

# ONE

## **ECONOMIC MIGRANTS AND POLITICAL ASYLUM SEEKERS IN THE UNITED KINGDOM: CRAFTING THE DIFFERENCE**

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One of Britain's central tensions regarding migration involves a tendency to view itself as a haven for refugees while at the same time retaining its Britishness, a cultural identity often associated with race. This paper focuses on North-South migration issues in relation to Britain's differential approach to political and economic migration. This differentiation amounts to a tool used to delegitimize certain migrants in an effort to minimize migration to the UK. The case of the East African Asians, specifically the Ugandan Asians, is discussed in an effort to explore historical and situational underpinnings of privileging political over economic migratory rights. This example effectively demonstrates that the anti-economic migrant justification is a relatively new construct: one that emerged to delegitimize South-North migration and continues today to manage the systemic backlog of asylum seekers in Britain.

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## **I. INTRODUCTION: A DELEGITIMIZING DISCOURSE**

How do people in the United Kingdom differentiate between economic migrants and political asylum seekers?<sup>1</sup> This is a complicated question for immigration and government officials as well as for the public. This distinction involves an implicit assumption about the inherent authenticity of “genuine” political refugees seeking asylum and about the illegitimacy of individuals migrating for solely economic reasons (framed as “bogus” asylum seekers). Delegitimizing the economic motivations of migrants has resulted in their vilification throughout the press for allegedly overloading and taking advantage of British society, contributing to anti-immigrant asylum policy decisions.<sup>2</sup>

“Refugee” is a clearly defined category in customary practice and international law, and the “asylum seeker” label is increasingly clarified through general discourse and usage; however, defining the “economic migrant” remains a more elusive classification.<sup>3</sup> The main difference between an economic migrant and a political asylum seeker— and the main source of contention for the British government— is that the “economic migrant” uses asylum channels to seek economic improvement. In contrast, the “legitimate” asylum seeker only migrates to flee politically inspired persecution.<sup>4</sup> Additionally, the economic migrant is viewed as migrating out of personal preference and the potential for economic gain, rather than out of necessity inspired by persecution or life-threatening circumstance. Former United Nations High Commissioner for Refugees, Rudd Lubber, remarked that because many European governments have failed to accurately differentiate between the two categories, the result is that “just about everybody ends up being treated with suspicion.”<sup>5</sup>

For Western governments, and specifically for the UK, this need to distinguish between economic migrants and individuals legally seeking asylum stems from the desire to determine

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<sup>1</sup> For a clear and concise explanation of British procedure for seeking asylum, see:  
<http://www.bbc.co.uk/dna/ican/A2151686>

<sup>2</sup> Robinson, Vaughn and Segrott, Jeremy, ‘Understanding the decision-making of asylum seekers’, Home Office Research Study 243, Development and Statistics Directorate, July 2002.

<sup>3</sup> A refugee is “a person who flees to a foreign country or power to escape danger or persecution.” An asylum seeker is one who seeks “protection from arrest and extradition given especially to political refugees by a nation or by an embassy or other agency enjoying diplomatic immunity.” [www.m-w.com](http://www.m-w.com) (is the precise web page available??)

<sup>4</sup> See Dobe, Kuljeet S., ‘Asylum is the new immigration: The refugee as economic migrant’, <http://www.spr-consilio.com/asylum.html> for one example of this debate.

<sup>5</sup> <http://www.rferl.org/nca.features/2001/07/31072001113930.asp>

whose claims are legitimate and whose are unlawful. However, as refugee scholar Gil Loescher explains, making this determination is difficult for a host of reasons:

In this complex situation, it is not always easy to differentiate between “migrants” and “refugees”. Armed conflict, poverty, political and economic instability, and environmental disasters all contribute to the formation of mixed flows of people on the move.<sup>6</sup>

In this sense, because both political and economic factors contribute to human migration, classifying migrating individuals as either economic migrants or political asylum seekers involves an oftentimes subjective view of their status. Even ostensibly legitimate asylum seekers might have some economically motivated reasons for migrating, just as political circumstances might motivate what would otherwise be considered economic migration.

Through examining newspaper articles, government reports, and texts throughout the UK and abroad, this paper aims to understand and deconstruct the policy discourse surrounding the distinction between these two characterizations of migrants. By analyzing the distinction between politically and economically motivated migration to the UK, this article tests the hypothesis that British notions of the asylum seeker and economic migrant reflect a hesitation in adopting responsibility for shaping the international economic and political system that increases migration pressure. Moreover, this paper argues that politics and economics are so intertwined that attempting to extricate one from the other, or favoring political above economic circumstances, is a misjudgment between the two forces impelling migration to Britain. As a result, migration claims are adjudicated arbitrarily and in favor of the “political” migrant, thus delegitimizing genuine refugees.

Central to this analysis is the Ugandan Asian case from the 1970’s, which tested Britain’s migration policies and its self-conception as a haven for refugees. Like the Ugandan Asians, potential refugees coming to Britain today represent darker-skinned individuals often from Britain’s former colonial holdings. Whereas the Cold War represented an East-West ideological and political struggle, the Ugandan Asian case depicts a migration issue situating Britain in the North-South economic and political struggle. The Ugandan Asian migration demonstrates the extent to which British identity construction—and the subsequent crafting of its migration policies—stems from Britain’s lack of recognition of its role in creating or perpetuating

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<sup>6</sup> Loescher, Gil, “Asylum crisis’ in the UK and Europe’, 22 May 2003, <http://www.opendemocracy.com>.

institutionalized inequality or unjust political, and subsequently economic, arrangements in the global south.

## II. ASYLUM SEEKING IN BRITAIN ALONG A HISTORIC CONTINUUM

To grasp the current asylum issue in the UK, it is important to have a general understanding about the recent history of asylum doctrine in Britain. During the 1980s, Britain received few asylum applications and admitted fewer refugees than France or Germany. The number of applications rose sharply, following a wider European trend, starting in 1991. In fact, between 1988 and 1991, applications rose from 3,998 to 44,840 per annum, and then jumped to 71,365 in 2001. The number of applicants finally peaked at 300,000 between 2000 and 2003.<sup>7</sup> Despite this large increase in asylum applications, denial rates remain high: in 2001, 74% of asylum applicants were refused as compared with a 57% rejection rate in Germany.<sup>8</sup> Britain has replaced Germany as the most popular industrialized nation sought by asylum seekers, and Britain's share of the European Union's total of asylum applicants has grown from 5% in 1992 to 29% today.<sup>9</sup> However, on a per capita basis, the UK still receives fewer asylum seekers than many other EU states. When the number of asylum applicants is considered in relation to the country's total population," it ranks tenth in the EU.<sup>10</sup>

Asylum seekers make front-page news almost daily in the UK, but asylum is by no means strictly a British problem.<sup>11</sup> Migration questions worldwide remain difficult to solve. While the EU now touts a common currency – moving money and goods across borders – it lacks a harmonized immigration policy and a means of managing intra-Union human movement. Regardless of policy coordination or systemic improvements, however, human migration and the distinction between asylum seekers and refugees remains an insufficiently explored area of intellectual inquiry.

People have been persecuted and expelled—and consequently offered sanctuary—since the beginning of human community formation, and yet, refugee-related organizations and their

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<sup>7</sup> *Asylum statistics, 1996*, table 1.1; *Asylum statistics, 2001*; Lyall, Sarah, 'In Britain, an asylum quandary', *New York Times*, 29 May 2003.

<sup>8</sup> *Asylum statistics, 2001*, European Forum for Migration, statistics 2001.

<sup>9</sup> 'Asylum seekers: the place to be', *The Economist*, 26 April 2003.

<sup>10</sup> Loescher, Gil, "Asylum crisis' in the UK and Europe", May 22, 2003, <http://www.opendemocracy.com>

<sup>11</sup> See <http://news.bbc.co.uk/1/hi/england/hampshire/dorset/3694615.stm>, [http://news.bbc.co.uk/1/hi/uk\\_politics/3675101.stm](http://news.bbc.co.uk/1/hi/uk_politics/3675101.stm), for example

policies were formed as temporary solutions to what were surprisingly conceived as intermittent migration problems. As the last decade has proven, refugees are not a temporary phenomenon. Because refugee policies were conceived in the post- World War II world as a temporary necessity, refugee- receiving governments like the UK often employ sporadic responses to migration issues. As globalization intensifies and continues to inspire transnational and possibly post-national migrants, political asylum and economic migration will remain two important channels for entry into wealthier Western countries from the developing world.<sup>12</sup> Since migration pressures show no signs of abating, an exploration into immigration policy, particularly as it pertains to economic and political migrants, is indispensable.<sup>13</sup>

**Comment [J1]:** Can this be supported with a citation, or an example. A recent newspaper article would be enough.

### III. BRITISH MIGRATION POLICY: THEN AND NOW

Immigration is a sensitive political issue in Britain. Responding to changes in public attitudes towards migrants, immigration and asylum law and policy has been an issue open to manipulation and change for post World War II governments, regardless of political persuasion. There are four major eras in post-World War II British migration policymaking.<sup>14</sup> The first, between 1948 and 1962, was characterized by a highly expansive and liberal migration policy where limitations on immigration were explained and justified through a race-based lens.<sup>15</sup> The next era, lasting until 1971, ended all privileges previously afforded to Commonwealth citizens. During this era came the Immigration Act of 1971, which divided the free world into two different categories of people: ‘partials’ with the ‘right of abode’ in Britain, and ‘non-partials’ with no such right’, and was particularly important to establish post-Empire British migration policy. This distinction essentially constituted “a racial distinction”, because it “granted the right of abode to the descendents of (white) old Commonwealth settlers, while withholding it from the

**Comment [J2]:** Support this by detailing the main source of UK immigration during this period, was it specific countries from the Commonwealth, what was the “race-based lens”

<sup>12</sup> The notion of post-national migrating individuals stems from theorists who postulate that globalization could bring the nation-state’s demise, thus spurring migration in an age when the nation-state no longer comprises the dominant structure in international relations. See, for example: Kanishka Chowdhury and Arjun Appadurai.

<sup>13</sup> See *International Migration and Security* by Myron Weiner, Westview Press, Boulder, Oxford, 1993.

<sup>14</sup> Hansen, Randall, *Citizenship and Immigration in Post-War Britain: the Institutional Origins of a Multicultural Nation*, Oxford UP: Oxford, 2000, 16.

<sup>15</sup> While citizens of Australia and New Zealand, for example, could acquire dual citizenship, the rest of the members of Britain’s former darker-skinned colonies became British subjects without citizenship under the British Nationality Act 1948.

(coloured) New Commonwealth citizens.”<sup>16</sup> The Ugandan Asians belong to this era of immigration policy.

**Comment [J3]:** Cite precise wording in a footnote

The third phase of British immigration policy, in which British identity was predicated on the notion of partial citizenship and status, lasted until 1981. Starting in 1975, the Thatcher years marked the beginning of an era of increasingly restrictive migration policy for Britain. The British Nationality Act of 1981 addressed the monumental task of unscrambling British identity construction built up over centuries of British Empire. Three categories of citizenship emerged from this landmark legislation: British citizenship, citizenship of the dependent territories, and British overseas citizenship.<sup>17</sup>

**Comment [J4]:** So there are 4 phases in total

In the late 1970s, Thatcher voiced her well-known views in the oft-quoted statement, ‘people are rather afraid that this country might be rather swamped by people of a different culture.’<sup>18</sup> This notion of being ‘swamped’ was a process already in progress as the UK ‘began the post-war years with a non-white population of some 30,000 people and now approaches the end of the century with over 3 million from ‘Africa, the Pacific Rim, the Caribbean, and the Indian Subcontinent, sharing with France the largest ethnic-minority citizenry in Europe.’<sup>19</sup> Thatcher’s government reacted by tightening enforcement of visa provisions and repealing the right of men to family reunification. Because of the immigration system’s new direction and focus (to ferret out bogus applicants), asylum recognition rates plunged from approximately 80% in the 1980s to less than 20% in the 1990s, reflecting a larger western European trend wherein over 90% of asylum applications were denied during this time.<sup>20</sup>

**Comment [J5]:** In a footnote, what are the differences between the three. Does the commonwealth play a role at all.

“Asylum” policy remains a bit of a misnomer in the British context, as “British asylum policy has been conditioned by its structural conflation with immigration control”: until the

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<sup>16</sup> Jopkke, Christian, “Asylum and State Sovereignty: A Comparison of the United States, Germany and Britain”, in Jopkke, Christian, ed. *Challenge to the Nation-State: Immigration in Western Europe and the United States*, Oxford UP: Oxford, 1998a 134.

<sup>17</sup> Layton-Henry, Zig, “Britain: The Would-Be Zero-Immigration Country”, in eds. Cornelius, Martin and Hollifield, *Controlling Immigration: A Global Perspective*. Stanford UP: Stanford, 1992, 288.; British Overseas citizenship applied best to the Hong Kong situation, and in May 2002, the British Overseas Territories Act granted citizenship to all individuals residing in Britain’s overseas territories.

<sup>18</sup> *Ibid*, 289.

<sup>19</sup> Hansen, Randall, *Citizenship and Immigration in Post-War Britain: the Institutional Origins of a Multicultural Nation*, Oxford UP: Oxford, 2000, 3.

<sup>20</sup> Jopkke, Christian, “Asylum and State Sovereignty: A Comparison of the United States, Germany and Britain”, in Jopkke, Christian, ed. *Challenge to the Nation-State: Immigration in Western Europe and the United States*, Oxford UP: Oxford, 1998a, 120; Parekh, Bhikhu, *The Future of Multi-Ethnic Britain*, Runnymede Trust: London, 2002, 214.

Asylum and Immigration Appeals Act of 1993, no separate asylum rules existed.<sup>21</sup> Therefore, shortcomings in Britain's immigration system reflected shortcomings in its asylum determinations. In many ways the tightening of immigration laws created the "asylum problem" in Western Europe in that this "asylum crisis" developed only after Western European governments severely limited legal means of immigration to their countries in the mid 1970s.<sup>22</sup> As immigration laws grew increasingly more restrictive, individuals pursued asylum as the only available legal channel, leading to the categorization of most asylum seekers as system-abusing economic migrants.<sup>23</sup>

Although the UK government defends the importance of creating this distinction between economically and politically motivated migration, the human rights of the applicants appear to be subjugated to the immigration system's procedural demands. In January 2003, Prime Minister Tony Blair went so far as to suggest that Britain withdraw from its obligations under the European Convention on Human Rights if its "latest wave of asylum reforms failed to stem the flow of unfounded asylum seekers".<sup>24</sup> In another example of procedural demands trumping human rights, in 2003 the UK government initiated a plan to withhold food and shelter from immigrants who did not formally apply for asylum upon arriving in Britain.<sup>25</sup>

Despite the fact that refugees are not fully aware of the asylum application process and have other more immediate demands upon arriving in the UK, the British government found this plan a sound and practicable solution. For instance, a 42-year-old Rwandan Hutu woman raped and beaten by Tutsi soldiers escaped and flew to London where she claimed asylum. She was then refused support because she theoretically should have claimed asylum at the airport.<sup>26</sup> Due to human rights concerns, however this proposal has not been strictly implemented. However,

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<sup>21</sup> Joppke, Christian, "Asylum and State Sovereignty: A Comparison of the United States, Germany and Britain", in Joppke, Christian, ed. *Challenge to the Nation-State: Immigration in Western Europe and the United States*, Oxford UP: Oxford, 1998a, 133.

<sup>22</sup> Skran, Claudena M., "International Refugee Regime: the History and Contemporary Context of International Responses to Asylum Problems", in Loescher, Gil, ed., *Refugees and the Asylum Dilemma in the West*, Penn State UP: University Park, 1992, 13.

<sup>23</sup> Rudge, Philip, "The Asylum Dilemma—Crisis in the Modern World: A European Perspective", Loescher, Gil, ed., *Refugees and the Asylum Dilemma in the West*, Penn State UP: University Park, 1992, 103.

<sup>24</sup> Wintour, Patrick, "Blair warning on rights treaty", *The Guardian*, January 27, 2003.

<sup>25</sup> Hinsliff, Gaby and Martin Bright, "Asylum policy 'doomed to fail' because of ignorance", *The Observer*, May 11, 2003.

<sup>26</sup> Verkaik, Robert, "Asylum system flawed, rules High Court, Judge's decision leaves Home Secretary furious and his 'get tough' policy in disarray", *The Independent*, February 20, 2003.

this attempted legislation demonstrates the UK government's desire to pursue an anti-economic migrant agenda despite apparent human rights violations.

#### **IV. THE NORTH-SOUTH QUESTION IN POST-COLD WAR BRITISH MIGRATION POLICIES: A SHIFT FROM IDEOLOGICAL TO ECONOMIC REFUGEES**

*The "tremendous influx of immigration from the poor regions of the...South with which Europe will be increasingly confronted... lends the problem of asylum seekers a new significance and urgency."<sup>27</sup>*

Whereas the East-West struggle during the Cold War was mainly a clash of political philosophies, economic disparities and erupting post-Cold War conflicts drive today's predominantly North-South migration trends. In light of this North-South dichotomy, the British press depicts a situation where the majority of individuals attempting to migrate to Britain are poor, often from Britain's former colonial holdings, and in search of economic betterment. In a controversial statement, Home Secretary David Blunkett declared that he has "no sympathy" for asylum seekers searching for work in the UK, because such able-bodied individuals belong rebuilding their countries after conditions are made safe.<sup>28</sup> In reality, the largest number of asylum seekers to Britain in 2003 came from Iraq, Zimbabwe and Afghanistan; while all three are developing countries in the global south, it is more likely that war and politics impelled their migration rather than the search for economic improvement.<sup>29</sup>

In addition, Britain was either explicitly or implicitly involved in creating, upholding, or overthrowing those countries' governments. Can the UK legitimately turn away asylum seekers, branding them "economic migrants" when the British government is complicit in instigating some of the political turmoil that impels their migration? Such a phenomenon, countries creating pressure for refugees, and then unfairly dealing with the resulting migration flows, is not specific to the United Kingdom, as the U.S. policy toward Haitian refugees demonstrates.<sup>30</sup> Moreover, can war, politics and economics ever be sufficiently disentangled so as to uncover whether

**Comment [J6]:** One place to strengthen your paper is to give some detail on what newspapers are saying as well as some jingoistic quotes from recognizable UK policymakers depicting this trend.

<sup>27</sup> Habermas quoted in Soguk, Nevzat, *States and Strangers: Refugees and Displacements of Statecraft*, Minneapolis: U of Minnesota Press: 1999, 208.

<sup>28</sup> Such statements demonstrate that policymakers ignore the harsh realities that impel refugees to move and instead focus on economic aspects of refugee arrivals instead.

<http://politics.guardian.co.uk/homeaffairs/story/0,11026,794462,00.html>

<sup>29</sup> Global South is *World Refugee Survey 2003*, U.S. Committee for Refugees, <http://www.refugees.org>

<sup>30</sup> Farmer, Paul, *The Uses of Haiti*, Common Courage Press: 1994.



economics alone was the dominant force in impelling migration from these countries? If not, then it is clear that the current way of framing legitimate and illegitimate migration is illconceived.

One can clearly see the impetus for such a construction in British identity formation—and its subsequent influence on migration policies—which centers on Britain’s position as a wealthy Northern country existing in opposition to the migrating Southern “other”, which is perceived as motivated by capturing a share of Britain’s scarce goods. This North-South economic divide in relation to migration is constructed whereby different identities are apportioned to North and South that “occupy specified places in a system of relations that constitute society (here international society)”.<sup>31</sup> Such identity construction enables the delegitimization of economic migration, the onslaught of the Southern “problem”, and facilitates anti-economic migrant policymaking.

Examining the manner in which political discourse delegitimizes migrants from the global south illuminates Britain’s attachment to privileging political over economic migration. For instance,

Words and phrases like poverty...the South...tide...rush...flood...fortress... plague...invasion...and many more all converge to produce images of two unassimilable desire-worlds that stand in contradiction to one another. One is the prosperous, secure, and democratic world of the West European; the other is an amorphous tide, a flow that is besieging Europe from all directions and forcing it to become a fortress in self-defense.<sup>32</sup>

By dramatizing the North-South migration tension, the media encourages anti-asylum seeker opinions, depicting migration as an “invasion” of a country that is unprepared for, inoculated against, or responsible for the “plague” of migrants.<sup>33</sup> After the groundwork is laid for inciting fear and increasing hostility toward the asylum seekers, the government rhetoric decrying economic migration receives a friendly and supportive audience in the British public.

One reason for British migration policymakers to perpetuate this distinction between economic and political migration stems from their need to manage a system that is unprepared

**Comment [J7]:** You’ve clearly borrowed this idea from the Doty book, which is fine, but you should give an example or more clearly define the contrast between Northern and Southern identity

<sup>31</sup> Doty, Roxanne Lynn, *Imperial Encounters: The Politics of Representation in North-South Relations*, Minneapolis: U of Minnesota Press: 1996, 11.

<sup>32</sup> Soguk, Nevzat, *States and Strangers: Refugees and Displacements of Statecraft*, Minneapolis: U of Minnesota Press, 1999, 222.

<sup>33</sup> See “Asylum ‘boys’ we took in were conmen who stole and tried to seduce our girl”, *The Telegraph*, March 15, 2003 and Hickley, Matthew, “Stolen: Identity of 1,000 Dead Babies”, *Daily Mail*, November 29, 2002, for example.

for and incapable of processing the sheer number of asylum applications it must currently manage. The current era of “mass asylum-seeking from the Third World represent[s] a fundamentally new phenomenon, which [is] overburden[ing] an individual-centered process of determining genuine refugee status, attuned to the trickle of (politically convenient) refugee flows in the Cold War era.”<sup>34</sup> Because asylum determinations demand more time-intensive work than Britain’s current system can support, denouncing the majority of migrating individuals as economic migrants reduces the systemic backlog. The result is an arbitrary system that relies on political whims rather than a consistent policy that addresses procedural difficulties and complies with internationally recognized human rights norms for providing aid to asylum seekers.

A different view is taken toward migrants from Western countries due to the Northern and Western European tendency to privilege European migrants over their Southern counterparts. This preference is also reflected institutionally, and not just by the British. For instance, “in 1993, the United Nations High Commission for Refugees (UNHCR) allocated more funds to refugee protection in Europe alone than it did for the protection of three times as many refugees in Africa, Asia, and the Middle East combined.”<sup>35</sup> Though Britain is the fifth richest country in the world, it only takes two percent of the world’s refugees. The majority of asylum seekers end up in Asia and Africa, which are far poorer than Britain and have fewer resources to accommodate refugee flows.<sup>36</sup> By combining the delegitimization of Southern refugees who actually reach British soil with the relative indifference and lack of sufficient support for those only able to relocate intra-continently, refugee organizations like the UNHCR replicate wealth differentials that in turn motivates extra-country migration writ large.

**Comment [J8]:** You might want to mention why this is so. Perhaps wars which cause people to flee their country to a refugee camp just across the border and plan on returning to their home country, and don’t plan on fleeing to Western Europe.

<sup>34</sup> Joppke, Christian, “Asylum and State Sovereignty: A Comparison of the United States, Germany and Britain”, in Joppke, Christian, ed. *Challenge to the Nation-State: Immigration in Western Europe and the United States*, Oxford: Oxford UP, 1998a, 109.

<sup>35</sup> Hathaway, J. and R. Alexander Neve, ‘Making International Refugee Law Relevant Again: A Proposal for Collectivized and Solution-Oriented Protection’, *Harvard Human Rights Journal*, v.10, 1997, 141.

<sup>36</sup> <http://www.amnesty.org.uk/deliver?document=14530>; The majority of the world's refugees remain in their region: only a tiny percentage make it to the richer countries, and less than 1% to Britain. <http://www.guardian.co.uk/weekend/story/0,3605,728607,00.html>

## V. THE UGANDAN ASIANS: POLITICAL REFUGEES AND BRITISH CITIZENS

The case of the Ugandan Asians' expulsion and Britain's subsequent hesitation to accept them highlights the UK's inability to uniformly enforce its stated preference for political over economic motivations of migration. Moreover, this case illustrates Britain's inability to accept responsibility for the unfortunate results of a situation it created through lingering ties to Empire.<sup>37</sup> In recent years, British migration policies have been challenged on two fronts. However, Britain's resigned acceptance of Balkan migration in the 1990s did not represent a new racial or economic issue since accepting Balkan refugees still involved linkages with Cold War privileging of political over economic migration.<sup>38</sup> More important than the influx of Balkan refugees, however, was the challenge, in a different way, of the arrival of New Commonwealth immigrants and refugees from what is now termed the global south.

**Comment [J9]:** How many Balkan/Kosovo refugees did the UK accept

One specific case that highlights this South-North migration tension is that of the Ugandan Asians. President Idi Amin expelled the Ugandan Asians in an effort to make Uganda a country for "true Africans," meaning black Ugandans. After their expulsion, Ugandan Asians with British passports possessed joint identity: they could be considered either British citizens or political refugees. The decision of British policymakers to discredit the Ugandan Asians' right to citizenship by passing anti-immigrant legislation while also refusing to accept them as refugees speaks to Britain's problematic relationship with South-North migration during the decolonization era.

First, the colonial context that spawned large-scale Sub-Continent migration to East Africa must be examined to effectively explain the tie between the Ugandan Asians and Britain. Ugandan Asians are people of Indian origin, termed "Asian" throughout most of East Africa. In much the same manner that Indians were employed to fight British imperial wars, British Indians worked to extend and expand the British Empire and sphere of influence throughout Africa, especially in East Africa. Depending on the usefulness of the Ugandan Asians to Britain, the UK's attitude toward Indian immigration to Uganda differed sharply throughout its reign as the Government of Uganda Protectorate. From 1894-1913, the British encouraged Indian

<sup>37</sup> A similar situation occurred with the expulsion of Kenya's Asian population as well. See *Chadha: the story of an Epic Constitutional Struggle* by Barbara Hinkson Craig for an interesting account of one Kenyan Asian's battle with British (and American) migration policy toward East African Asians.

<sup>38</sup> In comparison to Germany's acceptance of 10,000 Kosovar refugees, the UK accepted merely a few hundred, a move that Amnesty International described as "shameful tokenism"

immigration to supply labor for the Uganda Railway, to continue Indian involvement in the British East Africa Company, and to create a cadre of Indian public servants, especially in positions such as the police force and the army.<sup>39</sup> By the mid-1940s, much to the chagrin of the East African Asians, the British government decided to seriously restrict Indian immigration into East Africa as reflected in the 1946 Immigration Bills: Asian migration to Uganda no longer suited Britain's needs.<sup>40</sup> After Africans rose to political power in the 1950s, friction surfaced between the African and Asian communities in Uganda, mainly resulting from Britain's colonial policy of ranking Asians higher than Africans on the Ugandan socio-economic ladder.<sup>41</sup>

The Ugandan government attempted to reconcile the class inspired African/Asian racial tension with citizenship qualifications. Any Asian residing in Uganda had the choice to either obtain Ugandan citizenship or retain the British citizenship acquired before Ugandan independence. This Citizenship Act had larger implications that concerned the future possibility of socio-economic exclusion or expulsion of non-Ugandan citizens. By 1970, as a result of the Immigration and Citizenship Acts coupled with the genesis of institutionalized "Ugandanization," the movement to expel Uganda's Asian population with allegiance to Britain began in earnest.

Britain received ample evidence signaling this possible East African Asian expulsion. First, Amin's mentor and friend Colonel Muommar Gadaffi expelled Libya's Italian population—part of the European colonial heritage in Africa—a few years earlier.<sup>42</sup> Moreover, similar anti-Asian policies were previously enacted in Kenya, and Uganda's then President Obote warned Britain of the impending exodus and their responsibility for Uganda's British Asian population.

Despite sufficient warnings, "Britain shirked its legal as well as moral responsibility toward its East African British Asians" in an effort to contain the East African Asian exodus.<sup>43</sup> In anticipation of this wave of immigrants, Britain enacted the Commonwealth Immigration Bill on March 1, 1968; this bill aimed to regulate, and preferably to curb, the flow of East African Asian immigrants (or citizens) to Britain.<sup>44</sup> Conservative MP Enoch Powell ushered in this act

**Comment [J10]:** Perhaps detail the relevant provisions of the Ugandan Immigration and Citizenship acts (could be in a simple footnote).

<sup>39</sup> Ramchandani, R.R., *Uganda Asians: the end of an enterprise*, Bombay: United Asia Publications, 1976, 44.

<sup>40</sup> *Ibid*, 64.

<sup>41</sup> *Ibid*, 233.

<sup>42</sup> Kiwanuka, Semakula, *Amin and the Tragedy of Uganda*, Munich: Weltforum-Verlag, 1979, 101.

<sup>43</sup> Ramchandani, R.R., *Uganda Asians: the end of an enterprise*, Bombay: United Asia Publications, 1976, 266.

<sup>44</sup> *Ibid*.

with his infamous anti-immigration speech regarding the “rivers of blood” he foresaw in Britain if non-white immigrants were not repatriated to their countries of origin. However, in this case it is not clear what the country of origin would be for passport holders if not Britain.

When the Labour government “rammed through the 1968 Commonwealth Immigration Act to bar from Britain Asian British passport-holders facing mass expulsion in East Africa,” it “came close to violating one of the fundamental principles of international law, the obligation of states to accept their own nationals”.<sup>45</sup> Both the 1962 and 1968 Commonwealth bills resulted in restricting free, and specifically non-white, migration to the UK from the Commonwealth and colonies.<sup>46</sup> As a result of this legislation, East African and Indian British citizens were turned away from Britain and rendered stateless.<sup>47</sup> Consequently, in 1972 the European Commission publicly criticized the United Kingdom’s 1968 Commonwealth Immigration Act, labeling the move as “racially discriminatory.”<sup>48</sup>

Next, Asians without Ugandan citizenship lost work and property when Amin nationalized large swaths of the economy; by this time, it was abundantly clear that non-citizen Ugandan Asians would have to leave. Even though more than half of Uganda’s expelled Asians actually possessed Ugandan nationality, the Asians’ failure to integrate within Ugandan society—arising mainly from Colonially imposed socio-economic stratification—rendered them foreigners within their own country.<sup>49</sup> After General Amin ousted President Obote in January of 1971, the British government decided to issue 3,500 special vouchers for East African Asians.<sup>50</sup> Unfortunately, 3,500 vouchers hardly accommodated the 500,000 Asians rendered stateless—200,000 of whom possessed British passports—by Amin’s 1972 expulsion.

As a result of Britain’s non-responsiveness, Amin sought to teach “the British a lesson they would never forget”, arriving in the form of Ugandan Asians knocking on the doors to

**Comment [n11]:** What provisions specifically address race? Or is it by implication and in the application of the law in the immigration process? How the law works to allow the exclusionary policy (as a pretext) should be made clear perhaps by briefly noting (a footnote is sufficient) how specific provisions might allow white Canadians or Australians to enter the UK, but still excluded non-whites.

<sup>45</sup> Joppke, Christian, ‘Asylum and State Sovereignty: A Comparison of the United States, Germany and Britain’, in Joppke, Christian, ed. *Challenge to the Nation-State: Immigration in Western Europe and the United States*, Oxford: Oxford UP, 1998a, 134.

<sup>46</sup> By virtue of their preference for Canadians, Australians, and New Zealanders, the entry permits and quota systems only limited immigration by darker-skinned members of the Commonwealth.

<sup>47</sup> Hansen, Randall, *Citizenship and Immigration in Post-War Britain: the Institutional Origins of a Multicultural Nation*, Oxford: Oxford UP, 2000, 152.

<sup>48</sup> Joppke, Christian, ‘Asylum and State Sovereignty: A Comparison of the United States, Germany and Britain’, in Joppke, Christian, ed. *Challenge to the Nation-State: Immigration in Western Europe and the United States*, Oxford: Oxford UP, 1998a, 131.

<sup>49</sup> Mutibwa, Phares, *Uganda Since Independence: A Story of Unfulfilled Hopes*, London: Hurst and Company, 1992, 92.

<sup>50</sup> Ramchandani, R.R., *Uganda Asians: the end of an enterprise*, Bombay: United Asia Publications, 1976, 268.

Britain, many with British passports.<sup>51</sup> First, only Asians holding British passports were expelled; next, even the Asians with Ugandan passports were forced into exile.<sup>52</sup> Nearly half of the expelled Ugandan Asians were Ugandan citizens—some second or third generation Ugandan—and therefore had no other allegiance and consequently nowhere to flee after Amin’s expulsion.<sup>53</sup> Upon leaving, the Ugandan Asians lost considerable property, money, and possessions and suffered beatings and humiliating treatment at the hands of both the army and black Ugandans.<sup>54</sup> The expelled Ugandan Asians returned to India; found refuge in Canada, other European countries, and the UK; or ended up in Ugandan refugee camps.<sup>55</sup>

Britain did not welcome the Ugandan Asians with open arms. Nine days after Amin’s announcement, Britain vowed to accept full responsibility for the Ugandan Asian citizens of the United Kingdom and Colonies.<sup>56</sup> However, the British government then asked Japan, India and Australia (all of which refused), to accept the Ugandan Asians. Next, the UK government made several attempts to settle the Ugandan Asians on geographically distant islands: namely the Solomon or the Falklands Islands, although Britain also requested and was refused help in settling Ugandan Asians in the Seychelles, the Virgin Islands, Caymans, Bermuda, Gibraltar, and British Honduras.<sup>57</sup>

Surely, the British Isles were equally capable as other nations of supporting the Ugandan Asian refugees: why then did Britain attempt to resettle the Ugandan Asians in other locales? British journalist Yasmin Alibhai Brown, a child among the Ugandan Asians resettled in Britain, declares that Britain’s attempt to relocate the Ugandan Asians somewhere other than the UK “still makes her very angry” in that “Britain tr[ie]d to palm off its own citizens to these countries who [sic] were not prepared to do anything”.<sup>58</sup> After receiving last minute acceptances from Greece, Malta, Spain, and Morocco, only 800 out of 500,000, Asians remained stateless in

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<sup>51</sup> Mutibwa, Phares, *Uganda Since Independence: A Story of Unfulfilled Hopes*, London: Hurst and Company, 1992, 93.

<sup>52</sup> *Ibid.*, 94.

<sup>53</sup> Kiwanuka, Semakula, *Amin and the Tragedy of Uganda*, Munich: Weltforum-Verlag, 1979, 103

<sup>54</sup> *Id.*

<sup>55</sup> *Id.*

<sup>56</sup> Hansen, Randall, *Citizenship and Immigration in Post-War Britain: the Institutional Origins of a Multicultural Nation*, Oxford: Oxford UP, 2000, 198.

<sup>57</sup> BBC News Online, “UK ‘did not want Ugandan Asians’”, January 1, 2003; “Britain’s \$2,000 ‘carrot’ to deter Ugandan Asians”, *The Telegraph*, January 1, 2003.

<sup>58</sup> BBC News Online, “UK ‘did not want Ugandan Asians’”, January 1, 2003.

Ugandan refugee camps.<sup>59</sup> However, in the end, only about 28,000 Ugandan Asians were settled permanently in Britain.<sup>60</sup>

The Ugandan Asians who were accepted into Britain integrated so completely that some Ugandan Asians now describe their children as “more British than the British themselves”.<sup>61</sup> While the UK government now touts the Ugandan Asians as their most successful minority immigrant population, Britain’s initial reaction to the refugees was “frosty”.<sup>62</sup> The Leicester City Council placed advertisements in the local Ugandan paper warning that no jobs, houses, or spaces at schools were available for these new arrivals, declaring, “In your own interests and those of your family you should...not come to Leicester.”<sup>63</sup> In addition, after the arrival of the Ugandan Asians, the National Front held marches in protest while the polls reflected widespread public sentiment against the Ugandan Asians.

The British citizens who at the time opposed the arrival of East African Asians perhaps thought that the Ugandan Asians seemed foreign, related only through the Empire. For the Ugandan Asians, however, the racially segregated Britain they would enter appeared an entity far from unfamiliar. As Mahmood Mamdani, a Ugandan Asian expelled by Amin, wrote:

Colonial life created racially distinct and exclusive ways of life. It built racially exclusive institutions for the socialization of its future generations...The history we learnt was that of Britain and the British empire...The family, the school and the church—all racially exclusive—created three nations in one: European, Asian and African...The success of colonialism lay not just in the colonial structure we lived in, but also in the corresponding consciousness we inherited.<sup>64</sup>

The racially stratified existence East African Asians lived in Uganda paralleled the Britain they discovered in the 1970s: a multicultural, multiracial polity coexisting in distinct social and economic spheres. The next section explores how the Ugandan Asian situation informed current British immigration policy and attitudes toward excluding economic migrants.

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<sup>59</sup> “Only 800 stateless Asians left as Amin deadline expires”, *The Times*, November 9, 1972.

<sup>60</sup> Hansen, Randall, *Citizenship and Immigration in Post-War Britain: the Institutional Origins of a Multicultural Nation*, Oxford: Oxford UP, 2000, 201.

<sup>61</sup> Harris, Paul, “They fled with nothing but built a new empire”, *The Observer*, August 11, 2002.

<sup>62</sup> *Ibid.*

<sup>63</sup> *Ibid.*

<sup>64</sup> Mamdani, Mahmood, *From Citizen to Refugee*, London, 1973, 16.

## VI. DISCUSSION AND LESSONS LEARNED FROM THE UGANDAN ASIAN CASE

*The term asylum seeker tends to denote a person devoid of personality or identity and we have to get beyond these labels. Instead of asking why they are in the UK, we should be asking why they had to leave their own country*

– Chris Carrol, spokeswoman for the charity Common Ground.<sup>65</sup>

This paper described the ways in which the British press and policymakers established a bright-line distinction between economic and political migration in an effort to justify limiting the number of asylum seekers admitted to the UK. By purporting to privilege political over economic migration (while in actuality inventing new criteria with which to ban migrants), Britain continues to uphold its responsibilities to international human rights treaties while pursuing less flagrant policies that restrict asylum seekers.<sup>66</sup> Britain's political structure, encompassing an empowered executive with few checks and balances, also contributes to the crafting of anti-immigrant and anti-asylum seeker legislation.

Britain attempted to resolve the tension between wanting to be seen as a democratic haven for refugees and managing what it perceives as its overburdened migration system by delegitimizing economic motivations for migrating. The press joined the word “bogus” with both “economic migrant” and “asylum seeker”, which further delegitimizes the motivations of asylum seekers and contributes to a popular opinion rife with anti-immigrant and anti-asylum seeker sentiment.<sup>67</sup> Even as Britain processes today's new wave of North-South migration, including clear political refugees from Africa, Central Asia, and the Middle East, it continues to discount economic migration as a means of maintaining its self-perception—an image it attempts to project worldwide—as a haven for the world's dispossessed.

The usefulness of examining the history of the Ugandan Asian case to illuminate Britain's distinction between economic and political migration is twofold. First, Britain's involvement in exporting Asians to East Africa coupled with their attempted abandonment of

**Comment [n12]:** Is there support for the notion that this trend continues today – what are some new sources that demonstrate this is still the policy even years after the Ugandan Asian experience?

<sup>65</sup> “Asylum centre opens doors,” *BBC News*, May 27, 2003.

<sup>66</sup> While economic reasons for seeking asylum have never been considered legitimate, by linking economic with political motivations (even though frequently the political motivations are sufficiently solid in themselves), policymakers systematically exclude poorer political asylum seekers.

<sup>67</sup> See “Britain, Bogus Asylum Seekers and Why Enough is Enough”, *Daily Mail*, November 29, 2002 to expose some myths and <http://www.guardian.co.uk/analysis/story/0,3604,879614.00.html> to dispel them.



their own citizens following Amin's expulsion of the Ugandan Asians demonstrates Britain's lack of responsibility for its part in shaping an international system that impels migration and refugee movements.

Second, the fact that Britain attempted to shirk responsibility for accepting the Ugandan Asians, clear political refugees who also held British passports, reveals that a differential approach to political and economic migrants is a relatively new phenomenon, a discursive tool, to obscure Britain's own implication in creating situations of inequality that influence refugee flows. For example, because the Ugandan Asians were clearly fleeing politically inspired persecution, no attempt was made to discount their objectively authentic claims to migrate; instead, the British used worries over racial disharmony—a common practice in the 1970s migration debates—and enacted anti-immigrant legislation to avoid accepting what essentially amounted to New Commonwealth immigrants.<sup>68</sup> After the Ugandan Asians crisis, British officials freely used the “economic motivations as illegitimate” construction in the 1990s and today to discredit or disavow any obligation to address current large-scale migration from the global south.

By focusing on how to exclude asylum seekers, British migration policymakers employ subjective language based on how the criteria needed to exclude migrants changes. Initially, post-Cold War British policymakers focused on the need to create migration policy with an eye toward preserving racial harmony in Britain.<sup>69</sup> When that justification for stringent migration policy was no longer viable, the discounting of economic reasons for migrating replaced fear of racial tension as the new rubric for asylum decision-making. Even though the UK favors political over economic rights [when does she ever prove this without just repeating the same statement?], its hesitance in receiving Ugandan Asian refugees demonstrates that policymakers are more motivated by keeping out as many undesirable migrants as possible than they are interested in creating an ethical and consistent standard for acceptances. Lingering ties to the “fear of racial unrest” justification, as well as the Blair government's recent efforts to reconsider

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<sup>68</sup> Skran, Claudena M., “International Refugee Regime: the History and Contemporary Context of International Responses to Asylum Problems”, in Loescher, Gil, ed., *Refugees and the Asylum Dilemma in the West*, Penn State UP: University Park, 1992, 13.

<sup>69</sup> Parekh, Bhikhu, *The Future of Multi-Ethnic Britain*, Runnymede Trust: London, 2002.

its obligations under the European Convention on Human Rights, evince that British identity construction remains more tied to race than it does to upholding human rights.<sup>70</sup>

**Comment [n13]:** Perhaps a quick citation or a Blair statement to that effect?

International human rights understandings establish standards for civilians who are the principal victims of today's regional wars; conflicts that tend to occur in places of relative economic deprivation. Individuals fleeing such circumstances are wrongly labeled economic migrants—though the places from which they are fleeing do experience severe economic hardship—since they are frequently fleeing from political persecution. By creating a distinction between the two inextricable elements of political and economic motivations for migration whereby the former is legal and the latter discredited, British asylum adjudicators can dismiss the claims of political refugees coming from economically disadvantaged areas. Furthermore, economic refugees—individuals whose migration is forced by life-threatening forms of economic deprivation—are subsequently discounted in the process. This distinction between political and economic migration grows increasingly suspect when individuals are fleeing those locations where Britain was involved in creating or maintaining the political arrangements inspiring political persecution or economic devastation.

Creating the distinction between political and economic rights morally frees Britain from taking responsibility for potential refugees. In light of the central place this distinction occupies in British migration policy, the UK and many other Western receiving countries increasingly perceive kindness towards refugees as charity. When a country assists refugees out of charity rather than justice, countries that have the means to assist refugees further—either by accepting more refugees or by giving more foreign aid to the sending countries—are in no way obligated to do so. Only when charity combines with an obligation to provide justice to influence and shape refugee policy, requiring a watershed in political will and moral decision-making, will countries like the UK treat their asylum seekers differently. Until then, British migration policymaking contributes to the delegitimization and ill treatment of asylum seekers worldwide.

Focusing on the distinction between what it views as two distinct and separable forces impelling migration, British policymakers continue to accept individuals into Britain according to narrowly constructed, stringent, and subjective criteria. British policymakers make the

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<sup>70</sup> Layton-Henry, Zig, "Britain: The Would-Be Zero-Immigration Country", in eds. Cornelius, Martin and Hollifield, *Controlling Immigration: A Global Perspective*. Stanford UP: Stanford, 1992, 288.; [http://www.guardian.co.uk/Refugees\\_in\\_Britain/Story/0,2763,882962,00.html](http://www.guardian.co.uk/Refugees_in_Britain/Story/0,2763,882962,00.html)

distinction political, rather than moral or ethical, by substituting a discourse that creates spurious distinctions between migrants for an honest accounting of the nation's moral obligations to those migrants. In taking the distinction between asylum seekers and economic migrants from the realm of morals and ethics and placing it in the sphere of political decision-making, the impact asylum decisions have on human lives is lost in the sea of anti-asylum seeker discourse.

The current tone of the public migration debate in the UK indicates the government's unwillingness to make the connection between asylum seekers arriving on British shores searching for protection and the world events that impel their migration. Increased human migration to Britain inspired a policy response; British policymakers created a subjective and political distinction between political and economic migration that would discredit a large percentage of individuals seeking asylum in the UK. Rather than enacting specific legislation, British migration policymakers simply used this discursive differentiating tool—declaring economic migrants illegitimate—to keep migrants out and exercise control over immigration policy.

## VIII. CONCLUSION

In essence, the increasing connections between the political economies of nation states are ably shown by the movement of people, goods and ideas across borders. Economics impel human movement just as politics cause individuals to flee. Although only politically motivated migration is recognized as legitimate under UN Convention, intersections between economics and politics cannot be ignored in evaluating the claims of refugees. Declaring someone who fled a politically unstable regime an "economic migrant" cannot be a legally permissible pretext in a humane system of international law.

In this regard, Britain's current migration policies are the result of a piecemeal reckoning with its colonial past. However, the UK does not stand alone amongst countries who participated in political strife that created refugee flows and subsequently denied entry to individuals evacuating those troubled lands. In hindsight, Britain – especially in its treatment of the Ugandan Asians – still serves as a useful example of why pretext as policy avoids crucial migration issues. British policymakers, and those in other countries receiving refugees, must overcome this disjointed approach of excluding economic migrants. Indeed, true progress can only come with a system that presumes the innocence of potential refugees; a system that

balances the logistical difficulties of managing migration with the volatile realities of the post-September 11th world.

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