Racism, Reporting and the "New Plan for Immigration", an analysis of UK media and legal and practical implications.

Katherine Langley[*]

At A Glance: This paper examines the discourse used by UK media outlets around migration, with specific reference to LGBTQIA+ refugees. Recent UK immigration policies are exclusionary and punitive and contribute to high levels of public concern over immigration which is arguably fuelled by the media's approach to the issues. The paper examines the impact of such reporting on the public opinions of refugees. There is little media regulation in this area; arguably contributing to the Government's hostile legal agenda and policymaking around refugee law. This paper considers, the backdrop of hostile environmental policies and legislation; and finds that the treatment of some refugees, for example LGBTQIA+ individuals by the UK Government and by the public has been vastly different from the treatment of other refugees. The paper particularly finds that the treatment of gender diverse refugees lacks parity with the treatment of visa holders and UK citizens. In an era of hostile environment policy, this paper asks whether the treatment of refugees generally, and gender diverse refugees will be improved by new legislation such as the Nationality and Borders Act 2022. Hostile agenda creates an 'easy win' for reporters and, in turn, a gordian-knot between lawmakers and media outlets; the consequence of such a dilemma is that refugees are stuck in between.

Keywords: media; migration; hostile environment; policy

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[*] Senior Lecturer in Law, University of Sunderland

Introduction

This paper explores the nexus between the hostile environment policy, the media, and public opinions of refugees, especially those refugees who identify as LGBTQIA+. The hostile environment now retitled the 'compliant environment' refers to a set of policies introduced in 2012 by then-Home Secretary Theresa May, with the aim of making life extremely difficult for those people who lack evidence of their right to work and live in the UK. Some use the term "Hostile Environment" to describe all policies which make life difficult for migrants living in the UK - treating them as less deserving of dignity and humanity than British citizens.[1] Since 2012 the Government have introduced more and more restrictive immigration policies and legislation, culminating this year in the Illegal Migration Act.[2] The paper then goes on to examine the impact which the media and public opinion have on refugees themselves in the UK. The primary method used to do this is a discourse analysis situated in the framework of global migration governance, which considers the political and social influences on the creation and maintenance of the changes in the immigration law. In this sense, the focus of the paper is on examining the connections between the law, the media and public opinion. Specifically, the paper explores the historical, political, economic, and sociological elements. Substantively, the paper considers mainstream news sources such as newspapers and websites, and academic work from the field of media studies, together with data gathered in semi-structured interviews with immigration practitioners regarding the impact of the hostile environment policy. It considers whether there could be an appropriate response to the challenge of racist sentiments in reporting.

In terms of structure, I begin by setting out some of the policy background with some of the background to media regulation. Following this, I explore some of the key issues in media and migration, namely the volume of publications, the rhetoric used and the impact of social media. Last, I consider the practical analysis of impact of the rhetoric by drawing on data gathered by immigration practitioners and the impact which this has on refugees themselves.

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[1] Joint Council for the Welfare of Immigrants, 'The hostile Environment Explained' (JCWI, 2023) https://www.jcwi.org.uk/the-hostile-environment-explained accessed 11th November 2023.
[2] Illegal Migration Act 2023

Within the confines of this paper it is difficult to effectively assess the impact of large swathes of law and policy against the media generally, and further, to draw conclusions about the influence which this has on public opinion. However, I will show that whilst there is not likely to be a quick solution to the problem, there are steps which could be taken to better align the actions of political actors and the UK state with the international obligations to which the UK is a signatory.

Immigration has emerged as a core manifesto topic in modern UK political campaigns and has been seen as a key factor in many people's decisions to vote for the UK to leave the European Union[3]. A significant increase in the focus on migration issues within recent UK media coverage has been dominated by debates on high levels of net migration and challenges in controlling migration flows, the costs of housing migrants. Alongside this, certain publications have promoted a narrative of migrants as job stealers and benefits cheats.[4] When exploring the relationship between the media, migration policy and public opinion it is worth noting that there is often a lack of public understanding around the semantics of migration, and the process by which refugees and migrants are supported (or not) to remain in the UK. The claim that asylum seekers and refugees are threatening to the UK, particularly those who enter the UK through illegal channels, is well-rehearsed and established in the mainstream media. In public discourse, migrants have been associated with criminals, terrorists, "benefit defrauders", and "job stealers."[5]With close-up images of helpless women and children, including masses of faceless men re-emerging on our screens, familiar tropes of the victim/perpetrator are often visible in the media.[6] These tropes are familiar as they draw on some of the moral panic theory discussed later in this paper. The problem, of course, is not

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[3] Edgar Grande, Tobias Schwarzbözl, and Matthias Fatke, "Politicizing immigration in Western Europe" in Journal of European Public Policy [2019] 26(10) 1444-1463.

[4] The Migration Observatory, 'A Decade of Immigration in the British Press' (Migration Observatory, November 7, 2016) < https://migrationobservatory.ox.ac.uk/resources/reports/decade-immigration-british-press/> Accessed 2 September 2023.

[5] See for example, Alex Culberson, 'Immigrants Stealing our jobs' (The Express, 20 May 2015) <https://www.express.co.uk/news/uk/578401/Immigrants-stealing-jobs-Muslims-taking-over-country> accessed 15 November 2023;Vince Cable, 'The Tory fallacy: that migrants are taking British jobs' (The Guardian, 9 September 2017) https://www.theguardian.com/commentisfree/2017/sep/08/tory-fallacy-migrants-british-jobs-wages-brexit> accessed 15 November 2023.

[6] Morley, John, and Charlotte Taylor, '7 Us and them: How immigrants are constructed in British and Italian newspapers', in Paul Bayley, and Geoffrey Williams (eds), *European Identity: What the Media Say*, (Oxford, 2012; online edn, Oxford Academic, 20 Sept. 2012),

just representational because the media draws representational parameters around which people make judgements as to who is worthy and welcome against those who are not[7]. These parameters of 'worthiness' are further stretched when considering LGBTQIA+ refugees; arguably these individuals fit into more than one stereotypical group and are targets for multiple forms of discrimination and racism[8]. LGBTQIA+ refugees experience numerous difficulties as part of the process of coming to, gaining leave to remain, and integrating into the UK.[9] What is created is a gordian knot, or extremely difficult problem, of legislation, policy, media regulation, and public opinion. As mentioned in the introduction, it is challenging to 'unpick' this knot of policy, media regulation and public opinion, and accordingly, a discourse analysis method was used to draw distinctive themes from the law, practitioners, media sources and the public. What causes a particular challenge in practice and is drawn out in the research is that each element of consideration here is self-reinforcing. The law and policy around migration is driven by successive governments to a point of extreme restriction, providing a perfect background for the sale of emotive headlines and clickbait. The position of the media and its regulatory framework, means that mounting a case against any media publication is likely to be difficult, lengthy, and expensive; something which refugees and migrants with uncertain status in the UK would be very unlikely to ever have the capacity to do. The analysis of this gordian knot highlights an entrenched power imbalance between those who create the law, those who use it, and the refugees and migrants who seek to use its protection; a power imbalance which is worse for LGBTQIA+ claimants, due to the intersectional forms of discrimination and mistreatment facing this group.

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[7] Myria Georgiou, "Between compassion and criminalisation: Afghan refugees and the western ambivalence of "welcome" " (London School of Economics (blog), September 10, 2021) <https://blogs.lse.ac.uk/medialse/2021/09/10/between-compassion-and-criminalisation-afghan-refugees-and-the-western-ambivalence-of-welcome/> Accessed 2 September 2023.

[8] See for example, Melissa Camille Buice, "Inequalities Across Borders: Assessing the Intersections of Policy, Institutional Interactions, and Individual Experiences for LGBTQIA Refugees" in The Reproduction and Maintenance of Inequalities in Interpersonal Relationships (2022) 154-172.
Alex Powell, 'The place where only gays go; constructions of queer space in the narratives of sexually diverse refugees.' (2023) Journal of Place Management and Development, Online First

[9] Carmelo Danisi, Moira Dustin, Nuno Ferreira and Nina Held, *'Queering asylum in Europe: Legal and social experiences of seeking international protection on grounds of sexual orientation and gender identity'* (Springer Nature 2021).

By considering   the increasing hostility of asylum and immigration policy in the UK, and further the way in which refugees and migrants are scapegoated in the media, I also consider the impression of social media sources and the overall impact of media reporting on public opinion around refugees and migrants. After consideration of the above, I offer a call to action for all to be better, and to strive for inclusivity and equality. Having set out the position of the problem with the media and migration, I now turn to look at the regulatory framework of reporting.

The Law and Policy Background

The core of this problem is regulating media reporting around refugees. The legal framework in this area is quite outdated and leans toward the Article 8 or Article 10 debates around freedom of expression and public interest[10]. More recent legislation such as the Nationality and Borders Act[11] and the Illegal Migration Act[12] have done little to redress the negative bias around immigration reporting; perhaps as the focus of these pieces of legislation is further restrictive policy, and the government does not see any issue with reporting. Indeed, the Government have actively made preventing the arrival of people by small boats one of their 5 key priorities[13]. That has itself played into the negativity directed at refugees and asylum seekers by directing disproportionate public attention to what remains a relatively small number of people. Moreover, it is this negative portrayal by the media which drives a large proportion of public opinion. However, it is arguable that in cases around racism and reporting the power balance is already weighted in favour of the media outlet rather than a refugee to the UK.

The 1971 Immigration Act provides the structure of current UK migration law, giving the Home Secretary rulemaking powers and has been significantly explored in contemporary

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[10] Council of Europe: European Court of Human Rights, *Article 8 of the European Convention on Human Rights - Right to respect for private and family life*.

[11] Nationality and Borders Act 2022

[12] Illegal Migration Act 2023

[13] UK Government ' Prime Minister outline his five key priorities' (Gov.uk, 4 January 2023) https://www.gov.uk/government/news/prime-minister-outlines-his-five-key-priorities-for-2023>accessed on 15 November 2023

migration policy and literature.[14] The purpose of this Act was to strengthen control procedures and further restrict entry and residency criteria in the UK. Variations of this control policy has continued throughout the Conservative Government's 18-year leadership from 1979 to 1997, albeit with a stronger emphasis on limitation and restriction.[15] Such approaches have also been consistently implemented by Labour governments. Given this, the last 30 years of immigration policy in the United Kingdom has been increasingly hostile and restrictive in nature. In 2012, the then Home Secretary announced her intention to create a hostile environment for asylum seekers as a deterrent tactic.[16] Many aspects of current immigration policy which are unpleasant and "hostile" to immigration or migrants in a general sense, including the continued rise in immigration application fees, the policy of indefinite detention, and the complexity of the immigration rules. Whilst The Law Commission has argued for a simplification of the immigration rules in its report "Simplifying the Immigration Rules", governments have actively amplified negative narratives around migration in a manner that has only increased the complex interactions of law and policy in the field of immigration and asylum..[17] The above elements together with low levels of economic support, poor accommodation, and limited access to legal aid representation across the UK contributes to a hostile climate for migrants and ethnic minorities more generally.[18] Whilst the hostile environment agenda has a wide-ranging impact, it is arguable that LGBTQIA+ refugees may be among the most adversely affected.

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[14] The Immigration Rules are made under powers conferred on the Secretary of State by section 3(2) of the Immigration Act 1971 which describes them as "statements of the rules…as to the practice to be followed in the administration of this Act for regulating the entry into and stay in the united Kingdom of persons required by this Act to have leave to enter, including any rules as to the period for which leave is to be given and conditions to be attached in different circumstances" See also; Satvinder Juss, "Rulemaking and the Immigration Rules-A Retreat from Law" in Statute Law Review (1992) *13*, p.150.

[15] Will Somerville Will Somerville and Peter William Walsh, 'United Kingdom's Decades-Long Immigration Shift Interrupted by Brexit and the Pandemic' (*migrationpolicy.org*,19 August 2021) <https://www.migrationpolicy.org/article/united-kingdom-shift-immigration-interrupted-brexit-pandemic> accessed 3 September 2023.

[16] Amreen Qureshi, Marley Morris and Lucy Mort, Qureshi, 'Access denied: The human impact of the hostile environment' (Access Denied, 3 September 2020)< https://www.ippr.org/research/publications/access-denied> accessed on 15 November 2023

[17] Law Commission, Simplifying the Immigration Rules (Law Comm No 388, 2020)

[18] Jo Wilding, '*The Legal Aid Market: Challenges for Publicly Funded Immigration and Asylum Legal Representation*.' (Policy Press, 2021)

As an example of these effects can be seen in housing refugees. In terms of accommodation provision, individuals are housed on a choice basis. This proves to be particularly difficult for those who may not have not have any official documentation, such as a gender recognition certificate (GRC) to show exactly how and why they are vulnerable in such settings. .. Setting aside the production of a GRC, all claimants may also be housed with others from their country of nationality, and this can lead to negative experiences for many.[19] Indeed, the no choice basis on which accommodation is presently offered creates potential problems for all LGBTIQA+ asylum claimants. Within literature on in this area, there are numerous examples of refugees feeling uncomfortable with revealing their sexuality or information about themselves due to uncertainty in there housing and those they are housed with.[20] Further, those who are claiming asylum on the basis of their sexuality have usually been required to hide these core element of their identity in order to avoid persecution.[21] . For many refugees who identify as queer, they have face significant hardship and stigma not only in their own country of origin, but on their transit to the UK too[22]Considering the above, there is some hypocrisy in the Home Office requiring those claimants based on sexuality to produce evidence of such a lifestyle established in the UK, particularly when the accommodation settings which people are placed into can be a key impediment to their engagement with LGBTIQA+ communities in the UK.[23]

I have albeit briefly, evaluated some key features in the government's policy agenda; measuring the relative success or failure of the same, is dependent on what your parameters of success are. Arguably, the government have been successful in creating hostility and difficulties for those coming to the UK without leave to do so. Further, the new provisions of the Illegal Migration Act increase this hostility. It seems there could not be any easy solution

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[19] Thomas Wimark, 'Housing policy with violent outcomes–the domestication of queer asylum seekers in a heteronormative society' in *Journal of Ethnic and Migration Studies (2021) 47*(3), 703-722.

[20] Alex Powell, 'The place where only gays go; constructions of queer space in the narratives of sexually diverse refugees.' (2023) Journal of Place Management and Development, Online First

[21] Claire Marie Bennett, *'Sexuality and the Asylum Process: The Perspectives of Lesbians Seeking Asylum in the UK' 2014* (Doctoral dissertation, University of Sussex).

[22] Nina Held, "As queer refugees, we are out of category, we do not belong to one, or the other": LGBTIQ+ refugees' experiences in "ambivalent" queer spaces" in Ethnic and Racial Studies (2023) 46(9) 1898-1918.

[23] Elizabeth Connely, 'Queer, beyond a reasonable doubt: refugee experiences of 'Passing 'into 'Membership of a Particular Social Group' (2014) *UCL migration research unit working papers*, *3*, pp.1-59.

to more than thirty years of increasing restriction and control. Having established some of the issued with the hostile environment policy, especially for LGBTQIA+ refugees, I will turn to consider the issue of media regulation.

Regulation and Reporting

There is very little in the way of direct crossover between the media law, and the immigration law framework. Media law forms part of an ongoing debate about the balance between freedom of the press and freedom of expression. Media have played a central role in framing the circumstances in which refugees arrive in the United Kingdom, including 'stop the boats".[24] This perspective contributes to negative and sometimes hostile attitudes amongst the public toward the newcomers.[25] A recent report by the Council of Europe found that Refugees and migrants were given limited opportunities to speak directly of their experiences and suffering in the media. Most often they were spoken about and represented in images as silent actors and victims[26] or, as mentioned above, as threats to the rest of the population of the UK. In considering the regulation of the press, there is no specific standard in relation to refugees, but rather the same non-discrimination principles which journalists are required to abide by in all reporting.

Regulation of television sources, radio, mobiles, postal services, and wireless devices airwaves information communicated is overseen by The Office of Communications (Ofcom), a statutory corporation. Concerning print media, the Independent Press Standards Organisation (IPSO) is the UK's regulator for the newspaper and magazine industry. IPSO's role is to hold their

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[24] See for example, Elaine Burroughs, 'Deconstructions of the Migration 'Crisis' and Representations of Migration by Boat' in the UK News Media. *Contemporary Boat Migration: Data, Geopolitics, and Discourses*, (2018) p.115.
Samuel Parker, Sophie bennet, Chyna Mae Cobden, and Deborah Earnshaw, 'It's time we invested in stronger borders': media representations of refugees crossing the English Channel by boat' in *Critical Discourse Studies*, (2022) *19*(4), pp.348-363.
[25] Koen Matthijs, David De Coninck, Malies Debrael, Leen d'Haenens and Rozane De Cock , 'Unpacking attitudes on immigrants and refugees: A focus on household composition and news media consumption' in *Media and Communication* (2019) *7*(1), pp.43-55.

[26] Myria Georgiou and Rafal Zaborowski. *Media coverage of the "refugee crisis": A cross-European perspective*. Council of Europe, 2017.

member newspapers and magazines to account for their actions, protect individual rights, uphold high standards of journalism, and help maintain freedom of expression of the press.[27]

Print sources who are members are also bound by the Editor's Code. Regarding refugees and migration, Clause 12 (Discrimination) of the Code is particularly pertinent.

"i) The press must avoid prejudicial or pejorative reference to an individual's race, colour, religion, sex, gender identity, sexual orientation, or to any physical or mental illness or disability.
ii) Details of an individual's race, colour, religion, gender identity, sexual orientation, physical or mental illness or disability must be avoided unless genuinely relevant to the story."[28]

One key consideration concerning this gordian knot of public opinion, media reporting, and policy is the regulation, use and misuse of media, and digital media sources. Whilst many online sources are well researched and regulated (e.g., BBC News, Sky News, or newspaper websites), there is now another consideration regarding how the public obtains their information, the advance of social media news sources. Many individuals will get their information from clickbait on social media such as TikTok.[29] Social media is contentious as many users can endorse a source using a 'one-click like' or take their information from potentially non-validated sources.

Looking at the practical application of the Refugee Convention and media sources, Goodfellow comments that successive Governmental policies with strict regimes make it difficult to get to the UK and make it harder for people to live here.[30] There has been a concerted effort to reduce the resources available to those seeking asylum and make it so

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[27] IPSO "What we do" (IPSO 1 December 2022) < https://www.ipso.co.uk/what-we-do/#:~:text=The%20Independent%20Press%20Standards%20Organisation,of%20expression%20for%20the%20press.> Accessed 2 September 2023.

[28] IPSO Code of Practice (IPSO, 1 December 2022) <https://www.ipso.co.uk/editors-code-of-practice/> Accessed 2 September 2023.

[29] Vivek Kaushal, and Kevita Vemuri, 'Clickbait—trust and credibility of digital news.' in *IEEE Transactions on Technology and Society (2021)*, *2*(3), pp.146-154.

[30]Maya Goodfellow, *Hostile Environment: How immigrants become scapegoats* (London, Verso Books, 2020).

that for some, only very limited levels protection and provision is offered until their status as refugees has been confirmed, leaving many applicants in limbo until the Home Office have made a decision on their substantive asylum application. This hostile agenda is perhaps only one of the practical reasons why no challenge has been mounted by refugees on the perception of them in the media. First, taking on legal action of this type would perhaps carry anxieties around the possible impact on their claims for refugee status within the UK; second, the cost associated with this type of legal action are unlikely to be met by a refugee. Third, and perhaps most importantly, there is no clear cause of action which could be cited in challenging the media in this way. The threshold for defamation is not likely to be met, and to look at discrimination of a group would require judicial review of an administrative action. All the above points to a system which is weighted in favour of the media and has little regulation specific to refugees, especially those identifying ad LGBTQIA+.

Method

To analyse the relationship between the law, the media, and public opinions it is necessary to look at each aspect in isolation. By isolating each aspect, I can draw key conclusions about the success or failures in each area. Only when the respective elements have been evaluated can I consider what this means for their interplay with each other. Objectively, whilst there is literature on the hostile environment, and literature on media regulation, there is little which draws directly and contrasts both. The findings in this article were made using two distinct methods. First, there was a rigorous doctrinal search of the legal framework in immigration law, and sources around media regulation, migration, and hostile environment policies. This search included reputable journals, mainstream news outlets and case archives. Second, the author interviewed, 20 immigration law practitioners from across the UK; these practitioners were all Barristers and solicitors with varying levels if experience of working in the immigration law sector. These practitioners were interviewed using semi-structured questions on themes around their practice, their thoughts on the legal framework, and the elements of their work which were most challenging. All practitioners cited the media as a challenge to their position. The interviews were thematically analysed for themes and links. It is widely acknowledged that journalists and media organisations play a crucial role in mediating public conversation around refugees, asylum seekers, immigrants, and migrants

which may fuel public hostility to those seeking sanctuary.[31] The role of the media in shaping public opinions is perhaps most prominent in response to situations of global crisis. The speed and scale of global events and the subsequent reporting means that often the public are reliant on already mediated narratives to understand what was going on.[32]

To assess the impact of the media on public opinion towards migration It is contended that there are several issues to consider: first, the volume or articles and references to refugees in the media. Second, the rhetoric of migrants as criminals, terrorists, or threats to UK society. Third, the stereotypes of refugees as economic migrants, "job stealers" and "benefits cheats". Finally, the impact of social media and clickbait on the public opinion around refugees and migrants. " The following section will briefly consider the issues in media reporting on migration.

Volume of articles

The language used in the mainstream media when covering stories about migrants vividly mirrors the existing narrative of the migrant as 'the other' and shapes it at the same time. By drawing these distinctions, the media are endorsing the ideas of otherness amongst refugees, demarcating refugees as different to national citizens. However, the problem with this characterisation of the migrant 'other' is that otherness privileges those with the power to construct and categorise the identity of those with unequal power.[33] In the case of this paper, those with power could be suggested to be threefold. First, the policymakers. Second, media sources perpetuating the narrative, and last, the public for maintaining the momentum in

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[31] See for example, James Banks, "Unmasking deviance: The visual construction of asylum seekers and refugees in English national newspapers" in *Critical Criminology* (2012) 20, 3 293–310.
David Bates "The "red door" controversy – Middlesbrough's asylum seekers and the discursive politics of racism" in *Journal of Community and Applied Social Psychology* (2017) 27, 2 126–136.
Greg Philo, Emma Briant , and Pauline Donald, *Bad News for Refugees* (London: Pluto Press, 2013).
Roger Smart, Christopher Grimshaw, Kate McDowell C, et al, *Reporting Asylum: The British Press and the Effectiveness of PCC Guidelines*. (London: ICAR, 2005).
[32] Lilie Chouliaraki and Rafal Zaborowski, "Voice and community in the 2015 refugee crisis: A content analysis of news coverage in eight European countries." in *International Communication Gazette* (2017) 79,6, 613–635.

[33] Jari Martikainen and Inari Sakki, 'Visual (de) humanization: construction of Otherness in newspaper photographs of the refugee crisis' in *Ethnic and Racial Studies* (2021) *44*(16), pp.236-266.

propaganda and clickbait items. For LGBTQIA+ refugees, their position as 'other' can transcend several different categories of other, and accordingly contributes to exacerbated feelings or discrimination and isolation.[34]

Perhaps the clearest articulation of anti-immigration sentiment can be found in the British press. Examining 43 million words (i.e., the content addressing migration in 20 popular British newspapers) between 2010 and 2012 a 2013 report, by the Migration Observatory at the University of Oxford,[35] found that the most used word concerning "migrants" was "illegal." It is arguable that using these terms and similar contributes to an idea of 'moral panic' which in turn aids in selling newspapers, or in modern parlance having subscribers or followers.[36] This framing sees the media coverage of migration as a kind of rising spiral with headlines fuelling public concern, which in turn leads to further headlines. Headlines like "Eightfold increase in the number of illegal migrants entering Europe" are typical.[37] "Failed" turned out to be the most common descriptor of "asylum seekers;" to describe security concerns and aspects of the legality of migration, the words "terrorist" and "sham" were published. This kind of language criminalises migrants who often cross borders in vulnerable circumstances. Several studies have found evidence for the positive correlation between media coverage and attitudes towards migrants, where extensive news coverage contributes to the success of populist rhetoric and the rise of anti-immigrant sentiment.[38]

Rhetoric

There is a varied or mixed lens with which migrants are portrayed. In some circumstances, the media construct 'good' and 'bad' refugees, asylum seekers, immigrants, and migrants,

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[34] Terri Mannarini, Sergio Salvatore, and Giuseppe A Veltri, 'Identity, otherness, and psycho-cultural dynamics' in *Media and Social Representations of Otherness: Psycho-Social-Cultural Implications (2020)* pp.1-16.

[35] Migration Observatory, "Migration in the News," (Migration Observatory, August 8, 2013) <https://migrationobservatory.ox.ac.uk/resources/reports/migration-in-the-news/> Accessed 2 September 2023.

[36] Phil Cohen, "From the Other Side of the Tracks: Dual Cities, Third Spaces, and the Urban Uncanny in Contemporary Discourses of ``Race''and Class" in Gary Bridge and Sophie Watson (eds). *A Companion to the City*, (Wiley 2020) p.316.

[37] Tom Payne, "Eight-fold increase in the number of illegal migrants entering Europe," *Independent* (London, May 30, 2014)

[38] Hajo G. Boomgaarden, Rens Vliegenthart, "Explaining the rise of anti-immigrant parties: The role of news media contact" in Electoral Studies (2007) 26 404-417.

differentiating between those deserving of assistance and those who pose a risk.[39] But there is limited research on when and why these boundaries have been drawn.[40] One position could be that the difference in semantics between 'refugee' and 'migrant' have consequences for the public understanding and sympathy with groups of individuals. In my experience as a practitioner and researcher in this area, the word refugee tends to have slightly more favourable connotations for the public than the term asylum seeker. There could be several reasons for the more negative view of asylum-seeker, though it is likely that the media rhetoric contributes to this. Abusive rhetoric by politicians, the media and social commentators—as well as other prominent public figures-- has trickled down to produce increasingly abusive and hateful speech against LGBTQIA+ persons in the United Kingdom (UK), the UN independent expert on sexual orientation and gender identity warned; "I am deeply concerned about increased bias-motivated incidents of harassment, threats, and violence against LGBT people, including a rampant surge in hate crimes in the UK," [41]

A report from the Migration Observatory, Thinking Behind the Numbers[42] highlighted how both public perceptions of immigrants and media coverage of migration can diverge from "reality", and showed that people in Britain are much more likely to have in mind asylum seekers rather than students when they normally think about immigration, even though students have made up a much larger share of immigration in-flows to Britain for many years[43]. In addition, this shift has consequences on how the public's understanding of

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[39] See for example, Sarah J. Steimel, "Refugees as people: The portrayal of refugees in American human-interest stories." in Journal of Refugee Studies (2010) 23, 2 219-237.
Mariska Jung, "Logics of citizenship and violence of rights: The queer migrant body and the asylum system" in Birkbeck L. Rev (2015) 3 305.
[40] Glenda Cooper, Lindsey Blumell & Mel Bunce, "Beyond the 'refugee crisis': How the UK news media represent asylum seekers across national boundaries." In *International Communication Gazette (2021) 83,* 3, 195–216.
[41] ONHCR, "UK: Keep calm and respect diversity, says UN expert' (ONHCR, May 2023) < https://www.ohchr.org/en/press-releases/2023/05/uk-keep-calm-and-respect-diversity-says-un-expert> Accessed 2 September 2023.
[42] The Migration Observatory, 'A Decade of Immigration in the British Press' (Migration Observatory, November 7, 2016) < https://migrationobservatory.ox.ac.uk/resources/reports/decade-immigration-british-press/> Accessed 2 September 2023.
Scott Blinder, "Imagined Immigration: The Impact of Different Meanings of 'Immigrants' in Public Opinion and Policy Debates" in Political Studies (2015) 63,1.
[43] Ibid 42

migrants and refugee issues, and how this opinion is formed, with social media platforms now shaping narratives around migration. As most British public does not have direct contact with migrants and refugees, the media can significantly shape our ideas of migrants and refugees, through the curation of posts on social media, migrants and refugees are framed in particular ways. Hence, the difference between a refugee being depicted as a political actor versus a humanitarian subject depends on compositional and narrative choices[44].

As technology develops, and social media grows, members of the public find their sources of news from several different platforms. It could be argued that this development is an inevitable part of our technological age, however, regulation of such sources has not kept pace. Recent legislative reforms have recognised the precarity of such digital sources; the Online Safety Act marks a milestone in the fight for a new digital age because it makes it safer for users and holds tech giants to account[45]. It seeks to protect children from harmful content such as pornography and limit people's exposure to illegal content while protecting freedom of speech in the media. More specifically, it will place the onus on social media platforms, search engines, and other apps and websites to permit people to post content to protect children from harmful content, tackle illegal activity, and uphold their stated terms and conditions. However, we should be wary of the impact of further regulation, it can also have harmful and unintended consequences for example, collecting LGBTQIA+ health information.

Social Media

Social media users' interaction with the posts again determines what is communicated about migrants and refugees. In this way, the everyday actions of liking, commenting, and sharing posts are political. By choosing to like, comment, or share a certain post, the framing of refugees in the post gains power on the platform. This represents an opportunity to resist the border regime. By liking and sharing posts that show the diversity and complexity of 'the

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[44] Anya Jhoti, "How does social media affect our understanding of migrants and refugees?" (COMPASS, 23 August 2021) <https://www.compas.ox.ac.uk/2021/how-does-social-media-affect-our-understanding-of-migrants-and-refugees/> Accessed 2 September 2023.

[45] Online Saftey Act 2023

refugee experience' the dominant conceptualisation of the refugee as a mute victim is contested.

Despite the above sentiment which accounts for social media users being passive, there are other perspective to be borne in mind, those which challenge the narratives of migrants in the media. Social media represents opportunities to defy stereotypical representations of refugees as passive victims. It allows innovative communication strategies that would not occur offline, for example, by involving the viewer in an Instagram post through specific graphic design choices, so that refugee organisations can engage and inform the public on key refugee issues[46].

It is clear social media platforms are no longer just a site to keep in touch with friends and share funny posts but are a site for discourse contestation, political debate, and news consumption[47]. Academic commentators on refugees and migration recognise the gordian knot between the media reporting on events, the government policy, and the influence of and over the public. Ultimately, the portrayal of migrants in the media and social media is harmful Whilst reporting regulations are in place, as I have established, and the data below confirms, there is a real impact on the lived realities of claimants in this harmful narrative.

Practical impact of the media portrayal

Having considered the legal and regulatory framework, it would be remis to not assess the practical impact of the hostile environment and how it is reported. I interviewed 20 immigration practitioners about their experiences and opinions of the policy framework, and impact on them and their clients. The position of immigration practitioners is interesting to the debate around media regulation in immigration; practitioners, like refugees face the weight of negative press and government scapegoating. In data I collected about the

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[46] Saifuddin Ahmed, Vivian Hsueh Hua Chen, Kokil Jaidka, Rosalie Hooi, and Arul Chib, "Social media use and anti-immigrant attitudes: evidence from a survey and automated linguistic analysis of Facebook posts." In Asian Journal of Communication (2021) 31 4276-298.

[47] Anya Jhoti, "How does social media affect our understanding of migrants and refugees?" (COMPASS, 23 August 2021) <https://www.compas.ox.ac.uk/2021/how-does-social-media-affect-our-understanding-of-migrants-and-refugees/> Accessed 2 September 2023.

perception of refugees, similar themes were identified by several participants, another commented.

> *'It doesn't help that the Home Office tends to use the words economic migrants a great deal. I think that there is a lack of general understanding between those who are migrating for specific reasons such as family reunification or jobs, and those who are essentially relocating without a choice. The Home Office uses these loaded specific terms like economic migrants, and in an uncertain financial environment, this plays on [the general public's] fears.[48]'*

The above quotes evidence a close nexus between media reporting and public opinion. Also interesting is the notion that the media will perpetuate 'loaded terms' found in Government policy; something particularly prevalent considering recent policy attempts to process asylum seekers in Rwanda and the decision to name the latest piece of migration legislation the 'illegal migration bill' with the implicit suggestion that all asylum seekers are actually illegal migrants.

Another practitioner commented on the public understanding of the terminology used by the government and the media.

> *'Migrant is a dirty word… it has come to mean hundreds of people in dirty clothing, having travelled hundreds of miles to steal jobs. They are migrants, but everyone travelling through Heathrow, or any other airport is alright!'[49]*

When asked about their attitudes to refugees, all participants to the author's study noted a general misunderstanding or conflation of the semantics surrounding refugees. This was assisted by the media and their representation of the topic. Migration has become a hot manifesto topic within the last twenty years, and immigration laws have become increasingly restrictive , with frequent contemporary discussions on migration framed around the concepts of deterrence and control.

In my research 80% of participants touched upon the general misunderstanding or confusion around the semantics of refugee, asylum seeker, and migrant; one barrister said:

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[48] Ibid.

[49] Ibid

> *'I really try not to be too judgemental of the person in the street who doesn't understand. I think there is a bigger responsibility on the Government and the media to use appropriate terminology.[50]'*

A few participants were more specific in their critique of the media, with a particular emphasis on social media:

> *'Large print media has a part to play, but for me, the driving force is social media. The number of times which I look to Facebook and see people sharing things about refugees getting million-pound houses. It frustrates me as this is misinformation. This misinformation is shared with one click and quickly becomes 50 or 100 people supporting the notion that asylum seekers are here for economic reasons. 99 times out of 100 refugees are genuinely frightened of what's happening in their home country, and they have a right to be here.'[51]*

This can also be seen in a study conducted by Berry et al which stated:

"In the EU press, the negative commentary on refugees and migrants usually only consists of a reported sentence or two from a citizen or far-right politician – which is often then challenged within the article by a journalist or another source. In the British right-wing press, however, anti-refugee and migrant themes are continuously reinforced through the angles taken in stories, editorials, and comment pieces.'[52]

In recent research on EU attitudes, Italians (57%), Greeks (56%), and Britons (48%) were found to be most in favour of more restrictive asylum policies. At the same time, Germans, Spaniards, and Swedes tended to say that their asylum policies were either about right – or should be less stringent. While these patterns cannot be attributed exclusively to media

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[50] Katherine Langley, "Immigration Practitioners and the Refugee Convention: is it time for a new legal framework?" (PhD thesis, Leeds Beckett University 2021)

[51] Ibid

[52] Mike Berry, Inaki Garcia-Blanco, and Kerry Moore. "Press coverage of the refugee and migrant crisis in the EU: A content analysis of five European countries." (2016, 1 November 2019) <https://www.unhcr.org/uk/protection/operations/56bb369c9/press-coverage-refugee-migrant-crisis-eu-content-analysis-five-european.html> Accessed 2 September 2023.

reporting, research has demonstrated that the kind of media messages we found in our British press sample – repetitive, negative, narrow, and derogatory – can be highly influential.[53]

Many examples are found in the media of refugees, and asylum seekers, who are treated without dignity; there is an argument that the media have heavy influence over public opinion of refugees, and, as a result, these people are marginalised and scapegoated. In a report published by the Migration Observatory, it was noted *"The media have since then constantly conflated asylum with crime, terrorism, illegality, fraud and worse."*[54] This poor treatment of refugees is compounded for those who identify as LGBTQIA+, who experience "specific difficulties and injustice" even in countries that rank high for positive LGBT legislative change, such as the UK.[55]

All participants cited the media as a reason for conflating attitudes and public opinions toward refugees; another participant, a Barrister with 9 years in the sector was quoted:

> '*Media in general is a problem now as it is owned by different political interests; it is much more biased now, one way or the other. I think there has been a deliberate attempt by certain sections of the media to be anti-immigration.*

There is not sufficient space within this paper for me to discuss the political motivations and impact on policy agenda and media sources in migration. However, it is clear from this data and literature that politics is core to unpicking the knot.

The findings of my own research are further endorsed by other academics. Jhoti found significant amount of data gathered blamed the media for the decline in public opinion toward refugees and argues that reporting in this area has been irresponsible and political. This sentiment expressed within the above research is again reflected in the data for this study. One participant an immigration solicitor commented:

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[53] Ibid

[54] See for example, The Migration Observatory, 'Migration in the News: Portrayals of Immigrants, Migrants, Asylum Seekers and Refugees in National British Newspapers, 2010–2012' (Migration Observatory, 2013).

[55] Sima Shakhsari, "The queer time of death: Temporality, geopolitics, and refugee rights." In *Sexualities* (2014) *17*,8 998-1015.

> *'The vast majority of public attitudes towards refugees is down to media scapegoating and political agenda. The press has a responsibility in using the right language and facts to describe what is going on.'*[56]

The issue is more nuanced than this and some members of the public rely on pro-immigration more liberal sources, whilst others get their information from more anti-immigration, usually tabloid sources.[57] As I have shown previously, in the findings of the study, the influence of the media can go both ways depending on the source. People obtain their knowledge from the media, it has a broad influence, and there is bias, but this is dependent on the source.[58] The role of media in shaping public opinion needs to be clarified; through my research, I am seeking to shift a quasi-hegemonic conception of the media to be in some sense monolithic. It has often been observed that the press is good at setting an agenda – telling readers what to think about – although there is an ongoing debate about the extent to which media coverage either causes or reflects the views of its audiences on the topics it discusses. The report suggests that press depictions of migrants have focused on concerns about high levels of net migration, particularly EU migration.[59] This numerical focus has eclipsed a waning focus on 'illegal' migration and has become the leading migration frame in UK national newspapers.

Impact

There is a significant impact on refugees from all the aforementioned factors, the legislation, media reporting, and public opinion. The support and understanding around the plight of the refugee has been arguably improved by the coverage of the war in Ukraine, and the public support for those displaced in that conflict. There remain the questions of how the relationship between the public and refugees can be improved, and how the media can be

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[56] Katherine Langley "Immigration Practitioners and the Refugee Convention: is it time for a new legal framework?" (PhD thesis, Leeds Beckett University, 2021)

[57] Trevor Diehl, Ramona Vonbun-Feldbauer, and Matthew Barnidge, 'Tabloid news, anti-immigration attitudes, and support for right-wing populist parties.' In *Communication and the Public* (2021) *6*(1-4) 3-18.

[58] Katherine Langley, "Immigration Practitioners and the Refugee Convention: is it time for a new legal framework?" (PhD thesis, Leeds Beckett University, 2021).

[59] The Migration Observatory, 'A Decade of Immigration in the British Press' (Migration Observatory, November 7, 2016) < https://migrationobservatory.ox.ac.uk/resources/reports/decade-immigration-british-press/> Accessed 2 September 2023.

better regulated around already vulnerable groups, and how legislation can support better integration for refugees, especially those LGBTQIA+. One observation about the coverage and treatment of Ukrainian refugees, and the reaction which the conflict has elicited in the UK, is that the role of race and the perception of 'European culture' still holds weight. There is still a clear link between race and class in immigration control in the UK, and this is something with disproportately affects LGBTQIA+ claimants.[60]

The examples of refugees from Ukraine does highlight some interesting points around impact on refugees themselves of the media narratives, and in turn, its effect on public attitudes. First, the public reaction to Ukraine's displaced population has been one of support and generosity. Many individuals drove vans of supplies to Poland and the Ukrainian border, schools raised money, and the government opened a settlement scheme. It is worth noting that the media images around Ukrainian refugees were mainly around white women and children. Second, supporting those fleeing war in Europe is going to aid political traction and public opinion, owing to the 'good deed' or 'white saviour' ideology [61]. Refugees under the Ukrainian re-settlement schemes have been housed with families, supported with limited leave, school places, and better integrated into society then other categories of refugees.[62] However, the example of Ukraine seems to be the exceptions rather than the rule in terms of asylum-seeking experiences in the UK.[63] The trend in the last 30 years has been one of restriction and hostility. [64]

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[60] Nina Held and K McCarthy, 'They like you to pretend to be something you are not': an exploration of working with the intersections of gender, sexuality, 'race', religion and 'refugeeness', through the experience of Lesbian Immigration Support Group (LISG) members and volunteers. (Routledge 2018).

[61] Zainab Moallin, Karen Hargrave, and Patrick Saez, 'Navigating narratives in Ukraine: humanitarian response amid solidarity and resistance' (ODI 19 September 2023) < https://odi.org/en/publications/navigating-narratives-in-ukraine-humanitarian-response-amid-solidarity-and-resistance/>accessed 15 November 2023

[62] Lisa Heschl, 'A Refugee is a Refugee is… a Refugee? Differential Treatment of Persons in Need of Protection and Non-discrimination Law.' in *Peace Human Rights Governance* (2023) *7*, 107-141.

[63] Cathryn Costello and Michelle Foster, '(Some) refugees welcome: When is differentiating between refugees' unlawful discrimination?' in *International Journal of Discrimination and the Law* (2022) *22*(3), 244-280.

[64] John Campbell, "*Bureaucracy, law, and dystopia in the United Kingdom's asylum system*." (Taylor & Francis 2017)

A large body of research shows that journalists routinely rely on politicians and those in power as their sources and that the result is that the frame and interpretations of these political elites' cascades down to the public through the media and mould's public opinion.[65]

De Haas et al. comment on the onus on politicians to redress this restrictionism model:

"Political leaders in both destination and origin countries might therefore pay lip service to goals such as combating illegal migration while doing little to introduce or enforce emigration or immigration restrictions in practice—either because they cannot do so or because they derive economic and political benefits from migration."[66]

This practice marginalises dissenting voices and operates to erase the agency of those who have less power, in this case, asylum seekers. All participants interviewed in my research cited the media as a cause of changing attitudes toward refugees. I also found that media have significantly contributed to negative attitudes to refugees and made the jobs of practitioners harder. This is endorsed by the view in Squires' work that identifies "a wider public and popular discourse of control run parallel with a restrictive discourse of control at the political level".[67] This creates a self-reinforcing discourse of control in which alternative asylum discourses become increasingly marginalised[68]. All the participants within my research study cited the media as a cause for increasing anti-immigration sentiment, a reaction endorsed by the literature.[69] According to X *"Policymaking on this issue seems, therefore, to be caught in a vicious circle of more restrictions — more illegality — more restriction".[70]* The above quote from de Haas *et* al exemplifies the current issue with immigration practice. It shows the

[65] Robert Entman, "Framing bias: Media in the distribution of power." In *Journal of communication* (2007) 57,1 163-173.

[66] Hein De Haas, Mathias Czaika, Marie-Laurence Flahaux, Edo Mahendra, Katharina Natter, Simona Vezzoli, and María Villares-Varela, "International Migration: Trends, Determinants, and Policy Effects" in Population and Development Review (2019) 45,4 885; Colin Yeo, *Welcome to Britain, Fixing our broken immigration system* (London, Biteback Publishing 2020).

[67] Vicky Squire, "Accounting for the dominance of control: Inter-party dynamics and the restrictive asylum policy in contemporary Britain" in British Politics (2008) 3, 24.

[68] Moore, H, "Lessons from LGBTIQ refugee-led community-based organisations." In *Forced Migration Review*, (2018) 58.

[69] Costa Gabrielatos and Paul Baker, "Fleeing, Sneaking, Flooding A Corpus Analysis of Discursive Constructions of Refugees and Asylum Seekers in the UK Press, 1996-2005" in Journal of English Linguistics (2008) 36,1, 5.

[70] Hein de Haas, "The myth of invasion. The inconvenient realities of African migration to Europe" in Third World Quarterly (2008) 29,7 1305.

complexity of a practitioner's role to try and navigate the legal framework, the restrictions, and the public opinions and gain the trust of a worried and distrusting client. My own research expands on the complexities of a practitioner's role, and now contributes to the debate around media and policymaking in immigration law by challenging all stakeholders in this area to stand to action.

Conclusion

This article has shown that unpicking the knot of policy, politics, media, and public opinions around migrants will always remain a difficult task. I have demonstrated the established government position of restriction and control. I have highlighted the limitations to the regulation of the media and evidenced the impact of the same on public opinion. Crucially, my research considers the problem from the perspective of those with insider knowledge. The practitioners in my research are knowledgeable about the law and its application, they have insight into the interplay of the law and media reporting. Most importantly, practitioners see the lived impact of these elements on their clients; and have the voice and courage to stand. The media conflate the problems surrounding the public opinions and language of refugees; however, ultimately, the government is responsible for inciting or participating in the anti-immigration rhetoric.[71] The government could control the media if it wanted to, however, immigration is also a contentious manifesto topic. In the history of recent immigration, the pattern and preference has been one of control[72]

There are clear narratives around economic migration, and the migrant criminal or terrorist, but attempts to counter these security narratives – as well as those around social issues and culture – are limited, partly because of the very low number of stories in which refugees, asylum seekers, immigrants are individually identified. This article has sought to explore the nexus between hostile environment policy, the media, and public opinions of refugees,

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[71] Victoria M. Esses, Stelian Medianu, and Andrea S. Lawson, "Uncertainty, threat, and the role of the media in promoting the dehumanization of immigrants and refugees." Journal of Social Issues (2013) 69,3 518-536.

[72] Scott Gehlbach and Konstantin Sonin, "Government control of the media" in Journal of Public Economics (2014) 118 -171.

especially those refugees who identify as LGBTQIA+. Ultimately, I have shown that there is no easy solution to this issue; The relationship between migration, the media and public opinion is a gordian knot, and one which has been tied for well over the last 30 years. From a political standpoint the resources which would be needed to fully support migrants in better conditions, and faster decision making, is not likely to be forthcoming. Considering the media perspective, there is little specific regulation of the press around refugees and asylum seekers, this is for the most part because coverage is not usually directed at a single individual, and therefore would not be discriminatory. The freedom of the press is always balanced against individual freedom of expression, and in the position of precarity regarding their permission to remain in the UK, or receive assistance, few refugees are likely to challenge any press outlets. Last, the gordian knot has been further complicated by the advances in social media, members of the public are able to share 'quick media' where the sources are uncertain, and the regulations even more limited. The facility for the public to engage with this type of 'quick media' means that there is a dangerous balance between retaining the power of an author's voice or losing it altogether.

Therefore, this article stands as a call to action to all. First, the public must regulate the sources of media they use, being cautious of the validity of the source information. The public should challenge the validity of clickbait media through discussion and self-regulation. Second, to educate themselves and others around the different types of migration, the plight, and rights of refugees and the impact of these hostile environment measures. In an era of ongoing war across the globe, of instant media, and increased hostility, we as citizens all bear the social responsibility to strive for change. The gordian knot is complex and longstanding, but as shown by public responses to Ukrainian refugees, the war in Gaza, and before that, the responses to Alan Kurdi's death, there is evident compassion and empathy from the public. This paper represents an important first step in analysing law, politics, media, and public opinions on migration in one place: offering some insight into a multifaceted problem. Literature in this area is often limited to one aspect of this wider problem, and my aim is that my research enables interdisciplinary consideration of a global issue. As I have shown in this paper, there are clear racial and cultural differences in the public attitudes and treatment of some refugees. We as citizens should be aware of the difficulties faced by those in our communities, especially those who could be portrayed as the 'other'. Refugees, especially

those who identify as LGBTQIA+, and who therefore experience the UK migration system as people with complex and intersectional identities and forms of oppression, need support encouragement, and security. As citizens, activists, academics, and legal practitioners, we should strive to help all refugees of every colour and creed to integrate into society, treating human beings as just such, within the spirit of the Refugee Convention.