The Social Control of Asylum Seeking

Guy Hannan

Thesis submitted for the Degree of Doctor of Philosophy

Department of Sociology,
University of Surrey:
Sponsored by ESRC Competition Studentship

July 2007
Abstract

This thesis offers an investigation into the social construction and social control of the asylum 'problem' in the UK. It explores how asylum came to be constructed as a key social problem, how this process of problematisation influenced the development of a range of social control strategies and how their imposition has shaped subsequent developments. Asylum has been associated with a range of contemporary social problems and has become an issue through which wider insecurities are articulated. This study is based upon qualitative research combining semi-structured interviews with a range of actors involved in various ways in the asylum debate, along with documentary analysis of materials integral to the construction of the issue. This involved the analysis of accounts and the types of discourses that have been used to promote particular knowledge claims regarding asylum seekers. The findings of this research show that the problematic status of asylum is not an inevitable consequence of large numbers of recorded applications for political asylum, as is often postulated. Rather, it is the result of a range of claims making activities and interventions from a diverse body of actors and institutions. Integral to these findings is that the social control responses implemented to provide solutions to the problem themselves further contribute to asylum being viewed problematically. As such, the findings of this research are situated within a wider body of academic literature, including social constructionism and social control. The analysis of this study builds upon such works to provide an insight into how it is that contemporary social problems are constructed and how this can be directly related to the specific conditions of late-modern societies.
Table of Contents

Chapter 1: Introduction ........................................................................................................... 6
  Research Aims and Objectives .......................................................................................... 15
  Chapter Outline ............................................................................................................... 18

Chapter 2: A Short History of Political Asylum in the United Kingdom ............................. 21
  Introduction ...................................................................................................................... 21
  Recent History of Immigration ......................................................................................... 23
  Increasing Salience of the Asylum Issue ......................................................................... 29
  Politicisation of Asylum as a 'Problem' ....................................................................... 35
  Control Responses ........................................................................................................... 45
  EU/Transnationalism ........................................................................................................ 52
  Summary ........................................................................................................................... 57

Chapter 3: Social Construction and Social Control .............................................................. 58
  Introduction ....................................................................................................................... 58
  Social Construction ........................................................................................................... 58
  Social Problems ............................................................................................................... 65
  Claims Making Activities ............................................................................................... 67
  Substantive Examples of Constructionism ..................................................................... 69
  Labelling Theory .............................................................................................................. 71
  Social Control .................................................................................................................. 72
  Risk .................................................................................................................................. 78
  Enlargement of the Control Net ....................................................................................... 82
  Governing Through Crime ............................................................................................... 87
  Summary ........................................................................................................................... 88

Chapter 4: Methodology ........................................................................................................ 90
  Introduction ....................................................................................................................... 90
  Research Design .............................................................................................................. 91
  Sampling: Interviews ........................................................................................................ 97
  Other ................................................................................................................................ 99
  Sampling: Documents ..................................................................................................... 105
  List of Collected Documentation .................................................................................... 106
  Coding and Analysis ........................................................................................................ 110
  Interviewing Elites ........................................................................................................... 116
  Ethical Considerations ..................................................................................................... 118
  Summary ........................................................................................................................... 119

Chapter 5: Uses of Evidence in Constructing the ‘Asylum Problem’ .................................. 120
  Introduction ....................................................................................................................... 120
  Use of Official Statistics ................................................................................................. 124
  Evidence of a ‘Problem’ ................................................................................................... 127
  Statistical Evidence ......................................................................................................... 128
  Rhetorical Evidence ........................................................................................................ 131
  Case Study Evidence ....................................................................................................... 136
  Evidence of ‘Abuse’ .......................................................................................................... 138
  Evidence of the Deserving/Undeserving Asylum Seeker .............................................. 158
  Summary ........................................................................................................................... 167
### Chapter 6: Wider Insecurities

<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction</td>
<td>169</td>
</tr>
<tr>
<td>Insecurity</td>
<td>170</td>
</tr>
<tr>
<td>Identity and Ontological Insecurity</td>
<td>171</td>
</tr>
<tr>
<td>Insecurities and Asylum</td>
<td>173</td>
</tr>
<tr>
<td>Economic Insecurity</td>
<td>181</td>
</tr>
<tr>
<td>Cultural Insecurity and National Identity</td>
<td>185</td>
</tr>
<tr>
<td>Political Insecurity</td>
<td>189</td>
</tr>
<tr>
<td>Crime and Security</td>
<td>192</td>
</tr>
<tr>
<td>Security and Asylum</td>
<td>195</td>
</tr>
<tr>
<td>‘Condensation’ and ‘Bridging’ Symbol</td>
<td>206</td>
</tr>
<tr>
<td>Summary</td>
<td>207</td>
</tr>
</tbody>
</table>

### Chapter 7: Internal Social Control

<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction</td>
<td>209</td>
</tr>
<tr>
<td>Who?</td>
<td>217</td>
</tr>
<tr>
<td>State Agents and the Extension of Control</td>
<td>217</td>
</tr>
<tr>
<td>Non-State Agents</td>
<td>221</td>
</tr>
<tr>
<td>How?</td>
<td>227</td>
</tr>
<tr>
<td>Specific Changes in the Asylum System</td>
<td>227</td>
</tr>
<tr>
<td>Non-State Agents</td>
<td>244</td>
</tr>
<tr>
<td>Summary</td>
<td>247</td>
</tr>
</tbody>
</table>

### Chapter 8: Border and External Social Controls

<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction</td>
<td>249</td>
</tr>
<tr>
<td>Controlling Borders</td>
<td>251</td>
</tr>
<tr>
<td>New Practices, Agencies and Co-operations</td>
<td>255</td>
</tr>
<tr>
<td>New Technology</td>
<td>259</td>
</tr>
<tr>
<td>Extending Borders</td>
<td>262</td>
</tr>
<tr>
<td>International Security/EU impacts</td>
<td>273</td>
</tr>
<tr>
<td>Implications</td>
<td>279</td>
</tr>
<tr>
<td>Summary</td>
<td>281</td>
</tr>
</tbody>
</table>

### Chapter 9: Conclusions

<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction</td>
<td>283</td>
</tr>
<tr>
<td>Ongoing Policy/Legislative Development</td>
<td>290</td>
</tr>
<tr>
<td>Decreasing Numbers</td>
<td>296</td>
</tr>
<tr>
<td>Mobilising Strategies</td>
<td>302</td>
</tr>
<tr>
<td>Inclusion by Exclusion</td>
<td>307</td>
</tr>
<tr>
<td>Policy Implications</td>
<td>311</td>
</tr>
<tr>
<td>Contemporary Constructions of Social Problems</td>
<td>321</td>
</tr>
<tr>
<td>Further research</td>
<td>322</td>
</tr>
<tr>
<td>Summary</td>
<td>322</td>
</tr>
</tbody>
</table>
## List of Figures

<table>
<thead>
<tr>
<th>Figure</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.1</td>
<td>Recorded Asylum Applications in Some EU States, 1985-2000</td>
<td>53</td>
</tr>
<tr>
<td>4.1</td>
<td>Typology of Interviewees</td>
<td>99</td>
</tr>
<tr>
<td>5.1</td>
<td>Total Number of Asylum Application, 1985-2001</td>
<td>120</td>
</tr>
<tr>
<td>5.2</td>
<td>Refusals on Initial Decisions of Asylum in the UK, 1990-2005</td>
<td>144</td>
</tr>
<tr>
<td>5.3</td>
<td>Denials on the Grounds of Non-Compliance as a Percentage of All Decisions</td>
<td>148</td>
</tr>
<tr>
<td>5.4</td>
<td>Asylum Seekers Subject to Enforcement Action, 1995-2001</td>
<td>155</td>
</tr>
<tr>
<td>9.1</td>
<td>Asylum Applications 1996-2005</td>
<td>298</td>
</tr>
</tbody>
</table>
Chapter 1: Introduction

For most of the Twentieth Century, the issue of political asylum was not one that figured highly in public consciousness, political debate or media discourse in the United Kingdom. When there was increased political and social attention towards persons from other countries and cultures entering the UK, this largely focused on issues of economic migration, rather than the specific phenomenon of asylum seekers. However, at some point in the early 1990s this situation changed. Asylum seekers and asylum seeking came to be cast as a pressing issue for policy makers. Of course, to identify that the focus of debate shifted in the early 1990s does not mean that no consideration of the asylum issue was evident prior to this point. Concerns about refugee issues did occur before this time but they tended to be specific and transient. Several particular refugee crises occurred in the 1970s and were important in the formulation of precedents for contemporary asylum policy, as will be outlined in Chapter 2. But what it is important to highlight however, is that, in contrast to the situation in the 1990s, no sustained attention was given to the asylum issue throughout this period.

This short introductory chapter sets out the study's main themes and objectives. It introduces some of the key issues relevant to asylum seeking in the UK and to this research. In doing so, it will outline the justifications and importance of examining the asylum issue in the manner that will be proposed. Furthermore, a chapter outline will be provided to give an indication of the subsequent components of this thesis.

**Definition of an Asylum Seeker**

For the purposes of this study, an asylum seeker will be defined as someone who applies for political asylum under the terms of the 1951 United Nations Convention Relating to the Status of Refugees. According to this definition, a person remains an asylum seeker until the outcome of that application has
been decided by the Immigration and Nationality Directorate (IND) of the Home Office. If the IND decides that the applicant meets the criteria laid down in the 1951 Convention, then they will be granted ‘refugee status’. The Convention states that,

A ‘refugee’ is a person who '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' (UN 1951, cited by UNHCR, 2005a).

Although the UK was a signatory of the 1951 Convention, it was not actually written into UK law until the inception of the Asylum and Immigration Appeals Act 1993 (details of which are provided below). However, and as will be discussed in more detail in due course, successive asylum legislation in the UK since 1993 has constructed a range of control and discretionary mechanisms, external to the definition of who should be granted asylum provided by the 1951 Convention. Therefore, although decisions on asylum applications in the UK are based on international law (as set out under the 1951 Convention), the actual workings of the asylum system have been shaped and extended by domestic legislation.

Those who are not granted refugee status but receive some kind of state support may be divided into further categories, such as Humanitarian Protection, or Discretionary Leave (both of which replaced Exceptional Leave to Remain). This is a key point, as each classification confers different rights and provisions (Bloch, 2001). Exceptional Leave to Remain (ELR) was granted to asylum seekers who did not qualify for refugee status, but were deemed to be in need of protection, and was abolished in 2003.
Legal Changes in the Asylum System

Prior to 1993, asylum applications in the UK were handled as a branch of immigration law and were governed by the Immigration Act 1971, which made no specific reference to asylum seekers or refugees, and by the Immigration Rules, a "purely administrative device" (Stevens, 1998, p. 208). The introduction of the Asylum and Immigration Appeals Act 1993 was therefore the first Act of Parliament that was dedicated to the asylum issue. Although the definition of a refugee as set out in the 1951 UN Convention provided the framework for determining asylum applications, this was not written into law until 1993. Section 2 of the 1993 Act afforded primacy to the 1951 convention, stating, "nothing in the immigration rules shall lay down any practice which would be contrary to the Convention" (Home Office, 1993, Section 2). However, as the following section will demonstrate, despite the primacy of the Convention, changes in UK asylum legislation have resulted in the management of the asylum issue in very particular ways, in addition to those laid out in the 1951 Convention.

The central thrust of the 1993 Act was the introduction of an accelerated appeals process for asylum seekers who had their initial claims turned down (Stevens, 1998). This meant that those who were viewed as having 'manifestly unfounded' claims to asylum were 'fast-tracked' through the system and only had one right of appeal to an asylum adjudicator (Home Office, 1993). The majority of such cases were deemed to be unfounded on the basis of the 'Third Country Rule' (that an asylum seeker had passed through a country deemed 'safe' where they might have been able to apply for asylum), which has been described by Amnesty International as a deliberate attempt by the government to pass responsibility to other states, thus creating the opportunity to refuse to consider more applications themselves (Amnesty International, 1993, cited in Stevens, 1998). This legislative change had a dramatic impact upon the system overall. In the six months leading up to the implementation of the 1993 Act, 86 per cent of those making asylum applications were granted refugee status or ELR, whereas in the six months
after it, only 28 per cent were granted refugee status or ELR (Refugee Council, 1994, cited in Stevens, 1998).

In this way, the 1993 Act represented a significant development in the management of the asylum 'problem' by beginning to reconfigure asylum procedures in ways that made it possible to refuse more applications than had previously been the case. Subsequent legal instruments further changed the context of asylum seeking, and the management of asylum seekers, as illustrated below, through a summary of some of the key legislative reforms that were introduced.

**Asylum and Immigration Appeals Act 1996:** Under Section 8 of this Act, it became a criminal offence to employ individuals who were subject to immigration control, unless they had the appropriate entitlements to take up employment in the UK, and asylum seekers were not allowed to work unless their asylum claim had been outstanding for at least six months (Home Office, 1996). This was designed to function as a deterrent for would be asylum seekers, and also placed an onus upon employers to carry out further checks on potential employees' immigration status. Of further importance was the proviso added under Section 4 of this Act, which made it a criminal offence for a foreign national to attempt to enter the UK by means 'which include deception' (Home Office, 1996). Under Section 24 (1) (a) of the 1971 Immigration Act, offences of entering the country were confined to those knowingly in breach of a deportation order. The 1996 Act made no such stipulation that the immigrant must 'knowingly' be in breach of the rules in order for an offence to have been committed. Furthermore, a 'White List' of countries was introduced where it was considered by the Home Office that persecution of nationals from that country was unlikely. If an asylum seeker came from a country on that list, they were seen to lack credibility in regard to their asylum claim (Stevens, 1998). Removal of welfare entitlement to those applying 'in-country' was also proposed under this Act, but this was successfully challenged in the courts. The Act additionally resulted in those whose claims were turned down only having the right to appeal against the decisions once they had left the country.
Immigration and Asylum Act 1999: This Act was portrayed as a major overhaul of the asylum system, with the Home Secretary’s preface of the White Paper that proceeded it contending that previous legislation had been ‘piecemeal’ and that it was time to set out a ‘comprehensive, integrated strategy’ (Home Office, 1998). The overall scope of this legislation is demonstrated by the fact that it included 170 sections, compared to 13 in the 1996 Act. Section 28 of this Act built on the 1996 Act by adding the proviso that if someone deemed to have used deception "secures or seeks to secure the avoidance, postponement or revocation of enforcement action against him" they would have committed an offence (Home Office, 1998, Section 28, b). This meant that further to being criminalised if they entered the UK having been judged to use deception, asylum seekers could also face criminal charges if it was believed they had attempted to stay in the country on such a basis. Under Part VII of the Act, immigration officers were also given increased powers to detain asylum seekers and to search premises (Home Office, 1999). The range of powers afforded to immigration officers under this Act meant that they were given authority that was previously more commonly associated with the police (Stevens, 2001). Furthermore, the Act extended carriers’ liability to include rail, road, air and freight operators, who could now be fined up to £2,000 for each undocumented passenger they brought to the UK. Section 24 of the Act also introduced a statutory duty on the part of marriage registrars to report what they considered to be ‘sham marriages’. Additionally, this Act set up the increased use of airport liaison officers to provide immigration controls at the point of embarkation, as will be discussed in Chapter 8 (Solomos, 2003).

Nationality, Immigration and Asylum Act 2002: Despite the lengthy and far reaching 1999 Act being introduced, responding to the sustained symbolic importance of the asylum issue the Government considered that a new Act of Parliament was necessary within three years. The right to work after an asylum claim was outstanding for six months was withdrawn, and therefore asylum seekers were no longer able to work at all. The White List of safe countries was also extended, and ELR was replaced by the new category of
Humanitarian Protection. In addition, Section 55 of this Act was aimed at removing all support to those not making a claim as soon as 'reasonably practicable' (Home Office, 2002e). This was challenged on human rights grounds and would subsequently only be implemented if the person had been in the UK a considerable time without applying (Refugee Housing Association, 2006). Furthermore, the Act also introduced induction centres where asylum seekers are initially housed and informed of the asylum process. In such centres they receive an Application Registration Card (ARC), containing various personal details that they must show in order to gain access to welfare services (Home Office, 2006a). Accommodation centres were also established, where some asylum seekers were housed.

Asylum and Immigration (Treatment of Claimants, etc.) Act 2004: Under this Act, it was made a criminal offence for asylum seekers to not have a valid identification document (such as a passport) without a 'reasonable excuse' when first interviewed by an immigration officer (Refugee Council, 2004). A range of behaviours that the immigration authorities must take into account when deciding applications that can harm a 'claimants credibility', including failure without explanation to answer the questions of an immigration officer, failure to produced when required a passport, or failure to claim asylum when in a safe country, were also incorporated in this Act (Refugee Council, 2004). This is highly significant, as it meant that the agents and agencies making the decision on applications had enhanced discretion, and indeed more reasons to fail applicants than was previously the case.

The legal framework informing ways that asylum seekers can be failed has expanded, and within that structure individual actors operate, exercise discretion and make decisions. Significantly, more specific reasons have been created by which asylum seekers may fail, and mode and situation at entry can influence the outcome of their claims. A more detailed analysis of the imposition and impact of these legislative instruments will be provided within subsequent empirical chapters, but the key thing to highlight here is that the entire framework in which asylum seekers are managed has been entirely reconfigured. The scope of asylum legislation now vastly exceeds that which
existed two decades ago, and the range of controls that asylum seekers are subject to has likewise markedly increased. Moreover, alongside these Acts of Parliament, further measures have been introduced which restrict and control asylum seekers. For example, visa restrictions have been regularly imposed against certain countries to deter individuals perceived to be a security concern from reaching the UK (Neumayer, 2005). Essentially, visa impositions, along with the wide-ranging changes detailed above made it much harder for asylum seekers to legally reach the UK. What is also particularly notable across much of the above outlined legislation is the range of ways in which asylum seekers have been labelled a deviant population.

Researching Asylum from a Deviancy Perspective

Although it is not a criminal offence to make an asylum claim that is subsequently rejected, the range of reasons why an asylum seeker could be criminalised for their mode of entry into the UK have significantly increased. Essentially, the variety of rules of which infraction constitutes an offence have been greatly extended, whilst increased use of carrier sanctions, further powers to immigration officers and a greater range of border controls may have contributed towards more ‘illegal immigrants’ being discovered. Home Office figures show that in 1995, enforcement action (covering illegal entrants detected and persons issued with a notice of intention to deport) was initiated against 9,310 asylum seekers (RDS, 2002a). By 2000 this figure had reached 43,465 and in 2001 67,150 asylum seekers were subjected to enforcement action in this manner (RDS, 2002a). It is important to note that these figures do not relate to the numbers of asylum seekers believed to have infringed the rules in those given years, but rather to those whom action was taken against, which may have been as the result of events that took place in previous years due to backlogs in processing their cases. Nevertheless, such figures indicate increased amounts of enforcement and control interventions enacted against asylum seekers, and of increases in the officially recorded numbers of ‘illegal immigrants’. Furthermore, and as will be explored later in this thesis, although the collection of official statistics themselves can to an extent be considered part of the social construction of the asylum issue, such figures have often
been used as justification to enact further controls, and therefore illustrate well the sense in which asylum seekers have in some aspects been 'criminalised'.

In addition to measures that make it more likely an asylum seeker may be seen to have committed a criminal offence, those articulating the dominant discourse of the asylum 'problem' have portrayed asylum seekers as a deviant population. That said, counter claims makers have attempted to construct asylum seekers in differing ways from the dominant discourse projected by key state agencies; for example by portraying them as victims who are in need of protection. In recognition of these competing discourses, examination of claims making in this thesis will broadly be undertaken in relation to those expressing the dominant discourse position (of asylum seekers as deviant and problematic) and those in opposition to this (where asylum seekers are cast as victims and government action is problematic). Methodologically, the discourse of various actors examined in this study is thus broadly separated into these two categories, as will be explained in more detail in Chapter 4. It is recognised that such a dichotomy may in reality not be this straightforward, but it is argued that it represents a useful way of examining the broad positions that have been adopted in relation to the construction of asylum seeking. The impact and importance of counter claims will be discussed in subsequent chapters, but at this point it is important to highlight that over the course of the 1990s asylum came to be defined as a key social problem.

Key dominant discourse claims makers have not only been fundamental to the labelling of asylum seekers as a deviant population, however; they have also played a central role in driving calls for increased controls to manage this 'problem'. Indeed, at the forefront of this study is the working of human agency and the way that such individuals, for example politicians, have driven understandings of and action against asylum seekers. Although the construction of asylum seeking as a deviancy issue will be placed within the context of late-modern risk, it is not suggested that there is a simplistic causal link between such conditions and the perceived problematic status of asylum seeking. Rather, the focus of analysis is on the ways that motivated agents
have articulated the asylum 'problem' within this context. At the same time, contemplation will be given to how the structural conditions of late-modern societies provide a background within which such articulations are delivered. In this way, the empirical focus of this thesis upon the social control of asylum seeking is framed by broader theoretical concerns about the labelling of and social reactions to 'deviant behaviours' in a social setting marked by a widespread sense of insecurity.

In consideration of the above factors, it is judged that grounding this thesis and the study of the contemporary asylum problem in a sociology of deviancy framework is a highly useful and relevant mode of study. A more detailed explanation of the relevance of this approach will be established when reviewing academic criminological research on asylum seeking in Chapter 2, and by outlining the relevance of theories of social construction and social control to the asylum issue in Chapter 3.

**Social Construction of Asylum Seekers**

Despite the presence of official definitions, what many people understand by the term 'asylum seeker' has often become confused and inter-related with other types of migrant (ICAR, 2004). For example, asylum seekers are regularly simply referred to as 'illegal immigrants', 'bogus' or as 'economic migrants' within tabloid newspapers and in public and political debates (Bloch, 2001). Conversely, someone who has been classified as an illegal immigrant and has not applied for asylum may be labelled an 'asylum seeker' (often as a term of derision) within popular discourse. This type of labelling can be witnessed in the media, in the literature of campaign groups and in political rhetoric. Often, the way migrants are portrayed can be seen as a consequence of the beliefs and motivations of the person or organisation doing the labelling. For example, organisations such as the Refugee Council, who campaign for the rights of asylum seekers, are keen to portray them as being in need of assistance, and therefore avoid terms such as 'illegal immigrant', or 'bogus' asylum seeker. This can be contrasted with an organisation such as Migration Watch, which is concerned with promoting the
view that the UK is unable to cope with the perceived levels of inward migration, and make the point on their web site that "most asylum seekers are in fact economic migrants" (Migration Watch, 2004). These two examples represent polar extremities of 'asylum discourse', and there are many competing claims between these two positions. Nonetheless, this example serves to illustrate the different ways asylum seekers can be and are defined, and therefore that different types of claims are made about them. The importance of such an understanding will become apparent throughout this thesis, and is essentially that the way the asylum issue and asylum seekers have come to be understood is the result of the actions of individuals and organisations. As such, the key focus of this study is the examination of claims makers and claims making process, specifically in relation to the creation of new laws on asylum and the increasing social control of asylum seekers. It will be argued that there has been a dominant construction, that the government have been integral to this, and that this dominant sense of the asylum seeker as a problem has framed much new asylum law. There will however also be a consideration of the role counter claims makers and the relative impact that these have had.

Research Aims and Objectives

This study focuses on how the problem of asylum seeking has been socially constructed, how these constructions have changed over time and how changed constructions articulate with strategies, policies and practices of social control. In so doing it draws upon core sociological concepts such as control, surveillance and regulation strategies, population mobility, globalisation and the construction of social problems. The investigation focuses upon recent Acts of Parliament relating to asylum, including how they were introduced, how they built upon previous legislation and how they have been criticised and can be viewed in the context of ongoing reform. In approaching these issues, the specific focus within the thesis is upon the creation of law and social control, as opposed to an investigation of the way law is implemented 'on the ground'. It is believed that this approach provides important insight into how asylum seeking became understood in problematic
terms within dominant discourses, and more broadly, how key contemporary social problems are constructed. As such, the methodological focus of this thesis is on an examination of the claims making activities of key social actors and the impact that this has had on the creation of law in relation to asylum. The research is guided by three key questions:

1. How and why were the 1999 Immigration and Asylum Act and the 2002 Nationality, Immigration and Asylum Act introduced into the UK?
2. In what sense is this legislative development illustrative of, and how does it encapsulate, logics of social control in late modern societies?
3. In what ways can the construction of the asylum ‘problem’ enhance our understanding of the ways in which social problems are constructed in contemporary societies?

These three questions interrelate with one another and together serve to provide a guiding outline for this thesis. Although two specific Acts of Parliament have been highlighted here, analysis of previous and subsequent legislative innovation will also be provided. These two Acts have been specifically highlighted as it is believed that they represent particularly influential interventions in the social construction of asylum issues, and were portrayed by the government as fundamental overhauls of the asylum system.

Adopting a constructionist stance, this thesis does not argue that there is no sense of a ‘real’ issue in relation to asylum seekers. It is undeniable that significant numbers of people have in actuality claimed political asylum in the UK in recent years and that some kind of management of such people is necessary. It is therefore recognised that there has in a sense been a ‘real’ change in the nature of asylum seeking. However, it is strongly argued that the specific way asylum seekers have been portrayed and subsequently acted against is neither inevitable nor simply a pragmatic response to their existence, and that the nature of the dominant construction has framed particular types of policy responses. Real changes in the nature of asylum seeking do not in and of themselves explain how or why the UK government adopted the kind of repressive posture that they did. As such, a key argument
within this thesis is that the specific status of asylum as a 'social problem' has been socially constructed, and that by studying this construction an understanding can be achieved of why responses have taken the form that they have.

Essentially, the thesis argues that a complex range of factors have combined to produce the modern understanding of what asylum is, and that the dominant understanding is one that sees asylum as 'problematic' and some kind of 'threat'. In turn, this understanding of asylum as a threat has helped establish the logic that the best way to manage this 'problem' is to introduce increased levels of control and enforcement strategies. The imposition of social control may also be considered a defining practice, in that it actively contributes to the ways issues are understood and shapes subsequent developments. This process of construction is highly complex, has involved a range of competing actors and organisations and has occurred over a longer period of time than is often referenced. It has seen asylum become an important and sensitive political issue, which has come to dominate immigration policy and practice.
Chapter Outline

Chapter 2 explores the diverse literatures that provide a basis for investigating the various social processes and actions contributing to the construction of the asylum debate in the UK. It briefly outlines a recent history of immigration to the UK, before examining the substantive literature on the topic of asylum, drawn from across several disciplines and sub-disciplines including Sociology, Politics, International Relations and Law. The argument of the subsequent chapter will be ‘set-up’, namely, the idea of asylum as a ‘social problem’, which affords justification for much policy development being focused on enforcement and control. The chapter also investigates the impact that the UK’s membership of the European Union (EU), as well as wider processes of globalisation, has had on the asylum debate within the UK.

Chapter 3 will place contemporary concerns over asylum seeking in the wider context of academic theories of social construction and social control. It will examine some of the key ideas in these areas and outline the relevance these have to debates on asylum. Various accounts of ‘claims making activities’ will be outlined, as will a review of the varying perspectives that collectively constitute the literature on social construction. There will then be a review of key texts in the history of writing on the concept of social control. In addition, this review of social control texts will pay attention to related works from the study of deviancy, for example labelling theories. Labelling theory, as developed by Becker (1963) has been an important influence on the development of social constructionist theories, and is also influential in understanding the dynamics and principles of social control. As such, it will serve as a conceptual bridge towards providing a coherent theoretical approach for this thesis.

Chapter 4 outlines the methods used in the study and argues for their relevance in answering its main questions and objectives. This chapter argues the relevance of a qualitative approach towards understanding the research aims and objectives.
Chapter 5 establishes the ways in which evidence has been used to make knowledge claims that contribute to the construction of the problematic status of asylum. It explores the reliance on the use of official statistics for the promotion of knowledge claims, before a more detailed discussion of the use of rhetorical and case-study ‘evidencing’ is provided. In so doing, it will be explained how the use of evidence of different kinds can portray asylum seekers as a problem, deserving or undeserving, victim or perpetrator in certain circumstances and under certain conditions.

Chapter 6 seeks to place asylum within the wider context of a range of insecurities associated with late modern societies, and to show how these insecurities have influenced the ways asylum seeking has been constructed. It will be demonstrated how these anxieties have been conjoined with the asylum issue in the discourse of key claims-makers and how this has influenced the perception of asylum as a ‘problem’ and thus has played a key role in framing appropriate responses to the issue. As such, it will investigate the extent to which asylum seekers have been ‘labelled’, ‘stigmatised’ and defined as ‘outsiders’, as well as being blamed for wider societal problems. These concerns will be shown as being expressed in both official and lay discourses and as having impacts on the content of asylum legislation.

Chapter 7 examines the range of control strategies and practices aimed at controlling asylum seekers once they are in the ‘asylum system’. There has been a rapid proliferation of internal control strategies, and this chapter will illustrate how the social construction of the asylum ‘problem’ has been integral to this. Furthermore, the social impacts of the impositions of these control strategies will be investigated. It will be shown how the increased imposition of internal social controls should be viewed as more than a significant expansion, but rather as a fundamental reconfiguration of the conception and implementation of the control of asylum.

Chapter 8 focuses on the tactics that have been employed to prevent asylum seekers from reaching the UK. As well as ‘border controls’, there has been an increase of forms of control that extend beyond the boundaries of the nation
state and are herein referred to as 'external controls'. Furthermore, it will be shown how these control strategies are consistent with the operation of social control in other areas of society. A key theme that will be developed in this chapter, and the previous one, is the implications of the increased role of non-governmental actors in the policing of asylum. It will be shown how this devolution of enforcement mirrors wider developments in the conduct of social control.

Chapter 9 draws together the various themes from the preceding chapters and summarises some of the key conclusions of the study. The findings of the thesis will be placed in the context of, and build upon existing work on asylum, social control and social construction. It will therefore explore the findings of this research within a theoretical context. It will also make suggestions of how the information contained within the study could be developed, as well as the implications for future research and the relevance to policy.
Chapter 2: A Short History of Political Asylum in the United Kingdom

Introduction

Much official discourse on the subject of asylum postulates a fairly basic causal relationship: increases in the number of recorded applications for asylum have resulted in changes in asylum legislation. However, in considering such claims, it is important to look not merely at the numbers, but how those numbers are used, understood, interpreted and explained as reasons for changes made in asylum policy. It is necessary to critically examine official discourses and academic studies in order to gain a more sophisticated understanding of the factors contributing to current perceptions of asylum seekers, as well as ongoing legislative change. Indeed, legislative development will not be viewed as the outcome of this process of social construction, but rather as an integral part of it, that helps to shape understandings of the debate. It will be argued that there are in fact a number of competing discourses and 'knowledge claims' which contribute to the construction of understandings of the term 'asylum seekers'. This construction has generated a climate in which asylum is viewed as a key 'social problem', the 'solution' to which is seen as the development of social control. What follows is a discussion of a diverse literature that, when subject to a critical and systematic mode of analysis, offers an insight into the various social processes and actions contributing to the construction of the asylum problem in the UK.

The chapter begins with an outline of some of the historical changes in patterns and theories of immigration in the UK, before specifically concentrating on literature and research that centres on contemporary debates in relation to asylum seeking. In mapping historical changes, it is not the intention to provide a comprehensive analysis of the history of immigration to the UK, but rather to build a picture that is useful in understanding the background of the contemporary asylum issue. Having established this
background, there will be a consideration of the extent to which there has been a 'real' change in the nature of asylum seeking in recent decades, before exploring some of the key ways in which it has been constructed as a social problem and the policy responses to this. It will be argued that 'real' or material changes in the nature of asylum seeking are inadequate in explaining both the extent to which it has been ascribed a socially problematic status, and the severity of governmental responses. Of importance here will be the review of literature examining how asylum seeking has been viewed problematically in relation to being an economic burden, a security/criminalisation concern and a challenge to ethnicity/multiculturalism. Importantly, when examining criminological research on asylum seeking, a more detailed account will be provided for why it is relevant to study this issue through a deviancy perspective, as was argued in Chapter 1. It will further be argued that it is precisely the idea of asylum as 'problematic', which affords justification for much of the asylum debate focusing on issues of enforcement and control. This will enable the investigation, in the next chapter, of asylum seeking in the context of theories of social construction and social control.

The present chapter will end by outlining some of the impacts of membership of the EU and of globalisation, which it will be argued are important in gaining an understanding of the contemporary asylum issue. The arguments of this thesis largely concentrate on the domestic responses to asylum within the UK, but it is recognised that it is not possible to adequately address this without some consideration of the international dimension. It will be suggested that membership of the EU impacts upon political decision-making and popular attitudes within the UK. Furthermore, asylum must clearly be viewed from a global perspective, both in the sense that increased communications and transportation make movement of people a more viable option than was once the case, and that how asylum is understood owes a large part to how people view themselves, and the UK, within the global community.
Recent History of immigration

Although the asylum issue has not always been amongst the most pertinent of political subjects, the UK does have a long history of granting asylum. In the Nineteenth Century, Britain was renowned for its tolerance towards political dissidents (Layton-Henry, 1992). However, following an increasing movement of East European immigration into East London, public opinion turned decisively against ‘open borders’ with regards to asylum (Hansen and King, 2000). Layton-Henry (1992) describes this hostility to Russian Jewish refugees in the East End of London between 1870 and 1914. He posits that frustrations and bitterness caused by poverty, unemployment, overcrowding and crime were projected onto them, and they were blamed for causing the social problems that in fact already existed.

Approximately 120,000 Jews settled in Britain between 1875 and 1914 and much political capital was made from this, including in 1905 the Aliens Act being passed, with the argument that anti-alien sentiment was exploited by politicians in order to improve electoral fortunes (Layton-Henry 1992). Layton-Henry argues this was the precedent that was to be avidly followed by both Conservative and Labour administrations in their response to post-war New Commonwealth immigration. This view must be examined critically however, and the extent to which anti-immigration sentiments have been exploited politically is a contestable issue. The following brief examination of Twentieth Century immigration to the UK will take account of these differing views in order to provide a balanced overview of the development of the immigration debate.

New Commonwealth Immigration

It is widely accepted that the post-Second World War period saw an increase in Commonwealth immigration to the UK. Hussain (2001) argues that the early legislation of this period, such as the 1948 British Nationality Act, was essentially pro-immigration, in that it allowed fairly free entry for those who wanted to settle in the UK (Hussain, 2001). However, Solomos (2003)
contends that moves to discourage black immigration were already well entrenched around this time. Layton-Henry (1992) argues that after the 'anti-black riots' in Nottingham and Notting Hill of 1958, and the huge publicity these received, immigration was placed firmly on the political agenda and received much more negative publicity. Saggar (1992) agrees that the riots of 1958 did much to bring the social dimension of immigration into the limelight, and that this time saw increases in parliamentary voices calling for a restriction on the numbers of immigrants entering the country. Layton-Henry (1992) contends that it was also during this period that 'immigration' became associated in the public mind with non-white immigration, and an immigrant came to mean 'non-white person' in popular discourse. Solomos asserts that Parliamentary debate on immigration during the 1950s "focused on the need to control black immigration" and politicians linked immigration as well as other associated social problems to the 'coloured problem', and that this played a role in shaping legislation (Solomos, 2003, p. 53).

In the period from the mid-1950s into the early 1960s, a small number of Conservative backbench MPs had regularly asked questions on the issue of 'coloured immigration' and argued that greater control was needed on new arrivals entering the country (Saggar, 1992). However, it is important to note that the evidence provided by Saggar is heavily reliant on a small number of Conservative MPs. Although it does appear that anti-immigration sentiment had some backing, and was gaining a louder voice, the extent of this support is hard to accurately measure.

*Increasing Politicisation of Immigration*

It is claimed by some authors that following the events of the mid to late-1950s, the 1960s saw an increase in the politicisation of immigration and race (Miles and Phizacklea, 1979, Hussain, 2001, Layton-Henry, 1992). For example, at the 1964 General Election, Alec Douglas-Home claimed credit for the Conservative Government for excluding nearly a million people by means of the Commonwealth Immigrants Act (1962), while Harold Wilson accused the Conservatives of using immigration as an excuse for failing to address the
problems of housing slums, inadequate schools and poor education (Layton-Henry, 1992). Indeed, Solomos (2003) believes that this was the first piece of legislation that specifically attempted to control immigration on overseas British citizens. There was evidence that anti-immigration sentiments were popular with the electorate and there is some support for claims that the Labour Government adopted the policy of appeasing the Conservatives on both race relations and immigration controls. For example, Miles and Phizacklea (1979) highlight the General Election result of 1964 in the constituency of Smethwick, where the Conservative candidate Peter Griffiths campaigned on a platform that highlighted the concerns and uncertainties that had already given rise to a local anti-immigration organisation. Griffiths won the seat, and Miles and Phizacklea suggest that this brought home to the Labour Party that it could not afford to let the electorate think that it was anything but strongly in favour of strict immigration controls.

This is not to imply a simple scenario where politicians believed that anti-immigration sentiment was electorally popular adequately explains changes to policy and rhetoric. For example, Miles and Phizacklea (1979) believe that Labour's recognition that immigration needed tighter control, may have owed much to the belief that addressing people's concerns over immigration would prevent support going to Far-Right parties. However, it is possible that appeasing anti-immigration beliefs merely had the effect of contributing to the construction of the idea of immigration as a 'problem', about which something needed to be done, which will be demonstrated in this thesis is a central factor in the contemporary construction of the asylum 'problem'.

To provide further insight into the ways that immigration was constructed and controls were established through official policy, political discourses and public opinion during this period, it will be useful to highlight a number of examples where the issue received particular attention. These examples are by no means the only highly politicised episodes of immigration during this period; other instances such as that of the 'Vietnamese boat people' were also witnessed. However, the following examples provide a good sense of
some of the key developments in immigration and refugee issues in the 1960s and 1970s.

The 'Kenyan Asian Crisis'

From late 1967 onwards, the Kenyan Government embarked on a policy of 'Africanisation' where they refused to allow dual-nationality to Asian-British passport holders and were determined to give preference in employment to Kenyan Citizens (Saggar, 1992). As a consequence of this, many Kenyan Asians who retained their British citizenship lost their jobs and were forced to leave the country. Immigration to the UK from Kenya rose, and press and political interest became more focused on such issues (Hansen and King, 2000). However, as Saggar argues, the Kenyan Asians' perceived right of residence their British citizenship had conferred upon them was largely rejected by the British Government (Saggar, 1992). Indeed, Jones (1977) contends that it was as a direct response to this 'crisis', that the Government introduced the Second Commonwealth Immigrants Act, 1968. This Act categorized British passport holders into those who themselves (or at least one of their parents or grandparents) had been born, naturalised or adopted in Britain into one group who were free to enter the country; and a second grouping who were subject to immigration controls (Jones, 1977). Both Jones and Saggar contend that political action on this issue came as a response to media and public outcry and that this episode ensured that immigration remained 'centre stage' (Jones, 1977, Saggar, 1992). However, what might have been of equal importance in constructing this sense of 'crisis', is the government's willingness to act, which in some sense validated or even exacerbated the types of fears being expressed in popular discourses. In this sense, government action and legislative development was key to constructing the issue.
'Powellism'

In the late 1960s, Enoch Powell became the populist leader and spokesman for those concerned about non-white immigration and the perceived threat to British national identity and culture (Layton-Henry, 1992). Powell argued that the number of immigrants and their geographical concentration would prove an insuperable barrier to assimilation, and would lead to severe 'race' problems. His notorious and oft-quoted 'Rivers of Blood' speech in 1968 led to an increase in his popularity with some sections of the electorate and he obtained his own support base within the Conservative Party (Layton-Henry, 1992). Powell stated that "as I look ahead, I am filled with foreboding; like the Roman, I seem to see the River Tiber foaming with much blood". Such sentiments divided opinion, with some claiming Powell was merely articulating the view that many 'ordinary' British people held, whilst others believed his comments were racist and were a key development in exacerbating tensions and intolerance. Although Edward Heath sacked him from the shadow Cabinet, Powell’s contribution to the immigration debate was seen to have demonstrated that anti-immigrant sentiment could gain support amongst some elements of the electorate (Dummett and Nicol, 1990). Indeed, Dummett and Nicol contend that although Heath disapproved of Powell's mode of expression, his ideas themselves were consistent with the substantive tenor of the politics of Labour and Conservative Governments, which had 'broken down inhibitions' against defining the nation as a white one.

'Ugandan Asian Crisis'

In August 1972, General Idi Amin, President of Uganda, announced the expulsion of all Asians from his country. This presented a dilemma to the Heath administration, as to outright deny entry to them all would have been heavily condemned by Britain's allies (Saggar, 1992). However, to simply allow access to all the Ugandan Asians would have represented a major policy reversal. Britain finally accepted 27,000, just over half the total number, and set up the Ugandan Resettlement Board to oversee this. This was an unpopular move with the electorate, and further increased the electoral
salience of immigration issues (Layton-Henry, 1992). Saggar argues that this resulted in considerable media publicity, portraying the Ugandan’s arrival as an ‘invasion’ of British society (Saggar, 1992). Debate within the Conservative Party culminated in their October Party Conference, during which a Young Conservatives resolution backing Heath’s position was passed. Although it is very hard to quantify the impact that this episode, and those above, directly had on the development of legislation and public perceptions, it appears that the events and the way they were presented and perceived served to increase the political salience of immigration.

**Thatcherism**

After Margaret Thatcher’s Conservative Party came to power in 1979, different authors contest the extent to which immigration played an important role on the political agenda. For example, Saggar (1992) contends that immigration as an issue was only at the forefront of public and political discourse for a brief period and declined in significance after a few years of Mrs Thatcher’s premiership. However, that is not to argue that immigration was an invisible issue for Mrs Thatcher’s Conservative Party. Indeed, Saggar contends that following election to the leadership of the Party in 1975, the Conservatives under Thatcher moved to attach greater prominence to the immigration issue. He cites Mrs Thatcher’s appearance in 1978 on the *World in Action* television programme, where she spoke of ‘the British people’s fear’ of ‘being swamped’ by ‘alien cultures’. However, Saggar’s contention is that Thatcher’s belief in the electoral popularity of immigration ultimately ‘killed the salience of the (immigration) issue’. He argues that the 1981 Nationality Act, which took away the right of abode of many British passport-holders around the world, effectively ‘closed the immigration door’, and that immigration was not as important a political issue after this (Saggar, 1992). Despite writing in 1992, Saggar makes no mention of asylum issues during this period, or of specific cases such as the ‘Sri Lankan Refugee crisis’ of the mid-1980s.
The view of Saggar is challenged by Hussain, who believes that legislation such as the Immigration (Carriers' Liability) Act (1987), the imposition of visa’s on countries such as India and Pakistan, and other measures, displays the continuing significance of immigration issues under Mrs Thatcher’s administration (Hussain, 2001). Indeed, the introduction of the 1987 Act represents an important point in the evolution of immigration policy in the UK. If, as Hussain suggests, this Act was “passed primarily to discourage and prevent bogus refugees from entering Britain”, it may be seen as being a key development in the repositioning of the immigration debate towards the specific issue of asylum (Hussain, 2001, p. 34). Indeed, this and other specific refugee crises (such as that outlined above with regards to Ugandan Asians) may be seen as leading to the establishment of precedents that have since become central parts of the UK’s asylum policy.

Increasing Salience of the Asylum Issue

The above overview of the recent history of immigration to the UK provides a necessary background to understanding the contemporary asylum debate. It has been shown how, at times, immigration has been an important political issue, and this next section will show how, in recent years, a specific focus on asylum has developed. Although asylum was not the main focus of immigration policy during much of the above period, it did have a part to play in government policy. Accordingly, this study does not argue that the concept of ‘asylum’ is a new one, but rather that the ways it has been constructed and controlled in recent years have been profoundly reconfigured. For instance, Schuster (1998) contends that during the Cold War, asylum served as a means of legitimising certain western regimes, whilst de-legitimising others, namely the Soviet Union. According to this view, asylum was a means by which western states could assert a kind of ideological superiority over Communist regimes (Schuster, 1998). However, in the early 1990s asylum seeking began to be viewed in a much more negative and problematic way by the UK Government. As will be shown, there are certain similarities between contemporary concerns over asylum and the historical immigration debate.
However, it will be argued that the nature and form of current social constructions of asylum, and the mechanisms and practices of social control enacted on it, represented a significant and specific realignment.

**Realist Perspectives**

It is recognised that during the studied period there has to an extent been a real change in the nature of asylum seeking in the UK. As will be shown, the numbers of those claiming asylum rose, and the ethnic origin and 'type' of asylum seeker differed from those who had previously sought sanctuary in the UK. A central argument of this thesis is that such real changes are not in themselves sufficient to explain the illiberal nature of much of the UK Government's response, but prior to developing this position there will be a consideration of this real change in order to provide background and context to the subsequent social constructionist argument. Therefore, it is considered important to acknowledge and highlight influential academic works that largely position the asylum issue within the context of material structures. A key example of such work is that of Vaughan Robinson (2003), who has offered a subtle account of why more asylum seekers might have come to the UK, and how this must (in a sense) be viewed as a 'real' issue about which some form of action is necessary.

Outlining the context before the 1990s, Robinson (2003, p. 3) suggests that there were three key features that categorised most Europeans' view of asylum seekers. Firstly, asylum seeking was considered to be an issue primarily of concern to those in the third world, with little direct impact on Europeans. Secondly, when European countries were affected this was largely in relation to well-managed and contained quota systems. Robinson's third feature is that understandings of asylum were embedded in the experience of refugees fleeing oppressive regimes during the Second World War, where those involved were seen as deserving, and significantly white and European. Importantly for Robinson, these three features began to change in the 1990s. Specifically he argues that asylum seekers became
‘empowered’ through such developments as decreased costs of air travel, increased air routes to European cities, the flow of communication and media technologies into the third world, and the follow-on effect of previous labour migrations (Robinson, 2003, p. 4). Robinson contends that changes such as these contributed to an attitude change amongst asylum seekers, which saw them no-longer content to await protection in UNHCR camps, instead deciding to ‘spontaneously’ seek haven in western states. Essentially, the above developments afforded new opportunities for potential asylum seekers in terms of decreasing their dependency on official mechanisms for seeking asylum.

Matthew Gibney provides further valuable analysis, stating that the changed nature of asylum seeking is related to,

“developments in transportation and communication that have lessened the distance between the world’s richest and poorest countries. A kind of ‘globalisation of asylum seeking’ has occurred whereby many victims of conflict and persecution, as well as individuals in pursuit of better economic opportunities, can now travel intercontinentally in pursuit of asylum” (Gibney, 2003, p. 23).

This statement suggests that a proliferation of opportunities and motivations accounts for increases in the numbers of people claiming asylum. Gibney (2004, p. 128) contends that factors such as those outlined above, made the UK more “accessible to asylum seekers and undermined the traditional claim of British exceptionalism with regards to migration movements”. As it was easier, and indeed more likely that asylum seekers would look for refuge in this country, Britain could no longer consider itself to be a country “insulated from the political travails of asylum” (Gibney, 2004, p. 126).

Gibney offers an additional reason as to why this may have been the case, namely as a result of a number of internal and civil conflicts in countries such as Somalia, Yugoslavia and Sri Lanka. He suggests that such conflicts resulted in increased numbers of displaced persons and therefore created a
larger population of peoples who sought sanctuary in western European countries such as the UK. Indeed, there is a widespread acceptance that the increase in the global number of displaced persons accelerated in the 1970s and early 1980s, and after this began to increase dramatically (Cohen and Kennedy, 2000). Gibney (2003, p. 22) suggests that an increase in the number of those making claims for political asylum is one 'relatively obvious' reason why some European states began to impose more restrictive measures. However, and as will be addressed below when considering the 'politicisation' of asylum, although this may seem like an obvious reason, it is a wholly unsatisfactory explanation of the nature of the UK Government's response.

Recorded applications for political asylum in the United Kingdom began to rise sharply in the late 1980s. Until this time, the annual number of recorded asylum applicants in the UK did not exceed 5,000 and there was little demand for comprehensive legislation to regulate their acceptance, entitlements or integration (Schuster and Solomos, 2001). Figure 5.1 in Chapter 5 graphically illustrates this and shows that official Home Office statistics indicate that there were 4,389 recorded applications for political asylum in the UK in 1985, 11,640 in 1989, 43,965 in 1995 and 80,315 in 2000 (Refugee Council, 2001). Schuster and Solomos (2001) suggested that the asylum system in the 1980s was unsophisticated, though this was not considered problematic whilst applications remained at a manageable level. Indeed, there was no Act of Parliament that specifically dealt with asylum until 1993 (Sales, 2002).

It has been argued that the rise of recorded applications in the late 1980s exposed the inadequacies of the system and Stevens (1998) has shown how the government reacted with two significant changes in policy. Firstly, it began systematically to impose visa restrictions against 'refugee producing countries' (countries that large numbers of asylum seekers come from); and secondly, in 1987 the Immigration (Carriers' Liability) Act was passed (Stevens, 1998). Although not specifically an 'asylum Act', the 1987 Act was widely seen as a direct response to increased numbers of Sri Lankan Tamils seeking asylum and through it heavy fines were imposed on carriers.
transporting people without the correct documentation (Cohen, 1989, Layton-Henry, 1992). Indeed, Joppke (1998) asserts that the arrival of the Tamil asylum seekers signalled Britain's entry into the age of 'mass asylum seeking'. Such compulsion of carriers' gives an early indication that 'control' responses to asylum were to be at the forefront of legislation.

'New Refugees'

Further to the increase in recorded applications, it has been recognised that the make-up or 'type' of asylum seeker began to alter, in that the demographic and ethnic profile of the typical individual seeking asylum in Britain changed. Joly (1989) has termed these the 'New Refugees of Europe' who are distinct from 'traditional' refugees in that they are culturally and ethnically different from their hosts. Similarities can be highlighted here with the change in immigration noted by Miles and Phizacklea (1979) in the post-war period, where they suggest that the physical distinctiveness of the New Commonwealth immigrants, as compared to previous populations such as Jewish or Irish immigrants, made the indigenous white British population more conscious of their presence.

Many of these 'new refugees' came from Third World countries, even though it was and still is, the case that the majority of the world's refugees are located in camps near to their country of origin. For example, in 2001 the three countries housing the highest numbers of refugees were Pakistan (2,199,379), Iran (1,868,011) and Afghanistan (1,226,098) (UNHCR, 2005b). Lynn and Lea (2003) conducted a study of 'letters to the editor' in UK newspapers, and found that a primary concern among correspondents appeared to be the 'ethnic origin' of those entering the UK, primarily their 'non-whiteness' (Lynn and Lea, 2003). They posit that such discourses construct the sense of the 'other' and at the same time encourage a bi-fraction of identity, namely of 'us' and 'them' (Lynn and Lea, 2003).
Hansen and King (2000) contend that a significant consequence of the change in the make-up of asylum seekers was a fundamental shift in the UK's perceptions and actions towards them. They posit that until the mid-1980s, the arrival of asylum seekers in the UK had been dominated by Eastern Europeans, who were welcomed as evidence of the West's moral superiority over communism (Hansen and King, 2000). The collapse of the Eastern Bloc, and the changing demography of asylum seekers, meant this moralising aspect of granting refugee status became redundant. Robinson (2003, p.5) contends that this meant the common perception of the white European 'heroically fleeing' communism became supplanted by a dominant view of asylum seekers as ethnic and poor. Furthermore, the majority of asylum seekers entering the UK from this period onwards have been non-quota or 'spontaneous' (Bocker, 1997). This means that they travel to the UK independently, rather than as part of an official refugee programme, and must make individual claims for asylum (Sales, 2002). Indeed, Phillips (1989) suggests that the government seemed able to deal with 'quota refugees', where there was broad sympathy, but have more trouble dealing with spontaneous refugees, who were often portrayed as undeserving. Hansen and King (2000) typified these 'new refugees' in the following ways:

- They were increasingly third world in origin;
- They had less in common culturally with Europeans than those involved in previous asylum movements;
- They often arrived illegally, through the use of traffickers/false documentation.

The perception that greater numbers of asylum seekers were arriving in the UK began to form the basis of much popular debate, and was used to justify claims that 'something had to be done'. Furthermore, the view that these asylum seekers were of a different kind than the UK had previously dealt with was integral to the constructed sense that legislation would need to be developed to address this 'problem'. 
Politicisation of Asylum as a ‘Problem’

As Gibney (2003, p. 23) has noted, changes such as rising numbers of applications may suggest what the government was reacting against, but do not adequately explain why they chose to respond in the way they did, with what were increasingly restrictive measures. Why should it be that asylum seeking became framed in (primarily) security terms, and indeed how did such discourses become the dominant way of understanding the issue? It is possible to consider that increases in the number of people making applications could be met with an overwhelming tide of humanitarianism and compassion; so why did this not happen? This thesis argues that the answer to such questions can be provided through analysis and explanation of the claims making activities of key social actors, and that it is as a consequence of such activities that asylum seeking became constructed as an important social problem. As such, this section will examine literature that is helpful in beginning to understand how it is that asylum was constructed as a ‘problem’, before providing some overview of the responses that have been employed to try and control it. Having highlighted aspects of the literature that provide a vital background picture to understanding contemporary concerns regarding asylum seeking, the next chapter will focus more specifically on how social constructionism provides a highly useful way of understanding how the issue came to be understood in the way that it did. To aid clarity, the construction of the asylum ‘problem’ has been separated here into the discrete categories of economic burden, security/criminalisation and ethnicity/multiculturalism. It is recognised that in reality such a neat division may not truly reflect the nature of the construction, as these categories overlap one another.

Economic Burden

A key theme of the asylum debate has been to portray asylum seekers as a potential or actual economic burden, and to suggest that the UK does not have the capacity to cope with large numbers entering the country in this way (Robinson, 2003). Brochmann (1999) posits that asylum seekers have often been portrayed as economic burdens, and there is a perception that
increasing numbers of recorded asylum applications leads to problems with social welfare systems. Such a discursive framing during the 1990s coincided with a restructuring of welfare regimes along neo-liberal models, initially promoted largely by the Conservative Party but subsequently by New Labour, emphasising the importance of individual responsibility (Sales, 2002). It has been argued that such a context made the proposed exclusion of asylum seekers easier, as rhetorics surrounding the limitations of the welfare state were already well established (Sales, 2002).

At the same time, suggestions that influxes of asylum seekers would take jobs away from the indigenous population were made by politicians and campaigners (Bloch and Schuster, 2002). Indeed, a potential contradiction of popular fears on asylum seekers can be highlighted here. The concern is that asylum seekers will be a burden to the welfare state by claiming benefits, but also that they will ‘take’ jobs away from ‘British people’. This can be viewed as contradictory, because if asylum seekers were employed they would ultimately be contributors to the welfare state. An important factor in this is people’s perception of reality in terms of immigration pressure and in this sense, something of a ‘crisis atmosphere’ has been created (Brochmann, 1999). This sense of crisis can be seen to be manifested in a number of areas, one of which is the fear that welfare benefits act as an incentive to economic migrants to use the asylum route, the so-called ‘pull factor’.

It has increasingly been the case that asylum seekers have been constructed as undeserving, most notably by certain sections of the mass media, as their motives for claiming asylum have been called into question. Indeed, as Robinson (2003, p. 27) has contested, relatively low refusal rates on asylum claims have been “generally accepted at face value by the public” and fed into the belief that asylum seekers do not have genuine cases (the potential political manipulation and social construction of these rates will be critically analysed in Chapters 5 and 7). Lynn and Lea (2003) contend that the convenience of this ‘rhetorical strategy’ to justify strict controls is further enhanced by constructing ‘bogus’ asylum seekers as a threat to the interests of ‘genuine’ refugees (Lynn and Lea, 2003). They found that if enforcement
claims were justified in this way, it makes the claims seem ‘reasonable’ and as if they are born out of concern for ‘genuine’ refugees. These types of constructions have made it possible for the UK to create separate and inadequate welfare systems for asylum seekers, for example by the introduction of the (now withdrawn) voucher scheme (Bloch and Schuster, 2002). Under this scheme, subsistence was provided to asylum seekers through the use of vouchers that could be redeemed for goods in certain supermarkets (Sales, 2005). This scheme was criticised as stigmatising asylum seekers and exacerbating their social exclusion.

The assumption has been that welfare benefits and access to the labour market serves as a magnet for potential asylum applicants, and this has been used as a justification for curtailing benefits. It has been possible to make this connection because of the way asylum seekers are constructed as people who only take, rather than as real or potential contributors to society (Bloch and Schuster, 2002). Bloch and Schuster claim that the perception is that there have been cut backs in welfare generally, and that this is more likely to exacerbate hostility towards asylum seekers, with the belief that they are getting an unfair share of an increasingly smaller pot.

Increased restrictions on social support for asylum seekers in recent years have coincided with a restructuring of welfare policy in the UK that made it easier to exclude those deemed ‘undeserving’ from certain types of welfare provision. Sales (2002) has argued that under Tony Blair’s New Labour Government, the role of the private sector in the provision of public services has deepened, and the culture of ‘performance targets’ has been expanded (Sales, 2002). In a more general sense, this form of ‘modernising’ of public services was a central focus of the New Labour project and as such is a key factor in the British Government responding to asylum seeking in the way it has over the last decade (Sales 2005). Sales (2002, p. 459) argues that under Mr Blair, New Labour has moved away from a concentration on social justice and equality, towards the more individualised notion of ‘social inclusion’. Within this climate, there is greater emphasis placed upon individual responsibility and on individuals having to justify or prove why they should be
entitled to receive state benefits. Furthermore, Sales maintains that there has been a consolidated shift in the concept of citizenship, from one based on 'rights' to one based on 'duty'. In what is in many ways a continuation or adaptation of neo-liberal welfare reforms started by Margaret Thatcher's Conservative Party in the 1980s, individual responsibility has been emphasised by New Labour and this has been important in informing the governmental position on state provided welfare for asylum seekers. Within this climate of individuals supposedly having to be more responsible for supporting themselves, with less reliance on the welfare state, the government have acted to curtail welfare for asylum seekers as they have been labelled as undeserving. Essentially, it is against this background of perceived uncertainty with social provision and a reduction in the concept of the right to welfare, that asylum seekers have been constructed as 'economic migrants' and thus that their right to welfare provision has been challenged (Lynn and Lea, 2003).

There is however, a distinct lack of empirical evidence to support the correlation between welfare provision and asylum applications. Bocker (1997) posits that, in the majority of cases, the choice of country for asylum is not a conscious, rational choice by the asylum seeker and is in any case not based on an understanding of the advantages or disadvantages of various welfare regimes. Robinson and Segrott (2002), in a study of 65 asylum seekers, found that there was little evidence that they had knowledge of immigration or asylum procedures, entitlements to benefits, or the availability of work in the UK. The choice of country is often accidental and in large numbers of cases somebody else makes the decision, for example when people traffickers are involved (Bocker, 1997). This is important, given that restrictions on asylum seekers mean they have been denied legitimate opportunities to enter the country, and thus may be more likely to turn to human traffickers (Koser, 2000). At a micro level, asylum seekers may view their arrival as accidental, but on a macro level a range of factors can affect the destination. For example, ties between different countries may not be a motive for the asylum seeker to go to that country, but those ties may shape the asylum seekers motives indirectly, as established routes may be in place (Bocker, 1997).
As was argued in the introduction to this thesis, asylum seeking has been framed as a security issue within dominant discourses and asylum seekers have been labelled as deviants. In a sense, even those with genuine cases for political asylum may be categorised as illegal immigrants, as it has become increasingly hard for them to legally enter the country, with the extension of visas, border controls and restrictions on work permits (Koser, 2000). This framing of asylum seeking as a security concern has been exacerbated by the articulations of claims makers following the events of 9/11 and 7/7, "where national security is increasingly viewed as being antithetical to asylum-giving" (Hughes, 2006, p. 149). Given the existence of such a situation, Hughes (2006) has argued that asylum seeking is an issue that should be at the forefront of concern to criminologists. He further contends that the most persistent argument for the importance of asylum seeking to criminology comes from a "growing body of critical scholarship in Australian criminology" (Hughes, 2006, p. 151). As such, key elements of this body of literature will be considered here, to further strengthen the case for analysing asylum seeking from a deviancy perspective.

Of particular importance is the work of Leanne Weber (2002, 2003), with much of her research focusing on the detention of asylum seekers in Australia and the UK. Weber (2002) argues that the focus of asylum policy in those countries has largely shifted from a humanitarian one, to one more closely associated with criminal law that concentrates on deterrence. For Weber, (2002, p. 10) punitive state action against and the exclusion of asylum seekers, means that criminologists are suitably located to provide critiques, and asylum seeking is therefore an issue with which they should be concerned. This is an important point and provides further indication of why it is appropriate to study asylum seeking in a deviancy perspective. As Weber contends, responses to asylum seeking have increasingly been framed in criminological terms, and asylum seekers labelled as deviants within dominant discourses. Furthermore, in the UK, 'police-like powers' for immigration
officers have been extended and “the increasingly coercive measures used in the operation of immigration controls could be seen as part of an emerging system for the ‘policing’ of immigration” (Weber, 2003, p. 249). Importantly, although recent Immigration Act powers are increasingly ‘criminal-justice-like’, there are a lack of procedural safeguards such as those operating within the criminal justice system. In addition, Weber asserts that asylum seeking is constructed in relation to crime, and asylum seekers criminalised in a number of ways. These include a rhetorical sense through media and public discourses, in a more direct sense where asylum seekers might be charged with criminal activity, or in a procedural sense where they might be treated like criminals, regardless of their actual conduct (Weber, 2002, p. 14).

Of further importance here is the work of Sharon Pickering (Pickering 2001, 2001b, Pickering and Lambert 2002). Assessing legislative development in Australia, Pickering (2001a, p. 170) suggests “Australian intakes of asylum seekers and refugees are small by international standards, yet over the past decade, Australia has rapidly developed an increasingly regulatory regime”. Australia’s refugee policy operates on the assumption that asylum seekers ‘can and should’ be deterred from making claims for political asylum and this notion of deterrence permeates the Australian government’s approach (Pickering and Lambert, 2002, p. 65). This is said to be of concern in a number of ways, primarily that the “use of deterrence effectively excludes a consideration of the conditions that produce refugees and as such seriously undermines principles of international refugee protection” (Pickering and Lambert, 2002, p. 62). In this way, asylum seekers are portrayed as a kind of aggressor, whose claims for protection and assistance have been increasingly portrayed in dominant discourses as illegitimate. Importantly, Pickering (2001b) argues that state action in such a context has resulted in harm being done to asylum seekers as they have been increasingly criminalized, and as such she contends that they are the victims of such action.

Research by other authors from this critical scholarship tradition, namely Green and Grewcock (2002), has shown how supposedly illegal actions on the part of asylum seekers mean they are portrayed by governments as being
to blame for their own ill fortune. For example, Green and Grewcock (2002, p. 87) cite the then Home Secretary, Jack Straw, as proclaiming that the death of 58 Chinese immigrants in Morecambe Bay in June 2000 "must serve as a stark warning for others who might be tempted to place their fate in the hands of organised smugglers". The portrayal of asylum seekers as those motivated by 'criminal intent' has been forwarded by dominant claims-makers to further legitimise their exclusion (Weber, 2002, p. 12).

Dominant claims makers have used such incidents and perceptions to argue that the deviant or illegal actions of asylum seekers means that there must be greater control over them. For instance, Huysmans (2000) argues that the expansion of security measures in relation to asylum is often presented as inevitable, with rhetoric stating that increased security is necessary because there 'obviously' are increased security concerns. However, Huysmans claims these policies are also 'defining practices' in that they mobilise specific institutions and expectations: for example, the police whose job it is to produce security knowledge. In other words, the more involvement there is from security forces, the greater probability there is of the problem being defined as one of security and consequently the more the expectation will be that the solution to the asylum 'problem' can be found in security measures.

The conflagration of asylum seeking with security issues and illegal immigration is extended, as the increase of people traffickers has led to connections being made with organised crime (Koser, 2000). Indeed, Weber (2002, p. 12) suggests that policies making it harder to gain legal access to some western states have further criminalised asylum seekers and that "having created an international market for people smuggling and trafficking, governments are now able to define the refugee problem as a fight against transnational organized crime". In this way, state action against asylum seekers is further justified, as this is said to be aligned with combating international criminal networks. In an interesting addition to this, Green and Grewcock (2002, p. 95) cite a German border guard who claimed that "we create the business for the smuggler". This official contended that he was finding increased numbers of entrants who had received help from people
smugglers, and Grew and Grewcock relate this directly to the increased intensity of border controls and enforcement.

**Ethnicity/Multiculturalism**

A damning indictment of the UK’s treatment of asylum seekers came from the Council of Europe’s European Commission against Racism and Intolerance (ECRI, 2001). In a special report on the United Kingdom of June 2000, the ECRI accept that the UK has taken positive steps to counter racism and discrimination in many areas of social life, including the implementation of anti-discriminatory legislation. However, the ECRI claim that xenophobia, racism and discrimination still persist and are ‘particularly acute’ with regard to asylum seekers. This highlights a key issue within the contemporary asylum debate. Namely, that political rhetoric and official discourses against asylum seekers are frequently of the sort that would be unacceptable against any other minority, social group or class. Indeed, many of the sentiments expressed in the asylum debate may be thought of as being of an inflammatory nature, such as ‘floods’ of asylum seekers, constituting an ‘invasion’ of the nation. Furthermore, the fact that the ECRI signalled the UK as being particularly culpable in this regard indicates that responses in some other countries may not have been quite as discriminatory. This suggests that the particular construction of the problem in the UK may differ in some regards from that of other European countries, and that responses may be informed by more than merely real changes in the nature of asylum seeking. As such, an understanding of how the problem has been constructed in the UK context and the key influences upon this is important.

In the introduction to a special edition of the journal ‘Ethnic and Racial Studies’, Lewis and Neal (2005, p. 424) posit that the public focus on asylum has bordered on the ‘hysterical and xenophobic’, and importantly that such a mood has been echoed at policy level. By way of supporting this linkage of popular fears and policy development, Lewis and Neal cite former Home Secretary David Blunkett, who said that it is important to respond to popular fears over asylum in order to combat the rise of the far right. However, in the
same edition Sales (2005, p. 446) contends that "strident calls from the mass media and politicians for action against asylum seekers" was an important factor in giving "opportunities for the racist British National Party [BNP] to organise both at street level and within electoral politics". This suggests that not only have the BNP politically profited from the expression of anti-asylum sentiment by others, but to some degree have played a role in setting the agenda on asylum seeking. Sales (2005) argues that such developments indicate that despite government protestations that asylum seeking should not be connected to the issue of ethnicity, the two issues have indeed become conflated by politicians and indeed more widely.

Lewis and Neal (2005, p. 423) argue that such a conflagration has resulted in legislative innovation on asylum reflecting a redrawing of "multicultural political and policy approaches". Within governmental discourse, multiculturalism is now spoken about in "highly conditional terms", with the requirement that it "is bound to a wider commitment to the nation-state" (Lewis and Neal, 2005, p. 430). Schuster and Solomos (2004) identify this as a key aspect of New Labour's position on ethnicity and asylum, with a move away from a commitment to multiculturalism towards an emphasis on social cohesion. This emphasises the role of the 'citizen' in adhering to core values of Britishness, where individuals have the responsibility to integrate. This is a further way in which the New Labour preoccupation with individual responsibility can be seen as informing governmental understandings of and action on asylum seeking, with Schuster and Solomos (2004, p. 282) citing the introduction of 'citizenship classes' for new immigrants as an example of this move towards responsibility and citizenship. In light of the above highlighted partial (but not insignificant) political success of the BNP, as well as other factors such as the post-9/11 climate and civil unrest in some communities in the north of England, a search for the production of a coherent national identity and social cohesion has been an important factor in the context in which recent asylum legislation has been developed (Lewis and Neal, 2005, p. 434). Importantly, Lewis and Neal argue that a search for a strengthened notion of core national values and national identity in this context "can be appropriated to a Manichean division of the world into good and evil which then maps on to a
divide between Christian and Muslim (West and East)." Such an appropriation has been conducted by key claims-makers in relation to asylum, which has contributed to the issue being socially constructed in particular (problematic) ways, as will be highlighted within the empirical chapters of this thesis.

Holton (1998) talks of some kind of 'external threat' as being a contributory factor towards shaping and maintaining an aggressive national identity. Michael Billig (1995) posits that for a country to have an identity, it is necessary to have some concept of how that country's identity and people differ from others. It follows that to have a standard view of the 'other', stereotypes are likely to occur. Hall (1997) says stereotyping reduces people to a few simple characteristics which make it easier to differentiate. Parallels may be drawn here with Becker's concept of the 'outsider', (Becker, 1963). Becker uses this term to refer to people who are in some way judged as 'deviant', and thus stand outside the circle of 'normal' members of society (Becker, 1963). Asylum seekers may be perceived as 'different' because of their ethnic and cultural distinctiveness and at the same time 'deviant', for the reasons outlined above, and thus are constructed as troublesome in more than one sense.

It could be argued that an oversimplified version of asylum seekers has been perpetuated within dominant discourses, where concepts such as 'bogus', 'illegitimate' and 'illegal immigrant' have become popular ways of how they are understood. In this way, asylum seekers are in a sense classified as being a homogenous grouping. Indeed, Lynn and Lea (2003) believe this construction has become so successful that it is now the 'commonsense' and widely understood view that most asylum seekers are 'bogus', to the extent that the concept no longer has to be explained or justified in the argumentative process, it 'just is' (Lynn and Lea, 2003). In a similar sense, Hughes (2006, p. 144) has asserted that "the asylum seeker/refugee in countries like the United Kingdom... remains represented in dominant discourses as the stranger coded as the dangerous and polluting 'outsider' in the eyes of the established 'host' community". This further extends the trend of confusing, and grouping together asylum seekers with economic migrants,
which as will be demonstrated in subsequent chapters, is a key part of the social construction of the asylum 'problem'. Billig (1995) puts forward the view that conventional rhetoric denies 'our' prejudice, claiming that it is 'we' who are tolerant and 'they' (the immigrants/asylum seekers) who are intolerant and dishonest. 'Their' behaviour reflects a deviancy of character, and this is illustrated in the belief that most asylum seekers are 'bogus', and are thus illegitimate claimants to refugee status. Therefore, they are not only seen as different, and a potential danger, but are also stereotyped as dishonest, thus legitimising anti-asylum rhetoric and tighter controls. Once the perception of 'outsider' who is 'different' from 'normal' members of society has been established, calls for increased social control appear more 'reasonable'.

Billig contends that it is less visible, everyday forms of nationalism that contribute towards xenophobic attitudes (Billig, 1995). This is what he refers to as 'banal nationalism', where everyday processes shape beliefs of nationhood. In many ways then, there seems to be an underlying fear of some type of external threat, of which asylum seekers are seen as primary contributors. Solomos and Back (1995) posit this situation has led to the strengthening of mythological claims about the threat the nation faces, where fears are raised concerning national culture and identity and this in turn leads to a quest for more definite boundaries. This understanding allows us to see the construction of the asylum debate as situated within wider insecurities in modern societies. Recent concentration of the 'threat' posed by asylum seekers is one aspect of these wider fears, which results in the search for control solutions to alleviate them. This 'quest for more definite boundaries' appears to have had an important role in shaping asylum legislation, with many making the criticism that it is far too occupied with control strategies.

Control Responses

It has been recognised that much of the developing legislation on asylum has had a strong emphasis on control and enforcement strategies. Indeed, Gibney (2004, p. 2) has described a 'remarkable array' of measures to restrict the admittance of asylum seekers being developed in some western states in
recent years. For example, it is argued by Bloch (2001) that many of the changes produced by the 1999 Immigration and Asylum Act relate to detection, prevention and punishment of immigration and asylum offenders. Many of these strategies relate directly to control by the state, but a number of other societal actors, such as NGOs, political parties and campaigning organisations, serve to reinforce, maintain or obstruct state policies, thereby influencing the nature and outcomes of control (Brochmann 1999). As such, control goes much further than admittance or non-admittance to a country and permeates all levels of the asylum system and its enactment is often more subtle or indirect than obvious modes such as border controls.

Control and regulation policies reflect tensions and dilemmas related to sometimes contradictory interests and considerations concerning immigration (Brochmann, 1999). The complexities of the development of social control will be developed in the next chapter, but it is important to note here that the social control of asylum seeking does not reflect any one discourse or group's interest. Rather, a 'matrix' of claims and counter-claims, from a range of organisations and individuals (both 'official' and 'unofficial') contribute to complex social processes influencing the understanding, conception, nature and practice of control.

In an attempt to outline the various strategies that have been introduced to try and control asylum, it may be useful to think in terms of 'border and external', and 'internal' controls. Essentially, border and external controls refer to those strategies that seek to make it harder for would-be asylum seekers to gain entry to the country in the first place; whereas internal control is focused on monitoring and enforcing the behaviour of asylum seekers once they are in the country. However, this conceptual division in reality includes an element of crossover, for example in that some internal controls may be enacted with the aim of deterring asylum applications.
Border and External Controls

One of the most oft-noted external control strategies is the extension of visa controls to countries known for producing large numbers of refugees (Bloch, 2001). This has often been used as a direct response to increases in applications from certain countries, and has been seen as further increasing the criminalisation of asylum seekers. This is so, as the imposition of visas can make it much more difficult for even genuine refugees to legally enter the country, thereby potentially increasing instances of illegal immigration, as asylum seekers may turn to illegitimate measures to enter the UK.

Immigration offences such as deception and facilitation of entry have become more commonplace in recent years (Stevens, 2001). Such offences originally referred to those knowingly entering the UK in breach of a deportation order or without authority, but have developed to be much broader, with harsher penalties proposed to deal with 'offenders'. For example, the Asylum and Immigration Act 1996 added the proviso to the law on illegal entry, that it was also an offence if anyone obtained or tried to obtain leave to enter the UK by any means including deception (Stevens, 2001). Further evidence of the growth of this type of strategy can be found in the detail of the Nationality, Immigration and Asylum Act 2002. This Act includes the creation of new offences relating to 'assisting unlawful immigration' and 'helping an asylum seeker enter the UK', both of which carry up to a 14 year prison sentence (Refugee Council, 2002b).

Other external strategies include enhanced legislation on carriers' liability, which has been a constant feature of UK asylum policy since the introduction of the above-mentioned 1987 Immigration (Carrier's Liability) Act (Stevens, 2001). The range of carriers covered by such legislation has increased as the modes of transport used to gain access to the UK have widened. For example, the 1987 Act was extended in 1998 to include passenger trains from Belgium by virtue of the Channel Tunnel (Carriers' Liability) Order (Stevens, 2001). Furthermore, immigration officers investigatory and enforcement powers have been increased through successive legislation (Weber, 2003).
The 1999 Immigration and Asylum Act saw the granting of increasingly wide powers of entry, search and arrest with or without warrant, and fingerprinting (Stevens, 2001). Stevens highlights the concern that these powers give immigration officials the types of authority previously limited to police officers, despite not receiving the same level of training.

Weber (2003) has highlighted an important concern in relation to such increased powers for immigration officers, namely the degree of discretion they are afforded in deciding if asylum seekers should be placed in detention, which she argues has led to 'arbitrariness'. As previously stated, Weber (2003, p. 249) contends that despite the increasing 'criminal-justice-like' powers conferred to immigration officers, they are not governed by the same procedural safeguards that police officers are. Based on previous research she conducted centred on interviews with immigration officers (Weber and Gelsthorpe, 2000 cited in Weber, 2003), she concedes that a degree of discretion is innate in any decision making system and that it may even bring some benefits to such systems. However, Weber (2003, p. 259) argues that the vagueness of detention guidelines, the variability in decision making styles, and even the targeting of specific nationals may “allow decision making to start out, and then continue down the wrong road”. She concludes by asserting that the ‘unnecessary’ detention of asylum seekers before their applications have been considered, results in both high ‘financial’ and ‘human’ costs and thus that discretion should be constrained (Weber, 2003, p. 259).

The above range of strategies can be seen to have had the cumulative effective of extending the control system that surrounds asylum. External controls on asylum seekers will be examined in greater detail in later chapters, but it is important to highlight that there has been an increase of controls designed to prevent would be asylum seekers from reaching the country in recent years. An interesting example of this was seen in the case of the Red Cross refugee camp of Sangatte, near the French town of Calais. This included lobbying for change in another country's domestic policies, as it was argued that the existence of this camp had led to large numbers of asylum seekers entering Britain. Pressure was brought upon the French
Government, and the camp was closed down. Sangatte had become a powerful symbol of 'invasions' of refugees entering from Europe, with claims that the asylum seekers had collected there because they were all desperate to enter Britain (Schuster, 2003). Its closure can be seen as an example of how official and unofficial claims-making activities and lobbying made a significant impact on policy and practice.

**Internal Control**

It is perhaps more obvious to think of external types of immigration control, such as the reinforcement of a states borders. However, internal control and surveillance has been continuously increased by recent legislation, as was briefly detailed in Chapter 1 and will be expanded upon in later chapters. Gibney (2006, p. 141) gives a good sense of the range of such increases when saying those seeking protection have increasingly had “denial of the right to work, limitations or exclusions of welfare benefits, diminishing rights to appeal negative decisions, and, ultimately, deportation”. Comparisons can be noted here with the criminal justice system, where increased controls to address fears of crime and wider insecurities have been witnessed (Innes, 2003). The links between developments in control in asylum and criminal justice will be developed in the next chapter, but it is important to highlight here that it is not suggested that developments in the control in asylum are unique or should be seen in isolation, but rather should be viewed within the context of a continual expansion of the social control apparatus.

Much of the change in internal control of asylum seeking has focused on the restriction of the provision of welfare. The justification for this has been the eradication of 'pull-factors', although a critical reading of the situation would question the validity of such claims. Despite the above research evidence indicating that asylum seekers knew little about the UK’s welfare regime, the curtailment of welfare remains a prominent strategy to try and reduce the numbers of asylum seekers arriving (Bloch and Schuster, 2002). The 1996 Asylum and Immigration Act is of particular importance here, as it introduced the concept of differentiating between asylum seekers who applied at the port
of entry and those who applied ‘in-country’ (Bloch, 2001). This was an important development as there was an implicit assumption that those applying in-country were more likely to be 'bogus'. This belief was exemplified by the fact that in-country applicants were identified as no-longer eligible for cash benefits or homeless persons assistance and instead had to rely on limited support from local authorities (Bloch, 2001).

**Categorisation within Internal Controls**

This differentiation of asylum seekers on the basis of where asylum is applied for can be seen as part of a wider strategy of categorisation, which in turn can is a key aspect of the internal control of asylum seeking. Categorisation permeates all levels of the asylum system, from initial categorisation of port or in-country applicants; to those who are categorised as having ‘manifestly unfounded’ claims and are therefore ‘fast tracked’; through to the ultimate decision taken on the asylum application and the types of status that might be granted. Something has already been said of the first element here, but some explanation of the other two is necessary.

An asylum claim may be considered to be ‘manifestly unfounded’ if the applicant comes from the so called ‘White List’ of countries, and will therefore have their asylum application fast tracked (Stevens, 1998). The White List (that was introduced under Section 1 of the Asylum and Immigration Appeals Act 1996) contains countries that the Home Office considers do not pose serious risks of persecution, and tight time limits for appeals of applicants coming from these countries have also been set. The Home Secretary has the power to add countries to this list as he sees fit and there is the potential that inclusion of countries on the list could be seen as a means for more easily refusing applications (Refugee Council, 2002b). For example, a recent inclusion on the list was Sri Lanka, from which a relatively high proportion of asylum applicants to the UK have come from. The potential implications of the fast tracking of asylum applications are examined in more detail in chapter 7.
Definitions of different asylum application outcomes such as 'refugee status', were offered above, but it is important to note that the development of different outcomes is a further example of categorisation. For example, the category Exceptional Leave to Remain (ELR) was replaced by the categories of Humanitarian Protection and Discretionary Leave. The Government argued that ELR was being awarded too routinely and it is intended these new categories will be used more sparingly. The Government introduced this policy as a "robust new measure to tackle asylum abuse" (Home Office, 2002b, p. 1), but a critical reading might suggest that it is a further tactic in controlling the outcomes of asylum applications, as will be explored in the empirical chapters.

**Deterrence of Internal Controls**

A further internal control measure is restriction on legal access to the labour market, with the rationale being that perceived employment opportunities act as a 'pull-factor' for would be asylum seekers (Bloch and Schuster, 2002). Under the 1996 Asylum and Immigration Act, a system of penalty fines for employers hiring employees without appropriate documentation was introduced. Bloch (2001) contends this reduced the likelihood of potential employers hiring asylum seekers and refugees due to the burden of checking additional information. The extension of fines on employers can be seen as further widening internal surveillance and control on the movements of asylum seekers. It charges employers with the responsibility of ascertaining the immigration status of potential employees, and has potential negative consequences on the employability of asylum seekers. Furthermore, the Nationality, Immigration and Asylum Act, 2002 strengthened immigration officers' powers to enter business premises without a warrant, to search for and arrest 'immigration offenders' (Refugee Council, 2002b). The same Act introduced the Application Registration Card (ARC) as the identity document for asylum applicants in the UK. This card contains information on the cardholders entitlement to work, as well as biometric data of the applicant (Refugee Council, 2002b).
Consensus of Control?

Control strategies are enacted in a diverse range of ways and settings; and involve both official government agencies and wider society. Sales (2002) contends that challenges to the proposition that immigration policy should be preoccupied primarily with control are confined largely (though not exclusively) to the extra Parliamentary arena and that Parliamentary discussion is primarily focused on what type of control will 'work best' at addressing asylum 'problems' (Sales, 2002). Therefore, much of the Parliamentary rhetoric centres on reducing the number of asylum applications made, although it is important to highlight that oppositional voices to the dominant construction have also been heard (and indeed had some influence) within Parliament. However, overall it is accurate to say that the motivation behind a significant amount of recent asylum legislation has been to reduce the number of applications made, with Gibney (2004, p. 107) asserting that this aim has been a 'hot political issue' in contemporary debates. Again comparisons can be made with the criminal justice system, where concerns for reducing crime statistics might be viewed as a key focus. However, outside of government, organisations such as those that campaign for the rights of asylum seekers may say that priorities lie elsewhere, such as ensuring the fair treatment of those making asylum applications.

A brief look at a range of control strategies has been offered, against the background of the ways asylum has been constructed as a 'problem'. Expansion of the control of asylum will be developed and expanded upon in the next chapter, where a closer examination will be given to how legislative development on asylum seeking is illustrative of logics of social control in late modern societies.

EU/Transnationalism

An investigation into the asylum debate within the UK would not be complete without contemplation of the impact of membership of the European Union
(EU) and wider processes of transnationalism (Joly and Cohen 1989; Joly, 1996; Rex, 1996). International refugee law is based upon the 1951 Geneva Convention and wider global trends in the movement of peoples clearly impacts upon any domestic policy in this area. Furthermore, the Treaty of Amsterdam saw the establishment of a common European asylum system becoming a priority in the EU (Lavenex, 2001). However, Joppke (1998) clearly believes it is the internal security considerations that have prevailed when he posits that asylum legislation should be viewed primarily as the preserve of individual nation-states. Nevertheless, the issue of asylum has seen some moves towards European cooperation, as will be shown below. Figure 2.1 gives a graphical illustration of the levels of recorded asylum applications in selected EU countries in some years between 1985 and 2000.

Figure 2.1

Recorded Asylum Applications
In Some EU States, 1985-2000

As can be seen from this graph, a number of EU countries have experienced significant numbers of recorded applications for political asylum in the last 20 years. As was argued at the start of this chapter, this thesis contends that heightened interest in the asylum issue should not be viewed as a simple pragmatic response to high numbers of asylum applications. It is possible that similar processes of the social construction of the issue may have occurred in other countries, although this thesis has not specifically investigated this. Therefore, these figures are provided purely as an indication that relatively high numbers of recorded asylum applications are not confined to the UK, and subsequent chapters will provide more detail on EU co-operation in this area.

**EU Co-operation**

According to Gibney (2004), there existed during the 1980s and into the 1990s, a perception at official level that as an island nation Britain was able to effectively unilaterally control immigration into its own territory. As such, there had been extreme reluctance on the part of the UK Government to associate itself with moves by fellow EU states aimed at harmonising asylum policy, although there were some isolated examples of cooperation such as the Schengen Information System (Gibney, 2004, p 129). In more recent years however, Gibney (2004, p. 128) contends that a 'profound change' has occurred in the UK Government's attitude to European cooperation in relation to asylum seeking. Gibney's assertion is that recent years have seen the UK Government increasingly seeking EU cooperation in order to solve the asylum problem, for example through EU-wide aid to developing countries being linked to the implementation of measures to inhibit movement of their nationals to Europe. In addition, Green and Grewcock (2002) argue that pressure has been put upon states hopeful of joining the EU to stem the flow of asylum seekers from their territories. Importantly, Green and Grewcock see this as a further attempt to create a sense of European identity, and one that excludes those deemed different or dangerous.

Further examples of this attempted European co-operation include increased intelligence sharing between countries and Lewis and Neal (2005) suggest
that since 9/11 co-operation on issues such as border controls have been
afforded a higher priority. Sheptycki (1995) has argued that a growing sense
of Europe-wide police and customs co-operation has produced a security
continuum connecting border control, terrorism, international crime and
migration. For example, British immigration officers have been working in an
advisory capacity alongside the French Police aux Frontières (PAF) at the
port of Calais (Home Office, 2004b). This strategy was expressed as one
targeting illegal immigration from France to Britain and was closely connected
to ‘organised gangs’ of people smugglers who ‘target’ the UK (Home Office,
2004b). An example of more Europe-wide collaboration is Eurodac, the EU-
wide fingerprint database of asylum applicants (Home Office, 2004b).

The EU’s Dublin Convention of 1990 established the principle that a single
state should be responsible for assessing asylum applications (European
Commission, 2003). European governments had previously asserted that it
was possible for asylum seekers who had been denied refugee status in one
EU country to make subsequent applications in others, so-called ‘asylum
shopping’ (Vink, 2001). Indeed, the UK Government’s 2002 White Paper
‘Secure Borders, Safe Haven: Integration with Diversity in Modern Britain’,
talks of the need to take action to avoid such ‘secondary movements’, without
providing any figures in support of the claim that this is necessary (Home
Office, 2002d). Against this background, EU negotiations were entered into in
March 1996, which resulted in the implementation of the Eurodac system.
Eurodac consists of a Central Unit within the European Commission in
Brussels where a computerised database compares the fingerprints of asylum
applicants in an attempt to ensure that they have not previously claimed
asylum in another EU country (Vink, 2001). The database also stores
information about country of origin, sex, place and date of the application, and
a reference number (European Commission, 2003). This information is kept
on record for 10 years, or until the asylum applicant is granted citizenship in a
member state (European Commission, 2003). As such, a key tactic that was
established with regards to European co-operation on asylum matters was the
sharing of data and the enhancement of surveillance capacities.
EU/National Tensions

Increased integration of the EU can be seen to have exacerbated tensions in two key areas. Firstly the tension between state sovereignty and supranational governance and secondly the tension between internal security considerations and human rights issues. Evidence of these tensions can be seen in a number of ways. Firstly, as Rex (1996) suggests, membership of an integrating Europe can further increase fears regarding the weakening of national identity and national sovereignty. A second issue concerning European identity is introduced by Gerard Delanty (1996). Delanty articulates the concern that as Europe continues to integrate, a heightened sense of European identity will be developed. For this to happen, what is common about Europeans will be emphasised, and Delanty posits that current beliefs suggest what is common about Europeans, as distinct from other parts of the world is that they are white and Christian. If a European identity, based on these prerequisites is maintained then this could further marginalize minorities within Europe, and make claims against migrants and particularly asylum seekers appear more ‘reasonable’.

Further to the EU and European integration, wider trends of globalisation and transnationalism have obvious implications for any country’s asylum policies. There is little doubt that the last century saw fundamental structural shifts in the global order. John Rex (1996) suggests that until about thirty or forty years ago, Western Europeans did not talk much of national identity. Now though, they are caught up in a form of globalisation involving international economic institutions and international media images. This, posits Rex, has forced people to ask whether they have a distinct identity when challenged by the forces of globalisation. Holton (1998) suggests that during times of insecurity in identity, increasing claims are made for a coherent national consciousness, especially when overlaid with a sense of ethnic solidarity. The underlying logic here is that identity is based on membership of a national community. Within this context many have argued (Rex, 1996; Solomos and Back, 1995; Delanty, 1996) that popular perceptions exist that increasing numbers of immigrants, and in this case asylum seekers represent a further threat to
national identity and culture. Solomos and Back (1995) argue that racist ideologies are able to offer a simple and clear explanation for the problems of the modern world, and that they emphasise the need to protect the nation against invasion from 'others'.

Summary

There is a complex web of factors contributing to the way asylum is defined, understood, and managed in the UK. From a largely unimportant political topic for much of the twentieth century, asylum has developed into a central issue of political and public debate. Conventional explanations for this usually refer to the increasing number of asylum applications, and see legislation and control as a response to this. However, to get a fuller understanding of the situation, it is necessary to conduct a more sophisticated review of the social processes contributing towards the ways that the asylum issue is understood, and to highlight the fact that responses to increased numbers of asylum applications should not be viewed as an inevitable reaction. Instead, this study will go on to consider the asylum debate within the context of theories of social construction, and the response to this problem within the context of theories of social control. As such, this chapter has attempted to preface the argument that will be developed subsequently. It will be argued that social constructions are particular to a place and time and that these change as does our understanding and perceptions of the social world, and that he social control responses to the problem actively construct the sense of how the issue is understood.
Chapter 3: Social Construction and Social Control

Introduction

The previous chapter set out the argument that the issue of asylum in the UK has come to be seen as one with a problematic status. This has fed into beliefs that the best way to address this is to focus on surveillance, risk management and deterrence enacted through a variety of social control strategies and tactics, and by aiming to reduce the numbers of people making asylum applications. Essentially, how a problem is constructed shapes the social control responses that can be imagined and practiced in response to it. Social control responses are not a natural or inevitable reaction to objective social conditions, but are the consequences of processes that contribute to a social issue being viewed as troublesome, deviant, or problematic in some manner.

This chapter will develop these ideas, and show how these changes can be better understood by positioning the development of the asylum issue in relation to concepts of social construction and social control, and how such a conceptual apparatus offers insight into the asylum issue. Outlines of various concepts of social construction and social control will be provided, before making a specific case for why such approaches are valid in considering the asylum debate. It is important to point out that neither social construction nor social control are unified, homogenous theories, but are contested concepts that have been addressed in a number of ways by various writers. The ultimate aim of this chapter is to introduce these sociological concepts, to show their relevance to understanding asylum, and outline the overall theoretical framework informing the subsequent analytical chapters.

Social Construction

An approach that is especially helpful in unpacking how a problematic status is made is the group of theoretical statements that are often labelled as 'social
constructionism’. Maines (2000, p. 577), for instance argues that social constructionism should be at the very centre of sociological enquiry, as it challenges ‘vulgar essentialisms’ and seeks to explain "societal configurations and arrangements." There has been much debate from those who may label themselves ‘constructionists’ as to exactly what form studies of this nature should adopt. However, as Lynch has argued "social constructionism is a useful term to collect together studies with an "eclectic surface affinity" (Lynch, 1998, p. 29). The classic statement of the social constructionist perspective is that of Berger and Luckmann’s *The Social Construction of Reality* (1966).

*Construction of Reality*

The basic premise of Berger and Luckmann’s argument is that what we tend to accept and treat as knowledge of the world around us is, in fact, socially organised and produced. What is real and attributed a factual status in one society may vary significantly from another, where different understandings exist. Once this is recognised, it becomes important to gain an understanding of the processes by which knowledge comes to be socially established as reality. Berger and Luckmann’s work drew upon classical works from the sociology of knowledge, including that of Karl Mannheim. A key concern for Manheim was that of ideology, and from this a central component of the sociology of knowledge was established – that no “human thought was immune to the ideologizing influences of its social context” (Berger and Luckmann, 1966. p 9). Berger and Luckmann expand upon this, and focus not merely on ideology, but on every kind of knowledge within society, starting with the commonsense knowledge of everyday life. They explain how an individual’s knowledge of their everyday lives and routines are taken for granted realities, and it is also assumed that other people share certain common sense understandings of social reality. They summarise this position by saying “commonsense knowledge is the knowledge I share with others in the normal, self-evident routines of everyday life” (Berger and Luckmann, 1966. p 23). It is not necessary to challenge this taken for granted reality, nor does it need verification, it is simply self-evident and ‘there’.
Shared definitions of reality are reinforced by established patterns of acting, or routines, in which individuals participate in their day to day lives (Berger and Luckmann, 1966). Important here is the institutionalisation of society, which serves to reinforce and legitimise ‘truths’ within society. ‘Institutionalisation’ occurs with reciprocal activity among numerous actors, whereas ‘habitualisation’ is concerned with individual processes, which that person will routinely face. This is important, as it is clearly the case that institutions are made up of people, who initially produce and then maintain them. Berger and Luckmann’s (1966) argument is that institutions develop to manufacture and sustain a reality of their own, and therefore social actors will experience this as objective reality. Of importance is that although an individual views the institution in an objective way, it is in fact a humanly produced, constructed reality. Berger and Luckmann (1966) give the name ‘objectivation’ to the process by which the ‘externalized’ products of human activity attain the character of objectivity.

Social Matrix

Berger and Luckmann’s ideas have spawned a number of subsequent adaptations and developments. Amongst the most useful is Ian Hacking’s (1999) concept of a ‘social matrix’. A matrix makes certain ideas ‘thinkable’ and certain practices ‘do-able’. Ideas are formulated within a social setting, or matrix, which consists of a complex range of social institutions and actors, and thus what we come to know and believe is socially constructed in this way. With the asylum ‘problem’, the operation of a social matrix may contribute to a popular consensus that increasingly restrictive measures against asylum seekers are necessary, and may consist of politicians, journalists, advocacy groups, lawyers and enforcement workers. Likewise, they may also be a counter matrix in operation, encompassing those in opposition to the dominant discourse such as refugee advocacy workers, some politicians and campaigners. Hacking (1999) provides further clarity to this, by explaining that when the social construction of an issue is discussed, what is actually meant usually is the idea of that issue as it is produced within a social matrix. Within a matrix, actors give voice to institutional perspectives.
and Hacking's (1999) work gives a sense of a structure above the realm of the individual actors that structures their actions, whilst at the same time trying to capture that there is no one structure that dominates. Rather, the structuring results from the inter-locking connections of a range of different institutional perspectives.

Hacking (1999) provides a useful overview of the debate between what he refers to as grades of 'constructionist commitment'. In fact, Hacking (1999, p. 24) contends that there are very few 'universal constructionists', who would claim that everything is a social construct. For someone to be a universal constructionist, Hacking asserts they would have to believe that not only are classifications and ideas of objects constructed, but so are those very objects themselves. Hacking argues that what Berger and Luckmann deemed important in understanding the construction of objects or events is "their meanings, our experiences of them, or the sensibilities that they arouse in us" (Hacking, 1999, p. 25). What are key, are the interpretive processes that determine common understandings or meaning, and it is these that will shape how issues are responded to (Blumer, 1969). Furthermore, Searle (1996) has contended that it is not accurate to say that an object does not exist, but that the issue of study is the status of that object as it is collectively assigned. The insight provided by Hacking demonstrates that the usefulness of a constructionist perspective is to understand the way that social processes manufacture a commonsense reality. It is the 'everyday realities', and the social context in which they are produced, that is the object of the constructionists study, and it is important to note that it is not being implied that "nothing can exist unless it is socially constructed" (Hacking, 1999, p. 25).

Informed by such an understanding, it is accepted that some real changes in the nature of asylum seeking have occurred in the UK in recent decades. It is not being claimed that there is in no sense a real issue. However, it is argued that the dominant 'everyday reality' of asylum as a social problem has been socially constructed. It is the analysis of the social processes that have produced this understanding of asylum as a social problem that is the focus of this thesis.
As Hacking has shown, it is important to note that when talking about social construction, a claim is not being made that there is a homogenous literature present. Rather, there are competing literatures, which represent different interpretations of precisely what the constructionist approach should be. Best (1995) summarises constructionist perspectives as being divided into two broad categories, namely 'strict constructionism' and 'contextual constructionism' and there will now be some discussion of these in order to further clarify the understanding of constructionism that has informed this thesis. Indeed, Miller and Holstein (1993) posit that this division between constructionist researchers was born out of an inherent disagreement into the way these types of investigations should be conducted.

'Strict Constructionism'

Best defines strict constructionists as those who “avoid making assumptions about objective reality” (Best, 1995. p. 341). Within this view, there should be nothing more than an examination of claims-makers and their perspectives, and the actual social conditions about which the claims are being made are not relevant. According to this position, everything we know about the world is a social construction and it is not possible to make judgements about the objective conditions themselves. Furthermore, not only are the claims that actors make about the world social constructions, but so is the analysis that sociologists make of the claims-making.

Calls for this kind of strict constructionism are largely born out of criticisms of the constructionism perspective ‘from within’, or from other constructionists. For example, Miller and Holstein (1993) posit that strict constructionists lay charges of ‘unacknowledged objectivism’ against researchers who in reality make objective claims about the social conditions under consideration. Ibarra and Kitsuse (1993) criticise much constructionist work for still engaging in objectivism, despite critiquing other research for this very reason. They contend that many of those involved in constructionist research presume that the ways in which social issues are constructed can themselves be measured as objective facts and suggested moving away from the consideration of case
studies of specific social conditions, towards developing an overall theory of social problems discourse.

One of the most influential arguments for a strict constructionism has come from Woolgar and Pawluch (1985). They critique contributions to the constructionist perspective, believing that deficiencies with such explanations “may be characteristic of all sociological argument which invokes a selective relativism with respect to the phenomena it seeks to explain” (Woolgar and Pawluch, 1985, p. 214). Despite claiming to be anti-objectivist, Woolgar and Pawluch argue that such researchers do in fact presuppose some kind of knowledge of the reality of objective conditions. They refer to this as ‘ontological gerrymandering’, and see this as a key inconsistency within much constructionist research. They believe that many constructionists have been unable to achieve the impartiality they purport to, and contend that such researchers ultimately make their own truth claims about the conditions that they are studying. As such, Woolgar and Pawluch posit that there is an inherent inconsistency at the heart of much constructionist research.

Best (1995, p. 343) however, asserts that such a strict interpretation of constructionism can be highly problematic, and realistically is an ‘elusive and unattainable goal’. This is so, as it is perhaps not possible for researchers to carry out their work without importing anything of their interests or assumptions about the social world. At the most basic level, Best gives the example of language, in that analysis requires the use of language, into which cultural assumptions are built. Best concludes by suggesting that these problems and the move away from the study of social problems means that strict constructionists “seem to have convinced themselves of the impossibility of doing sociological – or at least social scientific – analysis” (Best, 1995, p 344).

‘Contextual Constructionism’

Best does not use the term ‘contextual constructionism’ to suggest that the concerns highlighted by strict constructionists have no merit. The types of
issues illustrated above provide an important reminder to the researcher of being over-assumptive when engaging in analysis. He insists that the kinds of concerns outlined by strict constructionists remind researchers to be wary of what he calls 'vulgar constructionism', where an argument is made that social problems are "just constructions, i.e., that the claims are mistaken" (Best, 1995. p. 345). This approach would be more concerned with making statements about the 'reality' of the social conditions under study, rather than with the claims-making processes associated with them.

Given these concerns, Best claims that 'contextual constructionism' can be used to describe the majority of research undertaken from a constructionist outlook, and that it essentially falls somewhere between the poles of 'strict' and 'vulgar' constructionism. Miller and Holstein (1993) summarise this position by saying that those who adopt a contextual approach may accept that they make judgements about objective conditions, but at the same time ensure they pay firm attention to the processes of claims making. Contextual constructionists seek to locate claims making within a situated context, and recognise that claims occur at specific historical moments in particular societies. Rather than being reduced to a level of abstraction, or general theories of condition levels, contextual constructionists view constructions within a specific context, and constructions as the result of particular claims makers addressing specific audiences.

Best (1995) posits that it would not be advantageous to ignore the context in which constructions are made, and some assumptions have to be made about the conditions within the context due to their complexity. Thus, contextual constructionists would contend that 'ontological gerrymandering' might indeed occur, but that this should not be viewed as a shortcoming. Advocates of this position do intend a degree of evaluation of the social conditions that they are investigating, and indeed contend that this is a highly important part of their work. As such, Best argues that contextual constructionists believe that claims can be evaluated, in the sense that the conditions under which claims occur can be investigated. For example, it has been noted that official statistics may in a sense be social constructions and strict constructionists would argue that
this means they cannot be used to assess other claims. Within contextual constructionist research, it is possible to investigate claims-making activities that are made on the basis of official statistics, whilst recognising the socially organised activities that may themselves contribute to their construction.

**Social Problems**

One area where Berger and Luckmann’s ideas have been especially influential concerns accounts detailing the construction of social problems. Although social constructionism has not been the only sociological area to attempt to explain the development of social problems, it has been argued that this approach constitutes the most serious and sustained attempt to do so (Schneider, 1985). An obvious and key element within this approach is to explain exactly what is meant when speaking of ‘social problems’, or to consider what will, or will not be covered when studying them (Lauer, 1976). As Best (1995) explains, crime, discrimination and poverty may be obvious examples of social problems, as they are clearly viewed by society as being in some way troublesome. Following this simplistic logic, it would be possible to say that asylum may be viewed as a social problem as it is ‘obviously’ seen as being a trouble spot within society. This view of asylum, and social problems more generally, suggests that the essence of social problems is to be found in their objective social conditions, given that some social conditions are inherently problematic. However, Blumer (1971) has warned against viewing social problems as objective social arrangements, and that to consider them (and specifically for this study asylum) in this way would be to neglect the processes of social construction that shapes how it is that some issues come to be viewed problematically, whilst ostensibly similar conditions or issues are not afforded such a clear-cut status.

**Subjective View**

The ‘objectivist’ view fails to account for the subjective nature of social problems, or to provide insight into why it is that not all conditions that are deemed harmful are considered social problems (Best, 1995). For example,
Best contends that although nutrition can threaten individual and societal well-being, it is not commonly perceived as a social problem. This example illustrates the substantive nature of social problems, in that "social problems are what people view as social problems" (Best, 1995, p. 4). Furthermore, a concentration on the objective conditions of various social problems provides little insight into commonalities that might exist between them. To focus on the objective conditions of, say, crime or racism, would essentially only contribute to an understanding of those particular 'problems', whereas to examine the social construction of problems allows for generalisations to be made across phenomenon. For Best, objective conditions of various social problems have little in common other than that they are in some way harmful.

The study of asylum can also be viewed in this way. To merely look at the objective conditions of asylum, such as numbers of applications or individual reasons for making claims, would produce a limited understanding of the asylum debate. It would not provide insight into societal processes that may influence how asylum as an issue is perceived, or afford insight into how asylum relates to other contemporary social problems. As such, what is important is not to simply examine the objective condition of a social problem, but to gain an understanding into the processes by which the social condition gets ascribed a problematic status, or the 'social process of definition' (Holstein and Miller, 1993, p. 6). As Blumer asserts "social problems are fundamentally products of a process of collective definition" (Blumer, 1971. p. 298). For Blumer, a social problem exists primarily in the way it is defined by claims makers, as opposed to being a series of objective items. Therefore, employing a social constructionist perspective enables researchers to answer questions such as why are some behaviours labelled as problematic, whilst others, just as threatening, are not (Sandstrom et al, 2001)? Such an approach to the study of social problems informs the understanding of social construction that is utilised in this study. It is however recognised that such labelling takes place within a 'real world' setting and it is not being argued that there is no real sense of asylum seeking. It is recognised that there is a physical reality of those making claims for refugee status who therefore become classified as asylum seekers and that the nature of the issue has to
an extent altered in recent years (as previously detailed). However, it is argued that the sense in which asylum seeking has been portrayed as a social problem is the result of processes of claims making and social construction, and therefore this is the object of study of this thesis.

Claims Making Activities

Attempts to delineate exactly what processes constitute the production of a social problem have been an important concern for sociologists in recent years, and perhaps the most influential work on the construction of social problems is provided by Spector and Kitsuse (1987). Spector and Kitsuse reject functionalist understandings of social problems, which are more concerned with identifying conditions that in some way impede the efficient or smooth running of society, and obstruct the fulfilment of societal goals. Rather, they posit that social problems come to be viewed as such as a result of a particular kind of activity, what they call ‘claims-making activities’ (Spector and Kitsuse, 1987, p. 73). Essentially, social problems are understood in this way as the consequence of the activities of those who assert the existence of conditions and define these problematically. Best (1995) suggests that it is often the case that individuals or organisations may do more than simply highlight certain social conditions. Rather, by drawing attention to specific conditions, and addressing them in particular ways they actually shape our understanding of what the essence of the problem might be. What becomes important for research into this area therefore, is to look at how these problems are defined, as well as looking for those who are engaged in ascribing this ‘problem’ status. The emergence of a social problem is therefore reliant upon the organisation of such individuals or groups, and their assertions for the need to eradicate, or in some sense change, a particular set of conditions or circumstances. For Spector and Kitsuse (1987), this approach does not suggest that the researcher is claiming that these conditions do not exist, but that the claims-making and responding activities are the object of study, and that these activities exist and can be documented and analysed sociologically.
Interestingly, and of direct relevance to the asylum question, Spector and Kitsuse (1987) argued that various agencies and organisations may react to claims in differing ways. The way they work, and the way they perceive their roles (and therefore how they respond to claims-making activities) varies from one agency to another. As such, whichever agency is charged with addressing given claims or problems will directly influence the outcome of such claims. By focusing on such claims-making activities, and the agencies that address these, useful questions to guide empirical research become clear. For example, an investigation into what sorts of claims get made by whom, and in what time periods they are made provides a useful template for research informed by the constructionist perspective. Accordingly, it is the claims-making activities of motivated actors that have manufactured understandings of asylum seeking that are the focus of this thesis.

**Ideological Claims**

Claims makers may be affiliated to particular political parties, interest groups or media organisations, and as such may represent a range of different agendas and objectives. One claims maker may have an entirely different ideological or motivational basis for asserting different positions than another, and understanding this is an key aspect of this kind of research (Gergen, 1998). It is also important to recognise that different claims makers have varying degrees of power or influence, and it may be that the more powerful claims makers or interest groups have a greater impact in moulding and defining understandings of socials problems than more marginalised groups do (Manning, 1998).

Ross and Staines (1972) posit that there are not only conflicts with regards to what is seen as a social problem, but also in what action should taken in response to them. As will be shown when talking about social control, the way that a problem is constructed or defined directly influences the particular ‘solution’ that is forwarded in response to it (Samson and South, 1996). With asylum, it will be argued that the construction of the issue as a key social problem has influenced the view that control responses are necessary, but it
is important to note that this is the case precisely because of the way the issue has been constructed. This intimate connection between production and solution of a social problem can be illustrated further by an exploration of research that has substantively investigated the social construction of social problems.

**Substantive Examples of Constructionism**

The constructionist perspective has been employed to chart the rise of a diverse range of social problems, from missing children (Fritz and Altheide, 1987), to satanic ritual abuse (Victor, 1993), drink driving (Gusfield, 1981) and infertility (Scritchfield, 1995). Studies such as these have illustrated the ways in which social problems that may seemingly not have much in common with one another have been constructed by the claims making activities of a host of social actors. A particularly influential and insightful account of such processes is provided by Gusfield (1981) and his account of the construction of the social problem of drink-driving in the United States.

*Constructing the 'Killer Drunk'*

It is of course the intention when examining substantive studies of the construction of specific social problems, to provide a greater understanding of these causal processes more generally. Gusfield describes this well when he says "the particular case informs us about the macrocosm, the more general case" (Gusfield, 1981. p 1). Similarly, an argument of this study is that the examination of the asylum issue in this way provides insight into the construction of social problems more broadly. Gusfield's object of study is drink driving in the United States, or more specifically how this condition was constructed as a major social problem deserving of concerted interventions to address it. He is keen to initially point out, however, that as well as this substantive focus, his work is essentially about deeper concerns such as culture, control, deviance and social structural-authority. Again, this relates to the asylum issue, in that this study will not only provide insight into that substantive issue, but also to other contemporary issues such as crime, the
sociology of fear, population mobility and ethnicity. Gusfield recognises that many human situations have been understood, or construed in different ways in particular periods of history, and that these understandings result from particular processes. This is precisely the way in which he views the 'drinking driving problem' in the United States, and the way the asylum issue in the UK is viewed by this study.

Gusfield shows how it is actually possible to conceive of the problem of drink driving in a number of different ways, but the view that predominates is one that becomes seen as 'official' or 'authoritative' and is backed up by 'scientific' and 'moral' evidence. Indeed, Gusfield contends that it is more useful to think of such scientific 'evidence' as rhetoric, which is specifically designed to promote certain views, rather than as some objective reported material (as will be further illustrated Chapter 5 of this thesis). Specifically, Gusfield shows how the theory of the individual motorist as the 'incompetent driver' came to be seen as the only plausible way of conceptualising the problem of drink driving and this became the undisputed 'fact' of the situation. Thus the problem of drink driving was constructed around the 'myth of the killer drunk'. The fundamental nature of the problem and thus the route to a solution was explained in terms of the risks posed by individuals consuming too much alcohol. These 'facts' were known, understood and promoted by scholars, practitioners in alcohol programme's, and traffic safety organisations. In turn, such assumptions informed the work of journalists and policy makers, who are responsible for writing about and developing policy in the area. For Gusfield, the idea of the killer drunk is a 'mythical story' and implies a sense of moral failing on the part of the individuals concerned. In this way, it is possible to present complicated social realities in a greatly simplified form, which in turn becomes universally accepted as a depiction of reality.

'Natural' Imposition of Social Control

Against this background, and through previous empirical work investigating the effectiveness of court sentencing practices on recidivism in drink driving cases, Gusfield developed a strong sense that various parties involved in the
area essentially all viewed the phenomenon in the same way. Namely, that
drinking alcohol before driving increased the risk of causing accidents, and
therefore that the solution was 'obviously' to be found in strategies that
diminished either drinking, or driving after drinking. It is possible to make
comparisons here with the contemporary situation with asylum in the UK,
where the established logic appears to be that large numbers of people
making applications is problematic, and that the goal should be to reduce
these. Gusfield further claims that this taken for granted view of the nature
and solution to drink driving, imposes a subtle and powerful form of constraint
that goes largely unrecognised. As a result of the way the issue has been
socially constructed, alternative ways of thinking, conflict and divergence from
the established orthodoxy have been rendered 'unthinkable' and enhanced
social control was represented as the only possible, natural response that
could be enacted. The central argument of this study is that a similar situation
exists with the asylum issue in contemporary British society. Building upon
such understandings, an explicit connection between the manufacture of a
problematic status and imposition of social control is provided by labelling
theory.

Labelling Theory

Labelling theory, as developed by Becker (1963) has been an important
influence on the development of social constructionist theories, and is also
key to understanding the dynamics and principles of social control, and as
such provides a valuable conceptual bridge between the two concepts. In a
sense, there are similar sentiments in this work with that of Gusfield, in that for
Becker, the way a problem is labelled or constructed directly influences the
types of control responses that are exerted over it. Becker subverted the
established orthodoxy that crime control was a reaction to deviancy. His belief
was essentially that it was the control being applied to situations that actually
'created' the deviancy. For Becker, there were few commonalities between
those acts labelled deviant, other than the imposition of the label itself.
Instead it was the application of the label, and the way that this was applied,
that characterised those acts that were deemed deviant or not.
**Ironic Relationship**

Lemert (1967) asserts that there is an irony in this symbiotic relationship in that the imposition of control creates the very thing that it seeks to manage, i.e. more deviance. More latterly, Ditton (1979) has questioned talk of crime waves, and argued that it may be more useful to talk in terms of 'control waves'. A crime wave focuses attention on actual instances of crime, whereas the concept of a control wave implies that fluctuations in crime rates may be better explained by changing strategies and practices of those involved in controlling deviancy. Again, there is an ironic element to Ditton’s theory, in that the very practices aimed at reducing or ‘solving’ a problem in a sense exacerbate it, as when a particular problem is identified, more resources may go towards addressing it, in turn uncovering yet more of it.

The insight provided by the likes of Becker and Lemert is fundamental in beginning to tease out the links between social construction and social control. The specific case that will be made within this study is that the social construction of the asylum issue, and the labelling of asylum seekers as a deviant population, has resulted in social control being presented as the natural response. Building on this, it will also be shown how in line with Ditton’s (1979) ‘control waves’ concept the enactment of social control itself exacerbates the issue, creates more evidence of deviancy and asylum ‘abuse’, and ultimately results in yet more controls being deemed necessary.

**Social Control**

Examples such as these give some sense of how it is that the construction of social problems may influence the nature, type and level of social control that is sought over a particular issue. Building on this position, the rest of this chapter will now pay particular attention to the concept of social control, and attempt to show in more detail how these ideas are relevant to the asylum debate.
A Contested Concept

As with most sociological concepts, it would be wrong to suggest that there is one unified conceptualisation of social control. It is, in fact, a contested concept meaning different things to different people, and one on which definitions vary. This said, perhaps the most widely accepted definition of social control has been provided by Stanley Cohen; which essentially posits that social control is an organized counter to behaviour that is deemed deviant. Cohen's specific definition of social control is:

The organized ways in which society responds to behaviour and people it regards as deviant, problematic, worrying, threatening, troublesome or undesirable in some way or another (Cohen, 1985. p 1).

Simplistically, it is obvious to point out that asylum may currently be viewed in one of more of these ways by society, and therefore can be seen as fitting into the categories of behaviours that are subjected to social control. In accord with Becker and Lemert's ideas about the significance of labelling processes, the behaviours that society views as deviant or troublesome will vary over time, and from one society to another. What Cohen's definition shows, is that there is not one continuous sense of the types of behaviours that are labelled deviant, and as such are subject to social control. Rather, behaviours that are viewed as troublesome, wicked, or problematic in some way are specific to societies and historical periods. As such, it is clear how the above explanations of social construction may influence the enactment of social control. Indeed, Black (1976) includes the 'definition' of deviant behaviour as one of his key explanations of what social control is.

A key concern for Cohen (1985) was that social control had become something of an overused concept, a catch-all term that was being too loosely used, to cover a very broad range of social situations. Its use was in many ways similar to more general processes of socialization and the maintenance
of social order. The term became used as an explanation of any social process that was aimed at 'inducing conformity', and Cohen’s belief was that it had moved too far way from its essential meaning. Cohen makes it clear that his interest in the concept is more specific than in the 'general institutions' of society that manufacture convention, with his focus being on 'planned' or 'programmed' response to deviancy. Having said this, Cohen’s concern is not restricted to the formal, criminal justice system, but in organized responses to crime, delinquency and deviancy more broadly. Such responses are not solely the preserve of government sponsored agencies, but extend to more autonomous agents such as psychiatrists, social workers and even communities themselves. Again, this is useful in informing this investigation into asylum, where enactment of social control by non-state actors (lorry drivers, airline workers, marriage registrars) has become an established part of attempts to manage the problem.

Informal Social Control

A key factor in understanding of the operation of social control throughout society is provided by Donald Black (1976). Black conceptualises social control in a similar way to Cohen, but if anything places an even greater importance upon the role of non-state actors than Cohen does. Black talks about law as being governmental social control, but also recognises the enactment of control as emanating from a range of other institutions within society. As such, law, and the development of legislation is only one kind of social control. To provide further clarity to this, Black distinguishes between formal social control that is based upon or informed by the presence of law, and informal social control to categorise other circumstances under which deviancy is responded to. Furthermore, agencies of formal control have increasingly tried to harness informal control. Informed by such understandings, subsequent chapters of this study will illustrate how this sense of informal social control has become important in the asylum issue by showing how elements of wider and civil society have been incorporated into the asylum control apparatus.
Cohen’s definition recognises that before behaviour is subjected to social control, it must first be labelled as deviant. In fact, there has been dissent from this view, that social control is a response to atypical ‘deviant’ behaviour, towards a view that there is a more proactive or actuarial kind of control within society. This alternative definition sees social control as so fundamentally embedded within modern society, that its grasp is no longer restricted to deviant behaviours, but to more routine or ‘everyday’ activities (Innes, 2003). The possibility of deviance becomes sufficient justification for the enactment of control. Essentially this view is that:

Controls have become embedded within our key institutional forms to such an extent that we are all subject to different types and combinations of control as we go about our daily lives, whether our behaviour could be considered deviant or not (Innes, 2003. p. 5).

Certainly, when one thinks of developments such as the prevalence of Closed Circuit Television (CCTV) cameras in town centres, and the proposed introduction of identity cards, it is possible to think of ‘everyday’ life being controlled in this way. The presence of a problem is often used to create a perceived need to introduce a new form of control, and it will be argued in this study that the asylum ‘problem’ has been one key way through which such justifications are articulated in contemporary society. Indeed, one of the central justifications for the introduction of identity cards is to combat ‘illegal’ immigration and to make it harder for asylum seekers to ‘slip’ through the system, as will be illustrated within the empirical chapters (Clark, 2002).

It is also important to identify that the making of law is a key component of social control (Black, 1976). Law allows certain forms of social controls to be practiced, whilst inhibiting others. As was shown in Chapter 1, a raft of legislative development on asylum has established a range of control practices and mechanisms that has had a wide-ranging impact on the way the asylum issue is managed. As will be developed in the coming chapters, these
legislative instruments have brought a wide range of actors into the asylum social control net, and played a key role in the reconfiguration of asylum controls. To take one example, Section 32 of the Immigration and Asylum Act 1999 imposed a potential fine of £2,000 on anyone responsible for the passage of clandestine entrants into the UK. This altered previous carrier liability, as set out in the 1987 Immigration (Carriers’ Liability) Act, in that carriers were culpable even if they had no knowledge of the clandestine entrant. This mobilised, among others, road hauliers into carrying out immigration control work.

Importantly, the way hauliers enact control may not always be the same as that which was intended within legislation. This raises an important point with regards to discretion and interpretation in the enactment of control, and how control in practice may differ from control ‘in books’ (Dixon, 1997). It is agents of social control (be they official or unofficial) who actually determine the way control is enforced, and socio-legal understandings of this adopt a much more critical approach than the unproblematic and rational enforcement of law forwarded by lawyers (Hawkins, 1992). What is of key importance to highlight is that although legislators may intend laws and controls to be rationally enacted, factors external to this such as working cultures, understandings and interpretations, and the social processes involved in the implementation of law actually influence the way law and controls are applied (Rock, 1973). Therefore, the role of interpretation and the social context of implementing laws and control are of central importance.

‘Preventative Strategy’

It is not being argued that deterrence or attempting to control behaviours that may be viewed as deviant is an entirely new development. Clearly, attempts to prevent crime or to manage risk are not a new phenomenon, but it has been argued by Hughes (1998) that:
"there does appear to be something significant, specific and different about the prominent place occupied in the last decades of the twentieth century by the plethora of strategies and practices collectively known as crime prevention across many Western societies" (Hughes, 1998. p. 2).

This links well to the above point argued by Innes (2003) that attempts to control behaviour in modern society have become commonplace and widespread and that new ways are sought to achieve this. If the presence of a problem is viewed as sufficient justification to introduce some kind of preventative strategy, then there may be a sense in which the emphasis on this is a reaction to perceived ‘failures’ with more conventional controls on crime (Hughes, 1998). In this sense, strategies emphasising crime prevention have become viewed as a key way of addressing such failures and represent a specific and important tactic in tackling contemporary law and order issues (Hughes, 1998). This study argues that a similar situation exists with regards to controlling asylum. There has, of course, been a range of control strategies in place to manage asylum seekers ever since the granting of political asylum became established, but in recent decades the abundance and scope of strategies to control asylum seeking represents a significant and new direction. The specific focus of the bulk of such strategies has been on preventing asylum seekers from reaching the UK, as will be outlined in subsequent chapters, and as will be shown below there is a strong sense in which the issue has been constructed as a ‘risk’ to be ‘managed’.

Although attempts to prevent crime may not be new, a key way in which modern crime prevention may be distinct from previous times is the promotion of a sense of proliferation of the nature of control. Crime prevention is no longer solely the reserve of the police, or of official state actors, and now encompasses a range of community and social strategies, which involve multiple agencies and partnerships (Hughes, 1998). The bulk of these ‘multi-agency partnerships’ originate from the state, although they have also
involved co-operation between various bodies, business and 'the community', (Hughes, 1998, p. 75).

Risk

As was mentioned above, a key characteristic of contemporary social control is that the possibility of deviance occurring has become adequate justification for the enactment of control. For instance, it has been argued that with regards to crime, there may have been a shift from the belief that the total eradication, or prevention of crime is a possibility, towards an attempt to 'risk manage' the issue (Hughes, 1998). In other words, there has been a movement towards reducing uncertainty in society and to minimalise hazards (such as crime or asylum) that are constructed as being synonymous with the modern world (Lyon, 2001). In order to provide an explanation of how it might be that modern society can be characterised in such a way (and thereby to illustrate why social control may be so eagerly sought), it will be useful to briefly outline the analysis of 'late-modernity' as provided by Giddens (1990). In outlining this kind of a 'risk society' thesis (Beck, 1992), it is important to highlight that what is being argued is that this may inform the context in which motivated claims makers operate. The existence of a climate of uncertainty in itself is insufficient in explaining the way asylum seeking has come to be viewed as a key social problem. Rather, within such a climate key claims makers have driven understandings of asylum in particular ways, but the background of inchoate fears within society provides a context within which such claims have been made. Importantly, claims making have adopted the rhetorical strategy of conjoining asylum with wider societal insecurities, as a means of advancing their arguments and calling for specific forms of action.

Late Modern Risk

Giddens (1990) uses the term 'late-modernity' to characterise profound changes in societal structures and ways of living that occurred towards the
end of the twentieth century. There have been radical changes in individual and group consciousness and life experience arising as a result of globalisation and related changes. People's lives are much more fluid than had previously been the case, and traditional certainties and bonds have dissipated. Individual lives are no longer defined solely by their localities, but are intimately connected to global events that may happen on the other side of the world (Giddens, 1990). This has resulted in a pervading sense of 'ontological insecurity', or an experience of vulnerability or uncertainty being felt by many people (Giddens, 1990, p. 93). Claims makers have specifically related the asylum issue to such uncertainties within contemporary society and have therefore used such social conditions to advance their arguments. For example, Chapter 6 will demonstrate how claims makers such as politicians speak of influxes of asylum seekers being handed generous welfare benefits, and relate this to potential economic uncertainties of the 'host' population.

It is within this context of risk and insecurity, or what Beck (1992) has termed a 'risk society' that a search for increased certainty and security has occurred, and a desire to manage such risks has been witnessed. In modern society, the perception of a rise in the intensity and range of risks has been established, and there is a sense in which 'experts' may not be able to solve all these challenges (Beck, 1992). Indeed, it has been argued that the desire to manage or minimize risk has come to be one of the key defining characteristics of modern societies and it is within this context that clamours for a sense of security, and thereby acceptance and enthusiasm for increasing social control, have been fostered (Beck, 1992). Importantly, these clamours for security, or a propensity to accept control, provide an environment in which claims makers may be able to more easily or successfully argue that increasingly restrictive measures are necessary. Indeed, it is the arguments and articulations of claims makers that have been central in driving understandings and control responses in relation to asylum. It is not simply inevitable that a climate of insecurity leads to the current dominant discourse of asylum seekers as a threat. That understanding had to
be negotiated and manufactured by claims makers, but a climate of insecurity and risk may have contributed to that understanding being greeted more readily or favourably. The focus of study here is very much on the definitional processes contributing to the status of asylum as a social problem, but the extent to which claims makers have articulated this problematic conceptualisation in the context of a wider sense of risk is also key.

It is important to recognise, however, that the concepts of late-modernity and risk society have been increasingly seen as problematic terms (Hughes, 2002). For example Hughes (2002) contends that the dichotomy of the security of traditional societies, and the supposed lack of this in modern ones can often be exaggerated. Nevertheless, this thesis contends that understanding the construction of the asylum problem in this way is a relevant and useful exercise, whilst recognising that the dichotomy between traditional and modern societies may not be as neat as is sometimes portrayed. It is argued though that for analytic purposes, highlighting the way claims makers have articulated concerns over asylum seeking in relation to conditions and social issues that are particular to late-modern societies is important in explaining the construction of the social problem, as will be examined in detail in Chapter 6.

*Risk Management and Surveillance*

The principle of precaution and of controlling the very possibility of deviance have been afforded prominence, and the widening and deepening of social control has been witnessed. What is of central importance here is that it is the future that is looked to, to control this sense of risk, or to try and manage events that have yet to happen (Innes, 2003). Building on this, it can be seen how attempts to manage or control asylum seekers are not as a result of the previous actions or any specific wrongdoing on the part of those particular individuals. Rather, the classification of asylum seekers as a potentially problematic population has resulted in the risk they pose being significant
justification to enact a range of control strategies against them. Indeed, subsequent chapters will show how this classificatory principle in risk management has extended further within the asylum debate, in the sense that the country of origin, or perceived motivation behind their movement (deserving versus undeserving) of asylum seekers can lead to different classificatory categories being established, which in turn result in differing ways to manage the issue. For example, nationals from countries on the safe White List have a 'blanket' degree of control imposed upon them irrespective of their personal circumstances. In this sense, it is not the individual that is the source of concern, but wider factors.

In this way, further links can be drawn between the social construction of the asylum problem, and control responses to it, in the sense that the way that asylum seekers are socially constructed and classified directly influences attempts to manage or control them. Important here in making this connection and the connection between classifications of risk and the enactment of control is the concept of surveillance. Lyon (2001) has shown how the development of surveillance is a response to the increasingly mobile and fluid forms of social life. The collection and processing of a variety of personal data serves to sort people into classifications, which in turn is an important factor in trying to manage risk (Lyon, 2001). As Lyon asserts "surveillance is the means whereby knowledge is produced for administering populations in relation to risk" (Lyon, 2001, p. 6).

The collection of data has proliferated throughout a diverse range of societal institutions, all of who are trying to minimise risk, and indeed this underlies much of the way that modern governance is enacted (Ericson and Haggerty, 1997). The collection of information on, and surveillance of, asylum seekers in such a way has been an integral component of the construction of various classifications that have been applied to them. As this study will show, a key development in relation to the surveillance and classification of asylum seekers is the growth in intelligence sharing or transnational co-operation.
between various agencies, or what Lyon (2001, p. 88) has termed 'global data flows'.

A further important dimension to the management of risk is the sense in which the imposition of administrative rules is an important device for control. Jonathan Simon (1993), for example, has shown how the use of parole and probation in the US is a way of enacting control over those who may be deemed 'dangerous people', and how such people are increasing subject to administrative rules. The release of prisoners is dependent on their having to submit to surveillance, having a limited right of movement, and staying in regular contact with supervising agents. Importantly, if those on parole violate the conditions that have been placed upon them then they may be sent back to prison (Simon, 1993). The key point of this is that individuals could be returned to prison "for technical violations not amounting to crimes" (Simon, 1993, p. 12). This means that it is the infraction of administrative rules that results in further punishment and sanction, as opposed to actually committing a criminal act. This is highly important in setting up some of the key arguments of this thesis, in that a central reason that large numbers of asylum applications are refused is because asylum seekers do not adhere to bureaucratic imperatives. The infraction of administrative rules, most chiefly resulting in refusal on the 'grounds of non-compliance' is a significant factor in the rejection of many asylum applications, and this issue will be thoroughly explored in later chapters. This means that asylum applications may be decided on procedural and administrative grounds, rather than on the merits of the actual claim for asylum.

Enlargement of the Control Net

It is accepted within most theories of social control that there have been increases in the level of control in contemporary societies, and that in our public and private lives, the range of formal and informal controls to which we are subjected has proliferated. A major factor in this development is the rise of
the kinds of insecurity in modern society outlined above (on crime and other issues, such as asylum), and that this has led to an increased desire for more control (Innes, 2003). As Innes suggests:

Driven by fears of being a victim of crime, that intermingle with a more diffuse and inchoate sense of insecurity, we clamour for new measures to try and regulate the people, places and behaviours that we believe threaten our sense of security (Innes, 2003. p 1).

Latterly, increased insecurity surrounding the 'global terrorist threat' has only served to exacerbate such tensions, and it is within this model of insecurity that claims makers have constructed asylum seeking as a social problem. Indeed, connections with terrorism merely represent one aspect of how the nature of the 'problem' of asylum has been reconfigured, and the classification of asylum seekers changed over time. Asylum has also been linked to, for example, welfare issues and organised crime, and such issues have, at various times, informed suggested strategies for controlling it. As was identified in Chapter 1, there have been attempts through successive pieces of legislation to control welfare for asylum seekers, for example Section 55 of the Nationality, Immigration and Asylum Act 2002 introduced the curtailment of welfare benefits to asylum seekers applying 'in-country' (Home office 2002e). Furthermore, Section 29 of the Immigration and Asylum Act 1999 raised the custodial sentence of those knowingly facilitating the entry of illegal immigrants from seven to ten years (Home Office, 1999). This was introduced in response to the perceived growing involvement of organised criminals in 'people smuggling' of asylum seekers.

These issues provide early examples of how changes in the processes of the construction of the problem create a space for particular social control strategies. It will be argued that this pervading sense of insecurity within modern society is integral to the understanding of the construction of the
asylum issue and how dominant discourse claims makers have articulated the sense of problem, but also that the construction of the 'asylum problem' has added to that overall climate. This is an important theme throughout this thesis, but is the particular focus of Chapter 6, 'Wider Insecurities'.

Cohen (1985) provides a useful insight into increases of social control in modern societies, when he suggests the 'social control net' has been widened in recent years and that there are increasing numbers of deviants entering the system. Cohen (1985) talks of the 'widening' and 'deepening' of social control throughout society, and how this has led to increased numbers of people coming into contact with the criminal justice system. Not only are there increased numbers of deviants within the system, but also the intensity of the total interventions is greater (Cohen, 1985). As will be shown, such developments have a strong resonance with the asylum issue, with the range of control strategies introduced to manage asylum, such as increasing powers for immigration officers, broadening of categories by which asylum seekers may be perceived to have entered the UK illegally and tightened border controls potentially impacting on the numbers of recorded asylum applications, and instances of illegal immigrants, thus increasing the numbers of asylum seekers (or deviants) within the system. Furthermore, Cohen has shown that as the system has increased "new agencies and services are supplementing rather than replacing the original set of control mechanisms" (Cohen, 1985, 44). Again, this is strongly echoed by asylum, where new agencies, initiatives and partnerships involved in control work have been established, thereby adding to the overall scope of the system.

Importantly, and a key aspect of Cohen's work, is that new control strategies, practices, and mechanisms do not replace already existing ones, but augment them. For example, Cohen illustrated how in instances in the US where there were increases in community programmes for managing offenders, there were no corresponding decreases in institutional strategies. The lack of decrease in traditional systems, accompanied by raised usage of new
strategies of course meant that the overall system had expanded. What is especially significant about this is that the increased use of community programmes was part of a 'deconstructing' movement that was supposed to decrease the "size, scope and intensity of the formal deviancy control system" (Cohen, 1985, p. 43). In this way, it can be seen how control interventions can have unintended consequences, subsequently leading to the development of yet more control.

Further Extensions of Social Control

A more recent account of such changes has been provided by David Garland (2001), most notably with his writings on the 'late modern crime complex', where efforts to control problems of deviance are central to the reformulation of a number of key social institutions. Garland talks of a perpetual sense of crisis, where constant upheaval and reform of the criminal justice system has occurred. This sense of crisis makes it appear that contemporary solutions to the 'problem' (namely increases in the social control apparatus) are inevitable. Similar processes and trends to those mapped out by Garland can be identified in the recent debates and responses to the so called 'asylum problem'. There has been a great deal of legislative innovation in the UK in recent years, with a range of new laws having been introduced to against a background of crisis.

What Garland (2001, p. 90) calls the 'transformative dynamics of late-modernity' were most profoundly experienced in the 1970s and 1980s, and ran concurrently with an upwards acceleration in crime rates of many Western countries. Although Garland acknowledges that there are other insecurities and fears within society associated with late-modernity, it is crime that has been established as the primary symbol of such insecurities, and has most influenced increased demands for routine increases in control. As such, many of the key changes in the contemporary social control apparatus have focused on fears over crime and disorder.
This thesis will make the argument that similarly to Garland’s views about crime, asylum has become established as a ‘primary symbol’ of insecurity within society, and that it is symbolic of a number of salient fears. For Garland (2001), crime has become a device through which a range of wider fears and insecurities within late-modern societies are expressed. He argues that there has been an expansion of the ‘criminologies of everyday life’, and in this sense the management of risk (or crime prevention) is no longer viewed as an exceptional endeavour (Garland, 2001, p. 16). Importantly, Garland shows how the criminal justice system shifted from a retrospective and individual focus, towards a prospective and aggregate one. Therefore, the emphasis altered from the punishment of individuals for crimes that they had actually committed, to the management of risk of wider populations. This is a key aspect of Garland’s thesis in understanding the asylum issue, as asylum seekers have been subject to overall categorisations such as deviant, or bogus. Furthermore, prospective, or risk management strategies now characterise asylum controls, and this along with aggregate classifications has profoundly affected the nature and form of the social control that is enacted upon them.

‘Responsibilisation’

What is of further importance in understanding Garland’s contribution (and ultimately the social control of asylum) is that changes in the enactment of social control represent more than simply a large-scale expansion. Rather, there has been a profound realignment in the conception, nature, and practice of social control (Garland, 2001). Multiple networks and partnerships have been established that distributed the enactment of social control in a diverse range of societal settings, and private individuals and organisations have gone through processes of ‘responsibilisation’ (Garland, 2001, p. 124). Garland contends that in the 1970s and 1980s, the control of crime was extended beyond the state, in the face of perceived limitations of criminal justice systems to effectively maintain the social order. Non-state actors have been mobilised in the enactment of social control, and in this sense control mechanisms may be seen to operate outside the auspices of the state.
Indeed, Loader (2000) has shown how control is enacted through, beyond, above and below the state. This thesis will build upon such insights provided by Garland to demonstrate how analogous processes have occurred in relation to the asylum issue within the UK, with a range of non-state actors being responsibilised towards the enactment of control. Through normalised working practices, employers, lorry drivers, marriage registrars, airline workers, and those charged with providing welfare to asylum seekers, all routinely perform social control functions over asylum seekers.

**Governing Through Crime**

A concept that has some similarities with Garland’s ‘modern crime complex’ is provided by Simon (1997), and his ‘governing through crime’ thesis. Simon has argued that advanced industrialised nations (his analysis focuses on the US) have emphasised and highlighted crime and punishment as a way of guiding the actions of citizens, or of ‘governing’ them. For Simon, the overwhelming prioritisation of crime represents a profound change in the nature of liberal governance, and as a means of governing the population. This shift in governance goes beyond inducing conformity of behaviour in citizens, and encompasses and informs an individual’s very views and conceptions of society and the world in which they live (Simon, 1997). It is argued in this study that the issue of asylum has become a key way in which understandings of contemporary society are articulated.

**Challenging the Crisis in Crime**

In a sense, an individual’s conception of, or relationship with, crime, becomes the key defining feature of how they view authority within society. Simon does not accept that the US has experienced a ‘crisis’ in crime, as has often been portrayed by politicians, and he cites the fact that crime rates in the US actually declined during the 1990s, whilst the importance of crime as a political issue increased. Rather, Simon posits that there has been a crisis in governance itself and in the traditional institutions of governance, such as the social liberal welfare state (Simon, 1997). As such, governing through crime
represents a reinvention in the nature of governance, and the reassertion of governmental authority. Similarly, it is argued in this thesis that the levels of legislative activity that have been witnessed regarding asylum in the UK should not be viewed as a simple response to recorded increases in asylum applications.

Simon (2000) contends that the promise of combating crime is, in many ways a 'safe' tactic in that coming down hard on various types of crime is likely to prove popular and therefore politicians have "incentive to make crime a central focus for campaigning" (Simon, 2000, p 1119). Importantly, government agents' fight against crime is broadly viewed as legitimate and thus invoking some kind of criminogenic element to any area where governing is being redefined gives it a kind of strategic value. Thus, interventions can be legitimised by deploying crime as a justification for the action. As later chapters of this thesis will show, the criminalisation of asylum seekers has become a central way in which the legitimacy of asylum controls have been justified. However, at the same time it is argued that claims makers articulating discourses advocating controls on asylum have used this as a rhetorical strategy that legitimises intervention. One clear example of this is the way in which controlling asylum and illegal immigration was given as a chief justification in articulating arguments for the introduction of identity cards.

**Summary**

This chapter has been concerned with introducing the concepts of social construction and social control, with the aim that this will inform the analytical chapters of this thesis. Within the analytical chapters, the theories that have been outlined here will serve as a conceptual framework through which to better understand the asylum issue, and show the importance of such a study towards the understanding of as key issue within contemporary society. Furthermore, the consideration of asylum in this way also allows for an exploration of the ways social control policies and practices are changing in
modern society. As has been argued previously, it is considered that within the UK towards the end of the twentieth century, asylum became constructed as having a problematic status. It was the intention in outlining the principles of social constructionism, to show how these processes are relevant to what has happened with asylum. Similarly, the section on social control has been useful in introducing the concept that will inform the remainder of this thesis.
Chapter 4: Methodology

Introduction

This study is informed by two key empirical elements:

- Analysis of qualitative interviews with key figures in the asylum debate;
- Analysis of official documentation relating to asylum.

A discussion of the particular values of the methods utilised in this study and the analytic frameworks applied to the data collected, together with their respective contributions to fulfilling the research aims and objectives is conducted over the course of the following chapter. It includes a description of the research undertaken, including research design, sampling, data collection, coding and analysis.

This research sets out to investigate the social construction of the asylum 'problem' in the UK and how this informs logics of social control, and this chapter outlines the ways that the chosen methodology relates to the aims identified in the previous chapter. As such, it has the research examines some of the key ideas and practices associated with the social control of asylum seekers and asylum seeking, and how these relate to the construction of the issue. These themes are investigated by focusing upon individual asylum Acts of Parliament (and surrounding debates), including how they were introduced, how they built upon previous legislation and how they have been criticised and can be viewed in the context of ongoing reform. The focus of investigation goes beyond the context of time periods immediately surrounding Acts of Parliament on asylum however, for example by study of the changing nature of the asylum problem over time.

The methodology is qualitative in nature and is composed of two stages, documentary analysis and semi-structured interviews. Stage one involved the collection of a range of documentation relevant to the area under study. Preliminary analysis of these were used to inform and structure the interview schedule employed in the second stage of the research, as well as being subject
to analysis in their own right. *Stage two* of the data collection consisted of semi-structured interviews with those involved in policy development and implementation as well as asylum seeker advocates. Constant comparison of documentary and interview data was employed, to discover emergent patterns, emphases and themes. The analysis employed 'synchronic' and 'diachronic' modes and therefore compared documentation across a strip of time as well as examining changes in the overall debate during the same period.

**Research Design**

What is important in understanding the social construction of asylum seeking is knowledge of the roles, activities and interactions of actors within the asylum debate. It is through these interactions, for example House of Commons debates or committees, and the claims that are made as a result of them, that the 'idea' of what asylum, and asylum seekers are, are produced. Therefore, it is possible to get insight into the production of this social 'reality' by a study of the individuals and organisations that are engaged in it. As such, it was judged that focusing on a quantitative method of enquiry would not fully allow for such processes of social production to be understood.

The view was taken that the nature of the research problem necessitated an understanding of underlying attitudes, beliefs and values and that a more quantitative approach, would not have been valid in pursuing this aim. This is a piece of exploratory research and, as such, a more intuitive, qualitative approach was considered appropriate. The previous chapter ('Social Construction and Social Control') outlined the theoretical perspectives that have informed this study, and made a case for their empirical relevance to it. Given that the research is looking at processes of social construction, it was the belief that reliance on statistical modes of enquiry would not be sufficient. Furthermore, a purely statistical approach would clearly not have been able to generate the kind of ethnographic insight with which this study is concerned, as it would not have allowed for an understanding of the actions and motivations of those involved in claims-making activities.
Whilst the methodological focus of this thesis is qualitative in nature, it is important to state that within the empirical chapters there will be some consideration of the status and use of asylum statistics. As will be detailed, official asylum statistics have been employed as a key source of evidence by claims makers, (both those espousing dominant discourses and counter claims) in order to make knowledge claims, and also often as a basis for introducing new legislation. Their use therefore represents an important element of how asylum seeking has been constructed as a key social problem, and as such subsequent chapters will provide illustrations of how claims makers have deployed them in promoting their positions. For example, Chapter 5 examines the use of ostensibly the same statistical evidence by politicians espousing different positions, (dominant discourse and those critical of this) to promote what were actually opposing sentiments.

Constructionist Stance

It has been identified by Denzin (1994) that the study of social problems from the constructionist perspective requires descriptions of the emergence, nature and maintenance of claims-making and responding activities. It was considered that talking to key figures in the asylum debate and analysing the changing documentation relating to it, is the most accurate way to gain insight into such processes. As such, it was judged that an integration of these methods would prove useful towards meeting the study’s stated objectives, as will be further explained below. The study of the construction of social problems should centre on why claims occur over a period of time and the ways they are developed and sustained, and as such, it is necessary to gain understanding of those who engage in claim-making activities (Spector and Kitsuse, 1987). This allows for insight into the role of such claims-makers and how it is that some social issues are defined as ‘problematic’, whilst others are not given the same attention, even though they might conceivably be thought of as threatening.
Integration of Methods

The integration of differing methods within this study means that the research problem is being studied from more than one perspective. As Denzin (1978) has shown, each method used in social research implies a different line of action towards reality, and will therefore reveal different aspects of it. Denzin is aware of the danger of a researcher's bias affecting the quality of the data and he asserts that this concern is exacerbated in studies that use a single method. Patton (1990) adds clarity to this position by suggesting that studies using only one method are more vulnerable to errors linked to that particular method, whilst studies using multiple methods may increase the validity and accuracy of findings.

That said, Kelle (2001) has drawn attention to arguments questioning whether merely converging research results from more than one method adds extra validity to findings. Kelle (2001) explains how similarities could be apparent in results using different method types, but that this could potentially be attributable to the same bias, in other words that "both results are right or that both results are wrong in the same way" (Kelle, 2001, p. 4). In light of such problems, Kelle identifies a further potential advantage of the integration of methods, namely that this approach may add greater breadth, or a more 'complete picture' to research findings. Kelle contends that what is of importance is to ensure that methodological enquiry is strongly linked to theoretical considerations about the nature of the phenomenon being researched.

The methods used in this study have a common goal, to investigate the social construction of the asylum problem and the effect this has on the level of social control imposed, but provide different types of data, which ultimately compliment each other in addressing the research questions. It is believed that by using these two method types a more 'complete picture' (Kelle, 2001) of these issues was able to be offered, which would have been harder to achieve if using one method. This is so, as the interviews allowed an opportunity to build upon insight provided through the documentary analysis,
as will be outlined when discussing issues of methodological analysis. Furthermore, there were also pragmatic reasons for the integration of methods. The documentary analysis (which was largely carried out first) proved useful in highlighting certain themes occurring in the asylum debate, which in turn important in informing the line of questioning during the interviews. In this way, some of the key issues of the construction of the asylum issue ascertained through analysing the documents could be followed up in the interviews, in a way that might not have been possible without this integration of methods. As will be shown below, the interviewer is an active part of the development of data in qualitative interviewing and having the opportunity to engage with key players in the asylum debate opened up an additional context that would not have been possible if confining the research to documentary analysis. The interactive nature of qualitative interviewing can reveal insight and information that would not be possible from solely focusing on texts. Study of the documents also proved helpful in ascertaining potential interviewees, or at least types of interviewees, for example civil servants with particular responsibility for producing official documents.

**Qualitative Interviewing**

As mentioned above, key to answering the research questions of this study is the understanding the meaning of asylum as constructed by actors within the debate. The language used by actors, and symbolic meaning of the way asylum is understood, is central to such understandings. As outlined by Denzin (1978), the use of semi-structured, qualitative interviewing, allows the researcher the opportunity to interact with the respondent in a social setting and provide insight into the meaning they ascribe to key terms. In this study, concepts such as 'control' and 'asylum seeker' are central, and the opportunity to discuss them, and discover what meanings actors place in them, was vital. Burgess (1982) has been critical of structured survey-like methods of data collection and believes that a semi-structured interview approach allows informants to develop their answers outside of a structured format. Influenced by such understandings, the interview schedule devised for this study was viewed more in terms of a 'guide' to allow for a flexible
development of the interviews, as opposed to a rigid and unchangeable set of
questions. The schedule contained a number of questions, or topics to cover,
that were asked of each respondent, but the sequencing and concentration on
different topics was flexible depending on the interaction with the
interviewees. A number of potential 'probes' were also included on the
schedule to allow for gaining a fuller understanding, as will be outlined later in
this chapter, in the section 'Conducting the Interviews'.

The interaction between interviewer and interviewee is a key element by
which data are collected in semi-structured interviews, and as Mason (1996)
has suggested, it is useful to think of 'generating', rather than 'collecting' data
when conducting this kind of research. Through this type of interviewing, the
interviewer can elicit information, which might not have been forthcoming in a
more structured format. Data is shaped and moulded by this process of
interaction, which in itself can pose research dilemmas. It is important when
undertaking research of this kind to be highly reflexive and to have an
understanding of the potential for the interviewer to influence, or bias, the data
collected. Bryman outlines this idea of reflexivity by stating “that social
researchers should be reflective about the implications of their methods,
values, biases, and decision for the knowledge of the social world they
generate” (Bryman, 2001. pp 470). This study is investigating the construction
of the asylum 'problem' and as such it is essential to be aware of the potential
risk that interview data can be constructed by the role of the interviewer. Care
was taken to not guide, or influence the answers given by the interviewees, as
there was awareness of the dangers associated with this. Confidence in the
validity of the interview data can be further increased if similar themes are
elicited over a number of interviews.

**Documentary Analysis**

The second method utilised in this study is that of documentary analysis. In
using this form of analysis it is not simply the intention of the researcher to
extract factual data from the document, but more to attempt to understand the
attitudes, beliefs and social processes which contribute towards the
document's production (Hammersley and Atkinson, 1983). Hammersley and Atkinson further contend that it is often the case that these documents have a sort of anonymity, which can lead to them being perceived or presented as objective fact, rather than the beliefs or values of whomever produced them. They therefore suggest that a new area of research is opened up by such investigations; a move towards the examination of the socially organised practices whereby documents are written and read, and 'facts' produced (Hammersley and Atkinson, 1985). The production and consumption of documents tells us as much (or more) about the cultural beliefs of their producers and readers as it does about the supposed 'objective facts' that they report. As this study is guided by a constructionist perspective, it is precisely an understanding of such practices and beliefs that was sought.

Scott (1990) has shown how official records produced in a particular administrative context involve everyday routines being established to meet the requirements of the agency concerned. Records involve the adaptation of the concepts and methods of information gathering and analysis of the administrative routines of the department or organisation responsible for producing them. Documents on asylum, such as House of Commons committee reports and White Papers, are produced within a certain framework and under certain rules. It is key to the documentary analysis of this study to ascertain the 'meaning' that those who produced the documents have given to the concepts described in them. The particular way a concept is defined and applied in practice changes over time and from place to place, and the researcher must discover as much as possible about these changes (Scott, 1990). In this way, it was considered that it was important to adhere to principles of discourse analysis as it has been recognised that this can provide "important insights into institutional talk based on pressing sociological and practical concerns" (Silverman, 1993, p 124). This form of analysis does not attempt to explain the objective, essential meaning of a document, rather the way that meaning and various perspectives are constructed within them. As such, it can be closely related to research undertaken from a constructionist stance, where the truth or otherwise of
claims are not the object of study, but rather the processes by which meaning is articulated and constructed are.

**Sampling: Interviews**

The sampling frame for the interviewees in this study built upon work undertaken as part of an MSc dissertation in 2001. During that study, interviews were conducted with actors involved in the asylum issue, including MPs, a parliamentary officer for the Refugee Council, and representatives of both the United Nations High Commissioner for Refugees (UNHCR) and the European Commission. The interview data collected for that study is not used in this thesis, but in a sense that research can be considered as a pilot for this study, as when conducting it, it was believed that it might be possible to build upon it in the future. The individuals that were interviewed for the MSc dissertation were re-interviewed for the purposes of this study, to reflect changes in the substantive focus of their work, and as such the pilot study proved useful in facilitating access to these interviewees. During the course of the interviews for this thesis, and at their end, effort was made to use these established contacts to make new ones. It is argued that this did not result in an unrepresentative sample, or that selection of the interviewees was simply informed by ease of access. Although in a sense, the 'snowball' technique was employed to obtain additional interviewees, effort was made to ensure that there was an appropriate spread of ‘types’ or ‘categories’ of interviewees (as detailed in the typology below), for example, those supporting, or in opposition to the dominant discourse. When additional contacts were established through existing interviewees, care was taken to ensure that individual types or categories were not over, or under-represented in the overall sample. Furthermore, there was a purposeful effort to obtain interviewees representing a spread of the different social actors who have been key players within the asylum debate. For instance, it was considered that it was important to gain access to politicians, civil servants and campaigners, as these are key claims makers on asylum seeking. Essentially,
there was a good spread of respondents in order to cover the range of different roles and positions that inform the asylum debate.

Subsequent to the snowball technique, a systematic search was conducted to identify further potential interviewees. Again, of key importance when obtaining further interviewees was to ensure that there was a balance of numbers interviewed between the broad categories outlined in the below typology. Essentially, through examination of academic literature and official documentation, different categories of actors, and representatives of specific institutions and positions were identified as being germane to the focus of this study. Specifically, this involved the monitoring of House of Commons debates to see which MPs had been particularly vocal on the issue (from a range of positions) and identifying political members of relevant parliamentary committees; examination of Standing and Select Committee materials to see which organisations or individuals had been called to give evidence; and the reading of academic papers, government research reports and publications produced by diverse campaign organisations, in order to discover which organisations and individuals had been active in the debate (in a wider setting than parliament) and represented the range of positions on asylum seeking. Details of the range of actors interviewed for this study and the broad positions from which they came are provided in the following typology.
It is recognised that the complexity of the differing positions that individuals hold on asylum seeking is hard to fit into three discrete categories. Likewise, it is not being claimed that the participants listed in each of these three columns represent homogenous opinions and have identical views on asylum seeking. However, it is argued that devising these categories provides a good illustration of the broad positions that have been taken towards asylum seekers. With this caveat, the key division is that those in the first category broadly construct asylum seekers as a problematic or deviant grouping, whereas those in the second category are more concerned with promoting asylum seekers as victims (both in the sense of their reasons for seeking asylum and as victims of UK government policy) and of arguing for their rights. Those in the third category of ‘other’ could not be fitted into either of
these categories. The 'pro-problematisation' category contains one more interviewee than that of the 'opposed dominant construction' one. As the dominant construction has been the most prominent position in policy-making circles, it was considered that a larger number of interviewees of this type would not produce an unrealistic bias in the data collected. Importantly, participants listed as ‘opposed dominant construction’ may be viewed as those engaging in counter claims, and the impact of these will be discussed within the empirical chapters.

In relation to politicians, the decision as to which category they should be assigned to was largely based upon background reading of comments made in House of Commons debates or committees. For the other interviewees, this was either based upon the organisation for which they worked (for example a representative of a refugee organisation is clearly opposed to the dominant construction) or was assigned post-interview\(^1\). In total, twenty five semi-structured interviews were conducted. Over half this number, thirteen, were politicians. Of those, eight were MPs, three were MEPs and two were county councillors. It was considered that politicians have been the dominant group in the construction of the asylum issue (and in law creation in relation to asylum) and therefore that they should represent the biggest group within the sample. The politicians interviewed were representative of mainstream political parties in the UK, although it can be seen from the typology that not all members of the same party held the same position on asylum seeking. For example, not all Labour members agree with the government position, with some taking a more oppositional stance. Indeed, it is interesting to note that there are more Conservative politicians who maintain what might be a considered a (Labour) government position.

The largest group of politicians (n=8), were Westminster MPs. It was considered important to have a good representation of this group, as the main focus of this thesis is on law creation in relation to asylum in the UK, and it was considered that they could provide central insight into the policy making

\(^1\) In practice this was largely confined to the category ‘other’. 
process. As an important aspect of the debate in the UK has focused on the UK's relationship with the EU, it was decided that accessing MEPs would provide valuable insight into this aspect. Furthermore, two councillors were selected from Kent County Council, as background reading informed the view that this local authority has been a key player in debates due to the location of the Channel Tunnel and ports through which asylum seekers have arrived in the UK. For example, Robinson (2003 p. 20) has noted that Kent County Council has been a site of important political activity in relation to asylum seeking.

The remaining members of the sample were comprised of three senior Home Office civil servants, two diplomats (from the EU and the UN), two senior police officers, two asylum advocacy workers and one each of a business person, a party political worker and an immigration lawyer. The Home Office civil servants were able to provide important insight into the policy making process, as they were all in some way involved with the drafting of legislation or government White Papers. The representatives of the UN and EU were selected to gain a perspective on how the UK approach to asylum seeking may be perceived internationally.

The police officers were representatives of Kent Police, an organisation that has played a key role in the management of asylum seekers. It was predicted that gaining an understanding of the ways in which their roles had been influenced and altered by the ongoing construction of the asylum issue would provide useful insight into the connections between political discourses and 'real world' practices. The two asylum advocacy workers and the party political worker (from the BNP) represented polar ends of the scale of campaigners, who have also been an important feature in asylum debates. An attempt was made to access a representative of the anti-immigration group Migration Watch, in order to have two representatives of each of these polar positions, but this did not prove possible. The business person was a representative of the Road Haulage Association, who was selected as road hauliers have been one of the key civil society groups charged with managing
asylum seekers. Lastly, the immigration lawyer was interviewed, as it was believed he could provide further insight into the construction of law on asylum seeking.

This overall sample therefore includes a measured spread of both differing positions on asylum seeking, and different types of actors representing key institutions and organisations in the process of law creation. Although the sample includes some actors, such as police officers, who are involved with the implementation of asylum law, the main focus is on actors with experiences of, or who may have influenced, the creation of law. Some actors concerned with the implementation of law were included however, to provide an indication of what impact the construction of the asylum problem has had upon professional practices. It might also be considered that figures such as senior police officers also perform an important role as claims makers about the problematic status of asylum seeking.

The majority of the people approached to be interviewed for this research accepted, with many people appearing keen to take part in the study. In addition to the twenty five people who participated, a further twelve were approached who it was not possible to interview. Some of these indicated that they did not wish to take part, primarily due to time constraints, and some did not reply to correspondence. Of this number, seven may be considered as ‘pro-problematisation’ and this group included four Conservative MPs, a spokesperson from Migration Watch, a representative of British Airways (another key carrier charged with carrying out control of asylum seekers) and a civil servant. Of the five remaining refusals who might be termed as ‘opposed dominant construction’, three were Labour MPs and one was a Conservative MP. It can be noted that there were more refusals from ‘pro-problematisation’ actors than the other group, but this was anticipated as a similar response rate was experienced in the previously mentioned MSc dissertation. Thus from the outset, more potential interviewees from the ‘pro-problematisation’ group were approached in an effort to compensate for the effects of a higher refusal rate.
It is recognised that a larger sample size may have proved advantageous in some regards. However, many of those targeted for interview may be considered as being from 'elite groups' and therefore that access was often difficult to negotiate. The highly useful and specialist insight such interviewees were able to provide (as many have been key players in the asylum debate and close to the legislative process) means that the lack of a larger sample does not compromise the research findings. For example, the opportunity to speak with MPs who have served on committees scrutinising specific pieces of legislation, meant that valuable insight was gained into complex factors influencing the creation of asylum law. Furthermore, the integration of documentary data into this study means that interview accounts are not solely relied upon when making analytic claims.

As mentioned, access to certain ultra elite groups, such as government ministers, proved problematic. The lack of opportunity to speak with such figures may have certain implications for the interview data collected, as perspectives from the very top of government will not be included. However, it was considered that interviews with MPs who have served in committees relating to the passage of asylum legislation, and with senior civil servants central to the development of asylum White Papers and Bills, will help increase the confidence in the validity of the interview data, as well as being highly useful into gaining an insight into legislative processes.

Conducting the Interviews

The interviewees were drawn from within a range of institutional settings and from different organisational types, and as such there was no single location type where the interviews were conducted. It was however the case that all of the interviewees were visited (as opposed to visiting the interviewer), most often in their place of work. For example, interviews with MPs were generally conducted in offices or public areas of the House of Commons, or at Portcullis House. It is not considered that the settings of the interviews had any negative impact on the data gathered. The interviews lasted an average of one hour, varying from 45 minutes to an hour and 20 minutes. They were recorded onto
tape using a Dictaphone, after consent was gained from the respondents to do this. The tape recordings were kept in a secure location and were labelled in an anonymous way. The PhD candidate transcribed all of the interviews and no other person had access to, listened to, or viewed the recordings or transcripts.

As alluded to previously, a researcher conducting qualitative interviewing has a key role in the generation of data. The purpose of the interviews was not the collection of facts, as would be the case if a more positivist outlook had informed the study, but rather they were viewed as an interaction where the aim is to elicit interviewees' subjective understandings of the social world (Silverman, 1985). Some key questions and areas to be covered (focusing on the participants' understandings and perceptions of asylum seeking) were included in an interview schedule, but this was treated in a flexible manner (in the sense of sequencing and elaboration) and may therefore be better considered a guide (Fielding, 1993). The nature of the questions asked focused on the experiences of the participants and their perceptions on asylum seeking and asylum seekers. They were also asked about their views on factors contributing to changes in asylum legislation and what impact they believed that these had. The key themes in the guide were consistent across the range of interviews, although the course that different interviews took altered based upon the experiences and positions of the interviewees. Furthermore, the prompts that were included in the interview guide varied slightly across the sample to reflect the different nature and experience of the interviewees. As such, the interviews were not conducted in a fully standardised way and the sense of interaction with the interviewees was important. Establishing rapport and trust between interviewer and respondents and not being judgemental was therefore significant, as was demonstrating an interest in what the interviewee has to say (Miller and Glassner, 1997). A further departure from a formally standardised or quantitative enquiry is that it was deemed acceptable and advantageous to prompt or probe respondents during the interviewees (Fielding, 1993). This allowed for a more detailed and thorough account to be developed.
It is believed that conducting the interviews in such a manner proved relatively successful. The interviewees seemed keen to talk at length about their views and experiences and it is considered that the method of, and approach to interviewing undertaken was an important factor in achieving this.

**Sampling: Documents**

The documents analysed for this study were selected to give an insight into changes in the construction of asylum, including the manufacture of different perspectives and to track the evolution of ideas associated with the debate. This includes the way the content of the debate has changed over time, such as the focus of legislation, as well as changes in the concept of what is understood by the term 'asylum seeker'. Essentially, the documents were selected to allow for the construction of the asylum problem, as well as the consequences of the use of strategies of social control, to be analysed. The construction of different perspectives on the asylum issue was analysed, as were the changes in these perspectives and ideas over time. The analysis looked at the documents 'retrospectively', in that it examined social responses to the 'problem' of asylum and 'prospectively', in that it observed how they have framed future debates and issues. Although the principal focus was the events and factors leading up to the 1999 Immigration and Asylum Act, and the 2002 Nationality, Immigration and Asylum Act, it was recognised that it would be necessary to go back in time considerably further than this to ascertain consistencies and changes in the debate. A review of the literature on asylum informed the view that the introduction of the 1987 Immigration (Carrier's Liability) Act was a key development towards the highly politicised position on asylum that has been witnessed in recent years (Layton-Henry, 1992). Therefore, the earliest documents collected were those relating to this Act of Parliament and the debates leading up to it in the House of Commons. Following on from this, there was a concentration on documentation around the time of major Acts of Parliament relating to asylum.
From this starting point, much of the information about which documents would be useful to study was available via the Internet. For example, an investigation of the House of Commons Website provided information on when the major debates on asylum legislation had been conducted. Similar information on Select and Standing Committees was available, and the main meetings and reports on major asylum legislation and policy debates, could be accessed via the Internet. Having located appropriate documentation, the types of documents collected include Hansard House of Commons debates, government White Papers, Acts of Parliament, as well as reports and minutes from parliamentary committees such as the Home Affairs Select Committee. As such, this range of documentation covers both policy and strategy.

Although Acts of Parliament specifically focused on the issues of asylum were not passed until 1993 (Schuster and Solomos, 2001), previous legislation provides a useful background to the contemporary situation. This previous documentation was analysed in the context of the social situation at the time, and used to explain the background leading up to the 1999 Act and subsequent debates. For example, the 1987 Act can be seen as resulting from the response to a sudden and increased number of Tamils seeking asylum in 1985, as will be outlined in Chapter 5.

**List of Collected Documentation**

What follows is a list of the documents that have been collected and analysed for this study. It is divided into four main sections; Committees, House of Commons, Acts of Parliament and Government White Papers, then subdivided into the three sections of, *before, around* and *post* the 1999 Immigration and Asylum Act. In total, 49 of the above types of official documents were analysed for this research. Additional documentary materials, such as NGO or Home Office research reports were also utilised, but are not considered to fit into the same category of official documentation and so are not listed here, but are of course provided within the references at the end of this thesis. This additional documentation is also referenced and cited within the text of this thesis as appropriate.
Committees

Around 1999 Act

<table>
<thead>
<tr>
<th>Committees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Immigration and Asylum Bill: Special Standing Committee 2&lt;sup&gt;nd&lt;/sup&gt; Sitting, 16&lt;sup&gt;th&lt;/sup&gt; March 1999&lt;sup&gt;2&lt;/sup&gt;</td>
</tr>
<tr>
<td>Immigration and Asylum Bill: Special Standing Committee 6&lt;sup&gt;th&lt;/sup&gt; Sitting, 30&lt;sup&gt;th&lt;/sup&gt; March 1999</td>
</tr>
<tr>
<td>Immigration and Asylum Bill: Special Standing Committee 10&lt;sup&gt;th&lt;/sup&gt; Sitting, 20&lt;sup&gt;th&lt;/sup&gt; April 1999</td>
</tr>
<tr>
<td>Immigration and Asylum Bill: Special Standing Committee 14&lt;sup&gt;th&lt;/sup&gt; Sitting, 27&lt;sup&gt;th&lt;/sup&gt; April 1999</td>
</tr>
<tr>
<td>Immigration and Asylum Bill: Special Standing Committee 18&lt;sup&gt;th&lt;/sup&gt; Sitting, 4&lt;sup&gt;th&lt;/sup&gt; May 1999</td>
</tr>
<tr>
<td>Immigration and Asylum Bill: Special Standing Committee 22&lt;sup&gt;nd&lt;/sup&gt; Sitting 13 May 1999</td>
</tr>
<tr>
<td>Home Affairs Committee: Examination of Witnesses 17&lt;sup&gt;th&lt;/sup&gt; February 1998</td>
</tr>
<tr>
<td>Home Affairs Committee: Examination of Witnesses 12&lt;sup&gt;th&lt;/sup&gt; May 1998</td>
</tr>
<tr>
<td>Home Affairs Committee: Examination of Witnesses 4&lt;sup&gt;th&lt;/sup&gt; April 1999</td>
</tr>
<tr>
<td>Home Affairs Committee: Examination of Witnesses 6&lt;sup&gt;th&lt;/sup&gt; July 1999</td>
</tr>
</tbody>
</table>

<sup>2</sup> Starting with the second sitting (which is the first one that is publicly available), the decision was taken to analysis every fourth sitting. It was considered that engaging in detailed analysis of every sitting would be largely impractical and might compromise the quality of the analysis.
## Post 1999 Act

| Home Affairs Select Committee: Examination of Witnesses 4th April 2000 |
| Home Affairs Select Committee: First Report on Border Controls 31<sup>st</sup> January 2001 |
| Home Affairs Select Committee: Government Reply to the First Report on Border Controls 28<sup>th</sup> March 2001 |
| Home Affairs Select Committee: Examination of Witnesses 8<sup>th</sup> November 2001 |
| Home Affairs Select Committee: Identity Cards: Fourth Report 20<sup>th</sup> July 2004 |
| International Development Select Committee: Sixth Report 29 June 2004 |

| Nationality, Immigration and Asylum Bill: Standing Committee 1<sup>st</sup> Sitting, 30 April 2002 |
| Nationality, Immigration and Asylum Bill: Standing Committee 5<sup>th</sup> Sitting, 14 May 2002 |
| Nationality, Immigration and Asylum Bill: Standing Committee 9<sup>th</sup> Sitting, 21 May 2002 |

## House of Commons Debates

### Pre-1999

### Around 1999

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>22 February 1999</td>
<td>House of Commons Debate, Immigration and Asylum Bill, second reading</td>
</tr>
<tr>
<td>15 June 1999</td>
<td>House of Commons Debate, Immigration and Asylum Bill, report stage and third reading</td>
</tr>
<tr>
<td>16 June 1999</td>
<td>House of Commons Debate, Immigration and Asylum Bill, report stage and third reading</td>
</tr>
</tbody>
</table>

### Post-1999

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>12 December 2000</td>
<td>House of Commons Debate, Asylum Seekers</td>
</tr>
<tr>
<td>29 October 2001</td>
<td>House of Commons Debate, Asylum, Migration and Citizenship</td>
</tr>
<tr>
<td>7 February 2002</td>
<td>House of Commons Debate, Introduction of White Paper</td>
</tr>
<tr>
<td>24 April 2002</td>
<td>House of Commons Debate, Nationality, Immigration and Asylum Bill second reading</td>
</tr>
<tr>
<td>12 June 2002</td>
<td>House of Commons Debate, Nationality, Immigration and Asylum Bill third reading</td>
</tr>
<tr>
<td>12 June 2002</td>
<td>House of Commons Debate, Nationality, Immigration and Asylum Bill third reading</td>
</tr>
<tr>
<td>14 July 2003</td>
<td>House of Commons Oral Answers, Asylum Seekers</td>
</tr>
<tr>
<td>20 Dec 2004</td>
<td>House of Commons Debate, Asylum Seekers</td>
</tr>
<tr>
<td>5 July 2005</td>
<td>House of Commons Debate, Asylum Seekers</td>
</tr>
<tr>
<td>10 October 2005</td>
<td>House of Commons Written Answers, Illegal Immigrants</td>
</tr>
</tbody>
</table>
**Acts of Parliament**

<table>
<thead>
<tr>
<th>Act</th>
</tr>
</thead>
<tbody>
<tr>
<td>Asylum and Immigration Appeals Act 1993</td>
</tr>
<tr>
<td>Asylum and Immigration Appeals Act 1996</td>
</tr>
<tr>
<td>Immigration and Asylum Act 1999</td>
</tr>
<tr>
<td>Nationality, Immigration and Asylum Act 2002</td>
</tr>
<tr>
<td>Asylum and Immigration (Treatment of Claimants, etc.) Act 2004</td>
</tr>
</tbody>
</table>

**White Papers**

<table>
<thead>
<tr>
<th>Paper</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fairer, Faster And Firmer: A Modern Approach To Immigration And Asylum, 1998</td>
</tr>
<tr>
<td>Safe Haven, Secure Borders: Integration with Diversity in Modern Britain, 2002</td>
</tr>
</tbody>
</table>

**Coding and Analysis**

This section outlines the practical steps that were taken in the coding process of the studied documentation and interview transcripts, through to the analysis of the data. It explains the development of codes from descriptive to conceptual, as well as providing examples, and justifications, of some of the codes that were used. The same principles and procedures of coding were applied to both the documentary and interview data. Such an approach was suitable, as the aim of the analysis was to uncover the wide range of factors that have contributed to the way asylum seeking has been constructed as a social problem. Applying a similar coding framework for the interviews and documents meant that there was a consistent and rigorous attempt to understand the ways that diverse social actors have socially constructed asylum. Moreover, an advantage of such an approach was that it enabled evidence derived from different sources to be cross-checked and cross-referred, enhancing the validity of any claims made.

The initial problem faced once all the documents and interview transcripts had been collected was a practical one, namely to arrange them into meaningful
and manageable sections. Therefore, the first stage of the coding process was to organise the documents into descriptive categories. In the case of the documents, the decision was taken to do this along the lines of origin of production. It became apparent that the three major origins of the documents were House of Commons debates, Government publications, and committee minutes and reports, therefore these were the three categories used. Having established these initial categories, each body of documentation was divided into three time bands, namely before the 1999 Immigration and Asylum Act, around the time of the Act and subsequent to it. As such, a systematic approach was taken to mapping the evolving nature of the asylum debate over time. It was believed that division into these time frames would prove useful in meeting the stated aims of mapping changes in themes and perspectives over time. The first stage of organisation of the interview transcripts was based up on the type of role that the individual had within the asylum debate. For example, these categories included politician, civil servant, lobbyist and enforcement worker. It was believed that it was useful to consider the interview data in this way, in order to gain understanding of the construction of the issue from a number of perspectives and to be able to compare these to one another. Having established these organisational categories, it was necessary to progress to what Denzin (1978) describes as 'second order concepts'. The development of 'second order concepts' can be categorised as progressing from descriptive categories, that use the language of the everyday world, to ones which operate at a more sociological, abstract level (Denzin, 1978).

The development of these second order concepts was informed by the underlying theoretical stance of this investigation and by contemplation of the substantive literature on asylum. This study is looking at the construction of asylum seeking as a 'problem', the way this informs and facilitates the increasing use of social control and the effect that the imposition of such controls have. Therefore, it was necessary to develop concepts that would assist in the investigation of the processes at work here and that would allow for an overall understanding of changes in the debate. Informed by these factors, the following is a brief explanation, and justification, of some of the
broader concepts that were developed. The concepts contained a much greater degree of complexity than is shown here, for example with 'control strategies' encompassing numerous sub-categories and related terms. However, this broad overview gives some indication of the types of areas that were considered important. Many of the concepts essentially cover the various strategies that have been used to construct asylum, the justifications that have been given for increases in strategies of social control and observed results of the implementation of control measures.

**Security:** Much of the debate on asylum has focused on potential 'threats' posed to national security and of the perceived need to have tighter border controls. More recently, there has been increasing linking of asylum seekers with terrorist activities, with the result that there have been call for ever tighter restrictions on those claiming asylum.

**Economic:** Claims have been made that asylum seekers pose an economic threat or burden to, among other things, jobs, the National Health Service and education. The argument is that the UK is unable to meet the financial 'drain' brought about by large numbers of people claiming asylum.

**Political:** The concept here is that the ability to control borders is important to political sovereignty of the nation-state. Arguments of this nature are often reinforced by claims that the UK's membership of the EU signifies that its political sovereignty has been diminished.

**Racial:** This code concerned instances of references to race and ethnicity of asylum seekers, or of the supposedly negative impact that the movement of large numbers of people from different cultures into the UK can have. Examples of this would often include reference to a weakening of national identity, or of 'problems' that have been created by multiculturalism.

**Control Strategies:** The specific means by which various authorities have attempted to limit the number of asylum seekers coming to the UK, or to somehow manage the 'problem'. The concept includes the imposition of visa
restrictions, increasing use of technology at ports, tightening of border controls and the limiting of welfare to make the UK seem less attractive to prospective asylum seekers. A key aspect of this category included how the enactment of such controls themselves became defining practices and subsequently affected the course of the asylum debate. This is shown here as a single code so as to provide a clear overview, but in reality there were a range of codes that fell broadly under this heading, and each of them with their own sub-codes. For example, 'border controls' was one control code, with sub categories of 'technology', 'coverage' and 'resources'.

**Illegitimate Claims:** This is the concept that many asylum seekers are in fact economic migrants and therefore 'bogus'. The view is often expressed that asylum claims are illegitimate and consequently that asylum seekers are attempting to manipulate the asylum system for personal gain. Also of importance within this category is the idea that if an asylum seeker does not strictly qualify for refugee status under the terms of the 1951 Geneva Convention, which the UK uses to establish worthiness of asylum claims, then they are assumed to be economic migrants.

**Illegitimate Methods:** The supposed lack of legitimacy of an asylum claim if the claimant has entered the country illegally, for example by not possessing an appropriate visa, or has in some other way used 'deception'. The asylum seeker is therefore labelled 'bogus' due to their methods of entry, despite the fact that this is not supposed to have any bearing on the legitimacy of an asylum claim.

**Important Events:** The focus here was on specific occurrences that have provoked responses or changes in the debate. An example would be the Tamil refugee crisis of the mid-1980s, which had the direct consequence of the 1987 Immigration (Carriers Liability) Act. This was considered an important category, as it is often the case that important events have been used as evidence by claims-makers in the construction the asylum issue.
These concepts were developed, and refined, with the central aim of understanding claims and different perspectives in the construction of asylum and the impact of social control. The different ways asylum has been constructed as a problem; be they 'economic', or 'security', were often seen to be important justifications for the imposition of social control. What also became clear as the analysis progressed however, was the way in which the imposition of social control itself had an effect on understandings of the issue, as will be explored within the empirical chapters. Each of the documents and interview transcripts were rigorously coded using these concepts. Although it was often the case that a particular document or transcript would be largely focused on one particular concept or substantive area, reflecting the nature of the document of the area of expertise of the interviewee, it was important to recognise that such data was often linked to other areas of the asylum debate and so not to dismiss it.

**Analytic Induction**

Building upon the development of such concepts, analysis of the data was based upon principles of ‘Analytic Induction’. Denzin (1994) has shown how analytic induction was derived from George Herbert Mead’s and Florian Znaniecki’s writings on scientific method. Analytic Induction is a qualitative sociological method that employs an exhaustive examination of cases that directs the investigator to formulise generalizations that apply to all instances of the problem. In this study, interview and documentary data were exhaustively analysed to better understand the emergence and evolution of perspectives and claims that contribute to the construction of asylum. The above concepts were considered to be possible ways in which this construction might be explained, and as the analysis progressed, it became clear that some of the concepts needed to be refined, reformulated, adapted or merged with one another, and so new ones were developed, as will be shown below.

What was of additional importance as the analysis progressed was comparing different codes over more than one context and time period, in order to further
develop them and gain a broader analytical insight. For instance, the code 'illegitimate claims' originated from systematic analysis of Hansard debates in 1987 (surrounding the 'Sri Lankan refugee crisis'), but it was subsequently explored across other time periods, document types and within the interview transcripts. In so doing, the types of findings initially elicited from a particular context were compared against other data extracts towards considering the similarities and differences of such processes over time and in different contexts. Such a process led to this code being developed to include various nuances of the construction of asylum in such a manner, for example 'illegitimate claims bogus', 'illegitimate claims non-convention' (asylum seekers whose claims were seen to not strictly fall under the terms of the 1951 Convention) and 'illegitimate claims non-compliance'.

During such analysis, it became possible to explore the relationships between various codes to see what types of processes may have been at work. For example, in mapping connections between particular 'control responses' with, for instance, 'illegitimate methods deception', it was possible to see how certain social control responses were justified and in turn what kind of effect their imposition may have had. By exploring such relationships across a range of contexts and time periods, an overall picture of the historical evolution of the construction of the asylum problem and the particular relationship this has with social control, was developed. As some of this analysis was conducted before all the interviews were carried out, the understandings provided by it were able to be incorporated into subsequent interview guides, therefore the emergent themes were able to be explored within the interviews.

A substantive example of the use of analytic induction is provided by Lindesmith's work on opiate addiction (Lindesmith, 1968). The focus of Lindesmith's research was the development of a sociological theory to explain such addiction. Lindesmith spoke with numerous addicts and through this process formulated and revised his theory until he was sure he had adequately assessed it. He started with an idea of how addiction was caused among users, and through the interviewing process refined this, as new evidence and concepts came to light. He ultimately concluded that addiction is
rooted in the relief of withdrawal symptoms experienced when injecting the drug. This challenged established beliefs that addiction was more closely tied with the feelings of physical pleasure of taking opium experienced by users.

**Ethnographic Content Analysis**

Of further use to the documentary analysis in this study, was the idea of what David Altheide has called 'Ethnographic Content Analysis' (Altheide, 1996). This approach encourages constant comparison of documentation to discover emergent patterns, emphases and themes. It shares with conventional content analysis the importance of understanding meaning, whilst taking on ethnographic principles that suggest this construction of meaning can be viewed in various modes of information exchange (Altheide, 1996). The documents on asylum were analysed using a strict coding framework that allowed for comparison between documents and over different time periods. This means it has been possible to record emerging concepts and therefore gain a fuller understanding of the evolution of the construction of the asylum problem.

**Interviewing Elites**

It has been recognised in the literature that when conducting interviews with 'elites', particular challenges may arise. Elites may be those in powerful or privileged positions and with this particular study may include MPs or senior civil servants. As these types of elites were interviewed for this study, an understanding of the issues surrounding such interviews is necessary. One such problem is that it can be harder to achieve, or be perceived as harder to achieve, maintaining the anonymity of the interviewee if they are an elite (Gorden, 1969). This may be the case as the knowledge an elite might have can be very specific, with only very small numbers of people having access to it. Gorden also contends that the interviewer must be especially conscious of this, as it could potentially affect how open the interviewee is. It was necessary to be aware of these types of concerns when conducting the interviews for this research.
Certain MPs and senior civil servants who agreed to be interviewed are in positions where the maintenance of anonymity may prove harder than interviewing people in less specialised areas. However, this potential problem may not be as pressing as it might have been, as access to government ministers, with an even more specialised stock of knowledge, were not possible. Stephen et al (1965) recognise further problems that may be encountered when interviewing elites. They suggest that elites often resent restrictions placed upon them if the interview is too structured, demand more active interplay with the researcher and want to follow up questions in their own way. With these concerns in mind, it was important in this study to have a flexible approach to the interviews, and as has been mentioned the interview schedule was used as a guide, which allowed for a deeper investigation when interviewing elite respondents.

It has also been recognised that some social scientists are reluctant to conduct research on elites as they anticipate difficulty at some stage of the research process (Ostrander, 2003). It was judged that in the interests of this study, such reluctance should not impede the interviewing process and that it was essential to have access to some interviewees who might be considered 'elites'. The knowledge held by elites in the area of asylum is central to examining the construction of the asylum problem and a study that neglected to consider their role would have been considerably weaker as a consequence. However, despite these difficulties it is also recognised that there are certain advantages in interviewing elites. For example, Zuckerman (2003) found that elites are often comparatively easy to locate, as they are frequently prominent. Furthermore, Ostrander (2003) posits that difficulties in access and rapport with elites have been exaggerated.

Asylum has become a highly political issue and as such different political parties, as well as other interested institutions and organisations, have often developed 'party lines' on what they say about it. During the course of the interviews for this study it was important to try and get beyond these rehearsed responses and to elicit a more personal response from the
interviewees. It is the case that some of these concerns may occur in interviews in general, but it is considered to be a necessary part of the research process to be aware that problems particular to interviewing elites may occur. The interviews with elites in this study took account of the above concerns and complied with the unique demands that can be encountered when interviewing elites.

**Ethical Considerations**

The issue of asylum can be an emotive and sensitive one and has the potential to raise ethical dilemmas. Punch (1994) has warned of the essentially 'political nature' of all field research and concerns such as this can be increased when dealing with a potentially political issue such as asylum. He explains how qualitative research can be seen as potentially volatile and sensitive, and that full consideration of these factors must be taken before entering the field. At the same time however, and accepting this potential ethical sensitivity, it is important to not be too restrictive in the investigation, which could potentially impede the exploration of 'complex social realities' (Punch, 1994).

Due to the substantive nature of this research and the highly charged political debates surrounding this issue, it is considered that some of the data collected is of a sensitive nature. All data has therefore been kept anonymous and confidentiality of participants has been ensured. Although it was not generally the case that respondents expressed a desire for confidentiality, it was considered that it would nevertheless be advisable to do so in case unforeseen issues should arise. A key concern was to ensure that respondents' participation in the research had no kind of adverse effect on them, and that no issues would subsequently arise that could be in any way harmful to them.
Summary

This chapter has explored the reasons for and justifications of the chosen methods and how they relate to this study. An explanation of the research aims and objectives, including research questions was provided and links were made between this and the chosen methodology. It has been explained how a more qualitative approach was deemed appropriate, in order to understand the underlying values and cultural assumptions of actors in the asylum debate. Furthermore, theoretical justifications and explanations of the uses and benefits of the methodologies were provided, with reference to appropriate literature. An overview of the particularities of interviewing elites, and how this may give further challenges, was provided. Lastly, potential ethical dilemmas of this study were addressed.
Chapter 5: Uses of Evidence in Constructing the 'Asylum Problem'

Introduction

To be accepted as a refugee in the United Kingdom, asylum seekers must demonstrate that they meet the criteria of the 1951 Geneva Convention relating to the Status of Refugees, amended by the 1967 Protocol. Until the late 1980s the recorded numbers of those claiming political asylum remained low and there was no one single piece of legislation dedicated to asylum seeking. However, since this time asylum has become a highly emotive and politically sensitive issue. There are several reasons why this is so. Most often cited, is that there have been large increases in the recorded numbers of people applying for asylum in the UK, as illustrated in Figure 5.1. The data contained in this graph are official statistics complied by the Home Office on a quarterly basis, and it is important to remember that such statistical information should not be taken wholly at face value (as will be outlined below).

Figure 5.1

Total Numbers of Asylum Applications
1985-2001

Source: RDS, 1997 and RDS, 2001c.
Importantly, vocal campaigns, most visibly in certain sections of the press, have demonised asylum seekers, labelling them ‘bogus’. At the same time, vocal counter-claims have been espoused by pro-asylum groups, which aim to promote asylum seekers as in genuine need of protection and concern. Latterly, dominant claims makers have aligned asylum seeking with concerns surrounding international terrorism, and the increased security and control measures related to this. Essentially, the asylum problem has, over time, been reconfigured and up-dated as connections have been drawn with other pressing social issues. Connections to terrorism may represent the latest incarnation of this, but prior to this was organised crime, and the pressure created on the welfare system.

Five Acts of Parliament focusing on the asylum issue between 1993 and 2004 (as outlined in Chapter 1) is indicative of the attention this issue has received and against this background competing ‘knowledge claims’ about asylum seekers and the asylum debate in general have become crucial. This is so, as the way asylum is constructed determines the context in which the asylum debate takes place. A prevalent tactic enabling individuals or groups to make such claims and contribute towards the social construction of asylum is the use of ‘evidence’. The use of evidence is only one part of how the asylum ‘problem’ has been constructed, but an important part and one that is worthy of careful and specific consideration.

**Evidencing**

This chapter will discuss the ‘evidencing’ of claims and counter-claims about asylum seeking and asylum seekers in an effort to document the practices through which evidence to warrant such claims is manufactured, deployed and interpreted. A key issue that will be developed is how refusal rates (of asylum applications) are often used as evidence that there is wholesale abuse of the system, thereby justifying greater controls. What this chapter will show is that many applications are actually refused on ‘grounds of non-compliance’, or for infringing procedural rules. Therefore, it is actually the infraction of
administrative regulations that leads to refusal in such cases, as opposed to the merit of the asylum claim being judged.

Within the sociological literature, there are a variety of different interpretations of how the use of evidence may be conceived. McBarnet (1981) is of the belief that evidence, and the facts of the case in the criminal justice system are not simply 'self-evident truths', rather they are the result of a process that organises and selects which facts it chooses for a particular audience (McBarnet, 1981). This is similar to the idea of 'case construction', outlined by Redmayne (2001), which concentrates on the building up of a case against a suspect, which may be thought of as a process of 'evidencing'. It involves a large amount of discretion on the part of the police, who decide what evidence to 'use' and how to describe it.

Bennett and Feldman (1981) ask how justice is done in a courtroom setting by ordinary people, or laymen? They argue that in order for people to understand this process, evidence tends to be introduced in a 'storied' format and that the way it is understood is the way it fits into this developing narrative. Evidence is a symbolic reconstruction, selected to fit within the framework of a particular story (Bennett and Feldman, 1981). This idea of evidence is conceptualised by Lyman and Scott (1970) as 'accounts', which they define as a device used whenever an action is subjected to 'valuative enquiry'. Within this, they identify two types of accounts, namely excuses and justifications, and in making these people tend to invoke evidence to support their claims. A justification is where one accepts responsibility for an act, but denies the disparaging connotations associated with it. In relation to asylum, this could mean that someone calls for benefits for asylum seekers to be withdrawn, but claims the justification for this is the 'unreasonable' cost of the asylum system. Excuses are accounts where one concedes the action is bad, or inappropriate, but denies full responsibility. Therefore, these types of accounts can be viewed as actors attempting to invoke evidence to give reasons to actions or behaviours which otherwise might be called into question.
To clarify, evidence is essentially the material, or information selected to support a claim. Information may be statistical, rhetorical or case-study information, which is selectively interpreted and presented as evidence towards a particular end. Therefore, in the context of this investigation, evidence will be defined as the selective information used by individuals or groups to make certain ‘knowledge-claims’ on asylum. In turn, the process of ‘evidencing’ may be thought of as the inclusion, exclusion and selection of evidence towards engaging in claims making activities. Importantly, the process of evidencing is carried out by motivated claims makers who aim to drive understandings of and actions on asylum seeking in the direction that they desire.

Types of Evidence

The analysis of evidence produced here can broadly be divided into three categories, statistical, rhetorical and case study. Statistical evidencing uses numbers and quantitative data to justify certain claims on asylum, whereas rhetorical evidencing involves the use of written or spoken language. Case study evidence implies the utilisation of particular instances or occurrences to make general points. Within these three categories there may be dominant discourse claims critical of asylum seekers, or ‘counter claims’ which conceptualise asylum seekers as victims. The types of claims varying actors make may to an extent be imbedded in ‘real’ changes (such as increased numbers of asylum applications), but importantly the way data or cases are manipulated, interpreted, and presented represents a purposeful attempt to construct the asylum issue in particular ways.

This chapter aims to establish the ways in which evidence has been used to make knowledge claims that lead to the construction of the asylum problem in specific ways. It will explore the reliance on the use of official statistics for the promotion of knowledge claims, before a more detailed discussion of the use of evidencing as witnessed in the documents studied. In so doing, it will be explained how the processes of evidencing can at various times portray asylum seekers as a problem, deserving or undeserving, victim or perpetrator,
and how the evidence used in accomplishing this relates to wider societal issues. It is not the intention here to make normative judgements about whether the claims people make are true or not, or to access the validity of those claims as judged from some independent standpoint. Rather, informed by the work of Kitsuse and Spector (1987), it is based on the view that the claims making and responding activities about asylum are the subject matter, and that these activities exist and can be documented and analysed sociologically. In the context of this study, the important point about evidencing processes is that they manifestly contribute to how a problematic status is configured and maintained, (as will discussed in detail in due course), which is profoundly influential in shaping the social control responses that can be imagined. As such, the object of study here is how claims makers engage in evidencing processes in order to manufacture understandings of asylum seeking and to ultimately seek to influence the creation of law.

Use of Official Statistics

The Research Development and Statistics Directorate (RDS) of the Home Office compile statistics on numbers and decisions of applications for political asylum in the United Kingdom. These statistics are used as evidence by various actors in the asylum debate to promote certain knowledge claims and are therefore an important matter for consideration in the study of asylum seeking. The most obvious example of this being the claim that recent years have seen a massive increase in the number of asylum seekers and therefore that systematic change to the asylum system is necessary. For example, when questioned by members of the Home Affairs Select Committee on the 12th May 1998, Home Office Minister Mike O’Brien was able to find no shortage of evidence to highlight the problems of asylum,

We had the introduction in 1951 of the Convention on Refugees. About 3 to 4,000 people applied each year. It went up from 2,000 to 3 to 4,000 up to the late 1980s. Suddenly in the late 1980s it shot up to 43 to 45,000 people applying for asylum (Home Affairs Select Committee, 12th May 1998. Paragraph 3).
O'Brien then used these figures as a preface to his explanation of why it was that tougher immigration controls were necessary, and this example will be developed below when discussing abuse of the asylum system. For the purposes of this section however, it is important to emphasise that it is the evidencing of large increases of asylum applications, as O'Brien says having 'shot up', that is key to setting the overall tone of the debate as problematic. Evidence of continued increases in applications has also been used to show that previous legislation is inadequate. The logic of this argument is that further legislation is necessary to control the number of applications, and indeed that the primary purpose of asylum legislation should be this type of control. Such evidencing is most often done in a way that assumes the statistics are an objective, accurate reflection of what they seek to measure, but caution must be taken when examining the literalness of such figures. It is however right to recognise that such statistics provide the central source on which public deliberations are based, and indeed policy decisions are often justified, on asylum seeking. Thus, careful consideration of their use is of key importance in understanding the ways that asylum law has been created.

Research on the police has shown that the presence of discretion in their routine activities imbues them with a power to offer what is and is not defined and classified as a criminal act (Bottomley and Pease, 1986). Some counter claims makers, such as Amnesty International (2005), have argued that there are analogous definitional classification practices at work in terms of how asylum claims are processed. For example, it as been suggested that political imperatives have embedded a 'culture of disbelief' regarding Home Office decision-making in the processing of asylum claims (ICAR, 2005). As will be shown below, asylum claims may be denied on the basis of the infraction of administrative procedures, or as a consequence of claims not being adequately considered due to the way that asylum seekers have been constructed as undeserving. Furthermore, there are a variety of changes in asylum law and practice, detailed below, which collectively may have contributed to the appearance of an increase in asylum applications.
One such change is the narrowing of other legal avenues for would be migrants to enter the United Kingdom in recent years, which may have encouraged more people to claim political asylum (Schuster and Solomos, 2001). As Mr O'Brien further contended,

we were now getting a lot of people who were making applications clearly because the immigration controls had been imposed and this was the gap, in a sense, in the immigration control (Home Affairs Select Committee, 12th May 1998. Paragraph 3).

O'Brien argued that as the potential to use other migratory routes has been lessened, people consciously chose to turn to asylum seeking. Furthermore, increased enforcement powers and numbers of immigration officers, continually enhanced in recent Acts can be viewed as potentially leading to the apprehension of larger numbers of 'illegal immigrants' who may go on to claim asylum and might previously not have come to the attention of the authorities. This includes increased powers of entry, search and arrest, which in some cases can be carried out without a warrant. Added to this, more sophisticated equipment, such as heart beat scanners and X/Gamma radiation scanners, are now in use at ports in an attempt to discover would be asylum seekers clandestinely concealed in lorries or other vehicles. Extra classifications of asylum seekers have been developed, including various degrees of illegal immigrants, and those with 'manifestly unfounded' claims, who are subjected to a fast track decision process. There are parallels here with Stanley Cohen's (1985) concept of 'net widening' and 'net deepening'. As the legislation on asylum increases in its scope more people may become entangled within the system and the statistics rise. This in turn leads to calls for more legislation to 'deal' with the problem and so the control is increased.

Other writers have concentrated on geo-political explanations for the increase in applications. Cohen and Kennedy (2000) suggest that there have been a number of large-scale wars, ethnic conflicts, famines and natural disasters in Africa and Asia which have triggered forced migration. At the same time the
collapse of the Soviet Union has generated unrest all over the former Eastern
Bloc, most notably in the former Yugoslavia, which has caused massive
conflict and movement out of these areas (Cohen and Kennedy, 2000).
Detailed consideration of such claims falls outside the possibilities of this
study, but they are given here in order to highlight the fact that there are many
competing versions given for why the numbers of asylum applications
increased.

It is probable that all these factors have had some impact on recorded asylum
statistics in recent years. The key point here is that the escalation of the
significance of the asylum issue is not simply a question of more mobile
populations. Rather, the construction of the problematic status of asylum by
key social actors has driven the political salience of the issue, and in addition
social control responses may have amplified the appearance of a growing
problem. Whatever the reality of the situation, what is important in the
following sections is a concentration on the ways various actors have used
these statistics, and what they imply, as evidence contributing to the
construction of the asylum problem.

Evidence of a ‘Problem’

A central theme elicited from analysis for this study is that dominant discourse
claims makers have constructed asylum seeking as a key social problem.
Later chapters will examine how this ‘problem’ has meant that asylum has
been entangled with wider logics of social control, but here the focus is on
how dominant claims makers have used evidence to perpetuate an over­
riding sense of a problem that needs to be solved. It is worth considering
though, that it is this idea of asylum as a problem that has been used as
justification for much of the new legislation and control strategies associated
with it. Therefore how the idea of the problem is constructed is a key concern.
Also of importance here are the ways in which counter claims makers have
engaged in evidencing processes to oppose this dominant discourse and
construct asylum seekers as victims. In a sense, counter claims makers are
also constructing a perception of a problem in relation to asylum, but this is
conceptualised in terms of state action which is said to negatively impact upon asylum seekers (Pickering, 2001b).

**Statistical Evidence**

As previously stated, the most often cited evidence of asylum as a problem is that there has been a massive increase in the numbers of people making applications from the late 1980s onwards. Certainly, official figures as collected by the Home Office suggest that they have been increased numbers of asylum applications in recent decades. These figures show that during the years 1985-88 there was an average of 4,000 applications a year, but that in the year 1991 there were 44,800 (RDS, 1997). In 2000 there were 80,315 recorded applications for political asylum in the UK (RDS, 2001c). This trend is graphically illustrated in Figure 5.1. As mentioned above, official statistics should be viewed with caution and there are a range of complex factors that may contribute to these recorded figures, but the key point is that it is these statistics that are repeatedly used as a primary source of evidence for making claims about asylum. For example the 1998 White Paper 'Fairer, Faster, Firmer - a Modern Approach to Immigration and Asylum' is prefaced with the above figures as a justification for why it is that the Act it proposes is necessary,

For almost 40 years only small numbers of people, predominately those fleeing communism, applied for asylum in the UK. Then, in the late 1980s the total started to rise dramatically from around 4,000 a year during 1985-1988 to 44,800 in 1991 (Home Office, 1998, Column 1.9).

Official statistics are being used to make a claim about an apparently growing and increasingly serious problem. Certainly, the stark and significant differences between the figures that are quoted here give the impression of some kind of 'sea-change' in the importance of the issue. What is further noticeable is the reference to the majority of asylum seekers 'fleeing
Communism' in the past. There is an implication that those forced to escape from Communist regimes were manifestly justified in wanting to do so, and therefore legitimate in making claims for political asylum in the UK. This can be juxtaposed with more recent claimants being talked of in terms of making 'fraudulent applications', as witnessed below,

Following the introduction of measures in November 1991 to deter multiple and other fraudulent applications, numbers fell back in 1992 and 1993. However, applications increased substantially in 1994 and again in 1995 (to 44,000), but, after falling back in 1996 (following the reduction in benefit entitlement for asylum seekers), continued rising in 1997 and early 1998 (Home Office, 1998, Column 1.9).

The obvious implication of such sentiments is that it is objectively 'true' that those fleeing Communist regimes were oppressed and needed protection, whereas more recent asylum seekers must be viewed more sceptically. Therefore, the case is seemingly convincingly made that control measures imposed on asylum seekers are necessary and justified. At the same time, a direct correlation is claimed between legislative innovations and the curtailment of rising applications. By saying numbers fell back 'following the reduction in benefit entitlement for asylum seekers', a claim is made that such control measures are effective in reducing the numbers. Therefore, increased controls are implicitly justified by providing evidence of their 'success', albeit success that is partial in terms of its overall effectiveness in dealing with the situation as a whole. This sets out a justification in the White Paper, designed to show that further legislation is required as a control strategy. Interestingly, it has been shown that this is not an entirely new approach. Zig Layton-Henry (1992) outlines that the 1987 Conservative Party manifesto spoke of the need for 'firm but fair' immigration controls against a background of a perceived increasing problem. Indeed, evidence of increased numbers showing there is a 'problem' about which something has to be 'done', largely informs the context in which asylum has been debated in recent years.
Creation of Moral Panics

An interesting approach to examining the use of official statistics is provided by Stuart Hall et al (1978). This work critically investigates the creation of a 'moral panic', which arose in the early 1970s in relation to street muggings. As well as the previously mentioned issues of only reported crimes being recorded and discrepancies of data collection in different areas, this study also shows how police sensitisation can have an impact on official statistics. If a 'problem' is seen to be getting worse then greater targeting and mobilisation may well occur. In Hall and his colleagues study, the type of street robbery labelled 'mugging' had in fact been a familiar activity on London's street since the 1860s. An oft-quoted figure was an increase in muggings of 129 percent over 4 years, a figure that sounds startling when heard in isolation. In fact, this figure was taken out of context, as the annual recorded increase during this time was not exceptional (Hall et al, 1978). Hall explains that regardless of the inconsistencies of statistics, an important aspect surrounding them is their ideological function. The supposed vast increase in muggings observed by Hall was used at the time to justify claims for tougher and more 'traditional' measures against this type of crime.

In today's asylum debate, the so called 'floods' witnessed in recent years, backed up by the official statistics, have been cited as evidence of the need for ever tighter and more 'efficient' immigration controls, as shown above. It is also entirely plausible that this 'increase' and the resulting need to be more efficient has informed much of the work and decision making practices of those charged with the processing of asylum claims, as will be examined below, and in Chapter 7 when looking at the 'quality' of decision making on asylum applications. As such, the construction of the asylum issue informs one way in which control is enacted (the processing of claims), which may in turn influence subsequent directions, namely the outcomes of applications and thus official statistics of how many people are granted refugee status.
'Something Must be Done'

This argument corresponds with wider logics of social control across a range of social situations, as witnessed in the sociological literature. The above quotation from the 1998 White Paper demonstrates this, as do further extracts from the documents analysed for this study. Gregory Barker, Conservative MP for Bexhill and Battle quoted figures in the House of Commons of over 80,000 asylum seekers arriving in the UK in 2000 and used this as evidence that,

the system put in place by the 1999 Immigration and Asylum Act has failed to address the high numbers of people seeking asylum and the necessary provision of services to those claiming refuge here (Hansard, 24 April, 2000. Column 391).

Once it has been established that large numbers have created a problem, there is much citing of various types of evidence to demonstrate the difficulties this causes. Here rises in numbers are compared with potential problems in the provision of services, with the implication that the system as it stood was unable to cope.

Rhetorical Evidence

As noted above, statistical evidence is often used alongside, or in support of rhetorical evidence. Through the use of both types of evidence, calls for further legislation to control numbers are a central feature. Speaking on the Second Reading of the Immigration and Asylum Bill in the Commons, the then Home Secretary Jack Straw, argued,

The Bill is essential in helping us to deal with increasing numbers of asylum seekers. We will continue to protect genuine refugees, but we will deal firmly with those who seek
to exploit the system (Hansard, 22 February, 1999. Column 37).

It is noticeable here that Mr Straw does not actually quote figures, but rather references them in a fairly abstract way. It is possible to infer from this that he is able to assume that the idea that there has been a rise in the number of asylum applications is relatively uncontroversial and can be assumed to be a social fact. A senior civil servant, who worked closely on the 1999 Act certainly maintained that rising numbers were the reason that legislative change was needed,

I think it was the rising numbers, the numbers were very much greater... It was really to tackle those issues and it was against a backdrop of ever increasing numbers. I think it [the asylum system before 1999] probably wasn’t coherent and it was addressing parts of the system without looking at the whole thing, which I think the 1999 Bill did. It was probably the first time that an attempt had been made to do that (Civil Servant 1).

As stated previously, it is accepted that there was to an extent a real change in the nature of asylum seekers and that the numbers of recorded applications rose. However, it will be shown how such evidencing is merely the start of the process by which asylum seekers have been portrayed in problematic terms. Indeed, this can be viewed as a shift from evidence of problem, to evidence of the need to reform the system. The use of evidence suggesting systemic failures of the asylum system creates an environment in which it becomes possible to suggest reform is necessary. Indeed, it may appear inevitable that such perceived systematic failure would lead to calls for reform, but the key point here is that the specific nature of this reform was very much contingent on the activities of claims makers and subsequently the construction of asylum as a social problem. The point is not just that reform was advocated, but reform of a very specific type, which in the case of dominant claims makers was enhanced enforcement and deterrence.
The Need for Reforming the System

The principal nature of the called for reform within dominant discourses was one of increasing control, and was one way in which the 'widening' and 'deepening' of the social control of the asylum system was witnessed. The issue was portrayed as one that can be managed more effectively if new legislation, and therefore further control, was allowed, as Mr Straw outlined, We want a faster system that is able to deal quickly with all applicants, whether visiting this country or seeking to remain here longer; and we want a firmer system, with strong controls at ports and effective enforcement against those not entitled to stay. This Bill is vital in helping to deliver those objectives (Hansard, 22 February, 1999. Column 37).

As the justification that 'something needs to be done' becomes accepted, so Mr Straw elaborates upon this by suggesting that increased control is necessary. Legislation is proposed as a 'vital' way of addressing the asylum problem, and the very particular nature of the proposed systematic reform is one of strong controls and effective enforcement. The problem is conceptualised in terms of needing a stronger system of control, so that asylum seekers can be dealt with more efficiently. Therefore, evidence is used to advocate a particular type of reform, justified by the labelling of the asylum problem in a very specific way. In essence, this is the use of evidence in the construction of the asylum problem as justification for legislation to expand the purview of the formal social control apparatus.

Often the use of evidence displaying large influxes of applications will be deployed in conjunction with suggestions that such increases may mean the asylum system is unable to cope, that in general the welfare apparatus of the country will be stretched and that resentment will be caused within the
indigenous population. Speaking in 1987 on the Second Reading of the Immigration Bill the then Home Secretary, Douglas Hurd, suggested that the 1971 Immigration Act,

Sought to bring primary immigration by heads of household down to a level which our crowded island could accommodate. The Act was introduced in the belief that there is a limit to the extent to which a society can accept large numbers of people from different cultures without unacceptable social tensions (Hansard, 16 November 1987, Column 785).

The clear suggestion here is that numbers of immigrants needed to be heavily moderated as the country could not cope with infinite arrivals. The symbolic use of phrases such as ‘crowded island’ serves to promote the idea that asylum is potentially a problem that could threaten the UK in a very fundamental way. It hints at economic problems that could be caused for the ‘limited’ resources of this ‘crowded island’. It also makes mention of social problems associated with large numbers of people from different cultures making applications here. There is an implication that large numbers of people from different ethnic backgrounds would exacerbate racial tension and that this in itself is a justification for greater control. In this way, it is not simply the numbers of immigrants that are highlighted as a problem, but the effect that the social impact that they will have. As such, numbers alone are not the only important factor, but the way those numbers are constructed as being problematic are key. The above dominant discourse claims makers constructed the asylum problem (and proposed responses) in very particular ways, which as will be explained in due course have been directly challenged by counter claims makers.

**EU Dimension**

Concerns over the state of the UK’s border controls, in light of its membership of the European Union (EU), has also been used as evidence to highlight
problems of asylum. The central issue here concerns espoused fears of free movement, in that once an asylum seeker is within the borders of the EU it is easier for them to access individual member states. Such claims have been used to call for increased cooperation at EU level on issues of security and border controls (Huysmans (2000, Lodge, 1993). For example, speaking ahead of the EU conference in Seville of June 2002, Home Secretary David Blunkett stated,

Strong borders must be a priority for all EU member states. Countries face different challenges because of their geographical position or the nature of their borders, but the task we face is common to all of us. Today’s illegal sea-borne migrants in the Mediterranean are next week’s illegal entrants trying to get to the UK or another country (Home Office, 2002c).

Clearly, rhetorical evidencing is employed to suggest that ‘common challenges’ (illegal immigrants entering their countries) must mean that it is necessary for EU members to work together to increase controls. Not only does this engender a sense of joint responsibility between EU states, but also it further serves to promote the idea that the UK is ‘vulnerable’ to increasing numbers of illegal immigrants entering the country, thus adding to the case for expanding the social control apparatus. Therefore, the practice of evidencing this joint and interconnected vulnerability across EU states, serves to enhance the sense in which such an expansion is justified. Interestingly, Gibney (2004) has noted that before asylum became constructed as a key social concern in the United Kingdom, there was a lack of motivation on the part of the government to enter into negotiations regarding joint policies with fellow EU states. He argues that one consequence of the politicisation of asylum seeking has been a governmental desire to engage in a very particular form of co-operation within Europe; namely one that seeks to exclude and deter asylum seekers. This idea will be developed in Chapter 8, where a more detailed account of transnational control responses will be provided.
Case Study Evidence

A further sense in which the use of evidencing can be ascertained is through the use of case studies. These may be characterised as specific examples, or instances that are highlighted by claims makers in order to promote particular knowledge claims. For example, the then Home Secretary, Kenneth Clarke quotes figures representing a very small number of instances, but makes generalisations from them,

So far, 11 convictions have been obtained for fraud against the Department of Social Security. In one investigation, 15 individuals were found to have used 76 identities to have obtained overpayment of £80,000 in benefits. In another investigation, five individuals were found to have used 19 identities to have obtained overpayment of £50,000. One individual, with his wife and two children, has been identified as the subject of no fewer than 54 separate files in various identities. I think that that establishes sufficient reason – even on the grounds of social security abuse alone – for wanting to establish specific identities (Hansard, 11th January 1993 Column 688).

The last line here serves to illustrate how these handful of cases are used as evidence to generalise that tighter controls are needed overall. The use of case studies in this way is sufficient to demonstrate that a particular problem has existed in order to support a claim that something has to be done. Being able to demonstrate that an issue is widespread is very much a secondary concern. Closer examination of the above figures shows that the numbers are in fact very small and statistically insignificant. However, they still have an immediate impact that serves to suggest that there are those who get away with large sums of money by using deception in the asylum system. Once again, this selective interpretation of information is used to establish the context in which it becomes possible to call for increasing control of those
seeking asylum. It is constructed as necessary to combat this abuse by imposing firmer and tighter regulations on asylum seekers.

**The Case of Sangatte**

A key and highly evidenced case study used to portray instances of asylum problems was the Sangatte refugee centre near Calais. This camp became used as a potent symbol of the problems facing the UK; with television scenes depicting would be asylum seekers climbing over fences, seemingly intent on reaching the UK. Such images served as useful evidence of the refugee problem as exemplified by the 2002 White Paper, Secure Borders, Safe Haven, Integration with Diversity in Modern Britain,

The disturbing sight of people risking life and limb to reach the UK from Sangatte through the Channel Tunnel illustrates graphically why we need to reform our asylum system. People are taking desperate measures to come to our country and we must develop a coherent policy which tackles the route cause of this desire and brings order to the system (Home Office, 2002d, paragraph 4.1).

Interestingly here, the claim of the problem is warranted by a subtle reference to graphic evidence that readers could be expected to be familiar with in the form of television pictures from Sangatte, which had dominated mass media agencies reportage around this time. This is important, as it is an example of arguments being constructed on the basis of evidence made available through other channels, not just the evidence invoked by the person making the claim. Evidencing in this manner therefore introduces a sense of supposed objectivity to the argument. Furthermore, Sangatte has been used as evidence that the UK is a ‘soft touch’, as people would rather come here than make claims for asylum elsewhere. The Conservative MP Angela Watkinson argues,
So many people choose to come to the UK because it is a much more attractive destination than many other European countries. Why else would they travel through so many other safe, democratic countries without seeking asylum along the way? Why else would so many gather at Sangatte without seeking asylum in France, awaiting their chances to smuggle themselves to Britain on lorries, ferries, freight trains or Eurostar, often in extremely dangerous circumstances?

(Hansard, 24th April 2002. Column 401)

Sangatte is thus constructed as symbolic of a kind of loss of control over the asylum system and the UK's borders. Rhetorical evidencing has been employed to assert that numerous individuals applying for asylum in the UK have no legitimate reason for doing so. The UK is portrayed as a 'soft-touch', as the implication is that the asylum seekers could have conceivably made applications in other countries before reaching it. The fact that they did not do this has been used as evidence that the UK is a more 'attractive destination', which invokes images of generous benefit systems or a soft system where the applicant is more likely to have their claims accepted. The 'logical' response to a system that is so 'soft' and overly generous is to increase the control of it, and ensure that its attractiveness is taken away. Since these comments, the Sangatte camp has been closed following lengthy negotiations between the British and French Governments. This was largely justified on the basis that it was acting as a 'magnet' for asylum seekers trying to get to the UK.

Evidence of 'Abuse'

The above analysis has shown how dominant discourse claims makers have employed evidencing strategies using statistical, rhetorical and case-study evidence to manufacture the sense of asylum as a particular type of problem. An important theme within such discourses has been the promotion of the idea that the majority of asylum seekers are in fact economic migrants, 'bogus', undeserving and trying to illegitimately bypass the UK's immigration
controls. The essential tenant of such practices is to use evidencing strategies to demonstrate 'abuse' of the asylum system.

In producing evidence of abuse, one tactical play is to undermine the legitimacy of asylum claims, thus engendering an atmosphere more receptive to increased enforcement and social control. The ways in which evidence is used to label asylum seekers as deserving or undeserving as well as examining the idea of 'victim' will be outlined shortly, but this section will begin by looking at some of the ways evidence has been used to claim systematic abuse of the asylum system.

*Refusal Rates as Evidence of Abuse*

The clearest way that this is done is to cite evidence from the official statistics that the majority of asylum claims do not result in the granting of refugee status as evidence that the majority are in fact economic migrants, or bogus asylum seekers. This is exemplified by the position adopted by Kenneth Clarke, Home Secretary at the time of speaking, who said of asylum decisions taken in 1992,

> Just over 5 per cent of the decisions actually recognised refugee status and granted political asylum. We have not changed the criteria: we continue to apply the same criteria as always in deciding these cases: the criteria of the 1951 Geneva Convention. The simple fact is that very few of the applications that we now receive are from refugees as the international community has always defined them (Hansard, 11 January 1993. Column 640).

Mr Clarke's use of evidence is highly selective, in that is leaves aside certain factors that could actually have a bearing on the construction of such statistics (such as that many applications are refused on the grounds of non-compliance) and highlights others. This is a crucial illustration of how evidence is used to construct specific positions and arguments on asylum. In fact, there are a number of reasons why this relationship (not granting asylum
status meaning they must therefore be bogus) may not be quite as straightforward as Clarke suggests. For example, Hovey (1993) posits that if claims are rejected under the 1951 Convention this does not necessarily mean the claimants are economic migrants, or attempting to deceive the authorities. In a sense this represents a counter claim, as the suggestion is that asylum seekers may be in genuine need even if not fulfilling the criteria for convention status. Many asylum seekers flee situations that mean they would be considered as having genuine grounds for refugee status in some parts of the world, but not under the 1951 Convention. For example, the Cartagena Declaration of Refugees, adopted by the Organisation of American States (OAS) in 1985, extends convention status to those escaping generalised violence, foreign aggression, internal conflicts and massive violations of human rights. In certain parts of the world the role of the United Nations High Commissioner for Refugees (UNHCR) has evolved to reflect these new statuses. Therefore the classification of what exactly refugee status means is crucial. The key point is that Clarke expressed as fact, that if an asylum seeker is not granted convention status that they must then be an economic migrant and therefore bogus and illegitimate. Whilst this may be true in some cases, what is clear is that such a definite assumption is highly tenuous, as it depends on a very narrow classificatory decision. This represents a highly selective use of evidence, designed to construct asylum seekers in a very particular way, and to apply that construction to them all as if they were one single, homogenous grouping.

Recent legislation has further extended the ways in which asylum seekers may be labelled as abusers of the system. For example, Section 8 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 speaks of ways in which claimants credibility can be called into question, and sets out a list of behaviours that must be taken into account when deciding asylum applications (Home Office, 2004a). The key part of this section states,

(1) In determining whether to believe a statement made by or on behalf of a person who makes an asylum claim or a human rights claim, a deciding authority shall take account, as
damaging the claimant's credibility, of any behaviour to which this section applies.

(2) This section applies to any behaviour by the claimant that the deciding authority thinks-

(a) is designed or likely to conceal information,
(b) is designed or likely to mislead, or
(c) is designed or likely to obstruct or delay the handling or resolution of the claim or the taking of a decision in relation to the claimant.

(3) Without prejudice to the generality of subsection (2) the following kinds of behaviour shall be treated as designed or likely to conceal information or to mislead-

(a) failure without reasonable explanation to produce a passport on request to an immigration officer or to the Secretary of State,
(b) the production of a document which is not a valid passport as if it were,
(c) the destruction, alteration or disposal, in each case without reasonable explanation, of a passport,
(d) the destruction, alteration or disposal, in each case without reasonable explanation, of a ticket or other document connected with travel, and
(e) failure without reasonable explanation to answer a question asked by a deciding authority (Home Office, 2004a, Section 8).

Statistics for the amount of asylum seekers whose claims are refused specifically for the reasons cited in this section do not exist, yet the broad range of behaviours listed here, and the discretionary role that those deciding on such matters would clearly have, means that the total range of reasons why an asylum claim might be refused have been increased. Indeed, counter claims makers have argued that this may be one way in which discretion on
the part of deciding authorities may be employed to decide what is, or is not deception by asylum seekers, as outlined by a barrister working with asylum seekers,

If we're talking about immigration officers making an initial judgement on asylum seekers, or judges deciding on appeal hearings, then there are certainly grey areas with regards to asylum seekers use of deception, or their credibility that such individuals have discretion over. Section 8 [of the 2004 Act] introduced extra reasons for why these judgements may be made (Immigration Lawyer 1).

The lawyer argues that the legal framework that structures the actions of actors within the system (in this case immigration officers and judges) provided additional grounds for such actors to exercise discretion. In a sense, this is an alternative use of evidence (the 2004 Act) to construct a counter position to the dominant discourse. According to this view, these social control agents will actually determine the way control is enforced, or how decisions on claims are made, as a result (at least in part) of interpretative judgements and discretion. In this way, the lawyer argues that the problem is not actually deception on the part of asylum seekers, but rather the extent of discretion that actors in the asylum system have in judging if asylum seekers may have used deception. Essentially, this oppositional voice constructs the sense of problem in a fundamentally different way to that of dominant discourse claims makers, with asylum seekers said to be detrimentally affected by enforcement practices. Similarly, Weber (2003) has argued that unchecked discretion on the part of immigration officers can contribute to harm being done to asylum seekers, specifically in relation to detention. She argues that discretionary practices can criminalise asylum seekers and therefore adversely affect what may subsequently happen to them in their passage through the asylum system. Furthermore, some of these behaviours that must now be taken into account, such as failure to answer a question, may cross over with applications failed 'on the grounds of non-compliance', details of which are provided below. Under the 2004 Act, such behaviours are now formally written
in law as something that deciding authorities must take into account when examining applications, as the immigration barrister explained,

Assumption [that these types of behaviours had occurred] can harm the application as it can engage the statutory presumption of adverse credibility in Section 8 of the same Act (Immigration Lawyer 1).

As such, there are now more formally written ways in which asylum seekers' credibility may be called into question, which can mean that their case can be decided on issues not necessarily related to the legitimacy of their claim, i.e., whether they had actually been persecuted. Furthermore, and of central importance here, is that despite the complex nature of decisions made on asylum applications, dominant discourse claims makers continue to cite the relatively high refusal rate as evidence that the system must be protected from attempts to systematically and cynically abuse it. Figure 5.2 gives the percentage of initial decisions on asylum applications that have been refused in the given years as officially recorded by the Home Office.
Figure 5.2


This graph shows that refusal rates on asylum have been consistently higher in the years since 1993, when the first specific piece of asylum legislation was introduced. It has been shown how recent legislation has increased the range of ways that asylum applications may be failed, and further information regarding this will be provided below. Although it is not possible to say exactly how much affect the imposition of controls has had on the refusal rates, it is possible to speculate that these may at least be one factor in some asylum decisions. A normative judgement is not being made here, claiming that these figures are therefore wrong, and that it may be objectively possible to record more accurate figures. Instead, in line with the constructionist stance of this thesis, it is asserted that a range of factors (including the below outline of failures on the grounds of non-compliance) may contribute to the content of
These figures and therefore that to selectively use them as a basis for knowledge claims to promote particular perceptions of asylum seekers is in itself a process of social construction. What is important to highlight is that it is these kinds of figures that are regularly evidenced by claims makers as abuse of the system. It was mentioned above that the Home Office Minister Mike O'Brien used evidence of the increase in applications whilst answering questions from the Home Affairs Select Committee as indicative of the problems his department had been facing. After setting this scene he went on to talk about abuse of the system. He expresses similar sentiments to Kenneth Clarke when he talked about the percentage of asylum seekers that are granted refugee status,

It is about 11 to 13 per cent. Last month it was 13 per cent. Then we are accepting 9 per cent for exceptional leave purposes, which leaves between 70 to 80 per cent of people whom we do not think have any right to be in the United Kingdom. Therefore, there does appear to be quite a large-scale abuse of the asylum system (Hansard, 11 January 1993).

Unlike Clarke, O'Brien does take account of those being granted ELR, but still makes the jump to saying all those who have their applications refused were engaged in attempted abuse of the asylum system. His citation of the claim that 70 to 80 per cent of applicants have no right to be in the UK, implies a wide-spread and systematic abuse. Furthermore, he has little sympathy with the view that some applicants might be justified in trying to improve their economic situation when going on to say that "it is no justification to say they are just looking for a better life" (Hansard, 11 January 1993). This is a view that differs dramatically from those of refugee advocacy groups, and as will be demonstrated below provides an example of how dominant discourse and oppositional claims makers may use similar pieces of evidence to construct asylum seeking in different ways.
Refusal on the Grounds of Non-Compliance

Another important difference in O'Brien's interpretation of the statistics from refugee advocacy groups, was his omission of figures for those refused on grounds of non-compliance. Immigration rules, relating to asylum state that claims may be refused if,

He [an asylum seeker] fails, without reasonable explanation, to make a prompt and full disclosure of material facts, either orally or in writing, or otherwise to assist the Secretary of State in establishing the facts of the case; this includes, for example, a failure to attend an interview, failure to report to a designated place to be fingerprinted, failure to complete an asylum questionnaire or failure to comply with a requirement to report to an immigration officer for examination (Home Office, 2005b, part 11, paragraph 339M).

As detailed here, there are certain procedural requirements built into the asylum application process that individuals seeking to be granted this status are expected to comply with. Failure to meet these requirements can result in their claim being disallowed. In effect, this has nothing to do with the de facto legitimacy of their claim, but whether or not they acted in accordance with procedural regulations. Importantly though, the refusal rate, including those claims rejected on the grounds of non-compliance, has continued to be used to show evidence of abuse of the system. Against this background, representations were made to the government, claiming that these requirements were difficult for many applicants to adhere to. A Home Office Minster in the House of Commons addressed these points,

We have received a number of representations from hon. Members and from non-governmental organisations (NGOs) about the length of time given to asylum seekers to complete their statement of
evidence forms. There is concern that 10 working days is insufficient time for an asylum seeker to find help completing the detailed Statement of Evidence Form (SEF) in English, and to gather and translate evidence in support of the application. Asylum seekers are expected to comply with the asylum process and I consider the length of time given to asylum seekers to complete the SEFs to be reasonable... We do not propose therefore to increase the current 10 day time limit. Most asylum applicants do return their SEF on time (Hansard, 13th February 2002. Column, 178).

Clearly, the Government were unwilling to agree to extensions in the time to complete the SEF’s as requested by NGOs. The representations made by counter claims makers, constructing the nature of the problem as a lack of time for asylum seekers to fill out the forms, did therefore not result in a change of policy in this case (although, as will be demonstrated in Chapter 7 when talking about vouchers, oppositional claims makers have on occasion successfully influenced policy). A cynical reading of this situation might suggest that the net of possible transgressions (all with the result that the application will be unsuccessful and refugee status not granted) being cast so wide (not only with the SEF, but with the range of other rules outlined above) is an attempt to ensure that significant numbers of applications fail. This would have the effect not only of decreasing the numbers of people whose cases have to be given full consideration, but also of increasing the numbers of failed applications, which can in turn be used as evidence for making the kind of claims shown above. As Figure 5.3 demonstrates, large numbers of asylum applications have been consistently denied on the grounds of non-compliance.
As this graph illustrates, a significant proportion of all decisions are made without reference to the actual legitimacy of the claim itself. Refugee advocacy groups would argue that making claims about the asylum problem based upon the official statistical data, without considering the impact of refusals on the basis of procedural non-compliance, brings into question the accuracy of those claims. Indeed, this selectivity over which aspect of the asylum statistics to include provides a further example of how evidence should not be viewed as an absolute truth, but rather an interpretation. This sentiment will be examined in greater detail below when exploring the interpretation of such data by counter claims makers, who use evidence to construct the issue in a directly oppositional way. In such counter discourses, claims makers construct the problem as asylum seekers being the victims of state action and policy, rather than themselves being harmful to the state. What is of central importance here though is that the failure of (at least) some asylum applications is socially constructed by administrative rules and procedures and that such failures are used as evidence of abuse. In a way similar to Simon's (1993) observations about the infraction of administrative
rules of parole cases in the US, an additional level of administrative reasons why claims can be failed has been created. The construction of failed applications will be developed later in this chapter, when showing how the 'undeserving' asylum seeker may influence the decisions that are made. Furthermore, Chapter 7 will directly address the control implications that result from failed asylum applications and show how this can be as a consequence of the 'quality' of bureaucratic decision making.

**Counter-Claims**

During their submission to the Special Standing Committee that scrutinised the passage of the Immigration and Asylum Act 1999, the Refugee Council expressed very different sentiments from those of Mr Clarke and Mr O'Brien. They claimed that in 1998, 35 per cent of all substantive decisions were grants of refugee status or ELR (Special Standing Committee, 1999). This may be seen as evidencing designed to promote asylum seekers as being 'genuine' and in need of protection. Added to this, they quoted that 11 per cent of appeals are successful and that of the remainder,

> the majority do have a proper case and/or a genuine fear, even if they are ultimately judged not to meet the criteria for receiving protection in the UK (Special Standing Committee, 1999).

In this way, the Refugee Council are actively constructing asylum seekers as victims who are in need of protection and this is in direct opposition to the labelling of asylum seekers as bogus, given above by Mr Clarke. Thus, claims makers from varying positions may use similar bodies of evidence to construct the issue in entirely different ways. The Liberal Democrat MP Simon Hughes was also able to provide a different interpretation of these statistics to that of the government. Speaking in the House of Commons in 2002 he suggested,
between 40 and 50 per cent of those who have come here in the last ten years have had their claim upheld (Hansard, 12 June, 2002. Column 811).

He went on to explain how approximately half of those taking their cases to appeal were successful. In this way, Mr Hughes provides what seems to be reasonable evidence that a large percentage of those claiming asylum are not abusing the system, but in fact have legitimate claims. Again, this is an example of a counter claims maker using evidence to construct asylum seekers as victims, by suggesting that reasonable percentages have had successful claims. Thus by choosing exactly how to interpret and present the statistics, Mr Clarke, Mr O'Brien, the Refugee Council and Simon Hughes were able to utilise them as evidence to promote opposing sentiments pertaining to abuse of the asylum system. Examples such as these highlight the vital issue of interpretation, in that the way the same information is interpreted by people with different viewpoints, will determine the way that it is used as evidence. Importantly, processes of evidencing are used by dominant and oppositional claims makers to further their arguments and to articulate their sense of what the ‘problem’ is. In these differing ways, claims makers seek to influence the direction of policy and the creation of law.

**Interpretation of Different Categories**

A similar use of interpretation comes from recorded increases in the numbers of asylum seekers being granted Exceptional Leave to Remain (ELR). It had been the case that those applying for asylum would either have their claims rejected, be granted refugee status under the terms of the 1951 Geneva Convention relating to the status of refugees, or be granted ELR. ELR was granted to those who have shown special humanitarian need, but did not strictly qualify for convention status. Those receiving ELR did not have the same rights as those given full refugee status and were only given leave to remain in the country on a temporary basis. Recorded levels of those being granted ELR steadily increased around the turn of the last decade. Home Office figures show that in 11,495 cases (13 per cent of all decisions) people
were given ELR in 2000, 19,845 (17 per cent) in 2001 and 15,805 (25 per cent) for the first three quarters of 2002 (RDS, 2002b).

The government’s response was to suggest that this was evidence that the ELR category was being ‘abused’ and was acting as a ‘pull factor’, with the result that the more tightly defined categories of "humanitarian protection" and "discretionary leave" were introduced. Of these new categories, more asylum seekers have been granted discretionary leave, with for example 2,675 (10%) individuals being classified in this way in 2005 (RDS, 2006). However, this same evidence (regarding the granting of ELR) was used by refugee advocacy groups, such as the Refugee Council, to show that the number of people in genuine need of humanitarian protection had increased. They suggest that rather than contending that increases in ELR suggest abuse of the system,

the government should be explaining how ELR is a positive decision because it recognises an asylum seeker’s need for protection (Refugee Council, 2002a).

Again, counter claims makers use the same evidence to construct the issue in an oppositional way to dominant discourses. In this example, the position that ELR is somehow negative or needs rethinking is directly challenged. Indeed, the granting of ELR is constructed as being entirely positive, in that it provides support to those genuinely in need of help. Thus the same statistics are used as evidence to show refugees at the same time to be ‘in need’ and ‘bogus’.

Related to such evidencing and one of the clearest examples of the use of evidence showing asylum seekers as abusers of the system, has been to label large numbers of them 'illegal immigrants'.

‘Illegal Immigration’ as Evidence of Abuse

The proliferation of immigration control strategies in recent years has made it harder for would be asylum seekers to gain legal access to the country. Furthermore, when claims makers discursively frame asylum seekers as
'illegal immigrants', they are not necessarily referring to those who have technically committed a criminal offence, as the term 'illegal immigrant' is often taken to mean anyone whose claims have not been granted in popular discourses. As an immigration lawyer outlined, not every infraction of asylum procedures are necessarily criminal offences,

Immigration offences are best understood as a particular kind of criminal offence, in the same way that driving offences or drug offences are. Bear in mind, however, that not every breach of the immigration rules is necessarily a criminal offence, unless the section is clearly intended to create a criminal offence, then the activity in question is simply illegal or unlawful, not criminal (Immigration Lawyer 1).

It is important to highlight therefore that the use of the term 'illegal immigration' as a rhetorical strategy, does not necessarily refer to asylum seekers having committed a criminal offence. Therefore, in dominant processes of evidencing, terms such as illegal immigration are commonly used in fairly general terms and are often given as further evidence of abuse of the asylum system. In contrast to this, the following quotation from a Labour MP is indicative of how oppositional claims makers have constructed this issue,

If you looked at the tabloids over the last 4 or 5 years the number of headlines there's been in the Express, the Mail, the Sun, the Mirror, particularly the Express and the Mail, asylum, asylum, asylum. They use the word….., there was a story in, I think it was the express, recently and essentially it was a story about illegal immigration. A group of people who were picked up being smuggled into the UK. Now this didn't have anything to do with asylum, it was people smuggling, illegal immigration but the Express story was 'asylum', the headline. So, asylum seekers has come to be short hand for any form of illegal immigration, any form of illegal working (Politician 3).
This counter claims maker argues that an important factor in the understanding of asylum seekers as illegal migrants is their portrayal in the media. His suggestion is that the term ‘asylum seeker’ is conjoined with any story involving illegal immigration, so that the perception is enforced that asylum seekers are themselves deviant. In this oppositional claim, there is a clear attempt to construct the issue as one of asylum seekers being victims of such processes, with their labelling in this way having a detrimental impact upon them. Evidence of the labelling practices of the tabloid press is therefore deployed to argue this position, which directly challenges the dominant discourse.

In addition, the number of ways that asylum seekers can technically have been seen to commit a criminal offence has been increased through successive legislation, thus further criminalising them. For example, Section 4 of the 1996 Act made it a criminal offence for asylum seekers to enter the UK having used ‘deception’, which was significantly widened under Section 28 of the 1999 Act (Home Office, 1996, Home Office, 1999). As such, asylum seekers may be constructed as illegal immigrants because of a general perceived abuse of the system, or because of the increased range of criminal acts they may be labelled as having engaged in as introduced through recent legislation. In general, dominant claims makers have deployed evidence of illegal immigration to show that the system must be ‘tougher’, in order to combat it. It is also the case that parallels are drawn between illegal immigration and organised crime. For example a Select Committee report recommended,

that measures to counter trafficking in illegal immigrants require similar tactics to those used against drug smuggling (Home Affairs Select Committee, 2001a, Paragraph 9).

Strategies include visa restrictions, tougher immigration controls and increased reliance on carriers to check their passengers. Koser (2000) contends an increasing proportion of genuine asylum seekers are arriving
illegally, but that this is a result of these very control strategies. This represents a different construction of the problem, a 'counter-claim' using the same evidence to present a different case. Importantly, here it is asylum seekers who are portrayed as the victims of state action, which mirrors previously mentioned observations made by Pickering (2001b) in relation to asylum seeking in Australia. This view is highly critical of state action that imposes increased controls and sees this as the essence of the problem, with asylum seekers suffering as a consequence. This construction of the issue directly opposes that of the dominant discourse (where 'illegal' immigration is articulated as a problem for the state and indeed the public) and forwards the position that it is the labelling of asylum seekers as deviant that is essentially problematic. Furthermore, a correlation has been noted between the extension of visa controls to what are commonly known as 'refugee producing' countries and the subsequent increase in the number of asylum seekers using false documentation (Bloch, 2001). Indeed, a counter claim is that a consequence of many of these measures has been asylum seekers, denied legitimate opportunities to enter the country, are forced into the hands of human traffickers (Koser, 2000). Despite these potential contributions to increases in recorded numbers of illegal immigrants, these statistics continue to be used as evidence of the rise of abuse of the asylum system and as justification for extra legislation.
As Figure 5.4 demonstrates, the numbers of asylum seekers who have been subject to enforcement action has risen in recent years, and specifically following previously mentioned changes introduced in the 1999 Act. As was noted in Chapter 1, it is important to highlight that these figures do not refer to numbers of illegal immigrants discovered in the given years, rather the numbers of those against whom enforcement action was taken. For these official Home Office figures, enforcement action means, "Illegal entrants detected and persons issued with a notice of intention to deport, recommended for deportation by a court or proceeded against under Section 10" [of the 1999 Act] (Home Office, 2004c, p. 26). Section 10 of the 1999 Act includes asylum seekers who are said to have used 'deception' to enter the country, which in turn has been extended with regards to claimants 'credibility' by the 2004 Act, as was outlined above (Home Office, 1999, Home Office, 2004a). Thus, the definition of what may potentially constitute an illegal immigrant is considerably broader than was previously the case, more discretion is afforded immigration officials in making such decisions, and therefore more asylum seekers may possibly be classified in this way.
Furthermore, the reduction of legal routes by which asylum seekers may enter the UK (through such measures as carrier sanctions and visa impositions) means that more may turn to illegal routes such as people smugglers (Koser, 2000). Although it is not possible to directly quantify how many more asylum seekers may have been classified as illegal immigrants as a consequence of the increasing scope of definitions, it is possible to suggest that such changes may have had some kind of impact on recorded numbers. In addition, subsequent chapters will show that border controls and surveillance technologies have been increased in recent years, which may possibly have contributed to larger numbers of illegal immigrants being discovered. In this way it is possible to suggest that increased control interventions (as illustrated in the above figures) may to some extent be the consequence of newly created laws, which themselves are the result of the way asylum has been constructed. Despite this, what is of key importance is that supposed increases in instances of illegal immigration are used as evidence by dominant claims makers to show abuse of the system, and therefore that more control is needed. For example, Kenneth Clarke, when Home Secretary set the scene of problems caused by illegal immigration by saying,

> currently, nearly two thirds of asylum seekers at ports arrive either with no documents or with forged documents. In the second quarter of 1992 46 per cent of applicants had no documents at all, 14 per cent had forged documents and 1 per cent had mutilated documents (Hansard, 11\textsuperscript{th} Jan 1993, column 687).

Despite claims from oppositional actors such as refugee advocacy groups that it was perfectly reasonable to assume that genuine asylum seekers fleeing persecution might of necessity obtain documents not their own, Mr Clarke chose to use this as evidence that these people were engaged in abuse of the asylum system. Attempts to conceal identity were viewed as an attempt simply to ‘throw confusion’ into the system.

Evidence of the frequency of illegal immigration often goes hand in hand with implications that asylum abuse is being attempted. The former Home Office
Minister, Charles Wardle, suggests it is not an option to ignore that someone has “sought to hide their identity” and that it is not “unreasonable to explore such behaviour and seek explanations for it as part of the overall assessment of a case” (Hansard, 11 January 1993, Column 677). Introducing the 1999 Immigration and Asylum Bill, Home Secretary Jack Straw again makes use of statistics on illegal immigration to justify the government’s position. He says,

Around 8,000 clandestine entrants were detected in 1998 compared with fewer than 500 in 1992. Illegal immigration on this scale represents a serious threat to the integrity of the control and costs the taxpayer many millions of pounds. It is unfair to those who enter lawfully and we intend to tackle it (Hansard, 22nd February 1999 Column, 38).

Here it has been shown how evidence of illegal immigration is used to imply abuse of asylum procedures. However, as was alluded to previously, persons concerned with promoting the cause of asylum seekers make claims against this evidence and construct the issue differently. The case has been made that asylum seekers find it difficult to legitimately enter the UK, but that this should say nothing about the validity of their claims. For example, Liberal Democrat MP Richard Allen contended that asylum seekers are likely to arrive here by ‘probably not an honest route.’ In their submission to the 1999 Special Standing Committee, the Joint Council for the Welfare of Immigrants (JCWI) contended,

In the years since the passing of the 1971 Act the courts have, in response to particular initiatives by the Home Office, extended the definition of illegal entry well beyond what was envisaged in 1971, to include deception, advertent or otherwise, and whether committed by the person concerned or by a third party (Special Standing Committee, 16th March, 1999).

The JCWI use this extension of the definition of illegal immigrant as evidence that more genuine asylum seekers will inevitably be drawn into this category,
which consequently will affect their applications. They construct the problem as one of government action negatively impacting on asylum seekers, who are thus portrayed as the victims of the government. As such, the JCWI are engaging in counter claims against the view articulated by the government that increased instances of illegal immigration should mean that controls are tightened. Instead, the JCWI argue that more people might fall into this category because of the way it is legally defined, and therefore that asylum seekers are criminalised with instances of illegal entry being constructed by the creation of law and labelling practices.

Evidence of the Deserving/Undeserving Asylum Seeker

Dominant claims makers engaging in evidencing promoting the impression of widespread abuse of the asylum system, label large numbers of asylum seekers as undeserving. However, analysis of the collected documentation reveals that whether asylum seekers are viewed as deserving or undeserving is transient. It can depend on wider events in society, or globally, and may not necessarily be connected with the merits of individual asylum claims. Of importance is the way asylum seekers are ‘categorised’ by political actors, the media and other interested parties, as this impacts upon the way they are understood and therefore the nature of policy responses.

In the UK, social perceptions of asylum seekers have altered over time, and it has been argued that the overall direction of this change is towards the asylum seeker being seen as undeserving (Joly, 1996, Sales, 2002). The ‘Who Applies for Asylum’ section of the 1998 White Paper concludes with the following assertion,

There is no doubt the asylum system is being used by those seeking to migrate for purely economic reasons. Many claims are simply a tissue of lies (Home Office, 1998, paragraph 1.12).
The White Paper subsequently outlines a series of case studies, promoting the impression of asylum seekers as undeserving, and gives evidence to support the above claim. For example,

The applicant arrived at Heathrow in April 1997 and claimed asylum. His application was refused in May 1997. He made a series of further representations, including taking legal proceedings to obtain payment of income support. In those proceedings, he conceded that the account which he gave when seeking asylum was a series of lies (Home Office, 1998, paragraph 1.14).

There is actually very little detail contained within this case-study, yet it is presented in a key official document as providing good indication of why it is that many asylum seekers are undeserving. At the same time however, those making counter claims have sought to establish evidence aimed at constructing the idea of the asylum seeker as deserving and in need of protection. Such claims often directly confront anti-asylum sentiment and seek to promote asylum seekers in a positive light and as victims. For example, a worker for a refugee advocacy organisation claimed,

People do not understand what an asylum seeker is versus an illegal immigrant, and the media and politicians don’t help that. They’re very sloppy in the way they talk about them. If politicians put more effort into talking about the potential contribution of asylum seekers to society, then people may not have such negative perceptions. The majority of asylum seekers do want to contribute and really should be allowed to (Advocate 2).
This can be seen as a direct response to the dominant construction that asylum seekers are generally undeserving and ultimately a drain on the welfare system. The advocacy worker is promoting the position that asylum seekers are not in fact intent on being the recipients of welfare benefits, but that they would rather contribute to the economy of the UK. Evidence of the negative construction within dominant discourses is given to indicate that this very construction is the essence of the problem. Negative perceptions of asylum seekers are directly attributed to constructions by dominant claims makers, and if (in this actor’s opinion) a more balanced debate took place then they might not be viewed in such a manner. According to this position, asylum seekers are constructed as victims of both negative labelling processes, and the law, in that lack of legal opportunities to work restrict opportunities for them to be viewed as potential contributors. However, the point might be made that if asylum seekers were able to seek employment, some claims makers might articulate the view that they were taking jobs from the British people.

**Deserving Asylum Seekers**

An example of how evidence was used to show particular groups of asylum seekers as deserving can be found in events and debates surrounding the Kosovo crisis of 1999. This example is provided here to illustrate that the way asylum seekers are perceived may vary over time and is dependent on the way they are portrayed by claims makers. Speaking in a committee scrutinising the passage of the 1999 Act, the Liberal Democrat MP Richard Allen said of the government,

> I hope they will treat with humanity people who have suffered experiences similar to those of the people now fleeing Kosovo (Special Standing Committee on 30 March 1999).
The implication is that those fleeing Kosovo were in fact treated ‘with humanity’ and that other asylum seekers should be afforded the same reception. Although this quotation comes from an oppositional claims maker, it is important to highlight that he is accepting that in the case of Kosovan refugees the government did provide appropriate levels of support. This indicates an assumption that everybody present in the committee agrees that those fleeing Kosovo are ‘deserving’ refugees. Indeed, Robinson (2003, p. 120) has also shown how the UK government responded positively to UNHCR requests to accept Kosovan refugees.

The Kosovan ‘refugee crisis’ was a well-publicised and visual event in the UK, with the dominant perception being that those fleeing the Balkans were the innocent victims of war. There was a lack of influential claims making challenging this position and therefore it became largely accepted as the unchallenged reality. In the above quotation, Mr Allen suggests that many asylum seekers are not always viewed in this deserving light. During the same sitting of the Committee, the Conservative MP James Clappison spoke of refugees crossing borders in the Balkans as the result of ‘appalling atrocities’. He then went on to seek assurances from the attending minister that contingency plans for receiving such refugees were in place. Throughout discussions within this committee meeting, those fleeing the crisis in the Balkans are never referred to as bogus, illegitimate or undeserving. This is in marked contrast to much of the language that is used to describe asylum seekers in general, and serves to highlight the ways in which those seeking refugee status may be viewed as deserving, or undeserving depending on the perception of the causes for their migration. It might be considered that Kosovan refugees were ‘in reality’ a deserving group, and therefore that it was inevitable that they would be treated as such. However, counter claims makers have argued a similar position in relation to many other groups of asylum seekers (such as those from Sri Lanka or Somalia), but dominant claims makers have largely rejected this position. It might be considered therefore that it was not simply the objective reality of the plight of the Kosovan refugees that led to their positive reception, but rather the way
claims makers constructed and understood them. Further reasons why this might have been the case are provided below.

_Genuine Refugees Versus Abusers of the System_

Speaking in the same meeting of the Select Committee quoted above, Mike O’Brien provides a very clear example of how asylum seekers can be seen as deserving or undeserving at different times. By using evidence of the way Bosnian asylum seekers were perceived by the British public, O’Brien contends,

> When Bosnians came to Britain, for example, there was a warm welcome from the British people for many of them because they were accepted as genuine. They had a real problem and people wanted to help. So the British people have a warm heart for genuine refugees but they do not like being taken for a ride. They do not like people who are abusing the system and we have found increasing numbers of people who are doing that (Home Affairs Select Committee, 12th May 1998, Paragraph 19).

This illustrates how at a discursive level clear distinctions and a separation between the deserving and undeserving claimant are drawn up. What is particularly interesting is the way their legitimacy is further called into question by juxtaposing them with the ‘genuine’ Bosnians. As such, this claims maker reinforces the perception of Bosnians as genuine refugees. One factor why dominant claims makers may have acted in this way is that Bosnian and Kosovan refugees were regarded as more genuine due to the amount of coverage these conflicts received in the UK. It was a conflict in which the military intervention of the UK was widely perceived as legitimate, in response to the genocidal brutality and ethnic cleansing. There was perhaps also a need to assuage a sense of guilt resulting from the fact that the EU and the UN were slow to act which exacerbated the crisis, leading to the deaths of
many individuals. What is important however is that there was a strong consensus among influential claims makers as to the legitimacy of these refugees, and therefore this was the overwhelming way that they were constructed.

Kosovo are Bosnia are not isolated examples. At various times, the fact that high profile conflicts have been engaged in has been used as evidence to portray Iraqis and Afghans as deserving asylum seekers. Peter Lilley, then Secretary of State for Social Security, juxtaposed the situation of Iraqis and asylum seekers from the Indian sub-continent to make a claim regarding how deserving they were. He described Iraq as having a “tyrannous regime and we were recently at war with it” before going on to suggest that Iraqis are generally genuine asylum seekers (Hansard, 15 July 1996, column 859). He then spoke of claimants from the Indian sub-continent whose “claims are subsequently found to be bogus” (Hansard, 15 July 1996, column 859). It is possible that sympathy for these people suited the British authorities, who were keen to ensure support for military campaigns and to justify their actions. Whatever the reason, it is well documented that large numbers of asylum applications received in the UK come from countries with acknowledged histories of human rights abuse such as Somalia and Sri Lanka, yet asylum seekers from such countries are not as commonly portrayed as deserving. Indeed, although Iraqi asylum seekers are portrayed as broadly genuine here, the fact that they have consistently been one of the largest groups of asylum claimants has not resulted in generally positive portrayals of asylum seekers. The contention is that the reason for this is that key claims makers portray these varying populations in different ways, and that the reasons for this may not always be contingent upon the objective reality of their asylum claims. An example of this is provided by the arrival of over 600 Tamil asylum seekers from Sri Lanka in 1986/87.
Dominant discourse claims makers labelled these asylum seekers as undeserving and subsequently they had their applications dismissed largely on the evidence that they had either forged, or no documentation, and that they had travelled through countries other than Sri Lanka. Evidence that the Tamils were undeserving was provided by the Home Secretary, Douglas Hurd, in the House of Commons on 3 March 1987,

In December and January, 600 people arrived here and sought asylum, the large majority of whom did not have the right documents. It is only recently that members of the public and of the House have become generally aware of the problem which faces us, so the Government have been considering what action to take to prevent evasion of visa requirements and the abuse of asylum claims as a means of securing entry (Hansard, 3rd March 1987 Column, 732).

This was despite the fact that documentation and mode of entry into the country are not supposed to affect the validity of asylum applications according to the 1951 Convention. There is no mention of the actual merits of their asylum applications, only that they had arrived in the country in a way that has been designated 'illegal'. David Waddington, then Minister of State at the Home Office said of the Tamils in the House of Commons that they were 'clearly bogus' and had attempted to secure admission by 'fraudulent means' (Hansard, 17 February 1987). Furthermore, Mr Waddington added,

It is terribly important for genuine claimants for refugee status that this form of abuse should not be allowed. If we were to allow such abuse, the whole system would be discredited (Hansard, 17th February 1987, Column 769).
The Tamils are cast as undeserving and this is enforced by depicting their presence as potentially damaging to those deemed deserving. In making oppositional claims to this, Labour MP Michael Meadowcroft gave evidence that there had recently been high levels of violence against Tamils in northern Sri Lanka and that Amnesty International and the UNHCR had stated that no Tamils should be returned to Sri Lanka without very careful consideration of their cases (Hansard, 17 February 1987). Mr Meadowcroft used this evidence to construct asylum seekers as victims and further contended that UK government action would add to this victimisation. His contention was that as the evidence of ‘deception’ and ‘fraud’ had been used, their applications were not studied as meticulously as they should have been. He made this claim as the initial decision to refuse asylum to the Tamils was made very quickly, as fellow Labour MP Mr Nellist described,

I am asking whether it is possible for the Minister of State to explain how, given the fact that some officials in his department take 18 months to decide whether a refugee case is genuine, the Secretary of State can decide within 72 hours that none of 64 cases is genuine (Hansard, 17th February 1987, Column 875).

The implication is that thorough contemplation of these cases was not provided and thus these asylum seekers are constructed as having been unfairly treated. It might be seen that the Tamils were not received in the same manner that the Bosnians and Kosovans, as they had been constructed as undeserving within dominant discourses. Although not providing a direct response to the above question, Mr Waddington later commented,

We made it quite clear in our statement last October that we would not accept stops in respect of visa nationals who arrived here without visas... I do not believe for one moment that the
House contemplated that a stop would be taken when a claim to asylum was manifestly bogus (Hansard, 18th February 1987, Column 913).

As such, it was the infringement of the imposed controls (not having a visa) that is used as evidence that these asylum seekers were undeserving, and therefore that their claims should not necessarily be reviewed as thoroughly as might otherwise be the case. Furthermore, it was this instance of Tamil refugee movement that led to the imposition of the 1987 Immigration (Carrier’s Liability) Act, which made it the responsibility of carriers to ensure their passengers have the appropriate documentation (Stevens, 1998). Therefore, despite the fact that counter claims makers had made the case that Sri Lankan Tamils were a group potentially in genuine need, the Government’s view was not to label them as deserving as Bosnians or Kosovans would later be, but to provide evidence that they were abusing the system and thus undeserving. Subsequently, this ‘evidence’ of undeserving asylum seekers was used by governmental claims makers to justify the creation of a new law (the 1987 Act) and thus implement enhanced enforcement procedures.

The Nation-State as the ‘Victim’ of Asylum Seekers

As has been shown, Kosovan, Bosnian and Iraqi asylum seekers have during various periods been seen as deserving and portrayed as victims. However, when asylum seekers are labelled as undeserving, dominant claims makers seem to promote the perception of the UK as a ‘victim’. This can be contrasted with counter claims makers who articulate a sense of asylum seekers as the victims of the state (Pickering, 2001b). Looking back at the remarks made by Kenneth Clarke, he insists that illegal immigration has a massive cost to the UK and therefore to the British taxpayer. Indeed, much of the way anti-asylum sentiments are expressed could be conceptualised as an attempt to show asylum seekers as ‘perpetrators’, trying to unfairly gain
refugee status, against the 'victim', namely the state, or UK citizens. Pickering and Lambert (2002) have likewise suggested that western states have positioned themselves as the victim of the deviant actions of asylum seekers. Pickering and Lambert highlight the ironic nature of what they perceive to be the victims (namely asylum seekers) being portrayed in a directly oppositional way by governments. To portray the state as victim in this way serves to legitimise increasingly social control centred policies, as will be discussed at length in coming chapters. Furthermore, such discursive framing can be seen as mobilising populist support, as it shows that individual citizens could themselves be the 'victims' of asylum seekers. A currently developing trend that appears to be allowing this portrayal of victim even more legitimacy is the linking of asylum and terrorism.

Until fairly recently, little validity would have been attributed to such a concept, but in recent years and especially since the terrorist attacks in the United States of September 11th 2001, ‘evidence’ of this link has been continually articulated by dominant claims makers (as will be explored in the next chapter). Over recent decades it had been the case that the UK Government’s concerns over terrorism were largely limited to Irish Republican movements, but articulated fears have altered considerably since September 11th. For example, the Anti-Terrorism, Crime and Security Act 2001, which was largely driven by claims making articulated in relation to these attacks, contains specific sections on the terrorist threat posed by asylum seekers. Hughes (2004) has suggested that an ‘unholy trinity’ of asylum seekers, illegal immigrants and terrorists has now been constructed as a kind of conjoined contemporary moral panic. This issue, as well as the way asylum has been associated with a range of other contemporary social problems, will be discussed in the next chapter, ‘Wider Insecurities’.

Summary

This chapter has investigated the ways evidence has been used in the asylum debate to enable people to make knowledge claims. Such evidence is used to
portray asylum seekers in various ways by different claims makers and as justifications for the implementation of policy. Much of the evidence used is statistical and it has been shown that this is open to interpretation, or being presented in particular ways. Those producing it largely present the evidence as a self-evident fact, but by illustrating the ways in which the same pieces of information can be used to make competing claims, this chapter has shown that the use of evidence should, in fact, be seen as an attempt to interpret and promote certain positions. An important finding is that refusals on the grounds of non-compliance make up a significant proportion of rejections on asylum cases. This means the validity of the actual claim for asylum has not been considered and failure to comply with administrative rules provides justification for refusal. This is highly significant, as evidence of failed applications, or ‘abuse’ of the system is subsequently used to show that greater control is necessary. Therefore, one level of control, the setting of administrative rules, is essentially used to justify further calls for control as the rules are infringed. As such, the use of evidence is one part of the way that asylum is socially constructed. Later chapters will further explore the consequences and implications of this imposition of social control, and indeed the ways in which social control strategies themselves contribute to the construction of the issue and influence subsequent developments and initiatives.
Chapter 6: Wider Insecurities

Introduction

The previous chapter demonstrated how the status and significance of asylum as a social problem is largely an artefact of the ways that evidence has been used in the asylum debate. A further approach that is particularly useful in examining how the problematic status of asylum has been manufactured and negotiated, and how and why the control apparatus of asylum has expanded, is to look at the ways asylum has become increasingly intermingled with a range of other social issues, or what are termed here 'wider insecurities'. As such, it will be argued that in order to better understand the ways that asylum seeking has been constructed as a social problem, it is necessary to situate it within wider-ranging changes throughout society. It is not possible to view asylum in isolation, rather it must be examined within a context of a number of incipient fears and insecurities associated with late-modern societies. The key point throughout this chapter will be that motivated claims makers have constructed a link between asylum seeking and wider societal insecurities as a way of manufacturing understandings of and action on it.

The construction of the asylum ‘problem’ is largely a consequence of actions undertaken by a range of social actors, and the sense in which the issue has become intermingled with a variety of other societal insecurities is also a product of a complicated mix of discourses, motivations and actions. Dominant claims makers have constructed asylum seekers at various times as being an economic threat, as making the UK more vulnerable to terrorist attack, as being responsible for causing crime, and as providing evidence that the UK has devolved political sovereignty to the EU. Asylum provides a way of linking an otherwise disparate mix of problems and of acting as a mobilising force to reform security and control apparatus. As such, it will be shown how asylum can not only be viewed as a ‘condensation symbol’ (Edelman, 1977), in that the very term ‘asylum seeker’ has become a kind of short hand for a range of negative emotional meaning; but that it may also be seen as a
‘bridging symbol’, in that it provides an association between wide-ranging social problems.

Insecurity

Before providing an explanation of how wider societal insecurities have influenced the status of asylum as a social problem and how asylum has itself driven insecurity, it is necessary to conceptualise what exactly is meant when speaking of insecurities. Insecurity may be experienced as an idiosyncratic concern, or as some kind of perceived threat facing a wider body of people. It can therefore be thought of in personal or collective ways. Furthermore, insecurity may have a material or subjective component (though these may not necessarily be mutually exclusive), in that it could be a reaction to some actual event or happening; but at the same time might be brought about by some kind of perceived, or abstract concern (Young, 1999). The position forwarded by Best (1995), where a sense of what is a social problem is fundamentally subjective, is a particularly persuasive one. This is so, as ‘objectivist’ explanations of social problems ignore a subjective interpretation of the condition of social problems, and offer little in the way of making linkages between various problems (Best, 1995, p. 3). The assertion of this thesis is that the understanding of asylum as a social problem, and the sense in which it has been linked to wider societal insecurities is the consequence of the actions of varying claims makers.

Within this context, it is important to highlight that there is no single or easily definable ‘driver’ that has been responsible for insecurities in contemporary societies. Rather, there has been a composition of a variety of interlinked problems coming together and creating uncertainty. For Bauman (2002a), the range of problems that have jointly combined to produce insecurity are a defining concept of the age. Issues such as ontological insecurity, fear of crime, economic insecurity, community cohesion and environmental insecurity, have all contributed to a sense of unease (Garland, 2001, Young 1999, Furedi, 2002). What is key here is not that issues such as these exist in isolation from one another, but rather how they have been linked up and
relate to different facets of people's lives. It is argued that claims makers have constructed asylum as a powerful mechanism for linking together such issues. However, it is important to note that it is not being suggested that the concept of insecurity is an entirely modern phenomenon, but rather that the nature and form of insecurity has altered. In traditional societies insecurity resulted from natural risks, whereas in modern times there is a greater sense of 'manufactured risk', or what people actually do to produce it (Beck, 1992). For example, Mary Douglas has shown how all societies have risks, and therefore that what is key to discover is the way they are manufactured (Douglas, 1966).

Identity and Ontological Insecurity

As Williams (2000) notes, there have been a variety of interpretations of the definition of identity, and these have varied according to place or time. Despite difficulties gaining a clear definition of identity, Williams posits that a good starting point is to think in terms of a sense of people knowing who they are and where they have come from. This points towards a subjective sense of how individuals come to understand themselves, though clearly this is influenced by the social and cultural settings in which they are placed.

To develop the idea that identity may be thought of in a subjective way, it will be useful to refer to the concept that Giddens refers to as *ontological insecurity* (Giddens, 1990, p. 93). To be ontologically secure, Giddens contends that it is necessary to have a sense of what he refers to as the 'natural attitude'; an understanding of the reality of people and things, and to have answers to fundamental existential questions (Giddens, 1991). In pre-modern societies an individual's ontological framework, and thus view of themselves and the world, was much more ordered and prescribed to them than is the case in a more fluid, late-modern world. In this sense, the making of the 'self' is a highly reflexive project, in that individuals now have a more 'puzzling diversity' of options and possibilities in their life courses (Giddens, 1991, p. 3).
The transition from traditional to modern societies has been characterised by
great changes at the global, as well as at the individual level. As Hughes
(1998, p. 131) has recognised, this neat dichotomy between ‘traditional’ and
‘modern’ may utilise ‘exaggerated ideal types’ to characterise society at
different times. The reality may not be quite as straightforward as this, but
such a distinction serves as a useful device to highlight key developments
(Hughes, 1998). That recognised, modern social structures and institutions
have engendered profound changes in traditional belief systems and habits,
and long-held understandings about life-trajectories have been challenged
(Giddens 1991). Essentially, modern life is characterised by a much greater
sense of fluidity than was the case in traditional societies, and as such a
number of long-existing certainties have been eroded (Bauman, 2002a).
Bauman (2002a) posits that during a time of deterioration in traditional political
institutions, there has been an increase in ‘identity politics’, and in the fluid
and fragmentary nature of social relations and identity. Much of this is a
consequence of living in a globalised world, with an increasingly free
movement of people, capital and information (Weber and Bowling, 2004).

Processes of globalisation are complex and contain many elements, including
economic and cultural dimensions. As Young (1999) notes, from the 1960s
onwards, market forces have transformed processes of production and
consumption, and this has led to ideas of material certainty and unchallenged
values becoming more fragile. It has been recognised that there has been a
weakening in the concept of the welfare state, corresponding with increased
flexibility in the labour market, whilst other areas of life have come to be
increasingly regulated by market forces (Bauman 2002a). A key consequence
of such globalised processes, and one of the central components of modernity
according to a number of authors, is the increasing interconnection between
the global and the personal (Bauman 2002a, Giddens, 1991, Crawford 2002).
Changes at a global level impact more directly upon individuals than at any
other time in history, and that this has implications for how societies and
individuals perceive themselves, and the types of threats they may believe
themselves to be subject to.
Insecurities and Asylum

Some of the drivers of insecurities associated with developments in late-modern societies have been demonstrated above. At the same time, many western states have experienced rises in the number of recorded applications for political asylum, and as previous chapters have shown, this issue has become constructed as a key social problem. Importantly, key claims makers have constructed asylum seeking in relation to a number of the insecurities highlighted above, and this has been a fundamental driver in perceptions of the issue. For instance, Gibney (2006, p. 141) contends that “asylum seekers are characterized as welfare cheats, competitors for jobs, security threats, abusers of host state generosity, and even as the killers of swans”. What is of further importance is that claims makers have used the asylum issue to articulate a wider sense of insecurity, with the result that it has given form to a sense of unease related to the conditions outlined above; but at the same time it has animated unease, in that it has produced a real world effect that generates further insecurity. For example, Bauman (2002b) has argued that immigrants have been cast as figures of fear, and that investigation of the ascription of this label can provide as much insight into the characteristics of uncertainty, as the intrinsic qualities of such groups. The important point about this is not that there is inevitably more concern about asylum seekers due to existing societal insecurity, but rather that key claims makers have driven understandings of asylum in relation to these wider issues as a way of mobilising action. Furthermore, the fact that asylum may now be seen as a key social problem means that claims makers articulating its linkage to wider insecurities may have exacerbated these existing fears.

Collective and Individualised Fears

Concerns over asylum have been related both to asylum as an issue per se, but also to more personalised fears over individual asylum seekers. At the same time as collective worries have been expressed about identity and security in the wake of ‘influxes’ of asylum seekers, so they have about the
characteristics of individual asylum seekers in, for example, causing crime. As
Lowney and Best (1995) have posited when exploring the construction of
stalking, claims makers will often describe 'offenders' as particular types of
people, emphasising characteristics, motivations or behaviour patterns. This
normalised construction of the asylum seeker has been a key way that has
made it possible for them to be viewed as a deviant, or problematic
population.

Asylum as Vehicle and Consequence of Change

As the following quotation from a Government White Paper published as a
precursor to the Nationality, Immigration and Asylum Act (2002) illustrates, the
way asylum is framed within governmental discourse can be seen as being
situated with the types of insecurities outlined above,

The first challenge migration poses is to our concepts of national
identity and citizenship. Migration has increased the diversity of
advanced democracies, leading to changes in national culture and
identity... Social changes such as the decline of old certainties of
class or place, and the emergence of new political institutions
alongside the nation state, have contributed to these changes in
identity and political belonging (Home Office, 2002d, Column 4).

Declines of 'old certainties', and by implication the rise of concurrent
insecurities are juxtaposed with the asylum issue. In addition, there is a claim
that both these wider societal changes and immigration have affected
perceptions of identity. Indeed, changes caused by immigration in national
identity are posed as a 'challenge'. In this sense, there are two forces
influencing the interaction between insecurities and asylum seekers, with
asylum seekers being portrayed as a key driving force in changes in identity.
At the same time, wider changes in identity and political belonging are said to
have had an affect on the way immigration is understood. This is indicative of
the position outlined above, that changes in concepts of identity have driven
insecurities, but also that insecurities have driven changes in identity. It shows
how this is the case with the asylum issue, and how this 'vice versa' construction has contributed to how asylum is understood. Articulation of these powerful drivers by dominant claims makers has contributed to asylum seekers being viewed as outsiders and problematic, and has resulted in the intensification of the social control of asylum seeking, as evidenced by the range of enforcement measures that have been introduced in an attempt to control the problem.

The above quotation also alludes to the perception that institutions external to the traditional nation-state have been important in informing modern perceptions of identity and 'political belonging'. There are echoes here of what Crawford (2002) refers to as 'governance'; in that changes in modes of governing where non-state actors have an increasingly influential role in social and economic matters, and the state's monopolistic ability to provide security for its population has diminished. Economic decisions affecting the lives of individuals often rest with multinational conglomerates, whilst supranational bodies and interorganisational networks "transcend the traditional competencies of state bureaucracies" (Crawford, 2002, p. 3).

Identity and Asylum

It is within the conditions of late-modernity and associated concerns over identity and ontological insecurity that claims makers have constructed asylum as a key social problem. In many ways, asylum seeking encapsulates numerous issues that Giddens and others have discussed in this area, in that it is a global issue that has been perceived by many as affecting their personal lives, and the societies in which they live. For example, in the following quotation we can see how a Liberal Democrat MP highlights ways in which globalisation, identity and asylum are interrelated. This MP has served for several years on the Home Affairs Select Committee, and as such has taken evidence from a range of people with differing agendas on the asylum issue, and therefore is well placed to provide an overview of how it has affected, and been affected by changing perceptions of identity,
It's quite a peculiar combination of circumstances and I do think that if any one of them had happened only on their own it wouldn't be like it is now. It is the case, for a range of reasons such as various conflicts around the world, increased ease of global travel etc, that there has been an increase in the number of people coming here to seek asylum. But the upshot of that is that people have a lot more awareness of the asylum issue but not awareness or understanding of the issues that underlie it, either in terms of what drives it or in terms of what happens here. There is a period of transition going on in people's identity, and this has certainly been an important part of the asylum debate (Politician 2).

Such sentiments provide a challenge to the dominant discourse, by stating that there are a range of valid reasons why asylum seekers may come to the UK, but that most people are not aware of the underlying issues. A key theme here is that much of the increased impact of the asylum issue is attributable to the fact that there has been growth in awareness of it in recent years. Essentially, this counter claims maker argues that people have been subjected to a great deal of asylum discourse, but that accurate understandings (within his oppositional conception) have not been as readily promoted. Altheide (2002) has recognised that a key feature of late-modernity is increasing amounts of mediated experience, and that this has been influential in shaping people's sense of self and insecurities they face. Therefore, the way many people understand the asylum issue is as a consequence of the consumption of a range of discourses perpetuated by numerous actors, such as politicians and the media, each with their own motivations and ways of portraying the issue. Importantly, the politician contends these mediated understanding have been articulated at a time of 'transition in people's identity'. By stating this has been an important part of the asylum 'debate' he appears to be arguing that dominant claims makers have seized upon such insecurities to forward their positions on asylum.
An important theme elicited from the interview and documentary data was that different people express uncertainties about identity in different ways. Often, these varying views relate to the nature of the role the person has (in social, political or institutional senses), or to the organisation they represent. For example, it may be the case that the rhetoric of a politician is motivated along party-political lines, or asylum advocacy workers by the agenda of the organisation that they represent. Therefore, the reproduction of ideas are guided by a specific agenda, and produced by the actions of individuals involved within the asylum debate. For example, when asked what motivations lay behind the publication of the 1998 White Paper, a senior civil servant who might broadly be termed as coming from a dominant discourse position explained,

The increase in applications from bogus asylum seekers was a real concern. Obviously the ministers had views and wishes about what needed to be done and Home Office officials had as well. It was also set against a backdrop of the IND going through a really troubled time and just building up backlogs of asylum cases (Civil Servant 2).

This quotation comes from a figure that was highly influential in the drafting of the White Paper, and tells us much about the motivations of those involved in producing a document that was a powerful vehicle for articulating understandings of asylum. The assertion that rising numbers of applicants were 'bogus' carries a range of negative meanings. Indeed, the use of the term bogus can itself be viewed as a condensation symbol, which articulates a set of particular emotional understandings of asylum. Bogus asylum seekers are therefore given as the rationale behind legislative innovation, and thus problematic asylum seekers are constructed as being culpable for the imperative to enact new laws. Furthermore, themes of 'pressure from above', of bureaucratic and political imperatives (this notion will be developed in the next chapter when examining the quality of decision making on asylum
applications), and of subjective judgements on the motivations of individual asylum seekers, indicate that the civil servant's action was informed by a wide range of factors. The civil servant continued to outline reasons why systematic change was needed,

There was a concern that the asylum system was not seen to be as well controlled as it should, and that some people were worried about the implications this had for British society. I think people were worried that an open door policy on asylum could have a real impact on the nature of British society (Civil Servant 2).

Importantly, a key imperative that is forwarded for why changes to the system are necessary is worries about the 'implications for British society'. There is a clear suggestion that an 'out of control asylum system' may make some people concerned that the very nature of society in the UK was not being 'protected'. In other words, an 'open door policy' would result in influxes of peoples with very different cultures and identities. Such understandings enforce the argument that much about the asylum debate, and the way it is understood, is a product of what people within that debate do, and that this in turn is in part informed by people's sense of identity. The civil servant essentially presents societal concerns on multiculturalism as a reason for why stronger asylum control is needed. Asylum is constructed as a threat to the nature of British society, and any concerns that individuals might have in relation to multiculturalism are therefore conjoined with asylum seeking in order to justify action. The following quotation, from a Conservative MP serving on the Home Affairs Select Committee provides an example of this kind of claims making, and how this has purposefully been linked insecurities surrounding identity,

Can I put it to her that it is perfectly legitimate, indeed it is the duty of Members of Parliament, to speak also for the culture and traditions of those perhaps native born Britons who themselves feel under threat (Home Affairs Select Committee, 4th April 2000, Paragraph 86).
The MP was answering a government minister during a debate on asylum, and was expressing the view that it is legitimate to highlight concerns he claimed his constituents had. There is a contention that asylum seeking has had some kind of influence on the way people in the UK feel about themselves, about conceptions of identity and on the sense of the continuity of their traditional mode of existence. His claim that the asylum issue is somehow a ‘threat’ to the culture and tradition of the UK is seemingly informed by wider views about society. There is a latent logic in this claim that there is an existing insecurity of identity within society, and that asylum should be viewed within this context. Thus, this dominant claims maker constructs asylum problematically within the context of a perceived wider cultural insecurity. Importantly, the MP articulates the argument that asylum seekers are increasing this sense of threat to identity and they are therefore constructed as a problem. Therefore, claims such as these represent an attempt to conjoin asylum with other insecurities.

**Fundamental Changes in Society**

The sentiments expressed above by the civil servant and the Conservative MP (who are dominant discourse claims makers), can be contrasted with those of a representative of a charity that engages in advocacy for asylum seekers,

People talk about multi-culturalism and all that – if you like the US model, and London is like the US in a sense now, there are big changes going on in society. Asylum seekers have become part of that, and that seems to be affecting how people feel about things, about themselves. If you talk to most people, particularly when you get out of London they’re absolutely horrified by this. In the European Union you have a situation with birth rates falling, and with an elderly population. Who’s going to pay your pension when you’re 70? It’s gonna be the 25 year olds who’ve come in from another country and have the energy. Who’s gonna fill all the plumbers and electricians jobs? (Advocate 2).
This asylum advocate puts forward the view that not only are changes in the ethnic make-up of advanced industrialised societies inevitable and positive, they are also absolutely necessary for continued economic prosperity. In opposition to the views of the above Conservative MP, this claims maker constructs asylum seekers as being of positive benefit to the UK. In identifying that asylum seekers have become part of people’s concerns in relation to multiculturalism, effort is made to portray them as potential contributors to society. Therefore, the issue of asylum in relation to changing identity within society is addressed, but is constructed in a positive way. It is perhaps inevitable that representatives of such different organisations may hold opposing views, but these examples highlight the ways that different interpretations are placed upon uncertainties of identity, and the importance of motivated actors in articulating differing understandings. The Conservative MP highlights the ‘dangers’ to indigenous culture and tradition, whereas the asylum advocate emphasises potential economic and social benefits of such changes. As such, the nature of these claims can be seen as being a result of the ideological foundations of the people who made them. This links into a major theme of this thesis, in that understandings of asylum seeking are not merely rational and objective reactions to the physical presence of asylum seekers. Although there may indeed have been a real change in the nature of asylum seeking, this does not adequately explain commonly held perceptions and responses. Rather, the way asylum has been constructed as a social problem, and consequently the control responses to it, is the result of a complex range of factors (including ideological bias) and that the actions of motivated claims makers are fundamental to this construction.

Economic, Cultural and Political Insecurities and Asylum

Following these examples, it will be useful to examine specific elements of the relationship between the asylum issue and insecurities in modern society. This research has identified three key concepts that have been constructed as constituent parts of an overall sense of uncertainty regarding the relationship between identity and asylum, namely economic, cultural and political

180
insecurities. Essentially, these three concepts provide a way of thinking about the link between a range of separate insecurities, how they are linked together, and how asylum is central to this linkage. Importantly, identity is at the core of all these areas, and to conceptualise in this manner illustrates different ways in which insecurities relating to identity are expressed.

**Economic Insecurity**

Jock Young (1999) has outlined how employment in late-modernity can be characterised by its flexible nature, and consequently how workers have experienced a lack of embedded biography and life-trajectory. The globalisation and modernisation of labour markets, has contributed to a concept of ‘risk’ being incorporated into modern economic life (Beck, 1992). Within such circumstances, with a seeming end to the concept of a ‘job for life’, a fear that asylum seekers are somehow symbolic of further threats to jobs, and thus to economic security has been articulated by dominant discourse claims makers. The following quotation from a Liberal Democrat MP who spent several years on committee scrutinising the passage of asylum legislation, argues against this position,

> I think in general terms the asylum seeker has become a kind of proxy for people's fears about immigration. They're here to scrounge because we're a wonderful rich place and everybody wants to come here and take what we've got; and we're scared of them; and they are swamping us. People are also worried that there won't be enough jobs to go round... the moral argument suggests I don't think anybody who leaves a country in turmoil, even an economic migrant who works hard with good intentions is in any way morally offensive (Politician 2).

The MP argues that asylum seekers have been constructed as in some way being a threat to people's economic security. Specifically, he argues that fears over asylum seekers taking jobs from the indigenous population and concerns that they are given generous welfare resources have been perpetuated. In
outlining how asylum seekers have been labelled within dominant discourses, this oppositional claims maker implicitly challenges such constructions and gives indication that common perceptions of asylum seekers are unjustified. In this way, asylum seekers are (re) constructed as the victims of such labelling processes and the MP actively presents an alternative construction, where those fleeing a 'country in turmoil' should not in any way be regarded as deviants. Therefore the problem is conceptualised in terms of the way asylum seekers have been labelled as 'scroungers', with an explicit argument that they should not be understood in this way. The MP went on to claim that people's perceptions of the welfare entitlements that asylum seekers receive are not always based on the reality of the situation,

I was talking to one of my colleagues the other day who said, he's not from London, he said he gets people coming up to him in his surgeries, writing to him, somebody who's got a housing problem, they say, oh its all these asylum seekers who are getting housed. Irrespective of the fact that they cant get council housing anyway. He said to the best of his knowledge there are in the town he represents, which has not been involved in the dispersal system, probably about 20 asylum seekers that he knows of, who've got subsided support from the local authority. The perception is, they're the problem and I think that is something that's very different from ten years ago, very different indeed (Politician 2).

This critical claims maker indicates that there is a popular perception that asylum seekers receive generous entitlement to social housing. He therefore argues that hostility is expressed towards asylum seekers due to a perceived belief about the support they get, which he suggests is inaccurate. Importantly, the people making the representations to the constituency MP are characterised as those with a 'housing problem', and as such have welfare issues of their own and a kind of economic insecurity that appears to inform their views. Against this background, the belief that asylum seekers are somehow getting a 'better deal' than themselves is clearly a deeply engrained
conviction, and in this sense constitutes a ‘social reality’ for them. Despite the actually low numbers of asylum seekers in this constituency, he argues such beliefs have still been constructed. Interestingly, this perception of asylum seekers is said to be markedly different that was the case 10 years ago, and highlights in one sense the ‘success’ of the dominant social construction of asylum as a social problem.

**Symbol of Economic Insecurity**

The belief that anti-asylum sentiment is in some way fuelled by a constructed sense of economic insecurity is articulated a representative of a refugee advocacy organisation,

> We tend to focus too much on this debate about asylum seekers and it’s not really a debate about asylum seekers. It’s actually occurring that the growth of attention to asylum seekers is in a way a symptom of lots of other things that have been happening, globalisation of markets, related worries concerning the certainty of employment, massive growth in international travel etc (Advocate 2).

There is recognition that the way people view asylum seekers is in many ways influenced by a collective sense of economic uncertainty, and more broadly of ontological insecurity. Indeed, this asylum advocate seems to be suggesting that the material existence of asylum seekers is very much secondary in constructing how they are perceived, compared to wider societal and global, economic issues. This counter claims maker constructs this perception in a critical way, with an indication that asylum seekers may be the innocent victims of their constructed association with these other issues. Once more, it is not merely the objective existence of asylum seekers that has influenced understandings, but an interpretation of what they represent within the context of wider economic insecurities. This finding is supportive of the earlier outlined position of Best (1995), that the sense of what constitutes a social problem is subjectively designated. Asylum should be understood in this way. Insecurities associated with asylum are the result of interactive processes, as
opposed to being a consequence of the objective condition of asylum. Mediated discourses of asylum have constructed this sense of insecurity, rather than it being a pragmatic reaction to individual's real-world experiences. The following quotation comes from a spokesperson for the far-right British National Party (BNP) and in a way expresses similar sentiments as those of the above asylum advocate, in as much as that the way people feel about asylum seekers is influenced by their own sense of economic insecurity. However, it is perhaps unsurprising that their explanations for why this is the case are very different,

They [asylum seekers] get nice housing, education and health, as well as sizable benefits, whilst English citizens, who were born and bred here, put up with a Health Service that doesn’t work, education gone to pot. Public services are going down hill and the way we look after our elderly citizens is a disgrace. This causes a lot of anger and bitterness concerning the preferential treatment they [asylum seekers] get (Party Political Worker 1).

The reference to ‘English citizens’ and the way they feel a sense of ‘deterioration’, promotes the perception that such people are themselves suffering a sense of economic fragility brought about by the conditions of contemporary societies. Thus a link is constructed between asylum seeking and wider economic fears that people may experience, and in a sense ‘normal’ citizens are portrayed as the victims of asylum seekers. Resentment is expressed towards asylum seekers, as they are portrayed as benefiting economically whilst others suffer. The negative emotion associated with such insecurities is manifested in the asylum issue, in a condensation symbol. At the same time, there is an underlying suggestion that preferential treatment of asylum seekers is in some ways worsening the situation of the indigenous population. In other words, this actor is engaging in claims making, which attempts to relate the asylum issue to wider economic insecurities and uses it as a mechanism to associate these wider insecurities. In other words, he is constructing asylum as a bridging symbol, either because this is his absolute
conviction, or he believes such a tactic may be electorally popular (or both). It is interesting to note that both the asylum advocate and BNP representative concur that people’s individual and collective economic insecurities are influential in framing the asylum debate. However, whereas for one this is an entirely negative and promotes hostility, the other contends that asylum seekers should not be blamed.

Cultural Insecurity and National Identity

Back and Solomos (1995) posit that recent decades have seen the wholesale reorganisation of regions, localities and nations. Within this context, there has been an intensification of ‘mythological claims’ arguing that the UK is facing some kind of threat to its national identity and culture (Back and Solomos, 1995). In turn, this has led to calls for certainty to be retained by establishing more ‘definite boundaries’. Within this context, dominant claims makers have constructed asylum seekers as being symbolic of such insecurities surrounding multiculturalism, through the actions and campaigns of a range of individuals and groups. Indeed, Lewis and Neal (2005) have commented on how governmental responses to asylum seeking have often been justified in terms of trying to promote social cohesion in the context of wider concerns on multiculturalism. They contend that the government have indicated that tough controls on asylum are necessary in order to prevent electoral success of far-right parties. It is not being claimed that issues of racial identity are the sole reason for anti-asylum sentiment; rather that this may be one of a range of inter-connected insecurities that have had an impact. A representative of a refugee advocacy organisation expressed the belief that,

people say 'I'm not racist but...'. I don't agree the asylum debate is all about race, I think its much more complicated than that because its about identity more generally, our place in the world etc etc. but there's no doubt that it's a code for prejudice. Mostly about race, but all sorts of things (Advocate 2).
Race is forwarded as one way in which societal insecurities may have driven the asylum debate, but interestingly this is seen within the context of more general uncertainties regarding people’s identities in the modern world. The asylum advocate therefore constructs asylum seekers as the victims of this constructed association with concerns over race issues and directly challenges the dominant discourse. The following quotation from a Labour MP demonstrates his views on how cultural changes have affected people’s sense of identity,

I think we’re in that process and I think asylum seekers are a kind of warning flag for a larger debate that’s going on. But there’s a very big debate to say that Britain in 50 years time will not be white Anglo Saxon, but we’re not talking about that at a political level and I think the public are not as stupid as people make them out to be. People pick up on this; they understand there’s something fundamental happening, really fundamental and it’s not being talked about (Politician 3).

This counter claims maker argues that it is within the context of fundamental changes in the multicultural make-up of society, that asylum seeking has been constructed problematically and the subject of so much legislative change. The numbers of recorded asylum seekers in themselves are not significant insofar as their objective impact upon the demography of the UK, but rather the MP contends that asylum has been constructed as symbolic of such changes, or as a ‘warning flag’. The perception has been constructed by dominant claims makers that anxiety over asylum symbolises an ongoing process of the erosion of British cultural and national identity. A Conservative MP critical of the dominant discourse contended,

There’s definitely been a change in people’s identity. They’re trying to work out what it is that they are and what they want to be. A lot of the backlash associated with that is about Britishness and British identity, in often a very a-historical context. You know, Britishness as white, as English speaking. Within this context,
with all this going on, this kind of threat has been symbolised by asylum seekers (Politician 11).

According to this position, the increasing salience of the asylum issue has occurred at a time when the very perception of a national identity based upon common racial characteristics is, in the eyes of some people, under 'threat'. In this way, asylum seekers have been presented in dominant discourses as a kind of microcosm for this sense of threat and as providing an outlet, or giving form to such insecurities. Suggesting that this position is 'a-historical' this counter claims maker argues that such a perception of Britishness is not accurate and that this constructed sense of threat should be challenged. He therefore constructs asylum seekers as the victims of this type of labelling and presents this (in his view) inaccurate perception of the threat they pose as problematic. Holton (1998) posits that a sense of insecurity of identity may often be accompanied by a search for a more defined national identity, and that a sense of ethnic commonality may underlie this. This is premised on the presumption that identity is based on an affiliation to a particular nation-state. Against such a background, perceived 'floods' and influxes of bogus asylum seekers have been constructed as symbolising an additional danger to already eroding national and ethnic identities (Back and Solomos). Indeed, the extent to which this threat has been felt has led Schuster and Solomos (2004) to contend that there is a political consensus that controlling the migration of 'certain groups' to the UK is an important factor in protecting social cohesion and harmony. The findings of this research would echo such sentiments, certainly in the sense that Labour and Conservative front bench parliamentary actors agree on this position. However, and as has been shown, there are also very active critical actors away from the two main front benches.

Wide ranging actors within the asylum debate have commented on the relationship between cultural insecurities and asylum seekers, and expressed oppositional reasons for the nature of this relationship. For example, this Labour MP, who has a great deal of experience serving on the Parliamentary
All-Party Group for Refugees, argues that anti-asylum sentiment has become a code for more underlying racial uncertainties,

I think now, it’s [asylum seeker] just become a term of abuse. It’s applied indiscriminately to anyone who is not obviously white European. It’s become almost a code word for black (Politician 1).

This points to a sense of underlying racial tension in the construction of how asylum is understood. In a way, the MP argues that the contemporary manifestation of racial abuse can be seen in the term ‘asylum seeker’. The MP is clearly arguing that such an understanding is undesirable and that asylum seekers have become the victims of this labelling. Asylum seekers have become a condensation symbol for ‘other’ or ‘non-white’, but more than this they have provided a single issue through which related discourses surrounding national identity and multi-culturalism have been associated. The following quote expands upon such a position. It comes from a Labour MP, who has been influential in the asylum debate, as he has served on a number of committees that scrutinised the passage of several asylum Bills through Parliament. His experiences in such parliamentary processes means that he has scrutinised evidence from diverse sources involved in the asylum debate, and the following comments are indicative of his perception of the way many people feel about asylum seekers,

But the reason the public talk about it is the public sense something else which we’re really not talking about, which is the future shape of European countries like Britain, whether they remain predominantly white Anglo Saxon, or whether they say follow the US model. And if that’s going to happen and Migration Watch get on this agenda and stuff you almost have to say to people don’t be like King Canute and kind of expect that’s going to happen across the EU, with birth rates falling, elder population (Politician 3).

The MP argues that dominant claims makers such as Migration Watch (an anti-immigration campaign organisation) have constructed asylum seeking as
being symbolic of deeper cultural insecurities within society. This counter claims makers warns of the dangers of this, and constructs the view that allowing this position to dominant could lead to negative consequences in the future. He further suggests that Migration Watch has exploited concerns that may already exist and thereby played upon such fears in order to promote their position on asylum seeking. This provides an example of how ‘moral entrepreneurs’ (Becker, 1963) may deploy existing societal insecurities in arguing their position, thus contributing to the construction of the asylum ‘problem’. Billig (1995) has posited that it is not necessarily so-called crises of cultural identity that foster xenophobia, or a nation of difference. Instead they unearth the already existing, daily workings of nationalism, which upon discovering a ‘crisis’ become more vocal. Jennings (2005, p. 2) contends that the “public favours immigrants of Anglo-Saxon and European origin over those of African/Caribbean and Asiatic origin”, which may in some way contribute towards the hostile reception often afforded to asylum seekers.

**Political Insecurity**

Largely centred on debates concerning the UK's role in an increasingly integrating Europe, there have been suggestions that this, and related developments have posed questions about the changing nature of political identity (Rex 1996). Essentially, the concept of the EU as a politically expanding boundary has implications for the nature of governance in the UK. Within this context, claims makers have articulated asylum seeking as an acute example of the interaction of political autonomy and political identity between the nation-state and the EU. For example, a Liberal Democrat MEP outlines the types of impact such concerns over political identity have had, and how this relates to the asylum issue,

> Who are we, are we British are we European? And then globally because of course, the world’s getting smaller and there’s lots more movement around. And so people, even if you took out asylum from all of this, political identity is at the moment in a transitionary phase (Politician 5).
The politician alludes to a sense of transition in the political identity of the UK, where fundamental questions have been asked concerning the future direction of political sovereignty and the nature of governance. Within this context, the politician contends that asylum seekers have been constructed as being associated with these types of concerns,

And when you put that with asylum then somehow the threat becomes articulated in the actual asylum seekers themselves. Because they embody all of this uncertainty, all of this potential threat to political sovereignty, all of this potential threat to national identity, in a single issue (Politician 5).

This claims maker is oppositional to the dominant discourse, and indicates that asylum seeking has become enmeshed with insecurities existing externally to it. Importantly, the MP indicates that asylum seeking has been constructed as giving form to such insecurities. Moreover, the suggestion that asylum seekers are the embodiment of the threat to political sovereignty indicates that he believes the issue has been used to drive such insecurity. In other words, the asylum issue has received added attention coming as it has at a time of uncertainties in political sovereignty, whilst at the same time it has been constructed as adding to that insecurity itself. Indeed, Lewis and Neal (2005, p. 424) argue that “in the UK the prominence of the combination of political and policy anxieties over asylum, multicultural citizenship and national identities has been evident in the British government’s domestic agenda since 1997.”

**Globalising Influences**

The institutions of the EU may be seen as acting as ‘globalising influences’ (Giddens 1991, p. 3), where long standing beliefs of the sovereignty of the nation-state have been called into question by membership of the EU, among other developments. It is not simply the case that dominant negative reactions
to asylum seeking are a pragmatic reaction to their arrival, but rather are infused by the active construction of the issue in relation to political insecurities. A representative of a refugee advocacy organisation constructs the view that anti-asylum discourse has been driven by ideas of anti-Europeanism,

Again it's back to this thing of how we sit in Europe. We've always been and the Europeans don't understand why we don't have an ID card, they just don't get it. We've always hung onto that coz it differentiates us from the rest of Europe. And so now we're becoming like the Europeans, bar humbug. Asylum seekers are making us more like the Europeans; they're costing us money. It's true and asylum seekers are foreigners and so are the French and the Germans and we hate them all. You know, they should all go back and why can we not go and live a peaceful little life in England etc etc (Advocate 2).

The asylum advocate is self-consciously undermining this 'Little Britain' position and argues that asylum seekers have been constructed as somehow to blame for political insecurities. As such, she implicitly constructs the perception that asylum seekers have been the victims of such labelling and are viewed more negatively as a consequence. There is an argument that concerns over political identity have not only been articulated to drive distrust of asylum seekers, but also in turn this distrust has contributed to calls for greater control, or a retreat into a desire for traditional certainties. Put another way insecurities surrounding the perception that political power has shifted away from the nation-state towards European institutions, have been condensed into the asylum issue. In this way, not only are perceptions of asylum clouded by anti-European sentiment, but asylum seekers also serve as a tool with which to articulate arguments insisting the UK must withdraw political power from Brussels.

There have been strengthened claims that there should be a loosening of such relations, towards a re-establishment of a more inherently British political
identity. As such, this is indicative of how changing conceptions of identity are driving insecurity, but also how insecurities are driving changes in identity. In this sense, such calls can be seen as part of a reflexive project to retreat to a more rigid sense of Britishness, where the sense of self, and of ontological security is being actively manufactured in light of the above developments. Indeed, this type of process can be seen as occurring throughout many of the areas of identity discussed above, as a reaction to cultural and economic insecurities of identity constructed in association with asylum, and mirrors observations made by Giddens regarding the reflexive making of the self in the fluid conditions of late-modernity. At the same time however, counter claims makers have articulated positive benefits of the reception of asylum seekers and therefore challenged the dominant construction.

Crime and Security

Issues relating to security and crime are now central parts of political and social discourses espoused by a range of organisations, politicians and the mass media (Crawford, 2002). In the late-modern age, following (among other developments) the collapse of Eastern European Communism, increased European integration and related relaxing of national boundaries, fears surrounding crime, and fundamental changes in the nature of modern nation-states; security discourses seemingly play an increasingly important role in our governance. There are several key ways in which this has been linked to the asylum issue. As has been shown, asylum seekers have been increasingly criminalised by recent legislation. For example, the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 made it a criminal offence for an asylum seeker to enter the UK without a valid identity document, which built upon previous legislation criminalising asylum seekers for their potential modes of entry into the UK (Home Office, 2004a). Furthermore, asylum seekers have been cast as a deviant population and a key social problem (as outlined in Chapters 2, 3 and 5), and as this section will demonstrate, one way that key claims makers have driven this by is by associating them in relation to wider insecurities regarding crime.
It is important to note that security should be considered as a felt condition, and that interventions and increased social control are designed to manufacture security (Crawford, 2002). The accompanying spread of inter-European policing and security co-operation has been based upon articulations that concentrate on perceived threats posed by a range of 'outsiders', including organised criminals, terrorists and illegal immigrants (Loader, 2002). As a consequence, issues are now often conceptualised in relation to security discourses, spreading into diffuse areas of society, and crime and security are now central to constructing social and 'cultural representations' of contemporary societies (Crawford, 2002, p. 1). At the same time as such external threats have been constructed, the concept of the internal threat from within has been seen, with fears espoused that increased numbers of asylum seekers has exacerbated this.

As Loader (2002, p. 125) notes, the types of concerns outlined above should not be treated as uncontested absolutes, but rather as being indicative of the types of 'public narratives' and 'official fears' that have become commonplace in Western European states, and that have been used to justify increasing resources to enhance security capacities. In a sense, what is salient is not the material existence or otherwise of such dangers, but an understanding of the impact of the articulations of these fears and how they have been used to justify processes of 'securitization' (Loader, 2002). Sparks (1992) argues that much security discourse is seemingly based on rational arguments relating to commonly held perceptions of dangers, but may in actuality be better understood as subjective judgements not entirely based on material conditions. Loader (2002, p. 130) gives particular attention to the role of actors and the meanings they ascribe to security concerns, with his suggestion that European policing is both 'made and imagined', and geared towards the production of security and social order. Of key importance here is what Loader refers to as the 'securitization of Europe', where social problems are presented in a dramatised manner, with particular focus being placed upon the security threat they pose (Loader, 2002, p. 129). In turn, this can be seen as a way of fostering a sense of identity, or 'mediating belonging' amongst peoples from states that do not necessarily feel they belong to a
collective group, through the interactions of a range of actors, each with their own sets of motivations (Huysmans, 2000).

**Changing Nature of Governance**

If there is contention on the extent to which security threats have actually increased, there is more agreement that the very nature of contemporary governance has both been affected by, and influenced the perception of such dangers (Crawford, 2002). When speaking of governance in this context, Crawford explains that what is meant is the,

changing nature, form and location of responses to crime and insecurity in terms of the way in which these are governed, regulated and ordered (Crawford, 2002. p 2).

In modern times, processes of globalisation, European integration and the increased role of non-state actors in influencing diverse areas of economic and social life have challenged the traditional role of the nation-state and its autonomy over its population. This has implications for the nation-state as being solely responsible for the security of its citizens, and this has led to attempts by modern states to reassert autonomy over security. As Bauman (2002b) posits, governments are therefore concerned with promoting a symbolic sense of order, as their capacities to offer security to their populations are diminished by globalising processes.

Modern conceptions of security have changed at the local or personal, and the global levels. As Crawford (2002) has shown, concerns over security relate to both macro and micro levels, and the connection between local and global concerns is such that there has been a blurring of international, communal and personal security issues. Issues that may be global in their nature can translate into concerns over personal safety or security.
Security and Asylum

As Crawford (2002) asserts, security discourses play an increasing role in shaping the world and the way that we are governed, and this thesis argues that asylum now provides a key example of this. A Labour MP in opposition to the dominant discourse argues that security discourses have been conjoined with asylum seeking,

Many people inhabit a world that is divided, dangerous and frightening. The extension of such control [visa controls] is a symptom of a kind of paranoia throughout the EU regarding asylum seekers. It makes it harder for those that really need help to get it, but it also legitimises the paranoia about the dangers these people pose, which adds to the view that they are a risk to the UK (Politician 1).

The MP argues that some people may understand the world as beset with inherent dangers and security concerns, and that fear may be an endemic part of modern life. He contends that asylum seekers have been interwoven into this overall climate and have therefore been negatively constructed as a consequence, and is clearly critical of such developments. In a sense, he argues that that they have been constructed as 'bridging' diffuse security concerns. He associates this 'paranoia' with the imposition of greater controls on asylum seekers and claims that this adds to the perception of asylum seekers as a threat to security. The MP therefore constructs the problem as the negative construction of asylum seekers and argues they have been victimised as a consequence by being subjected to increased controls. Policy makers, in implementing such changes, have thus actively constructed asylum seekers as a security risk, and aligned the asylum issue with other perceived threats to security. In this way, it can be seen how the imposition of social control can in itself be a defining practice, as it constructs perceptions of social problems. As such, this illustrates not only how asylum has been constructed as a security threat against a background of perceived global and
societal dangers, but also how fear of asylum seekers amplifies these already existing perceptions of insecurity.

To explore this issue further, it will be useful to examine the two areas of terrorism and crime to illustrate how articulated fears of these conditions has resulted in a negative construction of asylum, but also how asylum has affected understandings of them.

**Asylum and Terrorism**

Since the attacks of the 11th September 2001 and 07 July 2005, among others, many western governments have declared 'a war on terror'. In both the US and Europe, such events have been used as justifications for new and far-reaching security measures in the light of what has been labelled a 'new' kind of terrorism by political leaders of Western governments. However, rather than viewing such measures as an entirely new response to these attacks, it is possible to see them as a continuation of the expansion of the apparatus of social control into diverse areas of society, which has been ongoing in recent decades (Innes, 1999). One such area in which heightened terrorist concerns have been articulated is in relation to asylum seeking. Indeed, Section 4 of the Anti-terrorism, Crime and Security Act 2001 was given over to matters relating to asylum and immigration. More recently, Clause 52 of the Immigration, Asylum and Nationality Bill 2005 contained measures to prevent individuals from receiving refugee protection for reasons of,

a. Acts of committing, preparing or instigating terrorism (whether or not the acts amount to actual or inchoate offences), and
b. Acts of encouraging or inducing others to commit, prepare or instigate terrorism (whether or not the acts amount to actual or inchoate offences) (Quoted in Refugee Council, 2006, p. 2).

It has been argued that this represents a considerable extension of grounds for denying asylum (Refugee Council, 2006). It has been further argued that the continual extension of the definition of what constitutes terrorism,
combined with proposed changes in asylum law, will in actually cover large numbers of people who might seek asylum (Refugee Council, 2006). For example, the Terrorism Act 2000 defines terrorism as,

1. - (1) In this Act "terrorism" means the use or threat of action where-

   (a) the action falls within subsection (2),

   (b) the use or threat is designed to influence the government or to intimidate the public or a section of the public, and

   (c) the use or threat is made for the purpose of advancing a political, religious or ideological cause.

(2) Action falls within this subsection if it-

   (a) involves serious violence against a person,

   (b) involves serious damage to property,

   (c) endangers a person's life, other than that of the person committing the action,

   (d) creates a serious risk to the health or safety of the public or a section of the public, or

   (e) is designed seriously to interfere with or seriously to disrupt an electronic system (Home Office 2000, Section 1).

It is further important to note that (a) "action" includes action outside the UK, and as such may cover people who have engaged in, for example, political dissention in any country. This, of course, will include many people who may make claims for political asylum, and it has been argued that the overall scope of this legal framework could therefore exclude large numbers of asylum seekers (Refugee Council, 2006). There is clearly space for interpretation and discretion in the reading of such definitions, and the broad scope allows for potentially significant proportions to be controlled in this way.

No official statistics exist in relation to numbers of asylum seekers who have been charged with terrorist offences, but as will be shown below, specific case studies have been highlighted to justify the types of controls shown here. One of the key arguments forwarded as justification for the enactment of such laws, is that those seeking to commit terrorist acts in the UK might use the
asylum system as an easy route into the country. For example, a Labour MP during a Home Affairs Select Committee sitting on asylum stated,

There is a feeling that some people have been allowed into this country with a great deal of controversy; other people [in reference to asylum seekers] in my view have been allowed in without the immigration authorities exploring their terrorist background (Home Affairs Select Committee, 8th November 2001, Paragraph 18).

There is a clear implication within this dominant discourse view that the perceived lack of scrutiny in exploring asylum seekers 'terrorists backgrounds' increases the danger that would-be terrorists are able to gain access to the UK, and thus that a greater level of control is necessary. Further illustrated here, is the way in which a linkage is actively constructed between the asylum issue and terrorism, through discursive practises. The obvious connection is that the asylum system, and people being able to gain entry to the country in this way, is effectively making the country more vulnerable to terrorist attack, thereby providing justification for the kind of legislative innovation outlined above. Not only is the insecurity of the asylum issue driven by this association with terrorism, but also the idea that the asylum route represents some kind of weakness in the 'war against terror' further drives the fear of future terrorist threats. As such, this dual construction enhances insecurity surrounding terrorism and asylum and establishes a context where greater control (such as increased surveillance or border controls) is viewed as being necessary (Huysmans, 2002). This next quotation from the same Committee meeting, provides an illustration of this contention, showing how such concerns have been used to call for greater security procedures to be introduced with regards to the asylum system,

Last week the Committee heard evidence from the Security Services – not in public – and we were given some very clear examples of cases where people had come through the ports or the airports, there was very clear intelligence information available on them, sometimes there were fake passports, sometimes other ways of entering the country.
They were initially detained, then they sought asylum on entry... They made a very clear case which convinced me at the time that there was very much a need for new remedies and procedures (Home Affairs Select Committee, 8th November 2001, Paragraph 19).

There is a very clear sense here that not only are asylum seekers portrayed as a security threat as a consequence of the mediated climate of insecurity, but they are also used to drive that sense of insecurity itself, and to justify calls for increased social control. This dominant claims maker is therefore actively constructing a linkage between asylum seeking and terrorism in order to make the case for new ‘procedures’. Importantly, this articulation draws upon the dominant construction, where the action of asylum seekers is seen as the problem, and action is justified against them in this way. What is of further interest in the above quotation is that the politician states that the ‘evidence’ they heard was not open to the public, but this is justified by the sensitive nature of the information. This is suggestive of a climate, brought about by constructed fears concerning the terrorist threat, where calls for increased security measures and restrictions on asylum seekers may not be questioned as stringently as might previously have been the case. Therefore, relating asylum with terrorism becomes a powerful tool with which to justify controls justified as necessary to protect public safety. A senior police officer raises a point of caution in light of such constructions,

What I fear is, and we haven’t seen it, is a tie up being made between an asylum seeking community and acts of terrorism. We’ve only just seen a touch of that with the ricin incident, with people I believe who were asylum seekers, but that could be the catalyst for more draconian measures. If there is evidence that the asylum process is being used to infiltrate terrorists and I now repeat, and I think it’s an important point to say, we have not seen that to date (Police Officer 1).

The juxtaposition of the sentiments ‘catalyst for more draconian measures’, with the lack of current evidence for the linkage between asylum and terrorism, implies that he believes there may be other reasons behind the
desire to introduce such measures. Certainly concerns articulated by claims makers about security at a time when mediated panics surrounding terrorism have proliferated is one explanation for this. The police officer highlights the example of the 'ricin incident', where a 'failed' asylum seeker, Kamel Bourgass, was charged with the murder of a policeman and with plotting a terrorist attack involving the poison ricin. At the time the Conservative leader, Michael Howard, claimed this was evidence of "the chaos in our asylum system", and attempted to use the incident to call for stricter controls on asylum seekers (BBC, 2005). Also, this was essentially an isolated incident and therefore the far-reaching impact it had is indicative of how key an area of political and social discourses terrorism and asylum had become. There has been a construction in connecting one with the other, and this illustrates how insecurity is manufactured by what people actually do, as opposed to it merely being the result of real world events. There has been little published evidence making concrete connections between asylum seekers and terrorism, but nevertheless there is much evidence that the perception of such a linkage exists. The following quotation from a Conservative MP demonstrates this,

It would seem likely that a tightening of the asylum system is necessary and that some freedoms we have at the moment may be inhibited, if we are to ensure that the country will be safe from terrorism. So yeah, I think people are prepared to sacrifice some of their low level freedoms for the guarantee that they'll be protected from terrorism (Politician 10).

This dominant claims maker actively constructs a link between asylum and terrorism, and argues that this should be reason enough to increase controls over asylum seeking. He argues that people are so concerned about their security in the face of a perceived terrorist threat that 'low level' freedoms are willingly sacrificed for an increased sense of safety. The politician talks of a trade off between security and freedom, and suggests that if people feel more confident in the asylum system then they will feel safer from terrorist attack, thereby justifying the imposition of greater levels of control. This develops the argument above that the attempts to link asylum together with terrorism may
be disproportionate to any evidence that such a relationship exists, and may have more to do with manufacturing a sense of security. This attempt to utilise the control apparatus to manage the problem can therefore be seen as part of a greater project to manufacture order and to manage uncertainty. Therefore the findings of this research echo Crawford's (2002) assertion that a sense of security is not set, but has to be imagined and constructed (Crawford 2002).

**Crime and Asylum**

It has been recognised that fears of being a victim of crime are a powerful part of the social-psychological make-up of late-modern societies (Garland 2001). In many regards the reasons for this are similar to the conditions of ontological insecurity: breakdown of traditional certainties, etc, and fear of crime is interwoven with a largely incoherent mix of associated modern insecurities. During this time of insecurity concerning fear of crime, the construction of the asylum seeker as being in some way associated with criminal activity has been manufactured by dominant claims makers. This sentiment is exemplified by the following quotation by a senior police officer, and is taken from the Observer newspaper,

> Mass migration has brought with it a whole new range and a whole new type of crime threatening to overwhelm towns and cities across the country. The Eastern European, Afghanistan, Middle Eastern movement has had the most effect; it is such large numbers of people... If you think of where we were with asylum seekers two years ago, if you look at Sangatte the Red Cross base near Calais which was a gathering point for British-bound refugees and the movement there, it reached a high level, a tidal wave (Ahmed, 2003).

Implicit in these sentiments is that there is a direct causal link between increases in numbers of asylum seekers and increases in numbers, and types, of crime. The portrayal of towns overwhelmed by gangs of marauding asylum seekers suggests a situation where the lack of control is having very serious real-world consequences. Such concerns do appear to have some
influence at a policy level however, with Goodey (2002) contending that states are seemingly unable to draw up asylum legislation without making reference to crime and external threats. Furthermore, references to the Sangatte refugee camp mobilise a powerful symbolic sense of insecurity, as this was heavily portrayed as being a collection point for asylum seekers intent on ‘invading’ the UK. The following passage from an Association of Chief Police Officer’s (ACPO) report, gives further insight into how perceptions as asylum seekers as criminals are fostered,

In Dover, continual interest from the media, locally and nationally, has been focused on the ‘apparent’ increase in crime since asylum seekers have been in the town. In line with general trends in Kent, the local Commander was able to report an actual reduction in all aspects of reported crime over a 3 year period. This generally resulted in the national media not reporting anything as this was not what they had been told by some locals and was not what their editors wanted (ACPO, 2001, Section 5).

Local media discourses are highlighted as labelling asylum seekers as criminals, and when crime figures did not seem to corroborate this stigmatisation newspapers did not reflect this. Indeed, Robinson (2003, p. 17) has shown how local newspapers in Dover have on a number occasions negatively framed asylum seekers. Robinson speculates that this may be due to the concentration of relatively large numbers of asylum seekers in Dover, but also that that town in a sense symbolises English national identity with its White Cliffs. Similarly, the above report may be considered as expressing counter claims and suggests that the local media were only interested in portraying the negative, criminal image of asylum seekers, as this was what they believed the ‘story’ to be. In this way, editorial decisions of newspapers can be seen as an integral part of how asylum seekers have been constructed as criminals. The sentiments expressed within the following quotation from a different senior police officer, may be considered as a counter-claim against those expressed by above mentioned newspapers,
I mean our anecdotal, professional view is that if you take the same indigenous population – I mentioned earlier that many asylum seekers are young unaccompanied males, they’re often in their 20s – if you took that peer group in the host population you would probably find that their offending patterns are very similar. I say probably because that work has simply not been done, I think its overdue but no research has been done on this. But of course what happens when these males are accused of indecent assault, or robbing a petrol station or something, the papers are able to treat this as yet another asylum seekers committing serious offences against the community. When in actual fact if you objectively looked at that group of young men and compared them with the group native men of the same age, I rather suspect their offending patterns wouldn’t be that dissimilar (Police Officer 2).

This police officer clearly does not accept that asylum seekers are disproportionately numerous when it comes to committing crimes, and at the very least points to the lack of evidence to support such a claim. He constructs asylum seekers as victims of this criminogenic construction and advocates research in order to address this situation. Interestingly, he surmises that it may be the case that when an asylum seeker is found to have committed a crime, then this will receive a disproportionate amount of attention in the media, and political discourses. As Altheide (2002) has shown, publicly mediated understandings of social problems are integral to their construction, and the discursive framing of asylum seeking in such a manner is a key way in which they have been ascribed a problematic status.

The above police officer argues that there is a dominant construction that asylum seekers are somehow inherently criminal, and that claims makers have highlighted the links between asylum seekers and crime in order to justify action. If it is the case that there is no evidence that asylum seekers are disproportionately more likely to be criminals than anyone else, then the question arises of why it is that this perception predominates? It may be that once more there is an attempt to stigmatise them in this sense, where
labelling them as some kind of deviant ‘other’ reaffirms the collective and personal sense of ‘us’. Furthermore, emphasis of criminogenic qualities of asylum seekers is a primary justification in the introduction of a range of social control strategies, as will be illustrated in subsequent chapters. Despite the lack of evidence linking asylum seekers to crime, claims are still made that call for the strengthening of the asylum systems due to fear of crime. The following quotation from a Conservative MP who may be thought of as espousing dominant discourses demonstrates this,

The visible consequence of the lack of control of the asylum system is that in many towns throughout the South some members of these growing populations of refugees are making their presence felt through street crimes like shop lifting, pick pocketing and car ringing (Politician 13).

Here, there is a direct correlation drawn between the ‘lack of control’ of the asylum system and a range of crimes being committed. This flags up a key aspect of how asylum has been related to crime, and indeed a key theme of this thesis; namely that there is a link drawn in dominant discourses between the amount of control to which asylum seekers are subjected and the potential negative impact they cause, and that this link is used to justify calls for increased controls. This is despite oppositional claims makers arguing that an over emphasis on control is often the problematic issue, in that it negatively impacts upon asylum seekers. As such, the problem (and proposed solution) is constructed in directly oppositional ways by these two broad groupings. Above, dominant calls for enhanced controls are justified by constructing asylum seekers as engaging in criminal activity, and current controls are portrayed as insufficient. It follows that if a lack of control can be directly related to increases in crime, the imposition of increased controls will be a solution to this problem. More broadly, the way asylum has been constructed as a social problem and how it has been seen to fuel associated insecurities, has been central to increasing calls for control responses.
Despite having highlighted that asylum seekers are may not be disproportionately criminal, the above ACPO report asserts that some individuals may be passing through the asylum system whilst committing numerous crimes,

With the current backlog of asylum claims, there may be a small number of persons claiming asylum who are criminally active and who are eventually likely to have their asylum claims rejected. Presently these people will just be sitting in the queue committing criminal offences with limited chance of them being removed (ACPO, 2001, p. 21).

The assertion that there is limited chance of removal for asylum seekers who commit crimes, appears to suggest that existing legal frameworks are inadequate to deport such persons. By extension, it is implied that if an asylum seeker is a known criminal offender that it should be ‘easier’ to deport them. As such, the link between asylum and crime is used to call for enhanced measures to facilitate the removal of more asylum seekers. The very chance that an asylum seeker may commit criminal acts, or that ‘small numbers’ do, is used as justification for increased controls. The ‘queue’ of the asylum system, and the due processes that must be engaged in to determine asylum applications, is shown to get in the way of enacting control. The report does however illustrate one way in which the suspected criminal activity of an asylum seeker may be countered,

If the Police Service has difficulty collecting evidence to prosecute an offender, but has strong criminal intelligence that they are involved in serious offences, the Casework Directorate of IND (see Annex 4d for schedule of useful contacts) can be approached for these offenders to be processed more quickly in terms of their asylum claims. Be aware that the criminal intelligence will not feature in the asylum claim (ACPO, 2001, p. 21).
This statement appears to indicate that if the police approach the IND with information about criminal activity of an asylum seeker, that this could influence the speed at which that asylum decision is made. Although it is contended that criminal intelligence will not actually affect the outcome of the application, the fact that it will be pushed through more quickly indicates that police involvement (and the implication of criminality) may indeed have some bearing on the way the application is processed. Furthermore, such events will be put into practice on the basis of criminal 'intelligence', as 'opposed to 'evidence', which implies a level of interpretation and discretion. As such, it appears that asylum claims may be decided more quickly (and maybe without as much attention as is ideal) on the basis of a supposed involvement in criminal activity (outside of crimes related to the asylum process itself).

'Condensation' and 'Bridging' Symbol

It has been shown that there has been a constructed linkage between the asylum issue and wider societal insecurities including economic, cultural and political insecurities, as well as crime and terrorism. In a sense, the asylum issue is a common theme that gives substance to otherwise disparate anxieties such as these. Importantly, counter claims makers have been highly critical of such linkages with for example a Liberal Democrat MP asserting,

If you talk to people, they're not allowed to say it, but you scratch and under the surface what they say is immigrants are people who come to our country who are foreign, have different ways, refuse to assimilate and are taking all the time; they don't give anything back. All of that, though I think all of that in a lot of senses is what people think about immigration more generally and asylum seekers become a very convenient badge for people to express collective fears (Politician 2).

The MP is highly critical of the negative portrayal of asylum seekers and indicates that they have somehow been constructed as symbolic of a range of 'collective fears'. His counter construction is to depict asylum seekers as
victims of labelling and he implicitly advocates a redrawing of how they should be popularly understood. The use of the term ‘convenient badge’ in the quotation above is particularly telling and indicates that this is the way the MP believes asylum seekers have been constructed within dominant discourses. This can be seen as relating to the previously outlined conceptualisation of a ‘condensation symbol’ (Edelman, 1977). Edelman argues that political figures use symbols to attach emotional significance to issues, with the symbols condensing a range of emotions and memories into one event or theme. Within dominant discursive frameworks, the term ‘asylum seeker’ has become a kind of symbolic notion, and a way to express wider fears. They may be cast as symbolic of economic insecurity and of ‘foreigners’ (as the above MP believes they have been in dominant discourses), or more generally of a range of wider insecurities.

Essentially, asylum has become a device through which insecurity can be performed and enacted. In this sense, asylum is not only a ‘condensation symbol’, as it also serves to provide an association between problems and thus might be termed a ‘bridging symbol’. Not only does such symbolism allow for asylum seekers to be thought of in a particular way, it also gives a manifestation to a range of otherwise diffuse insecurities. This highlights a key way in which an understanding of the contemporary asylum debate is of sociological importance, namely that it links together a range of disparate, key social problems in a single issue, and that the way this linkage has been manufactured is the result of the activities and interactions of various social actors. Importantly, this linkage of association with a range of societal activities is seen to further increase the justification for the increased social control of asylum.

Summary

In recent years, asylum seekers have been constructed as symbolic of a threat that has been interwoven with a range of insecurities associated with late modern societies. The articulation of such insecurities has driven the construction of asylum as a problematic issue, but also asylum has driven
insecurity. Furthermore, risk in modern society is, in many ways, manufactured by what people do, and the asylum issue should also be viewed in this way. The phrase 'asylum seeker' has become understood in highly emotive ways and has been manufactured in dominant discourses as a bridge for linking up a diffuse assortment of insecurities within contemporary society. The claims making activities of oppositional actors have attempted to depict asylum seekers as victims of such processes and argued that the framing of asylum seekers in such a way impacts negatively upon them, irrespective of their individual conduct.

The construction of asylum seeking as symbolic of fears on crime, terrorism, welfare and national identity has provided an opportunity for dominant claims makers to link such diffuse issues with one another. Furthermore, this connection has been used to justify action in order to manufacture a sense of security. In this way, asylum can be viewed as a 'condensation symbol', in that the very term 'asylum seeker' has been socially constructed as carrying with it a range of negative connotations. Further to this, asylum has also been used as a 'bridging symbol' by dominant claims makers, in that it has provided a way of connecting disparate societal insecurities and fears. As subsequent chapters will illustrate, the construction of the asylum problem, and how it has been related to wider insecurities, has been influential in shaping social control responses and the mobilisation of the social control apparatus. The linkage of asylum seekers with issues such as crime, terrorism, economic insecurity and national identity, has been key in informing debates about the ways to best control it, and remains an important method for claims makers to advance the social control of asylum.
Chapter 7: Internal Social Control

Introduction

It has been argued that as an island, the UK has traditionally tended to concentrate its immigration controls on measures to prevent people from reaching the country (Brochmann and Hammar, 1999). This may have been the case, as it is comparatively more straightforward to control entry into the country of those travelling by air or sea, than it is for those travelling overland, as in the case of many European countries. However, this situation has changed recently, with an array of internal control strategies now in operation covering wide-ranging areas that may be directly concerned with the asylum system, such as detention or meetings with caseworkers, or related areas such as welfare provision, housing and employment. Of course, there has always been an element of internal control of asylum, or immigration more widely, but the rapid increase of such controls recently has been a noticeable and significant trend. For example, evidence of the widening of the social control apparatus of asylum can be found in the 1998 Government White Paper, *Fairer, Faster, Firmer - a Modern Approach to Immigration and Asylum*. It describes an asylum system that cannot ‘cope’ with recent ‘influxes’ of asylum seekers, and is therefore in need of a major overhaul and considerable widening,

In recent decades it [the asylum system] has failed to keep pace with outside developments. Past attempts at change have been piecemeal. Typically solutions to a problem in one area have often created another elsewhere. Despite the professionalism and dedication of our staff at all levels, the complexity of some rules, too many outdated procedures and chronic under-investment make it increasingly difficult for the system to deal quickly with those entitled to enter or remain and to deal firmly with those who are not... the Government is determined to undertake a comprehensive modernisation of our controls in order to deliver
the fairer, faster and firmer policy to which it is committed (Home Office, 1998. Section 3.1).

This quotation is set within a chapter entitled ‘Failures of the Current System’ and serves to illustrate well the way in which much of the rhetoric of the White Paper, and governmental discourse in general, has been concerned with emphasising the need to extend the asylum system. Furthermore, there is talk of new ‘solutions’ creating new ‘problems’ elsewhere. This suggests some sort of ‘reactionary’ development of asylum controls, not originally planned for, but adapting as a response to new problems that are found. The tone of the White Paper suggests a systematic overhaul of the system, to address what are described as outdated procedures and chronic under-investment. However, the admission that new solutions themselves create new problems, implies that such innovation may not be as systematically planned as is suggested.

Previous chapters have sought to outline some key aspects of the literature on social control, and to begin to suggest why it might be useful to apply these ideas to the study of the contemporary asylum issue. This chapter will present a more focused account of the importance of locating the study of asylum in such a way. The central aim here is to examine the ways in which the internal social control of asylum has intensified in recent years, through analysis of:

1. **Who** is responsible for enacting it?
2. **How** this control is carried out?

Initially, there will be some discussion of exactly what is meant by the term ‘internal social control’, followed by an outline of the usefulness of applying this concept to analysis of asylum in this way. The remainder of the chapter will consider the above two questions in the context of ‘existing’ social controls and ‘extending’ social controls. The latter concept is an attempt to emphasise the way that the social control of asylum, and social control more generally in society, has been extended beyond those areas that may be immediately obvious. Existing controls focus on new measures that reinforce and deepen
current practices and modalities of social control that are already used and widely available. The definition of social control employed herein is deliberately narrow, focusing on solely that which comes directly from the state. In exploring the internal social control of asylum seeking, the focus will on the creation of law and how this has allowed for new control possibilities. There is therefore a concentration on the ways that various claims makers have socially constructed the asylum problem in the context of calling for greater levels of internal control and how this feeds into the creation of law, as opposed to a detailed analysis of the way these controls are implemented 'on the ground'.

**Internal Social Control**

The concept of internal social control refers to the social control enacted upon asylum seekers once they are inside the UK. However, as Brochmann and Hammar (1999) point out, there may well be a ‘grey zone’ between the definitions of internal and external control. Furthermore, it may be the case that internal and external control strategies are used alongside each other, and that they have similar justifications for their enactment. Nevertheless, it is believed that a conceptual distinction of this kind is helpful in providing clarity into the ways social control operates with regard to asylum, and as such, this chapter (and the subsequent one) will have a specific focus on one side of the internal/external division.

**Towards a Definition**

The concept of internal social control of asylum covers a broad area, in that it refers to all control enacted over asylum within the territory of a nation state, from initial reception or discovery of an asylum seeker, to the determination of their case as a refugee or otherwise. This includes controls directly related to the official, legal asylum process, such as reporting to an asylum caseworker for official meetings, or attending a court hearing. This type of official control will be most likely enacted by an official state agent, such as an immigration officer or asylum caseworker. However, internal control may also refer to that
enacted by unofficial agents, who do not have a direct association with the asylum or legal process, but nevertheless perform some role in the control of asylum seekers. For example, under Section 32 of the Immigration and Asylum Act 1999 lorry drivers (or indeed anyone) may be fined for bringing clandestine entrants into the UK and therefore are expected to engage in immigration controls (Home Office, 1999).

Identity Cards

A useful way of beginning to explain the proliferation of the internal social control of asylum seeking is to examine the issue of identity cards. Identity cards are currently in operation for asylum seekers in the form of the Application Registration Card (ARC), but interestingly, espoused desires to ‘clamp down’ on illegal immigration, and ‘fraud’ within the asylum system has been one of the primary justifications for widening the use of such cards. They are ‘smart cards’ that contain biometric and fingerprint data, as well as a photograph of the asylum seeker (Home Affairs Select Committee, 2004b). As such, they also represent an utilisation of modern technologies and intelligence gathering procedures in the asylum system and this can be seen as a further extension of the classification, identification and surveillance of asylum seekers. The incorporation of such technologies into the internal control of asylum is also illustrative of the supplementation of existing control mechanisms, thus expanding the overall extent of controls. A Home Office minister stated at the time of the cards introduction,

By introducing the card, the government is at the forefront of making the most of up-to-date technology to combat fraud and to ensure that asylum seekers are identified rapidly at all stages of their application (Lord Rooker, quoted in Asylum Support, 2002).

This rapid identification of asylum seekers though the use of new technologies is in addition to existing surveillance and monitoring devices and represents an intensification of control possibilities. This is so as the collection of data contained within the ARC is augmented to data previously collected on
asylum seekers, and does not replace it, thereby allowing a more intense storage of asylum seeker data than was previously possible. One of the principal justifications for the implementation of the cards has been to tackle the 'abuse' of the asylum system and asylum seekers are required to present their ARC's to access welfare or other services they may need (Home Office, 2006a). An interesting addition to the justification of the use of these cards according to the 2002 Government White Paper is that they,

will assist immigration officers to help establish identities during enforcement operations (Home Office, 2002, Chapter 4.26).

This highlights a way in which various components of the asylum system are in a sense joined together, to extend and deepen the amount of control that is exerted over it. This is so as the ARC supposedly not only provides enhanced identificatory assurances in the collection of welfare, but also in enforcement operations. Furthermore, there is a strong sense in which ARC's are portrayed as necessary in order to be able to manage the asylum 'problem' better, as the following quotation from the 2002 White Paper shows,

On departure from the Induction Centres, we will give asylum seekers an Application Registration Card (ARC). These will replace the Standard Acknowledgement Letters (SALs) which are currently used for identification of asylum seekers and which are widely susceptible to fraud and counterfeiting. The ARCs will be biometric smart cards containing personal details including a photograph, fingerprints and employment status. They will contain modern physical security features giving much better protection against forgery and counterfeiting and allowing fast verification of identity (Home Office, 2002, Chapter 4.25).

In this way, the deviant behaviour of asylum seekers in making fraudulent use of the SAL is presented as the reason for the necessity of the ARC. The actions of asylum seekers are therefore depicted as the reason for the need
to introduce measures to rectify the situation. In addition, what is being
described is not simply the replacement of one mode of control with another,
but replacement and extension in that the new technology contains manifestly
greater surveillance capacity. A Home Office minister put forward further
reasons for why the ARC was supposedly necessary within a parliamentary
debate,

Although most immigrants are law abiding and peaceful, a small
number of asylum seekers in that part of east Kent sought
fraudulent ways to make multiple claims for benefit. Some
succeeded in picking up large amounts of money by making
more than one application for asylum and using the false identity
to double their money... Hon. Members may remember a BBC
documentary film maker posing as an asylum seeker in Dover.
He was put in contact with a gang in London who, at a cost,
manufactured a complete set of false identity documents within
a few days. To tackle that abuse, the Government introduced
identity cards for all asylum seekers (Hansard, 20 December

These sentiments offer an interesting insight into the supposed linkage
between asylum, welfare fraud and organised crime. Essentially, the way the
introduction of the ARC is justified ties together asylum with criminal activities
that induce pressure on the welfare system. As such, the imposition of control
(the ARC) is offered as a means of ensuring such criminal activity is
countered. There is also an implicit assumption that such cards effectively
perform the function they are designed to, i.e. stop welfare abuse, thereby a
definitive claim is made that their introduction is justified. Furthermore, the
ARC has been introduced to all asylum seekers, regardless of any history of
individual wrongdoing, and can therefore be regarded as a preventative
strategy to which they are indiscriminately subjected. An asylum seeker does
not need to have committed a criminal offence to be given a card, rather due
to the labelling of asylum seekers in a stereotyped way, anyone seeking
asylum must have one. Having outlined the case for why the ARC was
necessary for asylum seekers, the Home Office minister related this to the introduction of ID cards for the wider population,

I have heard of no instance of an ARC being successfully forged, and my experience of seeing the real benefits of this card, as well as my view that the lack of identity cards in this country was a big pull factor for economic migrants and asylum seekers, persuaded me to support and promote the introduction of secure biometric ID cards for the rest of the population... I believe that those reasons [abuse by asylum seekers] alone are probably sufficient for the introduction of identity cards, but the massive escalation in the threat to our citizens and to our communities represented by the attack on the twin towers in 2001 has added a new dimension to the debate, as well as another important reason for ensuring that our police, our border control officers and our security services know with a degree of certainty who is in the country and who is who (Hansard, 20 December 2004. Column 1993).

The seeming momentum behind the introduction of identity cards to the general population is illustrative of the development of control, in that 'evidence' is shown that it worked to address problems in the asylum system, and therefore that it could be useful in combating social problems more widely. In this sense, asylum is not only constructed as a problem that needs managing, but as one that informs, and legitimises, responses to, and interventions in, other areas of social life. Not only is the introduction of ID cards forwarded as a solution to welfare abuse, but it is also said to be a way of addressing the terrorist threat. Therefore, the social construction of asylum as a 'bridging symbol' has a real world effect as a justification to push through control measures that are espoused as addressing a range of social problems. In other words, because asylum has been constructed as combining a variety of factors, including welfare problems and crime, measures that have 'successfully' managed the asylum problem, are shown to be effective in managing wider problems. Furthermore, the Home Office
minister is clearly of the belief that the wider population would also support the wider introduction of identity cards,

I know from taking soundings in my area that the vast majority of my constituents want ID cards to be introduced. We know from our consultations that about 80 per cent of the British people want ID cards to be introduced. We know that all the security people want ID cards. We know that nearly all our European partners already have some form of ID card in place. There is a rising tide of support for these timely new measures (Hansard, 20 December 2004. Column 1994).

The citing of widespread public support for the introduction of ID cards is supplemented with a claim that it is the consensus amongst 'security people' that they are necessary. It is then concluded that the support for ID cards from various groupings means that there is widespread recognition of the need for their introduction, and this is talked about immediately after illustrating how ARC's had worked in controlling welfare abuse by asylum seekers. The highlighted 'success' of the introduction of ARC's for asylum seekers is therefore used as evidence that such control impositions can have positive effects that are widely recognised, and thus the experience of those involved in controlling asylum seekers is shown to inform wider impositions of control.

The example of identity cards has shown how the internal control of asylum seekers has been related to welfare fraud, organised crime, and terrorism, how the introduction of the ARC has made the situation more 'manageable', and ultimately how such lessons could supposedly be of benefit to 'genuine' asylum seekers. In this way, this example provides a good illustration of the justifications that have been forwarded for the increasing internal social control of asylum. The rest of the chapter will now focus on the questions of who is responsible for performing internal social control, as well as how it is enacted.
Who?

Those involved in the internal social control of asylum do not constitute a homogenous grouping, with identical motivations and responsibilities. Rather, those now charged to enact control over asylum seekers come from diverse areas of society. In what follows, it will be shown how the construction of asylum as a social problem has driven the creation of new laws and procedures that have further intensified the social control of asylum seeking, for example by extending the powers of those who have traditionally had a role in controlling asylum seekers.

State Agents and the Extension of Control

Many of those responsible for enacting social control over asylum are directly employed by the Immigration and Nationality Directorate (IND) of the Home Office, and as such have their principal roles as some form of management of asylum. Most obvious are immigration officers, who are responsible for initial contacts with those claiming asylum. In recent years the range and scope of the powers that immigration officers have been afforded has increased. As will be shown, the reasons that are forwarded by (primarily) governmental claims makers for why these increased powers are necessary are essentially illustrative of the way the issue has been constructed as a key social problem. For example, in his opening remarks during the Second Reading of the 1999 Asylum Act in Parliament, the then Home Secretary, Jack Straw, stated,

The Bill is also essential in helping to deal with the increasing number of asylum seekers. We will continue to protect genuine refugees, but we will deal firmly with those who seek to exploit the system... Part VII of what is a large Bill concerns immigration officers' power to arrest and to search. Effective enforcement is an essential part of fair and firm immigration control (Hansard, 22 February 1999. Column 48).
In this statement, Mr Straw connects a need to increase powers for immigration officers with a desire to protect genuine refugees and better manage ‘exploiters’ of the system. In this way, he proposes that the extension of internal controls of asylum seeking will have the double benefit of aiding genuine claimants and will also lead to an enhanced effectiveness in dealing with those attempting abuse. The articulation of the dominant construction of asylum seekers as abusers, or potential abusers by Mr Straw is thus used to justify the creation of this new law and to increase control. As a consequence of the proposed changes, he explains that immigration officers will be given powers previously only held by the police,

Under current legislation, immigration officers too often have to rely on a police presence to perform basic, low-key enforcement tasks. Therefore, the (sic) part extends immigration officers’ existing powers of arrest and, in respect of immigration offences, provides them with powers of search, entry and seizure that are equivalent to those that the police already have (Hansard, 22 February 1999. Column 48).

The extension of powers to immigration officers analogous to those of police officers is further indicative of the sense in which asylum seeking is constructed primarily as a security issue within dominant discourses. If the issue had been constructed in a different way, for example in terms of a humanitarian crisis, then it is difficult to imagine that the proposed solution would be to position the work of immigration officers in this way. Thus, the constructed status of asylum seeking as a social problem, and as a security issue, can be seen to be influential in determining control responses. Essentially, because the asylum problem has been constructed in such a way, claims makers are able to justify the proposed solution as one of increased enforcement and control. By examining reactions from those espousing counter claims to such changes, it is possible to illustrate that enforcement responses are not the only possible way of conceptualising this issue. For
example, backbench Labour MP Diane Abbot responded to Mr Straw in the same Commons debate saying,

the Bill gives immigration officers new powers of arrest and search. Those officers have no formal training in such matters, there is no published manual covering safe methods of restraint, and there will be no independent complaints body. I can think of nothing more likely to undermine community relations in Hackney and elsewhere than a proposal to allow the immigration officers we know and love to enter my constituents' homes with the power to arrest and search people but without proper training and oversight. I sincerely hope that Ministers will tackle that matter (Hansard, 22 February 1999. Column 93).

Here, the key 'problem' is not defined as the deviant actions of asylum seekers, but rather the detrimental effects that increased enforcement might have on community relations, and also as a potential lack of scrutiny of immigration officers. In this way, the oppositional claims maker challenges the dominant position that the most obvious response to asylum seeking is enhanced enforcement and control. A key issue that is raised is the extension of power, without sufficient training or review, which it is suggested could have wider negative consequences within communities. Similarly, Weber (2003, p. 248) has highlighted how such developments have extended the 'policing of immigration', without inserting 'procedural safeguards' to prevent abuses of power. Weber found that the lack of such safeguards sometimes led to inappropriate or inconsistent detention of asylum seekers and thus highlighted well the dangers of extended power without concurrent oversight mechanisms.

The extension of immigration officers' powers have not been confined to arrest and search however, with some new powers emanating from the desire on the part of the Home Office to increase the numbers and rates of failed asylum seekers being removed from the country. This has been a key stated aim of the government, with Gibney (2004, p. 107) categorising a key aspect
of Tony Blair's approach to the asylum problem as pursuing an 'aggressive' stance on deportation. Minister Mike O'Brien exemplified the government position on deportation during a meeting of the Special Standing Committee scrutinising the passage of the 1999 Act,

We want to increase the effectiveness of removal and the number removed. For many years, large numbers of people have been told they will be removed, but the resources have not been available to effect removal. We want to increase the resources available to the immigration service to effect removals. However, this will mean increased pressure on the police to join the immigration officers in carrying out removals (Special Standing Committee, 1999).

This quote from a Home Office Minister gives an indication of the ways in which it was suggested that it was necessary for immigration officers to be given certain powers, previously only held by the police. This has clear implications for the direction that some sections of the immigration service have taken, making their roles more centred on enforcement. This further mirrors an observation made by Weber (2003, p. 249) who posits that immigration officers have increasingly been afforded 'police-like' powers, although admittedly her attention was more firmly focused on the power to detain. These additional extensions of power give further indications as to how dominant responses to asylum seeking have been couched in security terms and how the internal control of asylum seekers has been cast in largely enforcement terms. Aligned with these new powers, the immigration service have seen an increasing part of their work concerned with the gathering of 'intelligence', and it is supposedly the case that the Immigration and Nationality Directorate (IND) now has a 'key role' within the National Criminal Intelligence Service in combating organised and transnational crime. This follows on from the White Paper of 1999, which stated that, "more and better use of intelligence, including closer co-operation between the various agencies, would help to target resources more effectively at all stages of the
control" (Home Office 1998. Column 4.4). Furthermore, an Association of Chief Police Officer's (ACPO) report explained that,

It is likely that Forces will need to liaise with the Immigration Service over the asylum communities established in their areas. It is important that all officers are aware of how the Immigration and Nationality Directorate is structured and works in order to contact the appropriate department (ACPO, 2001, p. 19).

This close working relationship and co-operation between the police and the immigration service means that again there are greater numbers of officials engaged in asylum control work. The imperative for the police to liaise with the immigration service, and to assimilate information regarding its structure, means that they will be more actively involved in the policing of asylum seekers, and further extends surveillance capacities on them. The very fact that this type of work has become a recognisable part of police practice is indicative of the intensification of the social control, and nature of the dominant construction of the issue.

**Non-State Agents**

Alongside the enlargement of state control structures (though perhaps not as obviously), individuals not directly employed by the state have become embroiled in the internal control of asylum. A diversification of the nature of control over asylum has resulted in certain sections of society, or employment groups, having been brought into the control 'net'. These employment groups are not those commonly associated with the enactment of social control, but nevertheless now contribute to this type of function. Such groups include marriage registrars, employers, or post officers workers from whom asylum seekers may have to interact to receive benefits. For example, under Section 24 of the Immigration and Asylum Act 1999 marriage registrars are compelled to report those whose marriages they suspect of being suspicious, or 'sham marriages'. Furthermore, employers can be subject to fines if they are found
to have persons working for them who are not legally entitled to do so. This means employers have the responsibility to ensure those working for them have work permits, and in effect means they engage in a form of immigration control. Counter claims makers have also been argued that this could make employers disinclined to employ asylum seekers, thus further marginalizing them (Refugee Council, 2005b).

Road Haulages

Perhaps most visible amongst this group is the road haulage industry, or more specifically lorry drivers. They may not be immediately obvious when one thinks of those who might enact social control over asylum seekers, but due to certain changes in recent years, this has indeed become the case. There was much debate during the process of the 1999 Immigration and Asylum Bill on the issue of clandestine entrants into the country, and much of this focused on the problem of illegal immigrants stowing away on lorries, as this extract from a Home Office report shows,

The civil penalty was introduced by sections 32 to 37 of the Immigration and Asylum Act 1999. The aim of the civil penalty is to encourage those who are at risk of carrying clandestine entrants to the UK in their transporters, to adopt security measures to prevent such carriage (Home Office, 2001c).

This makes explicit mention of the fact that lorry drivers, or such transporters are expected to adopt 'security measures', and as such carry out duties more traditionally associated with the immigration authorities. The tone of the above quote suggests that this type of enforcement will be taken for the benefit of the drivers themselves, and it is they who will gain from adopting the measures suggested by the Home Office. Such rhetoric is not that dissimilar from much of the way that the overall asylum debate has been constructed, with talk of the lorry drivers being at 'risk' from clandestine passengers having much in common with the idea of asylum seekers being some kind of 'risk', or
threat in general. In this sense, such measures may be seen as an attempt to ‘risk manage’ the asylum issue, by taking precautionary measures to minimise the ‘hazard’ (Lyon, 2001). There are many similarities here with the way agents have established control responses in the context of a range of risks in late-modern societies, where more control is sought, and where this control permeates into new social arenas.

**Employers**

Another group who have been important in this area are employers. Initiatives to reduce illegal working have not only necessitated increased amounts of collaboration between various government departments, but have placed greater emphasis on the ‘responsibilities’ of employers to ensure that they only employ those legally entitled to work. For example, under Section 8 of the Asylum and Immigration Appeals Act 1996 employers can be fined up to £5,000 for each ‘illegal employee’ they are found to have working for them. Interestingly, according to written evidence given by the then Home Secretary Charles Clarke to the House of Commons, between the years 1998 and 2003, only nine people have actually been found guilty of this offence (Hansard 10 October 2005, Column 174W). Consequently, it might be suggested that the introduction of this law may actually be more symbolic than a serious attempt to address illegal working. Despite this, espoused desires to clamp down on this type of employment have remained prominent in more recent legislation, thereby indicating that the Government sees this approach to control as useful or important in some way. The 2002 White Papers states,

Tackling illegal working sits alongside the policies of managed migration, measures to tackle organised crime, wider labour market polices, and the issues of social exclusion, integration and citizenship. It is necessary therefore to take a holistic approach, ensuring that proposals benefit individuals, business and wider society... While unscrupulous employers believe that employing illegal immigrants, rather than domestic workers or legal migrants,
offers benefits that far outweigh the risks, they will continue to flout the law (Home Office, 2002d, section 5.13).

Therefore employers are brought into the control net on the justification that illegal employment is detrimental to all parts of society, and thus they have an obligation to combat it. Illegal working is therefore constructed as yet another social problem that is linked with asylum seekers, which further strengthens calls for increased control strategies to be introduced. It is made clear that the government are only seeking to clamp down on ‘unscrupulous’ employers, and that this is a necessary, rational response to the highlighted problems created by illegal working. Despite the above figures showing a lack of legal action in this area, such polices continued to be high profile and further serve to reinforce the links between asylum and wider social problems. There have, however, been counter-claims against such positions, with suggestions that these measures are too focused on compelling employers to enact controls, and that ultimately this leads to racial discrimination, as claimed by a Liberal Democrat MP in the House of Commons,

We have to determine whether the harm done by Section 8 – the discrimination against people from other countries in seeking employment – is outweighed by the benefit gained in deterring people from employing others illegally. I believe that evidence shows that the harm done by Section 8 clearly outweighs any benefit that it brings, and that the experience gained from the passage of the 1996 Act makes the case for the Sections repeal (Hansard, 16 June 1999. Column 480).

The MP claims that the imposition on employers of having to inspect the documentation and legal status of prospective employees meant that they were less likely to employ ‘foreigners’, as it caused them too much inconvenience and left them liable to potential sanction. The MP further contends,
My primary evidence for repealing the section has been provided by the Commission for Racial Equality and the National Association of Citizens Advice Bureaux, both of which have said that they have received many inquiries suggesting that employers are misapplying section 8, causing discrimination (Hansard, 16 June 1999. Column 480).

In a similar way to Dianne Abbott’s contention regarding increased powers for immigration officers, this oppositional claims maker directly challenges the dominant discourse position that the ‘problem’ is the conduct of asylum seekers, in this case by working illegally. Rather, asylum seekers (and indeed ethnic minorities more widely) are cast as victims of employer action, which itself is guided by the imposition of law. As such, a negative consequence of the construction of asylum seekers as deviant, and of the imposition of control is highlighted: namely that businesses may engage in discriminatory employment practices. It might be suggested that such a situation is the consequence of actors from civil society (employers) being compelled to engage in control work for which they have not been properly trained. Furthermore, it could be argued that such actors have been brought into the control net as a consequence of the construction of asylum seekers as deviants likely to engage in illegal activity. The MP went on to quote submissions he had received from the Commission for Racial Equality and the Citizens Advice Bureaux indicating they continue,

"to receive inquiries that demonstrate widespread misunderstanding and the"-- often inadvertent-- "application of unlawful discriminatory practices." Citizens advice bureaux have given similar examples of individuals who have been on the receiving end of that discrimination, who have told the bureaux about how they were refused jobs by employers who were frightened to employ them because of the provisions of section
8, which could make them liable to pay fines of up to £5,000 (Hansard, 16 June 1999. Column 480).

This indicates that the imposition of the control measure had indirectly led to discrimination against ethnic minorities in gaining employment. This appears to show that although fines under this law have hardly ever been imposed, that (at least) some discrimination may have been applied as a result of it. In this way, the imposition of one form of control (fines against employers) has been shown to have ‘inadvertent’ consequences in wider society (discrimination in job seeking). This might be thought of as a counter construction, where asylum seekers are cast as the victims of both legislation and how it is enacted by agents. Despite these counter arguments, the way asylum seekers were constructed as bogus and abusers of the system within dominant discourses has been used as justification to totally withdraw any right of work, as Home Office Minister Beverly Hughes maintained in the House of Commons,

in terms of the number of unfounded applications that we have been getting, that many people are coming here and claiming asylum when what they really want to do is work. That is a significant pull factor. That is why we have taken away the right to work for new applicants (Hansard, 14 July 2003. Column 3).

Therefore despite submissions that such control impositions can lead to wider discrimination, this claims maker insists that it is the deviant conduct of asylum seekers that is responsible for the necessity of such controls. In this way, the construction of asylum, and the social control responses can be seen to have had wider effects within society. Furthermore, what was constructed by the government as a necessary response to a prominent social problem, has been challenged by others as something that can potentially be discriminatory, and unfairly places the onus on employers to effectively carry out immigration status controls (Refugee Council, 2005b).
How?

An important theme elicited from analysis of the documentary data is that the ways in which asylum seekers are controlled in their passage through the asylum system have expanded in the last ten years or so. As such, this section will explore elements of this systematic enlargement in order to illustrate how the construction of the socially problematic status of asylum seeking has led to the specific ways in which asylum seekers are managed expanding and intensifying. Importantly, there will not be a specific focus on the implementation or effect of the controls, but rather a concentration on how the socially constructed status of asylum seeking has been manufactured by key claims makers in order to call for new laws and procedures to be created.

Specific Changes in the Asylum System

In an effort to illustrate how claims making has influenced recent developments within the asylum system, and how this has increased its overall scope and intensity, a brief outline of some specific changes will now be provided. In so doing, an overview of how asylum seekers are increasingly controlled and managed throughout the system is provided, and it will be shown how this increase has been contingent upon the claims making activities of particular groups of social actors. Various stages and components of the system that asylum seekers are subject to will be examined, to indicate how the overall intensity of control has increased, namely: 'induction and accommodation centres'; 'detention'; 'reporting and welfare'; and the 'quality of decisions'. Whilst outlining key systematic changes, there will also be consideration of the impact of counter claims makers upon changes in the management of asylum seeking.

Induction and Accommodation Centres

One of the stated key aims of the government in recent years has been to introduce a joined up 'end to end' approach to the asylum system, from arrival
to either removal of failed applications, or integration of those given refugee status. Induction centres are places of initial reception, where asylum seekers are made aware of how the asylum system works, as well as what is expected of them. A large part of this appears to be an effort on the part of the authorities, to instil a sense of responsibility in the asylum seeker, and to make it clear that if they do not comply with what is expected of them, that this could affect the consideration of their application. For instance, the National Assembly Against Racism (NAAR) has explained how once asylum seekers are at the centre they,

will have to sign a document stating they understand: the asylum application process they will go through; their obligations regarding temporary admission and reporting; the requirement to leave Britain should their claim fail and how they can obtain assistance to return... NAAR has grave concerns that asylum seekers in these induction centres are not guaranteed legal advice and may have to sign papers without fully understanding their implications (NAAR, 2002, paragraph 2).

Such a process occurs within days of asylum seekers coming into contact with the authorities. It is difficult to be certain that after such a time asylum seekers will have a full understanding of the processes they must go through, and the lack of a guarantee of legal advice further exacerbates this. As such, there is a sense in which asylum seekers are being socialized to the prospect of failure with their claims. A critical reading of this may suggest this emphasis on compliance actually makes it harder for asylum seekers to conform to the rules, and ultimately encourages more failed applications on the grounds of non-compliance. As mentioned above and in previous chapters, this is a highly significant area, as the number of applications that are failed on this basis has been relatively high in recent years. Upon leaving induction centres, asylum seekers are required to sign a document indicating that they understand their obligations within the application process and that they agree to abide by these. Such a formalized approach to the personal responsibilities of the applicants exacerbates the suspicion that there is a conscious effort to
allow for the chance for high numbers of applicants to be failed on such grounds.

Plans were announced that upon leaving induction centres some asylum seekers would be housed in accommodation centres. This was promoted as a means of having a more efficient management of asylum seekers whilst their applications were being determined, as a Home Office Minister announced in the House of Commons,

All hon. Members and the general public at large rightly expect us to get to grips with the asylum system, to reduce the intake, to return people when their claim is refused, and to do that more efficiently. That is what the Government are trying to do. Some of those measures depend fundamentally on having the facilities available—induction centres, accommodation centres and detention centres (Hansard, 24 Feb 2003: Column 5).

There is a concentration on providing a kind of 'joined-up' management of asylum seekers and of controlling them more effectively. Such a tactic is portrayed as a reasonable way that asylum seekers can be monitored when passing through the system and is justified on grounds of public approval. This may therefore be seen as a symbolic attempt to show that the government have a tight control over the issue, against public concerns that the system if 'out of control'. Indeed, it is claimed that the general public 'rightly' expect the government to 'reduce the intake', thereby indicating that the popular consensus is that at present the intake is too large. It is further implied that by increased systematic efficiency will lead to the problem being dealt with more swiftly and therefore that more resources are required. Importantly however, since these debates the Government decided not to proceed with plans to develop accommodation centres, against a range of opposition on a number of grounds, although induction centres continue to be operated. The change of direction on the part of the government on the issue of accommodation centres may be seen in a sense as some success on the part of those forwarding counter claims.
The use of detention facilities, such as that of the Oakington Reception Centre, can be seen as another stage of a process of categorisation and monitoring. Those selected for reception in such centres have been categorised as having 'straight forward' claims and are thus seen as being suitable to be 'fast tracked'. This may be due to the country of origin of the asylum seeker, in that they may be from a country on the so called 'white-list'. Those housed within such facilities are supposed to have their applications decided within 7-10 days, and analysis of relevant materials would suggest that there is a strong presumption that these claims are 'unfounded'. For example, in justifying the use of centres such as Oakington, the 2002 White Paper, Secure Borders, Safe Haven, Integration with Diversity in Modern Britain makes it clear they are a necessary part of asylum policy and are,

...coupled with a fast track appeals process which brings those applications determined as unfounded quickly to the point of being returnable whilst helping to minimise support costs (Home Office, 2002d, p. 64).

Furthermore,

In the Government's view, the Oakington regime and its use of statutory detention powers, is necessary and appropriate in order to achieve the objective of speedy decision making of a substantial number of claims (Home Office, 2002, p. 65.).

Therefore, the use of such centres, and the implications this has for asylum seekers fast-tracked in this way, are not only justified on the grounds that such applicants have 'obviously' suspicious claims, but also that they are more efficient and cost effective. Their use is strongly linked with the desire to meet 'targets' for decisions, and therefore to demonstrate that there is a good control over the workings of the system. Such targets should not be viewed as
a neutral record of reality, but as a social control tactic that has an actual impact on decision making within the system. It is possible to conceive that imperatives to limit the number of successful applications will lead to ways being sought to ensure this is the case, or at least that some assumptive suspicion may permeate such decisions. Against a background of constructed fears surrounding asylum, the need to be seen to 'be tough' and keep the number of successful applications low has been constructed, and the use of detention and 'manifestly unfounded' claims, is one way in which this can be actively manipulated.

Currently no overall statistics are available for the total numbers of asylum seekers who have been held in detention at some point within their progress through the system. However, some research indicates that the numbers of asylum seekers being detained may have significantly risen under the studied period. For example, an Amnesty International (2005, Introduction) report insists that "in recent years, the number of those detained solely under Immigration Act powers in the UK who have claimed asylum at some stage, including families with children, has increased. Currently, capacity in immigration detention facilities, excluding short-term holding facilities, is 2,672, triple the number of available places when this Government came to power in 1997". Furthermore, a Home Office funded report stated that "as of 30 September 2001, a total of 325 individuals were being held in immigration detention centres... By 29 December 2001, there were 905 people in the detention centres, of whom 710 were asylum-seekers" (Black et al, 2005, p. 2). This rise is attributed to the completion of two new facilities at Harmondsworth and Yarl's Wood within this period, which is highly significant, as it would indicate that the creation of these new facilities has led to larger numbers of asylum seekers being placed in detention. Interestingly, the motivation for the creation of these new facilities was questioned by a back bench Conservative MP in the House of Commons,

---

3 Confirmed by email exchange with RDS representative
my change of heart began in relation to this policy—when I found out that Yarl's Wood was built on fraud. In November last year, the Prison Service ombudsman published his report on the 2002 fire at Yarl's Wood, in which some 300 people avoided death purely by chance. That report exposed the fraudulent nature of Yarl's Wood's origins. It was built to enable the Government to meet a target of 30,000 removals a year, a commitment given in their 2001 election manifesto and on the Floor of the House by the then Home Secretary, the right hon. Member for Blackburn (Hansard, 5 July 2005: Column 225)

This claim, opposed to government strategy, may be made with a party political bias, but nevertheless illustrates an alternative construction of motivations behind the creation of the Yarl's Wood facility. The MP claims that the detention of asylum seekers has essentially increased for political reasons, namely efficiency in effecting removals. Indeed, the quotation from the 2002 White Paper provided above, indicates the development of detention facilities (in that case Oakington) was informed by a desire to have 'speedy decision making' and increased efficiency in relation to removals. Furthermore, the MP contends that there is a lack of "sufficient protection for detainees from arbitrary decisions" (Hansard, 5 July 2005: Column 224). This position is echoed by the findings of previously cited research by Weber (2003), indicating arbitrary use of detention by immigration officers. This further indicates that some asylum seekers may be detained as a consequence of the way the asylum process has been politically constructed, rather than because of any specific wrong doing on the part of the individual asylum seeker.

Despite such indications of increased detention of asylum seekers, it is problematic to ascertain exact numbers, as indicated in the following passage from a Home Affairs Select Committee Report,

A clear picture of the current use of detention, and the reasons why individuals are detained, is not available at the moment because of the lack of relevant statistics. There is currently no
data available on how many asylum seekers are detained during the course of a year and for how long, or at what stage of the asylum process. It is therefore difficult to judge whether or not detention really is being used primarily to support removal, as the Government claims (Home Affairs Select Committee, 2003, p. 25).

Despite difficulties in gaining exact figures, a 'snap-shot' of those held within some specific institutions are available, for example at the Oakington Reception Centre. It is important to note that specifically in relation to Oakington (which is the biggest and most well known of such centres) Home Office figures strongly suggest that asylum seekers who are fast tracked in this way under the so-called non-suspensive appeals procedure (NSA) are unlikely to have successful applications (Amnesty International, 2005). In 2002, 8,360 decisions on asylum applications were made on individuals housed in Oakington, 99% of which were refused (RDS, 2002c). In 2003, 5,835 decisions were made with a 99% refusal rate, in 2004 6,090 decisions were made with 98% refused and in 2005, 4,890 decisions were made with 94% of asylum applications being refused (RDS, 2003, RDS 2005b). It is probably accurate to say that the Government would claim such figures demonstrate why such procedures are necessary, in that they are 'evidence' that those housed at Oakington are not genuine claimants. However, the fact that many asylum seekers end up in Oakington as a result of the imposition of new controls (such as extension of the White List), or of discretion of immigration officers (such as in deciding if deception has been used), means it may be possible to suggest that an asylum seekers movement into such centres, and the subsequent chance that they may be more likely to fail, is the result of social processes. As Amnesty International (2005) have claimed,

The UK authorities see the high refusal rate as evidence of the high number of "unfounded" asylum claims. However, non-governmental organizations are concerned that the system is set up to refuse people, and that the tight timescale renders fair
decision-making almost impossible (Amnesty International, 2005, Chapter 4).

This counter claim challenges the rationale for defining asylum applications as unfounded, and constructs the view that the failure of those processed in Oakington owes more to political and systematic issues than it does to the legitimacy of individual claims. Therefore, failure rates at such centres are constructed as an indication that asylum seekers are victimised, rather than as evidence of unfounded claims. Furthermore, it would appear that the use of fast tracking will continue to be a key component of the Government's strategy to manage asylum seekers, with a recent Home Office publication stating "new faster non-detained processes are also being developed and will play a key role" (Home Office, 2005a, p. 36).

**Reporting and Welfare**

Asylum seekers are constantly monitored whilst their applications are being decided. They are required to regularly report to a range of locations including National Asylum Support Service (NASS) accommodation, reporting centres or police stations. When reporting, asylum seekers must produce their ARC in order to validate their identity (Home Office, 2006a). Again, there is a strong emphasis on the responsibility of the asylum seeker to adhere to the reporting regime, and they are warned that if they do not comply, that any welfare support they receive could be jeopardised, as a Home Office minister explained in the House of Commons,

ARC'S are electronically revalidated at reporting events. Such events take 3-4 minutes including the process of checking identity and revalidation. Failure to report on two consecutive occasions leads to expiry of the card, and presentation of an expired card at a post office leads to denial of asylum support payments. This supports our policy of having in place a link between compliance with all aspects of the asylum process and access to support (Hansard, 04 September 2006, Column 1751W).
It is clear that asylum seekers are warned that the infraction of administrative rules can lead to the curtailment of welfare benefits and as such they must adhere to the rules that are imposed upon them. Such conditions and requirements continue the trend of monitoring and management of asylum seekers whilst their applications are being considered, in a way that assumes all asylum seekers are potentially capable of welfare abuse. Asylum seekers do not have to infringe the rules to be subjected to such controls, but rather this is a standard part of their management. In a similar way to the previously outlined findings of Simon (1993) in relation to parole in the US, the potential for asylum seekers to have welfare withdrawn in this manner does not relate to the legitimacy or otherwise of their claim. Rather, it is the technical infringement of bureaucratic rules that can result in this form of punishment. Furthermore, the fact that modern technology allows for the ARC to be ‘invalidated’ remotely (thereby denying asylum seekers access to welfare) means that they can be controlled in a way that would not previously have been possible. Asylum seekers are warned that this is the case, and so must monitor their own behaviour in order to continue to receive welfare.

A prevalent facet of the construction of asylum as a problem has been to depict asylum seekers as a ‘burden’ on the welfare state, as it has been socially constructed that they are the recipients of ‘generous handouts’ and benefits (Bloch and Schuster, 2002). Accompanying this have been controls to limit welfare entitlement to asylum seekers, to prevent these ‘generous’ handouts acting as a ‘magnet’. For example, measures aimed at ending support to those asylum seekers who do not submit their claims ‘as soon as reasonably practicable’, were set out in Section 55 of the Nationality, Immigration and Asylum Act 2002 (Home Office, 2002). The aim was minimising the benefits payable to asylum seekers applying ‘in-country’, as opposed to those applying at ports of entry, as it has been constructed that ‘in-country’ claimants are more likely to be bogus.

An interesting example of the control of welfare to asylum seekers is provided by examining the voucher system. This system was introduced via the 1999
Immigration and Asylum Act, and essentially removed asylum seekers from mainstream welfare support. Instead, they were issued with vouchers which they could redeem for goods at designated supermarkets (Sales, 2005). The case for the introduction of this scheme was outlined in the 1998 White Paper,

Provision in kind [vouchers as opposed to cash benefits] is more cumbersome to administer, but experience has shown that this is less attractive and provides less of a financial inducement for those who would be drawn by a cash scheme. The number of asylum applications fell by 30% following the withdrawal of some social security benefits in 1996... Take-up of provision in kind offered under the National Assistance Act 1948 is estimated at 15% for single adults compared to an estimated 85% take-up of cash benefits by the equivalent eligible group (Home Office, 1998. Section 8.20).

The case is presented that cash benefits provide an attractive incentive, or ‘financial inducement’ for people to make asylum claims. This is supported by providing figures supposedly equating a decrease in asylum applications to the withdrawal of some social security benefits. In addition, it is stated that there is a higher rate of take-up of benefits when a cash system operates, with the implication that it is somehow better if lower percentages of asylum seekers do not receive welfare. As such, a direct causal link is drawn between the provision of ‘generous’ benefits to asylum seekers and increases in applications. This case is made despite available research evidence questioning such a relationship. For example, Robinson and Segrott (2002), found that many asylum seekers had little or no knowledge of benefits given in different countries, and that if using people smugglers, many asylum seekers actually had no choice in the country to which they were ‘delivered’. Similar research, by Gilbert and Koser (2006) found that asylum seekers prior knowledge of the UK was largely limited to general impressions of the country. These pieces of research indicate that as asylum seekers were largely unaware of the nature of benefit systems in the UK, it is unlikely that
welfare provision would provide a significant motivation in their choice of destination (where a choice was even available).

Irrespective of this research evidence, the voucher system was installed following the inception of the 1999 Act. However, this scheme did not go unchallenged and indeed may be seen as representing an important example of the influence of counter claims makers. The following comments from Liberal Democrat MP Simon Hughes are representative of those oppositional voices that questioned the fairness and morality of the voucher scheme,

We need fair treatment for all our citizens. The Home Secretary rightly seeks to make sure that that is Government policy, but he has had one blind spot. Contrary to the views of many Labour party members, he insisted that asylum seekers should shop with vouchers, whereas everyone else shops with money. If anything will stigmatise people who are already stigmatised, it is the fact that they must go out on the street unable to act like self-respecting citizens (Hansard, 12 December 2000, Column 534).

The contention is that as asylum seekers were excluded from mainstream benefits, and indeed access to cash deemed necessary to operate normally within the British economy, they were effectively excluded from participating fully in society and stigmatised. In addition, Sales (2002, p. 464) argues that as asylum seekers were prohibited from redeeming the vouchers for prohibited substances such as tobacco or alcohol, a form of 'moral surveillance' was in operation. However, campaigns by a range of counter claims makers were seen to be an important factor in the ending of this scheme, with Sales (2005, p. 446) contending, "opposition from a wide spectrum of individuals and organizations – including the largest trade union, the Transport and General Workers Union – was influential in precipitating a reconsideration of these policies."
A further important development in relation to the control of welfare to asylum seekers was the establishment of the National Asylum Support Service (NASS). The case for the establishment of a new, centrally controlled body to manage welfare for asylum seekers was set out in the 1998 White Paper,

The administration of a new support scheme for asylum seekers, entirely separate from social security benefits, will require new national machinery to plan and co-ordinate provision, obtaining information from around the country and purchasing places either directly or by contracting with local agencies... The budget and the machinery for administering it will be operated by the Home Office. The body responsible for obtaining and allocating accommodation would also be responsible for assessing whether applicants were in genuine need either by doing so itself or by contracting out the process to another agency (Home Office, 1998. Section 8.22).

Thus one reason given for the need for a new body is the introduction of a ‘new support scheme’. Therefore, one new law and procedure that was introduced (justified on the ground of dishonest behaviour of asylum seekers) was said to have necessitated the introduction of this new body. Thus new control measures are essentially justified by the supposedly deviant behaviour of asylum seekers. Importantly, the NASS have their own ‘fraud department’ and are responsible for uncovering fraudulent welfare activity amongst asylum seekers, and may then involve the police to “deal with substantive deception/forgery offences which should be dealt with in the normal way” (ACPO, 2001, p.18). In this way, the scope of surveillance of asylum seekers is extended by this relatively newly created agency who are trained to detect fraud, and therefore may be responsible for bringing more asylum seekers into the criminal justice system. In addition to this, "NASS have requested that each force nominate a liaison officer for them to be able to supply information directly to each force on a weekly basis" (ACPO, 2001, p. 19). NASS also routinely supply local police forces with data on local asylum seeking populations, including addresses occupied, gender, numbers, nationality and age (ACPO, 2001). It is claimed that this data sharing enables “police and
their partners to plan effective crime prevention strategies" (ACPO, 2001, Section, 4). This clearly intensifies inter-agency co-operation and the total levels of policing of asylum seekers, ultimately creating a higher level of control, and producing wider-ranging and deeper levels of data on asylum seekers. In this way the control net is further widened.

'Quality' of Decision Making on Asylum Applications

Chapter 5 introduced some ways in which the refusals of asylum applications may be socially constructed. This will be built upon here, and it will be demonstrated how counter claims makers argue that refusal rates are constructed by political and administrative imperatives, and that this significantly impacts upon how asylum seekers are managed and controlled. Essentially, decisions on asylum applications are a key part of how internal social control is enacted, as the outcomes of these will affect virtually everything else that happens to asylum seekers, thereby enabling subsequent control possibilities. Indeed, Robinson (2003, p. 5) claims that although relatively high refusal rates may be in part attributable to political agendas or 'crack-downs', they have generally been accepted at face value by the public. Importantly, Robinson contends that instead of sensing political manipulation of the rates, the public drew the conclusion that the majority of asylum seekers were in fact bogus. Despite such public perceptions, questions have been expressed in political circles about the quality of decision making, as the following quotation from a Home Affairs Select Committee report demonstrates,

There are certainly grounds for concern about the poor quality of much initial decision-making on asylum claims. The pressure to speed up the process may have led to an erosion in the quality of some initial decision-making (Home Affairs Select Committee, 2004a, p. 3).

The kind of pressure 'from above', and of the need to speed up the processes of decision making clearly informs the working routines of the bureaucrats
making the decisions on asylum applications, and therefore calls into question
the objectivity of those decisions. Therefore, this report might be seen to
represent a counter voice, providing as it does scrutiny of the government's
role in applying pressure to those making decisions on claims. The report
goes on to suggest that many applications were denied on the grounds that
the applicant was not a credible witness if they had changed their account
since their initial screening interview (Home Affairs Select Committee, 2004a).
It was said that the IND often ignored factors such as the 'fallibility of human
memory' (on behalf of asylum seekers providing information), or lack of
access to legal advice. Therefore, the report questions the dominant
construction, which claims that refusal rates are evidence of the deviancy of
asylum seekers, instead suggesting that negative decisions on asylum
applications may in part be the result of political imperatives. Furthermore, the
report quoted evidence that was given in Committee meetings from a number
of NGO's,

Asylum Aid told us that "refusal letters habitually disclose gross
misstatements of the applications details or the country
information." The Jesuit Refugee Service referred to "basic
administrative errors-with serious consequences. We hear from our
clients of important letters from the Home Office not arriving at all,
or being sent to previous addresses" (Home Affairs Select
Committee, 2004a, p. 45).

Asylum Aid argue that such administrative inaccuracy further reduces
confidence regarding the decisions made on asylum applications in the UK.
Again, these voices contest the dominant construction that the 'problem' is
with the behaviour of asylum seekers', instead constructing the Home Office,
who are said to habitually make errors in processing decisions, as the source
of concern. It is important to clarify that the above examples were said to have
led to those involved having their initial applications turned down, even if they
had successful appeals. This is significant as 'initial decisions' are often used
in claims making activities on the asylum issue. In essence, bureaucratic
failing on the part of the Home Office would appear to at the very least
contribute to some claims being unsuccessful. Revealingly, the relevant Government Minister of State responded to such concerns in Committee by saying,

> the priority has got to be to get order into the system and get the numbers down, [but also said that] I want to see... if we can make sure that we can say, hand on heart, that the decisions are all as high quality as we would like them to be (Home Affairs Select Committee, 2004a, p. 48).

The priority of ‘getting the numbers down’ is therefore illustrative of the sentiments that permeate the culture of decision making with regards to asylum applications. Despite assurances that the government ‘would like’ all decisions to be of a high quality, there is an acceptance that this may not currently be the case. Furthermore, questions regarding the accuracy of bureaucratic decisions taken by the government have not only been raised by NGO’s, as the following quotation from a National Audit Office report illustrates,

> An administrative weakness that contributed to the continuing high rate of appeals allowed from 2000 concerned the robust line that the Directorate adopted for refusing applications because applicants had failed to submit their Statement of Evidence Form on time. In many instances the form had been returned but it had been lost or delayed within the Directorate’s internal mail system (National Audit Office, 2004).

If an asylum application was failed for such reasons it would be regarded as failing ‘on the grounds of non-compliance’, which, as Chapter 5 highlighted, is a key issue as numbers of applications failed in this way have been relatively high in recent years. Ultimately, even those applications failed in such a manner are often used as evidence of abuse of the asylum system, and will result in the asylum seeker being managed as a failed applicant (subject to appeal).
The above findings suggest (at the very least) that some decisions made on asylum applications in the UK may be of a questionable quality. Indeed, recently released Home Office statistics for the second quarter of 2006 show that of 4,345 appeals determined by the Asylum and Immigration Tribunal, 980 were successful, which is 23% of the total (RDS, 2006). What is of key importance when considering the fallibility of such decision making, is that it will result in an increase in the numbers of people whose applications are unsuccessful, which will in turn be used as ‘evidence’ by claims makers espousing the dominant construction that the majority of asylum seekers are ‘bogus’. When using such ‘evidence’, claims-makers may be selective, only highlighting initial decisions (those taken before appeal) and therefore not take into account successful appeals. Official statistics will show higher numbers of individuals as having failed applications and this evidence will be used to justify calls for tighter restrictions on asylum seekers and for future applications to be viewed more sceptically. In addition to this, once an asylum seeker has had their claim refused, they are classified as a failed applicant and are managed and controlled in very particular ways. A Home Office ‘Fact Sheet’ illustrates how the refusal of asylum claims is used to inform subsequent management of asylum seekers,

in 2005 we removed a total of 15,055 asylum seekers [whose claims had been rejected] (including dependants) which is more than 1,200 a month, and 1% higher than in 2004 (14,905). In Q1 2006, 4,330 principal claimants were removed from the UK, 19% more than in Q4 2005 (3,645) and 43% more than over the same period last year (3,040 in Q1 2005). We are committed to building on current progress, and figures show that in February and March 2006 we met the Prime Minister’s ‘tipping the balance’ target, in other words the point where the number of removals is equal to or more than the number of unsuccessful new claims (Home Office, 2006b).

Therefore, the rejection of asylum claims has been accompanied by a drive to remove larger numbers of failed asylum seekers more efficiently. In this way,
political and bureaucratic imperatives affecting the quality of decisions on asylum applications contribute to the social control and management of the asylum issue. Essentially, attempts have been made to hasten decisions and subsequent refusals, but there have been suggestions that drives for this kind of 'efficiency' may influence the quality of decisions. That fact that asylum applications are rejected means that those asylum seekers are subject to removal from the UK, and in some cases this may be as a consequence of matters external to the validity of the actual claim itself. It is not being suggested that this is necessarily a planned development, but it does demonstrate that the internal workings of the asylum system affect future directions of how asylum seekers are managed in potentially unintended ways.

**Intensification of Internal Social Control**

The above examples of the way the internal social control of asylum seekers are exercised illustrate well how the size and intensity of the official asylum system has increased, and also how the activities of claims makers are central to driving changes in law. One clear trend running throughout much of this is how the ways in which, and the intensity of, surveillance of those involved in the asylum system has increased. Whether it is through asylum seekers being physically monitored in induction or detention centres, reporting to asylum officials, or by the increased amounts of data that are stored on them, the movements of asylum seekers are now monitored to a level previously unheard of. Thus the spatial control of asylum seekers has increased at the same time as the amount of information collected about them has proliferated. An interesting aspect of the way surveillance has increased on asylum is the way it may have contributed to what Ditton refers to as 'control waves' (Ditton, 1979). This essentially refers to the way by which the more a problem is looked for, the more instances of it will be uncovered. Furthermore, as more 'new' problems are unearthed, the more there is a justification of the initial labelling of a problematic status and so calls for more resources are legitimated. This could include looking for illegal immigrants within the country and at ports, and is further enhanced by increased powers...
of stop and search afforded to immigration officers in recent legislation. The levels of surveillance have been increased still further by the implementation of a range of new technologies, designed to try and detect those entering the UK clandestinely, as will be developed in the next chapter. These include X/gamma ray scanners, heartbeat sensors and millimetric wave imaging equipment being used at the port of Dover.

Non-State Agents

The above section has illustrated how there has been an intensification of the social control of asylum seekers as they are processed through the 'official' system. However, and as was shown when examining 'who' is responsible for enacting social control over asylum seekers, this intensification has not been confined to state agents. As such, in this section there will be some consideration of how non-state agents have engaged in control work, in order to illustrate how this may have further added to the intensification of the social control of asylum seeking.

Traditionally those involved in the road haulage industry would not have been thought of as enacting social control, or the enforcement of law. Indeed, when thinking of any involvement that lorry drivers may have had with immigration control, it would be most likely to think of them being recipients, rather than being charged with carrying it out. How then did they come to be involved in the enactment of social control over asylum? Speaking in the House of Commons, the then Home Secretary, Jack Straw, outlined government proposals to respond to the issue of clandestine entrants,

Part II [of the 1999 Act] provides for a new civil penalty to apply for each clandestine entrant brought to the United Kingdom concealed in any vehicle, ship or aircraft. There will be joint liability between the owner, hirer and driver of a vehicle, but only one penalty--
probably of £2,000—will be charged for each entrant. The Bill includes a power to impound and, if necessary, to sell, a vehicle or small ship or aircraft if there is a significant risk that the penalty will not otherwise be paid (Hansard, 22 February 1999, Column 38).

The principal sentiment of this statement is that it should now reasonably be the responsibility of the driver or owner of a vehicle to ensure they are not carrying undocumented passengers. This effectively made members of the road haulage industry responsible for immigration control in a way that they had not previously encountered. This provides an example of compliance being devolved downwards, and the enactment of control being extended into the private sector. As a consequence, costs and risks associated with crime control have been dispersed into wider society. There is a clear parallel here with Garland’s (1996) notion of ‘responsibleilization’, as introduced in Chapter 3. Garland identified the limitation of the state’s capacity to control crime in contemporary societies. Modern states have adopted the strategy of delegating some roles of crime control to non-governmental organisations and individuals. It became the case that every time a lorry driver entered the UK, drivers had to carry out checks on their vehicle to ensure that there were no clandestine ‘passengers’ onboard. Indeed, Mr Straw set out procedures by which this enactment of control could be normalised,

There is also a power for the Secretary of State to issue a code of practice setting out the procedures that should be followed by road hauliers and others who operate a system to prevent clandestine entrants from using their vehicles. We will continue to discuss the detailed operation of the new regime with the industry and unions (Hansard, 22 February 1999, Column 38).

In an effort to standardise and make more efficient the way that this new system operated, it was suggested that a ‘code of practice’ should be
established. Following such a proposal, the RHA in conjunction with the Home Office devised a 'check list' that provided practical advice on how lorry drivers should carry out such work. For example, instructions included,

- During and after loading – check that no unauthorised people remain in the vehicle or trailer.
- Enter number of seal/padlock on vehicle documents
- Wherever possible obtain third party witness to sealing/padlocking
- If it is suspected that clandestines are onboard – inform the local authorities and contact the UK Immigration Service on [phone number supplied] (IRU, 2003, p. 11).

In all, this check list contained thirteen entries and as such represented a comprehensive range of duties that carriers had to perform on each journey. Importantly, the hauliers were encouraged to contact the immigration authorities if they suspected that 'clandestines are onboard', thereby increasing co-operation between different individuals and agencies. Thus, the enactment of control by lorry drivers became 'standardised' and managed in an organised manner. Additionally, the involvement of the RHA in developing these checklists further extended the scope of those that were engaged in such controls. Speaking of the implementation of the civil penalty, Mr Straw clarified what was expected of lorry drivers,

The new penalty is a key part of a wider strategy, including strengthening international co-operation, to tackle illegal immigration; but the Government are in no doubt that the responsibility for what vehicles carry into the United Kingdom must ultimately rest with the owner, the hirer and the driver. The Bill provides for certain defences for those who can demonstrate--the onus is on them--that they have an effective system in place which has been properly operated (Hansard, 22 February 1999, Column 38).
Interestingly although reiterating this it was the responsibility of drivers to check for undocumented passengers, Mr Straw indicated that if it can be demonstrated that 'effective systems' were in place to provide adequate checks, they might not be subject to penalty. Therefore, if drivers were able to demonstrate that they properly operated an effective system, such as the RHA check lists, this may provide some defence. In this way, lorry drivers were made to feel responsible for enacting immigration control, initially against threat of penalty, but later as an accepted part of their working routines. If the use of check lists was normalised then it is possible to see how immigration control may in a sense have come to be seen as a routine part of their jobs. Compelling lorry drivers to think and act in such a manner may therefore be seen as one sense in 'how' they are mobilised into enacting control. Therefore, a sense of discipline has been installed in them, as has an inculcation of self-control. There are similarities here with Foucault's (1979) writings of the effect that the Panopticon had on prisoners. Essentially, this was that they were aware that their behaviour could be monitored at any time by guards looking from a central watchtower, and thus the prisoners modified their own behaviours to comply with the rules of the prison. Thus the very nature of the way power functioned altered, with an emphasis on the prisoners controlling themselves.

Summary

This chapter has investigated some of the key themes that are associated with the internal control of asylum. This has been done against a background of the social construction of asylum as a problematic issue, and has posited that the range of control responses outlined, have been made possible by these constructions. There has been an attempt to portray the diversity of the range of controls, and to emphasise that the control of asylum (and social control more generally) is not a homogenous activity, carried out by one group, or for one motivation. Rather, there are many competing motivations and justifications for control, which can vary from person, to organisation, to time or place. Asylum seekers are seemingly constantly reminded that they
must adhere strictly to the regulations and procedures that are expected of
them, otherwise they may face sanction, or have the outcome of their claims
affected. They are told that 'non-compliance' will affect their credibility, and
are thus directed to think that co-operation (or obedience) will afford them a
greater chance of a positive outcome. Furthermore, internal control of asylum
can now be seen to be operating in a range of social arenas, and developing
in ways that may not have initially been planned for.
Chapter 8: Border and External Social Controls

Introduction

The previous chapter examined the ways in which internal controls of asylum seekers have proliferated and diversified in recent years. This chapter will build upon the analysis provided there and has two central aims:

- To explain changes in the nature of the border and external control of asylum seeking,
- To highlight the implications of such changes.

Perceptions of the vulnerability of the UK’s border controls must be set against socially constructed fears about the ‘threat’ posed by influxes of asylum seekers. Attempts to strengthen border and external social controls in the context of the asylum ‘problem’ have brought about a diversification and dispersal of the nature of that control. It will be argued that this represents more than an enlargement of the system of control, but rather a profound and significant reconfiguration of the very nature of the social control of asylum seeking. There has been a reinforcement of the physical monitoring of borders through increasing numbers of immigration officers, as well as the enhanced development and utilisation of modern surveillance technologies. At the same time, new initiatives and agencies have been established with responsibility for managing asylum seekers and there has been increased cooperation between existing ones, both of which are aimed at preventing asylum seekers from entering the UK.

Alongside this increase in control, there have been movements towards extending borders beyond the physical parameters of the country. Measures such as enlarged imposition of visa regimes, more stringent carrier sanctions, and the positioning of immigration officers in foreign countries have all been implemented. In addition, a perceived need for greater international security
co-operation, exacerbated by the aftermath of the events of September 11th has been created. Politicians and others have engaged in case-making for a range of control responses to this international security 'threat', which include new regulations and surveillance possibilities for law enforcement agencies' co-operation internationally. Together, these factors have contributed towards a vastly increased and highly dispersed set of external social controls on asylum seeking. Furthermore, the complexity of these developments, and the wide and diverse individuals and groups involved in enacting control and constructing the issue, mean that its development has taken place in both planned and unplanned ways.

Definition

Border controls may be thought of as the range of strategies and technologies that are deployed around the defined boundaries of a nation-state to monitor and control access to its territories. External social control thus refers to a set of actions taken by a state to protect its own internal social order from particular activities that are defined as deviant and/or illegal, where such measures are located outside of the state's defined territory and apparatus. In effect, they are responses to deviant behaviour that are enacted in a transnational space beyond the confines of the entity of the individual state, for example by imposing visa restrictions rendering potential asylum applicants unable to board passenger planes in other countries. Applied to the case of asylum, these external social controls are both discriminate and indiscriminate.

Control strategies in this context are essentially preventative in nature, with the objective of managing the risk posed by asylum seekers. As a consequence, such controls are at the same time discriminate, in that they can be targeted at particular countries and groups, and indiscriminate, in that they impact upon those with genuine claims for asylum and those that do not, alike. For example, the imposition of visa controls against a given country is specifically designed to reduce the number of people travelling to the UK from that country, usually because it has a high ratio of people applying for asylum
In this sense, it may be viewed as a discriminate control strategy, as inhibiting the movement of the nationals of a specific country is the espoused aim. However, at the same time people who may have a legitimate claim to refugee status may be as affected by this strategy as those who do not (as getting to the UK will be made more problematic for them), and in this sense it may be seen as indiscriminate. Furthermore, the nature of many of these developments, such as intelligence sharing with foreign powers enforcement agents or the signing of international treaties is indicative of wider trends in international law enforcement, as will be discussed in due course (Sheptycki, 1995).

Controlling Borders

In recent years there has been a progressive expansion of the ways in which the UK’s borders are monitored and controlled. Further to the traditional model of immigration officers being posted at ports and physically examining new entrants to the country, new surveillance technologies have been increasingly utilised; new agencies have been created, and intelligence sharing between existing ones has increased. Quite apart from further tactics of control that extend the borders and immigration control of the UK beyond its physical boundaries (which will be addressed later in the chapter), such developments have greatly extended the control apparatus designed to restrict access to this country, and are indicative of both wider developments in social control, as well as the increased attention the asylum issue has received. It will be demonstrated how the imposition and development of these wide-ranging strategies are targeted towards prevention (of access to the UK) and management of the risk posed by asylum seekers. Indeed, Gibney (2006, p. 142) has referred to ‘non-arrival measures’, claiming they can be “differentiated from the other restrictive practices used in recent years by the fact that they directly impede access to asylum. Not content with scaling back the rights of asylum-seekers in the hope on deterring applications, states, through the use of visa regimes, carrier sanctions, and immigration pre-inspection, have moved to bar the arrival or foreigners who might claim protection.” Furthermore, it should be noted that increased
attempts to restrict entry are not confined to the UK, with for example Pickering and Lambert (2002) arguing that Australian policy makers assume that asylum seekers can and should be effectively prevented from making claims.

‘Traditional Approach’

Traditionally, much of the focus of the UK's immigration control has centred on the physical presence of immigration officials at seaports or airports (Brochmann and Hammar, 1999). It was considered that as an island, entry could best be controlled in this way. In this sense the UK has been quite distinct from many of its European neighbours, as the following quotation from a Home Affairs Select Committee report explains,

Geography has endowed Great Britain with a natural barrier between it and other countries; economics has dictated that entry and departure occurs mainly through major sea and air ports. Consequently the UK has a very different approach to its immediate neighbours, most of whom are now part of the Schengen Convention for free movement of people between countries (Home Affairs Select Committee, 2001a, p. 1).

It is interesting to note the reference to the influence of geographical realities on the development of the UK's border controls, and the view that this has been a major factor in shaping the UK's immigration control strategy. Also pertinent here is the implication that Britain's geographical positioning makes it distinct from European neighbours in how it has, and should, control its borders. The expressed view is that countries in mainland Europe are essentially not as concerned with controlling their external borders as the UK is. This kind of 'fortress Britain' approach emphasises the importance of tight border controls, and there is suggestion that such concerns are ever more significant since the advent of free movement of peoples within the EU. Particularly significant here is the Schengen Convention. More will be said of this later, but it is important to note that this agreement has been a key
development in extending the rights of free movement of peoples between EU countries. The constructed fear is that once potential asylum seekers have entered the EU from the east, then they will be able to pass easily westward towards the UK, and as such it is increasingly important that controls on the UK's own borders are ever more secure.

**Constructed Need to Control Entry**

Such sentiments have been expressed during a period when recorded numbers of asylum applications increased (as shown in previous chapters). Claims making activities from a range of groups and individuals within society, such as the media, politicians or lobbying groups have depicted this increase as some kind of economic, security and cultural danger to the country as previous chapters have demonstrated. Within this context, calls to strengthen the UK's border controls seem to have seemingly gained added legitimacy and currency, as some of the opening remarks of the section on border controls of the 2002 government White Paper demonstrate,

> We must continue to ensure that passengers who have no claim to come here are prevented from doing so. In order to achieve this goal, the Immigration and Nationality Directorate has implemented a number of important initiatives. The Government intends to maintain the effort devoted to these areas and investigate new ways of tackling large numbers of unfounded asylum claims and the use of forged and stolen documents (Home Office 2002d, section 6.2).

There is a clear case being made of the necessity for border controls to be strengthened in order to combat the increasing numbers of people arriving with 'unfounded' claims. The scene is set, with talk of 'large numbers of unfounded claims' and 'forged and stolen documents', for a scenario where more control is required in order to prevent such persons from reaching the UK. There is an overall concentration on the need to prevent the breaching of borders, but interestingly further emphasis is placed on what have been
called a number of 'important initiatives'. The use of such language is a signifier of the diversification of the way in which the UK's borders are managed, and illustrative of the penetration of social control into diverse areas of social life. This is the case, as it will be shown that these 'initiatives' expand the enactment of border and external social control into diffuse areas, with the overall control net being significantly widened.

Claims makers calling for the strengthening of UK borders have not only focused on the need to physically prevent undesirable aliens from reaching the country however. Much of the development of the border and external control of asylum has been influenced by efforts to send out the signal that the UK is not a 'soft touch', as was indicated in the 2002 White Paper,

Rigorous prevention of breach of border controls remains a critical element in building up confidence and trust and sending the appropriate signals to both traffickers and potential clandestine migrants (Home Office 2002d, section 6.3).

The sentiment is not necessarily what physical impact increased border controls may have, but of building confidence and trust and sending 'appropriate signals' to those who might be considering such actions. As such, the aim is not only to physically control those who have come into contact with immigration officials, but also to enact a form of control over those who have not. Furthermore, talk of building up confidence and trust implies that creating the perception of enhanced border controls is not only aimed at controlling would-be asylum seekers, but also at sending out a message to the population more widely. A critical reading of this might suggest that the aim is to pander to fears within the host population, and to show that the government are taking 'tough' measures against asylum seekers. Comments in the House of Commons from the then Home Secretary David Blunkett, further enforce this perception,
It is crucial that our approach leads to radical change at home, creating trust among the people of our country, and conveys a message that is clearly understood in the rest of the world. It must be crystal clear and tough, thus sending a signal to everyone that the United Kingdom is not a soft touch... Substantial investment, which I announced last month, in new equipment for surveillance and border controls will reinforce that work (House of Commons Hansard Debates for 29 October 2001, Column 627).

Again there is an emphasis on creating trust amongst the ‘people of our country’ and of sending out a signal that the UK has a reliable and tough border regime. Indeed, this passage is entirely focused on the symbolic value, and perception of, tough border controls, and indicates that this has been a key aim of the government. Both this quotation, and that above from the 2002 White Paper were delivered in the debate leading up to the development of the 2002 Act, and as such provide important insight into governmental thinking during this legislative development process. Similarly, Loader (2006) has posited that regular changes in legislation relating to the criminal justice system are in many ways an attempt by the government to be seen to be acting, or appear to be addressing the ‘problem’. The symbolic importance of legislative development therefore must be highlighted.

New Practices, Agencies and Co-operations

The previous chapter demonstrated how recent developments in the internal management of asylum seekers can be characterised by enhanced data sharing between agencies and the intensification of multi-agency involvement. This thesis argues that similar changes can also be witnessed in border and external controls of asylum. Notable developments include the ways in which controls have been dispersed through a range of agencies, the establishment of new working practices for existing agencies, and the creation of new initiatives or ‘task-forces’. Much of the development in this area is premised
on the supposed need to increase security in response to influxes of asylum seekers and illegal immigration, and as such has been focused on issues surrounding enforcement. This has led to a range of new professional discourses being established, focusing on locating better control solutions. In addition, there are now a plethora of agencies with varying responsibilities regarding asylum, each with differing agendas to pursue and different ways of talking about asylum. In many ways these developments have seen the immigration service taking on many of the principles previously employed by the security services, for example a Home Office report asserted,

The Government agrees that the tactics used to combat drug trafficking can be successfully applied to people smuggling and trafficking and is pursuing this goal. Project Reflex, set up in May 2000 in response to increasing organised criminal involvement in illegal immigration, takes on a similar approach to the Customs-led Concerted Inter-Agency Drugs Action Group which is working to reduce the availability of Class A drugs in the UK (Home Office 2001b, Section 10).

A new initiative, Project Reflex has been established to address illegal immigration and is clearly organised on working principles more commonly associated with drug smuggling and organised crime. To focus upon immigration in such a way is a defining practice, which signals that an approach based on enforcement and control in response to illegal immigration, is seen as the most effective way to address the issue as it has been constructed within dominant discourses,

Project Reflex, led by the Director-General of the National Crime Squad, includes representatives from all relevant law enforcement agencies (including the immigration service) as well as the Security and Intelligence agencies. All operational activity targeted against serious and organised criminal involvement in illegal immigration is now co-ordinated through Project Reflex (Home Office 2001b, Section 10).
Thus a wide range of law enforcement agencies have been mobilised to address illegal immigration, thereby intensifying resources and the focus on the issue. In addition, established agencies have been encouraged to focus in a concerted fashion upon the asylum problem. The result is that there are now more individuals and agencies engaged in this area, representing an increased social control apparatus, aimed at preventing people from reaching the UK. Ditton (1979) has argued that the very imposition of new modes of social control may attribute for seeming increases in (for example) crime rates. Intensified efforts on behalf of control enforcement agents could conceivably contribute to additional ‘evidence’ of a problem being discovered, and thereby legitimating those initial interventions. As asylum seekers have been criminalised and authoritative tactics employed, so more may come into contact with security services and the process of tackling asylum in this way becomes justified. In this sense, the extension of the range of external controls may have become a self-perpetuating reality. Official statistics given in Chapter 1, and illustrated in Figure 5.3 in Chapter 5 show that in 1995, enforcement action (covering illegal entrants detected and persons issued with a notice of intention to deport) was initiated against 14,880 asylum seekers and that this figure had risen to 67,150 by 2001 (RDS, 2002a). It is of course not being suggested that such dramatic rises are entirely attributable to initiatives such as Project Reflex, but it is at least possible to suggest that the cumulative imposition of a range of social controls (including those already explored, and additional ones that will be outlined below such as visa impositions) may have contributed to such rises.

Intelligence sharing initiatives such as Project Reflex, and increased border and external controls more generally, classify and punish asylum seekers not because of the behaviours of individuals, but because they have as a grouping been cast as a deviant population. A key strategy against this supposed deviancy has been to ‘risk manage’ asylum seekers and impose measures that minimise the sense of risk that has been constructed regarding them. Importantly, this emphasis attempts to predict and control future behaviours, which has been identified as a key component of risk
management more generally (Luhmann, 1993). Increasingly, controls making it harder to legally access the UK subject individual asylum seekers to heightened surveillance and regulation, not for acts they have actually committed, but because they represent a risk as a population. In this way, asylum seekers become an ‘excluded’ population because the risk they supposedly pose has been deemed sufficient enough to manage them in this manner (Young, 1999). The move towards relevant agencies being more involved in promoting control discourses can also be noted in international co-operation (as will be addressed in due course), and with regards to the internal control of asylum (as outlined in the previous chapter). Further insight into data sharing and gathering across government agencies in an attempt to restrict entry to the country is provided in this extract from a Home Affairs Select Committee report,

The Immigration and Asylum Act 1999 provides statutory gateways to enable the Immigration and Nationality Directorate (IND) to share information gained for specified purposes with the chief officers of police, HM Customs and Excise, NCIS and National Crime Squads. IND also participates in the Inter Departmental Data Sharing Group, Chaired by HM Customs and Excise, which explores practical opportunities for data sharing across government (Home Office 2001b, Section 43).

The focus here is clearly on inter-agency co-operation and intelligence sharing, and signifies a move on the part of the immigration service to tackle immigration by adopting many of the principles usually associated with the criminal justice system, towards more effective policing of borders. This example also tells us much about the various pressures affecting the way that the enactment of control develops. In one regard this has been influenced by ‘legislative change’, for example as illustrated by the phrase “the Immigration and Asylum Act 1999 provides statutory gateways”, where changes in the nature of control have come from the ‘top down’ and been passed in law. This is an example of the type of governmental social control as outlined by Black (1976). But also, the emphasis on co-operation between these various
bureaucracies implies that the way such controls develop will not necessarily be determined by the state, but rather by the interplay between the various organisations and individuals involved. Therefore, within legal frameworks and ‘statutory gateways’, are individuals applying agency. In this way, the dispersal of power throughout different social layers can be witnessed, where the central state is not the only source of power. Instead, a range of capillary networks hold power in differing ways, thereby enacting control. Such understandings owe much to insights provided by Foucault, who posited that there was a distribution of power throughout society, located through social relations. For Foucault therefore, what is important is not only to focus on the role of the state, but the strategic powers throughout society where power rests. Organisations (such as those in the above quotations) therefore engage in managing and classifying asylum seekers, and are complicit in identifying them as deviant through their working practices.

**New Technology**

Another pertinent development in the way the UK’s border controls have been managed in the context of constructed fears of the asylum ‘problem’ is in the increased utilisation of new technologies. As has been noted in wider areas of social control practice, advancements in new technologies have allowed for social life to be ordered in new ways, and for control to penetrate into wider areas (Lyon, 2001, Armstrong and Norris, 1999). The government has been keen to use new technologies to provide additional means of controlling the movements of asylum seekers, as the following quotation from a Home Affairs Select Committee report indicates,

*The immigration service cannot do its job without modern equipment, both for detection and for identification. There should be a more active approach both to researching potentially useful technologies and applying the experience of other countries. Detection equipment, such as CO2 wands, x-ray and ultra sound scanners and infrared cameras, will make it harder for clandestine*
immigrants to get through border controls. (Home Affairs Select Committee, 2001, Section 116)

One obvious consequence of the increased use of such technologies is that the range of detection mechanisms now in place at points of entry into the UK has been increased. The introduction of these technological innovations has been justified within dominant discourses as a necessary ‘defence’ in the face of large numbers of clandestine entrants into the UK. As such, these measures are designed to detect people who might otherwise have entered the country without being noticed. Certainly, it has been claimed that the introduction of such technological innovation has directly resulted in a larger number of detections,

Measures including new detection technology and UK immigration controls in France have already stopped 4,000 people in the first half of this year (Home Office, 2003).

This quotation from the then Home Secretary, David Blunkett, suggests that the perceived success of these developments has assisted in the apprehension of larger numbers of clandestine entrants. Clearly, it is hard to quantify such figures (as it is problematic to know how many clandestine entrants would have been discovered anyway) and as such the accuracy of this claim must be questioned. However, what is important is that the government used such statistical ‘evidence’ to justify the expansion of further control innovations. At the same time, it is possible to speculate these technological controls may have in fact contributed to at least some discoveries, thereby resulting in more instances of the ‘problem’ of illegal immigration being discovered. Either way, there is a justification of the initial labelling, or identification of the problem, which strengthens the correlation between asylum seeking and illegality, and ultimately leads to more calls for additional resources. Whether the technology had the espoused effect or not, it was able to be used as evidence that the initial problem did indeed exist, and that enhanced controls ‘worked’. A range of government bodies support
the introduction of new technologies into immigration control, with the Home Affairs Select Committee report saying,

We recommend that the Government should explore the possibility of a joint budget for advanced technology projects for border agencies in the same way as a joint reserve fund has been arranged for the three departments involved in the criminal justice system. The border agencies should identify technology they would like to use, produce specifications for future needs and encourage companies to develop the necessary equipment for use in the UK and elsewhere (Home Affairs Select Committee, 2001a, Section 117).

Such calls are given added legitimacy by the seeming success of technologies in discovering clandestine entrants, but also by making comparisons with the criminal justice system. As noted by Simon (1997), authorities may legitimise interventions, or calls for further resources by emphasising the criminogenic qualities of the area in which they operate. This linkage highlights the advantages of utilising technologies to combat the overall problem, and further entrenches the idea of asylum as some kind of security threat. By juxtaposing the criminal justice system with asylum, there is also a suggestion that these technologies or tactics are highly adaptable, and are therefore able to solve more than one problem. Furthermore, the suggestion that the immigration service can learn how best to utilise technologies from departments involved in criminal justice encourages closer co-operation between these areas.

These brief examples provide illustration of some of the ways that controls over those seeking to enter the UK have been moderated in recent years, largely as a consequence of the asylum issue. The factors influencing the development of these areas are widespread and involve the input of numerous claims makers. The way that asylum seekers have been socially constructed as a threat, or ‘risk’ within dominant discourses has created the space for control technologies to be introduced to ‘manage’ the problem. For
example, the way the immigration service now routinely share intelligence and data with the security services may contribute to security discourses becoming more dominant.

Extending Borders

As has been outlined, there has been much diversification in the way that control is enacted on asylum seekers as they attempt to enter the country. However, developments of the external control of asylum have not been confined to what might be labelled as traditional border controls. A quite distinct development can also be mapped; namely the extension of the control apparatus and its associated practices beyond the boundaries of the UK. As Koser (2001) identifies, tactics such as the imposition of visa regimes are not an entirely new phenomenon, but the sheer acceleration in the range and scope of such strategies is a significant and specific development. A Government statement within a Home Affairs Select Committee report commented,

We aim to expand the use of this technology to secure the whole of the north European coastline-progressively moving the UK's borders abroad to prevent people reaching the UK clandestinely in the back of lorries (Home Affairs Select Committee, 2004a, Paragraph 102).

It has been established that there is a concentration within dominant discourses on tactics designed to prevent persons from coming to the UK, who might go on to claim asylum. By extending boundaries beyond the geographical confines of the country, there is a sense in which an additional layer of control has been introduced on asylum. The image of clandestine immigrants, hiding out in the back of lorries is evoked to justify why such an expansion is necessary. After such a scene has been set, the extension of this type of strategy may appear to be 'natural' or 'inevitable'.

262
Previously disparate organisations have in a sense been linked together within the overall control system of asylum, in a range of specific control networks. The bringing into this net of airlines and road hauliers, during the same time as the greatly increased use of visa impositions and the positioning of immigration officers overseas, has had the effect of a vastly increased regulation of the movement of potential asylum seekers, even before they reach the boundaries of the UK. There now follows a brief investigation of some of these 'extending' tactics, to illustrate how it is that they increase the regulation of asylum, whilst at the same time delegate responsibility for this control in a number of directions.

**Visas**

The imposition of visa regulations to 'refugee producing' countries (those countries from which high numbers of recorded applications for asylum have been received) is not a new phenomenon, but recent years have seen the list of countries subject to such controls rise markedly, as this passage from the 1998 White Paper illustrates,

> In recent years many countries, including the UK, have found that transit visa requirements have become increasingly necessary to close off loopholes in immigration control... In respect of the countries whose national's feature most significantly in this abuse, transit visa requirements have unfortunately become necessary (Home Office, 1998, Section 5.4).

There is a clear implication that the imposition of visas is a direct result of the 'abuse' of immigration controls being perpetrated by the nationals of certain countries. Indeed, the reader is told that this is 'unfortunately' the case, implying that such measures are a reluctant, yet necessary response to fraudulent activity. In essence, those travelling from particular countries are constructed as being of a higher 'risk' of illegitimacy, and therefore must be
'risk–managed' more robustly. Upon close examination, the list of countries from which nationals need visas to enter the UK includes countries where it might be expected that some applicants may be in need of genuine protection, such as Somalia and Iraq. Indeed, rather than countries that feature 'most significantly in abuse' of asylum applications, it may be possible to say that visas are imposed on those countries who feature most significantly, i.e. nationals from those countries from where the most applications are made. When looking at the figures from such countries, is it hard to see why they should be labelled as those that 'feature most significantly in abuse'. For example, in 2002 of the 6,735 initial decisions that were made on applications for asylum seekers from Somalia, 2,260 (33%) were refused refugee status or ELR after full consideration of the claims (Home Office, 2002a). For Iraq these figures were 11,905 and 1,170 (10%). It is also possible to consider that nationals from the country with the second highest number of asylum applicants in 2002, Afghanistan at 8,175 (Home Office, 2002a), may also have some kind of case for protection, and were not necessarily more likely to 'abuse' the system than any others.

Such figures suggest that significant numbers of applicants from these countries did appear to be in some need of protection, (or at the very least that there is little evidence of wide-spread 'abuse') but that high absolute numbers of applications were made. Furthermore, as was explained in Chapter 5, significant proportions of asylum applicants are refused on the 'grounds of non-compliance', which in no way implies 'abuse' of the system. A cynical reading of this might result in the belief that the imposition of visas has in reality more to do with keeping overall numbers down, than it does of discriminately and specifically targeting those most likely to 'abuse' the system. The rhetorical strategy of tying-in visas imposition to abuse may therefore be considered as an attempt to legitimate and justify such controls. Furthermore, the 1998 White Paper makes links between the necessity of visa impositions and organised crime,

The facility of allowing passengers to travel without a visa if they are in transit by air to a third country is open to abuse...
both by individuals and, more significantly, by racketeers and facilitators (Home Office, 1998, section 5.4).

There is a linkage made between the extension of visas and the supposed increase in the activities of people smugglers when talking of ‘racketeers and facilitators’. The greatly extended use of this control tactic is portrayed as an inevitable reaction to the situation in which the government find themselves. In this way, the asylum issue (and the imposition of visas) is linked to the fight against transnational organised crime. This issue will be explored in more depth below, but it is important to note that by introducing this dimension, a further sense of risk is evoked by a discursive framing of the asylum issue as being connected with transnational crime. There has been much debate concerning transnational governance of criminals, terrorists and other ‘folk devils’ and how they can be most effectively managed in an international context (Sheptycki, 1995). This thesis argues that the asylum issue is now a central feature of such debates. At the same time, there has also been an attempt to demonstrate that visas are ultimately beneficial for ‘genuine’ travellers, as is outlined within the White Paper,

For the UK, as for most other countries, visa regimes have become an essential part of immigration control in preventing the entry of inadmissible or undocumented passengers... Obtaining a visa in advance can provide a basic assurance that the traveller is likely to be admitted to the UK, speeding up entry at the port, to the benefit of the individual and of other passengers (Home Office, 1998, section 5.3).

In this way, the issue is not only portrayed as inevitable, but also as one which will ultimately be of benefit to those who do not attempt to abuse the system (or ‘normal’ passengers). As such, a dichotomy of ‘deserving’ and ‘undeserving’ is established, with the imposition of visa regulations to countries from which nationals are more likely to claim asylum forwarded as a way of helping those that are deemed worthy, whilst clamping down on those viewed as ‘suspect’. It goes further than this however, in that by stressing the
benefits to 'other passengers', a message is delivered that any reader of the White Paper could themselves profit from the imposition of visa controls. Most people may consider themselves as potential passengers, or foreign travellers at some point in their lives, and therefore the message is personalised as readers may be directly affected. In this way, support for control measures may be mobilised as individuals might feel that if it is harder for undesirable or bogus asylum seekers to get to the UK, then they themselves can benefit by a swifter experience of using air ports or sea ports. Essentially, readers are informed that 'undocumented passengers' in some way impact upon them too, and therefore that they should welcome increased controls. The varied implications of visa impositions will be discussed later, but it is important to highlight that they represent a shifting of the nature of the external control of asylum, away from the physical patrolling of borders, towards a less visible method of enforcement.

Carriers

Traditionally, those responsible for the commercial transportation of people have not been associated with control over asylum seekers, but during the period in which asylum has received increased attention, this has indeed become the case. A number of legislative developments have compelled carriers, such as airlines to adhere to a range of measures that, in effect, see them carrying out roles more traditionally associated with the immigration service. A Government Minister explained during a meeting of the Special Standing Committee on the Immigration and Asylum Bill 1999 that,

Carriers are encouraged by the immigration service to provide simple but careful checks of a passenger’s documentation. To help them avoid charges, the immigration service provides training and awareness in forgery detection and fraudulent use of passports, when requested by carriers. In addition, carriers have access to a 24-hour helpline and published passport and visa guide (Special Standing Committee (b), 1999).
In a sense, this sounds as if the employees of carriers (for example airlines and ferry operators) are almost being trained to become fully-fledged immigration officers. There is a clear attempt to embed such control functions into the everyday working routines of these employees, and to provide as much ‘support’ as possible to make this happen. The aim is to compel the carriers to see these types of activities, not as exceptional, but as a ‘normal’ part of their jobs, thereby ensuring that they are regularly carried out. In this way, such a change may represent evidence of what Garland (2001, p. 127) has termed the "new criminologies of everyday life". Garland posits that crime is now often regarded as a normal, everyday concern, as are attempts to manage it. Therefore, efforts to manage crime, and related social problems, are said to have become part of people’s everyday experiences, as may be seen from the above quotation. Furthermore, as was shown in the previous chapter when discussing lorry drivers, this situation also has echoes of Garland’s (1996) responsibilisation thesis. A range of networks and partnerships (in this case employees of carriers) have been utilised as agents of social control, and therefore the enactment of control has been dispersed throughout society. It is not simply the case that training employees of private companies in such ways has replaced the role of immigration officers; as discussed earlier the role of those in the immigration service has certainly not diminished. Rather, such developments represent a supplementary role to other control mechanisms, which leads to a kind of joining up of previously distinct social actors in the overall control of asylum seeking. As noted by Garland (2001), such developments represent a profound change in the nature of control mechanisms and practices, rather than simply being an extension of traditional methods. The Government Minister provides further justification and explanation of such new procedures when saying,

Most carriers accept that by working closely with the immigration service and by taking advantage of free training they can achieve the combined objectives of minimising their potential for charges and reducing the number of inadequately documented passengers travelling here. The training is conducted by immigration officers. It enables the carriers to understand the UK’s documentary
requirements for travel here, to acquire basic forgery detection skills and to identify inadequately documented passengers at source (Special Standing Committee (b), 1999).

The concept of carriers adopting these control responsibilities is ‘sold’ in part as a way of helping them avoid financial penalties and problems associated with ‘inadequately documented passengers’. As such, these developments are portrayed not as an imposition on the carriers, but as supporting them in ways that will ultimately be to their benefit. In addition, employees of carriers are given specialised training to equip them to carry out control functions more efficiently, in a similar way to that outlined for lorry drivers in the previous chapter. Training them to understand, for example, ‘basic forgery detection skills’ indicates that new ‘knowledge’ is imparted towards carriers, and is a key part of the process of ‘responsibilising’ them. This type of coercion in bringing private enterprise into the ‘control net’, and in making control more of an everyday activity, has the effect of making the enactment of control more spread out and dispersed, and in one sense less visible. This is so, as although the social control apparatus has been extended, this may not necessarily be apparent, as many people may not be aware that carriers perform such a function.

Initially, the responsibility on the part of the carriers was minimal, but as asylum has increasingly been constructed as a key social problem within dominant discourses, so claims makers have driven calls for new measures increasing their involvement. Their control work is no longer merely concerned with the checking of passenger documents, but also encompasses the accumulation of a range of passenger data. As such, this can be seen as representing a further increase in the levels of surveillance enacted upon those attempting to enter the UK. The Government Minister outlines what might be expected of carriers in the future,

We intend that we would seek information that the reasonable carrier would currently have in the vast majority of cases. I would be wary of giving the Honourable Gentleman the reassurance that
we will never ask carriers to provide information that they do not have, so I shall not give that reassurance. Some carriers may decide deliberately to not have certain information, and we want to be able to require them to have it, provided that is reasonable... our aim throughout is to create a spirit of co-operation rather than to put unnecessary obligations on carriers (Special Standing Committee (b), 1999).

The refusal to rule out future, additional requirements on carriers to provide information indicates the potential for even wider requirements being placed upon them in the future. Despite the espoused desire to create a 'spirit of co-operation', it is clear that the government see it as a reasonable tactic to compel carriers to provide a range of passenger information, even if they are not happy to do so. The Immigration (Passenger Information) Order 2000 (based on an amendment to the 1971 Immigration Act in the Immigration and Asylum Act 1999, Section 18) means carriers must now provide the authorities with a range of information when asked to do so (Home Office, 2000). This information goes beyond basic data such as name, gender and nationality, and includes ticket numbers, method of payment, date and place of issue of the ticket, and travel itinerary (Home Office 2000). In addition, if the passenger did not themselves book the ticket, carriers may be compelled to provide "the identity of the person who made the passenger's reservation on behalf of the carrier" and "names of all other passengers appearing on the passenger's reservation" (Home Office, 2000, Section II). As such, there is a growing intensification of the surveillance of asylum seekers, and this information may then be utilised by official agencies as this extract from a Government Minister in the House of Lords indicates,

Under Project Semaphore, carriers provide passenger information on certain flights operating into the UK in advance of arrival. This information is received by the Joint Border Operations Centre (JBOC) where it is then processed, with alerts being provided to government agencies as appropriate (Hansard, 21 February 2005, Column WA167).
In this way, the information that carriers are compelled to provide is fed into government control networks, which are then able to disseminate and act upon it as they deem necessary. This enhanced capacity to gather data on asylum seekers represents a significant advancement of the ability to manage or control the 'problem'. New meanings (of asylum seekers, or illegal immigrants) are created as new data is collected, allowing for enhanced classifications (such as which countries, or regions are particularly 'problematic'), which offer new opportunities to control. With the network of those involved in surveillance being manifestly extended, the sheer range of information collected has vastly proliferated. Although the collection of data has ostensibly been collected to manage the asylum issue, once these new forms of data (and mechanisms and networks for collecting them) 'exist' then it cannot be known to what use they might be put.

Offices Overseas

Perhaps the most visible example of the way the control of the UK’s borders has been extended beyond national boundaries is the posting of UK immigration officers overseas. For example,

For more than two years, Eurostar services from France have been targeted by persons intending to arrive in the UK either without documents or with forged or stolen documents. In June last year, we established a system whereby immigration officers from the UK operate a passport control at French stations serving the Eurostar – known as juxtaposed controls. The benefits of this have been dramatic. Since the introduction of the new arrangements the numbers of improperly documented passengers arriving by Eurostar from France have fallen by 75% on the same period in 2000 (Home Office 2002d, section 6.10).
It is claimed that the placement of the officers is a reaction to a specific problem and therefore their deployment is portrayed as being a consequence of the deviant behaviour of asylum seekers. Although no information is provided as to how this 75% figure was achieved or recorded, there is a seemingly powerful argument made for the effectiveness of such a tactic. In this way, a case is made for the necessity of this strategy and 'evidence' is provided for its usefulness. Furthermore, immigration officers have been placed overseas at additional specific locations,

Our network of Airline Liaison Officers enables practical support to be given to airlines to help them identify fraudulent documents. Pre-clearance in the Czech Republic and enabling UK immigration officers to conduct passport checks in France are further examples of how we are engaging positively in the European and international arena to disrupt the flows of those who do not qualify (Home Office 2002d, section 28).

Interestingly, there is targeting here of very specific geographical areas that are deemed to represent particular problems. Again, the reasoning behind this is given as the behaviour of those using 'fraudulent documents' and thereby dominant claims makers have constructed this as the problem. However, counter claims makers have portrayed this strategy in another way and conceptualised the problem differently. For example, the targeting of specific countries and regions has been criticised by oppositional claims makers, as the following quotation from the Liberal Democrat MP Simon Hughes demonstrates,

The British authorities have placed – I think – Home Office officials at Prague airport to monitor those coming in, in order to prevent a large-scale arrival in the UK of Romany visitors, or Roma people, from the Czech Republic or further east... I understand that there is at least some evidence of pretty crude discrimination on the basis of ethnicity with regard to who should be allowed and who should not, which has had a disproportionate effect on members of a certain

This demonstrates how a specific country constructed as problematic, the Czech Republic, was specifically targeted in this way. The construction clearly fits in with earlier expressed concerns surrounding the enlargement of the EU eastward. Indeed, Green and Grewcock (2002) have argued that established EU member states have exerted pressure on new or hopeful members, such as the Czech Republic, to cooperate with controlling the flow of asylum seekers from the East, as a condition of their membership. Furthermore, this type of discrimination can also be seen as a very specific targeting of a particular racial group, the Romany, of whom particular issues have previously been highlighted with regard to their claiming asylum. In the above quotation, Mr Hughes argues that this form of targeting has effectively led to racial discrimination against the Romany. He constructs the ‘problem’ in a very different way from the conceptualisation within dominant discourses, where members of the Romany population making claims for asylum might be said to be problematic. Instead, Mr Hughes indicates that the problem in fact lies with the blanket control enacted on them and highlights the potential dangers of this. The counter construction is then that such targeting of countries and regions victimises groups of asylum seekers who might find it harder to escape oppression. Coming from the Czech Republic, a country regarded as not being oppressive by the UK government, Romany people’s applications for asylum have generally not met with much success, despite the fact that there has been evidence of wide-spread discrimination and persecution of the Roma throughout Czech society (O’Nions, 1999). This provides an example of the highly selective, classification and definition of what exactly a refugee is, and who may genuinely be in need of protection, as outlined Chapter 5. As the Czech government was not deemed a repressive regime, Roma asylum seekers from that country were labelled as not being in need of genuine protection. Due to this, the social control tactic of assigning immigration officers to the Czech Republic was portrayed as legitimate in dominant discourses in an effort to stop the movement of those with ‘unfounded’ asylum claims.
International Security/EU impacts

As had been illustrated, the desire to provide an increased sense of control and security in the face of fears surrounding asylum seekers has led to calls for a range of tactics that have effectively pushed control beyond the physical patrolling of the UK's borders. An added dimension to this is the way actors espousing dominant discourses have called for action in the context of increased integration of the EU. As was noted earlier, the UK has traditionally had a distinct approach to immigration control compared with many other European countries, but the increased ease of movement within EU countries has been one factor that claims makers have forwarded as an imperative for increased cooperation and indeed control. An important development in relation to this was the Schengen Agreement. This was originally signed in 1985, but interestingly Part II dealing with the free movement of persons was delayed in its signing until 1990 (Lodge, 1993). Around this time, concerns about the opening up of borders and the potential weakening of the EU's Eastern borders heightened fears over influxes of asylum seekers and illegal immigration, but these issues became conjoined with other insecurities such as drug trafficking (Lodge, 1993). As such, debate on asylum at the European level has always been closely associated with questions surrounding security and crime controls. The following quotation from then Home Secretary, David Blunkett illustrates this,

the EU is crucial to us in ensuring that our interests are put at the forefront of European debate in a positive way, instead of allowing the failings of other countries in their border controls or preventing organised criminality to pass through their states to detrimentally affect the British isles. That is why I was pleased to contribute to the Justice and Home Affairs Council debate yesterday and to move towards a sensible agreement (Hansard, 12 June 2002. Column 1295).
Mr Blunkett makes a case for European co-operation in order to combat the potentially detrimental consequences of increased movement through EU states. The need to increase co-operation is conceptualised in security terms, against the perceived dangers of 'organised criminality'. In this way, calls for closer European co-operation on asylum seeking are framed in a security sense. Within dominant discourses such as those expressed above, the articulated need to work more closely with European partners has been largely focused on tactics to ensure that European borders are safer and more secure in the face of the problem of deviant and dangerous asylum seekers. As such, the central focus of dominant discourse claims makers has been on which tactics will work best towards this aim, with humanitarian concerns not being afforded this prominence. This kind of security continuum has however been challenged by counter claims makers, as illustrated in the following passage from a Home Affairs Select Committee report,

Some elements of these draft directives have attracted opposition from refugee organisations. For instance, Amnesty International described the draft Procedures Directive's proposals on 'safe third countries'...as "seriously flawed in terms of human rights", and stated that the EU common asylum policy was "held hostage" to "national governments ... competing with each other to see how far they can lower standards of refugee protection in Europe in response to populist pressures" (Home Affairs - Second Report 2004, paragraph, 262).

An important thing to note here is that this Select Committee report provides an opportunity for counter claims makers (Amnesty International) to have their position articulated in parliamentary circles. These quotations are based upon evidence given by Amnesty to the Committee and therefore their selection as an important voice within the debate has given them a direct line to power, which may not have been afforded a lower profile organisation. In relation to the content of the above statement, the claim is that human rights considerations have been minimised at the expense of populist political concerns. There is an argument that EU common policy on asylum does not
adequately address humanitarian issues and the inference is that this will be harmful to refugees. In contrast to Mr Blunkett’s above statement, the problematic issue is labelled as the populist attitudes of EU governments’, and asylum seekers are portrayed as the victims. This again demonstrates that there are different ways that the precise nature of the asylum ‘problem’ can be conceptualised, and that the ways in which it is are the result of the articulated understandings of claims makers. Therefore, the way in which the issue is understood is the consequence of the motivated claims making activities of social actors.

It has also been argued that there have been major re-alignments in security concerns within Europe following the end of the Cold War (Shea, 1993), and it is within this context that claims makers have articulated the types of arguments on EU co-operation outlined above. Shea argues that whilst the cold war period threatened massive global conflict and required immense resources, the West’s strategy was relatively simple. Since this time, what were impervious borders have opened up and now people, information and resources cross international boundaries with increasing ease (Shea, 1993). As a consequence, security concerns are often portrayed as not being controllable by the policing of national boundaries alone. It is against this background that there has been an intensification of international security co-operation in the external control of asylum. Further indication of this is provided in the 2002 White Paper,

A recent European Commission Communication on a Common Policy on Illegal Immigration calls for increased co-operation with both source and transit countries and practical implementation and efficient enforcement of existing rules aimed at preventing illegal immigration. It also proposes an Action Plan covering visa policy, information exchange, border management, police co-operation, legislative action and returns policy (Home Office 2002d, section 5.40).
Here there are calls for security co-operation on a number of levels, with the proposed extension of control being multi-dimensional, involving legislative co-ordination, enhanced surveillance and increased intelligence sharing. In this way, the scope and intensity of security co-operation is extended, further exacerbating the sense of an EU-wide security continuum in relation to joint efforts to manage asylum. As Lyon (2001) notes, it is now commonplace for customs, immigration services, visa departments, consulates, private transport companies and private surveillance companies, as well as national police forces to share data across a range of networks (Lyon, 2001). Further to this, Ericson and Haggerty (1997) have posited that the role of the police in such networks is largely concerned with the processing of data collected by other actors and then communicating this to relevant bodies. What can be said with some assurance is that an increasing number of global networks of policing and surveillance have been established (Lyon, 2001). Again, the use of modern technology is of importance here, with for example INTERPOL relying on the European Intelligence System, and the Schengen Information System to coordinate their activities (Lyon, 2001). One concern that has been expressed is that the use of such systems, and concerns surrounding free movement post-Schengen, focuses transnational police work on 'undesirable' aliens (Baldwin-Edwards and Hebenton, 1994). For example, the TREVI group (an inter-governmental group, established in 1975 as part of a European Council initiative) took a key role in developing a common list of undesirable aliens (Dearden, 1997). Enhanced co-operation that is geared towards the creation of new categories of what are deemed 'undesirable aliens' illustrates one way in which those who are classified as such may be subject to exclusion.

Organised Crime

Much of the increased international security co-operation has been justified as a response to supposed increases in instances of people smuggling. This has often been tied into the activities of international criminal organisations, and further strengthens the links between asylum seeking and organised crime.
Home Office Minister, Barbara Roche explained some of the workings of such intelligence practices to the Home Affairs Select Committee,

We exchange information, we exchange intelligence information. One very good example of that has happened very recently is that we have exchanged a lot of information with the French authorities. On the basis of that information we have supplied and their activity, we have had large numbers of facilitators, the criminals who organise this trade, arrested; and a number of them have received prison sentences (Home Affairs Select Committee 2000, section 13).

As such, many of the international intelligence sharing activities are justified on the grounds that their aim is to tackle organised crime and are structured through inter-agency networks such as Europol. The fact that large numbers of 'criminals' have been incarcerated gives emphasis to the effectiveness of such strategies, legitimates them, and strengthens future calls for intelligence sharing. Interestingly, Europol's initial objective was to aid the effectiveness of European law enforcement agencies in tackling terrorism, drug trafficking and other international criminal activities (Anderson et al 1995). Importantly, Europol have since been included in the expanding policing network charged with managing asylum seekers. More recently, the activities of Europol have been supplemented by other initiatives such as the Eurodac database of fingerprints of asylum seekers,

One of the things that you [the MP questioning her] mentioned was EURODAC. That is very important. We have made a decision so to deal with that. EURODAC is important because what it does is provide the exchange of fingerprints of those seeking asylum (Home Affairs Select Committee 2000, section 10).

This quotation from the Home Office Minister provides insight into the types of justifications that have been forwarded for this kind of initiative. It is through international initiatives such as this, that a more formal and 'joined-up'
approach to intelligence sharing within Europe has been developed. Rees and Webber (2002) posit that with Eurodac and the Schengen Integration System (SIS, a European governmental database system for maintaining and distributing information related to border security and law enforcement) Europol will have access to approximately 14 million records regarding immigration and criminal matters. One potential consequence of such developments is that as international security co-operation becomes a more acceptable concern, so the likelihood of such initiatives being broadened will increase, as the Minster outlines,

> In all the Councils that I have attended recently the question of people smuggling, illegal entry, is going higher and higher up the agenda. So, for example, quite a lot of the discussion about the operational police chiefs coming together has centred on this. This is now going to be a major focus of people’s attention (Home Affairs Select Committee 2000, Section 14).

Indeed, it does seem to have been the case that such networking and information sharing has become a larger priority across Europe, and this has clear implications for the overall scope of the control net over asylum. In this way, it is possible to see how increased security co-operation may be seen as a defining practice in that the involvement of security agencies means this type of control talk becomes more commonplace. This concurs with findings such as those of Sheptycki (1995) who posits that social control has become dispersed into a mass of contexts and settings of authority in the current historical period. This may signal a sense in which the nation-state is no longer able to operate a monopoly with regards to the maintenance and policing of security of its borders (Sheptycki, 1995). The totality of the nation-state has, to an extent, been substituted for an array of actors. It has been argued that a tension now exists between the two central bodies that clamour for authority in this area, namely the nation-state and the EU (Sheptycki, 1995).
Implications

It has been shown how there has been a massive expansion of the border and external social control apparatus of asylum seeking. Many different organisations are now involved and it has spread into previously unconnected social arenas. In dominant discourses, such developments are presented as an inevitable response to a problematic situation, where the desire to control the flows of asylum seekers is paramount. When taken in isolation, many of these measures appear to be relatively minor adjustments to the overall control of asylum, but when taken as a whole they in fact represent a radical increase in the total coverage. Essentially, micro changes at differing levels of the system of control together accumulate in driving forward aggregate changes. Perhaps the most obvious potential concern this raises is the difficulties that it creates for those who are in genuine need of protection from legally accessing the UK, as the following extract from a Select Committee report indicates.

Illegal migration takes place when there is a demand for migrant labour in host societies, a supply of willing migrants in home societies, and a lack of legal channels to link these demands and supplies. Oxfam - citing research by the Home Office - told us that there is strong circumstantial evidence that measures aimed at preventing access to the EU had "led to growing trafficking and illegal entry of both bona fide asylum seekers and economic migrants." Even where there are legal channels for entry, migrants who are not aware of them, or who feel that such channels do not afford them quick enough entry into a country, may opt for illegal routes of entry (Select Committee on International Development, 2004, Paragraph 52).

Again, these sentiments provide a contested account to that of the dominant construction, arguing that the very control strategies that have been implemented to address the problem (the dominant discourse 'problem' of clandestine migrants) have in fact created an unjust situation where even
genuine claimants cannot legally access the country. Indeed, it is argued that control polices have directly led to the growing use of people traffickers and therefore that it is these policies themselves that are the problematic issue, not asylum seekers. In this way, counter claims makers portray asylum seekers as the victims of state action. Therefore, a kind of exclusivity has been constructed through the imposition of the types of control addressed here and throughout this chapter, which has implications for the future victims of state persecution or civil unrest and their ability to find sanctuary. Indeed, Gibney (2006, p. 143) argues that "we have reached the reduction ad absurdum of the contemporary paradoxical attitude towards refuges. Western states now acknowledge the rights of refugees but simultaneously criminalize the search for asylum." Although western regimes ostensibly recognise the right to refuge, the polices they have enacted in reality make this right unachievable in many cases. The authors of the Select Committee Report suggest possible solutions to such problems,

One way of reducing illegal migration might be to open up more transparent and efficient channels for legal migration... Migration, especially legal migration, can be of benefit to the UK, migrants, and their home countries... opening up channels for legal migration may undercut traffickers and smugglers (Select Committee on International Development, 2004, Paragraph 52).

The authors of the report highlight that migration can be of benefit to the host country and importantly state that the opening up of legal avenues for migration is one way to address the problem of people trafficking. In this conceptualisation, the solution to the problem of trafficking is not given as increased enforcement or security measures, but rather by ensuring that it is easier for some migrants to reach the country. This differs markedly from dominant discourses where the deviant asylum seeker is most often constructed as the problem, against which the solution is forwarded as increased control and restriction.
In addition to control tactics making it harder for refugees to reach the UK, further concerns have been raised by counter claims makers about the implications of government policy. Although, as was explained above, members of civil society charged with immigration control work have (in some cases) been given training by the immigration authorities, the added responsibility and power this affords them has been questioned. Following the 'responsibilisation' of a diverse set of individuals and institutions, the competency of such actors to fairly and accurately carry out the roles that have been assigned to them must be open to question. Liberal Democrat MP, Simon Hughes claimed in the House of Commons that,

> The really big policy issue is this: we are setting up a whole overall network of different immigration control networks in the public and private sectors, at home and abroad, that are not open to the scrutiny that we would expect in the case of such important decisions (Hansard, 24 April 2000, Column 391).

An important point is raised here, in that although private enterprise has been charged with carrying out controls, they are not subject to the same kind of checks or examination that official state agents are. At the same time, the motivations of private companies will not be the same as those of official state agents, and ultimately they have no real commitment to those who may be seeking asylum. If it is perceived that carrying certain types of passengers could be problematic for, for example airlines, then this may have implications for the management of such passengers. Refusing travel to those who may appear potentially troublesome may prove the easier option and as such a danger of further exclusivity becomes apparent.

**Summary**

Overall, the accumulation of the outlined set of strategies aimed at prevention, and deterrence represents considerably more than a massive expansion of asylum controls (although they certainly do this). Rather, there has a significant realignment of the mechanisms for, and goals of, the social control
The overwhelming emphasis on prevention and managing risk (which represents a sizable change from traditional concerns with assessing the merits of individual asylum claims), and the establishment of networks of control, has many similarities with Garland’s (2001) thesis on the management of crime in modern society. Counter claims makers have highlighted the potential implications and dangers of these developments, and shown how genuine and bogus asylum seekers alike may have been victims of state action.

The extension and diversification of the external control of asylum has led to both discriminate and indiscriminate controls being enacted. Despite this concern being raised by claims makers oppositional to the dominant discourse, this extension of control has continued. Traditional methods of controlling borders have been extended, with extra resources being made available towards this, and at the same time have been supplemented by a range of new tactics. The justifications for the imposition of new control mechanisms and practices may be called into question, as the rhetorical connections made between necessity and new measures may at times seem tenuous. The cumulative effect of these developments (and those outlined within previous chapters) has been that the social control apparatus of asylum has diversified and now spreads into a range of previously unconnected social areas. In a climate of increased concerns over international terrorism, and links being constructed between this and asylum seeking, trends towards greater international security co-operation are unlikely to be reversed. At the same time, the way that such a diverse array of actors are responsible for the enactment of social control, and the plurality of sites in which it occurs, means the course of the development of such controls in the future could continue in a number of unexpected ways. All these factors added together suggest that the external control of asylum will continue to expand, and that legal entry into the country for genuine or non-genuine claimants alike, will prove increasingly troublesome.
Chapter 9: Conclusions

Introduction

How the problematic status of asylum seeking has been constructed and re-constructed, and the ways that these articulate with social control responses is an important topic of study in that in addition to its specific concerns, such a focus also affords an exploration of the ways social control policies and practices are being re-worked in the contemporary world. This study shows how social problems are constructed and how this feeds into policy and practice. It also provides an illustration of the logics of social control in the modern world and how the asylum issue has been identified as a key issue in justifying the extension of the social control apparatus, both internally and externally of the UK. The changing classification of asylum seekers has been key to this, with the reduction of legitimate opportunities to be an 'economic migrant' and restrictions making it harder to legally enter the country, potentially contributing to increases in recorded numbers of asylum seekers and 'illegal immigrants'. This resonates with classical labelling theory, in that changes in social control shape the nature of the problem being controlled, and yet the 'appearance' of an increase is used to justify enhancements to the social control instruments available. It has been shown how refusal rates of asylum applications may be seen as a social construction, for example by the way in which relatively highly numbers are refused as a consequence of the infraction of administrative procedures. Thus, asylum cannot be viewed remotely, but should be seen as one part of an on-going process of expansion of such social controls into diffuse areas of social life. This expansion is connected to a range of fears and insecurities associated with late-modernity and asylum has become one way in which such fears are articulated and thus increased controls justified.

This final chapter draws together the key themes and issues that have emerged from across the empirical chapters and in doing so outlines the central arguments of this thesis. The aim being to present an overall sense of
the key findings of this research and to highlight important themes that have run throughout it. In so doing, the outcomes of this study will be considered within the context of ongoing legislative and policy development, as well as how they contribute to wider academic research that has been conducted in this area. It draws together and builds upon a number of key sociological themes including, the sociologies of fear, ethnicity, social control and social constructionism.

Asylum has become a kind of 'mobilising strategy' to manufacture social order, wherein the actions and agency of 'moral entrepreneurs' (Becker, 1963) have been key components of how the problematic status of the issue has been defined. Furthermore, asylum has become a way of creating inclusion through exclusion by classifying, categorising and constructing 'deserving' and undeserving' migrants. The construction of the asylum issue as a problem, and asylum seekers being labelled as deviant, has significant implications for a range of wider changes and challenges facing society and that the way the issue has been constructed has drawn upon, and reinforced, a climate of fear. This poses serious questions about the ability to meet such challenges positively. The ways in which problems are defined and constructed frames the nature of the responses and reactions to them that can be imagined and implemented in practice. This chapter will end by providing a consideration of the policy implications of the social construction of asylum, before entering into a normative discussion of how the current situation might be changed.

This study was initially conceived to consider the implementation of a specific piece of legislation, the 1999 Immigration and Asylum Act, which was portrayed by the government as a radical overhaul of asylum legislation in reaction to increases in the number of recorded applications for political asylum. Since this time, and over the period the research was being conducted, there has been almost constant legislative innovation and the issue of asylum has continued to have a central place in political and public debates. This is despite the fact that in recent years, recorded numbers of applications have actually decreased, which serves to highlight one of the
central themes of this study, namely that the construction of asylum and control responses to it are not simply a pragmatic reaction to rises in the number of applications, but are a consequence of interactive and interpretive processes played out in a wide-range of settings and by a diverse variety of social actors. In light of such developments, the research focus has evolved and been reformulated to consider this overall legislative change, including why so much change has occurred and the implications and impact of this.

The Sociology of Fear

Furedi (2002) contends that modern society is characterised by a pervading sense of anxiety that is an omni-present force and shapes every human experience as a 'safety situation'. Bauman (1998) has labelled such concerns as 'ambient insecurity', where the management of insecurity has become the defining problem of the age. According to Furedi, "being at risk has become a permanent condition that exists separately from any particular problem" (Furedi, 2002. p. 5). The levels of anxiety experienced are not in proportion to the scale of individual issues, but a heightened consciousness of risk has become a rational response to the dangers of modern living. The way certain issues are perceived, and Furedi gives the examples of differing reactions to space shuttle crashes, alter over time and owe less to the events themselves, but rather more to deep-seated beliefs with society at a given time (Furedi, 2002). Building on this, Altheide (2002) centres the mass media and popular culture as being of the most fundamental importance to the promotion of such fears, where the dominance of public anxiety may begin with specific fears, but then is mediated in such a sense that fear becomes a way of looking at, or understanding life (Altheide, 2002). It is not simply issues such as the 'fear of crime' that are important, but that fears disseminated by the mass media have become a framework for how people view the world.

It is not hard to see that if such a climate exists within society, how asylum may be viewed as a source of fear due to the ways that it has been associated with crime, terrorism and economic insecurities. Thus, it is not simply the existence of such a climate of fear that is significant, but the way in
which claims makers articulate a range of insecurities as being related to the asylum issue. At the same time, the construction of moral panics surrounding asylum may be seen as reinforcing the climate of fear that already exists, as has been outlined in previous chapters. An understanding of fear in this way also provides insight into the potential consequences for social issues. For instance, Furedi (2002) shows how the climate of fear has motivated calls for tighter regulations, searches for people to blame and a kind of institutionalised caution. Such caution may offer an increased sense of security, but this may also induce a desire to limit growth or prevent experimentation. Furedi gives the example of scares concerning GM crops, which could inhibit development in this area and essentially talks of a climate where risk taking is viewed negatively. Similarly, Altheide (2002) has posited that people are more willing to tolerate incursions on their freedom of movement, and that the reaction to the overall sense of fear has essentially embedded an overwhelming desire to manage perceived risks.

Within such a context, claims making processes that have accentuated increased controls in relation to asylum as a key way of addressing insecurity may have more currency than would be the case if these fears were not felt within society. It was shown within the empirical chapters that claims-makers often seek to legitimise control interventions on asylum by relating the issue to other societal fears. For example, Chapter 5 illustrated how government ministers forwarded case study 'evidence' of social security abuse to justify increased controls, and Chapter 6 demonstrated how a linkage was made between asylum and terrorism by actors in the Home Affairs Select Committee, and that this was used to argue that new procedures to control asylum seekers were necessary. The important point about this is not that wider concerns about welfare abuse or terrorism mean that there will naturally be increased concerns and therefore controls in relation to asylum seekers, or that there is a simple casual link. Rather, these wider fears may provide a background against which claims makers articulate discourses on asylum, which ultimately gives more weight to their arguments about why increased control of asylum is necessary.
Bauman contends that, the presence of a widespread "ambient insecurity focuses on the fear for personal safety; that in turn sharpens further, on the ambivalent, unpredictable figure of the stranger" (Bauman, 1998, p. 122). This quotation from Bauman gives a good indication of the link between the existence of fear and 'the stranger' who can be blamed or who can give some kind of specific and material form to insecurities. Building on this, the sense in which the asylum seeker has come taken to symbolise virtually all types of immigrant within popular discourses, as well acting as a signifier for wider debates in relation to race relations and ethnicity, has meant that all these issues have been negatively framed due to the wealth of fears expressed over asylum, which as Cohen (2002) maintains is "framed by the general categorisations of race, race relations and ethnicity" (Cohen, 2002, xix). As Crawford (2002, p. 34) has posited, the trend towards homogenising what are diverse migrant populations has created an 'ideal enemy'. Asylum is a 'bridging symbol' for these areas, and the fearful and negative construction of asylum seekers, as criminal, scroungers or even terrorists has implications for wider understandings of immigration and race relations. This is important, as at a time when issues of ethnic integration and social cohesion are to the fore, the constructed fears associated with asylum seekers makes it very difficult to promote positive ways to address such challenges.

Evidence suggests that not only is net immigration not harmful to native workers in countries such as the UK, it is in fact necessary to meet projected skills shortages and labour market shortfalls caused by an ageing population (Lewis and Neal, 2005). It is estimated that without net immigration the working age population of the UK will decline by approximately 2 million in the coming 25 years, whilst the numbers of those aged over 65 will increase by more than 3 million (RDS, 2001a). This might then be framed as a key challenge facing society, but to relate this back to Furedi's argument, the types of fears witnessed in relation to asylum seeking have made it very hard for a positive and rational debate on this issue to be possible. Indeed, it can...
be argued that the potential 'problem' of an ageing workforce, is a more pressing concern than the asylum 'problem', but the social construction of the latter has been more 'successful'. As will be shown below, this has been made harder still by the government's creation of asylum as a problematic issue that they in turn have struggled to retain control of. Also, this sense of fear has induced a climate in which subsequent constructions are made possible, for example through the role of 'moral entrepreneurs'.

**Ethnicity**

It would be vastly over simplistic to claim that the level of hostility to which asylum seekers have been subjected is simply down to the issue of racism, or that the sole reason that the topic has become so important is because the majority of asylum seekers have a different skin colour to most British people. Having said this, there were suggestions made by some interviewees for this research that the level of antagonism that has been experienced within the asylum debate would not have been witnessed if the majority of those seeking asylum had been white Europeans. This is of course a highly complex issue, but one way to illustrate such a contention is to consider the different kinds of reactions to, or discourses surrounding asylum seekers, and those of a different migrant population, namely Polish economic migrants. Since the new accession states joined the EU in 2004, Polish workers have had the right of free movement to seek employment in the UK without the need of obtaining work permits. Following the removal of such restrictions, it is estimated that out of the 500,000 people from these countries that have taken up employment in the UK and Ireland, around 300,000 of them are Polish (BBC, 2006). Such numbers are broadly comparable to those experienced at the height of the 'influxes' of asylum seekers, but the impact in public, political and media discourses has been markedly different. Whilst asylum seekers have been constantly labelled bogus and framed in wholly negative terms, Polish workers have on the whole escaped such treatment. That is not to say that Polish immigration has been viewed entirely unproblematically, there has certainly been some negativity expressed towards them. It is however argued that this level of negativity is of a different quality and quantity than that
expressed previously towards asylum seekers. Furthermore, this research has shown how much of the justification for anti-asylum control has been premised on the presentation of statistical evidence, suggesting that the shear numbers of them entering the UK is in itself cause for alarm. Given this, why then should similar numbers of Polish workers have not generated similar types of concern?

Differing Perceptions

Recent research on Poles living in London has illustrated how they are quick to use their whiteness as an asset that they believe gives them a kind of hierarchy over other migrant groups (CRONEM, 2006). CRONEM's (2006) study suggests that there are two key reasons why this is the case. Firstly, with Poles being (on the whole) white Christians they are keen to embrace a search for a European identity, by highlighting the differences between themselves and the 'non-whiteness' of ethnic minorities (CRONEM, 2006). Secondly, the experience of Poles with employers and on 'the streets' is that their whiteness is an advantage. The research then goes on to provide a quotation from the Spectator magazine which offers further insight into this issue, "the New-Europeans are hard-working, presentable, well-educated and integrate so perfectly they will disappear within a generation" (Browne, quoted in CRONEM 2006). This implies that not only is the whiteness of Poles advantageous for them, but that they have been presented as hard working and therefore as economically beneficial to the UK. Clearly, the sense of invisibility highlighted here may have affected overall perceptions of Polish immigration. The suggestion that they will 'disappear' insinuates that they do not 'stand out' as much as some other groups (asylum seekers for example) might, and thus are viewed in less problematic terms.

These results contrast sharply with the asylum debate. First, as the majority of asylum seekers are not white they are not afforded the same kind of opportunities available to Polish migrants. Secondly, and as this research has shown, asylum seekers have not only been overwhelmingly portrayed in media and political discourses as 'bogus' and 'scroungers', but they have also
been denied the opportunity to be economic contributors by the Home Office as they are unable to take up employment. Added to this, the sense in which there have been claims by politicians, campaign groups and the media that the asylum system may be used as a means of entry for terrorists (with a discursive concentration on Muslim asylum seekers), reinforces the connections between asylum seekers ethnicity and negative constructions of them. These (and other) factors all contribute towards asylum seekers and Polish migrants being viewed in very different ways. Whilst colour, ethnicity and racism cannot account for this entirely, it is quite possible to see how such factors are influential.

**Ongoing Policy/Legislative Development**

Increased social control of asylum is not solely a consequence of the actions of government or of legislative innovation, rather it is a product of interactive processes engaged in by a range of social actors. Indeed, as Black (1976) asserts, the role of official state actors is only one small part of how deviance is responded to and social control enacted. Law enables and constrains certain control interventions, though these are not confined to the state control apparatus. For example, changes in asylum law has mobilised employees of airlines and lorry drivers to engage in what effectively amounts to immigration control work. As highlighted within the empirical chapters of this thesis, this mirrors wider societal developments and what Garland (1996) refers to as ‘responsibilisation’. This is a specific and general trend towards citizens being mobilised in the governance of deviant behaviour. There has been devolution of responsibility, which demands citizens are responsibilised, and the enactment of social control is dispersed throughout society. This thesis argues that analogous developments have occurred with regards to the asylum issue. Subsequent behaviours of such actors may then have a significant impact on the asylum issue, for example by airlines not carrying passengers without visas (thereby making it harder for some to legally reach the country) or lorry drivers ‘discovering’ and reporting persons they may suspect of being illegal immigrants (thereby adding to the recorded numbers of illegal immigration). Such measures promote a ‘secondary’ expansion of
social control, in that in configuring the 'primary' expansion that is focused upon controlling asylum seekers, there is an increase in the regulation and control of those agents now required to perform the primary interventions. Such agents are cast as liable for punitive sanctions if they are found not to have complied fully with the requirements placed upon them.

The purpose in outlining ongoing legislative development therefore is not to suggest that the social construction of asylum is solely a consequence of state actions, but rather to highlight that a mixture of popular, media and political discourses and actions have been integral to this construction. The range of claims and counter claims that have served to keep the asylum issue a high-profile one are themselves part of this interactive process, and are a key element of why legislative development and policy change continues, which in itself is indicative of the continued salience of the issue.

Changing Classifications

The creation of law is a defining process that constructs the problematic status of an issue in a particular way. Moreover, in so doing it enables certain forms of control responses whilst simultaneously inhibiting other possibilities. By virtue of a series of legislative interventions, government has enhanced the status of asylum control as one of central symbolic importance. They adapted the definition of asylum thereby maintaining its high profile status, reconfiguring the asylum problem in a number of ways, and continuously modifying the classification of asylum seekers. Classificatory changes such as the movement from ELR to Humanitarian Protection, or by changing the parameters of what an illegal immigrant is considered to be, can be seen as consequences of the way the problem was constructed.

The various means of defining asylum seekers are key ways in which they are constructed and understood, and classifications make it possible to justify differing types of control responses and interventions. At various times, the asylum issue has been closely linked with terrorism, crime or welfare fraud and via connections such as these the issue has remained a highly significant
one. In essence, the definition of the problematic status of asylum has not been a stable thing but has undergone several revisions and reworkings. During the Cold War period, the granting of political asylum was viewed as a way for the West to show a kind of 'moral superiority' over the Soviet system (Hansen and King, 2000). Since the late 1980s, asylum has been used as a vehicle to articulate concerns regarding the limitations of the welfare state in line with neo-liberal discourses and following the terrorist attacks of September 11th 2001 asylum seekers became closely associated with the perceived terrorist threat (Bloch and Schuster, 2002, Refugee Council 2003). This shows that the significance and understanding of asylum has been retooled over the years to promote various political imperatives that in itself refracts the most pressing political issues of the day, and as a way of justifying particular discourses and control strategies. This continued reformulation of asylum as associated with these other issues provides a stronger sense in which the issue may be considered a 'bridging symbol'.

Conflicts, Contests and Oppositional Voices

Whilst the state have been the dominant voice and especially influential in propagating certain definitions of asylum seeking, other groups have sought to mount counter claims and challenge aspects of the political discourse. The ways in which asylum is understood in popular and political arenas are the result of contests, conflicts and negotiations and it is important to highlight that different actors come from varying ideological positions and have different levels of access to power. Although the way that asylum is understood may be the consequence of interactive processes, different actors will have varying opportunities to have an influence, so therefore not all of those involved within the asylum debate have had an equal impact on the way the issue is constructed. For example, the government has the power to set the parliamentary agenda and therefore has a large degree of influence over the direction the debate has taken, and a national newspaper will have a greater access to government than a small charity supporting asylum seekers' rights.
As was shown within the empirical chapters, a significant number of influential claims makers dissent from the position of what might be termed the dominant or government discourse. Many back bench Labour and Liberal Democrat MPs and MEPs, who were interviewed for this study and were cited from the select and standing committee minutes, have taken a position on asylum which contests that of the government. Also included in this group might be members of asylum supporting campaign groups or humanitarian organisations. Such actors have directly challenged the government position, or the dominant discourse, in which asylum seekers are portrayed as a threat or as deviants. These counter claims makers have articulated the sense of an asylum seeker as a victim (often of oppressive regimes or of torture), and have focused on the need to provide humanitarian protection to them, as opposed to the concentration on enforcement strategies articulated by dominant discourse voices. Importantly, it has also been shown how counter claims makers have depicted asylum seekers as the victims of the actions of states, a sentiment also expressed in the work of Pickering (2001b) in her observations of the treatment of asylum seekers in Australia.

Although it is important to highlight that those articulating oppositional sentiments are not one unified grouping, there is enough commonality among voices contesting the government or dominant position to be able to say they make up a significant body of opposition who play an important part in the asylum debate. As such, it was deemed appropriate to have a broad separation between dominant and counter claims makers throughout the analysis in this thesis. Importantly, some of those who may be seen as coming from the oppositional position have significant access to power and thereby the ability to influence policy and the asylum debate. For example, clearly those back bench Labour MPs, or Liberal Democrat MPs who take an oppositional stance have access to power (through asking Parliamentary questions, or voting on legislation) well beyond that of most people, and this is even greater if they serve on relevant parliamentary committees. Also significant, is that these MPs often use the Parliamentary setting to articulate the positions of other oppositional claims makers. For example it was shown in Chapter 7 how a Liberal Democrat MP cited evidence from the Commission
for Racial Equality and the National Association of Citizens Advice Bureaux within a House of Commons debate in relation to asylum seekers and illegal working.

The potential impact of such counter claims was highlighted in Chapter 7, where it was shown how oppositional voices were influential in the ending of the voucher system for asylum seekers. Importantly, counter claims makers, such as humanitarian organisations and campaign groups were very vocal on this issue and crucially this agenda was pursued by MPs oppositional to the government position in the House of Commons. Wide-spread opposition (and crucially organised and targeted campaigning) to the welfare provision for asylum seekers being in the form of vouchers, which was also given a parliamentary voice, was a crucial factor in a change of policy and thereby provision. As such, this thesis certainly does not argue that counter claims, or voices in opposition to the dominant discourse are irrelevant or have not had an impact, but at the same time it has shown that those who espouse the dominant discourse have had the most significant impact on framing and shaping the asylum debate and policy.

Thinking in terms of conflicts and contests provides further indication of the nuances and varying interactions within asylum debates. A conflict is a situation that is more inherently confrontational, for instance between radical campaign organisations. For example, pressure groups such as the Refugee Council and Migration Watch have fundamentally different positions regarding asylum which are unlikely to be resolved with dialogue between the two of them. Whereas a contest could be circumstances where rules may apply to any dialogue and debate, and parties accept they may lose. For example how UK policy relates to EU policy, where there may be some contention, but ultimately one party would accede to another. Although this provides a simplified view of the different types of interactions within the asylum debate, it serves to highlight the sense in which such interactions are complex and take place in a wide-range of settings.
Legislative Innovation

The Immigration, Asylum and Nationality Act (2006) became the fourth major piece of asylum legislation in the UK within the last 8 years. A list of Bills and Acts of Parliament developed during the span of this research is provided below,

- Nationality, Asylum and Immigration Act 2002
- Asylum and Immigration (Treatment of Claimants, etc.) Act 2004
- Immigration, Asylum and Nationality Act 2006

Even a cursory reading of this list cannot fail to create the impression that the asylum issue has been an almost constant topic of debate within the Houses of Parliament in the UK, and accordingly has been ascribed the status of a key public policy problem which needs to be addressed. Much of the content of this legislative reform has been focused on control measures and enforcement, with the central aim being to exclude and prevent entry to the country (Schuster, 2005). There is more than this going on here however, as illustrated by drawing parallels with what Loader (2006) has referred to as a tendency towards 'legislative hyperactivity' across the governance of the criminal justice system, where he posits the government have become overly concerned with being seen to be 'doing something' with regard to law and order. Loader posits excessive legislative innovation may have more to do with electoral popularity than being a tactic that will actually solve the problem. It is a kind of symbolic politics, and the range of new laws relating to asylum may be viewed in the same manner.

Seen to be 'Tough'

It is not being suggested that this is the sole motivation for the scale of government action, but the sense in which they are seen to be acting on the asylum issue is a significant factor. Similar to Loader's views on the criminal justice system, there is a strong sense in which the government have been
aware of the popularity of being seen to act on asylum seeking, and the most visible way they have done this is by introducing new laws. This was a view articulated by a number of interviewees for this study, many of whom have worked closely with the government on this issue. Importantly, ‘tough’ action against asylum seekers is very much in line with the agenda of much of the popular press media, and there are clear ways in which it might be advantageous for the government to be seen to be acting in accordance with this agenda. The popularity of enacting law on asylum may also be explained in part by the way the issue has been negatively constructed, and by thinking in terms of the above explanations of fear and ethnicity. If there is a popular perception that the asylum issue is a genuine social problem, and accepting Furedi’s (2002) argument that the climate of fear has produced a greater desire to ‘risk manage’ and eradicate perceived dangers, then it can be seen how attempts by the government to be seen to be doing this by enacting law may be thought to prove popular with sections of the electorate.

There is no single consensus on the exact nature of the asylum problem and how it should be responded to, but rather the government has had to choose to take certain directions. As Cohen (1985) has identified, the way deviant or troublesome acts or populations are defined varies over time, and such definitions take place within particular social contexts. Many justifications for the need to control asylum have focused on official statistical recordings of asylum applications, but a critical reading of this highlights the social context in which such numbers are interpreted, and where, when and by whom law is made and enacted. An examination of recent trends in asylum applications illustrates this point.

**Decreasing Numbers**

Despite the fact that recorded numbers of applications for asylum have fallen in recent years, the issue continues to feature heavily in political and public debates, and in newspaper headlines. As Figure 9.1 graphically illustrates, in 2002 there were 84,130 recorded asylum applications in the UK, in 2003 there were 49,405, in 2004 there were 33,960 in 2004 and by 2005 this figure was
25,720 (RDS, 2005b). The reason legislative innovations have continued (with three Acts of Parliament already passed in this period) is because asylum has been cast as a symbolic problem through which a range of overlapping cultural insecurities can be articulated. This research has shown that much recent asylum legislation and related control measures have been justified by the government as an appropriate response to recorded rises in applications that were witnessed from the late 1980s onwards. This was a key theme that came out of the analysis of interview and documentary data, with many interviewees regularly referring to numbers as ‘evidence’ of why control measures were necessary, and this was an issue explored within the empirical chapters. It has also been noted within academic literature, that although public justifications have been primarily made in terms of numbers, other factors have been influential in shaping debates and the development of legislation. For instance, Weber and Bowling (2004) posit that the third world origin of many of the ‘new refugees’ personified public anxiety of a loss of sovereignty in reaction to the end of Empire and the growth of the European Union, and that issues such as these were key to asylum being viewed problematically. The findings of this study echo such sentiments, and point to a conclusion that the perception of asylum as a problem is the result of a far more complex range of factors than simply increases in numbers. Although in terms of how asylum seeking is presented as a problem the primary concern is one of increasing numbers, this research has shown that the level of concern is actually being sustained by a more complex array of factors.

*Understanding Contemporary Social Problems*

This is a key way in which this study, and why sociological explorations of the construction of social problems more generally can provide valuable knowledge about developments within contemporary society. To understand the construction of the asylum issue as a social process, where the social dynamics at work contribute to what is happening and understood, as opposed to merely viewing it as a pragmatic reaction to increases in numbers (as is often the case in popular discourses), provides an important insight into its nature and position in society. The above understandings of *ethnicity* and
the different reactions to asylum seekers and Polish migrants extend this further and build upon the types of issues highlighted by Weber and Bowling. As was explored in previous chapters, official asylum statistics themselves should to an extent be viewed as a social product of the conditions under which they are produced, as a recent National Audit Office Review of their collection recognised (Langham, 2005). However, the important point, and why it is relevant to draw attention to recent trends here, is that official statistics have been used as a key tool by a range of actors to make knowledge claims regarding asylum. Figure 9.1 gives an indication of the official statistical trends in applications for political asylum in the UK with the last ten years.

**Figure 9.1**

Asylum Applications 1996-2005

![Asylum Applications 1996-2005](image)


It could be reasonably anticipated that if the overall scale of, and action within, the asylum debate had solely been a pragmatic response to increases in applications, that as the numbers lessened so would interest in the issue. Given that this has demonstrably not been the case, the question must be asked as to whether the numbers of applications were ever really the key
factor in driving the salience and activity in the area? It has also been posited by some commentators that even at the height of applications for asylum the actual size of inflows did not justify the overall perception of 'swamping' and of an overcrowded country that was unable to cope, which was often propounded (Stratham, 2003). The construction of the asylum problem is in fact the result of a far more complicated and sophisticated range of factors than a simplistic reaction to numbers, and in reality its relationship to such figures is largely confined to the interpretations that people have placed upon them. As such, this is one sense in which examination of the asylum issue can help to develop our broader understanding of the construction of social problems, by providing insight into the manipulation of official statistics. It has long been recognised within sociological research that official statistics have been used to justify particular positions or courses of action. For example, Hall et al (1978) illustrated how headline figures regarding instances of mugging in the 1970s were used to create a 'moral panic', and how in that case official statistics performed an ideological function. The use of statistics within the asylum debate provides a contemporary manifestation of similar processes and highlights how the form and function of statistical interpretation has altered and operates within modern society.

Once it has been recognised that the way asylum is understood is not simply a naturally occurring consequence of increases in numbers, what becomes important is to identify how such understandings are in reality constructed. The academic literature on asylum is able to offer some insight into such processes. For example, Lynn and Lea (2003) have shown how newspapers and their readers have been influential, and how a range of discursive and rhetorical practices have been used in 'letters to editors' pages in newspapers to construct negative depictions of asylum seekers. In such instances, editorial decisions have to be taken about which letters to publish and therefore how to promote the issue to the readers. As such, there was an active construction of asylum seekers as deviant and bogus, which resulted in the differentiation of the 'other' (Lynn and Lea, 2003). There are parallels here with Gusfield's (1984) study of the construction of public problems in the
United States, where campaigns established drink-drivers as some kind of 'other' worthy of punishment.

Beyond the Control of Government?

The findings of Stratham's study, based on focus groups, indicate that the British government have had the dominant voice within public debates on asylum, and that this has been central to the construction of the problem (Stratham, 2003). He argues that a 'top-down' situation has occurred, where government action has shaped perceptions of asylum, as opposed to being influenced by it (Stratham, 2003). Similarly, Robinson (2003, p. 6) has argued that the government took the lead in forming opinion, and may even have purposefully shaped public perceptions in order to justify more restrictive legislation. Research for this thesis indicates that the government have indeed been influential in constructing the asylum issue, but that it would be over-simplistic to attribute all responsibility to them, or to suggest that claims makers outside of government have not had an influence. Indeed, governmental discourse may have been a dominant influence, but as has been shown in this study, counter claimers have also made a significant contribution and influenced policy on such issues as the use of vouchers and accommodation centres. Furthermore, campaigners and other key claims makers (such as journalists) who might be thought of as expressing a dominant discourse position may have articulated anti-asylum sentiment with even more force than the government. It could in fact be argued that the government may have had the role of 'primary definer' during the early stages of the period when asylum became a high-profile issue, but that they have struggled to control the whole direction of subsequent debates, and are in effect a victim of their own success. In a sense, key actors within the government have actively contributed to the creation of their own public policy problem through their discursively framing of the issue. They have struggled to find 'solutions' as the problem has become amplified, which has had the effect of justifying further interventions thus continuing to raise the profile of the issue and the need for effective responses.
If governmental actors have contributed to the problematic status of asylum but at some point been overtaken by the scale of the issue, this raises questions over issues concerning discrepancies between 'problem creating' and 'problem solving'. Essentially, the government have struggled to retain ownership of a problem that they were integral in creating. Certain authors have highlighted areas where the government has played a key role in creating social problems, but the findings of this research builds on such contentions and goes further in saying that the construction of the social problem of asylum has gone beyond governmental control. For example, Lee (2001) has posited that the role of government is paramount in the creation of 'fear of crime', where attempts to govern it and the use of survey data 'sensitise' the populace to such fears. Particular political discourses add to the 'popular purchase' of the fear of crime and tougher approaches to it are justified (Lee, 2001). There are certainly similarities between this and the contemporary emergence of the issue of asylum as a key social concern, but it may be that in the UK the government's part in constructing asylum seekers negatively has to some extent created problems for themselves that they are unable to control, and that makes it harder for them to make a positive case for other types of migration.

In a similar way to Furedi's (2002) notion that society may be distracted from developing or facing key challenges because it has become overly concerned with 'theoretical dangers', so it has become harder for the government to articulate positive messages in relation to the need for economic migration or to lessen racial intolerance due to the negative construction of asylum having become embedded in society beyond their control. If fear institutionalises caution and prevents experimentation and change, then the fear surrounding asylum seekers that the government have been complicit in, but lost control over, has had the consequence that genuine refugees could be victims of this loss of control. As the government try to 'problem solve' against the type of 'problem creating' outlined here, they have responded by continuously trying to implement stricter controls, in one sense engaging in 'symbolic politics' and
in another actively trying to address the problem that has been created. This has led to stricter controls being placed on those attempting to reach the UK, and some of these, such as visa impositions are to the detriment of genuine asylum seekers as much as those that the government might label ‘bogus’.

**Mobilising Strategies**

Of particular use here is the concept that Jonathan Simon (1997) has termed 'governing through crime'. Simon has identified that in the United States, actors such as the media and governments have constructed crime as being symbolic of all societal insecurities, and that this, along with punishment and retribution, has become a primary way to direct people’s actions towards certain matters and away from others. Interestingly, Simon notes that this has occurred, even during a period of reduction in official crime rates (Simon, 1997). As such, he refutes the assertion that there is some kind of objective ‘crisis’ of crime in the United States, but that other factors including changes in the nature of governance and of concerns regarding social and economic security have been important. In this way, crime has become an organising strategy to manufacture social order. Analysis for this thesis suggests that it is not just crimes per se that are important but any problem that can be associated with a type of crime can animate these political processes - i.e. asylum connected to illegal immigration.

The evidence from this study is that similar processes have been occurring in relation to the asylum issue in the UK. The focus upon asylum has been used as a kind of ‘mobilising strategy’ with which to articulate certain arguments and positions, as well as animate or ‘drive’ the process to make actors behave in particular ways. Asylum has been cast as a problem of such magnitude that it overcomes any inertia to action and calls for immediate and rapid response across government departments. Data in this thesis showed that across-government, individual departments were mobilised in this way, and the sheer amount of legislative activity and additional resources that have been witnessed with regards to asylum illustrate this. Furthermore, asylum has mobilised action in other areas, for example in ongoing debates surrounding
identity cards highlighting asylum 'abuse' and illegal immigration has been one key justification for their introduction. A newly formed agency of the Home Office, the Identity and Passport Service, are supposedly responsible for introducing and managing identity cards, and one of the chief justifications they cite for the introduction of the cards is to combat illegal immigration (Identity and Passport Service, 2006). Even if the introduction of identity cards does not happen, what is important for the conceptual concerns of this thesis is the discursive relationship between them as a mode of social control and asylum seekers, and that this was a central way of mobilising support for them. The construction of asylum as a problem has been so successful and penetrating, that to associate other initiatives with it adds powerful justification and legitimation to their introduction. Indeed, this example highlights one of the central findings of this research, namely that asylum has been used as a device through which to articulate arguments towards manufacturing enhanced social control in contemporary society. The ways in which this has happened are wide-ranging and highly complicated, but one example of how it has occurred is the role played by 'moral entrepreneurs', as will be outlined below.

A further key insight provided by Simon is that in a range of institutional settings, government agents are generally viewed as acting in a legitimate way if they are ostensibly fighting against crime, or against other behaviours labelled deviant and analogised closely as criminal. Simon (1997) posits that under such circumstances, those charged with governing may be expected to re-define their activities in criminogenic ways. As has been shown in this thesis, the criminalisation of asylum seekers is an important factor in the asylum debate, and it has legitimised a range of interventions and control responses. Some of the specific ways that asylum seekers have been cast in this manner have been illustrated, and this has happened in two key ways. Firstly, through the modification of legal parameters of what constitutes a criminal offence in relation to the asylum process, there are more ways in which asylum seekers may be defined as 'illegal immigrants'. For example, Section 2 of the Asylum & Immigration Act 2004 made it a criminal offence for an asylum seeker to attend an initial asylum interview without a passport (or
to provide a good reason for a lack of documentation), and this is potentially punishable by a two year prison sentence (Home Office, 2004a). Secondly, and as described in Chapter 6, asylum seekers have been labelled as disproportionate perpetrators of criminal acts outside of the asylum system, although no evidence exists to back up this claim. In addition to these two specific constructions, there has been a generalised casting of asylum seekers as deviant and bogus, often 'evidenced' by refusal rates, which as has been shown are in many ways socially constructed.

*Moral Entrepreneurs*

As mentioned above, one of the key themes of this thesis is that the construction of asylum as a problematic issue is the result of interactive processes, interpretations, actions and motivations, rather than simply a pragmatic reaction to increases in recorded applications. Various claims makers in the debate, such as pressure groups, politicians and the media all have different agendas and understandings of what exactly the asylum 'problem' is and how it should be responded to. Therefore the way, for example, a particular newspaper discursively frames the asylum issue may have an impact on how it is popularly understood and influence governmental thinking on the issue. This is a simplistic example, but the key issue is that the construction of asylum is the consequence of what people actually do, or the result of the actions of a range of actors. As the example of continuing high levels of interest in the issue during a period of the lowering of numbers of applications highlights, the way asylum is understood owes more to how people manufacture understandings than it does to objective conditions. Analysis of the interview and documentary data for this research made that realisation clear, and once that was established what became important was to understand these processes and how they have contributed to the construction of the asylum debate.

One of the most important themes elicited via the analysis was that particular individuals or organisations have been highly visible and vocal within the asylum debate, and that such actors have had a significant impact on
understandings and perceptions of asylum. Often, these actors can be seen as representing certain ‘positions’ or ‘stances’ and what is of central importance is how such organisations or individuals claim the space for debate by taking these clear standpoints. These actors might be thought of as ‘moral entrepreneurs’, who employ their agency at key times and places, and play a crucial role in keeping the issue alive. To state this another way, ascription of the problematic status of asylum cannot be viewed as simply developing as a natural consequence of the increased movement of peoples; rather someone had to make it happen. Becker’s (1963) concept of ‘moral entrepreneurs’ shows how people perform the role of driving forward a given issue and in many cases the direction or outcomes they pursue are informed by particular moral standpoints.

It was also recognised by Becker that moral entrepreneurs are often able to operate most effectively within a climate of moral panic, where they are then able to label others as deviant and outsiders. The climate of insecurity and fear that has been argued is prevalent in contemporary society (Young, 1999, Garland, 2001, Altheide, 2002), and specifically with regard to asylum seekers, may therefore be seen as an ideal environment in which moral entrepreneurs may successfully influence perceptions. Furthermore, the kind of climate of fear outlined by Simon (1997) characterised by anxiety and concern over crime, has created the conditions where moral entrepreneurs can operate and problems can be labelled. Therefore, it is not solely the actions of entrepreneurs that might determine the level of success they have in influencing an issue. Rather, the context of an environment where fears of crime and terrorism, as well as economic insecurities are central discourses at political and public levels has resulted in fears expressed concerning asylum seekers having a greater impact and achieving greater political traction.

**Moral Campaigns**

A clear example of the role of one such social entrepreneur is provided by the campaign organisation, Migration Watch. Migration Watch is in many respects inseparable from its founder and chairman, Sir Andrew Green, a former British
Ambassador to Saudi Arabia. Green may be viewed in the entrepreneurial role, as through personal campaigning and lobbying he has established himself as a key actor within the asylum debate, who now regularly gives evidence to House of Commons Select Committees. Clearly, Green's background as a senior diplomat afforded him an added degree of influence that may not have been available to others. This illustrates the previously made point concerning the range of access to power that claims makers may draw upon. Further to this, Green is regularly called upon by the media to provide 'expert' opinion on matters relating to immigration and asylum, and Migration Watch have been responsible for producing a number of reports that have attracted significant media attention, thus contributing to the issue (or Migration Watch's particular interpretation of the issue) remaining high-profile.

The setting of Parliamentary Committees is particularly interesting, and formed a significant part of the documentary data that were analysed within this research process. Within such settings, entrepreneurs such as Green may be called upon to give evidence on a particular issue or during the course of specific pieces of legislation. Where the purpose of the committee is scrutiny of an individual piece of legislation, the evidence of entrepreneurs such as Green will in turn be used to inform discussion of MPs who will themselves make recommendations at ministerial level. What is particularly interesting about Migration Watch, is that they (or specifically Green) have been called to give evidence to Parliamentary committees on more than one occasion. Organisations called to give evidence to such committees had normally been large and well established bodies (Amnesty International, Red Cross etc), and the success of a small and newly formed organisation such as Migration Watch, is indicative of their influence within the debate. In addition, the fact that what may be crudely labelled an 'anti-immigration' group, and what is more, one that is small and newly formed, has such a degree of authority within the asylum debate illustrates that there is a receptive audience for their take on the issue. Accordingly, it can be seen how successfully constructing an organisation as being considered as part of a body of expertise allows entrepreneurs to play a pivotal role in an interactive
process that is not only influential in the formulation of policy, but in the 
construction of the asylum issue. Furthermore, it is often the case that claims 
makers will highlight individual cases and stories to represent the whole 
asylum problem. This is of course an over-simplified model of how policy 
might be influenced, but it serves to highlight the important role entrepreneurs 
can play.

In this way, the study of the construction of the asylum problem provides 
further insight into how social problems are generated more broadly. As Best 
(1995) has identified, objectivist definitions of social problems include little 
commonality between them, and as such are able to offer little in the way of 
generalisations that can be made between conditions. Indeed, it should be 
considered that an entirely objective understanding of social problems, which 
does not take into account the social settings of issues, is not possible. As 
such, utilising a constructionist perspective towards asylum, and specifically 
here looking at the role of moral entrepreneurs, offers insight into the ways by 
which people specify some social conditions as social problems.

Inclusion by Exclusion

Attempts to foster cohesion by designating certain groups as ‘outsiders’, or of 
creating inclusion by exclusion are not a new phenomenon. Efforts to develop, 
for example, nationhood, have long been characterised by hostility to other 
nations or ethnicities, and in this sense attempts to exclude asylum seekers 
are not entirely new (Clarke and Garner, 2004). Indeed, it has been asserted 
that the very concept of a nation is essentially a manufactured one; with for 
example Anderson (1983) deeming nations to be ‘imagined political 
communities’. However, this thesis argues that the form and nature of such 
processes of including by excluding have altered, and that the boundaries in 
which they occur have been reconfigured.

The construction of the asylum problem has occurred during a time of 
fundamental changes in the nature of governance, welfare provision, EU 
enlargement and globalisation, and as previous chapters have outlined,
anxieties surrounding identity and security abound (Bauman, 2002a). For example, Clarke and Garner (2004) have suggested that hostility to immigration has shifted from a focus on fear of job losses towards issues of access to welfare, at a time when there is growing suspicion of the state and a growth in individualism. They further contend that such developments have profound implications for contemporary identity construction, particularly in the context of EU integration and attempts to create a European identity. Also during this time, there have been moves to create common European standards of asylum seekers reception, and to strengthen external borders to keep ‘outsiders’ at bay, thus promoting the idea of a common European purpose against the ‘other’ (Boswell, 2003). The recent history of the UK had been one of mass migration from Commonwealth countries, but increasing integration and free movement within Europe suggests that future movements may be concentrated from within that continent, and therefore that attempts to manufacture a common European identity in this way will continue (Delanty, 1996). The above example of Polish economic migration illustrated how those immigrants actively sought to ‘market’ themselves as European citizens so as to differentiate themselves from ethnic minorities (CRONEM, 2006). It was also shown that this type of migration was not viewed in the same problematic terms that asylum has been, and thus the inclusion of the Poles has been promoted by portraying them (in media and political contexts) as hard workers who will not be disruptive to society. Highlighting the virtues of Polish migrants can be seen a way of signalling the dangers of asylum seekers, who are portrayed as cheats and bogus. Thus, the inclusion of the Poles is in one sense easier to achieve by the exclusion of asylum seekers (by highlighting what they are not) but also vice versa, in that it is more legitimate to exclude asylum seekers when they are juxtaposed with a migrant population who are seen as more deserving.

Aggregate Groupings

Asylum seekers have been portrayed as ‘scroungers’, or ‘bogus’, who are the disproportionate recipients of welfare benefits, and within some discourses have been treated as if they were one, homogenous grouping. In other words,
the sentiments are expressed that asylum seekers share common characteristics, for example deviousness, and individual cases may be highlighted as evidence for this. Once the idea of asylum seekers as a homogenous grouping is established, it is easier to enact control over them, regardless of individual behaviours. Interestingly, Dwyer (2005) has shown that in fact asylum seekers are not the recipients of generous benefits, and have had to form into self-help networks in an attempt to support themselves. This in many respects mirrors broader welfare trends in relation to entitlement and self-responsibility, and therefore may be viewed as a further mechanism to mobilise personal responsibility and financial self-reliance (Dwyer, 2005). Asylum seekers have continually been specified as a deviant population and classified as ‘undeserving’ by dominant discourse claims makers (Sales, 2005). In a sense, such a classification can be seen as indicative of wider discourses such as those surrounding ‘active citizens’ and individual responsibility, where welfare institutions have been reconfigured and self-reliance is encouraged. In this way, the exclusion of asylum seekers as a group provides an articulation of wider processes of welfare reform. In effect, it amounts to an attempted integration of asylum policy and discourse into wider policies and discourses for the reformulation of welfare systems. Furthermore, this promotion of individualism is a fundamental aspect of the New Labour project and may provide further insight into why the government have addressed asylum seeking in the way they have. New labour ideology advocates an individual responsibility and move away from reliance on the state, with only those in very real need deemed worthy of social welfare (Sales, 2005). It can be seen that viewing asylum seeking within this ideological context may have influenced governmental decision making.

The classification of asylum seekers as some kind of ‘threat’ or problematic group has not been confined to the UK or Europe however. Miller (2005) has shown that in the post-September 11th United States, asylum seekers have been treated with a great deal more suspicion than was previously the case. During this period, there has been a conflation of immigrant and terrorist, and claims for asylum are not treated as sympathetically (or considered as carefully) as they might have been before this time (Miller, 2005). Tellingly,
Miller notes that asylum seekers are now treated much more as an overall grouping, rather than the motivations of individuals being investigated.

Labelling and stereotyping of a grouping has occurred, so that there is now less of a differentiation between individual asylum seekers in terms of entitlement, but rather they are simply seen as an overall threat. This ties into issues explored within previous chapters surrounding perceptions of risk and ontological insecurity in the face of some kind of 'external threat'. This thesis also develops this line of argument, by showing that the classification of asylum seekers has changed over time, with for example official categories such as Exceptional Leave to Remain (ELR) being reconfigured when it suited political imperatives. Within such a climate, clamours for enhanced social controls are afforded added legitimacy and this further serves to illustrate that the way social groups are viewed is not fixed, but rather that they are transient and flexible categories. Wider socio-political developments have led to groups of people being 're-categorised' due to circumstances beyond their control, as they have been perceived as an external threat. The purported control solutions may not necessarily be new, but rather have come to the fore at an appropriate time. Certain procedures or policies (such as identity cards) may well have already been developed and then circumstances have arisen that are conducive to their introduction in practice. It is important to highlight that the moment or timing for articulating a potential solution is key. In a similar way, Newburn and Jones (2005) have highlighted issues with regard to the importation and exportation of policies between countries, specifically with regard to similarities in 'zero tolerance' policing, youth curfews and the 'war on drugs' between the US and the UK. This has shown how there can be an element of policy transfer, with ideas promoted in one country then being imported to another when the situation is conducive to it.

Citizens

Importantly, there are parallels here with developments in the criminal justice system, where the concern has shifted away from an individual offender's rehabilitation and reintegration, towards classifying and identifying risk (Miller,
2005). In the case of asylum seekers and 'non-citizens', social control and expulsion has been enacted against them in a particularly aggressive manner, consistent with their categorization as a criminal population (Miller, 2005). Citizenship can result in radically different treatments under the law for those holding it or persons deemed 'criminal aliens', and therefore to deny it to certain groups is a powerful tool towards exclusion (Miller, 2005). Furthermore, the promise of citizenship can be seen as a way of encouraging assimilation, as to be awarded it one is encouraged to adhere to the culture of the host country. This is closely related to the idea of 'active citizenship', where individuals are seen as having a responsibility to society and in defining and tackling the 'problems' of their communities. Lyon (2001) has shown how such classifications have led to the creation of networks and new agencies to monitor and enact surveillance over such deviant populations. This has included an increased degree of co-operation between agencies within Europe, and beyond, and in this sense has created a kind of unification of international agencies in many ways working towards the goal of excluding and controlling asylum seekers.

The classification of asylum seekers as a deviant and undeserving population has largely been portrayed as a pragmatic response to the problem of illegal immigration, people trafficking and 'bogus' asylum applications within legislative and media discourses. However, and as was outlined above, such classifications are themselves 'defining practices', and have been central to the very construction that they purport to manage. To specify asylum seekers as an out-group and use this construction to foster social cohesion has in itself had a number of negative consequences, and influenced understandings and directions of other areas of policy.

Policy Implications

As previously stated, this thesis recognises that there has to an extent been a 'real' change in the nature of asylum seeking. There is an appreciation of the fact that increased numbers of asylum seekers came to the UK and that in a sense this posed a real policy dilemma. However, this study has been
grounded in the belief that any real changes occurring in relation to asylum seeking do not in themselves adequately explain the repressive nature, or extent of governmental responses. As such, the focus of this study has centred on the particular ways that the asylum issue has been socially constructed, on how the specifically problematic status was manufactured, and why governmental action took the particular course that it did. However, accepting this focus on claims making and related activities, it is also necessary to consider the real world effect of recent asylum legislation and to provide some normative comment about how the current situation, where asylum seekers have been constructed as a security threat and responses have largely been in the form of restrictive measures, might be addressed. As such, this section will provide a commentary on what the potential real world consequences of the dominant construction and policy implications might be.

Gibney (2004, p. 126) cites four key factors as to why the UK became a country 'increasingly embroiled' in the political and social issue of asylum. Firstly, Gibney contends that the traditional 'protection' against unmanaged immigration afforded the UK as an island nation has dissipated in recent years. Increased instances and organisation of people smugglers and traffickers, aligned to enhanced accessibility as a consequence of the opening of the channel tunnel, mean that there are more opportunities to access the UK. Secondly, the relative strength of the British economy in recent years and labour demands in some sectors has meant that some asylum seekers may be able to undertake informal employment and benefit economically. Thirdly, the (limited but potentially significant) increased power of the courts over government discretion, specifically as a consequence of the European Convention on Human Rights. Lastly, Gibney argues that greater constraints placed upon asylum seekers in other European states may have contributed to increased numbers of applications in the UK.

The above factors provide some illustration of how a 'real' issue of asylum exists and why recorded numbers of asylum applications increased in the UK in the latter part of the twentieth century. Furthermore, Hughes (2006, p. 144) describes asylum seekers as 'achingly real', in the sense that they may be
survivors and victims of wars and conflicts. However, the real and actual existence of asylum seekers in the UK does not adequately explain the reactionary, controlling and even repressive characteristics of much recent asylum legislation. It is possible to conceive of a situation where large increases in the numbers of those claiming asylum are met by overwhelming responses of humanitarianism, with asylum seekers popularly being viewed as victims in need of assistance and protection. As highlighted previously, there are undoubtedly individuals and organisations who do conceive of asylum seekers in such a manner, and that these counter claims have not been insignificant in terms of influencing asylum debates and legislation. However, it is argued that the dominant construction of the asylum issue has been of problem, threat and deviance, and that individuals articulating such views have had the most influential impact of understandings of and responses to asylum seekers. The actual existence of asylum seekers does not adequately explain the hostility that has been witnessed, and it is the definitional processes of problem construction referenced throughout this thesis that have resulted in the situation developing as it has. Indeed, as outlined by Hughes (2006, p. 144) although there is an ‘achingly real’ aspect of the asylum issue, there is also a sense of the ‘mythic’ about it, for example in asylum seekers being the subjects of moral panics.

This thesis argues that socially constructed problems related to the asylum issue, which have been articulated by a range of key claims makers, have been a key factor in driving understandings of the issue. Within this climate there have been wide-ranging control responses, in some ways in line with those of other Western European states that have implemented what Gibney (2004, p. 2) terms a “remarkable array of restrictive measures". Although the focus of this thesis has been on law creation, it is important to recognise that these restrictive policies have had a real-world impact on the actual situation and condition of asylum seekers. For example, the constructed perception that generous welfare benefits to asylum seekers act as a magnet has contributed to rules resulting in them only receiving 70% of support compared to the regular amount (Hughes, 2006, p 149). Furthermore, as Koser (2000) has argued, restrictive measures that have made it harder for asylum seekers
to legally access the UK may have led to some being forced into the hands of people traffickers. Likewise, Gibney (2004, p. 130) contends that restrictive policies have increased demands for people traffickers and led to asylum seekers being more likely to undertake ‘extremely hazardous journeys’. The following sections provide some more detailed commentary on the impact of policies that have been introduced to address the socially constructed problem of asylum.

**Unintended Directions**

It is not the case that any one, hegemonic discourse has driven understandings of asylum. Instead, actors including politicians, the media, civil servants, enforcement workers and moral entrepreneurs actively negotiate and contest understandings, for example within Standing Committees that scrutinise the passage of legislation. Moral entrepreneurs may engage in claims making towards portraying the issue in one regard and what is considered as newsworthy by institutions of the media is itself a consequence of issues such as the political disposition of a newspaper. As understandings and outcomes have to be negotiated, the direction the debate has taken is neither linear nor dictated by any specific discourse. In this way, understandings of asylum and social control responses to it may have developed in ways that have not been specifically planned or intended by one controlling vision. Indeed, control responses themselves have in turn influenced subsequent developments and have exacerbated the criminalisation of asylum seekers. As such, policy that has been introduced to control the asylum problem has had very particular consequences and implications for asylum seekers. For example, a range of control measures, such as widening the available range of legitimate reasons that can be invoked to question the credibility of asylum seekers, and imposing greater carrier sanctions have made it harder for would-be asylum seekers to legally enter the country. This may have contributed to many entering the country illegally, thus technically having engaged in criminal acts.
As previous chapters have shown, rises in the number of illegal entrants have been used by some actors to call for further control measures to limit numbers. Such measures have included greater surveillance and immigration controls at borders, as well as enhanced international intelligence cooperation (Gibney, 2004). Although these measures may not have initially been planned, the way asylum seekers have been produced as criminal as a direct consequence of the imposition of controls has influenced subsequent initiatives. The key point here is that the actual consequences of the imposition of control measures may have gone further than that which was initially intended (to prevent people from reaching the UK), but that they have also increased instances of illegal immigration and therefore necessitated further controls. Therefore, the introduction of new control measures as a response to ‘increases’ of illegal immigration is not necessarily something that was planned, but may have developed as an unintended consequence of previous action.

**Creating ‘Illegal’ Immigrants**

Recent legislation has made it illegal to enter the UK without a passport, supposedly in an attempt to stop asylum seekers destroying identity documents (Refugee Council, 2005a). The burden of proof is now on the person seeking asylum, and it is an offence if they do not fully co-operate with the authorities in obtaining new documents (Refugee Council, 2005). Furthermore, Section 8 of the 2004 Act extended the discretionary powers of judges and immigration officers in determining whether certain types of behaviour engaged in by asylum applicants (such as ‘concealing’ information, or ‘misleading’ officials) affect their ‘credibility’ (Home Office, 2004a). It has also been shown how creating more rules that asylum seekers can infringe could potentially lead to questions of credibility being raised under Section 8 of the 2004 Act, thereby meaning that accumulative control responses can result in rejection being more likely.

Recent legislation has also further extended the powers of immigration officers, and allowed for a greater use of discretion in the detention and
expulsion of asylum seekers (Weber, 2003). Interestingly, Weber (2003) has highlighted how these kinds of decisions are administrative (as opposed to criminal), and are therefore not subject to the legal restrictions that affect those involved in criminal justice. The use of such discretionary and administrative powers, and related developments, has led to higher instances of arrest and detention of asylum seekers, and has further exacerbated their portrayal as a deviant grouping (Amnesty International, 2005). For example, Bloch and Schuster (2005) suggest that deportation and detention has traditionally been primarily used in relation to specific events or ‘crises’, but have latterly been ‘normalized’ as an instrument of control. Although accurate figures on the numbers in detention are hard to ascertain, research conducted by Amnesty International estimates that “at least 27,000 and 25,000 people who had sought asylum at some stage were detained in 2003 and 2004 respectively for some period of time” (Amnesty International, 2005, Chapter 1). What is of further importance is that those cases that are said to be ‘manifestly unfounded’, for example asylum seekers placed in the Oakington Reception Centre whose claims are ‘fast-tracked’, are significantly more likely to have their applications refused (refusal rates in the high 90 percents) than those not channelled in such a manner. Indeed, the NGO, the Refugee Legal Centre has claimed “implicit in such processes is the notion that from the outset cases dealt with under these processes are bound to fail and do not warrant the investment of careful consideration” (Refugee Legal Centre, quoted in Amnesty International, 2005, Chapter 4).

The findings of this research suggest that as the social control apparatus of asylum has expanded, so new instances of the problem (such as people entering the country illegally) are discovered, which in turn justifies calls for additional resources and attention to be given over to it. Also in this way, asylum seekers have been increasingly criminalised, and as a consequence have been labelled and categorised as an ‘out group’. In this way the exclusion of asylum seekers can be seen as an attempt to foster inclusion and social cohesion in the wider population.
As has been identified by Crawley (2006), the asylum issue has dominated public and political debates in many countries, and this has directly or indirectly affected the substance of debate and legislation relating to other types of migration flows. As shown above, asylum has come to dominate other types of migration, and has affected popular perceptions of racial-integration and multiculturalism within the UK. A key theme that this research has identified is that the term asylum seeker has been constructed as a signifier of virtually all types of immigrant and as Crawley (2006) has noted, this has potentially significant implications for wider policy areas, such as foreign affairs, race relations and community cohesion. Furthermore, the construction of the asylum problem has occurred at a time when governmental discourse has emphasised the potential benefits, indeed highlighted the impending necessity, of inward labour migration. This suggests that governments might speak about the same issue with a different emphasis depending on the timing or the audience.

Crucially, the negative construction of asylum seekers and the simultaneous conflation with other migrant populations has made it markedly more problematic for the government to make a persuasive and positive case for increased levels of labour migration (Crawley, 2006). This is further exacerbated by the above-outlined sense in which the negative construction of asylum has gone beyond governmental control. This 'problem creating' by the government has contributed to 'problem solving' in related areas becoming complicated, where they have been unable to maintain control of an issue they were integral to instigating. Although it was shown that it may have become more acceptable to encourage immigration from within the EU (and from European 'citizens') this has the potential to create a stratified migratory system where the inclusion of Europeans comes at the expense of the exclusion of others. Thus, the construction of the asylum 'problem', and attempts to exclude asylum seekers, has much wider implications for broader policy areas. This kind of over-reaching impact may be an unintended consequence of other social and interactive processes, but in this way it can
be seen how the asylum issue, and attempts to understand it, have far-reaching implications for ongoing social changes in contemporary society.

Forced migration marks a central aspect of social transformation within the contemporary world (Castles, 2003). The asylum issue focuses attention on key social conditions such as human rights, social justice and welfare reform (Crawley, 2006). At the same time, the attempted dichotomy of portraying different groups as ‘deserving’ or ‘undeserving’, or of signalling the importance of increasing levels of managed economic migration, whilst highlighting the dangers posed by asylum seekers, has implications for the overall understanding and policy directions of these related areas. As Crawley (2006) suggests, it is very difficult to divide the world into ‘good’ or ‘bad’ migrants, and the degree to which asylum seekers are viewed in a positive or negative sense is in many regards a consequence of policies which have been introduced to manage them. This provides insight not only into the importance of understanding the asylum issue, but also into the nature of contemporary constructions of social problems.

*Normative Consideration*

In the above section and throughout this thesis, it has been argued that asylum has been socially constructed as a problematic issue and that this has been accompanied by a wide range of new laws designed to prevent asylum seekers from entering the UK and controlling them if they do. It has also been highlighted that such broad developments are not necessarily confined to the UK, with Pickering and Lambert (2002, p. 70) arguing that in Australia, governmental discourse enforces the view that the mistreatment of asylum seekers is acceptable. This overall perspective might be described as a critical commentary, which has essentially analysed the development of the asylum issue and attempted to provide insight into the processes that have contributed to changing understandings. Owing to the social constructionist stance, the focus has very much been on examining these processes and avoiding making normative claims about the rights or wrongs of the situation. It was considered that this could lead to engaging in ‘vulgar constructionism’
(Best, 1995. p. 345) and would have gone against the stated aims of the study. However, this current section has examined the real world effect of some of these policies, and there will now be some consideration of how the current situation may be addressed and the perception of asylum seekers as a threat challenged.

Asylum has now been an important political and social issue for over a decade and a half and has been the result of much political, media and popular attention and speculation. Within this climate, the decisions taken by government have very clear and serious implications for those seeking asylum and as such it is important to provide some suggestion as to how the current situation might be differently conceived or addressed. Whilst the principal focus of this thesis has been upon developing a critical perspective on these developments, as Hughes (2006, p. 153) argues, “critique alone is insufficient.”

It was argued above that it is not inevitable that asylum seekers should be viewed as a threat or as problematic, and that the reason they are (in at least the dominant construction) seen in this way is a result of the activities of those engaged in claims making. Asylum seekers have been constructed as an economic burden, a security threat and as a devious grouping. One way that dominant perceptions of asylum seekers such as these may be addressed, is by challenging such constructions and illustrating how a rational analysis may suggest that existing labels of asylum seekers are not necessarily accurate or based on any sound evidence. For example Robinson (2003, p. 165) has argued against the notion that asylum seekers are, or need be seen as an economic ‘burden’. Robinson identifies that research evidence shows many asylum seekers to be young, often skilled men who may quite conceivably be an economic asset. Further research by Robinson and Segrott (2002) also calls into question the cynical view that asylum seekers come to the UK to ‘scrounge’ welfare benefits, after it was found that most had little or no knowledge of the UK benefit system.
In Chapter 5 it was shown how relatively high refusal rates of asylum applications are highlighted as evidence that many asylum seekers are devious and bogus. This might be challenged by showing that refusal rates can themselves be seen in part as being the products of processes of determination, but more than this it can strongly be stated that those refused should not be cynically viewed as deviant and may well still be in need of some kind of protection. Of course, it is not being suggested that all those who apply for asylum should automatically receive refugee status, but the point is that if there is a more rational understanding of refusal rates then it may be possible to dispel the perception that the majority of those making asylum applications are in some way out to defraud. Such a change may contribute to an altered popular perception of the asylum seeker, from one of hostility and mistrust to one of sympathy and the desire to offer protection.

As Robinson (2003, p. 177) contends, any change in attitude and policy will only come about if politicians forsake a reactionary and populist agenda, and take a more 'positive lead' in promoting a different view of asylum seekers. It is quite probable that such a position by a main-stream political party may not in the short term be popular. However, as has been argued throughout this thesis, the issue of asylum seeking has a strong resonance with wide-ranging social areas and is such a fundamental issue for contemporary society that a political lead in that direction could be of immeasurable benefit. A more nuance approach would be to recognise that such a political lead may have influence in addressing other social problems that are of concern to government. For example, addressing community cohesion and community tensions in many urban areas may be assisted by removing the political emphasis upon managing the asylum problem. What must also be of importance if such a change is to occur is that further research aimed at increasing the understanding of the asylum issue be disseminated to policy makers and those in influential positions. It would of course be naive suggest that this kind of transformation can be easily achieved, but this is surely a direction that must be strived for and on which attention should be focused.
Contemporary Constructions of Social Problems

To return to Best (1995), a central benefit of addressing the issue of asylum from a constructionist standpoint, is that it allows for generalisations to be made about how modern social problems are created. To simply view actions and discourses as a reaction to the objective conditions of asylum would not allow for any expression of commonalities between it and other social conditions that have been designated as problematic. As it is, an understanding of the social processes and interactions that have resulted in the construction of asylum, allow for broader conclusions to be made. For example, previous chapters have shown how legislative innovation has in itself been a ‘defining practice’ in informing understandings of asylum. The way asylum policy has developed, and the broader enactment of the social control of asylum seeking, has been an integral part of the construction of the issue. As such, it has been shown how control measures that have been justified on the basis of the need to control a problem, have themselves created further problems, for example by extra checks at ports potentially discovering more ‘illegal immigrants’ who may then go on to seek asylum, thus justifying continued interventions. It is posited that to solely concentrate on the objective conditions of the asylum issue would not have allowed for such conclusions to be drawn.

The constructionist approach of this study has also allowed for an understanding of how constructions are made within the particular conditions of late-modernity. The study of asylum in this way encompasses many issues that Giddens (1991), among others has outlined as being fundamental within such societies, including changes in the nature of governance, where an interconnectedness and globalisation of culture and economic markets, as well as increased geographical mobility have occurred. Under such conditions, identities and a sense of security have to be continuously remade and negotiated, and it is within such a context that ‘new anxieties’ about asylum seekers have played an increased role in political and public debates (Bauman, 2004). This study has shown how international co-operation, intelligence sharing and security agreements have been mobilised in an
attempt to manufacture a sense of security under late-modern-conditions, and how transnational policing networks such as EUROPOL have been increasingly utilised within such processes.

Further research

An interesting and important aspect of the asylum issue that will require subsequent consideration is whether its status as a key social problem remains intact if recorded numbers of applications continue to fall. Although it was recorded here how the issue has remained salient despite numbers of applications decreasing, it would be highly valuable to continually monitor and evaluate if this continues to be the case. As stated throughout this thesis, the perceived high numbers of applications has been so integral to the construction of the issue and control responses, it will be useful to record to what extent this continues. To investigate, initially if it is indeed the case that the issue is might lose some of its significance, and consequently to account for the no-doubt complicated reasons behind this would prove a significant contribution to understandings of contemporary social problems. There is a rich literature on the construction of social problems, but there are significant gaps in investigations into the dissipation of them and therefore future examinations of the asylum issue in this way would prove useful. This would provide useful insights into the temporal nature of social problems.

Summary

As the issue of asylum has been given ever-increasing attention within official and lay discourses, so the analysis of the processes at work within this have been afforded greater salience by the academic community, and this chapter has tried to reflect this by placing the findings of this research within this wider body of literature. The asylum issue should be viewed as imbued with wider logics of social control and as an example of how a key social problem is constructed under the conditions of late-modernity. Numerous actors and institutions within society have been active within the social processes that have contributed towards this construction, and this study has attempted to
reflect this by investigating the complex ways in which the symbolic interpretations of asylum have been played out in social life. Fundamental changes in the governing and ordering of contemporary societies, and the ways these are understood and interpreted, have been illustrated as integral to understandings of the asylum issue and it has been shown how discourses constructing control measures as the rational response to increases in recorded numbers of asylum applications are themselves at the centre of how the issue is understood.
References


325


326


Hansard, House of Commons, 11th January 1993.

Hansard, House of Commons, 15th July 1996.

Hansard, House of Commons, 22nd February 1999.

Hansard, House of Commons, 16th June 1999.

Hansard, House of Commons, 13th February 2002.

Hansard, House of Commons, 24th April 2002.

Hansard, House of Commons, 12th July 2002.

Hansard, House of Commons, 14 July 2003.

Hansard, House of Commons, 10th October 2005.


Hansard, House of Lords, 21st February 2005.


Home Affairs Select Committee, 4th April 2000. London: HMSO.


Home Affairs Select Committee, 4th April 2000. London: HMSO


Home Affairs Select Committee, 8th November 2001. London: HMSO.


Special Standing Committee on the Immigration and Asylum Bill 13 May, 1999.


Special Standing Committee on the Immigration and Asylum Bill the Immigration and Asylum Bill, 20th April, 1999 (a).

Special Standing Committee on the Immigration and Asylum Bill, 27th April, 1999 (b).


