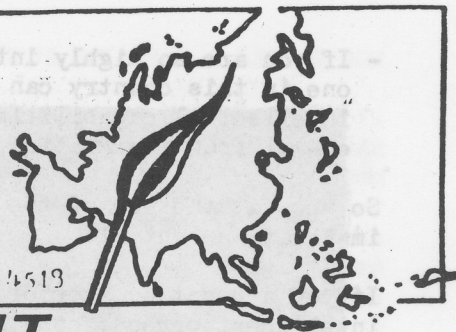


Asian Youth News

BIRMINGHAM

ASIAN YOUTH MOVEMENT

C/O 101 VILLA ROAD HANDSWORTH, BIRMINGHAM, B19. (021) 551 4513



IMMIGRATION SUPPLEMENT

DECEMBER 1985

DEPORTATION FIGHT ~ BACK

The net result of the racist and sexist immigration laws is that about 250 black people per month get deported from this country, and tens of thousands of black families are split up.

For long enough black people have accepted their fate as decided by the racist state, under the so-called rules. The state and all its machinery have played their roles perfectly to deny black people their right to live with their families and without fear of harassment by immigration officials.

Since Anwar Ditta of Rochdale made a determined fight to unite her family, a few campaigns against deportation of individuals were successfully fought, the latest one being that of Muhammad Idrish, which concluded with a crushing victory over the Home Office. Unfortunately, the number of fight-backs can be counted on the fingers of your hands; the vast majority of people are deported without anybody knowing and with no noise made on their behalf.

The lessons learnt so far are that the only way open to victims of racist immigration laws is to fight back, fight back with determination and courage. Because once you are caught in the net of the vicious immigration laws and face the 'inevitable' you have no more to lose.

Let us first examine and identify exactly those people who bear the brunt of immigration law.

- if you are rich and can bring in £150,000 or more you are not subject to immigration control;
- if you come from any of the EEC countries then you are not subject to immigration control;
- if any of your parents or grandparents were born in the UK then you are not subject to immigration control;
- if you come from a country where the standard of living is higher than the UK you will be treated differently - you do not come under total immigration control;



- If you are so highly intelligent that no one in this country can match your intellectual capabilities then you could be exempt from immigration control.

So who, at the end of the day, is subject to immigration control?

If you are not an extraordinarily intelligent person, come from a poor country, none of your parents or grandparents having been born in this country, not coming from Western Europe, and not possessing £150,000 or more - in other words, if you are BLACK and POOR - British immigration control is for YOU.

Deportation

Deportation from the UK is the natural follow-up of British immigration control. However long a person has lived in the UK is immaterial when it comes to deportation. Once a person is defined as being in this country in breach of one of the very complex immigration rules OR once a person's presence in this country is deemed 'not conducive to the public good', then that person can be deported from the country. The so-called appeals procedures are a farce because they are done by the Adjudicators who are appointed and paid by the Home Office. And most of the Adjudicators are ex-colonial administrators such as ex-Police Inspectors from Zimbabwe (Rhodesia) and South Africa.

Fight-back

One of the handicaps of anti-deportation fights is the atmosphere which has been created by the whole immigration machinery. This apparatus has to a degree managed to create an atmosphere of fear where fighting publicly is sometimes seen as being counter-productive to an individual's cause. In addition, the laws make people feel they are guilty of having committed a crime simply because they are black and poor. But if you

are proud to be black and classed as a 'working person' then you should have no fear because British immigration laws are DESIGNED TO CONTROL YOU.

The second handicap is the ignorance of people about the very complex immigration laws. This is nobody's fault because these rules and laws keep changing at least twice a year and even the so-called experts and lawyers cannot keep up with these changes. All of this contributes to victims not knowing where they stand and how much can be done for them.

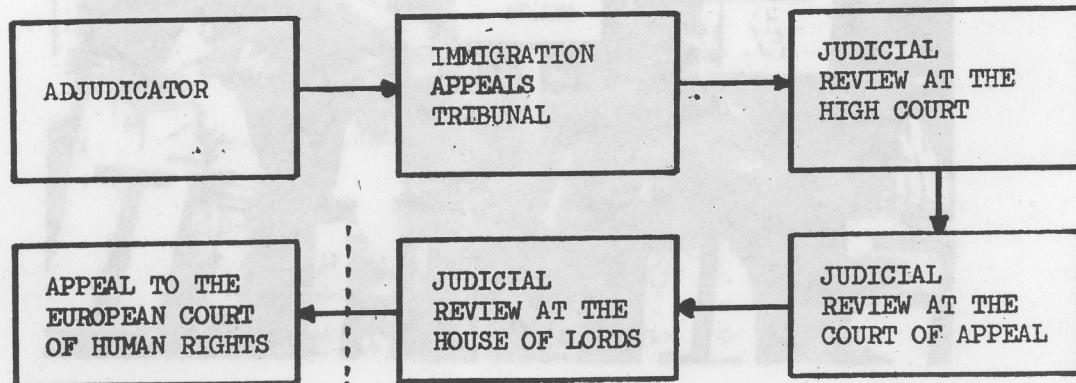
In spite of these drawbacks it has been proved by individuals like Anwar Ditta and Muhammad Idrish, and the dedicated and hard-working campaigners around them, that against all the odds it is still possible not only to fight back but to win. These individual cases make an impact on the consciousness of the people of this country. We must build on these successful campaigns because each campaign that we win is a blow against the racist state.

Legal process

It is important to know the difference between DEPORTATION and REMOVAL.

DEPORTATION - applies to people who have entered the country legally, eg., visitors, students, fiances/fiancées, and anybody whose passport was stamped at a port of entry as a legal entrant. If the Home Office wants to throw them out of the country, they have to be DEPORTED, which means they have the right to an 'appeal' in the UK.

REMOVAL - applies to people who are deemed illegal entrants. This means people whose passports were not stamped at a port of entry, or people who used false travel documents. REMOVAL means the Home Office can remove them from the country without them having the right to appeal in the UK.



The 'appeal' means appeal within the Immigration Act. It is first heard by one Adjudicator and then, depending on the merit of any arguable point of law, it could be heard by an Immigration Appeals Tribunal which consists of 3 Adjudicators. But it is worth remembering that like any other cases involving a point of law, one can always go to higher courts for a Judicial Review.

It should be remembered that the British Government is not bound by law to honour any decision by the European Court, and people are normally deported once the appeal has failed at the House of Lords. Although the success rate is very low, it is very useful to follow the whole process as this delays the deportation and gives valuable time to build a public campaign.

Typical case

Let us examine a typical case. Mr X came as a visitor and was given leave to stay for six months. He meets Miss Y, falls in love, and later gets married to her. He sends his passport to the Home Office asking to stay as the husband of a wife who has indefinite leave to stay in the UK. An immigration official interviews them. A letter comes from the Home Office saying

"The Home Secretary is not satisfied that the marriage was not entered into primarily to gain settlement in the UK...He refuses to extend your leave."

This letter normally has an appeal form attached to it which has to be returned within 14 days. But this letter is not a deportation order, it is simply a refusal of leave. We will call it STAGE A. It is then possible to follow the whole judicial process as outlined in the above diagram.

Once the process ends at the House of Lords, and let us assume that we have lost (as in the case of Muhammad Idrish), the Home Office will write a letter headed NOTICE OF INTENTION TO DEPORT. This letter will read something like this

"Now that you have exhausted all the legal processes and the Home Secretary is satisfied that you have no grounds to remain in this country...He therefore proposes to deport you to Bangladesh/India or any country of your choice..."



Rosmina Randera and Mohammed Azhar

This letter also has attached an appeal form which has to be returned within 14 days. Let us call this STAGE B. When a person is being deported because he/she is 'not conducive to the public good' the process starts at STAGE B. At the end of STAGE B, normally when it is over at the House of Lords, the Home Office will proceed to physically deport the person.

Campaign

A campaign can start at any point of the different stages, but the sooner the better. The whole purpose of the campaign is to put pressure on the Home Secretary. Although deportation is an administrative process, the Home Secretary has got a wide range of discretionary powers and being a politician, he cannot always ignore public pressure. The other important factor is that when hearing the appeal at the start of STAGE B, the Adjudicator has to consider the volume and quality of the representations made to the Home Secretary on behalf of the person facing deportation. It is therefore **most** advisable that a campaign starts before the case reaches STAGE B.

It is important that the person under threat of deportation takes advice from as many sources as possible - from immigration advice centres, solicitors who are well conversant with immigration law, and even government-funded bodies like the Commission for Racial Equality, Joint Council for the Welfare of Immigrants (JCWI) United Kingdom Immigration Advisory Service (UKIAS), etc. And insist on following the whole of STAGES A and B.

HOW SHOULD A CAMPAIGN FUNCTION?

It is important that an individual anti-deportation campaign is not seen as the mouth-piece of any one political institution or organisation. A campaign should be an assimilation of activists from as many institutions as possible. Decisions should be made in regular meetings of the campaign group. These meetings can be held weekly or fortnightly, and the responsibilities should be shared equally among members of the campaign. The main purpose of the campaign is to build as much support as possible, and to use this support to put pressure on the Home Secretary.

WHERE DOES A CAMPAIGN SEEK SUPPORT FROM?

These are some examples of the organisations which a campaign should seek support from:

- local Members of Parliament and sympathetic Members of Parliament and the House of Lords, nationally;
- local community organisations;
- Constituency Labour Parties;
- other political parties such as Communist Party, Socialist Workers Party, etc;
- attempts can be made to get support from the SDP/Liberal Parties;
- local churches, mosques, Sikh and Hindu temples, etc;
- local branches of trade unions and trades councils. If the person concerned is a member of a trade union, contact should be made at the branch, district and national level of the union;
- local Community Relations Councils (CRC), CRE's, etc.

WHAT TO DO TO GAIN SUPPORT

There are many things a campaign could do to gain support. Some are as follows:

- write to the types of bodies and institutions mentioned above. The letter should contain a brief history of the case. The letter should also ask them to do specific things, eg, 1) Write to the Home Secretary, your own M.P., the local press, etc; 2) Attend or send delegates to the campaign meetings; 3) Donate funds to the campaign; 4) Support events organised by the campaign. (When writing to trade union branches or Constituency Labour

Parties it helps if a model resolution could be attached to the letter.

- production and distribution of leaflets. The leaflet should include a brief case history; the racist and sexist nature of British immigration laws; and what individuals and groups can do to support the campaign.
- collect signatures from individuals on Petition forms to send to the Home Office.
- organise activities like demonstrations, pickets of the court when the person is appearing for an appeal.
- organise stalls at market places or at political events.
- participate meetings and demonstrations, displaying a banner, distributing leaflets and collecting signatures.
- get the victim to speak at meetings.
- see the victim's M.P. at his/her surgery. It always produces a better result if a number of people go along.
- organise social events, which could be used to publicise the case and to raise funds.
- bring out Press Releases - it is better to do them around particular events. Go for the local press first.

This is all part of raising publicity and so support for the campaign. If finance is desperately needed at the start of the campaign, or at some time during the campaign, various charities which promote anti-racist activities can be approached, eg the British Council of Churches.

Conclusion

These are some of the ways of fighting back against deportation which individual campaigns have developed in the last few years. We must learn the lessons and consolidate our successes, but we cannot afford to stand still. The state is constantly adapting to our methods of struggle and new strategies must continually be worked out. But above all else, we must stand up for our rights and fight with determination. **HERE TO STAY! HERE TO FIGHT!**

In Birmingham contact the Asian Resource Centre, 101 Villa Road, Handsworth, Birmingham, B19 (Tel 021-551 4518). Or the Asian Youth Movement at the same address.

HERE TO STAY! HERE TO FIGHT!

This article is based upon the successful campaign against deportation by Muhammad Idriah.