

British report details tremendous obstacles facing asylum-seekers

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23 July 2003

Mary Coussey was appointed Britain's Independent Race Monitor in March 2002. She recently produced her first annual report as required under Section 19E of the Race Relations (Amendment) Act. Only 14 pages long, it details observations made into various aspects of Britain's Immigration Service and exposes the enormous obstacles faced by those seeking to claim asylum in Britain.

In the period October 2002 to March 2003 several changes were made to authorisations procedure, the most significant being a request for language analysis where there are doubts about the applicant's claimed nationality for nationals from Afghanistan, Somalia, Sri Lanka and (added in March 2003) Iraq.

Other policy and procedural changes that directly or indirectly affected the priority given to particular nationalities included the depth of any checks made and the frequency of refusals to enter for nationals of Zimbabwe and Jamaica requiring visas to enter Britain. These were introduced at times of political turmoil in both countries in November 2002 and January 2003 respectively. Similarly in February 2003, seven countries—Albania, Bulgaria, Jamaica, Macedonia, Moldova, Romania and Serbia—were added to the original list of six "presumed safe" countries introduced under the Nationality, Immigration and Asylum Act.

Coussey's work included meetings with senior officials in the Asylum Casework Unit, attending the screening and substantive interviews, informal meetings with government ministers, looking at research and discussions with the Commission for Racial Equality (CRE).

Although the findings are supportive of the work of government agencies some of her observations shed light on the wholly subjective character of the work of immigration officers at different ports of entry into Britain. Coussey explains how at Heathrow Airport (London) arrivals from the international hubs of Amsterdam, Rome, Frankfurt and Paris are assessed on "passengers initial responses, and any behaviour, which raises doubts about their credibility."

At Stansted, which is the fastest growing airport in Europe for the third year in a row with 16.04 million passengers passing through last year, there are no interpreters on site. Stansted's location outside London means that there can be a four to five

hour delay before an interpreter is available. It is not rare for initial interviews to be carried out by telephone. Interest groups state that Roma gypsies are singled out for refusal at Stansted due to their ethnic origin. Pre-entry clearance at Prague has seen a drop in asylum claims, but an appeal against this practice as unlawful is in process.

Since the introduction of visa requirements for Zimbabwe and Jamaica visitors seeking asylum from these countries has massively dropped. The report notes that concerns expressed about the racist nature of immigration checks—"passengers more likely to be held for questioning before entry or are refused entry tend to be not white"—were borne out by Coussey's own observations.

In the most damning section of the report she finds that Immigration Officers (IOs) and Airside Surveillance Officers do take appearance and demeanour into account. When questioned further about these more subjective tests personnel gave the following reasons:

"There was a combination of factors which did not quite 'add up' and made the passenger 'stand out'. Examples given were subtle mistakes in dress (e.g., wearing baseball caps in too-young a manner, or a group in similar too-new clothes). Some IOs said to me that they could distinguish Roma by appearance especially because of style of dress."

Coussey also expresses concern about airside surveillance, "whereby IOs meet passengers at the plane door to check documents or verify arrivals, appeared to take colour and ethnicity into account, as well as behaviour and dress."

When challenged, this practice was explained away by saying that officials were only observing in case anyone presented themselves without documents so they could be identified. The Race Relations (Amendment) Act has changed the way this is carried out and if intelligence is known about specific routes all passenger documents are checked as opposed to those from suspect national or ethnic groups. Whilst this may seem less discriminatory a picture emerges of an intense build up of surveillance by the state on all movements of people.

Coussey refers to feeling that some decisions made against passengers were harsh and coming across "case-hardened" officials with a cynical attitude towards some nationals in particular, based on dealings with refusals."

As well as airports, Coussey visited Asylum Screening Units in Croyden and Liverpool. She explains that asylum cases are not dealt with by nationality but by numerical targets. The target for 2002/3 was 65 percent of applications decided within two months to increase to 75 percent for 2003/4.

Most asylum caseworkers specialise in particular countries to build up expertise. Coussey notes, however, “they consider that there are benefits in changing specialities, as the disadvantage of specialisation is that they may become hardened by experience, or become bored or jaded. One person said, that, ‘I sometimes feel that I’ve been here before, but it could be a genuine claim.’ Another told me that more experienced caseworkers are tougher, and acknowledge there was a cynicism because they ‘hear similar stories’.”

So those seeking asylum, many from countries ravaged by US and British imperialism, are met by cynical officials “who have heard it all before”. The report states, “Many cases presented a horrific catalogue of lives blighted by war, repression, persecution, violence and sometimes torture. Significant numbers had a family history of forced expulsion from their homes and had lost parents and relatives. I saw no cases in the sample in which the decision to grant asylum or humanitarian protection seemed over-generous. Most seemed beyond doubt.”

Whilst acknowledging this state of affairs, Coussey goes on to say that most decisions seemed to be based on reasonable grounds and that there is now considered to be sufficient protection in Kosovo and Afghanistan which means that the “political circumstances which led to the claim no longer exist.” This applies also to the Czech Republic because “although it was accepted that they experienced discrimination and harassment, this was not at the hands of the state”!

Though loyal to government dictates and criteria, Coussey was troubled by the rejection of some of the claims for asylum. She specifically notes that “factual details given by the claimant were disbelieved simply on the assumption of credibility without any other indicated facts. For example, a claimant’s evidence of arrest and torture by the authorities was not accepted because the account of his escape was disbelieved. Evidence that the authorities sexually harassed a claimant’s sister was disbelieved on cultural assumptions rather than indicated facts... A video and newspaper article on events central to a claim was not accepted because such material ‘can be’ fabricated.”

Coussey believed that whilst there was the safeguard of appeal, “it appeared to me in some cases, the burden of proof applied was beyond the standard of reasonable doubt.” She notes that asylum support groups cite “decisions on lack of credibility [that] are not supported by analysis of the facts.”

During her observations changes to asylum rules came into effect, the key one being that asylum seekers who do not claim asylum when they arrive at a port or as soon as possible afterwards will no longer receive support. Coussey expresses concern that asylum support is not within her remit, as it

became very clear to her that there were huge differences between how different nationalities were dealt with in granting asylum and other forms of protection. She specifically cites the treatment of Iraqis and Somalis, who have some of the highest rates of asylum claims, and those of Czech applications, who get less than one percent.

Coussey concludes in her recommendations that she is concerned about “the effect of the current emotive and hostile climate about asylum seekers” and the influence this may have on those who make decisions on granting asylum, as well as the effect on the public mood. In this context she complains that the government is not helping the situation and calls on them to give “greater prominence to the wider context for the increase in numbers this year, and by explaining more about the circumstances from which people are fleeing.”

Other recommendations include, greater monitoring of how decisions are made and more openness by the Home Office about the nationalities subject to greater scrutiny. Coussey acknowledges their reluctance to do this.

The overtly racist aspect of the asylum appeals procedures has been further highlighted in a newly-published novel *Refusal Shoes*, written by recently resigned immigration officer Tony Saint. He told the *Guardian* newspaper, “the whole system boiled down to whether officers ‘liked the cut of your jib’... Passengers have to satisfy immigration officers they are fit to enter the country, it is down to the officer’s discretion. Some officers will refuse people to give themselves something interesting to get them through the day. I was the other way. I did everything to give them a chance. This thin blue line mentality is silly and old-fashioned and needs to be overhauled.”

He said, “If you are a bigot, it is a great place to work—because you can do something about it.” After a while, Saint argued, the job has the effect of making the whole “wash of humanity” feel the same, but, “The liberal notion of world fellowship goes. You don’t care where they come from.”



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