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Expanding borders, contracting humanitarianism: Over a Hundred Year Review of Immigration Policy

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Abstract

*The EU is facing its biggest refugee-based humanitarian crisis since World War Two. This paper reviews UK government's policy position on Europe's refugee crisis against its 'tradition of humanitarianism.' Britain has historically idealised itself as sanctuary to the persecuted and those at risk. We trace Britain's tradition of sanctuary over time through policy enactments and argue that the past provides a myth to imagine the nation but the UK has veered away from the humanitarian challenges confronting the world today. In terms of the present refugee crisis, UK's tepid response is in tandem with the deep tensions and polarisation the issue of immigration raises within the nation-state. In view of this, the UK has adopted a highly restrictive policy towards the refugee and the asylum seeker through a series of policies which seek to delegitimise the refugees, enacting tighter barriers to entry and casting them as economic migrants and as suspect figures in a post 9/11 world where there is a distinct endeavour to constrict the provision of sanctuary in the UK. **

Introduction

The British response to the contemporary refugee crisis often appears contradictory. Britain has been the second biggest bilateral donor of humanitarian aid in North Africa, but its "investments" in Calais to date have focused on fortifying access points to the Eurotunnel and port. Ministers talked about upholding Britain's tradition of humanitarianism, yet refused to accept irregular migrants already in the EU and sent Royal Navy ships primarily to disrupt people smuggling networks. After strong political, media and public pressure David Cameron agreed to accept an unspecified number of unaccompanied minors already in the EU, but Britain took only a fraction of the children in Calais that charities believed were eligible under existing and new laws.

The paper deconstructs these contradictions through the lens of over 100 years of policy enactments (and lapses) on refuge and asylum since the Aliens Act of 1905. We argue that the seemingly contradictory policy approach reflects a tension between two ideational strands of thinking in British humanitarianism with its roots in Victorian England and the anti-slavery movement. From the mid-19th century, a distinctive mythology of sanctuary began to emerge that became closely associated with a British identity but by the end of the 19th century there was a growing public and political disquiet about the mass flight of Ashkenazi Jews from the Russian pogroms particularly into the east end of London.

The 1905 Aliens Act which reinstated border controls after an 80-year hiatus marked the beginning of a long retreat from the ideal of sanctuary while retaining the myth of British humanitarianism as a key part of a social imaginary of Britishness. The contradictions reflect the tensions between the myth and the reality but also between different strands in the ideational history of British humanitarianism that resurface in policy, media and public debates during periodic “migration crises”.

Sanctuary and refuge in the British ‘tradition of humanitarianism’

The term humanitarianism is a misnomer as it assumes a singularity when in fact there are different “isms”, different traditions in different countries and different strands even in the UK (see Barnett & Weiss 2011). The ideational roots in the west can be traced to the Judeo-Christian notion of sanctuary; of providing refuge for those fleeing for their lives in the most sacred cities or parts of the church or with secularisation in the nation state. Enlightenment thinking sought to conjoin the affective and the rational by aligning human compassion with concerted action and moral responsibility (see Kleingeld 1998 on Kant's cosmopolitan law). What that meant in practice differed between a radical humanist strand in Britain which was expansive, incorporating a notion of common humanity that transcended context, race or nationality and drew on Kantian notions of hospitality (see Pupavac 2010). The anti-humanist strand was rooted in British empire, conservatism and fears of radical political change and immigration. The anti-humanist strand was most powerfully symbolized by William Wilberforce and anti-slavery movement which created hierarchies between those deserving pity and those who did not (i.e. concern for foreign slave) and a dismissal of the suffering in Britain's industrializing cities (Skinner & Lester 2012). Those ideational roots overlapped with politics and a social imaginary that conjoined ideas of sanctuary and ideas of humanitarianism producing a mythology. This social imaginary of being hospitable and open to the disenfranchised and the beleaguered witnessed an 80-year period from 1826 when the Aliens Act (1793) lapsed to 1905 which was characterized by open borders when refugees irrespective of religion, political orientation or race were allowed sanctuary in the UK (see Shaw 2015).

Contracting humanitarianism

The paper examines 190 years of British enactments on sanctuary “book-ended” by the lapsing of the 1793 Aliens Act in 1826 and the 2016 Immigration Act intended, according to Theresa May, to “create a hostile environment” for illegal migrants (Travis 2016) with a begrudging concession by the government to accept an unspecified number of unaccompanied children already in the EU under the so-called “Dubs Amendment”.

Existing literature has already drawn attention to the context in which restrictions on sanctuary took place within broader geopolitical developments of mass migration and withdrawal from the colonies as well as hardening public attitudes first to immigration then to asylum and public discourses within the context of a “drain” on resources or a “lack of space” in island Britain (see Bashford & McAdam 2014; Bosworth & Guild 2008; Geddes 2005). The studies, however, focus on specific periods and what our meta-analysis does is connect these into a trajectory of policy enactments across nearly 200 years of British responses to those fleeing persecution, conflict and war and how the mythology and ideal of the UK as a refuge for sanctuary enmeshes with the actual shift away from humanitarianism both in sentiment and practice.

The narrative that emerges is dilemmatic; seeking to safeguard the mythology of humanitarianism in discourse but not necessarily backed by policy agenda and enactments. We argue that the provision of

asylum while a historical and romantic ideal has over time been mediated by the politics of race and nation space, prescribing who is admitted and who is cast out and how the entrants are constructed as a threat both to Britain's coffers and to its values. What has ensued is a conservative form of humanitarianism which has been contracting through the years with new policy enactments and despite Britain's status as a signatory of the European and Geneva conventions on human rights and refugees. The main objective from the 1960s had been on curbing immigration particularly from the colonies (Miles & Cleary 1993) but with the advent of the Labour Government under Tony Blair in 1997, the focus has been to restrict the number of asylum seekers and those granted refugee status (Bloch 2010).

This contracting humanitarianism has been a reaction to the loss of the empire, decreasing fiscal and moral obligations to former colonies, domestic politics, public attitudes to immigration and a fear of depletion of resources as well as anxieties over the loss of control over borders and security within an EU with expanding borders. The romantic idea of granting sanctuary was increasingly set against the burdens and practicalities of modern state, such that relief and development aid was increasingly seen as mechanisms to negotiate the contradiction between the ideal and reality and equally between moral obligation and a lack of political will. Different waves of refugee crises since the 1880s have been a testing ground for the British historical ideal of providing sanctuary and the latest refugee crisis in Calais and the Mediterranean became a theatre for this contracted humanitarianism.

The British response to the contemporary refugee crisis

From a review of policy enactments since the 1905 Aliens Act, we subsequently examine British government's response to the contemporary refugee crisis, the biggest since World War 2 (UNHCR 2015). These responses invoke echoes of anti-humanist Wilberforce tradition specifically in the distinctions the UK government inserted between those who were deemed to be deserving or undeserving of pity, those for whom assistance was targeted and those who were ignored or neglected, as well as those whom ministers labelled as refugees, migrants and illegal migrants.

Britain's humanitarian imperative was focused "upstream" at what the government deemed to be epicentre of the crisis in North Africa. Policy initiatives sought to contain displaced persons there and restrict the flow of asylum seekers into Britain (Brokenshire 2014; Cameron 2015b). The Government boasted of being the second biggest bilateral donor in North Africa after USA, providing £1.12 billion in humanitarian aid in the region targeted at UN camps and "hardest to reach" parts of Syria (May 2016b). Accused of betraying the British tradition of sanctuary, the government instigated the Vulnerable Persons Scheme focused on taking those Syrians vetted by UN and Home Office as those deemed "most vulnerable" and most likely to obtain refugee status directly out of the camps into Britain to apply for asylum (Cameron 2015a). The government priority was to keep irregular migrants in the region even though infrastructure in Lebanon, Jordan and Turkey was collapsing and the actual meeting of humanitarian provision was "outsourced" to UN and other aid agencies. Syrians in the UN camps were labelled refugees; Eritreans, Somalians, Iraqis and Afghans were ignored.

With the mid-stream imperatives in Mediterranean we begin to see a seismic shift away from the humanitarian imperative to securitization. While in UN camps in North Africa, the displaced person could in ministerial discourses be labelled refugees fleeing persecution but once they left these and sought to cross the Mediterranean they were relabelled "migrants", seen as complicit in criminal activity of people smuggling, putting their own and their families lives at risk (May 2015). The policy problem was framed through criminality rather than human crises which meant Britain's Royal Navy ships were despatched primarily to break up people-smuggling networks rather than prioritizing the saving of desperate lives (Cameron 2015a).

The downstream imperative in Calais points not only to the demise of the humanitarian imperative but the substitution of and augmentation of securitization as its primary policy concern. Once the displaced person had reached Calais the same body deemed to be a refugee in the UN camps and a migrant crossing the Mediterranean had become an illegal and illegitimate entity because they had not sought asylum when they had first landed in the EU (see May 2016). The policy imperative was to discourage, deter and obstruct the movement of irregular migrants and it was infused with a neoliberal ethos in which the primary role of the state and hence its policy imperatives is seen as safeguarding the operation of the free market and minimal support is provided for those in acute need (Plant 2010). Calais is also a site where the contradictions between the myth of humanitarian sanctuary and the realpolitik of security are most visible and vivid, and re-enacted time and again through the casting out of those in desperate need of sanctuary both by the British and the French.

Calais as a space of contradiction and challenge

Calais has a significance for Britain that stretches beyond its geographical proximity to Dover at the narrowest point of the English Channel to include a cultural, political and security history dating back to Shakespearian times or even earlier (Zaretsky 2015). In the lead-up to the opening of the Channel Tunnel in 1994, Britain's border with the continent was moved to Coquelles near Calais and juxtaposed controls policed jointly by the two countries were established. These controls have an added significance in that the French-Belgian seaboard also marks the end of the Schengen area of free movement and the reinstatement of border checks effectively creating a bottleneck for irregular migrants. Refugees unable to return home for fear of persecution, unable to move on because of increased fortification around the Eurotunnel and port, become trapped in Calais and forced to take risks as stowaways on passing vehicles headed for Britain or entrust their lives to people smugglers and traffickers.

Growing numbers of displaced persons congregated in Calais with the Balkan Wars in the late 1990s. The French authorities, vociferously supported by Britain have since 2002 adopted a policy of closing or discouraging semi-permanent shelters that might in their view serve as a "magnet" for "new migrants" to Calais (see Howarth & Ibrahim 2009). Forced to fend for themselves with some support from aid agencies, those trapped in Calais formed makeshift camps which became dubbed at the 'jungle'. The harsh living conditions in the makeshift camps along with the growing number of inhabitants and police brutality against this settlement (Dhesi et al. 2015) prompted the UN to declare the camp an "indictment on society" (Taylor 2015) before it was demolished in November 2016. The British government responded by distancing itself from the humanitarian crisis and focusing on securing the border with military equipment, razor wire fencing and a wall (Ibrahim & Howarth 2017).

The tensions between the radical humanist and anti-humanist strands in British humanitarianism were laid bare in the responses to the "lone children" of Calais, unaccompanied minors who are orphans or have been separated from the family. Calais is more accessible and therefore more visible than the Mediterranean with large numbers of British aid workers volunteering there and because the Channel Tunnel and port are among the busiest thoroughfares in the world. Large numbers of British hauliers, business people and holidaymakers pass through Calais every day and witness the desperate attempts of refugees including children to stowaway. The government's continued refusal to accept "lone children" in Calais even after the death of Aylan Kurdi was challenged by the "kindertransport" campaigners in which Britain's Jewish community called for a similar scheme that had saved the lives of thousands of Jewish children in 1938 and 1939 (Janner-Klausner 2015). The campaign, which secured cross-party and cross-media support, culminated in the "Dubs amendment" to the 2016 Immigration Act. However, the first "children" brought over under Dubs became embroiled in a public row over their ages, the government lowered the age of a "child" to 12 and the British and French

governments were slow to process the transfers. In December 2016, a month after the informal camp known as the “jungle” was demolished aid agencies were reporting that large numbers of child refugees were missing and some of those refused transfer had launched a legal challenge to the Home Secretary for allegedly failing to implement Dubs.

Conclusion: Interpreting the imperatives

The contradictions in Britain’s response to the contemporary refugee crisis in relation to its mythological imagination through its historical trajectory places the contemporary crisis within a social mirage. The ideational provides a means to focus discourse and to anchor the social imaginary of the nation. In reality, humanitarianism has become a tainted premise affiliated with immigration policy and through the fatigued figure of the ‘refugee’ as no one’s ambit of responsibility within the neoliberal agenda of nation states.

The tensions within an ideational history of British humanitarianism and a long withdrawal from the ideal of sanctuary in many ways reasserts the anti-humanist traditions while exploiting the myth of refuge as a means to imagine the British nation. A layered and spatialised policy of distancing the migrant and refugee through processing protocols and extensive regulations over the labelling of the legitimate refugee reveal policies which are extensively racialized and brutal where tragic human crises are processed through neoliberal agenda and securitization imperatives. The half-hearted concession to the Dubs Amendment reveals a Britain doused in its own fantasies of sanctuary but recoiling at the sight and burden of the Other regardless of their desperate flight from conflict and war. The lone child separated from a parent or child is no exception. The recoil from the Other remains the enduring stance of this contracting humanitarianism.

**Note: A longer version of this paper is currently being written for submission to a journal for peer-review]*

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