

# The Public Thermostat, Policy Responsiveness and Bureaucratic Control: Border Protection and Asylum in Britain, 1994-2004.

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## Synopsis

The responsiveness of government to the preferences of its citizens is considered by some to be an important indicator of the performance of advanced democracy (Dahl 1971). In an age of bureaucratic government there is reason to examine conceptions of responsiveness beyond legislative politics. This study therefore explores the relationship between policy, bureaucracy and public opinion. Specifically, it employs the concept of “responsiveness” to evaluate, and compare, performance of bureaucratic agencies. It modifies the thermostatic model of policy-opinion responsiveness (see Wlezien 1995; 1996; 2004) for empirical analysis of the interplay of policy, bureaucracy and public opinion in the control and administration of asylum by the Home Office in Britain, over the period between 1994 and 2004. This draws upon methods of time series regression and intervention analysis to estimate the responses of specified policy or bureaucratic outputs to (i) change in public opinion and (ii) interventions by government.

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*“... A central problem of representative democracy is how to ensure that policy decisions are responsive to the interests or preferences of citizens. The U.S. Constitution deals with the electoral side of this problem by constructing institutional safeguards and incentive structures designed to make elected representatives responsive to citizens. But making policy involves more than decisions by elected legislators and the president” (McCubbins et al 1987, 243).*

*“The most dangerous of all sinister interests is that of the executive Government, because it is the most powerful. It is perfectly possible – it has happened and will happen again – that the Cabinet, being very powerful in the Commons, may inflict minor measures on the nation which the nation did not like, but which it did not understand enough to forbid” (Bagehot 1867, 108-9).*

## BUREACRATIC GOVERNMENT AND THE POLITICS OF DELEGATION

The responsiveness of government to the preferences of its citizens is considered by many to be an important indicator of the performance of advanced democracy (Dahl 1971). Some go so far as to claim that – “responsiveness is what democracy is supposed to be about” (Verba and Nie 1972, 300). The open interplay of policy and public opinion is, at the very least, an important characteristic of any democratic system of government (Lasswell 1941). There are a variety of conceptual understandings of democratic responsiveness, but few have considered the rise of bureaucratic government. In the mid-nineteenth century, evolution of a system of regulatory commissions led Charles Francis Adams to proclaim the dawn of “a new phase of representative government” (1868, 18) for the United States. That bold claim was premised upon a technocratic conception of delegated government, where non-majoritarian and non-partisan institutions were to provide scientific and professional advice to an elected legislature in search of enlightenment. In Britain, just a decade earlier, the Northcote-Trevelyan Report of 1853 established principles of a permanent independent civil service – appointed on merit and through open competition – that have remained intact throughout evolution and reform of modern British government. However, over a hundred years since Wilson’s formulation of the “politics-administration dichotomy” (1887), bureaucracy continues to be conceived as an obstacle to political ambition and fulfilment of the popular, democratic will.

Indeed, with the decline of patronage, this emergence of a modern, professional bureaucracy – and its colonization of the technical and scientific apparatus of the “administrative state” (Skowronek 1982; Skocpol 1992; Carpenter 2001) and “regulatory state” (Majone 1994) on respective sides of the Atlantic – is a global feature of the politics of delegation in democracy. The day-to-day business of government is constituted in the strategic deputation of authority to bureaucracy. This is a world of principals and agents. From time to time, voters delegate to elected representatives and elected representatives, in turn, delegate to bureaucratic agents. Bureaucracy is, therefore, a realm of action that is autonomous from the principal criteria for representative democracy – i.e. popular control of government through elections. Studies of legislative choice consider the competing political motivations for delegation (see Shepsle and Weingast 1981; 1984; Fiorina 1982). That is why bureaucratic agencies come into being and why in a particular form, in the reduction of political transaction costs. For instance, Fiorina proposes the explanation of responsibility-shifting, whereby elected representatives seek to re-

distribute political costs and benefits by delegation to bureaucratic agencies. The delegation of responsibility is intended to insulate it from direct political and societal influences. This is precisely about a calculated relinquishing of power by elected representatives. For legislative choice, bureaucratic performance is distanced from democratic rewards and punishments by delegation to unelected agents.

#### BUREAUCRATIC CONTROL IN FEDERAL AND WESTMINSTER SYSTEMS?

Studies of bureaucratic control investigate if, and how, elected legislators and executives exert influence over the behaviour of an unelected bureaucracy. The “principal-agent” problem for delegated government is encountered as conflicting preferences of elected representatives and bureaucrats or asymmetries of information and expertise in oversight of agency performance (see Weingast and Moran 1983; Weingast 1984; McCubbins 1985; McCubbins *et al* 1987; 1989). Shortfalls or deficits in bureaucratic satisfaction of the instructions or preferences of elected principals are differentiated as a consequence of “shirking”, in preference conflicts, or “slippage”, in institutional distortions or errors. The transfer of authority from a principal to an agent entails a loss of control to autonomous fiefdoms of interests, resources or expertise, from economic theories of regulatory capture (Stigler 1971; Posner 1974; Peltzman 1976) to political studies of bureaucratic agencies captured in “iron triangles” (Hecklo 1978).

There is already a wealth of research into bureaucratic control and responsiveness in a federal system (Moe 1982; 1985; 1987; Wood 1988; Cook and Wood 1989; Wood and Waterman 1991; 1993; 1994; Scholz and Wood 1998; Cook 1989). This considers the design strategies of legislators and executives wield over agencies (for example via fixing of goals, performance benchmarks, appointments, discretionary powers, administrative rules and procedures), and oversight strategies (via monitoring, rewarding and disciplining of administrative behaviour). These tactics can be formal or informal. Indeed, this is sometimes dependent upon the “law of anticipated reactions”, as bureaucrats respond to expected rewards or penalties. The actual intervention of elected principals is not required for “bureaucratic autopilot” (McCubbins *et al* 1987), where agencies adjust outputs in direct response to changes in the preferences their principals. There is some criticism (Moe 1985; 1987) that research overstates the hierarchical dominance of legislators over bureaucratic agencies, and neglects feedback mechanisms where strategic bureaucrats lead legislative behaviour through the mobilization of political support. The question of bureaucratic control therefore remains pertinent to the politics of delegation, in the formal separation of power between principals and agents – legislatures, executives and bureaucrats – in different political systems. How do elected representatives secure the fidelity and compliance of unelected public officials?

While the literature on difficulties of bureaucratic control has predominantly developed with reference to the separation of legislative and executive powers for the political system in the United States, this principal-agent problem is similarly encountered in parliamentary systems – notwithstanding differences in structures or rules of the chains of delegation in presidential and parliamentary systems (Strøm 2000). Indeed, a traditional caricature of the British civil service under the Westminster system – popularized by the 1980s BBC television series *Yes*,

*Minister* – describes an independent and intransigent bureaucracy. Contemporary trajectories of public sector reform, from new public management (Hood 1991), to agencification under the Next Steps programme, and to political appointments of “special advisors” in Whitehall, are an unmistakable response of executive government in Britain to problems of bureaucratic control. It surprising, then, that the method of time series intervention analysis pioneered by Terry Moe and B. Dan Wood for analysis of behaviour of federal commissions or agencies in the United States has not previously been used to investigate performance of the bureaucracy under the Westminster system of government.

**TABLE 1.** Principals and Agents in Federal and Westminster Systems

	Westminster System	Presidential System
Legislature	Parliament	Congress
Executive	Cabinet Government / Ministers	President / Cabinet
Bureaucracy	Departments / Executive Agencies	Federal Agencies/Commissions

Models of legislative control of bureaucratic outputs are – by definition – premised upon a hierarchical conception of policy behaviour. For instance, Calvert *et al* consider that “a major unresolved issue in the study of American politics is the extent to which the constitutional system of safeguards and incentives designed to discipline elected representatives also works to discipline bureaucrats” (1989, 588). This conceives “electoral discipline” as communicated by the choices of elected officials; through legislative design or oversight. The popular control of government is therefore displaced by delegation and is dependent upon political control of the bureaucracy. It is notable that this bureaucratic control perspective concentrates upon the preferences of legislators, and not conditions that lead to the formation of those preferences – that is the electoral system and public’s policy preferences. Because of this, democratic values start at the elected tier of the political system and then decay through slippage or shirking by bureaucratic agents. Few studies of bureaucratic control refer to public opinion as a direct or indirect cause of bureaucratic performance<sup>2</sup>. As a result, empirical evidence on this particular question is limited and, often, derivative. For example, Gormley *et al* (1983) include “citizen attitudes” as a variable in models of bureaucratic control, although this considers attitudes of citizen advocates, not public opinion per se. Indeed, it rejects the likelihood of responsiveness in complex policy areas, and instead contends “public opinion is less relevant to bureaucratic responsiveness than to legislative responsiveness” (*ibid.* 705). Studies of bureaucratic control have therefore approached the influence of public opinion, but not directly tested it. Yet, the achievement of responsive policy outcomes is dependent upon mobilization of bureaucratic agents. In an age of bureaucratic government, paths of “democratic responsiveness” consist of an interlocking configurations of legislators, executives, bureaucrats and public opinion.

<sup>2</sup> In an exception, Meier and O’Toole (2006, 178) argue that the values of bureaucrats “... operate beyond the decisions and actions that can reasonably be monitored by political overseers and may even enable bureaucrats to “respond” in an anticipatory sense to broad public preferences without explicit intervention or signaling from politicians”.

## POLICY RESPONSIVENESS

There exists a substantial corpus of empirical research examining how government responds to the preferences of its citizens in policy. The study of policy responsiveness is by definition a temporal and causal analysis of linkages of mass opinion and government policy. This field of inquiry has, predominantly, considered responsiveness for the co-equal branches of United States government: the Presidency, Senate, House of Representatives and Supreme Court, in addition to state legislatures, state courts and governors (for comprehensive literature reviews, see Burstein 1998; Manza and Lomax Cook 2002). In recent times, studies have considered performance of political systems in Canada (Soroka and Wlezien 2003), Britain (Soroka and Wlezien 2005) and Denmark (Hobolt and Klemmensen 2005). Thus, “policy” is conceived and measured in a number of forms in order to determine the statistical degree of democratic responsiveness to public opinion. For example, this includes roll-call behaviour of legislators graded on a liberalism-conservatism scale (Stimson *et al* 1995; Erikson *et al* 2002), budgetary expenditure (Ostrom and Marra 1986; Wlezien 1995; 2004) and rhetorical content of policy statements (Cohen 1997). In each instance, policy is an approximation for a general utility function that represents the aggregate distribution of rights, goods or services allocated to the public by government; insofar as this contributes to every individuals’ sense of well-being or satisfaction. This constitutes the relative ability of government to satisfy the preferences of its citizens. However, the actual utility of policy is – in practice – dependent upon finite outputs that are supplied on behalf of government by bureaucrats.

In comparison of democratic credentials of different political systems, Soroka and Wlezien (2005) suggest that horizontal fusion of power in parliamentary systems, where the executive controls the legislative process, restricts the responsiveness of governments to public opinion. Parliament – in the tradition of Bagehot (1867) – has limited powers to check the behaviour of Cabinet in proposing and passing legislation. This is further restricted by party discipline. At the same time, however, this fusion of legislative and executive powers in the Westminster system – in theory at least – provides superior control over bureaucratic supply of outputs. If the separation of powers in federal systems makes them more responsive at a legislative level, it reduces the scope for bureaucratic control. It is, therefore, conceivable that the qualities of these different democratic systems are counter-balancing with respect to bureaucratic control and policy responsiveness. This is articulated in the below propositions.

*H<sub>1</sub>: The fusion of legislative and executive powers under parliamentary systems is linked to higher levels of bureaucratic control and legislative control (the latter because of party discipline) – and hence less “error correction” from individual representatives – so low policy responsiveness is offset by high bureaucratic control.*

*H<sub>2</sub>: The separation of legislative and executive powers under presidential systems is linked to lower levels of bureaucratic control and legislative control – so high policy responsiveness is offset by low bureaucratic control.*

**TABLE 2.** Bureaucratic Control and Policy Responsiveness in Federal/Westminster Systems

Legislative Government	Executive Government	
	High Bureaucratic Control	Low Bureaucratic Control
High Legislative Control	-	Federal/Presidential System
Low Legislative Control	Parliamentary/Westminster System	-

## A MODEL OF POLICY-BUREAUCRACY RESPONSIVENESS

The empirical application of models of bureaucratic control and policy responsiveness has, in most instances, been confined to the United States. These literatures have developed distinct theoretical viewpoints and empirical conclusions on the functioning of this particular system of government. In few instances have scholars considered the significance of bureaucracy to questions of policy responsiveness. This analysis develops a variant of Wlezien’s thermostatic model of policy-opinion responsiveness (see Wlezien 1995; 1996; 2004; Soroka and Wlezien 2005). The following section repeats the basic steps of Wlezien’s formal development of the thermostatic model. It then modifies that model to incorporate bureaucratic responsiveness to elected principals. For those already acquainted with the thermostatic model, some of the analysis that now follows should be familiar.

### THE PUBLIC THERMOSTAT, PART 1

Public preference for policy is a relative preference (R). That equals the difference between its preferred level (P\*) and the actual level (P) of policy.

$$R_t = P^*_t - P_t \tag{1}$$

Simply, under this model the public possess a preference for “more” or “less” of policy. This equation describes public preferences as a basic utility function that corrects itself in response to actual levels of policy activity. For any defined population, there is a diversity of individual preferences, where some want more policy than others, and where the median represents the “ideal” point on the total distribution of preferences (Wlezien 1995). The public is therefore characterised as a thermostat because it adjusts its preference in response to the present level of policy. In the cases of budgetary expenditure (Wlezien 1995; 1996; 2004) or policy mood (Stimson 1991; Stimson *et al* 1995; Erikson *et al* 2002), choice between more or less policy is persuasive. For some model specifications it is not practicable to quantify the choice between incommensurate policy alternatives utilizing this scale. It does not require for individuals to possess a preference for a specified amount of policy. Nor does it demonstrate the “rational” basis for public preferences, or the extent to which opinions are internalized or externalized. Individuals at least have preferences when surveyed, yet these are not meaningful in isolation. Rather, en masse the aggregate of individual preferences reveals a median point in the general distribution. It is only through observing change or persistence in aggregate preferences that we can begin to understand the signals that are sent to elected politicians and public officials.

## POLICY-OPINION RESPONSIVENESS

If there is responsiveness in a specific policy domain, changes in policy ( $P_{jt}$ ) will be positively correlated with changes in public preferences for policy ( $R_{jt-1}$ ), *ceteris paribus*. That is to say, shifts in public preferences are likely to be followed by shifts in policy. This is a thermostatic model because the public adjusts its preference in response to the actual level of policy. It can be denoted by the equation

$$\Delta P_{jt} = a_{0j} + {}^D\beta_j {}^D S_{jt-1} {}^D R_{jt-1} + \gamma_j Z_{t-1} + e_{jt} \quad (2)$$

That is where  $a$  is an intercept term,  $R$  is the relative public preference for policy,  $Z$  is other determinants of policy, and  $e$  is an error term. The coefficient  $\beta$  measures “responsiveness” to public opinion and the coefficient  $\gamma$  measures indirect representation of public preferences by the mechanism of elections<sup>3</sup>. In addition, salience ( ${}^D S_j$ ) is included as a variable that captures the relative intensity of public preferences for either more or less policy in a specific domain (Soroka and Wlezien 2005). This signifies the effect of the relative importance of an issue as a determinant of responsiveness to public opinion. The value of  $S_j$  ranges between 0 and 1. If policymakers are rational vote-maximizers, salient issues are likely to exhibit higher degrees of responsiveness.

In his analysis, Wlezien qualifies that even if  $\beta > 0$  it remains possible that politicians and the public may both be responding to factors exogenous to the model. It therefore only measures statistical responsiveness and does not explicate the causal linkages between policy and public opinion. Because responsiveness is, by definition, a temporal concept, this models the lagged relationship between current policy ( $P_{jt}$ ) and public opinion in a previous time period ( $R_{jt-1}$ ). That prevents spurious correlations produced where current opinion responds to, or mimics, current policy. This design also reflects the reality of policy responsiveness, that legislation or implementation of policy change is often delayed in practice by finite technical parameters of lawmaking and public administration.

## THE PUBLIC THERMOSTAT, PART 2

This particular formulation of the thermostatic model postulates that if the public are indeed rational utility-maximizers, then its relative preference for policy ( $R_{jt}$ ) must be equal to the difference between a preferred level ( $P^*_{jt}$ ) and the actual level ( $P_{jt}$ ) of policy outputs delivered on behalf of legislators by bureaucratic agents. The public’s preference for policy is relative to the utility it obtains from tangible outputs, instead of legislative promises, goals or intentions (although the latter remain a useful predictor of eventual outcomes). There is an understated

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<sup>3</sup> This model maps two components of political responsiveness to public opinion. First, indirect representation ( $Z_{t-1}$ ) results from prospective voting behaviour (Downs 1957), where victorious election candidates tend to be more effective at representing the policy preferences of their constituencies. Second, direct responsiveness ( $R_{jt-1}$ ) is motivated by the “rational anticipation” (Stimson *et al* 1995, 545) of retrospective voting behaviour (Fiorina 1981) where elections allow the public to reward or punish actions of policymakers in previous time periods. In this regard, it is possible to speak of the regulation of government by public opinion.

distinction in models of responsiveness between the units of “policy”, “bureaucratic outputs”, “policy outputs” and “policy outcomes”. Simply, policy is equal to a political commitment or intent, measured in a particular form (e.g. legislation, expenditure). Bureaucratic outputs are equal to the active transformation of policy intent into action by bureaucrats or bureaucratic agencies (e.g. inspections, prosecutions, disbursements). Policy outputs are equal to the sum of activities related to policy objectives, inclusive of behaviour of non-bureaucratic actors and exogenous forces (e.g. numbers of immigrants, convictions, roads and hospitals built). These, sometimes, are equivalent to bureaucratic outputs. Policy outcomes are equal to the verifiable consequences of specific policy interventions, relative to exogenous forces (e.g. air quality, life expectancy, crime rates, productivity, inflation). These are indicators of the quality of social and economic life. The distinction between units of analysis means that – in practice – policy might fail, despite successful implementation, due to shortcomings in the underlying causal theory or resistance from environmental factors.

$$R'_t = P^*_t - P'_t \quad (3)$$

For instance, utility is not likely to be maximized by a government that supplies the public its preferred amount of budgetary expenditure (Wlezien 1995; 1996; 2004), but subject to a significant proportion of waste, corruption or ineffectiveness in pursuit of its objectives<sup>4</sup>. To similar effect, the responsiveness of the rhetorical content of political statements (Hobolt and Klemmensen 2005) may not be accurately or proportionately translated into substantive acts of government. Indeed, the implementation gap is frequently a source of public disquiet with government<sup>5</sup>. The public’s expectation of future government performance therefore mediates its preference for more or less policy. That expectation is likely to be in part dependent upon past experience.

Even where restricted by conditions of imperfect information and uncertainty, sensitivity of the public to actual policy outputs is a significant determinant of the general efficiency of the thermostatic model. If the public fails to notice outputs in the short-run – so that its relative preference ( $R'_t$ ) is subject to additive errors that decay over time<sup>6</sup> – the model may remain in equilibrium but not be utility-maximising. In theory, however, it should be self-correcting; as an error correction model, with differences between short-run and long-run behaviour of the

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<sup>4</sup> In anecdotal terms, it is possible to explain trends in the U.S. policy mood from liberalism to conservatism in the late 1960s and the 1970s as at least in part reflecting the prominent failures of government implementation of Great Society legislation. Indeed, public disillusionment with ‘How Great Hopes in Washington are Dashed in Oakland ...’ (see Pressman and Wildavsky 1973) arguably contributed to the ascent of conservatism and the public belief in ‘small government’. This represents not only an ideological shift in preferences, but a pragmatic response to technical shortcomings of program administration.

<sup>5</sup> It is worth noting that the GSS survey item on public attitudes to government expenditure, used by both the analysis of Wlezien (1995; 1996; 2004) and Erikson *et al* (2002), dates to the 1970s – a period when the level of budgetary expenditure started to become increasingly contested as a predictor of the quality and quantity of policy outcomes.

<sup>6</sup> Under a “general error correction model” (GECM) [ $Y_t = a_0 + \alpha(Y_{t-1} - \beta_1 X_{t-1}) + \beta_1 X_{t-1} + \beta_2 X_{t-1} + e_t$ ], the model would become  $\Delta P'_{jt} = a_{0j} + \alpha(P'_{j,t-1} - \beta_{j1} S_{j,t-1} R'_{j,t-1}) + \beta_{j1} S_{j,t-1} R'_{j,t-1} + \beta_{j2} S_{j,t-1} R'_{j,t-1} + \gamma_j Z_{t-1} + e_{jt}$ .

dependent and independent variables. That is to say that the public should adjust its relative preference if legislators repeatedly fail to deliver on their promises (and might punish them at subsequent elections), even if this response is delayed. Over time, the quantity and quality of policy outputs is, therefore, expected to cause corresponding realignments of public opinion. In order for the policy-opinion connection to tend towards a long-run equilibrium the errors affecting policy ( $P_t$ ) and preference ( $R_t$ ) components of the model must decay at a relatively fast rate. It is not altogether clear whether, in practice, the rate of error correction outlasts the effective social or political lifetime of this sort of time series process<sup>7</sup>. In other words, if errors persist for extended periods they are not easily identified because these become equated with processes that are believed to be permanent. Nonetheless, this capacity for system corrections is an essential characteristic of the thermostatic model, especially if policymaking and public opinion are each subject to conditions of uncertainty and imperfect information.

### POLICY OPINION-RESPONSIVENESS AND BUREAUCRATIC CONTROL

The formal theoretical model of policy-opinion responsiveness is predicated upon consistent translation of policymaking ambitions into reality. In practice, policy is transformed through implementation by bureaucracy<sup>8</sup>. Under this revision of the model, if there is responsiveness, changes in bureaucratic and policy outputs ( $P_{jt}$ ) will be positively correlated with changes in the public's relative preference for outputs ( $R_{jt-1}$ ), *ceteris paribus*. That is to say that shifts in preferences are on average followed by corresponding shifts in outputs<sup>9</sup>. This is thermostatic as the public adjusts its preference in direct response to the actual level of policy supplied by the bureaucracy.

$$\begin{aligned}\Delta P_{jt} &= a_{0j} + \beta_j^D S_{jt-1}^D R_{jt-1} + \gamma_j Z_{t-1} + e_{jt} \\ \Delta P_{jt} &= \delta P_{jt-1} + e_{jt}\end{aligned}\tag{4}$$

Significantly, there are multiple pathways of responsiveness of bureaucratic or policy outputs to public opinion. The coefficient  $\delta$  captures the responsiveness of the outputs ( $P_{jt}$ ) to earlier legislative action ( $P_{jt-1}$ ). In other words, it measures the degree of bureaucratic control. If this is equal to 0, there is no responsiveness of bureaucratic agents to the preference of legislators. That implies that if bureaucratic outputs do respond to public opinion this is a direct process and flouts legislative intentions. If this is equal to 1, there is complete control of bureaucratic outputs. That implies that responsiveness to public opinion is secured by hierarchical control

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<sup>7</sup> This is similar to the argument that many political trends are in fact “near integrated” processes (DeBoef and Granato 1997) where shocks to the mean disappear very slowly [so are not easily identified in finite data series].

<sup>8</sup> By design, delegation to the bureaucracy counteracts bottlenecks of the legislature by over-specifications of policy and assists adaptive or discretionary implementation of primary legislation. For the general thermostatic model, its policy variable ( $P$ ) is equivalent to first order legislation ( $P_1$ ), and is transformed into actual outcomes ( $P_3$ ) by second order bureaucratic action ( $P_2$ ).

<sup>9</sup> It is argued that policy outcomes are integrated [i.e. wander from the mean over time] “by definition” (Durr 1993) because of the natural incrementalism already involved in policymaking. This produces persistence and prompts some models of policy responsiveness to include an autoregressive component.

of the bureaucracy. Of course, in practice it is likely that the value of this coefficient will tend to equal between 0 and 1. Bureaucratic outputs tend to deviate from perfect accomplishment of policy objectives, but are not uniformly misbehaved. The extent of policy responsiveness is a product of interactions between the preferences of legislators and bureaucrats.

The introduction of bureaucratic control to the thermostatic model adds an extra dimension to the problem of spurious correlation. First, it is quite plausible that deficits in bureaucratic outputs would contribute to a reappraisal of strategies adopted by legislators and bureaucrats, autonomously of the prevailing mindset of public opinion. Second, it is also conceivable that legislators and bureaucrats may respond simultaneously – but independently – to exogenous forces (including public opinion), thereby creating the appearance of bureaucratic control. In fact, legislation, bureaucracy and public opinion may move in tandem, yet only reflect trends in unidentified underlying variables. Indeed proof of causality is the foremost methodological problem to confront analysis of the interactions of policy, bureaucracy and public opinion<sup>10</sup>.

## **BORDER PROTECTION AND ASYLUM IN BRITAIN, 1994-2004**

In Britain, no other domestic topic has become as increasingly controversial since election of the Labour Government on May 1, 1997 than immigration policy. The events of September 11, 2001 transformed population movement and border security into highly public risk and control problems. Of course, already underlying trends of social and economic globalisation preceded this seismic event, shaping the set of policy dilemmas that today confront legislators and bureaucrats. But is the management of immigration by administrative agencies in Britain responsive to public opinion? In the analysis that follows the thermostatic model is specified for asylum policy, results estimated for a series of time series regression models, and findings reported on the thermostatic responsiveness of policy outputs in this domain. To investigate the rhythm of responsiveness, models of best fit are estimated for monthly, quarterly and half yearly intervals (conducting preliminary tests for lags between 1 and 36 months). Following this, time series intervention analysis is performed to estimate the effects of specific legislative and administrative events on policy outputs.

### **POLICY OUTPUTS**

The operation of border controls and the administration of different forms of immigration is consistent with the conceptualisation of the supply of “more” or “less” bureaucratic or policy outputs. But what does the actual quantity of outputs ( $P_t$ ) consist of? There are a number of different routes of entry into Britain. While the existing system is complex and incoherent, the principal routes of immigration are via the work permit system, family settlement system, a number of work-related schemes, student visas and the asylum system. The official statistics

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<sup>10</sup> It is also problematic that policy intentions are not always readily translated into bureaucratic outputs because the unit of analysis is not equivalent. For example, legislative appropriations measured in \$ or £ are not equal to construction of a specific number of hospitals or nuclear submarines. In other instances, legislative interventions are dichotomous variables so are not easily equated with the transformation of continuous bureaucratic outputs.

published by the Home Office report the general level of immigration (with information of levels in select subcategories), but record the level of asylum as a distinct entity. This provides considerable detail on performance of the asylum system. The structure of administration for asylum is itself thermostatic in nature. The level of inputs into the system is a function of the interaction of border controls with an exogenous level of potential applications. The level of system through-flow is dependent upon the processing of applications. In order to be granted asylum an applicant must have “a well-founded fear of persecution” – as defined by the *1951 Geneva Convention on Human Rights*. The dispensation of leave to remain constitutes short-term protection, where special considerations are required or where removal is precluded by the *European Convention on Human Rights*. If these different criteria are not met, applications are refused. The sum of initial decisions constitutes the level of quasi-outputs of the asylum system. However, where applications have been refused there is a right of appeal, to regulate the accuracy and reliability of decisions. The level of actual outputs of the system consists of removals of failed applicants<sup>11</sup>.

- (1) Applications
- (2) Decisions [includes (3), (4) and (5)]
- (3) Grants
- (4) Leave to remain [“short-term protection”]<sup>12</sup>
- (5) Refusals
- (6) Appeals
- (7) Removals

This study uses monthly data on asylum and immigration provided exclusively for research purposes by the Asylum Statistics Team of the Immigration Research and Statistics Service at the Home Office<sup>13</sup> and the Migration Statistics Unit at the Office for National Statistics<sup>14</sup>. It

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<sup>11</sup> On a case-by-case basis, the determination of applications for asylum is a zero-sum game. If an application is granted, it cannot be simultaneously refused or granted short-term leave to remain. However, applications are not necessarily processed in the same order as they are submitted, nor should it be assumed that this order is random. For example, fast-track facilities at the Oakington detention centre were used to determine cases that were “manifestly unfounded” selected via the initial screening interview on the basis of country of origin.

<sup>12</sup> The category of “extraordinary leave to remain” was replaced in April 2003 by categories of “humanitarian protection” (HP) and “discretionary leave” (DL).

<sup>13</sup> Asylum Statistics Team, Immigration Research and Statistics Service (IRSS). *Asylum applications received in the United Kingdom, excluding dependants, and initial decisions on applications 1994-2004*. Statistics for 1999 are completed with provisional data from the Home Office’s monthly statistical bulletin, *Asylum Statistics: February 2000, United Kingdom*. Statistics for 2004 are completed using the Home Office’s annual statistical bulletin, *Asylum Statistics United Kingdom 2004*.

<sup>14</sup> Migration Statistics Unit, Office for National Statistics. *International migration, estimates from International Passenger Survey, 1994-2003*. Note that this data is for research purposes only. The IPS survey’s sampling frame is designed for quarterly estimates, so these months do not represent a balanced sample. The IPS definition of a

estimates the thermostatic responsiveness of these specific benchmarks of immigration policy, as these represent the most complete time series data available for this domain. This does not include temporary categories created by government. The empirical data on appeals against asylum decisions is only available in quarterly format since 1997, and data on the number of asylum claimants supported by the National Asylum Support Service (NASS) is available in quarterly format since its establishment in 2000. These are excluded from the analysis due to insufficient observations for robust time series analysis.

## RESULTS

Factor analysis (see Table 3) of the various output items for immigration policy indicates that these exhibit a significant amount of common variance. This is as we should expect in theory for the various components of asylum policy, since the level of applications is reflected in the subsequent level of decisions and each of the different subcategories (refusals, grants, leave to remain, detentions, appeals, removals). There is least commonality with the level of removals – and this is also as we should expect, since it is furthest removed in the system from the level of applications. That is to say that it is subject to most bureaucratic slippage or shirking. On average, an increase in the number of entrants causes an increase in both grants and refusals. Noticeably, the level of immigration (adjusted for seasonal variation through calculation of a twelve month moving average) is distinct from the components of asylum policy, although it nonetheless appears that these policy items all move together over time in the same direction.

**TABLE 3.** Factor Loadings of Immigration Policy Items

Items	Factor		
	1	2	3
Asylum			
Applications	0.67	-0.08	0.37
Decisions	0.99	0.05	-0.15
Grants	0.72	-0.44	0.17
Leave to Remain	0.84	-0.11	-0.01
Refusals	0.89	0.27	-0.33
Removals	0.36	0.41	0.18
Immigration	0.09	0.43	0.29
Eigenvalue	3.58	0.64	0.41
Proportion of Variance	0.79	0.14	0.09

migrant is someone who intends to stay for at least a year in the UK. These do not include estimates for asylum seekers, visitor switchers, migrant switchers or migrants to and from the Irish Republic.

## THE PUBLIC THERMOSTAT

It is not unreasonable to suggest that the public possess a relative preference for immigration. That is to say that it desires “more” or “less” of it, depending upon its actual level. From time to time, research omnibuses such as the British Social Attitudes Survey (BSA) ask the British public about its preference for more or less immigration (with this topic included by the BSA in relation to the settlement of particular ethnic/national groups in 1983, 1984, 1986, 1989, 1990, 1994, 1995 and 1996). Between 1995 and 2003, the proportion of survey respondents who believed the number of immigrants to Britain should be “reduced a lot” increased from 39% to 49%. However, continuous time series data on this or other similar attitudinal scales does not exist. The most regularly surveyed measure of public attitudes relating to migration, for the period from 1994 to 2004, is the monthly MORI Political Monitor<sup>15</sup>. It asks “what would you say is the most important issue facing Britain today?” in addition to “what do you see as other important issues facing Britain today?”. Since 1974, this has included a category for responses on importance of the issue of “race relations/immigration/immigrants”. It also includes responses that refer to asylum<sup>16</sup>. Significantly, answers are unprompted and data is collected for a selection of issue categories that are relatively stable over time. This is however an imperfect substitute for the public’s inclination for more or less immigration.

Many studies use the “most-important-problem” question surveyed by Gallup as an indicator of public policy preferences (McCombs and Shaw 1972; MacKuen and Coombs 1981; Jones and Baumgartner 1993). That is not without problem (Wlezien 2005). There is a significant distinction between the importance of an issue, its importance relative to other issues, and its salience; not to mention the extent to which it is considered an “issue” or a “problem” by the public. The level of immigration may consistently be an important issue for the public, but vary in its importance relative to other issues. Moreover, even if immigration is perceived as an issue, this is not necessarily the same as it being considered a problem. For this empirical study, the use of survey data on issue importance is, therefore, subject to a qualification. It is quite possible that this does not correspond to the public’s underlying preference for more or less immigration. However, it is adopted as a crude indicator of the prevailing public mood regarding the level of immigration. This – at least – reveals changes in the relative intensity of public opinion. It is conceivable that issue importance represents a composite of the salience of immigration and the relative public preference for “more” or “less” of it ( $S_t, R_t$ )<sup>17</sup>.

The public thermostat is therefore denoted for this empirical analysis by one of the following equations.

$$R_t = P_t^* - P_t$$

<sup>15</sup> MORI. Political Monitor, 1974-2005. See <http://www.mori.com/polls/trends/issues.shtml>.

<sup>16</sup> See MORI. October 2003. *The More Things Change ... Government, the economy and public services since the 1970s*. London, MORI (p.23).

<sup>17</sup> In the final reckoning, the suitability of issue importance as a proxy indicator is likely to be determined by its efficacy in the statistical analysis that follows. If the relationship between policy and public opinion is shown to be thermostatic using the survey data on issue importance, it can be argued that – for this specific time period – this is an acceptable characterisation.

or

$$S'_t R'_t = P^*_t - P'_t \quad (5)$$

Unlike net support for public expenditure (Soroka and Wlezien 2005), which in both theory and practice is stationary, this measure of public opinion is found by the Augmented Dickey-Fuller test to be first order integrated; failing to reject the null hypothesis of presence of unit root. Similarly, the different series for asylum and other forms of immigration are first order integrated. If a series is integrated it is a function of past shocks. This is as might be expected, since there are a priori reasons why both policy and public opinion should each be a function of past disturbances (Durr 1993) and, therefore, exhibit trend. If differenced, these series are stationary and – importantly for us – capture the change from one period to the next.

## RESULTS

Do the public respond to change in policy outputs related to the control and administration of asylum and immigration? By estimation of a series of time series regression models, it is concluded that actual policy outputs for asylum control and administration have a positive, and statistically significant, effect on public opinion. In contrast, the public's responsiveness to other categories of immigration is perplexingly negative, although statistically significant at only the 90% level. This suggests that the public thermostat is sensitive to changes in outputs of the asylum system, but is perversely responsive to changes in outputs for the remainder of the immigration system. The results summarized in Table 4 show that increases in the level of asylum applications, decisions, grants and leave to remain are correlated with increases in issue importance, whereas increases in the level of refusals and removals are correlated with decreases in issue importance. In other words, if the number of entrants into – and through – the asylum system increases, so does public concern. It is helpful here to outline the practical implications of some of the coefficient values that are reported in Table 3. For instance, the coefficient 0.00128 for  $P_{jt-11}$  indicates that for every 1,000 additional asylum applications per quarter, issue importance increases by 1.28%, at a lag of eleven quarters. The value of lags for the other forms of immigration are perhaps misleading because the adjusted series is, in fact, a twelve month moving average. It captures change between the first and thirteenth months of the series so a lag of one quarter is, in practice, a lag of five quarters from the starting point of the moving average.

Because this tests the responsiveness of an individual measure of public opinion to a series of outputs of asylum and immigration policy it is particularly significant that the statistical fit of models estimated for asylum grants and leave to remain capture more of the variance in this empirical data (with values of adjusted  $R^2$  equal to 0.57 and 0.53 respectively). This makes a lot of sense too since on average we would expect that more applications should translate into more decisions – consisting of grants of asylum and leave to remain. Therefore, the public's response to the number of asylum grants entails some existing information about the number of applications in an earlier period (and likewise about the number of decisions in the present

time period). In theory, it is conceivable that the public’s responsiveness to actual outputs is additive through successive stages of the asylum system.

**TABLE 4.** Public responsiveness regressions, differenced<sup>18</sup>

Independent Variables	Dependent Variable: Change in Public Opinion ( $S_{jt} - R_{jt}$ )						
	Asylum					Immigration	
	Applications	Decisions	Grants	Leave to Remain	Refusals	Removals	
Change in Independent Variable ( $P_{jt-2}$ )	–	0.00030** (0.00010)	0.00253*** (0.00050)	–	–	–	–
Change in Independent Variable ( $P_{jt-5}$ )	–	–	–	0.00287*** (0.0004)	0.00587** (0.00020)	–	- 0.00065* (0.00029)
Change in Independent Variable ( $P_{jt-11}$ )	0.00128** (0.00053)	–	–	–	–	–	–
Change in Independent Variable ( $P_{jt-23}$ )	–	–	–	–	–	- 0.0219*** (0.0060)	–
Constant ( $a_0$ )	0.20 (0.97)	0.79 (1.21)	0.97 (0.96)	0.53 (0.59)	0.41 (0.79)	0.36 (0.45)	1.49 (0.92)
Interval / Observations	Quarterly / 32	Half Yearly / 19	Half Yearly / 19	Quarterly / 38	Quarterly / 38	Monthly / 96	Quarterly / 38
Degrees of Freedom	31	18	18	37	37	95	37
R <sup>2</sup>	0.16	0.36	0.60	0.55	0.20	0.12	0.12
Adjusted R <sup>2</sup>	0.14	0.33	0.57	0.53	0.18	0.11	0.10
Durbin-Watson	2.70	2.41	2.50	2.63	2.66	2.44	2.59

Note: OLS regression coefficients, \*  $p < .10$ , \*\*  $p < .05$ , \*\*\*  $p < .01$  (two-tailed tests) with standard errors in parentheses. These models of best fit are estimated from tests of lags between 1 and 36 months, and are selected according to principal criteria of the maximum value of Adjusted R<sup>2</sup>.

The public response is “thermostatic” for asylum because if the level of inflow increases there is a corresponding increase in issue importance, and if the level of inflow decreases there is a corresponding decrease in issue importance. Therefore, the intensity of public opinion about asylum policy – as is conceived here – does appear to change in a consistent and predictable way. Indeed, it reflects the actual level of policy outputs. This is evidently premised upon the prevailing attitude that accommodation of immigrants entering through the asylum system is undesirable. This is not perfectly thermostatic, however, since the estimated models provide only a partial prediction of change in public opinion (with values of adjusted R<sup>2</sup> up to 0.57). That is to say that there are exogenous sources of public opinion, unrelated to the actual level of asylum. In summary, the results imply that the British public do notice and respond to the control and administration of asylum – at the aggregate level. That the public is insensitive to

<sup>18</sup> The public opinion series includes values for three missing observations generated by linear interpolation. For the quarterly, half yearly and yearly versions of the series, missing values are replaced by an interpolation of the original monthly series; with each observation taken from the final month of the quarterly, half yearly or yearly interval. There is missing data for removals between January and December 1994.

changes in the level of general immigration is, moreover, consistent with an apparent fixation of many sectors of media, political and public opinion with asylum claimants. Nonetheless, it remains conceivable that adjustments in issue importance coincide with a stable, underlying public preference for the level of immigration. If that is the case, issue salience is thermostatic even if relative preferences are not.

## POLICY OPINION-RESPONSIVENESS

It should be evident from that border control and asylum provide an outstanding example of a “thermostatic” model of bureaucratic and policy outputs. In theory, British government has power to respond to pressure from public opinion at different points in the asylum system. It might target entrants (i.e. applications), accelerate processing (i.e. decisions), manipulate the existing standard for determinations (i.e. grants, leave to remain and refusals), or toughen up enforcement (i.e. removals). Of course, changes at specific points in the system might only displace problems elsewhere (e.g. an increase in the level of refusals creates a backlog of cases for removal). To repeat, if there is “responsiveness” in a specific domain, changes in policy outputs ( $P'_{jt}$ ) are positively correlated with changes in public opinion from a previous time period ( $S'_{jt-1}R'_{jt-1}$ ). In practice, this model is transposable to a number of different migration outputs ( $P'_{jt}$ ), such as those considered here – asylum applications, decisions, grants, leave to remain, refusals or removals, and entry clearance for the other forms of migration. Finally, the effect of partisanship on policy responsiveness ( $\gamma_j Z_{t-1}$ ) is captured in the estimation of this model by a dummy variable. It is equal to 0 if government is formed by the Conservative Party and is equal to 1 if government is formed by the Labour Party. This measures the effect of indirect representation on responsiveness of border control and asylum to public opinion.

## RESULTS

But do changes in public opinion translate into actual changes in policy outputs? The models of best fit reported in Table 5 indicate that the responsiveness of actual outputs is highest for series measured at either quarterly or half yearly intervals. It is concluded that public opinion has a negative and statistically significant effect on the measured outputs for asylum control – and a positive, but statistically insignificant effect on outputs for other forms of immigration. Specifically, these results show that increases in issue importance lead to decreases in asylum applications, grants and leave to remain, and to increases in decisions, refusals and removals. This is as should be expected. In order to reduce the number of entrants to, and through, the asylum system, policymakers and bureaucrats act to interdict claims, reduce grants of asylum and leave to remain, and increase refusals and removals. The responsiveness of decisions and grants of asylum is not significant at the 90% confidence level. That is unsurprising since, in theory at least, grants are subject to autonomous, independent criteria (i.e. the *1951 Geneva Convention on Refugees* and *European Convention on Human Rights*). Because earlier results showed that the public thermostat was not responsive to change in the level of other forms of immigration, corresponding unresponsiveness of actual outputs – positive and not significant at the 90% confidence level – is consistent with our expectations.

**TABLE 5.** Policy representation regressions, differenced

Independent Variables	Dependent Variable: Change in Policy ( $P_t$ )						
	Asylum				Immigration		
	Applications	Decisions	Grants	Leave to Remain	Refusals	Removals	Entry Clearance
Change in Public Opinion ( $S_{jt-1}R_{jt-1}$ )	-	-	10.31 (6.26)	-260.25** (94.91)	-	-	-
Change in Public Opinion ( $S_{jt-2}R_{jt-2}$ )	-551.08* (223.80)	-	-	-	-	-	-
Change in Public Opinion ( $S_{jt-3}R_{jt-3}$ )	-	370.66* (168.56)	-	-	258.89* (119.10)	41.52** (15.28)	-
Change in Public Opinion ( $S_{jt-5}R_{jt-5}$ )	-	-	-	-	-	-	501.56 (255.40)
Party in Government ( $Z_{t-1}$ )	1396.14 (3129.94)	-742.02 (2000.86)	-7.99 (55.05)	484.45 (1247.97)	-638.19 (1413.75)	-226.02 (232.19)	5288.33 (4672.65)
Constant ( $a_0$ )	-388.78 (2668.17)	371.57 (1726.30)	4.24 (46.04)	-8.29 (1036.30)	370.39 (1219.76)	369.62 (203.66)	1840.11 (4371.79)
Interval / Observations	Half Yearly / 19	Quarterly / 40	Monthly / 130	Half Yearly / 20	Quarterly / 40	Half Yearly / 18	Half Yearly / 16
Degrees of Freedom	18	39	129	19	39	17	15
R <sup>2</sup>	0.28	0.12	0.14	0.31	0.11	0.34	0.29
Adjusted R <sup>2</sup>	0.19	0.07	0.04	0.23	0.07	0.26	0.18
Durbin-Watson	1.79	2.29	1.68	2.25	2.03	2.36	1.14

Note: OLS regression coefficients, \*  $p < .10$ , \*\*  $p < .05$ , \*\*\*  $p < .01$  (two-tailed tests) with standard errors in parentheses. These models of best fit are estimated from tests of lags between 1 and 36 months, and are selected according to principal criteria of the maximum value of Adjusted R<sup>2</sup>.

Once again, it is helpful to demonstrate practical implications of the values of the coefficients that are reported in Table 5. The coefficient -551.08 for  $S_{jt-2}R_{jt-2}$  indicates that, on average, a 1% increase in public opinion leads to a reduction of 551 in the level of asylum applications, at a lag of one year. In the estimated models of best fit, the value of the dummy variables for government are not significant, but might be interpreted as implying that increased levels of asylum and migration entry are observed under a Labour Government (if the high standard errors are disregarded). Because this analysis only covers the period between 1994 and 2004 – and is, therefore, limited to only three and a half years of Conservative Government – it is dangerous to infer a causal relationship between change in the level of policy outputs and the party in government. Similarly, because estimated models provide only a partial explanation of variation in the empirical data, it appears that there are exogenous determinants of policy outcomes.

To review, there are clear and meaningful differences in the opinion-responsiveness of policy outputs in the management of asylum. The distinctive pattern of responsiveness between the individual subcategories of control and administration suggests sophisticated and systematic

behaviour of legislators and bureaucrats. It is significant that the level of removals of failed applicants from the system is best explained by changes in public opinion, followed by the most interpretative and discretionary category of decisions – leave to remain. That contrasts with the unresponsiveness of grants of asylum. This implies that certain parts of the asylum system are more predisposed, or open, to responsiveness than others. If bureaucratic action is subject to clearly defined and external criteria, there is less scope for responsiveness. If subject to discretion (i.e. leave to remain and refusals) or enforcement (i.e. removals), there is more scope for responsiveness. Of course, that structure of responsiveness is confined to evidence presented in this case. To conclude, border controls and the administration of asylum by the British Government is positively responsive to adjustments in public opinion. When the public wants more, it gets more. In contrast, there is not an equivalent relationship between the general level of immigration and public opinion.

### POLICY OPINION-RESPONSIVENESS AND BUREAUCRATIC CONTROL

What is the cause of changes in the actual level of policy outputs? This is, in part, a function of a complex set of factors that underlie general trends in migration flows, outside the formal or informal jurisdiction of British Government. However, at the same time this is dependent upon political control of the bureaucracy. In order to model the impact of discrete events on bureaucratic and policy outputs this study employs time series intervention analysis (Box and Tiao 1975). That is a quasi-experimental methodology for *post hoc* estimation of the effect of specific interventions on a time series in the presence of a dependent noise structure. In other words, it permits analysis to differentiate between deterministic and stochastic variations in a series. This is a recognized technique for testing the effect of policy interventions on levels of bureaucratic activity (Moe 1982; Bendor and Moe 1985; 1986; Wood 1988; Wood 1991; Wood and Waterman 1991). Here, it is used to identify critical points of leverage for elected principals over bureaucratic agents and, as a direct result, policy outputs. That is, the exercise of legislative and executive power by Cabinet Government – under the Westminster system – over activities of civil servants, in departments or executive agencies, that determines the final degree of opinion-responsiveness. The general form of the Box-Tiao model can be denoted as

$$P'_t = f(I_t) + N_t \quad (6)$$

This implies that, in theory, the dependent series ( $P'_t$ ) consists of a transfer function ( $I_t$ ) and noise component ( $N_t$ ). In order to detect the properties of the noise component, this analysis estimates an ARIMA model (Box and Jenkins 1970) to describe underlying stochastic trends or processes in the empirical data. The Box-Jenkins method is atheoretical in nature, since it does not consider causal relationships that generate stochastic variation. Instead, it performs a series of autocorrelation diagnostics to construct a model with autoregressive, integrated and moving average components of order  $p$ ,  $d$ ,  $q$ . This provides the stochastic benchmark against which to estimate the effect of interventions on the dependent series. The transfer function is represented as a binary variable (1,0). It specifies each intervention as a “step” [permanent] or

“pulse” [temporary] input<sup>19</sup>. The dynamic response of the dependent output to interventions is, likewise, subject to different forms. For a detailed formal exposition of the model, see Box and Tiao (1975) or Hibbs (1977).

*Principals, Agents and Policy Interventions under the Westminster System*

It is therefore possible to evaluate the impact of specific interventions by British Government on the performance of the asylum system with this method. Indeed, time series intervention models provide a quantitative technique that is unused in previous studies of political control of bureaucracy under the Westminster system of government. One of the foremost problems associated with analysis of this sort is that, in practice, there are often multiple principals and agents (Spiller 1990; Whitford 2005). So who are the principals and agents for this particular configuration of political institutions? The underlying partition of the Westminster system is between an elected Cabinet, appointed and headed by the Prime Minister, and the unelected permanent bureaucracy (civil servants working in departments or executive agencies). In this case, principal responsibility for the control and administration of asylum and other forms of immigration is assigned at a departmental level to the Home Office, headed by the Secretary of State for the Home Department (the “Home Secretary”). The Permanent Secretary of the Home Office is its most senior civil servant, accountable for day-to-day administration of the department [Civil Service, Grade 1]. The Immigration and Nationality Directorate (“IND”), headed by a Director-General [Civil Service, Grade 2] is the Home Office agency responsible for adjudicating on extensions in the stay of temporary visitors or residents, making grants of citizenship and determining applications for asylum. It assists Ministers in the formulation of government policy on immigration control and citizenship. The IND manages immigration controls at ports and airports, and at the Channel Tunnel. Noticeably, its branches/divisions correspond, directly, to policy outputs tested in this analysis. Those are categorised as relating to the activities of (i) border control or (ii) asylum administration. Details of the bureaucratic agents involved in operation of the asylum system are reported in Table 6. Notwithstanding the lateral dependence upon “parliamentary supply” through HM Treasury and collaborative ventures with other departments or agencies (e.g. HM Customs and Excise, Prison Service), this formation of principals and agents is, quite incontrovertibly, hierarchical in its character. Similarly, although the European dimension of immigration control is informed by an open-borders agreement established under the Schengen Treaty of 1985<sup>20</sup>, the British Government retains sovereignty over the determination of immigration policy and border controls.

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<sup>19</sup> Similar to ambiguities associated with “near-integrated” data (DeBoef and Granato 1997), it is conceivable that the limited duration of a time series might cause a pulse input to appear to be a step input.

<sup>20</sup> While the UK is not a signatory of the *Schengen Treaty* – and therefore maintains its own borders – because this part of EU law allows for a common immigration policy and border system, freedom of movement within Europe has obvious implications for control of asylum and immigration in the UK.

**TABLE 6.** Bureaucratic Agents in Asylum Policy

Category	Output	Department	Agency	Branch / Division(s)
Border Control	Applications	Home Office	Immigration and Nationality Directorate	Immigration Service / Border Control; Organised Crime *
Administration	Decisions [Grants, Leave to Remain, Refusals]	Home Office	Immigration and Nationality Directorate	Asylum Support Casework and Appeals / Asylum Casework Directorate
Administration	Removals, Detentions	Home Office	Immigration and Nationality Directorate	Immigration Service / Removals, Enforcement and Detention Division

\* in conjunction with regional police forces and HM Customs and Excise.

How did the British Government control, and prioritise, the designated activities of the IND between 1994 and 2004? In order to construct a time series intervention model it is necessary to first postulate a causal theory of the effect of discrete interventions ( $I_t$ ) on bureaucratic and policy outputs ( $P'_t$ ). The general categories of intervention that are considered in this analysis are derived from studies of bureaucratic control; adapted for archetypical strategies, styles and configurations of [principal-agent] delegation that – in theory – characterise the Westminster system. It is contended that the legislative and executive interventions listed below represent forms of political control and, therefore, potential sources of change in levels of bureaucratic activity.

- (1) popular election and formation of Cabinet government,
- (2) primary legislation in the form of acts of parliament,
- (3) secondary legislation in the form of statutory instruments,
- (4) appointments of
  - (i) ministers by the Prime Minister,
  - or
  - (ii) senior civil servants by the Civil Service Commissioners,
- (5) imposition of performance targets or incentives,
- (6) budgetary appropriations, supply or expenditure,
- (7) alteration of administrative systems, rules, procedures or technologies,
- and
- (8) legislative or [independent] statutory oversight.

This simple proposition of distinct categories of interventions enables specification of a series of transfer functions ( ${}^1I_{jt-n}, {}^2I_{jt-n} \dots {}^NI_{jt-n}$ ) and estimation of their impact upon bureaucratic or policy outputs ( $P'_{jt}$ ); where trends or stochastic processes in the dependent series are captured by ARIMA parameters diagnosed with the Box-Jenkins methodology. It is possible to express

a model of dynamic responses of the level of applications [border control], decisions, grants, leave to remain, refusals and removals [administration] to specified interventions in the form:

$$P'_{jt} = \omega_0^1 I_{jt-n} + \omega_0^2 I_{jt-n} + \dots + \omega_0^N I_{jt-n} + \frac{a_t}{(1 - \phi_t B)} + \mu \quad (7)$$

That is where  $\omega_0$  is the weighting of each intervention [at a lag of  $n$  months],  $a_t$  is white noise disturbances,  $\phi_t$  is an autoregressive noise parameter,  $B$  is the backshift operator such that  $P'_{jt} = BP'_{jt-1}$  and  $\mu$  is the mean. The results reported in Tables 7 and 8 exclude interventions that did not provoke a response from the dependent series; as the Box-Tiao technique is premised upon the systematic and iterative specification of a model that is parsimonious, yet consistent with a defined theory of causation.

In construction of some time series intervention models, it is possible to estimate the effect of step or pulse transfer functions where the response of the dependent series is gradual, instead of instantaneous. That entails the choice of a binary or counter dummy variable in one of the general forms listed below. The power of the Box-Tiao approach is therefore, in part, derived from its stylised representation of the impact of discrete legislative or bureaucratic events on a continuous dependent variable.

$$\begin{aligned} {}^1I &= 00000111111 \\ {}^2I &= 00000100000 \\ {}^3I &= 00000123333 \\ {}^4I &= 00000123000 \end{aligned} \quad (8)$$

However, estimation of gradual responses of the dependent series to specified interventions is problematic, in the context of this study, for several reasons. First, there is no causal theory of the predicted rate of impact for different categories of intervention to inform specification of each transfer function; although these probably entail a normal distribution. In other words, there are no theoretical criteria for restricting estimation of gradual responses to a period of  $n$  months [and at a lag of  $n$  months]. Second, because there are competing theories of political control of bureaucracy, this uncertainty over differential rates of impact further complicates determination of the significance of contemporaneous interventions. Third, for a hierarchical political system such as the Westminster model – with its fusion of powers – interventions in legislative form often constitute or entail subsequent interventions in bureaucratic form. It is conceivable in construction of a Box-Tiao model that the gradual response of bureaucratic or policy outputs to an act of parliament is composed, over time, of a series of direct responses to activation of subsidiary provisions within that act; being dependent upon the enforcement practices and activities of bureaucratic agencies. It might therefore be contended that counter dummy variables are biased towards the significance of legislative interventions, where binary dummy variables are biased towards the significance of subordinate legislative or bureaucratic

interventions. Subject to that qualification, this investigation is focused upon direct points of leverage of political control over bureaucratic or policy outputs.

## RESULTS

This study first compiled a comprehensive index of the dates of known interventions; acts of parliament, statutory instruments [in the form of either Orders in Council, regulations, rules or orders] such as changes in the “Immigration Rules”, political appointments of Secretary of State for the Home Department and public appointments of the Permanent Secretary of the Home Office and Director-General of the Immigration and Nationality Directorate (IND), imposition of performance targets on the Home Office, the start date of particular fiscal years for the IND, adjustments of border controls or technologies, and statutory acts of oversight by parliamentary select committees and independent regulatory agencies. That preliminary exercise recorded >150 interventions [including in excess of a hundred statutory instruments relating to asylum between 1994 and 2004] for a total of six dependent outputs. Because this study is restricted to <150 observations where each intervention has a conceivable effect upon  $\geq 1$  outputs, likelihood of spurious correlations is considerable if all interventions were tested. Indeed, that probability is increased, since estimation of this series of models permits a lag of up to two months for the impact of interventions. In order to counteract these complications it is imperative to select interventions cautiously, and with some scepticism, as the potential determinant of policy or bureaucratic outputs. That is to say, interventions must be selected with reference to causal theory, while conclusions must be qualified as indicating statistical significance because it remains possible for contemporaneous events to provide an alternative explanation of change in the dependent series. The complete schedule of interventions tested in order to construct the final, reduced version of each model is reported in Appendices 1, 2 and 3. These were each tested as discrete interventions to produce provisional results, prior to the construction of a model incorporating multiple interventions. Where there is uncertainty over the causal primacy of multiple contemporaneous events, these are reported as a group of sub-interventions; as a basis for subsequent discussion and inferences of dynamics of political control of the bureaucracy.

### *Border Control*

Since 1994, successive British Governments have sought to reduce the number of unfounded claims for asylum and – as a consequence – the level of asylum applications. The operation of border controls by government aimed, in particular, to pre-emptively inhibit false claims and counteract asylum shopping within the European Union<sup>21</sup>. This integrated “push” and “pull” logics of control; (1) border facilities and protocols, (2) search capacity and technologies, (3) immigration offences and penalties, and (4) welfare entitlements for asylum claimants. These are premised upon theories about the causes of migration flows – and uses and abuses of the asylum system. For instance, the imposition of visa requirements for specific third countries

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<sup>21</sup> The “Dublin II” Regulation (EC) No. 343/2003 stipulates that applications for asylum must be processed in the country of entry (or alternatively in a country where the applicant has existing ties).

is claimed to prevent unfounded applications for asylum at source, through restricting access to the British asylum system itself. Similarly, coordination of juxtaposed border controls with other European Economic Area (“EEA”) countries, at Channel ports and Eurostar terminals, is considered a restraint to onshore applications for asylum. But which specific interventions cause a significant change in the level of asylum applications? And what are the implications for understanding political control of the bureaucracy under the Westminster system and the determinants of actual inputs to the asylum system?

The reduced model, reported in Table 7, excludes interventions relating to political or public appointments, performance targets, budgetary expenditure and acts of oversight. There is no evidence that the tenure of particular individuals as Home Secretary, Permanent Secretary of the Home Office or Director-General of the IND had a significant impact upon the level of asylum applications [if estimated as a step transfer function]. That finding is consistent with conventions of collective responsibility of Cabinet Government and civil service impartiality. Similarly, performance targets [“Public Service Agreements”] that were set by HM Treasury’s Comprehensive Spending Review<sup>22</sup> in July 1998, 2000 and 2002 did not cause an immediate adjustment in the level of applications. That itself is unsurprising, since the targets sought an improvement in departmental performance over a two year period. In addition, consecutive increases of approximately one hundred percent in the budgetary expenditure of the IND for fiscal years 1999-2000 and 2000-2001 did not produce a significant reduction in the level of applications for asylum. Nor did the completion, and publication, of oversight investigations by the Public Accounts, Home Affairs and Constitutional Affairs Committees, and National Audit Office. While that is, in part, attributable to the belated (“fire alarm”) timing of these particular interventions, it is also consistent with limited statutory powers of parliamentary and independent oversight that prevail under the Westminster system. This is, moreover, all as should be expected for trends in the level of applications for asylum; since appointments, targets, budgetary expenditure and oversight only intercede adjustments in this policy output through other forms of legislative or bureaucratic action. The effects of such interventions are therefore unlikely to be captured by binary inputs.

Instead, specific interventions in bureaucratic operation of border controls effected change in the level of applications for asylum. First, introduction of visa requirements for Zimbabwean citizens [tabled in parliament as Statutory Instrument 2002 No. 2758] in November 2002 is correlated with a reduction in applications at the 95% confidence level. This is plausible – at least – since 7,655 applicants arrived in Britain from Zimbabwe in 2002; although the size of intervention, at approximately 1,200, is greater than would be expected, so might have been sustained by subsequent interventions. This change was preceded by the appointment of Bill Jeffrey as Director-General of the IND in September 2002. However, there is no evidence to suggest that this appointment was itself a cause of the drop in applications. It is conceivable instead that introduction of “non-suspensive appeals” under the *Nationality, Immigration and Asylum Act*, in November 2002, might have contributed to that reduction. These accelerated

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<sup>22</sup> Cm 4011. 14 July 1998. *Modern Public Services for Britain: Investing in Reform*. London, TSO.

the decision and removal process, designating countries as “generally safe” where applications could be certified as “clearly unfounded”. Second, contiguous to this, coincidence of several events in December 2002 and January 2003 – the closure of the Red Cross reception centre at Sangatte, increase in the Carriers’ Liability penalty from £2,000 to £4,000, introduction of visa requirements for Jamaican citizens, installation of new detection technologies at Calais, and restriction of welfare entitlements administered by the National Asylum Support Service (NASS) to claims submitted “as soon as reasonably practicable” [interpreted as constituting a period of three days] – reflected a concerted effort by government to reduce the total number of applications for asylum. If measured as a single intervention, this group of interventions is correlated with a drop in applications, significant at the 90% confidence level. This illustrates the inability of time series intervention analysis to arbitrate on the impact of discrete, but also contemporaneous, events. Moreover, in practice the synchronisation of a number of different interventions might ensure their statistical significance [with reference to changes in the level of bureaucratic or policy outputs] as a consequence of additive effects.

This notwithstanding, a number of ostensibly consequential events in border control proved insignificant as binary interventions [as tested at the 90% confidence level]. For instance, this included the ‘Dublin Convention’, ‘Dublin II’, detection technologies installed at Coquelles, Vissingen, Ostend and Zeebrugge, juxtaposed immigration controls introduced at sea ports in Calais, Dunkirk, Boulogne and the Eurostar terminals in Paris, Lille, Calais and Brussels, introduction of the “civil penalty” [carriers’ liability for transporting clandestine entrants into Britain] or other immigration-related offences, and the imposition of visa requirements for citizens of twenty-two different countries in June and October 2003<sup>23</sup>. Nor is there evidence that earlier reforms of the welfare entitlements of asylum claimants contributed to immediate downturns in the number of claims for asylum. These findings should, however, be tempered as indicating that interventions did not yield instant solutions, even if these did contribute to underlying trends in the level of asylum applications; captured by autoregressive [AR(1)] and integrated components [I(1)] in the estimated ARIMA model. Nonetheless, it is significant that the particular set of interventions that were correlated with changes in the level of policy outputs – without exception – corresponded to the [delegated] forms of secondary legislation or bureaucratic facilities, technologies and procedures [operated by the Immigration Service]. Of course, activation of each statutory instrument was *intra vires* dependent upon provisions of preceding acts of parliament. Since the government’s operation of border controls was, in practice, premised upon disruption or obstruction of popular routes of entry to Britain, this section provides implied findings on the strength of bureaucratic control [due to interference from exogenous factors].

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<sup>23</sup> Home Office. 15 October 2003. *Tighter visa regimes to improve border control. Press Notice 280/2003.*

**TABLE 7.** Effects of Interventions on Asylum Applications

Independent Variable	Y <sub>t</sub>		
	Parameter	Date	Asylum Applications
Intervention 1	$\omega_{1}$	11/2002	- 1242.31** (527.97)
Visa Requirements (Zimbabwe) [Statutory Instrument 2002 No. 2758]		(11/2002)	
Nationality, Immigration and Asylum Act 2002 c. 41 [Non-Suspensive Appeals, Wave 1]		(11/2002)	
Intervention 2	$\omega_{2}$	01/2003	- 603.87* (281.46)
Closure of the Red Cross reception centre at Sangatte, France [International Agreement]		(12/2002)	
Introduction of requirement under the 2002 Act that applications for NASS support are submitted "as soon as reasonably practicable" (interpreted as three days). [Statutory Instrument 2002 No. 2811. The Nationality, Immigration and Asylum Act 2002 (Commencement No. 1) Order 2002]		(01/2003)	
Visa Requirements (Jamaica) [HC 180. 9 January 2003. <i>Statement of changes in immigration rules</i> ]		(01/2003)	
Search technologies: Calais		(01/2003)	
Noise Components and Diagnostics			
ARIMA			(1,1,0)
Autoregressive ( $\phi$ )			- 0.37*** (0.07)
Moving Average ( $\theta$ ) $a_t$			-
Mean ( $\mu$ )			
Constant			18.42 (39.53)
Sigma			551.45*** (30.33)

Note: OLS regression coefficients, \*  $p < .10$ , \*\*  $p < .05$ , \*\*\*  $p < .01$  (two-tailed tests) with standard errors in parentheses.

### *Administration of the Asylum System*

Beyond this focus of British Governments upon operation of border controls throughout the period between 1994 and 2004, was a similar degree of legislative and executive attention to administrative parameters guiding the determination of claims for asylum and enforcement of removals of failed claimants. This entailed logics of bureaucratic control that were directed towards: (1) rates of processing [completion of decisions or the backlog of outstanding cases], (2) actual outcomes of decisions [grants, leave to remain or refusals], (3) quality of decisions [appeals submitted and upheld], and (4) enforcement of decisions [removals]. Because of the limited availability of monthly or quarterly official statistics on outstanding cases and appeals this analysis is confined to estimation of the effect of interventions on decisions, grants, leave to remain, refusals and removals. It is also important to note that the operational integrity of the asylum system remains dependent upon the quantity and quality of inputs [applications], just as control of the level of applications for asylum is subject to complex, exogenous forces.

Nonetheless, this was premised upon a hierarchical conception of the control of bureaucratic outputs, with prescribed administrative tasks designated to specialised divisions of the Home Office's Immigration and Nationality Directorate (IND); the Asylum Casework Directorate [decisions] and Immigration Service [removals]<sup>24</sup>. The legislative and executive interventions of British Government sought to direct and prioritise activities of bureaucrats in the IND, as well as to modify the immigration rules relating to applications for asylum. Which particular interventions caused significant adjustments in the determination of claims for asylum and enforcement of removals of failed applicants? What insight does this provide into dynamics of political control of bureaucracy for the contemporary, British version of the Westminster system of government? What are the principal determinants of administrative performance of the IND in its execution of the government's policy on the right to asylum? The next section presents details of time series intervention models estimated for the dependent outputs of the asylum system.

Similar to results for the level of asylum applications, the reduced models reported in Table 7 exclude interventions that relate to appointments and the majority that relate to performance targets, budgetary expenditure and acts of oversight. The tenure of named individuals as the Home Secretary, Permanent Secretary of the Home Office and Director-General of the IND were each found to have an insignificant impact upon the level of the different subcategories of decisions and removals, when estimated as a step transfer function. Nor did election of the Blair Government in May 1997 stimulate an immediate response in the level of bureaucratic activities related to the processing of applications for asylum. As a result, there is no evidence of agency "autopilot", given this absence of a direct, equilibrating response in performance of the IND to the turnover of its elected and unelected principals. Once again, this is consistent with defining tenets of the Westminster system – collective responsibility of the Cabinet and impartiality of the British civil service. For this configuration of principal-agent relations, it is perhaps improbable that interventions would consist of this abrupt, binary form. It remains conceivable, of course, that tacit forms of political control of bureaucracy were circumscribed by international treaties or concordats governing the treatment of asylum seekers.

That conjecture notwithstanding, more direct forms of political control were also discovered to have an insignificant impact as binary interventions upon the activities of the IND. Public Service Agreements imposed under the Comprehensive Spending Review in July 1998, 2000 and 2002 did not cause adjustments in levels of decisions, grants, leave to remain, refusals or removals. Where the activation date of service agreements, in January 1999, 2001 and 2003, is instead used as the date of intervention, the second round of targets is found to correspond to a significant escalation in the processing activities of the IND. However, it is doubtful that this elicited a direct response in the level of bureaucratic outputs, since it also coincided with abandonment of the "Casework Programme" – a failed £100m Private Finance Initiative IT project launched in 1996, that had distracted and destabilized the casework operations of the IND – and a peak in the number of caseworkers processing applications, at 769, in February

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<sup>24</sup> The IND also has fixed rate contracts with private firms for the in-country and overseas movement and escort of detained immigration offenders.

2001. Indeed, it is possible that these performance targets either caused or corresponded to a gradual trend; captured by the integrated component [I(1)] of each of the estimated models. In other words, public service agreements might have been fixed inside the margin of error of an existing trajectory of bureaucratic performance.

Nor is there substantive evidence that increases in the budget of the IND, for the fiscal years commencing April 1999 and 2000, or publication of investigations into operation of border controls and administration of the asylum system by the Public Accounts, Home Affairs and Constitutional Affairs Committees, and National Audit Office, impacted directly upon levels of bureaucratic activity. However, in several instances these interventions are included in the models reported in Table 7, where contemporaneous with significant changes in legislative or sub-legislative provisions and in the finite operational capacity of the IND. The likelihood is that there were no direct effects of oversight, but these help illustrate the problem of spurious correlations confronted in specification of time series intervention models. In chronological order, results are now presented for interventions that caused a significant adjustment in one or more of the dependent outputs.

***Intervention 1.*** In December 1998, as part of the fallout from problems with the “Casework Programme”, there was disruption to processing activities at the IND headquarters caused by reorganization of casework activities into the “Integrated Casework Directorate” (ICD), with a streamlined system of team-based casework. The resumption of normal activities at the end of this transitional period, in April 1999, is found to be related to a significant increase in the number of grants of asylum. It is unclear why there were no similar effects for other decision categories. While this intervention transpired at the same time as publication of the National Audit Office report into the failure of the Casework Programme and an increase of over one hundred percent in the budget assigned to the IND for the fiscal year, it is unlikely that these impacted directly upon the level of grants. In particular, the deployment of extra caseworkers supported by the funding would have been further lagged by the requirements of recruitment and training.

***Interventions 2, 3 and 4.*** In the months after the *Immigration and Asylum Act* of December 1999, there are a cluster of significant increases in the processing activities of the IND. These are attributable as a response of the IND to the legislation itself and installation of additional fast-track capabilities in the asylum system for the determination of claims. However, there is countervailing evidence of bureaucratic autopilot, since this consisted of underlying increases in authorizations of leave to remain under ‘backlog criteria’<sup>25</sup> and refusals on grounds of non-compliance<sup>26</sup>; with no public record of corresponding amendments of the rules and directives

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<sup>25</sup> These were reported in the official statistics as “cases decided under pragmatic measures aimed at reducing the pre ’96 asylum backlog”.

<sup>26</sup> Under Paragraph 340 of the Immigration Rules, non-compliance constitutes “[a] failure, without reasonable explanation, to make a prompt and full disclosure of material facts, either orally or in writing, or otherwise to assist the Secretary of State in establishing the facts of the case may lead to refusal of an asylum application or a

under which decisions were made. That is either in the formal provisions of the legislation or instructions from elected or unelected principals. While the opening of a fast-track detention centre at Oakington accelerated the process of refusals for “safe third countries” where claims were certified as “manifestly unfounded” by the Home Secretary, it remains implausible that this contributed to more than a fraction of the increase in refusals. That is given both the size of increase and the holding capacity of Oakington<sup>27</sup>. Similarly, it is unlikely that coincidental publication of the report of the Public Accounts Committee stimulated the direct response of those bureaucratic outputs in question.

***Interventions 5 and 6.*** The introduction of formal regulations for the “one-stop procedure” of appeals by statutory instrument in October 2000, subject to provisions of the *Immigration and Asylum Act 1999*, is significantly correlated with increases in the levels of decisions, leave to remain and refusals [at a lag of one or two months]. The procedure required applicants to submit a statement of additional grounds for wishing to enter or remain in Britain as early as possible in the course of their application. This streamlined and accelerated the processing of claims by the IND, requiring information relevant to each case to be considered as part of an initial decision. It is therefore noticeable that the level of grants was insulated from effects of the one-stop procedure, in contrast to the response of the other categories.

***Interventions 7 and 8.*** In February and March 2001, there were increases – significant at the 99% confidence level – in the number of cases decided by the IND [decisions, grants, leave to remain and refusals]. This coincided with its abandonment of the beleaguered Casework Programme, which had distracted casework operations since its inception in April 1996. The IND had, though, processed applications using the Case Information Database (CID) added to manual procedures from April 2000. Because of this, it is not clear that cancellation of the project was a direct cause of this upturn in bureaucratic activities. Similarly, it is implausible that a high in numbers of caseworkers deployed on applications caused more than a fraction of this increase in decisions, since the growth in bureaucratic personnel was incremental. The inference might, instead, be that – through a form of autopilot – this emblematic refocusing of casework operations within the IND stimulated the increase in the level of the dependent outputs. Indeed, it remains conceivable that the irreversible sinking of this imagined solution to backlogs that had afflicted the IND throughout the 1990s was the cause of the response of rates of processing; rather than the activation of performance targets under the second round of Public Service Agreements or publication of the report of the Home Affairs Committee investigation into border controls [each in January 2001].

***Intervention 9.*** On April 1, 2003, the Home Office introduced categories of “humanitarian protection” and “discretionary leave”, to replace “extraordinary leave to remain”. This change

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human rights claim”. In practice, this includes the failure to attend an interview or report to be fingerprinted and failure to return or late return of the self-completion Statement of Evidence (SEF) or other questionnaires.

<sup>27</sup> This aimed to make an initial decision with 7 to 10 days. In 2002, a decision was made on 7,775 applicants held at Oakington. Of these, 99% were refused.

in bureaucratic criteria is correlated at the 99% confidence level with a reduction in the level of this re-constituted classification of short-term protection. The launch of operations of the Eurodac fingerprint database, in January 2003, pursuant to provisions of an earlier directive of the Council of the European Union, is contemporaneous to this intervention. However, as there were no corresponding adjustments in the other dependent outputs – such as grants or refusals – it is unlikely that Eurodac precipitated this drop in the number of authorizations of short-term protection.

*Interventions 10 and 11.* The implementation of waves 2 and 3 of “non-suspensive appeals” in April and July 2003, via statutory instruments subject to the provisions of the *Nationality, Immigration and Asylum Act 2002*, is correlated at the 95% confidence level with an increase in the level of removals. This procedure of non-suspensive appeals permits applications to be certified by the Home Secretary as “clearly unfounded”, for [designated] safe third countries where the applicant is considered “at no serious risk of persecution”. It therefore removes the in-country right of appeal. While this coincided with introduction of fast-track procedures at Harmondsworth and publication of the report of the Home Affairs Committee investigation into asylum removals, congruence in the impact of these equivalent, discrete interventions suggests that non-suspensive appeals were the principal cause of the escalation in bureaucratic enforcement of removals.

Similar to the findings for border control, a number of adjustments in administration of the asylum system that are considered of note in fact proved insignificant as binary interventions, as tested at the 90% confidence level. For instance, this included the Dublin I and Dublin II conventions, introduction and abolition of the accelerated appeals procedure for a designated “white list” of third countries [where there was, “in general, no serious risk of persecution”], lifting of a ban on returns of failed applicants to Zimbabwe, opening of specific detention or removal centres [plus disruption to holding and processing facilities caused by disturbances at particular sites], and end of removals to accession countries after expansion of the European Union in 2004. In practice, the likelihood is that many of these interventions had gradual or residual effects that were not captured by specification of time series impact models with step transfer functions. Because of the autoregressive and stochastic nature of dependent outputs, it is sometimes difficult to extract the precise, immediate degree of their importance.

**TABLE 8.** Effects of Interventions on Asylum Administration

Independent Variable	$Y_t$						
	Parameter	Date	Asylum				
			Decisions	Grants	Leave to Remain	Refusals	Removals <sup>28</sup>
Intervention 1	$\omega_{01}$	04/1999	-	565.69*** (162.24)	-	-	-
Completion of transition of organization of the IND to "Integrated Caseworking"		04/1999					
Start of FY1999-2000. The budget of the IND increases from £300,203 to £781,977.		04/1999					
Intervention 2	$\omega_{02}$	01/2000	3381.32*** (654.12)	-	-	2360.05*** (599.88)	-
Intervention 3	$\omega_{03}$	02/2000	-	359.80** (150.71)	-	-	-
Intervention 4	$\omega_{04}$	03/2000	4569.41*** (914.08)	-	1056.26*** (216.89)	2382.91*** (423.35)	-
Immigration and Asylum Act 1999 c. 33		(11/1999)					
Surge in number of authorizations of leave to remain under 'backlog criteria' and refusals on grounds of non-compliance.		-					
Intervention 5	$\omega_{05}$	11/2000	4404.58** (816.47)	-	-	2526.28*** (634.74)	-
Intervention 6	$\omega_{06}$	12/2000	-	-	701.02*** (129.16)	-	-
Statutory Instrument 2000 No. 2244. The Immigration and Asylum Appeals (One-Stop Procedure) Regulations 2000.		(10/2000)					
Intervention 7	$\omega_{07}$	02/2001	2945.81*** (990.54)	-	1203.11*** (145.61)	2524.94*** (763.74)	-
Intervention 8	$\omega_{08}$	03/2001		1075.91*** (145.13)			
Further development of the IND's "Casework Programme" is abandoned by the Home Office and Siemens, opting instead for use of the CID database. The number of caseworkers involved in the processing of applications reaches a high of 769.		(02/2001)					
Intervention 9	$\omega_{09}$	03/2003	-	-	-727.92*** (201.77)	-	-
The category "Extraordinary Leave to Remain" is abolished at the end of March 2003 and replaced with "Humanitarian Protection" and "Discretionary Leave".		(03/2003)					
Intervention 10	$\omega_{10}$	04/2003	-	-	-	-	150.70** (60.14)
Non-Suspensive Appeals, Wave 2 (Albania, Bulgaria, Jamaica, Macedonia,		(04/2003)					

<sup>28</sup> The removals category does not include the "voluntary assisted returns program" (VARP) started in February 1999, so underestimates the outputs of the system.

Moldova, Romania and Serbia/Montenegro)							
Intervention 11	$\omega_{6,11}$	07/2003	-	-	-	133.54** (51.46)	
Non-Suspensive Appeals, Wave 3 (Bangladesh, Bolivia, Brazil, Ecuador, South Africa, Sri Lanka and Ukraine)							
Noise Components and Diagnostics							
ARIMA (p,d,q)			(1,1,0)	(1,1,1)	(1,1,0)	(1,1,0)	(2,1,0)
Autoregressive ( $\phi$ )			- 0.54*** (0.03)	- 0.51*** (0.13)	- 0.56*** (0.03)	- 0.49*** (0.03)	L <sub>1</sub> - 0.58*** (0.07) L <sub>2</sub> - 0.32*** (0.09)
Moving Average ( $\theta$ )			-	0.84*** (0.11)	-	-	-
Mean ( $\mu$ )							
Constant			- 110.99 (89.87)	- 15.18 (32.19)	- 16.81 (15.80)	- 69.24 (79.62)	5.39 (4.13)
Sigma			1198.58*** (43.62)	261.54*** (11.27)	246.47*** (10.45)	927.65*** (34.68)	75.33*** (5.55)

Note: OLS regression coefficients, \*  $p < .10$ , \*\*  $p < .05$ , \*\*\*  $p < .01$  (two-tailed tests) with standard errors in parentheses.

## DISCUSSION

The British public appears to notice, and respond to, actual bureaucratic and policy outputs related to the government's control and administration of asylum, but not the general level of immigration. Because the measure of public opinion that is used in this analysis indicates the importance of the issue of asylum and immigration, relative to other issues, it is conceivable that its underlying preference for "more" or "less" is quite stable. If that is so, adjustments in public opinion reveal change in the intensity of preferences. In either case, the responsiveness of the public thermostat reflects an attentiveness to the performance of British Government. This evidence implies that the median point in the aggregate distribution of public attitudes adjusts in response to actual bureaucratic and policy outputs. Of course, it is known that the mass media exerts a significant agenda-setting influence (see Iyengar and Kinder 1987; Zaller 1992; Baumgartner and Jones 1993) and moderates public opinion. There is also evidence of determination of public attitudes about asylum and immigration by media exposure (MORI 2005). However, it remains notable that the public is sensitive, in a meaningful way, to real changes in border control and the administration of asylum. While it might be salience – and not the relative preference for "more" or "less" – that is responsive to changes in bureaucratic and policy outputs, it is significant that this adopted measure of public opinion is systematic and consistent in its behaviour, regardless of the accuracy or balance of media reporting.

In return, individual bureaucratic and policy outputs for the asylum system are responsive to changes in public opinion. The levels of applications, decisions, leave to remain, refusals and removals are responsive to changes in issue importance. There is no equivalent adjustment in

the levels of grants of asylum or other forms of immigration in response to the same changes in issue importance. These findings reveal that dynamics of public responsiveness and policy responsiveness are symmetrical in the differences between asylum and immigration. In other words, the unresponsiveness of public opinion to the level of immigration is matched by the corresponding unresponsiveness of policymakers to changes in public opinion. The evidence on the relationship between policy and public opinion is consistent with conceptualisation of a thermostatic system (Wlezien 1995; 1996; 2004), whereas the interrupted nature of policy interventions is nearer to models of punctuated equilibrium (Baumgartner and Jones 1991; 1993; Jones and Baumgartner 2005). Nonetheless, political control of the bureaucracy is also symmetrical with the degree of opinion-responsiveness, insofar as there are more significant interventions for dependent outputs that are responsive to public opinion than for those that are not. The interventions that impacted upon the number of applications decided were each dependent upon changes in the level of leave to remain and refusals. Both responsiveness and political control are therefore aligned with bureaucratic activities that are discretion-based, in contrast to the principal reference of grants of asylum to an external “gold standard” (i.e. the 1951 Geneva Convention on Human Rights).

In testimony to the Home Affairs Select Committee on 23 May 2006, the recently appointed Home Secretary, John Reid, described the asylum system as “not fit for purpose”, and “... in a state of transition from a paper-based system that was not designed for the problems we are facing, towards a technologically-based system that seems to be on an horizon that never gets any nearer”<sup>29</sup>. The evidence from estimation of time series intervention models suggests that, in the past decade, the British Government nevertheless calibrated the designated activities of the Immigration and Nationality Directorate via a succession of strategic interventions. This is consistent with what is known in theory and in practice about the Westminster system; its hierarchical configuration of *principal-agent* delegation and fusion of legislative and executive powers. The political control of bureaucratic and policy outputs was secured through legal or technical adjustments of administrative rules, procedures and technologies, in addition to the perceptible autopilot responses of caseworkers. These included reorganization of bureaucratic units and activities (e.g. integrated casework), accelerated/streamlined processes (e.g. the one-stop procedure and non-suspensive appeals), revision of administrative criteria (e.g. abolition of “extraordinary leave to remain”) and unprompted – if the public record is to be believed – modification of the number of cases determined under discretionary criteria (e.g. increases in leave to remain decided under backlog criteria and refusals on grounds of non-compliance). Indeed, the temporary retreat to paper-based methods, in the aftermath of the debacle of the Casework Programme, is correlated with direct improvements in bureaucratic performance.

There is no incontrovertible evidence to indicate that individual principals and agents, acts of parliament, budgetary supply, performance targets or public exercises of oversight stimulated binary responses in the level of bureaucratic or policy outputs. While in a few instances these were coincidental with significant adjustments in the dependent variable, other interventions

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<sup>29</sup> Rt. Hon. John Reid, Home Secretary, Oral Evidence, Home Affairs Committee, 23 May 2006 [HC 775-ix].

present a more plausible explanation of the changes in bureaucratic activities. Of course, this does not discount the possibility that these had an enabling or catalytic impact, with gradual or diffuse effects that are not detected by step transfer functions because of autoregressive and stochastic noise in monthly time series data. That notwithstanding, the empirical findings are consistent with theoretical expectations. Because, under its fusion of legislative and executive powers, British Government can intervene directly in bureaucratic activities, there is no need to exert tacit political influence through appointments. Instead these are certified by the Civil Service Commissioners and officials operate under a tradition of impartiality on behalf of the government of the day. This contrasts with evidence on the effects of political appointments from the United States (see Wood 1988; Wood and Waterman 1991; Wood and Anderson 1993). The party discipline that is considered to characterize parliamentary systems facilitates legislative adjustment of administrative behaviour, compounded by the authority of ministers to enact statutory instruments under the provisions of preceding acts of parliament. British civil servants are, therefore, comparatively insulated from political – if not legal – influences. The multiple uses of delegated legislation to alter bureaucratic and policy outputs in this case confirms its importance to the performance of executive government under the Westminster system. Similarly, the negligible effect of oversight is consistent with limited statutory powers of both parliamentary and independent oversight in the contemporary Westminster system. Select Committees and the National Audit Office are restricted to the taking of evidence and publication of reports. As a consequence, the Home Office and Immigration and Nationality Directorate were protected from direct, compulsory controls. In practice, because the process of oversight and release of the final report is distributed over time, it is perhaps unsurprising that there are no observed binary effects.

In theory, “responsiveness” – calculated by the regression of change in bureaucratic or policy outputs against change in public opinion – is a function of the combination of interventions and autoregressive, integrated and moving average components of the specified noise models. This analysis of binary, step interventions finds the direct and immediate points of political control of bureaucracy. Because actual interactions of policy, bureaucracy and public opinion unfolded over time, there is an obvious thermostatic dimension even to this hierarchical form of bureaucratic control. Deficits in bureaucratic performance caused shifts in public opinion, which in turn provoked legislative and sub-legislative responses from government that aimed to restore bureaucratic control. Despite the popular characterisation of a department in crisis, British Government was nonetheless able to structure and prioritise activities of bureaucrats. In explanation of *why states accept unwanted immigration*, Joppke (1998) argues that Britain represents an exception as a liberal democratic state in its relative ability to exert tight control over immigration at the behest of the public. This is linked to the legislative transparency of its parliamentary system and executive sovereignty in the enforcement of policy by the Home Office. However, the evidence on legal immigration, for the period between 1994 and 2004, appears an exception to characterisation of historical “responsiveness” to public opinion. This appears to have been replaced by political restrictions of border control and administration of applications for asylum in response to growing public disquiet.

Do policymakers really care about public opinion in these particular domains? The answer is a resounding yes. Setting aside rhetorical content of government statements aimed at public anxiety, the direct attentiveness of government to public opinion is illustrated by the Cabinet Office's open commissioning of the pollsters MORI<sup>30</sup> and ICM<sup>31</sup> to conduct survey research into public attitudes towards the asylum and immigration system. While this study identifies statistical responsiveness of actual policy outcomes, such open consultation of public opinion is suggestive of the existence of an underlying causal relationship. At the very highest tier of the democratic system, elected politicians talk about public opinion, directly consult it, and preside over outcomes that respond to it – at least in manipulation and control of the asylum system.

## CONCLUSION

The preceding empirical evidence reveals that – at the aggregate level – the public notice and respond to change in different outcomes linked to asylum policy, but not other forms of legal immigration. In response, government is inclined to adjust the corresponding bureaucratic and policy outputs in order to ease public anxiety and concern. It monitors and controls the number of entrants to the asylum system, accelerates the rate of casework of the Immigration and Nationality Directorate, adjusts the number of rulings of leave to remain or refusals, and modifies its enforcement of removal of failed applicants. The level of bureaucratic and policy outputs functions as a valve that releases the pressure exerted by public opinion. This consists of strategic interventions by the British Government – in the form of legislative or technical adjustments of administrative rules, procedures and technologies – to control the designated activities of bureaucrats. These were often enabled by the specific provisions of preceding acts of parliament. At the same time, there were perceptible “autopilot” responses in activities of caseworkers, which appear to have been independent of interventions of elected government. The evidence implies existence of a confounding wisdom of crowds for this highly politicized and controversial policy domain, since it reveals that public opinion responds with surprising precision to the actual performance of the asylum system. In return, the responsiveness of the British Government is dependent upon its control of the bureaucracy, for securing change in actual bureaucratic and policy outputs. The absence of responsiveness in the management of legal immigration is symmetrical with public insensitivity to changes in actual policy outputs. However, it is not possible in either instance to discount the possibility that changes in “issue importance” do not correspond to changes in the public's relative preference for more or less asylum claimants or immigrants. This in itself is an important qualifier, since it suggests that issue salience might sometimes be thermostatic. If that alternative hypothesis is accepted, the relationship between the public thermostat and utility maximisation might be revisited. That is with reference to the coexistence of relative preferences and issue salience, either as a mood

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<sup>30</sup> MORI. 'Public Attitudes to Public Services', March 2004 ([www.mori.com/polls/2004/cabinet-office.shtml](http://www.mori.com/polls/2004/cabinet-office.shtml))

<sup>31</sup> ICM Research Ltd. 'Public Attitudes to Public Services', June 2004 & September 2004 ([www.icmresearch.co.uk/reviews/2004/govt-depts-public-services/govt-depts-public-services-june-sept-2004.asp](http://www.icmresearch.co.uk/reviews/2004/govt-depts-public-services/govt-depts-public-services-june-sept-2004.asp)).

that moves together over time or as individual components of the public's utility function. In other words, it is conceivable that utility functions for relative preferences and issue salience might be independent in their response to policy outputs and, moreover, assign values to the differential between actual and preferred levels of outputs on linear or non-linear scales.

The policy intent that is promulgated and publicized by legislation is only a starting point for understanding the performance of democratic government. In practice, legislative behaviour is interdependent with the bureaucratic apparatus of the state. Statutes are only the tip of the governmental iceberg. The content and impact of policy is often shaped by its sub-legislative mutations. As a consequence, policy ambitions are contingent upon successful control and fidelity of the tools of government. To put it plainly, policy is sometimes forged or re-forged at a bureaucratic level. Some of the responses of government to public opinion do not grace the chambers of Congress or Parliament. Legislation itself is useful, but neither necessary nor sufficient, for effecting change in actual policy outputs. Studies have identified variations in degrees of responsiveness to public policy preferences between political systems (Soroka and Wlezien 2004; 2005; Hobolt and Klemmensen 2005) and institutions (Stimson *et al* 1995; Erikson *et al* 2002). Those findings are consistent with our theoretical understanding of how democracy works. This study suggests that the capacity for responsiveness to public opinion under the Westminster system resides in the considerable power of British Government over administrative behaviour enabled by its fusion of legislative and executive powers. Of course, that supremacy of the executive is unsurprising to a long tradition of scholarship dating from Bagehot (1867). However, it illustrates how the supply of policy outputs is premised upon control of the bureaucracy. The achievement of an effective, and proportionate, response to public opinion is dependent upon a complex system of administrative rules, technologies and agencies. In light of all this, it is remarkable that policy outputs were as sensitive as they were to public opinion. Furthermore, the conceptualisation of border protection and asylum as a thermostatic system of policy, bureaucracy and public opinion – and exposition of time series regression and time series intervention techniques for analysis of principals and agents under the Westminster system – promotes an agenda for future research into the performance of British Government.

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## APPENDIX 1. General Interventions

Independent Variable	Date
Government	
Conservative Government [Prime Minister, The Rt. Hon. John Major MP]	11/1990
Labour Government [Prime Minister, The Rt. Hon. Tony Blair MP]	05/1997
Home Secretary	
Michael Howard (Con)	05/1993
Jack Straw (Lab)	05/1997
David Blunkett (Lab)	06/2001
Charles Clarke (Lab)	12/2004
Permanent Secretary (Home Office) <sup>32</sup>	
Sir John Gieve	04/2001
Sir David Omand	01/1998
Sir Richard Wilson	06/1994
Sir Clive Whitmore	04/1988
Director General (IND)	
Bill Jeffrey [DG IND]	09/2002
Stephen Boys-Smith [DG IND]	10/1998
Timothy Walker [DG IND]	-/1995
Bob Morris [Assistant Under Secretary State HO and IND]	-/1983
Legislation	
Asylum and Immigration Act 1996 c. 49	07/1996
Immigration and Asylum Act 1999 c. 33	11/1999
Nationality, Immigration and Asylum Act 2002 c. 41	11/2002
Asylum and Immigration Act 2004 c. 19.	07/2004
Targets	
Comprehensive Spending Review 1998	07/1998
Public Service Agreement 1999-2000 and 2001-2002	(01/1999)
Comprehensive Spending Review 2000	07/2000
Public Service Agreement 2001-2002 and 2003-2004	(01/2001)
Comprehensive Spending Review 2002	07/2002
Public Service Agreement 2003-2004 and 2005-2006	(01/2003)
Budgetary Appropriations	
FY1999-2000 [IND: £781,977 up from £300,203]	04/1999
FY2000-2001 [IND: £1,332,030 up from £781,977]	04/2000
Oversight (Publication of Reports)	
National Audit Office 1998-1999	03/1999
Public Accounts Committee 1999-2000	01/2000
Home Affairs Committee 2000-2001	01/2001

<sup>32</sup> The appointment dates of Permanent Secretary of the Home Office and Director-General of the IND were obtained through a Freedom of Information request (19 May 2006, ref. T20979/6) to the Home Office. The month of appointment of Timothy Walker and Bob Morris could not be obtained via this route or through the triangulation of media reports.

Home Affairs Committee 2002-2003	05/2003
Constitutional Affairs Committee 2002-2003	10/2003
Home Affairs Committee 2003-2004	12/2003
Home Affairs Committee 2003-2004	01/2004
Constitutional Affairs Committee 2003-2004	02/2004
National Audit Office 2003-2004	05/2004
National Audit Office 2003-2004	06/2004
<b>European Union</b>	
'Dublin I'. The "Dublin Convention", signed by the British Government on 15 June 1990, came into force on 1 September 1997 [OJ C254 p. 1, 19 August 1997].	09/1997
'Dublin II'. Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national OJ L 050 (25 February 2003) (Dublin II). Commission Regulation for Implementing Dublin II Council Regulation Commission Regulation (EC) No 1560/2003 of 2 September 2003 laying down detailed rules for the application of Council Regulation (EC) No 343/2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national OJ L 222 (5 September 2003).	09/2003
'Eurodac'. [Council Regulation (EC) No 2725/2000 of 11 December 2000 concerning the establishment of "Eurodac" for the comparison of fingerprints for the effective application of the Dublin Convention [Official Journal L 316, 15.12.2000].] The Regulation came into force, and Eurodac started operations on 15 January 2003. [EU electronic fingerprint database for the comparison of fingerprints of asylum applicants and illegal entrants]	01/2003

## APPENDIX 2. Border Control, Interventions

Independent Variable	Date
<b>Offences</b>	
Statutory Instrument 1996 No. 2053. The Asylum and Immigration Act 1996 (Commencement No. 1) Order 1996 [introduces crime of facilitating entry]	10/1996
Statutory Instrument 1998 No. 1015. The Channel Tunnel (Carriers' Liability) Order 1998, extending the Immigration (Carriers' Liability) Act 1987. [system of £2,000 fines for carriers of inadequately documented arrivals]	04/1998
Statutory Instrument 1999 No. 3190. The Immigration and Asylum Act 1999 (Commencement No. 1) Order 1999. [The "Civil Penalty"]	11/1999
Statutory Instrument 2000 No. 685. The Carriers' Liability (Clandestine Entrants and Sale of Transporters) Regulations 2000. [Fine £2,000]	04/2000
Statutory Instrument 2000 No. 464. The Immigration and Asylum Act 1999 (Commencement No. 3) Order 2000 [Commencement of Sec. 38 "Assisting illegal entry and harbouring"]	04/2000
Statutory Instrument 2001 No. 280. The Carriers' Liability (Clandestine Entrants) (Application to Rail Freight) Regulations 2001. [Extends to clandestine entrants who arrive in the United Kingdom concealed in a rail freight wagon]	02/2001
Statutory Instrument 2002 No. 2817. The Carriers' Liability Regulations 2002. [Fine £4,000, plus charge of up to £2,000 imposed in respect of passengers without proper documents]	12/2002
<b>Juxtaposed Controls</b>	
Statutory Instrument 2000 No. 1775. The Channel Tunnel (International Arrangements) (Amendment No. 2) Order 2000 [amends the Channel Tunnel (International Arrangements) Order 1993 (S.I. 1993/1813) to extend powers of immigration officers to control zones in France and Belgium, as well as in the United Kingdom.	07/2000
Statutory Instrument 2001 No. 1544. The Channel Tunnel (International Arrangements) (Amendment No. 3) Order 2001 [extends juxtaposed controls to Paris Nord, Lille Europe and Calais Fréthun (France)].	06/2001
Statutory Instrument 2003 No. 2818. The Nationality, Immigration and Asylum Act 2002 (Juxtaposed Controls) Order 2003 [extends juxtaposed controls to Calais, Boulogne, Dunkirk (France), active 1 March 2004].	11/2003 (03/2004)
Statutory Instrument 2004 No. 2589. The Channel Tunnel (Miscellaneous Provisions) (Amendment) Order 2004 [extends juxtaposed controls to Brussels Gare du Midi (Belgium)].	10/2004
<b>Reception Centres</b>	

Closure of the Red Cross reception centre at Sangatte, France	12/2002
Search Technologies	
Calais	01/2003
Coquelles	06/2003
Vissingen, Ostend and Zeebrugge	12/2003
Visa Regimes	
Statutory Instrument 1995 No. 2621 (China, Ghana, Nigeria)	10/1995
Statutory Instrument 1996 No. 2065 (Eritrea and Ethiopia)	09/1996
Statutory Instrument 1998 No. 55 (Turkish Republic of Northern Cyprus)	02/1998
Statutory Instrument 1998 No. 1014 (Federal Republic of Yugoslavia)	04/1998
Statutory Instrument 1998 No. 2483 (Slovak Republic)	10/1998
Statutory Instrument 1999 No. 3086 (Republic of Croatia)	11/1999
Statutory Instrument 2000 No. 1381 (Colombia, Ecuador)	05/2000
Statutory Instrument 2002 No. 2758 (Zimbabwe)	11/2002
HC 180. Home Office. 9 January 2003. Statement of changes in immigration rules (Jamaica)	01/2003
Statutory Instrument 2003 No. 1185 (Algeria)	05/2003
Statutory Instrument 2003 No. 1598 (Albania, Belarus, Burma, Burundi, Former Yugoslav Republic of Macedonia, Gambia, Ivory Coast, Liberia, Moldova, Nepal, Palestinian Territories, Rwanda, Senegal, Sierra Leone, Sudan and Vietnam)	06/2003
Statutory Instrument 2003 No. 2628 (India, Pakistan, Bangladesh, Angola, Cameroon and Lebanon)	10/2003
Statutory Instrument 2004 No. 1304 (Kenya, Tanzania)	05/2004
Welfare	
Statutory Instrument 1996 No. 30. Social Security (Persons from Abroad) Miscellaneous Amendments Regulations 1996. [5 February 1996].	02/1996
Department of Social Security withdraws a number of non-contributory benefits [Income Support, Housing Benefit and Council Benefit] from after-entry asylum seekers and asylum seekers appealing refusals. Judged to be <i>ultra vires</i> by Court of Appeal on 21 June 1996, but provided for by Schedule 1 of the Asylum and Immigration Act 1996 [24 July 1996]. Statutory Instrument 1996 No. 2127. The Asylum and Immigration Act 1996 (Commencement No. 2) Order 1996 [26 July 1996].	
Statutory Instrument 2000 No. 541. Asylum Support Appeals (Procedure) Rules 2000.	04/2000
Statutory Instrument 2000 No. 636. Social Security (Immigration and Asylum) Consequential Amendments Regulations 2000.	
Statutory Instrument 2000 No. 704. Asylum Support Regulations 2000. [all 3 April 2000]	
Establishment of the National Asylum Support Scheme (NASS) under the 1999 Act re-introduces welfare entitlements for asylum seekers.	
Statutory Instrument 2002 No. 2811. The Nationality, Immigration and Asylum Act 2002 (Commencement No. 1) Order 2002. Introduction of requirement under the 2002 Act that applications for NASS support are submitted "as soon as reasonably practicable" [interpreted as three days].	01/2003

### APPENDIX 3. Administration, Interventions

Independent Variable	Date
Processing	
Interruption to paper processing at the IND headquarters in Croydon, due to reorganization of casework activities into the "Integrated Casework Directorate" [1 December 1998].	12/1998
The IND's Case Information Database (CID) is introduced for applications (only used routinely for removals since June 2003).	04/2000
Further development of the IND's "Casework Programme" is abandoned by the Home Office and Siemens, opting instead for continued use of the CID database.	02/2001
One-Stop Procedure	
Statutory Instrument 2000 No. 2244. The Immigration and Asylum Appeals (One-Stop Procedure) Regulations 2000 [The "One-Stop Procedure" provides for the service of a notice on people who have an in-country right of appeal, and require the recipient of such a notice to make a statement of any additional grounds which he has or may have for wishing to enter or remain in the United Kingdom]	10/2000

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Statutory Instrument 2002 No. 2731. The Immigration and Asylum Appeals (One-Stop Procedure) (Amendment) Regulations 2002 [Introduces a three-day time limit instead of a ten day limit where the applicant is entitled to reside in any of the States listed (Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovak Republic, or Slovenia)]	11/2002
<b>Leave to Enter and Remain</b>	
Statutory Instrument 2000 No. 1282. The Immigration and Asylum Act 1999 (Commencement No. 4) Order 2000 [Section 12(1) (in part) (Designation of countries other than EU Member States to which asylum claimants may be removed).] [permits removal of asylum claimants to third countries, under certain conditions] [Section 74 (in part) (One-stop procedure: duty to disclose grounds for appeal etc).] [further requirement upon claimant to submit in writing grounds for leave to enter/remain]	05/2000
Statutory Instrument 2000 No. 1161. Immigration (Leave to Enter and Remain) Order 2000 [Article 7, Lack of documentation made grounds for refusal]	07/2000
Statutory Instrument 2000 No. 2444. The Immigration and Asylum Act 1999 (Commencement No. 6, Transitional and Consequential Provisions) Order 2000 [Commencement of Sec. 11 and 12, which make provision for the removal of asylum claimants to EU Member States and other countries]	10/2000
Statutory Instrument 2004 No. 475. The Immigration (Leave to Enter and Remain) (Amendment) Order 2004 [Requirement for travel document issued pursuant to Article 28 of the Geneva Convention]	02/2004
<b>Short-Term Protection</b>	
Categories of "Humanitarian Protection" and "Discretionary Leave" replace that of "Extraordinary Leave to Remain"	03/2003-04/2003
The Indefinite Leave to Remain exercise ["Cases decided under pragmatic measures aimed at reducing the pre '96 asylum backlog"]. Not included in the official statistics of Extraordinary Leave to Remain [January 1999 to September 2000]	01/1999
<b>Returns</b>	
Government lifts the suspension on returns to Zimbabwe	11/2002
<b>Safe Third Countries</b>	
Statutory Instrument 1996 No. 2671. The Asylum (Designated Countries of Destination and Designated Safe Third Countries) Order 1996. [Bulgaria, Cyprus, Ghana, India, Pakistan, Poland and Romania] [Canada, Norway, Switzerland and the United States of America]	10/1996
Statutory Instrument 2000 No. 2245. The Asylum (Designated Safe Third Countries) Order 2000 [replaced Statutory Instrument 1996 No. 2671] [Canada, Norway, Switzerland, and United States of America]	10/2000
Enlargement of the European Union provides failed applications from accession countries with the right to remain in Britain.	05/2004
Statutory Instrument 2004 No. 2523 (C. 105). The Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 (Commencement No. 1) Order 2004	10/2004
Section 33 and Schedule 3 of the 2004 Act came into force on 1 October 2004.	
The immigration authorities can already remove people from the UK to a third country without considering their asylum applications.	
<b>Non-Suspensive Appeals</b>	
Non-Suspensive Appeals, Wave 1 (Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia) [under Sec. 94 of the Nationality, Immigration and Asylum Act 2002 c. 41]	11/2002
Non-Suspensive Appeals, Wave 2 (Albania, Bulgaria, Jamaica, Macedonia, Moldova, Romania and Serbia and Montenegro) [Statutory Instrument 2003 No. 970. The Asylum (Designated States) Order 2003]	04/2003
Non-Suspensive Appeals, Wave 3 (Bangladesh, Bolivia, Brazil, Ecuador, South Africa, Sri Lanka and Ukraine) [Statutory Instrument 2003 No. 1919. The Asylum (Designated States) (No. 2) Order 2003]	07/2003
<b>Fast Track Facilities</b>	
Fast-Track Detention Centre opened at Oakington, formerly RAF barracks.	03/2000
Immigration Removal Centre opened at Harmondsworth (maximum capacity 500).	09/2001
Statutory Instrument 2003 No. 801. The Immigration and Asylum Appeals (Fast Track Procedure) Rules 2003 [Permits introduction of Fast Track Procedures at Harmondsworth]	04/2003
Statutory Instrument 2004 No. 1891. Immigration and Asylum Appeals (Fast Track Procedure) (Amendment) Rules 2004 [Permits introduction of Fast Track Procedures at Kidlington].	07/2004
<b>Contracts</b>	
Contract 1 [In-Country]	11/1999
"In November 1999 the Directorate contracted with Wackenhut UK Ltd to move and escort arrested immigration offenders, and provide other services at holding rooms, at a fixed rate price of some £7 million per year."	

Contract 2 [Overseas]	04/2000
"In April 2000 the Directorate contracted with Loss Prevention International Ltd (subsequently called LPI Services Ltd) to provide in-flight escorts at a price of some £1.3 million per year."	
Contract 3 [In-Country]	01/2003
"In January 2003, following the acquisition by Group 4 Falck of Wackenhut UK Ltd, GSL UK Ltd, another subsidiary of Group 4 Falck, took responsibility for the contract."	
Detention and Removal Centres (IRCs)	
Lindholme Immigration Removal Centre (maximum capacity 112)	07/2000
Dungavel Immigration Removal Centre (maximum capacity 150)	09/2001
Yarls Wood Detention Centre opened (maximum capacity 900).	11/2001
Disturbance and major fire at Yarls Wood, resulting in its closure.	02/2002
Partial closure of Harmondsworth for £22.5 million upgrade, following the fire at Yarls Wood, including the installation of sprinklers (temporary reduction of its maximum capacity by 350).	02/2002
Dover Immigration Removal Centre (maximum capacity 20)	04/2002
Yarls Wood Detention Centre re-opened (maximum capacity 407).	09/2003
Disturbance at Harmondsworth (resulting in three-month closure of the centre for remedial work.)	07/2004
Colnbrook Immigration Removal Centre opened (maximum capacity 296)	09/2004
Immigration Removal Centre at Harmondsworth re-opened (maximum capacity 501)	10/2004

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