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House of Commons  
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26 February 2010

Dear Sir/Madam

Please find attached the Runnymede Trust's submission of written evidence on the work of the UK Border Agency. In our submission, we draw on Runnymede's recent work on race equality and immigration. Related papers on which this submission is based, and to which we would like to draw to the attention of the Committee and are attached to this submission, are:

1. Chapters by Mary Coussey and Nazia Latif in our publication *Ethnic Profiling: The Use of 'Race' in UK Law Enforcement*.
2. Runnymede's report *Making a Contribution: New Migrants and Belonging in Multi-Ethnic Britain*.

Runnymede also requests to give oral evidence.

Yours sincerely,

Rob Berkeley  
Director, Runnymede Trust

## Summary

The claims made recently by former UKBA case worker Louise Perrett have highlighted the dismal treatment of refugees and asylum seekers by the British state.

Runnymede is very concerned about the lack of transparency and accountability in the UK's immigration system. Perrett's claims are shocking, not only due to the human rights violations and disregard for the dignity of refugees and asylum seekers, but also because they reveal a culture of openly expressed racism. This reflects a broader political consensus that immigration policies need not verify their equality credentials. As a consequence, overt racism has found a safe haven within UKBA, which is simply unacceptable.

There is an urgent need to find ways to introduce transparency to UKBA. It is deficient enough that immigration is in important ways exempt from the Race Relations (Amendment) Act 2000, but the termination of the role of Independent Race Monitor means that there are virtually no structures in place to make UKBA accountable.

## Immigration and Race Equality<sup>1</sup>

Runnymede has for some time now been concerned that migration discourses have successfully been disconnected from principles of race equality. Hyper-sensitivity and political correctness, so the argument goes, have cast anyone talking about migration as bigots, thereby stifling mature discussion. However, as is often the case with calls for an 'honest' and 'democratic' debate on race related issues, this particular formulation of the immigration debate is a thinly veiled attempt to legitimise the use of ugly and xenophobic language by politicians and the press. Unfortunately, however, influential figures of all hues of the political spectrum have accepted this contention, which has consequently been allowed to win the argument.

Looking back on the latter half of the 20th century, it is clear that past immigration policies have had a pivotal role in shaping the ethnic inequalities of the early 21st century. Contrary to what some politicians and commentators maintain, racism and anti-immigrant sentiments have historically been closely linked. Although talking about immigration is not racist in itself, immigration policies can – and often do – have a clear racial bias. It is therefore reasonable to expect that immigration policies drafted today may be a significant factor in shaping the future of multi-ethnic Britain. Given that recent changes in immigration policy – which the government has lauded as the “biggest shake-up of the UK's border security and immigration system for 45 years” – have gone hand-in-hand with a return to assimilationist language in political rhetoric, there is great urgency in examining these policies closely and critically to assess their potential impact on race equality.

## Immigration and Accountability<sup>2</sup>

UKBA and immigration officers are able to discriminate in important ways. As nationality is an important basis for immigration control, immigration functions have been partially exempt from the Race Relations (Amendment) Act 2000, specifically section 19D which allows immigration officers, acting in accordance with a relevant authorisation, to discriminate on the basis of

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<sup>1</sup> This section draws on Kjartan Sveinsson's report *Making a Contribution: New Migrants and Belonging in Multi-Ethnic Britain*. Available under:

<http://www.runnymedetrust.org/uploads/publications/pdfs/MakingAContribution-2010.pdf>

<sup>2</sup> This section draws on Mary Coussey's chapter in *Ethnic Profiling: The Use of 'Race' in UK Law Enforcement* (Runnymede Trust, 2010). Available under: <http://www.runnymedetrust.org/events-conferences/econferences/ethnic-profiling-in-uk-law-enforcement/the-report/profiling-and-immigration/profiling-and-immigration-2.html>

ethnic or national origin. Although the authorisations have to be issued by a minister and be backed by statistical evidence to justify them, we are concerned about the lack of transparency.

It is clear that there is overlap between ethnicity, nationality, and colour or race. It is difficult to distinguish between ethnicity and nationality unless factors such as colour and physical appearance are used. Thus, the authorisations are subjective and open to abuse.

Labelling people from certain nationalities or ethnic groups as 'greater risk' can become a self-fulfilling prophesy. Where certain groups come under closer scrutiny and are more thoroughly examined, their circumstances are more likely to be doubted, and this may result in higher standards being applied. This, in turn, can lead to unlawful stereotyping where assumptions are made based on nationality and other characteristics. The same applies to decisions in asylum casework, where caseworkers often apply their own assumptions about what would be 'reasonable' to decide whether an applicant's story is credible. These decisions can be influenced by stereotyped views of certain nationals who are predominant in making asylum claims.

We are concerned that the lack of accountability and transparency, outlined above, has allowed a culture of prejudice and stereotyping to develop. This includes ethnic profiling at the UK's ports and borders. The UK Border Agency refutes the suggestion that it engages in ethnic profiling. Recent work by the Northern Ireland Human Rights Commission contradicts that claim:

Comments from immigration officers certainly indicated that certain presumptions were made about nationality. One immigration officer confirmed that every Nigerian passport was checked for forgery. Another stated that he knew he would be routinely lied to and although there was nothing he could do about it "...I can let them know that I'm not a mug".<sup>3</sup>

## Conclusion

It is clear to us that immigration policies need to be reconnected to and informed by principles of race equality. The exemption of immigration from the Race Relations (Amendment) Act 2000 has allowed the UKBA to develop into a safe haven for prejudice and openly expressed racism, and should be abolished. At minimum, the Immigration Race Monitor should be reinstated.

Furthermore, data collection and monitoring needs to be more robust in order to improve transparency and accountability within UKBA. Better monitoring of the pattern of decisions at different ports of entry into the UK would show disparities between ports. Data from monitoring decisions can also be a tool to support training of new officials, and in developing existing officials, to improve skills in assessing credibility. Managers should use such monitoring data within ports and airports to expose different patterns and stimulate improved quality assurance. Guidance tools to define assessment criteria using examples from recent scenarios would help to improve consistency in decision making.<sup>4</sup>

**Runnymede Trust, 26 February 2010**

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<sup>3</sup> See Nazia Latif's chapter in *Ethnic Profiling: The Use of 'Race' in UK Law Enforcement* (Runnymede Trust, 2010). Available under: <http://www.runnymedetrust.org/events-conferences/econferences/ethnic-profiling-in-uk-law-enforcement/the-report/profiling-and-immigration/racial-profiling-and-immigration-1.html>

<sup>4</sup> See Mary Coussey's chapter in *Ethnic Profiling: The Use of 'Race' in UK Law Enforcement* (Runnymede Trust, 2010). Available under: <http://www.runnymedetrust.org/events-conferences/econferences/ethnic-profiling-in-uk-law-enforcement/the-report/profiling-and-immigration/profiling-and-immigration-2.html>