered by the left behind social groups (pensioners, low-skilled and less well educated blue-collar workers and marginalized citizens) who are united by a general sense of insecurity, pessimism and marginalization (Goodwin and Heath, 2016: 331 and Gumbrell-McCormick and Hyman, 2017: 171). Those in the bottom part of society in richer EU countries who are least likely to take advantage of the free movement themselves are also the ones who are most likely to be disadvantaged by the extra labor market competition and disturbed by sudden changes to neighbourhoods (Goodhart, 2020: 102). Perhaps large-scale immigration from the new EU Member States was undoubtedly positive for the British economy but did not convince many Britons who are

concerned about immigrants' (of all kinds) access to jobs, housing and benefits. Furthermore, the Eurozone crisis in the first half of the 2010s further strengthened Euroscepticism, which had always been intact among British public opinion (Wall, 2020: 262).

Regional inequality also played a major role in the perception of immigration. This concern reflects deeper historical state preferences for circulating British industrial capital caused by both deindustrialization in rural regions and concentrating globalized capital in the City of London, which is the world's leading financial centre (McKenzie, 2017: 201 and Rosamond, 2020: 1089). From the beginning of the enlargement in 2004, concern was the highest in the Southwest and North East regions, which are more conservative and have experienced the lowest immigration in British history. On the other hand, Native White Londoners who live in a city that is nearly 40% non-White and have experienced the highest levels of immigration in the country were the least concerned of all. In the same manner, as younger generations of Britons, Londoners may be less anxious because the city has already been an immigrant destination for decades (Page, 2009: 10 and Rzepnikowska, 2019: 65). Those who are more negative about immigration's economic impact discriminate more strongly in favour of professional migrants and those with jobs, as most might expect. Specifically, those who think the economic impact of migration is negative have a net preference for professionals over laborers of 45 percentage points, while for those who are positive about the economic effects of migration, the figure is 35%. The cost-benefit is also demonstrated among the British supporters of well-performing students of any origin who outnumber opponents, while opposition to the entry of students with bad grades remains very strong, again, regardless of where they come from. This means the British public favours admitting international students if they are strong performers with the necessary skills and experience (Park et al., 2012: 37).

5.6.2. The Enactment of the First Anti-EU Measures

The anti-immigration discourse generated and amplified by political leaders in the 2010s under

public pressure shifted towards much stricter control of immigration and tighter regulation of the selection and entry processes (Lesinska, 2014: 43). The most recent immigration policies prior to Brexit, better known as Immigration Acts 2014 and 2016, implemented by David Cameron's Conservatives amid public pressure against large-scale immigration have appeared to be quite intimidating in very racialized way (Burrell and Schweyher, 2019: 193 and Guild, 2016: 40, 41 and 42). Those new measures indeed included limiting access to welfare, banking and health services for non-EU migrants and some restrictions for the EU category of foreigners. For example, the 2014 Immigration Act legislation provided for EU foreign-born nationals looking for work in the UK access to Universal Credit for three months. If they fail to find work during this period, they will not be able to reside and access state support, such as child benefits (Wemyssa and Cassidy, 2017: 1134).

Some speculate that such new measures are practically xenophobic because these prohibit landlords from renting to disqualified immigrants and increase the chances of racial and ethnic profiling of renters. There were some claims that landlords should not be concerned about only giving rent to white-skinned tenants with a British surname (Mason, 2013). Whether or not those claims are true, the Immigration Acts 2014 and 2016, implemented in those turbulent times, can still serve up as a real postulate of real evidence of a hostile environment and alienation towards the EU foreign-born nationals after the Brexit Referendum, which did not take place yet (Burrell and Schweyher, 2019: 193-194).

Regardless of enacting these restrictions, the Eastern Europeans continued to be seen as the main contenders to take away jobs and social services, especially during economic crises or amid uncertainty among British nationals. A national opinion poll reported by Ipsos MORI on 9th October 2015 found that 58% of respondents "believe there should be greater restrictions on free movement of EU citizens", while 14% "believe there should be no right to free movement between EU countries at all" (Roberts, 2020b: 534-535). According to the last opinion poll conducted by Eurobarometer prior to

the Brexit Referendum, 44% of the British population held a negative view from the effects of the effect of EU immigration in the Autumn of 2015 (European Commission, 2015: T31). In 2015, respondents' attitudes toward immigration were an extremely strong predictor of their EU attitudes, with 51% of respondents who believe there are too many immigrants supporting leave, compared with just 11% of those who did not think there were too many immigrants (Evans and Mellon, 2019: 80-81).

5.6.3. Prevail of Euroscepticism

Although the Conservative-Liberal Democratic Coalition made clear commitments in their 2010 agreement to reduce immigration levels by the introduction of a cap on immigration to less than 100,000 per annum (Yang, 2014: 78), unlike non-EU immigration, Tory authorities could not reduce immigration from the EU (Evans and Mellon, 2019: 80-81). The migration of EU foreign-born nationals under free movement rules was seen as the prime example of the 'uncontrolled' migration over which the Conservative Government had no say (Rutter and Carter, 2018: 54). The British Eurosceptic press and many backbench Conservative MPs dismissed the renegotiation outcome as worthless, and a lot among British public were preparing for another 'influx', amid growing concern of uncontrolled Syrian Refugee Crisis 2015-2016 and that the common agreement can only be achieved only after consenting with all the EU Member States (Dennison and Geddes, 2018: 1146-1147).

Logical explanations behind growing UKIP's popularity have emphasized its further appeal to the left-behind losers of Globalization (in the Midlands and the North) described in *Revolt on the Right*, for whom UKIP is a working-class phenomenon (Goodhart, 2020: 19 and Evans and Mellon, 2019: 77). This statement still suggests that UKIP's call to end the free movement of EU denizens into Britain and replace them with skilled migrants from elsewhere would not necessarily reduce anti-immigration sentiment or far right voting (Kaufmann, 2014: 268).

Indeed, the increasing support of hardly Eurosceptic UKIP party was very much an increasing concern for pro-EU David Cameron (who opposed increasing centralization of Brusselian power), both

in terms of Conservative members defecting to Farage's party but also in persuading voters to opt for Brexit. Public attitudes towards the EU were also changing and not for the better reputation of David Cameron's Conservative government. In September 2015, only 31% of voters strongly supported the continued membership, with another 14% probably leaning in that direction despite the fact that three months earlier, Ipsos MORI demonstrated the highest public approval of EU membership in the UK within 24 years, with some 61% of Britons advocating to remain. As support ratings for EU membership began to slip rapidly, pressure began to mount on Cameron to deliver a Remain outcome for the 2016 Referendum, which he paradoxically initiated (McGowan, 2018: 21-22).

Although the numbers voting for UKIP were much smaller than those who voted to leave the EU—UKIP gained 12.6% of the vote in the 2015 General Election and 27% in the 2014 European elections (Evans and Mellon, 2019: 84 and Goodwin and Heath, 2016: 330), while the Leave campaign obtained 52% of the referendum vote share (on a much higher turnout)—this dramatically underestimates their potential vote. In addition to this, anti-immigrant UKIP polled heavily in the 2015 parliamentary elections in the left-behind parts of Britain, which suffered decades of industrial decline that were followed by Tory austerity measures in public services during the 1980s and again during the 2010s. That is why the civic nationalist Scottish National Party (SNP), (left-wing) Labour, Greens and Liberal Democrats have significantly lost support as they generally favour immigration, diversity and the EU or could not articulate a clear position on Brexit for negotiations (Curtice, 2017: 32-33; Harding, 2017: 2 Hearn, 2017: 20 and Prosser, 2018: 1227). It must be said, however, that the results of the Remain referendum in Scotland do not support this claim in relation to the SNP.

Finally, the failure of many employers' organizations to engage in 2016 Referendum debates was also explained with reference to fundamental disagreements over remaining or leaving (Rolfe, 2016: 3-4) as in parallel, during Spring 2016, the support across Europe for "free movement of EU citizens who can live, work, study and do business anywhere in the EU" was lowest in the UK (63% in

comparison with EU average of 79%) (European Commission, 2016: T93).

CONCLUSION

This chapter clearly illustrates that the British public's attitude always mattered regarding how EU 'outsiders' exercise their existing rights. At the same time, hostilities towards EU foreign-born nationals and project may periodically re-emerge because British citizens' support for further EU integration depends on socio-economic circumstances that vary by period. This can cause variation in approval, depending on residence and resources like income, education level and occupational skills, as well as intra-EU trade and proximity to border regions among British nationals (Gabel and Whitten, 1997: 81-82).

When the United Kingdom joined the EC in 1973, the topic of EC immigration was not a real political issue. The major public focus on EC integration in terms of economic benefit and security was to deliver regional market. Thus, there was no visible attitude towards the EC workforce either, as those outsiders were treated as the agents of EC integration who were supposed to deliver British economic significance in the EC arena.

Furthermore, there were not too many EC migrants in the early decades as well. Most of them were from Western Europe and shared the same ideals of modernity that embrace individualism, capitalist economy and liberal democracy. British society was less tolerant towards Commonwealth migrants where race and, later, their non-Western principles played a significant factor in discrimination.

The enlargements in 2004 and 2007 delivered a very different scenario. The procedure took place too rapidly, and the British public was not ready for the unexpected large influx of EU immigrants. As the native Britons were rather oriented on economic benefit from the EU project, from the point view of Economic Competition Theory, they were afraid to lose their jobs and welfare support in favour of a large number of competitors among EU counterparts. This case became especially

relevant during the Global Recession and its aftermath among the losers caused by Globalization and the crisis of neoliberalism (Callinicos, 2017: 191-192). To restore its political and economic sovereignty, the disadvantaged layer of local society and regions followed up 'right-wing populist' agenda to vote Leave during the 2016 Referendum (Lesinska, 2014: 38). Indeed, the construction of EU denizens as a target group never faded away and eventually was functional to nationalistic Eurosceptic political narratives that viewed freedom of movement as an example of losing control over the borders (Lutz, 2021: 269 and 271).

Chapter SIX

BREXIT AND ITS AFTERMATH: SEEKING NEW OPTIONS TO BENEFIT AND TO PROTECT SOVEREIGNTY

The final chapter analyses the impact of Brexit on the status of EU denizens in the UK. It examines how the rights of EU nationals were contested and negotiated during the withdrawal negotiations. This chapter argues that these negotiations reflect how Brexit was an attempt to recover sovereignty and control over EU immigrants but at the same time to keep access to the EU market through the means of ‘Soft Brexit’. In the process, the status of EU denizens in the UK became a political bargaining chip that left them trapped in a ‘rights limbo’.

The analysis of the final chapter starts with the withdrawal period between 2016 and 2020 and concludes with its aftermath in approximately 2022. In this sense, a closer look at the Brexit negotiations and documents will be required. It is important to indicate that the EU Withdrawal Agreement 2020, approved bilaterally by late 2019 and *de jure* enacted on January 31st 2020, only took full effect on January 1st 2021. In this brief 11-month timeframe, the EU Law was still fully applicable within the UK, while the EU-UK Trade and Cooperation Agreement was in the negotiating process (Bermejo, 2021: 390) until its finalization and ratification by May 1st 2022. Furthermore, some time is required to analyze the first real impacts of those final legislations on the fate of rights among the EU foreign-born nationals who opted to live and work in the post-Brexit UK.

In the first part of the chapter - Economic and Public Attitude dimensions - it should be more logical to concentrate on how the public attitude and economic factors affected those negotiations to secure the final agreement that deals with EU denizens’ rights to reside, getting employed and accessing social security benefits. The Brexit chapter is not concerned with the UK elections of 2017 and 2019 and the EU elections of 2019 in thorough detail. Those polls uniformly demonstrate the same

appeal among the British majority to eventually achieve any long-delayed ‘Get Brexit Done’ that would desirably avoid any disastrous ‘Hard Brexit’ scenario and reach a consensus on migration that should be controlled and significantly reduced and make it more beneficial for the British economy (Toszek, 2020: 157). In addition to this, as the approval among Britons was always driven more by the economics of EU integration rather than by the politics, it is important to emphasize how the mainstream in the UK coped towards millions of Eastern Europeans who live and work in local industries during the Withdrawal Period (McGowan, 2017: 18). The wider social climate and expressions of hostility and violence towards migrants can further determine whether migrants utilize their mobility power and choose not to work in the UK (Rolfe, 2017: 631). For that reason, British employers (of all job sectors) continue to demonstrate themselves as remarkable agents of public attitude who affect politics to formulate new arrangements for EU denizens, while the rise of nativism could not fully reverse an overall liberal direction of EU reform strategies, especially regarding the liberalization of its labor market (Lesinska, 2014: 38).

In the second part - Political Dimension - the chapter focuses on what kind of policy has been finally achieved so far regarding residence and free movement, getting employed, accessing social security benefits and enforcement of their rights through the ECJ. Instead of fully concentrating on complex and lengthy negotiations between London and Brussels, it is more affordable to analyze what has been achieved so far after the restoration of British sovereignty. The analysis of effects and of gaps for each right, implemented by bilateral agreements in the post-Brexit period, can emphasize that the UK deliberately aimed to keep the ‘segmented reserve labour’ - particularly young and most energetic EU denizens - who can further contribute to capitalist sectors of the former Member State. At the same time, the chapter can illustrate that EUSS expresses no real concern about disadvantaged denizens who are unskilled and/or rely on welfare support. This would be especially evident in the analysis of registration problems for ‘pre-settled’ and ‘settled’ statuses.

6.1. ECONOMIC AND PUBLIC ATTITUDE DIMENSIONS

6.1.1. Brexit Referendum Aftermath

Immigration and free movement of EU foreign nationals played a fundamental role in the success of the Brexit vote (Dennison and Geddes, 2018: 1150 and Guma and Jones, 2019: 1). The UK was divided into two opposite camps - ‘Leavers’ claim that immigration would bring further problems such as taking away the jobs from Britons (Gilpin et al., 2006: 23 and Valverde and Latorre, 2019: 208-209), while the Remain camp claims that generally young immigrants will deliver strong economic recovery and that the Leave option would instead lead to economic slump and “miss something important” (Abboushi, 2017: 192 and Goodhart, 2020: 52).

The Leave campaign built its electoral traction by portraying the influx of migrants from the new EU member-states as ‘uncontrollable’ and a ‘threat’ (Lulle et al., 2018: 1). They argued that freedom of movement is the most controversial of all four freedoms, for which Brexit ought to serve as a catalyst for a debate that British and EU elites needed to have in order to maintain public support from the mainstream (Auer, 2017: 44; Barnard and Butlin, 2018: 203 and Guma and Jones, 2019: 2). Public views on EU denizens’ rights were also underpinning the Leave vote. Fifty-nine percent of those who said they wanted more restrictions on free movement cited “people coming to claim benefits as their reason” and nearly two-thirds of British voters described achieving the objective of restricting EU migrants’ entitlement to UK benefits as ‘important’ (Roberts, 2020b: 535). In addition to this, Leave voters believed that EU migrants should be treated no differently among prospective migrants from other parts of the world when it comes to migration terms in order to immigrate (Curtice, 2018: 11). Finally, ‘Leavers’ addressed the cost-benefit argument to support EU membership by arguing that leaving will also bring to the UK more economic wealth, investments and better international trade agreements.

As mentioned in the previous chapter, Globalization, involving the freedom of foreigners to

move from one place to another, was treated as a force for the ill in the most disadvantaged, less mobile, traditional and rural regions, with predominantly low and mid-skilled sector, such as West and East Midlands counties (59.3% and 58.8% with Leave vote). In the other hand, it was treated as a ‘force for good’ in more ‘mobile’, cosmopolitan and wealthier regions that benefited from immigration, such as London (60% chose to Remain) and the South-East England (Bhambra, 2017: S215; Goodwin and Heath, 2016: 324; Gumbrell-McCormick and Hyman, 2017: 171; Hearn, 2017: 22; Lee et al., 2018: 144, 145 and 149 and Nolke, 2017: 231). Thus, public backlash against economic Globalization cannot be ignored amid the financial crisis in 2007 and its consequences, which is more identifiable with the European Union and its immigration policies (Calhoun, 2017: 61 and Hearn, 2017: 22).

6.1.2. Brexit Means Brexit

With the slogan of ‘Brexit means Brexit’, Theresa May, the British Prime Minister who started the withdrawal negotiations with the EU, argued that “the campaign was fought, the vote was held, turnout was high, and the public gave their verdict” (McGowan, 2017: 34). Brexit dominated Theresa May’s premiership. During her first speech as a Party leader, she appealed for the resumption of domestic authority over the EU judiciary, legislation and immigration (Glynn and Menon, 2018: 35). May also interpreted the referendum result as a definite signal that British voters wanted the government to restore control over EU immigration (Bulmer and Quaglia, 2018: 1092).

It is important to note that despite the UK’s appeal for control over EU immigration and eventual withdrawal from the EU bloc, the outgoing member state never aimed to abandon the EU market completely. The European Union was still seen as a fundamentally important trading partner from which it would be a big economic disaster to completely cut ties within terms of the ‘Hard Brexit’ scenario.

6.1.3. Concerns of Capitalist Industries and Employers on Brexit

The cost-benefit rationale was still central in Britain’s membership to the EU. Concerns about

the economic impact of Brexit were central to the Remain campaign. For example, most managers of UK firms were worried about dependency on foreign-born workers and the difficulty to of replacing them with British-born workers in the short term (Valverde and Latorre, 2019: 208-209). Indeed, employers across sectors have benefited from free movement in the significant supply of skills and labor as EU migrants have met employers' needs across all levels of skill, from very high to low, with different distributions from older and newer Member States (Rolfe et al., 2019: R7 and R9), as EU migration has helped employers to create and sustain more flexible and efficient business models, instead of suppressing native workers (Rolfe and Hudson-Sharp, 2016: 53). That is why a large number of employers supported the free movement and aim to recruit 'segmented reserve labour' from other EU countries (Rolfe et al., 2019: R7-R8) for the post-Brexit immigration policy, instead of relying on British native workforce.

Furthermore, amid uncertain economic pressure in the post-Brexit aftermath, ordinary UK nationals (including employers) became more sceptical regarding reversing the open-armed immigration policy. Despite that, a substantial British majority still wants immigration limited, as in earlier years, it is still concerned about filling the labor shortages in both high and low-skilled sectors (Rolfe et al., 2019: R10-R11 and Rutter and Carter, 2018: 74). According to a new poll, 84% of Britons think EU foreign-born nationals who are also more evenly distributed across the UK should stay after Brexit. Based on the findings of the survey, which ICM carried out for the think-tank British Future, those 84% include the actual Leave voters (Gellér-Lukács et al., 2016: 429). Despite the British mainstream "tended to agree that employed low-skilled migrants should be welcomed in principle, there was more disagreement on whether the number of migrants overall should be reduced" (Bulat, 2019: R55).

That is also why employers were concerned about hostile public reaction toward their EU workers in the aftermath of the Referendum in 2016 (Rolfe, 2016: 7 and Rzepnikowska, 2019: 61-62).

Duda-Mikulín detected that EU (primarily Polish) immigrants in the UK started leaving the country due to perceived uncertainty over their futures following the Referendum vote. Similarly, Lulle, Morosanu and King (2018) have highlighted the negative response and the uncertainty over future plans among EU college and university students in Britain (Auer and Tetlow, 2020: 9). Thereby, the empirical evidence supports the hypothesis that emigration from the UK to the EU is likely driven by negative perceptions about the future in the UK, rather than by a more positive perception of living conditions on continental Europe (ibid: 17).

6.1.4. Seeking Alternatives for the EU Treaty Rights

Amid those deep concerns that would deliver hard economic outcomes, the capitalist industry did not have any other effective and comfortable arrangements to replace the existing EU treaty rights regarding freedom of movement and employment of the EU workforce. One can reasonably expect that this is going to be the situation of labor deficit in the post-Brexit, amid reports that the Home Office rejects over 28% of Permanent Residency Applications, which serve as an alternative to permanent staying in Britain (Ali, 2020).

The Migration Advisory Committee (MAC) also once advocated for an end to free movement and recommended a migration system that prioritizes higher-skilled migrants but restricts low-skilled migrants (except in agriculture) and grants working visas for mid-skilled jobs with £30,000 salary threshold (Clarke and Gregg, 2019: 55-56). Nevertheless, implementation of visa-work restrictions should never be a good alternative for employment agencies, especially for small and medium-sized companies, which would often struggle with the bureaucratically associated work-permit applications, as claimed by the OECD research. Employer sponsorship or point-based systems would only make labor migration longer, more bureaucratic and more expensive for both employers and foreign nationals (Rutter and Carter, 2018: 10 and Sumption, 2019: R34). In addition to this, many participants of the Citizen's Panel saw temporary visas as being unfair to migrant workers who had settled in their local

communities and fairly wanted to establish themselves in the UK. On the other hand, many immigrant-sceptical participants claimed that the three-year visa program would do little to reduce numbers or minimize negative economic impact in the post-Brexit era (Rutter and Carter, 2018: 77).

Valid evidence also suggests that employers prefer a new immigration system with three aspects. The first one shall allow the recruitment of lower-skilled workers, rather than only those with professional or high-level qualifications, and jobs at low pay levels. The second one is responsive to changes in the labor market and can, therefore, respond quickly to labor and skills shortages. The third one involves visas, which enable migrants to remain in the workforce on a long-term basis to develop skills, experience and company-specific knowledge (Rolfe et al., 2019: R10). As confirmed by the government report of the Migration Advisory Committee, if freedom of movement ends, the migration and hiring of EU workers would be more difficult (Migration Advisory Committee, 2018a: 7).

6.1.5. The Case for EU Workers in Low- and Mid-Skilled Sector

As mentioned before, the most obvious impact of Brexit would be the end of freedom of movement of EU workers to the UK. Thus, the expected lower supply of those workers has been raised as an immediate concern by employers in the Leave context. In general, EU migrants were overrepresented in lower-skilled employment, with about 21% in elementary occupations, significantly more than the 10% among UK-born workers (Bulat, 2019: R52).

For example, the hospitality sector, which includes hotels and restaurants, has undergone substantial growth in recent years and is one of the largest employers of migrant workers, accounting for 28% of the sector's employees (Rolfe and Hudson-Sharp, 2016: 19). Eastern European (EU8 and EU2) migrants have seen the largest increase, together making up 7% of the total UK hospitality workforce by 2014 (ibid: 10-11). The majority of UK construction companies recognize that migration from Eastern Europe has played a major role in filling the construction industry's skills shortage in recent years (Rolfe, 2017: 626-627 and Rolfe and Hudson-Sharp, 2016: 16). The study highlighted that

the UK agri-food sector in Leave areas will be heavily affected by Brexit because of its integration and dependency on EU migrant labor (Billing et al., 2021: 1579). The same scenario is with the UK's food and drink manufacturing workforce, as EU migrants alone made up 21% in 2014 (Rolfe and Hudson-Sharp, 2016: 13 and 18-19). It would face "permanent shrinkage as a failure to address its acute labor shortages leads to wage rises, price increases, reduced competitiveness and, ultimately, food production being exported and increased imports" (The Independent, 2022).

In a study based on interviews with employers in the low-skilled sectors of food and drink, hospitality and construction before and after the EU Referendum, Rolfe found out that employers were increasingly concerned about the shortage and that Brexit would limit the flexibility of their workforce and exacerbate existing recruitment problems (Chartered Institute of Personnel and Development, 2021:14 and Rolfe, 2017: 629). According to data from the Longitudinal Small Business Survey (LSBS), increasing amount of job shortages between August 2016 and January 2017 suggests that new immigration policy requires substantial recalibration to ensure that Brexit would not add more pressure to the current and future situation of skill shortages for small and medium-sized enterprises (SMEs) (Tiwasing, 2021: 10). The Construction Industry Training Board research survey found that those directly employing non-UK staff were much more concerned over access to EEA migrant labor than those who did not employ EEA migrant labor (Migration Advisory Committee, 2018b: 40-41). They also wanted any new immigration system to be quick, fair, inexpensive and labor market, and the associated adaptable approach to be unbureaucratic (Green, 2019: R24 -R25), as the option of a point-based system would be very lengthy and costly in order to await EU labor force for the seasonal jobs that those sectors provide (Rolfe, 2016: 10 and Rolfe et al., 2019: R9). For example, migrant workers in the construction sector were often more employed on short-term contracts for the duration of a single construction project (Green, 2019: R-20; Rolfe, 2017: 628 and Rolfe and Hudson-Sharp, 2016: 44) and assisted office London construction to boom regardless of Brexit uncertainty. This indicated that any

negative impact caused by a shortage of additional skilled labor would further exacerbate labor requirements and increase construction costs (Mohamed et al., 2017: 266-267).

During the Brexit Referendum campaign, there was also a pessimistic prediction based on labor market model that if immigrants are, on average, more unskilled than the natives, they would put unskilled UK citizens at a disadvantage and would only benefit skilled ones, as the arrival will induce an increase in the skilled wage and a decrease in the unskilled wage (Facchini and Mayda, 2008: 669). The disadvantaged Leave voters, particularly among White British working class, generally treat denizens and the free movement of their family members “as economically and socially costly” (Gellér-Lukács et al., 2016: 424 and Gumbrell-McCormick and Hyman, 2017: 174). Nevertheless, Britons do not express any genuine interests in taking these low-wage jobs and rather prefer to remain unemployed. Despite the British-born older workers and students were seen as potentially useful and having to meet shortages, have disadvantages in terms of their availability and suitability for the work (Rolfe and Hudson-Sharp, 2016: 7). Other than that, more explanation behind refusal of taking migrant jobs is some drew attention to how acquaintances “moaning about migrants stealing jobs” did not apply for any of these jobs, which is equivalent to lazy Brit stereotype (Bulat, 2019: R55). Some argue that mobility, rather than wages, is more valuable to employers and that the most attractive feature of migrant workers is their hard work and flexibility (Bulat, 2019: R54; Rolfe, 2017: 628 and Rolfe and Hudson-Sharp, 2016: 44). One British farmer even noted regarding positive contribution of eastern EU workers in fields who are now more likely to be in their forties and speak little English - “I love Bulgarian workers and the problem is there’s only five million of them” (Doward and Baldassari, 2018). Regarding EU job flexibility and expressing preference for longer work, one construction employer said about EU migrants’ preference to work longer: “If I need them to work an extra 10 hours to finish a job – at short notice, they say, ‘okay no problem, boss’ and they do a very good work” (Green, 2019: R20 and R24).

In parallel to this, training young UK-born low- and mid-skilled workers to fill skills shortages may be a strategy in the longer term but employers stated that in the short term, they needed EEA migrants to fill the gap. The Migration Advisory Committee (MAC) notes that British nationals applying for these kinds of jobs lack “basic numeracy and literacy skills”, while the Eastern European applicants are usually found to be better qualified than required for work (Bulat, 2019: R51 and R55; McGuinness and Hawkins, 2016: 13-14; Migration Advisory Committee, 2014: 280 and Valverde and Latorre, 2019: 220-221). This was especially the case in occupations where the training of young British nationals would take many years but some employers in lower-skilled sectors also made this argument (Rolfe and Davies, 2017: 50 and Migration Advisory Committee, 2018b:11), so they would not provide much immediate assistance to the sectors where EU migrants are concentrated (Rolfe and Hudson-Sharp, 2016: 7). Recruiting older British workers is also not a better alternative, because these jobs based on physical force is more suitable for EU foreign-born nationals who are younger (Green, 2019: R24-R25). Robots may also not replace all workers at any time soon (Clarke and Gregg, 2019: 57-58) but even if automation existed today, it would also likely require young people to adapt their skills on an ongoing basis (Phillips et al., 2018: 40). In the post-Brexit period, the available reserve army of workers from poorer EU nation-states would still be needed in some sectors like cherry-picking, food processing and agriculture as investment in automation is under-developed in these areas (Goodhart, 2020: 125). The same scenario is with British industrial sectors with larger labor shares, such as textiles, metals, motor vehicles and water transport, which could be the most affected by the fall in immigration since they are labor-intensive (Valverde and Latorre, 2019: 216).

Another economic area that benefited from EU workers was the transport, storage and logistics sector. The majority of employers hire EU foreign-born workers – accounting for up to half of their total workforce - as drivers, porters and loaders, despite the fact that some are employed in skilled roles. One of the reasons behind the relatively high proportion of EU foreign-born workers (aged

between 25 and 45) is that the businesses concerned tend to operate across the whole of Europe (Chartered Institute of Personnel and Development, 2021: 20). That is why employers reacted that “the new immigration point-based system is likely to make the recruiting process a bit more expensive to us, because if we want to employ EU nationals, there will be extra paperwork” (ibid: 23). Some of them even claimed that implementation of restrictions for required transitional workers from the EU would only decrease the number of desirable candidates in the long-term, as only one employer attempted to recruit overseas workers (ibid: 23).

Keeping free movement remained the best option to hire an accessible, hardworking and flexible EU workforce in any job without meeting skill criteria. Low- and medium-skilled industries and enterprises are heavily dependent on EU ‘segmented reserve labour’ as no one else can replace them. Foreign citizens of other categories were not eligible because of increasingly restrictive policies towards non-EU workers, which David Cameron indeed succeeded in accomplishing (MacKenzie and Forde, 2009: 143 and Sumption, 2022: 97). Also, there is a lack of skilled, experienced and effective workforce among young Britons.

6.1.6. Brexit and High-Skilled Sector

This chapter illustrates why abolishment of free movement by the implementation of work visas or a point-based system would also deliver difficulties to the prosperity of the high-skilled economic sector. The first arrivals from Eastern Europe after accession in 2004 were indeed proportionally of higher quality and education than the British workforce (Rolfe and Hudson-Sharp, 2016: 39), while British people refuse lower-skilled jobs to obtain training for higher wage employment sector (Bulat, 2019: R55). Although 62% of those Britons polled wanted to see a reduction in the number of unskilled migrants coming to the UK, a majority (including Leave voters) did not want to reduce the influx of highly-skilled migrants, such as engineers and doctors (Gellér-Lukács et al., 2016: 429), as well as those undertaking skilled manual work, such as carpenters or electricians (Rutter and Carter, 2018: 50).

6.1.6.1. Rising Importance of High-Skilled Sector

Dual labor market theory suggests that a ‘flexible’ labor market ‘produces’ a necessity for an inexpensive and flexible supply of (migrant) labor (McCollum and Findlay, 2015: 434). The increasingly internationalized economy includes not only the lucrative finance and IT sectors, advanced biotech companies and specialized services (and an uplifting of the urban economy thanks to these businesses) but it also supports a whole spectrum of routine and labor-intensive service industries such as health, security, retail, hospitality, catering, care and construction. High-income and skilled work expands in technical, managerial and financial markets, creating the need for a range of lower-paid and lower-skilled personal and household services. These are often unprotected and poor-quality jobs frequently performed by the weaker participants in the labor markets – young people, women, older low-skilled workers and immigrants who constitute sizeable groups in the population (Soysal, 2012: 7-8).

The points-based immigration system, introduced on February 19th 2020 but applied from January 1st 2021, reflects the demand to end freedom of movement and to attract only high-skilled immigrants (including foreign-born students) from both overseas and the EU states in order to advance its high-skill sector of the British economy and rely less on cheap labor (Government of the United Kingdom: Home Office and UK Visas and Immigration, 2020). Nevertheless, this does not apply to millions of EU denizens who moved to Britain prior to its final withdrawal by December 31st 2020. Instead, this section concentrates on how soon-to-be settled and pre-settled EU foreign-born nationals under the EUSS scheme positively impacted the high-skilled sector and proved themselves as effective ‘segmented reserve labour’ that would save British innovation from any potential burden in an uncertain post-Brexit future.

6.1.6.2. Health and Social Care

The health and social care sector is a large employer across all the regions in the UK. Of these

79.9% that the independent sector employs in excess of 62,000 people and has a further 23,000 clinicians (mainly doctors) are of British Nationality, 10.9% are from the EEA and 8.1% from other non-EEA countries (Dolton et al., 2018: 13). Social care employers hire the highest proportion of full-time employees of all the sector-specific groups to meet the requirement for regular working patterns and qualified staff. The remainder of the workforce comprises part-time and temporary or agency workers. In parallel, British employers largely use casual workers to cover holiday absence, sickness and vacant posts (Chartered Institute of Personnel and Development, 2021: 23). EEA migrants among nurses and doctors contribute much more to the health service and the provision of social care in financial resources and through work than they consume in services and there is no evidence that migration has reduced the quality of healthcare (Migration Advisory Committee, 2018a: 3).

After the Brexit Referendum, medical organizations reported complaints about hostile attitudes and incidents towards EU workers as the main factor behind the consequent fall in nursing and other sanitary applications, as many EU doctors prefer to leave (Dolton et al., 2018: 42 and Milner et al., 2021: 2, 3, 5, 6 and 7). Other than that, point-based or temporary visa programs were also seen as jeopardizing continuity of care for patients and were therefore not considered feasible (Dolton et al., 2018: 43). As there is a lack of British-born NHS and private sanitary workers, it would take a long time to get the native professionals, like nine years postgraduate training to become a consultant oncologist, according to the Royal College of Radiologists (Migration Advisory Committee, 2018b: 42). Thus, the sanitary sector (both private clinics and National Health Service) harshly risks itself to demonstrate poor healthcare service and reputation for British large population, if it does not make any effort to safe itself by keeping EU professionals in the UK, as no significant replacement would be available among natives and Commonwealth. The impact of EU workers leaving the NHS and the inability to recruit the EU workforce in the medical sector as simply as before Brexit would have a disastrous outcome for British health and social care.

6.1.6.3. Tertiary Sector

Indeed, service and manufacturing sector employers in banking, finance, law and digital firms were eager to recruit EU foreign-born nationals concentrated in London and South-East England. Those cosmopolitan regions heavily depend on the migration of all levels, all salary levels and all skill levels (Abboushi, 2017: 192; Billing et al., 2021: 1577 and Calhoun, 2017: 66). Those regions are also full of cosmopolitan ‘Remainers’ who regard EU immigration to deliver economic benefits and helping to relieve social burdens caused by the aging population in Britain (Bachtler and Begg, 2017: 748; Calhoun, 2017: 65 and Van Der Zwet et al., 2020: 520). Research has shown that the value of services inputs into manufacturing exports that are essential or important for their firms exceed almost £71 billion in 2017 (Borchert and Tamberi, 2018: 1, 3, 4 and 10 and Billing et al., 2021: 1576). This means that the British-based tertiary sector is completely globalized and cannot prosper in terms of domestic protectionism at all. Furthermore, as the service and manufacturing sectors are the wealthiest and the most influential, those are supposed to freely lobby the ruling authorities to restrict immigration policies for the effective EU ‘segmented reserve labour’ as minimum as possible.

After Brexit, it is expected that the demand for highly skilled EU workers will continue in the UK in the long term as it fits the novel migration theory of transnationalism, which is a product of Globalization and transnational capitalism (Kivisto, 2002: 38 and Vertovec, 1999: 452). The era of growing communication technology and cyberspace caused the establishment of a “transnational diaspora that can, to some degree, be held together or re-created through the mind, through cultural artifacts and through a shared imagination”, and plays a major role in the increasing role of migration over time (Lee, 1966: 54 and Vertovec, 1999: 451). Most important of all, technological advancements indeed reduced the costs and time in terms of communication and travel and eventually expanded the network between homeland and diasporas (Yuval-Davis, 2004: 221). Nevertheless, the technological revolution pushes British industry to be more concerned about filling its labor shortages (Salt, 2011:

24) among the high-skilled and well-educated labor, which is highly proportionate among the Eastern European denizens (Campos, 2018 and Machin and Vaitilingham, 2017: 92). Therefore, managers of multinational and innovative enterprises would continue to play major role for attracting EU talent and expanding service market on global scale for Aerospace, Extractive Industry, Electronics, Pharmaceutical, IT and Consultancy sectors (Salt and Wood, 2011: 91, 94, 96, 98, 100 and 103 and Valverde and Latorre, 2019: 220-221). They would opt out of hiring young native British workforce who lack good education and possess one of the lowest literacy and numeracy rates in Western Europe in order to develop the required skills for the job places (Abboushi, 2017: 196). These factors explain why big business associations successfully lobbied the British Conservative government to accept any terms to remain in the EU market of persons and capital (Rolfe, 2016: 8 and Rolfe and Davies, 2017: 35).

For example, the UK Research and Innovation (UKRI) and the Campaign for Science and Engineering (CaSE) identified the following professions that an immigration system should attract the brightest and the best - researchers, engineers, academics, business founders (whose characteristics include PhD level roles and Chartered Engineer status), specialist technicians (data analysts, cell culture specialists, A.I. experts, students) and their dependants (House of Commons: Science and Technology Committee, 2018: 8-9 and 25-26). Those two organizations were also successful in accommodating research-related travel outside the UK as an 'important reason' for a continuous residency (ibid: 10).

The rapidly increasing importance of the tertiary sector indicates that professionals among EU foreign-born nationals who request to stay on a permanent basis are indeed in huge demand. Currently, there is a huge deficit of intellectual and innovative force among young Britons. Furthermore, those related British institutions are cosmopolitan enough to accept any foreign-born individual regardless of his/her race, ethnicity, skin colour and religion. The important thing to note is that according to recent

studies, British people attach high importance to skills but lower importance to skin colour and religion, while 5% of Britons request no professionals from India and 6% from Poland, contrary to 35% of British demanding no low-skilled workers from Poland and 42% from India (Blinder and Richards, 2020: 6).

Despite the other researchers' claim of little evidence that employers look specifically to recruit EU migrants, they still aim to recruit the best quality applicants among EU denizens (Rolfe and Hudson-Sharp, 2016: 5) because they often report shortages in the highly-skilled sector (Migration Advisory Committee, 2018b: 8 and Raji, 2017: 348). People whose origins are from EU14 countries or overseas are more likely to get employed in these jobs compared to their British-born counterparts. Those 39% of workers born in Western Europe were employed in high-skilled occupations in Q1 2016, compared to 27% of UK-born workers and just 8% of workers born in Eastern European and Mediterranean A8 countries (McGuinness and Hawkins, 2016: 12-13). Lack of freedom of movement that provides easier and faster recruitment of highly skilled and educated EU workforce would not deliver prosperity and expansion for the British tertiary sector on a global level.

6.1.6.4. The Role of Young Europeans in the Research and Innovation Sector

Jeremy Cliffe once described 'Britain's cosmopolitan future', increasingly shaped by its big cities full of internationally connected young people, with rapidly expanding educational and research sectors (Goodhart, 2020: 216). Universities and sectors of the economy that employ science professionals and workers expressed worry during the UK general elections 2017 in processing and elementary occupations would be most under pressure from attempts to reduce immigration. EU students make up just 5.5% of the student population in British Universities, and demand for higher education in the UK is still very high (Machin and Vaitilingham, 2017: 33-34). Brexit also represented a threat to the reduction of student numbers and damage to the reputation of international-based universities (ibid: 33), which also logically favoured the Remain option (Hearn, 2017: 23). First of all,

many universities are highly internationalized and have developed partnerships throughout Europe across multiple dimensions – in terms of research funding, student base and staff recruitment – which are mandatory in the current form of capitalism and post-Brexit period. Second, as major visa sponsors of third-country nationals, both as employees and students, universities are experienced with and have an existing infrastructure to process and monitor staff under migration control and are thus well-equipped to incorporate EU employees into this existing system. Third, EU staff members in universities are among the most highly skilled ‘mobile middle’ EU migrants (Luthra, 2021: 191). Generally, international students were seen as cultural and economic contributors to British society (Rutter and Carter, 2018: 91). After graduation and several years of living and working in the UK, the EU students would serve up as effective high-skilled replacement force for British innovative industry as the European graduates as they would account 5% of workforce in finance, science and information technology (Machin and Vaitilingham, 2017: 83).

Amid the increasing power of the Internet and Global Media, these graduates among EU denizens who are familiar with and raised by these technologies would also play an active role in boosting online enterprises on the macro-level. As communication and transport technologies help to reproduce transnational connections between homeland and diaspora (Metykova, 2010: 326, Oprea, 2021 and Yuval-Davis, 2004: 221), those European students would be relevant big players in establishing contacts and attracting new potential high-skilled candidates and students for supplementary immigration from Europe into the UK, according to the Social Networks Migration theory (Beech, 2018: 614 and Harvey et al., 2018: 644 and 647).

Young EU denizens are very open and flexible replacements to assist the student employment system, whereas neoliberalism pushes UK universities to commercialize their powers to bring in more students of foreign nationality (Beech, 2018: 612). The increase and encouragement of migration would remain in demand, on the one hand, for workers and students with high skills (such as health

care and IT), and on the other, for cheap and flexible low-skilled labor. Thus, since students are counted in the total migration figures, any increase in number of foreign students (a major source of revenue for the de facto privatized university system) negates the government target (Gumbrell-McCormick and Hyman, 2017: 174). In the nationally representative ICM research, some 68% of respondents were happy for the number of international students to be increased or remain at the same level (24% increase and 44% remain at the same level), and the support was evident across all age groups, ethnicities, social grades, political affiliation and places (Rutter and Carter, 2018: 87).

In comparison, young individual British nationals would not be effective choices for establishing and expanding some networks with professionals from abroad. Some critics argue that English individuals are often perceived as closed-off, lacking social and sincere qualities, flexibility and communication skills. It is difficult to know what English people were really thinking “if I don’t like something, I say I don’t like it, but they won’t say it and they only put on a smile”. British natives were also described as living in invisible cocoons, isolated from each other with phrases like ‘don’t touch me’ or ‘don’t talk to me’. While interacting with such modern-day Western ‘individualists’, private and closed-off English people would be difficult to ‘read’ and to know (Ryan, 2010: 371).

The rapidly increasing role of young EU professionals in innovation and research also indicates that the innovative future of the British economy heavily relies on open-door immigration. By choosing tighter restrictions regarding free movement, the UK risks nothing else but a lack of effective networks on a global level and social and technological backwardness. Implementation of a point-based system and/or student visa for both non-EU and EU denizens is a rather costly and lengthy option to attract and recruit a desirable number of young professionals.

6.1.7. Social Security

Unjust access of EU denizens to the welfare state was among key claims made by ‘Leavers’ and accepted by large sections of the British voters. Most of the citizens’ panels believed that EU foreign-

born nationals were free to travel to the UK and have immediate access to benefits and social housing. Almost no one knew the details of current free movement rules clearly stating that after three months, EU citizens can only legally reside in the UK if they are employed, self-sufficient, a student or a family member of one of these three groups (Rutter and Carter, 2018: 32-33). Also, not all Britons are aware that EU denizens only have full access to social security provisions in other Member States if they are workers or family members of workers. Furthermore, most Eastern European nationals tend to work instead of claiming welfare benefits in the UK (Blanchflower et al., 2007: 15; Goodhart, 2020: 120; Rutter and Carter, 2018: 70-71 and The Migration Observatory, 2016: 2). Even though in 2015, 10% of people born in the UK and 12% of those born in other EU countries applied for benefits, only 2.2% (and among those of working age, 6.8%) of citizens of other EU countries applied for non-work-related benefits, and mobile workers from EU-10 countries have much less recourse to social housing than British counterparts (Gellér-Lukács et al., 2016: 424-425).

Furthermore, EU denizens who made up approximately 35% (in 2017) of all immigrants living in the UK, contribute largely to the welfare state. The majority of them are of working age and have come to work (70%) or to study or join their families, in comparison with non-EU counterparts who have more children than EU migrants and consequently imply larger expenses on public education (Goodhart, 2020: 120; Machin and Vaitilingham, 2017: 2, 80, 81-82 and 92 and Valverde and Latorre, 2019: 210). Most of the five million EU citizens who want to remain in post-Brexit Britain tend to pay more taxes than UK-born residents and more than they receive in benefits or social provision. Comparing attitudes before and after the Referendum from within the same groups of individuals suggests that both ‘Leavers’ and ‘Remainers’ have softened their attitudes towards immigration (Blinder and Richards, 2020: 2 and Stewart et al., 2020: 510).

6.1.8. The Post-Brexit Period

This section highlights the rationale behind the Brexit Withdrawal and reached Trade

Agreements to safeguard the existing rights of EU-segmented labor and promote a more advantageous ‘Soft Brexit’ option. Other than that, this also reflects that any future EU-UK renegotiations can resume as a former Member State would re-consider novel EU immigration policy agenda under the pressure of circumstances and conditions that affect its capitalist economy.

6.1.8.1. Brexit Withdrawal and Trade Agreements Reached

Amid complex and conflicting negotiations that twice delayed the formal Withdrawal date until January 31st 2020, according to domestic politics, intergovernmentalist and post-functionalist theories, EU negotiators, UK authorities and the British Trade Union Congress eventually reached some compromise between conflicting interests, which support and oppose European immigration. Brexit Withdrawal Agreement appeals to a certain extent to anti-migrant backlash by abandoning the free movement of post-Brexit EU workers in exchange for the solidarity of allowing extensive rights to remain to all denizen workers who contribute enormous value to society (Gumbrell-McCormick and Hyman, 2017: 175). That is one of the reasons why, soon afterward, both sides reached and finalized the EU-UK Trade and Cooperation Agreement by May 2021 that guarantees sovereign Britain to prevent a ‘Hard Brexit’ scenario after the formal withdrawal from the EU single market and customs union.

Despite the fact that Theresa May initially planned to implement a complete end of free movement for the EU foreign-born nationals working and living in the UK, the real argument claims that at times when the authorities or capitalist economies feel they need to get in more people, the immigration rules get softened. When they feel there is a strategic need to reduce the number, they simply tighten up immigration rules at times when it is necessary during economic decline. The EU-denizen labor remains the ideal remedy for the crises of capitalism for three reasons. First, it is very productive in the expansionary phase. Second, it is excludable without difficulty in the recessionary phase, when there is a danger of overproduction. The third and final reason is it consumes little because

it reduces inflationary tensions in expansionary periods and cushions the decline in demand in recessionary periods. Indeed, the world system (international) migration approach provides us with a comprehensive explanation of global migration trends (Meyers, 2000: 1249-1250).

6.1.8.2. COVID-19 and Post-Brexit: New Challenges

The COVID-19 pandemic further challenged Brexit. According to the Financial Times, business lobby groups (including the British Chambers of Commerce) complained to the UK authorities about labor shortages caused by this sanitary disaster and Brexit (Thomas, 2022). They also warned that a lack of overseas and EU workers is likely to put a brake on the UK's economic recovery and could feed through to higher prices for goods and services as staff shortages "force them to offer high wages in order to lure new recruits" (Partington, 2021). As predicted, since the WA was reached between the UK and the EU, employers in the UK began to raise complaints about labor shortages across the economic spectrum. "One horticultural company quoted a loss of 25% of staff since Jan 2021 due to those returning to Europe as pay is now much better in Norway" (Food and Drink Federation, 2021: 21 and Manning, 2021). The freight, construction and health sectors also struggle to fill vacancies, adding to the rising alarm of owners and their shareholders already trying to limit the economic damage of 15 months of pandemic lockdowns and restrictions (Dettmer, 2021). According to the National Farmers Union, up to £60m of crops in the UK were left to rot owing to a lack of workers (Butler, 2022).

A combination of COVID-19 lockdowns and post-Brexit terms coming into effect has caused many EU workforces to return to their home countries and then never come back to the UK (Sandford and Hanrahan, 2022). Presumably, many of these workers who have 'settled' or 'pre-settled' status just do not volunteer to return not only because of the pandemic or being closer to family (as family migration theory suggests) but because they believe they now have better options elsewhere. Only EU foreign-born nationals from the poorest Member States, like Romanians or Bulgarians, see perspectives of new homes in the UK (Ghita, 2020). In parallel, as travel became increasingly restricted and large

parts of the economy shut down, many EU drivers (with an estimated shortage of 60,000) went home and haulage companies then confirmed that very few have returned. The pandemic also created a large backlog in HGV driver tests, so it has been impossible to get enough new drivers up and running (BBC, 2021 and Manning, 2021).

As it was initially hypothesized COVID-19 has the potential to increase anti-immigrant attitudes (Pickup et al., 2021: 2190), Policy Institute at King's College London and British Future studies instead reveal a clear majority of the public agree that the coronavirus crisis has demonstrated the importance of immigration in staffing essential services, with one in five agreeing strongly and just one in ten disagree (Hewlett et al., 2020 and Pickup et al., 2021: 2192). This survey reflects that British capitalist industries are struggling with a lack of an effective EU workforce.

The UK's struggle with the economic slowdown, inflation and post-COVID circumstances may push British authorities to eventually refocus their attention again on more effective immigration policy. If the immigrant demand remains high, then some new accord should be expected to be renegotiated between London and Brussels in order to enact easier terms for pre-settled and settled 'European Reserve Labour' registered under the EUSS scheme regarding freedom of movement, to work and to access social security in the former Member State.

6.2. POLITICAL DIMENSION

6.2.1. Restoring Political Sovereignty

Indeed, the Brexit vote phenomenon has opened a new way for the restoration of weakened British sovereignty along with a new system of relevancies regarding British nationality (Kostakopoulou, 2018: 855). This outcome delivered nothing else but deep concerns regarding further relations with the EU. The prolonged and complicated negotiations between Britain and the EU (along with its Member States) indicated that the procedure to reach the final political agreement was not smooth. So, its implementation was also expected to deliver serious gaps in the aftermath.

First, the restored principle of border imperialism (Ammaturo, 2019: 561) signalled the necessity to control who lives and works within its territory, as well as restricting welfare and benefits for the EU denizens (Doherty, 2016: 383). This also involves the British nation-state exercising its own laws independently from the authority and intervention of EU-based judicial institutions such as ECJ, which empowers the EU citizens to exercise their existing rights. During the first stages of UK-EU negotiations, proposals of ‘taking back control’ and deciding which specific right for the EU denizens should be empowered, amended or abolished, British authorities introduced The Great Repeal Bill on 10th October 2016. This legislature aimed to convert the EU body law into British domestic level was eventually passed and took effect on June 26th 2018, as the European Union Withdrawal Act 2018 (Government of the United Kingdom: Department for Exiting the European Union, 2017; McGowan, 2017: 35 and Richardson, 2018: 120).

This protectionist stance made EU authorities and Member States express deep concerns about the rights of their own citizens during the withdrawal period (Brink and Kochenov, 2019: 1374). Indeed, residence status and the transnational possibilities of travelling back and forth between two or more countries were among the first questions EU denizens asked themselves and each other before and after the June Referendum 2016 (Lulle et al., 2018: 4).

Freedom of movement of persons and right to reside were the most mandatory for the functioning of the single EU market (Gellérné, 2016: 145-146), and all 27 EU countries objected to negotiating any new trade agreement with the British side if this criterion is not fulfilled (Abboushi, 2017: 196). The European Trade Union Confederation (ETUC) Steering Committee, held in London in July 2016, also stated that there shall be no full access to the single market, which minimizes the economic costs of Brexit, without applying the four fundamental freedoms linked to it, and particularly free movement of people and workers (Gumbrell-McCormick and Hyman, 2017: 175; Machin and Vaitilingham, 2017: 39 and Rankin, 2017).

The EU chief negotiator, Michel Barnier, conflicted with the British side by ‘Nothing is agreed until everything is agreed’ and repeatedly insisted the very same EU27’s negotiating position about the necessity of freedom of movement of EU foreign-born nationals for the British access to the European market (House of Commons: Home Affairs Committee, 2018: 8 and 32 and Valverde and Latorre, 2019: 209). That is why the UK negotiating team eventually abandoned Theresa May’s original stance to leave the Single Market and the Customs Union, aligning with some of the Labour Party’s proposals. Her original version of the White Paper introduced in February 2017, logically suggesting ‘Hard Brexit’, delivers deep loss for the British public, according to a cost-benefit rationale. That is why Tories have softened their Eurosceptic stance closer to Jeremy Corbyn’s Labour 2017 election manifesto that aimed to launch a new and fresh negotiations strategy that priorities the benefits of the single market and the customs union (Government of the United Kingdom: Department for Exiting the European Union, 2017; Hobolt, 2018: 42; Lazowski, 2018: 478 and McGowan, 2017: 112).

6.2.2. The Withdrawal Agreement

After electing Theresa May’s Conservative minority government during the snap elections of June 2017, the first phase of official Brexit negotiations that took place until reaching an agreement on the first joint report on 8th December 2017 also serves up as an important milestone to keep the access with EU market in the post-Brexit Era. It states that “the overall objective of the Withdrawal Agreement with respect to citizens’ rights is to provide reciprocal protection for EU and UK citizens, to enable the effective exercise of rights derived from Union law and based on past life choices, where those citizens have exercised free movement rights by the specified date”. This led to the implementation and launch of the EU Settlement Scheme on March 30th 2019 by which EU denizens can register for ‘settled’ and ‘pre-settled’ status, depending on the length of stay and the way each individual is registered (Tottos, 2019: 77).

Nevertheless, Theresa May was forced to resign as she could not ratify and finalize an ultimate

deal amid the lack of parliamentary support among Europhilic opposition who occupied most of the MP seats in the House of Commons. The allied Democratic Unionist Party (DUP) also abandoned political support, as it expressed discontent regarding the Northern Ireland backstop. Renewed negotiations were launched only in the Fall of 2019, following the EP elections in May 2019 (with the Brexit party win) and coming into office of Boris Johnson's government on 24th July 2019 (Prosser, 2021: 453 and Vasilopoulou, 2020: 80-81 and 89). Despite the fact that his political platform was more Eurosceptic than his predecessor's, the final and revised text of the WA, bilaterally agreed in November 2019, safeguarded Part Two of the Agreement, which provisions aim to protect EU denizen rights (Bernard, 2020: 303). Unlike Theresa May, Boris Johnson managed to secure parliamentary support after gaining a majority of seats during December 2019 elections among Eurosceptic Tories who ratified the final version of WA on January 23rd 2020 (along with the European Parliament on January 29th 2020), making it effective from the late evening of January 31st 2020.

6.2.3. Withdrawal Agreement and The Function of EU Settlement Scheme

From the end of the transitional period (Article 185), the WA covers two categories of persons - EU citizens in Britain and UK citizens in EU-27 for the EUSS. EU citizens and their family members who arrived by 31st December 2020 and have been continuous residents in the UK for five years will be eligible for 'settled' status, enabling them to stay indefinitely. Those who have not been continuously resident here for five years will be eligible for 'pre-settled' status, enabling them to stay until they have reached the five-year threshold. They can then also apply for 'settled' status (Bermejo, 2021: 397-398; Bolt, 2019: 8-9; Cirlig, 2020: 8 and Florea, 2019).

The registration of millions of EU citizens by old-fashioned procedure (doing paperwork) would require huge administrative resources and may take decades. Thus, the UK has signed up to some procedural limitations to the constitutive registration system as set out in Article 17 of the WA (Smismans, 2018b: 453) to implement more secure and user-friendly digital ways instead of taking

biometric data such as fingerprints (HM Government, 2017: 2). The online application procedure is based on three key steps through online - to prove their identity, their residence in the UK and to declare whether they have any criminal convictions. The procedure costs £65 per person and £32.50 for children under the age of 16 (not including a charge for sending the document option physically) (House of Commons: Science and Technology Committee, 2018: 12). It was also required to upload a photo of their passport or ID card to prove their identity. Anyone who applies on post and computer (the most suggested option!), all the necessary ID documents must be sent by physical mail (New Philanthropy Capital, 2018: 30). Three forms of evidence to prove residency (second step) requires a proof of work for a 12 month period (at a company or as self-employed), proof of address and an “annual bank statement, or an account summary covering a 12 month period showing payments received or spending in the UK in at least six months of that year” (ibid: 31). Other eligible documents are GP letters and Passport stamps or travel ticket confirming entry at the UK border, which cover the entire month of issue (ibid: 31).

After successful registration, the EUSS scheme bound to the Withdrawal Agreement guarantees special protected status by replicating the rights provided by the EU Citizens’ Directive 2004/38/EC regarding freedom of movement and residence (Part 2, Title II, Chap. 1), for workers and self-employed persons (Part 2, Title II, Chap. 2) and rules for coordination of social security systems (Part 2, Title III) (Bolt, 2019: 8; Kostakopoulou, 2018: 863; Lazowski, 2018: 470; Peia, 2020 and Porchia, 2019: 587-588). Section 7(1) of the Immigration Act 1988, which obliges the UK to fulfill the EU Treaty right of free movement for all EU denizens between the Member States, was omitted by the Immigration and Social Security Coordination (EU Withdrawal) Act 2020. However, the section’s first paragraph was modified by the Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020. It specifies that if the settled EU denizens register by June 30th 2021, they would be able to possess the very same right of free movement for both EU citizens in the UK and UK

citizens in Europe, conferred by Article 9 of the EU (Withdrawal Agreement) Act 2020 by the date of withdrawal (Bulmer and Quaglia, 2018: 1094 and Costea, 2018b: 76-77). This Article also fulfills Article 2(2) of Directive 2004/38 (Lazowski, 2018: 480). Articles 13 and 14 of WA provide a right of residence in the host State (Bernard, 2020: 308-309), and Article 17 states that no one should be affected when they change status, for example, between student, worker, self-employed person or economically inactive person (Lazowski, 2018: 481 and Tottos, 2019: 78). Also, the WA agrees on the role of ECJ (Part 6, Title 1) in protecting and enforcing these rights after obtaining ‘settled’ or ‘pre-settled’ status.

6.2.4. Obstacles for Obtaining Either ‘Settled’ or ‘Pre-Settled’ Status

As this innovative procedure was generally applied for EU citizens who are, on average, young and highly educated enough not to have problems in navigating a simplified application process, on the one hand, it is argued that this innovative technique also provides flexibility for some vulnerable groups. Especially some seniors and sick people who cannot physically fill documents because of dementia or any other serious maladies (MacAskill, 2019 and Sumption and Fernández-Reino, 2020: 24). Digital procedure also provides a way to avoid proving their status often and maintaining paper documents that present an additional level of bureaucracy for them and guarantee easiness for visually impaired and dyslexic individuals who may have difficulties reading a physical document. Finally, it is good for people who lack English skills as documents online could be more easily translated into other languages (Barnard et al., 2021: 381; New Philanthropy Capital, 2018: 20; Sumption and Fernández-Reino, 2020: 23-24 and Tomlinson and Welsh, 2020: 9).

Nevertheless, serious issues did emerge through the actual implementation process of the settlement application. On the other hand, those groups (especially the seniors) and members of migrant Roma communities from Bulgaria or Romania are more likely to have poor digital literacy and IT skills or only have access to the internet through Wi-Fi in public places (New Philanthropy Capital,

2018: 11 and Sumption and Fernández-Reino, 2020: 26). It is also not guaranteed that these people would gain help from their children or any other relevant younger relative, before seeking more formal support (New Philanthropy Capital, 2018: 33). Applicants often complained that the process was not quick and straightforward enough for all users, especially among the ones who use older devices or utilize new devices for phone calls/messages only (Bolt, 2019: 17-18 and New Philanthropy Capital, 2018:11). Furthermore, those technical issues can bring anxiety and obstacles for disadvantaged groups. For financially disadvantaged groups, they can face financial obstacles as many of them must pay money to renew and/or scan the mandatory documents, including the price of transportation to the scanning centre (Barnard et al., 2021: 374).

Another problem is that some landlords felt it was too complicated or troublesome to engage with electronic systems, and they would request rather some physical proof to accommodate someone (Tomlinson and Welsh, 2020: 10). In most cases, at least one accommodated person in the household may have a written tenancy agreement or any other documents such as mortgage or property deeds but not everyone in the household is guaranteed to have documents written with their name (Sumption and Fernández-Reino, 2020: 30). Their economically inactive family members are likely to have greater problems finding evidence if they also lack residence documentation, for example because all proofs of address are in the name of a partner or other household member (ibid: 30-31).

Research has demonstrated that many people are confused about whether they need to apply amid a lack of information and false widespread information (Clay et al., 2019: 4). Some were very anxious about making mistakes in their applications and distrust other supportive organizations such as job centres, community centres or charities (Guma and Jones, 2019: 8 and New Philanthropy Capital, 2018: 3), and instead hired lawyers to help with the application (New Philanthropy Capital, 2018: 11). People who live in poverty, feel isolated, are stressful or have very few close social contacts and/or social interactions (like unemployed, mentally or physically ill, or disabled) might not be aware of the

EUSS and might be more likely to miss the deadline to apply (HM Government, 2017: 1 and Sumption and Fernández-Reino, 2020: 2-3, 17 and 21). Prisoners and people who have been rejected for permanent residency or who were previously ineligible to it (due to lack of comprehensive sickness insurance) may mistakenly believe that they are ineligible for the EUSS (Dunin-Wasowicz and Herbec, 2017 and Sumption and Fernández-Reino, 2020: 15). Eligible people who have already received the Permanent Residence (PR) may not realize that their permanent status is not actually secure and that they also need to apply to the EUSS to remain in the UK, despite the fact that Article 18(1)(h) of the WA states that anyone who, before the end of the transition period, holds a valid PR document issued under that Article 19 or 20 of Directive 2004/38/EC shall have the right to exchange that new status for free (Cambien, 2020: 219 and Sumption and Fernández-Reino, 2020: 13). There may be some large groups of people who would not normally be classified as ‘vulnerable’ who may not realize that they need to apply, such as children, along with people who simply forget or delay their application until after their deadline expires (Sumption and Kona, 2018: 3 and Fernández-Reino and Sumption, 2022: 10-11).

In terms of the right to work, some employers, unfamiliar with digital technology, may definitely request some physical proof in order to hire someone (Tomlinson and Welsh, 2020: 10). In addition to this, the EU Justice Sub-Committee raised concerns that the application process could also open up new ways for exploitation. For example, if a perpetrator takes control of the initial application (along with the associated phone number and email address to which the security code is sent), they would have control over the one who can access the account (ibid: 11). Those working in the informal job market were most likely to face difficulties budgeting, as they often worked without knowing where their next paycheck would come from, in order to pay for application, as at the same time there would be no proof of work in order to claim benefits through the welfare system (New Philanthropy Capital, 2018: 33).

Last, concerning all mentioned rights, in case if a digital (instead of physical) ID document to prove ‘pre-settled’ or ‘settled’ status is lost or stolen, then an applicant is redirected to a general inquiry form, which must be sent to the EU Resolution Centre. However, the problem remains that it is not clear about the length of the process and how long the EU Resolution Centre will remain open (Tomlinson and Welsh, 2020: 6), especially in controversial circumstances that take place such as the COVID-19 pandemic, and thus it increases risks for these individuals to be forgotten or excluded.

6.2.5. Obstacles for Obtaining and Keeping ‘Pre-Settled’ Status Only

Anyone with pre-settled status who wants to remain permanently in the UK would need to apply again to the EUSS to secure ‘settled’ status. This raises some important challenges for the future, including those people in vulnerable situations who have limited evidence of their residence in the UK. To secure ‘settled’ status in the future, applicants would need evidence of a full five years of residence. This especially concerns people who are considered to be homeless if they have no accommodation where they are entitled to live or have accommodation but cannot occupy it (e.g., because of a threat of violence), while rough sleepers do not have any address at all (Sumption and Fernández-Reino, 2020: 22). Furthermore, this vulnerable social group would not be able to submit their application online, as they have less probability to own any communication technology (especially if it is battery-charged) (ibid: 7). Another vulnerable category within ‘pre-settled’ status includes people without bank accounts, non-working partners, visitors who have arrived shortly before the cut-off date for eligibility (they are more likely not to have bank accounts, leases, or potentially verifiable informal activity), and people without passports or national identity documents who may have difficulty demonstrating their citizenship (Sumption and Kona, 2018: 2-3).

Despite the fact that EU citizens with settled status can spend up to five years outside the UK without losing their status, those ones with ‘pre-settled’ status an absence of six months (or 12 months if there is an important reason) would break the continuous period of residence required for secure

‘settled’ status application. This means that if a person with the ‘pre-settled’ status left the UK temporarily in May 2021 and came back after 31st December 2022, they would likely lose their path to ‘settled’ status and would have no option to renew or reinstate their existing status because the cut-off date would already have passed (Sumption and Fernández-Reino, 2020: 32). This was a major issue during the COVID-19 pandemic as many EU citizens went back to their home countries to support family while working online in the UK. This category of registered EU citizens continues to be more vulnerable to losing their status to live, work and access services in the UK without any opportunity to upgrade to the ‘settled’ or to extend the current one (Townsend, 2021). Especially those with poorer English language skills, few qualifications, or unrecognized ‘foreign’ diplomas are more likely to be targeted for exploitation in the low-skilled sector and/or for exclusion (Lulle et al., 2018: 8).

6.2.6. Obstacles for Obtaining and Keeping ‘Settled’ Status Only

It was believed that EU citizens who reside in the UK for more than five years should have less problem in registering for EUSS, as in comparison with their short-term counterparts registering for pre-settled status, they should be more familiar with local British system (New Philanthropy Capital, 2018: 5). However, from 1st July 2021, EU citizens who applied for ‘settled’ status must prove their category (when applying for a job or renting a property) in the UK with their digital immigration status, rather than with their passport or ID card. Holders of this specific kind of documents shall be exempted from any visa or other permit to live and work in the UK (Bermejo, 2021: 398).

In the same manner as ‘pre-settled’ counterparts, the ‘settled’ residents who might not demonstrate such documents may be the victims of abuse and exploitation, isolated people who lack English or digital literacy (by pressing the wrong button), seniors, sick and disabled who can be excluded to alter their status online, and individuals (such as non-working partners) who lack evidence of both residence and economic activity (like lacking bank accounts or passports), especially amid the COVID-19 restrictions (Gentleman, 2019; MacAskill, 2019 and Sumption and Kona, 2018: 2-3). The

unexpected pandemic lockdown involved the closure of the EUSS Resolution Centre and the suspension of the ability to send documents by post, as well as the closure of all local scanning centres (UK In A Changing Europe, 2020). Home Office's flexible exemption that allows persons with 'special circumstances' to apply beyond June 30th 2021 deadline also cannot guarantee that such individuals can deliver necessary proof about how pandemic restrictions affected their option to apply for EUSS earlier. Regardless of Article 17's claims that the 'settled' ones who lose their proof will be provided with a new document only on the basis of proof of identity as required in Article 16 of Directive 2004/38 (five years of continuous and lawful residence as a worker, self-employed person, student, self-sufficient person, or family member) (HM Government, 2017: 2), Article 14(3) WA articulates that 'settled' status can be lost after five years of absence (Smismans, 2018a).

6.2.7. Achieving Social Security Access

Even though the EU feared any concessions that the UK might jeopardize "not only the integrity of the EU rules on free movement of persons" (Barnard and Butlin, 2018: 205), on 13th December 2016, the European Commission put forward a proposal to revise the current legislation regarding the coordination of social security systems (Regulations 883/2004 and 987/2009) (Gellérné, 2016: 149-150 and Solacolu, 2021:120). The UK White Paper of February 2017, as well as the Brexit Letter and the negotiations guidelines of the European Council of 29th April 2017, claims the intention of both parties to ensure close cooperation between the UK and the EU27 after Brexit as soon as the UK becomes a third country (Government of the United Kingdom: Department for Exiting the European Union, 2017 and Verschueren, 2017: 375). In parallel to that, on 8th February 2017, the UK House of Commons Select European Scrutiny Committee pushed "the Minister to clarify how the Government will seek to secure new arrangements with the EU or individual member states on coordination of social security to replace, in whole or in part, the substance of the existing Regulations when the UK ceases to be a member state" (Roberts, 2020b: 532).

The first phase of Brexit negotiations took around six rounds of discussion until, on 8th December 2017, the WA was reached in principle on coordination of social security for both EU denizens (in the UK) and British nationals living in EU Member State (ibid: 537). The arrangements that were included are unemployment benefits, export of benefits and social security contributions made in different countries, workers' children's access to education, access to self-employment along with recognition of qualifications (Fichera, 2018: 252-253), regulations to limit access to social benefits for economically inactive EU citizens (Gellérné, 2016: 160), coordination of long-term care benefits and family benefits during child-raising periods (Roberts, 2020a: 246).

This Protocol of welfare for the EU denizens was included within Part Two of Title III (in Articles 30 to 36) (Bermejo, 2021: 398-399; Fichera, 2018: 253-254; Roberts, 2020b: 537-538; Tottos, 2019: 78 and Verschueren, 2021: 9-10) and generally duplicates the existing rules on social security coordination (Regulations (EC) 883/2004 and 987/2009). Also, based on Article 127(1), the relations between the UK and the EU Member States regarding welfare support would continue to be regulated by both the current social security regulations and, for third-country nationals, the old regulations (Verschueren, 2021: 9). Nevertheless, this Protocol already delivers some fallacies and confusion.

First, the WA would be in effect only for 15 years or until it is extended by mutual agreement or annulled by either party (Solacolu, 2021: 113 and 117-118). This means that according to Article 36, it is eligible to make amendments (and even annulment) for social security after the end of the transition period, in particular Regulations 883/2004 and 987/2009 (Porchia, 2019: 587-588; Roberts, 2020a: 238 and Solacolu, 2021: 116-117). Regardless of the fact the belated consequent Trade and Cooperation Agreement (TCA) (implemented on the UK side as the European Union (Future Relationship) Act 2020), signed at the end of 2020 and fully entered into force on the 1st May 2021 (Bermejo, 2021: 390), ensures that citizens finding themselves in a cross-border situation at the end of the transition period will continue to be protected in accordance with EU legislation on the matter of social security

(Lommers et al., 2021: 4 and Solacolu, 2021: 113), its related Protocol makes social security less protective as originally agreed in the WA. The first shortcoming is some of the most controversial benefits coming within EU coordination regulations are not included in the material scope of the Social Security Coordination (SSC) Protocol of the TCA, including family benefits, special non-contributory cash benefit (SNCB) – a mixed type of benefit with nature between that of social assistance and social security, long-term care benefits, that are coordinated as sickness benefits under the force, and the exotic “payments to meet expenses for heating in cold weather” (Hadzic and Vogelaar, 2021: 2). Second, there are restrictions on the exportation of some benefits, where on the one hand, it is not possible to export unemployment benefits and on another, the exportation of invalidity benefits, in general, is not envisaged under the TCA, disregarding their contributory or not-contributory nature. Thirdly, even if it is not envisaged that there be any freedom to provide services under the TCA, the SSC Protocol provides a special rule of conflict of laws that allows the maintenance (for 24 months) of insurance under the social security law of the home state. Finally, as the social security protocol will be only valid for 15 years, only in the aftermath can a new updated protocol be negotiated. This limited time period is way too short for social security rights, as it may take decades to be re-arranged. Especially regarding pensions, as this would be a concern for young EU foreign-born nationals who will eventually enter retirement age (Bermejo, 2021: 404).

The second problem with social security accordance in the post-Brexit period is that the EU Member States are entirely free to develop their own social security systems. As a result, there are huge differences between the systems of the EU Member States. In continental Europe, especially in Germany’s Sozialstaatsprinzip, the concept of the social state is much more embraced, as in comparison, the British system is based on the distinctive Anglo-Saxon (common law) concept of the welfare state (Strban, 2017: 168). Thus, it would bring a lot of confusion, such as which benefits are ‘child benefits’, since the notions used in Regulation 883/2004 are ‘family benefits’ and ‘family

allowances' (ibid: 175). Even though the coordination system at the EU level was established to get rid of the confusion, as demonstrated by Regulations 883/2004 and 987/2009/EC (Verschueren, 2017: 368-369), it can also be unfavourably altered or annulled at any moment after the end of the transition period. It is important to note that the UK is now under full control of its domestic social security as the Section 6 of the Immigration and Social Security Co-Ordination (EU Withdrawal) Act 2020 revoked the retained EU legislation in British immigration system on social security co-ordination from the end of the transition period (with limited savings provisions) (Kennedy and Powell, 2020: 6).

The third concern is social security provisions of the Brexit Withdrawal Agreement are expected to be implemented for decades and will be the subject of bilateral dialogue between the UK and the EU through a Joint Committee and even through a complex set of judicial proceedings for many years (Verschueren, 2021: 9-10). Furthermore, as the wording of the social security provisions of the agreement remains the most detailed and complex in the world (Verschueren, 2017: 370), the EU monitoring system will remain applicable, including the competencies of the CJEU (Article 131 WA). On the one hand, this system enables the European Commission to launch proceedings against the UK, as well as on the other, the British judiciary can make preliminary references to the CJEU about the interpretation of the still applicable EU law (Article 86 WA). However, it is important to understand that the role of the CJEU will remain in effect only for eight years (Bermejo, 2021: 392 and Verschueren, 2021: 10-11 and 18-19). Another problem, which will be debated in the following section, is that the WA also provides confusing outcomes regarding the role of the ECJ after the end of the transitional period on December 31st 2020.

Perhaps the UK accepted social security coordination in the context of future UK-EU27 relations as envisaged in Article 30(1)('a' to 'e') for EU denizens of any type (Bernard, 2020: 311-312) to avoid increasing complexities and fallacies of the existing social security system. However, it is hard to test how social security access will work in practice as most EU denizens arrive to work, instead of

taking advantage of local benefits in the UK. Furthermore, if gaps in social security provisions already exist and cannot protect all EU citizens at all times, the Immigration Acts 2014 and 2016, whose restrictive measures include limiting access to welfare, banking and health services, can discriminate and alienate vulnerable EU foreign-born nationals after the end of the Withdrawal period on December 31st 2020 (Burrell and Schweyher, 2019: 193-194 and Mason, 2013).

6.2.8. The European Court of Justice in the Post-Brexit Period

The European Council took a firm stance on the role of the ECJ in safeguarding the EU denizens' rights in the UK, especially if Britain decides to implement a free trade agreement. The EU raised two key concerns to ensure that the ECJ retains judicial power and supersedes the authority of British courts in matters concerning the protection of EU citizens in the UK. On the first issue, EU negotiators stated: "The withdrawal agreement should include appropriate dispute settlement and enforcement mechanisms regarding the application and interpretation of the withdrawal agreement, as well as duly circumscribed institutional arrangements allowing for the adoption of measures necessary to deal with situations not foreseen in the withdrawal agreement. This should be done bearing in mind the Union's interest to effectively protect its autonomy and its legal order, including the role of the Court of Justice of the European Union" (Fennelly, 2018: 496-497). In respect of the second issue, which is pending judicial proceedings, it stated that "arrangements ensuring legal certainty and equal treatment should be found for all court procedures pending before the Court of Justice of the European Union upon the date of withdrawal that involve the UK or natural or legal persons in the UK. The Court of Justice of the European Union should remain competent to adjudicate in these procedures" (ibid: 496-497). This indicates that both 'settled' and 'pre-settled' EU denizens shall continue to be entitled to the same rights as before Brexit. Thus, the ECJ had to overlap the sovereignty of British legislation for certain EU foreign-born nationals who opted to remain.

Based on cost-benefit considerations for the British public and industries, UK authorities could

not finalize a free-trade agreement by choosing a ‘Hard Brexit’ option of complete acquittal from the EU jurisdictions. Therefore, in October 2017, Tories abandoned the original idea of Theresa May’s ‘White Paper’ hard stance to end the authority of the ECJ over the UK jurisdiction based on the protection of EU citizens who live and work in Britain (Bulmer and Quaglia, 2018: 1092 and McTague and Cooper, 2017). That is why ECJ remains a powerful institution in the UK to combat discrimination against EU citizens based on extensive grounds through Articles 21(1) and (2) of the Charter of Fundamental Rights (CFR), enacted on December 7th 2000 but took real effect by Treaty of Lisbon on December 1st 2009. Those include sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or other opinions, membership of a national minority, property, birth, disability, age, or sexual orientation (Article 21(1)) and nationality (Article 21(2)). Furthermore, ECJ continues to protect cultural, linguistic and religious diversity (Article 22), gender equality (Article 23), children’s rights (Article 24), the rights of the elderly (Article 25) and people with disabilities (Article 26) among European denizens (Craig, 2010: 205 and 227).

In another context relevant to CFR, the EU-UK free trade agreement could not be reached without finalizing a security deal that requires not quitting ECHR, which is interrelated with the EU judicial branches across Member States in a legal (but not institutional) manner. Article 52(3) of the Charter of Fundamental Rights refers to the CHR as the minimum standard for the protection of human rights across Europe. Logically speaking, after finalizing the WA, ECHR continues to sustain the supranational importance of fundamental rights in British legal order in the field related to EU foreign-born nationals, to some extent exercised by ECJ (Lock, 2012: 109-110).

Part Six of the Withdrawal Agreement should be relied directly on before the courts for the European denizens. However, there are still fallacies, which reflect that the role of the ECJ would still be limited in the post-Withdrawal era. Regardless that Article 4 confirms that the UK must respect the direct effect on the citizens’ rights provisions of the WA, and Article 158 allows UK courts to refer to

the CJEU for a preliminary ruling in case of doubt on the interpretation of these provisions, Withdrawal Bill is still very mute on the matter. The British side has not indicated any explicit statement in the implementation of Article 159 that provides the independent authority with the task of interpreting and applying those rights, as the decision on the nature and competence of this Authority is entirely in the hands of the UK (Smismans, 2018b: 463). Thus, there is no guarantee at all that the independent authority (Article 152) will at any stage operate properly to handle any complaints by EU denizens (Dunin-Wasowicz and Smismans, 2018 and Lazowski, 2018: 483-484). After all those eight years, the ECJ has no power to intervene, as Article 159(3) also states that the Joint Committee can allow the UK to abolish the Authority after those eight years. As the extensive role of the CJEU and independent authority are provided to monitor and raise concerns regarding violation of rights, the ECJ can only make a preliminary decision, instead of a final, as originally provided in the draft Article 162 of WA (Porchia, 2019: 592-593 and Smismans, 2018b: 463). Thus, a British court or tribunal may address a question and give a final verdict for a preliminary ruling to the CJEU if it arises in a case started at first instance within eight years of the end of the transition period from 1st January 2021 or eight years from 1st February 2020 (if the case concerns an application for residence documents during the transition period) (Larion, 2017: 92 and Larion, 2021: 141). Even though if this Article 162 was approved in its original format, the dispute settlement mechanism via the Joint Committee and potential recourse to the CJEU are far from sufficient to deal with the multiple implementation problems EU citizens in the UK would likely face (Dunin-Wasowicz and Smismans, 2018).

Other than that, ECJ will never become an ultimate guarantor of rights in all the cases, which are political processes rather than based on the role of individual or independent actors. For example, in the very recent Case C-709/20 CG, when the Supreme Court was asked whether those with pre-settled status should be entitled to equal treatment under EU law in relation to accessing social assistance, the response on July 15th 2021 was the UK could withhold social assistance from those who cannot

demonstrate an additional qualifying right to reside under the EU law. Such shocking judgment allows UK authorities to discriminate against the 2.5 million EEA nationals and their family members with the ‘pre-settled’ status (Welsh, 2022: 135). Nevertheless, it is important to remember that in the capitalist economy, more socially vulnerable EU citizens who are particularly among ‘pre-settled’ would be less protected, as at the same time, they would be “less considered within the judicial discussion of the EU neoliberal institution” (Shuibhne, 2019: 118). The power matrix created by Brexit, economic forces, and these low-skilled migrants’ own limitations (poor English, few qualifications, or nonrecognition of ‘foreign’ diplomas, etc.) offer EU denizens reduced hope for the future (Lulle et al., 2018: 8). As discussed in civic stratification theory, those vulnerable EU foreign-born nationals would have limited resources to exercise their existing denizen rights under such conditions. This state of affairs connects with the ‘hostile environment policy’ implemented by the British government before and after the Immigration Acts 2014 and 2016. Both of the legislations created an atmosphere of state and police surveillance, turning everyday people into informants for the Home Office who seek undocumented and precarious migrants from accessing schools, universities, the National Health Service (NHS), police, housing and banking (Raji, 2017: 346-347).

6.2.9. Settlement or Naturalization?

Regardless of the EUSS, the uncertainty about whether the rights of the EU denizens would be protected, many EU nationals prefer to obtain British citizenship instead of trusting the UK government (New Philanthropy Capital, 2018: 19) or relying on the EU jurisdictions in the post-Brexit era. Despite the fact that naturalization is an expensive (£1,282) and bureaucratically demanding process that not all EU citizens can meet, becoming British is motivated by the desire to avoid the negative stigma they perceive to be associated with the label immigrant. Naturalization also serves to escape the reach of the ‘hostile environment policy’ that nationals from the newer Member States had already experienced before the Brexit Referendum (Godin and Sigona, 2022: 1151).

Even among the nationals of original member-states, the number of German, Italian and French nationals applying for British citizenship has more than trebled in three years as the impact of the Brexit Referendum is felt, government data has revealed. By volume, Poles topped the list of those seeking British citizenship in the past three years, with just under 6,200 applying in the year to June 2017, up 44% during the previous year (Duncan and O'Carroll, 2018), amid hostile anti-immigrant and anti-Polish rhetoric from politicians (Grzymala-Kazłowska, 2018: 257). Although the majority of the young people had retained the citizenship of their birth country and had not become British citizens, more of them were applying for British citizenship (Tyrrell et al., 2019: 7). This can also be understood as a means of maximizing mobility opportunities for themselves and their children, which even settled status does not fully guarantee (Godin and Sigona, 2022: 1144).

6.2.10. The Post-Brexit Period Conditions

The WA fails to consider any particular challenges that some EU citizens may face in the UK in the near future, which is “due both to the legacy of how the UK has dealt with EU immigration in the past and to the limitations of EU oversight when the UK is out of the EU” (Smismans, 2018b: 445). As a result, the WA leaves EU denizen status in a more vulnerable position than before Brexit. Furthermore, the political development has the potential to further erode the status, particularly among the vulnerable EU denizens who were registered to work and stay in the long term. The European Commission Vice President and Commissioner for Inter-Institutional Relations and Foresight Maroš Šefčovič accused the Foreign Secretary Elizabeth Truss of failing to comply with its post-Brexit obligations toward EU foreign-born nationals in Britain during the ninth meeting of the Withdrawal Agreement Joint Committee, on 21st February 2022. This was another regular forum to discuss the implementation of the Brexit divorce deal and its Northern Ireland protocol (Gallardo, 2022).

Furthermore, the subsequent tenth meeting of the Specialized Committee on Citizens' Rights (established by the WA) was held on 15th June 2022 in Brussels, co-chaired by officials from the UK

government and the European Commission and criticized the conditions of EU denizens in Britain and UK nationals on the continent in detail. The UK raised longstanding concerns relating to evidencing status in some declaratory Member States, as well as accessing benefits and services, and many other issues such as family reunification, the need for detailed statistics on residence, multiple statuses and equal treatment with respect to property rights. The EU negotiators also noted that some EU citizens and their family members with a digital UK residence status encounter problems with carriers when boarding flights back to the UK (Foreign, Commonwealth and Development Office, 2022). This also refers to one of the controversial incidents that took place at Gatwick airport, where EU foreign-born nationals of different countries (including Spain, France, Czechia and Bulgaria) were detained and expelled, despite the fact that Home Office advice explicitly states that visitors without work visas may “attend meetings, conferences, seminars, interviews” and “negotiate and sign deals and contracts” (Tremlett and O’Carroll, 2021). That indicates that the border officials do not really care whether or not any of those EU visitors can be registered at EUSS and may prefer hostility instead of verifying their status. Other than that, the EU panel raised its concerns related to growing delays in the issuance of residence documents and asked the UK to outline its plans to reduce the number of cases awaiting a decision. A similar controversial scenario might be with accessing social security benefits and complaining to the ECJ regarding abuse of their specific rights. Nonetheless, no reported incidents exist yet. One last point outlines further tensions when it comes to family reunification. The WA is not perfectly aligned with the notion of family members in Directive 2004/38 on the free movement rights of Union citizens and their families (the Citizens’ Rights Directive). Thus, family reunification is expected to be much more problematic (Bernard, 2020: 305).

CONCLUSION

The prolonged four-year withdrawal negotiations indeed contested and inevitably affected the status of EU denizens living and working in Britain. Eventually, the UK has managed to restore control

of its EU immigration policies amid growing nationalist agendas and anti-immigration discourse generated and amplified by some political leaders over recent years who advocated for taking back control (Lesinska, 2014: 43 and Von Papp, 2018: 282). Nevertheless, if an EEA model is ruled out (known as the ‘Hard Brexit’ scenario), EU citizens settled in the UK would have to apply for either naturalization or “indefinite leave to remain” (Kostakopoulou, 2018: 855). One way or another, Brexit Withdrawal Period has effectively demonstrated that denizen rights can be revoked or curtailed by nation-states as they move away from regional memberships such as the European Union. This was the case when Eurosceptic Prime Ministers Theresa May and Boris Johnson eventually reached and finalized the deal to avoid the ‘Hard Brexit’ scenario after the UK elections in December 2019 (Toszek, 2020: 157). The WA has gaps and inconsistencies that make vulnerable EU denizens, especially those who are under or unemployed and/or relying on welfare, to be excluded and even deported.

It is important to note that, if necessary, increasingly nationalist and populist Tory rhetoric can potentially erode the existing Withdrawal Agreement, as the UK is no longer a Member State of the EU, and it has full sovereign power to dictate its own terms for all kinds of foreign nationals. Thus, the EU denizen status already faces a civic deficit in terms of legitimate power, and eventually, it may lead to a civic exclusion that would prevent full social integration of each single EU national under the EUSS scheme. Nevertheless, the consequent years after the Brexit Referendum in June 2016 have indeed demonstrated some softened the negative attitude of the British mainstream towards the EU foreign-born nationals among both the ‘Leavers’ and the ‘Remainers’. The real issue is that both low-skilled and high-skilled sectors strictly demand hard-working individuals from the continent to boost their enterprises and institutions. EU denizens indeed have contributed to the British capitalist system. Furthermore, amid the ongoing job shortages that were also worsened by the COVID-19 pandemic and inflation, multinational enterprises would continue to attract talent from all around the world and expand the market in the fields of tertiary and quaternary sectors of the British economy (Salt and

Wood, 2011: 84, 91, 94, 96, 98, 100 and 103).

CONCLUSION

SUMMARY OF FINDINGS

This dissertation constructively analyzed the main research question, which debates about how the shift of status of EU denizens' rights in the UK is the consequence of the rise of British nationalist discourses above the British approach towards EU economic integration. Instead of continuing to balance national costs and benefits centred on the economy, which allowed for freedom of movement as an intrinsic economic value, Brexit implemented a nationalist agenda that privileged issues such as control over immigration and national sovereignty and rejected an EU cosmopolitan project. Indeed, EU citizens belonged to a category of foreigners who enjoyed a unique status enacted by EU treaties that provide “comparatively more rights and more recourse against exploitative employers than most other migrants” (Raji, 2017: 348). Through the lenses of political, economic and public attitude dimensions, findings show that the implementation and expansion of EU denizens' rights were crucial for the UK to gain access to the EC and EU. Right of movement, right to work, access to social security benefits and empowerment of status through ECJ served as a pathway to guarantee the EU workforce for boosting and enriching British-based capitalist industries. However, the British nation-state had to sacrifice a significant degree of its sovereignty to fulfill the milestones of EU integration.

First, the political dimension highlights that the fall of the British empire and decolonization pushed UK authorities to adopt the EU course as the only way to preserve its economic and political significance during the post-WWII era. Amid the EU integration, the British nation-state as a highly institutionalized project of the modern world, celebrated by transnational ideologies and organizations such as the UN and EU, “where a world comprised of sovereign and equal nations and also entails a territorial relationship between the individual and the state” (Soysal, 1996: 1 and 5), was losing its significance. As the UK demanded access to the market and an effective EU workforce, the

cosmopolitan EU scrutinized a significant degree of British sovereignty. Indeed, EU treaties enacted and empowered existing rights for EU denizens, such as freedom of movement, right to work, protection from discrimination and access to social security benefits (Morris, 1997: 207).

Nevertheless, the Lisbon Treaty, signed in 2007 and enacted in 2009, was the last attempt to pursue deeper closer union (McGowan, 2017: 123) and to empower denizen rights. The anti-immigration discourse generated and amplified by some British political leaders over recent years who pushed for taking back control of immigration, and tighter regulation of the selection and entry processes (Lesinska, 2014: 43 and Von Papp, 2018: 282) amid a Global Recession and after Brexit vote clearly demonstrated that EU-based cosmopolitan elites had failed to generate some new narrative (Auer, 2017: 42; Calhoun, 2017: 60; Meyer et al., 1997: 157 and Morris, 2006: 87).

The Brexit case has indicated an excellent instance that liberal nation-states might still be capable of restoring their sovereign power to control their own borders in the era of Globalization, despite the fact that modern-day Britain has significantly lost a lot of sovereign power over EU immigrants throughout post-WWII decades (Meyer et al., 1997: 157; Morris, 2006: 87 and Outhwaite, 2017: 42). The end of geopolitics was a founding myth that Globalization and EU integration, emerged in the 1990s and the 2000s, have no limits as recently neoliberal ideology is gradually getting replaced by increasing national populism or nativism based on the idea of the primacy of the interests for native-born population (Calhoun, 2017: 61-62; Callinicos, 2017: 185; Goodhart, 2020: 57 and Von Papp, 2018: 282-283). Nevertheless, as the UK still required to keep access to the EU market, the UK eventually finalized a 'Soft Brexit' agreement with Brussels, reflected in both Brexit Withdrawal and UK-EU Free Trade agreements, to safeguard denizen rights for EU foreign-born nationals registered under EUSS. Otherwise, if an EEA model is ruled out with the 'Hard Brexit' scenario, EU citizens settled in the UK would have to apply for either naturalization or 'infinite leave to remain' (Kostakopoulou, 2018: 855). Both options are not very favourable for struggling British-based

capitalist industries.

Second, the economic dimension has clearly indicated that the shift of economic capitalism from state-interventionist Keynesianism towards global neoliberalism was responsible for boosting the powerful status of ‘European Reserve Labour’ through EU ‘market citizenship’. Throughout decades, economic Globalization gradually diminished the idea of the British nation-state and its borders and, instead, boosted the significance of transnational organizations that encourage the notion of cosmopolitan individualism for the sake of the benefit of transnational corporations.

Despite the fact that the Global Recession, which hit in the late 2000s, demonstrated real economic turbulence, the Brexit case demonstrated that in the current neoliberal economic order, none of the migrant restrictions would ever indefinitely halt migration flows or erode EU denizens’ rights amid the British-based global capitalist market forces. That is why withdrawal from the EU still did not deliver complete control and a significant reduction of the EU foreign-born nationals in the UK. In order to mitigate migration, Anderson (2017) advocated eradicating wide economic disparities between regions and social classes in hegemonic and peripheral countries and addressing other factors behind large-scale migration (2017: 1528). Unfortunately, this geo-political proposal, known as anti-capitalist alter-Globalization, is not matched to the current international migration (world) system in the UK or the EU, which continues to be sustained in the post-Brexit era.

Regardless of the formal withdrawal from the EU, the British-based free-market economy still needs effective EU ‘segmented reserved labour’ whose market rights effectively help local industries boost their profit. Wright once argued that since Blair’s ‘New Labour’ era, employment agencies and sponsors would continue to pursue British authorities on reliable immigration policy and migration patterns as those still require flexible and hard-working EU denizens in segmented and deterritorialized British labor market (Rutter and Carter, 2018: 140 and Wright, 2017: 362). Thus, ruling British authorities would never succeed in tightening free movement controls without the involvement of the

private sector (Anderson, 2017: 1529), where at the same time, “weakness of organized labor in the area of labor regulation through collective bargaining and in policymaking” was caused by Thatcherite reforms (Afonso et al., 2020: 537).

It is also important to understand that in a global capitalist system, EU commodities would continue to remain in a lower level of hierarchy in relation to Britons, no matter what skill or education level they possess and no matter what kind of economic system persists. In addition to this, the British ‘nation-state system’ cannot guarantee protection for both native and naturalized Britons from the same verses of global capitalism that left millions of British citizens without jobs or in harsh conditions, partly because of unfair immigration policies practiced towards both migrants and UK nationals. Thus, all the EU citizens belonging to the underclass or rather who are unskilled, unemployed and rely on welfare support, always remained a vulnerable target for restrictive policies from the British state, no matter how much the EU denizens’ rights are empowered or protected by the EU treaties. Thus, in the post-Brexit future, which is still neoliberal by nature, the gaps of effectiveness within the Withdrawal Agreement are expected to unfairly mistreat this kind of EU individuals whether they are registered with ‘pre-settled’ or ‘settled’ status under the EUSS.

Third, in terms of public opinions, British attitudes towards EU foreign-born nationals vary on the turbulence of economic conditions within the British-based global capitalism that was interconnected with the EU’s free market. The EU denizens are welcome to stay unless they do not wish to take advantage of state benefits and, at the same time, if they are willing to work. Despite the fact that British nationals eventually abandoned their colonialist mentality, their refusal to adopt the EU identity proves that they have treated EU counterparts basically for business-related reasons. Other than that, as EU citizenship is barely 30 years old and attached to the non-supranational entities of Member States (Linklater, 1999: 43), the ‘Europeanization’ process did not extend at a significant level to a full transformation of popular identities in the UK, which remained nationally-oriented and, by EU

standards, anomalously non-European (Dennison and Geddes, 2018: 1138). Nevertheless, while relying on a cost-benefit rationale, British nationals were happy about the benefit that the EU project has delivered. Before the middle of the 2000s, they did not complain about the presence of an insignificant number of EU migrants who generally shared very similar Western principles. The presence of EU denizens generated deep discomfort after their sudden influx caused by EU enlargements in 2004 and 2007, and especially after the dramatic economic aftermath originated from a Global Recession in 2008. The slight majority (especially the most disadvantageous layer) of British society voted Leave during the 2016 Referendum in order to stem the migrant influx and to restore control over its politics, society and economy.

Nevertheless, during the Brexit Withdrawal Period between 2016 and 2020, the British mainstream public, whom include a large number of employers, softened their xenophobic stance towards EU foreign-born nationals. The ‘othering’ among the EU denizens in British society is perhaps an inevitable condition but it may be seen as something positive if awareness of difference leads to reaching out to other groups (Van Der Zwet et al., 2020: 528). Through ‘othering’, the British mainstream realized that British native workers would not be effective replacements for the Eastern European workforce who demonstrated a hard work ethic and lack of evidence that they deliver prosperity instead of a burden for the British economic sectors of all kinds, including hospitality and educational fields. Furthermore, in the near future, flexibility and openness among EU denizens would serve British industry more effectively than lazier and closeted Britons regarding innovation and interaction with other clients and cultures around the globe. That is why alternative options regarding the management of EU immigration, such as the implementation of visas, would be too costly and timely for British employers to hire foreign-born labor after the British withdrawal from the EU.

ACADEMIC CONTRIBUTION

This research project contributes to the academic literature in three main areas. First, the

dissertation contributes to the academic literature on civic stratification. It shows that despite the recognition of formal rights, denizens remain subject to the national government's will. This leads to increasing levels of discrimination and makes them more vulnerable than British citizens. In the case of Brexit, EU denizens registered under the EUSS scheme can potentially become part of the underclass not only for being out of the job market and relying on welfare but also because of their vulnerable status as denizens. Second, it contributes to the understanding of the limitations of the cosmopolitan project as the nation-state remains the most powerful and effective power in terms of recognizing and protecting the rights of national citizens. Third, it is a useful template for the understanding of the British colonial mentality that sees the other as a threat. Either for racial, economic or nationalistic reasons, the other is constructed as a target group.

SUGGESTED RESEARCH

By looking beyond the WA is enacted to function for the first 15 years from 2021, so EU immigration would remain a major political issue in the UK for a long time after Brexit, regardless of the outcomes of the Brexit negotiations (Vargas-Silva, 2019: 255). This means that bilateral negotiations regarding EU denizens living in Britain are very likely to resume. Future qualitative research projects must focus on tracking the journey of EU foreign-born nationals registered under the EUSS scheme. As the West partially retreats from hyper-Globalization after the financial crisis and the rise of populism (Goodhart, 2020: 89), it is important to analyze how controversial issues such as economic stagnation, post-multiculturalism, COVID-19 aftermath, labor shortages and growing nationalism, reinforced by Brexit, further affect counteraction between British citizenship and EU denizenship (Calhoun, 2017: 72-73).

Future quantitative research regarding 'pre-settled' and 'settled' EU denizens registered should also serve to compare with British nationals in terms of social mobility, access to education and the job market, and their exposure to discrimination. One of the most effective ways to constructively measure

their success is their employment and wage levels in all the economic sectors, and the research focus shall cover as many social groups among those EU denizens as possible - age, levels of education and skill, gender, length of stay, nationalities (the two latter ones are relevant to different dates of enlargements), etc. In addition to statistics regarding deportation rates and social security usage among the EU foreign-born nationals in the UK, the researchers can determine whether there is any gap between the individuals who are useful to the economy and the ones who are unskilled, long-term unemployed and/or rely on welfare.

At the same time, this potential quantitative research can compare the outcomes of the EU denizens registered under the EUSS scheme with the EU counterparts who arrived after January 1st 2021, as well as with Commonwealth and other categories of immigrants who reside in the UK. Along with independent statistics collected on naturalization among EU foreign-born nationals, the comparative analysis would give additional proof of whether or not registered EU citizens are still more empowered than any other kind of foreign-born denizens.

Another recommended mixed quantitative and qualitative research should also conduct some extensive and multi-dimensional investigation of the British mainstream's attitude towards the EU foreign-born nationals in the post-Brexit era. Public opinion cannot be ignored as this is a major force that can somehow affect immigration policies, especially if Britain is a nation of capitalists, as the economy and politics are closely interrelated to each other. If their demand to employ the EU workforce strengthens, then British politics are supposed to be publicly pushed to adopt new legislation that further empowers and protects the rights of registered EU commodities. However, it may not be necessary as nativism keeps growing, and at the same time, Millennial and Z generations may not be as socially liberal as appear to be at first sight because usually young adults tend to be more conservative when they grow older (Goodhart, 2020: 218). As mentioned before, socio-economic circumstances that vary by time period can cause variation in approval of EU immigration, depending on residence and

resources like income, education level and occupational skills, as well as intra-EU trade and proximity to border regions among British nationals of different generations and age group (Gabel and Whitten, 1997: 81-82).

Finally, this dissertation would contribute to potential research projects that aim to examine how EU denizens' rights are, by definition, vulnerable to be curtailed and/or suppressed. This is a major issue in migration studies when discussing social integration and civic stratification. One of the advantages of this research is that it covers the historical process and ideological forces that took place not only during the Brexit Withdrawal Period but also at all its historical stages, beginning with the emergence of the EU Community in the post-WWII era and the end of British colonialism.

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