

# British government prepares fascistic “push back” of migrants and asylum seekers in English Channel

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British Border Force staff imposing Home Secretary Priti Patel’s plans to “push back” boats carrying migrants in the English Channel will be granted legal immunity from conviction if refugees drown as a result.

A provision in the Nationality and Borders Bill states that officials would ‘not be liable to any criminal or civil proceedings for anything done’ when they forcibly “push back” dinghies into a busy commercial waterway carrying refugees seeking asylum in the UK. In September, the Home Office announced it was training Border Force guards to bully and reverse the course of small boats carrying migrants in the English Channel.

Kim Bryan, from the charity Channel Rescue, which observes migrants arriving in small vessels across the Channel, told the BBC Breakfast on Sunday show that from the Dover cliffs her group had recently witnessed local Border Force officials practising “push back” using jet-skis. Bryan warned Patel the consequences of using these controversial tactics would be “horrific”.

The UN Convention on the law of the sea says that all nations are required to give assistance to ‘any person found at sea in danger of being lost’ and “proceed with all possible speed to the rescue of persons in distress”.

Under existing laws, officers would be in danger of being prosecuted if a migrant is endangered or drowns because of their actions or lack of actions. Schedule 4A, part A1, paragraph J1 of the Conservative government’s new bill is an attempt to give officers immunity from conviction. It reads: “A relevant officer is not liable in any criminal or civil proceedings for anything done in the purported performance of functions under this part of this schedule if the court is satisfied that (a) the act was done in good faith, and (b) there were reasonable grounds for doing it.”

*Guardian* described the provision as “tucked away in an obscure corner of the bill” and questioned whether, by blatantly breaking National Maritime Laws, the Bill will ever become law. But Prime Minister Boris Johnson government is serious in its intention to make deliberate acts of murder official government policy at their maritime borders.

According to the Bill anyone arriving in the UK via what the government calls an “illegal route”, such as by a small boat across the Channel, will automatically have their claim ruled inadmissible, receive a jail sentence of up to four years, have zero recourse to public funds, and have family members barred from joining them. But the only means for migrants and asylum seekers fleeing the wars and devastation created by the actions of British, US and European imperialism across Central Asia, the Persian Gulf, the Levant and North Africa are deemed “illegal routes” by the British government.

A two-tier asylum system is being created whereby the government plans to treat those arriving by “irregular means” and “illegal routes” —such as in small dinghies and boats, shipping containers and other dangerous methods—as having even fewer rights than those who reach British shores by means the government deem legitimate. Such moves are in gross violation of the UN Refugee Convention and the European Convention of Human Rights.

Patel’s Bill breaches international and domestic law in at least 10 different ways, a report from a team of leading immigration lawyers has concluded. It described the Bill as the “biggest legal assault on international refugee law ever seen in the UK”. The 95-page joint legal opinion piece written by four

barristers; Raza Husain QC, Eleanor Mitchell, Jason Pobjoy and Sarah Dobbie, on behalf of the campaign group Freedom from Torture, illustrates the unlawfulness of multiple aspects of the Bill.

The Bill is also potentially in breach of the UN Refugee Convention articles 31 and 33. Article 31 states that countries cannot expel a refugee for arriving by irregular means if they are coming from 'a territory where their life or freedom was threatened', provided these people present themselves to authorities and show good cause for entering via illegal means. It also states that nations will not apply restrictions to the movements of refugees other than 'those which are necessary' until their status is confirmed or they gain admission into another country.

Article 33 concerns returning refugees to the area from which they are fleeing and states that this should not happen where the person's life would be threatened on account of their "race, religion, nationality, membership of a particular social group or political opinion". These articles can be contravened only where there are "reasonable grounds" that the refugee is a "danger to the security of the country" or has been convicted of a serious crime which would constitute a threat to the community of the country.

The lawyers conclude, "This bill represents the biggest legal assault on international refugee law ever seen in the UK. The principle at the heart of the bill is the penalisation, both criminally and administratively, of those who arrive by irregular means in the UK to claim asylum and the bill seeks to reverse a number of important decisions of the UK courts, including at the House of Lords and court of appeal level, given over the last 20 years."

A fascistic media campaign is underway to provide high profile support for the Johnson government's murderous immigration policies, which dovetail with its "herd immunity" response to the pandemic. Nana Akua, a host on the new right-wing channel GB News, has vocally supported the idea that border patrol staff shouldn't be prosecuted for the "push back" policy.

Akua, British born with Ghanaian parents, appeared alongside author Jemma Forte on the Channel Five Jeremy Vine chat show where she said that it was "fair enough" to know that migrants won't be rescued if their boat sinks. Akua was allowed to spew her bile at length, declaring, "I personally think... look, as long as

you know that if you come across you won't be rescued if your boat sinks, I think that's fair enough, and that's why they're saying if they come across with jet skis, then they can't rescue them, it will actually hopefully stop the people trafficking, because if you are supporting that they should be rescued, you're actually supporting people trafficking which means that more people will come across because they think they'll be ok.'

Forte replied to Akua's odious opinions, "I think it's one of the most disgusting things I've ever heard in my life". She pointed out that the Bill's provision was a breach of international law and called it "state sponsored manslaughter". Forte continued, "To dehumanise these human beings who are coming over... why do they do it? Because they're desperate, they've come from war-torn countries, they are fleeing places like Syria..."

A coalition of hundreds of groups, Together With Refugees, has been formed to oppose the Bill. One of several protests and campaigns was a letter to Johnson calling for a "kinder, fairer and more effective asylum system," signed by 40 prominent individuals, including actors Olivia Colman, Joanna Lumley, Stephen Fry, Fiona Shaw, Simon Callow, Imelda Staunton, Zoe Wanamaker and Thandiwe Newton, the band Kaiser Chiefs, TV personalities Robert Rinder and Gok Wan, as well as comedians Romesh Ranganathan, Frankie Boyle and Shaparak "Shappi" Khorsandi.

Workers and youth in Britain and across Europe must oppose the fascistic attacks on migrants, refugees and asylum seekers. In the UK and every country they are being scapegoated to shift the blame for the social ills of the failing capitalist system and to divide the working class.



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