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Migration Opportunity Map Project (MOMP)



(28 page .pdf)

Migrants Rights News ~ No: 9

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Welcome to the August 2008 edition of Migrants Rights News

The Migrants Rights Network is working for a rights-based approach to migration, with migrants as full partners in developing the policies and procedures which affect life in the UK. Migrants Rights News aims to inform our members and other groups working on migration issues about regional and national policy developments, campaign news, recent research and upcoming events.

At the heart of Migrants Rights News are the campaigns and strategies being developed by migrants to consolidate their position in British society. We focus on activities that extend the scope of the human, economic and social rights which apply to migrants' circumstances.

We would be happy to circulate information and bulletins sent by members in the following month's newsletter, subject to editorial/space limitations! Please send any contributions to: info@migrantsrights.org.uk.

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(1) Draft (Partial) Immigration and Citizenship Bill Released for Consultation

The long-awaited [draft Immigration and Citizenship Bill](#) has been released by the Government for public consultation - although lawyers, charities and public officials were surprised to find that the draft is not yet complete. The draft Bill as it stands proposes the introduction of uncompromising new powers for officials to examine, detain and remove migrants from the UK, with significant human rights implications.

The draft partial Bill is the first step towards the simplification of legislation in this field through an Act which is intended to supersede all immigration laws since the Immigration Act 1971. It fits within the Home Office's 'managed migration' strategy, and as such its provisions are geared towards securing strong borders, enabling select migration and inscribing 'earned citizenship' into British law.

In brief, measures outlined in the draft Bill would 'simplify' key immigration concepts, most significantly combining 'leave to enter', 'leave to remain' and 'entry clearance' into the new category of '**permission**' to be in the UK; combining current concepts of 'revocation', 'curtailment', 'variation' and 'cancellation' of leave into a single '**cancellation of permission**' category; and replacing 'removal' and 'deportation' with the new category of '**expulsion**'. 'Temporary admission', 'temporary release' and current bail processes for undocumented migrants would all be replaced by '**immigration bail**'.

New measures outlined in the draft Bill include extended powers to examine and detain migrants, and 'immigration bail' introduced for those in or awaiting detention

in conjunction with the use of electronic tags. Tough measures against employers of undocumented migrants (introduced in February this year) and carriers (e.g. airlines and shipping companies) of undocumented migrants into the UK are also included in the draft Bill. It is notable that the draft Bill confers significant powers to the Secretary of State in relation to the Asylum and Immigration Tribunal, on issues such as the granting of immigration bail.

The 'path to citizenship' proposals, which introduce the new category of '**probationary citizenship**' - a minimum 1-year period during which migrants must 'earn' their right to British citizenship - are set to become law if measures contained within this draft Bill are approved. Probationary citizenship will effectively extend the current length of time to become a British citizen - a period which may be shortened by involvement in community 'activities' and lengthened by criminal activity. Measures in the draft Bill to reshape British citizenship have been virtually unaltered from the proposals in the Green Paper released earlier this year, despite the criticism they then received from a number of equality and human rights organisations, including MRN.

Initial consultation with the Immigration Law Practitioners Association (ILPA) and other civil rights and advocacy groups indicates that there is widespread concern about the potential impact of new measures as outlined in this partial Bill. Although changes which would improve the efficiency and clarity of the immigration system are welcomed, the implications of these sweeping changes may well be the curtailment of specific rights and freedoms granted by existing immigration laws. The missing sections of the draft partial Bill, due for release in the coming months, will outline the remaining crucial pieces of the new legislative jigsaw - plans for **Government powers of surveillance, powers to 'lock down identity'** (through biometric data-sharing) and **access to public services and benefits for migrants** in the UK. These details will be critical and controversial elements of the new era of immigration control in the UK, with substantial implications for the rights of migrants and civil liberties in the UK more broadly.

It is crucial that civil society and public

bodies scrutinise the new measures and criticise measures which will side-step human rights in favour of immigration control. The current Home Affairs Committee Inquiry into the Points-Based System has been extended to invite comment on the draft (partial) Bill. The deadline of the inquiry is 17th September 2008, and MRN will be making a full submission.

Anyone who would like to contribute to the MRN submission should contact Ruth Grove-White, MRN Policy Officer, as soon as possible either by e-mail: r.grove-white@migrantsrights.org.uk, or telephone on the MRN number (020 7288 1267).

(2) 'Outsourcing Abuse': the Impact of Immigration Enforcement in the UK

The violent impact of the Government's immigration enforcement regime has been exposed in a report by two charities and a solicitors firm, which details alleged assaults against immigration detainees by officials.

'Outsourcing Abuse' by Birnberg Peirce & Partners, Medical Justice and the National Coalition of Anti-Deportation Campaigns, presents 48 cases of alleged abuse against immigration detainees in the UK since January 2004. The majority of cases related to the time of attempted deportation, taking place on aeroplanes and in airports. Injuries sustained reportedly resulted from over-zealous restraint using handcuffs, to gagging, beatings, punching and sexual assault. 34% of all incidents involved women, and children were present or involved in over half of the cases.

Released in July 2008, the report is based on a dossier of almost 300 similar cases and its writers claim that these case-studies are the 'tip of the iceberg'. The law currently permits the Home Office and contracted detention custody staff limited powers to use 'reasonable force' during removals or deportations, if necessary. In the context of detention or an enforced removal, however, it may be extremely difficult for migrants to achieve redress for the use of excessive force or degrading treatment. Seven of the ten existing immigration detention centres are run by private companies contracted by the Home Office, and this report raises additional question-marks over the level of

public scrutiny into conduct within the centres.

The launch of Outsourcing Abuse comes as the Government has placed 'tough' enforcement measures more squarely at the centre of its immigration policy. Home Office Immigration statistics for 2006 (2007 figures are not yet available) indicate that around 25,000 asylum seekers were detained in 2006. Charities such as Save the Children estimate that around 2000 children are detained annually. A 60% increase in the UK's detention estate is planned during 2008/9, and Jacqui Smith, Home Secretary, promised in June that the Government would "expel more illegal immigrants than last year". With ever-steeper targets for detentions and removals, the likelihood of assaults and abuse against undocumented migrants and asylum seekers looks set to greatly increase.

Increased detention of asylum seekers and undocumented migrants is supported by other 'tough' measures which threaten to squeeze migrants' rights out of the system in pursuit of effective enforcement. At a meeting of the [No Recourse to Public Funds Network](#) in Birmingham on 1st July, over 100 local authority and charity representatives gathered to discuss the crisis of increasing levels of destitution among asylum seekers and undocumented migrants, experienced across the country. A report released during July '[More Destitution in Leeds](#)', details a threefold increase in destitution among asylum seekers and refused asylum seekers in Leeds since 2006. Public bodies, soon to be drawn into new 'Immigration Crime Partnerships' with the UK Border Agency, are increasingly caught between the needs of immigrants in need of basic assistance, and the demands of the Government's enforcement regime.

(3) CLG Migration Strategies July 2008 - A Critical Review

The Communities and Local Government (CLG) Department published two strategy papers in July, setting out its plans for the local management of migration impacts and its integration policies.

[Managing the Impacts of Migration: A Cross-Government Approach](#) places the

CLG's work firmly in the context of the strategies being rolled out by UKBA in its current phase of policy reforms. The early sections of the CLG paper reiterate arguments known to anyone familiar with Home Office policy statements over much of the last decade: that the UK benefits from migration; that its management should focus on selecting those who will increase this benefit; that the capacity to monitor the presence of migrants in different parts of the UK needs to be enhanced; and that the capacity to act against migrants who have failed 'to play by the rules' should be increased.

Local government will be playing a role in developing migration statistics, generally contributing to other government projects and also on assessing the feasibility of producing "*short-term migration estimates at local level*". Measures of this sort will help to identify local areas where local services are coming under pressure and which would benefit from special funding measures. An *Exceptional Circumstances Grant fund*, totalling £10 million, will be available during this year to assist schools experiencing rapid growth because of immigration. The *Ethnic Minority Achievement Grant fund*, for schools with children with high proportions of children with English as an additional language, will be increased in stages over the next three years. Local and regional government will contribute to the task of identifying migrants who should be admitted under selective migration arrangements. 'Talent attraction pilot projects' are currently being developed, such as the one being run by ONE NorthEast, the regional development agency covering North East England, which aims to attract migrants to Newcastle and Gateshead.

The work of the Home Office-inspired Immigration Crime Partnerships (ICPs) is discussed. ICPs now exist in over 80 per cent of police force regions in England in Wales and have played a role in directing over 6,000 actions against undocumented migrants in 2007. However, the consequences of this activity for tackling offences involving the exploitation of migrant workers is not considered in the CLG's paper. Instead, the paper looks at the work of the BERR agencies dealing with vulnerable workers and employment agencies, and of the Gangmaster Licensing

Agency, committing the CLG to cooperate with them to tackle the worst of this abuse. This failure to consider the dilemmas posed by actions of the ICP-type, directed mainly against vulnerable migrants, is a disappointing aspect of the CLG paper.

On other issues the paper shows some awareness of the conflicts between the demands for 'tough' immigration policy which frequently come from UKBA and Home Office ministers, and the priorities of local government and public service bodies to promote equality and integration. This is shown in the brief discussion about access to health services for migrants, and the commitment outlined in the Home Office enforcement strategy paper, [Enforcing the Rules](#) (March 2007), which called for access to GP and other primary care services to be withdrawn from some migrant categories. On this issue the CLG paper draws attention to concerns that, in many areas, there is concern and alarm about the under-use of primary care services by migrants and the potential hazards this entails for public health and the demand for accident and emergency services in hospitals. The CLG here seems to hint at the need for better balanced policies, dealing with a wider range of issues than simple enforcement.

The final chapter in this CLG report mainly deals with the issues discussed in the Commission on Integration and Cohesion's (CiC) 2007 report, [Our Shared Future](#). Reviewing the different initiatives which have been developed under special programmes by agencies such as the Improvement and Development Agency (IDeA) and the Institute for Community Cohesion (iCoCo), the paper points to a wealth of activities taking place at local and regional level which do appear to be making a contribution to the promotion of the integration and equality for migrants.

However, it is also the case that the CLG has not squared the usefulness and value of this work, which by and large is concerned with the initiative of local communities and groups working in concrete situations, with the imperative for management and control which is the hallmark of the Home Office and UKBA's approach. Just how will local initiative, which seems so vital to the success of integration policies, survive in the context of ICP-led enforcement action and

the ruthless ambition of the 'Pathway to Citizenship' to maintain comprehensive surveillance and enforcement powers over the entire population of migrants in the UK? It is not surprising that this CLG paper isn't able to answer this at the present time; the worrying thing is that there is nothing in its 48 pages to suggest it has occurred to CLG to ask this question in the first place.

The CLG's second paper, [Review of Migrant Integration Policy in the UK](#) (including a feasibility study of the proposal for an Integration Agency) covers much of the same ground. Its focus for discussion is on 'gaps' in current policy identified in the CiC's 2007 'Our Shared Future' report, including the lack of practical information available to migrants about how to live in the UK; lack of opportunities to meet and integrate with existing communities; issues of fairness in access to housing and other services; and the consolidation and taking forward of good practice.

The paper considers the merits of three options to plug these gaps. The first is for CLG to continue to develop its policy coordination role across other government departments. The second, similar to the above, but with a programme of work for CLG which is more specifically focused on capacity-building local government to tackle the issues identified by the CiC. The third option is the establishment of a new Integration Agency, sponsored by CLG, to take on this work. The paper states that the CLG's recommended approach would be the second option, with the CLG Local Government Migration Directorate taking forward its lead on coordinating work across government around the impacts of migration on local communities.

The details of plans for this work seem sparse at the present time. Groups working with migrants across the UK, however, might well want to consider the advantages of an authoritative voice within government on migrant integration. Such a voice could act as a counterweight to the tough enforcement approach emanating from the Home Office, which currently leads most government discussion. The CLG's perspective, such as it is, suggests the need for strong advocacy over integration policies from migrants' rights groups, to raise awareness of the importance of equality and mutual

adaptation to life in modern communities. If these themes are allowed to play a full role in the work of the CLG, then this might indeed be the beginning of positive developments.

(4) Law Lords Condemn Home Office Marriage Approval Scheme

Home Office requirements, that people subject to immigration control who reside in the UK must obtain a 'certificate of approval' from the Home Secretary if they wish to marry or enter into a civil partnership, have been ruled in conflict with fundamental human rights law in a decision of the Lords of Appeal handed down on 30th July.

In the case of [R \(On The Application of Baiai and Others\) v the Secretary of State](#) the Lords considered the effect of the Asylum and Immigration (Treatment of Claimants) Act 2004 on human rights derived from article 12 of the European Convention on Human Rights, dealing with the right to marry and start a family. The Act required persons subject to immigration control residing in the UK who had not been issued with a visa permitting them to marry, to apply to the Secretary of State for a 'certificate of approval (COA)' and to pay a fee, initially of £135 but rising in April 2007 to £295. For a COA to be granted the applicant had to hold leave to enter or remain in the UK valid for at least three further months at the time of application.

The justification for this provision, according the Home Office, had been the need to deter marriages which had been entered into for the purpose of circumventing national immigration law - so-called 'marriages of convenience'. In their judgement, the Lords took the view that the 'vice of the scheme' was that the conditions for the grant or refusal of a COA did not relate to the genuineness or otherwise of the intention to marry, but was a "*blanket prohibition on the exercise of the right to marry by all in the specified categories, irrespective of whether their proposed marriages are marriages of convenience or whether they are not*".

However the Lords declined to strike down the scheme altogether, which would have been done through the issue of a declaration of incompatibility with fundamental human

rights. Instead they ruled that the relevant section of the 2004 Act (section 19(3) (b)) should be read as meaning that the 'qualified applicant' should not be refused permission to marry providing that the applicant was not seeking to enter into a marriage of convenience, and that any other conditions should not unreasonably inhibit the applicant's right to marry under article 12 of the European Convention.

Whilst this will remove some key barriers to marriage, obstacle to the full exercise of this human right will continue to exist. The requirement to pay large fees - a substantial impediment to the right to marry or enter into a civil partnership for many - will remain in place. People considered having 'insufficient leave' to remain in the UK at the time of their application, either because they have less than three months, or they have overstayed leave previously granted, will continue to be in a vulnerable position under the scheme.

For this group, the rulings of the High Court and the Court of Appeal on these cases in 2006 and 2007 had brought about some beneficial changes to the operation of the scheme. The [Home Office had issued guidance](#) in response to the legal challenges, explaining procedures to be followed where applicants had insufficient leave to allow them to be considered fully qualified. These required applicants to respond to UKBA requests for more detailed information on such points as when, where and how the partners to the proposed marriage or civil partnership had first met; where they intended to live; details of any plans for a religious ceremony; and generally of their life together. Queries of this nature are clearly intended to get to the issue of whether the marriage is one of convenience or not, implying that if this is established then permission to marry will be granted. However, the guidance also states that while such inquiries are being pursued UKBA will also give consideration to enforcement action against applicants without leave, at the same time as considering the issue of permission to marry.

Whilst some improvement to the operation of the scheme is likely to arise for people holding leave at the time of their application, the human right to marry for people without leave remains problematic. The grounds for further legal action on this issue are likely to

switch to the situation of the right to marry for asylum seekers refused refugee status, but who are unable to return to their own countries for humanitarian issues. Their treatment under the scheme will need to be closely monitored in the future to establish whether UKBA procedures continue to violate human rights.

(5) MRN events - July 2008

- **PICUM Sponsored Walk, 5th July 2008**

The MRN sponsored walk along the Thames to raise money for the Platform for International Cooperation on Undocumented Migrants (PICUM) went ahead successfully, with blue skies and in good spirits. Around 25 people of all ages joined us from Cutty Sark in Greenwich to the Millennium Wheel and a pleasant stop-off for lunch at a city farm in Rotherhithe. We were very pleased to have raised around £1000 for PICUM, and hope to hold another sponsored event in summer 2009 to support the rights of migrants. Many thanks to all who joined us for the walk or sponsored us!

(6) Reports and Research

- **Immigration and Social Cohesion in the UK** - Joseph Rowntree Foundation, July 2008

The impact of immigration on local communities, framed by a wider debate about the nature of modern 'Britishness' in our diverse society, has been at the forefront of recent media and policy debates in the UK. The ***Immigration and Social Cohesion in the UK*** research, commissioned by the Joseph Rowntree Foundation and conducted by Mary Hickman, Helen Crowley and Nick Mai at London Metropolitan University, is a welcome contribution to this debate through its examination of the reality of everyday life and social interactions for settled and migrant communities. The research findings suggest that the majority of the British public have far

more realistic understandings of the negotiations involved in working towards 'community cohesion' than current policy debates focused on a set 'British identity' imply. Successful social cohesion emerges as a result of mutual compromises, acceptance of difference and local cultural exchanges between settled and migrant residents. However, in order to move towards this, the genuine issues faced by some deprived 'host' communities - including poverty, access to jobs and housing - must also be addressed.

- [Earned Amnesty: Bringing Illegal Workers out of the Shadows](#) - CentreForum, July 2008
The Home Office has stated, in the July 2008 introduction to the draft (partial) Immigration and Citizenship Bill, that "we rule out an amnesty" for the 500,000 undocumented migrants who currently live in the UK. However, compelling social and economic arguments for the regularisation of undocumented migrants, such as those presented in the recent CentreForum report 'Earned Amnesty', keep this issue firmly on the table. CentreForum here proposes that a time-limited regularisation programme, during which migrants contribute a total fee of £5000 over 5 years and demonstrate their commitment to the UK, would be a more socially responsible, pragmatic and cost-effective policy towards undocumented migrants in the UK.
- [Outsourcing Abuse](#) - Birnberg Peirce & Partners, Medical Justice and the National Coalition of Anti-Deportation Campaigns, July 2008
Complaints of maltreatment by immigration detainees are rarely brought to public attention, despite media and campaigner attempts to do so. 'Outsourcing Abuse' presents 48 case studies where excessive use of force on the part of immigration officials has been alleged, stating that this is the 'tip of the iceberg'. For more details on this report, visit Section 2 of this newsletter 'Outsourcing Abuse: the Impact of Immigration Enforcement in the UK'.

- [More Destitution in Leeds](#) - Joseph Rowntree Charitable Trust, July 2008
This repeat survey by Dave Brown has found that numbers of refugees, asylum seekers and refused asylum seekers in Leeds experiencing destitution have almost tripled in the past 18 months, despite the introduction of the New Asylum Model in April 2007. Almost one third of those in the survey reported being destitute for a year or more.
- [Report on the Situation of the Roma Community in Govanhill, Glasgow](#) - University of the West of Scotland, July 2008
Roma migrants in the UK have particular and acute needs which must be addressed, according to this in-depth research which examines a majority Slovak Roma community in a Glasgow district. It argues that, due to the severe social exclusion experienced by the vast majority of Roma across Central and Eastern Europe, the limited access of A8 and A2 migrants to social benefits and services in the UK disproportionately impacts on Roma communities. The report urges public recognition of the specific needs and rights of Roma migrants in the UK, whilst highlighting the need for Roma inclusion in broader migrant rights initiatives.

(7) Upcoming Events and Initiatives

- **MRN Events at the TUC and Political Conferences - September 2008**
Contact MRN at info@migrantsrights.org.uk for more details MRN will be arguing for the rights of migrants at major conferences during September, beginning with a fringe event at the Trade Union Congress (TUC).

MRN's work with the Barrow Cadbury Trust to promote discussion on progressive approaches to immigration policy will be taken forward through fringe meetings at the Liberal Democrat, Labour and Conservative conferences later in September. On the evening of **Tuesday 9th September** we will be in Brighton organising a

meeting for delegates at the TUC conference entitled 'Papers Please: Immigration checks and workplace raids: what role for the unions?' Jointly sponsored by Unite, the GMB and UNISON, the meeting will be presented with the initial findings of MRN research into the impact of immigration checks and raids since the introduction of the civil penalty fine system at the end of February 2008. Speakers from all three unions will discuss the way the new procedures are affecting workplace organisation and what the trade union movement should be doing to assist migrants in the task of workplace organisation. At the present time the speaker list includes Kameljeet Jandu of the GMB, Liane Venner from UNISON and Jack Dromey of Unite.

- On **Saturday 13th September** we will be co-hosting a lunchtime meeting with the Barrow Cadbury Trust and Centre Forum at the Liberal Democrat Conference in Bournemouth. Entitled 'Fair World, Fair Britain: the role of a progressive immigration policy', key speakers will include Chris Huhne MP, Sukhvinder Kaur-Stubbs, Chief Executive of The Barrow Cadbury Trust, Don Flynn, Director of the Migrants' Rights Network, and Alasdair Murray (Chair) of Centre Forum.
- On **Monday 22nd September** we are in Manchester for the Labour conference. Hosted by Compass and called 'Denied Access?: Making the case for progressive immigration policies', speakers will include Home Office minister Liam Byrne, Guardian journalist Polly Toynbee, and MRN and Barrow Cadbury Trust representatives. Our work at the party conferences will finish with a breakfast meeting at the Conservative conference setting out discussions with the party's home affairs team. Details will be available on our website in due course.
- **Diana, Princess of Wales Memorial Fund's grants round, The Refugee and Asylum Seekers Initiative.**
Application deadline Friday 12th September 2008. For more information please see the Refugee

and Asylum Seekers Initiative section of The Diana, Princess of Wales Memorial Fund's website.

This grants round aims to provide support to community organisations providing direct services and advocating on behalf of children and young people seeking asylum in the areas of detention; destitution; enabling access to services such as: healthcare, legal provision, housing, and education; and providing support to unaccompanied children. The Refugee and Asylum Seekers Initiative is aware that work at the local level and related advocacy are crucial for raising awareness and influencing policy makers to take action. The Refugee and Asylum Seekers Initiative intends to enable key community groups funded through this round to be better equipped to contribute to this important advocacy role.

- **What is a Good Asylum system? Find out by booking onto the Leeds Asylum Seekers' Support Network national workshop in Leeds, 18th October 2008, 10am - 5pm.** Visit <http://www.leedsmet.ac.uk/goodasylum> for details.

The conference is organised by Leeds Asylum Seekers' Support Network and both the Universities in Leeds. This one-day workshop will explore the asylum system in the UK from political, practical and academic view-points to see how the existing UK system could become fair and just. **Philippe Legrain** will be speaking on "Freedom of movement: a moral imperative and a win-win for Britain". He is a critically acclaimed journalist and writer, his latest book is *Immigrants: Your Country Needs Them* (Little, Brown, 2007). **Zrinka Bralo** will be talking from her perspective as one of the Independent Asylum Commissioners. She is a journalist exiled from Sarajevo who now heads up the Migrant and Refugee Communities Forum in London.

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