

The impact of Brexit on EU nationals' vulnerability: the case of Polish nationals

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Table of Contents

Summary	3
Introduction	4
Before the Brexit vote.....	5
After the Brexit Referendum campaign & vote	7
Conclusions & Recommendations	11
About the authors	14



Summary

Multiple evidence sources indicate that the Brexit vote has normalized racism and has led to an increase in daily micro-aggressions. Against this background, we investigated changes in the vulnerability of EU nationals in the UK as a consequence of the British Referendum (BR) campaign and vote, focusing, specifically, on the experiences and feelings of the Polish community in Southampton (as a case study of the wider EU community in the UK). We found that the BR and related public and media discourse have led EU nationals to a heightened awareness of being perceived as ‘different’ and to increasingly ‘feeling unwelcome’, which, together with the uncertainty about their future legal status in the UK, have contributed to widespread feelings of fear, anxiety and vulnerability.



Introduction

Since the late 1990s, populist discourse based on anti-immigration sentiments have been on the rise in Britain, with such feelings being increasingly expressed even among the elite and the political establishment. Evidence suggests that this phenomenon reached a peak during the Brexit Referendum (BR) campaign and shortly thereafter (Home Office 2016; Looney 2017) and that the Brexit vote has normalized racism and daily micro-aggressions (Cohen and Page 2018).

This policy paper draws on our findings from a purposefully designed empirical project which investigated changes in the vulnerability of EU nationals in the UK as a consequence of the BR campaign and vote. Through the evidence gathered we investigated not only changes in *objective vulnerability* (i.e. linked to external events such as hate incidents or discrimination explicitly based on the individual's national origin), but also changes in *subjective vulnerability* (i.e. individuals' feelings of anxiety, fear and insecurity due to the perceived risks of experiencing racially-motivated hate incidents or institutional discrimination).

According to our project evidence, this Poles' objective and subjective vulnerability increased significantly as a consequence of the new realities brought about by the Brexit vote. While our analysis is based on the case study of the Polish community in Southampton, related research and data suggest that these experiences may be representative for a large proportion of EU nationals residing in the UK.

We conclude with broader recommendations for potential policy interventions. We argue that both private (NGOs) and public (national and local authorities) actors have a duty to take action to improve legal clarity and certainty for EU nationals, to enhance support services they can access and to raise awareness among the latter and among Britons about the issues they are experiencing following the BR and to encourage constructive interactions between the two groups to build a more cohesive society.

2

Before the Brexit vote

The rising vulnerability of EU nationals in the UK

Even before the Brexit vote, EU nationals living in the UK were already vulnerable due to three primary factors:

- 1/ **State policies permitting institutional discrimination** created obstacles for EU nationals to enjoy their free movement and social rights. For instance, Home Office migration policies in the 2000s differentiated between various groups of EU nationals according to their alleged desirability, with A2 nationals (Romanians and Bulgarians) subject to stricter migration controls (Fox et al 2012, 685). Furthermore, decisions about EU residence and welfare rights were made by considering only the UK *guidance*, rather than EU *law*, and cases were systematically dismissed without sufficient evidence being sought and considered (O'Brien 2017). EU nationals also reportedly encountered obstacles in obtaining residence documents, including being given confusing or incorrect information by national authorities (Nicolau 2018).



2 / Well before the 2016 Referendum, **media discourse** blamed EU migrants for economic and social problems. Arrivals of Eastern Europeans were depicted by the tabloid media as ‘floods’, ‘swamps’, ‘hordes’ or ‘invasions’ (Fox et al 2012; Allen and Blinder 2013; Light and Young 2009). The negative media rhetoric also portrayed migrants (though not only EU migrants) as responsible for higher levels of crime, as a social and economic threat and the cause of unemployment and housing shortage, as a strain on social and public services, and as triggering a race to the bottom regarding low-skilled jobs. Not only was this rhetoric **embraced and fostered by far-right parties** such as UKIP, but it **was also endorsed by mainstream parties**. For instance, PM Cameron’s initial speech on Europe in 2013 argued for the UK re-establishing greater control over migration in order to prevent what he termed ‘abuse of the right to free movement’ (Emerson 2014).

The combination of institutional discrimination and negative media and political discourse legitimized an ‘us’ versus ‘them’ mentality among Britons and paved the way for **discriminatory and hate crime incidents**. Before the BR, EU nationals reported suffering discrimination and harassment in the workplace (Ashe and Nazroo 2017). Polish migrants related feelings of ‘general hostility’ and experiencing ‘physical and emotional harassment’ and property damage from white British neighbours (Rzepnikowska 2018). Poles also reported that they had adopted ‘avoidance strategies’, such as avoiding certain shops or cafes ‘because of fear of discrimination grounded in ethnicity’ (FRA 2009, 119). Moreover, between 2004 and 2013, there was a tenfold rise in hate crime against Poles in the UK, with 585 people being arrested for offences such as violent assault, vandalism or a public order offence (McDevitt 2014).



3

After the Brexit Referendum campaign & vote

The heightened sense of subjective vulnerability of EU nationals in the UK

Our study of Polish nationals based in Southampton indicates that the BR and its aftermath triggered heightened subjective vulnerability among them (and probably, more widely, among many EU nationals) in at least four ways:

- 1/ In the weeks preceding the BR and immediately after the vote, the levels of hate crime (particularly on racial and religious grounds) increased substantially. It is suggested that the racializing rhetoric of the Leave campaign, including the unofficial slogan of ‘taking the country back’, encouraged these behaviours. Our research data mirrors the general post-Brexit emergent trends that indicate a **rise in hate-based and prejudice-driven incidents**. Polish nationals in Southampton experienced verbal abuse, with frequent references to ‘going back to their country’, incidents in schools where Polish children were bullied by their British classmates, smashing of Polish shop windows and being called names. Harassment and verbal abuse were reported in dealings with neighbours, in employment, and in accessing services.

Not only do these incidents point to an increase in the objective vulnerability of Polish nationals post-Brexit, but awareness of such incidents has led to heightened feelings of anxiety, stress, fear and apprehension among Polish nationals, regardless of whether they have *directly* experienced harassment or discrimination or they have ‘only’ witnessed or *indirectly* heard about it.

We have received reports of discrimination in employment [...] employers mistreating Polish citizens on the basis of their nationality, the race, the language as well [...] [Poles] have been asked not to talk Polish, even [...] during break times.
[Citizens’ Advice Bureau Officer]



2/ Polish nationals reported a **heightened sense of being different**, contributing to fear and anxiety in anticipation of the *mere possibility* of being treated differently following the Brexit vote. While Poles adopted ‘avoidance strategies’ before the Referendum, they reported feeling much more self-conscious about signs that would identify them as a migrant post-Referendum. Some noted being uncomfortable about speaking Polish, having an accent or having poor English. They also reported avoiding Polish shops and not engaging with the Polish community for fear of having the ‘migrant tag’ applied to them, *even if they had never personally suffered any discrimination or hate incidents before*. This self-consciousness is exacerbated by Britons’ frequent questions about Poles’ country of origin, which constantly reminds them that they do not ‘belong’ in the UK.

It makes you so visible to suddenly have this tag: “I’m a migrant”

...I didn’t feel it before Brexit.

[Focus Group participant]

After Brexit they [Poles] have become aware that people are watching them

... [Poles] are aware they are not English, they are not Irish, they are Polish.

[Church representative]

I’m married to a Brit and do not really engage in the Polish community, thus I never had the chance to experience any of the [incidents] you mentioned. However, after the Brexit vote there was a slight hesitation from me to e.g. go into a Polish shop, or a worry that I actually might look or sound different and so might be identified as a foreigner and verbally abused. No such thing happened.

[Survey participant]



3/ Added to this increased sense of otherness is a **heightened feeling of being unwelcome**. Due to the migration-centred media and public discourse that dominated the Referendum campaign, many Poles have the *perception* that the general atmosphere has changed, and that the broader society has become more hostile towards them. The strong presence of anti-migrant rhetoric in the Referendum campaign and the understanding that the result somehow legitimized it, left many Poles feeling collectively prejudiced and judged by the very fact of the Brexit result.

'After the referendum and the decision to leave the EU, I started to feel unwelcome and that I am worse than British people, because of my foreign origin'.

[Survey Participant]

The most profound change [between 2014-15 and 2016-17] has been in the public discourse of the presence of Eastern European in the UK which changed from positive to very negative; it did not affect me directly but made me feel less welcome. I also felt like I was being judged by the general public as if there was a suspicion I had done something wrong (topic of benefit abuse, drug abuse, inability to integrate, etc.)

[Survey participant]

I think that other people's attitude towards me has not changed but because of the new political and social atmosphere, the perception of being welcomed has changed.

[Survey participant]

What has changed is probably my perception... I got much more sensitive and much more suspicious... I became very cautious... started to look for some kind of signals and things.

[Focus Group participant]



4/ A key contributing factor to the Poles' subjective vulnerability is the **uncertainty about their future legal status**, including their right to reside in the UK and their entitlement to access social rights post-Brexit. This uncertainty led to a significant increase in the number of Polish nationals who considered returning to Poland during the Referendum campaign or shortly after the Referendum (see also McGhee et al 2017). There has been little clarity regarding the documents and evidence required by EU nationals when applying for the 'settled status' post-Brexit, and when Poles and other EU nationals and their family members have tried to use existing routes to gain long-term residence rights, they have often encountered problems due to the 'hostile environment' characterising Home Office dealings with immigrants more generally. All this administrative and legal status uncertainty created by Brexit, along with the realisation that belonging is suddenly contingent, has contributed to the fear and anxiety experienced by EU nationals, including Poles, post-Brexit.

Because of Brexit, there was unnecessary confusion created, a lot of Polish people became unsure about their future and they decided to leave the UK.
[Survey Participant]

There is a lot of distress, upset people. People, you know, coming, being uncertain, "What is going to happen to me, to my family? Should I become British?" And trying to save this money in order to make their [naturalization] applications to become British because they are afraid, they are in fear about what is going to happen.
[Citizens' Advice Bureau Officer]



4

Conclusions & Recommendations

The Referendum has worsened the pre-existing ‘hostile environment’, leading many Britons to feel more entitled to express xenophobic views against foreigners, leading the latter to *subjectively* feel unwelcome and to perceive that their national origin, foreign names, or foreign accent, may *now* start to be a problem – or a *greater* problem than before – in their dealings with UK institutions and in social interactions, both in the private and the public sphere. Under the Equality Act 2010 (section 149) public authorities have a general equality duty to have due regard to the need to ‘eliminate unlawful discrimination, harassment and victimisation’ and ‘foster good relations between people who share a protected characteristic and those who do not’ (under the Act, ‘race’ is a protected characteristic, which includes national origin and nationality). However, they have so far done little to address the higher levels of xenophobic behaviours towards EU nationals, their heightened sense of vulnerability and the deep cleavage between ‘us’ (Britons) and ‘them’ (foreigners) that has been increasingly dividing the British society since the Referendum.

Drawing on insights from Polish nationals and expert parties who took part in our study, we propose several policy and local-level initiatives aimed at reducing the subjective vulnerability of EU nationals living in the UK. Both are crucial to improve the general post-Brexit social atmosphere and to create an improved sense of community between UK and EU nationals.

Recommendations addressed at national authorities:

In general, national public authorities should ensure that they are having due regard to the positive equality duties included in the Equality Act 2010, section 149, especially as regards the need to 'foster good relations between people who share a protected characteristic [EU nationals] and those who do not [UK citizens]'. Failure to do so could, in some instances, lead to judicial review actions under the Equality Act 2010, section 149. *In particular*, national public authorities could work towards that aim by:

- Improving mental and emotional support services and helplines to address the widespread vulnerability experienced by EU nationals [NHS].
- Improving legal clarity and certainty about the status of EU nationals' post-Brexit to address their apprehension and anxiety about the future and limit the unpredictability of their 'settled status' applications [Home Office].
- Collecting and publishing more up-to-date data about EU nationals' demographics, their contribution to the UK society as well as on discrimination and hate incidents and crimes broken down by nationality and national origin [ONS].
- Raising awareness among EU nationals about their legal and social rights to ensure that EU nationals access existing resources. For example, they should provide more easily-accessible information to EU communities about procedures to secure their right to remain in the UK [Home Office] and public services in the field of mental health [NHS].
- Starting additional campaigns to raise awareness among EU nationals about their right not to be discriminated against [Equalities & Human Rights Commission; Government Equalities Office] and on how to spot and report hate crime [Police].
- Supporting (financially and otherwise) advice agencies (such as Citizen's Advice Bureaux) which are providing crucial assistance to EU nationals in the context of Brexit but lack the resources and capacity to fully address the high volume and specialist services that EU nationals have been demanding following the Brexit vote [Home Office; Government Equalities Office].
- Liaising with EU embassies and consular services based in the UK to promote collaboration that could reduce EU nationals' vulnerability. For instance, by distributing clear information about settled and pre-settled status and UK support services applications to registered EU nationals [Foreign and Commonwealth Office].



Recommendations addressed at local authorities:

Like their national counterparts, local public authorities are subject to the positive equality duties enshrined in the Equality Act 2010, section 149, and should consider fostering good relations between EU nationals and UK citizens as part of this duty. Failure to do so could, in some instances, lead to judicial review actions under the Equality Act 2010, section 149.

In particular, national public authorities could work towards that aim by:

- Organising events to bring together different communities. For instance, local events could celebrate the influence of EU nationals in a specific town or local community [Local Authority community development officers].
- Raising awareness among Britons of the legal and policy challenges and psychological distress experienced by EU nationals. For example, employers could be given support for conveying anti-discrimination policies to staff [Local Authorities].
- Encouraging respectful, inclusive and welcoming attitudes towards EU nationals and other foreigners and minorities. For example, by supporting local groups and cultural associations (financially and/or otherwise) and promoting exchange and cross-cutting activities between them [Local Authorities].
- Publishing and distributing flyers highlighting the positive contributions made by local EU nationals [Local Authorities].

Recommendations addressed at third sector actors (NGOs, civil society members):

- Provide counselling and emotional/mental health support to EU nationals to help them cope with the vulnerability experienced due to the Referendum.
- Run activities in schools/churches/other fora to raise awareness among UK nationals of the vulnerability experienced by EU nationals.
- Run media awareness raising campaigns to inform UK nationals about EU nationals' vulnerability.
- Use the data from this policy report and related research to campaign for relevant public action and funding to address EU nationals' vulnerability.



About the authors



Dr Sara Benedi Lahuerta is a Lecturer in Employment Law at the University of Southampton Law School and the Director of the Stefan Cross Research Centre for Women, Equality and Law. Her research focuses on discrimination and employment law (at International, EU and comparative levels). She has written articles on the coherence of EU equality law, the collective enforcement of equality law, the European Social Pillar and the links between migration and discrimination, among others. Her research has been published in leading journals, including the *Common Market Law Review*, the *European Law Journal* and the *European Labour Law Journal*. She is particularly interested on avenues to improve the effectiveness of equality law through a range of regulatory tools like equality bodies, positive duties, ADR and collective remedies. Her research has been funded by e.g. the ESRC and the Society of Legal Scholars and she regularly collaborates with local, national and European NGOs, policymakers, practitioners and other key stakeholders in her field.



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Key reading

Benedi Lahuerta S. and Iusmen I., 'Exploring EU nationals' vulnerability in the context of Brexit: the case of Polish nationals', under review at the Journal at Ethnic and Migration Studies.

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