

NO ONE IS ILLEGAL

Campaigning Against Deportation or Removal

Building An Anti-Deportation Campaign

A practical and political guide to
fighting to remain in this country



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This leaflet has been produced by No-One Is Illegal - 16 Wood St, Bolton BL1 1DY. We can be contacted at info@noii.org.uk. Further copies of this and our other publications can be downloaded from the No One Is Illegal website at www.noii.org.uk. © 2007

The photo on the front of this pamphlet shows No One Is Illegal in Toronto, Canada, supporting the “Don’t Ask, Don’t Tell” campaign. This is aimed at making city services available to everyone irrespective of immigration status. In the UK, No One Is Illegal raises within trade unions the slogan of “Defiance not Compliance” against the linking of welfare entitlements to immigration status.

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1 Warwick Court, Choumert Road, Peckham SE15 4SE

Tel: 020 7207 1560 Fax: 020 7277 8462

Email: cooperative@upstream.coop Web: www.upstream.coop

Why you may need a campaign

You may need a campaign when the law is not enough to stop deportation or removal. If the law was enough then you would not be in the situation you are in now. A campaign means fighting back politically. It means becoming active – not relying on a few emails or standard letters or even a good legal representative. It means organising and working with other people. It means demonstrations and pickets. Most of all it means publicity and going public.

- » There is never a guarantee that a campaign can succeed. There is never a guarantee about winning anything in immigration law. All you can do is fight.
- » However, many years of experience have shown that campaigns and public support can put pressure on the Home Office and that cases can be won in this way.
- » Not every case requires a campaign. Many cases can be won just through proper legal representation. However, many cases cannot be won just through the law. They cannot be won through just having a good legal representative. If they could then no-one would be deported.
- » Some cases may not appear at first sight suitable for a campaign – for instance, some people may be afraid of publicity. However, it is always essential to balance the fear of any publicity with the fear of eventual deportation or removal.

Campaign activities that matter and campaign activities that can waste energy

The only point in a campaign is to stop the deportation or removal. So it is important to do only things that put real pressure on the Home Office. Political experience (and legal cases) has shown what may and what may not be effective.

- » What may be effective is actual political action which involve more and more people – meetings, demonstrations, pickets. And also hand written personal letters.
- » What are far less effective are things which are not the product of any real activity – such as standard computer-generated letters. Handwritten letters are more effective. Every opportunity should be used to get these, eg each meeting should include a time for everyone to write something, however brief.
- » Petitions may be important, if signed in huge numbers, not only a few hundred.
- » A case (Makao v Secretary of State) in 2007 of the Asylum and Immigration Tribunal made all this clear. This said:

“The panel has as indicated above considered a massive number of representations received on behalf of the Appellant. These representations come from the wide cross section of the Shetland community to which reference has already been made. They are not merely substantial in number but so far as the individually written letters are concerned, intense in their appreciation of the problems faced by the Appellant and in their support for him. Representations by petition are inevitably of a lesser effect but representations by action are also important and those that have been manifested by, for example, the rally at the Clickimin centre before the hearing of this appeal and the event at Brae High School are further testament to the intensity with which this man's cause has been supported by his own community”

Avoiding mistakes

There are some common mistakes that need to be avoided in order not to waste time. For instance:

- » It is important to involve your Member of Parliament in your case. What she or he can do is ensure better communication with the Home

Office and also, sometimes, help temporarily postpone any removal. However your MP has no power to force the Home Office to let you stay permanently. They do not make the decision about your case. They cannot make the Home Office change its mind – only you and the campaign can do this.

- » If the Home Office (and the courts) reject your case then your legal representative will at some stage ask the Home Office to look at it again. However there is no point in asking the Home Office simply to look at evidence they have already rejected. You must provide new evidence or a new interpretation of old evidence or a new angle on the case altogether.

It is your decision whether or not to have a campaign

Not many people who come to this country expect to need a campaign to remain here. However, many people who come here don't expect to have any immigration problems.

It is your decision and only your decision whether or not to set up a campaign. It is also your decision about what happens in the campaign. Everything the campaign does or attempts to do should be with your agreement and consent.

- » Though it is your decision whether or not to have a campaign, in the end you may have limited options. Many people would choose having a campaign; if it decreases the chances of being put on a boat or plane and being taken out of the country.
- » Some people who do not want publicity think they can have an anonymous campaign – one which does not mention their name. However unfortunately you cannot struggle in secret. You have to decide one way or another – a campaign or not a campaign.
- » It is natural at first to think a campaign is strange and frightening. However, the Home Office is very frightening and a campaign is there to support you against the Home Office.

What a campaign means for your personal life

Campaigns are not easy. They require an enormous amount of energy on your and everyone else's part. The energy is required to build the campaign activities and get other people to join in these activities.

- » You will have to be involved in all the activity of the campaign. You, your family and your friends are central to any campaign. Unless you are all active, then it will not grow.
- » You will almost certainly have to learn to speak openly or in public about your case. No-one finds this easy at first.
- » You will, hopefully, be invited to speak at meetings not just in your town but all over the country. It is important you do this so the campaign can become a national and not just a local one.

Having a campaign can give you personal support

A campaign is there to help you win your case. However, it can also give you tremendous personal support and strength. A campaign can help you survive the pain and misery of the threat of deportation or removal.

- » You will not be the first person to have had a campaign! You will not be the first person who thought that you don't have the strength to get involved in a campaign! And you won't be the first person to realise that the truth is just the opposite! It is the solidarity from the campaign and from the campaign supporters which can give you the strength to fight the Home Office.
- » You will also not be the first person who gets depressed at various stages of a campaign. This is natural. However, the solidarity of the people in the campaign will help you get over this.
- » You will gain many close friends through the campaign.

Getting support from people in your situation. Fighting together!

Perhaps the biggest source of support is meeting with and talking to other people under threat of the immigration and asylum laws.

- » You could meet and discuss with other people who have had campaigns and won. You can learn from their experiences.
- » You could also meet with other people who are presently having campaigns against deportation or removal. There is strength in unity and joining in with each other's activities.
- » You could invite other anti-deportation campaigns, both locally and nationally, to your events. You and your campaign could also join in events organised by other campaigns. If you give other people support then you will get support back.

Demand support – don't beg for it! Solidarity not sympathy!

You are not to blame for the situation you are in. The fault is totally with the Home Office and its immigration laws. Therefore do not feel ashamed! None of this is your fault!

- » Because this situation is not your fault, then you and your campaign should not beg for support. You should demand it!
- » Remember! Your campaign is asking people for support and solidarity. It is not asking for pity or charity!
- » There is no need for the Campaign, or yourself, to publicise every single detail of your case or your personal story.
- » The strongest campaigns are the ones that are most open politically and which stress that the cause of every deportation and every removal is the racist nature of immigration and asylum laws.

Don't argue your case is exceptional. Don't argue it is different. All cases require solidarity

Of course all cases are different in the sense we all have different lives. However everyone threatened by deportation is in exactly the same position. They are all under attack from immigration controls.

- » Many campaigns try to argue that their case is “different” or “worse” or “more desperate” than other cases. This is what the Home Office want us to do! The Home Office wants campaigns to argue in public as to who is more “exceptional” or more “worthy”. The Home Office wants this because it leads to division and not unity.
- » The only point in giving out even limited personal details of a case to the public is to show how cruel immigration controls are to *everyone* under threat – *not* to show that any one case is worse than another.
- » However we show below that what a legal representative argues in private to the Home Office may be different. Legal representatives must use whatever grounds are necessary to help win cases.

Learning to become a political speaker!

Having a campaign means learning something you may not be used to doing – speaking in public! At first this may seem difficult. However it becomes easier each time you do it. Sometimes it is good fun!

- » Other people may help you prepare your speech. However remember it is your speech, your life. You must say whatever you think best.
- » Some of the best speeches are the ones that are most political. These are the ones – that demand and do not beg for support – that describe and explain how the laws are racist – that make the audience understand that there are thousands of other people in your situation – that suggest ways of building your campaign.
- » And that are short! The longer you talk the less people listen!

Could a campaign harm your case?

The whole point of a campaign is to get the Home Office to allow you to remain. However everything is a risk. So your campaign should constantly discuss the legal and political implications of its actions.

- » Being under threat of removal or deportation is the worst situation you could be in. A strong campaign could only make it better.
- » Campaigns are by definition political. However, immigration laws are increasingly political. That is why campaigns are needed.
- » Small, inactive, indecisive campaigns can be counter-productive and harmful by showing the Home Office you only have limited support.
- » Legal representatives who argue against all campaigns are wrong.

Making your campaign strong and powerful!

It is your campaign. Therefore nothing should be done without your agreement.

- » **The golden advice is to think big in building the campaign and its events. The Home Office is very powerful so the campaign needs to be effective in order to stop the deportation or removal. Size matters!**
- » Remember - there is no use in having a weak campaign. There is no use in limiting the campaign to small-scale activities. The real strength of a campaign can be measured by the variety of its activities and the number of people it attracts to it.
- » The campaign needs to get national and not just local support. So successful campaigns often require a lot of travel in order to build support.
- » You should try for international support from people in other countries, by asking people to write to the British Embassy in their country & the Home Office in the United Kingdom.

When to start a campaign

You need to talk with your legal representative (if you have one), right at the start of preparing your case, about when you might start a campaign.

- » It is no use waiting to start a campaign until after all the legal processes have been completed. This is usually far too late to achieve victory. Campaigns need to start as soon as possible – as soon as there is the slightest possibility of deportation.
- » Delay is harmful. Time is crucial in fighting the Home Office.
- » Many people who are living and working in secret think there is no point in having a campaign until they are caught by the Home Office – and in the meantime they can carry on working and somehow hope everything will be alright. This position is easy to understand. And we would never suggest anyone had a campaign if they would rather remain living in secret as long as possible. However the problem is that it is impossible to live in secret for always. The British state is very good at eventually detecting people. This is why it is all so frightening. At the very least you need to speak with your legal representative and your friends about this. And you can always approach one of the organisations listed in this pamphlet for advice.

Don't let your campaign become inactive

There will be periods when the Home Office appears to be doing nothing about your case. These times can often be very long. An example could be where the Home Office has agreed to reconsider your case. Another example could be where your case is being reconsidered by the courts. Yet another very important example is when you may have been released from detention but are still under threat of deportation.

- » This does not mean you or your campaign can relax and do nothing during this time. In fact the Home Office is at its most dangerous in

these periods – as eventually a decision could be made against you and the Home Office could swoop quickly and deport you. Campaigns which become inactive during these periods put you in danger.

- » On the other hand if your campaign becomes less active or completely inactive then experience shows the Home Office can use this to drag out the case for years before a decision is made. Even if the decision is to let you stay yet this is hardly a “victory” as you could have lost years of your life through uncertainty.
- » Therefore these periods must be used to make your campaign even stronger through continuing and increasing activities – forcing the Home Office to come to a decision in your favour without delay.

Campaign written materials

All campaigns need basic materials. In particular:

- » **Remember -all letters written to the Home Office should contain your Home Office reference number, otherwise the Home Office will not know they are about your case. Therefore the leaflet must contain your reference number and supporters must be told to quote it in letters.**
- » Your campaign should produce a standard leaflet which explains in one or two sentences your case and asks for support.
- » This leaflet may need to be translated into appropriate languages. It is easiest if all languages are on the same leaflet.
- » Campaigns can last a long time. So you will need easy-to-print leaflets – and lots of them. You have to make sure leaflets are always available and you never run out of them.
- » The leaflet should ask people to write/type personal letters to the Home Office supporting your case.

- » Campaigns cost money! A bank account may need to be opened in the name of the campaign. The campaign leaflet and all campaign events must contain an appeal for money. Fund-raising activities are a crucial part of the campaign and can also be used to publicise the campaign.
- » It can also be useful to produce large-size posters which can be displayed in buildings and on walls.
- » Using the internet and having a campaign website can also increase publicity and keep supporters up to date with what is happening. **However the internet can never be a substitute for real activity.**
- » Several campaigns have produced videos explaining the case, showing activities and encouraging support. Maybe a local media group or media students could help in this.
- » **Remember – always include contact details, including the day , time and venue of the regular campaign meetings on all material so that more people can find out how to join in the activities.**

Getting the support of other organisations

As well as support from individuals you also need support from organisations to circulate the campaign leaflet and petition. Organisations should be asked to write to the Home Office. Organisations should also be asked to circulate the campaign petition amongst their entire membership and to send money to the campaign.

- » Letters asking for support should be sent to women's, community and all other groups and organisations.
- » In the campaign leaflet, you should ask organisations to invite a speaker from the campaign to one of their meetings.
- » Your campaign leaflet could be updated sometimes to show a list of all supporting organisations.

Support from the organisations of the undocumented

Campaigns against deportation are at their most powerful when they gain the support of immigrant, migrant and refugee communities. These are the communities of the “undocumented”. They are the communities that are described in French as “sans papiers” – those without adequate documents or papers. Anti-deportation campaigns at their best are the self-organisation of these communities. Therefore:

- » Community groups and national groups of the undocumented need to be invited to all campaign events.
- » The campaign needs to provide interpreters for its events.

Trade union support

Trade union support is important because trade unions have a large membership. They are the largest organisations in the country. Also trade unions are supposed to be opposed to racism.

- » Support from as many unions as possible should be sought at local, regional and national levels.
- » Support could also be sought from trades councils – which are the combined bodies of unions locally.
- » It is useful for the campaign to draw up and circulate a model resolution for use with trade unions. Remember the resolution should not plead for help but should instead demand solidarity – and solidarity not just with your case but with all those threatened by deportation.
- » Once any part of a trade union organisation supports the campaign, it should be asked to circulate the campaign material and seek union support at other levels.

- » If you yourself are a member of a trade union, then the campaign should aim eventually to get your union to support you at a national level. Your union should then try and ensure that other unions, and the Trades Union Congress support your case.
- » If you are not already a member of a union then join one! Many unions today are actively seeking to recruit the undocumented. The quicker you join a union the better. The longer you leave it makes it appear you are only joining because you need its help. The main point in joining a union is to get its political support and through that the political support of other unions. Unfortunately unions offer very little legal help in respect to deportation. But nonetheless once you are a member the campaign should push the union into offering legal as well as political help.
- » It is very helpful to get your union branch or the union itself and other unions to produce their own leaflet or poster in support of your case. This will have more effect within the union than your campaign's publicity. It is very easy for a union to do this. It can simply reproduce your campaign leaflet on paper with their own name and address at the top.

Support from children and their schools

Children are often the most vulnerable to immigration controls. Their fears and their wishes must be respected. However children and their schools have often been the most active in fighting deportations and winning cases. For instance

- » In many cases schools have acted as a community – of children, teachers, governors, parents – in defending pupils under threat of deportations or removal.
- » The production of some campaign material can be good fun for children – such as making badges and banners.

Public activities

As well as written material it could be important to have large public activities. Activities should be well organised with publicity in appropriate languages starting well beforehand. If the publicity comes out too late, then the event will only be small. Typical activities are:

- » Public meetings.
- » Street meetings to publicise the case and collect money.
- » Demonstrations – you should try and attract both local community support and national support for all demonstrations.
- » Social events.
- » Pickets of the immigration appeal hearing.

Gaining publicity

- » **Have a campaign banner and always remember to take it to all events.**
- » It is not easy to get publicity from newspapers, television or radio.
- » As well as other public activities, the campaign could therefore think of unusual activities which could attract publicity.
- » For instance, where children are under threat of deportation, their school could organise a public event involving all the children at the school and their parents – such as going to London to present the petition. Hands around the school events often achieve coverage in the media.
- » **Remember to always alert the local media at least 48 hours before any event and aim to have a named contact.**

The campaign group

Experience has shown that for a campaign to work, there has to be a strong campaign group which organises all activities. The group is where decisions are discussed and made, and where tasks shared out. The group is also where you can make sure that your instructions are put into practice.

- » The group should meet regularly (preferably weekly) at the same place, on the same day, and at the same time.
- » If meetings are not held regularly, then people may not remember the dates and therefore won't come.
- » In a successful campaign the organising group should get bigger by attracting new supporters. The campaign should all the time encourage this. Any organisation that supports the campaign should be asked to ensure at least one of its members acts as a link to the campaign, possibly by attending the campaign group.
- » Meetings should be as open to all supporters and be as easy to attend as possible. Therefore make sure you meet in a place which is very easy to find.
- » Don't meet in a place where some people may feel offended to come – for instance places where there is alcohol.
- » **The place, date and time of group meetings should be given in the campaign leaflets.**
- » Strong campaign groups have certain roles and must ensure there are people who will fulfil these, throughout the campaign. These include responsibilities for money, for preparing and conducting the regular campaign meetings, for chairing these meetings for taking minutes, for replying to letters, for publicising campaign activities, for making sure letters of support are written and so on.

Group meetings

The only point for a campaign to exist is in order to win. Therefore:

- » **Remember** – group meetings are a place to plan activities, not just to talk! The weakest campaigns are the ones that talk a lot and do little. The strongest campaigns are the ones that talk little and do a lot!
- » **Remember** – there is no point in making decisions which are not carried out! Whoever agrees to do tasks must come to the next meeting to explain whether the tasks have been done or send an update. Minutes of decisions should be taken at all meetings and circulated well before the next meeting.

Using your legal representative

It is very difficult to find competent and experienced legal representatives who understand not only the law but also the timing and effect of different tactics. Do not trust legal representatives (or community leaders) who promise you everything is easy and they will sort it all out. Nothing in immigration law is easy.

- » Some of the best legal representatives are not fully qualified lawyers.
- » It is essential your legal representative is in touch regularly with the campaign so everyone can make sure that the legal and the campaigning sides of the case are working together and going in the same direction.
- » The legal representative needs to be able to provide (however approximately) some indication of how much longer you have to remain in the country before the Home Office tries to deport or remove you. Unless you know this then the campaign will be unclear what to do. You may be liable to detention and/or removal at any time and the campaign needs to be prepared.
- » If possible the legal representative should be clear from the start about the processes of the case and the likely prospects of legal success.

If you don't have a legal representative

You may not have a legal representative because none may be available, or else you may not be granted any, or any further, legal aid money.

- » Your campaign must look at the reasons why you have no legal representation and decide what to do.
- » One thing your campaign may decide to do, is to challenge, through publicity and picketing, the local office of the Legal Services Commission, for refusing financial help.
- » Campaigns also need sometimes to consider fund-raising initiatives to pay for a legal representative – at least until the time when legal aid may be granted.
- » **Remember** – trade union members are usually entitled to some form of legal help from their union though as explained above this is normally very little in immigration cases. However put pressure on your union to help!

Preparing the legal case

If you are under threat of deportation it is absolutely essential you at all times understand your legal case and whatever stage it has reached. Unless you understand this then you will not be able to contribute to your own case. You cannot simply leave it to your legal representative without him or her explaining it to you. Otherwise you will just get confused.

- » Your legal representative and your campaign must work closely together. However, the legal case and the campaign are not the same thing.
- » The campaign is a political struggle to remain. Experience shows that

the more political is a campaign then the more support it will obtain. The legal case also needs to have a clear political understanding of the politics of the Home Office. However it is an attempt to use the law, or at least legal mechanisms, to stay. The legal case normally (apart from appeals) takes place in private. The campaign takes place in public.

- » *The public campaign should fight the case politically. It should avoid arguing compassionate grounds. The legal case should in private use whatever arguments it takes to win – including compassionate grounds. Where appeals are heard in public legal representatives should be careful not to argue other cases are “less worthy”.*
- » The legal case has to be handled professionally. All professional communication with the Home Office should always go through the legal representative and never through the campaign.
- » The Campaign should discuss separately when, where and how personal letters and petitions are handed in.

Professional reports

The legal representative should always, where appropriate, think about obtaining reports from other professionals such as health workers, social workers or teachers. It is insufficient simply to assert a case to the Home Office. It has to be proven and often the proof can be in professional reports.

- » Where someone is ill or has experienced torture, medical & other professional reports will be required.
- » For instance where children are under threat of deportation it is best practice to provide both professional local authority social services and educational reports to the Home Office. This is in addition to personal letters of support from the school and its teachers.
- » Your legal representative needs to arrange these reports and to explain in detail what factors need to be examined in them. The harm caused by removal must be shown to be drastic and not just minimal.

Fighting from detention or the airport

- » This pamphlet has been written to help everyone under threat of deportation – including people in detention.
- » In fact if you are in detention you are even more in need of a campaign. Of course because you are in detention you will not be able to get involved in the day to day activities of your campaign. However you may be able to win the support of others in detention and fight collectively from inside the detention centre. People in detention centres have often demonstrated or gone on hunger strike together and written letters to the press.
- » Even if you are taken to an airport for removal there is still the possibility of resisting – for instance by creating such a fuss through shouting or stripping that the pilot refuses to fly the plane.

Useful contacts

(1) Political support and advice on how to set up an anti-deportation campaign group

No One Is Illegal. This is the group that has produced this leaflet. We can be contacted at info@noii.org.uk or at 16 Wood St, Bolton, BL1 1DY

No Borders groups. No Borders groups have been formed in various cities. They exist in order to oppose immigration controls and fight for those in detention or under threat of deportation. The best central contact is noborders-uk@riseup.net

The Unity Centre. This is based in Scotland at theunitycentre@btconnect.com

Asylum Voice - Voice of the Undocumented. This is based in Liverpool at asylumvoice@yahoo.ac.uk

North West Asylum Seekers Defence Group. This is based in Manchester at fightback_05@yahoo.com

Asirt. This is based in Birmingham at admin@asirt.org.uk

Barbed Wire Britain. This is a network of groups supporting those in detention at info@barbedwirebritain.org.uk

Crossroads Womens Centre. This is based in London at centre@crossroadswomen.net

National Coalition of Anti-Deportation Campaigns. This can be contacted at ncadc-north-west@ncadc.org.uk

(2) Free and expert legal advice agencies

There are some specialist agencies offering free advice and representation

on all immigration, nationality and asylum matters.

Greater Manchester Immigration Aid Unit (0161 740 7722).

Joint Council for the Welfare of Immigrants based in London (020 7251 8708).

Asylum Aid in London also provides legal help in asylum cases (020 7354 9631).

Most community law centres provide advice and representation on immigration, nationality and asylum issues (or else can recommend another agency which does). The central telephone number for law centres is the Law Centre Federation on 020-7387-8570 and email is info@lawcentres.org.uk. They will tell you your local centre.

There also exists **Bail for Immigration Detainees (BID)**. BID is an independent agency which works with all those detained under immigration laws to secure their release from prisons or removal centres. There are 3 offices; London (020 7247 3590), Portsmouth – for Haslar centre (023 9258 7567), Oxford – for Campsfield centre (0845 330 4536).

In addition to the above the government has established two agencies to offer help. These are:

Refugee Legal Centre. This is based in London but may take on cases nationally (020 7780 3200)

Immigration Advisory Service. This deals with non-asylum cases. It has several offices – Birmingham (0121 616 3540), Cardiff (02920 496662), Glasgow (0141 248 2956), Hounslow (020 8814 1115), Leeds (0113 244 2460), Liverpool (0151 242 0920), London (020 7357 6917), Manchester (0161 834 9942).

(3) Private law firms

There are some (very few) private solicitors who are good and can be trusted. NEVER seek help from a private solicitor without checking if they are genuine and if they are really lawyers or trained legal representatives. You can ask two of the above organisations – Joint Council for the Welfare of Immigrants or Greater Manchester Immigration Aid Unit. You can also ask the Immigration Law Practitioners Association. This is not an advice agency but the organisation of immigration legal representatives. The telephone number is 0207 251 8383.

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This leaflet has been sponsored by the following trade union bodies:

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Brighton UNISON
TGWU 6/389
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NUT Bolton
RMT Finsbury Park
GMB(International Union Sex Workers branch)
Liverpool Trades Council

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