

# ASYLUM SEEKERS, MIGRANT WORKERS AND INDEPENDENCE, 28.7.13

## Richard Haley, Scotland Against Criminalising Communities

On 9 July, an inquest in London ruled that Jimmy Mubenga was unlawfully when he died on a plane at Heathrow while being restrained by G4S guards who were trying to deport him to Angola.

Jimmy Mubenga came to Britain in 1994, a student activist who had to get out of Angola because the regime was after him. He came here shortly after his wife (Makenda Kambana), whose father had already been killed by the regime and his child. He found work, they had more children. Then he got into a fight in a nightclub and in 2006 he was convicted of actual bodily harm jailed. After he'd served his sentence he was in line for deportation – a far more severe punishment than his jail term.

Jimmy Mubenga was killed in October 2010, in the words of the inquest jury "pushed or held down by one or more of the guards, causing his breathing to be impeded".

Like all migrants and asylum-seekers living in Britain, he was living in a different country from British citizens, with a different legal system and different rights, subject to the old sentence of transportation for even a minor offence.

Jimmy Mubenga's death was exceptional. But violence and abuse during deportation is routine. In 2008 campaigners and lawyers published a dossier of nearly 300 cases of alleged assaults on deportees by private security guards. People were beaten, punched, kicked, knelt on, sat on, handcuffed in ways that caused injury, racially abused.

Those aren't the only ways that asylum-seekers are abused.

At the end of March, 180 people were being held at Dungavel, not for any crime, but because the government doesn't want them here. In the course of the previous year, over 28,000 people were taken into immigration detention across the UK, with about 2800 in detention at any one time. Some have been detained for years. [Of the people coming out of detention in the year to the end of March, 76 had been held for more a year.]

If you're suspected of a crime, you can be held without charge for at most a few days.

Some asylum-seekers have their liberty, and absolutely nothing else.

They aren't destitute by accident or oversight, but because the law has systematically destituted them. They aren't allowed to work. If they are refused asylum and don't have a new claim or an appeal in progress, they are shortly afterwards denied access to any publicly-funded support, unless (Section 4 support) they choose to co-operate in their own deportation back to countries where they believe themselves to be at risk of torture.

Why is the system so vicious? British immigration policy is openly based on a strategy of deterring people from seeking asylum here.

## **Asylum-seekers in Scotland**

Only a handful arrive at Scottish ports and airports looking for asylum. Anyone who does that has to go down to Croydon to file their asylum claim. The overwhelming majority of Scotland's asylum-seekers enter Britain south of the border.

However they arrive, they then have very limited choices. If they have family or friends they can stay with, they can opt to do that and receive subsistence-only support from NASS. Most don't have that option. Under the dispersal scheme created by the 1999 Asylum and Immigration Act they'll be sent to one of the various locations around the UK where NASS has arranged accommodation. The only place in Scotland where they'll be sent is Glasgow.

So almost all Scotland's asylum-seekers live in Glasgow, with a small number receiving subsistence-only support in Edinburgh and one or two other places.

There's no accurate figure for the total number of refugees and asylum-seekers in Scotland, but based on UK trends the Scottish Refugee Council estimates that there are about 20,000 refugees, asylum seekers and others who come under the UNHCR term "persons of concern."

This isn't a very big figure, but it's quite a significant addition to Scotland's small BME population (100,000 people in the 2001 census). Economic migration to Scotland is much bigger – in each of the last few years 36-37,000 migrant workers entering Scotland were given national insurance numbers.

The number of asylum-seekers receiving support in Scotland reached a peak of around 6000 people in 2004 and fell steadily to about 2000 in March 2011. This March the number was just under 2300.

[This is partly a UK-wide trend. The number of people applying for asylum in the UK peaked at 84,000 in 2002 and settled down to somewhere between 20,000 and 25,000 from 2005 onwards. Worldwide the number of refugees has marginally risen over that period.]

Dispersal is driven by cost. Glasgow City Council was one of the most expensive accommodation providers in the UK, which is why in 2011 UKBA ended its contract with the Council, giving the contract first to Ypeople then to SERCO, whose normal business is running prisons and detention centres (including Dungavel). The housing crisis for asylum-seekers is still unfolding, with evictions going through the courts.

Besides the asylum-seekers who are receiving support, there are others who have ceased to get any support. It's impossible to make a respectable guess about the number of people in that situation.

Last year the charity Positive Action in Housing helped about 313 people out of its destitution fund. 111 of those people had been destitute for over a year, and out of those 111, 24 had been destitute for 3-5 years.

## **Independence**

"On independence, Scotland could take into account economic and demographic needs, as well as human rights and justice, when considering asylum applications. Responsibility for the immigration and asylum system would allow Scotland to provide greater security to asylum seekers awaiting the outcome of their application and ensure a fairer and more humane asylum system" – SNP 'Your Scotland Your Voice', 2009

It's often said that Scotland's needs are different from England's because of aging population.

North or south of the border, we need open borders so that we can stand in solidarity with working people all over the world. We need to protect all our rights in the workplace by making sure that no-one is a second-class citizen or an un-citizen, and no one is stuck in a black economy.

An independent Scotland ought to work towards dismantling the oppressive immigration system that we're going to inherit. But there will be some very immediate problems.

We'll probably inherit 180-200 detainees held in Dungavel. We'll inherit an uncertain number – maybe 2000 – asylum-seekers living in poor housing and poverty. And we'll inherit an unpredictable but smaller number of asylum seekers who are facing absolute destitution.

The things that need to be done are things that various organisations have been campaigning about for years.

The first thing we need to do is to end detention and destitution.

That's to say, as soon as the Scottish Parliament gains authority over immigration matters, we need an act of parliament that abolishes the power to detain asylum-seekers and that gives all asylum-seekers – even those whose claim has been refused – an entitlement to support and a right to work.

We also need to limit the powers of immigration officials so that there are no more dawn raids like the one in February this year that split up a young Nigerian family in Glasgow.

It would also be a good idea to grant an amnesty – a right to Scottish residence - in all the legacy cases from before independence. On current trends, that would probably only be around 2000 people.

These are just minimal humanitarian demands – band-aid not reform.

It would be a bad mistake to think that they will be easy to achieve.

They fly in the face of the culture of deterrence that's shaped British immigration policy and policies right across Europe. But the groundwork for the struggle has already been done.

There's been cross-party sympathy in the Scottish Parliament, and there's been a fair amount of sympathy in the media. The issue needs to be pulled into the politics of independence.

### **Some Further reading**

"Improving the Lives of Refugees in Scotland after the Referendum: An Appraisal of the Options" – Scottish Refugee Council  
- [http://www.scottishrefugeecouncil.org.uk/assets/5495/4087\\_SRC\\_Referendum\\_Report\\_V3.pdf](http://www.scottishrefugeecouncil.org.uk/assets/5495/4087_SRC_Referendum_Report_V3.pdf)

<http://www.migrationscotland.org.uk/> - COSLA strategic migration partnership – some useful and up-to-date stuff

Abuse during deportation - <http://www.statewatch.org/news/2008/jul/uk-outsourcing-abuse.pdf>  
- report by NCADC, Medical Justice, Birnberg Peirce (2008)

**Europe:** <http://www.statewatch.org/asylum/obserasylum.htm> is a useful resource on European policy developments

International solidarity – the No Border Network - <http://www.noborder.org/>

Institute for Race Relations - <http://www.irr.org.uk/> - British based group with an international outlook (especially Europe)