

Defend the right to asylum

THE RIGHT to asylum is under political attack across Europe. In Britain, one of the Con-Dem coalition's first acts was to close the charity, Refugee and Migrant Justice, leaving thousands of asylum seekers without legal advice and representation.

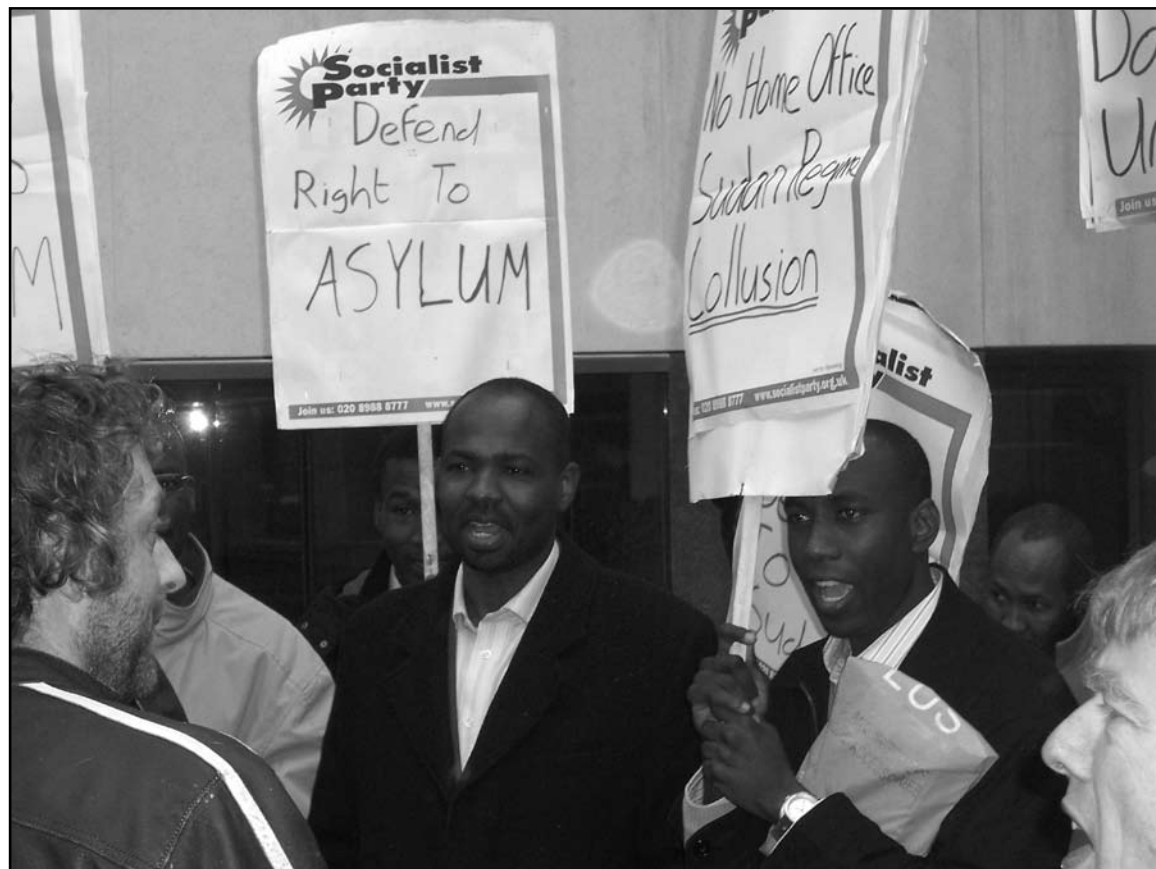
Eric Segal

The media often portray asylum seekers as part of Britain's economic crisis. As if a few thousand desperate, vulnerable people could have caused this massive economic chaos rather than the City spivs and racketeers!

Socialists defend the right to asylum in Britain and internationally. Most asylum seekers are asking for refuge because capitalism, in Britain and internationally, pursues profits relentlessly while creating poverty, building up the power of dictatorial rulers and stirring up ethnic and other divisions in their own countries.

Before 1905 the UK had no legal immigration controls or right to asylum. The 1905 Aliens Act aimed to exclude Jews fleeing pogroms in Russia. It excluded the poor and the sick, but for the first time a limited legal concession was granted for those seeking asylum. In 1906, despite the obstacles, 500 refugees managed to enter the UK under the 1905 Act.

After the 1917 Russian revolution, which saw the working class, led by the Bolshevik Party, take power, the British ruling class's fear of socialist revolution gave it an excuse to clamp down on the right of asylum. By 1919 no trace of legal protection for refugees remained on the statute



Socialist Party members supporting an asylum seeker fighting deportation.

photo The Socialist

book other than Home Office 'discretion' which allowed the myth of Britain's tradition of granting refuge to survive.

Many UK agencies including the security service were given responsibility for immigration. "The British security authorities saw Bolshevism as the key external threat and saw exclusion of Bolshevik agents as one of the chief functions of the post-war

system of passport controls," author Louise London writes in *Whitehall and the Jews*.

Leon Trotsky, a leader of the Russian revolution, applied for asylum in Britain in 1929. This forced home secretary JR Clynes (a former union leader) to tell parliament: "In regard to... 'the right of asylum', this country has the right to grant asylum to any person whom it thinks fit to ad-

mit as a political refugee... no alien has the right to claim admission to this country if it would be contrary to the interests of this country to receive him." In other words - "You have no right to claim asylum - we decide who is a refugee!"

Trotsky wrote in *My Life*: "Clynes's definition by a single blow destroys the very foundations of so-called democracy... Neither in its historical origin, nor in its legal nature, does [the right of asylum] differ from the right of freedom of speech, of assembly, etc."

Mass movement

BRITAIN'S UNYIELDING immigration controls blocked a mass movement of refugees from Nazi Germany and surrounding countries in the late 1930s. Only a tiny minority of people fleeing a brutal regime, hell-bent on genocide, were allowed entry into Britain. Others fled to the USA (if they could afford it) or remained behind to face the death camps.

After World War Two, working class anger at Britain's failure to provide refuge to millions of socialists, trade unionists, Jews, Gypsies and other minorities forced the allies, through the UNHCR refugee convention, to classify a refugee as a person who "owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion, is outside the country of his nationality, and is unable to or, owing to such fear, is unwilling to avail himself of the protection of that country..."

This paragraph excludes many categories such as environmental refugees. But many people escaping persecution found refuge in Britain through the refugee convention and the Human Rights Act even though, as Clynes said in 1929, the state rather than the person seeking asylum decides who can claim asylum or receive refugee status. Successive governments rigorously maintained this principle particularly when the issue is seen as lacking popular support.

Recently under home secretary Alan Johnson, the previous Labour government aimed to win votes by resisting asylum applications from Iranian and Ghanaian gay men. The Home Office told the applicants to avoid persecution in Iran and Ghana through "hiding their sexuality,

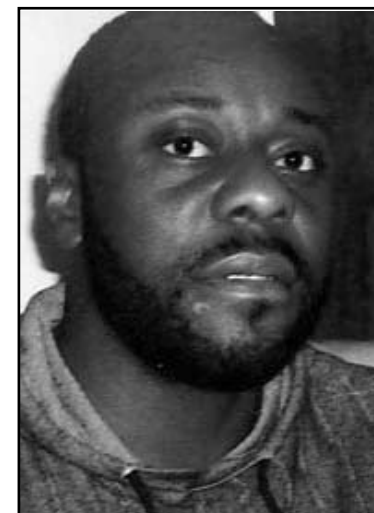
by behaving discreetly."

Even the UK Supreme Court said: "To compel a homosexual person to pretend his sexuality does not exist or suppress the behaviour... is to deny his fundamental right to be who he is. Homosexuals are as entitled to freedom of association with others of the same sexual orientation as people who are straight."

In the current world economic crisis, there has been a dramatic worldwide increase in violent struggles that has greatly expanded the number of refugees. However Home Office figures show a 48% reduction in the number of asylum applications in the first three months of 2010 compared to last year (see box below) although the fall is mainly due to fewer applications from Zimbabwe.

The future for UK asylum seekers is grim. Immigration Minister Damian Green has opened a new wing of the notorious Harmondsworth immigration removals centre. Two wings that were burnt down in disturbances there in 2006 have been rebuilt, making it the UK Border Agency's largest removal centre with over 600 bed spaces. Already, under the new government, over 1,900 failed asylum seekers and over 990 foreign national prisoners have been removed from the UK.

Big business sees detention and removal of asylum seekers as another profit-making opportunity. The horrendous results were seen recently in the death of Jimmy Mubenga, an Angolan who was restrained by G4S guards on a plane.



Jimmy Mubenga.

In July even the High Court declared a Home Office policy denying some refugees a last-minute appeal against deportation "unlawful". Most people are given 72 hours' notice of deportation from the country so they can launch a final legal challenge to their removal. But the previous government introduced a fast-track policy to remove some refugees, including children deemed likely to abscond and those in fragile mental health and at risk of becoming suicidal.

Many families get less than 45 minutes to pack all their belongings, including clothes, medication and children's toys, before removal. Even John Vine, the UK Border Agency's Independent Chief Inspector, questioned the treatment of refugee children removed from Britain - particularly over early morning raids. Vine says there is a danger that 30 minutes is becoming the "default position" to allow a family to pack.

Socialists must fight to defend the right to asylum and build links with those seeking asylum. The leadership of the trade union movement should head a mass campaign to stop the government forcing asylum seekers into destitution and to halt the forcible removal of asylum seekers.

Inhuman treatment of vulnerable people

ASYLUM APPLICATIONS to the UK fell steadily from over 80,000 in 2002 to 24,250 last year but not due to falling numbers of asylum seekers internationally. Guy Gordon-Gill, Oxford professor of international refugee law, calculates that only 0.3% of global refugees get anywhere near the EU. Britain ranks only 14th amongst EU countries in asylum seekers per head of population.

The drop from last year is mainly due to sorting out backlogs in the system rather than a change of heart in the Home Office. 15% of appellants were granted asylum compared with 29% in 2009. 68% of appeals were dismissed in 2010, whilst 27% were allowed.

3,730 people applied for asylum support in the first three months of 2010, 23% lower than 2009. 27,455 asylum seekers received asylum support in the first quarter of 2010, 17% lower than a year earlier.

Section 4 of the Immigration and Asylum Act 1999 provides support in the form of accommodation and £35 a week in vouchers or 'azure cards', effectively £5 a day. This disgraceful sum is little more than half income support. Despite this, many people who reach the end of the initial 21-day period do not even apply for Section 4 support because they are frightened of what will happen to them if they return home.

Failed asylum seekers are generally eligible for Section 4 support if they are destitute. However parliament's Joint Committee on



Campaigning in Nottingham.

photo The Socialist

Human Rights says the government had "a deliberate policy of destitution of this highly vulnerable group."

"We believe all deliberate use of inhumane treatment is unacceptable. We have seen instances where government treatment of asylum seekers and refused asylum seekers falls below the requirements of the common law of humanity and international human rights law."

Immigration legislation provides powers of detention. 6,895 people entered detention, held solely under Immigration Act

powers in the first quarter of 2010, 2% higher than a year previously. A disproportionate number, 3,485 (51%) were asylum detainees.

Statistics of grants of settlement - ie people allowed to remain in Britain indefinitely - are the main available measure of long-term immigration of people subject to immigration control.

Comparing the last 12 months with the previous year, the number of persons granted settlement in the UK rose by 40% from 153,020 to 214,345. Of these only a tiny number were of asylum-related cases, up from 2,695 to 2,720.