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Hidden Borders

How and why policies contributing to the destitution of asylum seekers in the UK are justified

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How and why policies contributing to the destitution of asylum seekers in the UK are justified

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Abstract

Becoming destitute – not being able to meet essential living needs – is a common experience for people claiming asylum in the UK. Many of these experiences are rooted in government policy and practice. Through a comprehensive academic and policy literature review, discourse analysis and several expert interviews, this paper explores how and why these policies exist in a liberal state like the UK, as well as how they are justified within Parliament. It identifies 'deterrence', the desire to keep asylum seekers out, and 'removal', the desire to push asylum seekers away, as key drivers of such policies. In this way, destitution is intended to act as a hidden border within geographical state boundaries. The desire to deter and remove asylum seekers are fuelled by a sense of unfairness underpinned by a deep-rooted belief that UK citizens and legal residents' access to welfare is being threatened by 'outsiders' who are both unable to contribute and depicted as breaking the rules. In response, to maintain its legitimacy (Boswell, 2007) the UK Government must demonstrate control, and thus continue to introduce hidden borders through policies of destitution. Three dominant discourses render these policies acceptable: the depiction of asylum seekers as a dehumanised 'problem', 'criminal and 'enemy'. Within such narratives and discourses, asylum seekers are easily scapegoated for the country's most pressing problems: from pressures on health to terrorist threats. Depicted as something to fear – an unknown 'conglomerate mass' – their human suffering has become unimportant. These constructs have rendered asylum seekers as a threat to the nation, its peoples and welfare, and thus transformed the state's moral duty to protect refugees into a duty to protect its own people and resources *against* them. This paper argues, however, that these discourses and narratives could be challenged by humanising asylum seekers. When asylum seekers are represented as complex human beings, their suffering becomes less palatable and policies shift to become more expansive.

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What is destitution?

'Destitution' is used differently by different actors. Sometimes used to describe "the complete absence of state support", it is also applied to people receiving support but unable to meet their basic needs (Allsopp et al,2014: 7). This paper considers somebody destitute if they cannot afford essentials, such as shelter, food and toiletries (Joseph Rowntree, 2018).[1]

Introduction

Asylum seekers are at risk of becoming destitute throughout the UK asylum process. While the causes of destitution are multi-faceted, government policies often cause or exacerbate these risks. In some cases, destitution is an unforeseen consequence of a complicated system that has been subject to eight new pieces of primary legislation in just 20 years. Other times, destitution is more intentional - a tool to force refused asylum seekers to leave. Such instances have occasionally been criticised by parliamentarians, government committees, the media and campaigners. The Joint Committee on Human Rights (2007:41) concluded the Government had been "practising a deliberate policy of destitution of this highly vulnerable group" and ordered "the policy of enforced destitution to cease". However, more than 10 years later, charities report destitution is increasing (British Red Cross, February 2018). Through a combination of qualitative research methods, including a review of academic and policy literatures, a discourse analysis of parliamentary debates and expert interviews, this dissertation aims to unravel how and why liberal states, like the UK, construct discourses and narratives that justify policies of exclusion within its borders. In doing so, it seeks to understand how the language used to represent asylum seekers could be challenged.

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[1] This definition is further explored in Question 1.

Literature Review

Destitution of asylum seekers in the UK

Destitution has been identified as "a central feature of UK asylum policy" (Allsopp et al, 2014: 35). Evidence demonstrates asylum seekers are at risk of poverty at every stage of the asylum process (Basedow et al, 2016; Beswick et al, 2015; Blanchard et al, 2017; Carnet et al, 2014a; Carnet et al, 2014b; Crawley et al, 2011). While individual experiences vary, the asylum system "emerges as a poverty producing machine" throughout a range of studies (Allsopp et al, 2014: 35). Policies restricting asylum seekers' access to welfare as well as employment have been continuously introduced since the Immigration & Asylum Appeals Act 1993 that withdrew local authority housing provision from those able to access any other accommodation, however temporary (Crawley et al, 2011; McDonald et al, 2007: 50; Mayblin, 2018). This Act followed a rapid increase in the number of asylum applications, an economic recession and a rise in unemployment. These combined factors contributed to a rise of scepticism and resentment towards asylum seekers (Fetzer, 1996; Jackman et al, 1996; Scheve et al, 2001). Asylum seekers have been consistently depicted as "queue jumping economic migrants" in the media (Gabrielatos et al, 2008) and by parliamentarians (McDonald et al, 2007; Mulvey, 2010). This has led to deep public concern and contributed to "issues of asylum and welfare becoming linked in the political arena and public imagination" (Bloch et al, 2002: 393). Today, asylum support is "granted hierarchically" (Flitcher, 2008: 5) according to how "deserving" (Sales, 2002) the state considers one to be: while asylum seekers still in process are entitled to around 50% of mainstream benefits, refused asylum seekers are either granted an even lower, cashless form of support or nothing.

The construction of asylum seekers as 'Other'

Attitudes towards asylum was a distinguishing factor between the Left and Right in the early 1990s. While the Conservatives maintained asylum seekers chose to come to the UK because they were given "money to do nothing" and thus needed to be excluded from the welfare state (Mr Evans, HC Deb 13 November 1991, c1114), Labour argued that as inhabitants of the

country, their status should be equal to that of any other (Flitcher, 2008). However, by the late 1990s both parties expressed strong partialist views towards asylum seekers, resulting in increasingly restrictive policies passed with few dissenting voices (Flitcher, 2008; Sales, 2002). Removing asylum seekers from mainstream benefits helped political leaders prove British citizens took precedence and was argued to be a "prerequisite for good race relations" (Carr, 2015: 117). However, with low or no access to public funds, as well as no permission to work, asylum seekers have been portrayed as "dependent" and "a burden", which has further increased feelings of resentment (Sales, 2002). Moreover, the "punitive" nature of asylum support has reinforced asylum seekers as "bogus", thus exacerbating their social exclusion (Sales, 2002). With little visible opposition, asylum seekers have been continually constructed as "a threat" – to the integrity of the system, welfare and Britain's 'national identity' (Mulvey, 2010: 456). This has morphed asylum seekers into the nation's 'Other'. The 'Other', rooted in psychoanalysis, symbolises an unconscious distain towards difference (Lacan, 1977). The othering of asylum seekers is therefore particularly powerful "because it taps into deep-seated affective attachments" (Hampshire, 2013: 33). As explored by Sides (2007), negative attitudes towards migrants reflect an identity-based opposition, rooted in cultural or psychological predispositions as opposed to interest-based opposition, rooted in rational assessments of economic and social impacts. Identity-based opposition is harder to challenge, as it cannot be reasoned with logically. That this threat is imagined, therefore, only makes it stronger.

Imagined nationhood

The nation-state and nationalism are underpinned by a shared national identity. However, a shared identity presupposes a homogenous population living communally. This identity is constantly reinforced through the media that creates the illusion of shared experience. Yet, "even the smallest nation will never know most of their fellow-members" (Anderson, 1983: 49), and a nation's shared identity is thus only "imagined". This renders the nation-state and nationalism "artificial" (Anderson, 1983). This imagined identity becomes even starker in a liberal state that embraces difference. This does, however, not negate the importance of nations or the perceived threat of asylum seekers as, imagined or not, nations and

nationalism "arouse deep attachments" (Anderson, 1983: 48). Within a context that is imagined, merely imagining something as a threat is enough to make it one (Hampshire, 2013: 32). Moreover, imagined nations are "inherently limited and sovereign" (Anderson, 1983: 49) and defined by political and geographical boundaries manifested as borders, which "refugees are created through and incomprehensible without" (Hansen, 2014: 253).

Borders

In their simplest form, borders manifest as physical walls, built to protect a nation's territory from "undesirables" (Andreas, 2000: 1). However, borders usually "only exist as walls in the geographical imagination" (Mountz,2010: xxix) - most arise in forms that merely "symbolise a social practice of special differentiation" (Houtum et al, 2001:126). The primary purpose of borders is to protect a nation's "limitedness and sovereignty" (Anderson, 1983). This could be "to deny membership of the state, limit rights on entry or bar physical entry altogether" (Kukathas, 2016: 252). The Refugee Convention 1951, however, threatens the state's "limitedness and sovereignty" as it secures the rights of all asylum seekers "as soon as they reach the shores of a signatory state" (Hansen, 2014: 258). To avoid this fate, states have shifted their borders "outwards" via visa restrictions and protocols checking passports and entry rights before arrival as well as increasing coastal patrols (Hansen, 2014). Although less widely documented, borders have also shifted inwards. States are "reasserting and re-making borders in ambitious and innovative ways" including through "the presence of the state in everyday life" (Andreas, 2000: 2-3). These include securitisation agendas, such as the UK government's 'Prevent' agenda, which has transformed citizens into unofficial counter-terrorism agents (O'Toole et al, 2012) and its "hostile environment", which has required landlords, medical personnel and banks to carry out immigration checks (Signoa, 2018). Such examples act as "internal borders" and are usually focused on distinguishing between "legality and illegality, citizens and aliens" (Carr, 2015:30). Destitution also acts as an invisible border in that it imposes "an insecure position on those no longer wanted by the state" (Darling, 2016: 129).

The construction of a crisis

Border policies are often driven by "moral panic" (Cohen, 1972). This is both the product and reinforcement of the depiction of asylum seekers as a threat that must be "kept out" (Kukathas, 2016) for the state to maintain its legitimacy (Boswell, 2007). Moral panic happens when something is "defined as a threat to societal values and interests" (Cohen, 1972: 1). The media is most often highlighted as the driving force behind such panic (which aligns with Anderson's account of the construction of imagined national identities only made possible through the media). However, some politicians and policies also fuel "hysteria" (Cohen, 1972: vii). The concept of hysteria captures a volatile state of widespread, disproportionate concern and hostility, sometimes resulting in long-lasting policy and social change as seen in the UK's asylum system. In a quest "to secure the integrity of the asylum process and to enforce immigration controls" (McDonald et al, 2007: 50), New Labour's policies restricting welfare and the accompanying rhetoric fuelled "a feeling of crisis" (Mulvey, 2010: 443). Rather than attempting to ease public concerns, governments persistently act 'tough' on asylum, ultimately reinforcing asylum as uncontrollable. This has "a negative impact on perceptions of the system's legitimacy" and results in "Government losing control of the parameters of the debate and hostility it helped to foster" (Mulvey, 2010: 443/456). Concern has expanded to all migration, including low and high-skilled labour migrants upon which the economy relies. With both main parties fuelling a sense of crisis from the late 1990s onwards, immigration and asylum transitioned from previously not featuring in the top 10 concerns in public polls, to remaining in the top five since 2001 (Mulvey, 2010).

An ineffective response

Even at the height of "moral panic" (Cohen, 1972), restrictive policies are often limited. However toxic the debate has become, no Government has suggested "a whole-sale restriction of immigration" (Hampshire, 2013: 36). Indeed, political scientists hypothesise that restrictive but "wholly ineffective" policies are inevitable in liberal states (Hampshire, 2013: 80). This ineffectiveness has been rooted in "a decline of sovereignty" stemming from the rise of international human rights and globalisation (Jacobson, 1996; Sassen, 1996). Others argue

the liberal state's perceived failure to control migration is inherent to the state's "liberalness" (Hampshire; 2013; Joppke, 1998). Its perceived lack of sovereignty is, thus, self-imposed (Joppke, 1998). This is due to the liberal state's inherent contradictory pulls. While 'constitutionalism' and 'capitalism' pull the state towards open policies due to their inherent respect for the rule of law and demand for low and high-skilled migrant labour, 'representative democracy' and 'nationhood' on the other hand pull the state towards restrictive policies due to negative public attitudes towards migration as well as a quest to protect the state from 'outsiders'. Policies resulting in destitution fully capture these contradictions: asylum seekers are permitted to cross the border but their destitution excludes them from mainstream society, thus acting as 'hidden borders' *within* the state. Hampshire (2013: 160) rules out the possibility of public attitudes becoming more receptive towards migration in "major destination countries". However, while academics have explored why liberal states accept unwanted migration, albeit restrictively (Boswell, 2007; Freeman, 2005; Hollifield, 1992; Jacobson, 1996; Joppke, 1998; Sassen, 1996; Sides et al, 2007), they offer little insight into how alternative narratives could be constructed. Very few distinguish between types of immigration policy or between liberal states, which has potentially failed to capture important nuances and context that could contribute to changing the narrative.

Methodology

This table explains the methodological approaches undertaken to answer each research question:

Research Question	Methodology
1. Which policies, if any, contribute to the destitution of asylum seekers in the UK?	• Reviewed secondary sources, such as charity reports, academic literature, primary and secondary legislation and parliamentary briefings. • Interview questions such as, 'which policies in particular do you think push asylum seekers into destitution?'

2. How and why are asylum seekers in the UK made destitute?	• Reviewed academic and policy literatures to unpick motivations, including whether and when destitution might be intentional and how destitution acts as 'hidden borders'. • Discourse analysis of parliamentary debates and moments. • Interview questions such as, 'why do you think decision makers develop and vote in favour of these policies?' and 'what motivates them?'
3. How are these policies justified through policy narratives and discourses? How are these narratives and discourses constructed and represented within Parliament?	• Discourse analysis of parliamentary debates and moments. • Interview questions such as, 'what arguments, stats or techniques have you seen policy makers and anti-asylum influencers use?'
4. To what extent are policies that contribute to the destitution of asylum seekers inevitable in a liberal state like the UK? To what extent, and how, could they be avoided?	• Drew on each research methods and overall findings to make a theoretical conclusion. • Interview questions such as, 'what arguments or framings have you seen effectively deter such policies?', 'who did they convince?' and 'how could they have been improved?'

Why discourse analysis?

As an advocate for asylum seeker rights, I have witnessed a direct link between hegemonic discourses depicting asylum seekers as a suspicious and threatening 'Other' and the development of policies that limit asylum seekers' access to support, protection and human rights. These discourses have been continually reinforced and are now widely "validated as truth" (Dittmer, 2010: 275). Language has thus acted "as a 'machine' generating and constituting the social world" (Jørgensen et al, 2002: 9). Discourse analysis is largely grounded in poststructuralism, rooted in structuralism that distinguishes between language's

"arbitrarily" connected sounds and concepts (Saussure, 1915). Since there is no "natural connection" between a word's sound and concept, words are meaningless unless they are understood in relation to other words. For example, we only make sense of 'trees' by understanding they are not 'flowers', 'bushes' or 'clouds'. Poststructuralism builds on this theory, also holding that language consists of sounds and concepts that do not reflect reality but create and reinforce *representations* of reality. However, these sounds and concepts can be "played with" to create new 'realities' (Barthes et al, 1975). This is not to deny reality altogether (representations of reality produce very real consequences, such as destitution) but to concede discourse is powerful. In keeping with a poststructuralist framework, this dissertation systematically analysed how asylum seekers have been constructed since the late 1990s as well as how destitution has been made socially acceptable by most UK parliamentarians. In doing so, it sought to offer campaigners new tools to produce alternative representations of asylum seekers.

The theory of deconstruction (Derrida, 1967) proved to be pivotal during my analysis. Building on Saussure's theory (1915) that meaning is only acquired "against what it is not", Derrida identifies the tendency to think in binary oppositions (good/bad, insider/outsider) but argues this reinforces simplistic and unfounded hierarchies and privileges. To change the status-quo, one must dismantle or deconstruct binary oppositions and recreate more complex and irreducible ideas and meanings. It was therefore essential to explore what was being said as much as what was not. For example, parliamentarians continually referred to "genuine refugees" in the Chamber. While its antithesis, "bogus refugees", was also explicitly referred to several times, it was implicitly reinforced by a constant repetition of the term "genuine".[2]

Carrying out discourse analysis

Adopting a broad definition of discourse as "a particular way of talking about and understanding the world (or an aspect of the world)" (Jørgensen et al. 2002: 2), I explored how language and images are used to express ideas, beliefs, concepts and ideologies in specific parliamentary contexts. To understand how and why policies resulting in destitution

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[2] Explored further in Question 4.

have been supported by parliamentarians, I analysed the discourse used during the first, second and third readings as well as report stages for each of the eight pieces of primary immigration legislation debated in the House of Commons since the Immigration and Asylum Act 1999.[3] I chose the 1999 Act as my starting point because many policies resulting in destitution today stem from this legislation. This amounted to over 100 hours of text.

Only extracts and debates relevant to the specific policies identified as contributing to destitution[4] were analysed in the House of Lords as well as Committee Stages. This was due to a combination of factors, including time constraints as well as being satisfied that, while narratives and discourses tended to be more favourable towards asylum seekers in the Lords, the motivations, narratives and discourses supporting such policies commonly replicated those expressed in the Commons.[5] All debates were located on *Hansard* and loaded onto a qualitative software package, HyperRESEARCH, for analysis. Codes were created before[6] and while carrying out the discourse analysis.[7] Codes were then grouped and mapped to reveal unexpected relationships and identify common themes, patterns and priorities. To guide the process, I adopted Gee's (1999) 'building tasks':

Building Task	Approach
• Semiotic building (how signs and symbols are activated to produce 'knowledge')	• Analysed the detail of the language and metaphors.
• World building (how the world, or an aspect of it, is understood)	• Identified and critically assessed assertions and moral statements.

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[3] These included: the Immigration and Asylum Act 1999, Nationality, Immigration and Asylum Act 2002, Asylum and Immigration (Treatment of Claimants, etc.) Act 2004, Immigration, Asylum and Nationality Act 2006, Criminal Justice and Immigration Act 2008, Borders, Citizenship and Immigration Act 2009, Immigration Act 2014 and Immigration Act 2016.

[4] Outlined in Question 1.

[5] Some of these have been identified in the literature review.

[6] The literature review helped to inform several codes before starting the discourse analysis, such as Hampshire's (2013) constitutive features of a liberal state.

[7] See snapshots of this analysis in Appendix 5.

	- Pinpointed what is believed to be real, false, possible, moral and immoral by whom. - Understood the wider socio-political landscape. - Identified the evidence used and omitted (through information acquired via the literature review and analysis of relevant media).
- Activity building (understanding the activities in which the discourse takes place)	- Understood the formalities of debating legislation in Parliament (such as how legislation is passed, ways of addressing other members etc.).
- Socioculturally-situated identity and relationship building (understanding relevant relationships, identities, roles and positions)	- Analysed relationships (between backbench parliamentarians, the Government and Opposition, MPs and constituents, MPs and asylum seekers, the media and between political parties).
- Politically building (the relevance of "social goods" at play, including sources of "power, status or worth" (Gee, 1999: 2)	- Considered gender, class, race, immigration status. - Assessed power dynamics, including when and how they were reinforced and challenged.
- Connection building (the connections between different interactions and events)	- Considered individual perspectives (background, party-affiliation, activities outside the Chamber and external pressures).

Why semi-structured interviews?

Three expert interviews were carried out:

- A: A previous secretariat to the All-Party Parliamentary Group on Refugees (APPG) and researcher for Sarah Teather during her time as a Liberal Democrat MP, Minister and chair of the APPG on refugees.
- B: A campaigner who has been advocating against the destitution of asylum seekers for 20 years.
- C: Yvette Cooper MP's special advisor during her time as Shadow Home Secretary.

These interviews helped contextualise the discourse analysis and identify themes, concepts and perspectives I might have otherwise not been aware of (Silverman, 1993). I chose semi-structured interviews because they allow a "conversational, fluid form, which could vary according to the interests, experiences and views of the interviewees" (Valentine, 1997: 111). Importantly, semi-structured interviews enabled me to explore specific issues in detail. Each interviewee had a strong understanding of the political environment as well as policies resulting in destitution. However, the perspectives offered were limited in that they were generally supportive of expansionist policies and could not offer a first-hand reflection of Government motivations like a Home Secretary or senior Home Office official might have done.

Carrying out interviews

Interviews lasted from 35-60 minutes and were taped with consent. I designed an interview structure beforehand, which included each research question and prompts and avoided using academic language, such as "discourse" and instead asked questions using everyday language such as "arguments". I started by asking about their personal experiences of advocating against destitution, helping to ease them into the flow of the interview. This centralised their own expertise, drawing out a wealth of information they might not have otherwise

considered sharing (Graham, 1984). Each interview was transcribed and key themes summarised immediately afterwards.[8]

Positionality

I remained acutely aware of the significance and implications of my positionality – that of an advocate, passionate about changing the portrayal of asylum seekers. I constantly assessed my work to ensure I was not trying to "sort out which of the statements about the world [i.e. about asylum seekers] in the research material were right and which were wrong" but instead focused on "what was actually being said and exploring patterns in and across the statements and identifying the social consequences of different discursive representations of reality" (Jørgensen et al, 2002: 20). This helped me gain a deep understanding of how and why policies contributing to the destitution of asylum seekers in the UK are justified.

Question 1: Which policies, if any, contribute to the destitution of asylum seekers in the UK?

What is destitution?

This study demonstrates an inconsistent interpretation of destitution. Under Section 95(3) of the Immigration Act 1999, the Home Office may support asylum seekers and their dependents "who appear to the Secretary of State to be destitute or to be likely to become destitute" within a 14-day period. Somebody is 'destitute' if they:

"do not have adequate accommodation or any means of obtaining it (irrespective of whether other essential living needs are met); or if they and their dependants have adequate accommodation or the means of obtaining it, but cannot meet essential living needs".

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[8] The full interview structure and one sample transcript is included in Appendix 3 and 4.

The Home Office (2018) calculates that an asylum seeker over 18 years old needs £56.16 a fortnight to meet essentials and over 25 years old to need £68.16. "Failed asylum seekers" entitled to support are considered to need £53.70. There is no explanation why "failed asylum seekers" need less to meet their needs. Joseph Rowntree (2018) calculates single adults need £70 a week to meet essentials such as "a home, food, heating, lighting, clothing, shoes and basic toiletries". Joseph Rowntree describes somebody as destitute if they "have lacked two or more of these essentials over the past month because they couldn't afford them". Under this definition, many asylum seekers receiving Section 95 support, amounting to £37.75 for single adults plus accommodation for those who need it, are considered destitute. While this paper adopts the later definition, it is cognisant that certain parliamentarians adopt the Home Office's. It also notes the term's ambiguity and how this might be a barrier to effective advocacy.

Which policies contribute to the destitution of asylum seekers?

The literature review and interviews highlighted numerous ways UK policy contributes to the destitution of asylum seekers. However, there is no *one* piece of policy contributing to the destitution of asylum seekers. One interviewee explained:

"No government would be foolish enough to enforce 'a destitution policy'. It's more about how a series of policies are applied."

(Interviewee B)

Considering this, I have categorised three main reasons for destitution and highlighted the key policies relevant to each:

Reason for destitution	Key 'destitution policies'	Brief explanation
Levels of support too low to meet essentials	• Immigration and Asylum Act 1999, Section 95 • Immigration and Asylum Act 1999, Section 4	Asylum seekers whose claims are being considered and the Home Office considers destitute are entitled to £37.75 for single adults plus accommodation for those who need it under Section 95. Support is often "too low to meet essentials" (Refugee Council, 2017). Refused asylum seekers who have exhausted their appeal rights might be entitled to support under Section 4.[9] Section 4 is cashless, provided via the Azure payment card, amounting to £36 a week for single adults plus accommodation. The card cannot be used on public transport, is accepted in a limited number of stores and is for certain items only, resulting in destitution (Carnet et al, 2014).
Administrative failings	• Immigration and Asylum Act 1999, Section 4, • Immigration and Asylum Act	The 1999 Act excludes asylum seekers from mainstream benefits (Section 115) and creates a separate asylum support system. Under the Act, asylum seekers are entitled to different types of support per their status

[9] Section 4 might be allocated if they meet one of the following criteria "taking all reasonable steps to leave the UK, are unable to leave the UK by reason of a physical impediment to travel or for some other medical reason, are unable to leave the UK because there is currently no viable route of return available, have applied for judicial review (in Scotland) and been granted it (in England and Wales) and if the provision of accommodation is necessary for avoiding a breach of a person's Convention rights, within the meaning of the Human Rights Act 1998" (Home Office, 16 February 2018: 9).

	1999, Section 95 and, • Immigration and Asylum Act 1999, Section 115	(Section 95/Section 4). In 2013, 56% of British Red Cross service users were "destitute due to administrative failings and delays within the asylum system" (British Red Cross, April 2013). Bureaucracy makes asylum seekers particularly prone to falling destitute when transitioning from one type of support to another (between Section 95 and 4 and between asylum support and mainstream benefits) (British Red Cross, April 2013). Technical difficulties with previous voucher systems (Doyle, 2008) and the Azure card (Carnet et.al, 2014), lost Home Office letters and backlogs (Bolt, 2017) also cause destitution.
No entitlement to support (and no right to work)	• Immigration and Asylum Act 1999, Section 95 • Immigration and Asylum Act 1999, Section 4 • Nationality, Immigration & Asylum Act 2002 • Immigration Act 2014, Part 3 • Immigration Act 2016, Part 2	The 1999 Act excludes asylum seekers not deemed destitute by the Home Office as well as most refused asylum seekers from support. Under the 2002 Act, only those waiting more than 12 months for a decision can *apply* for permission to work. Part 3 of the 2014 Act and Part 2 of the 2016 Act have made accessing accommodation, bank accounts and health services

	• Immigration Act 2016, Section 66	increasingly difficult for asylum seekers, especially when refused. Section 66 of the 2016 Act excludes refused asylum-seeking families from Section 95 support. The 2016 Act also makes Section 4 support harder to access. However, these policies are yet to be enforced.

Question 2: How and why are asylum seekers in the UK made destitute?

Deterrence and removal have been identified as the most dominant reasons for the development and justification of policies contributing to the destitution of asylum seekers articulated in the Chamber. These are usually underpinned by the need to ease public concerns about control, as well as a sense of unfairness that people with 'no right to be here' receive support to which 'they are not entitled'.

Deterrence

The deterrence of people seeking asylum has been an explicit goal of Governments since 1997. However, New Labour were most vocal about the "urgent need" to deter asylum seekers and increasingly described people seeking asylum as "economic seekers of a better life" (HC Deb, Mr Blunkett, 17 December 2003: c1595) who were "abusing the system" (HC Deb, Mr Straw, 9 February 1999: c43). Asylum support was thought to act as an incentive and "pull factor" for "unfounded" asylum claims (HC Deb, Mr Straw, 9 February 1999: c45). Defending the decision to remove cash benefits for asylum seekers and to separate asylum support from mainstream benefits, the then-Home Secretary notes:

"**These are not British residents**, although they can become British residents **if** their case for asylum is accepted;…

…We have sought to secure a proper balance between ensuring that individual asylum seekers are not left destitute, and cutting off the economic incentive for people to come to this country **not because they have any serious claim for asylum, but because of the availability of cash benefits**."

<div align="right">(HC Deb, Mr Straw, 9 February 1999: c47)</div>

A notion of 'us' versus 'them' is reinforced as Straw asserts "British residents" as more deserving of support than asylum seekers characterised as 'outsiders' and 'Other'. He does not attempt to justify this partialist claim despite it conflicting with Labour's impartialist stance only a few years earlier (Flitcher, 2008). By presenting it as fact, he leaves little room for criticism. The use of the word "if" rather than "when" casts doubt on asylum claims, reinforcing the widespread belief that "the majority are not in need of protection from persecution" (HC Deb, Sir Fowler, 9 February 1999: c53). Cash as an incentive is presented as fact despite a lack of supporting evidence. On the contrary, there is much evidence demonstrating cash does not act as a pull factor, including research commissioned by the Home Office itself (Robinson et al, 2002: viii), which found "very little evidence" suggesting asylum seekers had "detailed knowledge of UK immigration or asylum procedures, entitlement to benefits or availability of work." Nevertheless, Labour celebrated the "success" of their policies in reducing asylum applications by 67% between 1997 and 2005 (Home Office, 2005). That applications peaked to 84,100 (excluding dependents) in 2002 (Blinder, 2017) was omitted from the narrative. Research suggests the reduction of claims between 2002 and 2005 was likely a combination of new policies that prevented entry rather than deterrence (Crawley, 2010; Zetter, 2003) as well as a change in political stability in refugee producing countries. Nevertheless, the idea that welfare acts as an incentive continues to justify restricting support. During the 2016 Act debates, the desire to make the UK "less attractive" was expressed by front and backbenchers.

Removal

Restricting support for refused asylum seekers is justified as a tool to force them to leave. This is driven by a sense of injustice associated with giving people who have "no right to be

here" support (HC Deb, Mrs May, 13 October 2015: c196). Giving refused asylum seekers the same support as asylum seekers still in process is not considered "fair" on 'genuine refugees' as well as British citizens. Continuing to support them is not just "inappropriate" but sends the "wrong message" to other disingenuous asylum seekers (HC Deb, Mrs May, 13 October 2015: sc202). An Immigration Minister notes:

*"We say that it is **not appropriate** for **public** money to be used to support **illegal migrants**, including **failed** asylum seekers, who **can** and **should** leave the UK."*

(HC Deb, Mr Brokenshire, 1 December 2015: c225)

Refused asylum seekers are referred to as "failed" and therefore demoted to "illegal migrants". The use of the term "failed" places the fault on asylum seekers rather than the system. The label "illegal migrant" not only takes away the state's obligation to protect them but feeds an existing depiction of asylum seekers as 'criminal' and 'a threat' from which the state must protect its people. Moreover, the Government absolves moral responsibility by highlighting those whose support is taken away *could* and indeed, *should* leave. Destitution is therefore the fault of the individual not the state and the act of choosing to stay is depicted as immoral. However, not all refused asylum seekers are able to leave. A British Red Cross (2017) report, *Can't Stay Can't Go*, explores multiple reasons why this might be the case, including statelessness, no safe routes home and difficulty obtaining travel documents. Nevertheless, the Minister repeats; "the taxpayer should not have to support illegal migrants who could and should leave the UK" (HC Deb, Mr Brokenshire, 1 December 2015: c226). "Illegal migrants" are constantly pitted against the British taxpayer, reinforcing the notion their refusal to leave is at the expense of hard-working individuals. The "illegal migrant" who is depicted as both 'outsider' and dependent is therefore deemed unworthy of its limited benefits and allowing them access to the welfare state fuels a deep sense of unfairness.

To demonstrate 'fairness'

Although 'fairness' is an ambiguous term, "it provokes strong and deep-seated reactions" in the UK (Lewis, 2007: 23). 'Fair-play' sits at the core of these feelings: the system should work

best for those who play by the rules and contribute. The underlying sentiment is that because asylum seekers have not contributed to the system, it is not fair they gain from it as much as those who have. That asylum seekers are not allowed to work and are thus actively prevented from contributing is omitted from the narrative. This sense of unfairness grows stronger for 'failed' asylum seekers who, in addition to undermining the welfare state by not contributing, are depicted as actively breaking the rules. Their "illegality" can thus be interpreted as a deliberate way to undermine one of the UK's constitutive features; constitutionalism. In this way, Britain's deep respect for the rule of law is seen to drive "a politics of closure" rather than the one of openness that Hampshire (2013) hypothesised. Defending the Immigration Act 2016's removal of Section 95 support for refused-asylum seeking families, the then-Home Secretary notes:

"…we must continue to build an **immigration** system that is **fair to British citizens** and people **who come here legitimately to play by the rules** and **contribute to our society**."

(HC Deb, Mrs May, 1 December 2015: c268)

By solely referring to the "immigration" system, refused asylum seekers are again demoted to "migrants", thus silencing potential protection concerns. By emphasising those who are "legitimate", the audience is implicitly reminded of those who come here 'illegitimately'. These people are further vilified by implying asylum seekers "come here" intending "to break the rules". This overlooks the fact that many refused asylum seekers come from precarious situations despite not meeting the narrow parameters of refugee and subsidiary protection. Indeed, even economic migrants can "move because their lives, or the lives of their loved ones, are at risk" (Kukathas, 2016: 257). Under some accounts, refugees "assume a position of privilege" in that they "fall into the class of persons whom the world community is prepared to treat under that potent label" (Martin, 1988: 9). This supports Kukathas's (2016: 254) accusation that "the category of refugee was created by states not so much to enable us to fulfil our duties to the distressed and unfortunate as to make it easier for us to evade them." While the Refugee Convention's definition of "refugee" helped secure the protection of certain people, it excluded others. It also created a mechanism through which people must "prove their worthiness" thus transforming "matters of humanitarian necessity into

questions of political expediency" (Kukathas, 2016: 254). Notably, "the right of asylum is the right of states to grant asylum, not the right of individuals to be granted asylum" (Joppke, 1998: 110). This highlights the extent state sovereignty takes precedence over the state's obligations towards asylum seekers.

This sovereignty has expanded from granting asylum to the introduction of increasingly restrictive policies that effectively "prescribe the conditions under which asylum is to be enjoyed" (Joppke, 1998: 111), albeit all in a manner "consistent with domestic and international law – not with the spirit perhaps but with the letter" (Martin, 1988: 13). Governments use court rulings and parameters of law to justify policies contributing to asylum seekers' destitution. For example, Ministers regularly remind colleagues that "the courts have agreed" that "failed asylum seekers" from whom they wish to remove support "do not need our protection" (HC Deb, Mr Brokenshire, 1 December 2015: c224). They also often preface decisions to restrict support by reemphasising their commitment to their international obligations towards refugees, which only require them to support those who have either been granted status or whose claims are being considered:

"... Schedule 8 will therefore restrict the availability of such support, **consistently with our international obligations**, and remove incentives for **migrants** to remain in the UK when they have **no lawful basis** for doing so..."

(HC Deb, Mr Brokenshire, 1 December 2015: c225)

A similar narrative has been adopted regarding levels of asylum support. In 2014, Refugee Action commenced judicial review proceedings against the Home Secretary's decision not to raise asylum support in line with inflation, noting the current rates of support were not "sufficient to meet the essential living needs of asylum seeker" (Refugee Action v The Secretary of State for the Home Department [2014] EWHC 1033). The judge's ruling concluded the decision to freeze levels of support was "flawed" because "information used to set the rate of asylum support was insufficient to reach a rational decision". The ruling, however, did not require the Home Office to increase support rates. Instead, they had to review their rationale and develop a stronger assessment methodology. This process is now used by the Government to defend existing levels:

"The Government's approach has been **challenged in the courts** and the relevant monetary threshold has been **upheld**. We will continue to analyse experience and evidence in respect of this matter, but our judgment is that the way in which we assess what is counted is **right."**

<div align="right">(HC Deb, Mr Brokenshire, 1 December 2015: c231)</div>

These examples demonstrate a simplistic conflation of the rule of law with morality. As one interviewee reflected: "just because it's lawful, does not make it right" (Interviewee A). While, "legal provisions are intended to reflect moral principles", law and morality are distinct (Harvey, 2004). Morality is concerned with what ought to be, whereas the law sets out what is instructed within legislation. This distinction is especially pertinent in the UK context where, with no written constitution, it is particularly easy for the legislature to change the law when it no longer suits them (Joppke, 1998: 113).

To demonstrate control

Demonstrating control has driven governments since 1997 to introduce policies contributing to destitution. Parliamentarians have described the asylum system as out of control with descriptions including "a shambles" (HC Deb, Mr Stinchcombe, 9 February 1999: c97), "mess" (HC Deb, Mr Simpson, 9 February 1999: c445), "disorder" (HC Deb, Mr Prosser, 24 April 2002: c382), "unworkable" (HC Deb, Mr Blunkett, 24 April 2002: c355) "uncontrolled" (HC Deb, Mr Davis, 5 July 2005: c204), "unsustainable" (HC Deb, Mr Bellingham, 13 October 2015: c231) and so on. Governments have consistently been accused of being "unable to cope" (HC Deb, Mr Gerrard, 9 February 1999: c84) and "failing to get to grips with" the scale of the situation (HC Deb, Mr Stephenson, 13 October 2015: c235). For example, the then-Shadow Immigration Minister notes:

"I do not believe that the Home Office has been **able to cope** with the **volume** of applications, and there is **a growing feeling** that the Government are beginning to **lose control of our borders**."

<div align="right">(HC Deb, Mr.Malins, 7 December 2003: c1605)</div>

To add to the sense of "chaos", the scale of applications is often drawn on. Malins' quote focuses on 2002's particularly high numbers of asylum applications. However, even when application numbers have been low, the system has been described as "soaring and out of control" (HC Deb, Mr Howard, 9 November 1999: c1998). These exaggerations "exacerbate the sense of threat and boosts restrictionist sentiment" (Sides et al, 2007: 478). Words usually adopted to describe water, such as "flow" (HC Deb, Mr Barker, 24 April 2002: c391) and "tide" (HC Deb, Mr.Howarth 2 June 2009: c169), are regularly invoked to describe the movement of people crossing borders, adding to the sense they are unstoppable and beyond human-control. As seen here, the need to protect "our borders" is usually invoked while emphasising the uncontrollable scale of migration, perpetuating "a feeling of crisis" (Mulvery, 2010: 443). The importance of "secure borders" and their "vital protection purpose" (HC Deb, Mrs May, 13 October 2015: c201) is continually pressed, further depicting asylum seekers as 'threatening, uncontrollable outsiders'. The fixation on numbers and scale imply that while the state is committed to protecting 'genuine' asylum seekers, there is a limit to their hospitality and while "people seeking asylum are special, they are not so special as to be regarded simply as ends in themselves" (Kukathas, 2016: 253). As expressed by a Conservative backbencher:

"**The problem is simply one of numbers**… There is **a limit** and there are **perfectly legitimate concerns** about those problems and about the impact **that large numbers** of people can have on the fabric of society, the environment, housing and so on."

(HC Deb, Mr Lilley, 24 April 2002: c379)

Concerns about numbers have occasionally driven governments to introduce asylum targets. In 2003, New Labour boasted their "new measures would reduce asylum intake, on optimistic forecasts by around half by 2004" (Home Office, 2003) with then-Prime Minister Tony Blair declaring "the only way of dealing with [high numbers of asylum applications] was to stop the numbers coming in". These targets undermine the spirit of the Refugee Convention and reinforce asylum seekers as a national problem that needs to be controlled. Moreover, failing

to meet targets exacerbates a growing sense of crisis and lack of faith in the state, creating a sense of betrayal:

"**When** is she [the Home Secretary] going to **apologise** to **the British people** for the **overwhelming tide of migration** that has **hit** this country?"

(HC Deb, Mr Howarth, 2 June 2009: c169)

While this emotive language is not as prevalent in the Chamber as in the media (Khan, 2012), it is not uncommon. As seen here, Home Secretaries are often personally blamed for high levels of migration, suggesting that were they better at their job, migration could be controlled. This shows little regard for the contradictory pulls on liberal states that Hampshire (2013) hypothesises inevitably result in "ineffective" policies. Migration is again depicted as a catastrophic, dehumanised threat to the nation-state, akin to a natural disaster that has "hit" the country and "its" people. The use of the word "when" rather than "if" demonstrates the apology is being demanded, rather than requested and that it is undoubtedly necessary. The explicit reference to "the British people" reminds the Home Secretary who she is responsible for and thus, where her loyalty *should* stand.

While far less common, pressure to uphold the state's liberal values towards asylum seekers are also expressed primarily by Liberal Democrats, the Scottish National Party in addition to a handful of Labour and Conservative backbenchers. However, the pressure to protect and control the state's nationhood dominates each debate. Notably, debates are particularly polarised when anti-immigrant parties gain popularity, despite their absence from the Chamber. This was apparent in 2002, which saw a sharp increase of support for the National Front across the border and for the BNP as well as during the 2014 and 2016 Act debates that coincided with an increase of support for the UKIP. Rather than minimising public concern about immigration, parliamentarians opt for tougher controls, reasoning that failing to do so, would drive "reasonable people with legitimate concerns to turn to" these sorts of parties (HC Deb, Mr Austin, 13 October 2015: c228). In doing so, policies representing the exact principles they seek to avoid are developed, further fuelling a sense of crisis and hostility towards migrants. s

Question 3: How are the policy narratives and discourses that justify these policies constructed?

The following section unravels three dominant discourses constructed and represented by each government since 1997. These include asylum seekers as 'a problem', 'criminal' and 'threatening enemy'.

The construction of a problem

Asylum seekers are consistently presented as a problem. The numerous pieces of legislation introduced over the last 20 years reinforce this notion. Equally pertinent is the frequent use of language such as "problem of", "deal with", "burden" and "manage" adopted when discussing asylum seekers. The undertones of a problem are even reinforced by parliamentarians advocating on behalf of asylum seekers. For example, when asking the Government to do more to help the 'Refugee Crisis', Cooper depicts asylum seekers and refugees as problematic:

"… we should not stand back and allow other countries **to shoulder so much more of the burden of responding to the refugee crisis**, especially as we are not doing enough to help."

(HC Deb, Mrs Cooper, 1 December 2015: c240)

Phrases constructing 'a problem' are usually accompanied by words conveying the scale of the problem as well as the urgent need to fix it. These include, "quickly", "firmly", "so big", "massive" and "growing". Both scale and urgency are conveyed in the following extract enquiring about the number of refused asylum seekers in the UK:

"Frankly, I think that the problem is **so big** that, if **the Army** and **the police dealt with it full time** for six months, they would **make no impact**."

(HC Deb, Mr Malins, 9 February 1999: c75)

By drawing on the Army, Malins depicts refused asylum seekers as a serious threat to the nation-state, comparable to war. His reference to the police reminds the Chamber this 'serious threat' is close to home, within the country's borders. Not only is the state's quest to drive out refused asylum seekers equated to war, it is equated to an un-winnable war. Thus, 'the problem' is "so big" that even our nation's two strongest forces could not fight them off.

The construction of a criminal

As explored, defining refused asylum seekers as "illegal" feeds a discourse of criminality. However, asylum seekers whose claims are still being considered are constructed as suspected 'criminals' too since it is impossible to distinguish the legitimate from the rest:

"**…**we do not know who people are or where they have come from. We do not know **which ones are legitimate** asylum seekers and **which ones are not**."

(HC Deb, Mr Collins, 13 October 2015: c222)

Fear of the unknown, and the frustration accompanying this uncertainty, renders asylum seekers a threat and further 'others' them. Sometimes the inability to distinguish the "genuine" from the "bogus" is expressed with descriptions like: "chancers who masquerade as genuine asylum seekers" (HC Deb, Mr Straw, 9 November 1999: c984). Both the words "chancer" and "masquerade" suggest intentional deception and exploitation, further legitimising "punitive" policies (Sales, 2002). Furthermore, each time the adjective "genuine" is ascribed to asylum seekers, the Chamber is reminded of its antithesis, "the bogus chancer". Emphasising their genuineness suggests 'being genuine' is the exception. Since so many asylum seekers are disingenuous and since there is no way of knowing who is who, it is not just acceptable but necessary to restrict access to the country and welfare for everybody. Although it is recognised that "genuine" asylum seekers might then lose out, the blame is placed on "the unfounded application":

"The greatest **enemy** of **the genuine** asylum seeker is **the unfounded application**."

As Roche blames 'bogus' asylum seekers for 'genuine' asylum seekers' suffering, she transforms refused asylum seekers from people to "applications". Within this dehumanising narrative, it is easy to remove people's *human* rights and introduce restrictive policies.

However, by introducing restrictive policies, "new crimes and modes of criminalisation" are constructed (Bosworth et al, 2008: 704). To claim asylum most asylum seekers are forced to break the law just to reach the country. Despite having no choice but to commit a crime, they are depicted as intentionally deceptive:

"…people in the camps **are seeking to** enter this country **without being detected**, without papers and without tickets. **They are looking to** enter this country without being noticed by the authorities, and then to work, live and be accommodated here **without being noticed by the authorities**."

Here we see how "the unknown and undocumented" are not just transformed into something "unwanted, but dangerous" (Bosworth et al, 2008: 703). That they intend to go underground and unnoticed on arrival is presented as fact. The camps near Calais are consistently labelled "illegal" and descriptions such as "clandestine entrants", "racketeers" and "stowaways" are attached to the people living there:

"… over recent months **many clandestine entrants** have **emerged from** the backs of **lorries** and **other vehicles**, some at seaports and some on the verges of motorways, many miles from a port… It is **unfair to those who enter lawfully** and we are determined to tackle it."

Parliamentarians regularly conjure images of dehumanised, dangerous "entrants" illegally hiding in lorries. The word "emerging" emphasises their unaccountability and deception. By claiming it is "unfair on those who enter lawfully", Straw misrepresents lawful entry as an accessible alternative. The criminality of asylum seekers is further pressed by the introduction of and calls for surveillance measures usually associated with criminals, such as fingerprinting, detention and tagging. Asylum seekers are also explicitly and inexplicitly linked to human trafficking and organised crime. The same words used to describe the "illegal entry" of asylum seekers at the border are prescribed to human traffickers, such as "clandestine" and "racketeers". This shared language creates synonymy between the guilty and innocent and the distinction between human smuggling, human trafficking and simply claiming asylum becomes increasingly blurred:

"We cannot allow **ruthless** criminal gangs to continue to exploit the vulnerable, or to bring undocumented, even potentially **dangerous,** individuals into the country."

(HC Deb, Rebecca Harris, 13 October 2015: c227)

While criminal gangs are described as "ruthless", undocumented migrants are "dangerous". Despite being particularly at risk of being trafficked, 'Illegal migrants' are often inextricable from human traffickers:

"Most people will think it is also completely right that the Bill proposes to tackle illegal immigration and its links with organised crime, people trafficking and exploitation..."

(HC Deb, Mr Austin, 13 October 2015: c229)

This extract evidences the "lumping together of quite disparate groups of non-citizens as criminals" (Bosworth et al, 2008: 703). This is reflected in discourse and policy. Policies introduced to prevent and deter human traffickers and organised crime also deter asylum seekers. That they are depicted as one of the same, renders this potentially unforeseen consequence of little importance.

The construction of an enemy

The depiction of asylum seekers as a 'problem' and 'criminal' creates 'an enemy' of the state that threatens its security, welfare and identity, and therefore must be protected against. The word "protect" is used in a range of ways throughout the debates. For example, during the then-Home Secretary, Theresa May's, 26-minute introduction to the Immigration Bill 2015-2016 the need "to protect our public services" was emphasised four times. She also pressed the need to protect "the British public", "the law-abiding majority" and "our borders". As the need to protect the British public *from* asylum seekers is repeatedly asserted, the state's protection obligation towards asylum seekers diminishes.

That asylum seekers are not always explicitly articulated as the immediate 'threat' is not important as they have been "lumped together with all non-citizens" (Bosworth et al, 2008: 703). The 'threat' is 'a conglomerate mass of migrant' that can represent anything and nothing at the same time; this is what makes it so powerful. The explicit 'threat' within this 'mass of migrant' has changed every few years: from asylum seekers in 1999 and early 2000s, to 'illegal migrants', including refused asylum seekers throughout the 2000s, human sex traffickers between 2004 and 2006, 'bogus' students around 2009, exploitative employers and landlords in 2014 and EU migrants in recent years. They have all been "homogenously produced as criminal" (Mountz, 2010: xxvii). As highlighted by an MP "often, when the subject is discussed, categories are not separated" (HC Deb, Kelly Tolhurst, 13 October 2015: c242). The controversial Leave campaign poster accurately depicts this 'threatening conglomerate mass of migrant':

The poster depicts hundreds of faceless and indistinguishable refugees in Europe, predominantly men, while asserting "we" are losing "control of *our* borders". This combined with the words "breaking point" implies the UK would be under siege from a 'mass of migrant' if it stayed in the EU. This not only reinforces asylum seekers as something to be protected *against* but makes them a focal point within a debate that has little to do with asylum as the UK's obligation towards asylum seekers is under international not EU law. It also conflates EU migration with asylum. Nevertheless, this visual depiction of the nation's 'enemy' demonstrates how our 'conglomerate mass of migrant' can be used to play on the public's deep-seated fears for political gains. Such representations make it easier to blame 'them' for almost any of the country's problems:

"Across the country, **vital local services** are under increasing pressure as people find access to **health care** and **schooling** more difficult because more people are **fighting over fewer places.** The Government are very quick to remind us, when it suits them, that Britain is still at high risk from **terrorism,** but the public have little faith in the very system that is supposed to control who enters our country and who leaves it."

(HC Deb, Mr Davis, 5 July 2005: c205)

Within these two sentences, Davis reflects a tendency to blame 'migrants' for the country's most pressing problems, making them "into scapegoats for a variety of current ills" (Greenslade, 2005: 5) and branding them all potential terrorists. This exacerbates the nation's sense of a lack of control and lack of faith in the Government's immigration system (which is increasingly conflated with counter-terrorism). However, it also distracts the public from

issues that might be even more unmanageable and unpopular not to solve. For example, pressures on the NHS dominated debates about the Immigration Act 2014 that sought to restrict 'illegal migrants'' access to healthcare. This followed "several years of contentious political and legislative debate about the NHS" (NHS England, 2017), resulting in concerns about 'health' overtaking 'immigration' for the first time in several years in UK polls (YouGov, 2015). Similarly, the importance of restricting 'illegal migrants'' access to housing was emphasised in the 2016 Act debates as public concerns about housing rose (Ipsos MORI, 2017). As governments must be seen to be taking action when such concerns arise, blaming an already dehumanised and threatening 'mass of migrant' and restricting *its* access is seemingly the most politically sensible response. After all, migrants likely have one of the weakest voices in a democratic state (Castles et.al, 2000). In the process, the negative impact of 'migrants' on the NHS or housing is exaggerated and used to show governments stand for British citizens and legal residents who pay their dues:

"... the Labour party is going to be on the **wrong** side of this argument, because **people in this country want to see people being treated fairly in relation to the NHS**."

(HC Deb, Mrs May, 22 October 2013: c165)

When debating new NHS charges on migrants, May invokes a sense of unfairness while reminding the then-Shadow Home Secretary his loyalty should lie with "people in this country", or in other words, with British and 'legal' people. The 'illegal migrants' this new policy would affect are made invisible as, despite also being "in this country", they are likely not included within the "people in this country" to which May refers. The 'threatening mass of migrants'' humanity has again been stripped away and they have been transformed into "non-people" (Carr, 2015: 19). The dehumanisation and sometimes complete elimination of 'illegal migrants', makes it easy to restrict access to *human* essentials:

"This legislation will **protect our public services**, will further **crack down on illegal immigration** and will limit the access of illegal migrants to **essential** services. I **welcome** these proposals and **urge** Members to support them."

(HC Deb, Rebecca Harris, 13 October 2015: c228)

Despite recognising the services they are restricting access to are "essential", Harris welcomes these proposals. Indeed, "illegality" coupled with a process of dehumanisation renders people "undeserving" (Sales, 2002). As Stein (2003) described in relation to the Bush administration's stance on Muslim immigrants, "once a state successfully constructs an enemy group, it can justify detention without charge and other drastic means waging war against the other, the enemy." This is remarkably similar to the treatment of asylum seekers in the UK. In addition to widespread destitution, the UK has one of the largest detention programmes in Europe with about 27,500 immigrants detained each year, of whom half have sought asylum (Blanchard, 2018). It is also the only European country that enforces indefinite detention. While destitution and detention might only be *actively* accepted when they affect 'illegal migrants', the reality is that no matter how such policies are framed, all migrants and people assumed to be migrants are impacted. However, the recent 'Windrush scandal' and subsequent public and political outrage towards the UK's "hostile environment" demonstrates when people affected by these policies are "humanised" (Kirkwood, 2017), their destitution, deportation and detention is usually no longer accepted.

Question 4: To what extent are policies that contribute to the destitution of asylum seekers inevitable in a liberal state like the UK and how could they be avoided?

Since 1997, UK governments have introduced policies contributing to the destitution of asylum seekers to demonstrate fairness and control through threats of deterrence and removal. These motivations are justified and driven by three dominant constructions: asylum seekers as 'a problem', 'criminal' and 'an enemy'. In this respect, the liberal state's constitutive feature, 'nationhood' and the state's quest to protect it, is resulting in restrictive policies as hypothesised by Hampshire's (2013). However, this section argues that the depiction of asylum seekers as a dehumanised 'threat to the nation' is not inevitable and briefly unpicks how it might be avoided.

Could asylum seekers be perceived as anything but a threat to the nation?

The narratives and discourses used to justify policies contributing to asylum seekers' destitution have been analysed precisely because this paper holds the poststructuralist belief that representations are socially constructed and, as such, they can be "played with" to create new representations of 'reality' (Barthes et al, 1975). Were the three dominant constructions of asylum seekers deconstructed (Derrida, 1967), asylum seekers would no longer represent a 'threat to the nation'. Scotland provides a strong example of the power of challenging pre-existing negative representations of asylum seekers. Its politicians and media have been "producing alternative representations of asylum seekers as people with skills and a willingness to contribute economically" since the early 2000s (Schech, 2012: 70). This aligns with the discourse analysis findings that demonstrated SNP members are more likely to refer to asylum seekers as "people" and less likely to label refused asylum seekers as "failed". They are also more likely to describe the human consequences of destitution:

"**Sleeping on the street** in rainy, **freezing-cold** Britain, **going hungry** day after day and knowing they are despised by many of the people who pass them by is preferable to returning somewhere where they face all that and are in danger of being raped or even murdered...That is what asylum seekers **themselves tell us**."

(HC Deb, Anne McLaughlin, 1 December 2015: c194)

It becomes apparent McLaughlin is referring to refused asylum seekers as the then-Immigration Minister interrupts asking her to clarify that "she means failed asylum seekers". By explaining the experience of destitution in tangible terms, such as "sleeping on the street", "being cold" and "going hungry", the consequences of the policies they are debating become less ambiguous and thus less palatable. By noting that asylum seekers have told her about this experience "themselves", the Chamber is reminded that these consequences are being experienced by *people*. Thanks to these alternative discourses and narratives, public attitudes towards asylum seekers in Scotland are less hostile than the rest of the UK (Migration Observatory, February 2014). Consequently, while few aspects of immigration and asylum

policy are devolved, the areas that the Scottish administration can influence tend to be less restrictive (including health, education and judicial review).

However, as previously explored, there are multiple reasons parliamentarians might want to represent asylum seekers as the nation's threatening 'enemy'. For example, failing on migration might be more politically sensible than failing on health, education and so on. As such, if governments must be seen to do be doing something about an issue, scapegoating migrants is often the easier option. Asylum seekers are considered particularly "easy prey" (Kukathas, 2016) given their relatively weak influence on policy-making (Bloch et al, 2002). Asylum seekers have no natural advocates with strong political influence whereas universities will lobby for students, citizens for family members and businesses for low and high-skilled migrant labour (Kukathas, 2016: 256). Parliamentarians must be sufficiently influenced and motivated to change their discourse, which usually requires influential campaigning bodies.

Each interviewee reflected there have been very few sustained attempts to try to end destitution, and even fewer attempts to challenge its underlying narratives and discourses. This has rendered asylum seekers' destitution a "phantom issue" that is easily ignored amidst numerous other pressures on the Home Office:

"If leaders within the refugee sector do not seem agitated, how could Home Office Ministers be?

…Why would a Minister touch a phantom issue?"

(Interviewee B)

Freeman (1995: 883) argues that when analysing immigration policy outcomes "at the individual, organised group and state level", policies will sway between being restrictive or expansive per the respective strength of anti-immigration versus pro-immigration forces at any one time. While "liberal democracies are open political systems that tolerate and encourage vigorous and free debate of public issues," citizens tend to be "rationally ignorant" and ill-informed (Freeman, 1995: 883). This makes campaign groups best equipped to shape

the narrative. They thus play a critical role in determining immigration policies. Boswell (2007: 79-80) criticises the extent to which campaign groups determine policies under Freeman's account, arguing the state is more than a mere "broker" as "it plays an active role in defining new policy alternatives capable of securing compromise". However, she also recognises the role groups can play in achieving public recognition of marginalised groups, noting that so long as they are "robust enough to upset social stability (or to threaten to do so)" and "significant enough to influence the electoral programs of political parties, they will be in a good position to force the state to make concessions" (Boswell, 2007: 82).

Each interviewee pressed the need for more evidence demonstrating the realities of destitution: that it exists, its humanitarian impact and its ineffectiveness in terms of deterrence and removal. The consensus was that refugee organisations "are not properly equipping influencers with the information, solutions and stories they need to influence" (Interviewee A), with one interviewee noting: "if the facts were marshalled, nobody could defend them" (Interviewee B). Supporting this claim, the discourse analysis found there to be relatively few attempts directly challenging destitution in the Chamber, except in the case of policies affecting families with children in the 2004 and 2016 Act debates. More robust evidence could help disprove inaccurate assertions such as destitution results in removal, all refused asylum seekers can leave, the majority of asylum seekers are economic migrants and illegal entry is avoidable. However, the findings of this study suggest such attempts must do more than reveal facts. After all, "migration issues have assumed a highly symbolic role in many host countries, attributed an importance beyond any rational assessment of their real impact on individuals or social groups" (Boswell, 2007: 78). In the 2015 debates, parliamentarians attempted to prevent the policy that would remove access to Section 95 support for refused asylum-seeking families by drawing on evidence demonstrating the failure of the same policy in a 2005 pilot. Despite the outcomes of this pilot being debated almost 10 times within the Chamber, most parliamentarians voted in its favour. Since migration is "shaped by political exigencies" (Bloch et al, 2002: 404), solely marshalling the facts is not enough to change policy. Campaigners must also demonstrate how ending the destitution of asylum seekers would "legitimise" the state (Boswell, 2007: 95). The state's legitimacy is judged on how well it performs on security, the economy, fairness of distribution, and how well its institutions uphold the rule of law (Boswell, 2007: 95). Current hegemonic

narratives and discourses depicting asylum seekers as a dehumanised 'problem', 'criminal' and 'enemy' drive the state to restrict asylum seekers' access to support to "secure its own legitimacy" (Boswell, 2007). However, as seen in Scotland, challenging these narratives could create new representations that actively legitimise the state's protection of asylum seekers. Pro-refugee campaigners must reconstruct asylum seekers and frame their policy solutions in ways that ignite these interests.

Unintentionally reinforcing negative discourses and narratives

Attempts to dissuade governments from adopting restrictive policies often unintentionally reinforce the dominant narratives and discourses identified. They tend to dehumanise asylum seekers through labels such as "applicants" (HC Deb, Mr Allan, 22 February 1999: c62) or "applications" (HC Deb, Fiona McTaggart, 22 February 1999: c104). Moreover, efforts regularly adopt descriptions such as "failed":

"…If this Bill is allowed to pass, it will close off support currently available to **failed** asylum seekers. If this Bill is brought into law, it will place additional costs on local authorities at a time when they are already spending billions of pounds on children in need of care.**"

(HC Deb, Angela Crawley, 13 October 2015: c271)

After reinforcing the negative connotations associated with "failed asylum seekers", Crawley highlights the state's costly responsibility towards "children in need of care". This reinforces the idea that resources are limited and welfare must be allocated *fairly*. Representations of "failed asylum seekers" as a burden and less deserving are implicitly reinforced albeit unintentionally.

Attempts challenging restrictive policies also often adopt representations of asylum seekers as the 'threatening enemy's' antithesis: the 'vulnerable victim'. While this representation can effectively challenge the construction of *certain* asylum seekers as threatening in the short-term, it further excludes all those who do not stereotypically fit the profile of the 'vulnerable

victim'. Both 'vulnerability' and 'victimhood' are associated with weakness and passivity and are therefore ascribed to groups of people typically associated with such characteristics (Meredith, 2009). Throughout the debates, the term "vulnerable" is most commonly ascribed to "children" and regularly references women (especially pregnant women), families and unaccompanied minors. "Victim" is most commonly ascribed to people who have been "trafficked". Those represented as 'vulnerable victims' tend to be rendered both in need of and worthy of protection (Carpenter, 2005). This was most apparent during the 2016 Act debates, which partly took place after a photograph of the death of a three-year-old Syrian refugee, Alan Kurdi, dominated British newspapers:

These images transformed the nation's 'faceless enemy' into an innocent human being, "somebody's child", in need of help. 'Migrants' transitioned into "refugees", 'criminals' into "victims" and the UK's response turned into a matter of "life and death" overnight. The disruption of the dominant representation of asylum seekers as 'threatening', led to then-Prime Minister David Cameron taking a notable U-turn on the UK's response to the 'Refugee Crisis'. While, the UK had refused to take part in a European Resettlement Scheme helping Syrian refugees just a few months earlier, it committed to resettling 20,000 Syrian refugees within a matter of days of this image's publication. Cameron noted (7 September 2015):

"The whole country has been **deeply moved by the heart-breaking images** we have seen over the past few days. It is **absolutely right** that Britain should fulfil **its moral responsibility** to help those **refugees** just as we have done so proudly throughout our history."

A month earlier on 30th July 2015, Cameron had referred to "refugees" in the same situation as "a swarm of people coming across the Mediterranean, seeking a better life" that we needed to "protect our borders" against. Syrian refugees who were once considered 'unworthy', were now considered 'vulnerable' and therefore truly 'worthy' of protection so much so that Britain now had a "moral" duty to help.

However, an over-emphasis on vulnerability can have several negative implications. People who are not stereotypically perceived as vulnerable, are rendered increasingly 'unworthy' of protection (Carpenter, 2005). Due to a tendency to think in binary oppositions, the 'threatening enemy' narrative is reinforced each time the 'vulnerable victim' narrative is adopted, further demonising people who do not fit the 'vulnerable victim' stereotype. This mostly affects single young men:

"…many of my constituents find difficulty in making a connection between the flight for life of people fleeing from the Nazis and the flow of **fit young men illegally** entering Kent through the channel tunnel from France."

(HC Deb, Mr Gwyn Prosser, 24 April 2002: c382)

Within the worthy/unworthy, threatening/vulnerable and criminal/victim nexus, anybody who is not considered vulnerable is pitted against the 'vulnerable victim' and made even more threatening. The image of the 'worthy refugee' seen through Alan Kurdi's photograph is so different from the UK's dehumanised 'enemy', it is impossible to connect those taking the perilous journeys across the Mediterranean to those here 'illegally', despite the fact they are often the same people:

"Over recent months, we have seen heart-rending images of **people** migrating across the Mediterranean and across Europe, risking their lives to flee conflict and conditions that in no way resemble those that we are privileged to have in the UK. The Bill focuses predominantly on **illegal immigration** and should not be confused with the action that is being taken to deal with the refugee situation across Europe."

(HC Deb, Kelly Tolhurst, 13 October 2015: c242)

While 'worthy' asylum seekers crossing the Mediterranean are described as "people", the restrictive elements of the Bill target a human-less "illegal immigration", again rendering 'irregular migrants' "non-people" (Carr, 2015: 19). Moreover, 'the vulnerable victim' representation can be equally dehumanising in that it also ignores human complexities. Asylum seekers are depicted as agentless, making it all too easy to consider them something to be acted upon (Rajaram, 2002). Moreover, simplistic representations like these are easily disrupted. Just as Syrian refugees transitioned from 'criminal' to 'victim' overnight, 'victims' can turn from 'worthy' to 'criminal' once they no longer fit the stereotype. Like all people, each asylum seeker will have multiple identities, weaknesses and strengths. They will be good, bad and mostly somewhere in-between. To achieve long-term positive change for refugees and unsettle binaries, human complexities must be captured. Otherwise, representations will continually sway from 'enemy' to 'victim'.

Humanising asylum seekers

Processes of "humanisation" portray people "in ways that encourage empathy" and in the case of asylum seekers and refugees, encourage "legitimate support" (Kirkwood, 2017: 117). This takes place when asylum seekers are depicted as human beings with diverse experiences, talents, likes and dislikes, family links and multiple and fluid characteristics. The discourse analysis found several examples of this process, especially during the 2016 Act debates. For example, Cooper, who had once labelled people in Calais "stowaways" (HC Deb, Yvette Cooper, 22 October 2013: c171) now spoke of individual stories within the camp:

"I met a single mother with two small children. She thought her husband had been killed in an Assad jail. The family were living in a small caravan and tents in the mud in Calais. They had left Syria and been financially supported for a while by her father-in-law, but he can now no longer afford to support them. She told me that her own father and brother were here in Britain, and that was why she had paid money to people traffickers to travel across Europe to try to join them, as they were her only remaining family."

(HC Deb, Yvette Cooper, 1 December 2015: c241)

Cooper explains the detail of an individual case highlighting the nuances attached to real life scenarios. While paying smugglers usually renders people "dangerous", "illegal entrants", "stowaways" and "clandestine", these details legitimise the decision to employ them in this case. Here, asylum seekers are neither portrayed as the 'vulnerable victim' or the 'threatening enemy' but as something "in-between", a "hybridity" that "contests the terms and territories of both" (Bhabha, 1998: 13). Persistent representations of asylum seekers as neither either/or, helps expose inaccurate, simplistic narratives and discourses, which ultimately recreates more irreducible understandings of asylum seekers (Derrida, 1967). This then makes a blanket approach to policy unacceptable. As seen in the 2016 Act debates, this process led to administrative improvements of Dublin III that better enabled people claiming asylum elsewhere in Europe with family in the UK to claim asylum here instead. It also led to a commitment to accept up to 3,000 unaccompanied minors in European camps via what's

known as the 'Dubs' amendment. As one interviewee explained: "when there's enough powerful personal stories, you can change things" (Interviewee C).

Notably, attempts to challenge the same Bill's destitution policy affecting the children of refused asylum seekers were less humanised. Families were referred to as "this category of migrants" (HC Deb, Keir Starmer, 13 October 2015: c274) and challenges included general statements about responsibilities towards children as well as drawing on stats demonstrating the failings of a 2005 pilot testing the same policy. The failure to humanise children affected by these policies enabled the state to legitimately take away their support while, at the same time, committing to "identifying and protecting" up to 3,000 "vulnerable refugee children" in camps across Europe (HC Deb, Mr Brokenshire, 9 May 2016: c486). After all, the children being affected by the removal of Section 95 support within the UK were a mere extension of their 'failed' and dehumanised asylum-seeking parents. However, despite gaining Royal Assent in 2016, this policy is yet to be enforced. One interviewee reflected that "in some ways, this shows the message that our asylum system needs to be more compassionate and that destitution does not work as a means of removal is getting through" (Interviewee C). Interviewees felt this could be because of the 'Windrush scandal'.

During this scandal, members of the 'Windrush generation' were mistakenly deported and denied healthcare and accommodation. These mistakes were the result of policies introduced under the 2014 and 2016 Acts designed "to create a really hostile environment for illegal migration" (Mrs May, 25 May 2012). These include powers making it easier for the state to deport 'illegal migrants', duties on landlords, banks and the NHS to check people's immigration status, among others. Such policies are widely criticised for increasing discrimination and hostility between UK residents as well as encouraging "a cold-blooded adherence to rules" (Mandy, 2018) that has "lost sight of the individual" (Amber Rudd, 16 April 2018). This blanket approach to policy highlights just how de-humanised immigration and asylum policy decision-making has become. However, the public's response and subsequent outrage within Parliament shows that when confronted with individual stories and real-life nuances, the UK's 'faceless enemy' unravels and "the liberal state encounters its moral conscience and its constitutional limits" (Hampshire, 2013: 47). As interviewee C reflected, "we need to use Windrush to show the rules are hurting real people."

Conclusion

This paper has explored motivations for policies that contribute to the destitution of asylum seekers as well as the narratives and discourses justifying them. These policies have been developed by the state to deter and remove asylum seekers in a quest to demonstrate fairness and control and gain popularity among voters. Destitution, therefore, functions as a hidden border that seeks to keep asylum seekers away and exclude them once they are here by restricting their rights. Three dominant discourses have been constructed and represented in the House of Commons Chamber to justify this function. Asylum seekers are represented as a dehumanised 'problem', 'criminal' and 'enemy'. These constructs have transformed the state's moral duty to protect refugees to a duty to protect its own people and resources *against* them. While the liberal state's constitutive feature 'constitutionalism' has been hypothesised as driving a "politics of openness" (Hampshire, 2013), this study found policies contributing to the destitution of asylum seekers are largely driven by the country's deep respect for the rule of law and distain for rule-breakers. Within the representation of asylum seekers as 'criminal' and as the nation's 'faceless enemy', constitutionalism has driven a "politics of closure" (Hampshire, 2013) alongside nationhood. As such, these policies have received little opposition within or outside the Chamber. When attempts have been made to challenge these policies, damaging narratives and discourses have been reinforced, often unintentionally. When parliamentarians have advocated for expansive policies they have fed the "worthy/unworthy" binary (Carpenter, 2005) by depicting asylum seekers as 'vulnerable victims'. While it is argued (Hampshire, 2013) that restrictive yet ineffective policies are inevitable in liberal states, this paper has shown via the case of Scotland that alternative representations of asylum seekers are possible, and thus, hidden border policies, such as destitution, are not inevitable. To effectively challenge these policies, advocates must do more to deconstruct current representations of asylum seekers that "legitimatise" (Boswell, 2007) them in the first place. To do this, asylum seekers must be "humanised" (Kirkwood, 2017) and presented as complex and irreducible. It is only by demonstrating people's humanity that can we ensure the state's obligation to meet people's basic *human* needs is upheld even when not granted refugee protection.

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Appendix 1: Initial proposal

TITLE OF PROPOSAL

Borders within borders: how and why the practice of making asylum seekers destitute in the UK is justified.

SUMMARY OF PROPOSAL

Using the case study of policies that force asylum seekers into destitution in the UK, this dissertation will further unravel how and why liberal states construct discourses and narratives that justify these types of policies of exclusion. In doing so, it will aim to better understand how these narratives could be deconstructed and such policies could be avoided. It will seek to demonstrate the prevalence of such policies via secondary sources and a couple of semi structured interviews with destitute asylum seekers. The bulk of the study, however, will consist of a discourse analysis, looking at sets of policy moments and debates.

DOES THIS RESEARCH REQUIRE ETHICS CLEARANCE? IF NO, WHY NOT?

Yes – the research will in part consist of semi-structured interviews with asylum seekers who have been or are currently destitute.

NAME OF PREFERRED SUPERVISOR

Claire Dwyer or Elena Fiddian-Qasmiyeh.

Working title:

Borders within borders: How and why the practice of making asylum seekers destitute in the UK is justified.

Aims and objectives:

To unravel how and why UK policy makers construct narratives supporting the exclusion of asylum seekers within its borders through the practice of making them destitute. In so doing, the paper will seek to better understand how these narratives could be deconstructed within a liberal state like the UK.

To achieve this, the paper will aim:
- To show the multiple ways asylum seekers in the UK are made destitute.
- To explore how policies that make asylum seekers destitute in the UK are exclusionary.
- To explore how these policies are intended to function like 'borders', albeit *within* the state (in the sense that they seek to protect the nation state from 'outsiders').
- To unravel what discourses and narratives make these policies politically and socially acceptable.
- To understand why these policy narratives are intentionally constructed in a liberal state like the UK.
- To explore whether such policies of exclusion are inevitable in a liberal state like the UK, and if not, how they might be avoided.

Research questions:
- **How are asylum seekers in the UK made destitute?**
  - What specific policies force asylum seekers into destitution?
  - What are the consequences of these policies?
- **Why are asylum seekers in the UK made destitute?**
  - Why are policies that force asylum seekers into destitution so prevalent in the UK?
  - Are they intentional? And if so, why?
  - How might they be understood as 'inwards' borders?
- **How and why are the policy narratives and discourses that justify these policies constructed?**
  - What discourses and narratives make these policies accepted in a liberal state like the UK?

- How are these policies a consequence of the UK's contradictory liberal values (i.e. representative democracy and the nationhood versus constitutionalism)?

- **Is the practice of making asylum seekers destitute inevitable in a liberal state like the UK? And if not, how could they be avoided?**
  - Could asylum seekers in the UK be perceived as anything but a threat to the nation state?
  - Is unwanted immigration, such as asylum, inherent to nationhood?
  - Does the practice of making asylum seekers destitute undermine the liberal state?
  - How might the policy narratives and discourses that justify the practice of making asylum seekers destitute be deconstructed and/or re-imagined?

Identification of and brief discussion of relevant literature:

There is very little academic literature looking specifically at the practice of making asylum seekers destitute in the UK. However, there is a wealth of evidence and data provided by UK charities supporting destitute asylum seekers and refugees. British Red Cross, for example, publishes quarterly statistics revealing the number of destitute asylum seekers and refugees they help across the UK: between January and September 2017, they supported 11,741 destitute refugees and asylum seekers (British Red Cross, October 2017). Their reports also show that the number of destitute asylum seekers and refugees needing their support is increasing year on year. They have conducted a range of studies depicting the lived experience of destitution amongst UK asylum seekers and refugees demonstrating the direct link between UK asylum policies and destitution, such as Sections 95 and Section 4 of the Immigration Act 1999 and its subsequent amendments, and have also shown that destitution is prevalent at almost every stage of the process (British Red Cross, 2010; Carnet et al., 2014(a); Carnet et al., 2014(b); Beswick et al., 2015; Blanchard et al., 2017). These findings have been supported by other studies conducted by charities, including but not limited to Oxfam (Crawley et al., 2011), Refugee Council (Basedow et al., 2016) and Refugee Action (2017).

There is already a considerable amount of literature on how and why liberal states might both accept and reject asylum seekers at the same time (Joppke, 1998; Jacobson, 1996; Sides et al., 2007; Hampshire, 2013; Gibney, 2014). These have explored how asylum seekers, along with other types of migrants, such as those that are low-skilled or culturally very different, are often depicted as a threat to the nation. This, in turn, results in restrictive immigration and asylum policies. Most often, the quest to protect the nation from unwanted asylum seekers is manifested by borders. Indeed, the "outwards shifting of borders" has been well documented (Hansen, 2014). Yet, political scientists argue that within a liberal state that is strongly defined by its deep respect for human rights and the rule of law, these policies will only ever go so far (Joppke, 1998; Jacobson, 1996; Sides et al., 2007; Hampshire, 2013; Gibney, 2014). All in all, most of these studies conclude that "accepting unwanted immigration is inherent in the liberalness of liberal states" because of a profound "respect for universal human rights and the rule of law" (Joppke, 1998: 293). This might be why so many refused asylum seekers are made destitute rather than forcibly returned to their country of origin. Destitution is, after all, a more subtle way to force asylum seekers out. As noted by Oomen (2016), destitution is "an intentional and insecure position imposed on those no longer wanted by the state" (129). More could be done, however, to understand how and why these policies represent a sort of 'inwards shifting' of borders as well as how they are justified within a state that pertains to uphold human rights and the right to asylum.

Hampshire (2013) carries out an in-depth exploration of how "the contradictions of a liberal state" results in ineffective and incoherent immigration policy. He notes that the liberal state is pulled in different directions due to its four constitutive features: representative democracy, constitutionalism, capitalism and nationhood. While Hampshire's (2013) study offers a useful insight into why certain narratives and discourses might be constructed to validate the practice of making asylum seekers destitute in a country like the UK, he does not fully explore whether such narratives could indeed be avoided. Jacobson (1996), Joppke (1998), Sides et al. (2007) also offer insight into *why* such policies might be adopted in a country like the UK, but also do not sufficiently explore the possibility of alternative narratives. Moreover, most studies look at *all* types of immigration policy across *all* liberal, rather than specifically looking at *asylum policy* within *individual countries*. This might fail to capture important nuances that could help contribute to a change in narrative.

Proposed methods of data collection and methods of analysis:

1) **A review of secondary sources (such as charity reports, data and briefings) coupled with two case studies via semi-structured interviews with destitute asylum seekers will be conducted** to show the multiple ways asylum seekers in the UK are made destitute and how these policies act as policies of exclusion.

1) **A discourse analysis looking at sets of policy moments and parliamentary debates will be conducted** to assess what discourses and narratives make these policies accepted. The discourses analysed will include: relevant parliamentary debates during the passage of key Immigration Bills, subsequent relevant parliamentary written and oral questions, pro and anti-asylum advocates' consultation submissions and relevant articles.

Timetable:

April – early May	- Carry out literature review - Secure two people to interview - Draft semi-structured interview questions - Develop analytical framework - Presentation - Meetings with supervisor
May – early June	- Conduct interviews and review of secondary literature on UK destitution policy - Finalise literature review
June –July	- Carry out discourse analysis - Develop theoretical argument as to how narratives that justify the practice of making asylum seekers destitute could be avoided

August – 3rd September	- Write final paper

Potential outcomes, rationale and value of the research:

- A deeper understanding of destitution policy making in the UK.
- A deeper understanding of why and how the UK's practice of making asylum seekers destitute is both so prevalent and so accepted.
- The hope is that a deeper understanding would better equip advocates to understand how these narratives and discourses might be reimagined or deconstructed and thus provide the opportunity for the alternative and more humane treatment of asylum seekers in the UK.

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Appendix 2: Research Diary

Date of entry	Discussion of task/supervision Task completed	Outcome
21/01/2018	Met with tutor to discuss initial dissertation idea.	She liked the idea of exploring how destitution policies are justified, how they provide an example of borders shifting "inwards" and exploring how such policies could be avoided in a liberal state.
25/03/2018	Met with supervisor to discuss proposal and timelines.	We agreed to: • Change title from 'Borders Within' to 'Hidden Borders'. • Read securitization literatures and consider how this relates to policies forcing NHS, Education etc. to act as 'border police'. • Make better use of google scholar. • Reconsider assessing intentionality – how could I determine this from discourse analysis? • Avoid being too simplistic in terms of the causes of destitution. • Contextualise discourse analysis with several interviews with policy makers and influencers. • That I would draw up a table setting out what methodologies I will use to answer each research question.

2/05/2018	Met with supervisor to discuss research methodology table and upcoming presentation.	Supervisor advised: • Situating presentation and linking destitution policies to Windrush and the Government's "hostile environment" and now "compliance" agenda. • Explain rational for every methodological decision – i.e. why three to five interviews? Why discourse analysis?
6/05/2018	Sent draft presentation to supervisor.	Completed and submitted.
8/05/2018	Dissertation presentation.	**Main takeaways:** • Be clear about the difference between policy and practice on the ground in the final write-up. • Think more about my positionality and how that might affect research.
17/05/2018	Received dissertation presentation feedback.	Main advice going forward: • "Need to watch out about letting the activist overwhelm the academic." • Drop the interviews with destitute asylum seekers. • Be clearer about the difference between discourse and practice. • Decided to follow advice and not carry out interviews with asylum seekers. Given time constraints, it's important to focus on the discourse and answering questions 2), 3) and 4). 1) can just help to set the scene.
27/05/2018	Identified main 'destitution policies'.	n/a

11/06/2018 – 24/06/2018	Reach out to interviewees and secure interview dates.	Interviews with A, B and C secured. Waiting for a reply from Sarah Teather.
16/06/2018 – 17/06/2018	Downloaded all legislation debates.	Documents loaded onto HyperResearch for discourse analysis.
18/06/2018	Started reading first debate.	Clear that 'constitutionalism' is acting like a "politics of closure" not "openness" as hypothesised by Hampshire (2013).
27/06/2018	Interviewed B.	Main reflections: • No one destitution policy. • No real campaigning force – so perhaps parliamentarians are not even needing to justify policies. They mainly just avoid the topic or deny. • Focus was on refused asylum seekers.
8/07/2018	Aim to complete literature review and methodology.	Deadline missed due to illness after dog bite (completed 2/08/2018).
11/07/2018	Interviewed A.	**Main reflections:** • Mainly focused on levels of support. • Felt like context was improving. • Also felt no real sustained effort to end destitution.
17/07/2018	Interviewed C.	**Main reflections:** • Importance of human stories. • Impact of Windrush. • Destitution happens at every stage of the process.
27/07/2018	Finished reading debates.	n/a

28/07/2018 – 30/07/2018	Mapped codes and played with patterns and themes.	Themes includes "fairness"/ "firmness"/ "borders"/ "criminality"/ "trafficking"/ "pressures on services"/ 'Constitutionalism' often acting as a negative and coupled with 'nationhood'.
2/08/2018	Sent methodology to supervisor for feedback.	Completed.
3/08/2018	Finished interpreting discourse analysis findings and structured the argument.	**Why policies exist:** deterrence/ removal. **Motivations:** fairness/ control. **Discourses:** 'a problem'/ 'criminal'/ 'enemy'/ 'Other'.
6/08/2018	Finished writing up Q1.	n/a
9/08/2018	Finished writing up Q2.	n/a
13/08/2018	Finished writing up Q3.	Tightened up how the motivations feed my three discourses.
19/08/2018	Finished writing up Q4.	Drew heavily on 'vulnerability' literature and Alan Kurdi image.
25/08/2018	Finished all sections.	Currently too long.
31/08/2018	Aim to have cut down words and inputted all references.	Completed.

Appendix 3: Interview Structure

Introduce research

Consent form

Ask to read over and sign.

Additional questions –

- Happy to be recorded?

- Would you like to remain anonymous in the final report?

Introduce question format

I have a series of quite open questions for you broken down into four broad areas looking at -

1. How asylum seekers in the UK are made destitute.
2. Why they are.
3. How they are justified.
4. Whether they are inevitable in a state like the UK? And if not, how they could be avoided.

Please know there are no wrong or right answers – your experience, insight and even just opinion will be useful. My hope is that this interview will be quite fluid – we do not have to stick to the structure.

Section 1 (How asylum seekers in the UK are made destitute)

1. **Tell me about your experience influencing policy and practice related to the destitution of asylum seekers and refugees?**
   a. How did you first become involved in this?
   b. Do you think it is getting better or worse?
   c. Which policies in particular do you think push asylum seekers into destitution?
   d. What do you think the impact of these policies are? On decision makers/ the country as a whole and on asylum seekers themselves?

Section 2 (Why asylum seekers in the UK are made destitute)

2. **Why do you think decision makers create and vote in favour of these policies? What motivates them?**
   a. Why do you think policies that make asylum seekers destitute are so prevalent in the UK?
   b. Do you think they are intentional? And if so, to what extent? And why?

Section 3 (How the policy narratives and discourses that justify these policies are constructed)

3. **In your experience *how* do policy makers and anti-asylum influencers tend to justify these policies?**
   a. What arguments, stats or techniques do they use?
   b. How have you seen them frame these policies as well as the issue?

Section 4 (Whether the practice of making asylum seekers destitute is inevitable in a liberal state like the UK - and if not, how it could be avoided)

4. **Similarly, what arguments or framing have you seen effectively deter such policies?**
   a. Why do you think these worked?
   b. How could they have been improved?
   c. Who did they convince?

5. **What arguments or framing haven't worked so well?**
   a. Why do you think that is?
   b. How could they have been improved?
   c. Did they convince anybody?

6. **Do you think it is possible to completely eliminate policies of destitution? Why? Why not?**

7. **If so, how?**

Thank you.

Appendix 4: Example Transcript

[Tape turned on]

Olivia: I'll start by telling you a little bit about the dissertation. Like the information sheet you've already read explains, I'm exploring how and why liberal states, like the UK, construct discourses and narratives that justify policies of destitution within its borders.

The dissertation is going to focus on destitution and that includes destitution throughout the process. That might eventually be narrowed down but I'm keeping it open for the time being as I think it could be interesting to compare and contrast ways parliamentarians respond to and justify policies affecting people's whose claims are still being considered compared to people who are at end of process.

1.23 minutes

A: Yep.

Olivia: It will not likely focus on the destitution of refugees – people who have been granted refugee status. I'm reading every piece of legislation from 1999. All the debates. And carrying out a discourse analysis. So looking at the key themes and ways destitution has been justified. Whether the framing has changed over the years.

A: Ok.

Olivia: But I want to complement that analysis with several interviews with people like yourself to feed in at the early stages so I can look out for things that I might not have thought about but also, um, test a few assumptions that I already have.

The interview will last about 40 minutes. I'm going to ask you some basic stuff about your own experience and your perspectives on how asylum seekers are made destitute, why you think there are policies that result in destitution, how you've seen these policies justified in parliament and elsewhere as well as whether you think destitution is inevitable and if it isn't how you think it could be prevented. But really, it's a semi-structured interview so our conversation might go in a different direction and that's fine.

So to start off, what's your own experience of influencing policy and practice affecting asylum seekers.

2.58 minutes

A: Ok. So I think yeah, my first interaction that I really had with this issue was when I worked in parliament with Sarah and she chaired an inquiry that the Children's Society ran um in about 2013 or so, which was looking particularly at families and had a number of oral evidence sessions, looking particularly around Section 4 support and Section 95. Really looking at the levels of support and what that looked like. And also slightly surprising - well not surprising - that it threw up a lot of stuff around housing as well as but it focussed mostly on what the support levels looked like. That was my first involvement. I then made recommendations – all led by the Children's Society but we did a load of the parliamentary stuff off the back of it: meetings with Ministers and things.

Olivia: How easy was it to meet with Ministers at that point?

4.02 minutes

A: Not easy really um. *Pause.* I think the parliamentary context has changed a lot anyway since then in that at that point, it was difficult to talk about asylum. There just weren't people interested in it. Whereas now if you did the same thing I think it would be a lot easier to get some traction around it.

Olivia: Why do you think that?

A: The change?

Olivia: Yeah.

A: I think there are three main reasons. Firstly, September 2015 changed things a lot. It made it a slightly easier conversation to have with people. People became more aware of it. It was higher up the profile. So even… I think before that, even people who maybe, theoretically would have been sympathetic, it just wasn't one of their priority areas. So you had a few people, particularly those who had a lot of cases in their constituency who would have raised it. But other than that, there weren't many.

5.10 minutes

I think the Labour Party changed. The further you got away from those MPs elected before 2010. The ones who were elected in 2010 and afterwards were never there when Labour were in power. There's always been a different way they approach the issue. They are less likely to come out with some of the Home Office traditional lines on stuff. So that's just given you a bigger population to do it.

And I think more recently, oddly the Brexit vote has had a big impact. I don't. I mean this is purely conjecture but it feels like people are kind of seeing actually what - even those whose views are fairly positive on migration – the impact of not leading some of that public debate and actually standing up and say some of things and actually, probably not taken on the other side so much. And there is just more openness to make some of those positive noises about stuff. Connected to that the austerity argument has slightly less prosperity at the moment. So actually when you ask for stuff that involves spending more money, it's got a little bit easier to make that, which hasn't been the case for the last 7 or 8 years.

So yeah, it feels different to then. Um and the work we did in 2013 then led into the work we did around the 2014 Immigration Act, which was again impossible to get much leverage on. But we tried. It was around when Refugee Action had their court case and some of the findings from the Children's Society inquiry were used as part of that. And even some of the conversations that we had with Mark Harper who was at that point the Immigration Minister was fed into some of the witness statements for that court case. And since then, it's continued to be an issue and I've continued to work on it. *Pause.*

7.12 minutes

Olivia: Going back to the Brexit vote and the awareness of the importance of fighting against certain rhetoric. That's a really interesting point. Can you think of specific examples of people who have spoken up who might not have before?

A: Um. I think you have a more vocal Tory backbench. Someone like – the likes of Anna Soubry, Nicky Morgan who clearly have quite liberal views on immigration. I know they were mostly Ministers from like 2010 onwards but there's an awful lot of what they took about which wasn't really opposed to even internally within the Coalition Government in 2014. But even if you look at Labour. If you look at Yvette Cooper, for example. How much she has led a lot of the positive stuff that has happened since September 2015. That came quite a long way through that Labour Leadership campaign. It was at that point that she suddenly became a bit of a vocal leader on this issue. But when you go backwards she was the Shadow Home Secretary during the 2014 Immigration Act, which really brought in a lot of that hostile environment type stuff and was very negative. I mean there is nothing in that piece of legislation which is positive in terms of either refugee, asylum or wider migrant rights. *Pause.*

And yet Labour didn't oppose through that Bill. Whereas you get everything now – even the anti-hostile environment stuff, which is generally across most of the Labour party. That just didn't exist during the 2014 Act. Those voices just weren't there. The second reading of that Bill only about 18 people voted against it. And the Labour backbenchers were Corbyn, Abbott, McDonnell, Skinner. A few SNP and then Sarah Teather, David Ward and I think one

more Lib Dem. But you're talking tiny numbers. Then you look at what happened in 2016 Act. I'm sure if you had those policies now, it would be a completely different picture.

9.30 minutes

Olivia: mmm. Interesting. Do you think the difference between Yvette Cooper then and now could be because she's no longer Shadow Home Secretary and therefore doesn't have that loyalty to her party?

A: I'm not sure it's that. I mean there is a sense that around 2014/ 2015, all of the parties were slightly beholden about the idea of where public perception was. Everyone was worried about speaking publically about stuff that could be framed in a positive way about immigration because of the backlash. The public backlash and what they would get on the doorstep. Um, which is fine. I mean there's a slight legitimacy to that. But there's also the fact that. *Pause.*

As a parliamentarian, what are you? Are you there to represent public opinion? Or are you there, actually to lead some of that public opinion? And there is a lack of that, certainly for a number of years, in addressing that. But I think that's changed a little bit. I don't know what triggered that. Who knows. It would probably be different things to different people. Some of it is probably because the wider context has changed. Slightly. *Pause.*

Worryingly we are probably in a more polarised place than we ever have been. I think for a long time it's been mostly negative with a few pro bits. I think now you've got very extreme pro and anti-immigration stuff. Still with that kind of anxious-y middle bit. Um it's hard to know really.

10.37 minutes

Olivia: What do you think the effect of having that more polarised debate is already or will be on stuff like destitution?

A: It makes it less nuanced, which I think is difficult. Um. *Pause.*

It has a risk of making it more party political, which you don't always want. Particularly if you've got a sort of more naturally right-wing Government. So if you've got a Conservative Government then the more polarised that becomes, the harder it can be for them to actually do something, which we would think of as being progressive because of how it would be sold to their base. If you dull down the temperature a bit, it's easier to do stuff as things won't get noticed in the same way. You don't run the risk of them doing something which then the more pro-lobby shout out as them having one and having forced the Government to do something. It just changes the optics of how any of that is done.

Whereas, actually, if it's done not because somebody has forced them to but because of their own choice and the space to do it, that's better. So you can have that thing where you have that pro-voice but nothing actually changes and the people who are actually impacted

by that are the people in the asylum system themselves. They don't get any improvement and just get talked about.

Olivia: What do you think needs to change in terms of policy and practice that could stop asylum seekers becoming destitute?

12.35 minutes

A: It kind of depends how you define destitute. It's a slightly odd word. Our sector uses it partly because it reflects Home Office language but mostly we don't understand what it means. I don't think we use it with any kind of consistency. Charities use isn't the same as the Home Office's. British Red Cross use a definition that isn't probably what the wider sector uses.

You've got the easier examples, where somebody is not receiving any support. You're usually looking at that point at somebody who has just entered the asylum support and then is struggling to access support which they might be eligible for. You've then got the people who've been refused and have gone through the process and don't qualify for Section 95 or any other support.

But then if you look at the levels of support you get under Section 95 and Section 4 and if you define destitution as not being enough to meet your basic needs then there would be an argument that the level of asylum support does leave people destitute. Particularly when you don't have access to work to be able to top that up. But that would be a different definition of destitution than the legal definition set out in the 1999 Act. As obviously asylum support is supposed to alleviate destitution. So, yeah that's kind of a starting point.

I guess the point is, the way I would look at it is that you can be in receipt of something and be destitute. And I would argue that the levels of support you get under Section 95 and 4 leave people destitute. The obvious change to that is that you increase those support rates. Scrap Section 4 and just have one level of support.

There's an argument to just scrap asylum support and have it as part of the social welfare system.

15 minutes

Olivia: What do you think that argument?

A: Why have two separate systems? Asylum support is basically a form of social welfare and security. Social security is run by Department for Work and Pensions. Why not just have one system, which would then allow somebody who does get status to more seamlessly transition. You're basically running parallel systems.

In terms of bureaucracy, why not just have one? Rather than some separate thing the Home Office has to run on its own. Just have one. How much easier would it then be to just get people into. I don't know. It would still have its failings but even in terms of that wider

conversations about how people in the system are treated and thought of as being completely separate. If you had it as part of the same system, it would just make it easier. There would be several positives.

16.14 minutes

But yeah, without that, then yeah increasing the rates. I think when you look back, since 2009. I did do this at one point. You look back at how levels have increased compared to inflation and although they've been massively reduced for families in August 2015, it's basically on the flat line. But if you take into account inflation, it's quite a dramatic decrease of levels of support that people are getting. Increasing that and tagging it to inflation would make a massive impact on people. And allowing people to work while they are in process too.

But then you've also got that problem. I mean, there's bureaucratic stuff about how people actually access support in the first place. Delays and the hurdles you have to jump through to show that you are eligible for support. You could make asylum support automatic.

Olivia: yeah?

A: So if you're in the asylum system, you automatically get support. The number of people who probably aren't eligible for support in the asylum system is probably tiny. So why not just give it to everyone?

Olivia: Have you ever advocated for any of these solutions?

18.02 minutes

A: So, that one - automatic – has certainly been raised in some forums.

But not widely explored or pushed through. Even if you worked out the potential cost savings - because you know there would be a cost to it. Because there would be some people who aren't currently getting support who then would. But actually are there cost savings in terms of how much simpler that system would become because you wouldn't need all of that decision making apparatus you would have to have around it.

Olivia: When it has been raised, can you remember the initial, immediate reaction to that idea?

A: Generally an interest but it's never really been pushed seriously enough to get a Government point of view on it.

Olivia: And why do you think something like that, that seems to make quite a lot of sense, hasn't been pushed forward?

19.10 minutes

A: Probably… well… the context really around asylum support stuff since 1999 has been mainly defensive. And it's been like that about wider asylum policy too. You're generally just trying to stop things getting worse. And I guess the focus has been on increasing the amount people get, which seems like the bigger fight to try to win. And that's obviously been completely unsuccessful. So it's probably partly priorities and partly what might be realistic. Yeah…

Olivia: Why do you think pushing for increased levels has been "completely unsuccessful", as you said?

A: The biggest problem was Refugee Action's court case.

Olivia: That was a problem?

20.04 minutes

A: Yep. So, there had been some advocacy work done around it beforehand but not really like massive pushes. I mean at that point, the parliamentary context and the feelings about it. It would have been hard to win arguments for a sizeable increase. The problem with the Refugee Action court case was that there was slightly misreporting about the initial judgement. The judgement didn't say support rates were too low, it just said it was irrational how they'd been reached. So what the Home Office went off and did was go away and build up quite a detailed methodology about they set support rates.

21 minutes

So basically, lo and behold it came back with what they were paying was accurate, if not actually too high. So they then got this methodology, which then got challenges in the courts, which was upheld. So the Home Office now have a methodology which has been legally upheld to be right. So as long as the Home Office is working towards that, and applying that correctly, there's nothing that they are doing wrong.

There's always a problem that if you challenge something legally and its held to be lawful, it makes it quite hard to do wider advocacy around it because the Home Office can turn around and go 'but this is perfectly lawful'. But it kind of misses the point that just because something is lawful does not make it right. It's made it a lot harder to do any advocacy around it. Whereas a lot of the advocacy was based around the individual humanitarian impact. You know saying 'you're making people live on £5 a day, how could that be right?' The Home Office can just say, 'well look here's our test – we have a destitution test and we can show the court has upheld that this is enough for people to live on…' so it's actually made the advocacy around it and the evidence you would need to really argue for a change that much harder to collect.

22.36 minutes

My guess is, is what you would need is some sort of longitudinal study that tracks individual asylum seekers and their families on asylum support over a number of months, if not years,

and a way of measuring what that impact is, in terms of their physical and mental health and not being able to get stuff like school uniforms. To be able to show that, fine there might not be a huge impact over a couple of weeks or so, but this is the impact over time. But I don't think anybody has the resource to do that or event the access to individuals. I think one of the other things that has happened over that same time is with the change to the advice contract with the current one now held by Migrant Help, it's reduced the contact Refugee Council and Refugee Action now have with people still in process. So most campaigning organisations now only have contact with people who are either resettled or refused or have status rather than those in process as most of that is dealt with by Migrant Help.

24.04 minutes

But because Migrant Help have that advocacy clause in the contact, there's far less advocacy and not really enough people have enough contact with enough people to do that kind of longitudinal study or have the resources to do it. I think that's what you would probably need to take this argument further to the next stage. I mean you could question specifics about the Home Office's methodology and mess around with that but ultimately you might just get a pound increase. If you are looking for something bigger, you need that evidence. It also means we don't have that informed sense of what we think that support should be. There's no informed position. The sector largely fall back on that there should be 70% of income support, which was historically what it was pegged to. But we have no way of knowing whether that is still accurate. Is that still what it should be in terms of meeting people's needs?

Obviously it was 70% not 100% because you had energy costs and rent within that. But if that was the argument that we were making now, if I was the Home Office I would turn around and say 'well look, even if you look at inflation, energy and rent costs have gone up massively so actually 70% is actually too high now'. Nobody's questioned that. Because that's what it used to be, that's what it is and that's what we are asking for. There's no evidence that we can show what levels should be or that that would be enough.

25.39 minutes

Olivia: Yeah.

A: So you could technically be advocating for something that still wouldn't be enough for somebody's basic needs. You might then get into a strange conversation about whether income support is set high enough, which would be difficult for us as a sector to do.

Olivia: I think what you've said about support being that way because that's what it used to be links back to the defensiveness you've spoken about and how the sector is just trying to stop things getting worse rather than trying to improve things.

A: Yeah.

Olivia: So if you look back at that court case, can you remember any parliamentarians getting involved in it or speaking about it? Or was it very much done behind the scenes?

A: There was an urgent question off the back of it. I'm fairly certain Sarah secured it around that time. There was an interesting conversation at that point.

Olivia: What was that?

A: Well there were some quite strong lines about it being irrational but then the Home Office could just go away and show that it was rational, so it never really got anywhere. It wasn't long after that that the family uprising was taken away. It was slightly odd. The regulations were tabled, they were then withdrawn, one of the last things Nick Clegg did as Deputy Prime Minister. So those regulations had been tabled without consultation across the two parties kind of because everybody was gearing up for the General Election.

Olivia: Uh huh.

A: So the Lib Dem special advisory wasn't really aware of it. It hasn't really gone through the Quad. It had just been tabled. Nick Clegg then stopped it so they were revoked. The regulations were revoked. But then just re-tabled after the 2015 Election and then came into force that August. But being a negative resolution, there was no real debate. There was no Labour party to speak up as they were going through a leadership contest. They were preyed against in the House of Lords but nothing really came out of it.

Olivia: If you look back during your time working in this area, can you think of a time there's ever been a real sustained debate about any of these issues?

27.05 minutes

A: No. Not on destitution. It's something that always comes up. People talk about it but no. *Pause.* No. *Pause.*

No. It does come up. I mean people will raise it but it doesn't have the same prevailing… it's usually… even when it's asylum accommodation. I think partly because it's been harder to evidence and to get the stories out about it. Yeah, even detention. I mean where destitution sits at the moment in terms of a priority within the sector as well. There's nobody really leading on it at the moment. Historically, support rates was a Refugee Action issue. For whatever reason they no longer focus on it apart from they've done some stuff on delays and accessing it but less about the actual rates themselves. So nobody has really taken it on as their issue.

Olivia: So do you think in terms of my focus, which is around how these policies have been justified, it's more that they're not because nobody is really talking about it?

Long pause.

A: Well, there's no sustained challenge. There's no real movement against destitution within the asylum system. The other bit is about those who have been refused and don't have access to support. Nobody's ever properly challenged that because it's that much harder to challenge. It's a more difficult group to talk about. That doesn't make it right.

There's some interesting overlaps with alternatives to detention and destitution in these cases. I think there's some interesting conversations about that one within the Home Office which is, if you are trying to get people to make a decision about their future, is making somebody destitute the best way of doing that?

30.06 minutes

The hypothesis is that if you don't give people money it makes going home that much more attractive. I don't think that has necessary happened in reality. They've probably had problems with local authorities who say, 'hey we still have to support these people'. And obviously the 2016 changes still haven't come into force and don't seem to be about to be enforced either, which would have massively increased destitution particularly among families. I mean it is a reality that probably about 40% of the asylum support budget is spent on families who have been refused.

Olivia: 40%?

A: I mean…

Olivia: Around?

A: Yeah. The Home Office would be able to work it out but I think you're looking at between 35 and 40% of the asylum support budget going on families who have been refused. So if those 2016 changes ever come into place, there'd be considerable savings to the asylum support budget but the knock-on impact on both civil society and local authorities would be huge. And obviously on individuals and families would be massive.

Pause.

But yeah, nobody has really made a sustained challenge.

Olivia: And if you were advising an organisation or campaigning body to do that, how would you advise they frame it? What should the arguments be? On each of these issues, starting with levels of support.

31.30 minutes

A: Levels of support you need, you need the evidence base. I mean we've all seen the 'imagine living on £5 per person, per day' and those things where people commit to living on that amount for a week and people talk about it being difficult. But the reality is actually if you had to live off 70 quid over two weeks, most people could manage that but if you do that over a sustained period of time, it becomes that much harder. You need the evidence

to do it because of where the Home Office are. And although the austerity debate has more widely gone down, government departments still don't have an awful lot of money and if you were trying to say, 'you need to increase the amount you give asylum seekers', they are not going to say 'yeah, alright fair enough'. There needs to be something else. It's a political decision that needs to be taken. It's not about procedure or process. You need to be able to win a political argument saying support rates are not enough. *Pause*. And you also need to be able to say what you think they should be and have that stacked up because at the moment, it doesn't.

Olivia: Absolutely.

A: There's no real proof. It needs a bit of work to get to that bit. The ability to access support rates should be a slightly easier one.

Olivia: In what way?

33.15 minutes

A: Well, you're not talking about people who are not eligible. You are talking about people who are eligible and how they can access it. There's a bit about being realistic about the system and you'll always get people who struggle to get into it for whatever reason. We also need to be aware that the people the sector sees will probably be the most challenging and extreme cases. It's picking your battles about which ones are worth pushing for. Is it this worth fighting this one compared to others that could achieve more sustained and systemic change that look at the way the whole system works. And also the people who don't have access to support …

34.10 minutes

…I mean that's true destitution and you can start to show the impact of that link between destitution and exploitation. It also ties into the work the British Red Cross is doing around detention. Actually, so many of those arguments are true about the wider system. You know alternatives to detention – the ones that work – are all about that community based, casework-led model where you probably engage with somebody about their future and the choices they are going to make. If we accept the fact that some people who are going to enter the asylum system won't quality for international humanitarian protection, you've got to be realistic about what's going to happen to people…

35.02 minutes

…I don't think we are good as a sector about talking about that. There are some legitimate reasons for that, which is that we don't trust the decision making process. And if you don't trust the decision making process why would you then want to engage with somebody about the prospect of them returning when you actually don't trust that bit of it and don't think it's safe for them to do so? But you need to have a system that actually knows how to treat people at the back end of the system that doesn't just try to push them out at the end. We can't just keep saying, though, as a sector that everybody who goes into the system will

meet the criteria because they won't. Some of those refused will face barriers to leaving but in other cases you have to start talking about their other options. And it's only when you do that, that you can start talking about stopping people from being destitute at that point.

36.34 minutes

Because they are not going to be able to engage with their future if they are destitute. That's exactly what the alternative to detention argument does. That involves providing accommodation, money to meet basic needs at the same time as providing casework and giving somebody legal support. To win the argument that somebody who has been refused and does not face barriers to leaving, that kind of 'can't stay, won't go' type of person, you would need probably those wider aruguments about why you shoulnd't leave somebody desitutite and why this wouldn't be forever. It's not great for an indidivual to be on support with no permission to work while they live in limbo. It may just force them to be in this situation for longer but if you providing casework to think about leaving options at the same time, it'd probably be better for everybody and in partcualr that individual.

I think that's an emerging area.

37.50 minutes

Olivia: How do you think it's emerging?

A: mostly around the detention conversation.

Olivia: Ok.

A: Yeah.

Olivia: And how are those arguments landing in detention? I know that you've been speaking to some Home Office officials about them.

A: There's an interest in alternatives. Although we are probably coming from it at slightly different angles. The Home Office are largely looking at how massively expensive detention is. It doesn't lead to good removal rates. So what could we do to increase them removals at a lower cost?

While also responding to the public criticism there has been about detention, which is again different from where we were a few years ago. So there's an interest in it but the challenge is designing something that can be tested which is the right kind of design. When this was done in 2009 there was the Millbank trial. There was one in Glasgow. It was focussed on removal only and basically found they absconded so it was shown not to work. So the problem is, if you trial something and it doesn't work, you set back that entire argument again.

39 minutes

Part of the challenge is making sure you work with the Home Office to design something correctly – that has a chance of working and is evaluated in the right way. And you'd need a shared sense of what success looks like. For some people that would require a change in the way they work with the Home Office. It's like proper solution-based advocacy.

Laughs

Olivia: Ok, we're coming close to the end. You've answered this in a way but do you think it will ever be possible to eliminate destitution amongst asylum seekers? Or for it not to be a normal part of the system?

40.01 minutes

A: It depends on who you define as an asylum seeker. So, within process, yes. But it needs somebody to work on it, which feels like an odd thing to say. Um. For those people who are refused, um. Less optimistic. *Pause.*

But you never know. I mean if you asked me two, I mean three years ago if we would get a 20,000 resettlement programme, I would have said 'no'. I would have said the same thing if you asked me two years ago whether we would be on the verge of seeing alternatives to detention. I would have said no. So you never know quite what the context will bring. So something might change.

Olivia: And when you look at those two examples, what do you think the main reasons for those changes were?

A: Public opinion and particular bits of the sector being ready to take advantage of those moments. Detention's a good example. There was a group of messaging and messengers ready to go. So when there was an opportunity to talk about it, we were ready. Quite often, though, we are very reactive to these sorts of things and then you allow other people to shape the narrative whereas if we're shaping the narrative, it makes it that much easier, which is what happened with detention. But generally, public opinion is changing.

Olivia: Do you think the sector has played a big part in that change of public opinion?

A: It was that picture.

Olivia: Alan.

42.08 minutes

A: I mean I saw that. I think I was one of the first people in the UK to see that picture of Alan. As I was covering the press that day and I picked up the phone to an Indy journalist who had that picture, who said 'look I've got this picture, do you want to comment?' I saw the picture and thought this is nothing different from what we've been seeing for the last year or so. And then obviously the next day it appeared on front pages and had that massive impact. I didn't see it coming.

Olivia: What do you think it is about that photo that touched people so much?

A: I honestly don't know. There's a level of snowball. *Pause*. That if some people see something and react to it in a certain way there is something about other people following that reaction. I don't know what it was. It feels like a random series of events. If you had the same thing now, it wouldn't have the same impact. I mean it doesn't. It's not like this has stopped. But it doesn't lead to the same kinda massive policy change at that level as it did then.

Olivia: This has made me think more about your longitudinal study. Are you envisaging that evidence being used to move the public to put pressure on decision makers or for it to be used for direct advocacy? And what would that evidence actually be showing that would resonate with the different stakeholders?

44.06 minutes

A: What you would need to show if you were going to get an increase of support levels… You would need to show that the current levels have a negative impact over time. So what are the negative human impacts on living off £5 per person, per day. Not just talking about difficulty travelling around but what does it mean to live off that for an extended period. It still might not persuade them as it would require an increase in spend. I don't think you would win it just by showing the Home Office that evidence. We are not properly equipping influencers with the information, solutions and stories they need to influence. I don't think we're doing that properly. Off the back of doing that, you'd probably get some very good human interest stories, which would be useful anyway. Part of the problem is that people don't know too.

Olivia: So do you think if the evidence was strong and the human impact was shown, such as on health, most decision makers, actually let's say influencers within parliament would want to change support rates?

A: Yeah. I think more so now than a few years ago. If you had better evidence, you could get cross-party support. But you need the evidence. *Pause*
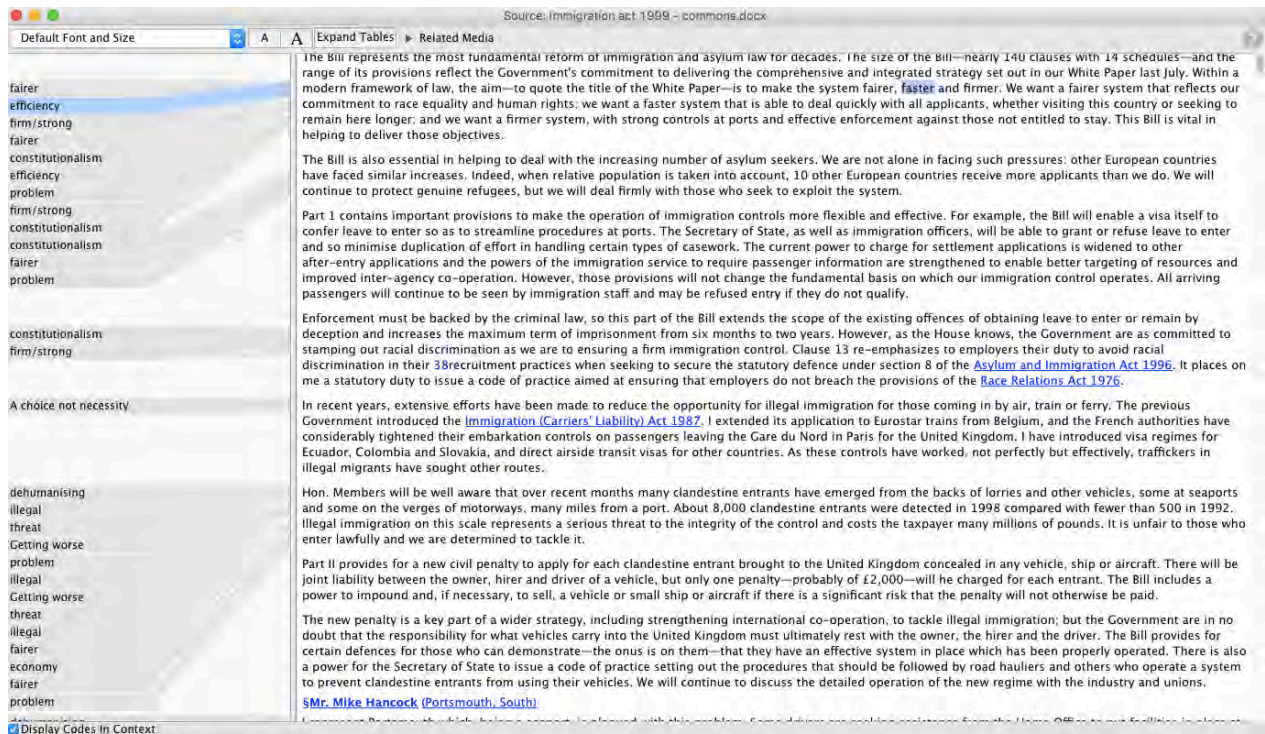
46.10 minutes

Olivia: Thanks. That's been useful.

End

Appendix 5: Discourse analysis empirical examples

Example of coding the text

Screen shot of common codes