



# The White Paper

*SECURE BORDERS, SAFE HAVEN: INTEGRATION WITH DIVERSITY IN MODERN BRITAIN*

## JCWI's initial response

*[The following comment represents the **initial** response of JCWI to the Home Secretary's White Paper on immigration policy, published on 7 February. It will be followed up over the next few weeks with more detailed analysis of the different sections of the White Paper, and a final response to the Home Office in accordance with its deadline for submissions of 21 March 2002.]*

The Home Office published its controversial White Paper on immigration policy on Thursday 7th February. Entitled *Secure Borders, Safe Haven: Integration with Diversity in Modern Britain*, the White Paper is the second major review of immigration policy under the Blair government.

The White Paper claims to be a comprehensive review of all aspects of immigration and integration policy, extending from economic migration, asylum procedures, tackling fraud, border controls, through to citizenship and nationality. In his foreword, Home Secretary David Blunkett, describes the White Paper as growing from the need to:

*“sustain the positive contribution of migration to our social well-being and economic prosperity ..”*

*Migration needs to be managed “properly” and “firmer foundations” built “on which integration with diversity can be achieved.”*

JCWI expected a radical departure with past immigration policies which have so far been based on a wholly negative view of immigration. Instead, the White Paper proposes yet more draconian measures which will seek to prevent integration and will only divide communities in the UK further.

## Citizenship and nationality

The White Paper predicates its discussion on citizenship and nationality on a sense of failure arising from the disturbances in the summer of 2001 in Bradford, Oldham and Burnley. It refers to reports which *“signalled the need to foster and renew the social fabric of our communities, and re-build a sense of common citizenship ...”* Under the guise of these disturbances, however, the Government is seeking to impose hurdles to the acquisition of citizenship through English language tests and *“learning programmes on the rights and responsibilities of becoming a British citizen”*.

We are concerned by the tone of the discussion in the section 'Preparing people for citizenship'. It is clear to us that the issue of social exclusion does not relate in a strong way to the concept of citizenship, since there are many people who are British citizens who are excluded, and equally many non-citizens who are integrated into British society. The issues that determine exclusion are vastly more complicated than anything presented in the White Paper.

The argument that the discharge of responsibility as a good citizen is conditional upon adherence to core British values or fluency in the English language is the intellectual residue of the same racist debate that took place in the 1960's when the likes of Enoch Powell attributed Britain's national ills to non-white immigrants.

Those who will be affected by these requirements will not be the disaffected youths involved in these disturbances who themselves are the victims of racism and deprivation recognised in the MacPherson and Scarman reports and who in the main already possess British citizenship by virtue of their birth in the UK, but men and women who due to their age, background or any other disability are unable to learn a new language.

To prevent someone from exercising their fundamental rights to vote or travel and by denying them the absolute right to live in the UK on the ground that they do not communicate in the same language or adhere to the same cultural values is an affront to the principles of equality and diversity. Through exclusion, the government will only be adding to the list of discriminatory measures that already deprive the most marginalised section of British society.

Those who are unable to communicate effectively in English should of course be encouraged to learn the language through the provision of ESOL classes and we support the Home Secretary's intention to make such provision more widely available. It would be counterproductive to coerce people into taking important decisions on enrollment on language courses; far more will be gained by leaving such issues to the voluntary will of each individual. At the very least, the SOS should enforce a clear exemption for that category of people who are unable to master a new language due to their age or disability.

With regard to specific proposals, JCWI welcomes the commitment to shortening the waiting time for naturalisation applications to within three months by April 2004. There are many positive aspects of the current system of naturalisation in the UK which are not properly considered in the White Paper. Current procedures, with their lack of formality and generally pragmatic approach, are more attractive to immigrants with a strong orientation towards integration precisely because they are so much less formidable and threatening than the ritualistic and symbolically charged American-style ceremony favoured by the Home Secretary.

By demanding that only immigrants should to take a loyalty oath coupled with the added threat of deprivation of citizenship, prejudices that such people are inherently disloyal. The net effect will be a sharper polarisation between those who have been awarded the citizen's badge of honour, and those who have abstained from the process.

## Working in the UK

JCWI's initial response to the chapter on working in the UK is that it must be regarded as a disappointment for all those who have hoped for a radical approach to the reform of migration policy in the UK. We would acknowledge that a process of fundamental review of many aspects of immigration policy has been underway at least since 2000 when the Department for Education and Employment announced important changes to the work permit scheme which have made it more accessible to migrant workers with a wider range of skills and experience.

In January 2002 there was a further significant development with the introduction of the Highly Skilled Migrants Programme, which allows the entry and residence of people qualifying under this scheme to seek work or self-employment in the UK. Despite suggestions from Ministers that the reform of economic migration policies would be extended to cover workers without formal skill qualifications, this has not happened in this White Paper. JCWI is therefore concerned that the White Paper has marked the end, rather than a further stage, in the modernisation of policies in respect of labour migration.

The specific proposals listed for change in this area of policy are peripheral at best to the main issues which continue to give rise to concern. The White Paper acknowledges that existing policy already allows postgraduate students to switch into work permit employment and merely proposes to change the immigration rules to reflect this fact. The admission of workers for the purpose of unskilled employment will be restricted to short-term, casual, seasonal work, with no family reunion rights for the workers and the expectation they return abroad at the latest after six months.

The promise that the working holiday maker scheme will be examined to find ways of eliminating discrimination against young people from the countries of the Black Commonwealth, as well as its possible extension to countries outside the Commonwealth is to be welcomed and further developments on this point will be followed closely. However we are of the view that the scheme, being intended for young people enjoying an extended holiday in the UK, should not properly be regarded as a main plank in a programme for labour migration. In its present form it does not lead to long-term settlement and employment is intended to be incidental to the main purpose of enjoying an extended vacation.

Taken as a whole these proposals are unlikely to bring about a major adaptation of policy to allow it to meet the level of demand for labour migration in the modern world. Most importantly from the viewpoint of JCWI, the proposed measures do little to extend positive rights to migrant workers, confining the few small areas where innovation is proposed to admission for temporary periods of residence, and, in the case of seasonal workers, no rights to be accompanied by family.

## Asylum policy

Current asylum policy, rather than being based upon the premise that the UK has a fundamental obligation to extend protection to those fleeing from persecution under the Geneva Convention, is based upon deterring and removing people from this country.

Headlined as "Ensuring End-to-End Credibility", the White Paper contains no discussion as to why the system is widely regarded as having little or no credibility at the present time. The lack of independence of decision-makers in the asylum consideration process is fundamental to the widespread concerns about the integrity of the system, with officials being required to make decisions in accordance with often inappropriate schedules and dubious information resources on countries of origin.

The credibility of the system is further strained by the fact that the government has closed off virtually all legal channels of arrival for asylum seekers, with the effect that applications are considered whilst the person concerned has been stigmatised for 'illegal' entry.

The White Paper presumes that the credibility of the system will be improved by measures to maintain higher levels of monitoring and surveillance of asylum seekers whose applications are under consideration. The mechanisms to achieve this are the establishment of a system of induction, accommodation, reporting and removal centres, ending the hope of automatic bail hearings for detained asylum seekers, the introduction of a biometric Application Registration Card, and limiting the possibility of appeal against negative decisions and the availability of independent legal advice at these centres.

We note that many of these measures are already in place and are in the process of expansion, raising doubts as to the value of the consultation process which the White Paper is supposed to entail. These measures will certainly increase the capacity of the system to enforce negative decisions against asylum seekers, but they do little to increase what should surely be the main function of asylum procedures, which is to maintain high standards of protection and ensure respect for human rights.

The proposals are consistent with the frequently expressed presumption that the majority of asylum seekers are not genuine and are abusing procedures.

The Government had no choice but to end the voucher system. Throughout its relatively brief existence, the voucher scheme became notorious for its degrading impact on asylum seekers and fostering division in the communities in which they resided. However, the proposed accommodation centres and doubling of the detention estate will only serve to extend social division by ensuring that asylum seekers are effectively segregated from mainstream society. Although not detention centres, the non-compliance measures that are planned impose a degree of compulsion, giving an asylum seeker little choice with regard to accommodation. New-style centres will become inevitable targets for racist attacks with barbed wire and security guards becoming a feature of these centres.

Given the increased detention of families of asylum seekers, fundamental questions remain over what provision will be made for a child's education and welfare, which should remain paramount. The principle that children of asylum seekers will be removed from mainstream schooling points to the creation of a two-tier education system. The potential for sub-standard education provision increases, bearing in mind the recent comments of the Department for Education, that neither they nor OFSTED will be responsible for education provision.

The imposition of smart cards is further evidence that the government has no intention to “destigmatise” asylum seekers. Although a form of proof is beneficial, a standard acknowledgement letter (SAL) suffices. It has been maintained that such SALs are open to forgery, a claim which can be attributed to as only a tiny proportion of SAL holders. The employment of biometric technology, which will now be used at UK airports to screen potential terrorists, sends out the wrong message to the public about asylum seekers. The Home Secretary has emphasised that control and tracking are the underlying reasons to these cards, which will do little to alleviate fears amongst refugee support groups that may be employed as a method of “electronic tagging”.

Little regard has been paid to the fact the majority of those who claim asylum are eventually given some form of protective status in the UK, despite an initial refusal. The increase of detention places is further compounded by the failure to implement part 3 of the 1999 Act, thus denying the automatic right of bail for those detained.

## Marriage and family visits

We share the concerns of a wide range of organisations who have commented on this section with regard to its unwarranted disparagement of the integrity of individuals who enter into marriages abroad with non-British citizens. The statement in the White Paper that *'there is a discussion to be had within those communities that continue the practice of arranged marriages as to whether more of these could be undertaken within the settled community here,'* is tantamount to prescribing who and where someone from the ethnic communities should marry. This statement constitutes an insult to the millions of people who have undergone such marriages in the UK and represents an attack on a fundamental cultural practice particular to certain ethnic minorities.

It is apparent from the tone of discussion, both in the presentation of the White Paper in Parliament, and in subsequent media coverage, that there is less interest in discussion *within* communities than in passing judgment *on* communities from an external vantage point.

We note that discussion based on the premise of the alleged undesirable nature of arranged marriages to persons abroad gives rise in the White Paper to a number of extremely unwelcome proposals. The probationary period for marriages is to be increased from one to two years, on the grounds that *'it will be harder to sustain a relationship for this longer period with a duped partner and it is more likely that, when questioned or interviewed, the lack of a genuine and subsisting relationship will become apparent.'* In our view this is an assumption that is not sustained by any evidence. It is common knowledge that people in unhappy marriages are capable of enduring for prolonged periods in order to conform with external expectations. We are extremely concerned by the change to procedures implied by this proposal, which suggests that on the conclusion of the probationary period couples will be subject to in-depth interviews intended to determine the quality of their married life.

No consideration appears to be given to the fact that the extension of a probationary period of this order is likely to increase the numbers of children confronting the prospect of separation from one parent because of doubts raised about whether their parents' marriage will subsist indefinitely. We note that even the one year period of probation has been criticised by organisations with expert knowledge about the detrimental impact

this has had on relationships between partners; we presume that an increase to two years will double concerns of this nature.

We welcome the proposal to remove the current requirement that unmarried cohabiting couples demonstrate an impediment to marriage before their common law rights as cohabitants are recognised by the immigration authorities.

The proposal to introduce a 'no switching' rule, to prevent people who have entered in the UK on some other basis from applying for leave to remain on the basis of marriage, is wholly unwelcome. The White Paper fails to make any sort of argument that current arrangements present a problem to the administration of immigration control procedures, and in the absence of this the proposal appears gratuitous. Instead it makes an inference that marriages arranged within a short space of time cannot be sustained permanently and thus represents another attack upon a cultural norm particular to many ethnic communities.

The removal of the present facility to switch will impose hardship and unnecessary expense on many couples who are unhappy about the prospect of a potentially prolonged separation in the early months of their married life. The cost of travel and visa applications made in these circumstances is in any event likely to be prohibitive, with the money better spent by the couple in establishing their new home together.

With reference to family visits, we are concerned that the White Paper appears to be looking for ways of reviving the discredited financial bond scheme for family visitors, with the suggestion that there is need for 'open and constructive debate on this issue.' No such need exists. The proposal encountered widespread hostility for understandable reasons and should now be regarded as a dead letter.

## **Tackling fraud, illegal entry and illegal working**

In our view the chapter considering the issues of fraud, illegal entry and illegal working, is fatally flawed because of its failure to consider the reasons why these problems have become widespread in recent years. JCWI is alarmed by the emergence of traffickers and smugglers as the medium for facilitating a large proportion of migration in the world today. But it is a problem which has emerged out of the failure of those countries receiving migrants and refugees to develop policies and strategies for the proper management of all forms of migration.

For JCWI, the question of whether a better system to tackle fraud and other forms of illegality can be put in place depends wholly and exclusively on whether open and comprehensive policies for the better management of migration are being operated. By any measure, the immigration policies in place in the UK, and those advocated in this White Paper, continue to fall a long way below this standard.

The White Paper proposes measures which are intended to improve intelligence and enforcement action, increase penalties for facilitating illegal entry, and to extend co-operation with immigration authorities in the EU and other international 'partners'. We are gravely concerned that these measures will impose further penalties on the victims of traffickers, rackets and exploitative employers and increase the hardships inflicted on

vulnerable people. We note that the White Paper promises measures to deal 'appropriately and compassionately with victims of traffickers' and 'help to those trapped in conditions of gross exploitation.' We would be keen to explore the possibilities that might emerge from these latter commitments, and particularly whether such an approach could be developed into the type of comprehensive amnesty policy for irregular migrants which have been used with a considerable degree of success by other EU member states.

## Border controls

The chapter on border controls is completely devoid of any sign of new thinking in this important area. The recent experience of the use of Airport Liaison Officers at Prague Airport is presented uncritically as a measure which should be repeated on a wider basis. No mention is made of the fact that the Prague incidents???? were reviewed in highly critical terms in the Czech Republic, and that evidence suggests crude discrimination on the basis of ethnicity made a disproportionate negative impact on travelers of Roma origin. The prospect of a challenge to this practice in the European Court of Human Rights now looms as a consequence of the Prague operation.

Recent research has indicated the extent to which visa and border control regimes give rise to substantial levels of discrimination against individuals on the basis of their ethnic or national origins. (Cf. *Borders and Discrimination in the European Union*, Ryszard Cholewinski, ILPA/MPG, 2002). The existence of such discrimination undermines the effectiveness of immigration procedures because any system which is suspected of discrimination on grounds of race and nationality will be deprived of legitimacy in moral and ethical terms. In our view, this section of the White Paper would have been more constructive if it had contained positive proposals aimed at ensuring the complete and total elimination of all such forms of discrimination, rather than advocating an extension of the procedures in which it is most firmly rooted.

## Conclusion

We are disappointed with this White Paper and feel that it perpetuates negative immigration policies rather than providing a perspective for 'radical and over-arching' reform of immigration policy. Its tone is in the main speculative and vague and little evidence is cited to underpin claims for the merit of its proposals. It has already demonstrated a capacity to cause offence in terms of many of its proposals, with a strong sense that there continues to be a lack of real appreciation of the issues raised by immigration policy which is felt by many who are most closely affected by its operation.

In the key areas where innovative and radical thinking are most urgently needed - namely migration for work and asylum policy - there is little to engender enthusiasm and much to cause alarm. There is no indication that significant new channels for legal economic migration are likely to be opened up, or that the UK immigration system is making a genuine response to the needs of the modern, international labour market.

We are of the view that asylum policy will not advance in the UK until the independence and integrity of the asylum process is guaranteed and the reception of asylum seekers is put on a fully legal basis.

The legislation based on this White Paper, promised by the Home Office in the Spring, is, in our view, bound to be defective. We would therefore urge that the business of drafting legislation be postponed until thorough discussion of the White Paper has been completed and expert opinion from all sources taken fully into account.

Joint Council for the Welfare of Immigrants  
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