

United Kingdom

by Helen Brewer, published in June 2021

Basic Data

The United Kingdom of Great Britain and Northern Ireland (UK) is made up of four countries: England, Wales, Scotland and Northern Ireland. Current population data for the UK in 2020 was 67.9 million.

Government and Geography

The UK is a constitutional monarchy and governed by a parliamentary democracy. The head of state and the Commonwealth realms is Queen Elizabeth II. The current head of government is Prime Minister Boris Johnson of the Conservative Party. Within Parliament, there is an elected House of Commons (lower house, 650 seats) which consist of representative members voted in by the public and a non-elected House of Lords (upper house, 800 seats) whose members are made by appointment, heredity or official function. The House of Lords debates, reviews and amends bills that have been approved by the House of Commons. It is unable to prevent Bills from passing into law, except in specific circumstances, but it can delay and force the House of Commons to reconsider its decision^[1].

A snap election in December 2019 produced a majority 365-seat government for the centre-right Conservative Party. In turn, the main opposition, the Labour Party won 202 seats and smaller parties such as the Green Party and the Liberal Democrats winning the remaining 83. The next election is expected in 2024^[2].

Within the UK, each country besides England operates a devolved administration which serve their own minority governments. In Northern Ireland, the Good Friday agreement of 1998 led to a new assembly with devolved powers.^[3] While, powers devolved to Scotland and Wales in 1999 in response to the highly centralised nature of Parliament in England. As a result some government policies and public services are different from those in England. However, when it comes to matters of national policy such as foreign affairs, defence, social security, trade etc. these remain the responsibility of the UK government. UK Parliament may

pass legislation for any part of the UK including devolved matters when there is agreement from the devolved governments.^[4]

The UK consists of the island of Great Britain which includes England, Wales and Scotland and the British Isles which consist of various islands which lie off the coast of Great Britain. Located in North-Western Europe, the UK is surrounded by the English Channel, the North Sea, and the Atlantic Ocean. Northern Ireland shares a land border with the Republic of Ireland.

The UK also has sovereignty over 14 British Overseas Territories, leftover from the Empire, they are: Anguilla, British Antarctic Territory, Bermuda, British Indian Ocean Territory, British Virgin Islands, Cayman Islands, Falkland Islands, Gibraltar, Montserrat, St Helena and Dependencies (Ascension Island and Tristan da Cunha), Turk and Caicos Islands, Pitcairn Island, South Georgia and South Sandwich Islands, Sovereign Base Areas on Cyprus.

The Crown Dependencies are not part of the United Kingdom but are internally self-governing dependencies of the Commonwealth. The Crown Dependencies are the Isle of Man, the Bailiwick of Jersey and the Bailiwick of Guernsey.^[5]

Economy, History and Legislation

Overview

In the wake of the 2007 and 2008 financial crisis which saw the majority of the world descend into an economic recession, the UK experienced high public debt and economic decline. In response, damaging and widespread cuts to social support, public services and government services, like spending on the police, courts and prisons and an increase in taxes solidified the “age of austerity”. The term was popularised by the then-Prime Minister David Cameron as a part of a 5 year plan to eliminate the UK’s fiscal deficit. This contributed to rising social and economic inequality, as it included cuts to welfare spending, the cancellation of school building programs, cuts to local government funding, and an increase in VAT to 20%. The disproportionate impacts of austerity are still felt today and have fallen on the shoulders of low-income and migrant communities, specifically, women, children, the elderly and people living with disabilities. The results have been an increase in unemployment and homelessness, a reliance on food banks

and charitable services, closure of libraries and domestic violence refuges, cuts to social care for the elderly and to the National Health Service (NHS).[6]

The human cost of austerity has been huge. According to Philip Alston the UN Special Rapporteur, “The imposition of austerity was an ideological project designed to radically reshape the relationship between the Government and the citizenry”, this has meant, “UK standards of well-being have descended precipitately in a remarkably short period of time, as a result of deliberate policy choices made when many other options were available.”[7]

In June 2016, the UK held a Referendum and voted to leave the European Union (EU) which it was a member of since 1973. Officially leaving the single market and customs union in January 2021, the results are expected to dominate the UK policy agenda for some time, raising questions and uncertainty around the UK’s role and influence in Europe and globally. The extensive deal made over several years-worth of tense negotiations came into effect at the end of 31 December 2020, key points include: tariff- and quota-free trade between the UK and EU; and visas for UK nationals who stay more than 90 days in the EU in a 180-day period.[8]

The UK faces the urgency of managing both the economic impact and uncertainty from Brexit and its departure from the EU and the effects of the coronavirus pandemic. Since March 2020, the coronavirus has dominated political and economic decision-making, according to a recent [April 9 2021] House of Commons Research Briefing: “The magnitude of the recession caused by the pandemic is unprecedented in modern times. GDP declined by 9.8% in 2020, the steepest drop since consistent records began in 1948.”[9]

The UK government responded with numerous policy and support measures to mitigate the economic impact on businesses, workers and the wider public. However, coupled with the aftermath of austerity, increased unemployment, restricted mobility, the disintegrating state infrastructure and social services, and the results from Brexit, it is clear the effects will remain lasting on the population.

The British Empire

The violent legacies resulting from conquest and expansion which defines the history of the British empire cannot be fully covered here. However, this section

attempts to provide key historical understandings for the contemporary nature of the UK border regime, by laying out the context in which the empire sought to re-map the world, by establishing territorial boundaries and borders to demarcate ownership and influence.

The British empire lasted more than two centuries and was the largest in history, at its height the empire encompassed almost a quarter of the world's landmass. Imperial expansion occurred through the forced displacement, enslavement and the violent extermination of peoples, languages and cultures all over the world. Through settler colonisation, Britain brought famine, disease and death to so-called Australia, the Americas, New Zealand, South Africa, Canada, Rhodesia and Kenya. The transportation and establishment of penal colonies on these indigenous lands relied on 'convict' labour, brought about by the criminalisation of the poor and early practices of deportation.

Britain's involvement in the transatlantic slave trade from the 18th to 19th centuries propelled its vast accumulation of wealth and power. The empire continued the legacies of the Portuguese from the 16th century, by partaking in the forced brutal enslavement and transportation of millions of West Africans to work on plantations in the Caribbean and the Americas. Slavery and indentured labour were critical to building the empire in the colonies and at home.

Indentured labour practices were imposed following the abolition of slavery in 1834, and were seen most widely in India, where more than 1 million Indians were forcibly transported via the East India Company to work on sugar, cotton and tea plantations; and rail construction projects in Africa, West Indies and South East Asia.

However, it is crucial to remember that uprisings against the British Empire through resistance, rebellion and as a consequence, repression were continual occurrences during this period. According to historian Richard Gott, what's often missing from the historical recounting of the British Empire, are the stories "that make nonsense of the accepted imperial version of what went on", for Gott, "focusing on resistance has been a way of challenging not just the traditional, self-satisfied view of empire, but also the customary depiction of the colonised as victims, lacking in agency or political will." [10]

Techniques of social control such as policing, incarceration and segregation were

exercised and honed in the colonies. They acted as models for deploying methods of repression against the British population within the British state. Connor Woodman calls this the 'imperial boomerang effect' and "refers to the way in which imperialism is turned inwards, used against outcasts, rebels and minorities residing in the imperial metropolis itself." [11]

Beginning in the early the 20th century, new policy and legislative acts brought about changes to the control and management of Britain's borders. Questions of "who is British and who isn't", "who is desirable and who is undesirable" dominated the political agenda and can be seen in the following acts:

Aliens Act 1905

The Aliens Act of 1905 was the first piece of modern legislature employed to regulate and control immigration into Britain. Designed to prevent criminals and those of low social class from entering the UK, its underlying objective was to control Jewish immigration from Eastern

Europe. The act has since been repealed, but paved the way for divisions between the so-called "national" and the "alien", contributing to rising anti-Semitism and sowing the idea that immigrants were responsible for job scarcity and unemployment.

Furthermore, the act legitimised the "expulsion of undesirable aliens"^[12] in legislature, however, one could argue that the very first deportations occurred at the turn of the seventeenth century when Queen Elizabeth I ordered her now infamous 'edicts of expulsion' of black slaves from England.

British Nationality and Status of Aliens Act 1914

The vastness of the British Empire and the diversity of peoples who became subjects under their control, meant there was a need to equip the state with the laws to classify who is considered British. This would be the first of many Acts which would define British status.

Within this Act [13], the following people would [at the time] be considered British:

- Any person born within His Majesty's dominions and allegiance

- Any person born out of His Majesty's dominions whose father was, at the time of that person's birth, a British subject, and who fulfils any of the specified conditions
- Any person born on board a British ship whether in foreign territorial waters or not

Concerns about interracial relationships and marriages contributed to the latter half of the legislation which would mean the loss of British subject status when a British woman marries a foreign man. According to M.P. Baldwin, "[The loss of nationality was the] only argument which the Foreign Office as a rule found to prevail with British women in such cases in deterring them. [Changing this law would remove this argument and] encourage mixed marriages of this particular kind, which are in the women's case nearly always most undesirable." [14]

Post-War and the Commonwealth

British Nationality Act 1948

This Act formally introduced the status of British citizenship or 'Citizen of the UK and Colonies' (CUKC) while remaining a British subject following the decision by Commonwealth Heads of Government of 9 countries to introduce their own laws of nationality. This meant that the UK and the self-governing dominions of Canada, South Africa, Pakistan, Australia, Newfoundland, Southern Rhodesia, New Zealand, India and Ceylon would each adopt separate national citizenships, but retain the common status of British subject.

The 1948 Act [15] provided that:

- any CUKC or citizen of an independent Commonwealth country was a British subject
- British subject and Commonwealth citizen meant the same thing
- 9 countries, which were Dominions, ceased to be part of the UK and Colonies for nationality purposes on 1 January 1949

The Act also allowed for married British women to gain independent nationality regardless of the citizenship of their spouses.

In practice, it was expected that British subjects would acquire one or more national citizenships within the Commonwealth and the rest would fall into CUKC

status. However, until they acquired national citizenship they would continue to be British subjects without citizenship. It's important to note that some British subjects never became citizens of any Commonwealth country.

Through the Act, it became possible for British subjects of Commonwealth countries to work and settle in the UK and bring their families with them. The story of 'Windrush' is often told to exemplify the historical movement of people from the Commonwealth to the UK. The people of the 'Windrush' generation were British subjects of Caribbean countries who travelled to the UK between 1948 and 1971 following the 1948 British Nationality Act. The name referred to the ship that travelled to the UK called the 'MV Empire Windrush'.

Migration was initially encouraged to fulfil labour shortages and help rebuild post-war Britain. People worked in skilled and unskilled jobs, including in public services such as the newly created National Health Service (NHS) and London Transport.

However, it became strikingly clear that public sentiment to the invitation and arrival of people from the Commonwealth would not be welcomed, and many faced intense hostility and racism in the UK. Soon after the 'MV Empire Windrush' landed in 1948, 11 Labour Party Members wrote to the then-Prime Minister Clement Attlee complaining about excessive immigration.

In June 1950, a Cabinet committee was established with the prerogative of finding "ways which might be adopted to check the immigration into this country of coloured people from British colonial territories". In February 1951, that committee reported that no restrictions were required.[16]

The Commonwealth Immigrants Act 1962-68 and the Race Relations Act 1968

However, years later, new measures were ultimately put in place to counter the perceived influx of migrants from the Commonwealth. The former Labour leader Hugh Gaitskell would later refer to this first iteration of the Commonwealth Act, as a "cruel and brutal anti-colour legislation".[17]

The 1962 Act proposed to limit the number of Commonwealth citizens choosing to migrate and settle in the UK by needing people to possess a job before they arrived, demonstrate special skills in shortage or meet the "labour needs" of the national economy. Workers would gain entry through a government-issued

voucher system.

In a 1965 Parliamentary debate, the MP Cyril Osbourne advocated for the forcible “repatriation” or removal of migrants. Osbourne asked the Secretary of State for Commonwealth Relations: “Is he not aware that the overwhelming number of English people would like to see these immigrants return to their own countries if they so wish; that the bulk of our people would like to see no more of them come to this country...”[18]

In 1967, Asians from Kenya and Uganda with British citizenship left East Africa fearing discrimination from their own national governments, and began to arrive in Britain. Because they were citizens, they were not subject to the 1962 Act. In response, the Labour government produced the Commonwealth Immigration Act of 1968, making amendments to further diminish the rights of Commonwealth citizens by excluding the future right of entry previously enjoyed by Citizens of the United Kingdom and Colonies, to those born in the UK or who had at least one parent or grandparent born, adopted or naturalised in the UK.[19]

According to the Runnymede Trust, the UK’s race equality think tank, the 1968 Act “effectively revoked British citizenship and made thousands of people stateless”. There was vocal opposition to the Act, with Lord O’Hagan stating in a House of Lords debate the following year that this was a measure which contributed to the decay of race relations in the UK and called it, “blatantly discriminatory”.[20]

In order to curb racial divisions, the Race Relations Act 1968 made it illegal to refuse housing, employment or public services to a person on the grounds of colour, race, ethnic or national origins. In response, the Conservative Enoch Powell who had campaigned for tighter controls with the 1968 Act, produced the controversial and inflammatory speech ‘Rivers of Blood’ further inciting the racist rhetoric and divisions of the time against people of colour. Ironically, it was Enoch Powell who as health secretary between 1960 and 1963 recruited nurses from the Caribbean for the burgeoning NHS.

Immigration Act 1971

As resentment continued to grow towards people immigrating into the UK, the government continued to make further restrictions to immigration by decreasing Commonwealth citizens’ right to permanently settle and work in the country.

The 1971 Act now only granted the right to reside in the UK once one had been living and working there for 5 years. Furthermore, the Act no longer distinguished between people's country of origin. Before 1971, people were either from the Commonwealth or from outside the Commonwealth (and termed so-called 'aliens'). Although this meant restrictions would now extend to citizens of Commonwealth nations such as Australia and New Zealand who had previously held an automatic right to reside on UK shores. Many would have ancestral links to British parents or grandparents, therefore allowing concessions for people coming from the "white Commonwealth".[21]

Once in the UK, one would have to register with the police and find employment with a work permit for that specific job. After 12 months they needed to reapply for the right to stay in Britain.

The Executive Secretary of the Joint Council for the Welfare of Immigrants (JCWI) Vishnu Sharma at the time criticised the Act, saying it would "create day-to-day bureaucracy and interference on people living in this country. It will create more hardship for people wanting to enter into this country." [22]

Critically, the Act became the first time immigration officers were given the power to detain people seeking asylum in detention centres or prisons while their applications were considered.

Northern Ireland and the Thatcher years

The political and civil unrest between Protestant loyalists and unionists, and Catholic republicans and nationalists, known as 'The Troubles' possess a long and complicated history (almost 400 years) of ethnic and sectarian tensions, violence, and colonialism. This summary is not comprehensive but is here to lay out neighbouring and internal border conflicts which continue to exist in the UK, particularly in light of Brexit.

The Troubles began in the late 1960s when a campaign by the Northern Ireland Civil Rights Association accused the Unionist government of Northern Ireland of discrimination against the Irish nationalist and Catholic minority. This was opposed and seen as a Republican front culminating in sustained violence between republican paramilitaries such as the Irish Republican Army (IRA) and the Irish National Liberation Army (INLA) and loyalist paramilitaries such as the

Ulster Volunteer Force (UVF) and Ulster Defence Association (UDA), the British Army and Royal Ulster Constabulary, and political activists.

The conflict is tied to fierce tensions between Irish nationalists and republicans who are fighting for an independent reunited Ireland and the Ulster unionists who consider themselves British and want Northern Ireland to remain within the UK.[23] It has its foundation in the partition of Ireland in the 1920s, which was a process by which the UK divided the country into North and South. Initially intended for the two territories to remain under the governance of the UK, Southern Ireland with a Catholic and Irish nationalist majority left the UK, becoming the Irish Free State and eventually the Republic of Ireland, while the Protestant and unionist majority due to 17th century British colonisation in the North remained part of the UK with a devolved government formed in 1999.

The Troubles are considered to have ended with the Good Friday Agreement of 1998, however parts of Northern Ireland are still split along sectarian lines and have continued to experience paramilitary violence and enduring tensions to this day.

In 1979, controversial Conservative Prime Minister Margaret Thatcher came into power leading a destructive campaign against UK trade unions, social services and the welfare state through privatisation, lower taxes and economic deregulation.

Thatcher is often noted for her involvement in the miners' strike of 1984-85, which proved to be a cataclysmic moment for the downfall of British trade unions. The confrontation resulted in deindustrialisation and the closure of 150 coal mines, mostly in the North of England and in Wales. This culminated in tens of thousands of job losses and devastated entire communities.

Through the 1975 national referendum, the Thatcher government supported Britain's membership to the European Economic Community (EEC), the precursor to the EU. Despite apprehension and opposition to further European integration, Thatcher was keen to ensure the UK rebate on contributions to the EU budget, free trade and effective competition.

The British Nationality Act of 1981

This Act nullified the 1948 definition of British citizenship and provided the

foundations for the contemporary form we know of today.

By replacing it with three categories:

- British citizenship
- British dependent territories citizenship
- British overseas citizenship

'British citizenship' is the only category which entitles one to live in the UK. It can be acquired by birth (if at the time of birth either parent is a British citizen settled in the UK), descent (for a person born abroad, if either parent is a British citizen at the time of birth) or naturalisation. To gain naturalisation, however, is at the discretion of the Home Secretary and is dependent on criteria such as residence, language, employment and 'good character'. [24]

The effects of this new Act had devastating consequences for communities of colour living in the UK without a parent who was a British citizen, as it prevented their claim to citizenship. As the Act was publicly criticised for its racially discriminatory nature, 21,000 people of Indian ancestry were left stateless as British Overseas Citizens, while white counterparts from the Commonwealth continued as citizens because of direct ancestry.

According to the Runnymede Trust, "The new legislation therefore left a generation of effectively 'stateless' children, whose citizenship was demoted to Overseas Citizen status, despite them having been born and raised in the UK". British Overseas Citizenship for the most part went unrecognised by other countries unless the passport holder possessed a stamp confirming the right of readmission to Britain. [25]

To improve the situation, special provisions were made for non-British UK-born children to acquire British citizenship.

Immigration Act 1988

This act initiated Freedom of Movement in accordance with the European Communities Act 1972, ensuring European citizens of member states were exempt from immigration controls.

The EU and New Labour

The nineties marked many significant changes for the UK. After 18 years of Conservative leadership, the country voted in a Labour government with Tony Blair as Prime Minister. Under Blair's leadership and with the popular legacies of Thatcherism behind them, the Labour Party moved away from its historically socialist roots representing the needs and interests of the working class towards an era of 'New Labour'. This represented the ideological centring of the party and its embrace of market economics and neoliberal policies. This brought about the emergence of a new liberal left middle class. Blair called this approach the 'Third Way', advocating for a path beyond socialism and neoliberalism, for a combination of both. The strategy called for a reliance on economic growth in order to propel socialist policies.

However, under New Labour, the privatisation of the public sphere continued. The scholar and critic Stuart Hall, attributed the final blow of the welfare state not to Thatcher but to Blair, "The welfare state had been Labour's greatest achievement, then savaged and weakened under Thatcher. Its deconstruction was to be New Labour's historic mission. The two-tier society, corporate greed and the privatisation of need were inevitable corollaries. This was glossed as "modernisation"."[26]

In order to fulfil its economic promises of bolstering growth in the country, the once restrictive immigration regime had to be relaxed. This resulted in looser work permit criteria for low and high skilled employment, an increase in international students, migrant workplace schemes and a new points-based immigration system in 2005.

In 2004, citizens of several countries joining the EU were granted the immediate right to work in the UK. According to Erica Consterdine, "2.5 [million] foreign-born workers added to the population since 1997 and net migration averaging 200,000 per year between 1997 and 2010 - five times higher than under the previous administration government of 1990-1996." [27] Thus contributing to one of the largest migration flows since the post-war period.

The Immigration and Asylum Act 1999

This Act came from a 1998 government white paper entitled "Fairer, Faster And

Firmer - A Modern Approach To Immigration And Asylum” detailing the proposed reform of the UK immigration and asylum system to enable faster decision making processes and efficient handling of asylum cases. This was done in order to address the backlog of cases leftover from previous administrations. The bill was introduced when negative public sentiment toward the number of people seeking asylum in the UK was on the rise.

Conservatives and the media peddled the narrative of “bogus asylum seekers” who “abused the system”, leading to dangerous cuts to asylum and immigration support such as ‘No Recourse to Public Funds’ which prevented claims to public funds such as welfare benefits and housing assistance. The Act replaced welfare with food vouchers worth £35 per week for an adult seeking asylum. Another key change in the Act was to ‘disperse’ people to accommodation around the UK, in order to limit the concentration of people in London and the South-East of England. This was made on a no-choice basis and many people were made to leave their communities to unfamiliar parts of the country. Finally, the Act granted increased powers to immigration officers to arrest and detain people. The expanded use of detention coincided with an increase in its capacity, quadrupling to 4,000 people detained at any one time.

In 2000, the National Asylum Support Service (NASS) was created to carry out the new system. A spokesperson from the Joint Council for the Welfare of Immigrants said at the time: “These policies are not only discriminatory against one of the most vulnerable sections of our community but also one of the worst kinds of social engineering, which is destined to fail.”[28]

Nationality, Immigration and Asylum Act 2002

The Act created a number of changes to nationality and citizenship rights, including the implementation of an English language test and citizenship test called ‘Life in the UK’, which was mandatory for people to pass in order to naturalise or remain in the UK indefinitely.

Significantly, the Act produced several hallmarks of contemporary UK asylum policy, which impeded on migrant rights and access, while producing harmful rhetoric that sought to distinguish between people coming to the UK for asylum or economic motivations. Then-Home Secretary David Blunkett said the bill was designed to send a “major signal” to people seeking asylum with ‘unjustified’

asylum claims. Following a February 2002 white paper titled 'Secure Borders, Safe Haven', the idea of 'managed borders' became a government strategy to regulate economic migration and deter people from seeking asylum in the UK. This was done by removing access to support for people who are destitute and did not claim asylum immediately upon arrival. Support could be withheld if they did not co-operate with authorities or if they did not provide evidence of how they had arrived to the UK and how they had been living since their arrival.

The Refugee Council feared that this would place thousands of asylum applicants in extreme poverty, and ultimately be forced to choose between persecution and destitution. In 2004 the court of appeal found that the policy breached Article 3 of the European convention on human rights and in October 2004 the home secretary abandoned the policy.[29]

Further key points in the Act[30] are:

- The repeal of automatic bail hearings, which was created in the 1999 Act
- Powers to those who authorise and extend bail to be able to enter premises and detain people
- Increased powers to detain people at any time during an application, not just prior to removal
- Powers to local authorities to enter into contracts with the Home Office in respect of the National Asylum Support Service provider of accommodation
- The creation of a list of "safe countries", whereby citizens of these countries who have their asylum applications rejected cannot remain in the UK prior to their appeal
- The creation of the accommodation centre scheme. Accommodation centres were intended to house asylum seekers for up to six months while their applications were considered

According to The Guardian[31], the implementation of the Act occurred at a time in the UK when the media was intently focused on the number of people seeking asylum entering the country through dangerous routes such as the Channel tunnel. In June 2000, 58 people of Chinese origin tragically died inside a refrigerated lorry travelling to Dover, while the Sangatte migrant camp also known as 'the Jungle' in Calais drew intense coverage for its proximity to the tunnel entrance.

According to Statewatch, the Act further entrenched policing powers for immigration officers and information gathering by the Home Office. “The Tories introduced fingerprinting for asylum seekers in 1993, as part of the pan-European control of asylum claimants through the 1990 Dublin Convention - designed to prevent asylum seekers claiming in more than one EU member state, and the Eurodac Convention enabling exchange of fingerprint data to prevent multiple claims. Under the new Act, Labour took the principle further, by enabling immigration officers to require asylum seekers and others to provide iris imprints.”[32]

The Asylum and Immigration (Treatment of Claimants, etc.) Act 2004

This Act was touted as the “final phase of asylum reform”, by unifying the immigration and asylum appeals system into a single tier of appeal with limited onward review.

The main provision of the Act established the asylum and immigration tribunal for the consideration of all appeals against immigration and asylum decisions. In doing so, limiting the role of the courts by cutting off all appeals to the court of appeal and the House of Lords except on the grounds that the tribunal made an error of law.[33]

Furthermore, the Act criminalises people who arrive in the UK without valid travel documents unless they have a reasonable excuse; limits eligibility for support, if people are not “cooperating with the removals process”; and gives powers to the government to tag, track and use voice recognition technology to surveil people seeking asylum.

Immigration, Asylum and Nationality Act 2006

In 2006, the UK introduced a five-tier visa system through this Act, categorising people into:

- High-value migrants
- Skilled workers
- Unskilled workers
- Adult students
- Temporary workers

The Act subjected employers to on the spot fines of £2,000 for each person without a valid visa that they employ. Furthermore, the Act restricted appeals for anyone who is refused entry to the UK to work or study and empowers immigration officers to confiscate travel documents and record and verify biometric information from people entering the UK. The Act also allows the Home Secretary to judge whether a person shall be excluded from protection under the Refugee Convention if they are deemed to be a terrorist or major criminal.

Controversially, the act grants the Home Secretary the power to remove British citizenship from dual nationals if they deem it “conducive to the public good”. This legislation was used most recently in the case of 16 year-old Shamima Begum, who was stripped of her British citizenship in 2019. This effectively left her stateless and unable to challenge the decision whilst stuck in a detention camp in Syria, with conditions so dire, Human Rights Watch have said they amount to “inhumane treatment or even torture”.[34]

The Hostile Environment Policy

The Hostile Environment policy is often known as the pet-project of Theresa May who was then-Home Secretary for the Conservative government in 2012, when she famously proclaimed: “The aim is to create, here in Britain, a really hostile environment for illegal immigrants”.[35]

However, back in 2007, towards the end of Labours final years in power, Immigration Minister at the time Liam Byrne, declared: “What we are proposing here will, I think, flush illegal migrants out. We are trying to create a much more hostile environment in this country if you are here illegally” and “We have to make Britain much less of an attractive place if you are going to come here and break the rules.”[36]

What this shows is the underlying prerogative of the UK government for designing immigration and asylum policies to specifically target people for immigration control and force them out of the country. May’s policies set this prerogative in stone through a series of policies carried out in subsequent Acts, they include the deportation of EU homeless citizens, the now defunct policy of ‘deport first, appeal later’, and enforcing voluntary deportation through different strategies such as “Operation Vaken”. This was a controversial and fiercely criticised advertisement campaign that had vans emblazoned with words “Go

Home” driving around cities and migrant communities across the UK. Advertisements were also present in newspapers, shops, and charity and faith buildings used by the same communities.

A hallmark of the policy is to close people off who are undocumented from fundamental services like the NHS, schools, the right to rent and accessing emergency services. Tasking doctors, police officers, teachers, and landlords with the work of checking immigration status, and placing people in precarious positions, destitution and in fear of accessing help when needed. By turning citizens into border guards, the policy undermines the duty of public services to care and resist racial discrimination. The Home Office is also able to access the data stored by the services, for information gathering and surveillance.

According to the Joint Council for the Welfare of Immigrants, “Most of the undocumented population in the UK is made up of people who came here legally, but subsequently lost their status, very often through no fault of their own. Some make the difficult decision to leave an abusive partner or an exploitative employer, even though it means they will lose their immigration status. Others grow up assuming they’re British, only to be told that they aren’t, even though they’ve never known any other country. And some fall out of regular status because they can’t afford the skyrocketing fees to renew their visa or to challenge an incorrect decision made by the Home Office.”[37]

David Wood, the director general of Immigration Enforcement from 2013 to 2015 believed there was a link between the impact of austerity and the callousness of the policies: “As austerity bit at the Home Office, staff reductions were viewed as necessary in the immigration service to reduce costs. Policies were thus introduced which brought in more automation, thus requiring less staff, and letters sent out may have had little human involvement. The hostile environment policy led, effectively, to the outsourcing of immigration supervision to landlords, banks, employers etc. There was less human intervention.”[38] According to a recent September 2020 report by the Institute for Public Policy Research, they found that the Hostile Environment policy has “contributed to forcing many people into destitution, has helped to foster racism and discrimination, and has erroneously affected people with the legal right to live and work in the UK.”[39]

Criticism of the policies have resulted in widespread resistance by people working in the public sector, such as the group ‘Docs Not Cops’ who are made up of

healthcare workers refusing to comply with the governments bordering practices. Criticism of the policies reached boiling point, when in 2017, news broke that hundreds of people from the 'Windrush' generation had been wrongly detained, deported and denied their legal rights due to the policies design in making life impossible for those without documents.

As mentioned previously, the 1948 British Nationality Act allowed people from the Caribbean to work and settle in the UK as British subjects, with many of their children travelling on their parents' passports. During this time, the Home Office subsequently destroyed thousands of landing cards and other records of the generation's right to remain. Therefore, many did not have documentation, nor did they believe they needed it as they were deemed British and automatically entitled to settled status under the Commonwealth Immigrants Act 1962 and protected by the 1999 Immigration and Asylum Act (this was subsequently removed in the 2014 Act and elaborated in the next section).

However, due to recent policy changes, the Home Office made it a requirement for people to prove they had lived in the UK since 1973, demanding at least one official document from every year they had lived here, in doing so, creating an enormous and impossible task for people who should of had no reason to.[40] The Home Office have argued that what happened with the 'Windrush generation' was an 'accident' however, it's clear following the historical timeline of legislative Acts and political rhetoric that the policies were working as intended - to target racialised and migrant communities by denying their right to live in the UK.

The Immigration Act 2014 and 2016

The 2014 Act made significant provisions to reduce the right to appeal and the right to apply for immigration bail by people in detention. Furthermore, the Act continued to limit access to public services, charging 'temporary' migrants a fee to use NHS facilities.

The Act legitimised and legislated the promises of the Hostile Environment by preventing private landlords from renting to people without legal status and requiring them to carry out ID checks along with the NHS, charities and banks. People without status were also prevented from obtaining driver's licenses and bank accounts.

According to The Guardian[41], the 2014 Act was responsible for removing key

protections for Commonwealth citizens living in the UK and provides clear evidence for how this proved to be a major cause in the treatment of the 'Windrush generation' which involved at least 83 wrongful deportations. A key clause in the 1999 Act provided permanent Commonwealth residents protection from deportation but was subsequently deleted without consultation in the 2014 Act. The devastatingly cruel effects of the Hostile Environment policies meant that members of the 'Windrush generation' who were of pensionable age were also subject to checks by landlords, and the NHS. The Guardian revealed numerous cases of "Commonwealth citizens who have lived, worked and paid taxes in the UK for decades but have recently been threatened with removal. They have struggled to provide the paperwork required by the Home Office to prove they have the legal right to remain in the UK." [42]

Lastly, the 2016 Act made it more difficult for people without status to work by increasing powers to criminalise employers, employees and landlords if they do not comply with the provisions and "play by the rules". [43] The Act also made it a criminal offence for a landlord to purposefully rent premises to people without status.

Significantly, the controversial 'deport first, appeal later' policy (later repealed in 2017) was extended to include all migrants, not only convicted criminals without residency or people deemed to be 'conducive to the public good' to deport. Although a person may have a pending human rights or asylum claim they can now be deported pending the outcome of their appeal against the decision to remove them. [44]

Brexit and Global Britain

Immigration played a key role in the 2016 Referendum, with 'Brexiters' and Conservative supporters campaigning on "cutting immigration" from certain EU countries and via 'transit' states by proposing to overhaul the current system and redesign its own post-Brexit immigration regime. With the end of free movement and a new points-based system in place, future plans are already showing to develop ever more punitive and restrictive strategies of bordering.

On the 31 December 2020, Britain's exit from the European Union was finalised and with the transition period officially over, the EU law provisions the UK was once subjected to has now ended. This includes its departure from the Common

European Asylum System (CEAS) which “places minimum standards for how asylum seekers are to be treated and the procedural standards to be applied when making that determination.”[45] At minimum, they include multiple directives for determining who is a refugee, what rights people seeking asylum are entitled to as they wait for their refugee status to be determined; the rules and standards applicable to the process of seeking international protection including for instance the right to be assisted by a lawyer; and finally the Dublin system which regulates which EU Member State is responsible for an asylum seeker or refugee.

As the country awaited the tense deliberations and unknown changes to come from Brexit, the UK government proceeded to espouse ‘post-imperial’ rhetoric through the idea of a ‘Global Britain’. This was proposed as a new era for British foreign trade and policy. The slogan has become the guiding vision for many of the Conservative party frontbenchers including the acting Home Secretary Priti Patel. Britain’s exit from Europe is intended to signal both a return to Britain’s “glorious past” as a once former superpower and a step towards the future of the UK’s role in the world beyond Europe. So while the government seeks to reignite its resurgence in the world through free trade agreements and indulge in fantasies of being a “good global citizen”[46] advocating for liberal democracy and human rights, it does so at the same time as it seeks to draw up new dangerous and inhumane plans for immigration and tighter border controls.

New Immigration Plan 2021

The new Immigration Plan announced by Conservative Home Secretary Priti Patel makes dramatic changes to existing policies. The extensive document is currently in the middle of an ‘engagement and consultation process’ that will run for 6 weeks from the 24th of March 2021. Without Parliamentary debate, the policy plan is expected to be approved and written into legislation.

The main provision of the document aims to distinguish between ‘illegal’ and ‘legal’ entry and ‘illegal’ and ‘legal’ migrant. The plan proposes to limit entry into the country ‘legally’ solely through refugee resettlement schemes. Entry through any other means would be considered entering ‘illegally’. According to the blog Free Movement, “The word ‘illegal’ or a derivative of it appears 74 times in the document, epitomised by the sentence ‘In 2019, 32,000 illegal attempts to enter the UK illegally were prevented in Northern France’. The idea is to contrast clandestine entry, including dangerous crossings of the English Channel, with the

orderly process of resettlement directly from refugee camps under government programmes.”[47] However such schemes are difficult to access and there is often no choice in when or how one might make the journey to asylum to the UK. In most cases, people cannot directly apply for resettlement in the UK but are selected by specific NGOs. Refugee Action have criticised the plans for demonising and differentiating people based on how they reach safety.[48] According to the UNHCR, “Refugees can be resettled to the UK via the Gateway Protection Programme, the Mandate Scheme, the Vulnerable Children Resettlement Scheme (VCRS), or the Syrian Vulnerable Person’s Resettlement Scheme (VPRS).”[49] However, these have since been suspended because of the Covid-19 virus.

Despite there being no returns agreement in place with any ‘safe’ country to ‘take back’ asylum seekers and no agreements in place with any “alternative safe third country”, the plan makes claims to refuse and return people seeking asylum who have come through a ‘safe country’ or if they are an EEA national. Patel has described these as “boomerang deportations” and could be enacted in “as little as 24-hours.”[50] Another problematic and ungrounded claim is its proposal to keep open the option of offshore asylum processing which was initially leaked in October 2020.

People who entered via ‘illegal’ means would risk having their claims dismissed as “inadmissible”, while those with already successful claims but who entered ‘illegally’ and cannot be deported will be granted “temporary status” for 30 months, with no recourse to public funds and restricted family reunion rights, while also being “regularly assessed for removal from the UK”. Thus putting people in longer states of precariousness to await until a country is safe to return. The document makes clear the moves for making a lack of support for people the default, while eroding rights and fuelling destitution.

In a statement to Parliament, Patel said that the governments “tough new stance” would “include new maximum life sentences for people smugglers and facilitators. New rules to stop unscrupulous people posing as children and strengthening removal powers for the border force.”[51] Additionally, a “public order exemption” has been proposed to restrict people with a criminal sentence of 12 months or more from the National Referral Mechanism and associated protections, even if they may be a victim of trafficking.[52]

According to The Times[53], the government also plans to “stop lawyers ‘abusing’ the appeal system”, a controversial claim which arose in August 2020, when the Home Office publicly attacked so called “activist lawyers” for frustrating attempts to deport people with failed asylum claims, when they were merely ensuring people are able to exercise their statutory and legal rights. The plan seeks to penalise, “lawyers who lodge ‘hopeless’ attempts to overturn deportation decisions in the courts will have to cover government costs under plans to protect taxpayers and clear backlogs.”

The Sewell Report 2021

The Commission on Race and Ethnic Disparities report, also known as The Sewell Report published in March 2021 is a widely disputed and condemned review into institutional racism in the UK. The Commission on Race and Ethnic Disparities is made up of an independent group of 10 people from various working sectors and different ethnic minority backgrounds. The Commission is supported by the Cabinet Office. The report is generally seen to be a response and pushback to the world-wide Black Lives Matter protests that occurred in 2020. The findings of the report make the claim that while racism exists in Britain, it does not find any actual evidence of institutional racism and portrays the UK as a model for race equality.

The lengthy report investigates four key areas: education and training; employment, fairness at work, and enterprise; crime and policing; and health. Attempting to examine its intersection with ethnicity, socioeconomic background, geography, culture and degrees of integration. The report categorically fails to acknowledge the extent institutionally racism pervades UK society, especially when it comes to immigration.

According to UN Human Rights experts, the report attempts to “normalise white supremacy” saying, “In 2021, it is stunning to read a report on race and ethnicity that repackages racist tropes and stereotypes into fact, twisting data and misapplying statistics and studies into conclusory findings and ad hominem attacks on people of African descent.”^[54]

The Institute of Race Relations[55] responded to the report with heavy criticism, saying “The methodology of the report appears to be one that, in severing issues of race from class and treating issues of structural racism as ‘historic’ but not

contemporary, leads to the stigmatisation of some ethnic minorities on the back of the valorisation of others. Black Caribbeans, for instance, are contrasted with Black Africans, and deemed to have internalised past injustices to the detriment of their own social advancement.” Critics anticipate the report will be used to frame issues of racial inequality as ethnic and cultural factors rather than at the hands of institutions.

Migration Movements

Border Crossings at the English Channel

The English Channel is considered one of the busiest seaways in the world. The Channel connects ports in the UK such as Dover, Poole, Portsmouth and Plymouth to ports in France such as Calais, Dieppe, Boulogne, Le Havre and Dunkerque. In 1994, the Channel Tunnel (or Eurotunnel) officially opened in Calais. Construction began in 1988, although ideas for a cross-channel link had been brewing since 1802. The tunnel is a 50.5 kilometre long undersea rail tunnel crossing the Strait of Dover and connecting Folkestone, Kent in the UK to Coquelles, Pas-de-Calais in Northern France.

When the UK was still in the EU, it was not a member of the Schengen area, which allows free movement and no border controls between its member states. To control border crossings between mainland Europe to the UK and vice versa, a reciprocal arrangement between Belgium, the Netherlands and France and the United Kingdom, resulted in a series of what is termed ‘juxtaposed controls’ at certain cross-border terminals. These controls occur before boarding trains or ferries rather than on arrival and are primarily aimed at targeting ‘illegal’ immigration. According to a 2017 Home Office factsheet, “ In 2016, over 56,000 attempts by ‘clandestines’ to cross the Channel were stopped at the juxtaposed controls.”[56]

It’s important to understand how these controls emerged and evolved in legislating the UK’s external border to mainland Europe through bilateral treaties (including the Sandhurst Treaty mentioned in 4.2). The use of ‘juxtaposed controls’ entered national legislation through the Nationality, Immigration and Asylum Act 2002 (Juxtaposed Controls) Order 2003 under the 2002 Act.

The Sangatte Protocol signed in 1991 by the UK and France and implemented in 1994, is one such major agreement initiated with 'juxtaposed controls'. It called for border checkpoints to be set up by France at the Eurotunnel Folkestone Terminal in Cheriton, Kent and for border checkpoints to be set up by the UK at the Eurotunnel Calais Terminal in Coquelles, France. Similarly, the 2003 Treaty of Le Touquet concerned controls at the Port of Dover by French authorities and Calais and Dunkirk by British authorities in the designated immigration control zone. The treaty is cited by the House of Lords European Union Committee as the reason for the emergence of migrant camps in Calais due to the number of people refused entry to the UK.

The northern French coast where Calais is located has been the site of numerous migrant camps since the 90s. Due to its close proximity to the Eurotunnel entrance and the Port of Calais, the location has served as a popular place for people attempting to migrate or claim asylum in the UK or while seeking asylum in France. As the French asylum system does not provide support while their claim is processed, the camps provide a space to live albeit in dangerous and very poor conditions. Many NGOs and charities have a presence in the area providing much needed support like food and healthcare.

In 1999, the Sangatte refugee camp was opened in Calais. Thousands of people from different parts of the world lived in the camps including families, women and children. According to the UN High Commissioner for Refugees representative in France in 2015, many of the migrants in Calais were fleeing violence in countries such as Syria, Eritrea, Somalia and Afghanistan.[57]

Attempts to close the camp by French authorities have often led to riots and police violence. With nowhere else to go, make-shift informal camps (also known as 'the Jungle') have established themselves in response. In 2016, the informal camps were demolished and burnt to the ground amidst protests. A policy now exists of "no fixation points" for people to settle in, aiming to stop large camps from forming and creating a hostile environment for people through continuous police violence, evictions and lack of formal support. The "big" Jungle was home to around ten thousand people until its destruction. Notwithstanding the policy of preventing "fixation points", at any given time there are around 1,000 to 2,000 people living in precarious camps in the Calais area, but they now grapple under the added pressure of being evicted frequently (currently every other day).

Many people in the camps risk their lives to make the journey to the UK by stowing away on trucks, cars, ferries or trains; or by paying smugglers to facilitate their crossing via overcrowded dinghies or crammed into the back of trucks with little to no ventilation. These routes are incredibly dangerous and have resulted in the tragic deaths of hundreds of people. Both French and UK governments have entered into mutual border security and funding agreements to heighten border control and militarisation of the Channel (elaborated in section 4.2 below).

According to Thom Tyerman and Travis Van Isacker the “police perpetrate daily acts of harassment and violence against migrants, constantly evicting and destroying their squats and makeshift camps. These overt attacks by authorities combine with the systematic denial of necessities such as accommodation, food, hygiene products, washing facilities, and even clothes to deter people from coming to, or remaining in, Calais to attempt to reach the UK.” Additionally, in order to decrease the number of boat crossings, Calais Migrant Solidarity and Human Rights Observers have seen “French police routinely confiscate or destroy boats, life jackets and other marine safety equipment from any migrants they stop in Calais.”[58]

France Webber, Vice-Chair of the Institute of Race Relations, likens “the history of the securitisation of the English Channel” to a “history of death”. According to Webber, “Deaths at the UK borders have received far less attention than those in the Mediterranean. Most people recall the ‘Essex 39’ - the 39 Vietnamese migrants whose bodies were found in a container in Essex a year ago; and some remember the ‘Dover 58’, 58 Chinese migrants found dead in a lorry at Dover in June 2000. But few are aware that, in addition to these headline cases, nearly 200 people have died trying to reach the UK since 1999 - a hidden toll averaging out at one death every forty days.”[59]

In his report, Maël Galisson of French organisation GISTI details that 296 migrant deaths have occurred in the English Channel since 1999. According to Galisson, “the more a crossing point is securitised, and thus inaccessible, the higher the risks and the need for border-crossers to have recourse to a ‘third party’, a smuggler.” According to French authorities, 868 attempts were made to cross the Channel by boat in 2020.[60]

Boat Crossings and Covid-19 Impact

The impact of the Covid-19 global pandemic has meant that many of the already restrictive routes to migrate have closed. This has resulted in an increase in boat crossings as passages via car, truck and train are limited. Others have speculated that conditions in the camps amidst the pandemic as well as Brexit may have been factors for the increase of boat crossings. The boats are often small rubber dinghies that are overcrowded with men, women and children, many with little to no knowledge of how to swim.



Dinghy on a beach near Calais in January 2019 (Photo: Julia Druelle)

The arrival of people seeking asylum via boat in 2020 led to significant media coverage and political debate. Many of which included inflammatory remarks and dismissive claims around the validity of the journeys, contributing to negative public sentiment and rhetoric. According to May Bulman from the Independent, “Recent polling found that nearly half of the British public had little or no sympathy for asylum seekers making the desperate journey across the Channel from France.”[61] Fuelling these sentiments is Conservative Home Secretary Priti Patel who consistently portrayed the crossings as the result of criminal gangs and people smugglers, thus in her view, necessitating the increase of border security to prevent the “illegal crossings”. According to Thom Tyerman and Travis Van

Isacker, “These measures, described as necessary to ‘stop them’, in fact lie at the root of why so many now undertake this journey, and are the main cause of the deadly risks they face on the way.”[62] The Guardian[63] observes that smugglers are profiting off tighter controls by becoming the only option for people who want to cross.

The UK government’s position claims that the crossings are ‘unnecessary’ and that people should be claiming asylum in France, “a safe country with a fully functioning asylum system”. However, immigration barrister Colin Yeo rebuts this falsehood, citing “international law had long allowed people who could show they were refugees to enter countries by clandestine means to seek asylum” and that there is no legal obligation to claim asylum in the first safe country.[64]

Asylum Overview

Everybody has a right to seek asylum in another country. In March 2021, the UK had 109,000 active asylum claims “sitting in the asylum queue” and 52,000 of those are awaiting an initial asylum decision. Almost three quarters of those are waiting a year or more.[65]

It’s important to briefly note here that the UK became a signatory to the ‘1951 Convention relating to the Status of Refugees’ (and further amended to the ‘1967 Protocol’ changing refugee status from only applying to primarily Europeans displaced by WWII to refugees all over the world). The convention is voluntary and imposes several obligations on countries relating to the treatment and protection of asylum seekers and refugees, however the obligations in the treaty do not necessarily become part of national law, claims for asylum are written into UK immigration law.

The convention is responsible for laying out the legal definition of a refugee and binding signatories to the principle of ‘non-refoulement’ for refugees and people seeking asylum, which prevents their return to countries where they have a fear of persecution.[66]

In the UK, the Immigration and Asylum Act 1999 provides the framework for the contemporary asylum support system. The majority of people seeking asylum do not have the right to work in the UK, but are instead provided with housing and financial support. Once asylum is granted they are eligible to work in the UK and

have access to the same 'public funds' such as welfare assistance as British citizens.

A person in the process of claiming asylum are entitled to the following key provisions under Section 95[67]:

- Furnished accommodation, this may be a house, flat, hostel or bed and breakfast. People do not have a choice in where they live, this is usually located outside London and South-East of England under the 'dispersal' policy
- Due to the policy of 'No Recourse to Public Funds' (NRPF), people seeking asylum will receive weekly payments of £39.63. This is uploaded onto a debit card for each person in a household, to pay for essential needs like food, clothing and toiletries
- Access to free National Health Service (NHS) healthcare
- Children must attend school if they are aged 5 to 17. All state schools are free and children may be able to get free school meals

If a person's claim is rejected, then Section 95 support will end 21 days after the final refusal decision. According to the Home Office, a person is not eligible for support, unless the household includes children under 18 in which case support continues until their 'departure' from the UK.

According to Right to Remain, under the new immigration rules, the UK government may refuse to consider asylum claims made after 1 January 2021 if they believe the person "could enjoy sufficient protection in a safe third country". This includes if the person has travelled through another "safe country" on the way to the UK or if there is a "safe country" that a person has a "connection". "These rules replace the Dublin Regulations, which no longer operate in the UK after Brexit." [68]

Seeking asylum in the UK is a lengthy procedure, in which a person enters into several stages of the process. The Home Office expects a person to claim asylum as soon as they enter the UK. If not, the Home Office will argue that this is evidence that the person is not in real danger and will be used against the person's case. Next a screening interview is conducted to gather basic information about the person and their journey.

If a person does not have the funds to pay for a private lawyer, then they will be

able to access a legal aid lawyer. However, cuts to legal aid have meant that there are not enough legal aid providers in asylum law. According to a report made by Refugee Action, “26 local authority areas with more than 100 people seeking asylum have no local legal aid provision, and in 46 local authority areas the number of people seeking asylum exceeds the number of cases legal aid solicitors can provide by more than 100.”[69]

After your screening interview, the person will wait until their ‘substantive interview’ which may take as long as a year although the waiting time varies. According to Right to Remain, “The asylum substantive interview is when the Home Office interviewer will ask you in detail about your reasons for claiming asylum. The interview may last several hours and you will be asked lots of questions. You may be asked the same questions several times in different ways. It can be a very long, difficult and traumatic interview, and could be the most important part of your asylum application.”[70]

Waiting for a decision to be made on a person’s asylum claim takes many months. If a claim is refused then there is a possibility to appeal the refusal in the courts, which would take place in the First-tier Tribunal. According to Parliament, “The percentage of asylum applicants refused at initial decision reached its highest point at 88% in 2004. After that, the percentage of applicants refused at initial decision fell to 59% in 2014, then rose again before dropping to 48% in 2019.”[71]

Asylum and Austerity

The devastating nature of austerity on public services have also contributed to increased destitution amongst people seeking asylum. According to a research study made with 6 people seeking asylum in the UK in 2015 by the British Medical Journal (BMJ), the effects of being legally unable to work and receive benefits has meant many are depending on “informal social and financial support”. The BMJ reported that 3 out of the 6 people seeking asylum survived on “cash gifts from friends, religious organisations or refugee charities, as much as £15 if they were fortunate, sometimes just £5 a week. At times, nothing. Their diets consisted of low cost carbohydrates like baked beans, rice with chicken, bread and microwave chips. They would have liked to eat fruit and vegetables but were unable to afford them very often. Seldom would they eat more than one meal per day.”[72] The report’s findings have suggested that within the asylum

population, “there may be a cohort in the UK who face a daily struggle to survive, living lives comparable to pre-Welfare State deprivation”.

‘Dispersal’ and Temporary Accommodation

The UK’s ‘dispersal’ policy under the Immigration and Asylum Act 1999 means that people seeking asylum in the UK are housed on a ‘no-choice’ basis in various parts of the country outside London and the South-East of England. The policy which has been met with criticism due to many of the locations allocated in some of the poorest parts of the UK[73] such as Glasgow, Wales and Northern England. However local authorities are not provided with any extra government funding to participate in the scheme and cover costs. With limited housing provisions, many of the houses are in poor living condition, and a shortage of housing, means people are housed in inadequate long-term housing such as hotels instead.

Hotels and Barracks

The Covid-19 pandemic has severely impacted the ability to house people seeking asylum in the UK. Since the nation-wide lockdown began in March 2020 the Home Office has moved thousands of people seeking asylum from immigration detention centres and temporary accommodation into empty hotels and hostels around the country. Initiated as a ‘temporary measure’, there has been fierce criticism around the inadequate food, social isolation, barriers to accessing services such as legal advice and the uncertain time spent waiting for progress on their application. People are subject to strict curfews, inadequate outdoor space and abuse from hotel staff.[74] Concerns have also been raised about the spread of the virus in the confined spaces, with people criticising the lack of regular testing inside and a UK Home Affairs Committee report pointing to the hostels being “overcrowded and lack[ing] adequate sanitation, with children having no space to play or to receive education, and with meals often eaten in crowded and shared spaces”.[75]

In addition, far-right groups have harassed and carried out violent attacks on people and staff in the hostels[76]. Solidarity groups in local areas have since formed to provide mutual aid and support. As of April 2021, the Independent has reported that the Home Office have since began ‘Operation Oak’ to move the 9,000 people housed in hotels into longer term ‘dispersal’ accommodation. According to The Independent “there are currently more than 6,000 asylum

seekers accommodated in hotels in London, and that more than two-thirds of these individuals - about 4,400 - are due to be dispersed to different parts of the country by the summer.”[77]

Toward the end of 2020, people were moved and housed in two disused military barracks across the UK, Penally Camp in Pembrokeshire, Wales and Napier Barracks in Folkestone, Kent. Criticism of the use of the sites were made by the UNHCR[78] and the Independent Chief Inspector of Borders and Immigration and Her Majesty’s Inspectorate of Prisons stating both sites were “run-down” and unfit for long-term habitation.^[79] The BBC reported that in January 2021, 178 people tested positive for the virus at Napier barracks, where protests and riots have occurred by people forced to live in the dilapidated conditions. In addition, “Many men said they were depressed, and a survey found a third of respondents at both sites had mental health problems, while a third at Napier had felt suicidal.”[80] In March 2021, Penally Camp was closed following protests, a successful High Court legal challenge and the unionisation of its camp residents.

Reporting Centres

While people wait for a decision on their asylum claim or if their claim has been refused, the Home Office may impose mandatory reporting as a condition of their ‘immigration bail’ at a nearby immigration office, Home Office branch, or immigration office at a police station at a specified time. This could be weekly, fortnightly or monthly. The reality of the policy means that many people need to pay to travel, often long distances to report. In addition, each appointment carries the risk of a person being detained or given a deportation notice. If a person fails to attend their appointment, then they risk heavy penalties, such as evidence for their claim being rejected, detained and deported.

According to Corporate Watch, “An Independent Chief Inspector of Borders and Immigration (ICIBI) report from 2017 explains how reporting centre staff work specifically to deportation targets: ‘Staff at the London Reporting Centres worked on the basis that to meet their removal targets they needed to detain twice the number of individuals, as around half of those detained would later raise a barrier to removal and be released from detention.’[81]

A campaign to abolish reporting by These Walls Must Fall[82], have cited the “trauma and the harassment, the demeaning nature of the system and its harm to

people's health, especially mental health" when people are forced to report, notably during a nationwide lockdown. According to the Independent, "Asylum seekers and trafficking victims are being forced to travel miles on public transport despite lockdown restrictions because the Home Office has said they must continue to report to officials in person."[83]

Detention and Deportation

UK Detention Estate 1970 - 2021

An up to date overview of UK detention can be found at the Migration Observatory Project (MOP) here.

Powers to detain people seeking asylum who were awaiting decisions on their claim or following a failed application were first introduced through the Immigration Act 1971. Under the Nationality, Immigration and Asylum Act 2002, the title 'immigration detention centres' was formally changed to 'immigration removal centres' to "reflect the part played by detention in the removal of failed asylum-seekers and others".[84]

According to the MOP, from 2009 to 2019, the number of people detained has ranged from around 24,000 to 32,000 per year.

Within the immigration detention estate, there are 9 'immigration removal centres' (IRCs): Brook House (Gatwick), Colnbrook (Middlesex), Dungavel House (Lanarkshire), Harmondsworth (Middlesex), Larne House (Antrim), Morton Hall (Lincolnshire), Manchester, Tinsley House (Gatwick) and Yarl's Wood (Bedfordshire). These are managed by private companies or Her Majesty Inspectorate of Prisons. In addition, there are several residential short term holding facilities in which people can be held in for up to 7 days before deportation, release or if moved to an IRC. People can also be held in prisons under Immigration Act powers awaiting deportation after having finished their criminal sentences.

The Home Office states that "detention is most usually appropriate: to effect removal; initially to establish a person's identity or basis of claim; or where there is reason to believe that the person will fail to comply with any conditions attached to the grant of temporary admission or release." Furthermore, detention is used when there is a "realistic prospect of removal within a reasonable period".

However, the UK does not have a time limit on detention, meaning people can be detained indefinitely. While a majority of people are held for less than two months, in 2019, a person was recorded to have been detained for 1,002 days. According to Association of Visitors to Immigration Detainees (AVID), “Whatever the circumstances, being held in prison-like conditions without a time limit causes anxiety and distress. Many people in detention already have traumatic backgrounds, and the psychological impact of being held is absolutely damaging.”[85] According to Detention Action, “More than half are eventually released back into the community in the UK, their detention having served no purpose.”[86]

To give a better idea, “In 2019, 24,512 people left detention. 30% were removed from the UK, which means that 70% of those detained were released back into the community”.[87]

The use of immigration detention is heavily criticised as an ineffective and inhumane procedure, where people are essentially imprisoned under administrative measures without time limit. Concerns are often raised around the uncertainty and trauma caused by indefinite detention which is harmful to mental health and well-being, with further concerns raised around the conduct of detention centre staff, the conditions inside the detention centres, and insufficient access to legal services and healthcare.

Charter Flights

The UK employs two types of deportation mechanisms, the first by using commercial airlines (See 6.2 for information on the companies who profit from deportations) in which a person is removed on the same plane as members of the public, and the second is on a privately chartered plane, in which the whole plane is used to deport people en masse to one or several countries. Charter flight deportations were introduced in 2001. Every year, charter flights take approximately 2,000 people out of the UK. These flights almost always leave in the middle of the night and they never appear on airport schedules or online. There is no publicly available information about who will be on board, when it will be or where it will fly. The standard ratio of guards to detainees on charter flights is 2:1.

Charter flights are particularly violent. The Home Office uses a procedure for

rounding people up by their perceived nationality, detaining them, and using violent force to transport them to another country in secrecy. These charter flights are bulk-booked ahead - and the seats need to be filled by the Home Office - this results in people being unlawfully deported regardless of where their case has got to, or finding dubious reasons to refuse people permission to stay. The need to fill flights means administrative errors are common - and in many cases people are being put on the flight when they have outstanding appeals.

Dublin III

Prior to Brexit, the UK was signatory to the Dublin III regulation under the Common European Asylum System (CEAS). Dublin III “is an EU Regulation that determines the State responsible for deciding an asylum claim lodged in an EU Member State, Iceland, Norway, Switzerland or Liechtenstein”.^[88] The EU member states include: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden.

When the Brexit transition period expired on 31 December 2020, the government lost the right to deport people seeking asylum to the EU country in which they arrived. In response and over the course of 2020, the Home Office amped up its deportation regime under the regulation, scheduling weekly deportations despite a nationwide lockdown amidst a global pandemic. The move drew fierce criticism from activists and human rights organisations, who argue that the government avoided its legal and moral responsibility to implement due process in people’s rightful asylum claims.

“Voluntary Returns”

The use of ‘voluntary returns’ is criticised as a manipulative form of forced deportation, often employed in conjunction with the Hostile Environment. It follows that people who are in the difficult process of seeking asylum or have been refused asylum and are facing destitution and the threat of detention, are bullied into signing to be returned voluntarily. According to the organisation Women Against Rape, “We found out that many women had been taken into back rooms, in detention or when they went to sign on, kept for hours, refused access to a lawyer and sometimes even to something to drink and bullied, harassed,

threatened, lied to and abused to try to make them sign to return 'voluntarily'. "[89] The Home Office will fund and arrange travel for people, and in some cases offer financial assistance for 'reintegration'.

A campaign against voluntary returns by the All African Women's Group (AAWG), have called out NGOs who have collaborated and entered into Home Office contracts to profit from promoting and encouraging 'voluntary returns'. For example, Refugee Action receives £16,000,000 per year to facilitate "choices-assisted voluntary return service". [90] Furthermore, the charity Barnardo's and St. Mungos have been condemned for passing the details of homeless people to the Home Office.

"Family Returns Process"

The All African Women's Group have also called out the 'family returns process' which is often presented as 'voluntary' but is in fact part of a four step process leading to enforced deportation. [91]

Security, Surveillance, Biometric Technology

The UK uses a combination of 'front end' tools to surveil the border and collect data from people migrating and 'back end' systems which process and track the data collected. These databases such as the Home Office Biometrics database and the Case Information Database, record information such as personal details, DNA, fingerprints etc.

These are used by different agencies operating across the border regime, and play a key role in the implementation of border control and surveillance. According to Computer Weekly, 'front end' tools can be "mobile phone extraction devices, which are used to analyse migrants' metadata and access their GPS location history; aerial surveillance drones to patrol the Channel; and mobile biometric scanning devices that are able rapidly identify people and check their immigration status - all of which are provided by private companies." [92]

Many of the private companies involved are not transparent nor accountable to data sharing and collection or their impact. According to a Privacy International report, some of the tech firms involved include: IBM, Accenture, BAE Systems, Elbit Systems, Palantir, Deloitte Digital, Fujitsu, Northrop Grumman, Thales, Tekever, Cognizant and Leidos. [93]

According to human rights NGO, Liberty, “In England and Wales, more than half of police forces have deployed mobile fingerprint scanners - devices that carry out on-the-spot ID checks against immigration databases, turning officers into border guards.”[94]

Migrant Workers’ Rights

Migrant workers in the UK are particularly prone to job insecurity, discrimination and exploitation, through pay deductions, denial of sick and holiday pay, low wages and long hours and lack of information regarding health and safety rights to name a few.[95] Even though migrant workers play a critical role in the public sector and essential services, such as health care, transport, agriculture and food production, according to Manolo I. Abella from the International Labour Organisation (ILO), “Migrant workers are among the most vulnerable people in society, they are the least protected”.[96]

In 2004, 21 Chinese undocumented workers tragically drowned while picking cockles, a type of shellfish, in Morcambe Bay in the North West of England. The workers who spoke very little English and were unfamiliar with the location and environment became caught in the incoming tide and drowned.

According to the Trades Union Congress (TUC), “At least 3.7 million workers in the UK, around one in nine of the workforce, are in insecure work. These include agency, casual and seasonal workers, those whose main job is on a zero-hours contract and self-employed workers who are paid less than the National Living Wage” and many feel “less able to claim rights at work as they may be scared of their employer, do not feel confident making a claim in English or are not aware of their rights.”[97]

Self-organised groups such as The Voices of Domestic Workers and trade unions such as the Independent Workers of Great Britain (IWGB) and United Voices of the World (UVW) work to represent precarious, low-income migrant workers, employed in hospitality, cleaning, security and the ‘gig economy’, through campaigning and strike action.

Historically, migrant workers have been at the forefront of anti-racist and trade union organising. For example, in 1976, Asian and West Indian women went on strike at Grunwick, a photo processing plant in North West London. Led by

Jayaben Desai, the women walked out because of bad working conditions and attempts by management to cut their pay. The strikers' demanded union recognition, and although ultimately unsuccessful, the strike which lasted a year was supported by other workers, such as car workers, miners, engineers and electricians on the picket lines, while Post Office workers took secondary action by not delivering mail to the firm.[98]

EU and Post-Brexit

Overview of UK and EU relations

A complex and intricate network of power and money flows exist to perpetuate the UK 'border-industrial complex'. In 1992, the UK signed the Maastricht Treaty, formally establishing the European Union, along with European citizenship and the single Euro currency. The UK's position within the EU has often been one at arm's length, for example, by retaining the pound sterling and opting out of several initiatives throughout its time as member state.

The UK has generally sought to maintain its sovereignty from the EU, but engages with the Union to its advantage. For example, the UK sought membership to Frontex when it was first established, however was refused on the grounds that the country was not part of the Schengen Agreement. Even so, the UK attended Frontex Management Board meetings as an observer and participated in Frontex operations, such as the joint 'returns' operations, exchanging border surveillance data through the Eurosur surveillance system and the Schengen Information System, which acts as a database for storing and sharing personal information on individuals relating to immigration or crime. Since Brexit, the UK has withdrawn from the agreement.[99]

In 2019, the Foreign Affairs Committee published its report: "Responding to irregular migration: A diplomatic route"[100] with the Government's response appended to the report in 2020. The document is revealing of the future co-operative relationships the UK is seeking to maintain as well as generate post-Brexit in relation to migration.

The UK and EU signed and agreed "Political Declaration"[101] which includes within it a multi-faceted response to migration in order to improved co-ordination

and relationships between EU member states, especially EU 'transit' countries. In 2020, the UK signed a bilateral Migration Action Plan[102] with Greece, to better manage 'irregular migration', 'asylum returns processes' and 'organised immigration crime' in the Mediterranean. It is one way in which the UK is seeking to mitigate further migration from 'transit' countries at a distance. While the UK is not currently part of EU operations in the Mediterranean such as Operation IRINI which implements the UN Arms Embargo on Libya, it has committed to monitoring the deployment of the mandate and takes part in monitoring and training Libya's so-called coastguard, focusing "on basic and advanced maritime skills, English-language training, and training on international humanitarian law and human rights within SAR (search and rescue) and law enforcement contexts."

Under these "Joint Action Plans", the UK has invested millions of pounds worth of resources for migration 'interventions'. For example, "the Committee notes, the value of preventing migrants reaching northern France, UK interventions are increasingly designed to move migrants away from the coastal region and, further back along the route, to prevent secondary movement towards France from elsewhere in the European mainland."

The UK further recognises the risk that other coastal states may pose to the UK, and seeks to improve its engagement with Belgium, Spain and the Netherlands, with investments made "as part of growing bilateral operational liaison." The report reveals that much of the engagement is led by the Home Office and its agencies, with "higher priority being accorded to this work by the political staff of British embassies in Paris, Madrid, Brussels and The Hague."

The Foreign and Commonwealth Office (FCO), with the Department for International Development (DFID) and Home Office, are currently working to develop analysis and potential policy responses to the threat and effect of climate change on communities, especially in the Pacific. UK initiatives are also located in Africa, such as 'The Joint Sahel Department' which seeks to "ensure that the Sahel is better equipped to respond to conflict, is prepared to manage the effects of stresses and shocks including climate change, and is prevented from further degradation by tackling the drivers of poverty and insecurity. This joint approach will help to reduce the drivers of irregular migration and the harm that it causes."

Soft Power: Foreign Policy and Defence

The UK's exit from the EU means that the UK no longer agrees to support EU foreign policy (CFSP) and therefore has no framework for agreement in future foreign policy debate or challenges. Therefore the UK will need to compose a new directive for engaging with the EU, a House of Commons research briefing suggests that the UK will take an 'ad-hoc' approach by participating in "broader channels" of communication with the EU.

The briefing further speculates the UK's foreign policy relationship outside the EU will see the country making use of its "bilateral and multilateral diplomatic networks and its membership of, and participation in, international fora such as the UN, G7, G20, OECD and WTO, among others, in order to pursue its foreign policy objectives." [103]

The EU is regarded as a "soft power" actor by the UK with its focus on "crisis prevention, crisis management and post-conflict stabilization". [104] "Hard" power will continue to be the purview of NATO or "coalitions of the willing"; while any shortfalls in soft power projection, previously achieved through EU initiatives, could be compensated for through other bilateral or multilateral frameworks". [105]

Funding

According to a House of Commons research briefing [106], "2019 was the last full year in which the UK was a member of the European Union (EU). As a member of the EU the UK made payments, or contributions, to the EU budget. The UK also received funding, or receipts, from the EU." This may be through various social, economic and agricultural development programmes, such as the 'structural funding' programme to support economic development across national regions.

Again, according to the briefing, "In 2019 the UK made an estimated gross contribution (after the rebate) of £14.4 billion. The UK received £5.0 billion of public sector receipts from the EU, so the UK's net public sector contribution to the EU was an estimated £9.4 billion."

NGOs, research institutes and independent organisations are also reliant on the EU for funding, which is allocated via The European Commission directly to UK organisations following a competitive process. "In recent years these funds have been worth around £1 billion - £2 billion to the UK. Accounting for these receipts results in the UK making an average net contribution of £7.7 billion between 2014

and 2018.”

An exact breakdown of where money from the UK to the EU is allocated and vice versa is not detailed here however, an Freedom of Information Request[107] (FOI) from 2014, lays out UK contributions to Frontex as:

2012 - c. €194,448

2013 - c. €604,897

2014 - The UK forecasts a contribution of c. €389,067 for this year

A research briefing in 2017 reports, “The Home Office has stated that the UK ‘does not contribute towards the administrative costs of Frontex’, but estimates that between 2006 and 2015 the UK’s direct financial contributions “has remained stable” at £500,000 per year.”[108]

The ‘financial settlement’ or what’s been dubbed the exit or divorce bill sets out how the UK and EU will settle any existing financial obligations to each other. The Office for Budget Responsibility (OBR) estimate that the net cost to the UK may be £34 billion.

The ‘Conflict, Stability and Security Fund’, is a “cross government fund which supports and delivers activity to tackle instability and to prevent conflicts that threaten UK interests”[109] with access to funds of over £1 billion per year.

Militarisation of the UK and France border

Studies made by Thom Tyerman and Travis Van Isacke show the UK is consistently funding the increased securitization of the externalised British border in Northern France, with “expenditures of over £315.9m between 2010-16 and more than £45m since the signing of the Sandhurst Treaty in 2018.”[110] The huge sums of money allocated over the decades have paid for kilometres of security fencing, concrete barriers, surveillance technology, and funds over “one-thousand French riot police permanently stationed in Calais”.[111]

In 2015, the UK and France signed an agreement for ‘tougher measures’ on the French-UK border particularly in Calais and around the Eurotunnel, by establishing a joint “control and command” centre. Then Home Secretary, Theresa May said the new centre would “relentlessly pursue and disrupt the callous criminal gangs that facilitate and profit from the smuggling of vulnerable

people, often with total disregard for their lives”.[112] The UK paid £3.5 million (five million euro) per year over two years towards the measures in the deal. According to the BBC, “In July 2015, the UK announced £2m for a secure zone in Calais for UK-bound lorries, and £7m for other security measures.”[113] In 2014, the government pledged £12m over three years to ‘help France’.

In 2016, French and UK authorities set about constructing what was dubbed as “the Great Wall of Calais”, a four-metre high concrete barrier along the main motorway to Calais, aimed at stopping people from accessing vehicles. The wall was estimated to cost £1.9 million and was paid for by the British taxpayer.[114] It follows the deployment of a fence known as the “National Barrier Asset” near the Channel terminal at Coquelles, owned by the UK government and transported by unidentified secret contractor. The National Barrier Asset is “a collection of temporary security barriers established in 2004 to provide police with the ability ‘to protect high profile locations or temporary events, such as party political conferences, from vehicle borne suicide attacks’.[115]

According to the BBC, “The port is now protected by 16ft (5m) fences topped with coils of razor wire and CCTV, with the gates and exterior guarded by heavily-armed French riot police” and “Eurotunnel has spent £9.2m on security in the first six months of 2015 alone, including money for fences, cameras, infra-red detectors and extra guards”.[116]

In 2020, the militarisation of the channel reached new heights with the creation of a new role titled the “Clandestine Channel Threat Commander” leading operations to specifically tackle small boat crossings to the UK. The operation consisted of a coordinated approach with the UK armed forces, Border Force Coastal Patrol Vessels and Customs Cutters and French law enforcement and coastguards. The operation includes joint military training exercises between the Royal Navy and French naval warships, and aerial surveillance from Royal Airforce planes.[117]

The UK armed forces have also supplied France with military grade surveillance gear such as drones, thermal imaging equipment and radar technology to detect small boats entering the sea on the French coast.[118] Additionally, drones manufactured by a Portuguese IT, defense and aerospace company, Tekever are being used to monitor the Channel, specifically searching for migrant boats.[119]

In October 2020, The Guardian revealed that the Home Office were conducting trials to blockade boat crossings, the document stated: “Trials are currently under way to test a ‘blockade’ tactic in the Channel on the median line between French and UK waters, akin to the Australian ‘turn back’ tactic, whereby migrant boats would be physically prevented (most likely by one or more UK RHIBs [rigid hull inflatable boats] from entering UK waters.”[120]

In addition to the large scale military assault on free movement and migrants rights, the Home Office launched a propaganda and publicity campaign targeting people seeking asylum via boat and their legal representatives. This was widely condemned by the UK Law Society, Members of Parliament and the public.[121]

The Sandhurst Treaty 2018

The treaty is a border security deal signed in 2018 by then-Prime Minister Theresa May and French President Emmanuel Macron at the Sandhurst military academy. The deal agreed that the UK will pay an extra £44.5 million (50 million euros) for fencing, CCTV and detection technology in Calais and other Channel ports.

For further information read our Calais and Northern France report.

Development Aid and International Organization for Migration (IOM)

The 2019 Foreign Affairs Committee report: “Responding to irregular migration: A diplomatic route”[122] lists several funding schemes located in the Mediterranean and Africa, the first is the Department of International Development (DFID) £75 million funding of ‘Safety, Support and Solutions II’ programme which is operated by the IOM. The programme is worth £3 million and supports the ‘reintegration’ of people who have ‘returned’ to Nigeria.

In 2015, Defense Secretary Michael Fallon made the suggestion that the UK Overseas Aid Budget should be used to tackle ‘mass migration’, saying: “we can use our overseas aid budget, and this is where it should be used, to help stabilise some of these countries and discourage this kind of mass migration from them.”[123] The remark reveals the ways in which aid money is explicitly deployed to deter migration.

An example highlighting this instrument, is the EU Emergency Trust Fund for Africa (EUTF) which the UK contributed €35m to in 2020[124]. The fund seeks to “address the root causes of irregular [or undocumented] migration” by fostering stability and “better migration management” in the regions where migratory routes are pinpointed to occur from: The Sahel and Lake Chad, the Horn of Africa, and North Africa.

The UK government also implements the ‘Illegal Migration Strategy’, “part-funded from the aid budget”, its purpose “is to limit the number of irregular migrants arriving in Europe and the UK” via the deployment of multiple programmes targeting displacement, instability and humanitarian response. “The government has recognised that, to influence global migration, it needs to invest in shaping the wider international response.”^[125]

The IOM has a longstanding relationship with the UK, implementing such programmes as “Assisted Voluntary Returns, Counter-trafficking, Research on Migration, Refugee Resettlement and Migration for Development.” However, its main projects with the UK are the Facilitated Reintegration Scheme (FRS) and Voluntary Return and Reintegration of EE/EA Victims of Trafficking.

“Assisted Voluntary Returns”(AVR)

Assisted Voluntary Returns (AVR) were introduced in 1999 and operated by the International Organization for Migration (IOM) on behalf of the Home Office. The process involves administrative, logistical and financial support for the facilitation of the return as well reintegration assistance. “IOM UK also provides transit assistance to refugees and migrants at Heathrow Airport.”

“In 2019, 19,000 people left the United Kingdom (UK) via enforced or voluntary return, the lowest annual level since 2014. There were 7,400 enforced returns in 2018, 22% fewer than in the previous year - and the lowest annual level since 2004 - due to changes in the immigration systems, such as a reduced use of detention. Voluntary returns still account for the biggest share of all returns.”^{[126],[127]}

What role do (which) NGOs play?

Overview of NGOs

State support for migrants in the UK is either severely cut, non-existent, or subject to government agendas. Thus the need for independent organisations to facilitate essential support services has risen. Here are a handful of these NGOs providing legal and medical assistance, and resources for people navigating the immigration and asylum system.

Bail for Immigration Detention (BID)

BID is an independent charity challenging immigration detention in the UK, by providing legal advice and representation to migrants in detention and prisons to help them secure their release. BID also provides research and policy advocacy to effect change.[128]

Right To Remain

Right to Remain is an independent charity providing “information, resources, training and assistance to help people to establish their right to remain.”[129] A key resource developed by the organisation is the Right to Remain Toolkit, a free guide to the UK’s immigration legal systems and procedures. According to Colin Yeo, immigration barrister, and founder of the Free Movement blog, “The Right to Remain Toolkit helps migrants seeking to understand and defend their legal position in the UK. It is a great resource and I can highly recommend it”.[130]

Medical Justice

Medical Justice provides medical assistance to people held in indefinite detention. Due to the inadequate healthcare and traumatic conditions people face in detention, serious mental and physical health is a common occurrence. Medical Justice employ volunteer clinicians to document people’s experiences of detention to assist in their asylum claims and challenge their mistreatment.[131]

Joint Council for the Welfare of Immigrants (JCWI)

JCWI is a charity that works to “challenge unjust laws and practices that restrict rights and lead to discrimination”. The charity researches and develops resources

for influencing policy and debate on migration; provides legal advice; training and capacity building to support progressive movements at the grassroots and at the national level.[132]

Local Migrant Centres

Across the UK, local migrant centres have been set up in communities and boroughs to provide essential support to refugees and people seeking asylum in need of free advice on immigration, welfare and health.

UK NGOs are also active on the French and Belgian border, such as Care4Calais who are a volunteer-run charity providing much needed vital support services to refugees in France and Belgium. Another group, Human Rights Observers have been instrumental to documenting the human rights violations perpetrated against people exiled in Calais and Grande-Synthe, Nord-Pas de Calais.

Economic interests? Who benefits?

Private Security Companies

Immigration Detention

According to a Corporate Watch investigation, private security companies managing some of the UK's immigration detention centres, were paying people in detention as little as £1 an hour to cook and clean. The exploitative practice meant the companies saved millions of pounds in cheap labour.[133]

The Detention Services Order 15/2008 laid out the pay rate:

“There shall be two tiers of pay rate:

1. Routine work will be paid at a rate of £1.00 per hour.
2. Specified projects will be paid at a rate of £1.25 per hour.”

There are 6 ‘immigration removal centres’ (IRC) run by private companies, Brook House IRC and Tinsley House IRC near Gatwick Airport, managed by G4S Group; Harmondsworth and Colnbrook IRC near Heathrow Airport managed by Mitie; Dungavel in Lanarkshire run by GEO Group and Yarl’s Wood Immigration Removal Centre in Bedfordshire run by Serco. While, Pennine House Immigration

Reception Centre at Manchester Airport and Larne House Immigration Reception Centre in Antrim are both run by Tascor, a subsidiary of Capita.

Morton Hall Immigration Removal Centre, near Newark on Trent is run by the Her Majesty's Prison Service. Despite this, the two government-run centres, Dover (closed in 2015) and Morton Hall, also employed detainees on £1 per hour, potentially saving more than £1.4m per year.

According to The Guardian, "Home Office figures showed that in May this year, detainees in centres run by Serco, G4S and other contractors did nearly 45,000 hours of work for a total of nearly £45,500 in pay. Had they been paid at the national minimum wage, the cost would have been more than £280,000." [134]

The use of immigration detention is not simply a mechanism to detain and deport out of political or national 'concerns' but as a profitable intervention for "extracting financial value from migrants". According to Josefine Brons, contracts between the Home Office and the private companies Mitie, G4S, Serco and GEO amount to £243 million per year. Similar to the blueprint of the 'prison industrial complex', Brons cites "Private contractors, moreover, employ 1.2 million people in austerity Britain, which only increases the political capital of the migration 'security' lobby. The entanglement of private companies and the public sector have made the big security firms 'too big to fail' as outsourcing reinforces the Government's dependence on private corporations." [135]

The Deportation Machine

Private companies are also involved in the management of the deportation regime, escorting people from detention to the plane and overseas. People on deportation flights are always accompanied by guards, at a ratio of 2 guards for every 1 person.

The Guardian reports that "between May 2005 and November 2006 G4S was paid more than £9m for overseas escort services." G4S said: "We currently hold [a] contract for overseas escorting. We do book flights for scheduled and charter [removals] but do so via the Home Office's contracted supplier." [136]

In October 2010, G4S guards murdered Jimmy Mubenga with impunity when they restrained him using excessive force on a British Airways flight to Angola. The forced deportation occurred on a commercial flight with several eyewitnesses,

with a key witness describing 'screaming at the back of the plane'. He was saying 'they are going to kill me'. In his last moments, Jimmy Mubenga was heard to have said he 'couldn't breathe'. He collapsed on the plane and was taken to the hospital in the UK and later pronounced dead.[137]

According to Politico, "The U.K. government is preparing to outsource tens of millions of pounds in public contracts to reintegrate deported 'illegal' migrants in their home nations.

The Home Office hopes to secure transport, housing, medical and legal services from the private sector, and could help returnees access education and start businesses, as the government seeks to ramp up its deportation regime." [138]

Transport and Logistics

Carlson Wagonlit Travel is a private travel company and has been managing the Home Office's electronic booking system for charter flight deportations since 2004. According to Corporate Watch, "Its current seven year contract, worth £5.7 million, began in November 2017 and will last until October 2024 (assuming the two year extension period is taken up after an initial five years). The Home Office estimated in the contract announcement that it will spend £200 million on deportation tickets and charters over that seven year period." [139]

Airlines

The Home Office uses several different airlines to carry out its deportation regime from charter flight airlines such as: Titan Airways, to commercial airlines such as: British Airways, Easyjet, Kenya Airways, Ethiopian Airlines, Qatar Airways, Turkish Airlines and Royal Jordanian.

Virgin Airlines publicly announced in 2018 it has stopped carrying deportees from the UK due to sustained campaigning by the group Lesbians and Gays Support the Migrants.

According to The Guardian, in 2018 British Airways said it has "a legal duty under the Immigration Act 1971 to remove individuals when asked to do so by the Home Office." [140] But evidence shows that many pilots have refused to fly with people who are being deported on board their plane and there are "no recorded cases of anyone ever being prosecuted for refusing." [141]

Housing

The Home Office through UK Visas and Immigration (UKVI) contracts multiple housing service providers including local authorities, housing associations and private landlords. The providers are responsible for “meeting the costs of heating, light and water, as well as council tax, at the allocated premises.”

In 2012, all housing was provided by private companies under 6 contracts called: COMPASS (Commercial and Operational Managers Procuring Asylum Support Services). The contracts were awarded to different regions of the UK: G4S for the North East England, Yorkshire and the Humber, Midlands and East of England; Serco for Scotland and Northern Ireland and North West England; and Clearsprings Group for Wales and South West England, London and South East England.

The Home Affairs Committee report in 2018 pointed out that “although the system of three Providers looks straightforward on the surface, below it lies a complex network of contractors, sub-contractors and hundreds of private landlords.”

According to UK housing charity Shelter, “The accommodation provider also has other support responsibilities for the asylum seekers, including informing them about local services. There is no formal agreement between the accommodation provider and the asylum seeker, and the asylum seeker has no security of tenure and cannot rely on any implied covenants of repair.”[142]

However, “Accommodation frequently fails to meet the needs of supported persons, particularly those with children or mobility and health needs. Asylum accommodation has been repeatedly criticised for failing to provide security, respect for privacy and basic levels of hygiene and safety, particularly for women.”[143]

COMPASS ended in 2019 and is now replaced with AASC (Asylum Accommodation and Support Services Contract). The total value of contracts for the three providers are[144]

- Serco: £2 109 000 000
- Mears: £1 448 000 000
- Clearsprings: £996 000 000

What resistance is there?

Anti-detention and Anti-deportation

Detention centres have always been sites of migrant struggle and resistance. Over the decades, resistance has taken on a multitude of forms: in everyday acts of refusal and solidarity, sit-in protests and hunger strikes and riots.[145] These resistances have been key in publicising and mobilising campaigns to end immigration detention from the outside.

According to Bill Mackeith from the Campaign to Close Campsfield, “On several occasions mass hunger strikes spread from one centre to others. On a number of occasions people freed themselves by scaling the razor wire fences or breaking down gates. There were major protests, sometimes involving fire, at Campsfield, Yarl’s Wood, Harmondsworth and Haslar. In 2002, half of Yarl’s Wood, Europe’s largest detention centre at the time, was burned down.”[146]

Noise demonstrations often taken place outside the centres, bringing hundreds, sometimes, thousands of people protesting outside. There continue to be groups and movements campaigning for detention closures and reforms since the 1990s in various ways. Some of them include:

SOAS Detainee Support, No Borders UK, Movement for Justice, All African Women’s Group, South Yorkshire Migrant and Asylum Action Group and Abolish Detention Hassockfield.

Direct action against deportations from groups including No Borders and Stop Deportations targeted charter flights on a number occasions. In communication with people detained with tickets, activists blockaded the entrance of Harmondsworth and Colnbrook IRC to prevent the forced deportation of people to Iraq.[147]

Stansted 15

In March 2017, a Titan Airways charter flight was scheduled to deport 60 people from the UK to Nigeria and Ghana. On the night of the scheduled deportation, 15 people broke into Stansted airport by cutting a hole in the fence, walking up to the plane and using lock-on equipment and a tripod laid down on the apron where

the plane was parked. They remained there for 10 hours, stopping the flight from leaving that night. They were subsequently charged, tried and found guilty of 'endangering airport safety' from the 1990 Aviation and Maritime Security Act. In January 2020, the 15 won their appeal against their convictions.

Anti-Raids

Anti-Raids is a network of groups and individuals who produce and share information on how to resist an immigration raid with local communities. "Information includes alerts about raids, practical and legal resources, and stories and examples of resistance." [148]

Campaigns

Current campaigns against the border industry include:

A campaign led by SOAS Detainee Support (SDS) to protest against the increased deportations carried out by the airline company TUI. According to SDS, "as part of Operation Sillath, TUI has assisted the Home Office with deportation of recent arrivals to the UK via channel crossings. These deportations are set to continue."

A campaign led by Lesbians and Gays Support the Migrants against deportations carried out by British Airways. The group "are inspired by the solidarity shown by Lesbians and Gays Support the Miners in the 1980s, and deeply concerned about the brutal treatment of migrants in the UK and Europe". British Airways are known to be "still entering into contractual agreements with the Home Office to voluntarily deport people in order to make profits". [149]

Hostile Environment

Campaigns to resist the Hostile Environment include:

Unis Resist Border Controls (URBC), "a national campaign made up of British, EU, non-EU, migrant students, lecturers, & university workers opposed to Home Office surveillance, the Hostile Environment, and border controls on UK campuses." [150]

Against Borders for Children (Schools ABC) is a coalition of parents, teachers, schools and campaigners, whose aim is "to reverse the Department of Education's (DfE) policy, effective from September 2016, to collect country of birth and

nationality information on 8 million children in England in order to ‘create a hostile environment’ for migrant children in schools.”[151]

The Patients not Passports campaign is “a toolkit designed to support people in advocating for people facing charges for NHS care, and in taking action to end immigration checks and upfront charging in the NHS.”[152]

Migration statistics and Further Sources

Migration (EU and Non-EU)

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