No One Is Illegal

Right To Come And Stay For All Not Amnesty For Some

a No One Is Illegal discussion paper

RIGHT TO COME AND STAY FOR ALL – NOT AMNESTY FOR SOME

This leaflet has been produced by No One Is Illegal - 16 Wood St, Bolton BL2 IDR.

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Some quotes

"We suggest that border patrols, the apprehension of illegal aliens, and the offering of immigration amnesties may be viewed as different facets of the same policy. A rich country can use this policy mix to attract cheap foreign workers while avoiding low ability migrants, who, once amnestied, become a burden on the public purse."

"Regularisation: … Makes it easier to police undesirable elements in British society … Helps to enforce a stricter immigration policy"

"In this way regularisation ultimately recognises the importance of rights even as it recognises a political reality: the need to reassure the electorate that their politicians are really managing migration."

"Idea of earned amnesties for illegal immigrants is worth studying."

The hidden reality of amnesties

At first sight an amnesty/regularisation (the terms in our view are interchangeable) for those in fear of deportation seems an admirable objective. And certainly for those eventually granted such an amnesty it would appear to remove anxiety and terror.

However as all of the above quotations show, the reality of an amnesty can be very different. In fact it can increase fear, anxiety, terror amongst those not granted such leave to remain. Indeed it can also lead to an increase in precariousness to those granted amnesty particularly where this is made conditional.

The first quote is by two academic writers who clearly view the whole issue of immigration control from the point of view not of the undocumented but of the state. This is the habitual point of view of those who explicitly support immigration controls. However the next two quotations are from organisations which are highly critical of immigration controls from a humanitarian and civil liberties perspective. The first is **Strangers Into Citizens** which describes itself as a group of "concerned citizens from faith communities" and which has come together precisely to campaign for an amnesty. The second is the **Joint Council For The Welfare Of Immigrants (JCWI)** in its pamphlet *"Regularising Irregular Migrants"*. The **JCWI** for three decades has been the leading organisation offering legal help to those threatened by immigration controls whilst as described on its website " campaigning for justice and combating racism in immigration and asylum law and policy" that is campaigning for "fair" controls.

Perhaps unbelievably the final quote in support of an amnesty is by the arch-Tory Mayor of London – Boris Johnson. But this is not so unbelievable given the nature of amnesties. So Johnson's amnesty is conditional – it has to be somehow 'earned' or justified.

No "fair" immigration controls

It is precisely over the issue about whether there can be "fair" or "just" or "non-racist" controls or (put another way)

whether there can ever be justice etc within controls that the question of an amnesty becomes even more problematic.

Again it seems perfectly reasonable to argue for fairness. However the truth, the political reality, is that immigration controls are more than any other area of legislation inherently, institutionally, racist. They are by definition unfair. They are incapable of providing justice. They are racist as they are premised on the basest nationalism – the assertion that one group of people over all others have a franchise on any particular piece of territory. They are unfair because however formulated or reformulated they are inevitably unfair to those denied the right to come or stay. They are incapable of providing justice because this is not their function. None of this is surprising as immigration controls are historically in this country the product of fascist agitation (the *1905 Aliens Act* being fought for by the proto-fascist British Brothers League and the *1962 Commonwealth Immigrants Act* being the product of the racist "riots" of 1958 lead by fascist groups). It is not possible to have equal opportunities immigration controls.

No "fair" amnesties

Exactly all these criticisms can be made of amnesties, past, present and proposed, in this country and elsewhere. What should be an absolute right – namely to live wherever one wishes – is instead presented as a "concession". This is the case whether or not it is wrapped up in what is proposed as

the less offensive vocabulary of "regularisation". However central to the whole concept of amnesty is definition – and the definition of who is included inevitably presupposes a definition of who is excluded. And those excluded are the ones that matter because they remain the damned of the damned. **Strangers Into Citizens** write *"Regularisation schemes need eligibility criteria"*. Absolutely so – which also means they need ineligibility criteria. Such disabling criteria are inevitable in any proposal short of open borders. Which is why **No One Is Illegal** is in favour of open borders.

And it gets worse. This is because those granted amnesty do not always have the option of relaxing. Rather there can be increased anxiety. There can be increased anxiety because the amnesty may not be absolute but only limited and conditional. To take the Spanish example (which is possibly the most 'generous' and certainly included the biggest number of people): what the undocumented received, after much struggle and bureaucratic delay, was one year permit, renewable if they managed to prove that they had worked six months in the year in question. As a consequence very many of them didn't even try to renew their permits. And in France not only was a much higher proportion refused, but again they only got one year. The **JCWI** proposals are also based on a conditionality. They assert that anyone who has managed to stay in this country for two years should be allowed to reach a magic, arbitrary, seven years pathway and therefore the amnesty, if they can produce evidence of *"employment or other contribution to UK society; family ties; good character references from designated referees."* Apart from the imposition of any conditions, apart from the

particularly objectionable obligation to produce evidence of a "contribution" etc to UK society, why introduce yet another arbitrary time scale – namely presence for an initial two years? And the **JCWI** answer is because *"the restriction for persons present for less than two years will enable the Government to safeguard integrity of the immigration and asylum system and help limit 'pull' "*. By this point one starts to wonder who is more in favour of controls – the government or those proposing the amnesty?

More dangers of amnesties

And it gets even worse. Because once it is accepted that some will be excluded then another question follows. This is – who will determine who will be rejected? Who will draw up the criteria of exclusion? Who will define the damned of the damned? Tragically it is precisely those groups such as **JCWI** and **Strangers Into Citizens** who espouse the values of human rights and civil liberties. Presently both are proposing a similar amnesty, a similar pathway to regularisation and therefore similar exclusions. In essence the **JWCI** proposal is that seven years residence in the UK irrespective of immigration status (or lack of such status) should be sufficient for permanent settlement. Of course the first striking point about this proposal is, like all amnesties, its utterly arbitrary nature. Why seven years? Why not five (as is being proposed by Boris Johnson for 'people of good character')? Or ten? It is just a lottery. However the next point is critical? What about those who don't make the seven

years? The **JCWI** are quite blunt about who will be the gainers and therefore who will be the rejects in this lottery –"The main beneficiaries would be persons who were in the UK legally but who have since fallen into irregularity i.e. failed asylum seekers and over-stayers." What this signifies is that those who were never in the UK legally in the first place have little or no chance to making it to the seven years. This is homing in on the damned of the damned. And of course the definition itself of "lawful" presence does not stem from some god-given pronouncement but is the result of highly political and continually changing legislation.

And once more on the damned of the damned. Amnesties can be positively harmful to those excluded by them. First they lead to false expectations and hopes amongst those wrongly believing the amnesty will cover them – hopes and expectations that are then dashed in the cells of removal and detention centres Amnesties can be used as a way of enticing to apply those who do not fulfil the eligibility criteria – and once having been lured by the honey into the trap the door slams shut and the deportation processes open up. This happened in the 1970s with the then Labour government's amnesty. Second this earlier amnesty and all other amnesties and hints by some leading Labour politicians that they may now be considering a new amnesty shows something else. It shows that it arguably does not require **JCWI** or **Strangers Into Citizens** to campaign for an amnesty. Rather an amnesty fits neatly into the government's own programme of managed migration – which in effect is a programme for tightening immigration control and for transforming the present unlawful and undocumented into

lawful and documented cheap low-cost unprotected labour. Third there is a price to be paid for most amnesties. And the price is the tightening of the screw on those who remain outside it. So it may well be that the present government is considering an amnesty. But it is also considering its new *Borders, Immigration and Citizenship Bill.* As the song says – you can't have one without the other. And groups like **Strangers Into Citizens** fully understand this. Which is why they say that their proposed amnesty will "Makes it easier to police undesirable elements in British society". Who are these "undesirable elements" – other than the demonic "illegal immigrants" of the government's fevered imagination? Ultimately **Strangers Into Citizens** says their amnesty "Helps to enforce a stricter immigration policy". This just about sums it all up.

So what to do?

Opposition to the principle of amnesty does not result in political abstentionism from peoples' fight to remain. Of course those of us opposed to controls should never propose amnesty. And we should positively oppose such schemes as presented by **JCWI** and **Strangers Into Citizens**. But there is a caveat. Because at the same time we should and do positively encourage struggles against deportations – whether individual or collective struggles. But this is precisely because these are based not on abstract demands but on living resistance and resistance by the undocumented themselves. Likewise we encourage unions to actively recruit and fight

for the immigration status of the undocumented. And if anyone were to propose an amnesty for everyone present in the country then our response should be to ask therefore why not propose the end of controls both now and for the future?

And the future matters. Because what about those who are not already in the country but wish to come here for whatever reason? An amnesty will not not help them. In fact it may harm them by imposing, as part of a deal, further restrictions on entry. If there is a demand for amnesty then our slogan should be *"Right to stay and come for all – now and in future"*.

And we should be prepared to argue for this slogan not just amongst ourselves, the converted, but amongst those with whom we disagree and disagree very strongly. We cannot simply ignore groups like **Strangers Into Citizens**. Instead we have to engage with them. We have to go to their meetings albeit in a critical fashion. We have to debate with their supporters – many of whom can be the undocumented themselves. We have to ensure that the demand for an amnesty does not assume a momentum of its own. This document is deliberately called a "discussion" paper. This is because this is what is precisely needed – *a discussion*. A discussion which is sharp, focused and political. A discussion which does not withdraw from confronting those who do not share our views, but instead shows our willingness and confidence to debate with them.

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Discussion papers

No One Is Illegal believes in maximum discussion over issues of immigration controls – and how we oppose such controls in their totality . For this reason we are producing a series of brief discussion papers.. These will include papers on, for instance, (1) how ecological issues are being used to justify more immigration restrictions (the 'greening' of controls): (2) why it is necessary to challenge myths around issues of population: (3) likewise why it is necessary to challenge theories of eugenics (4) why socialism means no borders and why no borders means socialism.

We do not present these papers as unalterable tablets of stone – but as a starting point for genuine engagement with the issues. We have deliberately chosen the issue of amnesties as our first subject. This is because we consider it vital to question the assumption that immigration amnesties are necessarily progressive and benign. Just the contrary, we consider they can be positively dangerous for many undocumented people.

No One Is Illegal

No One Is Illegal opposes all controls in principle and in practice. We reject the notion of 'fair' controls. Controls are by definition racist as they are based on the crudest of nationalisms - the right of one people to claim an exclusive franchise on an area of the globe. Controls can never be fair to those threatened by them. No One Is Illegal or No Border groups exist in Europe and North America. We struggle against deportations, detentions and the way controls intrude into all aspects of life. This includes the way state benefits are linked to immigration status, the way bosses are agents of control through employer sanctions and the way the undocumented are reduced to slavery conditions.

Pamphlets

No One Is Illegal also produces a series of longer pamphlets. These are available from our address or can be downloaded from our website.

- No One Is Illegal Manifesto (For A World Without Borders)
- How To Fight Deportations – How To Build An Anti-Deportation Campaign
- Workers Control Not Immigration Controls
- A Voice From The Aliens (a reprint of the first pamphlet ever against controls – written by trade unionists in 1895)

Donations

No One Is Illegal receives no on-going funding. We are entirely dependent on donations from our supporters. All our publications are free. However we do urge everyone who supports our aims to make donations. Cheques can be made to No One Is Illegal.

How To Contact Us

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