

In a Twilight World - Undocumented Migrants in the United Kingdom

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Foreword

I would like to thank all those who have made this study possible. The idea for the initial research was developed by JRS-Europe. Eddy Jadot SJ and Ward Kennes showed great foresight and not a little courage in persistently driving a project forward that arouses great controversy not only in the wider official immigration and asylum world but also among one's natural allies in the NGO community, too.

Father Jörg Alt SJ provided invaluable support in the drafting of the concept for the field phase of the study and our discussions helped to develop the required balance of theory and practice in the approach. Special thanks are due to the ZUMA research institute, Mannheim for their pragmatic support and

feedback at that stage.

In London it would not have been possible to conduct the research without the information, guidance, network of contacts and, above all, sympathy and astute encouragement (when required) provided by the stalwarts of JRS in the Brixton office, Chris Boles SJ, Bernard Elliot SJ and Ms Sou Huoy Lam. Academic supervision in the UK was given by Maryanne Loughry RSM of the Refugee Studies Programme at the University of Oxford. Thanks are also due to the many organisations which were prepared to speak and provide the wherewithal to conduct a study on the undocumented, people who want to remain invisible.

Brother Michael Hainz SJ at the Institute of Social Studies at the Faculty for Philosophy SJ in Munich was an invaluable mentor, guide and critic from beginning to end of this project. I have profited greatly from his clear and rigorous but sensitive academic supervision. Any mistakes and weaknesses remaining in the text are, of course, exclusively my own.

This study is dedicated to my undocumented interviewees themselves. I hope it may contribute in some small way to helping them emerge with dignity from the twilight zone.

Introductory background: on the need for this study

"There is no sorrow above the loss of a native land" (Euripides, Medea, 431 B.C.)

"a person who... owing to well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion is outside the country of his nationality and is unable or owing to such fear, is unwilling to avail himself of the protection of that country; who not having a nationality and being outside the country of his former habitual residence, is unable or, owing to such fear, is unwilling to return." (1951 United Nations Convention and 1970 Protocol relating to the status of Refugees: Article 1.A.2)

In the course of its work worldwide the *Jesuit Refugee Service* (JRS) has come to realise the scope of the problems faced by migrants without documents, also called *sans papiers*. The focus of this study, part of a European project encompassing field study in the UK, Germany and Spain, is on how undocumented people cope with the social, legal and political everyday problems in their lives. The aim is to provide insight into the specific experience of the undocumented at the "local" level of the countries studied and provide the material for a comparative European approach. On the basis of the analysis of the information gathered, it is intended to draw up guidelines for a constructive lobby policy in support of the human rights of migrants without legal status.

The broad background to a study of this kind is the worldwide development of refugee and migration movement in the last twenty years. Primary migration from the Majority World to the rich nations has become difficult, if not impossible, except for a tiny minority of highly qualified professionals with

desirable skills. This is not the place to examine the moves toward "fortress Europe" in detail ¹. Suffice to say the development of internal freedom of movement within the EU, for example, and external restrictions of entry are two sides of the same coin.

At the same time global migration pressures have been increasing. There are now nearly twice as many refugees as there were in 1984. The budget of the *United Nations High Commissioner for Refugees* (UNHCR) of \$1.28 billion is intended to cover an estimated 27.5 million "people of concern". While around 80% of the world's refugees still flee from one poor country to another, the number of those applying for asylum in the rich world has risen dramatically since the early Eighties. In Western Europe the number of applications for asylum rose from ca. 170,000 in 1985 to more than 690,000 in 1992, the trend was however reversed through more restrictive policies causing the figure to fall to around 250,000 in 1996. In the UK some 80% were either given refugee status or Exceptional Leave to Remain in 1987, this level of recognition had fallen to around 20% by 1996 ^{1a}.

Parallel to this more restrictive asylum regime in the post-industrial countries there is the additional pressure encouraging illicit migration of internal displacement. This group of the uprooted has no protection under international law. The numbers of internally displaced persons are said to be twice as high as that of refugees, some estimates put the number of the uprooted worldwide as approaching 100 million. Very many migrants from the Majority World do not leave their homes willingly. Main reasons are war, internal or external conflict making life impossible for civilians; environmental, floods, earthquakes or "man-made" catastrophes deprive people of their livelihoods; political reasons include repression by the state against opposition groups, ethnic minorities and trade unions; persecution is repression directed against the individual on account of race, religion, gender or sexuality. The final reason is economic, people leave their homes because of poverty and the need to look for a better life².

It is now widely acknowledged that large numbers of the uprooted, those who have left their home areas more-or-less unwillingly, cannot easily be fitted into the categories of international law allowing for definition as a refugee. If people leave their homes because economic, social or environmental conditions have so worsened as to endanger their lives, there is no international framework of assistance and support available for them. It is, moreover, virtually impossible to measure these changing conditions of daily life as a basis for international standards in order to set up supportive mechanisms.

This is the background against which increasing irregular migration from the poorer to the richer world must be viewed. The channels through which legitimate labour migration to the richer North was possible have increasingly been narrowed. People, however, as in all ages continue to want to move to where they might be able to make a new start. In addition to this in the modern age of revolutionised transport and communication technology the enticing image of the dream world in the "advanced" countries is all-pervading (visual electronic and print media, advertising, stories of those who have "made it" in the rich world). The means to get there somehow is also available – provided you have the resourcefulness, determination and can scrape together the money to do it.

According to draft studies by the *International Organisation for Migration* in Geneva at least 500,000

and perhaps as many as a million people are being trafficked into Europe each year at present. This kind of smuggling has become illicit big business comparable in many respects to drug trafficking and the illegal arms trade. Only a small percentage of the numbers coming to Europe actually get into Britain, not least because of the island situation. Customs and Immigration officials detained some 10,000 people classified as illegal immigrants³.

This is the customary approach to irregular migration at the macro-political level, according to which it is viewed as a problem of security and international border control, which has to be mastered. The aim of this study, however, is to adopt the perspective of the undocumented themselves, those who migrate to try and start a new life. These people are going to be viewed here as subjects rather than objects. One point that should be noted from the start is that the unauthorised include other groups than those who have been smuggled into the country illicitly: the 10,000 "illegal immigrants" mentioned above will for example include long-term overstayers who have been apprehended after many years residence in the country. As will be indicated in the *Literature Review* there are grave problems of statistical definition about the unauthorised in the UK. In this study the concern will not only be with the apprehension of illegal entrants in the macro-political sense above, but with the lives of the undocumented in the UK over years or even decades.

Not only is the subject of undocumented people one on which there has been very little serious research to date, particularly in the UK (see *Literature Review*), but also it is one presenting thorny problems in terms of method and approach. It begins with the definition: who are the undocumented?⁴ At this point some of the reasons why this subject has largely remained something of a research taboo, especially in the British context, can be examined.

There are important reasons why the subject of irregular migration has been treated with such "studied neglect". The British migration tradition is a colourful one influenced by the Empire legacy on one hand,⁵ and *laissez faire* administrative practice and constitutional accretion through common law / civil liberties awareness on the other. Britons are often thoroughly suspicious of any regulation of their behaviour that is not generally accepted as necessary, nevertheless the consensus is that transgressions merit firm but fair punishment. It is precisely this evolutionary character of case law and regulation, which in the politically sensitive area of immigration policy (set up and applied by the Home Office and Immigration Service and subject to very little external control) can lead to wilful and arbitrary administrative practice.

The lack of compulsory registration in the UK together with the fact that there are no identity cards – often a source of puzzlement and disbelief to many external observers – is a reflection of the attitude of zealous defence of civil liberties based on a tradition of harnessing the state's invasion of the private sphere.⁶ This coupled with the fact that immigration controls are rigorous on those entering the country but unsystematic on those leaving is essential background information to be borne in mind when approaching the largely taboo subject of irregular immigration into the UK.

It might be argued that various institutions within the Body Politic have shared an interest not to examine the issue of undocumented migrants too closely. First the Home Office. As cogently described by David Coleman⁷ and confirmed in discussion with Home Office statisticians, the premises on which

statistics of entries and removals are based and means by which they are compiled take no account of the changes of status of aliens once they are in the country. Categories of people disappear from the statistics, such as those entrants who switch immigration categories and asylum seekers who have been finally rejected but are not actually removed. Even the Home Office acknowledges that it has no reliable figures on levels of irregular migration (as opposed to figures on the apprehending of those classified as illegal entrants). Very likely there is an official desire not to be any more precise on the matter. For one thing no government can have an interest in trumpeting the ineffectiveness of its own *de facto* immigration control. For another there may be more of a spirit of (un)official tolerance at work here than one might suspect. There are advantages in not knowing too much about what one cannot control (a nightmare for the official mind). Perhaps, as one civil servant put it in conversation, it is better to let sleeping dogs lie on this one, „illegal immigration" being the emotive issue it is.

Then there is the attitude of the academic world. The difficulty involved in establishing respectable data on a thoroughly unreliable statistical basis is self-evident. This is an area where so little is verifiable and much is suspect; which instruments can you reliably use and which interpretative methods? This seems to leave the solitary remaining option of a methodologically imprecise, „impressionistic" or „tendentious" analysis of a subject that is politically explosive. Whose interests would be served in opening a can of worms named *illegal immigration* in what has long been a less-than-open-minded general political climate on minority issues? Certainly not those of the undocumented themselves, it may cogently be argued. They are the most vulnerable and have an existential interest in keeping the spotlight away from their twilight world. Besides which, this kind of research is the stuff of which prematurely-terminated academic careers and „inexplicable" cuts in research funding are made, as one interviewee with a migrants' lobby organisation put it.

The quandary must equally be acknowledged in which those non-governmental organisations (NGOs) working with ethnic minorities and asylum seekers find themselves. If they take up the cause of the undocumented they may put their „legitimate" clientele (i.e. those with a recognised legal right to be in the country) at risk. The refugee support organisations are obliged to argue the „genuineness" of the persecution suffered by the asylum seeker in contrast to the mass of „bogus" claimants, accepting increasingly rigid and inappropriate official definitions as governmental policy has gradually closed the asylum door in the process. Immigrant support groups providing advice to irregular migrants can find themselves the subject of front-page tabloid denunciations for abetting unlawful activity and abusing the taxpayers' (i.e. 'funder's) confidence⁸. There is a lot of bad conscience among the employees of more high profile NGOs about having to ignore the plight of the undocumented, but it must remain essentially a private matter – „for the good of the cause". Thus the topic of research into the lives of irregular migrants in the UK is not a welcome one on many levels.

So why do it? There is a broader humanitarian background, of which church organisations and communities involved in anti-deportation campaigns in particular have long been aware. The undocumented, as is well known from anecdotal and literary evidence (see for example T. Coraghessan Boyle's *The Tortilla Curtain*) from other countries, are people in search of another life, a law-abiding normal life elsewhere. Often they are people who have drifted into their predicament more or less by chance. The interviewees in this project gave an indication of the range of circumstances involved:

whether they are overstayers who came many years ago and have built new lives for themselves in the UK, rejected asylum seekers who face the prospect of removal with despair, having adjusted to the uncertainty of life as a *sans papiers* - or illegal entrants who have reconstructed their identity in the UK context, fundamental questions of the rights of the individual *versus* the sovereignty of the state arise. In the course of her argument when discussing the importance for the undocumented of the *International Migrant Workers Convention* Linda Bosniak puts the dilemma of individual rights versus national sovereignty in a nutshell:

*"How can states' interests in immigration control and undocumented migrants' interests in fair treatment be accommodated? What is the actual relationship between states' immigration-regulatory powers and their general human rights obligations to undocumented aliens, and what should it be?"*⁹

This study attempts to throw light on how the undocumented live their lives and to examine the problems arising for the people concerned and to suggest possible solutions. The aim is to provide information, an analysis and arguments both for JRS's work internally and in social and political lobby work with other grass-roots organisations. This should go beyond "advocacy" alone, however. Information and a rational critique can help to challenge the manipulative political use that is made of illegal status and to influence broader public opinion.

Literature Review

This will be a short review of the literature available on the undocumented. Source texts that were important for the development of the methodology design employed in this study will be looked at in that chapter. Very little has been written specifically on the theme of migrants without documentation in Great Britain, despite the growth in academic importance of both migration studies and the related field of race relations. Reasons for the „unpopularity" of the theme as an area of academic research have been put forward in the introductory chapter. Nonetheless the internationalist perspective of some research on migration touching the lives of the irregular throws light on themes which are of importance in the British context. The following is a brief survey of the relevant literature from areas of migration studies contingent on irregular migrants' lives internationally as well as more empirical studies in the British context (e.g. on the detainee situation or problems faced by asylum seekers). The *International Migrants' Convention* of 1990 will also be reviewed regarding its relevance for the situation of the irregular.

a) *The international context*

Changing patterns of migration world-wide in the course of the last 15 years have led to wider ranging analysis of the intermeshing of „push" and „pull" factors in the decision to migrate. Sarah Collinson in her volume *Beyond Borders* looks at the perception of migration from the Majority world to the rich post-industrial centres as a „threat" on the part of policy makers in the North, leading to the need for an increasing control of cross-border movements. She concludes there is a continuing and anachronistic view of migrant communities as a temporary phenomenon. Security concerns are seen in the industrialised world as a greater priority than the eligibility of minorities for civil rights.

As Collinson points out, the ambiguity of the European states becomes evident on closer examination: while strict control of migration is official policy, movement of professional, managerial and technical staff is welcomed and there is *de facto* a tacit acknowledgement of irregular migration (some two million across Europe according to the European Commission) as a reservoir of „totally flexible labour“.

In Sarah Spencer's volume *Strangers and Citizens* themes defining the economic and humanitarian context of migration are addressed in a number of wide-ranging articles which bear to some extent on the lives of the undocumented. (e.g. article by Chris Randall). Spencer makes clear that in contrast to the UK other countries tend to take a more constructive view of migrants per se and are not so strict about the definition of status. The need to acknowledge the broad contribution of the undocumented to their host society is a further salient point made by Spencer in her introduction.

Anne Ower's study of the development of internal controls in the UK in *Strangers and Citizens* emphasises the deterrent role played by checks on migration status. She indicates the distinctions made between entrants on the basis of skin colour and looks at the employment sectors reliant on irregular migrant labour. The administrative and political problems of a more comprehensive controls regime sketched by Owers have been underlined following their increased application in the last years of the Conservative government under John Major. Whether at the workplace or in the health, housing or education sectors they are highly problematic. Because of the lack of compulsory registration and a system of identity cards controls cannot on the one hand be made effective on an up to date basis without the introduction of massive and costly bureaucratic structures; on the other they carry a dangerous discriminatory potential for ethnic minorities. Owers argues that better consultation with NGOs, grass roots groupings and others in the field would improve both the quality of decision-making and levels of public acceptability. Several of these themes will be taken up in the course of this study.

The last point on the need for better consultation is treated by Ronald Kaye in his article *British Refugee Policy & 1992, breakdown of a policy community*¹⁰. Just as Andrew Shacknove has argued the case for the benefits of government-NGO co-operation to make the best use of professional expertise for all concerned in the migration process with reference to the Danish model¹¹, so by contrast Kaye indicates the special British problem of the adversarial cast of mind between government and establishment on the one hand and NGOs, lobbyists, the churches and a large body of critical and academic opinion on the other. In the course of the Eighties: consensus was unachievable in an increasingly polarised ideological dispute characterised by the search for the moral high ground. This allowed less and less room for collectively agreed solutions sought by variously qualified professionals. This theme has proved to be a constant, too, in the course of this survey.

Moving on to the existing literature on the lives of the irregular, the ongoing project at the University of Utrecht under Professor Engbersen on the undocumented in Rotterdam gave a clear insight into the problems of access to the clientele and of methodology in the research. The present study took the broad range of social policy areas covered by Prof. Engbersen's team as the basis for the interviews to be carried out with irregular migrants, from housing to education, health care to social and ethnic network relations. Richard Staring's case studies give a good insight into the ambivalent role played by ethnic networks within the migrant communities.

Konrad Hofer's impressionistic description of the lives of irregular female migrants from Poland surviving on the social and economic margins in Vienna gives some flavour of the material dependence and anguish of daily uncertainty about the future characterising the lives of many of the undocumented.

Sarah Mahler's comprehensive and sensitive, ethnologically-based study of central and South American irregular migrants in a district of New York *American Dreaming* (1995) provides a good comparative framework for a number of issues and arguments in the British context. Varying forms of social interaction and economic dependence within ethnic networks, the role of social class among migrants and categories of marginalised employment are key themes that this study shares with Mahler's. One important difference however must be noted: in the United States there are far more established patterns of immigration for the undocumented. Not only the Mexican border as „traditional" point of access, but also the pioneer tradition of the migrants' search for a new life mean that there are tried and trusted – if dangerous, and exploitative – channels and networks by which many attempt to reach and attempt to settle in the USA. As shall be seen, the patterns in the UK are very different.

One of Mahler's important conclusions – that uprooting at home (i.e. primacy of the „push" factor) is a main motivation for migration to North America – leads her to carry out a comprehensive analysis of the role of networks within the home communities. The undocumented are often trapped for years by the need to produce a surplus to repay their debts incurred by illegal passage and entry. This in turn means dependence on one's countrymen and women (who provided the passage back home and may be employers or landlords in the United States), under exploitative circumstances in a marginalised economy and society cut off from the mainstream.

By contrast Daniel James's view of the migration threat to the USA from south of the border is of the "Armageddon" school of migration theory¹². The sense of impending disaster conveyed by the prospect of continuing high levels of irregular immigration from and through Mexico is couched in doom-laden terms. In his concluding chapter constructive policy suggestions are made to discourage irregular flows. At the level of macro-economic policy it may be argued that President Clinton's promotion of NAFTA is a "pragmatic" response to these border pressures, in their turn giving rise to a complex of human rights issues.

A broader view of migration control policy developments worldwide is instructive for our purposes. Cornelius, Martin and Hollifield (*Controlling Immigration – a global perspective*) present their „convergence „ and „gap" hypotheses on patterns of migration policies in the post-industrial societies. They observe an increasing harmonisation („convergence") on policy between the labour-importing countries on a) policy instruments for controlling irregular flows, b) results and effectiveness of immigration control measures, c) social, economic and political integration of migrant communities and d) public reaction to immigration flows and the views of government on control of immigration.

On the other hand they see an increasing distance („gap") between the goals of policy and their actual outcomes. This in turn leads to greater public hostility to migrants and the perceived failure of migration policies giving rise to pressure for yet more restrictive policies. One further common factor of importance for this study observed by the authors of articles on migration policy in different countries is

the increasing stability of migration networks independent of the economic cycle. Enough evidence has now been adduced to be able to conclude that sanctions don't impede irregular immigration¹³. They also draw attention to the developments of human rights activism and policy in the last thirty years, without which a study like the present one would be unthinkable.

Specifically tackling the challenges faced by European Union migration policy in the coming years, an important article by Werner Weidenfeld and Olaf Hillenbrand from 1994 pleads for a more rational and co-ordinated „culture of information and integration" on immigration¹⁴. They point out that the taboo approach to illegal immigration has led to a confusing and contradictory jungle of national legislation and regulation across Europe on immigration, residence, permission to work, family unity and granting of asylum. Migration law in the European Union should, so they argue, be based on three principles:

- minimum humanitarian standards must be maintained – meaning a distinction between those seeking asylum, refugees and other groups
- due account should be taken of an existing need across the EU for migrants; integrative capacity based on acceptance by the indigenous population, limits of the residential and labour markets
- the strength of the social security system should be the basis for calculation of migration levels.

They see a clear division between immigration law and asylum law as the best way to improve the efficiency of both, and in arguing for immigration quotas suggest criteria for preferred groups like those facing situations comparable to persecution, members of family and labour migrants etc. The important thing is for the criteria to be transparent and explicit. Legislatively harmonised standards across the EU would be an important signal of earnest and responsible immigration policy, which could make legal entry more attractive than the illegal option. A necessary adjunct to this is more information within the host communities, consistent anti-racist policy, integration and raising of migrants' legal status to enable life planning.

They see the present emphasis on border controls as a substitute for genuine policy making. Like Sarah Spencer they take the pragmatic view that illegal immigration cannot be stopped, only restricted; is it therefore not time to take a more relaxed approach and aim for broadly-controlled rather than uncontrolled immigration, they ask.

The „numbers game" in the area of irregular migration is a particularly tortuous one. David Coleman's article is a convincing presentation on the specious quality of British immigration statistics¹⁵. Not only has official policy failed to take account of the real migratory quality of the asylum procedure since the 1980s, but – of key importance - no statistical account is taken of the failure to remove those rejected asylum seekers who have no further right to remain. Add to this the number of migrants coming from the New Commonwealth and remaining on account of such reasons as arranged marriages (who thus disappear from immigration statistics), or who are „switchers" (i.e. moving from one category of entrant to another between student, asylum seeker or spouse, and who are equally lost to the statisticians), then the claim that primary immigration to the UK has ended in the last twenty years appears less tenable.

b) Studies in the UK

A number of studies dealing with specific problems or local experiences in the UK have been useful for this study. Christine Pourgourides' study of the mental health problems faced by detainees is a model of its kind, interlocking with the studies of a sample of prisoners in detention by Amnesty International¹⁶. Many of the problems looked at by the Pourgourides team can be applied in adapted form to the lives of the undocumented. Here the focus shall be on the related stresses of living an undocumented existence: uncertainty about the present and future, not knowing whom one can trust, inability to plan one's life. In short a number of the pressures which undermine migrants' mental well-being and sense of identity are as much a part of the lives of the undocumented as of the detained.

Studies on the everyday problems faced by asylum seekers which were of particular use at local level included the study by the University of East London on the awareness of GPs in Newham of the mental health background and needs of refugees (*Refugees, torture and the health services*). Newham is a borough with a particularly high concentration of asylum seekers. The survey of problems faced by asylum seekers deprived of income support and housing benefit as a result of the Asylum & Immigration Act (1996) and attendant Social Security measures published early in 1997 by the Refugee Council, *Just Existence*, provided concrete evidence of the mental and physical struggle for survival with which thousands of asylum seekers were confronted by these measures introduced by the Major government. This was essential background to the treatment of difficulties faced by those with "insecure status" which is one of the focal points of this study.

c) The International Migrant Workers Convention

The article by Linda Bosniak *Human Rights, State Sovereignty and the Protection of Undocumented Migrants Under the International Migrant Workers Convention*¹⁷ takes up a number of arguments addressing the urgent need for human rights norms for migrants without papers. Tracing the history of increasing awareness of undocumented migration over the last two decades, she describes how the Convention attempts to reconcile individual human rights with the interest of states in maintaining their territorial sovereignty. She shows how the Convention is weighted in favour of the norms and structures of sovereign statehood rather than substantive improvement of irregular migrants' rights.

The range of rights guaranteed to the unauthorised as well as the authorised in this document would mean a transformation in both the status and everyday lives of irregular migrants, were the Convention to be ratified by nation states. Bosniak summarises:

„Thus, under the Convention, states parties are to afford to undocumented as well as documented migrants a range of civil, social and labour rights as against the state of employment, employers, and other individuals within the state. These include, but are not limited to, rights to due process of law in criminal proceedings, free expression and religious observance, domestic privacy, equality with nationals before the courts, emergency medical care, education for children, respect for cultural identity, and process rights in the detention and deportation context. They also include the rights to enforce employment contracts against employers, to participate in trade unions, and to enjoy the protection of wage, hour and health regulations in the work place. (Part III of Convention, Articles 8-35)

[18](#)."

It is evident how the Convention touches many of the elementary areas of human life undermined and endangered for the undocumented by their lack of legal status, these are the themes which will be examined in the course of this study. She also cites arguments from the international discussion that forms commonly recurring themes in the British context. For example on employment sectors with large numbers of undocumented workers: to what extent would the guarantee of minimal rights reduce the attractiveness of irregular migrants for employers in these branches and thus improve the position of indigenous workers while raising the status of the irregular? Arguments of this kind were just as controversial in the international arena thrashing out the Convention's provisions as they are in the nation-state fora.

And what about the *de facto* status of long term resident irregular migrants?

„Rights supporters argue that irregular migrant workers are in certain respects de facto members of the national community by virtue of their economic and cultural contributions and that the community should keep its end of the unwritten compact by extending the undocumented legal recognition and certain basic rights[19](#)."

This is a central argument that will be viewed from various angles in the course of this report. At least in the trans national research and policy discussion context the Convention has, despite its ratification by only nine countries, contributed to an increasing readiness to address the issue of irregular migrant flows in terms of fundamental individual rights based on normative regulation. This means that a gradual shift in the perception of so-called „criteria of international legitimacy" of migrant status may be taking place (Bosniak, p.765), to which it is hoped that the results of this JRS research project may contribute.

Methodology employed in the survey

a) How the initial methodology was conceived

In devising the methodology for this study on undocumented migrants in the United Kingdom reference was made to the project under the direction of Prof. Engbersen at the University of Utrecht. This project has been a pioneering work in Europe in the field of research on the lives of the undocumented. Members of the team were especially helpful in setting the terms of reference for this study with focus on the social realities of life for the undocumented and the attendant human rights deficits they experience. The interview guidelines devised by the Utrecht team covering the areas of importance to be researched were adapted to fit the German, English and subsequently the Spanish contexts.

Discussions with the Utrecht project study team under Prof. Engbersen in the preliminary phase were essential in putting together the initial concept for the JRS study. This was further developed with the help of qualitative research specialists at ZUMA (*Zentrum für Umfragen, Meinungsforschung und Analysen*) in Mannheim and used by Jörg Alt for his study on Leipzig in Eastern Germany.

This conceptual base had to be adapted to the specific background in the United Kingdom and to the

working conditions of a solitary researcher in the field in London for six months starting in terms of setting up networks virtually from scratch. The essential prerequisite for a project of this kind – which at the outset appeared to be a minefield of imponderables, variables and the non-measurable in methodological terms - was the creation of a network of trusted contacts who could provide information on the lives, contingent circumstances and *milieus* of the undocumented as well as the basis for further contact with the people themselves. It was of course evident that the primary interest of the irregular *per se* is not to be detected, not to have to reveal information about themselves and to treat any person asking questions with justifiable suspicion. They have a legitimate need for great discretion, if not secrecy, which must be respected as far as the individual is concerned. The methodology had to take account of this priority need for discretion.

It was equally clear that the data given would have to be treated as confidential, biographical studies made anonymous. Attention would have to be given to the description of circumstances (family situation, accommodation, employment, ethnic networks etc.) so that "decoding" would not be possible. There would also be the question of how to treat hitherto practices or structures that protect non-documented people. One of the thorniest questions in the supervision discussion was how best to deal with such structural elements of illegality and the need for protection when publishing the results of the study.

It was agreed that there should be three distinct circles of interviewees from whom information would be sought. First, there are the offices and institutions which are involved with immigration and migrants, (e. g. the immigration office, detention centres, prisons, legal practices, social services). Then there are migrant support and counselling groups, advocacy organisations of various kinds, church initiatives and autonomous groupings within the migrant/ethnic communities themselves. The third, most significant, but also most difficult, circle to gain access to would be that of the non-documented people themselves and trusted informants close to them.

It was evident that much would depend on the degree of trust which could be established through the agency of third persons (intermediaries and trusted contacts from support groups, ethnic community organisation workers, lawyers with a respected status in the ethnic communities, etc.) for these contacts to materialise at all.

b) Methodology literature and its role in the study

Qualitative research literature which was particularly useful in adopting and adapting a method approach suited to the circumstances of this study were the following:

Garz & Kraimer (Hrsg.): "Qualitativ-empirische Sozialforschung" Opladen, 1991:
Introduction and selected articles²⁰

Maxwell, Joseph: "Qualitative Research Design - an Interactive Approach", London 1996

Orna, Elizabeth & Stevens, Graham: „Managing Information for Research." Bristol 1995

Strauss, Anselm & Corbin, Juliet: „Basics of Qualitative Research – Grounded Theory Procedures and Techniques." London 1990

The Garz & Kraimer anthology is a useful survey of the current state of empirically-orientated qualitative social research. In their introduction Garz and Kraimer set biographical and life-planning research in the context of the evolving post-war quantitative-qualitative research debate. A number of articles were especially useful as preparation for the specific difficulties of field research with widely varying clientele and *milieus*.

Worthy of special mention is the paper by Michael Meuser and Ulrike Nagel looking into the whys and wherefores of expert interviews which concludes that the conceptual background and specific role of this category of research instrument have long been undervalued. One of their main hypotheses: there is often too little clarity on the precise dividing line between the „expertise" which the researcher wishes to draw on and the private life of the individual one is interviewing. This lack of clarity gives rise to analytical and interpretative problems.

Maxwell's *Qualitative Research Design* was adapted for use in this study and is based on the following scheme:

PURPOSES-----(RESEARCH QUESTIONS)-----CONCEPTUAL
CONTEXT

METHODS-----(RESEARCH QUESTIONS)-----
VALIDITY

Viewing the interactive nature of these constituent elements as the basis for putting the research design together, terms can be briefly defined as follows:

Purposes being those of a personal, practical and research nature. It is necessary to be clear about why the qualitative study is of interest. Personal desires always play a part, in Maxwell's view, in forming one's research impulses. The research purpose is to understand the meaning of the participants' lives, get a grasp of the context of interaction and to place this in the surroundings and circumstances of events occurring. On this basis we can begin to develop causal explanations for these events.

Conceptual context: the background context before which one develops the research animus; *experience memos* are a vital part of this process. Maxwell indicates the importance of *grounded theory*²¹ developed from the actual data collected in combination with existing theory on the subject. He indicates how *concept maps* can help to clarify one's thinking.

Research questions: they often get clarified and adjusted in the course of initial research. The questions (and their reiteration at regular intervals) serve both to focus the study and to guide its conduct (this is the determining relationship of questions to methods and to validity). *One vital part of this approach is that hypotheses formed should not be tablets of stone, but subject to review and alteration.*

Methods: Maxwell discerns four main elements in qualitative methods:

- a) The research relationship with those to be studied;
- b) Sampling: what times, settings or individuals are to be observed or interviewed? What are the other sources of information?
- c) How is the data to be gathered?
- d) Analysis – how is the information to be made intelligible for interpretation?

He makes the point on d) that data can often be best analysed during the process, memos and hypotheses being formulated parallel to collation of material. It is better not to allow data to pile up. This proved to be a particularly useful guideline.

Validity: How do the results match with the real world? The methods must expose validity threats through evidence gathered and confront them, not conceal them. Two particular problems have to be borne in mind: researcher bias – one must try to make one's own dispositions explicit through reflexivity, for the validity of conclusions is based upon integrity. The second problem is that of reactivity, i.e. how do I affect the environment by my presence? It is important to understand how one influences the situation. These considerations were of particular importance in interaction with the subjects of this study.

The validity tests put forward by Maxwell constitute a useful checklist in the course of day-to-day field research:

- One should look for *discrepant and negative cases* diverging from one's theory.
- *Triangulation of information* from various sources and settings together with a variety of methods, examining the biases in each.
- *Feedback* from participants and outsiders.
- *Member checks* –how do those involved see the phenomena and interpretation? What is valid in their view?
- „*Rich data*“ – a plethora of information can be used as a constant test of theories as well as a source.
- *Quasi-statistics* – cautious statements can be made based on amounts of internal statements and other

evidence gathered.

- *Comparison of data* as check both internally and with other fields.

These research design guidelines provided the framework for the field study. When it came to the management of the data collated and evaluation of the material, Orna gave a lot of practical advice on procedural steps while Strauss, as the acknowledged authority on grounded theory, offered suitable techniques for sorting and coding of the interview and other materials.

c) How the methodology evolved in the course of field research

Field research took place from January till early July 1997. It was concluded in discussion with the academic supervisors that as the main focus of this study is on both interviews with experts and with the subjects of the study, it would be sensible to work with a variant of *grounded theory*, taking in all the sources of information available. This was because the aim of the study was not to test the application of a preconceived theory but to evolve hypotheses in the course of field work and data evaluation, developing the analysis out of the material. A variant of the grounded theory approach was deemed appropriate for the further reason that an exact linguistic content analysis would not be possible on account of the lack of transcripts of tape recorded interviews.

It became very clear early on in the field research phase that tape recordings of interviews would be virtually impossible. It was to prove extremely difficult to establish relationships of trust with potential interviewees for a number of reasons:

- the basic conditions of their lives mean they must always be wary of people they are not sure of
- they would meet the interviewer just once or twice
- they could not be sure what might happen to the information, whatever the assurances they received
- there would be little in it for them, even if the situation of the irregular could be improved by such studies

Nonetheless it was possible to win over potential interviewees. But the decision was taken to refrain from use of the tape recorder, once it became clear how nerve-racking and fraught with uncertainty the interview situation was bound to be for the subjects. The fact that the interviewer just took notes in conversation rather than having the machine running proved to be the acceptable form as it enabled a basis of trust with one another to be established. There seemed to be a comforting sense of „anonymity“ for some interviewees in this method approach (i.e. unburdening oneself to an interviewer one would never see again). It was also agreed with the interviewees or the trusted contacts who had arranged the interview that the written minutes would be made available as a check on the information being revealed. Correspondingly, the method of detailed written minutes was adopted, too, for the background interviews to provide a congruent data basis.

First Phase. The initial contacts were with organisations working with migrants and asylum seekers.

These preliminary interviews and discussions served to define the up-to-date themes, particularly in relation to the crisis for asylum seekers caused by the changes under the Major government attendant on the *Asylum and Immigration Act* 1996. These measures, which indirectly have increased the pressure on all entrants whose status is not secure, were to have direct relevance for an examination of the situation of the undocumented. The range of institutions and groupings included church organisations, NGOs, community organisations, trusted informants, immigration lawyers and representatives of solidarity groups.

It soon became apparent that it would be difficult to talk to both official immigration bodies and some of the larger, high profile NGOs because of an unwillingness to tackle the subject of the undocumented. Reasons for this taboo have been suggested in the introduction. This reluctance was compounded by the especially negative atmosphere of relations in the last years of Conservative power between the government and a large variety of institutions and socially and politically active groupings, movements and organisations. In this little-remarked sense the government has thus been able to „set the agenda" in declaring the area of irregular immigration taboo for the majority of migrant and asylum seeker organisations as an area of legitimate, growing human rights concern.

Second Phase. From this initial series of interviews it was nonetheless possible to establish contact with various organisations with their connections or roots in the migrant and refugee communities. Alongside church organisations working with the uprooted and anti-deportation campaigns at local level the ethnic community organisations were the most important avenues of access to undocumented people themselves. It was, however, one thing to gain the confidence of workers at community level as regards the aims of this project, who were then prepared to ask candidates if they would talk. It was quite another to actually get as far as conducting an interview with the irregular themselves.

Here it is sufficient to note that the thematic areas covered were not greatly altered in the course of the interviewing, though the breadth and depth of subjects covered varied considerably according to circumstances of the interview, reflective background of the interviewee, specific subjects being covered etc. Some interviews were structured more tightly in accordance with the *interview guidelines*, others were more narrative in structure. This was primarily determined by the personality and educational/social background of the interviewee concerned. As far as possible information from intermediaries, trusted third persons and experts were used to test validity. Those interviews conducted in detention centres presented a special problem: as no writing materials were allowed they had to remain summary in character and were conducted without notes. They were reconstructed from memory, additional background information on the detention situation from experienced support group visitors proving to be invaluable.

Third Phase. It became apparent in the course of the field phase that it would be most fruitful to include information, statements and assessments given by the range of experts in the background and context interviews in the evaluation alongside the material from the undocumented interviewees. This would be a way to check statements and hypotheses, would aid the development of theory and provide a framework for validity tests. Beyond this, interim assessments of the progress of the research after the first three to four months led to the drafting of working hypotheses on the situation of the irregular. On this basis it was decided in the final phase of field work to concentrate increasingly on a series of

interviews with politicians, administrators and lobbyists to:

- a) examine hypotheses developed in the course of interviewing and collating material.
- b) test practicability of potential recommendations to improve the human rights position of the undocumented in the UK. One of the changes in concept that did develop in the course of the initial interviews in London was in the definition of the target group. The reasons for this will be explained under the *definition of terms*.

Definition of terms

Before looking at the categories of undocumented migrant of concern in the British context a brief sketch of legislative development on immigration control in the course of this century will be drawn. This is the background against which attitudes to, and policy on „illegal immigration" as they have evolved in the last thirty years has to be seen.

a) *Legal background*

The first of the modern laws regulating the conditions under which aliens could come to and remain in the UK was the *Aliens Act 1905*. This was passed as a (delimiting) response to the influx into the United Kingdom of Jews trying to escape the pogroms of Russia and Eastern and central Europe. Subsequent Aliens Acts and Orders controlled refugee entrance, with varying degrees of strictness, until after the Second World War.

Immigrants from the New Commonwealth (i.e. the former colonies which were not the „white" Dominions: Canada, Australia, New Zealand and - until exclusion from the Commonwealth in 1961 because of its Apartheid policies - South Africa) began arriving in the UK from the early 1950s as a response to British recruitment drives for the understaffed public sector (especially transport and the Health Service). It was as a response to increasing public concern at the effects of this labour immigration that the *Commonwealth and Immigrants Act 1962* was introduced. Screening of dependants of those already settled was brought in under this legislation and levels of entry declined in the next few years²². This Act made Commonwealth citizens subject to immigration control for the first time.

The *Commonwealth Immigrants Act 1968* was a reaction to the arrival of increasing numbers of East African Asians following their expulsion from newly-independent African countries. This Act deprived a British passport holder of the automatic right of entry to the UK; either a parent or grandparent had to have been born there. The political context of this legislation passed under a Labour government was the intense and controversial public debate stirred up by the emotive public speeches of the former Conservative public health minister Enoch Powell who prophesied „rivers of blood" in the streets of Britain, were immigration to continue at contemporary levels. Powell had himself been the minister responsible for the recruitment campaigns in the Caribbean in the 1950s.

Irrational fears of high levels of „illegal immigration" were to become a constant of British public debate, and a subject for sensationalist media treatment, hereafter. The *Immigration Act 1971* moved

beyond the existing legislation by ending the old distinction between „aliens" and Commonwealth citizens. The difference was now emphasised between *patrials* (those born, adopted, naturalised or registered in the UK, or born either of a parent or grandparent with UK citizenship) and *non-patrials* (who did not meet these criteria). Patrials had the right to enter and settle while non-patrials would have to apply for permission. The British Nationality Act 1981 sought to bring immigration law and nationality in line so that British citizens or those with the right of abode under immigration law. In fact, the principal effect of the Act was to remove the automatic acquisition of British citizenship by birth in the UK.

The *Immigration Act* 1988 has speeded up procedures dealing with those in breach of Immigration rules. Previously deportation had to go through the Home Office and was subject to appeal (within 14 days). Thereafter, any immigration officer of the rank of inspector or above can authorise „supervised departure" immediately. Those who have been in the UK for less than seven years no longer have the right to appeal through the courts based on a full review of their case and can only attempt to overturn the deportation order after return to their country of origin.

It is evident that „public concern" on immigration has been infused with blatant racism. Accordingly, governments have developed race relations legislation to combat discrimination against ethnic minorities in parallel to immigration control. The *Race Relations Act* 1965 was thus a response to the first restrictive immigration legislation; the Community Relations Commission (CRC) was introduced in 1968 as part of the Immigration legislation of that year. The *Race Relations Act* 1976 which united the CRC with the Race Relations Board to form the Commission for Racial Equality (CRE) can be placed in tandem with the *Immigration Act* 1971.

As indicated elsewhere the Asylum legislation of the 1990s has imposed this restrictive view of eligibility to enter the UK on asylum seekers. The „deterrent effect" was especially evident after the provisions of the *Asylum and Immigration Act* 1996 came into effect in the summer of 1996. There was to be no more granting of welfare benefits to those who applied in country rather than at the port of entry; the short procedure was increasingly extended to various nationalities, and has drastically reduced the number of applicants receiving full individual consideration of their case. The third country rule, too, has had a restrictive and – so it is presumed in official circles - deterrent effect on potential asylum seekers.

b) Concerns of Jesuit Refugee Service

This is the historical setting in the UK in which definitions of the undocumented have to be placed. What are the precise limits of concern for JRS as an organisation working with asylum seekers and refugees worldwide? To what extent is the plight of the undocumented part of its brief? There is no question that the numbers of the undocumented in Europe have risen considerably since the mid-eighties (corresponding to the dramatic increase in migratory movement worldwide) for the reasons discussed in the introduction. As a result there is much debate about the politically-sensitive step of taking up the cause of „good" and „bad" migrants as defined by asylum-granting criteria. It had to be acknowledged from the outset that there is bound to be criticism of an organisation of this kind looking at the situation of those lacking legal residence status and who may in addition be involved in criminal activity - some

would regard this as beyond the JRS brief. JRS' primary concern and point of access would have to be with rejected asylum seekers. However, as this is a basic human rights issue other people would be included as far as they might be accessible, i.e. there was a deliberate decision not to restrict the analysis to rejected asylum seekers only.

c) *Categories*

In the context of the UK this meant that the following clear categories would also be under consideration: illegal entrants, overstayers, domestic workers, as well as rejected asylum seekers. The surprising development, which became apparent in discussion with immigration lawyers and community organisations in particular, was the acute need to look at the situation of those with insecure status, i.e. those in the asylum process who have problems because of a lack of appropriate documentation. These people can face difficulties for a variety of reasons: there may be delays in the issue, or re-issue, of their *permission to work* papers (not to be confused with *work permits*, which are only issued to entrants from the Professional/Managerial/Technical sector earning boardroom salaries, or for jobs which cannot be filled by a UK or European Community national); moreover, for those in the asylum process there is the problem that their papers may not be accepted by employers or indeed local authorities, banks etc. as *bona fide* evidence of secure status.

There is a further difficulty reported by a number of agencies and interviewees. Following the introduction of the *Asylum and Immigration Act 1996* asylum seekers who receive a rejection before the six months have elapsed after which they can apply for permission to work now find themselves unable to get one, even if they lodge an appeal against the refusal (confirmed at seminar given by the Hackney refugee training consortium, *Hartrac*, in June 1997; participants also stated that those who had received permission to work before their initial refusal – more than six months having elapsed before the initial asylum decision – often found that the Home Office did not re-issue the document giving permission to work after the appeal against refusal had been lodged).

It became evident that the brief for the study would thus, in the British context, have to be broadened to include migrants with „insecure status“, unsatisfactory as this vague description often proved to be in discussion with experts used to dealing with more legally exact (and exacting) definitions. This is a research field in which a certain amount of „messiness“ of design and definition is sometimes required to do justice to the „disordered“ nature of the lives being discussed.

So, to briefly summarise the categories of undocumented person whose lives, situations and circumstances are to be examined in this study:

-
- an illegal entrant is a person who has never had valid leave to enter. The term covers principally the two following types of cases:
 1. the individual who has entered the country clandestinely (i.e. has totally evaded immigration control whether by being smuggled in or not coming through an official port of entry).

b) the individual who has come through immigration control and obtained leave to enter but such leave has been attained by deception. This is the most common category of illegal entrant, no doubt because of the wide meaning given to the term deception. The most obvious example of deception is the presenting of false travel documents. However, deception is also practised where a person makes a misrepresentation (which may even be by silence) and that misrepresentation is effective in obtaining leave.

- overstayers are those who came into the country legally in the first instance as visitors, students or within the family unity regulations and have remained longer than allowed, that is violated the terms of their right to remain. There are a number of well known anti-deportation campaigns centred on individuals and families in which the injustice of removal has been perceived by many in their own and the broader community as incompatible with their basic human rights and dignity.

- rejected asylum seekers are claimants who have reached the end of the line of appeals procedures, have no further right to remain and are facing removal. They may attempt to campaign against this with the support of their community or they may go underground. The course of action they choose will depend to some extent on the strength of the supportive network within their ethnic community – a theme to which there will be frequent reference.

- Domestic workers frequently come from the Filipino community or the Indian sub-continent. There has been increasing public awareness in the UK and at the European court level over the last few years of the physical and sexual abuse to which domestic workers in well-to-do households can be subjected. This is a special category of migrants - mostly women and frequently highly-qualified - who have gone in particular to the Saudi Arabian peninsula from their homeland to seek employment in rich households and have then come across to the UK with their employers. They are not accorded independent migration status as entrants, but are „waved through" by Immigration as members of the family, although it is apparent that they are employed as domestics^{22a}. This means that should they run away from an abusive employer, they automatically become illegal immigrants. It was not possible to interview a domestic worker in the course of the study, so information on their plight comes primarily from the community support organisations.

The manifest injustice experienced by domestic workers has been highlighted effectively by the Filipino community organisation the *Commission for Filipino Migrant Workers*, which provides well-organised ethnic network support, programmes for the abused to restore their self-esteem as well as co-operating with a wide range of other community organisations.

The Commission also works in tandem with the political campaign group *Kalayaan* to lobby at the political level for their cause. They have succeeded in getting a number of Early Day motions with broad cross-party support tabled in the House of Commons to address the injustice suffered by domestic workers. They have also helped abused household servants to successfully prosecute their former employers. This is not the place to document the plight of domestic workers in further detail, because this has already been done elsewhere in the study by Bridget Anderson²³. The question of redressing the

injustices experienced by this group will be taken up when discussing the options available for improving the position of the undocumented.

- Asylum seekers with „insecure status“ as defined above who face problems on account of documentation deemed inappropriate, or documentation with which they have difficulty in getting recognition (by employers, banks, social services etc.).

Introduction of the interviewees

„They take on new identities as debtors, passive chickens in the clutch of coyotes, beguiling chameleons who assume new personae to test wits with seasoned predators, and finally illegals, wet backs, or merely outlaws in the Promised Land“ (Mahler on the undocumented crossing the US-Mexican border, p. 81)

In this introduction to the interviewees the subjects themselves will be introduced in the form of tabular summaries of their socio-structural characteristics. Interviewees are in the following categories: overstayers (underground, detainees and anti-deportation campaigns); rejected asylum seekers (anti-deportation campaigns); illegal entrants; those with insecure status (single themes).

a) Basic biographical data & "push & pull factors" determining migration decision

Categories recorded are: nationality, sex, age group, marital status, children, main reasons for migration, immigration status, and push/pull factors. The table is arranged chronologically: candidate A was the first interviewed etc.

	Country of Origin	Sex	Age	Marital Status	Child	Reason for Migration	Migration Status	Push/Pull Factors
A	Nigeria	M	36-40	Married	6	economic motive & training	Overstayer facing deportation	Pull factors
B	Pakistan	M	31-35	Single	1	Political persecution	Asylum seeker, rejected	Push factors
C	Nigeria	M	36-40	Married	3	Came as student for MSc	Overstayer in sanctuary	Pull factors

D	Turkish Kurd	M	26-30	Married	2	State of war	Asylum seeker rejected	Push factors
E	Nigeria	M	36-40	Married	3	Entry as trader, change to student visa	Overstayer facing deportation	Pull factors
F	Ethiopia	M	36-40	Married	1	Political persecution	Asylum seeker in appeal stage	Push factors
G	Sierra Leone	M	26-30	Married	1	Political persecution & instability	Asylum seeker in appeal stage	Push and pull factors
H	Cameroon	F	26-30	Single	-	Political persecution	Asylum seeker & papers problem	Push factors
I	Zaire	F	36-40	Married/ single parent	7	Fear of persecution & search for lost husband	Asylum seeker rejected	Push factors
J	Morocco	M	31-35	Married	1	Economic motive & desire to study	Overstayer, now in detention	Pull factors
K	West-Africa	M	26-30	Single	-	Economic motive & political involvement	Undocumented with false papers	Pull factors
L	Nigeria	M	26-30	Married	2	Came as teenager	Overstayer facing deportation	Pull factors
M	Peru	M	36-40	Single	-	Economic motive	Undocumented with false papers	Pull factors

N	Chechen	M	36-40	Single	-	Political persecution	Asylum seeker with papers problems	Push factors
O	Somalia	M	26-30	Single	-	State of war	ELR, papers problem	Push factors
P	Eritrea	F	31-35	Married, single parent	6	Political persecution	ELR, family unity problem	Push factors

The evaluation of pull and push factors is based on an assessment of primary motivation for coming to the UK as described by the interviewee and the course of the migrant's life since entering the country. These will be examined in detail in the chapter on migration factors.

The average length of interviews was one-and a-half to two hours. In the cases of Interviewees C, E and I information was obtained primarily from trusted representatives. With background and context interviews total length of interview time amounted to approximately 160 to 180 hours.

Description of aspects of undocumented migrants' lives

Interpretation of the data is based on the interpretative triangulation of information derived from grounded theory. This approach enables the examination and inter-relation of statements and findings from various sources (see the description of Maxwell's approach in the chapter on *Methodology*). In this study use of the following data sources has been made:

- a) Interviews and conversations with the undocumented.
- b) Context interviews with community organisations, trusted informants, lobby and solidarity organisations etc.
- c) Background interviews with NGOs, immigration and asylum lawyers, politicians, officials.
- d) Field diary observations.
- e) Memos written in the course of field study.
- f) Supplementary information from trusted informants, documentary sources, background literature and documentary films etc.

Themes and issues in the lives of irregular migrants:

The themes covered in the study were broadly derived from the areas covered by the Engbersen team at the University of Utrecht and adapted in discussion to allow the maximum amount of comparative assessment between the three countries being covered in the project, the UK, Germany and Spain. The following areas were covered:

- factors influencing the migration decision
- arrival in the UK, function of ethnic networks
- accommodation situation
- employment and income - making a living
- health care
- education & training
- personal relationships/leisure activities
- ethnic network attitudes
- life planning

The experiences of the interviewees will be used as closely as possible to develop the main hypotheses in the analysis. The material from the context & background interviews and secondary sources will give amplification and a corroboration of the main themes. Sources of information will be distinguished.

Factors Influencing the Migration Decision

In this first chapter the factors which prompted the decision of the undocumented to migrate in the first place will be examined. There are enormous variations depending on the background to an individual's decision to come. A study of the factors precipitating the migration decision reveals that very few actually intended to be or become irregular migrants. Broad distinctions between categories of push or pull motives can be made.

a) Main factors

Push (driving the individual from the home country):

- direct persecution (religious, political, social, gender-related)
- war, social chaos, destabilisation; "ethnic cleansing";
- environmental catastrophe

- economic deprivation;
- need for education and training opportunities not found at home;
- mass communications & easier travel²⁴

Pull (attracting the individual to a particular destination):

- attraction of economic options: work, making a living.
- existence of previous migration pattern (family, relatives and friends) and ethnic networks.
- desire for qualifications, training or study.
- factors specific to the target country (e.g. attraction of learning the language to improve one's job chances on the domestic job market).

This short listing of factors shows how the distinction between push and pull can easily be a blurred one. In order to establish greater clarity on the nature of migration motives, the following questions will be examined as part of the description of push and pull factors influencing migration as an undocumented person:

- 1) What led the interviewees in the sample to take the migration step in the first place, push or pull factors?
- 2) Are there broader factors pointed out in the background interviews, e.g. distinctions in motivation between members of different ethnic communities?

After examination of these two questions the special position of domestic workers will be briefly described and the chapter will end with a reflection on the retrospective view interviewees take of the migration process.

b) Individual examples of push and pull and the role of refugee communities

Beginning with the first question the following statistical points about the interviewees in the sample can be made:

In the majority of cases (nine) the interviewees came to the UK for reasons which in the main could be classified as *push factors*. In all of these cases political persecution or general political instability or indeed a state of war making normal life virtually impossible were the main determinants in the decision to leave their home. For the remaining seven interviewees training, job opportunities, family commitments and study were the attractions which caused them to come to the UK. However, the UK may not have been the initial intended destination: in the case of Interviewee M for example (a long term undocumented from Peru) the first port-of-call was Spain. It proved difficult for him to get a job there so he came on to the UK.

Closer study of the motivation for the interviewees to migrate indicates that a straightforward categorisation of factors of this kind scarcely does justice to the complexity of the process entailed. One feature that emerged both in the individual interviews and which was corroborated by the background and informant testimony was the often chance nature of how people became undocumented. For the majority - while push and pull factors are plainly important in prompting an individual to move away from their home – the intention may not have been migration: a life without papers often "comes about", it was not a planned intention. Broadly speaking, as far as the category of overstayers is concerned, the initial intention was to come to the UK and stay for a time – as a visitor or tourist, training, studying, earning a living for a while or simply joining a member of the family. These are, of course, people who entered the country legally. Equally, the asylum seekers in the sample came with the intent of getting legal status as applicants for asylum and ultimately as refugees (or at least *Exceptional Leave to Remain*); either on account of rejection of their claim or because of failing to be in possession of the right papers in the course of procedure they have since found themselves without secure status or irregular.

Individual cases may serve to illustrate how legal entrants can become undocumented migrants. Taking the example of an individual for whom the compulsion to leave a situation of persecution was predominant (*push factors*) one can discern the way in which change of circumstances led to the person's undocumented status. In the case of Interviewee B, who came as an asylum seeker, there has been a radical change in his personal circumstances since his arrival in the UK (he had a brief, unhappy relationship with a woman from Pakistan, but her parents rejected him as a potential husband; circumstances have led to him becoming the single parent responsible for their son), so that the case for his right to remain in the UK is now primarily based on his status as a single parent and the complex circumstances of his life within his ethnic community. Initially push factors of political activity at home in Pakistan leading to the experience of persecution were the determining element forcing him to leave home and to seek asylum. His application for asylum has been rejected at the appeal stage and he is facing deportation. However, the UK has become the focus of his private family commitment and it is impossible for him to imagine returning to his country of origin. The humanitarian case for him to be allowed to remain is based on his changed private circumstances.

Interviewee D is a clear case of someone being driven by political persecution to leave his home Kurdistan (*push factors*). He had been politically active and suffered torture (as confirmed by the *Medical Foundation*, although contested by the Home Office), and ultimately ended up in the UK after an initial application in France. As a rejected asylum seeker he is in constant fear of being deported together with his family. He is also subject to the constant sense of needing to seek refuge and mourning the loss of a home.

Looking next at cases in which *pull factors* were pre-eminent in the decision to come to the UK, Interviewee C is an overstayer in sanctuary who came to the UK in the 1980s to study for his Master of Science degree (*pull factor*). For the first phase he was a student with the expectation that his stay would be for the duration of his course. It was not until he married and he and his partner started a family that the position changed. The UK became the centre of family life in a way that the candidate could not have anticipated – even though from the sociological perspective such developments are a normal part of

migration experience. Thus the couple's desire to remain is a logical development in accordance with their changed circumstances and accounts for the broad support for their anti-deportation campaign. The position of Interviewee A shows many similarities. He, too came hoping to improve his qualification profile (*pull factor*), in his case vocationally in his profession as a printer. He is now also an overstayer with a family whose campaign has received much support from church and local migrant support groups. Change in personal circumstances has made the humanitarian case a powerful one in the eyes of many from what might be termed a natural justice perspective.

Theoretically one might assume at first sight that the asylum seeker's motivation is much more clear-cut from the beginning, a self-evident case of *push*. The motive for emigration is to escape from persecution and economic and social disintegration and there is a corresponding desire to find refuge and a new life "in exile". Despite the hardship and dislocation associated with life as an asylum seeker in the host country (and this fact was confirmed and underlined by the whole range of interviewees' experience), the main aim was indeed to escape danger, torture or persecution and be able to remain in the UK, ideally with full refugee status. Does this mean one can clearly discern *push factors* as the important ones motivating migration? Interviews and background discussions revealed that this is only partially true in that the receiving refugee community is also a vital, often forgotten, part of the equation. Asylum seekers know that those host countries with relatively active and established ethnic refugee communities offer the best chance of survival through contacts with family and friends as well as the broader network required for life in a strange country and culture. "Established" in this context implies not that the refugee communities have been settled in their host countries for a long time, but that they have built up their own functioning infrastructure to take care of their people, regardless of the length of time a substantial community may have been present in the country. In the UK the Tamils, the Eritreans, the Kurds and, increasingly, the Algerians are good examples of this.

The common background of refugee experience is also an essential pre-requisite within the host ethnic minority community because of the resultant individual readiness to go out of one's way to support the newly-arrived (a place to stay, helping with the preparation of the asylum claim, finding one's way round the social security and benefit maze etc.). This implies that the important question for the receiving community is not his or her legal status but the experience the individual has gone through. Thus, as is confirmed in the section on arrival in the UK, existing ethnic networks are of vital importance as a *pull factor* attracting migrants to the UK.

The Kurdish community in North London provides ample illustration of this. It is a relatively recent, largely refugee community (having become numerous from the late Eighties) and a range of community and self-help groups provide for the newly arrived fleeing from Kurdistan. Interviewee D, the rejected asylum seeker from Kurdish Turkey mentioned above, was well aware of the network of support that could be provided when he came to the UK to claim asylum. Community organisations have provided him and his family with information and support during the course of application procedure and remain the key element in his campaign to remain in the country despite rejection. For the individual asylum seeker the decision to go to a particular country will take into account - as far as time and circumstances allow - the receptive community contacts and options for survival. This begins with the fact of a relative or friend or fellow political activist having found refuge in that country. This relationship shows how *push and pull factors* can be mutually dependent.

c) *Interpretative factors which emerged in background interviews*

But, in the context of the second question posed above, a number of factors were indicated in expert interviews with community organisations, support groups and immigration lawyers which reflect different nuances prompting the decision to migrate on the part of the undocumented, as viewed by a third person. These sources of information were important inasmuch as migrants themselves may not always themselves be fully aware of the range of factors influencing their decision, or willing to talk about them. Factors mentioned included the following:

1) there is the fact that some ethnic/national groups are under much greater pressure to move than others. The Colombians for example are under acute migratory pressure, because of the instability and violence caused by the "drug war" in their country. People try to gain access to European countries and sometimes resort to ingenious methods to do so. A priest with the Latin American community described in an interview how he had recently been contacted by an Immigration official from Heathrow and asked whether he knew a Father Ignatius who had picked up a family of six from Colombia from the airport for whom he was able to vouch just three days earlier. He had given the name of his East London parish as assurance of his *bona fides*. In retrospect the official had begun to wonder whether the prelate was all that he had claimed to be. The community priest was obliged to tell the official that he knew of no Father Ignatius and that the aforementioned parish was fictitious.

As compared with this, some interviewees drew attention to a sensitive point regarding internal ethnic community attitudes to motivation for the migration of the undocumented where there is less internal consensus on uprooting factors in the country of origin. Some of the more established migrant communities, particularly members of the older generation, will adopt the view widespread in "majority society" that the more recent arrivals are "economic migrants". The term is meant disparagingly, i.e. the *pull factor* of the good life in the West is more important than any "genuine" persecution they may have experienced. Regardless of whether the individual may have experienced persecution, torture or trauma this is subsumed in the generalisation that "they are living here at our expense". This point will be explored in detail in the section on ethnic networks.

2) For other ethnic-national groupings the key factor is that of economic opportunity and job qualification in the informal sector as a motivation for certain groups of migrants who enter on visitors' visas and may then seek employment in the informal sector. They then easily become overstayers. This is often the case with entrants from Eastern Europe, who are frequently in violation of their entry conditions as soon as they accept paid employment. They have far better earning opportunities in the UK than back home, once they can find some kind of work. Their legal position is better than that of non-Europeans on account of the *Association Agreements* with the EU (e.g. they are allowed to set up as self-employed people). The chance to learn English is another big incentive to take the risk of remaining without papers and seeking employment in the informal sector. English as a second language is a big advantage on the domestic labour market when they return. In the section on earning a living this will be examined in more detail. These groups can be described as primarily motivated by the *pull factor* of economic incentive.

3) Then there is the different situation of domestic workers. Those domestic employees who enter the UK with a foreign employer are in a distinct category of their own, because of the specific dependency in which they find themselves. Let us take the example of a Filipino female graduate who has taken the decision to emigrate to Saudi Arabia to work for Arab employers in their household. Should the family decide to come to the UK the maid is faced with the decision either to quit her job or to accompany them and come in on their passport, thus having no independent immigration status. She may very well be in debt because of the expense of getting to the Middle East. Such women thus do not enter the country of their own volition. They were subject to the *push factor* of leaving the home country in search of better-paid employment than they were able to find at home (a step encouraged by Filipino government policy for many years until quite recently because of the attraction of foreign remittances)²⁵. Their immigration status problem arises, as already indicated in the introductory interview section, when they are forced by bad treatment or abuse to run away from their employers²⁶.

d) Retrospective change in subjective view of the migration process

An analysis of individual cases shows that often the *push and pull factors* cannot be easily disentangled. Interviews indicated further that perhaps the retrospective view of motivation changes with time. In the case of overstayers who are fighting for the right to remain, the temptation is great to take a "determinist" view of how everything moved with compelling logic to the present situation. Chance and accident are increasingly left out of the account, because they diminish the significance of one's decisions. If a case for consideration on humanitarian grounds is being put to the Home Office, then coherent life planning is deemed to underline the seriousness of one's case. Apart from this presentational factor it is also a natural human need to impose an order and meaning in our lives beyond the mere chronological succession of events.

The case of Interviewee M (a long-term overstayer who is undocumented) may serve to illustrate this. When he first came to the UK some thirteen years ago he did so, as mentioned above, via Spain. Questioned about his motive he describes himself now as an "economic migrant". Yet he came on a visitor's visa, he never actually intended to come to the UK, but this is where he landed up. Showing great resourcefulness and flexibility he has been able to survive doing various jobs, from dishwasher to language teacher and translator. He is a trained economist. Yet, had one asked him at various points during his sojourn in England how he regarded his status, he might have conceded his economic motivation, but would he have regarded himself as a *migrant*? In the interviews he gave the impression of only recently having accepted this degree of permanent migration²⁷, specifically following the death of his father some three years ago. He was deeply upset by the fact that his lack of legal status prevented him from leaving the country to attend the funeral back in Peru. He is quite adamant now about wanting to remain in the UK. For a long time, however, the nature of his twilight existence led him to regard it as a transitory phase; it was the emotional dimension relating to his personal grief that caused him to recognise what had become a long-term migration process.

One may compare this with the case of Interviewee L from Nigeria. He came to the UK as a teenager with an adult relative, but was abandoned to look after himself soon after arrival. It is his later marriage and young family that has given focus to his life and his desire to remain in the UK. His family provides the core of his determination to keep up the struggle through the anti-deportation campaign. Yet, the

original impulse to come to the UK was through obligation to an adult relative while still a minor, and the visit was, apparently, to have been temporary. It would be difficult to decide whether push or pull factors were the more important, migration was also not the original intention. In the course of time, however, the candidate has become an undocumented migrant the centre of whose life is the UK. Much chance has been involved in this particular migration process, it could easily have happened very differently. The interviewee's comments can be construed as follows: it is the retrospective slant on developments which makes sense of his migration experience.

Finally, asylum seekers are under special pressure to tell the "story" which best fits the criteria for recognition as procedures become increasingly restrictive, if not arbitrary. This point was made repeatedly by interviewees, informants and experts. The asylum seeker with papers problems, Interviewee H, expressed this somewhat resignedly:

*"You have to tell lies, but it does no good."*²⁸

Thus a mockery can be made of the true determination of factors (push and pull) leading the uprooted to leave. There is, moreover, the implicit pressure to manipulate people's genuine biographical experience to match official models of persecution, which seem increasingly out of touch with what those suffering actually endure. How far removed this can be from the key issue of granting asylum to those in need was put succinctly by a campaigner for Interviewee I, a rejected asylum seeker, to remain in the country:

*"It wouldn't be easy to sustain an argument of 'fear of persecution' with some families. But I'm aware that people don't leave their homes, perhaps with their families to go to another country or maybe continent and culture unless they have good reasons. It must be more than 'mere' economic motives."*²⁹

Arrival in the UK, function of ethnic networks

In this chapter ways and means by which the irregular attempt to enter the country will be presented. First there will be a review of entry options for the undocumented. A note on the trade in false documentation leads into an examination of the specific problem of entrants wanting to change their migration status (background to the overstayer problem). Finally, there will be a summary of the role played by ethnic networks for the newly arrived.

The greater part of the information in this section will be culled from the context and background interviews and illustrated by specific experiences from interviewees. The majority of undocumented interviewees were not lacking legal status from the outset in the UK (Interviewee K is one exception). Immigration lawyers and the community organisations in particular were able to furnish information both on methods of entry and on the role of ethnic networks in receiving the undocumented. The latter play a key role in determining how far those without documentation are accepted, especially in those communities with a high proportion of refugees. In this section however, they will be viewed only in relation to arrival of the undocumented. Their wider function and significance will be treated under the chapter *Ethnic networks*.

Initially the groups of the unauthorised who enter the country clandestinely (whether in the sense of being physically hidden or through using false documentation) will be examined, subsequently the arrival circumstances of those who begin by having legal status and at some point infringe the immigration rules governing their right to remain. The latter applies for example to *overstayers*, because they entered the country legally (even though they may much later be legally classified as „illegal entrants“, because of their infringement of the immigration rules under which they were allowed to enter).

a) *Undocumented entrants*

Looking first at the undocumented entrants the initial question to be answered is: how do people get in? The United Kingdom is an island nation, so the first problem that presents itself for the person wishing to enter the country without the appropriate documentation is getting across the water to the British Isles. This is *per se* more difficult than with mainland European countries with land borders. The following basic options are available to potential undocumented entrants to the UK: „smuggling“ over the long distance (plane or boat and overland) or the short distance (over the Channel) with the help of traffickers; and coming in as an individual, by the same variety of methods or, say, via the Channel tunnel. In each case false documentation of one kind or another is certain to play a role, as will be illustrated by the following examples.

„Smuggling“ It is evident that in the last few years a veritable industry has developed to enable people lacking the right documentation to get into the country. The long-distance smugglers operate with false documentation transporting a person „first class“ by plane from the home town to the destination. All services are provided in a comprehensive „package“ for the right fee.

The following case (from a documentary) of long-distance smuggling illustrates the dependency of the clients on their agents. A young man from Bangladesh, university-educated, wants to come to Europe by any means - with the full support of his mother - so that he can send back remittances to pay for the education of his younger brothers and sisters. Although they are a middle-class family resident in Dacca, they have to sell off the family jewellery in order to pay for the false documentation (visa, passport and tickets) provided by the agent. His route will take him via Moscow and Madrid and it will cost him 5,000 pounds.

He is briefed by the agent, who maintains contacts with Western lawyers and civil rights groups in order to help people to get in, to claim „political shelter“ if he is challenged. The young man states: „I know this is a crime, but I'm doing it to stand on my own two feet, to get a job.“

In the event he only set off on his journey after long delays and his false documentation was discovered by an airport official in Moscow; whence he was returned home³⁰.

There are, too, the „second class“ land routes, but the most dangerous are probably those across the sea, at best „third class“ and dangerous. The route across the Mediterranean has become particularly notorious after the death of 280 Asian migrants who drowned in the Peloponnese en route for Sicily on Christmas Day 1996, while being transferred from a freighter under Honduran flag, the *Yiohan*, in heavy

seas. Most of them were bound for the UK. Some 500 migrants were crammed onto the boat in foul conditions and were paying up to \$8,000 per head. Thus the traffickers could expect to earn \$2 million from this operation alone. The suspected ship's crew was subsequently apprehended by the Italian coastguard³¹.

Smuggling can be a much more amateur operation. It includes unsophisticated methods such as concealment in the back of container lorries or indeed in the boots of cars which come across the English Channel on ferries. One lawyer described an unfortunate British couple she was representing: they claimed not to have known that they were breaking the law in bringing over a person who had persuaded them to allow him to try and get in undeclared in their caravan – they had felt sorry for him, a sympathy which the immigration authorities did not share.

There is also the special documents system employed by the smugglers which was described by a number of interviewees relating to the cross-channel ferries. Documentation is valuable and so smugglers want to re-use it. The smuggler accompanies his client over the Channel and shortly before disembarkation takes back the false documents which have brought the migrant thus far. The smuggler returns to the continental mainland while the migrant disembarks and attempts to claim asylum, as this is the only option which may allow him or her to remain. Immigration officers are well aware of the practice and so all asylum seekers entering the country without documentation, which may have been lost or destroyed for any number of reasons, face considerable scepticism. This „recycling system" which the smugglers force their clients to accept is comparable to that employed by many *coyotes* on the USA- Mexican border³².

Turning to individuals coming in alone, it must also be emphasised, as immigration lawyers pointed out frequently, that refugees with a very strong case based on the merits of the matter frequently have to resort to methods of entry like this, enlisting the help of smugglers, using false papers and destroying or „losing" them if circumstances require. As an illustration of this fact let us look at the case of Interviewee D, a Kurd from Turkey, who came across to the United Kingdom from France and is a *rejected asylum seeker* facing removal.

He left Kurdistan following persecution in the late 80s and applied for asylum in France. He remained there for four-and-a-half years and his application was not granted. He then came to England. He was one of 50 asylum seekers in France involved in a hunger strike, 28 succeeded in getting recognition; he was identified as one of the ringleaders and he was told he could stay, but without benefits, and he would have no right to work or freedom of movement.

So he decided to come to England and paid cash for false passports as Greek citizens for himself and his wife obtained through a Kurd, because „changing his identity" in this way was his only chance to get from the one EU country to the other. Coming through passport control at the airport, he wanted to get rid of the documents, but the police approached him in possession of the facts, having apparently been informed by a Turkish passenger, who had probably heard the couple speaking in transit. They requested asylum. Because of his wife's advanced pregnancy they couldn't be repatriated to France.

A victim of torture, this asylum seeker has a strong case and has received much support from his

community and the *Medical Foundation for the Victims of Torture*. His experience shows; however, how genuine asylum seekers can be forced to „play the papers game“.

Since the opening of the Channel Tunnel, taking the *Eurostar* train to London has become another method of entry. Interviewee K, an undocumented entrant from the outset, is an example of someone who used this method to enter the country. He has been travelling around the world for a number of years on a false French passport and has as yet not been seriously challenged on account of it. After some four years in the United States in the early Nineties he returned to Europe and was in the Netherlands for just under a year. For a mixture of private and political reasons he decided to come over to the United Kingdom and simply booked his ticket on the *Eurostar*. While nervous when coming through Customs, he nonetheless experienced no problems despite being a black West African from a country that would automatically arouse the suspicions of Immigration officials. He has good quality false documentation.

b) A note on the trade in false documentation

At this point some of the broader aspects of the market in false documentation, as they relate to getting to the UK, can be discussed. Interviews indicated that if the social and economic destabilisation (through war, civil war, ethnic conflict etc.) in a country of origin is acute then a market for documentation develops because of the straightforward law of supply and demand. This was evident for example in the case of central Africa; those fleeing disturbances or indeed chaos in countries such as Rwanda or Zaire (Congo) would get hold of the documentation required to get out, not only as a matter of individual survival, but also because they are often the main breadwinners for their family. They need to provide for a number of dependants. Migration is under these circumstances very likely the only option available to find a way to make a living providing remittances one can send home. In ethical terms the procuring of false documentation is a price people are prepared to pay (if the material cost is affordable), when the main issue is one of survival³³.

The Colombian community is under particular pressure because of political and socio-economic instability at home. Large numbers of people are fleeing from the countryside (prompting the British government to introduce entrance visas for Colombians in June 1997). The consensus view of a number of witnesses from Latin American support organisations was that these people are often not particularly sophisticated (especially the poor from the countryside) and can be outwitted by sharp papers dealers³⁴. One interviewee with one such organisation indicated how a papers „trap“ had developed for migrants trying to get to the UK. A businessman from one area of Colombia had been selling the wherewithal for asylum applications at 4,000 pounds a time. The Immigration authorities at Heathrow eventually noticed the similarity in documentation and story, but decided to remain „discreet“ about their discovery. It takes time for information to „get back down the grapevine“ (i.e. the information network) to potential victims, so at present refugees are still purchasing the documentation from the dealer back home – possibly having to sell up everything in order to do so - and flying into the arms of well-informed Customs and Immigration officials in the UK.

There is also the case of a Colombian woman who purchased a visa for 4,000 pounds sterling and managed to get into the country successfully. Subsequent travellers were caught at Heathrow with this

documentation. This means the technique has been discovered, so she now feels unable to leave the country because she will in turn be caught. This lady was one of those too afraid to give a full interview. A Latin American support organisation made the point that there is a significant market for passports and European Union identity cards (Spanish in particular); people pay thousands and then get caught because the products are of poor quality. A well-placed witness working with newly-arrived asylum seekers went further and indicated that the restrictive visa regime, as in the case of countries like Colombia, was resulting directly in a boom in the false visas market.

An investigative programme on Channel 4 in November 1996 discovered a number of examples of how the trade in providing migration status via false papers and other methods works both inside and outside the UK. The following cases were shown:

- a flourishing market for false visas and passports and visas to European countries in Beirut.
- a solicitor in the UK was filmed secretly providing clients with false asylum stories.
- a medical doctor was shown providing overstayers with false medical files diagnosing maladies which under certain conditions would enable them to remain in the UK.
- a former Foreign Office employee who had retired from the Immigration Service was filmed clandestinely while devising a solution for a client from Kenya unable to enter the UK. A Somali passport would be provided which would be valid as a *British Overseas* passport. The person's story was to be that she was born in Mombassa in 1947 of Somali parents (therefore not a Kenyan citizen and entitled to a British Overseas passport). The client would receive the document within 6 weeks, a birth certificate could be provided if necessary. The ex-FO employee described himself as „a gamekeeper turned poacher", thus earning a little extra pocket-money alongside his senior civil servant's pension.
- a Home Office employee with a big operation was exposed. The reporter posed as an entrant wanting to change temporary leave to remain to permanent stay. She was offered three options: extension of visa (not particularly sure), an application for asylum (with a good chance after 18 months) and the „first class" offer which was a passport with *Indefinite Leave to Remain* which would cost 3,000 pounds, but would be a „100% guarantee". This „businessman's" most important document source was, it was revealed, the store of old files of deceased clients in the Home Office which could be re-used to provide his customers with new identities³⁵.

c) Those entering the country legally who lose their right to remain: overstayers

When migrants arrive in the UK the great majority of them have some valid form of document which at least entitles them to legally enter the country and reside for a time. They come as visitors, with work permits for a particular employment, within the framework of family reunion, as students or under special options such as working holidays³⁶. If they infringe the conditions of entry, for example as a visitor accepting paid work or seeking to enrol for study, they rapidly find themselves beyond the bounds of the law, possibly unknowingly. Such a person will then be classified by the Immigration authorities retrospectively as an *illegal entrant*, because they have – in the view of the immigration

authorities - lied about their intentions on entry. One of the basic difficulties about the immigration rules, and this point was reiterated by many interviewees, is the difficulty about changing your status once you have entered the country. This is the background for many individuals who have broken the immigration rules by becoming *overstayers*: they were not legally able to change their status.

This can create special problems which particularly affect certain nationalities. Entry procedures to the UK can reflect the fact that certain nationalities are to be treated with suspicion, because they are seen as unlikely to state their true intention to stay longer than permitted and to take up paid work, or to change their immigration status from that declared on entry. This perceived likelihood is, however, a reflection of the restrictive conditions of entry imposed on nationals of certain nation-states. It would be possible to take any number of examples of non-white nationals to illustrate discriminatory practice of this kind on the part of Immigration, but here the experience of East Europeans will be reviewed³⁷.

Visitors from Poland are subject to the *Association Agreements* between the EU countries and the ex-Eastern bloc states which allow certain privileges not accorded to other non-EU migrants (such as the right to set up one's own business), but do not allow entrants to take up paid permanent employment without the usual conditions attaching to a *work permit*. Nonetheless, there are large numbers of Poles entering the UK every year to do seasonal work, especially in the building and agricultural sectors.

This is a generally-known fact (and this question will be taken up in the section on *Employment and earning a living*), but the procedure at the ports of entry is, in the words of one Polish informant, like a kind of theatrical „Battle of Britain"³⁸. All of the actors have their assigned parts and must play up accordingly: a large number of the entrants will indeed try to find work and to learn the English language, but they must pretend that nothing could be further from their minds. Immigration officials must be seen to distinguish between the „good" (tourists) and the „bad" entrants (those looking for work). There is particular resentment about this in the Polish community, because by comparison the Czech government has managed to secure straightforward work and study permits for its citizens. Their nationals can, by contrast, enter declaring their purpose honestly.

From May to October each year as many as 80 coaches arrive every day at Dover with „tourists" from Poland. The entrants are subjected to intense and intimate questioning by Immigration officials. A young Polish woman describes her experience at Dover:

„When one begins to apply for an entry visa into Britain, one feels as though there is some kind of criminality attached to Polish citizenship. On arrival at Dover last summer, Polish citizens were herded into non-EEC queues. After an eternity, when my case came, I was asked pointed questions by the immigration officer about my stay in England. With whom was I staying? Where was I staying and why?

...To my reply that I was visiting Britain on my own, the immigration officer looked at me as though I were going to live on immoral earnings. (And, yes, I am a pretty girl!) When I spoke briefly to a passenger behind me, the official rounded on me saying, ‚I thought you were visiting on your own.' I could have replied that I was thinking of visiting two members of my family in the Polish war cemetery near Newark, but by this time I'd had enough and only wanted to get the whole sordid business over with. Perhaps I was thinking of the 4,000 Poles who served with the Allied navies³⁹."

Those caught by the authorities in infringement of the rules of entry, e.g. by pursuing gainful employment as a farm labourer fruit-picking in Norfolk, will be removed. Were it to be easier from the beginning for Polish entrants to get limited period work visas, the situation described above might be eased considerably. The key point, though, for our purposes at this stage of the discussion is the fact that those entering the country cannot declare their true intention to work, for they will not be admitted; nor can they change their status without great difficulty when in the country. The degree of difficulty faced is directly related to nationality.

d) Ethnic networks and the reception of the unauthorised

Among communities with a high ratio of refugees, whether recognised or not, it was often stated by representatives of community organisations or trusted contacts that questions are not asked about a person's legal status. Various factors can be binding beyond the immigration status question, such as family obligation or political solidarity. Yet there is also ambivalence about such commitments. These themes will be explored in more detail under *Ethnic networks*. For our purposes here it is the attitude to the newly arrived irregular which is at issue.

The point was made that it is the network of family or local village and regional obligation binding those already resident in the UK and a new arrival from the homeland, which can be of decisive importance⁴⁰. If someone has gone to such lengths to get to the UK they will have good reason for doing so in the eyes of their compatriots, the legal niceties of the matter are not uppermost in their minds. Very many people from ethnic minorities do not have unimpeachable records in terms of their document history in any case and so there may be a degree of silent understanding about the questions you do not ask.

An interviewee representing a migrant support NGO had herself entered the country in the mid-1980s on false documentation as an asylum seeker. She had been very involved in democratic and human rights campaigns under a repressive regime, and had had support through an *Amnesty International* campaign. She emphasised the point that political solidarity with new arrivals is important and determines how they are received by their communities, regardless of the precise nature of their immigration status. This can serve to reinforce the effect of loyalties from back home which remain binding.

If a migrant arrives with some kind of „reference" from back home, then not only will no questions be asked, often it will be expected that people co-operate to help others get in. One local council employee of West African origin from south London described such a situation:

„I've been asked to „lend" someone my passport back home so that they could get in. You white people say we all look alike anyway."

He declined the request, though he was offered 500 pounds. Had he agreed, he would have sent his passport back to the country of origin by post and the photo was to be exchanged. It was too risky for him; but he knew of one neighbour who made his passport available to a countryman trying to get in to the country. The borrower was found out at Immigration, was refused entry and the witness's neighbour

ended up in prison⁴¹.

An interviewee of Sri Lankan origin made a similar point: loyalty to one's local community back home is expected. Not only does this mean a readiness to co-operate in playing the „papers game“, but also to provide accommodation as the first port of call. The interviewee described a house in a suburb of London of about a dozen compatriots; some were in the asylum process, some were without valid papers as illegal entrants and they were all living under similar conditions. No distinction was made between the dwellers on account of immigration status: for the practical purposes of day-to-day living they were all in the same boat⁴².

The situation of the newly arrived undocumented as described by representatives of the Latin American community indicated that ethnic networks do not always function as structures of solidarity. It was reiterated that false papers play an important role so that people can get in, that being the priority. Often there is for example an arbitrary choice of a European country in which to apply for asylum. The implication was that the important thing is to get to Europe. For linguistic and cultural reasons Spain would be a preferred goal for many as the initial port of call, but ethnic networks exist elsewhere in Europe, too, and it would be possible to move on⁴³.

The view was expressed by a Colombian observer who has worked with community organisations for many years that the ethnic networks are not supportive (and therefore not necessarily a decisive influence in deciding for a particular country). The following features were noted by different witnesses:

- compatriots abuse the ignorance of the newly-arrived by charging exorbitant fees for "services" such as putting them in touch with community organisations, lawyers and social security offices.
- sometimes the undocumented are at great pains to conceal their status from compatriots more than anyone else for fear of betrayal (with the exception of those they are certain they can trust).
- jealousy and rivalry within and between the communities from Latin America was said to be common and this can lead to the undocumented being reported to Immigration.

These views were endorsed by a number of witnesses from the Latin American community⁴⁴.

Accommodation situation

Shelter is one of the most elementary needs with which the undocumented are confronted. It is a theme that reveals the ambivalence inherent in ethnic bonds. On the one hand there is loyalty, on the other potential for exploitation of one's fellow nationals, i.e. one is obliged to provide kinsmen with a place to stay, and that obligation can be turned into a source of income by subletting rooms in one's flat or house. The complexity of patterns of dependency within the ethnic communities become particularly apparent when it comes to accommodation, a basic human need.

The chapter is structured as follows: first there will be an examination of the effects of the increasingly restrictive asylum legislation regarding accommodation on the refugee communities. This will be followed by a review of experiences of the undocumented in their local communities and the contrasting nature of central government and local authority behaviour toward the unauthorised on this issue. Finally, examples from the sample will illustrate the broader range of accommodation problems that the undocumented face, and the strategies they develop to cope.

a) The Asylum and Immigration Act 1996, housing provision and the increased burden on refugee communities

In background interviews the point was frequently made that for the minority communities the burden of providing a place for their people to stay can lead to great strain. A newly-arrived person, regardless of their status, can be put up for a week or two, but thereafter the strain becomes intense for those already settled who are themselves normally living in cramped conditions. Even if the individual is within the asylum process it is implicitly assumed by the authorities that they will "get lost for six months"⁴⁵, after which they will be entitled to work. Therefore family, friends and community are expected to provide the necessary life-maintaining support for some time. With the advent of the *Asylum and Immigration Act 1996* this assumption was made into an explicit shift of the burden of material support on the part of the state away from the public to the private and charitable sector; one which as a result deprived thousands of asylum seekers of the existential minimum required to survive. Sections 10 and 11 of the Act (which were the subject of intense debate in both houses of parliament) deprived asylum seekers of income support, housing benefit and council tax benefit.

The position for newly arrived asylum seekers thus changed drastically with the *Asylum and Immigration Act 1996* because of the removal of entitlement to council accommodation for in-country applicants. Asylum seekers in toto lost almost all access to social housing: the only remaining entitlement is to local authority-arranged temporary accommodation for "on arrival" asylum applicants who fall within the ambit of the homelessness provisions. This has led to considerable hardship that has been eloquently described elsewhere⁴⁶.

The immediate effect of the Act was to oblige local authorities to deny provision of any kind of housing to the majority of asylum seekers. Beyond this the non-public subsidised housing sector (such as that provided by the charities, the housing associations and housing trusts) became increasingly wary of accepting those applying for asylum for fear of them being unable to pay for their accommodation for lack of any means of support⁴⁷. Following the *Asylum and Immigration Act 1996* large numbers of units of emergency housing had to be found for destitute asylum seekers, leading to special provision by such institutions as the YMCA. Frequently shelter was only made available following documentation of the suffering by ethnic grass roots organisations, charities, churches and NGOs.

The important issue for our purposes is the "knock on" effect within ethnic communities with large numbers of refugees and uprooted people. As already noted in the section on factors affecting the migration decision, an increasingly restrictive asylum regime in the receiver countries may have effects which make life in the underground seem more attractive. Accommodation is a theme that provides

evidence to substantiate this view. If asylum seekers are no longer entitled to housing benefit, or indeed income support, then they are even more of a burden than they would otherwise be on the individuals or families who are giving them a place to stay. The pressure very quickly becomes great for them to pay their way by seeking work in the informal economy. From there it can be a small step to going underground entirely.

Interviewees from the ethnic community organisations also confirmed that social tension within households is accordingly greater because networks of obligation arising from family and blood ties or derived from home community loyalties are undermined. New arrivals whom one is expected to support and accommodate as a matter of honour and traditional hospitality have to be asked to move on after a short time because scarce resources cannot be further divided indefinitely⁴⁸.

The situation on the London streets, at the day centres and in the night shelters for destitute asylum seekers in the course of 1996 showed how desperate the plight of thousands without financial support had become. The individual misery this entailed has been well documented in the media and in studies and was ultimately countered by high court decisions invoking state responsibility through the National Assistance Act 1948⁴⁹. The broader implication for the ethnic minority (especially primarily refugee) communities of experiencing the humiliation of not being able to support their own has been less appreciated.

A representative of a West African community with large numbers of refugees whose chances of recognition or indeed of Exceptional Leave to Remain (ELR) are slim gave an insight into attitudes among his people. Regardless of their status they are constantly afraid of checks and the extent of police powers. They associate police action with what they know from back home. This means that those in the UK are afraid to offer newcomers from back home lodgings, unless they are friends or relatives. Someone can stay for a week, but then they must move on. Their group has therefore now set up a network of places around London where people can stay for a maximum of two or three weeks before moving on, until they are able to find cheap accommodation. This might be with families with one room to rent in a three- or four- bedroom house (British families or otherwise) and everyone hopes they will not ask too many questions. Equally, those renting space might be single parents who are happy to have a contribution to their rent. The fortunate lodgers end up paying an inexpensive 25 to 45 pounds per week⁵⁰.

There is a further dimension to the accommodation aspect of asylum procedures, mentioned by a number of witnesses, which increases the attractiveness of the underground option. If asylum seekers are forced to live in low-grade accommodation then their sense of self-worth may make them feel that the risk of illegality and the private market is more appealing. The day before being interviewed a representative from a Kurdish support agency said he had visited a hostel for asylum seekers, "*which was like an open-door prison.*" It had been dark, cramped and dirty, enough to induce depression in his clients. A worker with a Latin American support group spoke of feeling ashamed when she had to accompany some asylum seekers to their assigned hostel because of the filth of some units or because the social, alcoholic or psychiatric problems of other residents would impose a great strain on the newcomer. She pointed out the significance of social isolation. Those new arrivals who do receive accommodation may find themselves alone in Bed and Breakfast places which are making a

considerable profit from letting to asylum seekers, while the individual tenants themselves have scarcely enough to survive on. A single man under 25 in Tower Hamlets will receive 14 pounds per week in benefit⁵¹.

One may thus sum up the development in the housing situation for asylum seekers and their ethnic communities over the last two years as follows. Networks of kith and kin, ethnic community and solidarity, regional origin and social tradition entail obligations binding together large numbers of people beyond those in the asylum machinery. As public housing provision has become more restrictive so dependency on the private sector has been increased, and with it a vulnerability to unscrupulous practice (whether within the ethnic groupings or from outside) on the housing market. The combined effect of the legislative and administrative measures depriving large number of those entering the UK as asylum seekers of access to social housing – whether or not they are acknowledged as such and allowed into the determination process – has been to create a downward spiral on the accommodation market affecting a large section of the ethnic minority population. The process of marginalisation of minority communities on the housing market has thus been reinforced.

b) Internal controls in the housing sphere

In the housing sphere there is the additional issue of internal controls at local authority level. Following the Housing Act 1996 councils are expected to ascertain the immigration status of new tenants (though it was pointed out that some local authority housing departments had introduced controls some time before)⁵². Interviews with immigration lawyers and talks off-the-record with employees in local housing departments confirmed that this meant in practice that new applicants for council housing were being asked to provide documentation on their immigration status. This targets overstayers who have been in the UK for many years, but have remained undetected, and who are thus coming under pressure. Either they must avoid social housing altogether or – if they are already in council property – give up ideas of moving from one property to another for fear of having their documentation checked. Cases were mentioned of people moving out of their homes as a precautionary measure for fear of being checked, feeling a need to "disappear." Thus a life which had been built up over a number of years, with all of its attendant social and economic bonds and commitments had to be renounced overnight⁵³. The specific discriminatory character of this has been confirmed by the observation (mentioned by many expert interviewees) that black people are particularly subject to these kinds of checks⁵⁴.

Much however may still depend on the political attitude of boroughs (especially those with large refugee communities) or indeed of individual housing officers, who may choose to use discretionary power in the client's favour (e.g. not insisting on seeing valid documentation in the sense meant by the immigration authorities, but accepting, for example, a rent book or driving licence as evidence of identity). The importance of local authority attitude to the undocumented becomes especially evident in the case of rejected asylum seekers or overstayers facing deportation who become the subject of well co-ordinated anti-deportation campaigns, a point which will be discussed shortly.

Again, however, a little-noticed effect of the propagation of the controls regime in tandem with increasingly restrictive asylum law is that within the ethnic communities themselves. Ethnic grass roots

organisations, especially minority housing action groups have been obliged to adopt the policy of immigration status checks by virtue of the fact that they will be breaking the law in supporting an undocumented person's search for accommodation. It was noticeable in the course of research that housing groups representing refugee communities were particularly circumspect when discussing the whole issue of the undocumented. The policy of mandatory immigration controls in the housing area drives a wedge into the self-help community organisations themselves. This in turn gives rise to divided loyalties and to resentment against the external legislating authority pursuing what is perceived – certainly by the politically minded - as a divisive policy within ethnic minority groupings.

c) The housing situation of the undocumented – vulnerability and support

Moving on to individual cases cited in interviews which illustrate the range of accommodation problems faced by the undocumented, the most important theme to emerge was their vulnerability to exploitation by unscrupulous landlords. They are dependent on the most dubious sector of the private accommodation market and are in no position to negotiate housing contract conditions, inasmuch as they have written agreements for tenancy at all. They have to accept what they are offered on a take-it-or-leave-it basis. Numerous cases were described of tenants paying exorbitant prices for poor quality accommodation. The following is an extreme case of what can result from the vulnerability of the irregular on the housing market.

An undocumented family from Colombia has been living in the UK since 1995 in private accommodation: 13 people inhabit a four-bedroom flat in Newham, the conditions were described as appalling, cramped and there is a hole in the roof. They pay 250 pounds sterling in rent per week and have no central heating. In winter the flat is desperately cold and damp. Members of the family became ill and they then had problems getting medical treatment because the doctor enquired about asylum status. The father is a rejected asylum seeker, the mother has immigration status, some of the children do and some don't. The strain caused by constant fear of a police raid to remove the father is immense⁵⁵.

Interviewee E is unable to live with his family and the strain for all concerned is equally hard to bear. As an overstayer facing deportation he must reckon with being picked up by the immigration authorities at virtually any time. He therefore spends much of his time on the move, not living with the family but visiting wife and children intermittently. For their part they are officially obliged to have no knowledge of his whereabouts.

Interviewee H, an asylum seeker with documentation problems, has experienced vulnerability as a tenant which the lack of secure immigration status can entail. Firstly, her housing benefit had been stopped at the time of being interviewed, which meant she could no longer afford the rent in her private accommodation and at the time of the interview was being threatened with eviction. Her landlord was well aware of her insecure status and had made no attempt to have the hole in her roof repaired of which she had been complaining for months. The undocumented have no means of redress, if their contractual partner, in this case the landlord, refuses to meet his obligation. She also described having lived in "digs" in London in the past which were "totally unacceptable", she would never have had to endure such conditions back home in Africa, she stated⁵⁶.

Yet there can be examples in which dependency leads to compassion and sympathetic support of a person's fight to stay. One case of a domestic worker illustrates how the fact of living in close proximity to her employers came to be decisive. She is a Colombian woman who came as a tourist and overstayed. She was together with an asylum seeker and they had a child. She worked for various families. Her partner subsequently left her for another woman, whom he hopes to marry in order to get the right to remain. The client is thus a single mother and is now lacking legal status which she had enjoyed while together with her partner as she is now no longer the dependent of an asylum seeker. She accidentally placed her passport in the washing machine so the stamps indicating date and right of entry as a tourist are now unclear, adding to her problems. However, her present employer is prepared to stand surety for her to remain and provide accommodation in a garden flat. The case is with a solicitor who hopes to present a strong argument to the Home Office on compassionate grounds⁵⁷.

This appears to confirm the general observation that while domestic workers are more dependent than other casual wage workers on the one hand (immigration status, employment and accommodation depending on their employer's goodwill) and thus especially vulnerable to abuse, they may also incur a greater sympathy and sense of responsibility in their employers because of the personal nature of the working relationship and the emotional bond which may grow with the children in the family.

d) The housing situation of the undocumented – solidarity at local level

Let us now return to the question of local authority conduct towards the undocumented and accommodation as regards political attitude. Just as local authority housing employees seem to vary in the strictness with which they apply the regulations on checking immigration status, so too attitudes at local authority level to rejected asylum seekers are often greatly influenced by perceived injustice concerning their treatment. The views of individual officers or local government employees on a specific case may have been determined by effective anti-deportation campaigns. Equally, a local authority may have (not necessarily openly declared) political reasons for a stance in favour of an individual (e.g. opposition to government legislation on asylum and immigration, which is perceived as unnecessarily draconian). This sample provides various illustrations of what this means in practice.

Interviewee C, who had been with his family in church sanctuary for over three years, had to contend with an immensely stressful situation because of the uncertainties of his position. But his campaign and the resultant solidarity of the parish and broader local community have made the family's sojourn in the church bearable. There is no doubt he would have been deported long ago without the protecting hand of church asylum in the original, mediaeval sense reinforced by the support of many parishioners together with effective publicity and solid professional legal and medical back-up for their case. As reported of an MP, if the family were to be forcibly removed from the church, there would be rioting in the streets⁵⁸. The local school has been voluble in support of the family's right to remain. The local authority appears to have shown at least passive sympathy for the case. In this conflict the Home Office and the Immigration authorities are perceived by many at local level as the enemy.

Moving on to Interviewee B, the support he has experienced has left him in a better position on account of the strong stance taken by his MP who has for example intervened to restore his benefits entitlement.

It is significant that Social Services responded to a politician's intervention, despite the fact the interviewee is undocumented (a rejected asylum seeker) and facing deportation. Equally, once he had got his local council accommodation he was left in peace by the local authority, there was no threat to remove him from his flat. He has had constant support from the local authority social worker. Central and local government thus once again fail to act in harmony.

Interviewee D underlined what appears to be a common trend of contradictory attitudes between local government and central policy-making authority. In his case (also a rejected asylum seeker) central government, in the form of the Home Office, has an interest in carrying out the letter of immigration law, meaning deportation. On the other hand local government appears to be more sensitive to the local citizens' views and the potential deportee's standing in the local ethnic or broader community. The interviewee stated, namely, that he had experienced explicit support from the housing department and the Social Services – they had been "*really excellent*". Not only had the borough been very helpful in providing good housing for him and his family of four persons as promptly as possible, but there was also no question of eviction or removal of benefits despite lack of legal status following rejection of his appeal. There was, moreover, the clear impression of co-operation between his solicitors and bodies such as the *Medical Foundation* on the one hand and the local authority on the other⁵⁹. This is another of the many illustrations of the contradictory, adversarial cast of policy implementation in the UK, a point to be discussed in the analytical section.

The point to be noted concerning accommodation is that undocumented people are usually in a better position if they have the support of their community (local and/or ethnic), or at least if there is widespread local knowledge of their plight, because the authorities will feel more reluctant to be seen as depriving them of their homes. This is heightened by the fact that local government responsibility for putting housing and social welfare policy into practice is always bound to be a potential minefield of conflict between the centre and the regions. It must be emphasised, however, that this leeway for compassion at local level is only shown to those undocumented people with children; single people facing deportation as irregular migrants are likely to be removed or placed in detention centres without ceremony. For obvious reasons the immigration authorities have a vested interest in moving fast to remove the irregular in order to prevent local communities (and their politically-sensitive local authorities) becoming aware of the plight of what may be long-settled or locally-respected people. This is obviously easier in the case of individuals rather than families.

e) Accommodation "underground"

At the other end of the spectrum of "public visibility" to those who are the focus of anti-deportation campaigns there are the illegal immigrants who learn to survive on the private accommodation market. As a matter of course they will avoid public provision and use private information networks to find out what is available. Interviewee M is someone who has become conversant with the rules in the course of many years in the UK as an illegal entrant. He currently lives in North London as a lodger with two elderly sisters in a respectable middle class neighbourhood. His description would suggest that they regard him as a charming young man working at home who causes no trouble. He is skilled in avoiding any situation that would entail his immigration status being questioned⁶⁰.

The shared need for accommodation under difficult social and economic conditions can encourage the blurring of legal distinctions of immigration status for the members of minority communities. An example was cited of a house in East London known to a representative of an NGO, herself of Tamil origin. It is a small building inhabited by some twelve male Tamils who are crammed together in limited space. Some have some form of immigration status, but most are undocumented. The question of status is, however, of secondary concern – because of their mutual need to work in the "black economy" and thus shared evasion of national insurance and taxation dues they face similar consequences if discovered: some form of detention at Her Majesty's pleasure and possible removal from the country. People back home know through the grapevine that this house is a good first port-of-call to find a place to stay and establish first contacts. New arrivals at the house are fed into the informal sector employment network⁶¹.

Other interviewees confirmed that mobility is a main characteristic for the housing situation of the undocumented. Friends and family, lovers and partners provide a place to stay and one is always ready to move at short notice – news of immigration raids in the community, word of better opportunities elsewhere may be the incentive; or the strain of cramped, shared living under circumstances of uncertainty may be the reasons. His possessions thrown together in a holdall the undocumented young man is constantly ready to move on⁶².

Alternatively, the vulnerability of the newly arrived and their need for a place to stay can be exploited within the ethnic communities. A representative of the Poles in the UK described how newcomers doing building work in the private sector are provided with lodgings by their compatriots who have been in the country longer – the generation which arrived in the Seventies - who make a considerable profit through subletting limited space for a profit. This "service" was characterised as exploitative. Yet, the dividing line between "solidarity" with and "exploitation" of one's countryman may indeed be a fine one⁶³.

Even those who seem to establish themselves more independently and build up a degree of economic security can find their lives devastated overnight. The case of a Pakistani who had overstayed and remained in the UK for 14 years, building up his own business with his own house before his lack of immigration status was discovered by chance in connection with a business transaction, pointed up what this means in stark terms. He was placed in detention before being removed from the UK within a matter of days. He had employed five people who suddenly found themselves out of a job. Had he had the opportunity he would have been able to put a strong case to remain to the Home Office on compassionate grounds⁶⁴. Another reported case gave some insight into the hardship which can be caused to families by sudden discovery that the breadwinner is an irregular migrant. After the immigration authorities had removed an undocumented man living in council accommodation, his wife and child felt too afraid to stay in their house and had immediately gone underground, dependent on friends and relatives to give them a place to stay⁶⁵.

The examples given in this section should give a flavour of what the accommodation problem is like for most of the undocumented – a life on the move, characterised by constant unease and uncertainty, prey to unscrupulous landlords. The changes in UK asylum legislation excluding most asylum seekers from social housing and the increase in internal controls at local authority level when assigning

accommodation have led to greater pressure on the undocumented to accept increasingly sub-standard provision at inflated prices in the private sector. The pressure has also increased on ethnic housing support organisations to check people's immigration status, there being greater risks if they do not.

Accommodation can moreover often be dependent on employment, making the undocumented especially vulnerable to exploitation. The hotel and catering industries and agriculture and market gardening provide clear examples of how this dependency can be used to manipulate the irregular, as will be documented in the next section on *employment and making a living*.

Employment and income – making a living

In the course of this chapter various means of surviving without papers, from the range of employment options available to social security fraud, will be examined. Studies of the lives of the undocumented in the post-industrialised countries to date have shown that it is possible for them to survive in certain sectors of employment⁶⁶. It is necessary to look at the structures of employment followed by the irregular and go one step beyond this. One hypothesis which will be examined in the course of this survey is whether the results show that specific employment sectors depend on employees who lack immigration status to be able to function profitably.

First, the factors pushing people underground will be considered. This will be followed by an examination of the employment sectors where the undocumented are most frequently to be found. The specific themes of crime, working conditions, the effects of Section 8 of the Asylum and Immigration Act and the special case of the agricultural sector will be treated, culminating in a presentation of the specific view of two undocumented interviewees.

One obvious point concerning the irregular and work should be underlined at the outset. The unauthorised have, as a rule, no option but to take paid employment because they cannot apply for benefits from the state; they automatically form a part of the labour reserve employed almost exclusively in the informal sector. In this sense they are in a different position from asylum seekers who are entitled to social security benefits, however meagre; at least they were until the Conservative government introduced the changes in 1996 depriving asylum seekers of social security who applied in-country. The misery caused by these measures has been well documented elsewhere⁶⁷, but there was one result which is of critical importance as regards the lives of the unauthorised.

a) The pressure to go underground

One main argument put by the Tory government in defence of the removal of benefits for those asylum seekers applying in-country or at the appeal stage of proceedings was that these were evidently the „bogus" candidates coming to live off the British social security system. Removing their eligibility to benefits would end an „incentive" for them to come. Interviewees across the spectrum (immigration lawyers, church activists, NGOs, community organisations, political lobby groups, trusted contacts in the communities, those from anti-deportation campaigns; above all undocumented interviewees themselves) confirmed one point which showed the flaw in this logic: that the effect of the measures has

indeed been to make the asylum procedure less attractive, but this does not stop people coming, if the pressure is great enough. If the communities provide the necessary support, they will find other ways of surviving. To begin with, therefore, testimony will be cited from an ethnic community with large numbers of refugees on the primary need to get to a country of refuge indicating the importance of the „push" of migration pressure.

A discussion with a representative of the Algerian community, himself an asylum seeker and a highly qualified professional, was revealing on the attractions of being undocumented and so having to provide for oneself. Those trying to leave his country are well aware that the chances of being recognised as a refugee are low. The important thing is to get the documentation and the means to get out and gain access to a country where the chances of survival are considerably better. The UK has a particular attraction because the news through the „grapevine" is that there are jobs to be had. This may be related to the high level of deregulation of the economy providing the kind of jobs on the margins taken by the undocumented.

He also made quite clear why, alternately, applying for asylum is not an attractive option. For one thing many asylum seekers are highly qualified people:

"If you look at the National Health Service (NHS) you see that qualified people are desperately needed, instead those coming in and surviving are doing humiliating jobs, suffering frustration which leads to psychological problems."

As the interviewee pointed out, a life on benefit is not only demeaning in itself. He described the pain of losing his children's respect. He had recently urged his child to get on with his homework. The youngster replied:

„Why should I go to school? Look where it got you?"

He continued the argument by pointing out that asylum seekers are not seen as contributors, rather people are „being destroyed" by the waste of their abilities and not being allowed to use their skills. Waiting for a decision is an immense strain. One can end up waiting for six years. Thus: people draw their own conclusions, they prefer to go underground rather than face the Home Office's asylum procedure.

They come on false papers through Italy or Germany and they are supported by their own community. Documents are organised on a large scale by the Mafia. He asked: How are people coming from Algeria to get a genuine visa in Tunisia, the step required to be „legitimate"? After arrival people go to the DSS with false papers which are professionally produced and enable them to get a National Insurance number. This may be difficult, „but it is better than the Algerian nightmare" he commented. While we were talking in a café he indicated a middle-aged Algerian who had just entered the UK recently with his family. For false papers and travel documents he had paid the smuggler a total of 3,000 pounds sterling⁶⁸.

b) Jobs of the undocumented

Interviewees located a number of sectors that to a greater or lesser extent make use of undocumented workers. As one would expect they are, broadly speaking, the sectors in which „black" employment (i.e. avoidance of tax and social insurance contributions) is endemic. These are the textile industry (small workshops and factories, particularly in the East End around Whitechapel, in North London in the Stoke Newington area, and in Hackney), hotels and catering (washing up, portering and waiting in fast food and other restaurants, cafes and snack bars throughout London), the building industry, mini-cab and courier services, small enterprise trades (garages, workshops and trades with from one to five employees), household jobs and cleaning (in private homes or in companies, shops etc.)⁶⁹. In addition to these city-based employment possibilities there is the special case of the agricultural sector.

These are the main areas in which the undocumented in the post-industrialised countries are employed, as reflected in the statements of the informants, experts and interviewees. It may be added that in this age of constantly diversifying *tertiary sector employment*, however, the opportunities for marginal occupation in the service industries continue to broaden. Parallel to what is today described as the globalisation of economic activity there is an increase in breadth of service demand at the margins of wealthier societies. As an illustration of this at street level, see the box *Wailing Wall* for the range of employment being offered and taken up as well as for an indication of how the ethnic information network functions.

Wailing Wall

On the corner of a busy street in West London there is a newsagents well known far beyond this locality. The whole of the shop window down the side street is filled with hand-written cards advertising accommodation, requests for lifts and a wide range of jobs. A large number of the texts are written in a foreign language. Around eight to ten people, almost all men, are scrutinising the cards closely, making notes on the information, telephone numbers and addresses. One or two carry large suitcases, they may be new arrivals. Back in their home country this place is known with some irony as the *Wailing Wall*. This is an information, accommodation and job exchange operating on the purest basis of supply and demand. People meet in surrounding cafes and come to agreements. The authorities have tried to stop this „service", but nothing ostensibly illegal is going on, no more than elsewhere at a hundred other meeting places sustaining the informal sector. This is a selection noted of the jobs on offer:

Waiter/waitress, massage parlour, photo models (girls), kitchen porter, receptionist, cleaning („obedient girl wanted"), clothes shop assistant, chambermaid in hotel, painting and interior decoration, plasterer and tiler, ironing and cleaning (private), van driver, envelope re-mailing, care worker (disabled and elderly), service call administrator (telephoning)⁷⁰.

Another form of information bursary is the medium of sport and leisure time activity. A number of informants from the Latin American community described the importance of the Latin American football League as a meeting place and source of information. People meet on Sunday mornings for a game and find out all about the market in jobs and services as well as accommodation. The undocumented can glean precious data on jobs without having to reveal too much about themselves

before and after the game, though this discretion cannot be guaranteed⁷¹.

c) The irregular and involvement in crime; social security fraud

Most of the communities report some involvement on the part of a small minority in petty crime. This can be small-scale drug dealing, prostitution or social security fraud. This is the kind of crime practised by those surviving on the margins. Informants pointed out, however, that it is virtually impossible for the undocumented to become involved in „organised" crime, except by providing low grade, expendable services, e.g. as drug couriers. They are far too dependent in power terms for anything else and, moreover, too busy trying to find their way around the „system" in a strange country. They do not have the necessary capacity to be large-scale criminals

Over the last few years there have been occasional reports of asylum seekers from central and West Africa being involved in social security fraud and brought to court for the embezzlement of considerable sums from the DSS on the basis of false identity. Once asylum applicants have received their *Standard Acknowledgement Letters* (SAL) or *IS 96* (asylum claim forms) they can submit their application without photograph. There have been cases of individuals changing details to submit 2 or 3 different applications⁷². On this basis they can then apply for benefits with two or three identities. This is one of the reasons why it is impossible to quantify the number of asylum seekers (along with the procedural backlog, changes of status and numbers of asylum seekers who have subsequently left the country). The popular press have been able to make great play of „spectacular abuse" of the social security system by asylum seekers, implying large numbers are „bogus" and out to live off the British state by deceit.

An interview with an informant who has known Central African communities at home and in the UK for many years set these stories in perspective. To begin with the great majority of asylum seekers in the UK are struggling to get by honestly on the little money they receive from the state (though the increased incentive to „go underground" on account of the sheer material need caused by restrictive asylum procedures since the summer of 1996 has been indicated above). They are often living in real poverty. But it is necessary, too, to see the broader background of people's experience: not only are members of these migrant communities survivors of colonialism, civil war and repression who may have suffered traumatically, but they also have had to forge documents themselves or purchase them just to get to Europe. These are the people who have no chance of going through „official channels", because that may mean existential danger. Trips may have been planned for a long time, smugglers contracted to get one out, documents organised on which one's life will depend. They may have needed to travel with two or three documents with different identities that are interchangeable.

There is another important factor on the road to survival for those who take flight which is often forgotten. They are more often than not the breadwinners and they are well aware of their family responsibility. There may be a number of dependants at home for whom the money „earned" in exile is vital. The interviewee pointed out that there are tried and trusted courier routes to get remittances back to the homeland, banks cannot be relied upon. The only danger about entrusting the money to a courier is „that it might get eaten" en route, but good faith in making the transaction is always assumed⁷³.

d) Exploitative conditions

In objective terms the undocumented are lacking protection against the most brutal forms of exploitation in areas of marginal, often informal sector employment. Examples giving an idea of conditions will be given later. But first, an important finding on the interviewees' thoughts about the work they do: attitudes of the undocumented to their employment can be different to what one might expect. The perception of a job as lowly or exploitative at the objective level may not be felt by an undocumented person in the same way subjectively. Interviewee B (rejected asylum seeker) worked for some time in a bakery. He regards this time in retrospect as a very positive phase when he was able to look after himself and assert his independence, despite the unsocial hours, hard conditions and – by some standards - modest pay. This view was shared by Interviewee O („insecure status") who also works shifts in a bakery. He was grateful to have the job, and desperately unhappy when he lost his employment for six months because he lacked valid papers. The attitude tended to be: I vastly prefer this kind of work to no work at all.

Equally the candidate in detention, Interviewee J, regarded the work he did before his arrest, driving a mini-cab, as having been satisfactory, although he had in fact trained in the UK during his time as an undocumented migrant and got his diploma as an electrician (and before that had considered studying maths) and was thus working below qualification⁷⁴. He also recalled having enjoyed his first work on coming to England for some months in the fruit fields in Norfolk: the people had been friendly, it had been a good opportunity to learn the language, he had enjoyed working in the open air and the countryside. It may, however, be the case that any form of employment appears attractive from the perspective of detention, back breaking work on the Norfolk fields appearing in retrospect as the golden age. (See below for the agricultural employment situation of the irregular.)

A brief survey of overstayers in the sample shows how the spirit of survival was a main determining factor in people's attitudes and that they often tended not to complain about the lowly or exploitative character of the work they might be doing. Interviewee L's „career" as an overstay is illustrative of this. He had done various casual jobs while living more or less on the streets of London for a number of years. He knew the manager at a fast food restaurant and would go there after hours to be given hamburgers that would otherwise have been thrown away. Donations of this kind kept him alive. When after a series of casual jobs he managed to get regular work in a kitchen and establish himself as the pasta chef in the restaurant before the Immigration Service caught up with him, he had reached an occupational position of which he was understandably proud. It brought better pay, greater security and the attendant rise in self-esteem (despite his lack of immigration status).

This is evident when the interviewee talks about that phase in his life. It is again the retrospective view that appears to be decisive, causing him to see this as the best time in his life. He is now caught in limbo as an overstay with a family, the UK authorities are determined to deport him, his country of origin refuses to acknowledge his citizenship. He is a man with nowhere to stay and nowhere to go, he would give a great deal to be able to return to the life he had as a pasta chef. Like many of the interviewees whose lives are characterised by uncertainty his central statement was: just give me a chance.

Interviewee E is a long-term overstay whose personal circumstances have also led to an anti-deportation campaign based on strong compassionate grounds for leave for him and his family to

remain. He entered the country as a trader. Again the sheer psychological pressure of the uncertainty of the future is the main problem. He is obliged to keep in hiding in case the police arrive to effect the deportation order that has been served repeatedly on him. His family lives on social security and he resents the fact that he is being prevented from providing for them – this is a matter of pride. Like other interviewees he says he would be happy to do any work, no matter how menial or dirty, if only he is allowed to remain. The most recent news was that in spite of his lack of immigration status he was attempting to start his own business, showing the kind of entrepreneur initiative which British governments usually feel inclined to reward.

The kinds of employment which the unauthorised have to take up nonetheless show that they are typically the ones who are exploited and in no position to protest against injustice because of their lack of power and status. Take the following example that may be seen as symptomatic for the experience of many. There is a hotel in Camberwell in south London notorious for those in the know for employing people of different nationalities without immigration status. The employees sleep on mattresses in a back room. They are employed on a temporary basis generally after having arrived recently in the UK. They work long hours and cannot be sure of receiving pay due to them. If they protest, the manager threatens to report them to Immigration. He has been able to run his business by exploiting the unauthorised in this way for a number of years. There have been raids there by the police leading to the removal of irregular migrants from the country (the police station is 100 metres down the road), but the manager remains in business⁷⁵.

Having looked at these individual examples it is now time to examine structural factors in the situation of the undocumented as unprotected members of the workforce subject to abuse by the employer. Notwithstanding the positive view that irregular migrants may have of their employment under certain circumstances, one of the most important themes mentioned by interviewees and informants was the vulnerability of the undocumented in their employment. They pay no tax and no social insurance (many of those spoken to said they would prefer to be able to do both and have secure status with rights), that means they have no rights and do not exist officially. Because they are not on the employer's books there is no restraint upon him hiring and firing at will. They can be forced to tolerate bad or even dangerous conditions, work long and unsocial hours and accept low, even derisory pay. They have, as a rule, no form of redress. Examples of their abuse by unscrupulous employers are legion. Here are some:

- it is not uncommon for employers in the building trade to take on irregular workers, let them work for 4-5 weeks and then to sack them without pay. Some employers may even claim to have only just realised they are infringing the law in employing migrants without papers⁷⁶.

- Similarly among cleaning brigades which are employed by large companies to clean their offices and which are mainly staffed by members of ethnic minorities the practice has been developing of taking people on for up to a month and then sacking them („You're unhappy? Well go to the police!"). The practice has been reported increasingly since the 27.1.1997 (See below). Pay can be as low as one to two pounds per hour⁷⁷.

- There are examples of people working in the garments trade for as little as a pound an hour. The work is always badly paid if the workforce have no trade union recognition. It is still regarded primarily as

women's work (even if the workshop supervisors are almost invariably men). Conditions in this industry are traditionally harsh: long hours with short breaks; working in small, cramped workshops with poor lighting and bad ventilation. Undocumented workers are in no position to organise themselves or to agitate for improvements, let alone withdraw their labour. In a number of senses they are the ideal „captive" workforce for industries of this kind⁷⁸.

- A group of workers of one nationality,, some of whom will be undocumented, may be employed through a „ganger" (who will have papers) by a supermarket manager to stock the shelves during the night. He will agree a „pay package" for, say, ten people for an eight hour shift. The „ganger" will then take on eight people whom he pays for a six hour shift and pockets the difference⁷⁹.

- Domestic workers are sometimes subjected to physical and sexual abuse by employers unconstrained by any kind of public supervision. A lawyer cited the following current case: This household worker has been in the UK for more than 10 years and came over with her employers when very young. After years of mistreatment she ran away with the help of a neighbour and is now waiting to sue her former employers for false imprisonment with the help of *Kalayaan* while living with another family. It took some time to build up a relationship of trust between lawyer and client, because she assumed as a matter of course that co-operation between the legal practice and the Home Office would lead to her deportation⁸⁰.

e) Employers Sanctions Section 8 Asylum and Immigration Act 1996

In one vital respect the situation of the undocumented has worsened since the end of January 1997 with the effects of Section 8 of the Asylum and Immigration Act 1996. This introduced employer sanctions for the first time against those knowingly giving a job to *sans papiers*. In its dying months the Major administration put a lot of money and publicity into promoting this measure which in other countries has been a proven failure in combating employment of the unauthorised, to say nothing of the larger goal of diminishing the incentive behind illicit migrant flow⁸¹. It is essential to look at this legislation and its enforcement, because it has had a direct and powerful effect on the working lives of the undocumented.

Two major criticisms were made of this legislation in interviews. First it turns employers into an extended arm of internal control of migrant status, a task for which they are neither prepared nor trained. Immigration law is at the best of times a highly complex field, even for the experts⁸². As the consensus is that this particular legislation was hurried and badly drafted into the bargain this is bound to lead to confusion and maladroitness if not unjust application of controls. Second, and leading on from this, there is enormous potential in employer sanctions for discrimination against members of ethnic minorities, particularly those who may be union or political activists, at the place of employment. Witness statements on effects of the law in the early months of 1997 will be looked at after taking up the first point, the over-complicated nature of the employer sanctions approach.

The government applies a mixture of the carrot and the stick in urging employers to check the documentation of all job applicants at some stage of their procedures:

„...as an employer you could be guilty of a criminal offence if you employ someone who does not have

permission to be in – or to work in – the United Kingdom. You can protect yourself by making certain basic checks before taking on new employees...The checks which you need to make to claim this defence will in most cases be straightforward. They could be built into your normal recruitment procedures. The checks are not compulsory. But they are advisable. If you do not make them you will not have the statutory defence which they provide⁸³."

This may sound perfectly reasonable; it is, moreover, made clear that the Immigration Service remains ultimately responsible for immigration control. But employers transgressing can expect to pay a fine of up to 5,000 pounds. This assumes thoroughgoing competence on the part of a complete amateur in judging the genuineness of documents in an age of highly professional forgeries. Appendix A of the brochure quoted above lists the 13 types of document which the job applicant may produce to prove they have legitimate immigration status with entitlement to work. Here are some examples:

- a document issued by a previous employer, the Inland Revenue, the Benefits Agency, the Contributions Agency or the Employment Service (or their Northern Ireland equivalents) which state the National Insurance number of the person named.
- a passport describing the holder as a British citizen or as having the right of abode in – or an entitlement to readmission to - the United Kingdom.
- a passport containing a Certificate of Entitlement issued by or on behalf of the Government of the United Kingdom certifying that the holder has the right of abode in the United Kingdom.
- a certificate of registration or naturalisation as a British citizen.
- a passport or other travel document endorsed to show that the person named is exempt from immigration control, has indefinite leave to enter, or remain in, the United Kingdom or has no time limit on his or her stay; or a letter issued by the Home Office confirming that the person named has such status.
- a passport or other travel document endorsed to show that the person named has current leave to enter or remain in the United Kingdom and is not precluded from taking the employment in question; or a letter issued by the Home Office confirming that this is the case.
- a letter issued by the Immigration and Nationality Directorate of the Home Office indicating that the person named in the letter is a British citizen or has permission to take employment.

It may be doubted whether the telephone help-line introduced by the government to deal with any queries or problems employers might have in applying Section 8 is adequate support⁸⁴.

Moving on to the second criticism of Section 8: there were frequent reports from interviewees and informants of the discriminatory effects of the legislation. Despite the express prohibition of checks on employees already in employment there was clear evidence of „trawling" (i.e. employers going through their books to check the immigration status of their workers). This has increased fear and tension at the workplace and led in some cases to people deciding to leave their jobs⁸⁵. One informant, a part-time

minister with an African Pentecostal church, talked of members of his congregation with secure immigration status experiencing increasing controls by their employers⁸⁶.

Specifically for the unauthorised, of course, the pressure has increased immensely (as the government intended). There is the case of a Peruvian reported by a Latin American support agency who came over to the UK some 7 years ago on a visitor's visa and overstayed. Hitherto he has always been able to find cleaning work, now he finds things are tightening up, employers are asking him for his papers and he has to move on. He had come to the agency to talk about his increasing desperation. His girlfriend (with residential status) is afraid to marry him because they are confused over the exact position in law – a frequent problem. At the agency they recommended he get in touch with a solicitor⁸⁷.

There is another case of a Colombian family. The man applied for asylum and was rejected and the family (there are three children) remains here underground. Immediately before Immigration arrived at their flat to remove them they had moved into a friend's place and the officers were more or less persuaded to accept the story that they had left the country voluntarily. Under the pressure of the situation the husband has become violent and started abusing his wife which has led to a separation. He remains in touch and is doing washing up work; but earning a living has become the big problem for her. Of late she has found a job as a household domestic but it is a hand-to-mouth existence, while she struggles to keep the children at school. She is afraid to try to find anything else and to submit an application for asylum in her own right (though the informant, a knowledgeable observer of asylum procedure, considered she has a strong case) because of the possible repercussions⁸⁸.

The conclusion reached by a wide range of observers and interviewees is that the main effect of Section 8 for the unauthorised has been to exert a clear downward spiral of pressure in terms of conditions, pay and vulnerability to exploitation. Employers can either refuse to employ those without papers altogether or use their lack of status and invisibility as an explicit form of blackmail to make them accept conditions unthinkable for others. The undocumented remain there and must eat, the employment sectors, equally, remain which profit from this dependence; the rules of the game have simply become more narrowly circumscribed for those on the margins without the power and resources to be able to say no.

f) The agricultural sector

Information has emerged over the last year or two on organised forms of exploitation of agricultural workers being imported from Eastern Europe to work on the fields mainly in East Anglia on the fruit and vegetable harvest⁸⁹. Workers from Poland or Lithuania are encouraged to come over on „working holidays" by agents from the British agricultural sector travelling through the Eastern European countries. They are promised accommodation and reasonable pay for healthy work in the countryside and fresh air with the spin-off of being able to learn a bit of English. The reality turns out to be more sobering. Workers are indeed provided with accommodation, but it is cramped (a number of workers in one room), the migrants are isolated from the local community and board and lodging is deducted from their pay at source, rain or shine. This means that if the weather is bad the workers cannot work, thus earning far less, but they still lose their deductions. In the worst of cases a fruit/vegetable picker can end

up in minus despite having worked for days or even weeks. In addition the work rate expected from the supervisors which dictates the piece rates paid is very hard for new workers to attain – the standard being set by the local field workers who have years, if not decades, of experience in this back-breaking work.

The unauthorised migrant worker is at the (weakest) end of the chain of supply and demand. Operating according to the laws of what the market of demand will bear the major supermarkets conclude agreements with the farm producers that allow only for the narrowest of profit margins. Pressure of financial overheads leads the producer to squeeze the most flexible factor, manual, casual labour to retain that profit. An unemployed low skills worker with a family living on benefit from the local area may enquire about work from the farmer and when he learns the rate of pay will rightly conclude that he is better off as he is on social security. Thus the market gardeners will have difficulty putting together a hard-working, „flexible" (in this case meaning work when the farm requires) and reliable workforce at minimal wage cost.

The „imported" migrant worker without immigration status brings a number of advantages: he (the great majority are men) is dependent in terms of work orientation (i.e. not knowing the area and the language he can scarcely go elsewhere); coming from an Eastern European economy without papers he will be „happy" with a very low rate of pay and scarcely able to check the doubtful justice of the piece work system. The accommodation and transport levy (the workers must pay for being driven to the fields) recoups a part of the business's outlay for wages. Should there be any accidents at work undocumented workers can easily be disposed of (told to leave or simply ejected) and will have no right to compensation. As is always the case with the unauthorised, in the event of any rebelliousness a phone call to Immigration will settle the matter. The most notorious employers are – so it has been implied by some observers - known to the Immigration Service as „regulars". This would seem to do their business standing and commercial effectiveness no harm.

The supermarkets impose the tight framework of overheads through their contracts; and we, the consumers, attach great importance to „affordable" (low, non-production cost related) prices for our fruit and vegetables.

g) The undocumented workers' view – another perspective?

In this section another aspect of the unauthorised perspective on work will be looked into. Above there was a clear indication on the part of overstayer interviewees that they looked back on their employment, despite harshness of conditions, low pay and the attendant uncertainties more positively than one would expect. Two (currently) undocumented interviewees show how the perception of comparative advantage of one's position as an irregular with employment options may be more complex than one would assume.

Interviewee K from a West African community has a clearly political perspective on his economic situation. One main reason for him coming to the UK was that he knew of the difficulties faced by friends and political associates from home in the asylum process „through the grapevine". He knew equally well that the chances of him being able to survive as a musician on the London scene – once he had got into the country on his false papers – were good. Having decided to come he is well able to

make a living by playing in clubs and doing occasional casual work in kitchens of restaurants and hotels. He had previously spent eleven months in the Netherlands and said that while „they give you less bother with your papers" over there, there is also less work than in the UK.

Being underground he does not have to worry about the restrictions his "brothers" face who are asylum seekers. But through his political group he is able to provide solidarity and support for those facing problems. This means being careful. He is shy of general contacts with members of his ethnic community unless he knows who they are and he implied there is good reason to be scared – not so much for what could happen to him, but because of consequences of information which can be relayed back home and affect one's dependants. There are some 20 or so active people in his political group and they do not mix much with others or frequent pubs and cafes where they might bump into the wrong people from back home.

It was evident from this interview and a background talk with another member of this group who has been active in the UK for some years that there is a shared perception of the continuation of a political struggle from back home under changed circumstances. At home they were fighting for reforms under a repressive regime and under life-threatening circumstances. In the UK their experience is that they are under police surveillance, those found to be active may suddenly be arrested and deported, their asylum applications have little chance of being viewed favourably. Members of their community are put in detention and experience great anguish and suffering through the isolation and uncertainty this entails. They come to view the British authorities as a persecuting instance in many cases. This view can be reinforced by what are regarded as neo-colonial British economic and political ties with repressive regimes in Africa.

So the group puts a great deal of energy into helping preparation of the asylum applications, consulting with lawyers and solicitors, visiting detainees and helping their dependants who may face destitution, co-ordinating anti-deportation campaigns, lobbying those few MPs who may have an open ear for their cause as well as providing accommodation and all manner of information and support through their ethnic network. The skills they have honed as members of an „underground" political opposition back home are applied to the changed circumstances of an immigration regime experienced as repressive.

Interviewee K's view of his role in all this is an interesting one. He talked in detail of the need for reform in his country: this would not necessarily mean democracy, but „2000 calories and the basics for all the people." He himself wants to continue to travel, live his life and to work for freedom back home, and one effective way of doing this to his mind is as an undocumented migrant providing support for others through the group. He claimed not to be afraid of arrest and detention himself, because he could rely on an effective campaign on the part of his brothers and sisters to help him; he would not be left alone to fend for himself⁹⁰.

One sees that in the candidate's view there are real advantages in unauthorised status as compared with being an asylum seeker: he does not have to suffer the indignities and uncertainties of his countrymen in that process; he can earn a reasonable income; he has relative freedom of movement, which is very valuable to him. He is able to continue what he views as a worthwhile political struggle, which the authorities in the UK give him every reason to believe is a deadly earnest struggle for freedom and

survival for him and his countrymen. In his view he is thus pursuing 'gainful employment'; in the fullest sense. There may be an aspect of the individual's personality involved here; he is more the „gambler" type, trying to keep the balls in the air as one of life's jugglers, though the game may indeed be highly risky. But in playing it this way he is able to retain his independence and (perhaps most important) his dignity.

Interviewee M is the very different case of a person who came to the UK many years ago for clearly defined economic motives pure and simple. The candidate was a qualified business studies graduate when he came from his Peruvian homeland in 1984, on a one-month tourist visa initially, and has in a sense been able to make „career progress" as an undocumented . In his first years he went through the usual gamut of casual jobs for the irregular, shelf filling in supermarkets, working in cafes and restaurants etc. His first employer in a restaurant organised a false name and National Insurance number for him with which he was able to work for a number of years. In the mid-1980s he worked for a time in a handicraft shop.

Because of his evident competence and reliability he was able some time later to get a job doing the purchasing in a bookshop, work which he enjoyed very much. At about this time he also strove to improve his qualifications by doing a further training course in business studies at a North London college. Although all the material was familiar to him, he was happy to do the course because it gave him the requisite paper qualification and re-activated his mental skills.

It was when he was informed that the DSS were doing checks at his place of work that he felt the time had come to quit and „disappear" from the National Insurance records. He had already begun to do occasional Spanish teaching and translations and in the course of the last few years he has since been able to build up his own (informal sector) freelance basis of teaching and translating work. This enables him to live reasonably comfortably without papers. He now does work much more closely corresponding to his professional background than at the beginning and has built up a network of occupational and social contacts, as well as being an active member of the Latin American church community. (the specific psychological stress of his situation will be discussed in the section on health). What the candidate lacks is regularised status, and this he views as an acute problem; but he is quite definite about wanting to remain in the UK – while keeping up lively contact with his family back home – where he feels he has put down roots.

In socio-economic terms the candidate has shown tenacity in surviving and an entrepreneur spirit which under different immigration status circumstances would bring him kudos. As it is he must live in constant fear of arrest, detention and deportation – all of which he has already experienced, having been discovered as an overstayer in 1990 and removed (he returned to the country some months later under a false identity)^{#91}.

The various cases cited above indicate that there are different classes of employment and employee among the unauthorised as elsewhere in the working world. This gives the lie to the assumption that undocumented people are always the lowest of the low and employed below qualification (though this is undoubtedly the norm, as the experience of many interviewees showed). Perhaps the cautious hypothesis may be ventured that some undocumented people have a better chance than some other migrant groups

such as asylum seekers of finding better employment and better socio-economic conditions in which to live – though this will be dependent on a number of variables, as well as old-fashioned good luck. Certainly the interviewees show how life as a undocumented can be an option determined by choice or compulsion in varying degrees. This theme will be taken up in the analysis section.

h) Work and specific ethnic communities

To conclude this section there will be tentative examination of the extent to which there is evidence of certain sectors being reserved to certain ethnic groups and (related to this) whether there seem to be special structures of dependence within certain ethnic communities.

A point that came up frequently in discussion was the extent to which double standards are applied in the world of work as regards the undocumented, depending on the ethnic origin of the *sans papiers* concerned. Anne Owers puts this point most succinctly:

„There are no recorded instances of police/immigration raids on wine bars in Kensington employing large numbers of young Americans and Australians" [92](#)

It is not apposite to our argument to try to estimate the numbers of white undocumented entrants (in the main overstayers as students and visitors) from the USA and the former white dominions in the UK. However, witnesses – particularly immigration lawyers – indicated that while their numbers are assumed to be high, it is exceedingly rare for them to be faced with immigration status problems – with the exception of gay couples, though this anomaly was addressed by the Home Office in the autumn of 1997.

As regards ethnically specific employment areas the textile industry tends to be the preserve of the Bangladeshi community in the East End, in North London the Turks have become increasingly predominant in this small scale manufacturing sector. Catering tends to be specific to districts of settlement. In Stoke Newington for instance large numbers of Turkish and Kurdish restaurants reflect the large numbers of these refugee nationals in the area who employ their countrymen once they have set up a small business. Structures can be analogous to those of „classically" self-reliant, established entrepreneur migrant communities like that of the Chinese in Soho. Even if conditions may be hard and hours long there is, from the point of view of the unauthorised, the advantage of familiarity and (perhaps ambiguous) protection of one's own ethnic network: language, family, clan and social and political contacts imply bonds of responsibility and support in an otherwise unfamiliar or hostile environment. This is a double-sided coin that can equally mean the exploitation of dependency, a theme to be looked at more closely under *ethnic networks*.

Health care

The problem of health provision for the undocumented is one of the key issues because it entails the human right to the highest attainable level of health care and medical facilities for both adults and children⁹³. In a number of countries there has been vigorous debate on the extent of life-preserving provision to which irregular migrants ought to be entitled⁹⁴. As with the issues of accommodation and

earning a living the situation has worsened in the UK with the increase in internal controls since the mid-Nineties which have also affected the health sector.

Migrants who came to the UK from the Seventies onwards and were able to remain as overstayers without being discovered were usually able to find their way into the National Health system without too much difficulty. They would register with a General Practitioner (GP or family doctor) and would not as a rule be questioned on their immigration status. If documentation was asked for, one could go away promising to return with it and then go elsewhere. The British aversion to "asking to see a person's papers" as being redolent of the police state generally helped the undocumented to get by without being discovered for a long time. Immigration lawyers and trusted informants confirmed that subsequent waves of legislation (including the *Criminal Justice Act*) and changes in the immigration rules since the early Nineties have changed the position.

Nonetheless, illness - or worse an accident – is and always has been one of the great fears of the unauthorised, because it makes the vulnerability of their situation evident. The majority of the undocumented try to steer clear of doctors and the health service knowing that contact could lead to discovery. Also a belief in one's pioneer ability to cope is an absolute psychological must for the irregular (not least because they are dependent in so many ways). This perception is based on mentally and physically robust health.

The interviewees in the sample reflected various aspects of what this assumption means for their situation. The first section of this chapter looks briefly at how restriction of access to health care for asylum seekers has affected refugee communities. Next, health problems and the ways the undocumented try to get treatment will be described, to be followed by an examination of the special themes of mental health problems and HIV. The final section will then look at varying attitudes to health issues and how they interact with irregular immigration status.

a) Increased difficulty in accessing health care for the refugee communities

Asylum seekers may have high-quality specialist medical support organised through legal representatives, NGOs working in the asylum field, community health organisations among the ethnic minorities with large numbers of refugees or via the *Medical Foundation*. However, often they have real difficulty in being able to register with GPs in the restrictive climate toward those seeking asylum in the nineties for two reasons. GPs are increasingly likely to ask about immigration status, because of a) internal controls of patients' immigration status being expected of them as a result of Asylum and Immigration legislation and b) needing to know if an asylum seeker is officially registered and receiving benefit (following the exclusion of large numbers of asylum seekers from benefit entitlement in 1996). Legitimate asylum seekers may, in what has increasingly become a "culture of disbelief", find that their documentation is not accepted.

Interviewee G (an asylum seeker at the appeal stage with documentation problems) found himself in this position when he moved house and wanted to register with a new GP. When he first registered they had not asked for identification. His documentation confirming that he was lodging an appeal against an initial rejection of his asylum claim was not accepted by the new doctor's surgery, so he remained with

the old GP much further from his present home⁹⁵. Expert interviewees elaborated on this, saying that it is increasingly difficult for non-specialists to be able to be sure of the *bona fides* of documentation; thus some GPs take the easier option and refuse to risk accepting applicants for asylum on their register⁹⁶.

This attitude was apparently reinforced with the introduction of the 1996 Asylum and Immigration Act. Support organisations reported that GPs were increasingly likely to tell asylum seekers that their books were full and they were unable to take on new patients. This is a reflection of their fear that treatment would not be covered by national insurance. This development is yet one more reason why irregular status may become a more attractive option for asylum seekers who hear through the network that being in the determination process diminishes one's chances of getting National Health Service (NHS) treatment.

b) Health problems and how the undocumented try and get treatment

It is the common strategy for undocumented migrants to ignore or deny the importance of the health issue. Minor ailments thus tend to be pushed aside and remedies for sickness sought within one's immediate social network as far as possible. Treatment from a professional will only be sought if unavoidable, patients will try to evade giving their own identity and be most reluctant to go for treatment more than once. This increases the danger of serious illness or complication entailing much more expensive emergency treatment at a later stage.

Three main categories of problem were identifiable from interviews: accidents, which of course are by their nature unpredictable. The undocumented migrant may suddenly find him- or herself admitted to hospital, their fear of discovery may often being greater than acknowledgement of the need for hospitalisation. Patients may therefore disappear as soon as they are able to move and long before they are fit enough to be discharged. The second and third categories of problem which will be considered separately are those of mental health, by virtue of the fact that the undocumented live with the constant pressure of concealing their identity and fearing the consequences of discovery; and HIV, which brings special problems for those with irregular status.

Interviewees described various strategies that are applied to try and get medical treatment. For the initial phase after arrival in the UK there is no problem about getting treatment as a visitor. Sometimes relatives or friends will take along the undocumented requiring treatment and claim they are temporary visitors staying with them. This means they can stay with this GP for up to six months then they must look for another⁹⁷. Another option is to try and get hold of a false National Insurance number (Interviewee M described how this was provided by his first employer back in the mid-Eighties; this is much more difficult today). Members of African communities described "lending" their numbers to undocumented countrymen going to their GP, hoping the medical practitioner would not remember what the documented patient really looked like⁹⁸.

This may work successfully for minor ailments, but as soon as longer-term treatment is required or the patient must go to hospital the problems become much more serious. The undocumented are afraid of discovery if they are taken to hospital (say, following an accident at work) and this can lead to them prematurely discharging themselves as soon as they are capable of moving. Many of the ethnic support

organisations are well aware of these problems and have developed strategies to help provide their people with the minimum of adequate health care. They know of the existence of doctors who will treat for a fee, and may have an arrangement by which undocumented people are informally referred to such medical practitioners.

Equally, representatives of the grass roots organisations know that there are unscrupulous doctors who exploit dependency e.g. on the part of women for sexual favours (a Latin American support organisation found out that their "regular" GP had sexually propositioned two unauthorised women separately). As a rule patients will pay straight away - one example cited was of consultations for 70 pounds a time, no questions asked; one GP in the Tottenham Court road charging on the spot was well-known in the Latin American community. Ethnic communities may have hospitals where treatment for a fee is possible without questions being asked (e.g. a hospital known to be "trustworthy" among the Francophone African communities).

A special kind of vulnerability may be involved here. The point was made in discussion regarding South Americans that there is a difference in attitude to the state health system: Latin Americans generally expect free services to be bad and don't see that they have certain basic rights; the newly-arrived unauthorised don't know about the NHS and find it hard to assess what its role is. The brusque, unfriendly manner of some GPs compounds this. There are boroughs which as a matter of declared policy do not check immigration status. Representatives from community groups may therefore accompany their clients when they go to clinics to register and intervene if there is "inappropriate questioning" concerning immigration status. This support is especially important because there have been cases reported of the newly-arrived being exploited by countrymen who charge a "fee" for showing them the ropes in the new country, registering with a GP, helping with accommodation etc. for a lump sum of 500 pounds – "services" which are provided by the community organisations themselves at no cost. Newcomers are especially gullible because they expect to have to pay for a "good" service⁹⁹.

Women without papers who have an unwanted pregnancy face special problems. This is a situation in which the ethnic community grass roots groups again play a key supportive role. A female representative may accompany the woman, who may well have been abandoned by the prospective father, when she seeks advice on what to do from the appropriate agency. As a general rule there is no querying of immigration status once the hurdle of initial consultation has been cleared.

There may be other options available in case of illness. A representative of a West African community described how solidarity with the sick may be expressed. He stated that if in-patient treatment was required West Africans would generally go to a certain private hospital, if they could afford it. He knew of someone though who got very sick and lacking the money for private treatment couldn't get any in the UK. Eventually, after his condition had worsened, a friend took him to France where he was able to get treatment under someone else's identity.

He spoke of another case which showed how psychological pressure as a vulnerable irregular migrant and sickness can be closely related. A young compatriot without papers who was staying in his flat took early morning cleaning work for an agreed sum. Payment was postponed for weeks and he finally, after much argument, got half his due. He then took sick. As he had no money members of the community

group all paid into a fund to get some traditional African medicine for him sent over from home by special courier service. The interviewee stated about his friend's condition: "*After his argument with the boss everything on him was broken.*" The entire experience had been a humiliating one for him, revealing the powerlessness inherent in his situation as an undocumented migrant. The employers had said to him: "if you're not happy, go to the police." He subsequently recovered from his illness¹⁰⁰.

c) Mental health problems faced by the undocumented

One important finding that emerged in the course of the research was that the undocumented can face the mental health problems directly comparable to those faced by asylum seekers. The two groups are subject to similar social and economic conditions.

From the mid-Nineties the refugee communities in London have come to pay increased attention to the whole issue of mental health among their residents. The special problems faced by refugee communities regarding medical provision at local level have been clearly highlighted in the survey of Newham carried out by the University of East London (See note 4 above). A key finding was the fact that GPs and the local medical services are frequently lacking in specialist training needed to deal with the special problems faced by asylum seekers.

Ethnic community health organisations are playing an increasingly active role identifying the needs of people most at risk, drawing attention to the high levels of psychiatric problem and suicide and highlighting GP's lack of awareness of the refugee situation and the specific forms of trauma and post-traumatic stress syndrome which many refugees suffer from. Arising from this they have identified the need for advocacy, language support and cross-cultural counselling in the framework of treatment for those with experience of persecution, torture and flight. These community organisations are well aware from their day-to-day counselling work that the distinction between those legitimately in the asylum process and the undocumented in this area is little more than academic. Thus they have special knowledge of the mental health problems of the undocumented. These are issues that are being actively addressed by the Ethiopian, the Algerian, the Tamil and the Kurdish communities among others. It is important to note that at present there is a great deal of under-utilised, highly qualified medical expertise in the migrant and refugee communities themselves.

The following example of how mental health problems are being tackled within the ethnic communities with large refugee populations may serve to show growing perception of the issue's importance. A centre providing for Turks and Kurds in North London has acknowledged the need to address the issue. They have engaged a mental health worker from 1996 funded by Hackney council liaising with social services. A problem of cultural distance means that clients do not take advantage of the services. The worker accompanies clients, interprets to social and health workers, helps with intercultural communication. Raising awareness in the ethnic community of health problems of a psychological and psychosomatic nature is a priority, beginning with depression and anxiety. Refugee communities with experience of being traumatised are especially prone to these problems¹⁰¹. Awareness is growing, but treatments are culturally strange for a clan/community-oriented mountain/agrarian people like the Kurds. People talk about physical symptoms (e.g. back problems), but not the mental. There is also a good deal of fear of acknowledging mental instability or illness, meaning that obvious symptoms will be ignored long

beyond the point at which specialist counselling and treatment would be advisable. The centre hopes to break down these cultural taboos to ensure that effective support is given sooner rather than too late. This example shows how local community organisations are trying to provide an essential culturally interpretative link between the local health services and refugee communities seriously overtaxed by such burdens¹⁰².

The essential point for our purposes is that the ethnic communities cannot draw the fine dividing line between those with immigration status and the undocumented. Those living underground will very often have similar trauma and persecution experiences with which they must try to cope. Rejected asylum seekers will probably continue to have access to specialist medical support, by virtue of having an established position in the official medical scheme of things. Those who are undocumented or who leave the asylum process to go underground soon after arrival may be completely isolated and have to deal with their serious mental problems alone. Case studies in the Refugee Council's *Just Existence* gave an idea of how desperate the plight of refugees in the UK without infrastructural support is¹⁰³. The basic fact of solidarity among the refugee communities remains a binding one, however. The ethnic communities and their organisations will probably do their best to look after own, though they must observe the same division of humanitarian provision between the deserving (asylum seekers) and the undeserving (undocumented) for official purposes: thus the one form of provision exists officially, the other does not.

In comparison with asylum seekers the undocumented may feel they can decide more for themselves, that they have more control over their lives, but this can be an illusion. They are subject to similar degrees of stress for different reasons to those in the asylum determination process: they must live with fear of discovery and the pressure of change and undermining of identity. Both groups have the shared psychological burden of uncertainty about the future. The irregular in particular are vulnerable to all manner of exploitation. In summary one can conclude that for the community organisations as regards mental health problems of their clientele there are no significant distinctions on account of immigration/asylum status.

d) A special case: HIV patients without papers

A solidarity group working with HIV positive migrants described the specific problems faced by those without immigration status. The first category of HIV migrants they see are entrants coming in for treatment who are already positive primarily from Latin American countries. They come on a visitors' permit and may overstay while working in the catering and service sectors. Having registered with the NHS for free treatment they may then move on to Spain, especially if their English is poor. They will then return for treatment and if this is within their visitor's visa period they can then get a six month stamp (Immigration is tightening up on this). The availability of drugs for treatment is the key element in this. An example was cited of a young man from Chile who was treated in Santiago with toxic drugs in high dosage and had medical problems. He decided to come to the UK because of the limited service infrastructure back home combined with social prejudices and a repressive attitude to male gays finding expression in a public order law enabling arrest for "conspiracy to corrupt". This young man followed the aforesaid pattern, working in Spain and returning for treatment.

As regards immigration policy there is no explicit bar against HIV victims, but the Immigration service have the discretionary power to bar those who may prove a burden to the health service. Those entering who are obviously sick may therefore face problems. HIV positives have been protected by special confidentiality rules within the NHS making it a criminal offence to disclose the name of an HIV patient to the Home Office. It is an "open access" system, meaning patients can get treatment without registration or giving a National Insurance number. The necessary therapy and drugs would then be available. Increasing health service market sophistication is however gradually closing this down as new arrivals are effectively excluded from this expensive treatment costing a minimum of 7 to 12,000 pounds for the drugs alone. This inequality through economics could, however, end with the dismantling of the open market in the health service that is a declared intention of the Labour government.

Then there is the second category of HIV positive clients, those who get infected while in the UK. They may be there on a student's or a visitor's visa and are faced with the dilemma of starting a long term therapy in the UK or returning home where adequate treatment and drugs are generally not available. The Home Office has the discretionary power to grant Exceptional Leave to Remain (ELR) if a person has a life-threatening disease, but that person must be very ill. AIDS is however a peak and trough illness. Therapies aim to improve the quality of life to keep other debilitating illnesses at bay, and this puts HIV positive patients in a no-win situation. If the victims become healthy they become vulnerable to the threat of removal and this fear can then undermine their immune system possibly allowing the illness to break out. The question also remains for those irregulars who are HIV positive if they declare themselves, will they be sent back? African communities in particular face this problem, those on ELR being especially vulnerable. An *Amnesty International* report highlighting the pressures on homosexual people causing them to migrate also treats the subject of HIV-related human rights abuses¹⁰⁴.

e) Attitudes of the undocumented to the health issue

Individual cases in the sample showed the range of attitudes that the undocumented may develop toward the health issue. Three examples will serve to indicate different aspects of the health situation. In the first case, an overstayer, the connection between the health issue and campaigning to remain in the UK will be examined; then the attitude of the individual "going it alone"; finally a case of a long-term undocumented migrant who has come to see how threatening it is for the undocumented to be outside the scope of statutory health provision.

Interviewee C had been in church asylum with his family at the time of interview for over two years. As overstayers facing potential deportation he and his wife have lived with constant uncertainty all this time. The candidate is prone to depressive phases. The two elder of their three children have long term health problems requiring sophisticated medical care. The contact they have with both local GP and hospital medical services is good and they have received comprehensive written specialist medical opinions supporting their right to remain as a family for reasons of necessary medical care which would be impossible in the country of repatriation, Nigeria. High standard medical treatment has remained available in sanctuary and has been necessary as the health problems have increased during this time. The church building is a dour Victorian pile, dark and unsuited for private accommodation, the family of five are crammed together in one room, share kitchen, shower and toilet facilities with all other users of the building.

While the children are at least able to attend the local school, the candidate's outings have been rare for fear of immediate arrest. Unsurprisingly he sees persecution in his situation, which is sometimes interpreted in quasi-religious terms of "*demonic attacks upon him and his family*" (he and his wife are devout Christians in an African Pentecostal church). The dividing line between what may be a form of paranoia and a justified fear of what is persecution and pursuit by an all-powerful enemy in reality is hard to draw¹⁰⁵.

As observed in the review of the accommodation situation, the fact of being the centre of an active and effective anti-deportation campaign is crucial to the health issue for the undocumented. Without community support in this form the family would have been deported long ago, children and parents would have been abandoned to cope with their ailments as best they could. Conversely, the support of expert medical opinion confirming the genuineness of their case is an essential element of the intellectual and moral seriousness of their struggle to remain in the United Kingdom.

From the data collected in the survey the following conclusion can be drawn: health problems (often as a result of torture in the case of rejected asylum seekers, as in the case of Interviewee D) are an essential element in the humanitarian argument of many of the irregular struggling to remain. If interviewees were the subject of a high-profile anti-deportation campaign they had (often highly necessary) access to high quality medical care providing essential support to their case.

As indicated earlier in this chapter, there is a psychological necessity for the irregular to believe in their own sturdy self-sufficiency: they are the ones who will not get ill and they will ride their luck to make sure they have no accidents. The "typical" non-documented person is single male and in the prime of life, why should he worry about illness, he can look after himself? Moving on to our second example one can see how Interviewee K reflected this point of view. Having lived the life of an undocumented migrant for many years and in a number of countries he dismissed the health question as of little importance. He had scarcely ever been ill: "*I've only ever had 'flu, and I took a paracetamol.*" He would be better next day. Otherwise he would try to organise traditional African remedies through his ethnic network. Besides which he is in his late twenties and fit. Yet at the same time it was evident during interviewing that the candidate is constantly under tension, he is always aware of the need to avoid all contact with officialdom, whether the police, social or health services.

The interviewee's apparently relaxed attitude may be interpreted as a psychological denial of what are sometimes real fears, but equally the candidate (who is something of a player character) may be well capable of surviving by taking his chances. Possibly there is no deeper-seated anger, this man can get by in this way, at least for the moment. He is still quite young¹⁰⁶.

By contrast Interviewee M, also a long-term undocumented migrant, has come to fear his vulnerable situation as regards health provision. He transcends the cliché of the resilient undocumented survivor – or he is that same character further down the line. For many years he had no health problems and gave little thought to the health issue. In the first few years after his arrival in the UK in 1984 he never became ill, except for a minor head wound that was treated in casualty, so he never registered with a GP. In 1994 he had a problem with his feet, a sort of fungus, he went to a medical centre and was referred to a GP and he gave his old NI number (which had become invalid), taking the risk that no one would take

the trouble to check. No one did. He only went for treatment once.

The transforming experience for him was the fear that developed from the autumn of 1996 that he might be HIV positive. He was now in his late thirties. Previously he had ignored ill health. By early 1997 he had become very afraid that he could have the HIV virus. He had tests that proved negative, but he has since been subject to psychosomatic problems (tiredness, anxiety, pains in his limbs) for a number of months. While the HIV test was confidential, he was painfully aware of what a positive result would mean: either returning to Peru knowing that the standard of hygiene and treatment would be such that he could not live for very long once the illness broke out; or remaining in the UK and knowing that treatment might be denied him (information which he had received from the Terence Higgins Trust). At the time of speaking he was still taking sedatives and felt he was only gradually recovering psychologically.

The candidate remarked that for some time before the HIV scare he had become accustomed to forgetting (or repressing) his lack of immigration status. It was the shock of perhaps having a life-threatening illness that brought his vulnerability home to him with a vengeance. The fears he has experienced around HIV have focused his mind on the immigration problems he faces and clarified his desire to remain in the UK. This entails consulting immigration lawyers about the options open to him¹⁰⁷.

One final point must be emphasised as a general observation repeated time and again across the range of interviews with the irregular, trusted informants and experts. The health issue exposes the cruel vulnerability of the undocumented in the UK and this is nowhere more clear than in the world of work. Unscrupulous employers are able to make the undocumented work not only for low pay but under dangerous conditions which make a mockery of health and safety at work minimum standards. What will happen to the irregular building worker who falls from scaffolding and breaks a limb or is more seriously injured? Will he be brought to a hospital for treatment, or left to fend for himself? If he is hospitalised, will his fear of discovery allow him to remain for the necessary treatment? How do hospital staff who suspect or know the background deal with the situation, knowing that they are expected to check a person's immigration status?

This example could be taken from other branches that employ those lacking immigration status extensively, for example the cleaning or textile industries or agriculture. There is not only the immediate existential question of treatment, but also the fact that there is no way of obtaining compensation or other redress for those injured at work. Should an undocumented worker want to push claims, the employer simply threatens to report him or her to the immigration authorities. That is the end of the matter.

If the individual is fortunate, then it is once again the ethnic community that will provide the safety net in some form, at legal risk to itself. Otherwise the undocumented migrant who becomes sick or is injured is left, at the moment of maximum helplessness and vulnerability, completely alone.

Education and training

This chapter is concerned with the educational background of the undocumented and how they approach education and further training when in the UK. In this context training and education is understood to be the broad ambition to improve one's skills, qualifications and attractiveness on the job market as well as the quest for formal (either higher or adult) educational certificates. The position of children of the undocumented regarding their access to education will also be looked at.

One broad conclusion can be stated at the outset, that there are *sans papiers* representing the whole spectrum of educational background, from elementary to higher educational qualification. The quest for improvement in qualification emerges as an important motivation for migrants coming to the UK, many of whom may at some point become undocumented. In the course of the chapter specific differences in educational background which can be observed between ethnic communities and the reasons for them will be examined. But the first theme to be considered is that of the situation of international students in the UK and difficulties they face in attaining immigration status during and after their courses.

a) Restriction of access to higher education

Problems arise for international students entering the country on the wrong visas for their purposes (e.g. tourist visas), following a change to the immigration rules in 1989. For visa nationals (i.e. those requiring a visa before leaving their home country) already in the UK it is virtually impossible to change this status in order to study. There is the option of entry as a *prospective student*, which is the usual preliminary immigration documentation before getting student status in the UK for which they can apply at embassies or High Commissions in the home country¹⁰⁸. As interviews with expert witnesses confirmed, this usually means these entrants will have to return home and re-apply, with all of the attendant expense and bureaucratic complication that involves.

There are also problems for those who have been in the country for some time and are nearing the end of their studies. For many the perspective of their lives may have changed, relationships and possibly family commitments have increased their bonds to the UK. Yet they will have undertaken at the outset to return to their country of origin after completion of their studies. Whereas in the past changes of status at ten years' residence might have been an option this is becoming increasingly restrictive in practice. Those applying for renewal of their annual permission after eight or nine years are increasingly being refused¹⁰⁹. Marriage to a British resident or applying for asylum may seem to be the only remaining options¹¹⁰.

At this point it can be stated that the situation has become more difficult for many with simply inappropriate documentation – as well as for the undocumented – in the last few years. Once again the reason is increasingly pervasive internal controls. The impression was confirmed by background interviews that while the undocumented may be highly motivated to try and improve their training skills and qualifications there are a lot of barriers to actually realising their ambitions. There have been important primary and secondary legislative changes in the last few years. In April 1996 the Department of Education and Employment announced that those enrolling for courses in higher education must now give proof of having indefinite leave to remain in the UK to qualify for home fees. This is to take effect from 1998-1999. This will seriously affect many asylum seekers who are already doing courses at colleges and universities and who may not be able to complete them. In addition to this the changes in

benefit provision for asylum seekers have suddenly left students deprived of means. Poverty and abandonment of studies have resulted¹¹¹. Moreover, there is now a condition of three years' residence in the UK before they are eligible for a grant. This effectively excludes most asylum seekers from access to higher education. Undocumented migrants who had previously been able to enrol for courses in further education (like Interviewee J mentioned below) will likewise be frightened off enrolment.

Thus it becomes apparent that it is increasingly difficult for the undocumented to even consider applying for places on courses. As so often there is no absolutely clear dividing line between those with secure status and the undocumented, but many shades of grey. Whether the irregular are trying to register in higher education or to join an adult education course the likelihood that they will be asked about their immigration status has increased considerably. An interview with an expert witness at a London university confirmed how much fear and insecurity is thus being spread among minority communities in total, especially those with large refugee populations, that they will be denied access to courses, or be unable to complete courses they are on by virtue of being in the asylum process¹¹². It may be questioned whether this was the intention of the legislation.

b) Better qualifications as the goal when coming to the UK

Getting better education or some form of training is a frequent priority for migrants coming to the UK. In this sense it may be regarded as an important *pull factor*. Their experience is, however, that it is hard to actually get the appropriate training as a migrant without documentation. The biggest problem that most new entrants face is that they do not speak English well enough to be able to pursue any kinds of courses (including training on the job); learning the language has to be the first priority. Yet their first contacts are very likely to be with members of their ethnic community. Whether they are documented or not at the outset they will lack the confidence and often the opportunity to meet English-speaking people and learn the language. This dilemma is heightened by the fact that employment will, at least initially, be found as a rule through or within their ethnic network enforcing social and economic dependency. The chances of increasing one's marketable skills in the eyes of the host culture are thus minimised from the beginning¹¹³.

Looking at examples from the sample, a number of interviewees entered the UK with the specific purpose of attaining a qualification or entering higher education. Interviewee A, a long-term overstayer from Nigeria facing deportation, is a trained printer and did his Master of Science (MSc) at a London college. He was able to complete his studies in the Eighties without his immigration status becoming an issue. He subsequently started a theology course as an extension of his work as a minister with an African church. Interviewee C (a long-term overstayer, also from Nigeria) had completed his first degree back home and came to the UK to do his MSc in the Eighties, though he had to abandon his studies for economic reasons. Interviewee J, an overstayer from Morocco who landed in detention very definitely had the goal of self-improvement from the beginning. He had done a number of English language courses since entering the country and had wanted to do a Maths degree. It turned out that the fees were prohibitive, so he ended up completing a Higher National Diploma as an electrician instead. It proved to be difficult for him to work in this area and before arrest he had been working as a mini-car driver.

Interviewee H has shown herself tenacious in the pursuit of further qualifications, too. She had been

forced to abandon her university studies back home in Cameroon and flee the country on account of political persecution. While her existence is an insecure one in the UK – she has scarcely enough to live on and is in constant fear of a raid by the police and Immigration because of her inadequate papers – she values the fact she can do her MA in Business Studies at a London college immensely. In the down times it has been her main reason for staying on in the UK (for example when her partner left her). The college had also been "*just perfect*" in providing the appropriate supervision and guidance when required.

Equally Interviewee M, who has lived in the UK for many years as a long-term undocumented migrant, was able to enrol on a business studies course at a London college in the Eighties to improve his qualification position. The material was not new to him as he had done a degree back in Peru, but the certificate was worth getting as it improved his employment prospects.

c) On varying attitudes to education and training within the different ethnic communities

One hypothesis which developed in the course of research was in regard to the differences in attitude of various ethnic communities to improving one's qualifications and skills. Of course in making the following broad generalisations it is accepted that individual cases will always run contrary to these trends – basic tendencies within the different ethnic communities are being described which are not absolute in character. Attitudes were found to be related to the general educational profile of groups of migrants entering the country. This cannot necessarily be reduced to the statement that there is a special awareness of importance of education among the refugee communities.

As a first instance the Kurds are a community with a huge range of social and educational backgrounds because of the persecution they have experienced as a people, attitudes to education varying with people's respective social backgrounds and schooling. Many refugees have enjoyed only the most elementary education, having grown up in inaccessible mountain areas. Others will be urban professionals forced into exile as politically active intellectuals. Generally the priority for new arrivals – as far as the individual's mental state will allow – is learning English¹¹⁴.

By way of comparison the Colombians entering the UK since the mid-Nineties are fleeing a country dissolving into social and economic chaos. There are large numbers of peasants from the countryside without formal qualifications among those attempting to get out. These are people with little chance of getting asylum and who may go underground quite soon after entry. They also have little "human capital" to sell on the undocumented market for employment – survival is the main aim, an improvement in skill or qualification profile will therefore be a distant dream. As yet there is scarcely any ethnic self-help infrastructure tailored to their specific needs. They are condemned to work in the lowest paid jobs under the worst conditions and are per se the most vulnerable to economic exploitation.

There is a large degree of social distinction, one might say class prejudice, among the established Colombian community and the newly arrived are frequently viewed by the former as an economic (under) class of entrant¹¹⁵. This is a point akin to that made by observers of other Latin American communities, e.g. the Chileans, that there is no love lost between the long established "politicals" and the more recent arrivals who are regarded as economic migrants without proof of political

persecution¹¹⁶. This means that the all-important ethnic network support required to get a place to live, work and to develop the wherewithal to establish oneself and improve one's skills and marketability in the new country is at best profoundly ambivalent or may not even be available.

The Algerians are a different case again. Because of the specific nature of the religious and political persecution which they have faced since 1992 a large proportion of the Algerian entrants coming to the UK are professionally and academically qualified people (comparable in some ways to the Ethiopians, who have been settled longer in the UK, and to Iranians who came in the Eighties). They know the importance of education and training to establish oneself in the host country. As already noted in the section on employment, however, they are also well aware that within the asylum process they will have to wait some time before they can begin to work in anything approximating to their own professional sphere. The diminution of chances of further education for asylum seekers until they have secure status mentioned above may condemn them to years of what is seen as unproductive idleness. The frustration this entails may be an additional incentive for Algerian asylum seekers to try their luck underground. There at least they may find employ and acquire useful training and skills – whether formal or not, constituting "human capital" – without too many prying questions being asked. That at least may be their illusory hope.

One point that may undermine the search for improvement in one's skills and job marketability is distrust of one's countrymen. This distrust and fear of denunciation as an irregular migrant has already been mentioned concerning the Latin American community. This factor was also mentioned in particular by those communities that have experienced recent chronic destabilisation and civil war in their home countries, for instance the Algerians, Tamils and Zairian. New arrivals particularly must establish their networks with great care to avoid spies and denounciators with contacts back home. This climate of suspicion may lead people to take one of two very different paths. Either the individual is particularly dependent on his or her closed ethnic network of immediate contacts and unlikely to move beyond the most exploited forms of employment with little chance of skills betterment, a dependency enhanced by poor knowledge of English. Alternatively an undocumented migrant may decide to steer clear of his or her own ethnic community specifically in search of new training and job opportunities. This was described as a strategy among Zairian exiles and is true of the Latin American long-term undocumented migrant Interviewee M.

d) On the children of the undocumented and schooling

The person who has taken a more-or-less conscious decision to try his/her luck underground (e.g. Interviewee K, Interviewee M), and lives a clandestine existence, whether or not they entered the country legally, will generally be single and childless. But the generalisation that the irregular are single and childless applies less to the other groups which may "drift" into undocumented status: long-term overstayers whose personal circumstances have frequently changed considerably over the years, rejected asylum seekers or those in the asylum process with papers problems are all groups which may often have their own children or dependent minors of relatives whom they must provide for¹¹⁷.

The important issue in human rights terms as far as these groups are concerned is: to what extent are the

children of the undocumented who are living with them in the UK excluded from formal education because of their parents' status? The attitude of the state to the children of irregular migrants has become an important theme in a number of those countries prepared to acknowledge the existence of the problem (e.g. the Netherlands, France). It is also a theme on which public awareness is increasing by virtue of the growing recognition of children's rights.

As part of the UK's increasingly rigorous policy on internal controls there have been Department of Education directives to schools in the course of the mid-Nineties urging the checking of immigration status of new pupils, but schools have as a rule been reluctant to enforce them¹¹⁸. As remarked in other chapters in this survey there is often a marked reluctance at local level to apply such controls, education being seen as a particularly sensitive area. First, children can be subject to harassment and bullying from their peers when they are singled out by their teachers in this way. Second, there is dangerous discriminatory potential in this in that pupils will almost always be questioned on the basis of skin colour (as one witness put it, how many white US children are subject to checks?). Finally, teachers understandably have ethical reservations about being forced to become an extended arm of the immigration network, a function which could conflict seriously with their position as pedagogic role model and undermine the process of racial and social integration at local community level.

One specific result of this is that schools as institutions have frequently come out in support of families whose parents may face deportation or removal. In the present sample it was evident that those undocumented people enjoying powerful public support for their cause (e.g. through an anti-deportation campaign mobilising the local community) were able to continue to attend school and often enjoy the tacit or explicit support of the school authorities. Again Interviewee C's family is a good example of this. The children have been able to go to school daily from their church asylum and the school authorities have chosen to give their right to education priority over the precarious legal position in which the family finds itself. In allowing this they have established a feature of everyday normality which has played a key role in maintaining some kind of balance in family life – without this routine the psychological pressures might have become unbearable for all.

Interviewee I's campaign as a rejected asylum seeker fighting to remain in the UK with her family has enjoyed vital support from the local school attended by some of her children. Teachers joined a deputation to the Home Office which handed in a petition with over 2000 signatures calling for a grant of leave to remain to the family on compassionate grounds. School friends of the Interviewee's children were given time off to join the protest. Again the local school has treated the question of legal status as secondary to the humanitarian case to stay in the UK which a large body of local opinion (including the local Conservative MP before the May 1997 election) has come to regard as compelling. The children's right to a decent education is an integral part of this argument¹¹⁹.

The presence of children of the undocumented in school, as in the cases of Interviewee C or I, is a sensitive point of social interaction at which the "normality" of the irregular migrant can be demonstrated. It is important to bear in mind that many overstayer families will otherwise have been law-abiding and respected people in their local areas. The sense of criminal "otherness" of *sans papiers* which is the bulwark of effective restrictive immigration policy in civil society can be revealed as a hollow cliché at this point. Their children are pupils at nursery or school like all the rest with all of the

interests, foibles and problems of children of their age. They cannot plausibly be made responsible for their parents' transgressions. Sympathy for the family's plight is at its most poignant when teachers and parents realise that "impersonal" immigration law decrees that a family perceived as decent, settled and "belonging" to their local community may be forced to leave the country or divided, one or both parents being compelled to leave their children behind in the UK. These sympathies are a substantive expression of the common sense perception that the children have a basic human right to their education in what has become their stable home environment. Thus schools can become a crystallisation point of solid local support for an anti-deportation campaign.

e) Conclusion: education opens doors which immigration controls close

Education and training is a theme in the lives of the undocumented which shows how migrants' lives evolve and change in a way for which immigration rules, by their very nature, takes no account. Bureaucratic regulations assume a clearly-definable stasis about the lives of men and women and so cannot begin to grasp the innate untidiness – and contradictory emotional vitality – of our inner lives. Many of the long term overstayers in the sample never came to the UK with the intention of settling. Particularly those people who study or go through further training nonetheless experience a variety of socially, economically and culturally integrative processes which make it increasingly hard to imagine re-adjusting to life back in their countries of origin.

Then there is the additional factor of personal relationships accompanying this development. Changes in personal circumstances reinforce the broadening of a person's intellectual and social horizon made possible by education and further training (especially in a foreign country and culture), making a return to what are perceived as the old ways and the old life increasingly unattractive. Economic opportunity in the adoptive society is an essential element in this that it would be naive to deny. Some may soberly decide to take their chance and stay on in the UK without immigration status, knowing it is virtually impossible to change their status after completion of their studies. Just as an inspiring education may open vistas of new opportunity, so the migrant's determination to make the most of her abilities underground may well culminate in the door of detention slamming shut behind her.

The central problem that remains for the undocumented is lack of recognition of the qualifications and skills they have. They will therefore find themselves working below their qualification level in poorly paid jobs in which they are open to unscrupulous exploitation. This can be especially painful for the highly-qualified because working long hours under tiring conditions in manual jobs for miserable pay will leave them little energy for the pursuit of other "intellectual" interests. They see that they are losing the skills that it has taken long years of hard study to acquire and with it the basis for their sense of self-worth:

"This is one of my biggest worries – that I am losing my willingness to study, the will to analyse. I am losing my desire to write... When I am doing these jobs I feel strange. It's not that the things are difficult, they are just strange. They aren't undignified¹²⁰."

A general point about the educational and training ethos of the irregular needs to be made in conclusion. Regardless of their previous educational background, they have often overcome considerable odds to

acquire the skills, if not – for reasons outlined above – the formal qualifications they possess. They provide model examples of adaptability in the sense of being prepared for life long learning.

Personal relationships / leisure and voluntary activities

This chapter will be about the personal lives and leisure activities of the undocumented. First there will be an examination of both social isolation of the undocumented and the importance of community support through campaigns to remain, to be followed by a look at the kind of social relationships the irregular have together with their leisure activities. It may be noted that in the sample most of the interviewees with insecure status or lacking papers were single people, overstayers tended to be people with families. This has a crucial bearing on social relationships, as will be seen. One point had not been anticipated in the original conception for the *interview guidelines*, that of the current social or political commitment of the undocumented. It transpired in the course of the interviews that voluntary social and political activity played a significant part in the lives of many of the irregular. This will therefore be the theme at the end of this chapter.

a) Social isolation and the role of political support

The first point, though, is to look at prevalent family and other social networks. Distinctions can be drawn between the different type of undocumented person. Interviews with trusted informants and community organisations with intimate knowledge of social structures in their communities confirmed that the great majority of undocumented migrants are single people, mostly men, at least initially. As one witness put it, most people making an active choice to live as an irregular do so for themselves alone. For those with a family (say, asylum seekers who see the option of going underground), the risks for their children are perceived as simply too great. A single person usually feels, at least at the outset, that they will be able to survive somehow¹²¹.

But humans do not simply subsist at an elementary level, they are social and emotional animals. People live – with definite ambivalence - in their communities and get to know one another. As the various cases of overstayer show, whatever the initial intentions may have been relationships develop, partnerships are built up and children born. This means that life becomes more complicated; but the network of belonging and potential community support is thereby strengthened. It is possible to compare and contrast individual examples revealing varying degrees of social isolation or involvement. First, an individual who experiences her lack of secure immigration status in relative isolation.

Interviewee H is a single person who came into the country some four years ago as an asylum seeker but must – for our purposes - be classified as of insecure status because of problems she has experienced with the Immigration authorities. Her papers were checked by police and immigration officers who arrived unannounced at her home and declared false. She was subsequently arrested and held for 24 hours at the local police station. She lives in constant fear of re-arrest or detention, despite the active support of her solicitor. The psychological pressure is acute as is the sense of social isolation. She does not feel at ease with members of her own ethnic community („most people keep themselves to themselves"). She had a boyfriend, but the relationship came to an end and he has since left the country.

She has a trusted friend who is a case worker at a local refugee centre, herself of migrant origin and she also gets on well with a colleague at a local youth home where she works part time. The latter she regards as a sort of mother figure (also from an ethnic minority). The candidate does not know how she would have managed without these two people. She experiences a loneliness that has become a constant in her life. After the interview (of about two hours) she talked of feeling relieved at being able to speak to someone at last about things.

One feature was common to all the interviewees: that it is extremely difficult living without a sense of perspective; living with constant uncertainty about what tomorrow may bring is not conducive to building up stable relationships. Interviewee N is perhaps an extreme example of this, an asylum seeker who has had papers problems, a man who is paralysed by the uncertainty and lack of perspective in his life (among other problems). Without the instinctive sympathy of his interpreter this man's social contacts might well not be sufficient to sustain him. This sequence extracted from minutes of the interview may serve to illustrate this sense of spiritual desolation, at least comparable to that experienced by many asylum seekers left to fend for themselves:

„He began by saying, "I'm very tired today." I explained who I was and the object of my research. He said he had come without a train ticket. "I don't want to talk." Nonetheless we agreed I could put some questions.

On accommodation: he lives in a room of his own in a hostel. On the furnishings, "normal". His food is provided by Social Services in the form of a food parcel for the week. He therefore gets no money, this has been the state of affairs since April of this year.

He stated that he had virtually no friends. He affirmed that he had taken a language course. How was it? "the usual course." Did he want to take another? „In September."

He has some contact with Russians with whom he drinks. He said he had virtually no friends and spent most of his time alone...

He is facing a court appearance for having damaged a car. He then stated that he received a summons on Saturday for a second appearance arising from an incident on a London bus when he was drunk and swore at a conductor.

On whether he has any contacts at home, he said no. Any plans for the future? No, no plans...

On his interests: he likes table tennis, but they have no table where he lives.

Asked what he saw as the main problem(s) he stated: "My life is my main problem. I'm broken, you know. What's happened in my life has broken me¹²²."

By comparison the situation of Interviewee L, an overstayer who for his part lives in constant fear of removal, is one also determined by the pressure of uncertainty. Yet, because his case has come out into the open he is able to live relatively openly and enjoys the support of family, parts of the (not specifically ethnic) community and an active anti-deportation campaign. Life with his wife (who is a

British citizen whom he met some five years ago after having been in the UK for six years) and two small children have become the focus for him to remain in the UK. „Constructive deportation" to the overstayer's homeland, by which the whole family would have to emigrate to a country they do not know – as suggested by the Home Office – is not an option from the point of view of the interviewee and his family. The UK is where they live and have their roots. That is why they have mobilised the support of church and local campaigning groups, petitions signed by neighbours and activity on the part of their MP to promote their case.

In the last year or so the campaign has become Interviewee L's central activity, because removal from the UK would effectively mean separation from his family. So they are fighting for the human right of the integrity of family life. In so doing the candidate has been able to establish a network of social contacts with neighbours and activists in their local community and thus break down the isolation experienced by many of the undocumented. In common with a number of anti-deportation campaigns across the country¹²³ they have been able to gain wide-ranging support for their cause as a humanitarian issue on which government policy is seen by many as unnecessarily harsh. Community solidarity for the undocumented thus mobilised by an individual case can transcend ethnic and social boundaries, as the following case shows.

Candidate I is a rejected asylum seeker from Zaire. As a mother of seven children in search of her husband who disappeared on account of political persecution she arrived in the UK in October 1994 and submitted her application for asylum. This was rejected at the appeal stage in November 1996. Faced with imminent removal the family has been able to attract a lot of support for their right to remain in the country. The particularly interesting aspect is the involvement of local people in the campaign. As a witness closely involved in the campaign with his local church-based group pointed out, it is the strong personality and obvious integrity of the woman in question which has impressed so many local people and forced them to think beyond the usual clichés on asylum seekers enjoying the good life on benefits. Public pressure, including a demonstration of support for the family outside the Home Office where a petition with 2,400 signatures was handed over by a delegation including the children's teachers from the local school, led the local Conservative MP to make representations to the Home Office minister in the final days of the Major government. Minister Kirkhope gave the assurance that there would be no removal.

These two cases show that unexpected social relationships can develop between established host communities and individuals who do not have immigration status. The breadth of public disquiet and indeed protest at the effects of the Asylum and Immigration Act 1996 and the attendant social security measures depriving most asylum seekers of the most basic social security benefits are the context in which this sense of compassion can be located. Many people who might consider themselves staunchly „middle England" felt offended by a violation of the basic rules of hospitality or human decency toward the stranger. There was a broad coalition of protest across the social spectrum encompassing political, church, charity and trade union organisations¹²⁴. Equally, many did not accept the government view of the „threat" posed by numbers of asylum seekers the measures were designed to cut (the total of 44,000 asylum applicants for 1995 would constitute a medium-sized Saturday football crowd).

b) Social relationships and leisure activities

The personal situation of Interviewee B, a rejected asylum seeker facing removal at any time, reveals the immense psychological pressure caused by uncertainty about the future and the way lack of immigration status puts a strain on social relations. He is a personable and sensitive man whose energies have been drained by the pain and uncertainty and the social isolation of his circumstances. He is absorbed by the care of his small son as a single parent, living on minimal social security payments that force him to concentrate on the bare necessities. He has very few friends and is wary of contacts with members of his ethnic community for two reasons: for one he expects social condemnation because of his rejection on the part of the family of his child's mother from whom he is separated (it would not be going too far to say that he views himself as a social outcast, because he feels an outsider in both his ethnic and the broader British community); second, he feels unable to go out with friends because he cannot pay his way. He avoids ex-colleagues because he is afraid of being viewed as a „scrounger“, never being able to invite the others round. Apart from one or two trusted contacts the greater part of his social and leisure time is concentrated on his (low profile) anti-deportation campaign and the support of others in similar situations. He was able to articulate his loneliness and desire for a loving relationship in moving terms, a yearning for a partner and mother for his child. As it is, all of his emotional energy must be concentrated on providing for his son, ensuring that they survive together. The Home Office have assured him he need not worry on this score: if he agrees to return to his home country leaving his son in the UK, the authorities will see to it that the boy is satisfactorily provided for.

Even for those with more private social contacts than some of the candidates mentioned above the burden of their situation is one the irregular are never entirely free of. Either they are together with people who know of their position and there is a shared fear of discovery, or they interact with the many from whom they must keep their lack of status a secret. There was frequent reference in interviews to the details of everyday unease: jumping on a bus when a policeman appears on the street; avoiding giving personal details in conversation; black people from Africa trying to pass themselves off as of Caribbean origin to avoid awkward questions; meeting people from one's church congregation (Latin American, African Pentecostal...) and knowing by unspoken consent which questions not to ask¹²⁵. The undocumented thus quickly adjust to the British taste for circumspect conversation, concentrating on the weather and sport.

The strain is perhaps greatest at the level of intimate relationship: there was for example the Peruvian couple mentioned in the employment section for whom the strains became too much once they were forced to go underground following the rejection of the asylum application. The husband had left his wife, meaning she had to support herself and their three children alone. The case of Interviewee C, who has been living with his family in church sanctuary for over three years, is eloquent testimony to the immense strain on social relationships faced by those living with the long term fear of deportation. Their lives have become an exotic curiosity, subjects of supportive solidarity from the local community (especially their church congregation), political groupings and committed lobbyists, lawyers and MPs on the one hand. On the other they are deprived of intimacy, the focus of media attention. Each private detail can be the subject of a local feature, a campaign statement or of an expert opinion on the declining mental or physical state of these ‚suitable cases for treatment‘. It is scarcely surprising that the man has shown increasing signs of depression; without the protecting hand of the perceptive church pastor,

available as private counsellor and intermediary with a prying outside world, the family would not have been able to bear it.

The social situation of an undocumented migrant as viewed from the inside is revealed by comments made by Interviewee M. He has lived for many years in the UK and has extensive social contacts through his church and sporting activities (he plays football and tennis). He describes the problem of limits of trust. When he is with friends, who tend not to be from the Latin American community, he avoids all talk of his immigration status. If the subject comes up he tries, by deliberate vagueness, to give the impression that he is a political refugee. At the more personal level his private relationships have been overshadowed by his predicament. He was involved with a woman who would have been prepared to marry him to help achieve regularisation, but the emotions were not there for him: „*it wouldn't have been right.*”

They split up soon after. His present partner (a British citizen) is someone he would like to remain with. They both feel the pressure of their situation. He has got to know her family, and feels accepted, yet guilty of deceit, for only his partner knows of his status problem. They have been debating whether it would be easier for them to go to Peru together, but this would entail her giving up her secure job as a teacher. This prospect makes the interviewee feel very uneasy. He also feels more at home in the UK, has adjusted to the way of life, is doing work he enjoys and has a circle of friends. He talks with fondness of the British countryside and British reserve, which appeals to him much more than to many fellow Latin Americans, who consider the British cool and distant. Yet the options in terms of regularising his immigration status are few¹²⁶.

Some general points can be made about leisure activities of the undocumented. One aspect of leisure time is keeping up one's contacts in the wider community. This can be in the form of visiting friends and doing the usual free time activities together or just sitting and talking. People meet and talk about home, the family or the present situation. In this informal way the irregular pick up information on jobs, accommodation, what to do in case of illness etc. The community organisations are particularly important here as centres where the cultural and atmospheric connection with back home can be maintained, whether in the form of folk music and dance, satellite television or political discussion. Those ethnic communities with a high proportion of refugees have to cater for especially pressing needs of the newly arrived. They have found such spaces as large disused warehouses and workshops in back streets where people meet and a variety of facilities are on offer from language courses to counselling of torture victims or support for the presentation of an asylum application.

Connections can be established with specialists such as immigration lawyers, the Medical Foundation, or local services such as the benefits office or housing department. Some of these services and the all-important informal contacts over a cup of tea and a game of cards will also be available to the undocumented, whether as undocumented s or rejected asylum seekers. Because these are communities whose awareness is shaped by the reality of persecution back home, the irregular will not be excluded because of lack of immigration status. Nonetheless, it was evident in the course of the survey that attitudes toward the undocumented varied between the ethnic communities and their organisations, something to be looked at in depth in the *ethnic networks* chapter.

As mentioned in the chapter on arrival in the country sports fora like the Sunday morning Latin American League have a similar function. The irregular can go along and find out about jobs and places to live while chatting with the longer-established players. Generally speaking interviewees confirmed that the amount of time available for genuine leisure for the undocumented is not abundant. Those who have managed to enter the country clandestinely are usually faced with debts to pay for their passage. Alternatively they want to send home what remittances they can, as was indicated for example by speakers for central African communities and for Sri Lankans¹²⁷. They do menial jobs which entail working long hours to be able to earn a living (whether in the building trade, driving a mini-cab, in restaurant kitchens or in hotels, housekeeping or cleaning), let alone make a surplus. So free time is in short supply. As indicated above, spending time with other people is also shot through with ambiguity for the undocumented, because of the fear that they can find one out and inform the authorities. This, combined with the fact that their work is tiring and time-consuming, means that free time is largely devoted to recovering one's energies¹²⁸.

c) Loss of social identity

There is a deeper socio-psychological aspect to the clandestine life which some interviewees touched on, that is, the „reinvention of one's self". There is a sense in which people who have assumed a new identity, changed papers or who are constantly on the move to avoid detection become personalities without a past. At least it becomes difficult even for them to define in the course of time that they really are. This renunciation of one's identity, as it might be called was particularly evident in the case of one practice mentioned to try to establish a (borrowed) British identity.

There have been isolated cases of people of African descent trying to get status who comb cemeteries till they find the gravestone of a person approximately their age. They set about trying to find out whether the person was born in a different parish than the one in which they died. Should this be the case, then - because of the lack of central national registration - the chances of the correlation of birth and death data are low and they can apply for the re-issue of the deceased's birth certificate to the appropriate office with some chance of success. Bearing in mind the notion of omnipresence of the spirits and reverence for one's ancestors which are integral to many African cultures, this practice constitutes a clear break with tradition indicating how great the depth of despair must be driving some individuals to resort to this kind of measure¹²⁹.

A Baptist minister spoke of the experience of talking to a female migrant who had lived for years under an assumed identity. She had completely renounced her previous life. The implication was that there was a loss of genuine sense of self, and that this was a heavy burden to bear. Where could the individual continue to feel at home, where might she put down roots without really knowing who she was? Rather a feeling of being uprooted may come to characterise this person's life, a constant search for that other, true self become a compelling force allowing the wanderer no rest. And this is compounded by an inner loneliness, because this burden cannot be shared with anyone else.

d) Voluntary activities

To conclude this chapter there will be a brief look at the range of socially-committed activities that those

without papers become involved in, as revealed by a number of interviews, and a short reflection on their ethnic community context. It might be expected that the undocumented would concentrate exclusively on their own well-being, the sample of interviewees showed this assumption to be only partially true.

A number of the interviewees in the survey were involved in voluntary activities of different kinds. This can partly be explained by the fact that for many social and political commitment of some kind played an important part in their lives before coming to the United Kingdom. In part it is connected to the fact that their experiences since entering the UK have motivated them to assume voluntary or community responsibility as part of their activity. The example of Interviewee K was described at length in the employment section, being an instance of someone taking the political view of his undocumented status among a community of asylum seekers and involving himself accordingly in their political campaign.

Candidate C and his family who are living in sanctuary as long term overstayers have become highly-respected figures in their African Pentecostal church community. He and his wife are often sought out by members of the congregation for the counselling and spiritual advice they can give. Not only because they are deeply devout, but also on account of their experience and endurance of sanctuary for what is perceived as unjust cause they are viewed as figures of moral authority. In their turn giving counsel to others is a welcome relief for them from constant reflection on what has almost become a form of imprisonment with no end in sight.

For Interviewee G, an asylum seeker with documentation problems, involvement with the church is an essential part of his life. The experience of war back in his home country which led to flight has made him aware of the trauma this induces, leading him to become active in a war victims support group. He states that it is his faith which has enabled him to bear the frustrations and uncertainties of his situation and it is a church refugee action group which provided him with the most important material and emotional support when he first arrived (e.g. organising furniture for his family's flat). This was an enormous help in enabling him to find his feet. It is only natural for him as a Christian to reciprocate now by helping those who are more in need than himself. He provides immigration advice for others on a voluntary basis. In addition he is involved in a group devising youth activities for the millennium.

Finally, Interviewee M, after going through the HIV-related personal crisis described in the *Health* section is in the process of becoming a volunteer with the *Terence Higgins Trust*, which provides counselling and long-term support for AIDS victims.

There are other members of the sample who are very involved in their church or in voluntary activity of some kind. These examples may indicate one possible reaction to the experience the gamut of uncertainties and fears associated with undocumented migration, or what Mahler calls the *trip as personal transformation* (see Note 8). They may be more inclined than others to be aware of their social responsibility, dependency on the humanity of others and on the need to show solidarity.

One must beware of idealisation, however. Many migrants (with or without legal status) yearn for what they perceive as communal solidarity lost compared with back home: some individuals are active because so many are simply concentrating on their own survival needs. An Ethiopian case worker with a

refugee centre, himself in the UK with the status of *Exceptional Leave to Remain*, described the lessons of insecurity and fear about the future he had been taught by the years of waiting for secure status clearly. He has seen 18 suicides in his (predominantly refugee) community in the last few years. Several people are in psychiatric hospitals, young single people are especially at risk. "People" do try to help, but it is nothing like the community closeness at home, he felt. He described the emotional tenor of exile underlying this for himself: being in the UK is a physical presence for him, mentally he is back in Ethiopia; there remains „*a lack of fullness*¹³⁰."

Ethnic networks

This is a theme on which it is difficult to get direct information from the ethnic communities or interviewees themselves. Much had to be put together from hints and implications gradually assembling a picture-puzzle of the complex and ambivalent functions of ethnic networks receiving undocumented migrants in the UK. This topic is nonetheless, for reasons that will become clear, one of the most important in helping us to understand how the irregular survive. In this chapter the specific functions of ethnic networks for the undocumented will be described and differences between community attitudes observed. Finally, an interpretation of the role of ethnic networks in the lives of the undocumented will be presented.

a) The socio-economic importance of ethnic networks

In the later 20th century patterns of migration beginning in the early Fifties from the Caribbean to the UK indicate the importance of tried and trusted ethnic networks. The "pioneers" were those who were hired on contract by London Transport and the NHS to meet an acute shortage of personnel in these key service industries¹³¹. Over the next twenty years, as the word spread through the Caribbean islands of job opportunities available in the United Kingdom, so networks of family, kith and kin and village contact "back home" were the grapevine through which information was conveyed on how to survive in the new country and culture¹³². In this chapter the question is how such networks function today in the UK under a more restrictive immigration regime and in the context of increased refugee movement.

Research has hitherto tended to concentrate on the economic function of the established circle of first generation migrants for those who follow. The pioneers have established niches, e.g. in the UK the ascendance of Pakistanis and Bangladeshis in the textile trade in the course of the last thirty years has led not only to their entrepreneurial dominance of this sector but also to capital accumulation allowing investments in new businesses set up by more recent arrivals. Recent research has shown this capital movement may even be transnational, between established businesses in the UK and newly arrived kin setting up shop in the Netherlands¹³³. Migrants find the space for small and medium sized family enterprises in those economic niches where the indigenous are less willing to invest long hours over many years for low returns – often at the expense of health, social and family life as well as broader recognition from the host society for their hard graft and sacrifice¹³⁴. Newspaper businesses and open-all-hours corner shops run by leaseholders or owners of south Asian origin are an obvious example of this.

b) The ambiguity of ethnic networks toward the undocumented

Academic research has tended to concentrate on the importance of ethnic community networks in creating economic niches in the host society. This chapter will look at the sociological role of the network for the individual, examining the range of attitudes toward the undocumented within their communities. Firstly, the basic initial functions of the community network for the irregular may be summarised as follows: 1) They are essential in determining initial attraction to the UK (family, friends, kith and kin, a potential marital partner as well as regional traditions of migration)¹³⁵. 2) They determine the first port of call providing accommodation and work opportunities. 3). They provide the most trustworthy contacts in social and economic terms. 4). They present the fewest cultural or language problems for the newly arrived and are essential for the initial phase of acclimatisation to conditions in the UK.

First, a general point about community ambiguity may be made. The ambivalent attitude within the communities to the undocumented is most evident in the way in which dependency can be taken as a basis for solidarity or for abuse.

In the sections on accommodation, work and health in particular it became evident how communities with large numbers of refugees will react supportively to the plight of the newly arrived, including those without documents. They provide them with a place to stay and – as in the case of a West African community cited – pass on their people every couple of weeks, if possible, knowing that the strain of overcrowding for the host family is considerable. If the undocumented are ill, they may be cared for by their own people, medicine may be organised, usually there are GPs who are known within the community to treat discreetly for a fee. As a general rule contacts within the ethnic network lead to first job chances – places of worship (Christian churches or mosques), leisure time football leagues, shop windows with advertisements (e.g. the *Wailing Wall*) or well-known cafes and bars were all examples of meeting points which are informal job and information exchanges mentioned by interviewees.

The undocumented are on the other hand at their most vulnerable to exploitation from within their own community; whether working long hours under bad conditions for low pay, paying above the market rate for poor, crowded accommodation or paying a countryman for special "services" (which are in fact available free of charge from the appropriate agencies) – the same mechanism is at work. Community loyalty and dependence mean that the undocumented individual will endure exploitative treatment longer and be less likely to "blow the whistle" (i.e. inform the authorities). The ethnic ranks will also be closed to outside investigation or intervention. One consequence of this is that the ethnic networks will thus frequently devalue their own people's qualifications by trapping them in low skill jobs in their ethnic communities because they lack English and immigration status. The dependent can always be blackmailed by the unscrupulous, if necessary ("*If you go or refuse conditions, I tell*"). But of course the blame cannot be put solely with the ethnic communities themselves: the undocumented could not be exploited in this way if they were not trapped on the margins by legal and socio-economic exclusion from the mainstream. They are also aware, it must be stressed that outside their communities they would be vulnerable to completely unambiguous exploitation unconstrained by ethnic loyalties.

One or two examples from ethnic communities may serve to illustrate how this works at an economic level. Trusted informants confirmed that in the textile trade Turkish or Kurdish women may be obliged to work in sweatshops in north London run by Turkish businessmen for as little as one pound sterling an hour. They are "grateful" to have the work, many others are in a similar position and so awkward questions will not be asked. The employer has a flexible reserve at the margins of his workforce that he can hire and fire at will as demand requires¹³⁶. Other examples were described relating to accommodation, individuals with immigration status subletting rooms (often two or three per room) in their flats for a handsome price to undocumented countrymen working in the informal sector¹³⁷. Within the Latin American community informants talked about the prostitution trap which young undocumented women who have overstayed can find themselves caught in. They need money to survive, they sell their bodies. They will be "protected" by their countrymen organising the business, but they must earn their keep¹³⁸.

Richard Staring of the Utrecht project has written about how the internal mechanisms of dependency come into play for the undocumented on the marriage issue¹³⁹. He describes how in the Rotterdam Turkish community an undocumented male has let it be known he is searching for a Turkish bride with status. Of course the hand of a spouse who is a resident may be a medium term path to immigration status, but for all parties concerned this type of "arranged marriage" is a high risk business. The potential deal is indeed called off at the last moment because the bride's family take fright at the consequences of discovery. The episode illustrates once again the mixture of community obligation to help one's own and business acumen that can determine ethnic network relations. Similarly, there are certain bars that are well known as meeting-points in London for Latin Americans who are seeking immigration status through marriage. Immigration lawyers made clear in the course of this survey that it can sometimes be virtually impossible to state with certainty how "genuine" some marriage cases they are asked to deal with might be.

There is another dimension to the ambiguity in community relationships which has been touched on elsewhere in this study, that of political loyalty and betrayal. Individual interviewees illustrated different aspects of this. There was for example Interviewee N, an asylum seeker with status problems who has a history of political and human betrayal, having been caught between the fronts of the Russia-Chechen conflict and compelled to become a spy. He has no clear sense of where he really belongs and avoids contact with people from his ethnic community for fear of being discovered to be a "traitor." His fears are probably justified, but this leaves him in a position of acute isolation, scarcely able to trust a soul.

A comparable dimension of the loyalty question was mentioned by observers with close knowledge of the refugee community from former Zaire. The repression and infiltration of opposition groups by *agents provocateurs* of the Mobutu years have undermined solidarity and trust among the exiles so that the fear of spies is ever-present. Information culled might be a danger to one's friends and relatives back home, so distrust characterises ethnic network contact. The impression derived during research was that ex-Zairian in the UK tend to be highly mobile, contacts within the community circumspect and characterised by underlying suspicion¹⁴⁰.

A third example of political ambivalence was that mentioned by Interviewee M from Peru and

confirmed by expert witnesses working with Latin American support organisations. Within the broader Latin American community there is considerable potential for conflict and distrust. This can be for political and ideological reasons relating to the situation in the home country; confrontations maintained in exile can become increasingly anachronistic and reflect a frustration at not being able to adjust to a new life in the UK (the experience of some Chilean refugees who left after the Pinochet coup was mentioned in this context). This is relevant in our context because this frustration may be the background to resentment felt by many within the community against Latin Americans entering in the Nineties who are deemed "economic migrants" and to be abusing the system. There have been examples of the "established politicals" denouncing the undocumented to the immigration authorities. Interviewee M as a long-term undocumented was quite clear about the need to avoid Latin Americans; even with those he knows (for example through his church congregation) there is a tacit "agreement" that the question of immigration status is not mentioned.

Another individual case from the sample illustrates how rejection by the ethnic network can affect the life of an undocumented person. Interviewee B, described under *Personal relationships*, considers himself an outcast from his ethnic community, having fathered a child but proved unacceptable as a husband to the mother's family. He fears possible attack from his would-be bride's male relations and his parents have let it be known that they do not want to see him again in Pakistan. He tends to avoid members of his community anticipating condemnation of his behaviour and parental status. The network which provides support for his anti-deportation campaign (he is a rejected asylum seeker) is made up of the local, politically active rather than his own ethnic community.

c) Structural differences in ethnic community attitude to the undocumented

An attempt will be made to trace the distinctions and shadings in attitude within and between various communities in the course of this section. Key factors that determine attitude may be: whether or not communities are long-established in the UK, and as a result patterns of immigration have grown through the Commonwealth bond; differences in attitude according to generation and qualification background; and to what extent communities are made up of recent, large refugee influxes. These factors tend to interrelate in a contradictory way, meaning for instance that there are great variations in the homogeneity of community attitude. Examples of different communities will be cited to try and illustrate this.

Those interviewees who came originally from Nigeria (four), all of whom are overstayers, indicated varying degrees of distance to their ethnic community (as distinct from their immediate parish community, which tended to be overwhelmingly supportive). In the case of Interviewee A support from his ethnic community for his anti-deportation campaign clearly stems to some degree (apart from the humanitarian concern for a large family) from his position as a respected minister in his African Pentecostal church. Interviewee L by contrast was clearly uneasy when asked about support for his campaign from his ethnic community. He stated that he had no social contacts with fellow-nationals and that inter-ethnic rivalries in his home country were a big problem.

One expert witness set these differences in attitude to the undocumented within the Nigerian community in context. Older Nigerian entrants who have put down roots in the UK tend to be more hostile towards

those without status. For migrants of the older generation who came to the UK in the Sixties, when the entry of New Commonwealth citizens was not only considerably easier but also for economic reasons actively encouraged, it is hard to grasp the changed context of later waves of immigration. The attitude tends to be "*We came here legally, why didn't they?*"¹⁴¹ There is also an inclination to accept the popular slogan-as-denigration that those coming in today "*...are all economic migrants.*" Those who settled in the UK thirty and more years ago thus conveniently forget that this description would almost certainly have applied to themselves. They are more established in socio-economic terms and identify themselves closely with British society and its perceived attitudes¹⁴².

This critical attitude was less evident among younger settled migrants from the Nigerian community, who are more aware of the restrictive effects of successive waves of immigration and asylum legislation since the Seventies. They may also be better informed on the social and political problems those returning to Nigeria might face. Thus they might also be more actively involved in the struggle for the undocumented to remain, if they see humanitarian justice in their cause¹⁴³.

By contrast those communities which are largely made up of refugees who have entered the United Kingdom in recent years have been conditioned by experience of persecution and the need for solidarity (notwithstanding the example of the Zairian exiles mentioned above). There tends to be more homogeneity of attitude – a broader sympathy – toward those lacking immigration status. There is awareness within the community that they must struggle to keep their people from being removed, for it may be a matter of life and death for the individual concerned. At the very least the rejected asylum seeker may, because of international restrictions on *refoulement* and the unwillingness of transit countries to accept the asylum seeker back, otherwise be condemned to a life in orbit. Interviewee D, a rejected Kurdish asylum seeker whom the UK authorities would like to send back to France, is a good example of this. The ethnic network has pulled together to mobilise an anti-deportation campaign to increase public awareness of the humanitarian issues involved, while well aware that at the diplomatic level sensitive political considerations are involved. The Algerian refugee community reveals a similar structural cohesion, although they face problems of political betrayal from within, comparable to those of the Zairians.

The Sri Lankan Tamils reveal an interesting and more complex picture, as drawn by an expert witness from a community organisation who has done academic research into the issue. There are elements here of both the attitudes of a long-settled community and of refugee group consciousness. It also reflects aspects of generational differentiation:

The first major wave of Tamil immigration into the UK was in the 1960s, these people were in the main highly-educated and have since become well established in the United Kingdom. Those who came in the Seventies left home because they were facing discrimination in education. They arrived with the specific purpose of doing courses in higher education and many remained after completing their courses and were able to settle down, possibly setting up their own businesses and having a family. The third group which entered after the major eruption of violence in 1983 were the first refugees facing persecution as Tamils, the great majority attained international recognition of their status or were at least able to get Exceptional Leave to Remain (ELR). These people have been able to find their feet over the years,

though they too may have problems in the context of family reunion¹⁴⁴.

It is the last group, arriving in the Nineties, which faces real difficulty because the more restrictive legislation means that they are usually forced to break the law in order to get into the country (e.g. using false documentation). They arrive with little knowledge of how to use the expertise available on how to remain and with little sense of who they can trust. The older generations have little or no contact with the new arrivals, and tend to resent those they view as "*milking the benefits option*." Only the Eighties generation has some contact with the latest wave of entrants and is prepared to acknowledge the importance of the "push factor" of chaos back home¹⁴⁵. As the Home Office has tended to take a negative view of all applications from the Tamil community in the Nineties¹⁴⁶, the isolation of these entrants – beyond the law, often lacking support within their community and with virtually no chance of being granted asylum – leaves them with little choice but to go underground or to try and move on elsewhere¹⁴⁷.

There is little homogeneity within the Tamil community and differences are heightened by political conflict surrounding the role of the resistance group, the *Tamil Tigers*. Differences in attitude to the undocumented (as a rule those who have arrived in the last few years) tend to vary with the generations. The decisive factor, however, is the change in the legislative-administrative framework which dictates that most of those fleeing social and political destabilisation in Sri Lanka now have little chance of being granted some kind of asylum status, in contrast to a few years ago. Even those members of the community who are convinced of the "legitimacy" of the individual's plight will run a grave risk in supporting him or her as an irregular migrant because attitudes within their own community are sharply divided. So ethnic networks become undermined and communities may be compelled to turn against their own.

d) Ethnic network views of asylum – the "community of resistance"

Interviews with representatives of a West African community indicated that the experience of persecution in the country of origin may enhance the creation of well-developed structures to deal with the challenges presented by life in the UK and specifically the asylum procedures. The network is in this case well attuned to the awesome difficulties compatriots face with rates of recognition and grants of ELR close to zero. Indication has been given elsewhere of the accommodation and health care aspects of how this particular network functions. Support is also provided in presenting the asylum application as effectively as possible (getting good lawyers, ensuring appropriate documents are put together in time for hearings, awareness of legal options available in appeal procedures) and contact is maintained with those who are put in detention. This machinery exists in an informal context: "offices" are corners of living rooms in small flats; little is written down; members are alert to reacting quickly and spontaneously. This may include moving on fast themselves. The greatest circumspection is required at all times on the part of active members because the police and the immigration authorities keep a close eye on their activities.

There is equal awareness that under these circumstances at some point the most attractive, or possibly the only, option for the individual may be attempting to survive underground. Interviewee K, a member

of this network, was quite specific about his role as an undocumented migrant able to support his community maintaining the political resistance described above and said that the role was a continuation of the struggle for freedom in his home country.

"I was born legally and I can live where I want. The UN says everyone has freedom of movement, don't they? I'm not here to learn or get fancy clothes, but there's no political freedom at home, they kill you. That's the reason we are running for our lives¹⁴⁸."

Ethnic communities of this kind are not only going to acknowledge the pressing need to support the undocumented because there is little effective difference in their social and political circumstances as compared with those countrymen who remain within the asylum procedures. Members of the ethnic network may also see a further political dimension in the act of going underground which requires their solidarity. These are, after all, communities conditioned by political persecution in their home countries.

This attitude may be summarised as follows. For those with a background of persecution coming to a well-organised ethnic network a life "underground" may be a more attractive option because of experience hitherto; very few entrants would delude themselves that they are coming to a warm welcome as an asylum-seeker; news of dependency, indignity and downright injustice and suffering through the asylum regime will have gone back down the information channels. The idea gains credence that asylum determination structures are a variation of repressive structures one has been fighting against at home. The struggle against unjust treatment (non-violent, it should be emphasised) must therefore be continued under new conditions. In socio-psychological terms the notion of a "community of resistance" may thus be far more appealing for newcomers with this sort of politicised background than the humiliating existence which asylum seekers increasingly face. There are indications that such communities exist in rudimentary form. It is important to note that restrictive asylum regimes encourage and enhance these structures.

A converse implication of this development is that other communities with large numbers of refugees which know that their members have a good chance of getting asylum status of some kind adopt a completely different attitude to that of the group described above. Asylum channels are to some extent tried and trusted (although official recognition patterns can change rapidly). Representatives of a few select community organisations know that their nationals can expect a generally sympathetic hearing and they enjoy frequent contact with the responsible Home Office officials. They are therefore able to lobby effectively, knowing, too, that their cause may broadly be favoured by UK diplomatic considerations. It would be madness (and the very opposite of professionalism in the service of one's clientele) on the part of these community organisations to adopt an uncooperative attitude to the British authorities¹⁴⁹.

Correspondingly these communities may have far fewer members who are undocumented for the reasons stated. One may assume that for political reasons it is essential for the undocumented bearing passports from these communities (e.g. rejected asylum seekers who go underground) to be invisible within as well as outside the network. Certainly, representatives of some community organisations interviewed on the theme of the undocumented gave the impression that – as far as their people are concerned – this is a topic of purely theoretical interest.

e) *Anglo-Saxon kinship*

In a television discussion in the Spring of 1997 on UK asylum and immigration policy the *Daily Mail* journalist Bruce Anderson attempted to justify distinctions in immigration policy on the basis of skin colour by stating that privileged treatment for entrants of Anglo-Saxon extraction was justified "*because they are our kith and kin.*" Mr. Anderson's argument should not be rejected out of hand as racist. It remains the nation-state's prerogative to define categories of ethnic-national belonging and derive access and residence rights from them. But definitions of nationality must be in accordance the multicultural and multi-ethnic reality of Britishness today. There are increasing numbers of ethnic minority groups which have settled in the UK since the Second World War which can and should insist on their rights of kith and kin. This entails questioning the justice of immigration and asylum provisions that place members of the extended family or clan of less-favoured minority groups outside the law when trying to enter the UK.

Basing differentiation of immigration policy on ethnic distinctions no longer in accordance with the composition of British society may in time strike policy-makers as attempting to defend the indefensible. In the concluding chapter the issue will be what this might mean in terms of practicable reform of policy.

In conclusion the broad distinction in attitude to the irregular on the part of different ethnic communities may be characterised as follows. Well-established community and family networks in the UK may be an attraction, but there is generally less political awareness involved among established migrant Commonwealth communities of the dilemma of those without papers. By contrast some refugee communities – depending on their composition and experience – may take a more politically supportive view of the priority for the undocumented of remaining at all costs.

To some extent it is possible to view ethnic networks as providing essential reception and settlement facilities for newly arrived migrants. For legal and socio-economic reasons it has not hitherto been germane for the host society to acknowledge the full extent of this. As described in this chapter and elsewhere they assume a number of functions in supporting the uprooted, whether documented or not, and are liable to be closely scrutinised by the authorities or indeed to suffer discrimination for doing so (organising housing, a job, health care, providing information and humanitarian support for those who are desperate, often including those without status). These networks are bound together by obligation and interdependence which mean the members cannot regard migration policy as a security matter, but as a complex system dominating the lives and the human rights position of their people.

Life planning

In this chapter the focus will be on the difficulty the undocumented have in planning their lives in the longer term. This is one of the few themes in the interviews which was regarded by all, without exception, as a serious problem. All of the Interviewees commented on the fact that life planning is well nigh impossible when leading an undocumented existence. The circumstances varied according to the status problem, from the uncertainty about the future faced by overstayers and rejected asylum seekers – deportation or removal being a perpetually imminent threat – to the stress of constant fear of discovery

faced by the undocumented .

At first the role of life planning for asylum seekers and for the irregular will be compared; then the problems as such for those lacking secure status as regards making decisions for the future, whether families or single people, will be examined. The last section will look briefly at the position of those with the least autonomy over their own lives, the undocumented in detention and domestic workers.

a) Life planning for asylum seekers and the undocumented

The representative for the Algerian community was one of many who made the point that for asylum seekers uncertainty about the future is one of the most debilitating aspects of the experience, together with the constant sense of abilities being allowed to go to waste.

Those in the asylum process feel they are vegetating, they have a desire to fend for themselves and make use of their range of experience, and instead they have to live in enforced dependency. They are deprived of the right to plan their lives. This is thus a factor within communities with large numbers of refugees making a life underground as an undocumented migrant seem attractive. If one lives underground one will not be subject to limitations on activity set for asylum seekers by official procedures, there will be greater freedom to take autonomous decisions for oneself in general. This at least is the subjective view of many in the asylum process, especially when it becomes clear that procedures can drag on for years. As the Algerian informant put it:

"Some prefer to live underground rather than face the Home Office's asylum procedure¹⁵⁰."

There is also the additional factor that asylum seekers are often a specific type of personality. It must be borne in mind that those reaching the West to apply for asylum have usually had to show great personal initiative and resilience – they react all the more sensitively to narrow official proscribing of their lives and may be more inclined than others to take greater risks to maintain their independence.

As an example of the debilitating nature of the uncertainty faced by asylum seekers Interviewee D, whose application has finally been rejected at the appeal stage, cited his attitude to learning English. Although he had attended a beginners' language course and made good progress initially, he found himself losing all motivation to seriously grapple with the new language. Why bother when there was such uncertainty about where he and his family would ultimately end up? This may be contrasted with the motivation of undocumented migrants who, whatever may be the stresses of their situation, know that their survival will depend – particularly in the monolingual UK - on their learning to speak good English as soon as possible. Interviewee K, an undocumented migrant from West Africa who has been resident in the United States, Holland and the UK in the space of the last two years, was a good example of this. Though Francophone, he speaks good English and German.

For those asylum seekers whose applications have been refused (whether through the initial decision or at the appeal stage) there is, moreover, the additional factor of fear of imminent forced return to the country of origin. Whether this fear is justified or not, it was pointed out frequently, it is a factor strongly influencing people's behaviour. For lack of any evident alternative, refusal of one's asylum application can make a life underground seem the only viable prospect. This point was made forcefully

by representatives and observers of the Zairian (Congo) community in particular, but it is true of other nationalities fleeing chronically destabilised countries. They have, as a rule, suffered traumatically before their flight and then endure the uncertainties of the asylum procedure. Piecing their lives back together in a foreign country and culture where they usually do not speak the language is undermined by the fact that they must be wary of countrymen and women who might be spies with contacts back home. This emotionally and psychologically stressful process is further characterised by constant uncertainty about the future and not being able to make plans or decide things for oneself. Hopes are concentrated on one day getting recognition as a refugee or at least the right to remain. The great majority of Zairians applying for asylum in the UK have however been rejected in the 1990s¹⁵¹. When the application is rejected the fragile thread keeping the uprooted individual in touch with a sense of his or her own future may be broken. At this point some simply disappear. If they have the residual emotional and mental strength this will probably mean trying to survive as an undocumented migrant¹⁵².

Some ethnic communities continue to show solidarity with those who go underground. For those enjoying the broad support of their ethnic network there are the following advantages (some have been briefly indicated in other chapters) in going underground and leaving the asylum process in the life planning context:

- greater autonomy in terms of seeking work and accommodation;
- less control by the administrative machinery and police (if you are undocumented you live with the fact of being vigilant all the time and avoid all official contact);
- if risky, it can nonetheless be easier as an undocumented person to leave the country and move on to another to try one's luck with good quality false documentation;
- as stated by the undocumented migrant from West Africa, Interviewee K, it can be easier to support one's community politically or even financially when „invisible“.

b) Irregular status and life planning

The question arises of how far the undocumented are in fact able to plan, despite the uncertainty and stress of their situation. Interviewee G is an asylum seeker from Sierra Leone who has experienced papers problems because of not receiving appropriate documentation from the Home Office confirming he is at the appeal stage. He said that the constant uncertainty is an underlying theme of everyday life. Planning is difficult for him: "*You just can't focus on things.*" His contacts in the community and regular prayer meetings are a great support in coping with this pressure as is his family (his child is two years old and he is largely responsible for the child care as his partner is in full time work). This feeling was echoed by Interviewee F, an asylum seeker who has also experienced problems with insecure status. He explained why settling down in new surroundings is so difficult. He has very few linguistic or cultural problems, having worked as an economist and travelled widely before having to flee from his native Ethiopia and having mastered English long before his flight. He misses the support of a social network, but finds it especially hard not being able to plan for a secure future:

"The key problem is that of uncertainty, of mental unrest¹⁵³."

For Interviewee H, an asylum seeker from Cameroon whose false papers have created considerable problems for her throughout her application procedure, the fact of not being able to plan her life was a constant stress factor. Again social contacts were crucial in helping her maintain a sense of balance but the most important thing, she stated, was her course in business studies which she is pursuing at a London college. This gives her a sense of purpose, that she is working towards something worthwhile over and above the part-time job she does which pays the bills. As indicated in the relevant chapter, education and further training was a point mentioned often as a stabilising factor by interviewees and experts as giving a perspective for the future for those lacking secure status. There is an element of comparison here with the situation of "exile" ethnic communities (e.g. the Chinese in Malaya, Palestinian or Jewish exile communities in various societies) asserting the primacy of education as a method to combat disadvantage and succeed in the majority world around them.

For those interviewees for whom the main focus of their lives has become the right to remain, whether rejected asylum seekers or overstayers who are at the centre of anti-deportation campaigns (rather than having gone underground), it may be said that "the struggle is their life". It was noticeable in interviews that they frequently could not articulate broader aims beyond gaining the legitimate right to remain in the UK. Planning had become entirely dependent on their legal status, or the lack of it. For Interviewee I, a rejected asylum seeker at the centre of a high profile campaign to try and remain in the UK, her energy is divided between keeping her campaign active (petitions, contacts with school and campaigners, interviews with the press etc.) and caring for her children. In addition she is concerned with the search for her missing husband. Attaining secure status and reuniting her family are her primary aims allowing little space for anything else. This experience, indicating that there is often no room for planning beyond the goal of attaining secure status, could be repeated with minor variations for most of the interviewees in the sample who are conducting a public struggle to remain.

Life planning for overstayers is closely related to life with their children and so is bound up with one of the thorniest human rights issues in UK Immigration practice. Children who have been born to the undocumented in the UK and may very well themselves be British citizens can either be faced with loss of one or both parents, or indeed by virtue of *constructive deportation* (by which the dependants are made to leave the country with the deportee lacking legal status) be forced to emigrate themselves. Interviewee A, an overstayer from Nigeria who has been facing constructive deportation with his wife and children for some time made the point that this constituted an impossible strain for the whole family but especially for the children. Where were they to feel at home? How could the Home Office do this to families, he asked rhetorically, for the children – regardless of the citizenship issue in legal terms – saw the UK as their home: "*where you're born, that's your place*".

For Interviewee C, living in church sanctuary with his dependants, the situation is, if anything, even more acute for the whole family. There is no room for any kind of planning of his own life and the consequences for the entire family (which were explored in greater detail in the section on health) have indeed been grave. Life in sanctuary has become a form of virtual imprisonment. The candidate could never go out for fear of arrest (nearly three-and-a-half years at the time of interviewing) and suffered from depression. Two of the children have serious health problems. Constant fear of deportation means

life must be led from one day to the next and the psychological pressure of uncertainty about the future is immense.

Such cases attract a lot of publicity because the argument for humanitarian compassion to allow an overstayer whose only infringement is a lack of regular immigration status to remain appears to be a compelling one in the eyes of many ordinary Britons. Undocumented people who have otherwise lived for years as law-abiding citizens, may be active in their civic community and church and be good neighbours arouse a lot of local sympathy. Many perceive these overstayers as having earned the right to remain in their local community and take decisions for the future for themselves. The Home Office case for separating or removing these families is thus seen to collide with notions of natural justice or simple common sense. Increasingly immigration lawyers are making full use of the gamut of European legal options to prevent deportation in cases like this.

The situation is different for those who are leading a clandestine existence as well as those who do not have family commitments. Interviewee K laughed out loud when asked about life planning, as if to indicate how ridiculous it would be in his situation to make plans. He said he might move on tomorrow "*I like travelling.*" At the time of the interview he was living with his girl friend but seemed to regard himself as a single person without family. He saw the need to remain absolutely flexible; it is typical of the lives of many undocumented migrants that they are often here today and gone tomorrow. Rumours of potential controls at work, news that there have been Immigration arrests in the ethnic community, or simply word of better working opportunities elsewhere lead the undocumented to pack up and leave.

This leads us on to consider whether there is a basic difference in attitude to life planning between long term overstayers with families and undocumented singles. It was frequently pointed out by interviewees and experts that those living as clandestine undocumented people are as a rule single, unattached young people as a matter of course, because those with families cannot afford to risk the uncertainties of irregular life. This is generally true of those entering the country with the intention of living as an undocumented migrant, but takes no account of the biographical development in the lives of the undocumented, as illustrated by the overstayers in the sample. They were all, formerly, undocumented single people who at some point became involved in a longer term relationship and had children, these developments changing their perspective on life. The overstayer in detention, Interviewee J is an example of this. For a number of years he led a clandestine life of flexibility in search of the best work and accommodation available. It was after he became involved with his present partner and they had their child in 1995 that living a regularised life in the UK became important to him. Faced with the threat of deportation back to Morocco when interviewed, he viewed removal as the destruction of what has become central in his life, the right to remain with his family. One may thus summarise this argument as follows: today's mobile, single undocumented migrant can easily become tomorrow's overstayer who has settled down with the focus of their life in the UK – as the various anti-deportation campaigns in support of overstayers amply illustrate.

c) No planning, no future - detention / the situation of domestic workers

Those undocumented people coping with life in detention face the specific stress of complete lack of autonomy in their lives and are unable to make any plans. As plainly shown in the *Amnesty International*

studies on detention practice in the UK, they do not even have the basic rights accorded to prisoners on remand or who have been convicted (e.g. right to bail for the former)¹⁵⁴. The stresses to which they are subjected by a life in limbo and without the chance to plan have been eloquently demonstrated in the study on the mental health problems of asylum seekers in detention by Christine Pourgourides and the North Birmingham Mental Health Trust team. They describe the strain caused by uncertainty about the future in detention as follows:

*The unknown outcome of detention is also a major stress. Detainees live in constant fear of deportation, constant threat of transfer to another location and constant hope of release. Release from detention can become the overriding goal, overtaking broader considerations regarding a detainee's asylum claim, or any other aspect of life. It dwarfs other concerns*¹⁵⁵.

Domestic workers *per se* do not have autonomy over their lives. When they come into the UK their status is dependent on entry granted to their employer, they have no legal residence right of their own. They are thus not able to make any kinds of plans for their lives independent of their employer's wishes. This can be used accordingly by the unscrupulous to pressure or even to blackmail them into enduring exploitative or abusive conditions. Should a domestic servant run away, she is entirely dependent on the help of friends or members of her ethnic community to find refuge, means of material support and some kind of perspective for the future. As usual with the undocumented, those providing help even as an act of human charity or compassion take a considerable risk by placing themselves outside the limits of the law. Domestic employees often have to combat the problem of lack of self-esteem on account of humiliating treatment or abuse they have suffered; this is heightened by the fact that the women themselves are not infrequently highly-qualified individuals and view their employment as servants as demeaning.

If they do run away, they are usually ignorant of the basic facts enabling them to survive independently in the country in which they find themselves, for they have often been kept in isolation by their employers. This makes them particularly vulnerable to exploitation among the group of the undocumented who by definition lack protection, for instance regarding employment conditions. They must live with the constant fear of discovery by the authorities, many are terrified of being forcibly returned to their former bosses. Their situation is one lacking the fundamentals of human dignity – it would be a mockery of their plight to discuss the role of autonomous *life planning* in their lives.

Analysis and conclusions

*"I could see now that my family had by necessity reconstructed itself and its past for the life it would live in a new land. Cut off from the previous century, from its own line of continuity with its memory of itself, it made itself up. All the lies and evasions and tall stories are what you must have when you are inventing yourself*¹⁵⁶."

The themes which have been highlighted in the various specialist sections on the lives of the undocumented will be drawn together in this analysis section in the form of summary hypotheses and conclusions. The first section looks at a number of structural factors relating to irregular migration, such as the question of numbers. The second part consists of a number of hypotheses which relate to the

various areas of the lives of the irregular migrants, like employment or health care. In the third section wider-ranging observations stimulated by the full range of interviews conducted as well as reflection and discussion (supervision, memoranda etc.) on the subject have been put together in the form of background analysis and conclusions. These considerations have been derived from overarching concerns which cannot be ascribed to any one special area of migrant's lives and so have more general character.

I Basic data relating to undocumented migrants

a) Single and not alone

The undocumented, as reflected in the sample and in background interviews, are primarily single people. As a general rule they feel able to cope with the dangers and exigencies of their situation for themselves. They tend to be young, most are within the 20 to 40 age group. They are more likely to be single because so little planning is possible in their lives, families are regarded as an encumbrance when you have to be constantly mobile – much is determined by the motto *here today, gone tomorrow*.

One point that was made by some expert interviewees was that those who are leading a clandestine existence as *sans papiers* will almost always be without children. Interviews with representatives of self-help organisations from the ethnic communities and trusted contacts indicated that the apparently single person fending for him or herself may, however, be endeavouring to save money to send back home to partner and children dependent on his remittances, or to pay for, say, the education of a young member of the extended family. For each undocumented individual attempting to survive in the industrialised world there may be a number of dependants elsewhere who are being intermittently supported by his or her endeavours. This of course is in the time-honoured tradition of migrant workers worldwide.

b) The question of numbers

It is extremely difficult to arrive at reliable estimates of the numbers of undocumented migrants in the UK. For one thing this is because of the unsystematic nature of registration procedures, but also on account of the specific position of the undocumented who will do all they can to avoid detection¹⁵⁷. Overstayers can be in the country for a long time before being detected; procedures to ensure removal of rejected asylum seekers are exceedingly difficult to enforce for both legal and practical reasons. Those who are undocumented from the beginning (excluding those with false papers, probably the smallest group because of the innate difficulty of getting into the UK undetected) must do their best to be as invisible as possible. Estimates were given by various expert interviewees varying from an official Home Office figure of 40,000 for all undocumented people in total to an estimate of a quarter of a million Latin Americans alone in the UK without status¹⁵⁸. After discussions with a wide range of experts on the total of irregular migrants of all categories from all communities one can only state with certainty that empirical data at present do not allow even an approximate estimate of numbers, but they must exceed official figures considerably.

c) Papers

In the course of the last decade the market in false documentation enabling access to the UK and the EU has boomed in proportion to increasingly restrictive immigration and asylum policy. People desperate to leave their countries and gain access to the European Union are prepared to pay thousands of dollars or pounds to pay for themselves or members of their family to get good quality documentation. False passports, documents with false residence permit stamps (e.g. as an asylum seeker with leave to remain) and EU identity cards are the documents most in demand. Smugglers and paper forgers are engaged in a permanent game of cat-and-mouse with the immigration authorities in which sophisticated information technology is playing an increasingly important role. Those wanting to migrate may pay for the immigration documents alone or for a "package" including travel tickets and being accompanied en route. Laws of supply and demand "regulate" this market and the customers are always open to deceit. If the irregular are able to enter successfully they are usually in debt to the paper forgers and have to work for some time to try and repay the sums involved.

The more restrictive asylum and immigration policies become in the rich world, the more the market in forged papers is sure to expand, because those migrants under pressure to leave their country will do all they can to raise the required money. It is perceived as the one remaining channel for most entrants to try and get in. The constantly increasing sophistication of information technology and communications will enable the market in illicit documentation to expand and diversify. To assume that increased security and tightening of controls by national authorities can be an answer to this challenge is to fail to grasp the full dimension of the issue. Absurdly large sums of money may be spent on tightening security and identification procedures but they will not in the long term prevent numbers of people entering or remaining illegally: every new restrictive measure (this point was emphasised time and again by immigration and asylum lawyers and other experts) will produce an equivalent opposite imaginative strategy of avoidance.

The undocumented are also vulnerable to exploitation. Cases were cited by lawyers and reps from community organisations of unscrupulous immigration lawyers taking fees from clients seeking regularisation and deceiving them with false stratagems. The clients were left without redress.

d) The UK and freedom of movement

One essential difference between UK and mainland Europe is that there can be little in the way of "commuting" on the part of the undocumented. Once they are in the country it is not easy for them to move back and forth; most will in fact be trapped because if they were to leave the UK the chances of discovery would be high. By comparison the Polish in Germany for example have different options because of the land border and the various agreements regulating temporary employment between Poland and the EU and can move back and forth regularly and circumvent the problem of irregular status in the strict sense. It is possible for a Polish worker to find employment legally for a limited period of three months (though he might work in the informal sector) in Berlin, go back home afterwards for a short period and return to look for work again¹⁵⁹. This problem of being unable to move out of the UK was mentioned by a number of interviewees as particularly acute in cases of family crisis or bereavement in their country of origin. It heightens the sense of being cut off from one's previous life¹⁶⁰.

e) The undocumented and their sense of self-worth

Before moving on to specific aspects of life without papers a psychological dimension of irregular migrants' lives may be noted which has been hinted at in the course of this study and which is implicit in the quote from Linda Grant at the head of the chapter. She describes the need for those who migrate to reinvent themselves. Migration is always to some degree a result of compulsion. People move because personal, cultural, social, economic or political circumstances (or a combination of these) force them to, to a greater or lesser extent. Those who take a course which leads them to become undocumented migrants are obliged to change their identity in the eyes of the world around them and to some extent of themselves. This means a different name, another biography, possibly another country of origin – while at the same time there will usually be limited contact with the "old self" (family and friends from one's former life).

A clear sense of one's own identity is, in psychological terms, a pre-requisite for the assertion of one's position, worth and rights in the world around one. The undocumented devote a large part of their mental and emotional energy to concealing who they are. In this sense the undocumented are at a serious psychological disadvantage in their dealings with the world: their diminished sense of self-awareness will not help them to gather together to campaign for recognition of their plight, unless under fortuitous or desperate circumstances which may bring them together with other groups who take up their cause (see the example of the occupation of the *St. Bernard* church in Paris in 1996). On the contrary: they will tend to be isolated and mobile, evading potential confrontation with authority or those who might denounce them. They must constantly distrust all but those who are closest to them. The insecure nature of their existence is not only stressful, but also leads them to treat their lives as made up of long-lasting transitory phases. Their lack of autonomy and independence contributes to an undermining of their sense of identity and ultimately their sense of self-worth.

II Hypotheses on different aspects of the lives of the undocumented

a) Work and earning a living

The undocumented will generally find *employment* in specific low pay and low skill sectors in which it is difficult to find others (indigenous or documented) to do the work under such conditions for so little pay, such as cleaning (for a company as part of a sub-contracting team or in private households), the building industry, hotels and catering, domestic service, textile manufacture and agriculture. There is a whole range of marginal, informal service sector jobs requiring low skills from supermarket shelf-filling to car park attendant as well as in production in small and medium-sized enterprises. They are almost invariably employed on a casual basis, i.e. hired weekly or even daily, they lack protection against exploitation through long hours, low pay, dangerous working conditions, abusive treatment, being cheated of payment, threat of non-payment as blackmail or "punishment" by withholding of pay should they protest against bad treatment, pay or conditions.

The undocumented themselves almost always find they are doing jobs far below their actual level of qualification. Many may be highly qualified people with academic training and professional experience, very little of which can be brought to bear in their low skill jobs. Alternatively there are irregular migrants who enter the country with very little formal educational background¹⁶¹. These people are

likely to have the most problems with the language and be most lacking in the social skills which could help them adapt successfully to a new culture and a stressful and demanding situation. They are likely to be least able to defend themselves from brutal exploitation at work, and as a consequence are the most likely to be exposed to dangerous and potentially life-threatening conditions (for example through non-treatment following an accident at work). They are on the very lowest rung of the ladder of economic exploitation.

The undocumented are, of course, not organised in a trade union and can always be used by employers to undermine collective agreements or put pressure on the organised workforce (for example in the clothing or the building industry). In using the undocumented as a flexible labour reserve, the employer can always claim to be a victim of the forces of globalisation which are constantly tightening the screw of competitive unit costs of production. Anger may thus be directed at the irregular themselves who are the mobile reserve, the "scabs" undermining their indigenous and regularised colleagues' job security and long term welfare.

Thus the undocumented are made the scapegoats for a deep structural division in the employment market. There is a need for an end to hypocrisy and acknowledgement of the economic facts. Human rights considerations alone make the present use of the irregular as an "informal labour reserve" in deregulated labour markets unacceptable. Moreover, they can be used to undermine both trade union activity and the general security of the workforce; those employers in such sectors who abide by the law are put at a severe disadvantage because their unscrupulous colleagues have lower costs and can undercut their prices.

Overstayers may be in a slightly less vulnerable situation as compared with other irregular migrants. They will often have been in the UK for many years and may have been able to find work appropriate to their skills and to establish themselves either in their own business or with their employer without awkward questions being asked. Nevertheless, they must live in constant fear of their lack of status being exposed sooner or later.

The survey indicated that there may be undeclared recognition at official level of the economic necessity for a flexible reserve made up of the undocumented in certain of the labour-intensive sectors with tight profit margins which have been mentioned. The exigencies of unit cost production in a highly competitive market being what they are, there may have been a tendency on the part of the powers-that-be to leave certain sectors to their own devices (e.g. the agricultural sector), with the exception of the occasional raid on a particularly notorious employer or factory. Dynamic entrepreneurial methods may be seen to be producing the goods and the macro-economic view would be that the economy in general is profiting; deregulation may be deemed to have liberated vigorous economic energies to the benefit of all.

The approach of government to the informal sector in general throughout the Western world is characterised by this sort of "selective blindness", which probably reflects a profound ambivalence in the official mind. Policy is of necessity a complex reflection of the pressures (including those of powerful business lobby groups) to which policy-makers are subject. In view of this wider economic context it will be interesting to see how the controversial issues in labour relations in the UK of trade union

recognition at the workplace and of the minimum wage are resolved in the course of the present parliament.

The key question as regards the macro-economic meaning of the undocumented may be: would certain, at least tacitly acknowledged sectors of the productive economy be able to survive without the irregular mobile reserve? The most embarrassing feature about the undocumented for the political and economic establishment may not be their presence, but the fact that they have, in certain sectors, become indispensable.

The question of the undocumented and crime was an important issue in some interviews and dovetails into the whole complex of earning a living. Asylum seekers from certain communities have been involved in social security scams. Women are vulnerable to being forced into prostitution. Irregular migrants with very limited means may find the only way to pay for their passage is by agreeing to smuggle drugs into the UK as couriers. They take the risk and in each case they alone are likely to pay the penalty if caught by the authorities. In each criminal network there are of course professionals running operations, but they live on a different plain from the undocumented, who in this scheme of things are simply expendable material.

In this context a number of specific points were made on the criminal activity of the irregular by ethnic community interviewees. First, the great majority are not involved in crime, they are contributing to the economy as workers and survivors, whether or not the fact is officially acknowledged by macro-economic indicators of growth in GDP. It may be countered that they are paying no taxes; equally they receive none of the benefits of state provision. In the course of interviews it emerged that for most paying taxes would be a thoroughly acceptable price for regularised status.

Secondly, the undocumented are rarely criminally active unless they are forced by circumstances, because in the overwhelming majority of cases their prime interest is to try and get status and remain in the country as law-abiding citizens. In this sense they are much maligned. Thirdly, they are generally surviving under great material and spiritual adversity. Their desperation to earn a living leads some to stray outside the legal norms – by which they feel they have by definition been outlawed. The types of petty crime they become involved in reflect this fact: whether it is swindling the meagre sums available through the social security system or involvement in prostitution this is the illegal activity of the marginalised, those without power bent on surviving somehow.

b) Ethnic networks, housing, health care and rights

Existing *ethnic networks* often play a key role in the initial migration decision, through the fact of immediate family, relatives and friends already living in the UK or of a broader migration tradition from the country and region of origin to Britain. Once individuals arrive these networks play an important role in providing initial contacts, accommodation and job opportunities, though the undocumented are locked into a relationship of dependence which means either that they are a burden or they can be exploited. This may be one reason (apart from all the more practical difficulties and dangers explored elsewhere in this chapter) remain uncertain for a long time about staying in the country.

Undocumented people's uncertainty in this sense hinders integration and their dependent position within their community may be an obstacle to them learning the language; alternatively those who have established themselves may decide – on account of tension with their countrymen or suspicion and fear of denunciation – to shake the dust of the ethnic community from their feet and opt for an isolated existence. They then face special problems associated with loneliness and distrust. Whichever course undocumented people choose, it is very difficult for them to sustain personal and ethnic community relationships because of their situation. This is bound up with the fact that they cannot reveal themselves fully and are unable to make plans, their lives being characterised by constant uncertainty about the present and the future. Further aspects of the role of ethnic networks will be discussed below as extended hypotheses.

The undocumented face acute problems as regards *housing*. Inasmuch as they live within their ethnic communities the ambivalence mentioned above may come into play. Either they are sharing already cramped space with relatives or friends and thus subjecting ties of loyalty on which they depend to immense strain, or they may be being exploited by countrymen renting them limited space for a profit. Outside their communities they are effectively dependent on the private sector and usually find that only the landlords at the poor-quality end of the rented market will be offering them overpriced accommodation. They cannot demand written contracts or security of tenure. If they have to accept sub-standard housing for lack of an alternative or if they lose their homes for whatever reason they have, as a rule, no form of redress.

Health care is a central problem area for irregular migrants. If they suffer from minor ailments they will try to ignore them as long as possible; if informal methods of treatment are available within their communities these will be taken discreet advantage of. Going to a GP is the last option, which the undocumented may attempt under the assumed identity of a registered countryman or a false National Insurance number (though these options are increasingly unlikely because of the ubiquitous nature of internal controls). Alternatively there are usually GPs known to the ethnic community who are prepared to treat for a fee. There may also be access to selected private hospitals. Patients without papers are liable to be charged exorbitant prices, females may be put under pressure to grant sexual favours [162](#).

Reluctance to acknowledge ailments or have them treated means there is a danger of neglect causing serious illness requiring expensive treatment and perhaps hospitalisation. The undocumented are at their most vulnerable in case of accidents, when they could find themselves abandoned because of their lack of status or admitted to hospital where they are likely to be discovered. Unauthorised migrants in this situation may well be seized by a panic compounded of fear of the extent of their injury, lacking the means to pay expensive medical bills (regardless of whether this might be required or not) and the ever-present terror of discovery. This may lead them to flee as soon as they are physically able, with all of the attendant dangers for the recovery process.

One basic point extends across all the areas of undocumented migrants lives: their *lack of rights* when they are the victims of unjust treatment or abuse. Whether it is in the spheres of health care or housing, whether education and training or abuse at the workplace, they cannot, in practice, assert basic minimal rights which accord with human dignity. Certain simple examples demonstrate this powerlessness and vulnerability clearly. If an undocumented person is the victim of a racist attack, the option of seeking

justice from the law is effectively closed to them because they must expect immediate arrest and detention or deportation. In certain parts of London where the relations of many ethnic minorities with the police are at best complicated this right may appear to be largely theoretical, but nonetheless access to due process for victims of injustice and crime is an indisputable basic right effectively denied to irregular migrants.

Domestic workers, whose situation was described earlier in this survey, provide a further example of this acute vulnerability. Expert witnesses also mentioned the situation of women who marry British residents and who have no status of their own if the marriage breaks down within the first year (for asylum seekers who put in their claim after having been in the country without status this period is four years). It is now a well-known fact that there is an industry entailing the "sale" of women from Majority World countries to husbands in the rich countries. The humiliation and potential danger inherent in these one-sided power relationships have become common knowledge. The economically dependent nature of the arrangement can put victims of physical or sexual abuse in a position comparable to that of domestic servants who run away from an abusive employer and find themselves automatically without status. Each of these groups of women may find themselves exposed to possibly life-threatening danger as an indirect result of the structural legal insecurity of their position.

This is just a particularly pointed example illustrating the insecurity that characterises the lives of irregular migrants. They live in constant fear of discovery, they are always on the look-out for officialdom, forever looking over their shoulders, the sight of a police car prompting the undocumented person to disappear into the nearest shop or underground station. It is a fear which extends into every aspect of their lives. Each personal conversation contains the potential threat of exposure or possible suspicion which could lead to denunciation. The most intimate relations may be undermined by ever-present distrust. It is a form of psychological stress akin to that of living in a police state, and so for many may be a poignant variation of the life-threatening persecution back home which they have attempted to escape. This is the heart of the paradox for the undocumented: lacking coherent identity they are the shadows of themselves both hunting and hunted; in an unceasing quest for a safe haven and security they cannot find, they perceive themselves to be and objectively are the constant quarry of an unrelenting state authority.

Before moving on to broader arguments relating to unauthorised migration the following general hypothesis on the background motivation for migrants to accept a life without legal status can be stated: the irregular are impelled by existential motives to move; the fact that they become overstayers, enter illegally, drop out of the asylum process or attempt to live underground after ultimate refusal reflects the restrictive regime and their desperation to find somewhere where they can survive, live and work in peace, free of basic threat. Recognising this central motivation is essential if we are to grasp the conundrum of irregular migrants' lives.

III Broader analysis and conclusions

The following analysis and conclusions examine wider issues concerning the social and political context of undocumented status. They are based on the accumulation of data from the full range of interviews, literature and memoranda arising out of the research.

a) Asylum and immigration law – recent changes have failed to address the real issues

One of the most important analytical points made by a variety of expert witnesses concerned the policy failure which increasingly restrictive asylum and immigration approaches across Europe embody. Not only do they fail to address the fundamental issues created by increasingly volatile and complex global migration movements, they actively worsen the situation.

One worker with a refugee lobby NGO put this in a nutshell: the "fortress Europe" approach represents a chronic failure of policy in human rights terms. The UK has adopted this approach in a one-sided way. It is necessary at the analytical level to recognise that immigration and asylum are related issues requiring co-ordinated regulation: asylum applications have rocketed because Europe has applied tight immigration controls [163](#).

Other interviewees emphasised that the way asylum procedures currently work is actually pushing migrants into illegality, many of who might meet asylum or family reunion criteria. Changes in criteria and the increasing complexity of legislation mean that many applicants who would previously have gained recognition or Exceptional Leave to Remain (ELR) fail to present their cases adequately and fall through the net. The constant undermining of the asylum claim & appeals system with its very low rates of recognition make it seem meaningless, so people feel compelled to go underground. Internal controls have the same effect. As noted above one result of this is that the smuggling & false documentation industries are thus booming. The present system forces people into exploitation by the illicit documents market, getting into debt and finding themselves trapped with false papers.

Quite apart from these points the inter-related character of asylum and immigration is illustrated by the fact that the increasing severity of legislation toward overstayers since 1988 has caused an overburdening of the asylum system because many of those facing deportation as overstayers "switch" to making an asylum claim in a desperate attempt to try to remain in the UK. The counter-productive effect of this restrictive approach has been well analysed in the 1997 Justice/ARC report entitled *Providing Protection*:

"...the 1988 Immigration Act's abolition of full deportation appeal rights for those in the UK for less than seven years has been counter-productive. With the passage of the 1988 Act such people lost the right to appeal on humanitarian and compassionate grounds, such as links with the UK and family ties. In the absence of the ability to raise the real issue – that deportation was inhumane or unnecessary – some applicants sought other means, such as asylum applications and appeals, to seek to bring those matters to the attention of the authorities, or indeed to remain for the seven years necessary to acquire full deportation rights. Many adjudicators and representatives discern a direct link between the steep rise in asylum applications in 1991/92 and the inability properly to contest deportation decisions.

As a result, multiple applications may be made, resulting in multiple appeals, none of which is capable of addressing the real issue of family and other links with the UK which may make deportation unfair. This has a significant effect both on the efficiency of the system and on individuals' ability to contest wrongly-made decisions. The solution is not to curtail asylum appeal rights because of the former; it is

to restore deportation appeal rights to deal with the latter¹⁶⁴."

In the course of this research the statement was sometimes made that the overstayer problem only applies to those who came many years ago. The above quotation underlines the finding that this is broadly not true because there continue to be large numbers of people coming in on visitors visas, as students etc. who will find themselves facing problems because of restrictive procedures and the difficulty in changing status if they want to remain. This also means that if asylum and immigration procedures remain as they are the problem of the undocumented is not going to diminish, because a restrictive approach to policy alone is inadequate.

Beyond these specific issues there is the deeper political dimension of the restrictive asylum and immigration regime for British society. It constitutes a slow but steady erosion of civil liberties through increasing state controls and increased potential for discrimination against minorities. Changes in asylum and immigration law since the early Nineties and in the practical application of the Immigration Rules have tended to increase the power and lessen the accountability for their actions of those exercising state authority in their dealings with minority communities, whether the police or the immigration authorities. Furthermore, inasmuch as the restrictive regime is not successful in its own terms (i.e. in improving monitoring and control of irregular migration movements), it undermines confidence in the efficacy of democratic procedures in choosing (security-driven) methods to control immigration which may be seen to have palpably failed. These issues must be addressed by political initiatives that take account of all the factors determining uprootedness and forced migration. Any other approach is politically naive and ultimately liable to damage the liberties of the democratic state.

b) On the human resources of the undocumented

Many of the following observations on the human resources of the irregular might equally apply to asylum seekers in the UK. This reflects the fact that their background is frequently similar in socio-economic and in political terms; frequently the undocumented are members of refugee communities. Changes in asylum legislation and procedure have also contributed considerably to a blurring of the distinctions. The simple fact is that – as explained in the previous section – today's asylum seeker is increasingly likely to become tomorrow's irregular migrant.

Undocumented or underground existence frequently means periods of enforced idleness or working below qualification in marginalised poor quality jobs. These are people who have often mastered language problems and shown themselves to be flexible in taking significant steps to change their lives. They are willing to adapt and to learn.

They are often highly qualified. Some, such as medical professionals and social, administrative and educational professionals have the specialist expertise, language skills and intercultural competence developed in the course of migration to provide highly skilled service to their own and other communities. People who are in the UK and may have been for a long time can, regardless of the fact that they do not have legal status, be perceived as a resource rather than as a threat and a drain.

This impression was confirmed in the course of research. Workers in community organisations or immigration NGOs are often ex-refugees who have had long periods of insecure status or were indeed undocumented people themselves. They are living evidence of the fact that *sans papiers* are skilled and resourceful people who have a lot to offer, if they get the chance.

Conversely, The status quo as far as the strain on the ethnic minority groupings is concerned has to be acknowledged. At present local ethnic communities, particularly those with high numbers of refugees, are having to cope unaided with the undocumented in their midst. The more the balance shifts towards restrictive entry procedures vis à vis communities under strong migration pressure for political, social or economic reasons, the more they will be compelled to combine the use of "legal" asylum procedures with "illegal" methods (false papers and living underground etc.) to help their people to get in and survive within their community networks. This will be a priority in those politically active ethnic communities which acknowledge the existential need of their countrywomen and -men for access, shelter & survival. Compassion and solidarity have higher priority for them than the strict observation of asylum and immigration rules, if the latter are perceived to be unjust.

What this means in practice is that in the areas sketched above, accommodation, health care, employment and so on it is the ethnic networks which are taking the strain. Ethnic minority communities which themselves face a constant struggle to survive with scarce resources find that they are having to shoulder increasing burdens because of restrictive asylum and immigration practice. This gives rise not only to greater tension within the communities, but also – especially with the advent of internal controls – to the feeling that the ethnic minorities are the target of official discrimination. Large numbers of people are faced with increasing poverty, the informal economy is being fed by a growing marginalised clientele of persons without recognised or without any documentation. This is a world in which growing labour supply drives the spiral of pay and conditions ever further downward and the drift into criminal activity to survive may become the inevitable final option for those still able to hold body and soul together under desperate circumstances for both the individuals and their communities. This is the most important truth behind the tightening of the screw of asylum procedures in the UK in the nineties.

From the ethnic minority point of view there is a further political dimension to this development. To what extent is government policy toward the undocumented a form of "*privatisation*" of burdens arising from increased migration pressure? The ethnic and refugee minority communities have to cope with the situation for their people. As outlined above, in terms of rational use of human resources this is mindless waste. Would it not be more humanitarian and better economic sense to find ways of reversing the process of marginalisation which can encompass whole communities and feed these skills into the mainstream economy? There is considerable justification for the view that co-ordinated European migration and asylum policy constitutes an evasion of social and political responsibility for the complex problems faced by settled migrant communities living in the European Union.

It may be doubted, moreover, whether the ethnic minorities which are facing these problems and being left alone to cope – sometimes even treated as the scapegoats for the "flood of economic migrants" – will continue to accept their assigned role with docility. In other words, in the longer term this set of developments may well create an explosive potential of resentment.

c) From a European perspective: on the need to integrate professional competence of NGOs in asylum and immigration procedures; overcoming adversarial thinking

The following hypothesis is based on the view that political culture in the UK has become unusually adversarial in cast in the course of the last two decades in comparison with most countries in the EU. It is argued that this is a counter-productive development for the broader good of British society in attempting to address the sensitive problems which show the need for a coherent and fair approach to immigration and asylum policy for all concerned. One aspect of this is that adversarial culture has conditioned thinking on undocumented people.

Interviews with numbers of expert witnesses with NGOs, lobby organisations and lawyers working in the asylum and immigration field indicated the depth of frustration felt at working in an area which has long been determined, broadly-speaking, by one of three inter-related government attitudes. Either a) as an area in which to make cheap political points, or b) one in which concerns of control, crime and security determine policy-making, ignoring issues of human rights or broader responsibility for community relations and long-term integration, or c) one in which incompetence and a lack of clarity of thought have characterised over-hasty changes in immigration rules and drafting of new asylum legislation aimed at reducing levels of entry perceived as too high. This sense of powerlessness on the part of many interviewees in the face of what is seen as the one-sided, unjust direction of national policy is heightened by the feeling that European harmonisation of immigration and asylum policy under the (non-accountable) "third pillar" of policy-making can only make things worse for one's minority clientele.

Justified as this analysis of developments in view of British experience since the late seventies may be there seem to be deeper mechanisms of political culture at work here¹⁶⁵. The following example may serve as an illustration.

One expert witness highly regarded in the field referred in no uncertain terms to the Home Office's incompetence, lack of will to address the issues and to alter procedures, the tendency to get bogged down in the bureaucracy etc. Moreover there was no willingness on their part to co-operate with external agencies or NGOs constructively, despite having dealt with one another *de facto* for years. However to the point his criticisms may have been they also showed the kind of hostility which develops when a form of communication degenerates into something akin to a campaign of attrition.

In viewing the powers-that-be as both arbitrary and incompetent we express varied emotions in modified, "neutralised" form - there is one's outrage at the injustice that these people "in the system" are perpetrating; and one's frustration at a perceived relative powerlessness to alter the way this machine works in its fundamentals (however effective the lobbyist or lawyer might in fact be in helping individuals).

Beyond this there can be a further aspect: resentment at not being taken seriously as a professional, indeed as a person with considerable expertise in the field of asylum and immigration. The authorities, certainly in the UK, have chosen in the last two decades to ignore this potential expertise in grappling with the complex and ethically painful issues involved. The defects of asylum and immigration policy

reflect the heavy price of this omission.

There is a practical side to the frustrations of lobby work carried on through the lean and hungry years by small groups of committed individuals and groups, which became evident in the course of research. The rooms of many such organisations are mostly situated in run-down parts of town, the door or entrance obscure and shabby (though there may sometimes be an element of "identification with one's clientele" about this); the rooms are small and cramped, computers perch on rickety tables alongside boxes of papers and heaps of files. Shelves are heavy with caseload. One ventures up narrow staircases, down badly lit corridors in search of the co-workers. People are almost invariably friendly, polite and helpful, despite limited time and being overworked. Space is found for the visitor among the documents, the ice is broken with a cup of tea.

Why is this important? There is a universal sense of scarce to non-existent resources. People can easily feel devalued in what they do because of the straitened, if not poverty-stricken, circumstances under which they have to do it, especially year after year. The struggle against encroaching shabbiness can be heroic and enhancing, but in the longer term it tends to discourage and wear one down.

In view of these circumstances NGOs, support and advocacy groups themselves run the risk of hardening in the posture of "the insulted and the injured" (*"What can you expect from a government like this?" "It's up to the authorities to take the first step..."*). This thinking gives rise to a number of dangers:

- a spirit of resignation can come to underlie one's professional attitude (*"What's needed is radical change, but there's no chance of that anyway..."*)
- a mind-set can develop which fails to acknowledge the nuances in politics, to perceive those "chinks in the armour" of policy-makers which have to be exploited via dialogue for the sake of one's clientele
- it may become subjectively hard to believe in the good faith of official actions (and official actors); one may forget that all human behaviour is shot through with contradictions, even within the official machinery. Thus a genuine spirit of change, a desire to reform on the part of "them" may be neutralised by (objectively understandable) cynicism and disbelief. NGOs could thus themselves become prey to a "culture of suspicion" which leads them to ignore or reject genuine opportunities to influence reform processes which might come their way. In the present climate in the UK this would be an understandable but tragic failure of the imagination, with the most destructive long-term consequences for one's own clientele.

The other side of the coin of adversarial culture described above is that officials must be constantly on the defensive, fearing that not only their actions will be attacked but also their motives impugned. Furthermore, a restrictive regime means they have precious little room for manoeuvre to allow humanitarian and other considerations to influence decision-making. Officials and adjudicators in the asylum and immigration processes have a wealth of knowledge and experience which ought to be applied within broader and more constructive parameters.

There are differences in the degree of adversarial culture in comparison with mainland Europe. As is

well-known, in certain European countries there is some acknowledgement on the part of government that NGO expertise is both a political factor and a professional resource to be included in policy evolution and evaluation (Denmark provides an interesting example, see *Providing protection* for detail on this). The increase in NGO networking and lobby co-ordination of recent years are encouraging signs that mutual cross-border use of expertise and international perspective are becoming much more self-evident in the British context, and seen to be enriching. Europe of course remains a highly sensitive issue for the island peoples, but perhaps in this sense European NGOs may be seen as something of a model. That is to say, one high priority aim for UK activists and professionals should be making the British government acknowledge NGO professional expertise in immigration and asylum policy-making as a factor which self-evidently cannot be ignored.

d) "*Shifting the goal-posts*" - *who sets the agenda?*

This leads us on to the question of the general context of policy-making. Who sets the agenda in immigration and asylum policy? Polarisation between government policy-makers on the one hand and NGO, lobby and grass roots community critique on the other would seem to indicate two distinct fronts but the reality is more complex. This is evident in the attitude towards the uprooted and undocumented as a broader category transcending asylum procedure definitions. There is an unspoken consensus regarding the irregular which is the basis for negotiation and day-to-day business between (Home Office and Immigration) officialdom on the one hand and the majority of NGOs working in the asylum and immigration field and some refugee organisations on the other.

An increasingly repressive asylum and immigration regime of ever-more exclusive definitions and procedures which make a mockery of the asylum idea as originally conceived (and as practised, until it was deemed no longer politically opportune) have forced NGOs permanently on to the defensive. Certain high-profile organisations providing legal support and advocacy have thus, in practice if not in theory, come to accept that there is a legitimate distinction between *the good migrants and the bad migrants*, the former being those who are seen to be genuine asylum seekers, the latter dismissed as "economic migrants". The heart of the matter is that the basis for definition is increasingly determined by diplomatic, foreign policy-driven considerations. What makes this development so damaging is that there is the parallel closing down of other immigration channels for entrants from the Majority World, with the limited exception of the Professional/Managerial/Technical class, at a time of rising global migration pressure.

Advocacy organisations have thus found themselves boxed into a corner that they share with the small elect of refugee organisations whose clientele are among those tolerated and accepted. The result is that that this mind-set demands that the undocumented be at best ignored for the sake of one's own dwindling clientele of asylum seekers, which have at least a chance of being regarded as "genuine" under the procedures of a hostile asylum regime. This regime has been conceived, albeit ineffectively, to meet the prime needs of exclusion and control. This ultimately means that NGOs fighting for their clients have to accept the framework of Home Office definitions against their own better (political and humanitarian) judgement.

The consequence for those refugee communities which are among the "privileged" in terms of

diplomatic recognition is that they avoid political activity which might upset their status in the eyes of Her Majesty's Government and probably keep their distance to other community groups less well positioned. This view also means staying away from the irregular. Those asylum applicants who do not meet the criteria may be viewed as "criminals", and the government in tandem with the EU has thus set the agenda on asylum (and by proxy immigration) practice.

An experienced lobbyist with a political campaigning organisation set these observations in context. The increasing numbers of people desperate to escape their domestic situation take illicit routes and may face grave danger in the hands of unscrupulous smugglers, as the tragic case of the *Yiohan* and its nearly three hundred dead indicated. They are frequently people who might have met asylum or family reunion criteria, but the deterrent effect of tightening asylum procedures has meant many resort to desperate methods because they see no legal option. The broader background is the problem of uprootedness in the Majority World which, as the expert witness stated, only the churches have as yet had the courage to really address. The uprooted who do not fit the restrictive categories of asylum definition nonetheless have human rights, and these are being systematically ignored.

The strategy, she continued, which immigration and asylum NGOs should be adopting is to shift the goal-posts of debate by promoting the discussion of issues around uprooted people. This means looking at the range of categories of migrants affected, appraisal of root causes, including the complex role played by the rich world in helping cause uprootedness (support of dictatorial regimes, the arms trade, environmental destabilisation through mega-projects etc.), and lobbying for change in domestic policy as the result of such analysis. One concrete result of this re-thinking could be a campaign for regularisation of overstayers and other families faced with danger¹⁶⁶.

There is a further aspect of this, which is that the present conceptual framework of official thinking fails to address reality as far as the motivation for migration is concerned. The indications are that if asylum regimes are more restrictive in the receiving countries then - should the "pushing factors" of terror, violence, environmental destruction or simply deprivation of a livelihood, as well as the "pulling" desire to realise or improve one's skills more effectively etc. be sufficient - then people will go through the toils of flight and migration without the prospect of legal status regardless; possibly they will not apply for asylum if there is little prospect of success or of receiving benefit as well as the danger of detention. Under these circumstances living underground is a more attractive option anyway.

This is because in a receiving country where there is a concentrated and politically self-aware community then the likelihood of finding support within the ethnic network is considerable, even if one is underground. There were examples of this in the course of the survey that provided case studies of how this works. Networks of opposition are tried and trusted, possibly adapted from home. An awareness of the genuine need to escape persecution or destabilisation reinforces the readiness in the ethnic community to support those underground. They in their turn may not even bother to apply for asylum formally when the consequences are even more negative than an insecure existence as an undocumented migrant. Experience within the community has shown that they will not be treated as "genuine" anyway. There may be more concrete appeal and certainly more human dignity in becoming part of a "community of resistance", living a semi-underground existence in opposition to what is perceived as a repressive host regime. This community will comprehend those with legal status and

those without on equal terms.

Thus people are "deterred" from applying for asylum under certain circumstances, but not from migrating in order to survive, or from moving on elsewhere if circumstances dictate.

e) On kith and kin

White Britons are often perfectly happy talking about the special status of "our kith and kin" when it concerns the immigration of citizens of British extraction from New Zealand, Australia, Canada or South Africa; but non-whites from New Commonwealth countries who may have comparable ties of family and ancestry are far more likely to be seen by these people and perhaps often by officialdom as aliens seeking entry. Successive legislative measures since the Sixties have deprived later generations of New Commonwealth citizens of the legal migratory options still accorded to some degree to "kith and kin" from the former colonies. Whatever may be the legislative basis, however, it is the practical stringency of applied immigration controls to non-white entrants which indicates the existence of two sets of standards.

In the context of *family reunion*, in particular, the discriminatory dimension of this is evident. For there are now extensive Asian, Caribbean and African family networks in the UK and extending back to the countries of origin. These connections lead to established patterns of migration for the second and third generation. Present restrictive procedures compel some communities to consider the illegal option to reunite their families. For a long time the notorious *primary purpose* rule exhibited the discriminatory potential inherent in a Eurocentric view of marriage when applied to the Immigration regulations. There was, moreover, the case of the young Indian woman staying in the UK after a visit to look after her ailing grandmother because it is part of family and community obligation - partly culturally-determined; she had no option but to overstay. Only after a long campaign which received national media attention was the Home Office prepared to grant her leave to remain¹⁶⁷.

It seems self-evident from a rational point of view that Home Office and immigration procedures have to adapt with time. Increasingly obligations of kith and kin extend in an entirely legitimate legal and humanitarian sense to the "New Commonwealth" and increasingly established refugee communities transcending nation-state boundaries. Migratory movements reflect these connections and implicit obligations and restrictive immigration and asylum procedures, if they do not adapt accordingly, are going to become increasingly inappropriate to both multicultural norms and rapidly changing communication and travel patterns.

In terms of rights, there is a strong argument supporting the contention that settled minority communities - the vast majority of whom are integrated, tax-paying, law-abiding and indeed in the course of time British citizens - have a right to fair treatment by immigration and asylum procedures which reflect their experience of migration as well as family and community separation intermeshed with continuing obligation and commitment across national boundaries. At present it is manifestly the case that the structure and practice of immigration and asylum law fail to match these moral and democratic-political standards in a society that has become multicultural.

f) Detention centres as counter-productive

This is not the place to explore the issue of detention in the UK. This has been done most effectively elsewhere¹⁶⁸. For our purposes it is important to note that the threat of detention for asylum seekers *immediately after application* is a step which has increased the attractiveness a life underground. Information through the ethnic networks will confirm that it may therefore be a better option to try and enter as a clandestine on false papers and go underground than to apply for asylum. The detention strategy is thus not a deterrent to entry, but to remaining legally "above ground" as an asylum seeker.

g) Central and local government attitudes

In the course of this study it became apparent that *perceptions of justice in the application of asylum and immigration law at local level often differed radically from the central government approach*. This is reflected in two ways. First, there may be a preparedness on the part of local citizens to become involved in anti-deportation campaigns to support the right to remain of rejected asylum seekers or overstayers of whom they have personal knowledge. A central motivation appeared to be that those undocumented interviewees with a family in particular who had otherwise led law-abiding lives were seen to be facing unjust treatment in facing deportation for lack of the right papers. The case of a rejected asylum seeker facing potential persecution on return or the break-up of the family through deportation might arouse sympathy and solidarity for reasons of humanitarian compassion.

The overstayer on the other hand might enjoy support not only because of the pain and upheaval a family might face, but also because of the length of time involved. When people have lived for some years in the UK and have put down roots, adapted their lives to a new country and culture, possibly become known and respected as good neighbours involved in local community and parish activity, then the sudden discovery that lack of the right immigration status can lead to deportation and an end of family life as they have known it can provoke more than widespread sympathy. There may be outrage at what is perceived as an inhumane or bureaucratic application of the letter of the law. There is a high degree of identification with "people like you and me" who appear to be the victims of arbitrary higher power.

The second factor is the political dimension of the central-local dichotomy which sometimes becomes apparent in the reaction of institutions and agencies at local level. Solidarity with the undocumented may arise from varying motivations. Local schools see the rights of the children to education, personal development and social integration as endangered by the parent or parents' lack of status and thus may support a campaign for the family to remain. Local authorities may give tacit support to individual anti-deportation campaigns in one way or another (providing NHS medical care and social housing; maintenance of benefit payments) to both indicate a different political or ideological stance on asylum and immigration policy from central government or simply as a response to what is a contentious (and possibly a vote-winning) local issue. The campaign in support of Interviewee I was one such example. Similar considerations can apply for local MPs who may face the tension of divided loyalties between their central and local responsibility.

On the other hand it is quite possible that a local authority will take the same line as central government

if local sentiment is perceived as favouring consistent application of asylum and immigration policy. It will be argued that exceptions, however strong the humanitarian issues might be, undermine the rule of law.

The essential point from an analytical point of view is that central government ignores local feelings at its peril. Immigration and asylum policy is one of the most politically-sensitive areas of activity for the central legislative and administrative authority. Disparity between the theoretical and practical application of the law can have potentially highly-damaging consequences for government: if the centre is seen to be acting out of synchronisation with local people and community institutions and their sympathies and perceptions, then the basis of its democratic legitimacy is endangered. A government making this mistake may be seen as increasingly arrogant, isolated and out of touch. One factor in creating the tidal wave upon which the Conservative government was swept from power in May 1997 was the pursuit of an asylum and immigration regime widely perceived to be both increasingly unjust and ultimately ineffective in its own, exclusively cost-reducing and security-driven, terms.

Conclusion

More empirical information is necessary to help define the structures and necessities of migrants' lives more realistically and fairly. This research project is intended as a modest contribution to this process. Within an immigration and asylum framework which is perceived to be broadly fair to all communities there is the chance of utilising the full range of professional expertise available in government, the non-governmental sector and the minority communities themselves on a more co-operative basis for the good of the whole of British society.

Finally, a point that was made in discussion with a lobbyist working frequently in co-operation with European campaigns concerns the nub of the matter regarding how the undocumented are viewed in the UK. It is a strange paradox that the British, a people notoriously sensitive in the defence of traditional liberties and in warding off the encroaching state in other areas, should be so strikingly prepared to accept wide-ranging state powers regarding "illegal immigration" – at least in the 20th century. The counter argument which the lobbyist put was: while it must be conceded that illegal communities are not good for society, can't we be more relaxed about accepting the facts of migration?

Historically, it has always gone on and has never been completely controllable. Indeed, (and this is the sacrilegious part) couldn't the British be less intense about "solving the problem" and accept that there will always be a degree of uncontrolled migration? Other nation-states have been able to accommodate the truth of irregular migration and adopt a pragmatic approach to it without the fabric of their body politic disintegrating. The traditionally British "uptight" attitude to this problem may, among other things, be yet another aspect of a refusal to come to terms with the post-colonial legacy. The time is surely ripe for mature and sober reappraisal.

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Footnotes

1. Cf. S. Collinson, *Beyond Borders: West European Migration Policy towards the 21st. Century* (London 1993), p.1-17. Cf. Spencer, Sarah (ed.): *Strangers and Citizens*, introduction (London 1994).

1a. *State of the World's Refugees*, UNHCR, 1993 and UNHCR by numbers 1995; UNHCR *Zur Lage der Flüchtlinge in der Welt 1997-98* (Bonn 1997) S. 195-198.

2. for more detail on the macro-economic and social context of "uprootedness" see *A Moment to choose: Risking to be with uprooted people*. WCC Unit IV, Resource Book. Geneva 1996.

3. *The Observer*, 12/1/1997 "People-smugglers make a mint out of misery". Cf. the number of "passengers refused leave to enter and removed" for 1995, 18,954 persons (*Control of Immigration statistics UK 1995 CM 3353 Table 3.1*). Cf. For the European dimension *Süddeutsche Zeitung*, 5/8/1997 "Für 2000 Dollar in den goldenen Westen."

4. In this project the terms irregular, unauthorised and undocumented migrant as well as sans papiers have been deliberately chosen to denote the clientele being described. The term "illegal" is avoided because of the association with criminal activity which as a premise of this project is not given per se through a violation of Immigration law. Equally there was a conscious decision to talk of migrants rather than immigrants to emphasise the global character of mobility reflecting a complex interworking of push and pull factors influencing the decision to migrate. In other words our generic term should be broader than just viewing the undocumented as people trying to get in; they are also people with subtle individual histories and coming from somewhere else.

5. C. Holmes, *A tolerant Country?* (London, 1991) p.14-65, is concise on this.

6. *ibid*

7. D. Coleman, "UK Immigration Policy: Firm but Fair, and Failing?". In *Policy Studies*, Vol. 17, No. 3, 1996, p.195-214)

8. See for example *Daily Mail* 30/6/1997 front page story "Scandal of the Illegal Immigrant Benefits Industry."

9. Linda Bosniak, Human Rights, State Sovereignty and the Protection of Undocumented Migrants Under the International Migrant Workers Convention , in The International Migration Review, Vol.25,Winter 1991,96, p.737-770, quote p.746.
10. Journal of Refugee Studies Vol.5 No 1 (1992) p.47-67.
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13. Cf. Mahler, and Mark Miller: „Towards Understanding State Capacity to prevent unwanted migration: Employer sanctions Enforcement in France, 1975-1990" in West European Politics Vol. 17, no. 2 (1994), p.140-167).
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15. D. Coleman, "UK Immigration Policy: Firm but Fair, and Failing?". In Policy Studies, Vol. 17, No. 3, 1996, p.195-214)
16. C.K. Pourgourides: "A Second Exile - the Mental Health Implications of Detention of Asylum-Seekers in the UK" (N. Birmingham Mental Health Trust, 1996) "Prisoners without a Voice - Asylum seekers detained in the UK" (Amnesty International, 1995); „Cell Culture - the Detention & Imprisonment of Asylum Seekers in the United Kingdom" (AI 1996).
17. Linda Bosniak, „Human Rights, State Sovereignty and the Protection of Undocumented Migrants Under the International Migrant Workers Convention" , in The International Migration Review, Vol.25,Winter 1991,96, p.737-

770, quote p.740-741.

18. Ibid.

19. Ibid. P. 750

20. Garz, Detlef & Kraimer, Klaus: "Qualitativ-empirische Sozialforschung im Aufbruch" (S.1-35)

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21. "A grounded theory is one that is inductively derived from the study of the phenomenon it represents. That is, it is discovered, developed, and provisionally verified through systematic data collection and analysis of data pertaining to that phenomenon. Therefore, data collection, analysis and theory stand in reciprocal relationship with each other. One does not begin with a theory and then prove it. Rather, one begins with an area of study and what is relevant to that area is allowed to emerge." (Strauss, Anselm & Corbin, Juliet: "Basics of Qualitative Research - Grounded Theory Procedures and Techniques." London 1990, p. 23)

22. for analytical background on the 1962 Act and subsequent legislation see Holmes: A Tolerant Country?, London 1991, p.54-64

22a. There are no clear guidelines on domestic workers' status in the Immigration Rules (it is a „concession" to

wealthy employers coming in from abroad), meaning that the stamp domestic workers receive in their passports is often a matter of chance; in practice many get the stamp under Code 5N Leave to enter, employment prohibited. The effective result is that they are dependent on their employer for their immigration status and lose this if they run away on account of abuse. See B. Anderson, p.45-46.

23. Bridget Anderson: *Britain's Secret Slaves* (Leicester, 1995). See also Kalayaan 1995 Conference papers *Slavery still alive*.

24. Cf. S. Spencer: *Strangers and Citizens* (London 1994) on global migration pressures p.4-5; cf. S. Collinson: *Beyond Borders: West European Migration Policy towards the 21st Century*, London 1993, p. 1-17. See also UNHCR report 1997-1998 *On the state of the World's refugees*, introduction.

25. See Bridget Anderson, "Britain's Secret Slaves" (Leicester 1995), p.13-28.

26. (3) *Ibid*, introductory section.

27. Cf. Famous exiles who came to the UK in 19th. century UK, like Karl Marx who regarded his stay as both transient and undesirable. This is presumably one reason why he never really felt comfortable speaking English.

28. Interviewee H, 24/3/1997.

29. Interview with representative for Interviewee I, 3/4/1997.

30. *Passport to Nowhere*, documentary on Channel Four (reporter Julian Pettifer), 2/11/1996.

31. *The Observer*, 12/1/1997. See *The Observer*, 5/1/1997 for background feature on home village community of some of the deceased and the ethnic networks connecting them with the UK as the target of migration.

32. Cf. Mahler, chapter Trip as personal transformation, p.58-82.

33. Background interviews with a Methodist minister with contacts in the Zairean community and with a former missionary and interpreter with extensive knowledge of the Zairean and Congo communities in London, hereafter AW.

34. Background interviews with representatives of Carila, Praxis, Catholic Aids Link, Chilean Democratic Association and Casa Latino Americano.

35. Dispatches, Channel 4, November 1996.

36. In 1992 some 52,000 work permit holders and their dependants were admitted to the UK; 18,000 spouses, 3,000 children and 2,600 fiancés were admitted under the family reunion rules; in 1991 202,000 students from outside the EC were given leave to enter. In the same year there was a net immigration to the UK of 28,000.(Source: S. Spencer (ed.), Strangers and Citizens, London 1994, p.1)

37. Cf. Statement by Euro MPs Kumar Murshid and others at conference Labour in Europe on race policy that immigration practices would seem to vary according to the skin colour of entrants, 27/6/1997.

38. Representative of the Polish community in London, 30/5/997.

39. From Luk magazine, March 1997, published by the Polish community in London. Note that Polish girls are the only East European nationality not (at the time of writing) allowed the concession to work as au pairs; this is regarded as a form of discrimination by leaders of the Polish community which they are fighting to change - not least because this is one of the few socially acceptable (and economically viable) means for young Polish females to get to the UK to learn the English language, a vital skill on the East European job market.

40. Statement of interviewee from Sri Lankan community, 3/7/1997. Cf. Mahler for the contradictory way in which such loyalties can affect relationships between new arrivals and „old hands" in countries of migration.
41. Interviewed on 30/1/1997.
42. nterviewed on 3/7/1997.
43. Discussion with representatives of Chilean Democratic Association, cf. Interviewee M (a clandestine) who arrived in Europe initially in Spain to look for work before coming on to the UK.
44. Background interviews with representatives of Carila, Praxis, Catholic Aids Link, Chilean Democratic Association and Casa Latino Americano. (2)
45. Meaning immigration officials do not what to know how asylum seekers will survive in the next six months. Interviewee from the Kurdish Workers Association, 10/3/1997.
46. See "Just Existence - on the effects of withdrawl of benefits from asylum seekers" (British Refugee Council interim publication, Feb. 1997)
47. Halkevi Centre interviewee, 4/3/1997; confirmed by rep of Bridge House Estates Trust: support of asylum seekers' projects would depend on lawyers' definitions of who a Londoner is. Equally, the homeless organisation Shelter felt obliged to operate their emergency provision on a no benefit, no-go basis.
48. Cf. Mahler on the resentments caused when accommodation becomes a profit-oriented theme among marginalised minority communities, p.188-213.
49. The Court of Appeal confirmed in a judgement of 17th February 1997 (R v Westminster Council and Ors) that

local authorities had to provide basic support for people in their area "...in need of care and attention" under s21(1)(a) of the National Assistance Act 1948.

50. Interview with West African community representative, 24/4/1997.

51. Kurdish Information Centre, 7/2/1997 & Carila (Latin American support organisation), 23/5/1997.

52. Interview with lawyer PM 17/4/1997, who further pointed out that some local authorities were checking the immigration status of couples marrying at borough registry offices.

53. Information from south London housing dept. employee, 30/1/1997; telephone information from Lambeth housing dept.; information from employee at Church Commission for Racial Justice, 23/1/1997.

54. Information from JCWI.

55. Praxis, interview 28/2/1997. In addition to the accommodation problem they were swindled out of 4,000 pounds for false papers for the children by a confidence trickster. As they aren't married they are considering whether marriage would improve their position.

56. Interviewee H, 25/3/1997.

57. Praxis, interview 28/2/1997.

58. reported by a witness, 27/2/197.

59. Interviewee D, 10/3/1997.

60. Interviewee M, 12/6/1997

61. Expert interviewee, 3/7/1997.

62. Based especially on testimony of Interviewee K, 28/4/1997.

63. Polish representative, 30/5/1997, Cf. Mahler, note 4 above, on accommodation and Latin American perceptions.

64. Information from detainees in Harmondsworth detention centre, 11/3/1997.

65. Information from south London housing department. employee, 30/1/1997.

66. See Mahler, p.105-137; for Germany the popular work by Günther Walraff Ganz Unten is a highly revealing „grass roots" study of the employment sectors of illegal work and / or work for the unauthorised.

67. See Just Existence, published by the Refugee Council in February 1997, which documents the lives of a number of asylum seekers having to survive the physical and enhanced psychological stress of living without any material security following the withdrawal of benefits under the 1996 measures. For some it was a life - threatening experience. There is a concise summary of the range of entitlement cuts:

From 24 July 1996, asylum seekers who had either applied for asylum once inside the UK or who were appealing against a negative decision on their asylum claim had no entitlement to the three most basic benefits: income support, housing benefit and council tax benefit (only asylum seekers who applied for asylum ‚on arrival' in the UK retained entitlement). All asylum seekers lost their entitlement to the wider family of benefits - such as child benefit, disability living allowance, and family credit. Asylum seekers also lost almost all access to social housing: the only remaining entitlement is to local authority-arranged temporary accommodation for ‚on arrival' asylum applicants who fall within the ambit of the homelessness provisions. „(p.5)

68. Interview with representative of Algerian community 29/4/1997.

69. As one informant put it: „You want to talk to illegals? Go and work in a kitchen."

70. Based on information from two members of ethnic community and observation.

71. One worker with a Latin American support group reported how a passionate argument had developed between „politicals" among the football players on the one hand (i.e. recognised refugees) and irregular migrants on the other. The former group tends to look down on the latter. The argument spiralled out of control to the point where information was passed on to the Immigration authorities leading to the arrest of the undocumented people involved.

72. There was one notorious case of a man who accumulated 50 identities. As he had to claim his benefit at different outlets for each „person", he employed a cab driver every Tuesday to take him around the city to be able to meet his punishing schedule within the opening hours limit. The cab driver was thus earning 200 to 300 pounds a week for this one day's work. At some point he became so uneasy about his customer's routine of going to 50 different post offices every Tuesday (rather than doing his business at one) that he informed the police; thus the case came to light.(AW)

73. Interview with AW, 27/2/1997.

74. A number of background interviewees and informants confirmed that mini-cab driving is a favourite occupation with the undocumented. Should they be stopped by the police, the great fear is of the „second question" (i.e. after the driving licence they want to see the driver's immigration papers). Then the game is up. (Information from a W. African local council employee). One case was even reported of an irregular sending a friend with documents (immigration status & driving licence) to take the driving test in his name.

75. Data from an informant, 4/6/1997 and observation.

76. This was reported, among others by representatives of the Polish community. The employer will be British, the „ganger" may be a fellow countryman.

77. Information from Casa Latino Americano, 17/4/1997.

78. Information inter alia from the Halkevi Centre.

79. Information from case worker with prominent migrant lobby organisation, 3/7/1997.

80. Information from Immigration Law community practice, 26/2/1997.

81. Miller, Mark: "Towards Understanding State Capacity to Prevent Unwanted Migration: Employer Sanctions Enforcement in France, 1975-1990", p.140-167 in West European Politics Vol.17 No.2 (1994). See Mahler on IRCA (Immigration Regulation and Control Act in the USA) and regularisation, p.159-164.

82. One immigration lawyer pointed out that the liaison between the Home Office and departments such as the DSS is often confusing and contradictory on internal controls, leading to arbitrary decisions.

83. Prevention of illegal working, guidance for employers, (HO Immigration and Nationality Directorate) p.2.

84. *ibid.*, p.4-8.

85. JCWI representative, 2.4.1997.

86. Employee with campaigning organisation, 22.1.1997.

87. Praxis Latin American-Somali community support organisation, 28.2.1997.

88. ibid.

89. The following section is based on the Channel 4 documentary Bitter Harvest and an interview with and view of a publication by the researcher Jennifer Francis of the Open University. Following the showing of the documentary in March 1997 investigations into the employment of the unauthorised in the agricultural industry were begun by the Ministry of Agriculture, Fisheries and Food (MAFF).

90. Interviewee K, 28.4.1997. Background interview with leading member of community political support group, 24.4.1997.

91. Interviewee M, 12/6/1997, subsequently 3/7/1997.

92. Anne Owers, The Age of Internal Controls in Strangers and Citizens (ed.Spencer), London 1994, p.269.

93. See International Pact on Economic, Social and Cultural Rights, Article 12 (19/12/1966); Agreement on the Rights of the Child, Article 24 (20/11/1989); Declaration of Basic Rights and Liberties of the European Parliament, Article 15 (12/4/1989).

94. See discussion in the United States (Article 149 in California) on removing the right to health care for the undocumented. Cf. the Netherlands where the right to basic provision is not, as yet, contested.

95. Interviewee G, 12/3/1997.

96. See study "Refugees, torture and the health services - a study of GPs in the London Borough of Newham (Newham Refugee Centre with University of East London, July 1996).

97. Interview with representative of Chilean support group, 6/5/1997.

98. Interview with representative of West African community, 24/4/1997; confirmed by Interviewee K, 28/4/1997.

99. Carila, 23/5/1997. Cf. Mahler, Making money off the margins, p. 138-158.

100. Interview with representative of West African community, 24/4/1997.

101. Cf. East London University study mentioned in note 4 "Refugees, torture and the health services - a study of GPs in the London Borough of Newham."

102. Interview with representative of Halkevi Centre, 4/3/1997.

103. "Just existence report on the effects of withdrawal of benefits from asylum seekers" (Refugee Council 1997)

104. Breaking the Silence. Human Rights Violations based on Sexual Orientation, p.50-53. AI London 1997. See liberalisation of immigration law for gay couples under Jack Straw in November 1997.

105. Interviewee C, representatives, 4/2/1997, 27/2/1997.

106. Interviewee K, 28/4/1997.

107. Interviewee M, 12/6/1997, 3/7/1997.

108. This document will enable them to remain in the UK for six months while looking for a place on a course.

109. For more detail on this see JCWI Immigration, Nationality and Refugee Law Handbook 1997, p.159-179.

110. See appendix for table on change of immigration status. (JCWI, p.237)

111. Interview with a Welfare officer at a London university on 26/2/1998.

112. Ibid.

113. On the ramifications of this and the extent to which this is an intended mechanism within communities see ethnic networks.

114. Interviews with representatives of the Halkevi Centre and the Kurdish Workers Association. But note the importance of community educational, care and welfare and skills improvement programmes. The Kurds have developed an effective self-help network in London the space of ten years.

115. As elaborated in interviews with representatives from Latin American support organisations Praxis and Carila.

116. Background interviews with Carila, Chile Democratic Association and Casa Latina Americana.

117. It tends to be forgotten in the industrialised world of atomised relations that in many African and Asian societies bonds of kinship with one's cousins, nephews or nieces can be obligatory and transnational for economically-active male members of the family. Thus it will not be unusual for undocumented migrants to bear responsibility for paying for the education of minors within the extended family. Remittances from abroad are vitally necessary.

118. Information from British Refugee Council and immigration lawyer PM.

119. Information provided by Interviewee I representative, 3/4/1997.

120. Marco, a Peruvian academic and union organiser working as a blue collar undocumented migrant in New York, quoted in Mahler, p.105.

121. Background interview with representative of migrant lobby organisation, 3/7/1997.

122. Interviewee N, 30/6/1997.

123. Cf. Campaigns supported by Greater Manchester Immigration Aid Unit; also cases featured in Channel 4 documentary A house divided 12/9/1995: three women from Asian sub-continent fighting deportation.

124. See the breadth of criticism of the proposed legislation presented in The Glidewell report on the Asylum & Immigration Act 1996 (London 1996)

125. An interviewee in detention in Harmondsworth drew attention to another aspect of the religious community and social contact. He had been an overstayer from Algeria who came after „things exploded" in his home country. He had got his social contacts by going to the London Central Mosque in Regent's Park: talking to people in the cafe there was good, because religion was a good way to see who you could trust - better than pubs and casual contacts.<

126. Interviewee M, 12/6/1997, subsequently 3/7/1997.

127. Background interview with AW, 27/2/1997 and with member of Sri Lankan community , 3/7/1997.

128. Confirmed in interviews with community organisations Carila, Casa Latino Americano Praxis, Halkevi Centre. Cf. Mahler, p. 83-104.

129. Revealed by informant with knowledge of African communities. Cf. television documentary Despatches, November 1996 (Channel 4), in which an investigative reporter successfully applied for the birth certificate of a deceased person.

130. Interview with representative of Ethiopian community, 1/3/1997.

131. See Green, Jonathon: Them - Voices from the Immigrant Community in Contemporary Britain, London 1990) for first-hand testimony; also "Sun a-shine, Rain a-fall" London Transport's West Indian workforce (London Transport Museum oral history project 1994).

132. cf. Caryl Philips: The Middle Passage (London 1985) for powerful literary evocation of migration from the Caribbean to the UK in the 1950s.

133. Choenni, August: Veelsortig assortiment. Allochton ondernemerschap in Amsterdam als incorporatietraject

1965-1995. Dissertation University of Amsterdam, Amsterdam 1997 (with English summary).

134. See Sigrid Baringhorst's sensitive study of economic and social problems faced by small and medium sized enterprises run by migrants of south Asian origin in Bradford, *Fremde in der Stadt, multikulturelle Minderheitenpolitik, dargestellt am Beispiel der nordenglischen Stadt Bradford* (Baden 1991).

135. See for example biographical background of some of the 300 undocumented migrants on board the freighter the *Yiohan*. from South Asia who allegedly were drowned in the Mediterranean on Christmas Day 1996. *The Observer*, 12/1/1997. See *The Observer*, 5/1/1997 for background feature on home village community of some of the deceased and the ethnic networks connecting them with the UK as the target of migration.

136. Kurdish Workers' Association, 10/3/1997; Halkevi Centre interviewee, 4/3/1997. This form of ethnic minority dependency relationship in the textile trade may be compared to that of the Chinese community on the Lower East Side of New York where the textile sweatshops have moved from Hispanic to Taiwanese Chinese hands since the mid-1980s. It is extremely difficult for outsiders (including trade unionists) to get any information on pay and conditions.

137. Polish community interviewee, 30/5/1997.

138. Representatives of a Latin American support group, 17/4/1997.

139. Staring, Richard: *Scenes from a fake marriage: Notes on the flip side of embeddedness* (paper for international conference "New Migration in Europe: Social Constructions and Social Realities" in Utrecht, April 1996).

140. Interview with AW, 27/2/1997.

141. Representative for Interviewee C, 27/2/1997.

142. Cf. position adopted by the chairman of a regional Racial Equality Council, himself a member of the Sikh community, that the greatest current problem in immigration is the "waves of economic migrants swamping the UK" and worsening the position for those already settled in the country (June 1997).

143. Representative for Interviewee C, 27/2/1997 (2)

144. Interview with representative of Tamil Housing Association, 19/2/1997.

145. One expert interviewee described a similar difference in attitude between the generations within the Burmese community. The established Burmese community in the UK is on far better terms with the Burmese Embassy and is at pains to distance itself from political dissidents entering asylum procedures.

146. Although protest and parliamentary lobbying by community groups has led to a slight softening of the Home Office line inasmuch as detention and deportation policy have been relaxed toward Tamils (information from Tamil representative on 5/3/1997).

147. General analysis provided by representative of Tamil Refugees Action Group, 5/3/1997.

148. Interviewee K, 28/4/1997. Background interview with leading member of community political support group underlined this attitude, 24/4/1997.

149. Confirmed by certain community organisations.

150. Interview with representative of Algerian community 29/4/1997.

151. Home Office statistics 1995 of 935 decisions on applicants from Zaire 905 were refusals. (CM 2637 Table 4.3 "Decisions on applications received for asylum in the United Kingdom.")

152. Interview with Baptist minister 24/1/1997.

153. Interviewee F 11/3/1997

154. "Prisoners without a Voice - Asylum seekers detained in the UK" (Amnesty International, 1995); "Cell Culture - the Detention and Imprisonment of Asylum Seekers in the United Kingdom" (Amnesty International, Dec. 1996)

155. "A Second Exile - the Mental Health Implications of Detention of Asylum-Seekers in the UK" (C.K. Pourgourides, N. Birmingham Mental Health Trust, 1996), p.41.

156. from Linda Grant, "Are we Related?" in Granta 60, Winter1997 p.54, on her Jewish family which had emigrated from Poland to the UK at the turn of the century.

157. See Anne Owens compelling argument on the impracticality and ultimate pointlessness of introducing more systematic universal registration and internal controls (as opposed to more systematic ID for asylum seekers from the beginning of procedures), The Age of internal Controls in S. Spencer, "Strangers and Citizens" (London 1994), p.264-291.

158. Telephone conversation with Home Office statistician May 1997; interview with representatives of Latin American support group, 17/4/1997.

159. On the background to migrant "commuting" in Germany see N. Cyrus, Den Einwanderungskontrollen entgangen. In "Von Grenzen und Ausgrenzung: interdisziplinäre Beiträge zu den Themen Migration, Minderheiten und Fremdenfeindlichkeit" (Hrsg. C. Leppe/B. Danckwortt, Marburg 1997), S.35-56.

160. This does not apply with the same stringency to the East European countries with Association Agreements with the EU. Overstayers or other undocumented groups from these states are more easily able to return to their home countries. Their problem - as indicated in the chapter on employment - is getting in to the UK.

161. The special problems faced by irregular migrants with low skills were particularly emphasised by representatives of Latin American support and advocacy organisations.

162. Mentioned in particular by representatives of Latin American support organisations. See section on health care.

163. Legal specialist with a national advocacy organisation.

164. From ARC/Justice report "Providing Protection"(London 1997), p.52-53.

165. Kaye, Ronald: "British Refugee Policy & 1992, breakdown of a policy community" in Journal of Refugee Studies (JRS) Vol.5 No 1 (1992) p.47-67.

166. Lobbyist with a national political campaign organisation.

167. Atia Adrees was finally granted leave to remain shortly before the May 1997 election. See the film "A House divided" Ch.4 12.9.1995 and report in the Observer 25.1.1998.

168. See - C.K. Pourgourides, "A Second Exile - the mental health implications of detention of asylum-seekers in the UK" (N. Birmingham Mental Health Trust, 1996); also Amnesty International study "Cell Culture" (London 1996).

