

UK Labour government seeks to overturn asylum for Palestinian family

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Prime Minister Sir Keir Starmer has pledged to close a “legal loophole” through which a Palestinian family in Gaza were granted the right join a family member and live in Britain.

The case is critical to the Labour government’s far-right immigration policy, which has seen record deportations and raids. It would see Labour tear up the European Convention on Human Rights (ECHR) to which it is a signatory, guaranteeing the right to a family life (under Article 8).

Withdrawal from the ECHR has long been a demand of Nigel Farage and his various political vehicles—today Reform UK—and the most right-wing sections of the Conservative Party.

The Palestinian family—two parents and four children aged 18, 17, eight and seven—had their home in Gaza destroyed by an Israel Defense Forces air strike. On January 25 last year, they applied for the right to join the father’s brother—a British citizen living in the UK since 2007—using the procedures established under the Ukraine Family Scheme.

That scheme, along with Homes for Ukraine, has allowed a pitifully small number of Ukrainians—just 218,000 of the 6.3 million refugees taken by European countries—to claim asylum in Britain, as part of the government’s “humanitarian” cover for the imperialist-backed war with Russia.

The family understood that they were not eligible to come to Britain under the terms of the Ukraine scheme but applied based on the Home Office’s “policy with regard to applications for entry clearance outside the Rules,” the most recent court decision explains.

Their attempt was callously rejected by the Home Office, which claimed there were no “compelling, compassionate circumstances” to justify a request outside the rules. At least 46,000 people have been killed in Gaza, and over 110,000 injured, more than half of them women,

children and the elderly. Most of the territory lies in ruins.

The family launched an appeal on human rights grounds, which they were eventually granted on July 25, 2024. At the hearing from December 19, 2024, to January 6 this year, Judge Hugo Norton-Taylor ruled against the government in the Upper Tribunal Immigration and Asylum Chamber, sharply criticising the anti-democratic arguments of the Conservative and now Labour government,

In the January 13 ruling Norton-Taylor observed that the family had been living in the al-Mawasi humanitarian zone in Gaza, before moving to the Nuseirat refugee camp, where “The family were living under a summer tent which had been punctured by what appeared to be heavy machine-gun ammunition fired by Israeli forces. Torrential rain had resulted in the tent being flooded.”

Evidence presented highlighted “the death of journalists and others killed in the Nuseirat camp in late December 2024 as result of Israeli airstrikes. The reports also corroborate the sponsor’s evidence on the worsening weather conditions. The general humanitarian situation is dire.”

The family also had reason to fear political persecution. Norton-Taylor’s ruling notes their “anti-Hamas profile... by virtue of number of individuals being members of Fatah and/or having worked for the Palestinian Authority (including the first appellant and sponsor) over the course of time. We accept that two uncles had been arrested by Hamas and that another was killed in November 2016.”

The Upper Tribunal rejected government arguments that the relative in Britain would not be able to financially support the six family members.

The British state also tried to argue that a ruling in favour of the family would open the “floodgates” to other applicants. In the court’s summary of the government’s argument, an “obligation to admit them risked the same outcome applying to those in other conflict zones around

the world.”

This is an attempt to wash the UK government’s hands of its international obligations under human rights law. As the Upper Tribunal ruled, “we do not regard a ‘floodgates’ argument as constituting a relevant consideration. Our task is to assess these cases on their own particular facts.”

In fact, the blockade on Gaza and the imperialist powers’ support for the Israeli government’s genocide means that almost no Palestinian citizens have escaped Gaza to Britain, or anywhere else. The ruling explains: “A [Labour UK government] Ministerial answer given on 2 December 2024 to a question on how many entry clearance applications from Gazan residents had been approved since the conflict began gave figures of 143 pre-determination requests and 5 biometric excusal requests.”

Tory and Labour governments have enforced such strict anti-migrant policies that “It is not unreasonable to assume that many individuals with extended family members in this country would not obtain a favourable finding on Article 8(1) and that would preclude admission at the first hurdle.”

That Starmer—a former lawyer dealing with human rights cases and Director of Public Prosecutions—responded to this ruling by repeatedly attacking “loopholes” in the law allowing people to claim asylum makes clear the far-right character of his government. Labour supports the Israeli genocide in Gaza to the point of acting against international law to keep its victims in the firing line.

Speaking at Prime Minister’s Question Time, Tory leader Kemi Badenoch denounced the Upper Tribunal decision as “completely wrong” and asked, “Are the government planning to appeal on any points of law, and, if so, which ones?”

Starmer responded, “Let me be clear: it should be Parliament that makes the rules on immigration; it should be the Government who make the policy... The home secretary is already looking at the legal loophole that we need to close in this particular case.”

A Home Office spokesperson later confirmed, “We are pursuing all legal avenues to address the legal loophole which has been exploited in this case”

Badenoch complained, “I thought the prime minister and I agreed that Israel had a right to defend herself, yet the judge in this case noted that the family were facing a humanitarian crisis ‘as a consequence of the Israeli Government’s indiscriminate attempts to eliminate Hamas’, and government lawyers accepted that.”

Starmer responded, “Government lawyers put the complete opposite argument... I will tell her again: we need to change the law,” before attacking the Tories for having “lost control of immigration,” which Labour was now taking in hand with its Border Security, Asylum, and Immigration Bill.

The Tories and Reform voted against this anti-democratic legislation at its second reading, demanding more draconian measures. The law will still pass due to Labour’s parliamentary majority. Starmer responded on Wednesday jeering, “They voted for open borders—both of them.”

Starmer’s arguments are deeply authoritarian, aimed at overriding international law by government fiat. He is the man for the job, having played a key role in the persecution of Julian Assange and protecting British secret service and police personnel while Director of Public Prosecutions.

He is in step with the ruling class internationally, dispensing with democratic norms in order to enforce an increasingly right-wing agenda.

In the US, multiple federal judges have challenged the Trump administration over a series of executive orders signed by the would-be Führer. As the WSWS reported, “The response of Trump administration officials has been to proclaim their intention to barrel ahead with their wrecking operation against social programs, potentially directly and openly defying court orders instructing them to stop.”

Trump has given the green light to Israel for the full ethnic cleansing of Gaza and moves against the West Bank.

Starmer’s government has lauded Trump for his efforts, with newly minted ambassador the US Peter Mandelson declaring his “respect” for the US president’s “dynamism and energy with which he approached not just the campaign but government as well.”



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