

History of refugee integration in the uk



Is it accurate to say that the UK has a proud history of providing sanctuary for genuine refugees?

In 1951, the United Nations passed the Convention Relating to the Status of Refugees (known as the Refugee Convention). The aim of this was to protect persons, in the wake of the Second World War, being returned to states and nations where they would suffer persecution. It was the first codification of a practice which is in fact centuries old; that of developed countries offering protection and sanctuary to individuals who suffer such persecution. Since its inception and ratification, the Refugee Convention has been viewed variously as a positive advance, and increasingly in recent years, as a hindrance to the United Kingdom's policies of migration control. Although no country has ever withdrawn from the Convention, this option has been suggested in Britain as a possible solution to the perceived problems relating to immigration which the UK faces.

How is it, then, that a country that prides itself on its history of providing sanctuary and protection to refugees, can be contemplating such a withdrawal from the codification of immigrant policy? The truth is that the belief of the United Kingdom's relationship with immigrants is somewhat less appealing than the 'proud history' of public perception suggests. Nor is this proud history the only myth relating to the UK's relationship with immigration. It is similarly untrue to state that the UK is an immigration honey pot. The UK is certainly an attractive place for genuine refugees from persecution to approach. Official figures and patterns, however, suggest that the reality is somewhat different and that the scare-mongering and rabble-rousing employed by anti-immigrationists is somewhat misplaced.

What, then, is a refugee? It is interesting that while persons and populations fleeing their homelands to escape persecution and suffering is as old as any civilisation, the term 'refugee' is itself a relatively modern and highly specific term. One tends to think of 'refugees' as any in-migrant to, in this case, the British Isles, whether they be fleeing political or economic persecution, or indeed, in some cases, whether they are simply seeking a better life in a new country. The modern, accepted definition of a refugee is to be found in Article 1 of the Refugee Convention, which describes a refugee as any person who has been considered a refugee under various other agreements, but more specifically, to a person who

as a result of events occurring before 1 January 1951 and owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable, or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events is unable or, owing to such fears, is unwilling to return to it. ^[1]

There follows various provisions for a person so described ceasing to be classed as a refugee, for example where that person has re-availed himself of the protection of the country of his nationality.

Having defined broadly what the statutory definition of a refugee is, the next question which ought to be considered is why such a person would wish to come to the UK? As shall be discussed, the UK has not always had such a

proud history of offering sanctuary to refugees. This does not, however, detract from the fact that in the post-Second World War years, but even in eras prior to that, the UK has been seen as a very welcoming and attractive prospect for refugees. Compared to certain Western countries, both within Europe and also in the wider economically developed 'West' (Australia providing the most stark example), Britain's policies (and policies should be distinguished from actual practice and results here) have been relatively relaxed. The exact nature of these policies will be examined. Aside from these, the attractions of the United Kingdom to refugees are that the Isles offer political and religious freedom and liberty. The fact that the Church of England is part of the Establishment, this is less and less important in an increasingly secularised state, and anyway unimportant because of the primacy accorded to religious tolerance. Within the UK, refugees will suffer no systematic and State-sponsored persecution as they might elsewhere. As will become apparent, however, this certainly does not mean that refugees granted sanctuary within the UK are guaranteed freedom from such persecution at the hands of the grass-roots population.

There is, then, an important distinction to be remembered when considering the history of Britain as a provider of sanctuary to refugees. This distinction is between the official State attitude to immigration and sanctuary, most recognisably apparent, of course, in legislation, and the attitudes of the population, all-too-often categorised by prejudices and narrow-mindedness, and manifested in attacks and effectively persecution of such refugees.

The first significant period of modern British history in which refugees became significant is that covering the years, roughly, from 1880 until the

inception of the Refugee Convention in 1951. During this period, which witnessed the two largest sudden occurrences of mass-population movement occasioned by the two World Wars, Britain found herself facing a new problem, sensitive and difficult both in humanitarian terms, and also political feasibility. The first major piece of British legislation which considered the issue of refugees was the Aliens Act 1905. Prior to this, there had been a series of Acts which sought to impose some sort of system of regulation of arriving aliens. Mostly, these required masters of in-bound ships to make reports of foreign aliens that they were carrying, and obliged all in-coming aliens to report to the Secretary of State upon arrival. The 1905 Act, however, introduced the first system of comprehensive registration and immigration control. The Act placed control of such matters firmly with the Home Secretary. The most striking aspect of this new legislation was that it offered, for the first time, the Home Secretary the power to deport aliens whom he believed to be either criminals or paupers. The first category is understandable and, but 21st century standards even acceptable; the second is not.

The second major piece of legislation followed in 1914, with the Aliens Registration Act. This had more tangible effects on the accuracy of information relating to immigrants, as it made it compulsory for all immigrants over the age of 16 to register with the police. The immigrants were required to give detailed information to the police of their names, addresses, occupations and race. If any such particulars changed, immigrants were required to register such changes. There was also a registration fee. Although the legislation looks to be relatively favourable to

immigrants, the reality was somewhat different. This was largely due to the fact that the Aliens Act was weakly enforced. As Winder states, it soon became obvious that the scheme was 'clumsy and unworkable'.^[2] This, then, was the legislation that was in place when the Great War broke out.

The effect of the war on immigration was to bring about a massive influx of refugees from Russia and Belgium who sought sanctuary from persecution. A disproportionate number of these immigrants, particularly from Russia, were Jews. The influx led to an anti-alien backlash amongst the British population, however, although this was not indiscriminate. The unfortunate Germans did, of course, bear the brunt of this, but these were rarely 'refugees' as we understand the term today. The fortunes of the Russian Jews, for example, was different, on occasion, from that of the Belgians. Jews had been banished from Moscow in 1890, and their migration was therefore enforced. They provided an example of a genuine refugee, and sought to enter Britain as an alternative to their former place of residence. It is estimated that between 1881 and 1914, the number of Jews arriving was 150,000.^[3]

Although Britain had set up the Board of Guardians for the Relief of the Jewish Poor, the backlash was encouraged by the ever-increasing number of Jewish arrivals. This is perhaps an early example of the disparity between what can be seen as state charity and willingness to accommodate, and the uglier grass-roots antipathy to the effects of such policy. 'In Britain, the newly arrived Jews were the chief victims of the anti-immigration lobby.'^[4]

Anti-Jewish feeling is what characterised the first half of the twentieth century, and this did not simply improve as the spectre of Nazi-ascendancy

loomed. If anything, it became more institutionalised. In a report from the police of 1939 relating to the immigration of Jewish refugees, Jennifer Williams wrote that 'it may be remarked in passing however that the tone of their [the police's] report is predominantly anti-Jewish.'^[5] Indeed the UK as a whole was slow to respond to the persecution of the Jews in its immigration policy, providing perhaps the worst example of how the UK has failed in its treatment of genuine refugees. The most striking example of this occurred in response to the Anschluss; Hitler's annexation of Austria in March 1938. Britain was not alone, but her response was far from commendable. Along with other countries of first refuge, Britain's Jewish refugee organisation was quick to exclude future entrants and asserted its right to select who it would support.^[6] In an example of state as opposed to grass-roots policy toward refugees, the British government 'moved rapidly to re-introduce a visa requirement to stem the influx of refugee Jews.'^[7] Any discussion of Britain's 'proud history' of providing sanctuary to genuine refugees must acknowledge that in the European Jews' most desperate time of need, the UK, both at government and at grass-roots level, took active measures to prevent immigration of the needy.

The second significant period in a discussion of the relationship of Britain with refugees is that from the inception of the Refugee Convention in 1951 through till the late 1960; a period that witnessed an increasing dissipation of the British Empire. It was this phenomenon, rather than the enforcement of the Refugee Convention, that led to this period being seen as 'good' period for refugees in Britain. Two significant Acts of Parliament in this period were the Commonwealth Immigrants Act of 1962 and 1968. These

characterised not only the attitudes of the state towards refugees, but also what could be, and has been, seen as an attempt to use the influx of immigrants to Britain in the post-war years as an advertisement for Britain's generous policies towards refugees.

It is here that another important distinction must be remembered; that between immigrants and 'refugees' as defined in the 1951 Convention. During the period from the end of the War till the Act, the overwhelming majority of immigrants to the UK were not classed as refugees. They came, rather, from Commonwealth and former Empire countries. As such, they enjoyed relatively easy access to Britain and the influx of, for example, West Africans, has been well documented. In little more than a decade, it has been estimated that more than 300, 000 immigrants arrived. ^[8] This was accompanied by an increase amongst the population of violence towards such communities (the immigrants, of course, tending to congregate together in geographical locations). The immigrants themselves were not wholly without blame, and reports abounded of violence and crime orchestrated by the immigrants themselves. It was the response of the domestic British population, however, that was most problematic. The Government's response was a new work-permit scheme which, as Winder points out, had been carefully devised so as to 'exclude coloured workers without discriminating against them too explicitly.' ^[9] The Commonwealth Immigrants Act 1962 was an example of the Government bowing to public pressure to take action, and as Rab Butler commented, it was a 'sad necessity'.

It was in this period after the Refugee Convention that the distinction became significant between refugee as defined in the Convention and simple asylum seekers. The former were required to demonstrate that they had a 'well-founded fear' of persecution at home. Political asylum applied, technically, to those who were evading arrest in another country on account of their political beliefs and where they could not expect a fair trial in that country. Subsequently, the distinction would become blurred and problematic, but in this period it was still a significant distinction, largely because of the provisions of the Refugee Convention and the Commonwealth Immigrants Acts. The 1962 Act required all Commonwealth citizens seeking employment in the United Kingdom to qualify for an employment voucher. Those without a British passport were also required to hold a work permit, which were not that easy to come by. The 1968 Act further tightened measures relating to immigrants. Under this Act, potential immigrants had to prove that either they, their parents or grandparents had been born in the UK. The effect of this is obvious; for many, indeed most, this is an impossible requirement, and the Acts reflect the growing antipathy towards large scale immigration while at the same time, advertising Britain as a country that looked after and welcomed refugees and other immigrants.

The final definable period is that from around the late 1960s until the present day, a period which has seen the number of refugees entering or seeking to enter Britain increase dramatically. The period has been characterised, again, by lenient and welcoming policies on the one hand, contrasted with stricter and prohibitive visa requirements and stricter interpretation of the Refugee Convention. The first occurrence in this trend

was the legislation of 1971. The Immigration Act of that year rationalised the prior legislation relating to immigrants by dispensing with the existing distinction between Commonwealth and non-Commonwealth entrants.

One of the growing problems in this period related to race relations between the British indigenous population and the immigrant communities. The Race Relations Act 1965 had made racial discrimination illegal, but this did not stem the growing hostility between British people and their new neighbours. Much of this hostility was based upon scare-mongering by various elements within the British landscape both at grass-roots level and indeed in high politics. Refugees were to suffer as much as everyone else under such hostilities. It was estimated officially in the House of Commons in 1967 that the non-white population of Britain would reach 3.5 million as soon as 1985. This turned out not to be the case, as the first census to show a non-white population in 1991 recorded the number to be less than 3 million. ^[10] Such 'estimates' and figures were used by many both in government and the press to lobby for tighter controls and a stricter policy.

There was, in this period, an increasing, and false, supposition that the number of immigrants (including refugees) would start to burden the welfare state unduly. This, of course, provided one of the biggest draws to all potential migrants to the UK; particularly, perhaps, to refugees. As Clarke points out, the post-war generation of immigrants would make demands on child welfare services and schools, they would make little demand on old aged pensions and geriatric care. Furthermore, the misconception about the

overall scale and effect of immigration was based upon the fact that immigrant populations tended to be so concentrated in particular areas. ^[11]

It was, then, against this backdrop of increasing public scepticism and hostility, that successive British governments in the 1970s and 1980s had to balance the increasing toll of despotic regimes causing higher numbers of refugees, and the capacity of the state to accommodate them.

Unfortunately, the balance seems to have tilted away from the refugees as the British interpretation of the Convention has tightened. It is worth noting that the Refugee Convention has never been incorporated into British law, and the British Government is therefore under no obligation to observe it. It was not until the Immigration Appeals Act 1993 that the government was even obliged to consider it. Under this Act, nothing in British immigration rules and practice should contravene the Convention. The process of application for asylum is protracted and uncertain. There are now strict requirements and high levels of evidence to establish that one is a genuine refugee. An example of this is the need to prove that one is the member of a particular social group. How does one prove this? Another example of the British governments' hardening attitudes towards immigrants is that those travelling to Britain through a third country are obliged to seek asylum there. This is, perhaps, a fair request, but it hardly reflects the policy of a country happy and willing to accommodate genuine refugees.

The period since the 1880s has, then, seen a fluctuating level of concern for refugees seeking sanctuary within the UK. It cannot be said that Britain has a wholly proud history of accommodating genuine refugees, although her policies have tended to be slightly more lenient than her European and other

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Western neighbours' (those seeking citizenship of the US must take a Constitutional exam to demonstrate their commitment to the country). It would be unfair to characterise successive British governments as being unaccommodating to genuine refugees, and there have been measures put in place genuinely aimed at helping such immigrants. Much of the suffering that immigrants have undergone has occurred once they have been granted sanctuary, at the hands of the indigenous population (both at grass-roots level and in the political arena), who have often been afraid of the potential draining effect of the nation's resources of such incoming populations, and who often forget the significant economic input such immigrants actually make. On balance, it would seem that it is inaccurate to say that Britain has a 'proud history' of granting asylum to genuine refugees.

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Footnotes

[1] Article 1(2) of the Convention Relating to the Status of Refugees, 28 July 1951

[2] Winder, R., *Bloody Foreigners, the story of immigration to Britain* (London, 2004), p202

[3] Winder, p178

[4] Winder, p195

[5] J. Willians, Memorandum, 3 August 1939, quoted in London, L., *Whitehall and the Jews* (Cambridge, 1999), p278

[6] London, p58

[7] Ibid

[8] Winder, p283

[9] Ibid

[10] Clarke, P., *Hope and Glory* (Penguin, 1996), p326

[11] Ibid