

Asylum Policies in the UK: The Underlying Reasons of Restrictiveness

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ABSTRACT

Currently restrictive asylum policies in liberal democracies contradict liberal values. In this paper I am exploring the reasons of such phenomenon in the United Kingdom. I discover that the main reasons for the highly restrictive asylum policies in the UK are security concern, threat to cultural integrity of indigenous community and economic ‘burden’ asylum seekers and refugees cause to British citizens. The main actors – the state, the Media and the political community – are the most important factors involved directly or indirectly in decision-making of asylum policies. The perceived and the real information about asylum seekers produced and consumed by three actors contributes to the asylum policies outcome.

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INTRODUCTION

In my research, I look at current asylum policies in Great Britain and test them against theories of political philosophy – liberal egalitarianism and cosmopolitanism, from one side and communitarian theory, on the other. My conjecture is that strongly liberal democracy like Great Britain, which broadly shares liberal values on ideational level, fails to realize its liberal ideas even in the most glaring cases, such as commitment to asylum seekers. My standpoint is liberal egalitarian: citizens of affluent nations have a set of immediate duties to refugees (natural duty, duty of mutual aid, negative duty of justice), which they consistently try to circumvent by imposing “exclusionist” policies, making it harder to access their territories, making conditions of stay in receiving state less attractive (cutting benefits) and imposing other unattractive measures.

The *aim* of my research is - to discover what stands behind restrictive policies in the UK, how conflicting notions of morality (commitment to refugees) and self-interest (domestic security and welfare) are accommodated in the realm of democratic society and present state-system.

Significance of the topic

Ethical side of any problem is often marginalized because of comparative invisibility of its importance in the domain of reality. Communitarian and utilitarian ideas are more easily accepted by citizens of liberal democracies and accommodated because they respond to the immediate needs and meet their interests and those of their near and dear. Commitment to asylum seekers, on the other hand, is often seen as humanitarian and even supererogatory activity; i.e. not as an urgent obligation to refugees themselves but as an international, though binding but still strongly subject to national legislation, commitment, undersigned on free will

and serving as a matter of prestige. Therefore, it is often seen as a problem of secondary character, domestic problems and problems of citizens are given priority. Obviously, when the two issues – domestic interests and international obligation to asylum seekers – clash upon questions of national security or scarce resources, the former is unquestionably met with urgency and the latter often neglected even if the claims on scarce resources are disproportionately low and threat to national security is vague. My aim is not to accuse or embarrass the affluent nations and their citizens, but to show that ideational, moral side of the question, first of all, cannot be neglected on any accounts, because it could cause (and already does) irretrievable consequences. This is not to commit irreversible crime to humanity. Second, elevating to ideational level through advancing the normative standards towards those of ideal liberal egalitarian theories carries evolutionary function. This is to approximate development of human civilization to its ideal.

Research question

The main question I will address in this paper is why the country with strongly liberal civil society as Great Britain produces restrictive asylum policies, which expose asylum seekers to inhuman conditions and brutally violate human rights.

Hypotheses

There are many possible explanations of this inconsistency. First, asylum seekers are perceived criminals or terrorists by society and politicians, i.e. threat to national security. Second, restrictive asylum policies are endeavor of indigenous society to protect its cultural integrity. Third, asylum seekers are considered burden to national economy. Politization of asylum issue in pre-electoral campaigns of Tory and Labor parties, stereotypization and misrepresentation of asylum seekers in Media, as well as xenophobic attitudes of indigenous

population towards asylum seekers are specifically important factors. These factors interact around economic interests and perceived threats, exaggerating or constructing in pursue of their own interest either this or that argument against asylum seekers.

Outline of thesis paper

First, I look at previous academic work done regarding ethical problems of asylum issue. The first chapter is dedicated to theoretical framework. Here I will describe Impartialist theories (Liberal Universalism, Cosmopolitanism) and Partialist theories (Communitarians). The case study will be introduced in Chapter two, three and four. In the second chapter, I will portray the history of asylum in Great Britain from post-colonial period until now. The third chapter will offer current asylum legislation, policies and practicies in Great Britain. Finally, in the forth chapter I will come up with propositions and hypotheses regarding causes of currently restrictive asylum policies in Great Britain.

LITERATURE REVIEW

In my thesis, I try to connect theories of political philosophy and global justice with narrow but on the other hand broad issue of refugees. There is a lot of literature on either political philosophy or on refugees. Few authors have dedicated their work to the ethical issues of refugees' problem. One of these few authors is Christina Boswell, who in her "The Ethics of Refugee Policy" (2005) elaborates on the problem of practical feasibility of liberal theories of ethics. She proposes two possible solutions. First, 'change in the empirical conditions that have prompted states to see refugees as a threat to national interest. The shift is to create coincidence of current conceptions of national interests and duties to refugees' (Boswell 2005, 31). Second, 'reject liberal universalist (and realist) assumption of a split between duty and interests. The claims is that conceptions of ethical duty can shape national interests, so that it is simplistic to assume any clear separation of the two' (Boswell 2005, 31). She finds the first solution not plausible and supports the second.

Matthew J. Gibney in "The Ethics and Politics of Asylum: Liberal Democracy and the Response to Refugees" (2004) first, outlines theories of partiality and impartiality and then, examines experiences of dealing with refugees in Germany, United Kingdom, United States and Australia. He further elaborates on gap between ideal and non-ideal theory and elaborates on the consequences of this gap that moulds in politics.

Brian Barry and Robert E. Goodin in "Free Movement: ethical issues in the transnational migration of people and money" (1992), presents the issue of open/closed borders in an interesting contrast between money and people that move across the borders. His argument

lies in disparity between how states treat inflow of financial resources – open borders, and inflow of people – closed borders. They test the issue of migration of people against theories of political philosophy: liberal egalitarian, libertarian, Marxist, Natural Law and political realist. Their work is valuable for my thesis in that it tries to understand the dichotomy of ideal theories and non-ideal theories through existing institutions and introduces compromise between the two.

My work will be closely attached and will be built on ideal theories - cosmopolitan and liberal egalitarian, proponents of which are John Rawls, Thomas Pogge, Charles Beitz, Thomas Nagel. I will also test refugee issue against non-ideal theories – communitarians; proponents are Michael Walzer, Thomas Hurka, Michael Sander, Robert Putnam.

I will refer to the 1951 Geneva Convention on the Status of Refugee and 1967 Protocol, as these treaties are principle representatives of asylum protection in international law. As for case study, I will examine asylum policies of Great Britain for the period between 2000-2006, reports and researches of non-governmental organizations working with asylum seekers in the UK. Moreover, I will refer to independent journalists' reports.

CHAPTER 1: THEORETICAL FRAMEWORK

1.1. Impartiality (Liberal Universalism)

Cosmopolitans argue for open borders and equality of all human beings regardless their nationality. Membership in one state rather than in other is considered morally arbitrary, therefore citizens of all states as well as stateless persons should be treated equally to compatriots. Some cosmopolitans take Rawlsian original position (briefly, hypothetical situation where people acting under the veil of ignorance regarding their future position (such as nationality, social standing, gender, race, etc.) select principles of justice; this guarantees fairness) extend it to global level, thus, presupposing that because of growing global interdependence his theory of justice has to be valid and relevant for trans-border relations (Rawls 1999). According to Liberal egalitarians people should be free in pursuing their own choices about how they live their lives so long as this does not interfere with the legitimate claims of other individuals to do so; equal opportunity not limited on the basis of arbitrary native characteristics (race, sex); inequalities as low as possible (as means and as ends).

Impartial theory does not constitute difficulties to the asylum seekers and refugees. From the impartial standpoint, it is obligatory for the liberal states to accept fugitives and to provide them with effective protection and refuge. Therefore, for the purpose of this paper, it is more important to look closer to partial views, as these are employed by states in the current state-system, characterized by strong notions of state sovereignty and state's right to choose who to grant entrance and who to reject.

1.2. Partiality (Communitarians)

Are the phenomenons of nationalism and patriotism virtues or sources of discord? In contemporary conceptualization of reality, in the 'state-system' world it is emphatically promoted and represented as something primordially good. It is good to love one's country and culture, it is good to render support and assistance to one's fellow citizen when met by pure accident in a foreign country, it is good to cheer one's national athletes in the Olympic Games. Is it also good to treat one's compatriots partially when deciding whether to hire a migrant for a job position, is it also good to protect national borders from mass influx of asylum seekers as a concern for national security, is it also good to chop a budget in international aid in order to increase national spending? What makes these two kinds of partiality different is the effect on the non-compatriots, the 'others', the foreigners. In this chapter, I aim to discard the second kind of partiality described above, i.e. partiality that negatively affects asylum seekers. I will describe two types of justification of partiality: founded on associative or cultural links between co-nationals (intrinsic justification) and founded on special duties one has towards fellow citizen (instrumental justification). While the first type justifies partiality for the sake and because of cultural association, the second type justifies priority of co-nationals to foreigners on behalf of efficiency. Then, I will consider issues of territory and agency to strengthen claims against partiality.

Partiality: intrinsic justification

According to proponent of thin universalism, which advocates partiality, Will Kymlicka (1995) individuals in order to be free need a variety of ways of living their lives, which can be proposed by variety of cultures. 'Culture orients individuals in the world: it provides them with a language, vocabulary, through which to make meaningful choices about what is and what is not of value' (Kymlicka 1995). Moreover, cultures constitute people's identities. Therefore, according to Matthew J. Gibney, 'culture into which we are born and live shapes

our goals, our relationships, our very sense of self' (Gibney, 25). Membership in particular culture is 'integral to our individual personality' (Gibney, 25) that to deprive ourselves from commitment to such culture would be a change of our identity (Miller 1988). Communities have a moral right to sustain their integrity, to reproduce their particular culture exempt from interference from outside. Additionally, some other communitarians, like Thomas Hurka (1997), argue for partiality on accounts that people of a community share common practices and ethical understandings, therefore, members of a community should pursue a common good of the nation. Furthermore, Hurka (1997) brings about another element, in addition to culture and ethics, around which a nation unites – common history. He argues that history of doing good associates people, while history of doing bad disassociates them.

What is so special about culture? Why is it of such a value for humans that they prefer survival of culture to survival of fellow human beings? To borrow from Zygmunt Bauman (2004):

... We, the humans, know that we are mortal – bound to die. This knowledge is difficult to live with. Living with such knowledge would be downright impossible were it not for culture. Culture, the great human invention ... is a contraption to render the human kind of living, the kind of living that entails knowledge of mortality, bearable – in defiance of logic and reason. ... [I]t manages somehow to recast the horror of death into a moving force of life. It kneads the meaningfulness of life out of death's absurdity (Bauman 2004, 97).

Cultures differ from society to society but the function they carry out is the same for all societies – 'authoring and authorization of some recipe for the transcendence of mortality' (Bauman 2004, 97). Culture gives meaning to life, it reminds us that life is not merely a bare life destined to cease. Therefore, human beings tend to protect their own culture, because it is their particular culture that gives meaning to their lives. That is why when they see migrants, to interpret Bauman for the purpose of this question, people whose culture is significantly different from their own, and which at some points are irreconcilable with their own, they feel

threat not to their physical lives, but to more important ones – ‘eternal’ lives filled with meaningness.

Consequences for the asylum seekers

For communitarians advocating their views by intrinsic justification, impartiality, showed by responsive asylum and migration policies for instance, would represent the threat to culture. Refugees coming to ‘our’ country, would break integrity of ‘our’ culture by bringing ‘their’ cultures with them. Migration in general for communitarians and partialists, therefore, is undesirable and destructive. Therefore, this type of justification does not look persuasive, since it has negative consequences for the outsiders of a given secluded community.

Accepting refugees can be accommodated to the history of doing good. Thus, assistance to refugees, i.e. doing good, would unify members of the nation and, by communitarian logic itself, associate them more strongly. As Bauman cites Becker, ‘society is a codified hero system’... ‘it is designed to serve as ‘a vehicle for earthly heroism’ meant to induce ‘the hope and belief’ ... ‘that the things that man creates in society are of lasting worth and meaning, that they outlive and outshine death and decay, that man and his products count’ (Becker 1973).

Partiality: instrumental justification

According to advocates of instrumentally justified partiality, we owe more to our co-nationals rather than to foreigners, because we have special duties to them occurring from the special relations between members of a community, based on sharing common institutions (Government, constitution, economy, etc.). In this section, I will look at two models of instrumental justification of partiality – Mutual-Benefit-Society Model and Assigned Responsibility Model, described by Robert E. Goodin (1988).

According to Mutual-Benefit-Society Model, described by Goodin, we owe to our co-nationals special duties because we stand in special mutually beneficial relations with each other. Thus, members of the same society can receive benefits only if they contribute to the creation of these benefits, i.e. are in cooperation with the other members of such society. Additionally to the benefits, however, members share the payoffs – the negative duties, which are represented as burdens of this mutual-benefit model (for instance, paying taxes). The weakness of the model is in that it does not appreciate guest workers (contributors to the mutual-benefit-society, but non-recipients of benefits) and the disabled or other members who do not contribute to the model but receive the benefits.

State-system and partiality to co-nationals is best justified on grounds of Assigned Responsibility Model, designed by Goodin himself. According to this model, state system is just a more effective way to fulfill general duties. National boundaries of the state together with the government are merely functional devices, which carry out general duties, which everyone in the world has to everyone else. It is better than Mutual-Benefit Model in that it does not discard resident aliens, who contribute to mutual surplus but according to MBM should not benefit from cooperation, and it does not discard handicapped, who do not contribute to cooperative surplus but benefit from it.

The strength of instrumental justification of partiality is in its ‘impartiality’ – i.e. treating every person the same, regardless of her belonging to a particular culture or nationality. The weakness is that participation in either Mutual-Benefit-Society or Assigned Responsibility Model is arbitrary. Formal citizenship, a country you were born to regardless your will, prescribes what level of life you will pursue.

Consequences for the asylum seekers

The Mutual-Benefit-Society Model is by its logic exclusionist. According to it, only formal members of the society (citizens) can benefit from it. We should be partial to our co-nationals and they should be partial to us as well, because we stand in a kind of contract with each other, that is the source of partiality – reciprocal duty. Therefore, migrants and asylum seekers are not considered by such Mutual-Benefit-Society model, and they are marginalized, and given secondary priority (general duty as opposed to special duty).

Assigned Responsibility Model takes into consideration asylum issue. This kind of justification of partiality is not discriminatory on grounds of cultural differences and therefore universalistic. Refugees, stateless persons and other subjects lacking such model or if they have been assigned the guarantor to care about them, but the guarantor does not discharge his responsibilities in a proper way, become ‘residual responsibility’ of all other states. No ad hoc state is particularly designated to care about people, not benefiting from Assigned Responsibility Model. This is problematic since if there is no assigned responsibility of one particular state to care about refugees and stateless people, it is no one’s responsibility then. Again as in Mutual-Benefit-Society Model this category of people is left on the margins, with a difference that they are neglected not because they do not contribute to the common benefit (like in MBM) but because it is no one’s primary responsibility, no one’s duty to care about them. Therefore, again though it looks morally justifiable, because it does not aim at disadvantaging refugees, stateless persons and other people, who happened to be born outside proper Assigned Responsibility Model state, the consequences for them are still not satisfying. Still, arbitrariness of birth in fortunate or less fortunate country is neglected. Goodin (1988) tries to justify his model by proposing to reallocate resources between states so

that each had necessary amount to care effectively about its assigned citizens. However, sufficiency of resources does not imply effective discharging of responsibilities by the Government towards its citizens. That is fair for example, for rich authoritarian states, which fail to care about its citizens – breach basic human rights or do not provide with proper economic system, for instance.

Territory

In this section, I will elaborate on partialists' claim about territorial autonomy in justification of priority to co-nationals and anti-immigrant policies. This is of importance because the current state-system is bounded to territories. In addition, territory always means possession of natural resources, which designate well-being of this or that community. Moreover, culture (the trump of intrinsic justification of partiality) of a nation is claimed to be developing inseparably from geographical stance. However, it is not clear how territorial holdings of currently existing states are justified. Partialist standpoint would be that 'without a right of territorial exclusion, it would be impossible for a community to maintain its collective identity over time' (Gibney 2004, 37). Indeed, members of communities have engendered their cultures while sharing the same territory of living. Therefore, according to the partialist view, survival of culture and community is impossible without preservation of territorial autonomy. Gibney (2004) proposes that territorial claims cannot be justified, first because it is not clear why currently existing territorial divisions are justifiable: partialists defend de facto territorial holdings and do not consider historical legacy of territorial appropriations. Territorial claims of communities are nothing but 'a tribute to their (or their predecessors') good luck in seizing control of a particular piece of territory before anyone else, or their use of the force of arms to push aside the land's original occupants' (Gibney 2004, 40). Second, territorial justification is not persuasive, because it is hard to justify why some states need as much territory as they have, like Canada, Australia and the United States.

Agency

Justification of partiality collapses when it comes to notion of state as an agency, i.e. in current global order responsible for harm and other undesirable consequences to the disadvantaged of such order. Instrumental justification of partiality claims that people are responsible for those with whom they share common life – either mutual-benefit society or assigned responsibility or other of a kind. Growing interdependence and process of globalization have made all states (and communities) interacting agents. Therefore, it is impossible to talk about states as separate human communities responsible only for the internal affairs and own citizens. Partialists' claim to autonomy is 'seriously weakened by the fact that the effects of its decisions are not confined to the members of the first state' (Gibney 2004, 50). The negative duty not to harm foreigners, therefore, is stronger than the special duties to compatriots. Partialists would argue that, first, advantaged states are not responsible for inflicting harm to the disadvantaged states but the government of that state itself is responsible, and second, even if so, it is not precisely my particular state which is responsible. While it is not hard to prove the first argument wrong (cosmopolitanism is all about it), the second argument is not that easily relinquished. Some partialists, however, acknowledge that when the harm is recognized to be inflicted by particular state, that state has special responsibility to reimburse for this harm.

Conclusion

Nationalism and patriotism as manifestations of partiality are inherent parts of people's lives. The state-system - with its territorial division and cultural specificity - presupposes and stimulates these phenomena. However, currently existent state-system has winners and

losers – due to arbitrary reasons and factors, such as historical territorial attainments and possession of natural resources. Thus, merely good luck or historic gains designate whether one is on the winner's or the loser's side. The winners of the system try to justify why they do not have an obligation to care about the losers and why status quo has to be preserved. They either argue that it is cultural survival which is at stake, and therefore partiality to co-nationals, and exclusive policies are crucial. Or they argue that state-system as it is is merely the most efficient way of living and developing of communities worldwide and, thus, it is not discriminative on any accounts and therefore, universalistic. However, this justification is not satisfying as well, since the arbitrariness of being born to the winner state or to the loser state is obvious.

The question why do winners need to preserve autonomy and partiality is, moreover, unjustifiable when it comes to the question whether they have the moral right of being partial and autonomous. It is a matter of inherited luck that the winners are the winners of the system – no one at birth decides herself to what state to be born to, neither does anyone deserve being born in a winners' or losers' territory. Taking into consideration the interdependence of states in the currently existing global order, other types of questions arise. Do winners currently harm losers? Are winners guilty in that the others are losers? If so, what does outweigh – special duty to our compatriots or negative duty not to harm foreigners and duty of justice to reimburse losers? The answers to these questions depend on theoretical standing. Partialists (or communitarians) neglect these arguments. But can they really morally justify their standing on accounts of universalism and impartiality, as these conditions I consider unarguably indispensable for liberal democracies? What model of partiality is employed by Great Britain? These questions will be addressed in the following chapters.

CHAPTER 2: HISTORY OF ASYLUM POLICIES IN THE UK

To understand current tendencies of the UK in dealing with asylum issue it is useful to look at how the country was managing immigration and refuge issue in response to the conditions and peculiarities of each period in its modern history. Matthew J. Gibney (2004) gives a comprehensive overview of history of asylum in the UK. According to the author, the United Kingdom accomplished different roles in different periods of time – capitalist state, Commonwealth state, political community, European state and state of refuge.

2.1. 1945-75. Conflicting interests of the state

British state as capitalist state. Labor needs.

The modern history of asylum in UK started after the WW2 with the post-war reconstruction needs for labor. In contrast to interwar period characterized by high unemployment rates, post-WW2 period emanated the urgent need for labor force. Ireland - traditional labor source – was not able to provide with the required number of workers. The ongoing emigration from UK against the background of government's aim to increase export production and rebuild infrastructure damaged by war, has also become an important trigger for open borders policies. As a result the Polish Resettlement Act of 1947 and European Volunteer Forces Scheme of 1946 (EVF) were established. Polish refugees as well as those from Lithuania, Latvia, Ukraine and Yugoslavia fueled the traditional but wane economic spheres such as agriculture, coal and textile industry. The EVF was similar to European 'guestworker' scheme, where workers were allocated according to the needs of British economy and their presence in the country was designed as temporary. By 1948 the need for 'guestworkers' has diminished as a result of a new the emergence of new source of external labor – immigrants from West Indies. The 1948 British Nationality Act allowed Commonwealth citizens to freely enter and work in the country. Following West Indians, workers from India, Pakistan and

other Commonwealth countries filled the gap between labor demand and supply generally occupying unskilled or semi-skilled positions. The immigration of this period did not reach its level in other European states (for example, Germany has accepted 500 000 guestworkers by 1961), however, urgent economic needs resulted in receptive governmental policies.

British State as Commonwealth state Allegiance

The citizens of New Commonwealth countries exercised the right of unrestricted entry until 1962. British government saw the receptive policies towards immigrants from Commonwealth countries as an advantage and basis for mutually beneficial economic cooperation and trade. Although this right existed long before WW2, British history did not encounter large flows of immigrants from these countries in pre-war period. The flow has increased during 40s and 50s. However, government did not impose restrictive policies at that time, only encouraging governments of states of emigration to limit the flow. The problem has emanated from the legal concept of citizenship, which has always been unclear and undefined. The British Nationality Act of 1948 recognized British citizenship to all members of British Commonwealth, Colonies and Protectorates. Thus, this right allowed 800 million overseas populations an entrance to the territories of Great Britain. Legally immigrants from Commonwealth countries were deemed equal to the insular citizens of British Isles and Ireland. However, the fact that the immigrants were mostly composed of non-whites, contributed to the racial tension between indigenous population of Great Britain and newly come immigrants.

British state as a political community. Racial tensions

Despite the vague legal definition of citizenship, British government was still a representative of predominantly white political community, whose interests and claims it could not ignore.

The anti-Semitic moods spread within the British indigenous community in the beginning of 20th century reflected in the first modern restrictive legal act – the Aliens Act of 1905. The act was aimed at Russian Jews escaping Tsarist pogroms and at interwar Jewish refugees from Nazi regimes. In addition to anti-Semitism, there was a widespread fear within the British community that the immigrants can easily overflow British Isles. Government had also to respond to Notting Hill and Nottingham race riots of 1958, which were initiated by white working-class "Teddy Boys" against black population living in this area. The riots were described as 'some of the worst racial violence Britain has ever seen' (BBC News [UK], 28 May 2001). By the end of 50s, it was clear to political leaders that the same reasons that fueled anti-immigration moods in interwar period led to the racist feelings in community towards immigrants from the New Commonwealth.

British state as a state of refuge. Gradual openness

Before 1905, Britain was famous as a destination of refuge for politically persecuted Europeans. However, this openness of British borders was not a tribute to the principle of recognition of asylum, but a consequence of politics of *laissez faire* towards entrance. After 1905 in line with the Alien Act, restrictive policies began to develop, strengthened by entrance restrictions of 1914 and 1919 imposed for security concerns reasons. Until 1938 in law and in practice the difference between asylum seekers and immigrants did not exist: the condition for granting asylum was the same as for immigration – enough wealth. However, between 1933 and 1939 despite restrictive regime some 50 000 refugees from Germany and Austria were allowed to enter Britain. The fate of refugees was parallel to foreign policy of Great Britain. Thus, refugee protection was granted to Hungarian victims of Soviet invasion, to those from Czechoslovakia and many of politically persecuted by Soviet authorities. Signing of 1951 Geneva Convention relating to Status of Refugees and of 1967 Protocol has

definitely shaped asylum policy of Great Britain. The state has acknowledged the definition, basic principle of *non-refoulement* and basic rights to refugees. However, this international commitment was not immediately acknowledged and brought in line with national statute. First, it was only acknowledged in less legally binding guiding principles - Immigration Rules.

British state as European state

Great Britain did not hasten to enter EEC. The estimations of the British government as well as of community were that economic benefits from entrance to EEC would not be higher than those of collaboration exercised within the Commonwealth. After realizing the gap in economic performance between EEC countries and itself, the country chose to access European Economic Community in January 1973. The impact on immigration and policies was not fast to follow. Relative backwardness of British economy in comparison with its more prosperous ECC co-members held immigration from the member-states on low levels. The ad hoc right of entry from the member-states did not influence immigration numbers, and accordingly, immigration and asylum policies in the immediate aftermath of entrance. Later on, however, as Great Britain had to entangle in complex network of European collaboration on security and immigration issues, its asylum policies began to be affected by accession.

2.2. 1961-1981. Legislation to reduce ethnic tensions

Why did government initiate creating policies that are more restrictive only in 1960s? Before 1960s British political elites did not want to set against members of the Old Commonwealth (Canada, Australia, South Africa, etc.) the barriers of entrance. Therefore, they tried other mechanisms to restrain immigration from New Commonwealth, particularly, pressure on governments of New Commonwealth countries to restrict emigration.

In 1961, however, Britain faced unprecedented inflow of Pakistanis and Indians, totaling to 130 000 settlers annually (Hansen 2000). This resulted in the vast majority of population supporting entrance restrictions. Therefore, economic interests as well as allegiance to Commonwealth came into conflict with restrictive claims of political community. In such a way, it was the prime time of immigration as a hot political issue.

The peculiarity of British asylum policies consisted in the emergence of hot debate against the background of racial tensions promptly after the war. It was not the case even in Germany, a country, where attitude of national community towards immigrants was hardly more receptive. Thus, Germany has accepted considerably more non-nationals during 1950s and 1960s as a response to economic needs in labor. Gibney ascribes this restrictive tendency of Great Britain to three major reasons. First, British leadership was divided in their views regarding economic advantages of immigration. Therefore, unlike in Germany, it did not try to persuade society that immigrant labor is for the benefit of their own and thus to pacify anti-immigrant feelings. The comparably low economic performance of Great Britain in contrast with Germany in 1960s fueled convictions of British society that immigration caused rather costs than benefits to national economy. Second, immigration from Commonwealth was seen by indigenous British community a permanent settlement with reunification of families, i.e. uncontrollable flow of new immigrants, to follow. British society felt that their integrity would be fundamentally changed by the newly come members. In Germany, conversely, owing to German legislation *Gastarbeiter*s were deemed by political leaders and community only temporary workers, who would leave German territory when the indigenous population would want so. Consequently, societal integrity was not in danger. Third, entrance of Commonwealth members was a matter of legal right; therefore, government could not control

inflows of immigrants from these countries. The immigration could easily get out of control in the absence of direct legal instrument to halt it. Another vicious and influential factor, also in the normative area was and still is the absence of constitution in Great Britain, i.e. constraints on entrance were not in the structure of the state, as it was the case in Germany with *Rechtsstaat*. Therefore, immigration and asylum acts and policies depended on the balance of power in UK Parliament. As time has shown, however, there were no big controversies between the two major parties in the Parliament upon immigration issues. Thus, in 1962 Conservative Party initiated a 'process of legislating out of existence the entrance rights of New Commonwealth citizens coming to the UK to settle' (Gibney 2004, 118). The Commonwealth Immigrants Act, opposed by Labor party at that time, brought in the work-vouchers system, which required new coming immigrants from Commonwealth obtain the vouchers before arrival. Thus, government could control the number of unskilled labor coming to the country, through changing the number of vouchers each year. Six years later, under the authority of Labor party, however, another restrictive normative act was launched. The 1968 Commonwealth Immigration Act was introduced aimed at restraining the number of East African Asians, fleeing from Kenyan oppressing government. The Act was approved in the Parliament within three days. The 1968 Act for the first time introduced the principle of patriality. The Act required that all Commonwealth immigrants who did not 'belong' to Great Britain by birth or by blood to obtain entry voucher. The Act was designed 'to deprive non-white Commonwealth citizens (including those holding British passports) of the right to enter the UK, through the requirement of ties of blood to or birth in the UK's historically overwhelmingly white political community' (Gibney 2004, 119).

The 1971 Immigration Act stated that only patrials of all the members of Commonwealth countries were subjects to British citizenship. Thus, it smoothened the differentiation between Commonwealth citizens and foreign nationals. This provision put down the concerns of EEC

members, for whom previously exercised entrance rights of Great Britain would mean potential immigration of Commonwealth citizens to their countries, after accession of the former to the economic community.

The 1981 British Nationality Act was an adjustment of nationality law to immigration law. The Act established the British citizenship exclusively for citizens of United Kingdom. For the nationals of Commonwealth the definition of 'British Dependent Territories citizens' and 'British overseas citizens' was acquired.

What lessons did Great Britain was taught? First, it became obvious that structure of British state, i.e. parliamentary sovereignty and absence of constitution, made decisions on immigration issue a matter of balance of forces in parliament. When both leading parties, Labor and Conservative, representing vastly anti-immigrant views of the political community, put 'immigration control' on the top of their political agenda. Second, this discretion made British entrance policy exceedingly receptive to narrow-minded public opinion. This condition left mainly non-whites deprived of right of entry established before WW2. Third, Britain faced so called 'crisis of entitlement' (Gibney 2004, 121) when too broadly defined entry entitlement caused uncontrollable potential flow of millions of people on the normative basis.

2.3. 1979-1995. Emergence of Asylum Issue

By the late 1970s, Great Britain's attention turned from Commonwealth immigration to the problem of asylum seekers. With the experience of dealing with Commonwealth immigration, considering the lessons of entrance rights definition ambiguity, leadership of UK was well prepared not to repeat mistakes of 1950s and 1960s.

It is important to mention the conditions in which the asylum issue came into fore. First condition was the increase of asylum applications from several hundreds in 70s to approximately 5000 annually in 80s (Gibney 2004, 121). The geography of places of flight of asylum seekers has extended to such countries as Iran, Pakistan, Turkey, etc. Second condition was the poor economic development in Britain in 1970s. Unemployment rose more than threefold from the beginning of 70s to the end of 80s. Thus, coming asylum seekers were perceived as economic burden aggravating unemployment and state expenditures. This was the first time, when asylum seekers were constructed as mostly 'bogus' seekers, who exploited the refugee protection system to circumvent immigration procedures, as opposed to 'genuine, conventional refugees'. The third condition was the elimination of New Commonwealth immigration problem through imposition of normative act restricting entrance; and consequent focus of government on asylum issue.

In this context, government of Great Britain laid all efforts to halt asylum seekers. It has reached its aims. In the period from 1981 to 1990 the total number of refugees resettled in UK was only 14 897 (Loescher 1993). Gibney attributes the success of UK to the use of legislative and administrative measures to halt asylum seekers. The effective legislative measure was the imposition of visas for asylum seekers. When in 1985 Britain faced the mass influx of Tamil refugees it has used this measure and halted the increasing flow of asylum entrants. In 1992, Britain has imposed visa requirements on refugees from Bosnia. Considering the absence of the embassy of UK in Bosnia, the success of this measure was straightforward.

The other effective strategy UK used was fining carriers 'importing' foreigners without necessary visas and other proper documentation. This provision was reflected in 1987

Immigration (Carriers Liability) Act. The fine of £1000 per passenger has decreased the number of asylum seekers at the airports and seaports by 50 percent (Cruz 1991). This provision was heavily criticized for transferring decision-making on granting refugee status to carriers.

However, the early imposition of effective legal mechanisms alone cannot stand for British success in avoiding level of numbers of asylum seekers of other European countries. Gibney, as many other authors, ascribes the success to geography. The encirclement of British Isles left only two ways for asylum seekers to reach UK territories – either by sea or by air. Government control over entrance therefore could be effectively concentrated on relatively few airports and seaports.

In addition to geographical advantages, Great Britain possesses legislative advantages. As was discussed above, absence of written constitution allowed simple majority in parliament to decide on rights of asylum seekers. The rights of asylum seekers were restricted most importantly in procedural area. The provision was that those claimants of asylum who entered the territory of United Kingdom without necessary documentation (the majority of asylum seekers) could appeal against negative decision only after they leave the country. Moreover, British officials by virtue of ‘parliamentary sovereignty’ managed to make some alteration in procedure of receiving welfare benefits by asylum seekers. Those who did not apply for asylum immediately upon their arrival were deprived of right of welfare payments. In 1999 under discretion of Labor party legislation passed that abolished cash payments to all asylum seekers. Instead, the voucher system was introduced. The fugitives could exchange the vouchers for the food and necessary items. Even more than that, civil rights of asylum seekers were restrained. Up to the late 1990s, there was no judicial control over detention of asylum

seekers in jail or special immigration centers. Officials therefore did not face any legal constraint to detaining the fugitives. Moreover, there was no limitation upon how long the detention for administrative purposes could legitimately last.

2.4. 1996-2002. Asylum as political issue

Despite geographical and legislative advantages, historical experience of dealing with Commonwealth immigrants, procedural measures of abandonment of cash benefits and compulsory allocating of asylum seekers across the country, by the end of 1990s Britain faced the increasing number of asylum applicants. In 1999 the UK received 71 160 applications as opposed to 1998 when there were only 46 015 applications. The new solution that Government proposed was to modernize the 1951 Convention to the needs of contemporary situation with refugees. The other novelty in legislation directly concerning refugees was the Anti-Terrorism, Crime and Security Act of 2001, passed a week after events of September 11. The Act provided officials with the right to exclude from refugee determination process those fugitives suspected terrorists. In 2002, the new asylum bill was introduced proposing nationwide system of asylum accommodation centers.

Why previous success of Great Britain in limiting the number of asylum applicants stopped working in the 1990s and on? Gibney (2004) proposes four conditions, which formed the climate around asylum issue. First, the effect of geography has diminished. The spread of trafficking and smuggling across Europe has made it easy for asylum seekers to reach British Isles. The situation of Great Britain on the periphery of Europe, misused by smugglers, has changed ironically the entrance possibilities for asylum seekers. Smugglers often exaggerate information about the benefits and conditions in UK, to encourage fugitives to move further in Europe from one country to another, using services of smugglers. The other counter effect to geographical advantage became the Channel Tunnel, a new way of getting to the British

territory. Second, the economic performance of Great Britain has changed dramatically from that of 1960s. With economic growth, the demand for labor in low-wage sectors has increased as well. Thus, it has become easier for asylum seekers to obtain formal and informal job positions, which was facilitated by the absence of national identification system practiced in France. The strength of British pound and popularity of English language in the age of globalization have become next attractive points. Third condition was the incorporation of the European Convention on Human Rights into British law in 1999. Special attention should be accorded to the article 3 of the Convention, which placed ‘absolute ban on the return of individuals to countries where they would face torture or inhumane or degrading treatment’ (Gibney 2004, 128). The ECHR was also used by courts to challenge British government. Fourth condition is the increasing restrictiveness of policies in continental Europe, which made it indifferent for asylum seekers when choosing between the countries of refuge. By 2001, the UK started looking for cooperation on asylum problem with EU states. In 2000 the Great Britain proposed to amend 1951 Convention to process claims of asylum seekers outside European Union in the warehousing states.

CHAPTER 3: CURRENT ASYLUM POLICIES AND PRACTICES IN UK

In the previous chapter, the history of asylum legislation establishment and asylum policies and practices in the UK were discussed. In this chapter, I introduce asylum legislation, policies and practices that currently affect lives of asylum seekers. This will help to back up my argument regarding reasons of restrictive asylum policies in the UK.

There are currently three legal frameworks of asylum for Great Britain: international, European and national. United Kingdom has become a signatory to 1951 Geneva Convention relating to the Status of Refugees in 1954 and of the 1967 Protocol in 1968, which are the basic international instruments concerning refugee law. Consequently, asylum law of Great Britain should be viewed in the context of international legal framework. Great Britain became a member of European Union in 1973 (European Community at the time). EU legal framework on asylum issue affects the national policies as well. European legal instruments of asylum issue include 1997 Amsterdam Treaty on common policy, 1990 Dublin Convention on burden sharing.

3.1. National Asylum law

British asylum law has emerged as a somewhat coherent legal regime only in the 1980-1990s. The regime has emerged with the rising number of asylum applications. It is characterized by its complexity and unsystematic approach of Government to legal regulation (Harvey 2000, 146). The strong political debate over asylum has surfaced in 1990s, when number of asylum applicants first reached its historical peak – 71 160 in 1999 (Asylum Statistics 2006, 34). Ever since the limitation to appeal rights, construction of asylum seekers as ‘bogus’ and attempts to keep ‘abusers’ (economic migrants) away from the refugee protection system have become a policy practice. It was not the forced response to increasing numbers of asylum applications,

but exactly the desire to protect ‘genuine refugees’ (politically persecuted) as opposed to ‘bogus’ refugees that was used by the Government as justification for restrictive asylum policies (Harvey 2000). Courts fulfill the function of ‘breaching the gap that was opening up between the instrumental pragmatism of government and the principles upon which a humane refugee regime should operate’ (Harvey 2000, 151).

The role of judges in asylum cases is ambiguous. According to Harvey (2000) on the one hand, a big responsibility is laid upon judges in final decision-making, and therefore it can become subject to one-sided interpretation of the Convention; on the other hand, due to judicial ethics, i.e. understanding their function as protectors of the vulnerable side, judges appear as activists defending and advancing human rights. Moreover, UNHCR can participate in an appeal.

3.2. Asylum Policies

Current asylum policies in the UK are targeted at reducing the number of applications. Home Office Statistical Bulletin, Asylum Statistics (2006, 9) reports the key changes since 2002 representing current trends in policy-making in the UK. First change was introduced in 2002 regarding non-suspensive appeals. Since November 2002 under the Nationality, Immigration and Asylum Act 2002, twenty-four countries were announced to be considered safe. According to the Act, claims of applicants from these countries are defined as “clearly unfounded” unless the Secretary of State decides the opposite. These applicants do not possess right of appeal before being removed from UK. Further, in February 2005 India was added to the list and in December 2005 Mongolia, Ghana (men only) and Nigeria (men only) were added as well. Second in 2002 Home Office introduced new visa requirements for people traveling from Zimbabwe, in 2003 the same visa requirements were imposed to

travelers from Jamaica. Third, deployment of New Detection Technology (NDT) was pioneered. In 2003 new technology was introduced for port operators to search freight containers and lorries coming to the UK. Fourth, Home Office restricted access to support for asylum seekers. In January 2003 a new requirement was introduced under section 55 of Nationality, Immigration and Asylum Act 2002 as for access to support for asylum seekers. The requirement stated that asylum seekers should apply for NASS¹ “as soon as reasonably practicable”. In December 2003 the Home Office interpreted this phrase as within three days of entering the country, otherwise are ineligible for support. In May 2004 following Court of Appeal Judgment, NASS should not refuse support to an asylum seeker unless it is satisfied that the person has some alternative source of support. Fifth, in April 2003 fast track facilities were introduced for processing asylum applications at secure centre at Harmondsworth. Asylum seekers are detained pending decision regarding their status determination or appeal determination. In May 2005 fast track facilities for women opened at Yarl’s Wood. Sixth, in February 2004 a second phase of juxtaposed border controls was introduced (the first phase was introduced in August 2002) enabling immigration officers to decide admissibility of passengers prior to embarkation for the UK from key ports of Calais, Dunkirk and Boulogne. Seventh, Immigration Appellate Authority and the Immigration Appeal Tribunal were merged into single tier of appeal in April 2005. This allowed improving the speed and finality of the appeals and removals systems. In September two new offences were also introduced for those asylum seekers who deliberately disposed of or destroyed their travel documents in order to lodge false claims or frustrate removals. Finally, in February 2005 Government introduced the Five Year Strategy on immigration and asylum “Controlling our borders: Making migration work for Britain”. The strategy is aimed at making the asylum system simpler, clearer and tighter. The proposals include granting refugees temporary leave rather than

¹ National Asylum Support Service is a section of Border and Immigration Agency, which is part of the Home Office, responsible for supporting and accommodating people seeking asylum while their cases are being dealt with.

permanent status, fast tracking and closer management of asylum claims under New Asylum Model plan, strengthening the UK's borders through the rollout of 'e-borders' – where travelers will be electronically checked before they reach the UK, as they enter and as they leave, and taking further action to increase the number of removals of unsuccessful applicants.

3.3. Practices

However, regardless UK's international commitment to protecting asylum seekers, government employed numerous barriers in the route of fugitives to British land and measures to discourage applicants from coming to UK. These are detention of asylums whose cases are still in process of determination in removal centers, cut of benefits, voucher system, involuntary dispersal across the country, depriving asylums of procedural rights, destitution. The responsible body for recognition of refugee under the Convention definition is the Immigration and Nationality Directorate at the Home Office of UK. The most 'popular' practices asylum seekers are faced with are detention, scale back of procedural rights and destitution.

Detention

UK authorities stated that "detention would only be used as a last resort" (AI Report 2005, 4). Detention is sanction towards individuals who have not committed crime. Therefore, when applied to asylum seekers it violates one the fundamental human rights – right of liberty. However, many people have been detained on different stages of asylum process, even in the initial stage. Many fast-track decision-making is predicated on detention. The promptness of decision-making, it is argued by Amnesty International, can only be justified if it does not affect fairness and quality of final decision. It is also stated in the report that one of five initial refusals was overturned on appeal, which evidences poor decision-making.

Furthermore, Government fails to produce accurate statistics of how many asylum seekers are or were detained in detention centers and to make this information publicly available. According to Amnesty International research there were around 25 000 asylum seekers detained for some period of time. Government justifies detention by the risk that asylum seekers could abscond. However, many of the fugitives complied with reporting requirements. However, state has legal right to detain people, and it does so ‘unnecessary, disproportionate and ... unlawful’ (AI Report 2005, 7):

Whether at the beginning or the end of the asylum-determination process, the individuals concerned may be taken into detention on the basis that a bed is available within the detention estate, rather than on considerations of necessity, proportionality and appropriateness to detain them. Under Immigration Act powers, the UK authorities are empowered to authorize the detention of people who at some stage have sought asylum in the country. No prior judicial authorization of detention is required and there is no prompt and automatic judicial oversight of the decision to detain nor are there automatic judicial reviews of the continuance of detention. In addition, there are no maximum time limits of the length of detention (AI Report 2005, 7)

Scale back of procedural rights

Asylum seekers have a right of appeal against refusal of asylum to the Asylum and Immigration Tribunal. According to Home Office statistics (Asylum Statistics 2006, 34), in 2004 eighty-eight percent of asylum applications were refused. Nineteen percent of appellants had their appeals allowed.

In April 2004 Government introduced new funding arrangements for England and Wales, aimed at cutting funds for solicitors of asylum seekers. As a result of such policy, many asylum seekers are left without effective legal protection. Moreover, asylum seekers are not told about the reasons of their detention, in case this measure was applied, and the period of

stay in detention centers. Furthermore, while in detention, they do not have access to the information regarding their asylum claim.

Destitution

According to government policy, refused asylum seekers will remain destitute until they apply for a form of state support known as Section 4. In order to qualify for Section 4 they should first sign up to return home voluntarily. This applies even to those who cannot be returned because it is unsafe in their country or because their country will not issue necessary travel documents. For example, as of April 2006 no refused Eritrean could return to their country since August 2004 (AI Report 2006). Only small number of refused asylums applies for section 4. In 2006 only 6145 applicants received government support under section 4 (AI article 2006). The vast majority remain destitute. The estimations of National Audit Office for 2006 showed that number of refused asylum cases amounted to between 155 000 and 283 000 (AI Report 2006). However, there is evidence that the amount of cases is much bigger. BBC has discovered unresolved cases amounted to 400 000 – 450 000 (BBC News [UK], 19 July 2006).

The Amnesty Report “The Destitution Trap” (2006) provides with interviews of destitute asylum seekers. Here is the confession of one of them. A man from Zimbabwe:

I did something that I am ashamed of. I was so hungry that I went into a police station and asked them if I could spend a night in cell. They said no as I had not done anything wrong. I was so desperate that on the way out I deliberately smashed a police car headlight so that they would have to arrest me. I spent a week in jail. The judge at the trial was very sympathetic. I know it was wrong to do this but I was so desperate. The food was actually quite good.” (AI Report. The Destitution Trap 2006, 7)

Current government policies, section 4, are aimed at discouraging asylum seekers apply for the status in UK, by excluding them from asylum system – destitution. However, it does not

work. In fact, refused support under system of asylum protection, did not discourage asylum seekers to return to their countries:

However, currently UK government refuses to officially acknowledge the problem of destitute asylums and their 'limbo' status.

Conclusion

In this chapter, I gave the snapshot of asylum legislation introduced by Home Office in 2000-2006. This legislation in hand with policies led to consequences, i.e. practices of UK officials. The practices are the reflection of legislation and of policies. They are aimed at responding to the higher level decision-making. However, as it was obvious from the last part of the chapter, the consequences of this bitter decision-making overstate even initially harsh aims. The consequences are the aggravation of living situation and breach of human rights seen in destitution and detention. This chapter has shown that international commitment of the UK to refugees reflected in 1951 Convention conflicts with the actual national policies and practices towards asylum seekers. On the one hand, the UK expressed anxiety towards fugitives. By signing 1951 Convention, it announced that it is morally obligated to protect and to render any kind of support to asylum seekers. On the other hand, it persistently tries to circumvent the refugee protection system, by developing restrictive policies and legislation. Here, the puzzle comes about – what stands behind this inconsistency? The answer will be given in the next chapter.

CHAPTER 4: WHAT STANDS BEHIND CURRENT ASYLUM POLICIES IN THE UK?

In the previous chapters, I gave a theoretical basis for the asylum issue, discussed the history of policies and practices of asylum in the UK, and provided a snapshot of the current situation around this issue in Great Britain. All of the discussions help build up the picture of the problem as well as of different factors influencing the decision-making regarding this issue in different periods and in different conditions. In this chapter, I will discuss possible explanations of currently highly restrictive asylum policies in the UK, taking into consideration previous experience in dealing with the issue and current trends in policy tailoring. I will contrast the hypotheses against theoretical background provided in the first chapter. In the end, I will argue that two of the explanations are reasonable, while one of them is not.

The literature on the issue as well as intuitive propositions offer several possible explanations of highly restrictive asylum policies of Home Office. These are security concern, perceived threat to cultural integrity and economic burden.

4.1. Security concern

Following 9/11 event in New York and the terrorist bombings on July 7 in London, security became a part of political and social concern. Most fugitives come to the UK from countries such as Iran, Afghanistan, Sudan (Asylum Statistics 2006, 4), fleeing from prosecution, including those suspected by the government for committing terror acts or of membership in extremist groupings. Convention has special provision for dealing with this kind of asylum seekers:

The provisions of this Convention shall not apply to any person with respect to whom there are serious reasons for considering that:

- (a) ...;
- (b) he has committed a serious non-political crime outside the country of refuge prior to his admission to that country as a refugee;
- (c) ...,
(Exclusion, Article 1F, 1951 Geneva Convention relating to Status of Refugees)

Even though Convention allows government to exclude them from the protection system, the provision alone does not provide for effective protection from abusing of the asylum system by terrorists. First complication is that terrorism itself does not have a single internationally recognized definition, it is merely a ‘matter of political choice’ (Gilbert 2003, 440) – who for one country is terrorist, for the other is a freedom fighter. It produces initial obstacles during status determination process. Second, status determination process will never reproduce actual criminal trial. It is hard to access the crime, which happened in the other country in the absence of true evidence and witnesses and with usually less efficient judicial and procedural tradition. However, it is doubtful, that terrorists would use this way of entering the country. The asylum system in the UK employs such instruments as finger-printing and IDs for each entrant. Moreover, asylum seekers awaiting status determination decision are obliged to report to police stations or immigration screening centers (Refugee. Action). British society is informed about these measures by politicians and by the Media, therefore, they are aware that such protection system exists and is applicable to the asylum seekers, while the society is aware of that entrance procedures for other types of legal immigrants, are less strict, and that terrorists can reach the country by ways other than applying for asylum. On the other hand, the danger exists in public and decision-makers’ awareness, since fugitives are often the ones directly prosecuted by (legitimate or not legitimate) government for acts it considers terrorist ones. The evidence of the security concern in the Home Office is the amount of money spent on maintenance of detention centers, where asylum seekers are being imprisoned until proven

not to represent the threat to the UK community or for some of them even until recognized ‘genuine’ refugees. According to the report by George Mwangi², a human rights activist, £1, 230 are spent per week per detainee by the government (UK Indymedia). Moreover, he reported, around £1bl are paid by the UK government to private companies to manage detention centers. Financial cost beared by the Home Office is an evidence of security concern existing in public awareness and government circles.

4.2. Xenophobia, racism concern

British white population is afraid of non-white cultures. Refugees are seen as a threat to the British cultural integrity. Commonwealth migration discussed in the second chapter was met by racist attitudes of indigenous population. In the same way, most of the asylum seekers currently come from non-white origin. In 2005 out of total of 25, 710 initial asylum applications, 10, 840 were claimed by Africans, 5, 730 by citizens of Middle East countries and 6, 915 by Asians (Asylum Statistics 2006). What may contribute to more distrust to the fugitives from these countries is that a considerable bulk of countries they come from is non-Commonwealth and therefore, non-English-speaking, lacking British political tradition and other constituents of British political culture.

However, this fear of asylum seekers threatening cultural integrity is unfounded, when we look at statistics. 7. 9 % of the UK population comes from non-white ethnic group (Refugee. Action. Booklet, 2005). In April 2006 there were 59, 800 Government supported asylum seekers living in the UK, which is 0.1 % of UK population of 59.8 mln. At the end of 2005 the UN estimated 293, 459 refugees were living in the UK, or only 0.49 % of the UK’s population (Refugee. Action. Booklet, 2005). It is unlikely that 0, 1 % of foreigners can be

² He was short-listed for the Liberty & Justice 2006 Human Rights Award for fighting for his own asylum case while detained, and for helping and empowering others in doing the same

perceived a threat to cultural integrity. This attitude reflected in restrictive asylum policies exists only towards refugees but not to the vast majority of other types of migrants.

The examination of statistics on asylum applications shows no evidence of discriminative acceptance based on racial grounds. Below is the ethnic composition of asylum seekers granted refugee status or exceptional leave in 2005 (Asylum Statistics 2006):

Europe – 90 and 215 respectively or 17 % of total applications

Americas – 10 and 15 or 4, 9 %

Africa – 1545 and 955 or 23, 5 %

Middle East – 125 and 620 or 13 %

Asia – 135 and 985 or 16, 2 %

According to this data, the argument regarding xenophobic reasons of restrictive asylum policies is not valid. However, it only informs us of ‘race-blind’ legal system of the UK and compliance of the country to Article 3 of the Geneva Convention, which states that:

The Contracting States shall apply the provisions of this Convention to refugees without discrimination as to race, religion or country of origin. (Article 3 *Non-Discrimination*, 1951 Convention)

However, these statistics only reveals that law-enforcement in the UK is non-racist, which is true to many liberal societies. It is hard to evade provisions of international treaties the UK is signatory to. First, the UK is signatory to the 1967 Protocol. Particularly, it is obliged to conform with Articles 2 and 3 of the Protocol, which state that states should co-operate with the United Nations High Commissioner for Refugees and communicate with it regarding national ‘laws, regulations and decrees which are, or may hereafter be, in force relating to refugees’ (Article 2. *Cooperation of the national authorities with the United Nations*, 1967 Protocol). Second, the UK is signatory to the International Convention on the Elimination of All Forms of Racial Discrimination since 1966. The UK therefore, on no grounds can

circumvent this fundamental principle of human rights. Xenophobic attitudes still can exist within society and decision-making apparatus, which would want to halt indiscriminately the total number of asylum seekers from entrance, to diminish the entrance of non-whites in particular.

While the security justification of restrictive policies is a matter of instrumental justification, since it does not differentiate on the basis of country of origin and ethnical background, but rather on the universal and impartial grounds of being guilty in committing a crime and therefore being a threat to the society, the racism argument is a matter of intrinsic justification of partiality towards co-nationals and restrictive asylum policies.

Finney and Peach (2006) conducted a research on attitudes towards asylum seekers. According to the research, Sunday Poll, held in 2001 based on interviews with 1005 British adults, 44 % agreed that Britain should not take any more asylum seekers; a public opinion poll arranged by Guardian/IMC the same year revealed that 76 % of respondents were opposed to abolition of immigration controls. However, as to the reasons for such an attitude the poll showed that such concern of respondents was associated with ‘financial burden’ of immigrants on the country (Finney and Peach 2006). Such outcome hints that the British indigenous population is concerned with economic burden immigrants have on national budget.

4.3. ‘Economic burden’ concern

As indicated by opinion polls, refugees and asylum seekers are often considered a burden to host society. As according to British law asylum seekers are not allowed to work until final status determination, they are given governmental support of £40.22 a week (Refugee. Action.

Booklet 2005, 11), which is £2,091.44 a year excluding dependants. In 2004 accordingly, 32, 090 applicants with dependants applied for National Asylum Support Service (NASS) (Asylum Statistics 2006, 61), if multiply this number by £2,091.44 government spent £67,114, 309.60 for providing asylum seekers (including dependants) with basic needs. Moreover, government expenditures cover (for some asylum seekers) housing, solicitor's fees, maintaining different facilities (detention centers, reception centers), £11,000 per person for forced return of rejected applicants (Refugee. Action. Booklet 2005, 19). In 2005 24,730 of applicants were refused asylum and exceptional leave (Asylum Statistics 2006, 32). To return them home would cost the government £249,205,000. Therefore, the government's attempts to reduce asylum applications have grave economic motives. It might not be the refugees (i.e. those granted status and leave to stay in the UK legally) who the UK is unwelcoming, but the asylum seekers (i.e. those waiting status determination) who the UK has to support (on grounds of humanitarian duty and international commitment) and is reluctant to do so. By this logic, government would be motivated to make the processing of asylum cases faster and granting refugee status to more people. While the first is reflected in government policies, which employ fast-track applications, the second is not.

The economic argument raises a legitimate question - is it asylum seekers that are unwelcome or refugees? The answer to the question lies in analysis of policies restricting entrance to the UK versus status determination process. Refugees are allowed to work and they have almost all rights of citizens of the UK. Moreover, they have the right to apply for the UK citizenship. They are thus, taxable residents of the UK in the long-run. Therefore, by economic argument logic, they are not a burden to society, but rather contributors. According to the British Medical Association, more than 1, 000 medically – qualified refugees are registered in BMA database. Moreover, it only costs £10, 000 to prepare a refugee doctor to practice in the UK,

but it costs £250, 000 to train a doctor from scratch (Refugee Council). Refugees, therefore, are not a problem from the economic standpoint and instrumentally justified logic of partiality. It is the asylum seekers who are an economic burden to the UK society. However, other non-fiscal economic effects of refugees can be perceived as threat to British economy, such as infow of low-skilled labor, which can affect internal low-skilled labor market. To trace the real targets of restrictive polices is not an easy task. Restrictive polices against refugees (i.e. legal impediments to granting refugee status) may be a strategy to discourage asylum applications.

All three arguments explaining restrictive asylum polices of the UK government are plausible and are usually claimed by officials and represented by Media. However, intuitively the economic argument seems more plausible than the rest. The concern of British society reflected by the Home Office's policies towards asylum seekers, does not seem to be about threat to the British culture. Forty five percent of population of London is composed of non-white residents (National Statistics). In 2003 there were about 300,000 foreign students, and 100, 000 foreign employees studying and working in the UK with student visas and work permits (Refugee Council). Moreover, in 2004 144,550 people were granted settlement in the UK, 38 % of which were granted to recognized refugees (Control of Immigration Statistics 2004, 1). Therefore, it is not apparent that exactly refugees, but not 90,240 other category immigrants granted settlement the same year, may be perceived by British society and officials as threat to indigenous cultural coherence. Why refugees but not economic immigrants?

When juxtaposing asylum polices and immigration polices, it is apparent that the UK is more restrictive and harsh towards asylum seekers than towards economic migrants and other types

of non-forced migration. Legal immigrants are not being detained. To elucidate the reasons of inhospitality of the UK towards asylum seekers, it is helpful to find out what makes forced migrants so different and so relatively unwelcome as opposed to regular migrants.

The first difference between granting refugee status and granting work permit or leave to stay and apply for citizenship on 'non-forced flight' grounds is in the right of Government to discriminate between foreigners. When dealing with regular migrants the state has a legitimate right to accept those who can contribute to the well-being of home society or at least to sustain themselves for a period of stay in the UK. For example when applying for visa to the UK, a foreigner has to provide bank statement showing his ability to cover his expenses in the UK. On the other hand, when dealing with asylum seekers, international obligations ratified in the 1951 Convention bind the state to accept those who are most in need of refuge, rather than those from whom the society will benefit.

The other difference between asylum-related and non-asylum immigration is that regular immigrants are better prepared for immigration. They possess more information about the country of destination, they usually speak or learn before arrival the language of the country and, more importantly, they have financial resources to support themselves before they find a job. On the other hand, asylum seekers flee their motherlands from persecution, usually in haste, leaving their belongings, houses and jobs behind. Moreover, they flee from economically backward countries, ruled by authoritarian regimes, experiencing civil war, ethnic cleansing or grave reported human rights violation. 85 % of organizations working with asylum seekers state that their clients experienced hunger, while 95 % of the organizations say that fugitives do not have money to buy clothes and shoes (Refugee Council). It shows that asylum seekers are economically less advantageous type of

immigrants as opposed to other types. Therefore, *a priori* they are perceived as economic burden.

Another point to consider when juxtaposing economic migrants and asylum seekers is physical and mental health of fugitives. Some of them were tortured in their countries, many lost their relatives and friends. Most of the fugitives experience post-traumatic syndrome. All of the asylum seekers are subjected to psychological pressure of leaving their home countries, their friends, their homes, jobs and coming to a new country. The situation is aggravated when, after they successfully flee the country where they were persecuted, they go through dangerous journey often illegally and with the help of unscrupulous smugglers, hoping to find refuge and protection in a democratic country, they finally meet the unwelcoming barriers imposed by restrictive immigration office or even are being detained.

All of the peculiarities of asylum seekers as opposed to regular migrants contribute to the final difference – the ability to communicate with and to integrate to the society of refuge. Traumatized, desperate, extremely poor, dependent on government subsidies, not possessing English language, they become excluded from the host society. Integration is a two-way process. The attitude of host community towards immigrants is very important for successful integration of immigrants. Hostility of border guards and immigration officers starting from the port and distrustful perception of indigenous community is hardly a hospital attitude. In such conditions, refugees are facing too many obstacles to ‘successful migration’ and adaptation to the new country of settlement and, consequently, chances for them to use their skills and talents to contribute to British economy become shallower.

It is hard to distinguish which of the arguments for restrictive asylum policies is the most crucial for decision-making, since all of them are referred to in the political debate and justification of the current national immigration legislation. Public opinion polls showed that British population is more concerned with economic burden asylum seekers and refugees impose. However, public opinion is influenced by Media representation of the issue and political discourse.

4.4. The State, the Media and the Political Community

In January 2003 *The Sun* initiated a petition pushing Tony Blair to 'stop Britain becoming a soft touch for illegal asylum seekers' (*The Sun* [UK] 28 January 2003, 4-5). The petition was supported by 300, 000 *Sun* readers, which was 'the largest response ever in Britain' (Finney and Peach, 20). Forward Maisokwadzo, a Zimbabwean journalist who was persecuted for his journalistic activity in his home country, in his speech given on June 14 as part to Refugee Week, reported examples of stereotyping refugees in Media found by himself:

... From the *Mail* we have had headlines such as 'Brutal crimes of the asylum seekers', which claimed that asylum-seekers were having a 'devastating impact' on crime in London and that the government's 'open door' policy must be ended. (v) Another article, under the headline 'Suburbia's little Somalia', described how Somali asylum seekers who had settled in 'affluent, middle-class Ealing... thousands of miles away from the dusty plains of East Africa' were bringing down the neighborhood with drugs and crime. (vi) In the *News of the World* we have had 'Hand out UK: how many refugees are living in YOUR town?' This piece featured a detailed map of Britain, listing by council the exact number of asylum seekers in each area and warning readers of the cost to their local services and to the 'British taxpayer'. The article effectively gives a green light to every local racist. Another *News of the World* piece which complained of 'luxury pads' for asylum seekers on the Beaumont Leys estate here in Leicester, led to local gangs breaking into the homes and destroying them, even before refugees had moved in. ... (vii)³ (Maisokwadzo, 2004)

³ (v) D. Williams, 'Brutal crimes of the asylum seekers', *Daily Mail* (30 November 1998)

(vi) J. Goodwin, 'Suburbia's little Somalia', *Daily Mail* (12 January 1999)

(vii) Dowling, 'New raids on city's homes for refugees', *Leicester Mercury* (6 June 2001)

It could be argued that this excerpt supports the ‘cultural threat’ argument, but groups with extreme right attitudes exist in each country. It does not mean that the majority of British population supports this kind of justification.

Asylums have become scapegoats and ‘easy targets’ not only for Media. Most importantly, they are targets of political debate between Tory and Labor. A speech by Tony Blair on Asylum and Immigration for Guardian in April 2005 demonstrates this:

Accusing Tory leader:

...Under Michael Howard, asylum applications rose - by 13% if you compare his last 12 months as home secretary with his first. ... (Tony Blair 2005)

According, to Tony Blair, the number of asylum applications is an indicator of success or failure of government. As if external factors (probably, most important and in fact reflecting situation) such as conflicts, wars or ethnic cleansing in refugee-producing countries, do not count. To decrease the number of asylum applications is a political target, according to the speech.

...They voted to restore benefits to asylum seekers in 1999 and argued against our proposals to remove support from families whose claimed were rejected and who had exhausted the appeals system but still refused to go home. (Tony Blair 2005)

Here Prime Minister sounds nothing but cynical, as if voting to restore benefits to asylum seekers and to support destitute asylum seekers with children is something one should be accused of.

On his party's own progress in asylum policies:

... We have tightened the rules on benefits so that they only go to those who claim asylum as soon as possible after arriving in the UK... (Tony Blair 2005)

In practice it is simply a procedural obstacle to narrow benefit claims to those who were fast and smart. Those asylum seekers who were not aware of this new provision in asylum

application rules (and many of them indeed were rather too traumatized or were not aware of this legal entrapment to be fast to apply for refugee status), were left, under Tony Blair's new rules, without benefits.

... and introduced much tougher controls on legal aid so that it is restricted to legitimate advisers - to weed out the cowboys who were preying on vulnerable migrants. ... (Tony Blair 2005)

The effect of such solution is laid upon asylum seekers, who were deprived of proper supply of legal solicitor aid.

...we want fast-track processing and removal of as many unfounded applicants as possible with more detention and the use of electronic tagging where there is a risk of asylum applicants disappearing. We have set a target of removals exceeding applications for the first time ever. (Tony Blair 2005)

'More detention' of asylum seekers is a durable and morally justifiable solution, according to the Prime Minister. It is not clear how to define risk of asylum applicants disappearing. Fast-track processing is unarguably an asset to British economy, however, the hardships will be laid on asylum seekers since the possible cost of fast-track solution is unfair and erroneous decision.

After reconciliation of the security concern argument, the threat to cultural integrity argument and economic burden argument, it turns out that the first and the last arguments are most plausible reasons for restrictive asylum policies. Security concern argument finds its evidence in expensive detention centers, finger-printing, ID system and other instruments and measures of security control. The economic burden argument proves plausible from public opinion polls and supported by calculation of publicly available data on asylum-related spending. The threat to cultural integrity (or racism) argument does not seem plausible. The UK is ethnically diversified; moreover, it has a solid experience of accepting and living next to

Commonwealth immigrants. Xenophobic attitudes, where existent, may be attached to security concern and perception of refugees as terrorists and criminals.

Media representation of asylum seekers as either ‘bogus’ or ‘burden’ shapes the public opinion. The ‘Media constructed’ anti-asylum public opinion gives opportunity for using asylum issue as a center of political campaign by both Labor and Tory. The three actors who are directly or indirectly responsible for final decision on asylum policies, i.e. on destinies of asylum seekers, are Media, politicians and society. While all the three actors are representatives of centuries-old liberal culture, they also are members of the British state. In the current state system, it seems interests of state (economic and security) are given priority to the interests of ‘others’.

Whatever the reason is, whether threat to security or economic costs, is it worth violation of human rights the UK is committing by creating its asylum policies? The economic burden claim for restrictive policies is contradictory to the idea of refugee protection system ratified in 1951 Convention and 1967 Protocol, ECRE, and other international and European treaties and agreements. The system was designed to share the burden of providing refuge, protection and assistance in settlement for fugitives between contracting states. By signing the Convention and the Protocol the UK undertook an obligation to provide refugees with all forms of support stated in the Convention without expectation to benefit from the fugitives. Security is a weighty argument in favor of restrictive policies. However, attempts to decrease the number of asylum applications overall by complicating entrance to the country, is may not be contradictory to the Convention in legal terms, but contradictory to the aims of the Convention, which consists in desire of contracting states to provide refuge. The UK government currently does everything not to provide refuge.

The asylum policies and practices in the United Kingdom raise legitimate concern regarding the price of liberal values in the country where these originate. It is as if one of the richest landlords in the vicinity proclaimed to the whole neighborhood his benign will to accept to his house everyone who does not have his own home and to provide with the food, and then constructed a sky high fence so that the homeless would not be able to slip through it. While the excuse based on fear of stranger who can harm the landlord and his properties is understandable, the attempt to justify the fence saying that the homeless are unwelcome because they will eat the landlord's food without paying for it is breaking his word. And what if the landlord is guilty or involved in destruction of the stranger's home? Is the UK still adhering to its liberal values and international commitment, when removing from the country the Iraqi asylum seekers?

The conclusion is unsatisfactory. Whether it is security threat or economic burden imposed by asylum seekers that concerns British society and government most, it determines the value of norms in democratic world today. Asylum policies are barometers, defining to what extent states can circumvent the moral limits created by themselves in the absence of counterbalance from the side of defenseless and mute asylum seekers. The British barometer shows that moral limits can be evaded even on the grounds of economic losses asylum seekers are perceived to inflict. The very existence of such justification of restrictive legislation undermines significance of norms and underscores yet prevailing significance of national interests.

CONCLUSION

Presently the United Kingdom is preoccupied with the asylum question, which is according to some opinion polls the most important issue of concern of British population after the country's foreign policy. Since 2002 it has become the centre of political debate and Home Office initiated nation-wide campaign targeted at decreasing the number of applications. As a result of such policy-making, applications decreased from 84, 130 in 2002 to 49, 405 in 2003 (Asylum Statistics 2006). The measures Home Office employed to achieve this decrease included procedures and policies contrary to the 1951 Refugee Convention, the country is signatory to since 1954. Moreover, some of the measures, like detention of asylum seekers pending status determination, breach human rights. Such a tendency in asylum policies is inconsistent with the image of originally liberal British society. The investigation of history of asylum in the UK, numerous independent researches and literature on asylum issue in Great Britain, discourse analysis of newspapers and speeches of higher officials, revealed several possible explanations of this inconsistency. The first explanation is an attempt to provide national security. Another concern is the cultural integrity of British society. The third is anxiety about burden to national economy. I have explored the plausibility of all the three hypotheses. While security and economic concerns proved to be plausible, I did not find empirical evidence for cultural integrity concern.

During my investigations, three crucial factors influencing directly or indirectly asylum policies in the UK were found. These are pre-electoral political interest around the issue, misrepresentation of asylum seekers by Media and attitudes towards asylum seekers within indigenous society. All three factors are responsible for creating the notion of 'asylum crisis'. These factors are constructed elements that have nothing to do with either the real economic effects or impact of asylum seekers on the security of indigenous population and welfare of

the British nation. Media representation and political interests of higher officials are the responsible factors of asylum policies, since they have impact on public attitudes, which as experience of other countries showed is subject to alteration. These decisive factors interact around economic interests and perceived threats, exaggerating or constructing in pursue of their own interest either this or that argument against asylum seekers. Considering the power of information (as Media and Government are exclusive providers of information regarding asylum seekers to mass population), there is no such phenomenon as public opinion, since that depends on the information available on the issue. What remains is the interest of certain politicians to play around the asylum issue in order to stay in office and interest of Media in selling more newspapers. In the absence of the counterbalancing mechanism that could efficiently advocate and represent interests of asylum seekers, the abuse of political system and of formation of public opinion against refugees and asylum seekers will remain and result in even more restrictive and terrifying asylum policies. Neither economic nor security justification of restrictionism can be a valid excuse. Economic justification is more popular in public opinion today. However, Great Britain is a signatory to Refugee Convention. Existence of economic justification of restrictive asylum policies within society is contradictory to the very idea of this humanitarian international commitment and is an indicator of present devaluation of liberal values in the country where these originated.

REFERENCE LIST

- Barry, Brian, and Robert E. Goodin. 1992. Free movement: ethical issues in the transnational migration of people and of money. University Park, Pa.: Pennsylvania State University Press
- Bauman, Zygmunt. 2004. Wasted lives: modernity and its outcasts. Oxford : Polity
- BBC News. World Edition. Long history of race rioting. 28 May 2001. On-line article. Available from http://news.bbc.co.uk/2/hi/uk_news/1355718.stm (accessed on 13 of May 2007)
- BBC News. Asylum backlog cleared 'by 2011'. 19 July 2006. On-line article. Available from http://news.bbc.co.uk/2/hi/uk_news/politics/5193018.stm (accessed on 10 of May 2007)
- Becker, Ernest. 1973. The Denial of Death. New York: Free Press. Quoted in Bauman, Zygmunt. 2004. Wasted lives: modernity and its outcasts, 97. Oxford: Polity
- Blair, Tony. 2005. Full text: Tony Blair's speech on asylum and immigration. Guardian Unlimited. The speech given on 22 April 2005. Available on-line from <http://politics.guardian.co.uk/election/story/0,15803,1466730,00.html>
- Boswell, Christina. 2005. The ethics of refugee policy. Aldershot, Hampshire, England; Burlington, VT : Ashgate
- Convention Relating to the Status of Refugees. Done at Geneva on 28 July 1951. Text: Treaty Series No. 2545, Vol. 189, p. 137.
- Cruz, Antonio. 1991. Carrier Sanctions in Four European Community States: Incompatibilities between International Civil Aviation and Human Rights Obligations. *Journal of Refugee Studies* 4, 1: 63-81. Quoted in Gibney, Matthew J. 2004. The Ethics and Politics of Asylum. Liberal Democracy and the Response to Refugees, 123. Cambridge: Cambridge University Press.
- Dudley, Jill, Roughton, Mike, Fidler, James, and Simon Woollacott. 2005. National Statistics. Control of Immigration. Statistics: United Kingdom 2004. Available on-line from <http://www.homeoffice.gov.uk/rds/pdfs05/hosb1405.pdf> (accessed on 17 May 2007)
- Finney, Nissa and Esme Peach. Attitudes towards Asylum Seekers, Refugees and Other Immigrants. A literature review for the Commission on Racial Equality. Available on-line from http://www.cre.gov.uk/downloads/asylum_icar_report.pdf (accessed on 13 May 2007)
- Gilbert, Geoff. 2003. Current Issues in the Application of the Exclusion Clauses, in Feller, Erika, Turk, Volker, Nicholson, Frances (eds.): Refugee Protection in International Law. UNHCR's Global Consultations on International Protection. 425-466, 470-471, 477-478. Cambridge University Press, Cambridge.
- Gibney, Matthew J. 2004. The Ethics and Politics of Asylum. Liberal Democracy and the Response to Refugees. Cambridge: Cambridge University Press.

Goodin, Robert E. 1988. What Is So Special About Our Fellow Countrymen? *Ethics* 98, no. 4: 663-686.

Hansen, Randall. 2000a. Citizenship and Immigration in Post-war Britain: The Institutional Origins of a Multicultural Nation. Oxford University Press. Quoted in Gibney, Matthew J., 2004. The Ethics and Politics of Asylum. Liberal Democracy and the Response to Refugees, 116. Cambridge University Press.

Harvey, Colin. 2000. Seeking Asylum in the UK. Problems and Prospects. Butterworths. London, Edinburgh, Dublin.

Heath, Tina, Jeffries, Richard, and Sarah Pearce. 2006. Asylum Statistics United Kingdom 2005. Home Office Statistical Bulletin. Crown Copyright. ISSN 1358-510X. Database on-line. Available from <http://www.homeoffice.gov.uk/rds/pdfs05/hosb1406.pdf> (accessed on 13th of April 2007)

Hurka, Thomas. The Justification of National Priority. In Robert McKim and Jeff McMahan (eds.), *The Morality of Nationalism*, 139-157. New York: Oxford University Press, 1997)

Indymedia UK. Detention of Asylum Seekers and Immigrants in the UK. On-line article. Available from <http://www.indymedia.org.uk/en/2007/04/369027.html> (accessed on 6 May 2007)

Kymlicka, Will. 1995. Multicultural Citizenship: A Liberal Theory of Minority Rights. Oxford University Press. Quoted in Gibney, Matthew J. 2004. The Ethics and Politics of Asylum. Liberal Democracy and the Response to Refugees, 24. Cambridge: Cambridge University Press.

Loescher, Gil. 1993. Beyond Charity: International Cooperation and the Global Refugee Crisis. New York, Oxford University Press. Quoted in Gibney, Matthew J. 2004. The Ethics and Politics of Asylum. Liberal Democracy and the Response to Refugees, 122. Cambridge: Cambridge University Press.

Maisokwadzo, Forward. 2004. UK media coverage of Asylum Seekers and Refugees. Speech given as part of Refugee Week on 14 June 2004. Available on-line from www.mediawise.org.uk/files/uploaded/Forward%20speech.doc

Miller, David. 1988. The Ethical Significance of Nationality. *Ethics* 98 (July): 647-62. Quoted in Gibney, Matthew J. 2004. The Ethics and Politics of Asylum. Liberal Democracy and the Response to Refugees, 25. Cambridge: Cambridge University Press.

Mobiles, Money and Mayhem. The Facts and Figs about Asylum. On-line Booklet. 2005. Available from http://www.refugee-action.org.uk/ourwork/projects/documents/RA_booklet_national2.pdf (accessed on 23d of April 2007)

National Statistics. Focus on Ethnicity and Identity. Available on-line from <http://www.statistics.gov.uk/focuson/ethnicity/> (accessed on 17 May 2007)

Rawls, John. 1999. Law of Peoples. Cambridge, Mass.: HUP

Refugee Council. Tell It Like It Is. The Truth about Asylum. Pocket Guide. Available on-line from <http://www.refugeecouncil.org.uk/NR/rdonlyres/D8158F07-6D2F-4556-8B84-D7AD2CD77FB3/0/TellitlikeitisA4VersionSep05.pdf> (accessed on 17 May 2007)

Refugee. Action. Challenging the Myths. Asylum and Terrorism: the Facts. On-line from <http://www.refugee-action.org.uk/information/asylumandterrorism.aspx>

Report of Amnesty International. 2005. United Kingdom. Seeking Asylum is not a Crime: detention of people who have sought asylum. Available on-line from http://www.amnesty.org.uk/uploads/documents/doc_16178.pdf (accessed on 15th of April 2007)

Report of Amnesty International. 2006. Down and Out in London: the Road to Destitution for Rejected Asylum Seekers. Available on-line from http://www.amnesty.org.uk/uploads/documents/doc_17382.pdf (accessed on 15th of April 2007)

Report of Amnesty International. 2006. The Destitution Trap. Available on-line from http://www.amnesty.org.uk/uploads/documents/doc_17360.pdf (accessed on 15th of April 2007)

UK: Asylum - New reports show government policy forcing refused asylum-seekers into abject poverty. 7 November 2006. On-line article. Notes. Available on-line from http://www.amnesty.org.uk/news_details.asp?NewsID=17158

1967 Protocol relating to the Status of Refugees. Text: 606 UNTS 267.