



# Welcome to the Asylum

*Immigration and Asylum in the UK*

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## CHAPTER ONE

# INTRODUCTION

OUR IMMIGRATION POLICY is an exercise in wishful thinking. We pretend that we control our borders when we have lost all control. We pretend we act humanely to asylum seekers when we do everything possible to prevent them arriving here legally then behave as if they barely exist or waste their talents. We need a fair, transparent and humane immigration policy. What is happening now is neither fair nor humane and certainly not transparent. Nor does it constitute a policy, either restrictive or open.

Last year the High Street banks approached the National Criminal Intelligence Service. They were concerned, they explained, about the money being transferred from the UK to Eastern Europe. Legitimate business, benefit fraud and the earnings of illegal immigrants added up to £2 billion a year. No one could say how much of this had come to the attention of the Inland Revenue. They were advised to do nothing. The story, with its evidence of enterprise and ingenuity not to mention criminality on one side and ignorance and inertia on the other, sums up the issues of immigration in Britain today.

This paper is a contribution to a debate on a subject normally polarised by extremist views. Attempts at reform have been piecemeal and have mostly failed, partly through mismanagement and partly from lack of vision. Any strategy on immigration requires vision, morality and courage. It also requires vigorous

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debate in order to reach an effective, bipartisan strategy. This Government has not held a debate and has shown neither vision nor moral conviction. This omission is dangerous both for the country and the immigrants who seek to come here.

Immigration into the UK has surged in a country more accustomed to people leaving for foreign parts than arriving from them. From 1961 to 1981 emigration outdid immigration by more than one million. From 1951 to 1961, at the height of the arrivals from the New Commonwealth, the balance proved barely positive. The last 15 years have seen a dramatic change in all three categories of people who seek to enter the UK; asylum seekers, economic migrants with permission to work here and illegal immigrants. Asylum seekers are refugees who claim asylum under the Geneva Convention of 1951. The economic migrant with permission to work has been issued with a work permit or, as is the case of EU citizens, is able to work legally in the UK (it is worth noting that the numbers of EU citizens working in the UK is not recorded). The illegal immigrant enters the country illegally usually for the purpose of working in the black economy. Much play is made of distinguishing between the 'genuine asylum seeker' and the illegal immigrant. This, as this paper will demonstrate, is nearly always a false distinction applied by the Government for its own ends.

In 1998, for example, 400,000 people legally arrived in this country with the intention of staying a year or more. In the same year about half that number left to live abroad giving a net addition of 178,000. Nobody knows how many people enter the country illegally every year. One immigration officer with many years experience put the figure between 150,000 to 200,000 annually. Other evidence suggests that this could well be a conservative estimate. These numbers would include people seeking to deceive immigration officers as well as those smuggled in on lorries and

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trains. Thus we are looking at about 400,000 people coming to live in this country every year on top of the unknown number of EU citizens who have a right to be here. These numbers surpass those who migrated at any time in the past, through invasion, two world wars and social upheaval in Europe. James Walvin, Professor of History at York University said:

You would be hard-pressed to match these figures with anything in history [even compared to the years after World War One] when the whole of Europe was on the move.

Events in Europe have a dramatic effect on our immigration figures. Any discussion on UK immigration cannot be done in isolation but has to include our EU neighbours.

The net migration figure for 1998 of 178,000 people arriving legally was double that for 1997 and 1996. This was due to the sharp rise in asylum seekers to this country since the late 1980s. In 1984, there were only 104,000 applications in western Europe. This figure grew to 692,000 in 1992. In the UK the number of asylum seekers rose from 5,700 in the whole of 1988 to over 7,000 a month for January and February of 2001. In 2000, 97,000 people claimed asylum in the UK. This is in a country which since 1962 has claimed to pursue a policy of 'would-be zero immigration'.<sup>1</sup> What ever happened to the policy?

Contrary to the public perception, only one third of asylum seekers actually claim asylum when they arrive. The other two thirds of asylum claims are submitted 'in country'. That is by people who have entered the country illegally or are already in the country such as students, tourists and short term visitors who

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<sup>1</sup> Zig Layton-Henry, 'Britain: The Would-Be Zero Immigration Country', in Cornelius, Martin, and Hollifield (eds.), *Controlling Immigration* (1994) quoted in Cristian Joppke, *Immigration and the Nation-State* Oxford University Press, 1999.

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fear or do not wish to return home. In 2000 33% applied at port, 67% in country. In 1996 the Tories stopped benefits for those who failed to claim at ports. This had a dramatic effect on the figures. Three quarters of asylum seekers suddenly started to claim asylum at port instead of in country. The policy was partly reversed by the courts and the split returned to how it is now.

A proportion of these international migrants are accepted for permanent settlement in Britain each year. 80% of these are the wives and children of foreigners already here. While it is nearly impossible for anyone outside the EU to settle in Britain legally (apart from those fortunate few awarded work permits or with relatives in the UK), the same is not true for those prepared to enter illegally. The barriers against them are, as one American senator said, describing his own country's immigration legislation, about as formidable as 'a Swiss cheese with big holes.'<sup>2</sup>

The presence of a new London borough nearly every year for the foreseeable future raises all kinds of issues. How have we lost control of our borders? Should we take a relaxed attitude and view the movement of people as complementary to the free movement of capital? Will immigration enrich us as it has done Silicon Valley in the United States? What pressures will immigration put on the already overcrowded South East, on schools, housing and hospitals? Will it effect our, on the whole, good race relations? The questions this subject raises are not just about immigrants. It throws up uncomfortable queries about our own society. Why does our prosperity depend so heavily on a vibrant black economy? What kind of multi cultural society do we wish to create?

The subject demands uncomfortable moral choices. Rabbi Hugo Gryn, a survivor of the Holocaust and himself a refugee

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<sup>2</sup> *Immigration and the Nation-State*, p. 60.

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believed that we are judged by how we treat people who have no claim on our help – an illuminating precept for anyone descending into this murky subject. But how do we reconcile our obligations to the outsider with those to the deprived in our own country, many former immigrants themselves and now often in competition with the newcomers? How do we reconcile the needs of society with the rights of the individual, of the outsider?

The presence of large numbers of foreigners throws up fundamental questions as to what, as a nation, we stand for. We should pause to consider that these people have left their families, taken on a large debt, undergone a long and perilous journey in order to come to our country – and not just for £26.54 in vouchers a week. The immigrants I talked to expressed astonishment at our lack of awareness. There is no concept amongst the British at what constitutes Britishness. An Afghan, a Tanzanian and a Chinese living here had a far stronger idea. A Nigerian friend complained about the lack of ceremony when he received his citizenship. He felt let down. He wanted a sense of his rights and obligations, of the common values he admired and sought to share. Do we fear that if we have an immigration policy which, as one American academic put it, effectively lets in ‘anyone in the world.’<sup>3</sup> Our capacity to pursue liberal values – those very values which attract asylum seekers – and to decide as individuals and as a society what we wish to become may be ‘critically impaired.’<sup>4</sup> Or will the presence of immigrants sharpen and define our sense of nationhood as it has done in the US?

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<sup>3</sup> David A Martin, ‘Due Process & Membership to the National Community,’ *University of Pittsburgh Law Review*, 44:165-235, 1983, quoted in *Immigration and the Nation-State*, p. 47.

<sup>4</sup> Peter Schuck (1984) ‘The Transformation of Immigration Law,’ *Columbia Law Review*, 84/1: 1-90 quoted in *Immigration and the Nation State*, p. 45.

## CHAPTER TWO

### A KNOWLEDGE BLACK HOLE

IMMIGRATION IS RATHER LIKE THE TANGO. It takes two to do it. Mohamed Benaissa, the Moroccan Minister of Foreign Affairs on a visit to Spain to discuss the irregular migration of his countrymen put it this way:

The problem of trafficking in immigrants, like that of trafficking in drugs is not only from where they come but also to where they go, of those who buy.<sup>5</sup>

Unemployment in Britain is at a mere 3.2 % and at a 26 year low. In France, Belgium, Italy and Germany, unemployment is at or more than 11% and more than 15% in Spain. Our economy soaks up illegal labour and, indeed, is thriving upon it. Maybe more dramatically than anyone realises. No figures exist on how many illegal immigrants enter and live in this country undetected. The Home Office has described the illegal immigrant population as a 'knowledge black hole' and has ordered researchers to investigate the problem. People in the immigration business put the figure in London as high as one million. We have for the first time even surpassed Germany as the favoured destination for asylum seekers.

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<sup>5</sup> *Migration News Sheet*, October 2000 p. 6. Subscriptions: 205, rue Belliard, boîte 1, B-1040 Bruxelles. Tel & Fax 32 (02) 230 37 50. e-mail: acruz@migpolgroup.com.

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As immigration from the EU is out of the UK's control, the debate has centred on how to encourage skilled workers while discouraging everyone else. Or as Friedrich Merz, the leader of the Christian Democratic Union in the Bundestag put it in June last year, how can the focus of our immigration policy be shifted away 'from those who need us to those whom we need.'<sup>6</sup>

### **The UN Convention**

The Government's actions are restricted by the 1951 UN Convention Relating to the Status of Refugees and its 1967 Protocol. This obliges governments to offer refuge to a person who is forced to flee his or her country:

...owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion.

The British Government is also subject to other legal instruments, such as the UN convention of the protection against torture and the European convention on human rights.

The Convention had largely been inspired by guilt. In the 1930s visa restrictions imposed by most countries (the international city of Shanghai being a notable exception) had condemned German Jews to remain in Germany. In the 1920s and 1930s, for example, the UK allowed in no more than 8,000 to 10,000 refugees from Germany. This was extended to a paltry 50,000 Jewish refugees just before the war. The authors of the document had these events very much in mind. Displaced persons from the Second World War, many of them Jews and survivors of the holocaust were still living in make shift camps as late as 1951. The second paragraph of Article 1 states that the Convention would only apply to those who were or

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<sup>6</sup> *Migration News Sheet*, July 2000, p. 3.

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had become refugees ‘as a result of events occurring before 1 January 1951.’<sup>7</sup> From the outset the creators of the Convention sought to limit its application. Their intention was that it would deal with a specific refugee problem. Then, in the 1960s, Africa suffered a number of wars which produced large scale refugee movements in the continent. Western governments wanted guidance on how these refugees should be treated. It was decided to resuscitate the 1951 Convention to meet the crises. In 1967 a Protocol to the Convention was agreed. This did no more than remove the half sentence which contained the date limitation and the Convention came back to life.

The origins of the Convention determined its nature. It was dealing with an existing refugee problem. These refugees could not be returned home and the Convention therefore concentrated on how these refugees should be treated. It has little to say about the arrival of asylum applicants, how decisions on their applications should be made or how those who are rejected should be returned home. The judicial interpretation of the Convention differs markedly from country to country, with the UK Courts arguably being one of the most generous to asylum seekers. As a result, successive governments have often found their policies emasculated by the Courts.

### **A Swiss cheese with holes**

A discussion of asylum policy presupposes a choice of options, as if immigration can be turned on and off like a tap. The Home Secretary, David Blunkett, muses on whether we should allow in workers with certain skills. This is merely a ruse designed to give the impression that David Blunkett has an option. In fact the tap,

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<sup>7</sup> Excerpt from the Final Act of the United Nations Conference of the Plenipotentiaries on the Status of Refugees and Stateless Persons. Article 1 Definition of the term ‘Refugee’.

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for people prepared to enter the UK illegally, has long since rusted into the open position, as a look at every stage of the asylum process reveals.

Chaos is everywhere – and gives the Government little room to manoeuvre. The rapid increase in the numbers of asylum seekers overwhelmed the Home Office. By the end of 1999, the Home Office was dealing with a backlog of 103,000 cases. Some 39,000 of these related to applications made during 1999, but the rest were cases dating as far back as the mid 1990s. Of the 32,330 case decisions taken in 1999, some 7,075 were granted asylum, while 10,685 were refused it. Most of the rest were given exceptional leave to remain, on either humanitarian grounds or because their home countries would not allow them to return. The majority who left were happy to accept a free ticket home. The numbers of rejected applicants actually forced to leave this country remains derisory.

Great efforts have been made by the Home Office to catch up with this backlog. In March 2001 they recorded the highest number ever of monthly decisions. Decisions were made on 18,895 dossiers, 9% of which were positive. 16% were granted exceptional leave to remain. A record number of decisions meant that January also saw a record number of appeals launched – an expensive and longwinded process – totalling 10,925.

These precise-sounding figures are misleading: any debate on the subject of immigration must recognise the problem of the ‘fragility of data’, which, as David Coleman of the Department of Applied Social Studies and Social Research at Oxford University has complained, makes it ‘a dismal subject to study’.<sup>8</sup> To give but two examples. Figures on immigration are nearly all based on the International Passenger Survey (IPS). This is meant to register all movement in and out of the country with the exception of the Irish

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<sup>8</sup> Interview with the author.

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Republic. It is based on the UN definition of an international migrant as one who has entered a country with the intention of staying at least 12 months. It is also the only system to record outward movement from the UK and therefore allows net migration totals to be computed. For this reason the Government relies on them for household projections and population estimates.

It is therefore surprising to discover that this important data is no more than a voluntary survey of about 0.2% of passengers. Of that small number only about 1% could be considered to be immigrants (or emigrants). The Office for National Statistics itself points out that grossing this small sample creates substantial errors. The standard error for an estimate of 1,000 migrants is about 40%, that of 10,000 is 15%. So for example the 19,000 immigrants who we are told arrived from the New Commonwealth in 1992 actually are not 19,000 at all. They could be any figure between 10,000 and 27,000.

The Home Office Control of Immigration Statistics published annually are equally suspect. This makes no mention of the word 'immigrant'. The category which most closely corresponds to a notion of an immigrant is that of persons 'accepted for settlement'. These are people given the right of indefinite residence in the UK. By that definition the figures must be retrospective. In 1998, for example, 69,790 were accepted for settlement of which only 1,850 were awarded the right on arrival. All the rest had already entered the country one or more years previously for purposes of marriage, work, or who had been accepted as refugees. Asylum claimants are only included if they are accepted as Convention refugees. In 1993, for example, that was only 7% of claims decided. The other 93% are not included in the figures. As very few illegal immigrants are ever forced to leave this country, most would have stayed on anyway, invisible, at least statistically.

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It has been officially accepted that since the early 1980s estimates of net immigration from IPS figures have seriously underestimated the actual immigration into this country. IPS data from 1983 to 1992 underestimated long-term intended entries by up to 50,000 a year. Accordingly, since 1982 a parallel set of data has been published which works out considerably higher than the standard IPS estimates. In 1998, for example, immigration from uncorrected IPS data was 133,000. When corrected for 'visitor switches' (i.e. people who claim asylum after entering the country as a student or visitor) and asylum claimants, the figure came to 178,000. It would be unfair, perhaps, to point out that nearly all inaccuracies give the impression that fewer migrants are settling in this country than is actually the case; or that it suits the Home Office to do things this way, and to keep the figures vague and manipulable. But figures which would give a different picture are not collected.

In April 1999 the Government ended the collection of statistics for embarkation. Most governments keep a record of who leaves their countries, but not the UK. Before the end of embarkation control, an energetic Immigration Officer in Wales was able to check the names of emigrants against people drawing welfare in his area. His investigations saved the local welfare office thousands of pounds in fraudulent benefits claims. The worst culprits were a Polish couple who had signed on for child benefit then left for home, returning intermittently to draw the funds that had collected in their bank account. Abolishing embarkation cards saved the Government about £200,000 and £250,000 pounds a year. But it has meant that there is no longer a way of matching those drawing welfare to those leaving the country.

Immigration is assumed to be a one-way process. People arrive and stay. Embarkation cards might reveal a more complex picture of people coming and going especially from Eastern Europe (although there is a burgeoning business in asylum seekers who

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wish to return briefly to their countries to deal, for example, with an inheritance issue). Eastern Europeans from prospective EU countries are exempt from entry visa requirements. A Czech or Hungarian looking for work in the UK will first apply for a six month tourist visa which requires a name of somebody prepared to be a sponsor. 'There's a black market in that,' admitted my Eastern European informant who had lived in the UK for sometime, 'you have to pay £200 just to get a name. My name has probably been used thousands of times.'

The Eastern European enters legally then works illegally until he has made enough money to return home. No one checks up when he departs as quite often there is no stamp in his passport indicating his date of entry. Those arrested for working without authorisation simply return after being repatriated with a new passport having declared the old one lost because it contains the stamp indicating expulsion. I saw off a Polish friend about to return home who was wearing a long, black coat that appeared to be stuffed with newspapers. Puzzled, I asked if it was to keep out the cold. He roared with laughter. It was not newspaper, he explained, but a year and a half's wages sewn into the lining. He went back home to his wife and son for six months then turned up again. He does not appear in a single statistic nor do his earnings. There is no trace but for a booming economy in the UK and a house in Poland now resplendent with a new roof and a set of satellite dishes. Eventually he will return home for good. It is hardly a new phenomenon. One third of the immigrants that emigrated to the United States in the peak period between 1880 and 1920 re-migrated to their countries of origin.

The lack of accurate information and reliable figures is one of the issues that makes investigating immigration rather like wondering into a surreal landscape of half truths, evasions and Sisyphian tasks. One is forced to rely on the evidence of one's own

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eyes and personal contacts rather than data. Nowhere is this more true than assessing how much control the Government has over the issue – both at the front line and in the administrative back room.

### **“If you ask no questions, you get told no lies”**

The police and the immigration service are in the front line of this country’s immigration policy. They deal with immigration every day and know what is going on. A feeling of powerlessness pervades both services. As one immigration officer put it:

It is like getting into a fight with both hands tied behind your back and a blindfold over your eyes.

Responsibility for UK immigration control is shared between the Immigration and Nationality Directorate (IND) and the Immigration Service (IS) which is itself part of IND. IND operates out of the Whitgift Centre in Croydon and is essentially a bureaucracy dealing with decisions based upon documents and interviews with asylum seekers. IS officers are based at all ports of entry; it is an investigative control authority dealing with people face to face. Immigration control in the UK is based upon an ‘on-entry’ system of control. Leave to enter is granted at ports and airports and can be extended by the Home Office. The UK on-entry immigration control is very effective. 92% of those people refused who do not claim asylum are removed. Once people have been allowed to enter the UK, removal becomes much more difficult and gets more so as times passes. A major cause of the low number of removals of failed asylum applicants is a change in their personal circumstances, for example by marriage, during the delay in making a decision. On-entry immigration control also allows for a high level of personal freedom once a person has entered the country. In Europe, by contrast, where land frontiers makes control of entry almost impossible, citizens must carry identity cards.

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When a person claims asylum at a port of entry, the ordinary immigration process goes into 'deep freeze,' as one immigration officer put it. After an interview the asylum applicant is sent to Croydon and becomes the business of the IND. Here the claim for asylum is assessed and a decision is made which is subject to appeal, and judicial review. This can be a lengthy process. Years may pass before the immigration officer at the original port of entry is informed of the outcome. If refugee status is denied, the immigration officer must send a letter to the rejected asylum seeker and issue a ticket, at the expense of the original carrier, and set a date on which the asylum seeker must leave the country.

Asylum seekers baffle and frustrate immigration officers. The claim for asylum immediately disarms the official. He is left powerless and largely extraneous to the process. He has little control over the sheer numbers of asylum seekers and no sanctions against the skill of the people traffickers 'only bluff' as one remarked bitterly. This story repeats with variations whether at Stansted, Dover or Waterloo.

At Dover, ferries are arriving every 45 minutes, 24 hours a day. There are an average of 60 or 70 lorries on each ferry. If each lorry was stopped and searched the port would grind to a halt. Immigration officers inspect just 10% of lorries and admit they are only scratching the surface. In the week before my visit, 274 illegal immigrants were discovered in just three days (if we use the same methodology as the International Passenger Survey, this would suggest that 300,000 people are being smuggled through Dover every year). When immigrants are discovered, immigration officers have to stop searching in order to fill in 'a mountain of paperwork.' The Romanian and Afghan gangs who have cornered this particular market are well aware of this and immigration officers often receive anonymous tip-offs. While the search team is tied up for several hours, the gangs are taking the opportunity to smuggle more

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customers onto the next ferry. The gangs charge \$3,000 for a place on a lorry. The business is so lucrative that it leads to turf wars with even shoot outs and a killing in a Calais car park.

Meanwhile beneath the screaming seagulls on Dover's quayside, Chester the dog had just gone off duty. Until the arrival of the dogs it had taken hours to search just one container. Now the eight animals had been cut back to five – victims of their own success. 'They were finding too many people,' admitted an Immigration Officer, 'we think the authorities would prefer just not to know.' As Chester left for the vet, the officers tried out for the first time a new 'heart beat' machine from America as an alternative to the CO2 machines which measure the levels of carbon dioxide in the lorry (the gangs hide the refugees behind pallets of tomatoes in order to confuse the detectors). It immediately detected the heart beats of several immigrants in the lorry in front of us. As immigration officials helped them out, another emerged from the vehicle next to it, cutting his way through the canvas roof. He stood quietly on the tarmac, an intelligent, capable, young Iranian looking slightly dazed but happy. He had made it. He did not mind being found because he could claim asylum. Short of being picked up by the police for riding his motorbike on a pavement while delivering pizza (the fate of one asylum seeker 24 hours after his arrival at Dover) he knew he was in the UK for a number of years, if not for good.

Their arrival is so much taken for granted that lawyers or relatives will telephone the immigration service in advance to enquire whether a client or family member is being processed. When told no, they say, 'Oh well, he must be coming on the afternoon boat.' This lack of fear distresses the immigration officers. 'We have no deterrent,' said one helplessly, 'If we catch them, all we do is put them into the benefits system.' It made a mockery of the dogs and the equipment. He went on, 'Why go to

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the trouble and expense of searching for illegal immigrants if they are allowed to stay anyway?’

Stansted airport suffers the same difficulty in different disguise. Citizens of the EU stream past the Immigration Officers holding up their identity cards. Nobody knows how many of these are forged. In 1997 around 4,500 suspect travel documents were detected, over 70% of which were European Economic Area documents. That is a 26% increase on the 1996 figures. The Immigration Service Union has described entry with forged documents through the EU channel as the ‘major means of illegal entry to the UK.’

It is not difficult to reproduce the French identity card which uses technology 50 years behind the times. Forged identity cards are so easily available that many French themselves hold them. Italian identity cards are even easier to replicate because they are issued locally. Each area has its own peccadilloes with different type faces, some even hand written. Travellers are not required to have up to date photographs in their identity cards. One immigration officer said gloomily that it was only aggressive marketing by the human traffickers that stopped more migrants exchanging the lorries for this far cheaper and safer method of travel to the UK.

When immigration officers pointed out the widespread use of forged identity cards to the IND, the Home Office prevaricated. They feared travellers would get upset if they were stopped and questioned. The immigration officers persisted until the Home Office finally sent a note with the simple exhortation: ‘Do your best.’

Eurostar suffers from an equally unlikely problem. Recently a group of Romanian gypsies hid themselves in an empty space next to the wheels of the train. No immigration officer can understand why they bothered when the cost of a ticket would have procured them a comfortable seat and entry into the UK.

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A Sri Lankan, for example, who wishes to enter the UK will have great difficulty obtaining a visa from the British Consulate in Colombo. This does not deter him thanks to the Schengen Agreement. This agreement between 13 EU member states and two Nordic states which are not members of EU has made the UK vulnerable to clandestine immigration. The 1990 Schengen Convention obliges each State that is part of the Schengen Area to expel foreigners without authorisation to stay out of the Schengen area – not just their own country. Until the Convention, EU states dumped unwanted foreigners in the territory of their closest neighbour. The UK did not sign up to the Schengen Convention. This means Member States consider and treat the UK as a third country to which they can send their unwanted immigrants. They order illegal immigrants to leave the Schengen Area without any police escort knowing they will most probably make their way to the UK. The Sri Lankan can apply for a visa to the Schengen area, which is much easier to obtain than one to the UK, and therefore fly legitimately to France.

Once in Paris he boards the domestic service of Eurostar which leaves Paris three times a day for Calais. He buys a ticket to Calais and a second ticket from Calais to London. As it is a domestic service and he has a ticket for Calais, the Sri Lankan is not required to show any documents before he boards. At Calais the train stops for seven minutes before leaving for London. No French official will appear to check if the Sri Lankan is properly documented for entry to the UK. The French do not think it is their job. Nor will they check the train ticket he holds. By a curious quirk in French law, a ticket collector does not have the power to remove travellers from a train who are not properly ticketed. In fact the Sri Lankan does not need to buy the second ticket at all but as the immigration officer at Waterloo pointed out most do anyway. They are naturally law-abiding and cannot conceive of a railway service that does not

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demand a ticket. Once at Waterloo the Sri Lankan presents himself to the authorities and claims asylum.

A similarly bizarre situation exists for Channel tunnel goods trains. Refugees choosing this option are nearly all coming from the Red Cross reception at Sangatte, in northern France. Here Iraqi and Kosovan gangs charge to smuggle them onto the goods trains to the UK. The Government is fining EWS, the biggest shipper of freight through the tunnel, £2,000 for transporting a foreigner who does not have the right entry documents. In January and February alone of this year EWS found 340 stowaways aboard its trains. As Graham Smith, EWS's planning director said, 'At this rate we could be looking at £5 million worth of fines in a year, and you just can't carry on a business like that.'<sup>9</sup>

EWS cannot check the trains until they get to Britain because, while in France, they are the responsibility of SNCF, the French carrier and the French Government. The British company has been banned from checking trains for hidden refugees at the French freight station of Frethun, near Calais. It is not in France's interest to let them do so. By ensuring that the illegal immigrants are on their way to the UK, France has fulfilled its obligations to its fellow signatories of the Schengen Convention. It has no obligations towards the UK. Even if France did allow EWS to check for refugees, they would merely try their luck with a French or Belgian carrier who rarely search for stowaways. All carriers are subject to fines by the UK authorities but those from other countries do not bother to pay up.

Immigration officers face another problem, which, as so often with the issue of immigration, is a question of numbers. The number of passengers to the UK including British citizens returning has increased by an average of nearly 8% per annum.

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<sup>9</sup> *Sunday Times*, 25 March 2001.

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Over the past five years arrivals rose from 55 million in 1992/93 to 80 million in 1997/98. Most of this increase in travel arises from more people travelling abroad for legitimate purposes including business, study and holidays. These travellers are seen as a benefit to the UK and the Government is committed to ensuring that visitors are inconvenienced as little as possible. Control at ports of entry costs about £120 million a year. The growth in traffic will push that amount up to £150 million by this year or next unless there is a dramatic improvement in efficiency. While the number of passengers arriving in the UK has increased by nearly 50%, staff levels at our ports of entry have risen by less than 10% over the same period. At the same time the Government is calling for greater control of illegal entry, the Home Office Business Plan for last year set a target for reducing the cost of immigration casework from £41 to £30 an interview by 31 March 2002.

The implications of all this are clear to the immigration officers. The Government wants as many people processed as quickly as possible. Awkward questions cost money. The running costs of IND rises the more successful it is but that is not taken into account. Instead IND funding is tilted in favour of inactivity despite the dramatic increase in abuse. 'If you ask no questions,' explained one disillusioned officer, 'you get told no lies.'

### **A system "shot to pieces"**

The police find the whole question of asylum seeking equally perplexing. A police superintendent lamented that the UK lacked a cohesive policy on asylum. 'There is nothing robust for us to deal with.' He went on to give a typical example. A member of the public sees illegal immigrants emerge from the back of a lorry in a car park. They inform the police who arrive on the scene and arrest the immigrants. Immediately they claim political asylum. The police have no other option but to give them the address of

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the Whitgift Centre in Croydon where they can lodge their application and apply for housing and benefits. The UN convention states that asylum seekers who enter a country illegally should not be penalised. Often they have no other choice. But the police 'can't get their heads around' the fact that a person can enter the country illegally and evade arrest with a claim of asylum.

In fact the police find themselves powerless to do anything but produce a train timetable or direct them to the nearest Underground station. It is not the police's job to escort immigrants to Croydon nor do the Immigration Service see it as theirs. The Immigration Service discourages requests to come out and collect asylum seekers. One policeman described it as 'a nightmare' for the immigration service. 'It means they have to stop doing something else.' While another remarked: 'The IND are so overwhelmed by numbers they don't want to know about anyone else.' The police are powerless to ensure the asylum seeker actually goes to Croydon. The only imperative is the financial one. Nor do the police check to see if the asylum seekers arrives. Many just disappear.

Those asylum seekers who do enter the system are sometimes asked to report regularly at their local police station. This also causes an inordinate amount of work with little result. One police station I visited had 300 people turning up every month. The police asked the Home Office to let them know which of these were least likely to abscond. Those would be invited to turn up once a year or notify the police of a change of address. To this request, IND reacted with an embarrassed silence. Finally they admitted they could not give an answer. No record of those particular asylum seekers appeared to exist. 'That's not unusual,' said the superintendent, 'their record system is shot to pieces.'

He like every policemen and immigration officer I interviewed not to mention immigration lawyers and aid workers believed

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(whatever their political convictions, on this they all agreed) that immigration should be removed from the control of the Immigration and Nationality Department of the Home Office. Or, as one policeman remarked, Parliament should send in the audit office and take them apart ‘in the public interest’.

### “Nailing a jelly to the wall”

From the police or the immigration officers, the asylum seeker passes into the hands of the Immigration and Nationality Department of the Home Office. Those who thought they had fled a capricious authority will find themselves disappointed. On claiming asylum the immigrant must fill in a 20 page ‘Statement of Evidence Form’ optimistically entitled ‘for self-completion’ but which in fact requires the services of both a lawyer and a translator. This form must be completed and returned to the Immigration and Nationality Department within two weeks or the claim is invalidated. This is a difficult task for a stranger. Immigration lawyers complain that even when they have sent the papers on time, the claim is rejected because of non-compliance. ‘This is the case despite providing proof of receipt by the Home Office,’ said one exasperated immigration lawyer. The Home Office, forced to acknowledge receiving the forms, insists the claim is still refused. The reason will be provided later. ‘They just lose the papers,’ explained the lawyer. He accused the Home Office of using non-compliance to massage the rejection figures into something more acceptable for the last General Election. Many negative decisions are made on procedural grounds rather than the merits of the cases. A massive 33% of refusals are on the grounds of non-compliance.

At the Whitgift Centre in Croydon, the asylum seeker is fingerprinted and photographed. They then enter into a system that appears to be almost as out of control as our borders. The procedure suffers from large and persistent backlogs. On 31 May

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1998, according to the Government's White Paper on the subject,<sup>10</sup> a backlog of 52,000 asylum applications existed of which not even an initial decision had been taken. 10,000 of these applications were over five years old. The economic migrant knows that once in this country he may well enjoy four or five years before his case is decided. Even if refused, he can delay further by appealing. On the same date in May 1998, there was a backlog of 32,000 immigration appeals waiting to be heard of which over 70% were asylum cases. In London appeals can wait for up to 60 weeks for a hearing. Once heard, two or three months can pass before the adjudicator's decision. Latest Home Office figures show a drop in the back log of applications but many lawyers fear this is due to hasty decisions which will lead to an increase in appeals. By this time refugees may have got a job, started a business, put their children in school and generally settled down and become part of the community.

Much of the backlog has been created by the introduction of a new computer system. At some point in the early 1990s, the Home Office realised that its asylum arrangements had effectively collapsed. Postal applications for asylums by people legally or illegally in the country had increased dramatically. The Immigration and Nationality Department responded with a stock letter which enabled the holder to obtain a range of welfare benefits. More than 35,000 senders of these postal applications could not be traced or refused to attend for asylum interviews. It was believed that many did not exist and that the applications were 'phantom' applications made in fictitious identities to defraud the welfare system. A number of arrests were made, the record being one person operating 250 asylum claims and collecting weekly benefit payments for them all. The problem was

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<sup>10</sup> *Fairer, Faster and Firmer*, HMSO, 1998.

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partly dealt with by the introduction of fingerprinting of all asylum applicants in the 1993 Act. However a full automated fingerprint comparison system is only now being installed. Efforts to refuse postal applications have been stopped by the courts.

By 1993 IND decided that the answer to the increased numbers of asylum seekers was to computerise itself. A feasibility study was carried out and tenders sought. Anderson Computing, Electronic Data Systems and Siemens entered the competition. EDS withdrew. Their bid manager confided that trying to discover what IND management wanted from the system was like 'trying to nail a jelly to the wall.' Anderson's bid included placing their own managers into the structure of the new IND management system. This may have lost them the contract. Siemens were left the winners.

The computerisation consisted of three parts: a move to a new office, a new computer system and a new way of working which depended on the computer. The system was intended to go live in 1997. In July 1998 the sub-contractor producing the software withdrew from the contract. There was no computer system.

The IND management nevertheless decided to go ahead with the office move and the new ways of working, distressingly known as 'multi-functionalism'. This required the old specialist groups of staff, now split up amongst new casework management units, to be able to look simultaneously at one file on their computer screens. With no computer on that first Monday morning, the Immigration and Nationality Department 'shattered', as one employee put it, 'into a thousand pieces.'

Desperately, staff tried to find the discarded paper files. 40,000 were lost. Others, in improvised storage, including a garage whose crumbling asbestos ceiling made it a danger for anyone to enter, proved irretrievable. When a file did appear several sections would compete to get it, trying their best to be 'multi-functional. Decisions fell from 3,480 a month in July 1997 to 800 in December 1998.

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Investment in new staff has raised the number of asylum decisions. It has not, however solved the question of computerisation. The Government does not appear to grasp there is a problem. The Government White Paper on immigration fails to mention a glitch of any sort. Instead it depicts a glorious future, in partnership with the surely, by now, discredited Siemens, creating ever more exotically named, working methods. On 15 February, the then Home Secretary, Jack Straw, admitted that after a delay of more than two years, the computer system would never become fully operational because its final phrase had been abandoned. This was despite spending £77 million on the system. The IND has finally given up on the project. It is hoping to join together existing computerised record systems but the paper files, however cumbersome, will remain the basis.

Good record keeping is essential if we are to have an efficient and fair immigration service. It is the key, as the police and immigration officers have pointed out, to good intelligence, less abuse and a faster, more transparent system. The Government has spent £2 billion on improving the immigration service and taken on 4,000 new staff but IND still does not have an integrated, case-working computer system.

This loss permeates every aspect of the service. Repatriation of rejected asylum seekers and welfare abuse could be dramatically improved if information was swiftly available. An immigration officer wishing to check a Home Office stamp in a passport (these can be forged or amended) must phone the enquiry point at Croydon. They then look at their old file tracking computer database to see who has the paper file (when I tested this on a file in the Whitgift Centre, the last entry proved six months out of date and from a different department). They then find the file (not a simple task if no one has entered details) sit down and read it aloud over the telephone. As some files are six to nine inches

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thick this can take time. It is no wonder that there exists a growing industry in forging IND stamps in passports. The bearers have little to fear.

The immigrant also suffers from poor record keeping. In the offices of the Medical Foundation – a charity for the victims of torture – a minute Somali woman sat weeping. She had been raped twice and had her tent burnt down around her in a refugee camp. She had received political asylum and had applied to bring over her three small children. She had been waiting three years to hear from the Home Office. The fate of her children made the wait worse than any torture, she said. ‘The Whitgift centre has lost her papers,’ explained her doctor, ‘but they will not admit it.’

An inefficient IND irritates not just the poor and dispossessed but the general public with a right to a fair and efficient service. One immigration officer confided that the worst thing that you can say to an ordinary passenger at the airport is ‘you have to go to Croydon.’ People will beg for an extension at the airport or ask if they can pretend to be arriving for the first time ‘because Croydon is so appalling.’ Ask any foreign friend for their particular horror story. An American model who had worked in the UK for six years applied to marry an investment banker. The IND demanded they submit their passports for at least six months. As they both travelled regularly for work, she had to pay an expensive lawyer and £2,000 in a bribe. She resents being turned into a criminal.

The Hinduja brothers are not the only foreigners to ask a minister to intervene on their behalf. Ordinary people find it so difficult to deal with Immigration and Nationality Department, that they had no other choice but to use contacts. MPs of every party are called on regularly to chase up applications. The English teacher of a Kurd even resorted to enlisting the help of the Queen. Her concerned letter apparently enraged the Home

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Office determining officer. One has only to try to get through to the department by telephone to sympathise. An immigration lawyer pointed out that it would be in every one's interests if it were possible to communicate with the person making decisions on a particular case – if not by telephone then at least by fax or e-mail. He contrasted the chaos of IND with the Business Section of the Home Office. 'You can phone them. They will phone you if they need an extra document instead of sending the whole case back. It is a different world.'

It is not just the speed but the quality of IND decisions that causes resentment and delay. Immigration lawyers complained of the poor quality of its decisions 'thin, badly argued and formulaic,' as one put it and dismissed the determining officers as 'a low grade of civil servant.' Since the Government's decision to speed up the process the quality of the decisions has gone 'way down' reported another, adding, 'you sort of lick your chops when you see the refusal letter.' Lawyers fear the poor quality of the refusal letters will lead to 'an explosion' of appeals. The Home Office has simply shifted the snarl up from the decisions to the appeal process – an expensive and time consuming business. One immigration lawyer pointed out that 80% of his work is now spent on appeals. 'I am sure the appeal process is going to be paralysed.'

### **“Blatant and endless fraud”**

At the Whitgift Centre the asylum seeker is interviewed by a determining officer who has studied the Statement of Evidence Form. For all the criticism levied against them, the determining officers I met were young, bright and enthusiastic, mostly in their twenties. And for all the criticism I make about the Home Office, they at least believe in open government. I was given access to anything and anyone I wished to see. Around the coffee machine the determining officers chatted about their applicants with the

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sort of proprietorial wonder of children collecting jettison on the beach. Behind the glass walls, and beyond the reach of the air conditioning we enjoyed, the Third World sat numbly staring at us. It was easy to walk back and forth in the corridors of the Whitgift Centre hardly noticing them, their presence a distraction at the corner of the eye.

The interview with the determining officer is the asylum seeker's chance to put forward his story. It can take between half an hour and three hours and provides an insight into the almost impossible task imposed on both the determining officer and the asylum seeker. They have to decide if the asylum seekers has suffered persecution and he or she has to provide enough details to be convincing. A middle-aged Chinese was telling his story. Its vagueness was astonishing. He could not remember when he left China nor how he came to the UK, 'sometimes I climbed a mountain, sometimes I took a bus.' Nor could he recall how long he had stayed in prison after the demonstration in Tianenmen Square in 1989, 'Maybe one month, maybe one year, maybe many more,' or how he came to get out before his sentence was finished. His vagueness was a deliberate tactic promoted by the gangs who had arranged the journey. The interview revealed he feared them far more than IND. But then IND could do nothing to him. Even if his asylum claim was eventually rejected, they would have to track him down and if, by some remote chance, they did, China would not accept him back without proper documentation.

The asylum seeker assumes the IND can check his story. 'Of course we can't,' said the young determining officer. Telephoning any official body in China for help or information is hard enough, let alone a police station in a remote province. Rather like the Whitgift Centre, answering the telephone and keeping records are not high priorities. The IND emphasises the importance of documentation to support claims. Unfortunately few Third World

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countries keep any sort of record apart from a land registry. The genuine asylum seeker is likely to arrive with nothing. The more knowing acquire a document from the forgery industry which has sprung up in response to the IND's requirements. Outside the British High Commission in Pakistan sit a line of men, their typewriters between their knees, producing documents. A lawyer from the Pakistani community in London described some of the documents of would-be clients, as 'blatant and endless fraud'. The IND ask refugees claiming asylum for political persecution for newspaper articles about themselves. 'If you pay money to a Pakistani newspaper,' he explained, 'you can get anything made up.' He went on, 'I don't accept it as evidence so why does the Home Office?'

Then there are the cultural differences to disentangle. A poor person from the Third World would consider it rude to make eye contact with an official. Nor would they share the Westerner's obsession with the truth. The truth is not so much a distinct entity but dependent on the status of the person. You adapt it to what you think the official might want to hear. Unfortunately the Western determining officer who has never visited a country in the Third World, let alone lived there, mistakes these courtesies for shiftiness and dishonesty. The young man who sat legs apart, held the eye of the officer and gave the appearance of frankness made a much better impression. But then he had probably been coached by the gangs and knew how to play the system.

### **"Well-founded fears of persecution"**

The lack of evidence, the cultural differences and the vagueness of the country reports makes the job of the determining officers an almost impossible task. It is the modern equivalent of counting angels on the head of a pin and perhaps with even less purpose. Clear cut cases exist but they are in the minority. The majority

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could go either way. Anyone who has spent any time in the Third World knows the difference between the asylum seeker and the economic migrant changes from hour to hour, from day to day. If you are poor, you are put upon. You get paid very little. You have no recourse to law. You get beaten up by the Government, by another tribe, by your next door neighbours for any number of reasons that could leave you with 'a well-founded fear of persecution'. Last year, UNHCR stated that the number of people they believed to be 'of concern' stood at 22.3 million, one out of every 269 persons on Earth.' Each one of those people could make the argument that according to the UN Convention on Refugees they have the right to settle in the Home Counties.

They are not the only ones. At the same time the judiciary is expanding our notion of the persecuted. In this, as with much else, we are following America's example. In the US, a number of pressure groups – on the Left, feminists and homosexual-rights campaigners; on the Right, anti-abortion activists – have been battling to reshape the law so as to give sanctuary to their favoured class of victim. America's asylum laws, states the Women Refugees Project, an advocacy group based in Harvard, fail to recognise the 'political nature' of seemingly private acts of harm to women. The INS (Immigration and Naturalization Service) have issued a new set of internal instructions mirroring many of the Group's ideas. The estimated 110 million women in Africa, the Middle East and Asia who have been subjected to female genital mutilation can now claim asylum in the States. So can one fifth of the world's women who live in Muslim countries and who, as one immigration judge described, 'espouse Western values and who are unwilling to live their lives at the mercy of their husbands, their society, their Government.'<sup>11</sup> This

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<sup>11</sup> *Who Deserves Asylum?* by Mark Krikorian, Centre for Immigration Studies, June 1996.

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is not to mention the 600 million women in China who find, as another immigration judge declared as he granted asylum to her, that, 'the one-child policy so abhorrent that they refuse to conform.'<sup>12</sup>

On 4 December last year, the Lord Chancellor's department in this country followed suit and issued guidelines to immigration appeals staff outlining the additional ways women and homosexuals can be persecuted compared to heterosexual men. Immigration adjudicators – who rule on asylum bids rejected by the Home Office – are warned to take these 'gender specific' matters into account when deciding on whether a woman should be granted refugee status.

The Government has sought to hide the implications of this. The public is assured that the genuine asylum seeker will be welcome, the illegal immigrant ejected. The implication is that somehow this sorting will reduce numbers, that the genuine asylum seeker, as one Home Office adviser told me, is in the minority. Obviously this is not the case. It is a fallacy that skews the whole immigration debate.

The determining factor is not who is the genuine refugee but how many people Western governments are prepared to accept. In 1996, for example Canada, as Jeremy Harding points out in his book, *The Uninvited*, decided that 76% of applicants from former Zaire, 81% from Somalia and 82% from Sri Lanka qualified for Refugee status. In the same year in Britain, only 1% of applicants from Zaire, 0.4 % from Somalia and 0.2% from Sri Lanka were considered eligible. This has nothing to do with the truthfulness of the applicants. It has everything to do with the wishes of the host country. We have been denying large numbers of genuine applicants sanctuary under cover of this largely false distinction

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<sup>12</sup> Ibid.

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between economic migrant and an asylum seeker. It puts the determining officers in an impossible position and makes a mockery of their job. It brands desperate people as liars.

That large numbers have a right to seek refuge in this country is the nakedness beneath the gorgeous clothes of our immigration policy that the Government does not want us to see. Until we do, it is impossible to have a debate about immigration let alone a meaningful policy. Given that we cannot take all of them, we have to make a choice. Nobody wants to make that choice, least of all the Government. As UNHCR announced recently there is an ‘urgent need for political and moral leadership on this issue.’

### **“Cloud-cuckoo land”**

The final stage of the asylum process is repatriation. If the asylum seeker has had his claim rejected, he is meant to return to his own country. In the office of Stansted airport hung a poster displaying repatriation targets for rejected asylum seekers. The lines on the graph rose into the future with reassuring certainty. An immigration officer glanced at it. ‘Cloud cuckoo-land,’ was his only comment. The disillusionment of both the police and the immigration service goes some way to explaining the Government’s failure to return asylum seekers once their claim has been rejected. 7,000 refugees go home every year. However a large number of these are voluntary, enticed by the offer of a free ticket. John Tincey, a spokesman for the Immigration Service Union, the body responsible for removing rejected asylum seekers remarked:

From what our members say I would be very surprised if we were removing more than 12 people a month who really do not want to go home. We really don’t have a working method for removing people who don’t want to go.

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He explained that anyone who does not want to go home and has a legal representative who knows how to use the system can seek Judicial Review or make a Human Rights claim and the removal, 'will have to be scrapped.' Peter Tomkins, a former head of the Immigration Service admitted he was 'pretty cynical' about Home Office projections and targets and accused them of 'picking figures out of the air.' This is a major problem. Illegal immigrants know that once they have got into this country, there is little possibility they will ever have to leave.

Jack Straw told the police last year that the greatest deterrent to abusive asylum seekers 'will be the sight of their friends and relatives being returned home quickly with nothing to show for their outlay.' An immigration lawyer with the Medical Foundation, a charity which cares for the victims of torture, agrees. 'We see the problem of refugee as one of arrival. It's not. It's one of exit.' Everyone has a right to claim refugee status. If they go through all the due process and their claim is found wanting then they should be removed back to their home 'in safety and dignity.' Instead, the Government has concentrated on making life 'ghastly' for the refugee. This does not help the refugee who cannot go home nor does it deter new arrivals who are unaware of conditions. What will deter a man is the news that three of his fellow villagers, after selling the family land to raise the cost of the journey have been sent home with nothing to show for their sacrifice. 'This,' said the immigration lawyer, 'is something we have never done properly. They are allowed to disappear into the system.'

Sending people back is not straightforward. You need to know where they come from. This is why so many asylum seekers now arrive undocumented. The gangs advise asylum seekers to destroy all documentation before arrival. One initiative had immigration officers on a plane making a surprise check on a number of immigrants claiming to be Afghans. In fact they were from India.

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In their suitcases the immigration officers found their original Indian passports in a plastic bag (they needed these to board the plane) together with a pair of scissors thoughtfully supplied by the gangs. The immigrants had been instructed to lock themselves in the lavatory then snip their passport into shreds before arrival in the UK. Gangs also know that many countries refuse to take back people without documents. China, for example turns away anyone whose city or province is in doubt. Even when proof of domicile is available commercial flights refuse to fly a distressed or violent person and each illegal immigrant must be escorted by two immigration officers. Then, of course, there is nothing to stop them coming back and trying again.

Asylum seekers who have had their claim rejected can, like any illegal immigrant, simply disappear. This is surprisingly easy. Would-be refugees are allowed to live where they like and no checks are made on most of them to see if they are actually at the address they have given the Home Office. Stephen Boys Smith, the director general of the Immigration and Nationality Directorate at the Home Office, admitted to the Home Affairs Select Committee at the end of last year:

We have no idea of the exact accumulated figure, but the numbers will be very large... It could be as many as hundreds of thousands of people.<sup>13</sup>

Failed asylum seekers like illegal immigrants are very unlikely to be caught unless they commit a crime. 'We don't go out looking for them,' explained one policeman. Factories or sweat shops which might employ illegal immigrants are rarely searched. In fact the police looked astonished when I suggested that they might be. One opened his desk drawer and pointed to a copy of the Stephen

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<sup>13</sup> *Daily Mail*, 9 November 2000.

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Lawrence report in which the police are described as a racist institution. In these circumstances the police are hardly likely to enter a factory or stop someone in the street and demand proof that they are citizens of this country. 'We have definitely pulled back,' explained one. Anyway the police cannot prove they are illegal without co-operation from IND and their record system is hardly to be relied upon. Charges of racism make the 'speculative raid' out of the question. Raids based on intelligence and made in conjunction with the immigration service are hampered by 'the useless record-keeping by the Whitgift Centre.' Police will arrive at an address to find their man has long since moved on. The police are now training immigration officers to make their own arrests. Immigration officers have been given increased powers including those of search and entry. However in a racially sensitive area, it is the police who are called out. In the end the best approach, a policeman complained, was not the one that netted the highest number of illegal immigrants but rather one that created 'the least bad publicity'.

Even when deportation is straightforward, little happens. Illegal immigrants who have committed a crime and served their sentence (which includes deportation) are surely the most captive audience the Home Office could wish for. Even they have to wait for deportation months after their time is up despite costing the taxpayer about £500 a week to keep them in jail. Only the energy and concern of one well connected prison visitor who is prepared 'to shout at my chum in the ministry' sees them on the plane and out of the country.

The real issue is one of will. As one Afghan now a permanent resident here and angry at the criminals from his country he sees arriving each week at his Mosque, said: 'Why don't they charter flights week after week and send them back in loads?' The will to return people in meaningful numbers just does not exist. Both the

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police and the immigration officers to whom I talked believe the Home Office views immigration as a ‘problem that can’t be solved.’ Their energies are directed, rather, towards ‘bluffing the British public’ that all is well in the wonderland of immigration. They are bureaucrats who lack the ardour for confrontation and the ability to get ‘nasty’. As one immigration officer pointed out, ‘if you don’t want people to come into the country someone has to physically stop them and physically send them home.’ Unfortunately this is not the kind of work with which senior civil servants want to be associated. Hence the preference for internal methods which are largely ineffective and therefore less confrontational. Their solution, when overwhelmed by numbers, is to issue a general amnesty – the perfect inducement for further illegal immigration.

## CHAPTER THREE

### GOVERNMENT POLICY

RECENT GOVERNMENT INITIATIVES have not been happy.

In April last year the Government introduced food vouchers (to the value of £26.54 a week per claimant) as a means of making savings and of reducing the number of fraudulent asylum applications. Neither of these aims has been achieved. This January the Home Office minister Barbara Roche admitted that the cost of processing applications for vouchers and providing them to asylum seekers is substantially more than the actual total value of the vouchers. During the first six months of the new system, it cost £6.6 million to implement whereas the face value of the vouchers issued added up to £5.1 million. The system failed to dent asylum applications. The monthly figure remained well above the 6,000 level (excluding dependants) and even reached 7,250 in November 2000. Its drop to 5,820 in December can be attributed to the new security measures introduced by the Channel Ferry operator, P & O Stena on 6 December. Immigrants have set up a black market in vouchers where they can exchange them for a lesser amount of cash.

#### **A room at the Ritz**

The most surreal example of official initiative is Oakington, the Government's flagship asylum detention centre in Cambridgeshire. In the world of asylum, it is a typical example of

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how good intentions, humane execution and lots of money leads to utter failure. It also serves as a warning to those who seek to lock up asylum seekers.

The camp, in a disused army barracks in a small village, was billed as a tough deterrent which would discourage fake bids for refugee status. Illegal immigrants making the most blatantly unfounded claims (usually those coming from countries considered 'safe') are sent there while their cases are 'fast-tracked' and settled in a week.

The camp itself is impressive. Ian Martin, the bright and energetic head of Oakington, has persuaded refugee organisations to open offices there to provide applicants with on-the-spot legal advice in a rare spirit of co-operation with the Government. Much thought has been put into making Oakington work. Asylum seekers are kept occupied in the pleasant if functional surroundings. They are held in male and female blocks in 12 bed dormitories with families in the old officers' mess. The large and light officers' dining room had been turned into a play room with child carers under a 'relaxed regime within a secure site.'

Two things, however, militate against Oakington's success. The first is the expense. The camp cost £6 million pounds to convert, and as one newspaper has pointed out, a room at the Ritz costs less than a bed in one of Oakington's dormitories. When security staff and legal representation is included there is a ratio of one member of staff to each of the two hundred refugees. It costs £2,700 a week to hold each asylum seeker dropping supposedly, when the camp is up and running, to £800 – about the same figure for holding a dangerous criminal at a maximum security prison. The mind boggles at what £6 million pounds would achieve in a Third World country. A one-off payment of £2,700 would set most up for life and remove the necessity for them to come here.

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There is another problem. Oakington fails in its principal objective – to eject asylum seekers. It was designed as a fast-track detention centre to process asylum seekers and have them out of the country within the week, ‘their feet barely touching the ground’ as one member of staff put it. Of the 1,500 processed by November last year, 98% had their claim for asylum rejected. But very few of Oakington’s asylum seekers ever leave the UK. At the end of their week in Oakington, almost all the rejected asylum seekers immediately launch an appeal, as is their right. Oakington provides no facilities for people launching appeals. The staff must have the dormitories clean and empty ready for the following week’s intake. So those immigrants are put on a bus for Liverpool with vouchers, a packet of sandwiches and nappies for the babies. Then, despite all the money and care spent on them, they are free to melt into society. As Mr Boys Smith admitted ‘We have no running checks on them.’<sup>14</sup> Oakington, like Chester the dog and the heart beat machine, is a entire waste of money and time, not to mention the energies and talents of the people who run it.

Group 4, the company responsible for running Oakington, pointed out the difficulties in holding people, especially families for the months or years the appeal process can take. It would require higher security, more facilities and cost a lot more money.

### **Dispersal**

The Government’s efforts to disperse immigrants around the country and away from London make sense. At the moment, however, it is only partially successful due to the patchy level of services provided for refugees. Many immigrants prefer to drop out of the system and sneak back to London where they have communities, families and jobs. We have seen in recent weeks how

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<sup>14</sup> *The Daily Mail*, 9 November 2000.

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dispersal can go wrong – asylum seekers dumped in large numbers in run-down housing estates where they simultaneously feel neglected by the authorities and attract the animosity of the locals for their ‘privileged’ treatment. Last month a young Kurd was murdered in the Sighthill housing estate in Glasgow, prompting the Home Office to launch a review of the dispersal scheme, including the suggestion that claimants should be required to do voluntary work in exchange for their benefits.

Such a review is urgently needed. Dispersion is generally felt to be one of the Government’s better ideas. It should reduce the numbers of asylum seekers in the South East. It offers the hope that the energy and ingenuity of the asylum seeker may regenerate deprived areas like the north east. Its execution, however, is flawed. Nine months after the scheme was introduced only 10,850 asylum seekers have agreed to live elsewhere. The Home Office had predicted that 65,000 would have accepted the scheme one year after its implementation.

This was clearly too hopeful. The experience of one Eritrean lady whom I met in Newcastle is typical. She is not happy. As she said sadly, ‘London is full up now. We have to come here.’ She had arrived at Heathrow, claimed asylum and been provided emergency accommodation in London. There she had got a solicitor, had her health checked, made contact with her local community and begun to settle down. She was meant to stay in emergency accommodation for just two weeks. But two months passed before she was put on a coach to Newcastle. Here she was met and allocated further emergency accommodation. That was followed by another move to yet more emergency accommodation, this time provided by a private landlord. As he had failed to provide anything permanent for her, she was still waiting in her third set of emergency accommodation. She also had run out of the emergency vouchers. The National Asylum

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Support Service (NASS) had failed to catch up with her many changes of address. She wondered how she was going to eat. She was not alone. The system is causing uncertainty and misery to many asylum seekers. The more uncertainty the asylum seekers experiences, the more likely they are to simply disappear.

I met the Eritrean lady in the One Stop Shop provided by the Refugee Service. She had a letter from the Home Office asking her to attend a meeting at Whitgift House in Croydon, but had no money for a ticket. She also wanted to see her solicitor before hand but he too was in London and, as she now discovered, no government agency was prepared to fund a journey to see him. Instead she was advised to find a solicitor in Newcastle. She seemed confused. 'Will he know what to do?' she asked. 'How can he be as good as my solicitor in London? Isn't everything better down there? I am afraid they are going to just forget about me up here.'

She has a point. NASS appears to have little knowledge of anywhere north of London and many of the problems encountered by the North of England Refugee Service are caused by this. 'Its all just north to them,' shrugged one worker, showing an envelope so badly addressed it had arrived a week late which meant the asylum seeker had missed his appointment with the Home Office. This lack of local knowledge meant NASS has only a vague grasp of what housing was available or the journeys undertaken by asylum seekers merely to collect their vouchers. 'For example', said one worker, 'they have not figured out that a river runs between North and South Shields. I have one refugee who has to take a bus, then a ferry to collect his vouchers when there is a perfectly good post office at the end of his street.'

Most of the refugee council's time is taken up with sorting out the problems caused by the split between NASS's headquarters and its sphere of operation. For example, the Eritrean lady's appointment in Croydon was for 11 a.m. This is quite common

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despite the fact it means the refugee has to take an overnight bus to arrive on time. One woman had to travel with her four-year-old child. 'She had to sit up all night keeping him entertained then attend an interview that was to determine her life.' Others are directed to the new IND centres in Liverpool but again these appointments are set for 9.30 a.m. This means the asylum seeker must take the 5.30 a.m. train. As there is no public transport at that time, the Refugee Service has to provide money for a taxi. 'The present to-ing and fro-ing benefits nobody but the coach companies,' commented another worker.

It makes little sense to centralise an organisation that deals with dispersal. The solution is to move NASS north and to bolster the IND offices in the regions. This would allow refugees to be sent straight from their port of entry to the place they intend to settle without a stop in London. They could be interviewed, given accommodation and find a lawyer all in the same area. Privately NASS admits to recruitment difficulties in Croydon where it is in competition with a variety of companies for middle management. In Newcastle they could recruit staff with ease and pay lower salaries. The presence of a large government employer might also spread a little prosperity to the region.

The North of England Refugee Service saw the need for dispersal but believed in far more 'creative' ways of encouraging people out of London. Why not, for example, stick to the voucher system in London but offer people cash in the North East?

In the One Stop shop the Eritrean lady rearranged her garments about her then inspected one small and swollen foot. She did not mind being in Newcastle except for the fact she was the only Eritrean she could find. 'I have no one to whom I can talk my own language. Sometimes I am very lonely. London would be better, don't you think?'

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### “Nasty things will happen”

It is clear that we have lost control of our borders and that the Government’s efforts have ended in a series of failures. So far attempts to reverse this have been outmanoeuvred by the gangs if not worked to their advantage. Does this matter?

An immigration policy that is out of control is a danger. We need one that is enforceable both for the confidence of the public and the well-being of the immigrant. As one Tory MP put it as far back as 1993:

The moment the public gain the impression that we aren’t totally in control of entry across our borders, nasty things will happen with race relations.<sup>15</sup>

Any immigration policy needs to receive the support of the public and those who design and implement policies need actively to seek such support. The Government claims the UK is not a country of immigration while the numbers of immigrants in the UK steadily increases. This undermines the Government’s credibility.

The Government’s response is to pretend this is not happening and to label anyone who raises the issue as a racist. This may sometimes be true but there exists a more fundamental split than that between black and white: the interests of the insider against those of the outsider. In the same week a black manicurist, a Polish builder and a Nigerian mini-cab driver voiced fears to me about the influx of immigrants. One had been born in the UK. The other two had lived here for respectively 20 and 11 years. They understood something which has escaped government ministers. Citizenship is a set of rights and obligations given equally to all members of the community. But it is also a means of separating members from non-members in a world of limited

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<sup>15</sup> Quoted in *The Guardian*, 29 January 1993.

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resources. Because rights are costly, they cannot be for everybody. States are necessarily inclusionary and democratic to its members; exclusionary and undemocratic to the outsider.

Immigration has changed all that. Immigration challenges the right of the state to protect its boundaries and shape its population. The state's attempts to control immigration are increasingly hamstrung by the twin forces of global capitalism and a global discourse on human rights. The human rights of the outsider have increased in importance at the expense of the insider. Western immigration law has moved away from excluding anyone it considered undesirable to believing that individuals are invested with inalienable human rights that must be protected by the Government who, as an anonymous writer in the Harvard Law Review stated, 'owes legal duties to all individuals who manage to reach America's shores, even to strangers whom it has never undertaken, and has no wish, to protect.'<sup>16</sup>

What the manicurist and the mini-cab driver fear is not so much the stranger but his rights – in particular his rights to share their welfare because they guess, correctly, that welfare is a precious commodity and a limited resource. It is this fear which the Government refuses to address or dismisses as racist. The Left, rightly, greets the refugee of today effusively but overlooks the fears of yesterday's arrivals, or last year's or even the children of those who arrived here 50 years ago. This defence of migrant rights tends to de-couple them from their natural constituency, the inner city under-privileged who rightly or wrongly feel in competition with the newcomer. Asian youths in Oldham find themselves competing for jobs with the new arrival from Karachi. They even go as far as to ring immigration officers to complain they have been sacked and their job given to an asylum seeker from their own country.

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<sup>16</sup> Quoted in Joppke, *op. cit.*, p. 45.

## WELCOME TO THE ASYLUM

Their fears get scant sympathy from the urban élite who shape immigration policy. For the urban élite, immigration has proved beneficial. It has raised their standard of living and allowed them to enjoy service industries previously out of reach or not available. Domestic help, builders, mini-cab firms, car washers free of national insurance and VAT offer services a half or in some cases a tenth of the price of the legal equivalent – if you can find them. They can eat in a variety of excellent restaurants and take pleasure in a London infinitely more culturally and socially cosmopolitan than the city of 30 years ago. The profits of their companies often depend on skilled immigrants, their economic growth on immigrant numbers. It is the well-off who receive economic advantages from the wage-depressing effects of immigration. For them, prosperity and humanitarian impulses satisfyingly converge.

The manicurist and the mini-cab driver see things rather differently. For them the humanitarian impulse comes at a price. As Governor Pete Wilson maliciously calculated in the wake of Proposition 187, a poll to halt immigration in California, the \$1.8 billion that California spent each year on educating the 355,000 children of its illegal immigrants could have been used instead to hire 51,000 new teachers, build 2,340 new classrooms or install one million new computers in the state's under-equipped schools. It was a message clearly grasped by California's poor despite many being immigrants themselves. This was not about race but a fight over resources between the newcomer and the already established underclass. The bid to halt further immigration was supported by the majority of Asian and black voters and even a third of Latino voters. Proposition 187 was essentially a symbolic message to the political élites who as Christian Joppke says, had 'so recklessly evaded realities and responsibilities for years.'<sup>17</sup>

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<sup>17</sup> *ibid.*, p. 57.

## **GOVERNMENT POLICY**

The lack of control of our borders, and the refusal of the Government to admit to the problem, is breeding fear and racism which is harmful both to our country and to immigrants. Few people disagree that a rich country such as ourselves should help. It is the open-endedness of the commitment that causes strife and foreboding. Nobody knows how many people are entering this country every year, how many people are here now and how much welfare and housing they will require. In order to gain the support of the public for its immigration policy the Government should first gain control of its borders. A transparent policy that sets out the numbers entering, the cost of their integration and how they are to be housed in our already over built South-East would do much to still the fears of ordinary people and the prospect of racial tension. The adoption and enforcement of clear admission rules would signal the immigrant as someone chosen and wanted by this country. It would foster the confidence of immigrants and the public in the authorities and its immigration policy.

## CHAPTER FOUR

### THE ASYLUM SEEKER

A BACK DOOR IMMIGRATION POLICY ensures the immigrant remains in the shadows of society. They are invisible or consigned to a role such as victim, gangster or scrounger according to the predilections of the public. Most of us have little sense of them as people or any idea of where they came from, the forces that drove them or how they live once here. As with nearly every aspect of immigration, information is sketchy and anecdotal.

The top five countries from which asylum seekers arrived in Britain in 2000 were Iraq, Sri Lanka, the Federal Republic of Yugoslavia, Iran and Afghanistan. The majority of refugees, however, never reach us at all. They remain in the region close to their countries, often in camps. The majority of the world's refugees are in developing countries such as Pakistan, Guinea and Tanzania. In 1998, for example, Pakistan was hosting ten times more Afghans than the UK. In 2000, the monthly asylum figures for countries such as Guinea and Pakistan were about the same as the annual asylum applications of some European countries.

The Third World is altogether more generous to the victims of persecution. The UK has just over two refugees per 1,000 inhabitants and its average GDP per capita is £22,550. Kenya hosts over seven refugees per 1,000 inhabitants and has an average GDP per capita of £595. In areas of conflict, neighbouring countries display a spirit of reciprocity that is outside our

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experience. Aminiel Mhuhi from Tanzania is quoted on the Oxfam website talking about refugees from Burundi:

It is better to take them in even if we end up with a desert. It is their right. I feel happy that I am giving them their right, because if a similar war happened in Tanzania, I would look over there for my right.

Sections of the Western media tend to portray asylum seekers as victims. For the real victims, as many asylum seekers told me bitterly, look in the camps. The majority of the people in refugee camps are the elderly, women and children. This is a group that deserves our help but rarely gets it. The UK receives few applications from people in refugee camps because they do not have the money to pay smugglers to bring them to the West. In contrast, the majority of asylum seekers are single young men, mostly from middle and upper middle class families, often educated, ambitious and resourceful. In 1997 about 75% of principal applicants were male. Two thirds of applicants were between 21 and 34 years old while only 5% were aged 50 or over. 87% had no dependants at the time of application. 'It a very small percentage of refugees from the Third World who have the wherewithal, the knowledge, the money and the push to come here,' explained one immigration lawyer. Far from victims, they have 'got on their bike' and, if allowed to vote, would probably vote Conservative. Our asylum system, far from benefiting those most in need, is limited to young men with money and connections.

A number of these young men are typically arrested by the authorities for some illegal political activity – often nothing more than putting up posters or taking part in a demonstration. On hearing of the arrest, the family hurriedly sets about raising funds by selling land or jewellery to bribe the prison guards (who are often unpaid for months) and hire a trafficker.

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One such victim is Dr Torialy. He came from a wealthy family in Afghanistan, where 'we had a happy life.' Now he lives in a small and oppressive council flat in north Kensington. Like many professionals forced to leave their country, he has lost a successful job, a decent standard of living and status. He found sanctuary in the UK but nothing to replace what has been taken away from him.

In the 1980s, Dr Torialy was a rebellious medical student imprisoned and tortured first by the Russians, then the government. Prison was a place of 'vicious cruelty' where a man would cut off another's feet 'to steal a smart pair of socks.' He managed to escape prison, but the authorities sought out his two children aged 6 and 8 at their grandmother's and murdered them in retaliation. After that there seemed no option but to leave Afghanistan. 'Twenty one members of my family had been killed'. One of the tribal leaders that inhabit the north west frontier, a man commanding 71 family members, all armed, smuggled Dr Torialy into Pakistan, hid him in a series of safe houses, provided him with a fake passport and arranged for him to leave for the UK at a cost, in 1994, of \$10,000. Dr Torialy made over his three homes in Kabul as payment. Early one morning a stranger drove him to the airport. He boarded the plane with his only possessions, the blood stained garments of his two children.

The rise of criminal gangs has made the journey more accessible. No longer is it only the political élite seeking asylum. The ordinary man is now in a position to escape an oppressor or go in search of a better life. An Iraqi Kurd pointed out the difference between the situation now and that prevailing when he sought asylum in 1979 – a year in which he was only one of 300 asylum seekers to the UK. 'Then the British Government was encouraging asylum seekers!' He came from a rich Kurdish family in northern Iraq but had to leave after playing an active part opposing Saddam Hussein. His father bribed a senior official in the government and the local

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mayor in order to obtain a character reference in a fake name. It was expensive and dangerous. 'When I got to the airport my legs were shaking so badly I could hardly walk.' In those days it was mainly politicians and professionals – lawyers, teachers and doctors – who had made a stand against their government, who were forced to seek asylum and had the contacts and the money to escape. He went on, 'now anyone can pay for a place in the back of a lorry.' Immigration has gone down-market. One director of a European aid agency summed up the unease this has caused in the West: 'We have always thought it natural that scientists and artists and doctors are welcome,' but added that the same warm reception, 'doesn't apply to taxi drivers.'

Immigration can be as much about middle class aspirations as the search for sanctuary. Wars and civil wars have created vast movements of people and devastated countries. But just as immigrants do not come from the poorest levels of society nor do they come from the poorest countries in the world. Jeremy Harding described the journey undergone by one African student to reach the West.<sup>18</sup> The young man crossed the Algerian Sahara mostly on foot, eating leaves, sucking up water from pools of sandy mud and drinking his own urine. Five of his companions died. He had made this terrible trip to escape not one of Africa's poorest countries but Nigeria, which produces over two million barrels of oil a day. Corruption not poverty had driven him from the 'Federal Republic of Embezzlers,' as his companion bitterly described it.

Politics, over-population and corruption have blocked advancement in the immigrant's own society. Images of a better life are constantly before him. A satellite channel on the TV in a village cafe, a mobile phone in a refugee camp or, as I saw in Tanzania, access to e-mail in an office that depended on an electrical

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<sup>18</sup> Harding, *op. cit.*, p. 113.

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generator, all transmit seductive images of wealth, security and sexual freedom. Like the Argonauts, Dick Whittington or an employee of the East India Company, young men in the Third World seek their fortune in a more promising environment.

They are doing nothing new. An exploding population is a great driver of immigration. Great Britain experienced a quadrupling of population between 1801 and 1911. Over the same period the populations of Russian and Austria-Hungary more than doubled. By 1900, Europe had a quarter of the world's population and three times that of Africa. During the same period Europeans were emigrating in large numbers, not to mention establishing empires. Now it is the populations of the Third World which are exploding and with it their desire to emigrate. By 2050 Europe is predicted to have just 7% of the world population and a third that of Africa. We should be grateful they are not in a position to colonise us, but remember that if capital will not go to the Third World then its more ambitious will follow the capital.

The gangs play an active role in encouraging these young men. The Spice Girls and the BBC have a lot to answer for. Many recalled being promised 'a heaven on earth' with free accommodation, welfare, medical care and available young women. The young men set about raising the money in a variety of ways. An extended family or a village might pick the brightest of the new generation, pool resources to make the payment to the gangs and send him to the UK as an investment from which they expected to receive returns. Families with too many sons for the family farm to support will buy out a younger son with a trip to the West. The more desperate families would sell all their land and depend entirely on remittances for their existence. One Afghan recalled his parents hawking their household appliances. Other young men, with no land to sell, would indenture themselves to years of service or, in the case of some Chinese, sell an organ.

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Ahmed is a victim of the gang's inducements. He is illiterate and speaks no English. He escaped from Afghanistan to Pakistan where his father-in-law put him in touch with an agent from his own tribe. The agent is one of a family of brothers who came over to the UK as asylum seekers eleven years ago and now own four pizza restaurants. The brothers charged £12,000 for the journey to the UK. With the help of his father-in-law and his own life's savings, Ahmed managed to raise £11,000. The brothers agreed to take him in exchange for a stint of work in their pizza restaurants which, thanks to our desire for cheap and fast food, have become, as Ahmed was to discover, a modern-day den of iniquity.

In his written claim for asylum Ahmed, following instructions from the brothers, was deliberately vague about the journey. In reality he remembered every detail. The agent took him and six other Afghans by aeroplane from Islamabad to Bushkab, the capital of Kazakhstan. The agent gave them passports with fake visas made in the North West Frontier Province. From Bushkab they flew to Moscow where they hung around for three days. After that they travelled by bus to the Ukraine where they waited for 17 days before leaving for Austria, where they hid for a week in a Turkish mosque. They then moved onto Belgium. Ahmed, by now weary of travel, wondered if he should not stay in Belgium. The agent was incensed and threatened to expose him to the authorities unless he continued to the UK. The reason for this became clear all too soon.

Ahmed and his six companions were joined by five Chinese. The brother provided them with fake French identity cards (the easiest, Ahmed confirmed, to counterfeit) and they crossed to Dover. The fake identity cards meant they had no need to smuggle themselves aboard a lorry. They travelled as ordinary passengers. In Dover Ahmed claimed asylum as instructed by the brothers and was interviewed by an Immigration Officer whose attitude he found far more reassuring than the menacing tone of the brothers.

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After the interview the gang refused to let him claim vouchers or enter the system. They bore him off to London and put him to work in their pizza restaurants. Only now did Ahmed understand the purpose of the gang's inducements. 'They forced me to work as a slave from 11 a.m. to 11 p.m. seven days a week without pay. The brothers did not even allow me to say my daily prayers.' They also refused to allow him to see a doctor despite suffering from osteomyelitis. They constantly threatened to expose him to the authorities who would, they promised, put him in jail for a long time. When he went to see his solicitor, one of the brothers always went with him.

After nine months of 'modern day slavery' as he calls it, Ahmed managed to escape with the help of one of his friends. He moved into a small, terraced house in Streatham which he shared with nine other Afghans all of whom work as pizza deliverers. Still he was not safe from the brothers. A week before I met Ahmed, a car drew up beside him in the street. One of the brothers lent out and beckoned him over. He was hauled into the back seat, pushed onto the floor and half strangled. They took him to a waste ground and beat him up, breaking two ribs and knocking him unconscious. They then threw him out of the moving car onto the pavement where he was found unconscious by a passer-by. Ahmed spent five nights in hospital. Back in the house in Streatham, he lay on the landing, in great pain, barely able to walk, with nothing to cover him and no money to buy food. He looks 40. In fact he is only 28. The other occupants of the house had little time for him. He feared the gang must come back to finish him off. He was slowly dying. 'The Taleban's jail was better than this,' he confided, 'I was imprisoned but I was not a slave. At least there was a bed, food and a doctor. My cellmate would ask me how I was doing. But here is nothing and nobody.'

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Large numbers of Central and Eastern Europeans, as the £2 billion sent there from this country last year demonstrates, have also come to the UK. Immigrants from those countries seeking membership of the EU are exempt from entry visa requirements. They are not allowed to take up residence and work unless they can prove that they are self employed. But the many 'tourists' are in fact seasonal workers. The authorities of EU States admit privately there is not much they can do to stop the entry of this manpower for the parallel, unofficial labour market.

After the fall of Communism, these countries lost their Russian markets. The local co-operative in the countryside went bust. Suddenly there were no jobs. People did not own land so they could not sustain themselves. 'In Eastern Europe if you don't work, you starve,' explained one Polish restaurateur. He went on, 'people in the UK talk a lot of nonsense about developing countries. But it all comes down to this. You get free here what it takes a year to earn there – if you can get a job!'

The fall of communism also saw several hundred thousands of highly qualified experts abandon Central and Eastern Europe. Most have little hope of advancement in their home countries. Last January a computer expert hacked into the e-mail-box of the Bulgarian President. The President found his daily agenda, upcoming speeches and trips replaced with this impassioned plea summing up the despair and motivation behind most immigrants. The hacker had written, 'when my parents live in misery and I cannot find a job without the proper connections and most of my friends seek their fortune abroad, what else is left? One doesn't see one's future in Bulgaria and leaves. I suppose that at least 50% of the young people in Bulgaria share my thoughts.'<sup>19</sup>

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<sup>19</sup> *Migration News Sheet*, April 2001, p. 3.

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### “A haemorrhage of intellectual capital”

What indeed is left? In the global buyer's market for skills, what happens to those countries bereft of their brightest and best educated people? Foreign students account for more than one third of the US science PhD students. An estimated 50% of them remain in the US instead of returning to their homelands. The Third World is losing some of its most talented citizens (and the citizens most likely to force change in their home countries) and the scarce capital that has gone into their training. At a seminar in October Omar Azziman, the Moroccan Minister of Justice, warned of the brain-drain facing the southern countries which had paid for the education of migrants now departing for the industrialised countries. He described the problem as a real 'haemorrhage of intellectual capital.'<sup>20</sup> Not only does the investment made by the country pay no dividends, but the very capital disappears.

The first pressure for reform often comes from the dissatisfied middle classes. Now those middle classes have a choice. They can just up and leave. The world's population is increasing by 90 million people a year. Present migrants are a small percentage of those that might come in the future as population growth in the Third World leads to mass deforestation, unliveable and polluted cities and lakes and rivers dead from industrial and human wastes. The possibility of escape allows Third World countries to put off their own difficult decisions on overpopulation, corruption and the absence of security for their citizens.

Third World governments do not quite see it that way. Emigration, in many countries, is a benefit. It means a reduction of unemployment and population pressure, increased national income through remittances, the establishment of trade and other links between sending and receiving countries and the improved

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<sup>20</sup> *Migration News Sheet*, November 2000, p. 1.

## THE ASYLUM SEEKER

skills and contacts of those who might eventually come home. Remittances matter. The Ecuadorian immigrants in Spain, for example, make up the second largest source of foreign currency earnings after petroleum exports. According to a report published by the Central Bank of Ecuador in December 2000, 1.2 billion pesetas were remitted in that year by Ecuadorian migrant works in Murcia alone. In the early 1990s the IMF reviewed the global value of remittances. It estimated that migrants had transferred \$65 billion out of their host countries in 1989. This exceeded by about \$20 billion all official aid to the Third World from donor states in the same year.

Some sending countries actively encourage the emigration of their nationals. In the past Vietnam, China and South Korea have all dispatched workers abroad through state-owned corporations (which explains why some countries make it so difficult to have migrants sent back). In the Philippines, recruitment agencies are licensed and supervised by a government agency. The Government has even established an official procedure for the transfer of remittances. In India money sent home is often exempt from tax.

Other countries encourage emigration for political reasons. Turkey and Iraq, for example, are eager to get rid of their Kurdish populations, putting pressure on them to leave their home region. Since 1957 Baghdad has been implementing a policy of Arab settlements in Kurdish areas. It has been estimated that, between 1963 and 1989, 200,000 Kurds have been forced to leave their home region.<sup>21</sup> (Of course not all Kurds claiming to be Kurds are Kurds. Turks have realised that claiming to be Kurdish is a guarantee of remaining in the UK.) The arrival by boat in France of 910 Kurdish refugees in March, for example, would not have been possible without the complicity of the Turkish

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<sup>21</sup> *Migration News Sheet*, March 2001, p. 15.

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Government. Several thousand Turkish soldiers man the frontier. It is unlikely they failed to notice 900 men, women and children, not to mention a number of elderly people, making the crossing. Countries benefiting politically and economically from emigration will hardly co-operate with initiatives that seeks to stem the flow.

This is particularly true of Bosnia-Herzegovina through which more than 50,000 migrants transited during the first 10 months of last year on their clandestine journey to Western Europe. Efforts by the EU to coax Bosnia into effecting stricter controls against this 'false tourism' have produced some results.<sup>22</sup> The reconstruction of the country is going slowly. The only industries to function well and earn hard currency in Bosnia are those which treat the country as an entrepot and staging post – the trades in guns, in drugs, and increasingly, in people.

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<sup>22</sup> *Migration News Sheet*, March 2001, p. 6.

## CHAPTER FIVE

### THE GANGS

THE GROWTH OF ASYLUM SEEKERS is directly related to the rise of the people traffickers. A UNHCR report of July last year on the trafficking and smuggling of refugees states that much of existing policy-making of European governments is 'part of the problem' and not the solution.<sup>23</sup> In April 2001 the weekly magazine *Der Spiegel* reported that the German secret service (BND) has alerted the Federal Government to the danger of illegal immigration to the EU organised by international criminal networks. The BND estimates that the revenues amount to some 5 billion Euros a year, of which about 3.4 billion Euros are collected by Chinese criminal gangs. They also claimed that three large 'waiting rooms' for clandestine migrants are Russia, Belarus and Ukraine, where some two million undocumented migrants are hoping for an opportunity to head for the west. The report described Moscow and its suburbs as 'stepping stones' for migrants from the developing world.<sup>24</sup>

From the 1980s Western countries made a number of changes to their entry requirements which resulted in the criminalisation of the asylum process. At the same time that Europe was affirming

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<sup>23</sup> John Morrison, *The Trafficking and Smuggling of Refugees*, UNHCR, July 2000.

<sup>24</sup> *Migration News Sheet*, May 2001, p. 7.

## WELCOME TO THE ASYLUM

its intention to offer the right of asylum, it was endeavouring by all possible means to block access to the EU on the pretext of combating illegal immigration. The *Migration News Sheet* described the outcome:

Through their severe short-sightedness, pursuit of national self-interest, inclination to rush through emergency measures without reflecting on the consequences and continuing tendency to shift problems which they cannot handle to other countries, including their own EU partners and countries aspiring to EU membership, EU states have helped to create the ingredients of a very lucrative form of international criminality which top Mafia bosses probably never even dreamed of, namely trafficking in human beings. The risks are so low and the earning so high that drug traffickers have seized the occasion to change profession.<sup>25</sup>

Gangsters soon realised they were onto a good thing. Unlike drugs, asylum seekers do not need a distribution network. The merchandise distributes itself. Gang members rarely get caught and if they do, the sentences are derisory. Yet the enforcement agencies still see immigration as the poor relation compared to drugs and terrorism. 'We tend to go cap in hand to customs', said one immigration officer at Dover. Another described wistfully how his counterparts in Customs could track a van right across Europe. 'We are five years behind them technologically.' Due to the Data Protection Act, Customs and Exercise are unable to share their superior intelligence with the Immigration Service.

This process began when Britain started demanding visas from countries likely to produce asylum seekers. Britain imposed them on Sri Lanka in 1985, on Algeria in 1990 and Sierra Leone in

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<sup>25</sup> *Migration News Sheet*, August 2000, p. 13.

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1994. In 1987 the Carrier's Liability Act required airlines to pay a fine which now stands at £2,000 plus the cost of a ticket home for any person whose asylum application was rejected. By 1 March 2001, the British Government had extended this to the Eurostar rail link, haulage companies and freight trains found to contain stowaways. Fear of incurring penalties has forced carriers to act as an unpaid screening agency for the Government.

These changes have made it difficult for illegal immigrants and asylum seekers to come to the UK without the aid of a trafficker and forger. A man in fear of his life will hardly wish to draw attention to himself by queuing up outside the British High Commission for a visa. Even if he did, such a thing as a refugee visa does not exist. High Commissions do grant visas to seek asylum but not very many. The act pushed would-be applicants into the arms of the criminal smugglers who had for some years operated pipelines for a limited range of nationals who had always faced the visa hurdle. Turkish smugglers had developed a trade bringing Iranians to the West. It was natural that when fellow Turks came to ask Turkish smugglers how to get past the newly-imposed visa regime, they would not only provide forged documents, but also suggest a ready made 'asylum' story which would ensure admission to the UK and could be provided for only a small extra payment. Similar business opportunities were exploited around the world to produce what has been described as 'the dark side of globalisation'.<sup>26</sup>

In attempting to stop asylum seekers coming to the UK, the Government created a migration industry which offers the only

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<sup>26</sup> *Communiqué of the Ministerial Conference of the G8 Countries on combating Transnational Organised Crime, Moscow 19-20 October 1999, quoted in John Morrison, The Trafficking and Smuggling of Refugees, UNHCR, July 2000, p. 7.*

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chance for asylum seekers and has put the opportunity within the grasp of untold numbers of illegal immigrants who, under the old system, would not have dreamt of coming to the UK. Ruthless and versatile, the gangs present a formidable challenge.

For a start, they are extremely quick to exploit any change by the authorities. Recently the Immigration Service decided to speed things up for the tour groups coming through Dover. Previously everybody had had to get off the bus and be seen by an immigration officer. The authorities decided to let these hitherto genuine travellers be cleared *en masse*. Shortly afterwards a group of 51 Latvians tourists arrived suspiciously ignorant of the sites they planned to visit. Entry was refused and they were sent back. They waited in Calais for three days then returned this time to claim asylum. Immigration officers found letters in their baggage from the gang responsible offering to get them in as a tour group and find work for them in the UK. 'That's this year's scam,' said an immigration officer cheerfully. He went on, 'after any new piece of legislation, we see the gangs reacting within two weeks with a new scam.'

The gangs have expanded criminality to Europe. Gilles Leclaire, deputy director of Europol, declared that even in 1998 half a million immigrants had managed to enter the EU clandestinely which implies a business turnover for traffickers of nine billion euros. When asked whether drug traffickers also trafficked in people, he compared organised crime to the structure of multinational firms, pointing out that a well-organised criminal network had various branches of activities, including drugs, prostitution, money-laundering and smuggling immigrants. 'There are indeed similarities in the use of routes, methods and sophisticated means,' he added.<sup>27</sup>

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<sup>27</sup> *Migration News Sheet*, August 2000, p. 7.

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This new migration industry provides all kinds of services to would-be immigrants from obtaining entry visas and other supporting documents for travel, to transport arrangements, legal instructions on how to apply for asylum and employment. A journey from Asia, India and Pakistan costs about £15,000 to £20,000. A Franco-Dutch gang active since 1994 charges Chinese immigrants \$50,000 for their journey to the US which includes new identities and false passports.<sup>28</sup> A large market has grown up for forged documents. Bangkok is the major production centre for falsified passports, mainly Korean and Japanese ones which are sold for about \$2,000 each, mostly to those wanting to get out of China.

Afghans described Dara in Keshat as the place to find every kind of forged passport, visas and currency including US dollars and sterling. The forgers even experimented with duplicating the Afghan currency but stopped when they discovered it cost more to produce than the real thing.

Gangs are as international as their cargo. In Dover immigration officers have noticed gangs no longer work in isolation. Immigration officers see 'mixed loads' of nationalities as gangs pass clients about. The lorries operate rather like an aeroplane service. Immigrants are told if they cannot get in here to try the next carrier along. On 19 July last year in Trieste the authorities broke up a successful Sino-Croatian network active in smuggling Chinese immigrants to Europe. The leader of the Chinese gang had partners in Croatia because his niece had married the head of a major Croatian crime syndicate. The public prosecutor in Trieste said there were 'significant indications' that payment to Chinese gangs was sometimes by way of an immigrant's organ – a kidney or an eye.<sup>29</sup>

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<sup>28</sup> *Migration News Sheet*, November 2000, p. 7.

<sup>29</sup> *Migration News Sheet*, August 2000, p. 8.

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Others pay with years of servitude. London boasts a number of clandestine workshops with workers, some even children, toiling in slave-like conditions. They dare not complain or ask for wages for fear of being denounced to the authorities. Sometimes a gang will hold their clients to ransom. Families in China are sent a body part to encourage them to pay up. In September last year police in the UK raided a house in East London and freed eight illegal immigrants, seven women and a man who had been held captive for at least 10 days. The practice is common but difficult to uncover as the victims themselves are in an illegal situation and do not dare go to the police. These eight were saved because one of the detainees managed to escape and was picked up by a taxi driver who took him to the local police station. The gangs have even developed a market in refugees. A Moroccan gang paid 30,000 pesetas to traffickers for each immigrant they had smuggled across the Strait of Gibraltar into Spain. The gang then issued the immigrants' families with a ransom demand of 125,000 and 150,000 pesetas. The refugees were kept with little food and water in a place with no electricity. Most were in 'a very precarious state' when rescued.<sup>30</sup>

### **“Auctioned off like animals”**

Nowhere is this combination of criminality and people-trafficking more evident than in prostitution. There now exists a horrific trade in smuggling girls into Europe for the sex industry. A report published last year estimated that half a million women and girls are entering Western Europe each year to become prostitutes. Most are from Eastern Europe and the former Soviet Union. A large proportion have been forced into the trade. At a hearing organised by the Council of Europe Parliamentary Assembly's committee on Equal Opportunities in Paris in April 2001, participants were

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<sup>30</sup> *Migration News Sheet*, November 2000, p. 8.

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informed how Albanian women were 'auctioned off like animals' to cater for the sex industry in Western Europe. The majority of girls were young and had been tricked into the sex industry, kidnapped and then raped to break their spirit. A member of the Independent Forum for Albanian Women described what she herself had seen. 'If they are blond and pretty, the bids are higher. Then they're trained for their future trade. They're raped, tortured and psychologically broken until they submit. It's a real slave market.'<sup>31</sup>

The training goes on in preparation centres in Albania, Italy and countries of the former Yugoslavia. Reports received from victims claim they were imprisoned in these breaking-in centres where they were 'raped, tortured, drugged and undernourished' and forced to accept 50 to 60 clients a day. Punishment measures range from financial sanctions to murder.

Gangs trading in foreign girls have taken over the European prostitution industry. In Italy according to figures provided in February this year by the Parliamentary Committee against the Mafia, some 50,000 foreign women were forced into prostitution mainly from former Communist countries in Eastern and Central Europe and Africa. A third of them were under the age of 18. In Spain, some 90% of the prostitutes registered by the State Police were of foreign nationality. In February, Spanish police broke up a major international gang that in the last four months had brought over 150 Nigerian women for sexual enslavement. The police discovered 11 contracts stating each woman owed a debt of \$40,000 to the gang for the illegal journey to Spain. Even when the debt was paid off, the women never escaped but were sold from one gang to another as if they were cattle.

In South Africa the 18 year old daughter of a black friend of mine attended a singing audition. She has a lovely voice and was

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<sup>31</sup> *Migration News Sheet*, May 2001, p. 7.

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promised a job in the UK. A week later she opened a newspaper to see the directors of the company for whom she had auditioned had all been arrested. If she had taken up their offer she would have arrived in the UK on false documents, had her passport removed and kept a virtual prisoner. The cost of travel and other so-called 'services' would have become part of a debt, paid off, so the gang promised, within three months. But the bill never is paid off. When police investigated 75 brothels in London they estimated that 6 out of 10 prostitutes were illegal immigrants, possibly more. The brothels had a combined turnover of £1 million a month, with each woman earning on average £350 a day for their pimps.

In a police operation in West Sussex checking on children arriving at Gatwick airport provided the first evidence that girls – like drugs – are trafficked from Africa. About 61 girls, some as young as 12, have gone missing from the care of social services after being released into the care of 'relatives' or 'sponsors' who turned out to have false documentation. This number has increased from one in 1995 to 32 in 1999. The girls think they have been hired for domestic work but end up in brothels.

In a leafy street of West Hampstead, a respectable area of London consisting of large, red bricked family homes, a group of Croatian men spend all their day gambling and drinking in the local cafe. 'They arrived in beat up Ford Fiestas. Now they drive BMWs,' said one resident. The girls sitting on the low wall next to the cafe are the reason for their sudden change of fortune. Cars constantly stop to pick them up. The girls live in two neighbouring blocks owned by a housing association. 'They are meant to be accommodation for deserving cases,' said one resident, 'not a base for prostitution.' The residents opposite are particularly concerned by the girls no one sees. Through the half-open curtains they have glimpsed very young girls, 'definitely under age,' who are never allowed out. They have complained to

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the police and Camden council but as one neighbour put it, 'you get the impression that this is so commonplace nowadays and no one seems to care.' One man who did complain had his car vandalised and received threatening letters.

In Lyon last October, representatives of the town's 500 prostitutes felt so strongly that the 'invasion' of East European girls was putting them out of business that they denounced the 'dramatic' situation they faced to Prime Minister Lionel Jospin, the Ministry of Interior, the Prefect of the Rhone region and the Public Prosecutor's Office. The local prostitutes had worked in the business for many years. Their new rivals, mainly from Kosovo, Albania and Moldavia were younger and wore fewer clothes. The girls worked without a valid resident permit or had made a false asylum claim. The local prostitutes also complained that many of the new arrivals were not even professionals but unwilling victims deceived by promises of jobs as waitresses or health assistants in homes for the elderly. The local prostitutes felt that their livelihood was under threat. They were furious that these East European women, 'earn money on our territory then go abroad, without paying taxes.'<sup>32</sup> The prostitutes had undergone a long and bitter struggle for independence from their pimps culminating with the occupation of the Church of Saint Nizier in 1975. They now feared the growing presence of foreign criminal gangs in prostitution would result in the end of their independence and see the pimps back in control.

They had cause to fear. Organised gangs have complete power over the girls, who do not dare complain or run away for fear they will be denounced to the authorities. Even when rescued, few will testify against their captors. They risk reprisals not only against themselves but in their home country where members of their

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<sup>32</sup> *Migration News Sheet*, November 2000, p. 5.

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family could easily be targeted. Power over the work-force means the gangs can appropriate a high percentage of the girls' earnings. A study of Dutch prostitutes, of which four-fifths are foreign, found that a Dutch woman earning \$300 a day would keep half to two thirds. A newcomer from the Ukraine, capable of earning \$500 in a day would only see \$25 of it.<sup>33</sup>

As well as causing untold misery, prostitution spreads corruption. In November 2000 the UN Police Force in Bosnia raided three night-clubs in the Bosnian Serb town of Prijedor. They freed 33 East European women forced into prostitution, several of whom were as young as 14. The victims were from Romania, Moldova, Ukraine and Russia. A few weeks later the police had to admit that six members of their force, who had taken part in the raid, had been suspended from duty. The girls had recognised them as regular customers who had forced them to carry out 'the most perverse forms of sex'. The six men were of British, American and Spanish nationality.<sup>34</sup>

Trafficking in women is a modern form of slavery which deserves the same amount of attention as drugs or arms trafficking. It also makes clear the new levels of criminality that people smugglers have introduced into Europe.

As well as potential prostitutes, the routes set up by the traffickers allows criminals of every sort – murderers, war criminals and gangsters – to move into this country. There are, for example, mounting allegations of corruption in the Belgian Foreign Ministry, including the systematic sale of EU entry visas to criminal gangs. A senior Belgian diplomat, Myrienne Coen, alleges that members of the Belgian embassy in Bulgaria sold entry visas to members of Balkan and Russian gangs as well as to large numbers of

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<sup>33</sup> Harding op. cit., p. 82.

<sup>34</sup> *Migration News Sheet*, December 2000, p.6 .

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immigrants. The case involved a sophisticated use of front companies in Belgium which made fictitious requests for work visas – worth up to £2,850 in fees. When Miss Coen reported the alleged abuse she claims she was made the victim of reprisals while the diplomat was promoted. Belgian police documents show that several EU embassies in Sofia were accepting '*pôts de vin*' (bribes). The French, for example, were charging £650 to provide visas for Turks and gypsies which give access to all the countries in the EU's Schengen zone. In Shanghai a former Red Guard told me he had been relegated, like many convicted of murder during the Cultural Revolution, to a dead end job in a bicycle factory. His only hope, he confided, was to reach the US and claim asylum. He intended to reinvent himself as a victim of the Cultural Revolution. Asylum in the West offers the chance to start afresh for oppressors and victims alike. Criminals with their contacts and money are apt to arrive with a superior story and documentation. The corruption and terror they are importing into this country appears hardly to have been noticed let alone commented on, except by their chief victims – other asylum seekers and illegal immigrants.

Against this “active, responsive and dynamic opposition”, the Home Office fumbles to make an impression.

### **“In the Philippines we would be dead”**

We have seen how, and why, people travel to Europe to claim asylum. But why do they come here in particular?

Immigrants choose the UK over other European countries for a number of reasons. Illegal transport routes are well established and accessible. English is widely spoken and may well be the migrant's second language. Historical or colonial connections and an existing community to offer shelter and work also prove an attraction. So does the seeming availability of the women, of which the traffickers make much.

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The lure of welfare is more problematical. Stopping or reducing welfare payments has little impact on applications. How much welfare, after all, does a fit young man consume? The Cato Institute points out that immigrants are concentrated 'in the youthful labor-force ages when people contribute more to the public coffer than they draw from it.' The Cato Institute believes this to be the crucial economic aspect of immigration and the most consistent 'in all countries, in all decades and centuries.'<sup>35</sup>

The Cato Institute is not telling the whole story, however, for cash benefits are not the only sort on offer. It is difficult for us who have grown up with the welfare state to imagine life without it or appreciate its worth. People in other countries work punishing hours and make tremendous sacrifices in order to pay for medical treatment or schooling for their children. I know one Filipina who has not seen her 20 year old daughter since she was three. The only way to provide her child with a college education was to work abroad illegally. Another Filipina and her friend, both with cancer, explained to me they considered themselves unbelievably fortunate to have fallen ill in the UK. In the Philippines the chemotherapy they are receiving free from the NHS would be beyond their means. 'In the Philippines we would be dead,' said one. 'There would be no choice in the matter.'

Asylum seekers waiting to hear the results of their applications (which can take years) are allowed access to the NHS and state education. The prospect of free education is one of the reasons behind the rise in numbers of unaccompanied minors. In Spain, for example, the figure has risen from 429 Moroccan children apprehended in 1998 to an estimated 3,000 this year. Parents put their children on board the small boats to make the dangerous trip

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<sup>35</sup> *Immigration: the Demographic and Economic Facts*, Cato Institute and the National Immigration Forum.

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across the Strait of Gibraltar. Even when caught, the parents refuse to claim them back. They know the authorities will care for their children until the age of 18. Instead the youngsters often end up exploited by gangs involved in drugs and child prostitution. Kent County Council are looking after around a thousand unaccompanied minors who, as one official told me, 'have been packed over here by their parents for a good education.' They prove an 'extraordinary expense' to care for. The Council has spent £15 million a year on these children. The money goes on such things as providing each child with an interpreter at school. Rather like the Oakington reception centre it seems a bizarre allocation of resources when enrolling a child at Eton is cheaper than a primary school place in Dover.

There are other, less tangible draws. In the Third World, the untrained, under-paid and rarely bipartisan police and military (not to mention prison and border guards) are corrupt and feared. An African described what happened when robbers broke into his house. Who was he going to call for help? Certainly not the police who would give the robbers a helping hand. The local police chief raped his neighbour's wife on a regular basis.

Aid agencies have only now realised the importance of the rule of law and are now putting money and effort into training security forces in the Third World. The rule of law, which like the welfare state is often underrated in this country, is a revelation for many in the Third World. It is this which attracts many to the UK – indeed this was the original purpose of asylum. Almost every immigrant I met mentioned, often in tones of wonder, their new found sense of ease and security in the UK. 'No one's going to knock down your door and beat you up,' said one, who has evidently had a better time than some of those I met in Newcastle, or those in Sighthill in Glasgow. 'England has given me a sense of peace,' commented another.

## CHAPTER SIX

# IT'S THE BLACK ECONOMY, STUPID

WORK IS WHAT the immigrant wants. Work is where the money is made. By far the biggest draw for immigrants to the UK is the economy and our insatiable demand for labour. Stopping or reducing welfare payments has little impact on applications.

Virtually all immigration experts agree that if illegal immigrants and asylum seekers were stopped from working, they would not come. With an unemployment rate of 3.2%, we are crying out for cheap labour. This throws up all kinds of anomalies about our economy and welfare we might otherwise prefer not to examine.

Crucial for the illegal immigrant is the accessibility of the work place. He can get a job without anxiety about his status. The black economy is now so large and pervasive, it offers a parallel world in which the illegal immigrant can move in ease and safely.

Government taxes on labour have contributed to this situation. Companies now prefer to contract out services previously provided in-house. Most large companies would not consider using illegal labour. However they are happy to hire the most competitively-priced contractor who probably is.

In this way the black economy has moved from the periphery to being an integral part of economic life. A tax inspector with the Inland Revenue shook his head in despair: 'in certain sectors, it is now pervasive,' he said. He named the construction industry, fruit growers, catering, fashion and cleaning companies as the worst

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offenders. Companies are meant to check if their contractor is paying taxes and, if he is not, pay him net rather than in cash. 'However,' said the man from the Inland Revenue, 'as a tax inspector whose job it is to investigate companies, I can tell you people are finding ways around this all the time.' Contractors are responsible for making reasonable checks on their employees. Here again there exist all sorts of possibilities for evasion. The illegal immigrant simply photocopies a document known as the Standard Acknowledgement Letter or SAL which he has bought or borrowed from a friend, tippexes in a different name, adds a photograph then takes a photocopy and hands it to his employer. Even if the employer did care to investigate he does not wish to be accused of racism. It is preferable to take on illegal labour then fall foul of anti-discrimination legislation.

The system is self-reinforcing because, often, the biggest cost to contractors is labour. If a contractor pays national insurance he cannot compete with the quote from the rival who does not pay or only pays it on a proportion of his work force – one Filipina recalled a factory where illegal immigrants received cash while legal workers had National Insurance deducted in the normal way – which in turn pressurises him to use illegal labour himself. This has created an almost Victorian feel in some areas of London where day labourers hang around street corners waiting for work. Builders, for example, go to Cricklewood. Every nationality has its particular street. A Polish builder explained, 'if I want a plasterer, I walk into a certain cafe and the owner says, "plasterers? Sure I got five right here." For bricklayers I go to a different cafe.' The daily wage is about £40 a day. Some will work for as little as £10. An English builder would charge £80 'if you could get one' and would come 'with a bloody attitude' added the Polish builder. Newsagents are also popular as informal job agencies. One in Acton boasted so many people standing on the pavement scanning

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the adverts in the window that the council took the owners to court for causing an obstruction.

The result is highly satisfactory for everyone but the Inland Revenue. Companies are paying much less for their services. Contractors have a cheap and, just as importantly, a flexible workforce whom they can take on or discard at will. Illegal workers are making enough to keep extended families back home in funds. Gone are the days when illegal immigrants were confined to the fly-by-night sweat shop in Brick Lane. They are imperative to the economy – the food industry, for example, is worth more than the steel, coal and shipbuilding industries combined – and at the heart of the establishment. A catering company to Buckingham Palace is said to have employed illegal immigrants in its kitchens. Several years ago staff members of the EU institutions in Brussels received a regular news-sheet which included a section of classified advertisements, placed by other staff members, advertising services by East Europeans (electricians, plumbers, nannies and so on) at wage levels which were often up to 75% less than official rates. Staff now get the same information on the Internet. Cleaning contractors employing illegal labour are so ubiquitous that they have become, as one policeman complained, a security problem. He had discovered a photograph taken one night by three cleaners, all illegal immigrants. It showed them perched on the desk of Michael Howard, the then Home Secretary.

For the illegal immigrant, work in the black economy is a precarious business. They are at the mercy of their employer. They have no rights and can be exploited and sacked at any moment. Any complaints and their employer can threaten to expose them to the authorities. (For once this a real fear: this is how the majority of illegal immigrants are caught by the police.) One immigration lawyer from the Pakistani community

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discovered the old man who regularly sold him a kebab at lunch-time had worked for 20 years in this country as an illegal immigrant for £1 an hour. He had sent all his earnings back to Pakistan to his sick wife. She died of cancer before he ever saw her. His employer had never paid taxes or insurance towards his pension and he was existing on £5 a month. In Southall and Wembley sweat shops are employing the children of illegal immigrants for a few pounds a week, and sometimes just for food.

An incident in Spain in January this year revealed a number of shameful aspects of the life of the illegal immigrant in Europe. Cheap agricultural labour has brought considerable prosperity to some of Spain's poorest regions, including Murcia. At dawn on 3 January, 12 Ecuadorian migrants died in Murcia when their van collided with a train. They died because they were illegal. The van driver was taking them to work so early and on a path not meant for vehicles in order to avoid the police. Two days later the police arrested Victor Liron Ruiz, the owner of the firm Greensol which employed the immigrants. Mr Liron claimed he was a 'scapegoat'. All the agricultural firms were faced with the same problem 'It is not possible to engage personnel legally because there is no one to work in the fields,' he explained. He failed to mention that he had been criticised by the court before for exploiting the immigrants' desire for work and fear of the authorities by often paying less than he had originally offered, usually very late or not at all. Also, like many others, he did not hesitate to employ children. A 13 year old girl and a 16 year old boy had been on board the mini bus. They earned 5,000 pesetas for collecting 672 kilos of broccoli, which took the average person a day.

The truth of Mr Liron's words soon emerged. Half of the broccoli crop remained unpicked. Farm owners preferred to lose their crops rather than risk being fined for hiring illegal labour. The disaster not only affected the victims of the accident and the

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farm-owners. Without work, the migrants could not support themselves or their families in Ecuador or discharge the debt they had contracted to pay for their trip to Spain.<sup>36</sup>

Like the province of Murcia, the British rural economy has prospered from illegal immigration. In most cases, illegal immigrants work in sectors and occupations unattractive to the local workforce but which are important if not vital to society. Before the Second World War, people from the East End of London traditionally spent the summer picking fruit in Kent. Now the prospect of losing benefits stops the resident taking on casual or low-paid work. Fruit growers have become dependent on foreign workers.

In this kind of wage market, illegal immigrants provide a complementary rather than a replacement labour force. We have created a need and should not be surprised when enterprising people arrive to fill it. As the Minister of Morocco said, there are those that buy and those that sell. Illegal immigration allows us to enjoy both the luxury of generous labour laws and the feisty economy created by workers unprotected by such laws. It also allows us to put off painful decisions on taxes and welfare – decisions which if taken wisely would do much to negate our dependency on illegal immigration.

### **“That will cost you £500”**

For the illegal immigrant who has made his way to London and found a job, an underworld of informal housing and forged documents has sprung up to facilitate his life and conceal him from the authorities. Anyone in search of a room, for example, need only seek out a Romanian gypsy family on a council estate. When allocated a flat by the council, they move into one room,

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<sup>36</sup> *Migration News Sheet*, February 2001, p. 8.

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sleep on the floor and rent out the others. The minimum rent is £60 a head per week. Asylum seekers with families who are provided accommodation by the council often earn money this way. Council tenants tend to buy a house in another name then sublet their council accommodation to illegal immigrants. A glimpse of the casual corruption involved shocked one man who discovered his Portuguese cleaner and her three children paid £200 a week to sublet an apartment from a Nigerian woman who rented out three such council flats. The employer rang up Lambeth council to ask if his cleaner might be put on the housing list. 'That will cost you £500,' he was told. Landlords eager to get rid of tenants inform the police who make a raid. One illegal immigrant told me, 'before moving in, you must always check if the police know the house. If it has been raided once, it will be raided again.'

The illegal immigrant can purchase fake documents to make his life easier. For example, asylum seekers whose claim have been accepted are issued with travel documents. Each document bares a number and the crown. Immigration officials scan the crown for forgeries but they do not match the numbers to names. One lawyer from the Pakistani community who specialises in immigration and has been approached numerous times by racketeers to work on their behalf (all of which he has refused, at some cost to his safety), believes the Home Office would find ominous gaps where sequences of travel documents have gone missing. He pointed out that 'the shambles' at the Home Office is very much in the interest of the racketeers. They know the Home Office computers are non existent and take advantage accordingly.

Racketeers in the Pakistani community also insist that they know 'a white man in the Home Office' who will issue stamps or process claims faster for a fee. This might be just good salesmanship. Uncertain customers take their newly acquired

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documents to the lawyer to check. 'In other words,' the lawyer explained, 'they want to know if they have paid for something that is going to work.' He believes he is being used as a tester. However, he was surprised at the number of cases he expected to be refused which suddenly received indefinite leave to remain. His visitors admitted to paying £7,000 to £10,000 for a blue travel document that lasts for ten years, £15,000 for the family version. The documents are usually adequate for going in and out of the country and to show the police. He went on sadly, 'I don't want another Pakistan here but its getting like that. If you have people being bribed inside the Home Office then you are on a very slippery slope.'

With so much on offer, the illegal immigrant can find work, a place to live and even acquire documents to help him travel abroad should he wish. No wonder that so many have lived here for years.

## CHAPTER SEVEN

### THOSE WHO NEED US, THOSE WHOM WE NEED

#### **“A considerable pool of talent and considerable barriers”**

The legal economy is far less welcoming to the asylum seeker than the black economy. After six months, asylum seekers may apply for permission to work. But they have little success.

Often asylum seekers have the very skills this country lacks. It does not make it easier for them to find a job. In 1999 a survey of 236 qualified and skilled refugees in London who were entitled to work found that 42% of those with refugee status (i.e. successful asylum seekers) and 68% of the asylum seekers were unemployed.<sup>37</sup> Two years on and little has changed. ‘We discovered a considerable pool of talent and considerable barriers to making use of it,’ said Sue Waddington, co-author of a study this year by the National Institute of Adult Continuing Education into the qualifications of asylum seekers in the Leicester area.<sup>38</sup>

This failure occurs for a number of reasons. Those with refugee status are in the same position as an English person. The sort of low-paid job traditionally taken by immigrants is out of the question for them. They lose far more in benefits than they can

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<sup>37</sup> ‘*Refugee skills-net: the employment and training of skilled and qualified refugees*,’ Peabody Trust/London Research Centre, June 1999 quoted in *Migration: an economic and social analysis*, RDS Occasional Paper, No. 67, p. 35.

<sup>38</sup> *Migration News Sheet*, July 2001, p. 15.

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hope to earn. A job more appropriate to their skills and with better pay proves hard to obtain. Their English is often not good enough. The uncertainty of their status, and the number of months or years that they may be available puts off employers. So does the fact they lack references in the UK. They do not know the job market and their qualifications are often not recognised or understood. Often asylum seekers have to ask permission to work from the IND or have restrictions removed from their documentation. Finally, usually only the principal asylum applicant is granted the right to work. This excludes many women from taking a job.

### **“They say I am over-qualified”**

In practice, this amounts to a gross waste of talent, often the very talents this country needs and, in many cases, is inviting other migrants to come to the UK to fulfil.

Dr Torialy, the political refugee from Afghanistan, is a cardiologist and his wife is a gynaecologist. Both their qualifications are recognised by the General Medical Council. But neither is able to work, and they are not the only ones. A report entitled *Refugee Doctors in Scotland* published by the Scottish Refugee Council Education Workers, paints a depressing picture despite the urgent need in this country for doctors. Of the doctors interviewed in Lothian for the report, all were unemployed, overwhelmed, it seemed, by any one of the four stages they had to pass through in order to qualify.

A foreign doctor must first have the GMC recognise his primary medical qualification and internship experience. Then there is a choice. The asylum seeker can take the notorious PLAB test (Professional and Linguistic Assessment Board). Known as ‘the Wog Stopper’ among doctors, the exam is openly discriminatory. Questions are so full of double negatives that only someone with a

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superb grasp of English could figure them out. Or the asylum seeker can sit basic specialist exams. Both sets of exams require specialist teaching such as that provided by the Royal Colleges, which lasts two or three weeks and costs between £300 and £500. The final option is take Part A of the specialist exams and combine this with a 'sponsorship' from a consultant and training scheme. The asylum seeker is then accepted by the GMC and must pay a Limited Registration fee of £300 to £400, plus medical professional insurance.

The obvious problem here, as all on the survey affirmed, is money. Asylum seekers on vouchers and £10 cash a week cannot afford exam fees, training courses, books or Library membership to get into the reserved sections. Most have difficulty enough with the bus fares to the library let alone buying a suit to look presentable for interviews.

Dr Torialy is disgusted with the situation. He and his wife receive £75 a week, £20 of which they pay in gas and electricity. He speaks good English but not good enough to pass PLAB and lacks the funds to pay for specialist teaching let alone around £400 required to register for the exam. He has written over 200 letters in an effort to get a clinical attachment but is told that cardiologists are not needed. He has made it clear he is happy to work for free. 'I have been in jail for many years. I just need the experience.' His efforts at becoming an auxiliary nurse have also failed – 'they say I am over qualified' – as has his plan to work in a hospice. 'After being tortured I know about severe pain. I thought I could bring a new perspective. Many doctors have never felt pain themselves.' But this too requires an exam and funds. Dr Torialy is in despair. His life in the UK is like a second imprisonment – 'emotionally it is the same as the jail back home only without the torture' – and his talents are being wasted. 'I am a young man and highly motivated,' he concludes. 'I am educated. I have a responsibility

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to this community. This country has given me refuge and peace of mind. I want to give something back. All I want is an opportunity to prove myself.' He now delivers newspapers.

Various studies have shown that the ability to speak English well is a key determinant of success in getting a job. The experience of Dr Torialy's wife is typical. She is eager to learn English in order to work as a gynaecologist. She cannot afford the fares to attend lessons let alone buy the books. She also has two small children. She and her husband spend each day alone in their flat. 'How can we improve our English if we only see each other and speak our own language?' They have no opportunity to spend time with English people. 'We tried every avenue,' Dr Torialy affirmed including the unusual idea for two devout Muslims of inviting to tea a Jehovah's Witness who offered free English lessons. But he arrived with a bible and seemed more eager on converting Dr Torialy's wife than teaching her English.

Unlike in some countries, migrants in the UK are not required to learn English. In Ireland refugees must attend English lessons 20 hours a week for a year taken over a two year period (this allows women to drop out to have a child). The language lessons are combined with vocational training. Attendance is strict. A doctor's note must cover any absence. Repeated, unexplained absence leads to loss of benefits. This course was successful at finding refugees jobs in Ireland's admittedly booming economy. It could be combined with a 'shadowing' course – a refugee plumber, for example, shadows his British counterpart for a period of time picking up work practices – or some type of voluntary or part time work. Lessons, as anyone who has learnt languages knows, are not enough. Refugees must be able to get out and speak.

Our language provision is less than adequate. From 1967 central government resources have been given to local authorities to

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provide English language tuition lessons, money which the local authorities are obliged to match. Provision is uneven. The Audit Commission has reported that English classes are heavily oversubscribed with several authorities having waiting lists of over 200 people. Ofsted has expressed concern about the skills of the teachers involved.

For 2000-2001 the Department for Education and Employment has earmarked an additional £1.5 million to support asylum seeker pupils in dispersal areas. This seems a pitiful amount compared to the vast sums spent elsewhere on immigration. In the one area where it would show dividends, very little money is being spent or imagination or flexibility shown, i.e. in helping refugees with professional skills to become prosperous members of the community. Language and vocational training does not need, for example, anything like the vast sums required to construct a detention centre. The Kurdish community set up a fund of £10,000 to which Kurdish doctors could apply. A committee lends the most promising candidate £1,000. After he has got a job, he must pay it back. Other professionals are less fortunate. They end up delivering newspapers and driving minicabs.

### **“Occasionally it works and then it’s brilliant.”**

It doesn’t have to be like this. ‘The asylum system is a terrible business,’ said one woman at the Refugee Service centre in Newcastle, ‘but occasionally it works and then it’s brilliant.’ Her example of the system working proved illuminating. A young man from Togo dropped in to the centre. He had previously been a chef. The education officer who works two days a week with the Refugee Service got his qualifications translated and slotted him into a course of food hygiene. NASS then decided to transfer him to Doncaster but the Refugee Service managed to dissuade them.

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The young man had arrived in the UK on 3 April. He received an interview with IND on 19 April and 10 days later confirmation of his refugee status. 'The system worked. He's now on his way,' confirmed the Refugee Service.

In the corner of the same office, a Nigerian was borrowing the computer of a member of staff to translate the diplomas of a Nigerian friend who had 18 years' nursing experience. No one had asked if she was a nurse. She had no idea that nurses were in demand in the UK. 'We are relying on refugees to show initiative,' said the staff member. 'They often keep quiet.' It is entirely by luck that Newcastle can now boast a qualified chef and an experienced nurse. The Government has no central system to help refugees gain new qualifications or fit their present ones into the UK job market. We lack, for example, a database against which to check the diplomas from various countries and, when needed, to match them to courses to enable refugees to use their qualifications here. Recently a number of asylum seekers qualified in computers ended up doing a drama course at the local college.

Professionals such as these, though their talents are shamefully neglected by the authorities, have at least their qualifications to offer. Skilled workers and tradesmen have even less of a chance of getting help. 'As a professional,' said one member of the Refugee Service, 'I know how to help other professionals or at least put them in touch with the right people. But what do I do with a Russian train driver? I don't how to begin.' Again there is no database against which to check qualifications.

### **“They treated us like Untouchables when they don't need us”**

As immigration from the EU is out of the UK's control, the debate has centred on how to encourage skilled workers while discouraging everyone else. Or as Friedrich Merz, the leader of the Christian Democratic Union in the Bundestag, put it in June

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last year, how to shift the focus of our immigration policy away, 'from those who need us to those whom we need.'<sup>39</sup> But once again it is a question of numbers. With an unknown number of illegal immigrants entering the country and an open ended commitment to asylum seekers, how many skilled migrants from outside the EU is it desirable or feasible to take?

At the moment migrants allowed to work in the UK must belong to tightly defined categories such as, for example, investors who bring at least £750,000, clergymen, entertainers, journalists and, most recently, innovators who promise to set up businesses. The low-skilled, unless they enter under the seasonal agricultural workers scheme which is fixed at a maximum of 10,000 a year or can shear a sheep (a highly prized ability that will earn three years access to the UK job market), are not welcome.

David Blunkett makes much of our need for skilled migrants and wishes to expand the work permit scheme. His argument only tells half the story. The suspicion remains that the Government proposes to ignore the fact it has lost control of immigration and concentrate instead on the easier and more satisfying task of allotting work permits.

The work permits scheme allows companies to sponsor migrants they wish to employ. However the expense and paper work involved puts off all but the larger companies who require highly skilled and highly paid individuals. It is recognised informally within the DfEE that work permits are not given out for jobs with an annual salary of less than £20,000.

Skilled migrants bring, as this Government has pointed out, 'significant economic benefit to the nation.' The example which wets the appetites of politicians and businessmen alike is Silicon Valley. This phenomenally successful piece of California would

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<sup>39</sup> *Migration News Sheet*, July 2000, p. 3.

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not exist today without immigrant talent and the H1-B visa which allows talented immigrants to work in the US. Research by Anna Lee Saxenian a senior fellow at the Institute for Economic Policy Research at Stanford University, found that about one-third of all scientists and engineers in Silicon Valley are foreign-born and about one in five of all firms were founded by immigrants. Indian or Chinese Chief Executives run one fourth of all the high-technology firms in the region. 'The best and brightest in the world all want to be here,' declared Ms Saxenian. Studies show that for every additional high-skilled newcomer, four new Silicon Valley jobs are created for Americans. The new immigrant entrepreneurs are building professional and business ties to their home countries, creating not a 'brain drain' but 'a brain circulation'. Their long-distance networks are accelerating the globalisation of labour markets and enhancing opportunities for entrepreneurship, investment and trade between California, India and Taiwan.<sup>40</sup>

But there is a dark side to Silicon Valley, as the recent downturn in the economy has demonstrated. The 'brain circulation' is uncomfortable. Indian engineers are returning to Bangalore disillusioned after being sacked by the very employers who had hailed them as the saviours of the US economy. Their pay packets have shrunk from £70,000 in California to £7,700 back in India. Those who arrived in the US on the much sought-after three year HI-B visas have found that when their job goes, so does their right to stay in the country. As one said, 'they treated us like kings when they needed us and like Untouchables when they don't.'<sup>41</sup> They have discovered that despite all their abilities they are expendable.

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<sup>40</sup> Anna Lee Saxenian, *Silicon Valley's New Immigrant Entrepreneurs*, The Policy Institute of California, 1999.

<sup>41</sup> Quoted in *The Times*, 15 May 2001.

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What western companies from agricultural companies in Spain to the high tech industries of Silicon Valley most prize in migrants whether skilled or unskilled, is their flexibility – the ease with which they can be poached or fired.

The call for more migrants is not just a question of prosperity but also of demography. With no net migration, the population of the UK over 65 would rise by more than three million while those between 16 to 64 would tumble by about 2 million in the next 50 years. The ratio of people aged 16 to 64 – the ‘support ratio’ – would fall from more than four to one in 1995 to 2.36 to one by 2050. The Population Division of the United Nations Secretariat in its report *Replacement Migration – is it a solution to declining and ageing populations?*, published in March 2000, pointed out that only massive immigration to the EU would address the balance. To maintain the 1995 ratio we would need 59.8 million migrants by 2050 – or a doubling of the total UK population.

However, David Coleman, the social scientist at Oxford University, believes that Europe contains enough hidden reservoirs of labour to more than make up the short-fall for the next 20 years at least. In Britain, for example, our labour force grew by about 741,000 to 29 million between 1991 and 2001. 90% of this increase is due to women joining the job market. The fate of the Indian engineers in Silicon Valley demonstrates that expanding the work permit scheme may not be as straightforward as the British Government hopes. In the IT sector in this country, the staff shortages are in particular areas rather than across the full range. There are many unemployed IT workers over the age of 40 whose skills are already out of date for today’s needs such as, for example, digital mobile phone technology. In a work place of rapidly changing demand, there is no guarantee that workers imported today will be required tomorrow as technology and the market moves on.

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The work permit system allows for workers to be brought in when necessary and sent home when no longer required. The UK Government, however, is suggesting long-term settlement. Last September, the Home Office Minister, Barbara Roche, urged the need to win the allegiance of highly skilled immigrants to the UK with the promise of 'the achievement of UK citizenship.' This is a worthy aim and, as she thinks, a necessary bait. But it fails to take into account the swift changes in business which made the migrants so attractive in the first place. What happens to the engineer in a recession? Or if his skills are suddenly obsolete? Will they be sent home? If not, who will pay their unemployment benefit and their pensions when their companies end their short-term contracts?

In Europe the case against 'replacement migration' is even stronger. Unemployment, especially in the south, is concentrated among women and young people. Those people out of work under the age of 25 account for 35% of the EU's 12 million unemployed. Unemployment is particularly high among immigrants and foreigners, especially among those from outside Europe. Typically their unemployment rates are between two to three times the average of the host country. In 1996 in the Netherlands, 19% of foreign citizens were unemployed. Among Turks unemployment was over 41% and amongst Moroccans, 27%. In Germany in the same year 9.3% of German citizens were unemployed while the unemployment rate amongst foreigners was 16.6% and amongst Turks, 24.4%. The number of unemployed in Europe is about the same size as the projected reduction in the workforce by 2025. This reduction is from a deficit of young entrants. Unemployment is also concentrated among those under 25. We are proposing, it seems, to invite skilled immigrants from abroad while sidelining those youthful immigrants who are already here and out of work. On these grounds Laurette Onkelinx, former Belgian Minister of Employment, refused to listen to business complaints about labour

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shortages. She pointed out in January this year that unemployment among less qualified workers, particularly those of immigrant origin, such as Turks and Moroccans, remained unacceptably high in Belgium. The import of foreign labour would relieve business 'from taking steps to promote the training of workers and to suppress discriminatory practices in hiring in certain sectors.'<sup>42</sup>

The fact that large numbers of potential workers are sitting idle in Europe is, of course, of no interest to business. When companies call for increased migration, they have something specific in mind. They want a person with the right skills for whose training they do not have to pay or plan. Tomorrow they will want someone else. Their policy is understandable. They have to compete and they are eliciting the Government's help with an argument that irresistibly combines humanitarian impulses and economic benefit. The Government's error is to mistake this for an immigration policy.

It is also a policy that allows the Government to escape hard choices. Conditions, pay and bureaucracy have turned many parts of the public sector into an unattractive place to work. Staff are melting away. The Government prefers to poach abroad than force through improvements. This is short-sighted and relies on the patronising belief that foreigners will be happy to do the work that we have rejected at low rates of pay for the rest of their lives. At Ealing Hospital a recently-arrived nurse from the Philippines is already puzzled. The dirt of the ward shocked her. In the Philippines hospitals cleaners are constantly at work day and night. At Ealing only two cleaners work on her ward and they go off duty at 5 p.m. If a patient vomits on the floor during the night, 'I am expected to clear it up. At home this would never have happened.' Her cousin's friend, she has discovered, is working as a housekeeper for double her salary.

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<sup>42</sup> *Migration News Sheet*, February 2001, p. 3.

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Skilled immigrants import benefits but they also raise issues of which the Government seems unaware, let alone has begun to debate. The Home Office Research, Development and Statistics Directorate pointed out in a report this year that 'Migration is not an alternative to a well-functioning labour market'. Policies on migration need 'to complement' the labour market more generally.<sup>43</sup> Unfortunately government policies contribute to the shortage of workers rather than address it. Its calls for increased immigration would have more resonance if coupled with an attempt at social reform. Should we not be looking at our educational system which continues to produce people who face social and economic exclusion due to their lack of skills? If India and the Philippines are able to turn out skilled labour, why can't we? Should we not be examining our welfare system and the radical shake-up needed in pensions and benefits to make it economically viable for people to take casual or part-time work without losing a pound or more in benefits for every pound they earn? What happens when migrants lose interest in low paid jobs in the public sector? Do we import a fresh labour force every few years while supporting previous intakes either on welfare or in the same kind of better and more congenial employment to which the host population also aspires?

Economic migrants contribute positively to economic growth. They help companies be flexible, competitive and have a more international outlook. They are not however a means for Government and business to escape hard choices and responsibilities. In this case immigration is simply an escape hatch and an immoral one at that.

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<sup>43</sup> *Migration: an economic and social analysis*, RDS, 2001, p. 15.

## CHAPTER EIGHT

### SOME INTERNATIONAL COMPARISONS

THE BIGGEST DRAW for immigrants is the ease with which they can enter the country, claim asylum and join the black economy. Our EU neighbours as well as the United States make these activities more difficult: hence the surge in applications for asylum in the UK.

In France and Spain, asylum seekers are restricted as to what they can do and where they can go. This makes work difficult to obtain and benefits are unattractive. France has set up 'waiting zones' located on French territory but considered to be outside it. Here frontier police hold immigrants who arrive without the correct entry documents. The immigrants are often given no advice about their rights or how to claim asylum. Indeed they are often mistreated, as one official from the Ministry of Foreign Affairs witnessed. On a visit he found a young woman from the Democratic Republic of the Congo lying on the floor, her legs covered in wounds. Her attempts to apply for asylum had been ignored by the frontier police. Instead they had tried to force her on board a plane, dragging her by the hair, kicking and stamping on her while shouting racial abuse.

In France, illegal asylum seekers are under a statutory employment ban. But they can move to a country where the courts protect their rights to benefits and housing and nothing is done to stop them from entering the illegal job market – these countries are Belgium and the UK.

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### **“Germany cannot become everyone’s country”**

Germany provides many illustrations of the pitfalls of an ill-thought-through immigration policy. It too was a country of record immigration. Between 1950 and 1993 the net migration balance has been an astounding 12.6 million and accounts for 80% of the population growth. The number of foreigners to residents is double that of the UK and, like the UK, only 1% to 2% of failed asylum applicants were deported. German asylum law was unique for its liberalism. Formulated as a conscious act of atonement for the Nazi era, it granted ‘literally the whole world’ right of entry.<sup>44</sup> This may explain Germany’s other unique feature which the UK looks set to emulate; the curious disjuncture of a liberal asylum law and a harsh deterrence regime.

Germany interprets the Geneva Convention far less leniently than the UK. For example, it will only grant refugee status to persons fleeing state-sponsored persecution. This makes Germany less sympathetic to asylum applications from Afghans because the Taliban only rules part of the country. The same is true of gender specific applications and those based on non-state persecution. Germany would refuse refugee status to a girl in fear of female circumcision, or to a woman fleeing a Muslim fundamentalist state because she feared being stoned to death for adultery. The UK would accept both sets of asylum seekers. Equally, the complicated but strict interpretation of Germany’s provision for asylum seekers has resulted in Algerian victims of Islamist violence being denied refugee status because they are not fleeing from Government persecution. Conversely, Islamists have a better chance in Germany because they can argue that the Algerian state is persecuting them.

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<sup>44</sup> Joppke, *op. cit.*, p. 87.

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Germany confines asylum seekers to hostels and has made it hard for them to work. In the 1980s, Germany started to disperse refugees to camps around the country. Towns and villages fought bitterly to avoid having camps for refugees built near them. The refugees find themselves in isolated areas, unable to study or work. They have to remain within the boundaries of the local police authority and must ask permission to visit friends or a doctor. This situation can last for the several years it takes to decide a case. Many asylum seekers fall into depression and apathy. A report concluded that after several months of encampment asylum seekers found it difficult to lead a normal life again. Crucial was the impression ordinary Germans received of asylum seekers as idle, foreign-looking welfare recipients. They became easy targets for public hostility. A few years after the introduction of the camps violent outbursts of xenophobia against foreigners swept the country.

With the break-up of the Soviet Union and the Federal Republic of Yugoslavia the problem multiplied. Even before the wars in Croatia and Bosnia, West Germany had to absorb three million new migrants from Eastern Europe between 1989 and 1992, almost twice as many as America took in during the 1920s. In 1992, after reunification, she received a staggering 80% of all refugees in Western Europe. This caused unprecedented social tensions, especially in East Germany, where horrible incidents occurred. In Rostock-Lichtenhagen the local population cheered as skinheads attacked the asylum camps.

In 1993, in order to deal with the problem of asylum, Germany included a new provision in its constitution, the so-called 'safe third country' rule. It stated that asylum seekers cannot be given asylum if they entered Germany from a country where human rights are protected. Since the fall of Communism none of the countries bordering Germany is now a dictatorship. In other words, to be granted asylum in Germany you need to have fallen out of the sky.

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However, these countries do not give asylum in the same cases as Germany. Asylum seekers risk further deportation if sent back to the country from which they entered, but they have no opportunity to explain this risk. Stefan Teloken, UNHCR's spokesman in Germany explains, 'this is unique in western Europe. The other countries who have a safe-third-country rule do not have this restrictive interpretation.'<sup>45</sup>

Debate on the new provisions was fierce. A leader of the Social Democrats warned that 'domestic considerations must not influence asylum policy.' This raises the issue about which should take precedence, human rights or democracy? A Christian Democrat who considered democracy more important declared that, 'every state... has to serve its own citizens first, and only secondarily the rest of the world... Germany cannot become everyone's country.'<sup>46</sup>

The provisions together with the conditions imposed on asylum seekers saw a 70% drop in arrivals in 1995 compared to 1992. Less than 3% of applicants were granted asylum. As one critic said, 'the right of asylum still exists – but not the refugees entitled to use it.'<sup>47</sup>

Anti-immigrationists in this country excited by Germany's apparent success at limiting asylum applications should note its downside. Germany now finds itself in desperate need of skilled labour for its hi-tech, telecommunications and media business. Firms in the computer sector have up to 100,000 unfilled vacancies. In March 2000 the Government announced plans to admit in two stages 20,000 foreign computer experts on the German equivalent of the H-1B visa. In the end only some 5,000 expressed interest. The heavily industrialised, western Lander of Hesse had 25 applications for 1271 openings.

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<sup>45</sup> Quoted in the *Guardian*, 23 May 2001.

<sup>46</sup> Quoted in Joppke, *op. cit.*, p. 92.

<sup>47</sup> Heribert Prantl (1994), quoted in Joppke, *op. cit.*, p. 94.

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The reason was clear. Foreigners have not been made to feel welcome. Many are just too afraid to live in Germany. A German banker living in Tokyo and married to a Japanese told me he would never return home. The possibility that his wife might be attacked is a realistic fear. Xenophobic and anti-Semitic offences rose from about 10,000 in 1999 to some 14,000 in 2000, the highest figure since the reunification of Germany. Racial attacks are frequent, horrific and only half-heartedly punished. When a well-known, far-right assailant threatened an African couple and their seven month old baby with a gas pistol, the Public Prosecutor's office refused to press charges since 'the possibility that the accused did not want to injure the victims could not be excluded.'<sup>48</sup> In June 2000 an Indian scientist, the very person the German economy needs, visited the University of Leipzig. While in a telephone kiosk, he was spotted by a group of youths chasing after an African with their dog. They pulled the scientist from the kiosk, beat him to the ground, smashed his glasses then ordered the dog to bite him on the arm.

Germany is a warning of what happens when the public perceives immigration to be out of control. Bad immigration policy leads to racial abuse, harsh, reactive laws, the failure to attract skilled workers and borders all but closed to asylum seekers.

### **“If you're going to register people, why not guns?”**

Even America, the 'asylum', as George Washington put it, 'of all nations', has always held contradictory views on immigration. Alongside the 'nation of immigrants' formula ran an illiberal tradition of Protestant Anglo-Saxons who strove to resist dilution from abroad. The Chinese Exclusion Act of 1882, for example, barred Chinese labourers from entering the US and proscribed the nationalisation of those Chinese who already legally lived there. In

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<sup>48</sup> Quoted in the *Migration News Sheet*, February 2001, p. 16.

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this so called 'melting pot', state laws prohibited Americans from marrying Chinese. In Shanghai I met an elderly American lady marooned there throughout the Cultural Revolution because she was formally stripped of her American citizenship when she married a Chinese missionary in the 1930s. The Chinese Exclusion Act was not repealed until 1943. The State Miscegenation laws remained in force as late as the 1960s.

John F. Kennedy sought to open up immigration from the national-origins quota system of 1924 which had favoured the Protestant British and Irish immigrants. This had been a deliberate attempt to reproduce the American populace by allotting immigrant visas to nationals proportional to their nationality's representation in the US populace in the 1920 census. It had led to gross inequities. Greece, for example, had a quota of only 308 and a backlog of 97,577. Other countries did not even use up the quotas. Britain took up 25,000 of its 65,631 allotted visas. Almost half the total number of immigrant slots remained unfilled. The resulting Hart-Celler (Immigration Reform) Act of 1965 changed American society decisively by opening America to large scale immigration from Asia and Latin America.

This had not been Kennedy's purpose (he, as the first non-Protestant president, wanted to encourage Catholic immigration from Southern Europe). It was the unforeseen consequence of more generous family reunification provisions. Robert Kennedy reassured the House Immigration subcommittee that immigration from Asia after the first year 'would virtually disappear.' Instead, by 1980, only 5% of legal immigration came from Europe. Of the 570,000 legally admitted newcomers that year, Asians accounted for half, while migration from Latin America (mainly Mexico) made up 49%. This expansion was the unintended consequence of moderate, even restrictive, legislation. The Hart Celler act set the pattern of future legislation in the US. Efforts to restrict

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immigration in fact produced the opposite results. As one observer said, 'we avoided choices by expanding the pie.'<sup>49</sup>

Disquiet over increasing numbers led to the setting up of the Jordan Commission in 1990. It re-examined US immigration policy under Barbara Jordan, the former black Congresswoman from Texas. Did the country need 1.1 million immigrants every year? What were the consequences? The National Research Council appointed by the Jordan Commission (and packed with liberal, pro-immigrant politicians and academics) to examine the fiscal, demographic and economic effects of immigration came up with surprising findings. New immigrants, unlike their predecessors, were falling behind society instead of moving up. In California 40% of welfare now goes on households headed by a legal or illegal immigrant. Three decades of heavy immigration into the state (mainly from Mexico) has created a disproportionately high population of unskilled and uneducated workers which has aggravated the wage gap between rich and poor. Even in Silicon Valley, the least affluent 20% have income levels below the average income level earned by the bottom 20% of households in the US. Farm and industry owners profit from the unnaturally low price of labour transferring wealth from poor minorities to the wealthy. California's immigration and guest worker programmes have created a permanent foreign-born, exploited underclass that depresses wages and distorts the economy. Phillip Martin, an immigration expert at the University of California, pointed out that 'employers invest in lobbying to maintain the [guest worker] program, not in labor-saving or back-saving alternatives.'<sup>50</sup>

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<sup>49</sup> Demetrios Papademetriou, quoted in Joppke, op. cit., p. 39.

<sup>50</sup> James Goldsborough, 'Out-of-Control Immigration', *Foreign Affairs*, Vol. 79 no.5, September/October 2000, p. 99.

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Barbara Jordan posed a question which the UK Government might ask of itself: how can quotas for legal immigration be fixed without knowing the level of illegal immigration? Her Commission found legal and illegal immigration to be inseparable both practically and intellectually because they are often the same people. According to the INS 41% of illegal immigrants enter the country legally and overstay their visas.

The Commission came up with three main proposals. They wanted to cut immigration to 550,000 annually, re-emphasise skill-based immigration by phasing out preferences for members of extended families, and eliminate illegal immigration by introducing a computer-registry system that would verify legal job status. On the third point, virtually all immigration experts agree that if illegal immigrants are not allowed to work they would not come. The last two points are particularly relevant to the UK.

These proposals came to nothing. Business interests made an unlikely alliance with ethnic and civil rights groups to gut the bill. Big business like Microsoft, Intel and the National Association of Manufactures – who did not like the heavy tax proposed on every foreign worker they sponsored – were joined by Christian fundamentalist groups, the Home School Network and even the National Rifle Association, who were upset by the employment verification system – ‘if you’re going to register people, why not guns?’ Richard Day, the chief counsel to the Senate Judiciary Subcommittee summed up this bizarre alliance as ‘Washington groups’ against ‘the American people’ who had only asked for ‘some breathing space’ from immigration.<sup>51</sup> They failed to get it.

We may not have the National Rifle Association or the Home School Network with which to contend, but the immigration industry in the UK is still a formidable edifice – and growing all

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<sup>51</sup> Quoted in Joppke, *op. cit.*, p. 59.

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the time. Business, aid agencies, immigration lawyers and whole departments in the Home Office depend on a flow of immigrants. The arguments are difficult to refute. The costs of unchecked immigration, social division, over-population, increased building and lost countryside are widely diffused while its benefits, such as cheap labour or family reunification, are highly concentrated. The expansive interests of employers and ethnic groups will cancel out the vague fears of a disorganised and uninformed public. The advocates of immigration have also successfully seized the moral high ground. Kindness to strangers is always more attractive than concern for the majority. Their strictures inspire just a faint feeling of unease. Here is our modern day version of the Mediaeval priest – enjoying the reverence of the public while profiting from the sale of indulgences.

## CHAPTER NINE

### CONCLUSIONS

IT IS CLEAR THAT our Government has lost control of immigration. It is also clear that a gulf separates what Government and top civil servants say is going on and what is actually taking place. The people who deal with immigration every day, immigration offices, the police, asylum seekers, illegal immigrants and immigration lawyers tell a very different story. Not only is government policy not working but it lacks vision and coherence. The implementation of future government policy depends on the immigration officers and the police. But they have all but given up. Until the Government gains their support, new policies have little chance of success. Both groups assert that it is perfectly possible to get immigration under control but the will has to be there. The Government, caught between public disquiet about asylum and the left-wing of its own party, has produced a push-me pull-you policy. Like the pantomime horse it dazzles with a lot of fancy footwork but makes no progress in any direction.

At the moment we are working in the dark. We have no idea who is entering this country, in what numbers, how they live when they get here, how many leave and how many come and go. Information would help formulate better policies. For example if we knew the numbers of Eastern Europeans who enter on six month tourist visas to work and then return home we could, if we wished, devise a work permit renewable from their country of origin.

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Immigrants would pay a flat rate of tax, a percentage of which would be refundable to the immigrant on leaving the country – rather as tourists now collect VAT at the airport. This would allow business their cheap and flexible labour and Eastern Europeans the opportunity to earn money and learn skills. It might encourage Eastern Europeans, like the Indians and Taiwanese of Silicon Valley, to set up business in both countries and move between the two. But this virtuous circle of mutual benefit can never get started until we overcome our ignorance and inertia.

Immigration is a great moral dilemma. It involves uncomfortable choices that we have failed to define let alone address. For now we are getting by on a piece of British fudge. We take in an unlimited number of immigrants then treat them badly or pretend they do not exist. The expansive gesture swiftly regretted is summed up by a story told to me by a Zulu living in north London during the apartheid regime. When an Afrikaner offered his own cup to drink from, the Zulu knew they were friends. When an English-speaking South African did the same, 'I suspected he broke the cup afterwards and threw it away.' This is exactly what we are doing to the immigrants in our care.

For many years a contradiction has existed that while the majority of refugees are women, children, the old and sick, the majority of those seeking asylum in the West are fit young men of working age. The cost of maintaining one young man in a detention centre is equal to the cost of providing life-saving supplies to many families in the countries where refugees find initial sanctuary. We give UNHCR £20 million a year for the care of refugees abroad but spend £2 billion on asylum seekers in this country. Have we really got our priorities right?

We are aware of the effect of immigration on our own country but what about on the country of emigration? Immigration transfers wealth by way of remittances from the richest countries

## WELCOME TO THE ASYLUM

to the less well off. Emigration is looked on as a benefit to the poorer countries. But is it in the long term? Any description of Albania must give pause for thought. Tens of thousands of men have left to seek work abroad. In their absence traffickers are targeting young girls and children for the European sex industry. Daniel Renton of Save the Children discovered that in many Albanian villages 90% of schoolgirls over the age of 14 no longer go to school so afraid are their parents of the traffickers. In a country the size of Wales and with a population of a mere 3.5 million, thousands of young women and children are being kidnapped and forced into the sex industry and the Albanian Government does nothing about it. Renton describes a political, social and moral wasteland created by the end of communism and sustained by the departure of the most talented and educated. What remains is a lawless zone where girls and children are the principal victims. The description has more in common with that of a nineteenth century African country ravaged by slave traders than a modern European state. This is the grim outcome of immigration and traffickers.

The lack of policy today is tacit approval of a system that corrupts and criminalises. There has been little debate on criminality and immigration for fear of attacks of racism. It is clear from the people that I talked to that immigrants are the first to suffer. They depend on criminal gangs to claim asylum. They have to perform criminal acts in order to work and often to find somewhere to stay. Our asylum system ensures law abiding people are forced outside the law and into the power of the gangs. Slavery and child labour are the result of illegal immigration and a corrupt asylum process. It is responsible for a man nearly starving to death on the landing of small house in Streatham, a 10 year old working for a few pounds a week, sometimes just for food, in a factory in Wembley and a child imprisoned and forced into sex

## CONCLUSIONS

day after day not five minutes' walk from my eight year old son's school. The people perpetuating this misery arrived in the UK by claiming the right to asylum. While we have been pretending an immigration problem does not exist, a parallel world has grown up alongside our safe and orderly society. It is a cold and brutal place and we should be ashamed of it.

How does all this square with Rabbi Hugo Gryn's exhortation that we are judged by how we treat people with no call on our help? Numbers are the curse in any debate on immigration. The harsh fact was summed up by a determining officer in the Whitgift Centre. 'Conditions in most countries are horrible,' she said, 'They are not what we would like. They are not what we want for our children. But that does not mean that those people can all come here.' Our generosity always had a limited quality. The asylum system worked as long as it was only used by the wealthy and the well-connected. Now that the taxi-driver has joined the queue, we have got cold feet.

Numbers make a mockery of generous impulses. An African refugee summed it up. 'When you are the first refugee to enter a village', he explained, 'they see you as an individual. They help you. They invite you into their homes and ask about your family.' But then more arrived and even more. The villagers turned surly. 'They refused to give the bread they had offered me with a smile.' They forced the refugees to camp outside the village. 'Finally they pelted us with stones.' The numbers are open-ended. This is the dilemma with which we have to wrestle. David Blunkett talks about extending legal immigration as an answer 'to reducing the lure of illegal immigration,' and pulling 'the rug on the gang masters'.<sup>52</sup> Why should it? Why should letting in a few thousand legally somehow assuage all those who would like to live in this country?

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<sup>52</sup> Announced on 10 June 2001.

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The Government presupposes there is a small and finite number of prospective immigrants. This is so far from the reality as to be almost breathtaking. How can the Government hope to debate the issues, make the moral choices if they do not first recognise what is going on in the ports and police stations of this country? In Slovakia 25% of the population apparently want to emigrate. The young hacker in Bulgaria estimated 50% of his generation longed to leave. We could take a million, two million, three million every year, turn England into a desert and still merely dent the sum of human misery. As the man from Burundi discovered, in a vast mass of humanity each one of us loses our humanity. Numbers kill compassion.

Numbers are also behind the black economy. We have two workforces – one garlanded with benefits, the other desperate to wipe your windscreen. It allows us to enjoy the best of the First and the Third World; to take maternity leave and employ a nanny. The black economy exists on the unspoken assumption that asylum seekers or illegal immigrants will be content to remain at the bottom of society living, as I saw, seven to a one-roomed flat, doing the jobs no one else wants. Poverty hides their numbers. The illegal immigrant, like the Cheshire cat in Alice in Wonderland, is invisible but for a pair of willing hands.

It is extraordinarily condescending to assume that the immigrant will not wish to adopt the aspirations of the society in which they live. As is obvious in Oldham, Asian youths will not put up with the conditions their parents accepted. If not this generation then the next will aspire to the English middle-class dream, a house with a garden, two cars, maybe a cottage in the country and university places for the children. There is much debate about whether we are rich enough to care for refugees. We are as long as they remain poor and confined to our inner cities. What happens when they want what we do?

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We face a dilemma of numbers of which immigration only forms a part. Economic growth depends on an expanding market. A growing population provided by immigration expands the workforce, preserves the size of the domestic market and encourages investment confidence in the future. A growing population contributes to the Government revenue and would pay for the spiralling bills for pensions and old people's healthcare. In other words more people means more consumption, more wealth and more tax revenue – but it also means less quality of life. If a significantly higher proportion of families own two cars then either you have to have fewer families or more roads or more traffic jams. Increased numbers put pressure on public transport, hospitals, schools, housing and the environment. The numbers are stark. The US has a much more generous immigration policy than we do. But then the average population density in the US is 72 people per square mile. In the UK it is 960. Singapore has decided to limit the number of immigrants it accepts, settling for less growth and more living space. We have yet to begin this debate let alone make the choice.

Numbers make it difficult to recreate the spirit of reciprocity which should be at the heart of an asylum policy. We should welcome in our neighbours because in bad times they would welcome us. In our safe and wealthy bubble such an eventuality seems inconceivable. We see asylum seekers, depending on our view, as scroungers or victims because they are so poor. But they did not start off that way. It is hard to envisage ourselves suddenly stripped of country, money and status. To imagine what objects of pity we would make without the suit, the wrist watch, the trips to the hairdresser – to be reduced, as one old man whom I met in emergency accommodation, to dreaming wistfully of having enough money to buy our own underwear.

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There seems no better way to finish a discussion on immigration than to recall the contributions that immigrants have made to this society. CARA, the Council for Assisting Refugee Academics which was set up in 1933 to help Jews and other victims of Nazi persecution, recently pointed out that among those offered protection in the UK are 18 Nobel prize winners, 71 fellows of the Royal Society and 50 fellows of the British Academy. Fish and chips, that great British tradition, was brought to the UK by seventeenth century Jews expelled from Portugal. Alec Issigonis who fled the war between Turkey and Greece was the brains behind the Mini and the Morris Minor. Karl Marx and Sigmund Freud sought sanctuary in the UK and Sir John Hobson, the first Governor of the Bank of England, was the grandson of an asylum seeker from France. Tanya Sarne, creator of the Ghost Fashion label, is the daughter of a Russian refugee. The late impresario and life peer, Lew Grade, fled the Ukraine while the cardio-thoracic surgeon Sir Magdi Yacoub, originally from Egypt, pioneered heart and lung transplants in Britain. Many winners of the Booker literary prize over the last 30 years have been first or second generation immigrants – among them Kazuo Ishiguro, Salman Rushdie, Timothy Mo, Michael Ondaatje and Ben Okri. And as Harold Macmillan said of one of the Thatcher cabinets: “We now have more old Estonians in the cabinet than old Etonians”.

Will the next generation of refugees survive all the indignities of immigration today in this country – the gangs, the slave labour, our welfare and educational system, a sink estate in Newcastle – and still dazzle with their achievements? We must ensure that they do.

## CHAPTER TEN

### FOUR RECOMMENDATIONS

1. The Government must be honest. No immigration policy can be successful until ministers see things as they are rather than as they wish them to be. Ministers seem to believe that there is some control of the numbers of immigrants entering this country. This paper has demonstrated there is almost no control. Ministers claim that those who enter this country as asylum seekers are carefully selected. This paper has shown the selection process is almost entirely dependent on who can afford to pay the criminal gangs. The refugee with nothing remains in the refugee camp.

Ministers give the impression that the number of potential, genuine asylum seekers is limited. This paper has shown the number of people who have a right to claim asylum under the 1951 Geneva Convention as interpreted by the British Courts is open-ended. The Government cannot achieve a meaningful immigration policy until they have accepted these crucial facts. Only then can they promote an informed discussion on how many people should come into this country every year and on what basis they should be selected.

2. Having acknowledged an almost unlimited potential demand to enter the UK, the Government must then initiate debate about how many people we, as a country, wish to take in every

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year. This should comprise demographic analysis, projections of skill shortages, possible congestion consequences, consideration of infrastructural constraints, (transport, education, hospitals, etc.) Equally it should be linked to an explicit statement of whom it is we wish to admit.

Once we have decided how many people we are prepared to admit, we can then consider what mixture of incentive and enforcement is needed.

3. The Government must consider the selection criteria they wish to operate. They must admit EU citizens, qualified relatives and those with predetermined British patriality, etc. There is then a quota of uncertain dimensions which could theoretically be welcomed. We could, as Germany has done, reinterpret the UN Convention of 1951 or our existing notions of family or even patriality. But we need to choose whom it is we wish to admit and we need to do it ourselves rather than have the choice forced upon us. There are multiple bases for such a decision. We could operate on the basis of first come first served, preferred countries, skills, a complex points system (as in Canada and Australia), remote extended family (as in the 1965 Hart-Celler Immigration Reform Act in the US), ad hoc responses to crises in the Third World, measurement of degree of need and distress or some complex combination of all of these.

The essential point is that whatever we choose as the basis of selection must be utterly explicit, well-broadcast and have broad consensual agreement at home. We cannot arbitrarily tinker with an agreed formula. We must gain the support of the electorate who will confront the realities of this decision every day as they seek to have their children admitted to local

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schools and sit in the casualty departments of their local hospitals. They must understand and accept the selection criteria that have been adopted.

At present the absence of policy, the absence of any responsible, pro-active and explicit decision about whom it is we can and will admit has not only fuelled racially bigoted resentment but created a vast criminal industry of people traffickers who prey on immigrants and spread corruption. Thus money talks and fairness has no place. Humanity does not even enter into it.

4. Given the above it would be trivial to provide specific recommendations regarding procedure at ports, computer systems at Croydon, detention centres at Oakington or any of the issues which occupy the tabloid headlines and, apparently, the minds of ministers. Preoccupation with such matters amounts to denial. As an urgent priority ministers should acknowledge the need to address the big questions, to be honest with Parliament, the electorate and themselves. They must do the most difficult thing of all and seek a true consensus on issues riven with prejudice and emotion. That, of course, requires real leadership.

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