



The Right to Rent? Immigration, discrimination and contemporary state crafting.

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**"WE'RE GOING TO GIVE
ILLEGAL MIGRANTS
A REALLY HOSTILE
RECEPTION'**



**"THE AIM IS TO CREATE
HERE IN BRITAIN
A REALLY HOSTILE ENVIRONMENT
FOR ILLEGAL MIGRANTS"**

Right to Rent (?)

- Part of the Immigration Act 2016 (updated the 2014 Act)
 - Section 1 - labour market and illegal labour abuse and enforcement
 - Section 2 - 'access to services' including residential tenancies, driving licences and bank accounts
 - Landlords – PRS and RSL must check tenant's right to rent
- **Penalty - 5 years in prison**

Why is this problematic for Scotland?

- Housing is a devolved competency
- 40 day notice of eviction
- Requirement to seek decree from the Sheriff
- Decree must be enforced by a Sheriff Officer

Housing Act of 1555

- The Immigration Act 2016 introduces summary evictions





Right to Rent (Immigration Act 2016)

- England
 - Residential Landlords Association (RLA) 82% of members opposed the Right to Rent
 - House of Commons Briefing Paper stated that the Act was unpopular and ‘controversial among landlords’.
- Pilot – Midlands
 - JCWI – 17 unlawful discrimination cases
 - Crisis – discrimination against homeless and vulnerable women fleeing DA
 - Mystery shopping exercise found evidence of discrimination.
- Scotland – After a systematic review we could not find one of the 15 briefing papers or consultation responses that were anything other than ‘hostile’ to the Right to Rent (some had multiple signatures from a range of stakeholders in Scotland)

**11 IN-DEPTH INTERVIEWS WITH KEY STAKEHOLDERS
60 - 90 MINS**



**4 LANDLORDS
3 CHARITIES
2 UMBRELLA ORGS
1 LAWYER
1 RURAL HOUSING
(ISLE OF MULL)**

Main Objections

- Immigration control is not the role of the landlord.
- Housing in Scotland is a 'Devolved Competency'
- The Right to Rent 'encourages' discrimination
 - Direct discrimination - Landlords less likely to take a chance with tenants who look / sound / have names which are 'foreign'
 - Indirect discrimination – marginalised groups are less likely to be able to prove their immigration status
 - Women and children at risk
 - Fears that 'unregistered landlords' will operate 'underground'

The triadic nexus of governance, citizenship and the criminalisation of status

- Tyler (2013) locates immigration within the wider field of governance, drawing on Foucauldian inspired notions such as ‘state racism’ and **‘hygienic governmentality’**
- A number of researchers have connected the issue of discrimination with the socially constructed notion of **‘citizenship’** (see Kaufman 2005, Malloch and Stanley 2005, Kaufman and Bosworth in Scott 2013, Bosworth 2012, Bosworth and Guild 2008, Tyler 2013 Malloch and Rigby 2016).
- ‘Problematic’ groups become ‘natural’ targets for surveillance and intervention, as the weight increasingly shifts from the criminalisation of conduct to **‘the criminalisation of status’** (Malloch 2016, Bosworth 2012, Bosworth and Guild 2008).

The Rightward Tilting of the Bureaucratic Field

Left Hand of the State	Right Hand of the State
<p data-bbox="489 562 1128 665">Feminine – nurturing and developing, caring and protecting.</p> <p data-bbox="489 705 1014 808">Welfare, benefits, pensions, subsidies</p> <p data-bbox="489 848 1149 893">Social housing and residential care</p> <p data-bbox="489 933 886 979">Health and wellbeing</p> <p data-bbox="489 1019 912 1065">Education and training</p> <p data-bbox="489 1105 835 1150">‘The nanny state’</p>	<p data-bbox="1215 562 1913 665">Masculine – disciplining and punishing, controlling and surveilling.</p> <p data-bbox="1215 705 1786 751">The law, the courts, the police</p> <p data-bbox="1215 791 1824 836">Surveillance, control, monitoring</p> <p data-bbox="1215 876 1862 979">Criminalisation, stigmatisation and disincentivisation</p> <p data-bbox="1215 1105 1564 1150">‘The daddy state’</p>

Crafting the Neoliberal State

- No conspiracy – ‘logic of practice’ Bourdieu (1977, 1984, 1990, 1991, 1994, 1998, 2000)
- All public policies result from a mix of leadership intension, bureaucratic groping, practical trial-and-error and electoral profiteering’. (Wacquant 2013)
- ‘Rational Choice Theories’ are utterly inadequate – there is a need to grasp both the material and symbolic aspects behind the implementation of punitive measures
- ‘divide and unite’ / the creation of ‘reality’ / the role of the media / distraction from the ‘real’ issues / economic underpinning

Conclusions

- Creating a 'hostile environment' for immigrants results in discriminatory practices (both direct and indirect) – this seems unavoidable.
- Active discrimination arises from the 'rightward tilting of the bureaucratic field'
- Authoritarian policies produce new realities – i.e. 'soft-touch Britain', 'welfare tourism', 'bogus asylum seekers' etc.
- State crafting - redrawing the boundaries of the state on economic, social welfare and penal fronts.

#ScotRef

