



Open Research Online

Citation

Canning, Victoria (2017). The Multiple Forms of Violence in the Asylum System. In: Cooper, Vickie and Whyte, David eds. The Violence of Austerity. London: Pluto Press, pp. 67–74.

URL

<https://oro.open.ac.uk/50655/>

License

(CC-BY-NC-ND 4.0)Creative Commons: Attribution-Noncommercial-No Derivative Works 4.0

Policy

This document has been downloaded from Open Research Online, The Open University's repository of research publications. This version is being made available in accordance with Open Research Online policies available from [Open Research Online \(ORO\) Policies](#)

Versions

If this document is identified as the Author Accepted Manuscript it is the version after peer review but before type setting, copy editing or publisher branding

Introduction

People seeking asylum under international refugee laws have often experienced disproportionately violent histories. The nature of asylum places abuses such as torture, sexual violence, and familial death or killing central to claims for refugee status and, as such, signatories to the Refugee Convention are obligated to provide safety. Rather than consistently providing safety and security for those who might require it most, however, British governments have worked to deter people from seeking asylum and deflect from these international obligations. Moreover, as this chapter will argue, measures implemented since the onslaught of so-called austerity measures have both facilitated and inflicted violence, structurally and directly.

Asylum and the austerity bandwagon

Having worked and researched with women seeking asylum for the past decade, it can be difficult to pinpoint what violence actually means in people's everyday lives. The lives of women and LTBTQ¹ people in particular often relate to trajectories of violence: in a home country, during migration, at camps, and as I focus on here, whilst awaiting asylum. This particular period – between when an application for asylum is made and a decision has been reached to grant refugee status – is often long, drawn out and full of uncertainty. It is also, however, a time when violence can be simultaneously *facilitated* by state decisions and *deliberately inflicted* by the state. To begin to unpack this argument in the context of austerity, it is best to start at its foundations: the infliction of economic violence.

People seeking asylum do not have the right to work, and are instead forced into a period of state dependence. This financial dependence affects people's autonomy over their life choices, ability to develop a career, or even friendship networks. Importantly, people are forced to live in destitution: asylum applicants now receive *half* the welfare income of citizens receiving Jobseeker Allowance, which is itself on the poverty line. Currently, people seeking asylum receive £36.95 per week in cash (£5.28 per day), but those who are awaiting asylum appeals (some for incorrect or inadequate case decision-making, as we will see) receive £35.39 per week on a prepayment *Azure*² card.

Considering that people seeking asylum received around £5 per day in 2008, at the beginning of the so-called 'economic crisis', and that inflation has increased on average 2.6% each year³ since, the end result of the infliction of such poverty is clearly foreseeable. Evidencing the harmful effects of this meagre entitlement, in 2014 Refugee Action found that:

'Half of asylum-seekers surveyed couldn't buy enough food to feed themselves or their families. [Our] research also found that 43per cent of asylum-seekers miss a meal because they can't afford to eat while a shocking 88per cent don't have enough money to buy clothes.'⁴

There are two forms of violence visible here. The first is structural: policies allow for poverty, and poverty allows for social exclusion. An 'us and them' mentality has been forged by representations of the 'immigrant other' as benefit scrounger, whilst non-immigrant groups also suffer poverty under the governments' erosion of welfare under the guise of austerity. Austerity is thus further used as a tool to divide not only the 'haves and have nots' in welfare terms, but in the case of citizens and non-citizens, the 'should haves and should have nots'. This, alongside an increasingly xenophobic climate, encourages exclusionary nationalist sentiment and justifies more borders. As will be discussed further on, increased borders means decreased rights to safe passage, which in turn leads to border-related deaths.

The second violence is deliberate and, working with women seeking asylum, is easier to see. It is hunger, malnutrition, and the physical pains that arise from these. For women who are pregnant or experience prolonged menstrual bleeding (which can be common for survivors of sexual violence or sexual torture), it is iron deficiency, fatigue, and constant abdominal pain. People with already limited belongings or who have recently arrived from warmer climates face freezing conditions, fuel poverty and the subsequent illnesses that arise from these. State and council decisions to house otherwise unwanted guests in some of the poorest areas of Britain⁵, regularly in uninhabitable housing conditions, surely know the potential for people falling ill through respiratory problems caused by damp, spores or pollution. They are not simply complicit in violence: they inflict it.

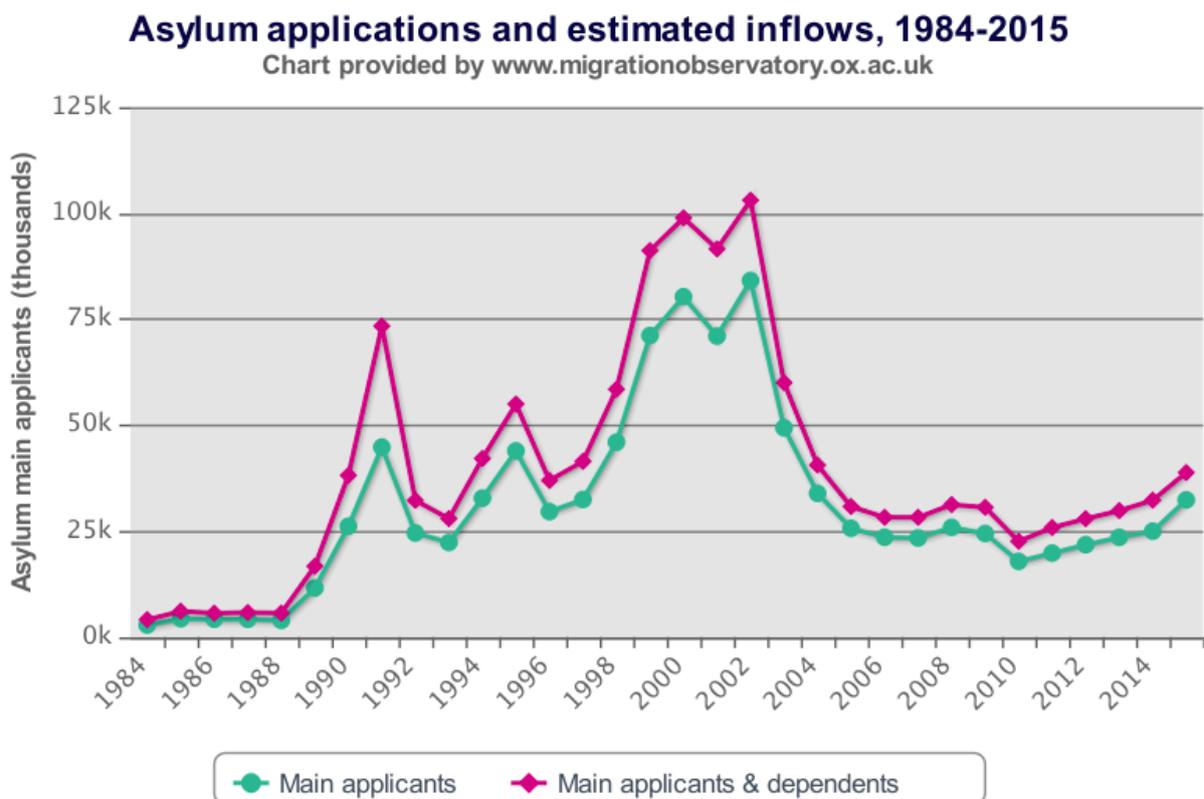
Funding borders instead of sanctuary

As many other chapters in this book evidence, poverty and destitution are experienced by multiple groups in society; it is not only people seeking asylum who face hunger and malnutrition. There are, however, precarious conditions specific to seeking asylum. People seeking asylum face significant barriers to gaining safe entry to many countries in Europe – even reaching the UK has become a dangerous feat for many. Opportunities for safe travel have been diminishing since the 1980s, when carrier sanctions⁶ were introduced to reduce the possibility of irregular travel for those without visas or documents – a common issue for refugees. As the decades moved on, the UK increased its own border presence across other

countries, effectively meaning that people were refused entry to Britain without actually leaving their own country, even if they may have the right to refugee status.

Now, as the crisis at Europe's borders continues to take hold and more people require sanctuary than ever, the deliberate nature of these efforts to stem asylum claims has come to fruition for Britain: fewer claims are made than many European counterparts, and there are high rates of asylum refusals. Furthermore, as the below chart indicates, asylum applications have heavily reduced throughout the past two decades:

Diagram 17:



By 2015 the UK showed a yearly increase of only 20% from 32,344 in 2014 to 38,878, even though this year had seen unparalleled migration into Europe since the Second World War (over 1.1 million people).

Whilst the drive toward reductions in applications has indeed been based on anti-immigrant sentiment, it has also been justified by the language of austerity. As with other aspects of welfare or support, the British public are told that we cannot afford to offer asylum to everyone and instead require the 'brightest and best', as though people seeking asylum are somehow inherently unskilled. But the myth that Britain cannot afford to support those seeking sanctuary

can be easily derailed by three points: the cost paid to detain people in Immigration Removal Centres (IRCs); the money afforded to building external borders; and the increased expenditure to provide 'humanitarian assistance' elsewhere to deal with the crisis of deaths in the Mediterranean.

To the first of these points, we can argue against cost-saving: detaining people costs around £97 per person per day, with around 3200 people at any given time. To the second, since 2015 the British state pledged £25 million to build a prison in Jamaica for returnees from British prisons, offered an undisclosed amount for a reception centre for Nigerian returnees in Lagos, and made an £80 million offer to commission corporations for the private securitisation of the Calais/Britain border⁸. Lastly, where costs might be placed in support of people seeking asylum in the UK, the government has instead pay to place responsibility elsewhere. When critiqued over Britain's lack of response to the deaths at Europe's borders, for example, the Home Office defended its position by arguing that the government had pledged £2.3bn in humanitarian aid to Syria and neighbouring countries and was providing nearly £70m in response to the Mediterranean migration crisis. The ideology of 'should haves and should have nots' has therefore legitimated *increased* border spending, with *decreased* welfare entitlement and – as we will soon see - access to refugee rights.

Inflicting violence through borders

This brings me back to the question of violence. As the number of people entering Europe increases, so too has the number of people who have died trying. Between January 2015 and October 2016, over 7,000 lives had been lost in the Mediterranean Sea alone. As had already been documented by Leanne Weber and Sharon Pickering in 2011⁹, the more that borders become militarized, the more dangerous routes people take to reach safety. European states, Britain included, know this but instead deliberately expand border militarization to keep people out. The results are death at sea or, as a 14 year old experienced trying to reach Britain from Calais in September 2016, death by lorry.

If and when people do make it to Britain, safety is still not absolute. The immigration detention estate in itself is an extension of violence: holding people for undetermined periods of time in confinement, with no knowledge of if or when one might be deported or released. Instances of sexual and physical violence are reported on regular bases, with potential for severe impacts on people's mental and physical wellbeing. Rather than advocating detention centre closures, the IRC estate continues to expand and profit is made from those forced to live within their walls. The infliction of violence through confinement clearly costs money, but austerity justifies quick

removals to avoid long term welfare dependency or legal fees. Moreover, and as Bhatia and Canning have argued¹⁰, profit is easily made elsewhere from the confinement of irregularized immigrants.

Sanctuary for sale

This brings me to a final point: that sanctuary in Britain is up for sale, based on the premise of austerity. Sanctuary for survivors of violence should mean support, access to healthcare, and the capacity to live free of violence. For survivors of sexual violence, domestic violence or torture, it may mean the potential to access specialist mechanisms of support or access to domestic violence refuges. As the impacts of austerity creep into the everyday functioning of specialist services such as asylum advocacy and sexual violence support, organisations working with some of the most structurally oppressed groups in society are increasingly expected to devise ever more innovative ways of saving money while increasing outputs. Services close, and the very mechanisms used for survival continue to dwindle in the aftermath of violent austerity measures.

Alongside this, endemic cuts to legal aid introduced in the aftermath of the financial crash mean that only those with a perceived *greater than* 50per cent chance of success in appealing asylum refusals are able to gain publically funded representation¹¹. For applicants with complex cases, or where poor judgments have been made, this means adequate legal review is out of reach. Recent changes to the judiciary system now charge appellants substantial sums of money for decisions, oral hearings and permission to appeal beyond a first-tier tribunal¹². As it now stands, even the first tier tribunal hearing – a common process for people seeking asylum - rose from £80 to £490. When the court fees were first proposed, 142 respondents to the proposal opposed it, with only five in favour. The Ministry of Justice pushed ahead nonetheless, claiming that ‘in light of the current financial circumstances, it was no longer justifiable that the taxpayer should be responsible for funding the majority of the costs of administering these cases’¹³. Meanwhile, the Immigration Act 2016¹⁴ introduced a ‘Deport Now, Appeal Later’ policy, sending immigration appellants to their country of origin before their case is even fully reviewed.

This creates a very clear trajectory for people whose claims are refused: detention, forced removal and, for those facing return to their country of origin, the potential for violence. If and when people flee conflict or persecution, the minimum risk on return is stigma, shame or social ostracism. The maximum is death. Women fleeing violent relations or husbands cannot be guaranteed safety in countries where violence against women is endemic. LGBTQ people seeking asylum on the basis of homophobic or transphobic violence, can face severe penalties

on return, including the death penalty in their country of origin. The erosion of the legal right to appeal is an obvious effort to increase deportations: the possible outcome of which is already obvious to those who inflict such precarious conditions.

Conclusion

People who cannot afford to travel safely, or who are legally unable to travel due to carrier sanctions or outsourced visa checks imposed by Western European countries such as Britain, are literally dying at Europe's borders. For those who *do* survive the journey, other forms of destitution and deprivation are enforced in the name of austerity. With reduced access to health, welfare and specialist services, which are crucial for some survivors of persecution, immigrants face a different type of violence that can easily be described as institutional. Indeed, in austerity Britain the social conditions for those seeking asylum are seriously deteriorating, and multiple forms of violence have become everyday for some.

For practitioners working with some of the most oppressed and unsupported groups in society, ongoing reductions in service provision are a travesty. As advocacy and pressure groups such as Sisters Uncut, Imkaan and Safety 4 Sisters can attest, cuts to specialist services have the capacity to effectively facilitate deaths. If women cannot escape cycles of violence, gain access to refuges, and receive emotional support - if they are depressed or feeling suicidal- *some women will die*. Just as the value of specialist services – BME women's refuges, HIV support services, asylum support and advocacy all included – have begun to reach fruition, the capacity for them to exist or run with sufficient funds has been structurally diminished.

The past seven years of austerity have eroded aspects of services that have otherwise taken 30 years of research, trial and error to develop. Reductions in legal aid make for poor standards of asylum appeals and case review, and will inevitably (perhaps deliberately) result in wrongful deportations. Indeed, as financial decisions continue to cut and border controls continue to bite, those seeking asylum are increasingly persecuted by the very sanctuary that they sought.

¹ Lesbian, Gay, Bisexual, Transgender, Queer.

² The Azure card is run by the French catering corporation *Sodexo*, it is used in some supermarkets but cannot be exchanged for cash or used to buy cigarettes, alcohol or fuel.

³ Bank of England Inflation Calculator available at

<http://www.bankofengland.co.uk/education/Pages/resources/inflationtools/calculator/flash/default.aspx>.

⁴ Refugee Action, quoted by Owen Bowcott, 'Asylum Seeker Subsistence Payments Defeat for Government in High-Court', *The Guardian*, 9th April 2014.

⁵ Victoria Canning. 2014. 'International Conflict, Sexual Violence and Asylum Policy: Merseyside as a Case Study', *Critical Social Policy*, February 2014, Vol. 34, Issue 1: 23-45.

⁶ Carrier sanctions enforce civil or criminal penalties (such as fines or prison) for the carrying of an illegalized immigrant on boats, lorries or aircraft.

⁷ Scott Blinder and Rob McNeil. 2016. 'Migration to the UK: Asylum', available at <http://migrationobservatory.ox.ac.uk/briefings/migration-uk-asylum>, last accessed 29/07/2016.

⁸ Corporate Watch, available at <https://corporatewatch.org/news/2016/sep/13/home-office-quietly-advertises-%C2%A380-million-privatisation-calais-border-security>, last accessed 06/10/2016.

⁹ Leanne Weber and Sharon Pickering. 2011. 'Globalisation and Borders: Death at the Global Frontier', Palgrave Macmillan.

¹⁰ Victoria Canning and Monish Bhatia. 2016. 'Immigration Detention: What's the Problem with Privatisation?' *Society Matters*, available at <http://www.open.edu/openlearn/people-politics-law/immigration-detention-whats-the-problem-privatisation>, last accessed 06/10/2016.

¹¹ Asylum Aid, 'The Asylum Process Made Simple', <http://www.asylumaid.org.uk/the-asylum-process-made-simple/#Appeal>, No Date.

¹² Ministry of Justice, 'Tribunal Fees', available at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/553387/proposals-imm-asylum-chamber-consultation-response.pdf, 2016, last accessed 06/10/2016.

¹³ Ministry of Justice, 2016, p. 9.

¹⁴ Immigration Act 2016, available at <http://www.legislation.gov.uk/ukpga/2016/19/contents/enacted/data.htm>.