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ASYLUM SEEKERS IN SCOTLAND: CHALLENGING RACISM AT THE HEART OF GOVERNMENT

Elinor Kelly[*]

> Home Office Minister Michael 0'Brien: 'Many asylum seekers come from communities where wealth may be stored in jewellery and it is right for us to take account of that wealth'
>
> Diane Abbott MP: 'Is the minister suggesting that asylum seekers should sell their jewellery, perhaps their wedding rings, as an alternative to the government meeting its moral and international responsibilities to provide a reasonable level of support?'
>
> Home Office Minister Michael 0'Brien: 'I certainly am suggesting that'.
>
> Tory backbencher: 'You'll be wanting the gold fillings out of their teeth next'
>
> (Quoted by D.D. Guttenplan, **The Guardian**, 22 July 2000)

INTRODUCTION

The above exchange took place between a UK government Home Office minister and members of Westminster Parliament in the year 2000. For those familiar with the history of immigration and asylum, it is chillingly evocative of the hue and cry that has been raised repeatedly in Britain for the past hundred years. In the late nineteenth century, thousands of Jews fled the pogroms of Tsarist Russia, most crossing the Atlantic to the United States of

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[*] *Elinor Kelly is an Honorary Research Fellow, Race and Ethnic Issues, University of Glasgow. She thanks Aamer Anwar, Rowena Arshad, Shpendi Hoxha (and other Kosovar friends), James Mackenzie, Claude Moraes and Kate Thomson-McDermott for their assistance in her research for this article.*

America, but some stopping in Britain. Such was the protest raised against 'the aliens in our midst' that the government responded by passing the 1905 Aliens Act - the grandparent of all future UK immigration legislation. In 1915, UK politicians denounced what is generally acknowledged as being the first modern mass genocide - the murderous onslaught launched against the Armenians in their homeland by the Ottoman authorities. But when the new map of Europe was drawn up by the victorious powers after the First World War, Armenia was partitioned between Soviet Russia and Turkey (Robert Fisk, 2000).

So, the twentieth century opened with betrayal of people fleeing the homelands where their lives were endangered and this betrayal was an indicator of what lay ahead. The First World War not only led to the defeat and break-up of the three great empires of the Ottomans, the Habsburgs and the Romanovs, but also caused the displacement of millions of people, their numbers further swelled by refugees fleeing the new power blocs and the Spanish Civil War in the 1930s. The scale and range of migration was beyond the reach of any single government and, for the first time, an international system for meeting the basic needs and long-term settlement of refugees was devised - initially through the League of Nations.

The mid-point of the twentieth century was marked by the darkest days for Europe - the nadir of the Second World War in which the scale of killing precipitated by Nazi Germany and Stalinist Russia exceeded anything known in previous history. Millions of people died, but many more fled, travelling hundreds of miles across devastated countries in search of safety. It is estimated that more than 6 million people were on the move when the United Nations established the High Commissioner for Refugees and passed the Geneva Convention on the Status of Refugees, providing the protection of international law for any person who 'has a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion'.

How then is it possible that in the closing years of the century, when twice as many refugees have been newly displaced from their homelands - 3.3 million in Africa, 4.7 million in Asia, and 2.7 million in Europe - the response in Britain is so reminiscent of the days before the League of Nations and the United Nations? The governments of the day (of either political hue) denounce genocide wherever it occurs, but refuse to offer asylum to most refugees. Indeed, it could be argued that the asylum regime of today is more draconian than one hundred years ago because Britain is closely tied to other states within the European Union. Together, they have fortified themselves against the outside world, implementing a battery of measures to seal themselves against all forms of free migration and reduce claims for asylum to the minimum. In the process, they have pathologised refugees, allowed new, terrifying, forms of international crime to flourish, and pushed the greatest weight back onto the poorest regions of the world.

As the refugees turn towards Britain, and the other democracies of the European Union, they find all legal means of migration have been closed. They must turn to smugglers and traffickers to insert them through loopholes in the asylum systems. The queues of people seeking asylum are getting longer, racketeers are making fortunes through the extortionate sums they charge for smuggling people, and unknown numbers are dying, anonymously, en route. Only occasionally are the bodies of victims found; for the most part, they just disappear (Harding, 2000 and Morrison, 2000).

In the past two years, Scotland has been drawn into the fray because greater numbers of asylum-seekers have been making their way north through programmes directed from Westminster. Their arrival has precipitated many forms of action and debate - not least about the ways in which Scotland can sustain its social democratic consensus and traditions while tied down by inflammatory rhetoric by ministers and draconian measures imposed by legislative means. This article reviews the history of migration and asylum into which the new polity of the Scottish Parliament has been drawn and discusses the reasons why a national culture of dissent must be developed in order to prevent lasting damage being done to the fabric of Scottish society.

THE HISTORY OF MIGRATION

> The appalling fate of the 58 illegal immigrants whose bodies were discovered at Dover will not … deter others from attempting to enter Britain. The drive for betterment through emigration is one of the most basic human impulses, one often compounded by political oppression at home. Historically, it sent Scots and Irish across the world, and at the moment Australia guards her coast against persistent and foolhardy illegal immigrants in small boats from China, while Cubans still try to cross the water to the United States. The people who thrive on these human aspirations are the members of organised criminal gangs who charge large fees to transport people across borders and then hold them in conditions of near slavery until the fees are paid. … Instead of attempting the impossible task of hermetically sealing Britain, the Government should consider ways of admitting more economically active people from

> abroad.
> (**The Herald**, 20 June 2000).

For centuries, Scots migrated overseas - freely in the case of explorers and adventurers, forced in the case of convicts transported to penal colonies. Countless numbers of Scots fled the Clearances and were transported to the Dominions and the Caribbean as economic migrants. Robert Burns himself was so impoverished that he was on the verge of migrating to the West Indies, when his first volume of poetry was published and his financial situation improved. Within the modern era, Scots left their mark across Africa, where they were prominent in the trading, military and missionary adventures of the heyday of Empire, in the Caribbean where thousands of people and places carry Scottish names, in Asia where they served in quite disproportionate numbers in the military and civil service of the British Raj, and, of course, in North America and Australasia. In the past two centuries alone, Tom Devine estimates over 2 million people emigrated from Scotland. Moreover, the Scottish exodus continued longer than for other parts of Britain (1999, p.468).

The geography of Scotland and its seaboard lends itself as much to immigration as to emigration. The nation that became Scotland evolved from a mix of ethnic groups - Gaels, Picts, Scandinavians, Britons and Angles, and, from the nineteenth century onwards, Scotland's diversity was enhanced by immigration from Ireland, at its peak in the years of famine. In the 20th century, the migrations continued - Scots leaving to the Dominions and USA, Italians arriving to open catering businesses, Lithuanians to work in the mines, Poles as refugees from Hitler's Nazis.

World migration, in which Scotland played such a significant part as both sending and receiving country, greatly increased in scale when fast and cheap sea travel became possible by steamship. Not only could many more people travel overseas, but communications were more rapid. Destinations as far as north America and Australasia need not become permanent exile if the travellers can keep in touch by letter, send remittances to their families, and plan to return to the homeland. Devine points out that of those Scots who emigrated about one-third returned, some, admittedly, having failed in their great adventure, but many with the prosperity they had sought.

Indeed, the Scots became renowned as successful emigrants. Quite apart from the few outstanding individuals who made fortunes, there were thousands of skilled craftsmen, artisans and traders who made their way overseas in search of new opportunities. Loyal to the homeland, their ethnic identity has remained robustly distinctive, with a network of Presbyterian churches, St Andrew's Societies and Burns Clubs that not only maintain close ties between the émigrés and their descendants, but also caught the imagination and admiration of many other people who now travel to Scotland, whether as immigrants or tourists. Bagpipes are played and tartan is worn with pride not only by people of Scots descent, but also by troops in the Indian subcontinent and by the new Scots who have settled since migrating from the former Empire (Maan, 1992).

So, deep within the national culture, Scots should be familiar with the complexities, risks and rewards of migration. Moreover, as the speed of world communications has accelerated through fast, cheap air travel, and telephone and internet lines, the range of world information and opportunities for holiday, study, business and employment travel has grown exponentially. Emigration and immigration have continued, diversifying into different specialisms (such as the extended working tours - young Scots travelling in Australia and New Zealand; Australians and New Zealanders in hotels and bars in Scotland) but also into a wider, and less familiar, world (for instance, Scots comprise one of the major expatriate communities in the Gulf States).

As daughters and sons of the great imperial power of Britain, Scots have the advantage of being secure in their travel rights and status. The countries to which they migrated in greatest numbers have a 'special relationship' with the homeland. Australia, Canada, Rhodesia, New Zealand, South Africa were privileged from the start as Dominions within the Old Commonwealth and their passport status has been secured while the doors of Britain started to close against world migration. Other countries of the former British Empire were less fortunate.

The post-war era opened with the Nationality Act of 1948. This legislation gave subjects of the British Monarch in the Dominions and the former colonies (the new Commonwealth) the right to carry a UK passport and to enter Britain. Along with the other European economies, the UK was seeking to rebuild and regenerate after the ravages of war, and suffered a severe shortage of labour. The right to enter the UK was invaluable for countries, such as Jamaica, where a heavy dependence on cash remittances had developed as a result of the long history of migrant labour in central America (where Jamaican labourers worked in large numbers on the Panama Canal) and north America. When the USA introduced restrictive legislation, the Jamaicans were able to switch their attention to the UK, symbolised by the arrival of the Empire Windrush in 1948. The right to enter was invaluable also for the people of the south and south-east regions of the Asian subcontinent who had established strong traditions of migration and were drawn to the UK in increasing numbers when labour shortages spread into the mills of Lancashire and Yorkshire. In Scotland, the archetype of the pioneering migrant was the travelling peddlar who sold his wares in the farthest reaches of Scotland (Maan, 1992).

The 1948 inclusive concept of Britishness would not survive the test of time. In the imperial homeland it competed with overt racism. For many years there was a colour bar excluding thousands of New Commonwealth troops from most of the jobs for which they applied after the Second World War. Thus it was that a whole generation of recruits to the the UK police and other key services was lost and the new immigrants found themselves restricted to designated work, in heavy industry, in transport, ancillary staff in hospitals, and unpopular shifts in factories. Within 14 years, the grandiose and hollow gesture was exposed as a sham. In 1962 the first of the Commonwealth Immigration Acts was passed - migrants could enter only if they held employment vouchers for designated posts. This Act was rapidly followed by one measure after another - legislative and procedural, intended to close down on the flow of migration from the new Commonwealth and to prevent families settling in the UK.

In the late 60's, a widespread campaign of persecution against Asian residents was launched in east Africa. An evacuation programme for UK passport holders was launched, and many East African Asians (as they came to be known) were admitted to the UK. But, their plight precipitated xenophobic upsurge among politicians, led by Enoch Powell. In 1968, legislation was rushed through Parliament in order to restrict entry to the UK to 'patrials'. Whereas in the past nationality had been determined by place of birth, from now on the 'patrial' clause applied - nationality was to be determined by parentage. This neat device reinforced the privileging of the Dominions where Scottish and other white British emigrants had settled, and sealed the fate of UK subjects in the New Commonwealth. Their passport and immigration status became uncertain, and subject to interpretation by immigration officers. The 'patrial' clause was further refined in the 1971 Immigration Act and the 1981 Nationality Act - the piece of legislation that completed the process of closure on the past, bringing the UK into line with the most retrogressive of European legislation.

Having closed the door on migration, a new problem developed. How could the UK prevent the entry of people fleeing persecution in New Commonwealth countries? As it became clear that the civil war in Sri Lanka was plumbing depths of horror that displaced refugees from both sides, the

UK government imposed a requirement for visas, swiftly following with a similar requirement for five other New Commonwealth countries - Bangladesh, Ghana, India, Nigeria and Pakistan. In 1987, Viraj Mendis, a Singhalese supporter of the Tamil cause took refuge in a Manchester church in order to draw attention to the cause of refugees, and 58 Tamils, due to be deported, made such an effective demonstration at Heathrow airport that their cases were reviewed and they were allowed to remain. Others were not.

Meanwhile, a device first developed in the USA was adopted. The 1987 Carrier's Liability Act required shipping and airline companies to check the immigration status of all passengers, and to pay large fines (initially £1000 per person, later £2000) for every passenger refused entry by immigration officers. The Act was a clear signal that the UK was working closely with other member states of the European Community generating a centripetal pull towards the criminalisation of both migration and asylum. The 'harmonising' of their policies was agreed behind the closed doors of inter-governmental forums (such as the Trevi group dealing with crime and police matters) from which representatives of organisations dealing with refugees, migrants and minorities were excluded.

Murder at sea became a fearsome prospect when the crews of ships were ordered to ensure that they had no stowaways on board when they docked in European ports. In 1992, a gruesome case was brought to trial in France. Kingsley Ofusu survived as a stowaway; his brother and seven other West African stowaways did not. They were killed by Ukrainian sailors fearful of being caught by the French authorities who would levy a large fine. The shipping company had threatened to fire the sailors from their posts, and they would be plunged back into the poverty of their homeland. The sailors were found guilty of murder and sentenced to long terms of imprisonment by a French court early in December. The French government was not charged with being an accessory to the murders. It was only by chance that Kingsley Ofusu survived until the ship docked in France, and it could equally well have been in Britain.

Murder in road vehicles became a likelihood when Jack Straw extended the reach of Carriers' Liability Act. In June 2000, a container from Rotterdam, containing sixty people, four women and 56 men, was stopped by Customs and Excise officers in the port of Dover. Only two men were alive; the rest had suffocated during the Channel crossing. The women and men were all in their twenties, and had travelled from Fujian province in south China, an area with a long tradition of emigration to the USA and Western Europe. In recent years, the only means by which they can reach their destinations has been by their families pooling their resources to raise the extortionate fees demanded by trafficking gangs who arrange false papers and transport.

REFUGEES FROM PERSECUTION: GENOCIDE AND DIASPORA

> There are shades of barbarism in twentieth-century Europe which would once have amazed the most barbarous of barbarians. At a time when the instruments of constructive change had outstripped anything previously known, Europeans acquiesced in a string of conflicts which destroyed more human beings than all past convulsions put together. The two World Wars of 1914-18 and 1939-45, in particular, were destructive beyond measure; and they spread right across the globe.
> (Davies 1997, p.896).

Closely intertwined with the history of migration is the history of refuge from persecution. There have been many times when Scots were the refugees who fled their homeland. In the sixteenth century, over 30,000 Scots fled to what is now known as Nowy Scozia in Gdansk, Poland. They were welcomed and absorbed and now cannot be distinguished from the local population, even changing their names into vernacular forms, such as Pyotr Rysen (Peter Robinson). Bonnie Prince Charlie and his followers were sheltered in France and Italy for most of his life. Ironically, Catholic France may have welcomed the Stuarts in exile from Scotland, but it also persecuted the Huguenots to the point where they were forced to flee their homeland.

On the one hand there is a version of refuge that is based on the principle of 'political expediency' - sanctuary is allowed when strategic interests are served by admitting refugees. On the other hand, the principle of refuge is proclaimed as belonging to the modern era, born in the late eighteenth century European Enlightenment, incorporated into the constitutions of the American and French Revolutions, and elaborated one hundred and fifty years later in the 1948 Charter of the United Nations and the 1951 Geneva Convention. Contention between the two principles is sharp, and in recent years, Scotland has found itself drawn into something of a vortex, as the UK and other member states of the European Union struggle to extricate themselves from their obligations in international law and to return to full-blown expediency.

Barbarism breeds death, destruction and disease, but it also generates 'diaspora' - the uprooting and scattering of a people from their homeland - a word once associated exclusively with the scattered colonies of Jews settled outside ancient Palestine after the Babylonian exile, but, in the twentieth century, given wider meaning as one people after another was subjected to such systematic murderous assault that they perished and fled in large numbers. When the three great empires - Habsburg, Ottoman and Romanov - collapsed during the First World War, new giants (the German Republic and the Soviet Union) emerged from their ashes and embarked on conquest of their weaker neighbours in eastern Europe, in a duel that culminated in the Second World War.

Throughout the 1920s and 1930s the League of Nations worked to meet the basic needs of the vast numbers of people displaced by the collapse of the three former empires and by the Spanish Civil War. However, with the end of the Second World War, there was an exponential increase in the numbers of refugees. They were soon joined by yet more peoples fleeing political turmoil between the Western and Soviet blocs of Europe. Clearly some new mechanism was essential as no single government could cope with the sheer enormity of the humanitarian crisis. In December 1950 the United Nations established the office of the UN High Commissioner for Refugees (UNHCR) and the 1951 Geneva Convention came into force. The western states responded positively because they were hungry for labour and hoped, and believed, that the number of refugees would decline over time (Joly, 1997).

Initially, the concern was refugees on the mainland of Europe. But, almost immediately, the collapse of colonial empires (often in the most bitter of circumstances) and the formation of new states led to further conflicts and wave upon wave of refugees elsewhere. Tragically, the massive displacement of refugees precipitated by the 1948 process of partition in the former British India (Kelly, 1998) was to be a precursor, an archetype - a hideous model replicated increasingly in Africa, the Middle East, Asia and Latin America. The overwhelming majority of refugees are too poor to move far, and flee to neighbouring countries, where they survive with aid and support from UNHCR and aid agencies. The UK and other European governments contributed to the aid programmes, and accepted quotas of refugees fleeing specific crises, such as precipitated by the Pinochet regime against their political opponents in Chile, and by Vietnam against their Chinese minority.

As late as 1972, only 13,000 people applied for asylum in western Europe. Indeed, so long as outlets for migration remained open, there was little need to apply for asylum. If the intending migrants could afford to travel, they could escape - refugees 'in disguise'. 'Liberal immigration policies at the time allowed entry without needing to claim refugee status, a route which was easier and did not pose as much risk to family members left behind' (Joly, 1997, p.5). When the UK closed its doors to immigration in 1968, it was targeting the East African Asians who were refugees in all but name.

Across the European Community, states joined the UK in closing the hatch on migration. Immediately, applications for asylum rose. In 1979, there were five times as many applications for asylum as a decade earlier - 77,000. The numbers continued to grow throughout the 80's and into the 1990's when they peaked at 700,000 (in 1992), the greatest number being accepted by Germany, but with rates of application to other countries varying according to where trouble has flared. In 1992, for instance, the greatest number of applications originated from the war in former Yugoslavia. Nonetheless, Europe's share of refugees remains low in a world perspective. In 1994, according to the High Commission for Refugees, the three countries with the most refugees were Afghanistan, Rwanda and Liberia and there were more refugees in Africa than in any other continent (quoted in the **Independent**, 16 November 1995).

There can be no denying the fact that there is a world crisis in human rights and, as a consequence, for refugees. Each year the UNHCR publish reports, itemising the refugee situation in each country and region of the world. In their latest reports, they refer to the origins of the major groups of asylum-seekers to the UK and the European Union as a whole. There is a close match between the two - the Federal Republic of Yugoslavia, Iraq, Afghanistan, Turkey, Iran, China, the Russian Federation, Sri Lanka and Somalia along with India and Pakistan head the tables for both the European Union and the United Kingdom. In all these countries, abuse of human rights and persecution of individuals and ethnic minorities is endemic (see the extracts from the country reports of Amnesty International). Barbarism prevails and the member states of the European Union are deeply implicated as world powers, former colonial masters, and military adventurers.

So, how have UK governments responded to the world human rights and refugee crisis? As the numbers of applicants to the UK grew, the methods used to close the door to immigration were adopted, inserted into the niches that were not protected by international law. Inflammatory insult was directed at 'bogus asylum-seekers' and 'benefits cheats' in preparation for legislation - the 1993 and 1996 Acts - and new procedures. The approach was both punitive and shambolic. Many basic rights of asylum-seekers - to appeal, representation by members of Parliament, representation by local authority housing, welfare benefits - were removed. Asylum-seekers had to be rescued from destitution by refugee organisations and religious communities. At the same time, no investment was made in the resources required to bring the Immigration service up to date with information systems and additional staff. In the late nineties, 100 million passengers a year were moving through UK ports, but the essential computer system was not in place. As the demands for interpreters and translators became more specialised and diverse, the failure to invest in a high quality, professional public interpreting service became more of a liability. And, as for the asylum support system, it was, in the words of the future Home Secretary, Jack Straw, 'a shambles' (preface to white paper, 1998). The queue of asylum-seekers grew longer and longer. The number of people hanging around the streets increased. The situation descended to the point where it became an international embarrassment.

So what are New Labour's proposals? Introducing his Act, Straw anticipated 'an integrated approach to immigration and asylum which will be fairer for all, including the taxpayer, firmer when dealing with abuse, and faster in reaching decisions. This government is determined to clamp down on the abuse of our hospitality'. Particular targets were to end all form of cash benefits 'which are a powerful magnet for economic migrants', disperse asylum-seekers in order to relieve the present burden on London and the South East of England, create a single fast-track right of appeal, do away with 'unscrupulous advisers' by creating a statutory register, charge the drivers of road vehicles £2000 for each illegal immigrant they bring into the country, place a duty on marriage registrars to report any suspicion that a marriage is being entered into for the purpose of evading immigration control, and introduce a new system of bail hearings for persons detained in custody.

All his proposals hinged on the claim that he will succeed in bringing the queue of asylum seekers down to manageable proportions, and thus ensure that most cases are heard within six months. But suppose he fails in these two objectives? What will the Home Office provide for people who, through no fault of their own, have to live under this punitive regime for nine months, a year, two years, five years? On these points, the Act is silent. In April 2000 his new regime began, and Scotland was drawn into the vortex.

CHALLENGING RACISM - RETHINKING MIGRATION AND ASYLUM

> The UN has charged the Tories with whipping up racial intolerance. But the Home Secretary and the Home Office team must accept responsibility for creating the environment where this is acceptable. The mood music is

> playing a hostile tune for black Britons. But it is the Home Office, and indeed the ministers, who are playing their part in the orchestra. By heralding measure after measure to stop people entering Britain, the Home Office has given life to the racists.
> (Bill Morris, **The Independent**, 14 April 2000)

Time and again, the Labour party in opposition has sought to distance itself from the most retrograde of measures introduced by the Conservative governments, but failed to deliver when they attain power. For many months after Straw introduced his Immigration and Asylum Act, rebellion simmered among Members of parliament, trade unionists and Labour party members. In April 2000, Bill Morris, General Secretary of the Transport and General Workers Union broke rank and launched a trenchant attack on the policies and rhetoric of Home Office ministers, accusing them of responsibility for a string of measures that discriminated against black Britons. He picked out policies on asylum, proposals to curtail trial by jury, and the introduction of immigration bonds for visitors from India and Pakistan. Having waited so long for a Labour government, black Britons are impatient for change. Swiftly, leading members of other trade unions, churches, arts, culture, law and media communities stepped forward to back him. They hold Labour ministers to account for failure to move swiftly enough to challenge racism. In particular, they want an end to the harsh policies on immigration and asylum that have so consistently undermined the rights and security of minority ethnic communities.

What was new in this attack was that it was launched with maximum publicity by such a senior figure in the labour movement and was backed by so many other notable personalities who could not be ignored by Labour ministers. Jack Straw was impelled to defend himself. He stated that he was 'surprised and somewhat perplexed by some of the comments made. … I am proud of what this Labour Government has done to tackle discrimination and promote race equality' (**The Independent**, 15 April). He pointed out that the Macpherson inquiry into the death of Stephen Lawrence had been established within weeks of the General Election and he had undertaken to ensure that its recommendations were fully implemented. How then could such charges be levelled against him?

Such was the impact of the charge led by Morris that, within days, the government was forced to make some, minor, concessions - the proposal to require visitors to pay a £10,000 bond was withdrawn and Margaret Beckett, leader of the Commons, made conciliatory gestures about the language used by government ministers. A warning shot had been sent across the bows of ministers - they should not continue playing electoral politics with migration and asylum issues. Serious damage had been done in Labour party heartlands.

What does this encounter between Morris and Straw reveal? For many hardened observers of the decline in UK standards relating to immigration and asylum, the Morris episode was long overdue. For forty years anti-racist and black and minority ethnic organisations had been challenging the racism within UK immigration policies, but failed to dislodge the central political equation - that harsh immigration policies are essential to appease racists, while integration can be developed by other means. That, in essence, was how Straw sought to defend his policies. How could he be accused of racism if he was implementing the Stephen Lawrence Inquiry recommendations? By arguing this way, he revealed his loyalty to a stance first adopted in the 1960's when immigration policies were separated out from issues of race relations.

The 1962 Act was intended to appease racist agitation against 'coloured' immigrants from the New Commonwealth. The Labour Party opposed it at the time, but was so divided within its own ranks that it failed to sustain a stance of opposition to racism in immigration policies, and moved to an ambivalent position in which it tried to juggle electoral populism against distaste for racial discrimination. Fears of the electorate were inflamed when a senior Labour politician (Patrick Gordon-Walker) was defeated twice, first in Smethwick in the 1964 general election by a Conservative candidate who ran an overtly racist campaign, and again in a by-election in Leyton. Labour party policy on immigration has been haunted by electoral fears ever since.

The 'electoral necessity' to sustain racist immigration laws was to be balanced by commitment to integration - 'equal treatment, in an atmosphere of mutual tolerance and cultural diversity' (first outlined by Roy Jenkins when he was, briefly, Labour Home Secretary from 1966). His statement became a mantra to the Labour party. It 'launched upon the policy it has consistently pursued since then - the combination of an exclusionist immigration policy and a hesitant programme for integration within the community' (Dummett and Dummett, 1982, p.106).

The Labour party's loss of electoral nerve and abandonment of principle has been disastrous. It caused them to introduce the 1968 Commonwealth Immigration Act; to introduce restrictive amendments to immigration rules; and to draft the White Paper proposals which were then adopted by the Conservatives in the 1981 Nationality Act, When, in the early 90's, the

Conservative government pulled asylum policies into the electoral game, the Labour party seemed to recover some political principle because Roy Hattersley, shadow Home Secretary, denounced them as 'a squalid appeal to racism' in the run up to the General Election. However, these statements did not lead to new policies. When Labour returned to power in 1997, they were still locked into their fearful, and duplicitous, past.

The Morris episode could be a sign of hope. Prominent black Britons are challenging the bizarre equation that harsh immigration policies can be conducive to good race relations. Inspired by the long-running campaign of the parents of Stephen Lawrence, Morris stated: 'In accepting the damning criticisms of the Metropolitan Police and paying tribute to the dignity and determination of Stephen's parents, Doreen and Neville Lawrence, the Home Secretary gave many people hope that the murder of Stephen Lawrence would be a watershed for race relations in Britain'. But, he states, these hopes were dashed by the counterblast of Home Office policies with negative and sometimes discriminatory effect on Britain's black community. These policies amount to 'institutional racism', as identified in the Stephen Lawrence Inquiry report:

> the collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture or ethnic origin. It can be seen, or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic people.

The Home Office, and the Immigration Service in particular, have always protected themselves from scrutiny. In spite of widespread protest against their policies and procedures there has only been one investigation into their functioning - reported by the Commission for Racial Equality in 1985. Their report was soon consigned to the archives and there has been no repetition. Morris' challenge has failed to bite, as yet.

SCOTLAND 2000: MEETING THE CHALLENGE?

Until very recently, Scotland was not fully in the fray. There had been a continuous trickle of arrivals, usually arriving as individuals or in a family groups. By 1995 the Scottish Refugee Council estimated that there were 8000 refugees in all in Scotland. In 1997 their clients included 43 from Sudan, 37 from Iraq, 19 from Algeria, 17 from Pakistan, 13 from Turkey and 11 from

Kosovo. In 1998, the Refugee Council worked with 250 persons claiming asylum, and had 1000 ongoing clients in their caseload. At this stage there were no ethnic enclaves among the asylum-seekers; the countries and regions of origin fluctuated from year to year in line with the UK and European trends.

Scotland also accepted refugees from evacuation programmes under government quotas and planned reception schemes - Chileans fleeing Pinochet's regime, and Chinese fleeing persecution in Vietnam. By 1988, Strathclyde Regional Council worked with the Scottish Ethnic Minorities Research Unit to develop a sustainable, multi-agency strategy. It created a Refugee Forum, with representatives from local authorities and the voluntary sector, opened an office for the Scottish Refugee Council in Glasgow and developed an approach 'flexible enough to cater for existing refugees, while encouraging a state of preparedness for any future arrivals' (McFarland, 1994, p.3).

Within a very short time the new arrangements were put to the test, when a convoy of Bosnians was brought to Glasgow by the voluntary organisation, Islamic Relief, after the government reluctantly agreed to admit up to 1000 Bosnian Muslims. In 1992, Lothian Region established a similar Refugee Forum, followed in 1996 by Aberdeen. Alan Tweedie, the former chair of the Lothian Refugee Forum, described the process as follows:

> We started meeting as a forum because we all felt that there were issues coming up which could not be handled without closer collaboration or joint action. The Bosnia situation became an important impetus in this. Many of us felt that the Government did not always make things easy, and that joint approaches to Government would mean more. By getting together we developed a corporate strategy and the concept of the multi-agency approach.
> (Scottish Refugee Council 1996)

Refugees require immediate practical assistance with housing, food and income and longer-term support in relation to language, health, education, training and employment. Where the public authorities worked together in multi-agency co-operation, with reasonable resources, and protected by Scottish legislation which allowed them to be humane, many problems were solved as and when they arose. The Bosnian programme avoided the weakness of previous settlement programmes that were short-term, temporary and under-funded; it also benefited from the close co-operation between the charitable bodies responsible for bringing them to the UK and caring for them in the first instance, and the public authorities that could provide enduring facilities.

Other initiatives were developed. Many refugees have college, university or postgraduate qualifications; many are professionals such as doctors, vets, engineers and teachers and have a great interest in furthering their education. In the Aberdeen area, 100 asylum seekers and refugees were identified living in Aberdeen, Montrose, Elgin and Banchory - from Algeria, Bosnia, Russia, Ethiopia, Sri Lanka, Kurdistan, Iraq and Malawi. Over several years, Adult Basic Education classes in Moray included adults who came to groups for survival level English, including students from the European Union, but also Bosnians, Chinese, Thais, Tibetans, Mexicans, and Hondurans.

Most refugees hope to return to their homelands, but their ability to return and to contribute to the recovery of their people is greatly affected by the quality of their life in exile. The long wait for Home Office decision impacts on their mental health and ability to settle. Racial discrimination and other barriers to employment affect them deeply - 65% of refugees in Lothian were unemployed in 1994. Refugee Forums developed facilities and support which enabled some refugees to earn a living and to end the passive dependency of life on handouts. As one refugee surgeon who benefited from the Refugee Doctor project said: 'I came looking for survival and peace. I never thought of the possibility of pursuing my career again. I thought to practise surgery again can only happen in my dreams'.

Nonetheless, there are serious flaws in Scottish systems. In Glasgow, some Bosnian refugees were given unsuitable accommodation and became ill with worry and stress because they were isolated among unfriendly neighbours. In Aberdeen, African and Middle Eastern refugees spoke of constant racial harassment from neighbours; their children were too frightened to play outside as other children bullied and physically abused them. There have certainly been other examples of harassment and xenophobia, some of which may be serious racial incidents, in both town and country. While working towards sustainable multi-agency refugee forums, the Scottish authorities were moving too slowly on tackling racism.[1]

The most serious incident of all occurred when Axmed Abuukar Sheekh was murdered. Axmed was a young Somali refugee who moved to Edinburgh because he thought it would be safer than England. In the early hours of 16th

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[1] *The information in this paragraph has been summarised from a report of the Scottish Refugee Council and from interviews across Scotland.*

January 1989, he and his cousin, Abdirizak, were assaulted by a crowd of white youths outside a pub in the Cowgate, central Edinburgh. Axmed was repeatedly punched, and then stabbed, dying later in hospital; Abdirizak managed to flee. Three men were indicted; two were tried and found guilty of lesser charges. The police were reluctant to record the murder as 'racist', and refused for three months to do so. In the court, evidence about racist behaviour in the pub and the views of the accused, football casuals with known connections to the National Front, a white supremacist organisation, was put aside. In addition, the interpreting provided for Axmed's cousin and other witnesses was inadequate (Kelly, 2000a and 2000b).

The outcome of the court case was greeted with disbelief and precipitated a crisis in community relations. Axmed's friends in the Scottish Refugee Council, where he had worked, along with Lothian Racial Equality Council, formed an ad hoc Commemorative Group. Then a group of black people formed the Lothian Black Forum, an independent Black Campaigning body which launched a campaign protesting against the 'conspiracy of silence' surrounding the murder. In June 1989, over 2000 people demonstrated against racist violence and public meetings were held. Urgent enquiries were made about the possibility of a retrial or appeal. It was clear that the Axmed Sheekh case was becoming a cause celebre and both the police and the court administration were being called to account. In the end, having reviewed the case, the police acknowledged that it was a racial incident and Axmed's death is now recorded as the only 'racial' murder in Edinburgh of that time. But the court case was not reviewed and there was no public inquiry into the circumstances surrounding his death.

Until the detention in prison of two Algerian boys (aged 14 and 15) in May this year, few people in Scotland were aware that every year 60-100 asylum seekers are being detained in Scottish prisons (Gateside and Saughton). On average they are held for 110 days; the longest serving detainee was released after serving 540 days! Indeed, 'Scotland stands out for her confinement of [asylum seekers] for lengthy periods alongside those charged with and convicted of criminal offences' (McFarland and Walsh, 1997, p.36). In 1995, the Chief Inspector of Prisons heavily criticised the fact that men detained without criminal charges were being subjected to a criminal subculture in which violence and drug abuse were common, and from whom they could expect racial taunts and intimidation (HM Inspectorate of Prisons for Scotland, 1995). In May 1997, fighting broke out in Greenock Prison between immigration detainees and convicted criminals.

Early in 1999 it became clear that Scotland was moving out of the wings, when 12 Kosovars arrived in Glasgow in the back of a lorry that had travelled across the mainland of Europe. They were fleeing the hideous ravages of their homeland by the Milosovic regime, and had been travelling for over a week. They were surprised to find themselves in Glasgow, a city of which they knew nothing because they had hoped to come to 'England'. One of the men was fortunate to survive because he was immediately rushed into hospital with appendicitis. All twelve were fed, housed and given a cash allowance while their cases were processed. They had no prior knowledge of the fact that they had arrived in the one part of the United Kingdom where they would be treated humanely - Scottish legislation authorising cash payments to asylum seekers had not yet been overtaken by the 1999 Bill that was making its way through the Westminster Parliament. Within a week of their arrival, they made applications for asylum, helped by interpreters and legal advisers supplied by the Refugee Council.

Then in May, the first group of 320 Kosovar Albanians was flown into Scotland and given refuge in Glasgow, North Berwick and Renfrew, with more following soon afterwards. As the first arrivals settled into their accommodation and made contact with their families, they coincided with an extraordinary display of generosity for the Kosovar cause. Individual donations poured into appeal funds; sponsored activities were organised in every island and mainland community. Banks, post offices, shops, offices, and pubs had their collection boxes. At street corners, and in community meetings, people were swapping anecdotes about fund-raising ideas. Convoy loads of clothes, toys, toiletries and other essentials were prepared for distribution in the border camps.

It was a truly remarkable time and Scotland's massive response to their human tragedy boosted the morale of the Kosovar arrivals who speak often of the welcome they received. For once there was unity of purpose between government and people - loathing for the brutal Milosovic regime and their crimes against humanity, support for the UK government deployment of armed forces, missiles and bombs in support of NATO action against Serbian targets, voluntary action in all communities and of every faith (Kelly, 1999b). Because this programme was actively promoted by central government, it was funded generously enough to allow for rapid development of interpreting facilities and English language support, education facilities, legal representation, mental health services, and refugee community support in the dispersal areas. If the approach adopted for the Kosovar programme had been sustained and enlarged for the later arrivals, then there could have been real advance.

However, it was soon clear that the vocal support of government and the facilities provided for this programme were temporary privileges that would not be given to any other group. The Kosovars were deeply shocked to realise that the system that had supported them was being terminated. They themselves were coming under pressure from the Home Office to return to their homeland, with the ultimate threat of enforced removal. But in addition, they witnessed the treatment of other asylum-seekers. They watched television and understood the impact of the abusive political debates and negative press commentary on both the newcomers and the communities into which they were being dispersed. They knew it was unjust for asylum-seekers to be abandoned to their fates - with so little cash that they could not travel to hospital appointments or study centres, and forced to shop with vouchers.

Behind the scenes, the tentacles of the Home Office were spreading deeper and deeper into the fabric of Scotland. Jack Straw's Asylum and Immigration Act amended six separate pieces of Scottish legislation across service delivery headings such as social work, in order to prevent Scottish authorities giving cash benefits. This intrusion, coinciding as it did with the start of the new Parliament, angered members of the Scottish parliament who rallied to the call of Shona Robison, MSP, for a member's debate, formed a cross-party parliamentary group, required the First Minister to review the functioning of the legislation and called on the Equal Opportunities Committee to attempt to amend legislation in Scotland, to reinstate some of the services refugees had in Scotland before the Act came into effect (see Robison's account in Foundation for Democratic Advance, 2000, pp.23-24)..

Contracts for dispersal were made with Scottish councils (most notably Glasgow City Council) and private landlords (such as the Young Men's Christian Association) by London boroughs and the new National Asylum Support Service. New structures were established at breakneck speed - a Scottish branch of NASS, Glasgow City's Asylum Project, a Scottish Consortium - with all the predictable complications about how these new agencies would work with long-established specialist agencies such as the Scottish Refugee Council, Immigration Advisory Service, Ethnic Minority Law Centre and, of course the statutory bodies - education, health, police, social work.

Tragically, it was soon clear that Scotland's tentative, ad hoc and erratic infrastructures for the challenging of racism and integration of minorities were too fragile to withstand the new strains. The lack of a national public interpreting service meant that the available supply of interpreters was exhausted, especially when asylum-seekers arrived speaking a more diverse range of languages than had been expected (Patton and Settle, 2000). At the everyday level the communication difficulties were difficult enough in the crucial first stage of reception, but when it came to the intricate and even intimate discussions that were involved when asylum-seekers sought medical and legal advice, the lack of interpreters drastically undermined their ability to settle in their new surroundings. Agencies have had to resort to expensive telephone commercial interpreting services as a temporary expedient.

Quite predictably, volatile forms of reaction are gathering pace. Sullen resentment has developed in communities where previously the Kosovars were welcome and feelings run high whenever residents hear more inflammatory rhetoric from politicians, read tabloid headlines, and pick up leaflets distributed by the British National Party. The asylum-seekers themselves have little reason to gain confidence in the authorities. They stay locked in defensive mode, especially when they are harassed or attacked on the streets. It is only the brave few who dare to voice their complaints about the humiliating ways in which they are being treated. In the wider society, anger about the imposition of the Straw regime is deepening and a gulf is developing between government and coalitions of refugee and minority group organisations, legal, church, and human groups. There is also open talk of how to develop direct action to block enforced removals, publicise individual cases and campaign for changes in the law. In a recent conference in Edinburgh, the mood of the moment was captured by Bill Scott, speaking on behalf of Refugees are Welcome Here:

> At the end of the day, I respect the law, but bad laws are there to be broken … If laws are introduced which are meant to demean and stigmatise human beings, then those laws should not be treated with any respect. … We have to have a better system in Scotland.
> (Foundation for Democratic Advance, 2000, p.26).

By May 2000, just one year after the Kosovars flew into Prestwick, the Scottish context was altered almost beyond recognition. In effect, there can be no reception programme - the resources allocated to the Kosovar programme have been withdrawn; coaches carrying asylum-seekers are arriving under conditions bordering on chaos; case workers in all agencies are exhausted by the complex new demands; the lines between the multiplying personnel in different agencies are getting jammed; NASS opened a Scotland office, but the Immigration Service is still centred on Croydon to which all asylum-seekers must travel for their interviews; there are insufficient interpreters and legal advisers to cope with demand. There can be no settlement programme - asylum-seekers are not allowed cash, they are allocated no-choice housing, the social provision and specialist care that sustained their predecessors has been reduced to a shoestring, essential language and education facilities are inaccessible. There is no community development in their neighbourhoods; instead, as the Audit Commission and the Institute of Race Relations have warned, the UK government 'have under-resourced the dispersal system and handled it arrogantly and in a top-down manner, with barely any attempts at consultation with local communities in reception areas' (Fekete, 2000, p.2). Is it any wonder if there is backlash against asylum-seekers by people living in poor areas where health and social services are already stretched beyond their limits, when it is the government itself that is leading the hue and cry about 'bogus' asylum-seekers and 'illegal' claimants?

In other words, Scotland had been dragged into Fortress Europe - the unspoken, disorganised inter-governmental consensus that has blocked all forms of legitimate migration by refugees, endangered the lives of thousands of refugees, subverted the terms of the Geneva Convention, and undermined race relations. For Scotland, there is considerable danger that the disorderly dispersal programme will harden polarities in opinion and behaviour, precisely the conditions in which racism and xenophobia thrive.

When the people of Scotland voted for the Labour government and the return of their Parliament, did they envisage the threat to civic society that would be posed by Jack Straw and his ministers? The task is now to devise robust infrastructures of challenge to all forms of racism in order to integrate minorities - migrants and refugees. In other words, Scotland must develop a culture of dissent that is sufficiently strong to withstand the continuing onslaught from the Home Office.

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