Care, Welfare and Enforcement: Responses to Asylum Seekers and Refugees

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Abstract

The aim of this research project is to critically investigate the intersection between British asylum policy and social care practice. The study evaluates normative frameworks present in the policy documents related to social care provision to asylum seekers and refugees, explores how front line social care workers’ practice aligns with those policies, and looks into the consequences of their assessments and interventions on the lives of asylum seekers and refugees in England.

The study explores statutory social care provision to asylum seekers and refugees from three different perspectives. Firstly, analysis of discourses present in the relevant policy documents unravels some of the thinking behind social policy. Secondly, interviews were carried out with social care practitioners (mainly social workers) in local authorities. The interviews were based on vignettes which are a well recognized research tool in studies exploring social work values and ethics. Thirdly, a small number of interviews were carried out with asylum seekers and refugees who had some contact with social services. In order to explore and access refugees’ own experience the study applied a reflexive and flexible process of qualitative interviewing that enables researchers to interact with respondents to probe their views and understandings.

Analysis of findings revealed number of competing discourses within social policy and amongst social care practitioners, including a discourse of rights; a discourse of care; and a populist discourse. Complex patterns of sub-discourses and counter-discourses demonstrate challenges that social care professionals face when providing welfare services to asylum seekers and refugees in the context of restrictive asylum legislation, prejudices of indigenous population and the multidimensional nature of refugee experience.
Contents.

Acknowledgments..................................................................................................................8

Declaration.............................................................................................................................9

I. Introduction..........................................................................................................................10
  1. Overview of the problematic discussed in the thesis.......................................................10
  2. Purpose of the study.........................................................................................................12
  3. Research questions posed in the study............................................................................14
  4. An outline of the thesis.....................................................................................................17

II. Asylum: political and socio-cultural dimensions...............................................................23
  1. Introduction.......................................................................................................................23
  2. What is asylum?................................................................................................................23
  3. Forced migration and the nation-state.............................................................................28
  4. Political responses to refugees.......................................................................................37
  5. The invention of an ‘asylum seeker’................................................................................41
  6. Conclusion.......................................................................................................................49

III. The social construction of asylum seekers and refugees: from heroes to victims............51
  1. Introduction.......................................................................................................................51
  2. Refugees: between human rights and state sovereignty................................................52
  3. Cultural representations of refugees as victims...............................................................54
  4. Post Traumatic Stress Disorder (PTSD): medicalisation of human suffering...............56
  5. Medicalisation of the asylum process.............................................................................61
  6. Conclusion.......................................................................................................................63

IV. On enlarging moral boundaries: social justice, care and hospitality...............................65
  1. Introduction.......................................................................................................................65
  2. Welfare and the state.......................................................................................................65
3. Social justice and the Other.................................................................69
4. Debate on needs and rights.................................................................73
5. Ethic of care..........................................................................................78
6. Anthropological insights: gift, hospitality and bureaucracy...............82
7. Conclusion..............................................................................................85

V. Methodology: examination of statutory social care provision to asylum seekers and refugees from three different perspectives
..................................................................................................................86
1. Purpose of the study.................................................................................86
2. Research aims and questions.................................................................87
3. Theory applied to the study.................................................................88
4. Methodology..........................................................................................91
   a) Qualitative research..........................................................................91
   b) Epistemology - social constructionism.............................................92
   c) Researcher's 'accountable positioning'.........................................94
   d) Reflexivity.........................................................................................95
   e) Practical issues involved in accessing participants........................97
5. Methods.................................................................................................102
   a) Analysis of discourses in policy documents....................................105
   b) Vignettes-based interviews with social care professionals............108
   c) Analysis of interviews with refugees..............................................110
6. Research ethics......................................................................................113
   a) General ethical concerns involved in the research.......................113
   b) Ethical issues involved in the interviews with social care professionals
      .............................................................................................................113
   c) Ethical problems entwined in interviewing refugees....................115
7. Impact of the research............................................................................117

VI. New Labour discourses on asylum and social care needs of refugees
..................................................................................................................119
1. Introduction............................................................................................119
2. Janus-faced Labour policy responses...................................................120
3. Populist topos of profit: refugees as economic migrants in disguise.....128
4. ‘Fairness’ discourse: a combination of legislative (topos of contributor) and populist (topoi of numbers, burden and advantage) subdiscourses...........130
5. Discourse of ‘fairness’ and topos of contributor in social care: whose health, whose say?.................................................................133
6. Life after Labour: new coalition government........................................141
7. Conclusion..............................................................................................142

VII. Social care providers’ responses to asylum seekers and refugees........................................................................................................144
1. Introduction..............................................................................................144
2. Legislative discourses of rights: the question of eligibility and entitlement........................................................................................................148
   A. Bureaucratic discourse........................................................................149
   B. Anti-bureaucratic discourse: social worker versus the system..........155
   C. Subversive subdiscourse.....................................................................158
   D. Postcolonial subdiscourse.................................................................160
3. Discourse of care - focus on needs rather than eligibility.......................161
   A. Language of care..............................................................................161
   B. Care discourse of equality - assessment of needs not immigration status .................................................................167
   C. Counter-discourse to discourse of equality - asylum seekers are more vulnerable than other groups in need..............................174
3. Populist discourse....................................................................................176
   A. The populist vocabulary.....................................................................176
   B. Social construction of asylum seekers and refugees: undeserving asylum seekers and ‘genuine refugees’........................................182
4. Conclusion..............................................................................................185

VIII. Asylum seekers’ and refugees’ experiences of statutory social care......................................................................................................187
1. Introduction..............................................................................................187
2. Tariq, a disabled Somali man in his thirties..........................................188
   a) The interstitial positioning of an asylum seeker...............................188
   b) Special care needs.............................................................................191
c) Refugees' cumulative vulnerabilities ............................................................ 193

d) Call for prevention and low level services .................................................. 195

e) Discourse of care .......................................................................................... 196

3. Grigor, a middle-aged Armenian man with health problems ....................... 198
    a) Destitution following refusal of asylum .................................................... 198
    b) Leave to Remain ......................................................................................... 200
    c) Reciprocity as a basic feature of life ......................................................... 201

4. Salman, a young East African man with mental health problems: the idiom of being unheard ................................................................. 204

5. Khadija, a Sudanese woman in her thirties .................................................. 206
    a) Construction of a 'genuine refugee' ............................................................ 206
    b) Gender in the refugee context .................................................................... 208

6. Amina, an Eritrean woman in her forties ..................................................... 210
    a) Navigating through social care system ....................................................... 210
    b) Refugee rights ............................................................................................. 212
    c) The ideal social care professional ............................................................... 214

7. Conclusion ....................................................................................................... 217

IX. Discussion: the role of discourse on rights and needs in securing refugee's wellbeing ........................................................................................................... 220

    1. Introduction .................................................................................................. 220
    2. The construction of rights in social policy documents: how to exclude in a 'fair' way .................................................................................................... 220
    3. The cultural representation of refugees: between a victim and a criminal ................................................................................................................. 225
    4. Proximity as a precondition to the development of care discourse ............. 228
    5. Complexity of rules and the necessity of discretion .................................... 230
    6. Responses to research questions posed in the study .................................. 234
    7. Conclusion ................................................................................................... 237

X. Conclusion ..................................................................................................... 238

    1. Introduction .................................................................................................. 238
    2. The original contribution to knowledge ....................................................... 240
    3. Evaluation of the research approach ............................................................ 245
4. Policy implications and recommendations ........................................248

List of references .............................................................................253

Appendices ......................................................................................275
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Declaration

I declare that the research contained in this thesis, unless otherwise formally indicated within the text, is the original work of the author. The thesis has not been previously submitted to this or any other university for a degree, and does not incorporate any material already submitted for a degree.

Natalia Paszkiewicz
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I. Introduction.

1. An overview of the problematic discussed in the thesis.

This thesis seeks to analyse the contribution of an anthropological perspective to the field of social policy to foster a broader understanding of a complex relationship between asylum seekers, refugees, nation-state and welfare system. It reflects my own academic journey from undergraduate and postgraduate training in Ethnology and Cultural Anthropology, through another postgraduate degree in Refugee Studies, and with a point of arrival in Social Policy as a doctoral candidate. The stimulus for such development comes from my appreciation of the value of interdisciplinary studies and the significance of an emancipatory agenda behind applied social sciences. Marfleet (2006: 7) argues that forced migration studies require a theoretical framework which draws on many disciplines in order to share insights derived from these various backgrounds, and to engage in vigorous debates integrated around refugees as the focus of enquiry. Following this recommendation, the dissertation explores connections between anthropology and social policy, and examines a constellation of other relevant theoretical frameworks rooted in political philosophy, notably ethics of care and Derridian unconditional hospitality. The study advocates a care perspective and a rights-based approach to counter the ‘non-entitlement’ culture that refugees are subject to, and calls for a change in asylum policy that currently only exacerbates forced migrants’ marginalisation. It also supports the idea of a strong, universal welfare state where all asylum seekers are reintegrated into mainstream benefits system, whereas those who are refused refugee protection in the UK are provided with support until the point of return.

Asylum is a not an easy subject to study due to the political devalorisation of the term, its ideological connotation, and a miscomprehension of the phenomenon. Refugees, a "categorical anomaly" (Malkki 1990), are located outside of the legal and social norm, excluded from the sedentary model of statehood and citizenship. Nation-states focus
on the control of population movement, and their national frontiers define the shape of rights awarded on the basis of domestic citizenry. Refugees challenge the nation-state status quo by crossing boundaries and calling for the universalization of rights. The response of many states to those fleeing political persecution is to narrow the right to asylum enshrined in the international law. Dona (2007: 163) calls refugees an "endangered species" following a decreased number of individuals recognised under the 1951 Geneva Convention, and permanent international protection reduced with only temporary forms of leave to remain. In the UK, Indefinite Leave to Remain for refugees recognised under the 1951 Convention has now been replaced with Leave to Remain for five years only. Furthermore, in 2007 the number of people granted temporary Humanitarian Protection or Discretionary Leave to Remain in the UK was just 2,200, compared to 20,190 persons allowed to stay in the UK (also temporarily, under what was then known as Exceptional Leave to Remain) in 2002 (Oxfam 2011: 61). Dona (2007: 163) also observes that fewer doctoral theses are being written about refugees. There might be several reasons for this, such as the difficulties of researching hidden and hard to reach populations, a lack of interest in the topic amongst funding bodies, and the political implications of carrying out this sort of work. As a consequence, there is a dearth of robust work on forced migration that would challenge ill-informed and politically charged official discourses representing refugees as a cultural, economic and political threat to host societies.

Access to statutory social care has been used as an immigration-control mechanism intended to deter asylum seekers from coming to Britain in the first place. For those already in the country, enforced destitution has been a policy tool to attempt to drive them out of the United Kingdom. However, the deterrence-focussed approach has not brought about expected results: in 2009 only 4,945 people - less than 2% of the estimated refused asylum claimants - returned voluntarily to countries of origin (Oxfam 2011: 61). This demonstrates that refused asylum seekers would rather face prolonged destitution in the UK than return home. It should not come as a surprise taking into account the fact that two out of three destitute asylum
seekers originate from the most troubled countries in the world, notably Democratic Republic of Congo, Eritrea, Iran, Iraq, Somalia, Sudan, Uganda and Zimbabwe (Oxfam 2011: 17). Nevertheless, consecutive New Labour governments were convinced that deterrence focussed policies were necessary to reduce the cost of public support for those who are not considered legitimate beneficiaries of the welfare state, and to assure the electorate that the asylum system is not exploited. The new approach should recognize human rights of asylum seekers and refugees, and provide them with access to resources needed to survive with dignity and hope for a better future in the country of exile.

2. Purpose of the study.

The purpose of this thesis is to discuss social policy's and frontline services' responses to the social care needs of asylum seekers and refugees in England. It aims to provide interdisciplinary perspectives on welfare and enforcement, and address the discord between human needs and policy responses. Policies and institutions can confer identities on individuals and groups in society (Gregory 2011: 5); through social policy, people are classified, categorised and given statuses and roles such as 'citizen', 'criminal', or 'deviant'. The study of social policy therefore leads into issues at the heart of anthropology: both disciplines are concerned with processes of taxonomy and defining of boundaries. The fundamental anthropological inquiry into the cultural construction of 'self' and 'other' is reflected in the administration - and stratification - of rights structured by social policy. In the case of this study, this refers to the way in which rights to statutory welfare services are defined by reference to degrees of 'belonging'. Those outside the nation are located outside welfare as rights of citizens are juxtaposed with rights, or lack of therein, of non-citizens. Nation-states are characterised by their calculated and instrumental approach to refugees whereby the notion of immigration controls supersedes that of humanitarian protection, and tend to prioritise rights of citizens over strangers, hence abandoning their responsibilities towards people seeking sanctuary. In the national
paradigm, those strangers deemed unworthy of care and protection are categorised as the non-belonging Other, rather than fellow citizens of humanity. Both welfare and immigration systems are therefore first and foremost taxonomy generating agencies constructed along the boundaries of nation-state. This understanding of a central anthropological question as informing a central social policy question can provide new analytic possibilities, and can help stimulate original insights into the role of social policy as first and foremost a classifying tool in the governance of a population. At the level of theory construction, this thesis borrows a number of terms that have a familiar ring to the anthropologist, namely the concepts of gift and reciprocity (Cohen 1973; Mauss 1954), hospitality (Dikec 2002; Selwyn 2000) and bureaucracy (Herzfeld 1992). This rich set of conceptual resources exhibits taxonomic features: reciprocity, hospitality and bureaucracy are all about incorporation and exclusion. These themes seem compatible with the processes of establishing common humanity as enshrined in fundamental human rights, or denying it through a set of exclusionary national policies that do not recognise the legitimacy of refugees' claim for protection. Hence the institution of asylum has become a tough proving ground for ideas of justice, citizenship, and political obligation.

There are many intellectual possibilities for the investigation of hospitality, as the concept bears on some of the most pressing questions of our time constructed around the themes of identity and belonging. Looking at social policy through the lens of hospitality extends the analytical framework of this study and enhances reflection on social policy's fundamental, and so far underestimated, taxonomic features. Anthropologists have studied hospitality as a cultural form, paying attention to the way kinship and friendship are negotiated through dialectics of hospitality and hostility (Selwyn 2000). This is because hospitality always entails its opposite: hostility. According to Levi-Strauss's (1973) classic theory, societies deal with strangers in either an anthropophagic way, by absorbing and assimilating them, or in anthropoemic manner, that is, by excluding them and keeping them outside of the group. Anthropoemic failure of hospitality can be used to describe the treatment by the state of asylum seekers and refugees.
Welcoming some - in the case of this study, skilled and economically active migrants - excludes others, those unwanted guests - asylum seekers, considered as potential 'parasites' and non-contributors. This decision on who to incorporate and who to exclude is underpinned by the transactional nature of exchange and reciprocity. This demonstrates a conditional dimension of hospitality which obliterates the notion of care for a needy stranger who might have nothing to give back, but who is owed protection on the basis of her bare humanity. In social policies crafted by the New Labour, newcomers were obliged to participate and reciprocate. It is therefore helpful to conceive of hospitality as a process of management of strangers, akin to a bureaucratic management of identity, or, in other words, a difference embodied in the other. This reasoning bears particularly useful insights for an analysis of New Labour's discourse of managed migration, and serves as a background within which other frames of reference have taken place. The thesis considers connections between the concepts of hospitality (both conditional and unconditional), care, needs and rights calling for the protection and upholding the welfare of the individual beyond the confines of the nation-state in the spirit of cosmopolitan social justice.

3. Research questions posed in the study.

In response to the dilemma of providing social care within the boundaries of the nation-state, this study will explore the interrelation between policy as defined within immigration/asylum and social care-related documents, front line social care providers' practice, and experiences of accessing state welfare by asylum seekers and refugees. The first research question seeks to examine how the notion of asylum is conceptualised in social policy documents. Policies appear to be mere instruments for promoting efficiency and effectiveness because their political nature is disguised by the objective idioms that they use to persuade (itself a political function), rather than inform and describe. I therefore draw upon the concept of topos, a discursive tool of persuasion, as an analytical framework for understanding New Labour's exclusionary discourses. By excavating the
prescriptive tones and normative assumptions that underlie policies, I aim to show how policy discourses are subject to political agendas. The discursive approach is critical in illuminating how restriction becomes depoliticised and, consequently, normalised as the right - and 'fair' - response to the needy Other.

The perception of asylum seekers and refugees\(^1\) as a burden, victim or a threat is reinforced by punitive policies that affect social care provision in the UK (Harris 2003; Dumper, Malfait and Scott-Flynn 2006; Masocha and Simpson 2011). Integration and the tackling of social exclusion through commitment to anti-racist and anti-discriminatory practice (e.g. counteracting stigma, protection of vulnerable groups) have been claimed as the goals of social work as a profession (Mullaly 2002; Banks 2006; Dominelli 1987) and there is an urgent need for an examination of social care practitioners' interpretation of social policies when providing support for marginalised groups such as asylum seekers and refugees. The second research question is therefore focused on the exploration of front line social care services' response to those policies. The fieldwork was carried out with social care professionals (mainly qualified social workers) in English local authorities. Some of the social care professionals interviewed for this study worked in No Recourse to Public Funds (NRPF) Teams, and the project is mapping new terrain empirically as there are no accounts of social care practitioners’ responses to adult asylum seekers and refugees after the establishment of the National Asylum Support Service (NASS) in 2000 which led to the abolition of specialist Asylum teams. The National No Recourse to Public Funds Network (NRPF) was set up in September 2006 in order to provide social care services to destitute people who have care needs, but who are subject to immigration control, hence having no entitlement to welfare benefits or to public housing. This category includes asylum seekers, unaccompanied asylum seeking children (UASCs), visa overstayers, some European Economic Area (EEA) nationals, and those who are in the UK on

\(^1\) Those terms, together with a notion of ‘forced migrant’, will be used interchangeably unless otherwise stated. All asylum seekers are *de facto* refugees awaiting recognition as refugees *de jure*.
spouse, work or student visas. In 2009/10 social services departments in 51 local authorities across the UK supported approximately 6,500 people with NRPF; they were provided with accommodation, subsistence, and in some cases additional social care (NRPF 2011: 2). The study elucidates the challenges that NRPF workers are facing, in particular the tension between a duty of care and state enforcement. Social care practice is intertwined in conflicting responsibilities to service users, the profession, the agency that employs practitioners and society as a whole. Adhering to the last point requires both the following of government guidance and the challenging of inhumane practices (Banks 2006: 129). Commitment to equally accessible social care services for all calls for a redefinition of the nation-state’s boundaries, and the dynamics through which these limits are maintained or changed requires careful investigation (Cohen 1973: 185).

Exclusionary narratives of asylum that cross governmental, party politics and media texts may legitimise restrictive developments at the level of front line social care practice, such as tendencies to prioritise gate-keeping over response to need, or over-procedural approaches to the assessment of refugees’ needs. As a result, vulnerable individuals are often unable to access the social care they need. The third research question aims to explore impacts that service provision (or lack of access to it) have on the individual wellbeing of adult asylum seekers and refugees. Adults, as opposed to unaccompanied asylum seeking minors and children in general, tend to be overlooked in the existing literature on the juxtaposition of welfare and asylum in the UK. The needs of asylum seekers and refugees are spread over a range of social domains, and are characterised by a high degree of social insecurity rooted in the uncertainty with regards to their asylum claim’s outcome. In order to respond to this, a discourse of care needs to be evoked: a humane, person-centred, holistic approach to refugees’ social care needs, alongside respect for their cultural identity, understanding of the experience of displacement, non-discrimination and the promotion of social inclusion.

The thesis begins with a historical overview of asylum in the modern era, and then touches upon contemporary challenges to the refugee definition as prescribed by the United Nations Convention Relating to the Status of Refugees. This is because states, being orientated upon their own interests and unfavourable to the displaced, interpret the Convention in an increasingly narrow way. Taking into account the scale of conflicts in many parts of the world, especially the so called ‘new’ wars, defined as internal disputes involving militias and paramilitary groups (Kaldor and Vashee 1997), it is actually surprising that so few people migrate (UNHCR 1995a: 229). The vast majority simply do not have the economic means to flee, and remain trapped in life-threatening situations in their home countries. Those who are in positions of power, and claim that asylum seekers are ‘bogus’, should be reminded that people do not willingly embark on long and dangerous journeys to unknown destinations, leaving behind their material, social, and cultural resources, unless they are under extreme pressure (Marfleet 2006: 14). The principal concern addressed here is the tension between forced migration and the nation-state that drives political responses to refugees, and in particular the recent ‘invention’ of the asylum seeker. Public resentment towards asylum seekers and refugees is, in fact, mediated by the intervention of the state (Balibar 1991: 15). In order to demonstrate this, Chapter 2 charts the historical emergence of restrictive asylum developments in the UK, and explores how exclusionary asylum discourse has become dominant as reflected in the broader shift towards restriction across the party political spectrum.

In Chapter 3 I shall explore the social constructions of asylum seekers and refugees in the context of conflicting principles behind the universality of human rights and the particularity of citizenship, as well as critically investigate the victimisation of refugeedom and the medicalisation of asylum. The problems of refugees tend to be individualised rather than viewed within the wider social, economic and political contexts in which the psychological distress arises. Practical issues such as poor housing conditions, limited
financial means and stress attached to waiting for the Home Office’s decision, as well as the necessity to adapt to a new environment tend to be overshadowed by the clinical, often culturally insensitive focus on mental health issues, in particular the Post Traumatic Stress Disorder (PTSD). That is not to say that forced migrants do not suffer from such conditions, but to pay due regard to the fact that refugees’ first priority is to rebuild their lives; more importantly, unless basic needs for safety and security are met, it is difficult for refugees and asylum seekers to engage successfully with mental health services (Mind 2009: 15). In the clinicalisation discourse refugees are seen primarily as supplicants in need of help which, in turn, obscures their agency and depoliticises their experience of displacement and exile. Furthermore, by 'seeking' asylum - that is asking for something without having given anything in return - forced migrants violate the reciprocity paradigm.

The concept of reciprocity that is introduced in Chapter 4 can help to account for the New Labour governments' reluctance to offer protection to those fleeing persecution. Rather than interpreting this simplistically as a form of racism, I will extend the analytical framework by combining insights from anthropology and political philosophy in order to advocate a broader view of the troubled relationship between the nation-state and the non-belonging Other. The chapter develops the conceptual tools by which the empirical analysis proceeds, and suggests looking at the political responses to refugees as negotiated through the dialectics of hospitality and hostility. Discourses and practices of hospitality may be considered as a social lens that reveals the processes of welcoming, caring for and excluding the Other. This is a theoretically distinct contribution to understanding political questions of citizenship and human rights. The chapter also argues for relevance of the ethic of care perspective as applied to the needs of asylum seekers and refugees in order to counter exclusionary approach to the rights of non-citizens.

In Chapter 5 I will discuss the methodology employed in the thesis. I shall start with the presentation of the following research aims:
• An evaluation of the discourses present in policy documents relating to persons subject to immigration control and their welfare entitlements.
• Analysis of how front line workers implement or undermine policies in their practice.
• Exploration of how asylum seekers and refugees experience access to welfare state provision.

This will be followed by the description of three methods adopted in this study, namely the analysis of discourses in social policy documents, vignette-based interviews with social care professionals, and semi-structured interviews with refugees. The combination of these three different methods makes a distinct contribution to holistic understanding of the central questions of the study. I shall conclude this theoretical and methodological part of the thesis by considering ethical challenges associated with the project, such as gate-keeping in social care agencies, and the pitfalls involved in research on vulnerable groups. These factors had a significant impact on the design and the time scale of the project.

The empirical part of the study will be introduced in Chapter 6 where some of the major New Labour social policy documents on asylum/migration and social care will be reviewed, including:

• “Controlling our Borders: Making Migration Work for Britain – Five-year Strategy for Asylum and Immigration” (Home Office 2005);
• "The Path to Citizenship: Next Steps in Reforming the Immigration System" (Home Office 2008);
• "Managing the Impacts of Migration: A Cross-government Approach" (Department for Communities and Local Government 2008);
• “Moving on Together: Government's Recommitment to Supporting Refugees” (UK Border Agency 2009);
• “Our Health, Our Care, Our Say: A New Direction for Community Services” (Department of Health 2006);
It is my intention to focus in particular on the analysis of New Labour’s dominant ‘fairness’ discourse which was composed of a legislative subdiscourse of managed migration with its topos of a contributing migrant, and a populist subdiscourse constructed around the notion of abuse and burden associated with the impact of newcomers on local services. The examination of social policy discourses demonstrates how the construction of asylum seekers as non-contributors normalised the extension of restrictive controls (Maughan 2010). The successive New Labour cabinets developed a populist style of government whereby a political community was articulated through an opposition to asylum, which was in turn legitimised by referral to the idiom of an economically viable contributor. However, at this point I want to emphasize that the analysis of social policy documents should not be taken as defining what happens to refugees as it is important to understand how front line workers interpret and negotiate these policy discourses.

In Chapter 7 I will examine how social care workers adopt, resist, subvert or reinforce social policy discourses in practice. Analysis of interviews with social care providers reveal complex patterns of sub-discourses and counter-discourses, including three main discourses: a discourse of rights privileging eligibility over needs; a discourse of care focusing on needs rather than entitlement; and a populist discourse defending public concern over resources. The discursive complexity of the participants’ responses is due to the realm of discretion that they draw on in their work in the context of convoluted, constantly changing policy and legislation framework related to asylum and migration, as well as the lack of clear guidance in this field of social care. By the same token, some of my interviewees felt that their job gave them the scope for helping asylum seekers and refugees, whilst others saw their professional role as oppressive and not allowing a space for manoeuvre. This was mainly dependent on a practitioner’s level of competence and understanding of the immigration system. Nonetheless all social care workers that I spoke to shared a dissatisfaction with the Home Office’s inefficiency and overblown
bureaucracy, albeit for different reasons: either humanitarian (concern about service users living in limbo) or financial (supporting asylum seekers was perceived as a burden for local authorities’ budgets).

In Chapter 8 the insights of refugees will be employed by looking closely at the narratives of a disabled refugee; a severely ill man who was previously a destitute failed asylum seeker; a refugee with mental health problems; and two women active in their respective communities who recounted stories of how others grappled with statutory social care services. Refugees’ stories illustrate well the conflict between having to depend on others as a person seeking sanctuary, whilst striving for independence as a resilient individual who tries to rebuild her or his life in a new country. Social care provision was described as exclusionary and discriminatory, and suggestions for its improvement ranged from the calls for unconditional support for all asylum claimants regardless of their social care needs, to complaints about the lack of cultural awareness amongst social care practitioners, and indications of the social stigma attached to seeking help. Whilst being distrustful and critical of the social care system, all my participants admitted that it provides a lifeline for displaced people who face isolation and poverty in the host society.

I shall return to some of the major critical strands that had unfolded in my findings in the Discussion chapter, namely the notion of conditionality of rights, discretion in front line social care practice, the cultural representations of refugees, and the juxtaposition between discourses of rights and care. I will also revisit my research questions in order to demonstrate how the empirical work has enabled me to address these. The central premise of New Labour’s policies was the reciprocal exchange of economic contribution for political and social rights, akin to conditional hospitality where the guest is expected to conform to norms of behaviour that are acceptable by the host; hence it is a relationship of dominance. Both economic and forced migration were ‘managed’, i.e. the numbers were kept low, and the newcomers were expected to be economically beneficial to the country. The national paradigm wherein national interests prevail over the needs of strangers is juxtaposed
here with a cosmopolitan paradigm informed by the idea of universal hospitality and world citizenship.

The Conclusion will evaluate the project, and critically reflect on the strengths and weaknesses of my research approach. Firstly, I will discuss the interdisciplinary character of the study, its originality and the significance of bringing anthropology and social policy together. Secondly, research questions will be revisited alongside the results from the investigation in the context of the methodological design of the study. Thirdly, I will comment on the problems encountered when recruiting participants and grappling with the social care professional jargon. I shall then conclude by mapping out the policy implications and recommendations for social care practice that stem from my findings.
II. Asylum: political and socio-cultural dimensions.

"A society that loses its sensitivity to the suffering of foreigners, simply because they are foreigners, has lost something very precious indeed… A number of recent reforms have placed the effective enjoyment of human rights and the entitlement to refugee protection in some peril."

Alvaro Gil-Robles, the Commissioner for Human Rights of the Council of Europe (2004)

"Problems of xenophobia, racism and discrimination persist and are particularly acute vis-à-vis asylum seekers and refugees. This is reflected in the xenophobic and intolerant coverage of these groups in the media, but also in the tone of the discourse resorted to by politicians in support of the adoption and reinforcement of increasingly restrictive asylum immigration laws."


1. Introduction.

This chapter concerns the historical development of the United Nations Convention Relating to the Status of Refugees 1951, as well as contemporary challenges to the definition of refugee inscribed in this document. It also discusses the tension between forced migration and the nation-state, and analyses political responses to asylum seekers and refugees in the United Kingdom. This will provide a legal context of asylum, and a background for the examination of the social constructions of refugees, as well as their rights and needs.

2. What is asylum?

The institution of asylum (from Greek asylon, meaning sanctuary, refuge) constitutes the right to be recognized as a bona fide refugee and to
receive legal protection. The *United Nations Convention Relating to the Status of Refugees 1951* (hereafter Refugee Convention), to which the UK is a signatory, defines refugees as persons who are outside their country and cannot return due to a well-founded fear of persecution because of their race, religion, nationality, political opinion or membership of a particular social group. Persecution is defined as "the sustained or systematic failure of state protection in relation to one of the core entitlements which has been recognized by the international community" (Hathaway 1991: 112). However, the Refugee Convention is not concerned with all cases of persecution, but with persecution that is based on discrimination, i.e. violations of the right of every human to equal treatment and respect (Farbey 2002: 62). This is due to the historical development of the document as well as to the political and cultural contexts of its introduction.

The first formal recognition of the refugee issue in the modern era took place in Europe in the period between the two World Wars as the response to the breakup of the Austro-Hungarian, Ottoman and Russian Empires (Turton 2002: 28). The League of Nations’ definition of the refugee was then linked to a specific national group (i.e. nations who were then a part of the collapsed Empires). The United Nations High Commissioner for Refugees (UNHCR) then extended it to any person who was outside the protection of their own state (but, at that time, as a result of events occurring before 1 January 1951). This definition was also narrowed down by specifying the legally acceptable reason why a refugee had lost the protection of her government. The UN *Protocol Relating to the Status of Refugees 1967* (UNHCR 1996) applies the relevant articles of the 1951 Convention to all persons covered by the refugee definition regardless of time and location. However, it must be emphasized that the term ‘refugee’ remained within the nation-states' vocabulary as a person had to be targeted by their own government in order to be entitled to international protection. Having acknowledged the lack of this term’s applicability to its regional context, the Organization of African Unity broadened the refugee definition to recognizing other reasons for refugee flight such as “external aggression, occupation, foreign domination, or events seriously disturbing public order”
(Turton 2002: 32). This amendment is nevertheless not binding on the international community. Similarly, Latin American states adopted the Cartagena Declaration in 1984 which extended the definition of refugees to people fleeing generalized violence; the document became the basis of refugee policy in the region. The European interpretation of the 1951 Convention appears to be much more restrictive, focusing on the notion of an individual persecuted by state agents.

By 31 December 1999 131 states had acceded to both the 1951 Convention and its 1967 Protocol, and 138 states had ratified either one or both of these instruments (Turton 2002: 31). There have not been any protocols issued since 1967 (in relation to refugees who cross borders to seek protection, as opposed to Internally Displaced Persons). And, although many argue that the Convention ought to be changed in order to reflect the significantly different world that we inhabit today, others say that it should remain as it is, but that stronger legally binding measures should be introduced (Carlier 2000). UNHCR is often powerless as it is dependent on the political will of states, and cannot directly impose obligations on them following the sovereignty principle (Goodwin-Gill 1998: 30). There is no international judicial body to rule on questions of Refugee Law interpretation, hence there are wide discrepancies on how the UN Refugee Definition is interpreted in different countries (Amnesty International 1997).

Since 1990 the focus of the International Refugee Regime has been on containment, that is, preventing or ‘containing’ (confining people to their region of origin and/or taking measures that they return home as soon as possible) the movement of refugees rather than providing them with asylum (Turton 2002: 36). Parallel to this containment-oriented regime, the policy of "Fortress Europe" was established by member states of the European Union (EU) in the context of an increased number of asylum applications in the 1990s. The goal was to create common European policies on immigration and asylum (mainly in order to reinforce external EU borders), and to do so in an overwhelmingly harsh manner as the standard of ‘harmonization’ was set by those member states with the most restrictive asylum policies (so
called 'lowest common denomination'). In the 1990s the growing number of asylum claimants was due to changes in the nature of conflicts around the world: 90% of modern conflicts are internal ones, civilians make up 90% of casualties and sexual violence has become a weapon of war (Summerfield 1999a: 28-55). A Human Rights Watch report (1995: 1) states that “The current epidemic of communal violence – violence involving groups that define themselves by their differences of religion, ethnicity, language or race – is today’s paramount human rights problem”. As a consequence, refugee flows happen as collective displacements due to the persecution of entire communities (Dona 2002: 43).

According to UNHCR’s (2010a) latest report published in June 2010, at the end of 2009 there were some 15.2 million refugees globally, the highest number since the mid-1990s. Although developed countries contribute most of the funding to assist refugees, developing countries host the vast majority of the world’s refugees as only one-fifth of refugees live outside of their region of origin:

"Poor countries have been forced, by an accident of geography, to receive an enormous case-load of refugees exceeding two million people" (Tanzanian representative at the 1995 Executive Committee of UNHCR meeting, cited by Amnesty International 1997).

Currently Pakistan, Iran and Syria host the largest number of refugees, namely Afghans and Iraqis, who also account for almost half of all refugees worldwide. In 2009 Pakistan was also hosting the highest number of refugees compared to its national economy, namely 745 refugees per 1 USD GDP per capita (UNHCR 2010b). Combined, nations with per capita GDPs of less than $2,000 hosted almost half of all refugees, whereas nations with per capita GDPs over $10,000 hosted only nine percent of the world’s refugees (USCRI 2009).

In 2009, an estimated 377,200 asylum applications were recorded in the forty four industrialised European and non-European countries included in the UNHCR report on Asylum Levels and Trends in Industrialized
Countries (2010b). This is nearly the same number as in 2008 (377,100 claims). The United Kingdom ranked fourth among those industrialized countries with 29,800 new applications received during the year. This constituted a five per cent decrease compared to 2008, and the third lowest figure in fifteen years. The large increase in Zimbabwean asylum seekers during 2009 was partly offset by the lower number of Eritrean and Iraqi asylum seekers (UNHCR 2010b). According to the Home Office (1989;1995; 2009) statistics between 70-80% of asylum cases are refused, and the proportion of refusals has increased from around 20% in the 1970s and 1980s to around 80% since 1994. In the last quarter of 2009 seventy seven per cent of initial decisions were refusals, thirteen per cent were grants of asylum, and ten per cent were grants of Humanitarian Protection or Discretionary Leave (Home Office 2009). A culture of institutional racism is implied in border controls, as well as in the immigration enforcement function of the Home Office, and human rights and refugee organisations claim that the determination process is biased against asylum seekers (Asylum Aid 1999; Medical Foundation for the Care of Victims of Torture 2004; Amnesty International 2004 and 2006; Refugee Council and Oxfam 2005). For that reason the Immigration Advisory Service (Culture of Disbelief meeting, July 2009), a legal advice charity, calls for the establishment of an independent, apolitical body in charge of asylum decisions, which would be akin to the Canadian Immigration and Refugee Board (IRB), a tribunal created in 1989. The Refugee Protection Division of IRB determines claims for asylum made within Canada. At refugee protection hearings a case is heard and decided by a member of the IRB, and the government is not normally represented at hearings. This is probably the most progressive asylum model in the world, but the new dynamics of conflicts (i.e. intensification of civil conflicts and systematic patterns of gross human rights violations) poses a challenge to the very definition of a refugee. The joint position of the European Union announced in 1996 was to recognize as refugees only those who had been persecuted by a government and its agents. However, it is increasingly more difficult for a person fleeing a very chaotic and complicated political situation in a collapsed state to prove a well-founded fear of persecution from the hands of that very state (Turton 2002: 43). Regardless of these mass
refugee flows, deterrence is the European Union’s main goal: to stop refugee movement by any means necessary, for instance by introducing carrier sanctions for airlines transporting the *sans papiers*, by sending asylum claimants to so called ‘safe third countries’ through which they passed, and last but not least, by measures of detention and restrictions on the right to work and on access to social welfare (Turton 2002: 42). Even though the Geneva Convention clearly states that there should always be a presumption in favour of the claimant (Steinbock 2000: 34) the decision-making process is left to the discretion of a given host country. For that reason some argue that the refugee issue ought to become part of a human rights problematic, suggesting that refugee law should therefore be integrated into human rights law (Henkin 1995). Human rights law is based on the idea of indivisibility, i.e. it is a universal right, whereas refugee law is grounded in categorization, that is the protective rights afforded to a minority group. This legal shift might therefore signify more inclusiveness, but, for some, it would constitute a rupture in the legacy and tradition embedded in the Geneva Convention on the Status of Refugees.

3. Forced migration and the nation-state.

Increasingly restrictive asylum policies are being harmonised all over Europe in an effort to deter those fleeing political persecution from reaching sanctuary: the Fortress Europe (Gordon 1989; Geddes 1999) is fortified every day. The harmonisation of European policies on asylum and immigration began with the 1990 Dublin Convention whose aim was to ensure that asylum seekers file their application in the first safe (i.e. signatory to the Convention) country that they reach. This was reinforced by the 1992 London Resolutions that allows states to refuse asylum seekers access to their asylum procedures if they were found to have passed through a different ‘safe’ country. The resolution also defines ‘manifestly unfounded’ claims thereby extending states’ powers to reject asylum applications and limit appeals, also allowing for the ‘fast tracking’ of those claimants who
originate in countries that are deemed safe. During the 1990s the EU Council of Ministers approved various resolutions based on the standard set up by those member states with the most restrictive asylum policies (Turton 2002: 43). As pointed out by Amnesty International (2003), “National governments appear to be competing with each other to see how far they can lower standards of refugee protection in Europe in response to populist pressures.” Despite conflicts devastating the lives of many people in the Global South, the wealthy and stable democratic countries of the North fence themselves off from today’s ‘wretched of the Earth’ in what Anthony H. Richmond (1994) calls ‘Global Apartheid’. According to Voutira and Dona (2007: 167) there have been three important changes with regards to the treatment of refugees: first, an increased preoccupation with state security at the expense of refugee protection; second, a shift from permanent to temporary protection; third, a proliferation of supra-national actors (e.g. European Union and its policy of Fortress Europe). Asylum seekers are accused of being economic migrants in disguise (topos of profit will be analysed in Chapters 6 and 7) even though

"Both pure refugees and purely economic migrants are ideal constructs rarely found in real life; many among those who routinely meet the refugee definition are clearly fleeing both political oppression and economic dislocation” (Papademitriou 1993: 212-213).

The reality is that categories of refugee and economic (i.e. voluntary) migrant are very blurred as in the migration - asylum nexus extreme poverty is often grounded in political destabilisation (e.g. in Africa or Central America), because “failed economies generally also mean weak states, predatory ruling cliques and human rights abuse” (Castles 2003: 17). Persons displaced solely by economic plight would not be considered Convention refugees; nonetheless the Refugee Law remains open to interpretation. In its 1986 report the United Nations Group of Governmental Experts on International Co-operation to Avert New Flows of Refugees avoided those definitional problems focusing on “coerced movements (…) covering a variety of natural, political, and socio-economic factors which directly or indirectly force people to flee (…) in fear of life, liberty and security”
(Goodwin-Gill 1998: 15-16). Socio-economic causes of flight included those that threaten survival, such as underdevelopment (especially as the legacy of colonialism) and absence of economic infrastructure (Goodwin-Gill 1998: 16). However, at the same time individual states have raised concerns about the ‘dilution’ of the refugee definition: it was argued that there needs to be a distinction between statutory refugees and persons leaving their country of origin for socio-economic reasons. Lack of clear cut separation between those fleeing persecution and those escaping extreme poverty is being exploited by politicians, and researchers who explore these terms jointly run the risk of legitimizing governments’ reluctance to provide sanctuary. Therefore members of the United Nations decided that acceptance of the category of economic migrants would be based on humanitarian law, i.e. solely on the discretionary response of a state, and not on any Convention obligation (Goodwin-Gill 1998: 27).

Nevertheless, the mistreatment of refugees cannot be understood without taking into account the attack on all migrants through the tightening of immigration controls (Cohen 1988: 8). That is not to equate refugees with ordinary ‘voluntary’ migrants, but to acknowledge the similarities between the two (e.g. asylum seekers are now forced to use ‘illegal’ migration strategies when entering a country) and comprehend states’ policies that place asylum and immigration together in one legislation. People do have multiple reasons for mobility (Castles 2003: 17) so bringing asylum and immigration together might ease the immigration officials’ burden; I would argue, however, that doing so does not serve the interests of refugees, but that of the host state whose primary function is gate keeping:

"Migration and citizenship are really the last bastions of state authority. If the state cannot protect its territory from outsiders, then it no longer has a raison d’etre" (Warner 1997: 60).

Refugee protection is an obligation under international law whereas immigration policies are in the domain of a state’s discretion. This tension reinforces a state’s tendency to treat refugees just like other migrants, for example drafting quotas of those that will be granted entry or leave to
remain, as well as those who will be removed. In such a way asylum policy becomes a function of immigration policy. Numbers, the basis of immigration policy, should not apply here: people who are fleeing persecution cannot plan their forced displacement, cannot predict the scale of human rights violations, and cannot wait for sanctuary. The other problem is that the imposition of stricter controls on unskilled labour migration forces some, who would otherwise be economic migrants, to enter Europe as asylum seekers (Friedman and Klein 2008: 7). This, in turn, has led to restrictions on applying for asylum: currently reaching a safe country is almost impossible, which is a clear contravention of the Geneva Convention (UNHCR 1996). The expression ‘illegal’ or ‘bogus asylum seeker’\(^2\) is a legal oxymoron because “everyone has a right to seek and enjoy asylum” (UNHCR 1996). But the British immigration system is exempt from the Race Relations Act 2000, hence immigration officers are permitted to discriminate against nations and ethnic groups most likely to claim asylum. For instance, in 2001 the Home Office placed British immigration officers at Prague Airport in order to screen passengers flying to the UK. According to The European Roma Rights Centre, 68 out of 78 Czech Roma were prevented from boarding the plane to Britain, whereas only 14 out of 6,170 ethnic Czechs were barred from entering the UK; this made a Roma 400 times more likely to be rejected than a non-Roma (Friedman and Klein 2008: 49). But formal discriminatory measures began much earlier, with the introduction of visa requirements for Sri Lankan Tamils in 1985 (Home Office 1986). By 2005 visas were required for people from 108 countries, including all those producing refugees and well known for widespread human rights abuses e.g. Zimbabwe, Iran and China (Refugee Council and Oxfam 2005; Amnesty International 1999). This is despite UNHCR’s injunction that such visa requirements should not be introduced because of the risks involved in approaching foreign embassies in those countries (Friedman and Klein 2008: 65). The regimes denying their citizens human rights may also be unwilling to grant them freedom to travel. If there were legal ways for ordinary migrants wishing to enter Europe, then

\(^2\) It seems that even politicians don’t understand that this expression is fallacious: Tony Blair in his speech on 1 March 2000 said that “Those measures will help us separate bogus asylum seekers from genuine asylum seekers” (cited in Friedman and Klein 2008: 127).
we would have two separate systems: one for immigrants, and one for refugees. Instead, what we are faced with is a prevailing culture of disbelief with its presumption that asylum seekers are not genuinely fleeing political turbulences:

"Thousands of would-be migrants are taking advantage of one aspect of the Convention – namely that it places an obligation on state to consider any application for asylum made on their territory, however ill-founded" (Jack Straw cited in Schuster and Solomos 2001).

There is an interesting and worrying continuum between Enoch Powell’s Rivers of Blood speech in 1968, Margaret Thatcher’s concerns about UK being swamped by people of a different culture, and Jack Straw’s complaint about the Geneva Convention. British political debates on asylum tend to focus on the theme of numbers (that must be reduced) and tax payers’ money (that should be spent on ‘our’ people). In a culture of indifference, human rights are hardly ever mentioned. In his speech in 2005, Tony Blair repeatedly mentioned “hard-working taxpayers” who felt that “it’s unfair if they have to work hard, but see others getting benefits or help they’re not entitled to”, and boasted about cutting the number of asylum claims and a “target of removals exceeding applications for the first time ever” (Blair 2005). The government’s obsession with statistics – in this instance making sure that numbers are low – means that it is a political agenda, rather than human rights issues, that leads their approach to asylum:

"Asylum is organized as a political discretion rather than a human right and incorporated within an immigration problématique within which policies are geared towards restriction of asylum applicants" (Geddes 2000: 139).

The political discourse on migration is built around the economic contribution of immigrants, but this cannot be applied to refugees; the institution of asylum should not depend on asylum seekers’ utilitarian value to a host society. One cannot make a selection between educated and skilful asylum claimants and those who have no qualifications. But this selective approach to migrants is by no means new – the first major British immigration
legislation, the 1905 Aliens Act, introduced to curb the flow of Jews fleeing pogroms in Eastern Europe, clearly restricted the entry of those who were destitute and who were considered to become a burden on public funds (Friedman and Klein 2008: 20). It is therefore perhaps unfortunate that campaigns aimed at challenging people’s negative views on refugees tend to highlight what refugees can offer to host societies (e.g. in the annual celebration of Refugee Week, both UNHCR and Refugee Council focus on those 'special', prominent exiles, reminding us that Albert Einstein, Karl Marx, Marlene Dietrich and many others had all been refugees). In this important, but slightly misguided, attempt to change public attitudes, “ordinary” refugees who might not have skills necessary to achieve success in a new country, seem to be put aside. Refugees are either praised for what they bring to host countries, namely their talents and energy, or feared for the impact they might have on host societies, such as putting a strain on local services and welfare benefits, undermining democratic values or challenging the notion of common cultural heritage. Humanitarian and moral obligations towards those who are fleeing persecution are of secondary significance to nation-states' domestic and international policy interests. In other words, nation-states are particularistic moral agents that are resistant to the moral claims of outsiders (Gibney 2002). There is an inherent tension in liberal democracies between a sense of binding obligations in relation to others beyond the state’s own borders, and redistributive principles that do not extend to non-citizens.

The presence of refugees questions a state’s sovereignty and makes belonging uncertain. The threat that forced migrants pose to a nation-state’s coherence has led to the creation of the International Refugee Regime whose aim is to manage and control refugee flows. The International Refugee Regime is a set of laws (namely the 1951 UN Convention Relating to the Status of Refugees and its 1967 Protocol), norms (i.e. right to claim asylum and the right of voluntary return) and institutional structures (e.g. the Office of the UN High Commissioner for Refugees, the International Committee of the Red Cross, the International Organization for Migration, the Office of the High Commissioner for Human Rights) established by the international community to protect the system of nation-states by
normalizing’ the figure of the refugee (Turton 2002: 28). According to James Hathaway (1990), states’ own particularistic interests have been the major factor behind the international legal response to refugees since World War II. However, it is by no means a new phenomenon and, in certain cases, it can actually be beneficial to refugees. For instance, England's warm welcoming of Huguenots in the 17th century and Kosovars in 1990s illustrates this point well. Those examples are not coincidental: they both refer to differently interpreted notions of cultural affinity. More importantly, the way those cultural features are manipulated depends on a country’s domestic and foreign interests.

In the 1680s leading English and Irish politicians organized a welcoming campaign based on the shared Protestantism for Huguenots persecuted in Catholic France. The campaign required significant efforts to tackle the English public’s anti-French sentiments. The decision to advocate on behalf of Huguenots could, of course, be interpreted in the context of the conflict between England and France (as in the dictum "my enemy's enemy is my friend") as well as the Huguenots’ famous entrepreneurial skills. In contrast, a few years later, Calvinists from Germany also requested asylum in England but were rejected and deported following a campaign that portrayed them as undeserving of protection (Marfleet 2007: 141). Unlike Huguenots, Palatine refugees were impoverished rural dwellers whose socio-economic position was much lower than that of Huguenots (in fact, France's weaving industry suffered greatly after the Huguenots fled the country). Palatine exiles were therefore economically less beneficial to England, hence their rejection. The key issue here is the notion of contribution which is recurring in contemporary migration and asylum policies.

Another example that illustrates the way in which different 'types' of refugees are responded to following foreign policy measures is that in the late 1990s European governments who participated in military action against Serbia accepted many refugees from Kosovo. Kosovars were initially welcomed as fellow Europeans rather than a 'Muslim threat'. Nevertheless,
when immediate military aims had been achieved, those same European countries of asylum initiated campaigns of repatriation and the 'poor Kosovar refugee' was abruptly transformed into an 'illegal, scrounging migrant' (Marfleet 2007: 142). Thus the state 'manipulated' xenophobic feelings amongst the host population, defining the dangerous ‘Other’ according to their socio-cultural character (or rather its chosen elements as Kosovars’ mainly Muslim identity was not highlighted), economic value or changing political context (e.g. different phases of the war in former Yugoslavia).

Furthermore, the crisis in the Balkans received massive allocations of aid: “On one estimate UNHCR spent $1.23 [per person] on refugees per day in the Balkans, eleven times more than the 11 cents it spends on refugees in Africa” (Gibney 2000: 28). This approach falls within the policy of containment that was discussed earlier: due to the Balkans' geographical proximity to Western Europe, a greater effort was made by the UN to stop refugee flows by investing more money in war-stricken Europe, rather than in the more distant African continent.

On the other hand, when looking at frequently cited case of Jewish refugees from Nazism, the reportedly warm reception the Jews received in the United Kingdom was, in fact, full of ambivalence. It is suggested that the British response to the Jewish plight was, like in other situations of refugee crises, driven by pragmatism rather than humanitarianism. Friedman and Klein (2008: 21-23) argue that there was significant antagonism towards Jewish refugees in the aftermath of Hitler's accession to power, and that offering them sanctuary in Great Britain was based on the condition that Jewish community organizations would (actually rather reluctantly) take care of the newly arrived. By the start of the war, 100,000 Jewish refugees were granted temporary leave to remain in the UK, including 10,000 unaccompanied children from Kindertransport and 20,000 women allowed to come as domestic help, but the number of Jews who were refused entry was far greater, around 700,000 (Friedman and Klein 2008: 23).

To summarize, ‘Otherness’ is malleable and reflects the contemporary political climate. Tolerance and altruism underpinning Britain’s national
narrative could be questioned in the context of successive governments navigating between humanitarian commitments, populist opinion and the inflammatory language of the media. According to Kushner and Knox (1999: 399), Britain’s pro-asylum episodes were due to guilt, economic self-interest and international power politics rather than notions of justice. Consequently, characteristics of asylum claimants may be invented in order to fulfil the interests of a receiving country, especially in the case of embracing those fleeing enemy forces, for instance Eastern Europeans escaping communist regimes during the Cold War:

"The recognition of East European emigrants as refugees stigmatized their countries of origin as wilful violators of the human rights of their citizens… Indeed, Western governments encouraged the flow from East to West in order to weaken their rivals ideologically and to gain political legitimacy in their Cold War struggle" (Loescher 1993: 59).

It is also worth noting that American foreign policy during the Cold War favoured Cuban refugees because they were fleeing communism whilst it disfavoured Haitians fleeing a US-friendly right-wing dictatorship. As we can see, political authorities may champion certain migrants by presenting them as victims deserving of refuge and support (Marfleet 2007: 142). More often, however, refugees are viewed by state authorities as undesirable, and the fate they face is that of expulsion. This is because current discourses on refugees are forged by both national fears over strength of borders and national identity, as well as by global anxieties over growing levels of insecurity (Papastergiadis 2006). Then, as Agamben (2005: 59) argues, in an absence of hospitality, hostility towards a stranger becomes an expression of a state’s sovereignty and its assertion of authority over political space.
4. Political responses to refugees.

Asylum significantly affects electoral support, and the linkage of immigration to the question of race, or, more broadly, difference, has been a feature of political culture in Britain since the post-war period (Schuster and Solomos 2004). In the 1960s the political consensus was established that good race relations required firm immigration controls (topos of numbers that will be discussed in detail in Chapters 6 and 7), thus signalling that cultural diversity is a threat to national identity. There is a symbiotic, or even self-reinforcing relationship between government policy, people's prejudices and a hostile media discourse, whereby increased salience of asylum leads to increased media attention which then triggers a government’s negative response to the problem, and thus continuing prominence of the topic. This is the so called ‘ratcheting effect’ (Geddes and Tonge 2005). Politicians exploit the public’s fears and insecurities, and using foreigners as a scapegoat is an easy way of gaining a populist vote: for instance, migrants tend to be blamed for the shortage of social housing, even though very few are actually entitled to this kind of accommodation in the first place. But, instead of presenting the problem in terms of inaccurate infrastructure, and calling for the building of more affordable housing, political parties blame limited resources on migration.

Ronald Kaye (1994) studied the Labour and Conservative Parties’ agenda on immigration during the 1992 election campaign. He argues that Tories’ tough stance on the subject was decisive in their victory as Labour was then labelled ‘too soft’ on asylum and immigration (Kaye 1994: 153). The Conservatives’ hard-line approach was justified by portraying asylum seekers as a potential threat in the shape of the hordes and masses that invade Britain and abuse her hospitality. The debate was then focused around the Asylum Bill proposed by the Tories in 1991 whose aim was to reject “a large number of unfounded claims”, and deter “further abuse of the system” (Kaye 1994: 153). Labour rejected the bill accusing the Conservatives of racism, whilst the Conservative Home Secretary, Kenneth
Baker, attacked the Labour Party for their 'open gates policy' (Kaye 1994: 153). However, Labour was compliant with Tories' security narrative by failing to distinguish between asylum seekers and economic migrants hence undermining refugees' international protection status. The Conservatives in the early 1990s followed this logic focusing on 'non-genuine' asylum seekers and their alleged negative impact on race relations, following the topos of numbers I mentioned earlier:

"Good race relations are heavily dependent on strict immigration control. Race relations in Britain are not perfect - they could be better - but they are better than they are almost anywhere else in western Europe or north America. One reason for that is that our host population feels comfortable with a system that restricts to manageable numbers the influx of people from overseas." (Kenneth Clarke, Second reading of the Asylum and Immigration Appeals Bill 1992)

The belief that increased immigration would exacerbate racism against the established minority communities has been shared in the UK by both the indigenous population and minority ethnic communities. For instance, on the eve of Nazism it was feared that the presence of Jewish refugees would lead to more anti-Semitism, and in the 1990s 48% of British Asians believed that there was too much Asian immigration into Britain (Friedman and Klein 2008: 27). Similar attitudes were expressed by an ethnically diverse audience that took part in the “Question Time” debate on 22 October 2009 when the British National Party (BNP) leader, Nick Griffin, was invited to participate in the discussion. A member of the public asked the panel if the rise of the BNP is not a result of Labour’s “misguided (i.e. ‘too soft’) immigration policy”. This comment triggered responses that amounted to an orchestrated competition among the three main parties attempting to portray themselves as the most anti-immigrant, including Chris Huhne from the Liberal Democrats who attacked Labour for allowing people from Eastern European countries to enter the UK after their accession to the European Union. The multi-ethnic London-based audience joined in calling for an end to migration, perhaps not realising that if the policy they called for had been introduced when their grandparents and parents were coming to the UK, they would not be here
now. No one suggested that it is the right wing approach to immigration of the two main parties (i.e. Labour and the Tories) that allowed the BNP to move away from the political margins and join the mainstream. In other words, their policies seem less extremist in the context of the overall shift of the British (and in general, European) politics toward the right. Anti-immigration attitudes are now a political axiom, an expression of the allegedly common sense approach to newcomers: a Foucauldian ‘truth’.

Labour and Tories have been competing for the xenophobic vote by promoting harsh political responses to asylum and by supporting policies that were to limit immigration in general:

"I believe we must limit immigration. (…) Immigration has more than doubled under Mr. Blair. He believes that immigration should be unlimited. The Liberal Democrats agree. A Conservative government will set an annual limit on immigration and a quota for asylum-seekers."


In fact, Labour actually managed to reduce the number of asylum claims to one third of its peak in 2002 (Home Office 2009) due to strengthening previous Conservative policies. They continued with the Tories’ dual approach of restricting immigration and curtailing the social citizenship rights afforded to asylum seekers in the UK (Bloch 2000) and, according to Schuster and Solomos (2004: 17), not only sustained, but further reinforced anti-refugee hysteria. Due to the assumption that fear of migration, especially of forced migrants is responsible for increasing the popularity of the far right (so called topos ‘for migrants’ own good’ that will be returned to in Chapters 6 and 7), in particular the British National Party, the Labour government decided to search for more and more radical solutions such as prolonged detention of failed asylum seekers including minors, the fast-tracking of asylum applications and cuts in legal aid. Ironically, Immigration Minister Phil Woolas almost reiterated BNP’s rhetoric by saying that the “prime purpose” of his policy is “reassuring the public” and that “most asylum seekers, it

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3 “We will clamp down on the flood of asylum-seekers, all of whom are either bogus or can find refuge much nearer their home countries” (BNP statement quoted in *The Independent*, 14 January 2009).
appears, are economic migrants” (The Guardian, 18 November 2008). When Labour came to power in 1997, it further strengthened already existing anti-asylum legislation and, by establishing the National Asylum Support Service in 2000, created a “new apartheid social security system” (Mynott 2002: 122) whereby asylum seekers were formally excluded from access to mainstream welfare benefits.

To a large extent New Labour focused on the transformation of the immigration and asylum system: between when the Labour Party came to power in 1997 and when they stepped down in 2010, they introduced eight immigration and asylum bills. Labour’s approach was characterised by restrictive measures such as stronger border controls, the fast-tracking of asylum applications and increased use of detention, whereas fundamental issues of poor quality decision-making in the asylum process were not addressed by the government. According to the Refugee Council (2005a: 4) “the Government has become so preoccupied with the perceived need to appear to be in control of asylum that is resorting to ever tougher measures at the expense of fairness”. Labour’s asylum policy was also criticised by the Joint Council on Human Rights’ report (JCHR 2007) whose findings suggest that asylum seekers are subjected to mismanaged and complicated administrative procedures, and are not provided with appropriate support. Furthermore, the report also acknowledged the relationship between media perceptions of asylum seekers, and the approach of state workers towards this group (JCHR 2007). But the government did not attempt to tackle myths and fears surrounding asylum and immigration. On the contrary, it reinforced them through punitive approaches associated with criminality, particularly the tagging and detaining of asylum seekers; and yet, as policy makers, politicians are in a privileged position to influence public opinion through advocating particular policy reforms (Thomson 2003: 3). Political representations of asylum seekers play a significant role here because, as Michel Foucault (1980) pointed out, truth is an outcome of power in the struggle over the construction of knowledge. In other words, we might say that politicians construct images of asylum seekers in order to advance or justify their policies, or that asylum issues are framed in a given way in order
to sanction restrictive policies. They are meant to fit in the ‘common-sense’ xenophobic notions about asylum, and, at the same time, validate them. This politically dangerous project is easy to perform because outsiders always pose a threat to the status quo.

5. The invention of an ‘asylum seeker’.

In the hostile anti-immigration political climate of the 1990s a new term ‘asylum seeker’ entered British as well as European political discourse. ‘Asylum seeker’ is allegedly different from ‘genuine refugee’ although the Geneva Convention on the Status of Refugees does not recognise this distinction (Zetter 2007: 181). The disassociation of the asylum seeker from the refugee is a very significant step in the process of eroding the rights of forced migrants because

"Labels do not exist in a vacuum. They are the tangible representation of policies and programmes, in which labels are not only formed but are then also transformed by bureaucratic processes which institutionalize and differentiate categories of eligibility and entitlements. (…) But this process of categorizing and differentiating refugees is predicated on highly instrumental practices which serve the interests of the state" (Zetter 2007: 180).

An asylum seeker is a de facto refugee, i.e. someone who has left the country of origin, applied for asylum and is pending recognition of status. Once it has been granted then that person becomes a refugee de jure. However, this word has acquired a very pejorative meaning: an asylum seeker is perceived as someone who is ‘undeserving’ protection. Moreover, according to Imogen Tyler (2006: 189), the introduction of the asylum seeker category in British law enabled the government to “manoeuvre around the rights of the refugee as prescribed by international law”. Specific legislation concerning asylum seekers was, for the first time, introduced by the Conservative government in The Asylum and Immigration Appeals Act 1993, and, three years later The Immigration and Asylum Act 1996 barred asylum claimants from access to welfare benefits. Prohibition of work and the
introduction of vouchers, a “retailing apartheid” (Cohen 2006: 87) reinforced the message that refugees had been “asylum shopping” (that is, opportunistically choosing the most favourable country to claim asylum in) and were in fact economic migrants in disguise.

In 1996 the National Assistance Act 1948 could still be used to compel local authorities to provide support (i.e. provision in kind, accommodation) for needy asylum seeking people. On the other hand, at that time, local authorities won the right to ‘export’ asylum seekers to other parts of the country in order to get rid of the ‘problem’; that was a pioneering dispersal before it actually became a policy under Blair’s government (Mynott 2002: 110). And, in fact, it was the Labour government that withdrew all the mainstream support for asylum seekers in 1999 by establishing the National Asylum Support Service (NASS), a separate system for providing essential welfare support to asylum claimants based on enforced dispersal out of the South East, and subsistence support in the form of vouchers. Another significant provision of the Asylum and Immigration Act 1999 was the increased practice of detention, both of adults and children. The Act focused on controlling, policing and removing those seeking protection, thus formalizing the category of an ‘asylum seeker’ defined as a ‘person subject to immigration controls’ rather than a de facto refugee.

Another important attack on the social provision available to asylum seekers was Section 55 of the Nationality, Immigration and Asylum Act 2002 which excluded those who did not apply for asylum at the port of entry from entitlement to even subsistence level support. Section 55 was interpreted by the Home Office in the strictest possible terms and, soon after its introduction, 9,000 asylum seekers were denied support. Without a work permit and with no entitlement to any help, people seeking asylum were virtually sentenced to destitution (Refugee Council 2005b; Refugee Media Action Group 2006; Leicester Refugees and Asylum Seekers Voluntary Sector Forum 2006). In May 2004 the Court of Appeal decided that the Home Office was in breach of Article 3 of the European Convention of Human Rights forbidding inhuman and degrading treatment and, following
this ruling, support could only be refused to asylum seekers who had alternative sources of help (Fell and Hayes 2007: 218). However, this ‘starve them out’ approach (Fell and Hayes 2007: 218) was reiterated two years later under Section 9 of the *Asylum and Immigration (Treatment of Claimants etc) Act 2004*. Section 9 concerned families of rejected asylum seekers whose support was cut off, and who risked having their children taken into care should they refuse to leave the United Kingdom. Similar legislation, Section 4 of the *Immigration and Asylum (Provision of Accommodation to Failed Asylum Seekers) Regulations 2005* provided board and lodging (in the form of vouchers) for single rejected asylum seekers provided that they were ‘cooperative with removal’: in such a way welfare became a “weapon forcing them into colluding with their own deportation” (Cohen 2006: 114).

Apart from being denied basic support, asylum seekers are also subject to electronic tagging, detention and deportation. All these strategies of state control significantly stigmatize and criminalize them. One of the state’s criminalizing strategies was the peculiar overlapping of the Home Office and Police prerogatives as set out in the *Asylum and Immigration (Treatment of Claimants etc) Act 2004*. The main issue of concern in the Act was a provision which gave immigration officers more arrest, search and seizure powers. It also created new offences such as entering the UK without a passport and forging immigration documents, even though the Geneva Convention forbids penalizing asylum claimants for the way they reach a safe country. Following the then Home Secretary David Blunkett’s decision in November 2003, when he insisted that tagging is cheaper than keeping detention centres, the Act introduced the electronic monitoring of persons subject to immigration control. Under Section 36 those who are subject to detention or reporting and residential restrictions have to comply with electronic tagging, voice recognition and global positioning technologies. It means the compulsory wearing of a tagging bracelet, being available on the phone at specified times, calling regularly from a specified landline and subjection to global satellite positioning software that locates asylum seekers awaiting deportation. The same type of equipment is used to monitor sex offenders released from prison in a scheme of ‘crime prevention’. Tauhid
Pasha from the Joint Council for the Welfare of Immigrants summarized the government’s policies as “delineating asylum seekers as separate” and “identifying them with criminals by electronically tagging them” (Institute of Race Relations, 26 February 2005). Asylum seekers’ exclusion appeared therefore as a desired policy outcome, rather than an aberration.

The UK asylum process is about ‘disciplining’ (i.e. controlling and penalizing) of the asylum-seeking subject. New Labour policies that not only prevented arrival, but have also had a negative impact on the lives of those asylum seekers and refugees already in the country, such as the removal of employment concession in 2002, or the abolishing of free English language lessons for asylum seekers in 2007 (this applied to England only) were justified as a deterrent for those who wanted to abuse the asylum system (Kundnani 2001: 45). These, and other developments contributed to creating structural barriers to integration, hence undermining government’s policy goal of community cohesion (Mulvey 2010). Marginalised communities tend to further withdraw from the dominant society as there can be no inclusion without meeting the social needs of a given group:

"Government policy, committed to social inclusion has created a category of people who are outside the social welfare system, dispersed into impoverished areas, and excluded from decent and appropriate employment" (Humphries 2004: 104).

British asylum laws founded on reducing appeal rights, removing asylum seekers from mainstream services and in general, tougher treatment of the applicants have created an ‘illegal’ population denied the status of subject-citizen (Tyler 2006: 187). What greatly contributed to this development was the National Asylum Support Service, a separate system of second-class welfare support, a body in charge of providing support to asylum seekers (accommodation and vouchers worth 70% of income support, in August 2009 decreased from £42.16 to £35.13 per week for a single person aged over 25), and their enforced dispersal outside of the capital. Dispersal to substandard accommodation in areas that are already under strain, and reluctant to welcome outsiders, spatially delineates asylum seekers’ social
exclusion, whilst their isolation from others with a shared background only enhances their vulnerability. Shelter’s investigation showed that private agencies which had a contract with NASS placed many asylum seekers in dangerous, overcrowded and extremely poor quality accommodation (Mynott 2002: 118). NASS has been operating on the presumption that the majority of asylum seekers are ‘bogus’ and ‘undeserving’, while the minority granted refugee status are the ‘deserving’. Therefore, in reality, NASS dealt with the withholding of welfare rather than actually providing it.

The process of applying for asylum is a highly bureaucratic, time consuming and extremely stressful procedure. One could expect that, no matter how hard it is to be in a host country, at least safety is something to cherish, but the securitisation of migration and fear of the increasingly diverse ‘Other’ is reflected in escalating racial intolerance against migrants and refugees across Europe (Zetter 2007: 180). According to research carried out by the Refugee Action, one in five of its clients has experienced some form of harassment, and one in three is too frightened to go out after dark (Friedman and Klein 2008: 81). Racist violence against asylum seekers appears to be acceptable in a way which would not be tolerated towards any other group (ACPO 2001) and anti-asylum attitudes are a coded form of racism that is not being challenged in the public realm. EU member states have to protect asylum seekers in authorities-provided accommodation from sexual, but not racial, violence (IRR 2001: 6). And yet dispersal towns are the regions where the most blatant racism can be encountered (IRR 2002). In Sunderland the policy of dispersal had to be suspended after over one hundred reported assaults, and one fatal stabbing of an Iranian asylum seeker; several Afghans were moved from Hull to Sheffield after one was stabbed and another lost an eye, and a Kurd lost his life there; then Firsat Dag was murdered in Glasgow in 2001 (Cohen 2006: 121). In those socially deprived areas competition over scarce resources such as social housing is particularly harsh, and refugees are seen as people who get everything ‘for free’ and such perceptions often trigger hostility. This further complicates the dynamics of racism and results in patterns of social exclusion and marginalisation that are specific only to refugees. However, challenging the
dispersal policy of the National Asylum Support Service on the grounds of racial harassment means forfeiting asylum seekers’ welfare rights. According to Amnesty International (1997) refugees’ basic human rights in a country of asylum include liberty and security of the person and protection from discrimination, so failure to provide protection to life and property is a fundamental breach of those rights.

Even when granted asylum political exiles still need to struggle to begin a new life as their Convention rights are constantly being curtailed in the British legislation. The Exceptional Leave to Remain (ELR), that used to be granted for four years, was abolished in April 2003 and replaced with Discretionary Leave to Remain (DLR), protection given outside of immigration rules and for the period of three years only. The Immigration Rules set out the main circumstances in which someone may be granted leave to enter or remain in the UK whereas limited leave to remain for a reason not covered by the Immigration Rules is given at the Secretary of State’s discretion. The rationale is partly grounded in the "Temporary Protection Directive" of the European Council Directive (2001) regarding the giving of temporary protection by Member States in the event of a mass influx of displaced persons, such as during the war in former Yugoslavia. However, this legislation is extended to cover those who do not qualify for political asylum, have been refused it, or are categorised as “back log cases”, i.e. have been waiting for a decision/ appeal for many years. It usually refers to reasons other than protection (such as compelling medical or humanitarian cases) but it can also be granted on the basis of the European Convention of Human Rights, for instance referring to the rights to privacy and family life and non-degrading treatment. Furthermore, since the introduction of the Immigration, Asylum and Nationality Act 2006, the Indefinite Leave to Remain (ILR), previously enjoyed by all the Convention refugees, have been altered with Temporary Leave to Remain for up to five years. What is important here is that people granted ILR have no family reunion right. This so-called Category ‘B’ refugee status is a phenomenon widely deployed in the developed world where the majority of political exiles are forced to live in a limbo even though, as Roger Zetter (2007: 181)
suggests, there is no basis in international law for temporary protection. Temporary forms of status jeopardize refugees’ integration as they significantly prolong the period before one is allowed to apply for British citizenship, and curtail their rights such as the right to travel\textsuperscript{4}. The \textit{Borders, Citizenship and Immigration Act 2009}, the last immigration act introduced by Labour government before losing power in May 2010, was meant to make naturalisation even more difficult as it introduced special “probationary citizenship” period which was to vary on case by case basis. It meant that those whose status was regularised after a long period of time in the UK (which occurred very often) would have to begin the qualifying period from the start, rather than from when they first entered the UK, or were first granted some form of status. One could therefore argue that the United Kingdom is involved in an enterprise of the stratification of rights (Mulvey 2010: 455) by creating a category of second class citizens (or rather ‘persons of inferior status’) of migrant origin, people who do not have full rights, and who participate in neither the social nor political life of a host country. This raises critical questions about the meaning of ‘rights’ in a democratic country like Britain. It seems that Hannah Arendt’s comments still bear useful insights for an analysis of the UK’s treatment of refugees today:

"Once they [refugees] left their homeland they remained homeless, once they had left their state they became stateless, once they had been deprived of their human rights they were rightless, the scum of the earth" (Arendt 1973: 267).

The state of being devoid of one’s rights constitutes a situation where no act committed against the subaltern group, marginalised and rendered without agency is seen as a crime. For instance, former Home Office Minister David Blunkett, who in June 2002 announced plans to build detention centres especially for asylum seeking children, admitted that he disapproved of allowing children of asylum claimants to attend British schools because he did not want them to be recognised as part of the local community (Tyler \textsuperscript{4} Only those with Humanitarian Protection status granted for five years can apply for UK travel documents, others are expected to use their own national passports; this rule ignores the fact that asylum applicants do not possess and/or do not wish to use passports issued by their countries of origin due to fear of potential repercussions for their families back home.)
2006: 195). Those plans were not implemented, but what matters here is that politicians as policy makers are in a privileged position to influence public opinion through advocating particular policy reforms (Thomson 2003: 3). The Institute for Public Policy Research study of attitudes towards asylum seekers (2005) suggests that politicians play the most significant role in shaping people’s views on asylum. They set the tone for what is then acceptable in the media. Without political commitment to tackle injustice and to re-frame the dominant discourse, negative attitudes are likely to persist:

"It is clear that local authorities, the local state, have been instrumental in creating the moral panic over asylum seekers – depicting them as moral devils and constructing them as social pariahs. It is equally clear that government policy never proceeds from the interests of the asylum seekers but is almost invariably a concession to and a simulation of indigenous prejudice" (Cohen 2006: 120-121).

As mentioned above, asylum seekers are targets of racist campaigns not only confined to rhetoric, but also leading to actual violence. According to the Information Centre on Asylum Seekers and Refugees (2004), negative representations of political exiles in the media are likely to result in racist incidents as there was a correlation between media coverage and extent of harassment experienced by asylum seeking and refugee communities in the aftermath of those publications. In 2004 the Council of Europe criticized the British media for their “xenophobic and intolerant coverage of asylum issues” (Council of Europe 2004). Tabloid press such as the Daily Mail, Daily Express but also, to a lesser extent, the broadsheets like the Guardian and the Independent, have all been reinforcing a fear of asylum seekers through their sensationalist headlines and failure to provide accurate information (Friedman and Klein 2008: 110). The media language tends to be provocative and fuels myths about allegedly generous financial assistance and other ‘hand outs’ given to asylum seekers by referring to those seeking sanctuary as "scroungers", "beggars" and "crooks" who are prepared to cross every country in Europe to reach British generous benefits system. There is no distinction made between asylum seekers, refugees and other migrants, and statistics that are being used are exaggerated or unexplained
(Friedman and Klein 2008: 112). As a result, people overestimate both the number of asylum seekers in the UK and the support they receive (MORI 2000, 2001 and 2002), and in the context of discourse on the scarcity of resources this may lead to an escalation of hostile attitudes towards asylum seekers and refugees. Constantly changing asylum legislation, difficult to follow up even for people working in the refugee field, and very few possibilities to actually meet and develop personal relations\(^5\) with often socially excluded asylum seekers or refugees, all contribute to misinformation and suspicion amongst the public. Public opinion, media and government policy are intertwined, therefore creating a vicious circle of myths and prejudice that is difficult to break (Greenslade 2005). Political parties are allegedly responding to the electorate’s needs, but anti-asylum legislation sends a signal that newcomers are damaging to society.

6. Conclusion.

The devaluation of the institution of asylum and the hostile political environment raise important questions for the study of social care provision to groups deemed undeserving due to solidaristic arrangements characteristic of European welfare states. “Democratisation” of asylum, following the end of Cold War, resulted in the salience of political costs associated with providing sanctuary. There were no longer foreign policy incentives attached to providing asylum, and the exiles did not originate in Europe anymore. Public perceptions of asylum based on falling rates of refugee recognition were sensationalised by media, and reinforced by political elites that wanted to secure electoral victory by appearing tough on asylum. But, rather than interpreting this phenomenon as simply yet another form of racism (notwithstanding the fact that New Labour policy development was in fact very populist-oriented), I will attempt to deconstruct cultural representations of asylum seekers and refugees, and examine discourses

\(^5\) It is worth mentioning here that some asylum seekers threatened with deportation were actually defended by communities where they lived which stresses the importance of having personal contacts with otherwise stigmatized people. See National Coalition of Anti-Deportation Campaigns for details [www.ncadc.org.uk](http://www.ncadc.org.uk)
present in both social policy and social care providers’ responses to forced migrants. In the next chapter I shall look at social constructions of asylum seekers and refugees that reflect a clash between international state system with its national sovereignty paradigm and global political structure embedded in the notion of human rights. The principal concern to be addressed here is the cultural validity of the clinical idiom’s application to refugeedom as well as its consequences for the political rights of this group.
III. The social construction of asylum seekers and refugees: from heroes to victims.

"Often we miss the nature of the duty that we owe to particular refugees, forever seeing refugee admissions as mere acts of charity, rather than acts that might be demanded by the principles of justice”. Gibney, cited in Refugee Council (2005c)

1. Introduction.

As discussed in the previous chapter, the states’ efforts are directed at sedentarization (Scott 1998: 22), that is sustaining territorially defined relationships between citizens and state, and refugees’ mobility threatens this project of bounded states inhabited by sedentary populations. Being unable to obtain the protection of their own state, a refugee must seek protection somewhere else thereby challenging the idea of citizenship based on nation-state as the source of individual rights:

"The twentieth century became the century of refugees, not because it was extraordinary in forcing people to flee, but because of the division of the globe into nation-states in which states were assigned the role of protectors of rights, but also that of exclusive protectors of their own citizens" (Adelman and Suhrke 1999: 90).

We are faced here with a discrepancy between rights arising from common humanity as opposed to those attached to solidaristic interaction within communities. Rights of citizens are prioritised over those who are not citizens, and it is suggested that citizens’ rights will be at risk if made universal (Friedman and Klein 2008: 9). The social construction of refugees reflects limits to the fulfilment of justice beyond the boundaries of state. The ways in which forced migrants can press their claims are limited. This will be analysed theoretically in depth in the next chapter but here the focus is on the dominant idioms used to claim refugees’ rights: victimisation and medicalisation. There seems to be a political representation trap in this respect because if refugees are not represented as victims, it may not be
possible to advocate for their cause since only those victimised are perceived to be deserving of support (and this notion actually derives from the legal definition of a refugee as someone who has experienced persecution, i.e. a *victim* of persecution). As Stanley Cohen (2001: 183) argues, “without patterns of vulnerability and dependency, there is no need for political altruism or social justice”. What is more, asylum seekers, particularly the rejected ones, have very few legal or socially acceptable ways of exercising their autonomy, and writing about those survival strategies, whilst valuable, would present a major ethical problem because such a study could inadvertently feed into a ‘new moral panic’ (Cohen 2002) surrounding forced migrants. This could therefore reinforce a perception of refugees as ‘liars’ or ‘cheats’, and as much as I would like to regain refugees’ agency, and employ the figure of ‘trickster’\(^6\), I would certainly not wish for my study to be used against refugees. I think this problem raises a question similar to that explored in Postcolonial Studies, namely whether the Subaltern\(^7\) can speak (Spivak 2000), and if speaking “of” really means speaking “for” in an effort to change political relations in favour of the disadvantaged. There is no clear answer to those dilemmas, but there needs to be a critical reflection and open debate on researchers’ responsibilities with regards to the consequences and risks involved in choosing a specific cultural representation of refugees.

2. Refugees: between human rights and state sovereignty.

Refugees’ positioning in-between human rights and state sovereignty reflects a tension between the conflictive normative principles that underpin

\(^6\) The character, trope or concept of ‘trickster’ is an analytical category in anthropological analysis of folklore and myths. It broadly refers to a deceitful, resourceful figure capable of reversing power relations in its favour; for instance in African American folk tales it is a cunning slave who outwits his master.

\(^7\) I am using this term here rather freely to refer to the underprivileged and those devoid of power. Subaltern Studies flourished in the 80s as a field of postcolonial theory informed by Gramscian Marxism. Its aim was initially to re-write colonialist historiography of India; in this context the term ‘Subaltern’ referred to stories from ‘below’. Later the Subaltern Studies evolved to designate research on problems of agency, subject positions and hegemony, mainly in the postcolonial milieu.
the modern state system. The right to asylum is a human right: people have the right to ask for protection as political asylum policy recognises the impossibility of human rights in conflict zones (Shuman and Bohmer 2010: 6), but states have the right to refuse to afford safe haven. Political asylum is only one of the remedies for human rights abuses; human rights vision of refugee law would actually refocus away from the provision of sanctuary and toward return to country of origin with human rights abuses eradicated (Hathaway 1991: 116). The concept of human rights locates sovereignty in human life, and by calling for moral obligations to all humans, it does not define political subjectivity in terms of exclusion (Doyle 2009: 130). The doctrine of communitarianism on the other hand ascertains states’ moral responsibility towards citizens before non-citizens, whereby citizenship signifies not only a legal category of membership but also “practices or modes of being, e.g. belonging to a community, contributing, making rights claims etc” - to summarise, the possibility for democratic participation (Doyle 2009: 128). Refugees are silenced because they do not possess the proper subjectivity, i.e. citizenship through which they can be heard (Nyers 1999: 20). Their humanity is therefore being denied, and dehumanisation serves as a defence against the fear of the Other (Kristeva 1991). Once the Other is represented as non-human, she is excluded from the realm of moral obligations. The Other as the abject, the evil, the non-belonging asserts the right to indifference because to believe that someone is ‘one of us’ means to exhibit readiness to come to their assistance when they are in need (Rorty cited in Turton 2002: 74). The fate of strangers is an antithesis to this: they must be kept out, or sent back (see for instance the Conservative Party campaign poster from 2005: “What part of ‘send them back’ don’t you understand, Mr. Blair?”). Those who are not citizens, but who claim the subjectivity of a citizen drawing on cosmopolitanism, i.e. the right to have rights by virtue of one’s humanity, are thereby “putting pressure on the boundaries of citizenship” (Doyle 2009: 129) and challenging the status quo. Asylum seekers, who are neither refugees nor citizens, have a particularly ambiguous identity which allows states to push them to the liminal space where no laws and no rights apply. By defining asylum seekers as a threat, states are able to expel them according to imperatives of state security.
54

(Doyle 2009: 124). This expulsion provides the symbolic cleansing of a nation’s body from dirt, a “matter out of place” (Douglas 1966), and getting rid of havoc in “the national order of things” (Malkki 1995). The figure of a forced migrant represents an aberration in the nation-state system, a contemporary political identity crisis.

3. Cultural representations of refugees as victims.

Construction of refugees as victims is a relatively new phenomenon. During the Cold War they were represented first and foremost as heroes and self-determining political subjects, rather than victims of human rights violations. ‘Political refugees’ as they were then defined, were perceived as persons with skills, capacities, and histories that contributed to their host societies: they were viewed through a political, not a trauma paradigm. Today trauma diagnosis and a medico-legal prism are the preferred ways of affirming refugees’ authenticity (Pupavac 2008: 278) and in Forced Migration studies the hegemony of trauma is the major essentialist representation of refugees (Dona 2007). In the UK the growing number of Limited Leave to Remain statuses tend to be granted on humanitarian grounds primarily by reference to health status. In order not to forfeit the extension of their visa, people with three year Discretionary Leave to Remain should not take up work but play ‘the sick role’ (Parsons 1951). Exemption from social roles is the price to pay for being allowed to stay in the country. Medical professionals exercise a significant level of authority in asylum cases; however, contrary to Parson's model, refugees are not expected to get well. In France persons granted residency on medical grounds are usually not even issued with work permits (Ticktin 2006). Because of the legal importance of the transformation from a person who undergoes torture to a victim, and finally to a patient, an asylum seeker needs to re-image their condition so that they can obtain the moral as well as legal benefits of being ill (Kleinman and Kleinman 1997: 10). This is a discourse which is clearly contradictory to the one of economic activity, and ‘contributing to a
community’, that is to be discussed in Chapter 6. Here, recognition of refugee status appears as an act of generosity toward a “suffering stranger” rather than the fulfilment of a political debt toward “citizens of humanity” (Fassin 2005: 376).

People in the Global North are ready to support the suffering Other through donations to charity organisations like Oxfam, but there is a lack of commitment to political solidarity toward refugees once they seek safe haven in the West. It is more comfortable to watch distant, never wholly present to us, “hyperreal” images of violence which is always mediated by cultural representations; those representations mark the absence of presence (Shapiro 1988). The imagery of victimisation alters the experience so that its moral and political meaning is lost. Images of trauma are part of our political economy (Kleinman and Kleinman 1997: 8) and human misery becomes a spectacle. In order to attract donors, no matter how well intended it is, aid agencies are often forced to represent refugees in an undignified way (Harrell-Bond 1999; Pupavac 2008). As a consequence, human misery becomes consumed rather than witnessed, whilst victimisation discourse creates a particular stereotype of an ideal refugee, not only traumatised, vulnerable and helpless, but also docile and grateful:

"A refugee is not just a person who has been displaced and has lost all or most of his possessions. A refugee is in fact more akin to a child: helpless, devoid of initiative, somebody on whom any kind of charity can be practised, in short, a totally malleable creature" (Mamdani cited in Harrell-Bond 1999: 143).

Having worked in the refugee field as a volunteer, I am aware of how little agency is given to refugees, and how patronising the attitude is of those who work with displaced people. A legally induced notion of a refugee as a victim (i.e. according to refugee law one cannot become a refugee without having experienced persecution) that leads to medical appropriation as a patient has a number of consequences. A victim cannot represent herself – she needs to be represented. Therefore she becomes subdued and unequal, and those who are more powerful have the privilege of defining not only who she is, but
what her very needs are. This will be discussed in detail in the next chapter. Furthermore, this conceptualisation of a refugee might reinforce a refugee’s passivity that is already difficult to tackle for a newly arrived person who does not speak a host country’s language, and whose entire existence is subjected to the charity of others, especially in the context of current asylum policies that forbid asylum seekers from seeking employment.


Conceptualization of refugee well-being is based on the western individualist model whereby the cause of distress is located within the individual, and responses rely on individual therapy (Boyden and Gibbs cited in Dona 2002: 43). Suggested ‘talk therapy’ (shaped by the Christian tradition of the confessional) which is aimed at ‘insight’ and people’s intra-psychic world is alien to non-western societies, as it is carried out in isolation from social, cultural and political contexts that are either ignored or translated into a medical idiom. In Euro-American psychiatry these contexts are of secondary relevance whereas in cases of therapy with people from other cultural backgrounds they should be central, because for them ‘trauma’ happens in social worlds they used to inhabit, and that perished. Trauma also happens in the new ‘alien’ worlds they have reached in order to seek sanctuary. According to Richman (1998: 181) “a mental health approach that has arisen in the ‘egocentric’ context may not, therefore, be relevant in the ‘sociocentric’ context.” For instance, African constructions of personhood represent a person as a being intimately entangled in their relationships with others; thus the western division between an individual and a member of a group is not applicable here (Riesman 1986). For the vast majority of refugees their suffering is of a social kind rather than individual one, and, in non-western contexts, treatment is not focused on problems within a person, but outside her (Dona 2002: 44). For that reason discursive therapy favoured in western psychology might be incompatible with refugees’ own methods of dealing with stressful events. For instance, in his study of Mozambican
refugees Harri Englud (1998) describes how traumatic events are ameliorated through complex mortuary rituals and spirit exorcism. Similarly, in Zimbabwe’s liberation war, improperly buried people haunted their relatives as vengeful spirits (Lan 1985). In Western terminology those spirits’ revenge would be labelled as Post Traumatic Stress Disorder (PTSD) which would probably lead to a therapy’s failure. Medical anthropology, with its insight into multidimensional definitions of pain and healing in different cultures (Kleinman, Das and Lock 1997), is often ignored in western therapy even though the basic concepts of body, mind and soul (or, indeed their very separation) in non-European settings might have nothing in common with those we cherish in the West.

It has been assumed that certain events are objectively traumatic. According to the World Health Organization these include: natural or man-made disaster, combat, serious accident, witnessing the violent death of others, or being a victim of torture, terrorism, rape or other crime (WHO 1992). But do people respond to distress with psychopathology? And what cultural process underpins the transformation of a victim of violence to someone with pathology? The cause of trauma is confused here with the way people process their experience. Suffering is not pathology; what is important is the social meaning that people attach to it. Therefore I would disagree with Jaranson (cited in Friedman and Jaranson 1994: 217) who claims that a medical practitioner is a better psychotherapist because a medical approach is familiar to many refugees. This assumption seems ethnocentric. Firstly, in a non-western context most of the healing takes place in the popular sector of health care, not a professional one (Kleinman cited in Bracken et al. 1995: 1075). Secondly, the pathologisation of pain, and analysis of it in a politically neutral clinical space, makes it incomprehensible for the survivors as we tend to “psychologise political dimensions and pathologize both evil actions as well as human suffering” (Papadopoulos 2002: 29). And yet refugees’ membership of a political or social group was the cause of their persecution (Richman 2000: 181) which is precisely why they sought protection in a safe country in the first place. Thus, if those political convictions that caused them to flee are overlooked
during therapy, then refugees will lack a sense of coherence that is crucial in a recovery process (Bracken et al. 1995: 1076). Thirdly, because in an asylum regime one has to play the sick role in order to claim rights, refugees might begin to believe that doctors, GPs and therapists will resolve their life problems (Harrell-Bond 1999: 152). When a refugee ceases to be a political exile and becomes a patient, then autonomy is given up and professionals gain control over her life: the sick role implies impaired capacity whereby a patient surrenders her welfare to others (Pupavac 2008: 272). This has grave consequences, because it raises questions over refugees’ capacity for self-determination: being a patient might improve one’s welfare, but will not necessarily lead to greater refugee rights.

The notion of Post Traumatic Stress Disorder (PTSD) was invented to describe the experiences of First World War veterans, and later on it was applied to Vietnam War combatants in the USA, that is to say those who inflicted torture, not those who had undergone it (Yawar 2004: 369). PTSD is caused by incompletely processed traumatic memory following the assumption that stress should be processed psychologically by an individual. The reason for this particular therapeutic suggestion is the fact that discourses on trauma have been predominantly shaped by cognitivism which is characterised by a “strongly individualistic approach, universality of the forms of mental disorder and the relevance of Western therapy in non-Western societies” (Bracken 1998: 42). People diagnosed with PTSD suffer from, among other things, the inability to access emotions; restricted range of affect; numbing; estrangement from others; flashbacks; impaired memory; outbursts of anger; fear; paranoia and anhedonia (WHO 1992). Ahearn (2000: 10) argues that “trauma (from Greek wound, injury) and, in particular PTSD, is perhaps the most popular descriptor of refugee health or lack of health today.” According to psychotherapist Athar Yawar (2004: 369) PTSD is, in part, based on universals and, in part, based on cultural constructs. But I would argue that the concept of Post Traumatic Stress Disorder is ethnocentric because culture fundamentally influences all aspects of life, and it is a particular culture that “patterns the characteristic psychological and
somatic processing of the trauma narratives" (Ekblad and Abazari 1999: 332).

In the 1960s, when the category of PTSD was introduced in American psychiatry, therapeutic work was still seen in the broader context of political struggle and political rights, particularly in the case of people fleeing military dictatorships in Latin America. In Poland, those who were fleeing the country because of their involvement in the opposition movement were described as courageous political dissidents, not even refugees. But later, in the 1980s, Euro-American psychiatry contributed to creating a cultural model of a refugee as a victim (Pupavac 2008: 279). The initial powerlessness of refugees in a country of asylum lead to the pathologising, medicalising and labelling of refugees as “helpless and vulnerable” (Steen cited in Harrell-Bond 1999: 153). In the UK the establishment of the Medical Foundation for the Care of Victims of Torture in 1985 marks the shift from political response to psychiatric one. By focusing on the psychological rather than the social world of survivors, medicalisation discourse depoliticises the asylum debate as it helps to avoid the more complex problems that wars and refugee crises draw to our attention, such as global inequalities, the arms trade, or the legacy of colonialism (Bracken, Giller and Summerfield 1997: 440). It has been argued that framing refugee flows in an apolitical manner that emphasises a humanitarian crisis dimension of the flight, hinders comprehension of the political causes behind human rights violations and catastrophes such as famines in sub-Saharan Africa (Dreze and Sen 1991).

The psychologically oriented approach to the refugee experience flourished in the 1990s with a proliferation of psychological programmes aimed at people affected by the war in the former Yugoslavia. Surveys of populations who had experienced political violence were conducted, and between twenty five and seventy five percent of people were found to suffer from Post Traumatic Stress Disorder (Kleinman and Kleinman 1997). However, the methodology of this research remains obscure, and it is not clear whether the findings were expected to confirm the underlying assumptions about refugees. What is more, other evidence suggests that the
experience of war is highly variable and that, under favourable conditions, traumas may be healed with little therapeutic involvement (Englund 1998: 1166). The validity of this therapeutic approach can be questioned further, namely on the inability of psychiatrists to obtain valid testimony from asylum seekers. Opening up is conditioned by the ceasing of precarious life circumstances to which every asylum claimant is de facto subjected to: a medical and psychological story can only be articulated in the context of safety and security (Yawar 2004: 368). What complicates the problem of medicalisation discourse even more is precisely the question of whether Post Traumatic Stress Disorder is a completed process as the ‘trauma’ might not end with leaving the country of persecution. The key issue here is the chronicity of traumatic experiences in a country of asylum where refugees are faced with social exclusion, isolation, stigma, and rejection (Beiser 1999; Ingleby 2001; Silove and Steele 1998; Sinnerbrink et al. 1997). However, the refugee trauma discourse emphasises only one element of the refugee experience, i.e. the actual violence that caused someone to flee. But this is not always the main source of distress: Edith Montgomery (cited in Papadopoulos 2002: 27) in her study of refugee children in the Middle East found that the most disturbing events were “lived in a refugee camp outside the home country”. In Europe, a refugee’s new home may be a lonely, squalid room in a deprived area of a strange town without basic requirements of home such as companionship and safety (Yawar 2004: 368). It is not trauma that defines all refugees’ experience: it is loss of home that all refugees share (Papadopoulos 2002: 9). More importantly, home is not only about origins, but also goals (Papadopoulos 2002: 11). People are capable of rebuilding their lives; what they are incapable of doing is to live without an opportunity to do so, which is often the fate of many asylum seekers and refugees. Problems that they experience often originate in poverty, discrimination and role conflict, and these are treated medically (Higginbotham and Marsella 1988 cited in Bracken et al. 1995: 1073) even though if the needs of social well-being are not met, then effective psychotherapy is hindered (Yawar 2004: 369). Talking about the past is often

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8 For that reason counselling/therapy is not permitted in the British immigration removal centres.
seen as the opening up of old wounds and does not help the healing process. Moreover, chronic depression, which usually accompanies PTSD, may be a direct result of a low sense of control over one’s life (Seligman cited in Von Buchwald 1994: 233) that is experienced by asylum seekers who sometimes have to spend years in limbo waiting for a decision regarding their case. This bureaucratic indifference can intensify human suffering by applying legal, medical and other technical categories that only deepen an individual’s misery (Herzfeld 1992). Asylum seekers are devoid of agency and cannot make even the most trivial decisions concerning their own lives: because of the vouchers scheme they are forced to shop where they perhaps would not choose to; the dispersal system coerces them to live where they would not like to live; and destitution sentences them to jobs that they are often overqualified to do. Furthermore, lack of satisfying work and meaningful contacts with members of their adopted communities breeds numbness and apathy. There is evidence that people who flee their countries are strongly motivated and independent (Von Buchwald 1994: 234) but life in limbo, and the application of a social role of victims and patients can erase those qualities. From refugees’ perspective, lives are shattered; from a host country point of view, human potential is wasted. Refugees have not lost their minds - they have lost their worlds (Summerfield 2003) but, due to medicalisation of contemporary life, what used to be perceived as social is now conceptualised as clinical (Summerfield 2001: 98).

5. Medicalisation of the asylum process.

The use of medical reports in assessing asylum claims offers evidence of the way in which the asylum process in the UK has increasingly become medicalised. A psychiatrist can express a medical conclusion on whether an asylum seeker’s psychiatric symptoms are consistent with her account of trauma (Farbey 2002: 65), or prove that she is unable to return home due to her psychiatric problems and lack of appropriate treatment back home (the latter is usually refuted by the Home Office). This phenomenon is
due to the symbolic power of medical science in establishing official accounts of contested events. One could argue that asylum decisions should be made on political grounds only, but there are not enough expert witnesses involved in the asylum process, which is one of the reasons why the quality of those decisions is so poor. An expert witness is a person with a PhD degree in social sciences, with an expertise in a given region or ethnic group and some legal understanding of the process. She is expected to be fluent in an applicant’s language and usually has a direct experience of an asylum claimant’s country having lived there for at least several years. Therefore she has links with a relevant community, and can identify non-expert witnesses such as members of the same political group that an asylum seeker belonged to, but who had not known him personally. An expert witness closely follows up a political situation in a claimant’s country of origin, as well as in the diaspora, and can provide the most recent information (that the Home Office does not possess) both in her report and in court. In short, her role in presenting the socio-political context of an asylum claim is absolutely crucial but doctors’ opinions are often treated more seriously than accounts of those specialists who are rarely invited to participate in the process. This is in contrast to what Farbey (2002: 65) has argued, namely that psychiatric reports are appropriate only when used to confirm a claimant’s credibility if her testimony is weak due to problems in concentration, impaired memory and cognitive disability that could be the direct result of human rights abuses experienced in a country of origin. To illustrate my point about misapplication of the medical model to refugee experience, I quote a fragment of a medical report that I had access to. This was meant to be evidence for a fresh asylum application (i.e. the person had previously been refused) for Humanitarian Protection on medical grounds. Please note the words I put in italics:

“Mr X claims that he was tortured in country Y because of his political opinions. If it is indeed the case, then a return would not be in his best interests. I am not familiar with psychiatric practise in Y but would expect the treatment of mentally unwell individuals to follow a similar code of practice and ethics to that of any Western society in terms of medication and therapist approaches.”
So there we have a psychiatrist who questions whether his patient is a victim of torture; moreover, he has no knowledge of the political situation in the country of origin. Later he admits that he does not know anything about the mental health service in that country, but nevertheless, in an utterly Eurocentric way he assumes that it is “similar to that of any Western society.” The Home Office routinely refuses asylum claimants whose legal representatives submit such weak medical reports. Luckily for this person, there was another report written by a different psychiatrist and the one I cited was actually not sent out. The other doctor was sympathetic to the case and did his best to strengthen the report e.g. by describing the mental state of the claimant as very bad and requiring specialist treatment available only in the UK. I am familiar with this particular case, and know that the refugee had made several suicidal attempts. He also dramatised his nightmares and flashbacks\(^9\) and made sure that he looked tired and untidy when attending a meeting with his doctor. These ruses were meant to make the report ‘stronger’. The man in question had a strong sense of pride so he did not want to present himself as a fragile victim, perceiving it as a form of self-humiliation, but he knew that it would be more advantageous than showing himself as a survivor. I do not claim that there are no refugees with mental health problems; what concerns me is a particular cultural representation of a refugee. What I argue is that the medicalised and, at the same time, depoliticised asylum system in which one has to play the role of a sick person needs to be critically examined, because this model promotes helplessness instead of providing ways to reconstitute a normal life for a refugee.

6. Conclusion.

We have to answer the following question: are refugees victims or survivors? I think that the reply is very important as it is the starting point of our understanding of the refugee experience. As long as political exiles are

\(^9\) “To be a refugee means to learn to lie” (Voutira and Harrell-Bond 1995: 21).
perceived as victims, the very same power relations that made those people refugees remain unchallenged. Asserting refugees’ subjectivity is a very difficult task. When we portray them as victims we might gain public support for their plight at the cost of erasing their dignity; when we represent them as active social actors, we might risk contributing to labelling them as liars, cheats or a threat. Political solidarity would be useful here, but, in the context of current asylum policies that are aimed precisely at deflecting those rights-based attitudes this might prove to be a real challenge. The complex relation between needs and rights will be examined in the following chapter.
IV. On enlarging moral boundaries: social justice, care and hospitality.

"Democracies should be judged not only by how they treat their members but by how they treat their strangers".  
Benhabib (1998: 108)

"Democracy’s raison d’être is the recognition of the other".  
Touraine (1998: 190)

1. Introduction.

As discussed in the previous chapter, illness is seen as the most successful basis of claiming rights for refugees. I shall now present alternative strategies available to refugees when pressing claims for their rights. Firstly, I shall discuss key issues regarding welfare in order to locate the particular approach to refugee welfare within a broader context. This will then lead towards the distributive principles as defined within the boundaries of welfare state, and the notion of social justice. The discussion will begin on the ethic of care by examining needs and rights whilst insights from anthropology will help to interpret the state’s responses to strangers. This will enable me to understand how the welfare system constitutes a key arena within which issues of inclusion and exclusion are mediated through delineating of redistributive principles along the boundaries of nation-state.

2. Welfare and the state.

Provision of welfare has always been selective and it is crucial to analyse the centrality of notions of race and nation in the welfare system whereby those outside the nation are located outside of welfare (Wolfe and Klausen 1997). National belonging is only one of the many bases for welfare selectivity (others include for instance poverty and disability) but it is the most important one in the context of statutory social care provision to asylum seekers and refugees. According to John Clarke (2004: 31) welfare states are in fact part of a nation-building project: they create a normative image of
a ‘nation’. The intruders - the undeserving - do not fit into this picture, hence vigilance is necessary to ensure they will not be disguised as deserving - as those who belong to the nation (Fraser 1997: 132). For that very reason multiculturalism, with its blurring of the outsider/insider categories, is blamed for the decline of the welfare state (Kitschelt 1995). The post-war view of the welfare state was rooted in social citizenship, thus newcomers were (and still are) perceived as destroying a sense of a community, and creating ruptures within the social tissue of a nation (see Chapters 2 and 3). Asylum seekers are represented as ‘welfare scroungers’ whilst accessing (or rather attempting to access) welfare becomes pathologised as ‘welfare dependency’, akin to drug and alcohol addiction (Fraser 1997: 139).

Dependence on welfare is regarded as a failure of citizenship since a good citizen is expected to contribute to the economy; but asylum seekers are not allowed to work (neither are they entitled to mainstream benefits), and refugee communities are characterised by very high unemployment rates (Bloch 2004) alongside de-skilling and under-employment due to lack of appropriate support to retrain in the UK. Problems with the recognition of qualifications obtained abroad are also a contributory factor. Consequently, forced migrants become vulnerable to exploitation in the black market, and break the law by undertaking clandestine work, which, in the view of recently increasingly “moral character” of the naturalisation process, puts them in a double jeopardy (for instance even a minor criminal record can delay the path to citizenship).

Welfare is delivered both through statutory social care as well as through the Third Sector. In the statutory sector social workers have a duty to assess those who are vulnerable and at risk of harm, and who may need supportive services. Social work espouses anti-oppressive practice (Briskman and Cemlyn 2005; Mullaly 2002; Dominelli 1987; Thompson 2006) although it can be argued that this espousal is compromised because of the status ascribed to asylum seekers through immigration policies (Healy 2007). Access to social and caring services provided through state welfare depends on a person's legal status rather than their need for support, which is at odds with professional values of social work. Nevertheless Braye and Preston-
Shoot (2002: 63) argue that commitment to anti-discriminatory practice is essential, even though it is compromised by asylum law which preserves power structures and maintains structural inequalities. We should then ask to what extent social care practice reflects dominant political interests through bypassing ethical questions; and, if social work loses its ability to question, it will lose its position to promote a difference and will become identified with policies and practices that perpetuate social disadvantage (Braye and Preston-Shoot 2002: 72).

The construction of entitlement to welfare is crucial to my study as exclusion and division are integral to both the ideology of welfare and the immigration system:

"The linking of public funds with immigration eligibility, and indeed the accessing of public funds as grounds for deportation, is as old as immigration control itself, indicating the centrality of race to the question of national welfare" (Hayes 2000: 72).

However, acquiring British citizenship does not necessarily mean the full enjoyment of residence rights. Former Housing Minister, Margaret Hodge announced in 2007 that “indigenous families” should be given priority on social housing waiting lists. In her proposal Hodge suggested that welfare, with its "original" purpose of providing for the "indigenous" British population is threatened by migrants’ claims to equal social rights10. One could argue that the welfare state was actually never intended to apply to outsiders as its aim was to “improve the nation” (Hayes 2000: 71). Welfare conveys normative judgments about what the nation is, and attempts to produce a people who live out those national norms (Clarke 2004: 40). In such a way the welfare state not only constitutes nation and citizenship, but also regulates so called ‘problem’ populations and creates social divisions, which finds its ultimate expression in the creation of a separate ‘welfare’ system for asylum seekers, the National Asylum Support Service (NASS). Here welfare state provision – or rather the lack of it - is used to deter asylum seekers and

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10 This would be actually contravening the policies of local governments whose duty is to allocate access on the basis of priority need.
marginalise them in a project of excluding those who don’t belong: welfare tends to be represented within the framework of what Dikec (2002: 243) calls “the exclusionary politics of home”. However, the notion of home can function as a term of inclusion as well. In his article on the Swedish welfare workers’ reception of refugees Graham (2003) quotes one of Sweden’s welfare state founders, social-democratic Prime Minister Hansson. In 1982 he defined Sweden’s emerging welfare state as “The People’s Home” (*Folkhemmet*), an embodiment of the ideal of egalitarianism:

“The basis of the home is togetherness and common feeling. The good home does not consider anyone as privileged or unappreciated; it knows no special favourites and no *stepchildren*. (...) In the good home equality, consideration, co-operation and helpfulness prevail (...)” (Hansson cited in Graham 2003: 201; my emphasis).

Most importantly, the Swedish welfare state was to serve all members of the society, including noncitizens: there were to be no ‘stepchildren’ in the home. This kind of political discourse belongs to a bygone era, even in Scandinavian societies praised for their inclusive welfare policies. Nonetheless, it is important to acknowledge that a welfare system does not always have to be a punitive arm of the state marking the division between those who belong and those who don’t.

An anthology edited by Banting and Kymlicka (2006) raises concerns about multicultural policies and the effects of ethnic and racial diversity on the redistributive role of the state. Their hypothesis is that there must be a trade-off between recognition and redistribution, and that a multicultural welfare state is a contradiction because multiculturalism undermines the national solidarity and trust that are necessary preconditions for sharing resources with others. This argument is reiterated by Wolfe and Klausen (2000: 28) who claim that

“If the ties that bind you to increasingly diverse fellow citizens are loosened, you are likely to be less inclined to share your resources with them”.

68
However, the authors in Banting’s and Kymlicka’s book suggest that retreat from multiculturalism is restricted to immigration, thus it does not threaten established ethnic minorities. This communitarian vision is shared by Walzer (1983) who argues that states are like families, and that citizens are morally bound to each other. Heyman (1998: 21) heavily criticizes Walzer for attributing the qualities of families to the level of the nation-state arguing that the role of the nation-state is to “create and maintain political frameworks that allow local moralities to thrive”. But Walzer actually supports the idea that these ‘family bonds’ should be extended to those in need of protection, and that refugees (rather than ‘voluntary’ migrants), once admitted, ought to enjoy full membership within a ‘household’. This is an important comment that challenges proliferation of semi-statuses (i.e. forms of temporary leave to remain) granted now to refugees across the European Union. In an attempt to construct solidaristic bonds within a nation Walzer emphasizes the principle of aid for those who are least well off. However, since he focuses on those already accepted as new members of a host society, this does not apply to those awaiting a decision on their claim - asylum seekers (as opposed to individuals already granted refugee status). The solution to both asylum seekers’ and refugee’s precarious socio-political positioning would be a fluid concept of community and denationalising of citizenship. This is a call for citizenship to be renegotiated in accordance with the terms of hospitality, for anyone acting within a certain political space (Doyle 2009: 130). This new form of subjectivity would be ascribed to people according to virtue of presence, not of status.

3. Social justice and the Other.

Fraser (1997: 13-14) reconciles what Banting and Kymlicka (2006) see as incompatible, redistribution and recognition, by introducing notions of socio-economic injustice (taking shape in the form of exploitation, marginalisation and deprivation) and its remedy, redistribution; and cultural/symbolic injustice (expressed in cultural domination, non-recognition and disrespect), and its solution, recognition. She divides those remedies into
affirmative and more progressive, transformative solutions to social injustice. Affirmative remedies for injustice are about correcting outcomes of social arrangements without challenging the underlying framework that generates these inequalities. This approach promotes group differentiation and identity politics (Fraser 1997: 23) and may create injustices of recognition. Transformative remedies on the other hand are aimed at restructuring the framework that produces inequalities (Fraser 1997: 23). They blur group divisions and can reduce social inequality without stigmatising vulnerable people: by redressing injustices of distribution they can help redress injustices of recognition (Fraser 1997: 26). This model can help us understand tensions within social care: the legislative mandate tends to operate like Fraser's affirmative remedy by marginalising the social since the policy emphasis is on individuals rather than the wider systems of inequality (Braye and Preston-Shoot 2002: 68). On the other hand, identifying political and structural issues that require social change would amount to the transformative way of tackling social problems. According to Braye and Preston-Shoot (2002) social work should connect the personal and the political, public and private; in other words, it ought to combine the two approaches. Within this framework the current British approach to asylum can be perceived as regressive since it employs affirmative strategies of group differentiation with respect to both redistribution and recognition. The creation of the National Asylum Support Service clearly delineated asylum seekers from the rest of society, and reverting to the situation pre-2000 when asylum seekers had a right to work,¹¹ and were entitled to mainstream welfare benefits as well as social housing would fall within Fraser's definition of the transformative remedy to injustice.

Fraser's (1997) approach combining redistribution and recognition resonates with Sevenhuijsen’s (2003: 15) idea of relational autonomy in the sense of being able to direct one’s own life only under conditions of recognition and supportive care. This would imply that asylum seekers’ and refugees’ limited political subjectivity could flourish if they were cared for and

¹¹ Nonetheless it was conditional and granted only if their case was not resolved within six months.
cultur ally recognized. However, since they experience what Fraser calls ‘bivalent collectivity’, namely suffering from both types of injustice (i.e. socio-economic and cultural) they need both redistribution and recognition to ease their malaise. Young (1998) is more sceptical about redistribution. In her view social justice stands for the elimination of institutionalized domination and oppression. The former limits self-determination whilst the latter constrains self-development. According to Young (1998: 37) societies can only be socially just if they support institutional conditions necessary for the realisation of those values. Thus decision making structures and procedures, division of labour and culture are more important than the problems of distribution itself (Young 1998: 22-23). It is interesting to contrast those political philosophy perspectives with the one championed by Labour in their *Commission on Social Justice Report* published in 1994. The values of social justice detailed there include the following:

a) *Equal worth of all citizens* (my emphasis). This implies that non-citizens are simply outside of the social justice realm of equality.

b) *Equal rights of citizens to meet their basic needs*. Here rights come before needs: being a citizen gives one a right to being cared for. Needs are interpreted as conditioned by rights that are in turn defined by belonging to a nation-state; furthermore, needs are defined as ‘basic’ (in other words, don’t expect too much help from the welfare state). This is a rather dangerous statement since logically it leads to an assertion that those who are not citizens have neither rights nor needs.

c) *The need to spread opportunities and life chances as widely as possible*. That would be close to Young’s understanding of the state’s obligation to enable human participation and development.

d) *A requirement to reduce and eliminate unjustified inequalities* (my emphasis). The wording is very strange here - what would a justified inequality mean? Perhaps the inequality suffered by non-citizens?

e) *Freedom from poverty*. This would probably imply the redistribution which is a claim also supported by Fraser.
According to this report, the British welfare state assigns its benefits according to a chosen distributive principle of citizenship. The rhetoric of 'rights and responsibilities' implied in the citizenship discourse suggests rights that are bestowed by a political community, rather than those which are inalienable and inherent in humanity (Chakrabarti 2005: 146). Chakrabarti (2005: 146) argues that on the contrary to the promise of rights recourse for "people in the United Kingdom" (rather than only British nationals) in the White Paper "Rights Brought Home: the Human Rights Bill" (Home Office 1997), there is increasing talk of the rights and interests of British citizens rather than of universal human rights in the context of seeking refuge in the United Kingdom. Chakrabarti (2005: 146) argues that the introduction of the Human Rights Act took place alongside increasing dehumanisation of asylum seekers thereby undermining the values and law of human rights in the UK. The plight of the refugee who can only make a claim on the basis of her need and her humanity, puts the universalization of rights to the test. In this case trust necessary for (hypothetical) redistribution to take place must be based on a belief that beneath difference there is identity, essential humanity calling for human solidarity:

"There is no claim of kith and kin to connect us together; there is only the indeterminate claim of one human being upon another" (Ignatieff 1984: 29).

What we witness here is a conflict between human rights commitments and national concern about immigration controls that was indicated earlier in Chapter 3. Whilst a universal focus will centre on the presence of asylum seekers pursuing their claim to human rights protection, a national focus highlights political concern over welfare policy and immigration control (Morris 2009: 217). According to Morris (2009: 224), we are faced here with the conflicting paradigms of fundamental rights (such as Article 3 of the European Convention on Human Rights prohibiting inhumane and degrading treatment) versus policy concerns focused on combating abuse of the asylum system; recognition of the role of social rights versus a concern over resources; and emphasis on the vulnerable position of asylum seekers versus exercise of government powers relating to immigration control. This
conflict of values indicates a deeper, cultural ethnocentric dialectic of ‘one of us’ versus the ‘Other’, blatantly illustrated by a comment made by the former British Defence Minister, Alan Clark, who when asked in a Channel 4 documentary whether he knew that British arms exported to Indonesia were being used to carry out massacres in East Timor, replied: “I don’t really fill my mind much with what one set of foreigners is doing to another” (Death of a Nation, dir J. Pilger, Feb 1994; my emphasis). But once those who had been merely distant images of human suffering on the TV screens manage to reach the Global North, does their plight remain equally ‘distant’, or equally ‘not our problem’? Douzinas (2000: 365) pessimistically argues that refugees are so radically different from us that no similarity can be found: they are a “frightening symbol of the totalisation of difference and of the denial of affinity”. Baier (1995) explains this phenomenon by drawing on Hume in her discussion of American immigration policy in the context of justice and care. She recalls his example of watching a shipwreck from a shore and sympathising with the victims due to the proximity of their plight. Baier repeats after Hume that we are all endowed with a tendency to favour the close, those who share the same language, origin, culture. As Szaänder (2001: 21-22) points out in his study on care and cruelty in modern society, “the capacity to identify with others, and in particular with others’ pain, is promoted by the profound belief that others are similar to us.” However, in order to be moral we do need to extend our allegiances and sympathies, to get beyond our immediate ties and biases.

4. Debate on needs and rights.

According to Esping-Andersen’s (1996) classic definition, welfare is the practice of defining which human needs are to be met by a state and which are to be left to the ‘invisible hand’ of the market economy. The recurring notion of a welfare state is very important in the context of refugees who, to use language of the international law, cannot be protected by their
own state and are forced to seek a refuge in a different state. Consequently, that foreign state should meet the needs of a person who crossed the borders to find protection. However, it is not that straightforward because every welfare state assigns its benefits according to different distributive principles such as need, desert and citizenship which define its “basic moral quality” (Fraser 1997: 49). The decision on which of these three principles will prevail is based on a debate that includes assumptions about human nature, a very significant factor in relation to welcoming refugees as either strangers with whom we don’t have any moral bonds, or as fellow human beings that, to use Emmanuel Levinas’ term (1987), we are morally ‘responsible’ for. The questions of citizenship and contribution to society are also crucial to migration, particularly in the context of the utilitarian character of refugees’ admissions in a given period of time, as discussed in Chapter 2. Categories of ‘need’ and ‘right’ enter the arena but it is by no means evident which is more inclusive: according to Wilensky (1975) welfare state provision is assured to every citizen as a political right, not as charity; this would, of course, exclude any migrant who did not obtain British citizenship. On the other hand, the nature of ‘need’ is no less ambiguous since in this framework eligibility is targeted only to the most disadvantaged (Bryson 1992: 56). Batsleer and Humphries (2000: 7) have argued that the notion of ‘the most needy’ implies surveillance because the politics of needs interpretation is also a politics of discipline, control and subjectification (but equally the politics of needs interpretation could be, in theory, focused on ensuring an appropriate response to deliver the duty of care). Within this residual approach to welfare, need is kept to a minimum (see, for example, the Labour Party’s Report on Social Justice discussed earlier) as no merit is seen in provisions that maintain people at more than subsistence level (Bryson 1992: 56). In the case of refugees, this can be interpreted in moral terms as a lack of hospitality:

“The disbarment of essentials is structured in terms of services to be rendered, begrudgingly. What must be relentlessly evaded is hospitality: don’t expect refuge, only shelter; don’t expect

12 However it is worth mentioning that the international protection law is very weak when applied to asylum seekers as opposed to recognised refugees.
nourishment, only food; don’t expect comfort, only harassment… Any ethical gesture of hospitality has to extirpated… for fear that the parasitical refugee might actually become comfortable in their new home” (Pugliese 2002: paragraph 21).

To illustrate this quote with actual British policy, in an attempt to deter asylum seekers from coming to the UK or, indeed, encourage them to go back home (since their claims of persecution are not believed anyway), their subsistence allowance has been consistently reduced as shown in Chapter 2. Asylum seekers’ calculus of need is therefore 70% lower than that of any other resident of the UK which perhaps suggests that they are not ‘fully’ human. Crosskill (2000: 52) says that the calculus of need is itself a tool of the disciplinary regime because it is central to control of not only budget, but also of dependency and identity. The notion of identity control in the politics of need converges in a peculiar way with immigration controls: for instance, welfare workers are required to contact the UK Border Agency (UKBA) before they provide a service to persons with no recourse to public funds (i.e. those who are subject to immigration controls). This means that the needs of asylum seeker will only be assessed after their identity has been checked with UKBA. Social care professionals are obliged to cooperate with the authorities if a person asking for help is a refused asylum seeker. In other words, in their role as gate keepers, social care providers judge, police, assess and supervise, thereby constituting an arm of a disciplinary society (O’Brien and Penna 1998). According to Alvesson and Skoldberg (2000: 228) this manipulative aspect is eminently present in social care due to its interventions into human life. From this perspective social welfarism can be understood as yet another structure of control that asylum seekers are subject to during the asylum application process, whilst the very act of categorizing them en masse as ‘bogus asylum seekers’ (thus undeserving of protection) in policy documents is predicated on deterrence that serves exclusionary interests of the state. New Labour asylum legislation was based on measures eroding rights of refugees, and, in this institutionalized exclusion enterprise, severe restrictions were placed on welfare entitlements (Bloch and Schuster 2002; Cohen 2002; Cunningham and Tomlinson 2005; Hayes 2004; Mynott 2002). This calls for a philosophical examination of one
of the value bases which, historically, have been central to the development of social work, namely social justice. According to Lynn (1999: 940) social justice in social work practice translates into care, concern and respect for the victims of an unequal social system. Care is seen here as an essential part of the reality of social justice, and social justice is an integral part of caring; social workers are therefore involved in the project of social change. This supports Tronto’s (1993: 166) claim that a dichotomy between care and justice is a false one: she argues that care needs to be connected to a theory of justice in a relentlessly democratic manner (Tronto 1993: 171).

It is the privilege of the powerful to make judgments about the needs of others: what Fraser (1989: 291) calls ‘needs-talk’ is an idiom in which political conflict is played out, and through which inequalities are symbolically elaborated and challenged. For Cruikshank (1999: 40) defining needs that are deemed necessary to fulfil one’s human potential is a mode of governing, defined as forms of action and relations of power that aim to guide and shape the actions of others:

"Any claim to know what is best for poor people, to know what it takes to get out of poverty and what needs must be met in order to be fully human, is also a claim to power" (Cruikshank 1999: 38).

We should then ask what it means to be “fully human”. Doyal and Gough (1991) suggest that all people have the same basic needs, health and autonomy, even though the way they are met varies across cultures. Their universal theory of human need merges biomedical and economical approaches (cultural materialism in anthropology). Whilst I would argue that neither health nor autonomy is a culturally neutral concept13, I find this theory plausible for the purposes of social policy: an individual is 'in need' to the extent that he lacks the resources to participate fully in society. If we were to design ideal services for refugees, they would need to be culturally specific,

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13 The notion of health differs greatly across cultures: for instance shamans in traditional cultures would be treated as mentally ill individuals in the Western context. The idea of autonomy can also be contested in non-western context, for example in many African cultures where one's identity is defined in terms of group belonging rather than individualism.
but since forced migrants are being denied basic necessities such as food, clothes and shelter (which are defined as universal human needs), I believe the discussion should be framed pragmatically within a universal theory of human need. Furthermore, its political potential for change is far greater than a culturalist attention to difference that can potentially further distance the Other from 'us'.

People not only need food, clothes and shelter but they also need respect, dignity, love and solidarity with others (Ignatieff 1984). Within this understanding, asylum seekers are indeed dehumanised - often destitute or living in abject poverty, devoid of the respect and dignity that come with earning a living, away from their loved ones, and unable to form ties of solidarity with host communities. So how can they reclaim their humanity through calling for their needs to be fulfilled? Fraser (1989: 294-5) created a model of sociocultural means of interpretation and communication, namely an ensemble of discursive resources available to members of a given social collectivity in pressing their claims. This includes the following:

1. *The officially recognized idioms in which one can press claims.* If we apply Fraser's model to refugees, we can identify needs-talk in campaigns calling for an end to asylum seekers' destitution; rights-talk when referring to refugees’ rights as prescribed by the Geneva Convention; and interests-talk illustrated by the government’s utilitarian approach to migrants in general.

2. *The vocabularies available for instantiating claims within these idioms.* For instance, national vocabularies of protecting the nation against the influx of foreigners are evoked in anti-refugee discourses (please refer to Chapter 2), or a medical vocabulary of trauma is being used to define refugees’ needs (please see Chapter 3).

3. *The paradigms of argumentation accepted as authoritative when assessing conflicting claims.* See the previous chapter on a condition that Fassin (2000) calls “biolegitimacy”, the legitimisation of rights in the name of the suffering body. Ticktin (2006: 33) refers to the same phenomenon as “trading biological integrity for political recognition".
4. The narrative conventions available for constructing stories which are constitutive of people's social identities. As discussed, today the narrative of suffering is the most prominent one: refugees are represented as victims rather than heroes.

5. Modes of subjectification. There are the ways in which various discourses position the people. Again, refugees are treated as victims with very little or no agency.

Having applied Fraser’s model to asylum seekers and refugees, we can see that their needs tend to be pathologized, i.e. framed in a medical idiom of trauma that has been discussed in detail in the previous chapter. This brings us back to the points raised earlier by Cruikshank: medicine is a very powerful (because it is quasi-objective) tool of social control. Mollica (1992: 25; my emphasis) argues that those medical and psychological approaches have resulted in a lack of expression by the survivors of their own political, social and personal needs. In other words, medical framing of refugees’ needs aggravates their lack of political subjectivity and frail rights.

5. Ethic of care.

The relationship between needs, care, rights and justice is a highly contested one. Let us go back to the question of needs first. Sevenhuijsen (1998: 82) defines care as an activity in which understanding of needs is essential. Priority of need is an official discourse of the British welfare policies, and social care providers have a duty of care towards all vulnerable people. However, only those asylum seekers who have their needs classified as "destitution plus", i.e. those who have special care needs not arising from destitution, can access social services under Section 21 of the National Assistance Act. The threshold was further increased following the Slough Ruling in 2008 which formulated a distinction between needs catered for by health services and social care needs. For instance, the legislation excludes HIV positive asylum seekers from social care provision unless their condition is very severe and has impact on their daily life activities. Therefore we can
see that needs (or rather, needs’ interpretation) cannot guarantee a just
treatment of people. But neither can political rights – one could argue that
those refused asylum should not be here in the first place. Only if we
consider what Agamben (1998) calls a ‘bare life’, a bare common humanity,
can we reclaim refused asylum seekers’ needs and rights.

In her analysis of American immigration policy in the context of ethic
of care Baier (1995: 1) argues that a need should be a determiner of who is
allowed entry. But there is a conflicting claim here: are those escaping from
hunger less in need than those fleeing political persecution? In the case of
rights, the situation is clear: since the USA is a signatory to the 1967 Protocol
Relating to Refugees, those who are persecuted on political grounds should
be given a priority. Certainly this is due to the fact that our moral obligations
are framed within the discourse of rights and justice, rather than within an
alternative project of care ethic and needs. The question is whether those
two perspectives have to contradict each other. Tronto (1993) argues for an
enlargement of moral boundaries whereby justice and care would
complement each other. Similarly, Fraser (1989) calls for the translatability of
needs claims into social rights: if we all have the same needs\textsuperscript{14}, then we all
should have the same rights (Ignatieff 1984: 52). Within the framework of
care ethics people are entitled to what they need because they need it,
rather than because they ‘earned’ it (Tronto 1995: 3). A human being does
not have to justify his entitlement because it inheres in his humanity (Ignatieff
1984: 35).

According to Sevenhuijsen (1998) ethics of care involves
responsibilities and relationships rather than rights and rules. But we need to
examine how it would apply in the context of refugee protection, particularly
its legal framework. The category of a refugee is first and foremost a legal
one: the institution of asylum is an ancient one but in its modern form it is
entirely reliant on wording of the Geneva Convention. As has been shown in

\textsuperscript{14} Tronto (1995) believes that care processes should be regarded as culturally specific rather
than universal whereas Sevenhuijsen’s (2003) approach is based on the idea of relationality
that can be seen as a cross cultural concept.
Chapter 1, international protection law is not legally binding on its signatories, but, nevertheless does provide a framework for a state’s response to a refugee crisis. We cannot predict what would happen if we removed these justice concerns for rights and replaced them with the ethic of care; it is doubtful that sovereign states would then ‘care for’ the displaced and the dispossessed. As Bauman (1993; 1995) rather pessimistically suggested, the distance between people prevents all moral relations between them. The invisible Other becomes the morally lost Other as no moral relations can thrive between strangers. Sevenhuijzen (1998: 108) reinterprets Hume arguing that morality is not based on respecting other people’s rights, but lies in the ability to recognize others. But can we recognize others if we don’t believe that they have the same rights as us? To continue with Bauman’s thought, we could say that the Holocaust happened because the Jews were not seen as ‘human’, i.e. endowed with the same human rights as Germans therefore they were not ‘worthy’ of care. But we could also say that those people who saved their Jewish neighbours did this on the basis of care born out of human relations rather than their belief in human rights for all. Similarly, in an animated film about Israel’s involvement in the 1982 Lebanon War, “Waltz with Bashir”, a well-respected Israeli journalist, Ron Ben-Yishai, is only able to empathise with the predicament of the Palestinians when he extends his bonds of care, rather than justice. He visits Sabra and Shatila refugee camps just after the Lebanese Phalangists’ massacre where he sees the corpse of a small girl who looks exactly like his own daughter. Only then is he able to acknowledge what happened with the compliance of Israeli forces stationed around the camps. The humanity of Palestinians is thus reclaimed on the basis of their needs (i.e. the small girl had the same need of care as Ben-Yishai’s daughter) rather than the rights that those supporting the Israeli government do not wish to grant them.

We could ask whether an act of charity derives from care or justice. For instance, I could help a homeless man because I care about him, i.e. I recognize that he has the same needs as me, and I don’t want him to feel cold. On the other hand, I could help him because of a belief that it is unjust for some people to be homeless when others enjoy warm houses; I could
say that the man has the same rights as other people, that is the right to shelter. Regardless of my motivations, I would act morally, I would "enlarge moral boundaries" (Tronto 1993). We could ask then what is more inclusive, justice or care, which perspective is more politically potent, and whether one of them is the precondition of the other. Sevenhuijsen (1998) argues that care of all is the premise of justice. Heyman (1998: 16) in his anthropological study of the moral dimensions of the American immigration policies draws an ideal of mutual moral regulation which fits with Sevenhuijsen’s ethic of care because it emphasises relationships and focuses on how people learn to act morally rather than abide by asocial rules for what is and is not moral. I agree with both Sevenhuijsen (1998) and Tronto (1993) that we need the two: justice and care, since an improvement in one domain enables the other to flourish. Justice and care should then be perceived as collaborators rather than contenders. This point is also raised by Narayan (1995: 4) who provides a well-thought proposition for successfully combining care and justice discourses in what she calls “practical and political efforts to make our world more conducive to human flourishing”. She argues that in some situations justice is a prerequisite to care. Narayan gives as an example the low social position women hold in India, and the systematic fatal neglect of female children. Here lack of equal rights for women leads to the withdrawal of care for girls; in other words, women do not have the right to care. In the case of refugees this point can be illustrated by torture survivors who are detained in British immigration removal centres - once they are refused asylum, they are refused care.15

On the other hand, attention to needs and care might enable justice to emerge. Narayan discusses how a focus on the predicament of the poor in affluent societies might bring about a change in institutionalizing their welfare rights. Currently in the UK some campaigns defending asylum seekers highlight the destitution suffered by those who are rejected claimants: in this context it is the cultivation of care that is hoped to foster the notion of rights

15 The Home Office recognises that torture survivors should not be detained but due to the difficulty of accessing detainees by independent medical professionals, and a disputability of torture’s accounts, this is often the case. For more details see www.medicaljustice.org.uk
(e.g. Still Human, Still Here campaign supported by many organizations including Amnesty International, Refugee Council, Red Cross and a network of faith-based groups). The campaigns drawing on justice considerations (e.g. Just. Fair campaign run by the Refugee Council which is using slogans such as 'Asylum is a Human Right') are less powerful following the devaluation of the word ‘asylum seeker’. Since asylum seekers are en masse perceived as ‘bogus’ rather than ‘genuine’, then referring to the right to asylum enshrined in the Geneva Convention is less likely to gain public support. Due to the predominance of a medical discourse of humanitarianism, only the suffering body is seen as a legitimate manifestation of a common humanity, worthy of recognition in the form of rights (Ticktin 2006: 39).


As discussed above, debates about welfare include assumptions about human nature, character of citizenship, causes of poverty, sources of entitlements and last, but not least, deliberation on what counts as a contribution to a society (Fraser 1997: 123). The last point raised by Fraser needs a closer examination in the light of classic anthropological theories that analyse social functions of giving, and especially patterns of reciprocity towards strangers. French anthropologist Marcel Mauss (1954) is the author of a highly influential comparative study on gift and exchange in traditional societies. His main point is that gifts received need to be repaid as great acts of generosity are in fact not free from self-interest; what seems to be voluntary, spontaneous and disinterested is in fact obligatory and interested. More interestingly, gifts are offered to those with whom one has an ambiguous relationship - in the European context this is reflected in the meaning of the Latin word hostis which signifies both guest and enemy. In traditional societies (but also in European folklore where the figure of a guest, often an angel or Christ in disguise, tests people’s benevolence) strangers are endowed with ambivalent powers: they can bring both happiness and misery to a host’s household. Strangers do not categorically
fit into a dualistic model of friend versus enemy as they dodge and obstruct this opposition (Beck 1998: 127–8). In this sense refugees are the ‘ideal strangers’ because they challenge the nation-state status quo, cross boundaries (both in reality and metaphorically) and question homogeneity of cultural identities.

This set of anthropological theoretical contributions would explain the increasingly conditional reception of all migrants in the UK: if you can’t contribute to the British society, then you are not welcomed here (see for example the Government’s Green Paper, *The Path to Citizenship: Next Steps in Reforming the Immigration System*, Home Office 2008). This approach runs against the principles of the Geneva Convention, but Mauss’s insight helps us understand the long history of the rather utilitarian character of the British hospitality toward refugees (see Chapters 2 and 6), hospitality that imposes obligations of reciprocity and moral indebtedness on the guest. The debate becomes even more heated when discussing strangers’ entitlement to the British welfare system. In order not be perceived as ‘welfare scroungers’, migrants are expected to give something back to their newly adopted communities. The idea of reciprocity is thus deeply ingrained in both social and migration policies.

Derrida challenges this interest-based attitude to strangers and proposes a more radical understanding of hospitality. He also points to the arbitrary nature of the host-guest relation and fundamental instability caused by such a deep ambiguity. But this fear is precisely what we should be challenging if we want to act morally: Derrida (1997) writes beautifully about an ‘unconditional hospitality’ that is welcoming the Other “whoever he or she is unconditionally, without asking for a document, a name, a context, or a passport”. He does recognize how frightening this unconditionality is because of the Other’s ability to displace, undermine and even destroy. But he says that he is open to the best and the worse that such an encounter can entail:
"Pure, unconditional or infinite hospitality cannot and must not be anything else but an acceptance of risk. If I am sure that the newcomer that I welcome is perfectly harmless, innocent, that (s)he will be beneficial to me… it is not hospitality. When I open my door, I must be ready to take the greatest of risks" (Derrida 1999: 137).

For Derrida (2002: 101) politics that do not maintain a reference to this principle of unconditional hospitality is a form of politics that loses its reference to justice. His views are echoed by Levinas's (1987) philosophy rooted in Judaism, in line with the Biblical commandments of absolute hospitality. Hermann Cohen (cited in Weiler 1992: 66), a philosopher of religion explains that in Jewish thought the stranger was to be protected not because he was a member of one’s family, clan, religious community or people, but because he was a human being; in the alien, therefore, man discovered the idea of humanity. Once again we witness the tension between the universal concepts of humanity put forward by Derrida as opposed to the particularistic interests of the state implied by Mauss's theory of gift.

Another interesting insight is owed to an American anthropologist Michael Herzfeld (1992) who, himself drawing on Mauss’s work, in his study on the symbolic roots of Western bureaucracy, compares bureaucracy to hospitality. According to Herzfeld (1992: 109) bureaucratic classifications are employed by the state in order to distinguish between insiders and outsiders: there is no bureaucracy without taxonomy. Thus he argues that both bureaucracy and hospitality are about incorporation and exclusion because they are arenas where “people are engaged in a struggle to establish or deny common humanity” (Herzfeld 1992: 173). This refers back to our discussion on social justice as refusing hospitality is a denial of common human bonds, and an obvious expression of indifference toward the Other’s suffering.

Ex. 22.20: And a stranger shalt thou not wrong, neither shalt thou oppress him; for ye were strangers in the land of Egypt. Lev. 19.33,34: And if a stranger sojourn with thee in your land, ye shall not do him wrong. The stranger that sojourneth with you shall be unto you as the homeborn among you, and thou shalt love him as thyself; for ye were strangers in the land of Egypt. Lev. 24.22: Ye shall have one manner of law, as well for the stranger as for the homeborn; for I am the Eternal your God.
Bureaucracy, like hospitality is an attitude towards strangers. In this relationship of dialectic differentiation a bureaucrat is akin to a ‘host’, whilst a client becomes a ‘guest’. This is particularly interesting when applied to this study whereby I examine the response of front line social work to asylum seekers and refugees, both ‘clients’ and archetypical ‘strangers’. A ‘servant’ – a street-level bureaucrat – is expected to provide a service to a dependant; but, in her role as a bureaucrat she can question if a claimant is entitled to a service at all. More importantly, a client’s improper behaviour is an insult to national integrity and violation of moral obligation towards the host (Herzfeld 1992: 175). This is very striking in Labour’s discourse on “bogus asylum seekers abusing Britain’s hospitality” (Tony Blair’s Foreword to Five Year Immigration Strategy, Home Office 2005; on a similar rhetoric used by the Tories, see Jones 2005). ‘Misbehaving’ strangers are threatened with the ultimate opposition of hospitality – deportation from the British soil.

7. Conclusion.

This study aims to question parochial notions of care that conceptualise it in terms of protection of what is considered as one’s own people. The principle of social justice is not about ties within one’s own group, but about “readiness to extend the circle of recognition to unknown people who are not at all like us” (Cohen 2001: 183; my emphasis). This is what Sevenhuijsen (2003: 14) refers to as an ethic of care, defined as “stepping outside the boundaries of one’s self” and “being attentive to the needs of others” outside of the frames of ethnocentrism. Ethnocentrism is very dangerous here because it facilitates indifference to the fate of others (Herzfeld 1992: 167). In other words, the task of social justice is to establish common humanity and challenge existing power structures. What is central to my study is that care reveals relations of power: lack of care for asylum seekers and refugees reflects political values that are being employed in today’s Britain (Tronto 1993: 172).
V. Methodology: examination of statutory social care provision to asylum seekers and refugees from three different perspectives.

1. Purpose of the study.

   The purpose of the study is to gain an insight into the influence of British asylum policies on welfare state provision to asylum seekers and refugees with temporary leave to remain (Discretionary Leave to Remain and Humanitarian Protection). Both asylum seekers and refugees with temporary leave to remain share the same uncertainties because their situation is not settled. Another reason why I have chosen to look at those two legally non-synonymous categories of forced migrants is a political one: in the current discourse, the expression ‘asylum seeker’ implies undeserving protection, and even the term ‘refugee’ has recently been replaced by ‘genuine refugee’ (see Chapter 6 on the analysis of social policy documents). This kind of moral coding through boundaries maintenance is omnipresent in social policy, and in this case it juxtaposes ‘good’ and ‘bad’ migrants. More importantly, the categorization is viewed as independent of racial and ethnic characterization, thus it allows a government to refute allegations of drawing racist exclusionary policies directed at asylum seekers and migrants in general (Clarke 2004: 69). In other words, it is an attempt to desocialize social divisions and naturalize inequalities.

   The study provides valuable knowledge about how social care professionals may challenge or comply with the government's policies in their practice, and what the consequences of their actions on the lives of asylum seekers and refugees are. On a more theoretical level, the aim of the study is to examine the role of state welfare in the British immigration system as social care provision needs to be understood in relation to asylum policy that regulates inclusion or exclusion of forced migrants. I argue that the discourse which constructs refugees as the ‘Other’ justifies inequality and normalizes the subjection to socio-economic and symbolic injustice which is experienced by this group.
2. Research aims and questions.

This study focuses on the ways that welfare entitlements available to asylum seekers and refugees with temporary protection (Discretionary Leave to Remain and Humanitarian Protection) have been curtailed in the context of anti-asylum legislation in the UK. It explores through qualitative research the relationship between social policy, social workers’ practice, and the experience of accessing statutory social care by adult asylum seekers and refugees. The research questions of the study include:

- How does the government conceptualise the problem of asylum in their policy documents?
- What are the responses of front line practitioners to those policies?
- What impact does a service provision (or lack of it) have on individual well being of asylum seekers and refugees?

In the context of the concepts identified in the previous theoretical chapter, the specific aims of this study are to:

- Critically examine statutory social care provision to asylum seekers and refugees;
- Evaluate normative frameworks and discourses present in policy documents relating to persons subject to immigration control and their welfare entitlements;
- Analyse how front line workers may undermine as well as implement policies in their practice;
- Examine the ways in which social workers negotiate ethical dilemmas in relation to refugees;
- Explore how asylum seekers and refugees experience access to welfare state provision.

These research questions will be analysed in relation to adult asylum seekers and refugees who have temporary leave to remain since the research on children, particularly unaccompanied asylum seeking minors,
has, in recent years, been fairly abundant (see for example the literature review on asylum seeking and refugee children by Rachel Hek 2005). The focus on children rather than adults might be due to more easily generated political support for their plight (and it is worth pointing out that children in the British asylum system are treated as harshly as adults, for instance they are also being detained in immigration removal centres) that stems from a particular Western conceptualisation of childhood as a period of innocence and protection.

3. Theory applied to the study.

The set of concepts described in the previous chapter was contributory to my research design, namely methodological approaches to this study: design, data collection and analysis. With regards to the choice of the overarching theoretical approach, I started off with Durkheim and his refusal to account for the role of individual agency in social life. Since this did not apply to this research I went back to Lipsky (1980) and his recognition of negotiating of legislation in front line work. However, the former focused on a system without individual experience whilst the latter tended to emphasize experience without system. Therefore what I needed was a social theory that accounted for phenomena as the product of action and agency, a sort of middle ground that acknowledged both, structure and system, as well as individual action.

Giddens’s (1984) structuration theory focuses on this intersection between social agents and social structures thus bringing together macro and micro factors. Giddens argues that structure (i.e. resources and rules) is implicated in each moment of action, and that it is at the same time constraining and enabling. Structure is the medium and outcome of the conduct it organizes (Giddens refers to this as duality of structure), thus we can speak of mutual dependence of structure and agency: for instance, street-level bureaucrats help reproduce prevailing relations between
individuals and government organisations (Lipsky 1980: 180). The following terminology derived from structuration theory can be applied to this study:

1. **Agency of “knowledgeable and capable subjects”**— here this would refer to social workers implementing policies. Giddens (1984) claims that social life is produced by informed actors.

2. **Structure**— in the context of this study, structure is constituted by government policies on asylum seekers and refugees. According to Giddens (1984) structure is both influenced by and influences social change, i.e. it is recursive.

3. **Dialectic of control**— Giddens argues that every agent has got some degree of power: “Power is never merely a constraint but is at the very origin of the capabilities of agents to bring about intended outcomes of actions” (Giddens 1984: 173). This emphasises the subversive potential of the role of frontline social care providers.

What is significant in the case of this study is Giddens’s insight that there is a connection, or indeed an interaction, between human agency and the structures of society. Society changes through human agency: Giddens (1984) calls this process of social change in a society ‘structuration’. As Lipsky (1980: 161-162) showed in his work, street-level bureaucrats exercise a high level of discretion in their work, sometimes even subverting official policies. Discretion (Giddens’s ‘agency’) and rules (the ‘structure’) are interrelated as freedom of action is embedded in duties and obligations (Hupe and Hill 2007: 280-281). Rules, often vague, need to be interpreted, and the more complicated they are (like in the case of constantly changing and complex asylum legislation and asylum-related policies), the higher level of discretion they entail on the part of those who are to implement them:

"Actors may be faced with situations in which rules are ambiguous or even contradictory. Over time, the number of rules they are expected to apply may have grown. At the same time these actors work under an action imperative: they have to act. Actors see themselves forced to make choices: choices about how to deal with a specific rule – in
This contention clearly overlaps with a discussion on moral dilemmas faced by social workers in their practice: identifying decision situations in which discretion is more likely to occur, and its evaluation in normative terms is one of the aims of this study. Front line social care professionals construct and reconstruct policies’ objectives and outcomes through interactions with their clients. Barnes and Prior (2009) see this process as an on-going struggle to establish meanings which allows for dynamics of ‘subversion’ - either a progressive or regressive one - to emerge. In the case of this study, a progressive subversion would mean tackling social exclusion through commitment to social work’s ideals of anti-racist and anti-discriminatory practice such as counteracting stigma and the protection of vulnerable groups. Discriminating against groups perceived as ‘undeserving’ (i.e. asylum seekers and refugees), and prioritizing the needs of those who belong to the national community would be an example of a regressive subversion. Social care professionals may be influenced by negative social perceptions of asylum seekers and refugees disseminated by the media, advocated by politicians, or indeed constructed in the asylum legislation and policy documents such as the *Five Year Immigration Plan* (Home Office 2005). As a consequence, we witness a complex interplay between individual workers’ own attitudes and knowledge, and the prevailing social responses to these groups of service users (Okitikpi and Aymer 2003). Then the task of social care agencies in the statutory sector becomes a very difficult one indeed: a choice between duty of care and state enforcement, a truly Sophoclean dilemma when a welfare worker must choose between common humanity and loyalty to the authority.
4. Methodology.

a) Qualitative research.

The study is based on qualitative methodology as the research questions are focused on discourses present in social policy and in social workers’ narratives, as well as on the analysis of refugees’ experiences of accessing welfare support. The key advantage of qualitative methods is that they allow participants to define the situation in their own terms thus drawing attention to meanings people give to the social world. This is also applicable to the analysis of social policy documents whereby different social meanings are allocated to different categories of migrants. Through language, representation and discursive context, different forms of subjectivity (that is, a person’s idea of her or himself) are constituted: a social worker may represent herself as an enforcer of the government’s policies or a benevolent defender of the oppressed; a refugee may represent herself as a victim of injustice or as an active agent reclaiming her rights.

In qualitative studies, language is not merely an expression of subjectivity but rather the very element that shapes it. This also gives expression to particular power relations as certain discourses dominate over others (Alvesson and Skoldberg 2000: 164-5). According to Hajer (1995: 44) discourse is “a specific ensemble of ideas, concepts and categories that are produced, reproduced, and then transformed to give meaning to physical and social relations”. It establishes interpretations of a phenomenon that then become ‘taken for granted’. Nonetheless, hegemonic and challenging discourses compete with each other due to the partial, contradictory and unstable character of dominant strategies (Gramsci 1973). For that very reason domination is always fragile and always needs to be reproduced (Clarke 2004: 159), whilst actors need to constantly recreate social systems, either reproducing or transforming them in the process of remaking of what is already made in the continuity of praxis (Giddens 1984: 171).
Qualitative researchers work with words rather than numbers, and are interested in depth rather than the breadth since words, in contrast to numbers, have multiple meanings (Huberman and Miles 2002). This type of research usually does not claim to be representative because it does not draw from a large sample of a given category of respondents, instead seeking to acquire in-depth information about a smaller group of participants. Nonetheless, this lack of empirical representativeness does not undermine a study’s conceptual generalisability that emerges thanks to robustness of analysis. The aim of qualitative research is to learn about how and why people behave, think, and construct meanings, rather than attempt to produce generalized statements about groups of people. Qualitative research highlights the situated and meaningful character of social interactions and seeks new understanding thereof. It spans the micro-macro spectrum and allows for the study of both structural and processual phenomena. For that reason, it is particularly well suited to tackling a problem on several levels of analysis, such as, in the case of this study, discourses that are present in social policy documents, social workers’ agency in response to asylum seeking service users, and refugees’ accounts of accessing social care.

b) Epistemology – social constructionism.

Epistemology constitutes a researcher’s view of the world, and an understanding of how to recognize the social reality, and how to grasp social meanings. Choice of epistemology influences both the types of questions asked and the choice of techniques used because they are based on assumptions about the nature of knowledge and the manner in which it can be attained. Meaning is understood here as a product of prevailing discursive practices, and those powerful structures have political consequences. This assumes ontological, epistemological and moral relativism: things exist within conceptual systems that may be real for some people, but not for others; theories are historically situated; and their value is culturally and historically specific. In this research project, social constructionism offers an appropriate
epistemological position to explore Othering, a form of social construction that entails the invention of categories and ideas about people marked as inferior to a dominant group. Difference is defined here as a deficit and used in maintaining symbolic, spatial and/or interactional boundaries between dominant and subordinate groups (Barth 1969). The reproduction of inequality relies, amongst other things, on the dominant group’s act of limiting Others’ access to valued resources (Schwalbe et al. 2000: 430). We can observe a similar process when we look at social constructions of target populations (e.g. of asylum seekers as ‘bogus’ thus ‘undeserving’) and the way they influence the policy agenda as well as the rationale that legitimates policy choices. Those cultural representations may refer to popular (e.g. xenophobic) images of a group evoking highly normative metaphors and stories; they function as keywords carrying connotations that can powerfully influence the discourses they permeate, in part by continuing a body of doxa, or taken-for-granted commonsense beliefs that escape critical scrutiny (Fraser 1997: 122). In turn (see also Giddens’s structuration theory), social constructions become embedded in policy as messages communicated to social care professionals hence affecting their work with asylum seekers and refugees. In such a way policy reinforces particular notions of refugees. However, it must be emphasized that those social constructions are competing, and that social workers are not passive recipients of those messages - instead, they reproduce, construct or resist them. The relationship between cultural representations of refugees and the way they are portrayed in policy documents is not a one way process either - both influence each other and are constantly reconstructed.

According to Fraser (1997: 122), the struggle to define social reality and to interpret people’s aspirations and needs is the most crucial element of politics, and this struggle can be interpreted in social constructionist terms. Policy sends messages about what a government is supposed to do, which categories of people are ‘deserving’, and what kinds of attitudes are acceptable in a society (Schneider and Ingram 1993: 334). Groups which are portrayed in a positive light will be rewarded whilst claims of powerless populations will not be recognized. This is what Lipsky (1980: 182) calls a
“rationalization of neglect” of the subordinate clients due to prevailing attitudes toward the stigmatised groups. If asylum seekers and refugees are seen as ‘undeserving’, then priority can be easily given to other groups whose claims are perceived as legitimate. Then the question of need, and prioritizing those who are the most needy would be overridden by the issue of eligibility; this highlights the tension between duty of care and state enforcement that is being examined in this study.

c) Researcher’s “accountable positioning”.

Following these social constructionist insights, it must be stressed that researchers are not value-free individuals because, as members of society, we cannot detach ourselves from values that we hold dear. However, we need to examine how our own values, experiences and interests shape our research project in an attempt to represent ourselves as engaged, yet equally perceptive, knowledgeable social actors. We need to admit that we occupy a particular position which entails a specific view of what we study, as well as our approach and interpretation, because knowledge production does not take place in a cultural vacuum.

Being an anthropologist, and not a social care professional, I believe that I have an advantage of an outsider, namely the ability to see what those who are insiders take for granted and therefore perhaps do not question. However I do have an advocacy standpoint but, to quote Sandra Harding (1991: 109-10) here, “Can there be ‘disinterested knowledge’ in a society that is deeply stratified by gender, race and class?” I agree with Harding (1991: 11) that all knowledge is always socially situated thus never value-neutral. Furthermore, this is precisely what deliberative policy analysis emphasizes, namely contextual nature of knowledge; it also challenges a positivist, uncritical and apolitical approach to the subject (Hajer and Wagenaar 2003). Along with the recognition that a ‘neutral professional’ does not exist (Batsleer and Humphries 2000: 12), those arguments support what Wendy Brown (2001) calls a productive tension and engaged separation
between politics and theory. According to anthropologist Renato Rosaldo, (1989: 19) a researcher, as a positioned subject, grasps certain phenomena better than others. The notion of position refers here to how life experience both enables and inhibits particular kinds of insight. Rosaldo (1989) elaborates on this point referring to his ethnographic research on the Ilongots of the Philippines. To summarize Rosaldo’s ethnography, Ilongots practice headhunting when in bereavement as their grief takes the form of rage. Despite many years of fieldwork on this group, Rosaldo was unable to comprehend the relationship between deep sadness and anger in the Ilongot culture. This changed when his wife, also an anthropologist, died in an accident during her fieldwork. Rosaldo explains that for the first time in his life he experienced rage in bereavement – he was upset with his wife, angry that she was not careful enough (she fell into a river from the edge of a slope), that she was “stupid enough” to die. That gave him a surprising insight into the studied population. Following on from this both personal and professional experience, Rosaldo advocated a greater reflexivity and subjectivity in both research and writing. He called for researchers to identify their own ethnic, class, and gendered perspectives. Reflexivity allows us to be cautious when assuming how our own way of making meaning coincides with others (for instance, we could question how Ilongots’ concept of rage can be translated into the Western way of understanding anger) as it critically examines to what extent personal experience is really useful, and how we can apply it in order to enrich our research.

d) Reflexivity.

All robust social science research must adhere to the principle of transparency which requires reflexivity, or what Haraway (1988) calls, “accountable positioning”. Being an immigrant I am able to avoid a tendency to interpret existing social reality from a taken-for-granted cultural stance; even though I am European, I recognize that the divisions between Eastern and Western Europe are vaster than one might expect. As experience is not only the starting point but the key term for all social science inquiry, I will try
to be as explicit as possible about my partisanship, interests and feelings (Rosaldo 1989). For instance, my perception of state apparatus is far more pessimistic than the Western one as I was born in communist Poland where suspicion towards the authorities was deep rooted. The Berlin Wall fell on my 9th birthday, and a month later Poland had its first democratically elected government in fifty years. Nevertheless my quasi-anarchistic, indeed very Polish, attitude has never abandoned me: the state is to be distrusted and criticized, and state control is to be particularly abhorred. In my opinion, if a state is to exist at all (which is a subject for a different discussion), it can only justify its presence by a benevolent attitude to its residents (note that I said residents, and not citizens).

As an old ethnographic dictum says, outsiders are bound to become good observers because otherwise they would be lost in an unfamiliar social reality. Moreover, I share this condition with the subjects of my study, forced migrants, and let us not forget that “knowing thyself and knowing the other are interdependent” (Sarris 1993). I think that being a migrant has certainly helped me with interviewing refugees, both in terms of gaining their trust, encouraging them to open up or simply building a friendly rapport (for example, we would chat about our experience of learning English or looking for work in an unfamiliar cultural context). It enabled us to establish a common ground based on being strangers in the UK: those fragile alliances and the capacity for their reflexive monitoring are important stages of a research process (Giddens 1990). As a researcher, being a migrant gives me the advantage of an overview from the perspective of the dominated (of course, there are several dimensions of power relations: representing an academic establishment is in itself a sign of power) which is less partial and less distorted than the one held by the powerful (Harding 1991: 59). On the other hand, however, my foreign name and accent do tend to undermine my ‘authority’ as a researcher since one is perceived as first and foremost a migrant, and then as a doctoral student. For instance, I lack confidence on the phone as I quickly get discouraged when being repeatedly asked ‘I beg your pardon?’ I prefer email contact or face to face meetings when an interlocutor’s attention is not solely focused on my Eastern European accent.
In other words, both the outsider - in relation to the social work profession, and indeed, to the UK - and the half-insider (since I am a migrant, not a refugee) positions have their advantages, and different power relations operate in those two contexts.

Reflexivity in research is about critical reflection on the production of knowledge, and on how our social and political identities affect the whole endeavour, from research design to data analysis. It enables more rigorous research, allows a researcher to distance herself from her work, and last, but not least, perhaps enables a ‘fresher’ perspective on what can appear a quite tedious project. According to Alvesson and Skoldberg (2000: 250), reflection in research needs to be employed in relation to the following:

- interaction with empirical material;
- interpretation with regard to underlying meanings;
- critical interpretation with a focus on ideology, power, social reproduction;
- text production and language use with issues of claims to authority and selectivity of the voices represented in the text.

To summarise, reflexivity requires being aware that whatever we do as researchers, it is always about power: about who owns it, how it is used, and for what purpose (Wolf 1992). The problem of power is particularly evident when studying marginalised groups and sensitive subjects, and researchers who embark on those projects need to be particularly sensitised about the power dynamics in their work.

e) Practical issues involved in accessing participants.

Recruitment of social care professionals (including social workers, but also other practitioners) working in some capacity with asylum seekers and refugees in the statutory sector was a difficult task. I approached eight local
authorities, all in England, three in rural areas and five in inner-cities. Ethical approval was given by seven authorities (one of them did not require going through this process), however the interviews were only carried out with workers from five authorities due to problems with recruitment of participants within the agencies. In the end I managed to carry out nine interviews in the rural area and five in the inner cities.

The research governance process required submitting an application form to a local authority’s research governance committee which, although straightforward, is a lengthy procedure. On average it takes 3-5 months to receive ethical approval; fortunately my project has never been rejected, however some approvals were conditional. The agencies were also in charge of disseminating information about the project, for instance uploading it on their intranet or forwarding the message to their team managers. The disadvantage of this approach was that it made it difficult to chase people up. Probably the best strategy was to meet a team of social workers first (I was given an opportunity to do so only once, and it proved very effective), attend their meetings and describe the project there, and then follow this up. The defensiveness of some organizations is a reflection of the fact that refugees are not seen as a priority, thus a research project on refugees is not of a great importance either (for instance, one local authority never replied to my query, and another one refused to participate justifying it by “being too busy”). Perhaps this also indicates some issues that a local authority might have with regards to their practice with these particular groups of clients. On one occasion I was told (after having my project approved) that they don’t really work with asylum seekers or refugees therefore they can’t find participants for me. I was really puzzled because I knew that this specific inner city borough has got a very high percentage of refugees. I also experienced a degree of uncooperativeness from managers of some teams after having my project approved by their research division. They tended not to reply to my emails or gave me evasive responses (e.g. that they had misplaced the description of my project). In some cases getting to the point of actually arranging a date to meet took several months from the date of my project’s approval by an authority’s research division. On one occasion I was
drawn into a bizarre game between a team manager and his staff. The manager had arranged meetings on behalf of members of his team who were apparently not willing to take part in an interview at all. I remember sitting in the reception area and waiting for a social worker to turn up; I kept asking the receptionist whether he was going to see me or not, and I got Kafkaesque replies that he was on the way. I waited for more than an hour - the person did not show up.

Gaining access to refugee voices is not an easy task, and in this case it clearly reflects their marginality. Initially I wanted to recruit asylum seekers and refugees through my own networks: I used to work as a volunteer in the refugee field, and I had previously carried out fieldwork for my MA in Refugee Studies. Having conducted an ethnographic study of Iranian asylum seekers for that thesis, I learned that formalizing the recruitment process in any way, e.g. by asking people to sign a consent form, triggered very negative responses hence hindering the interview process. Asylum seekers are constantly subjected to authorities’ intrusion therefore a simple act of asking for a signature reminds them of highly stressful contacts with the Home Office and other authorities. Consequently, I had to strive to make those encounters as informal as possible. However, for my MA I did not have to submit an application to a research ethics committee. Thus, being completely new to research ethics procedures now that I was working on my doctoral dissertation, I decided to take all the precautions and work on secondary data in relation to experiences that asylum seekers and refugees had encountered when accessing (or trying to access) social care. I also wanted to take into account refugees’ vulnerability and avoid ethical pitfalls that research with vulnerable groups entails.

My first choice of secondary data source was the Independent Asylum Commission Archives located at the London Citizens’ office. A former colleague of mine from the Refugee Studies course took part in the Commission’s work, and I also did some one-off volunteering for them. However, it proved impossible to obtain relevant written testimonies of asylum seekers and refugees as The Independent Asylum Commission
archives were lacking specific accounts of accessing social care by these groups. This came as a surprise because the Commission had collected testimonies from several hundreds of individuals and organizations nationwide, through public hearings, written and video evidence as well as research so I expected to find everything there. But, even though this is the largest enquiry on this issue ever taken, with regards to issues of support for asylum seekers the archived material was solely concentrated on the accounts of destitution suffered by asylum claimants rather than an exploration of why this had occurred in the first place. In many cases those individuals did not meet the very high threshold necessary to be entitled to statutory social care, or did not have any experience of even attempting to seek help from social services. At the same time a majority of them were refused asylum seekers, thus not eligible for National Asylum Support Service (NASS) support, or did not want to sign up for Section 4 support which is based on a condition of making arrangements to go back to their country of origin. And, since the focus of the Commission was on the asylum process, those people granted some form of status, hence entitled to state support, did not fall within the realm of their interest. Apparently the problem of those adult asylum seekers who do have some access to state welfare system due to having their needs classified as ‘destitution plus’ had not been researched yet. Therefore the idea of working on secondary data had to be abandoned.

This meant pursuing other paths, namely refugee community organizations. I was rather reluctant to do this because, having worked in this sector as a volunteer, I knew how hectic this environment could be, and how unimportant a research project might be in the context of a heavy workload and underfunding. Both local authorities and NGOs are faced with heavy workloads. However, since there are no eligibility criteria for refugees to access the latter, the political dynamics of refusing to participate in a research project does differ. I contacted an organization that was suggested to me by a refugee activist friend who had an excellent knowledge of the entire field. This agency is a very dynamic voluntary organization which has a particular (and rather unusual in that field) interest in policy and media
issues. They work with both economic and irregular migrants and asylum seekers/refugees and provide a wide range of multilingual services ranging from legal help, education, employment and training to health advice. Without their help in facilitating the access to refugees, I would not have been able to carry out my fieldwork due to problems related to establishing trust with marginalised groups.

The first step I took was to attend a meeting where both staff and clients were present in order to introduce myself and tell them about my study. Then information about the project was disseminated by the agency’s workers on their notice boards, and in the form of handouts. People wishing to participate in the study were asked to either contact me using prepaid envelopes that I provided, or to come to the centre on designated days in order to see me. The first option did not work out, perhaps because people felt more comfortable using the staff as intermediaries. The organisation was very helpful in identifying participants because of their knowledge of the clients’ circumstances, since some form of contact with social care services was required in order to take part in the study. The staff would contact people who had social care needs (except persons who were too vulnerable such as those with severe mental health problems) and spoke fairly good English. If they agreed to take part in the research, the staff would arrange a suitable time for an interview and get back to me. Interviews were then carried out in a safe environment, in a private room at the agency’s premises.

Participants chosen for the study were asylum seekers and refugees who were (either at a time of the interview or in the past) users of statutory social care services, had attempted to access them, or could recount stories of friends and family who had done so. In the first case it was necessary that they have/had an enduring, significant contact with welfare providers. I interviewed five asylum seekers and refugees, three men and two women. Their social care needs included physical disability, mental health problems and health issues in general. During the interviews they also indicated language and cultural issues involved in accessing help from social services.
The sample did not have to be large as the aim of this part of the study was to learn about refugee experiences, and to explore in depth their views on the services they receive. At the end of each interview I asked the participants to express their thoughts on how the services could be improved; I found this to be a very valuable addition to the research, and an appreciation of views of people whose voices are not usually heard.


The study employs more than one method in order to generate new knowledge through a synthesis of the findings from different approaches (Silverman 1993). Refugee studies is both a multidisciplinary (i.e. it offers different perspectives on the same topic) and interdisciplinary field as it contains different disciplines that lend their theoretical tools to the study of refugees, whilst individual researchers within the field develop a language that is a mélange of interdisciplinary voices (Voutira and Dona 2007: 166). In multidisciplinary research, we assemble abstractions studied by each discipline in order to achieve a fuller picture of our subject (Stenner 2008: 430). Interdisciplinary researchers – and I would place myself in this category - borrow concepts and methods from one discipline and apply them to another (Nicolescu cited in Stenner 2008: 431) which I believe “refreshes” and gives an edge to what we study because it allows us to look at the problem in a new, and perhaps unexpected way (e.g. by applying the anthropological concept of hospitality to policy analysis). This leads us closer to a transdisciplinary approach, and its result - “hybrid knowledge” (Stenner 2008: 432). Stenner talks here about psychosocial studies, but I would argue that hybrid knowledge is produced not only in transdisciplinary studies, but also in interdisciplinary research. In the case of my study this interdisciplinary approach can increase the level of understanding of the complex relationship between the state, social care and forced migrants. This theoretical complexity is reflected in the study design, namely adopting three different methods of investigation:
a) Analysis of discourses present in policy documents;

b) Case vignettes in interviews with social care professionals;

c) Analysis of interviews with refugees.

The analyses of those converge at the point of construction of common discourses and counter-discourses that we can find in policy documents, social care practice and refugees' narratives; this allows for contrasting the ways in which the same issues are being framed. The discussion on the problem of entitlement needs to be looked at from two different angles: its representation in the government discourses reflected in policy documents, and the manner in which it is understood, and, in fact, implemented by frontline workers who may be reiterating or challenging those discourses. Thus the tension between care and control is an overarching feature of the whole study analysis.

The process of doing qualitative research is cyclical rather than linear as is the process typical of quantitative research. Analysis that is moving from data to abstract categories began as soon as the data collection started because this preliminary analysis informed later interviews and policy document investigation. This was also carried out in order to refine the process of theory emergence, its shaping and reshaping according to ongoing observations. It is important not to be committed in advance to developing a particular direction of the work as this should flow from the emergent data. Doing so allows for observing new processes that might not fit predetermined conceptual tools. According to Ritchie and Spencer (1994: 178-186), we can divide the process of qualitative data analysis into five stages:

- **Familiarization with the material** - listening to tapes and reading transcripts. In the case of this study it was possible to review all the interviews at an early stage of analysis because the sample was not large.

- **Identifying a thematic framework** - this is based on recording the range of responses to vignettes/questions, and focusing on recurrent
themes and key issues according to which the data was then examined and referenced. Here a researcher is drawing on the issues informed by research questions, emergent ideas as raised by the participants, and analytical themes extracted from patterning of respondents' particular views or experiences.

- **Indexing** refers to applying the thematic framework to the data in its textual form. Indexing references were recorded on the margins of each transcript.

- **Charting** - taking the data out of its original context and rearranging it according to the appropriate thematic reference. This study employed a thematic approach to charting, namely analysing the theme across all informants, hence charts were drawn up for each key subject area, and entries (i.e. summaries of each participant's views) made for respondents on each chart.

- **Mapping and interpretation** - this includes reviewing the charts, comparing the accounts and searching for patterns and their explanations within the data. Pulling together key characteristics of the data is followed by identification of a structure in the data as a whole.

In order to facilitate going through all those stages of analysis, the transcripts had to be typed on a computer, printed out and copied to allow for retaining knowledge of multiple meanings of any segment. A variety of indexing and retrieval systems were developed to manage the data. It was coded manually and key concepts and themes were derived from this process; those themes were then used to develop analytical categories. Mason (1994: 91) suggested dividing them into descriptive (i.e. a list of key topics that a researcher is interested in) and conceptual categories. Indexing of the latter is more complicated as it is grounded in theory employed by the study and aimed at teasing out the data relevant to research questions. What degree of text needs to be indexed is a matter of interpretation that implies trying out and refining categories on batches of transcripts as the decision on how to contextualize and how to understand relationships between themes in the data forms the very process of analysis development (Mason 1994: 95). In
this context it is particularly important to focus on strength of claim (Mason 1994: 99), that is identifying how convincing are claims that we make on the basis of our data in order to avoid unsubstantiated and biased conclusions. In this exercise it is recommended to attempt to refute one’s own findings with negative cases to achieve plausibility and consistency (Olesen et al 1994: 116).

a) Analysis of discourses in policy documents.

Analysis of discourse is a method of social critique, and it allows investigating how disadvantage is justified and rationalized, and how inequality is normalized and rendered ‘safe’ in stating discourses, in this case discourses on refugees (Wetherell and Potter 1992: 115). It shows that presenting phenomena in a particular way creates versions of reality, and having acknowledged this, it permits critique of dominant truth claims. Adopting this approach unravels some of the thinking behind social policy documents as one of the tasks of this analysis is to focus on utterances which reflect attitudes, and on the functions they fulfil (Alvesson and Skoldberg 2000: 205). We might then ask on what occasions different attitudes are expressed, how those utterances are constructed, and in what contexts they are included. Analysis of discourse is also a primary tool in researching power relations because it seeks to answer questions of positions of power, the institutional context they are embedded in, strategies they take part in, etc (Alvesson and Skoldberg 2000: 233-234). Hajer and Wagenaar (2003: 104) distinguish three layers in policy discourse analysis:

- **Analysis of story lines, myths and metaphors.** In this study this would refer, for instance, to the myth of British tolerance in Tony Blair’s preface to *Five Year Strategy for Asylum and Immigration* (Home Office 2005), or the metaphor of ‘floods of asylum seekers’ used in both tabloid media and politicians’ speeches.
• Analysis of policy vocabularies and sets of concepts. Here this would include constructions such as ‘bogus asylum seekers’ and ‘genuine refugees’.

• Analysis of epistemic figures. Epistemic figures are patterns of thinking in a particular period which are not explicit but which underpin policies. In the case of this project it would refer for example to topos on numbers and race relations. Numbers themselves are metaphors as we tend to count things when we want to change them.

Combining analysis of discourse with ‘Trace’, Sevenhuijsen’s (2003) method for normative policy analysis from the ethic of care perspective enabled me to dismantle discursive constructions of refugees and welfare entitlements. The paradigm for both methods is the same: policy texts construct rather than describe social problems (Sevenhuijsen 2003: 7). However, an additional advantage of ‘Trace’ is that it does not only point out to the role of the state, but also aims to uncover values and norms behind policy documents which can provide an important insight into the ethical dimensions of social policy.

Policy documents were selected using the Refugee Council's policy briefings published on their website. This allowed me to filter documents relating to asylum or having a particular impact on refugees in the UK. Having read the Refugee Council's concerns about a given policy I would then go back to the original text. In my choice of policy documents I was also aiming at representing major trends in the Labour Party’s approach to asylum and migration (asylum was usually incorporated within an immigration problematic) as well as their view on the contested idea of newcomers’ integration. As already mentioned, policy documents construct rather than describe a problem (Bacchi 1999), so framing asylum and immigration in criminal justice terms unravels an ideological presupposition behind the government’s policies. Social policy is about assigning meaning to social problems; therefore it is clearly a moral-political undertaking.
The asylum/immigration documents that I looked at included:

- “The Path to Citizenship: Next Steps in Reforming the Immigration System”, Home Office 2008;

I also analysed two key social care documents:

- “Our Health, Our Care, Our Say: A New Direction for Community Services”, Department of Health 2006;
- “Putting People First”, Department of Health 2007.

Drawing on Sevenhuijsen, in my analysis of policy documents I considered the following:

- Purpose of a document
- Origin of a document
- How care and care receiver are defined
- How a given document is constructing refugees
- What notions of social justice and welfare are evident there.

In the analysis of the policy documents I was looking particularly at the evidence of social control and contradictions between values and praxis. According to Shore and Wright (1997: 7), policies are anthropological phenomena because they codify social norms and values, express fundamental organizing principles of society and also reflect models of society. In the context of my study, an anthropological reading of social
policies meant interpreting them as classificatory devices and discursive formations that function to empower some people and silence others (Shore and Wright 1997: 7). Furthermore, this approach is reflected in the “cultural turn” in social sciences (Chaney 1994; Clarke et al. 2000; Steinmetz 1999) which in social policy studies is represented by John Clarke’s (2004: 147) understanding of the welfare state as constructed, contested, contradictory and constitutive, that is creating, not just mirroring social divisions (those arguments are also present in Sevenhuijsen’s discursive policy analysis model).

b) Vignettes-based interviews with social care professionals.

I used vignettes in fourteen interviews with front line social care providers in the statutory sector. Vignettes are a well recognized research tool in studies exploring social work values and ethics. According to Barter and Renold (1999: 1), they may be used for the following purposes:

- to allow exploring problems in a concrete, situational context;
- to clarify people’s judgments, often in relation to moral dilemmas;
- to provide a less threatening way of exploring sensitive issues;
- to enable participants to define the situation in their own terms.

Vignettes are simulations of real events and are used to elicit responses to written accounts of hypothetical situations, hence providing important data for the study of perceptions, beliefs, attitudes and ethical judgments (Hughes 1998). I designed case vignettes based on real life stories that I encountered in my voluntary work with asylum seekers and refugees. They present three different scenarios: a failed female asylum seeker with learning disabilities; a mother with an HIV positive child whose asylum case is pending appeal; and a man granted Discretionary Leave to Remain on medical grounds. A small, informal pilot study was carried out with personal contacts working in the field of social care, and they all agreed on the vignettes’ adequacy and
probability, the essential features of a well-constructed story (Neff cited in Barter and Renold 1999: 4). All the actual participants confirmed the probability of the stories and indicated that they had encountered similar cases in their work.

Using case vignettes facilitates comparing participants’ responses as all of them are asked to provide answers (i.e. what social intervention they would decide upon) to the same realistic scenarios. This highlights assumptions on which interviewees base their decisions, and also reveals what resources are available to them and how the agencies function: for instance, how important financial constraints are in the decision-making process, how significant the public’s views on refugees are in the context of allocating scarce resources, what role the social background of a worker plays etc. Furthermore, responding to vignettes allowed front line social care workers to elaborate more freely on moral dilemmas that they face in their practice. As my study can be perceived as raising rather contentious issues, another advantage of using vignettes is their potential to aid the study of difficult topics of enquiry. Vignettes can help to desensitize aspects of these for participants (Hughes and Huby 2002) because commenting on a story might be easier than talking about a direct, personal experience. In some cases employing vignettes facilitated and opened up a more general discussion about social care provision to asylum seekers and refugees due to this method’s potential of broadening the focus of an interview (Rahman 1996; Wade 1999). Hughes (1998) warns that we cannot draw parallels between responses to vignettes and actions in everyday life but, since it was not possible to carry out participant observation in social welfare provision premises, it was vital to complement this research method with discursive analysis of social policy documents and semi-structured interviews with refugees.

I started my analysis of interviews with social workers by identifying competing discourses present in their accounts. This analytic consideration is what Wetherell and Potter (1994: 55) define as using variation as a lever, whose function is to draw an analyst’s attention to differences within a
particular text, be it a document or an interview. The binary of care/ needs versus control/ rights aspects of front line social care practice are two main conceptual categories developed in the study; the aim was to apply those categories to different types of attitudes, behaviours and motivations, as well as find associations between those attitudes and behaviours, and between circumstances and motivations. This led to the exploration of different and possibly contradictory roles and practices ascribed to social workers as agents of social control (e.g. reducing demands for scarce public provisions, controlling the behaviour of certain social groups) versus benevolent carers/ advocates of marginalised and vulnerable members of the society.

The examination of social workers' statements offers focus for my interest in understanding the basis upon which these professionals extend bonds of care: I was particularly interested in the possibilities of resisting and challenging government’s policies in front line work (i.e. construction of counter discourses), as well as motives and strategies of those who decide to do so. I aimed to make the connections between social work and state apparatus visible and comprehensible by focusing on the question of how social care professionals respond to the call for care associated with service to all in need, while faced with regulations which separate eligible persons from those who do not qualify for services. The aim of this part of the study was to discover whether there was some level of consensus among social care professionals about what should be done in a variety of circumstances described in the vignettes. This was extended to an account of what they actually did if they had encountered similar cases in their work.

c) Analysis of interviews with refugees.

In order to explore and access refugees' own experiences I used a ‘respondent-led’ methodology that I am familiar with due to my training in anthropology/ ethnographic research methods (but which is of course used across the social sciences). The reflexive and flexible process of qualitative interviewing that I adopted enabled me to interact with respondents to probe
their views and understandings. Such qualitative interviewing permits what Geertz (1973) calls ‘thick description’, that is examining information about the context of an act, meanings that organize it, and the process in which it is embedded. Participants were asked open-ended questions about their experience of accessing welfare services loosely based on the following points (please note that it is not a questionnaire but rather a guide that I was referring to):

- What kind of help did you need when you arrived in the UK?
- Where did you go to ask for help?
- Were your problems solved?

The first question was a starting point for our interviews so this was something that I always asked. The two remaining questions were used as a form of structuring the narratives.

In my analysis of interviews with refugees I applied a narrative approach following Turner and Bruner’s (1986) suggestion that, in order to focus on ‘anthropology of experience’, researchers ought to employ ‘narratives’ as a method of analysis. They argue that in order to study ‘human experience’ one has to recognise that the very ‘experience’ is expressed in narratives. I analysed those personal narratives, i.e. individual perspectives and expressions of an event, experience or point of view (Madison 2005: 26) through identification and analysis of the following points (after Labov 1972):

- the most basic organising statement of the narrative
- a statement of orientation (time, place, situation, participation)
- the complication of action (sequence of events)
- evaluation (significance and meaning of the action, and the attitude of the narrator)
Since qualitative research focuses on how actors define their situation and how they explain their motives, then in analysing participants' statements a researcher must account for the intentions and perceptions of those subjects. For instance, some interviewees mentioned a bias in the way they had been treated by social care professionals. They felt that they had not been provided with the same service as members of the indigenous population. What is important here is their own perception of the situation rather than speculating whether the worker described in the narrative did discriminate against the refugee. Further to this, it is interesting to look at strategies that refugees employed in order to get help, e.g. how they represented their social care needs. Therefore, in the next step of data analysis I attempted to answer the following questions:

- How welfare is understood by people who come from different backgrounds; do refugees have certain expectations of welfare?
- What do refugees want? What needs do they have? (e.g. mental health, integration) We call it welfare, but what does it mean for them?
- What needs are taken into account? How are they defined? And who defines them?
- What is the response of social care agencies to those needs?

These questions aim at answering an overarching research problem, namely an exploration of asylum seekers' and refugees' experience of accessing state welfare provision, and lead to an analysis of the impact that a service provision (or lack of it) has on individuals' well being. Refugees' narratives provide an important insight into refugee experience and enable a critical re-visiting of the accounts provided by social workers.
6. Research ethics.

a) General ethical concerns involved in the research.

The research used the ethical guidelines produced by the Association of Social Anthropologists of the Commonwealth (2007) and adapted by the Refugee Studies Centre at Oxford University, the relevant academic literature on ethics and the advice of the supervision team to assist in the ethical decision making for this study.

I took appropriate measures relating to the storage and security of records during and after fieldwork, and removed any possible identifiers so that individuals, agencies and locations are all protected. All data was stored on a computer using the appropriate password facility whereas hard copies of data were kept in a lockable drawer. The information that provides the identity of the participants was kept at a separate location on a laptop with a password facility and in a lockable filling cabinet. Once writing-up was completed, all the data, both electronic and in the form of hard copies, was destroyed.

The participants will be sent a summary report containing the main findings of the research and have the opportunity to give feedback based on this and their experience of the research process.

b) Ethical issues involved in the interviews with social care professionals.

Researchers have a responsibility to ensure that the physical, social and psychological well-being of an individual participating in research is not adversely affected by participation in the research. The research experience may be a disturbing one and the researcher should do their best to minimise this risk. According to the principle of avoiding undue intrusion (ASA 2007: 165) the advancement of knowledge and the pursuit of information are not in
themselves sufficient justifications for overriding the values and ignoring the interests of those studied.

Some of the issues that were discussed during the interviews could cause some emotional upset. However, the usage of vignettes alleviated this reaction, and none of the participants reported any discomfort during or after the interview. In any case it was crucial that these sessions only took place with participants that had been through the process of giving voluntary informed consent, including a chance to ask researcher questions regarding the study, and that the interview was conducted sensitively in a non-judgmental manner.

The principle of informed consent expresses the belief in the need for truthful and respectful exchanges between researchers and the people whom they study (ASA 2007: 165). Participants must fully understand what it means to participate in the research, what are the risks and benefits of doing so, as well as what are their rights (i.e. right not to participate and right to withdraw at any time). Therefore voluntary informed consent was negotiated with research participants and all potential participants were talked through the research process. Gaining voluntary informed consent from social care professionals required being open and honest about all aspects of the research, and it was important that they were aware that the study would be looking critically at their work, and that some of them might feel uncomfortable about this. All participants were required to sign a consent form and given an information sheet about the study.

The interviewees were able to choose the time and location of the interview. Interviews usually took place at a practitioner’s work place, and lasted between 30 minutes and 1,5 hours. Hutchinson et al. (1994) listed seven possible benefits of qualitative interviews. They might:

- serve as catharsis
- provide self-acknowledgment and validation
• contribute to a sense of purpose
• increase self-awareness
• grant a sense of empowerment
• promote healing
• give voice to the voiceless and disenfranchised.

This study could possibly have provided front line participants with self-acknowledgement and validation as well as contributed to a sense of purpose and increased self-awareness. Quite a few people told me that they found discussing those issues very interesting and thought-provoking. Some practitioners suggested organising a meeting where I would present findings of the research to their teams - which I am more than happy to do. I believe that this research gave front line social care practitioners the opportunity to reflect on their own work and to perhaps better understand the impact that their actions have on the most marginalised members of British society – refugees.

c) Ethical problems entwined in interviewing refugees.

With regards to interviews with refugees, I made it clear that my research is not linked to any services that participants may or may not receive, i.e. it is not intended to improve their quality of life, and it does not promise to better the services they receive. This was restated at the beginning of each interview. I ensured that interviewees understand that the research was purely for the purpose of PhD studies, but that the results might be used to advocate for rights of forced migrants. In order to maintain the research’s integrity, and to protect potential respondents, people with a limited command of English were not asked to take part in the study as participants had to fully understand what it meant to participate in the research, what the risks were, and the benefits of doing so were, as well as what their rights were (i.e. the right not to participate and the right to withdraw at any time). Involving interpreters would have been ethically
dubious, and would have further complicated the matters because this would have meant that a story would be heard by another person, not only the researcher. Since my information sheet emphasised that no third party would have access to the information that was being given, I decided not to use interpreters.

Research participants have a right to remain anonymous and to have their rights to privacy and confidentiality respected. This is particularly crucial in the case of persons with unregulated immigration status and a history of clandestine political activism in their country of origin; hence I guaranteed that the participants would not be identifiable in any way. It was made explicit in the consent forms that all participants were asked to sign prior to any data being collected. Refugees were given an option of not using their real name, or having the form signed on their behalf by a trusted member of the voluntary agency staff.

When researching vulnerable migrants, we face two main concerns: their psychological well being could be affected by questions that trigger bad memories, whilst those with unregulated immigration status could be anxious about its disclosure and the adverse impact it could have on their lives. Therefore it was important to place emphasis on the researcher’s separation and independence from the authorities. Endorsement by the agency that supports refugees was conducive to establishing a trustful relationship between participant and researcher.

This part of the study was likely to grant refugees a sense of empowerment as they are people who are often voiceless. The organisation that facilitated the research will be offered a factsheet/ summary of the thesis in order to inform a debate about their clients’ access to social care. I am open to their suggestions of distributing findings of the study or contributing to their publicity materials.
7. Impact of the research.

Researchers have a responsibility to publish findings and to do justice to participants (Corbin and Morse 2003: 349). Researchers in the field of Forced Migration conduct their work with an aim that the knowledge they generate will help those displaced and uprooted, following admonishment that research into others' suffering can only be justified if alleviation of that suffering is an explicit objective (Turton 1996). The ideal of social change has been present in refugee studies since its institutionalization (Zetter 1988; Black 2001; Gingrich 2002; Jacobsen and Landau 2003) and there is an inherent relationship between scholarship and advocacy in work on refugee issues:

"For what purpose are we pursuing our scholarly work, if it does not sooner or later yield something for the benefit of humanity? In other words, refugee studies always remind us of the social responsibility and public accountability of the anthropological enterprise" (Gingrich 2002: 17).

An example of the integration of advocacy and scholarship has been the conceptualisation of refugees as a resource rather than a problem (Harrell-Bond 1996). In this sense in refugee studies scholarship is embedded in advocacy and advocacy in scholarship (Voutira and Dona 2007: 167). This is what Jacobsen and Landau (2003: 1) call the dual imperative: “Both to satisfy the demands of the academy and to ensure that the knowledge and understanding our work generates are used to protect refugees, influence governments, and improve the ways institutions like the United Nations or Non-Governmental Organizations do their work”. This is however not always possible and as researchers we have to be realistic about the limits of our study’s impact; more importantly, we must not deceive our participants that a piece of research will, for example, change British asylum policy. Nonetheless we should be aiming at the highest standard of applied social sciences that combines rigorous research with an emancipatory agenda.
As a researcher studying the statutory social care system, I have a duty to send a copy of either my research summary or whole thesis to Research Governance units at all the local authorities that I approached. As already mentioned, individual workers also suggested that I organize meetings in order to present my research findings and open a debate on social care provision to asylum seekers and refugees. The voluntary organization that facilitated my access to refugee participants is also interested in using my report to inform the discussion on their destitute clients’ eligibility to access state welfare. I am happy for them to publish the findings and disseminate them to other agencies in the charity sector, and I hope that my study will be very much present in the public domain.
VI. New Labour discourses on asylum and social care needs of refugees.

1. Introduction.

The aim of this chapter is to provide a social policy context for the main empirical part of the study, namely the analysis of interviews with social care professionals. This part of the thesis uses analysis of discourse as a method for understanding how the social construction of asylum seekers and refugees plays a pivotal role in formulating social policies related to migration and social care. This is done by introducing the concept of topos, a discursive resource and an argument for sustaining a conclusion. A topos is a consensual, self-evident, socially shared belief informing argumentative moves; for instance, in a topos of numbers, disadvantage and threat are employed to sustain a populist discourse whilst topoi of human rights and ethics legitimate discourses of care. In a topos things are related hyponymically, i.e., it is assumed that one phenomenon entails the other: for example, in a topos of numbers, a higher rate of newcomers is assumed to lead to ethnic tensions; therefore there is a relationship of near-equivalence set up between immigration levels and conflict. Thus a topos operates as one of the tools of persuasion used to justify socio-political exclusions and inclusions. The engagement of the concept of topos in the analysis seeks to enhance reflection on the ever-shifting parameters of exclusionary discourses that are preoccupied with the notion of economic contribution and the normativity of self-reliability. These are characteristic of New Labour’s redefinition of ‘fairness’.

New Labour was significantly focused on transforming the immigration and asylum system - the successive Labour governments introduced eight immigration and asylum bills. I am going to analyse four recent documents (from the period between 2005 and 2009) that concern asylum/ migration, including one that specifically refers to refugees. These documents are: "Controlling our Borders: Making Migration Work for Britain: Five-year Strategy for Asylum and Immigration" (Home Office 2005); "The Path to
Citizenship: Next Steps in Reforming the Immigration System" (Home Office 2008); "Managing the Impacts of Migration: A Cross-government Approach" (Department for Communities and Local Government 2008); and "Moving on Together: Government's Recommitment to Supporting Refugees" (UK Border Agency 2009). The selection of these was initially based on the Refugee Council's policy briefings that were published on their website. In addition, I shall be looking at two major social care policy documents that reflect New Labour’s exclusionary stance on social care provision to asylum seekers and refugees: "Our Health, Our Care, Our Say: A New Direction for Community Services" (Department of Health 2006) and "Putting People First" (Department of Health 2007). This will provide a community care background for the examination of social care providers’ responses that will be presented in the next chapter.


Labour’s legislative direction was characterised by the introduction of punitive measures such as stronger border controls, the fast-tracking of asylum applications and the increased use of detention. However, there were attempts to balance this repressive and restrictive stance towards immigration with community cohesion policies (Maughan 2010). Before 2002 the dominant discourse on integration prioritised social and economic participation over concerns with cohesion and shared values, but this approach changed after the 2001 disturbances in the North England, when Muslim youth countered plans of the far right to march in the towns of Burnley, Oldham and Bradford. The Cantle report that followed this ethnic unrest located its source in the lack of integration, and called for a redefinition of citizenship based on the concept of loyalty to Britain. It warned that ethnically diverse communities in Britain were leading parallel and polarised lives, and that government needed to do more to tackle segregation. The policy of multiculturalism was then replaced with the idea of community cohesion: respecting cultural differences whilst investing in the building of bonds between people from different backgrounds, and the
promotion of shared ‘British’ values. It meant turning towards more assimilationist approaches based on the assumption that cultural diversity hinders social solidarity.

There was also a conflict at the heart of New Labour's approach to asylum policy: discourses around the exclusion of asylum seekers and refugees (e.g. their criminalisation) and the control of borders existed in tandem with discourses that spoke of human rights and the responsibilities of the state towards those fleeing political persecution. The contrast between those competing discourses in Labour's policy documents is often set up by the usage of antithesis, often marked by a move from positive to negative and vice versa ("but"):

"There is a widespread acceptance that migration is a key factor in our economic growth but also concern about the impact on public services" (Home Office 2008: 5, par 1).  

"We must be clear that the average migrant makes a greater contribution to the provision of public services than the average non-migrant (...) but, whilst this reflects the overall position, the contribution of an individual migrant will be affected by factors which include the number of his or her dependants, and household salary level" (Home Office 2008: 33, point 186).

"There is a widespread public perception that migrants in general are a major burden on public services. In reality this is not the case - migrants are on average net fiscal contributors - but we believe that migrants can place certain transitional pressures on public services, and we do need to take account of these pressures" (Home Office 2008: 33, point 184).

There is a tension between a populist topos of burden that constructs migrants as having a detrimental impact on services in local communities, and a topos of contributor present in the discourse of managed migration whereby newcomers are of economic benefit to the host country. Categorical modality is often used in the text, for instance when making a populist reference to tax payers' money:

17 I am using italics in order to add my emphasis.
"The message to people refused asylum is clear: they must go home and the UK tax payer will not support them if they do not" (Home Office 2005: 19, par 2).

Alongside populist discourses propagating the defence of legitimate public concern over resources, there was a clear dichotomy in New Labour’s position with regards to upholding the Geneva Convention which is described in the *Five Year Strategy* (Home Office 2005) as “enshrining basic principles of human decency” (Home Office 2005: 7, par 9). On the one hand the government declared that it wished to comply with the Convention and welcome “genuine refugees”, but, on the other hand, it introduced measures that breached the document’s provisions, such as the tightening up of borders (whilst, according to the Convention, “everyone has a right to seek asylum”) and punishing asylum claimants who destroyed identity documents (the Convention states that no one shall be punished for the way they entered the country to seek protection). Article 1 (c) 5 of the Refugee Convention is particularly controversial: it is the so called “cessation clause” that the British government adapted by abolishing the Indefinite Leave to Remain, and replacing it with a five year status that could be revoked if a situation in a person’s country of origin improved. However, no criteria were given for when the status might be revoked. According to UNHCR those changes must be “fundamental” (Refugee Council 2005c: 2). In any case, this policy undermined the government’s own integration strategy and its focus on community cohesion.

*The Path to Citizenship* (2008) marked New Labour’s further shift towards the discourse of managed migration, whereby it is somewhat reluctantly acknowledged that the UK has got "obligations" and "commitments" towards those fleeing political persecution that might not necessarily fit into the model of an entrepreneurial migrant. This almost implies that were it not for those international agreements, the UK would adopt a different, openly anti-refugee policy:
"Under the 1951 Geneva Convention relating to the status of Refugees, we are obliged in certain circumstances to provide protection" (Home Office 2008: 22, point 115).

"(…) limited exceptions where we are meeting our commitments under international agreements. This is in line with our commitments under international law" (Home Office 2008: 33, point 191).

"(…) under these proposals, migrants from outside the EEA (…) will not be eligible for social housing until they become British citizens or permanent residents. There are limited exceptions to this policy when we meet our commitments under international agreements" (impacts DCLG 2008: 27, par 3).

Refugees are referred to as "limited exceptions" suggesting that very few people will be granted asylum in the UK, hence reverting to the legislative discourse of managed migration, as well as drawing on a populist topos of numbers according to which the higher the number, the worse the event becomes. It implies that there are too many migrants (either economic or forced), and that the numbers of those who come to the UK should be cut. Thus the solution is already crafted in the way that the problem is represented (Sevenhuijsen 2003: 8) and excludes other approaches by using the categorical and allegedly ‘objective’ language of numbers (Crisp 1999). This contention is omnipresent in British political discourse on migration since the days of Enoch Powell: the smaller the number of people who come to the UK, the better race relations will be.

The protection discourse re-appeared again in Moving on Together (2009), a document that was entirely devoted to the settlement of refugees in the UK. Here the government's narrative emphasized its historical commitment to offering a safe haven to political exiles:

"The UK has a proud tradition of helping those who need our protection" (UKBA 2009: 4, par 3).

"We made absolutely clear our commitment to honouring our long and proud tradition of providing a safe haven to those fleeing torture and persecution" (UKBA 2009: 8, par 5).
The document recognized that refugees have specific needs and a right to be provided with tailored support (UKBA 2009: 4, par 6; UKBA 2009: 6, par 3), but the overarching idea was that of protecting the host nation from violent extremists:

"This not only recognises the vulnerability of refugees and seeks to provide support where it is most needed but also ensures that their displacement and any trauma of migration are not exploited by those promoting radicalisation" (UKBA 2009: 9, par 4).

However, it is clearly stated that the strategy does not cover asylum seekers (UKBA 2009: 8, par 1), displaying the assumption that they should not stay in the UK. The distinction between those who deserve protection and those who abuse the asylum system is woven around hegemonic discourses around rights to belonging, citizenship, and redistribution:

"We remain fully committed to meeting the United Kingdom's obligations under the 1951 Refugee Convention and other international instruments. But experience has shown the potential for misuse of our procedures by applicants who have no need to seek protection from us" (Home Office 2008: 42, point 240).

Discourses of rights to enter and seek refuge, and regressive discourses fostering a split between ‘bogus asylum seekers’ and ‘genuine refugees’ are more widely expressed in the tension between dominant populist discourses and counter-discourses that mitigate New Labour’s populism. *Path to Citizenship* (Home Office 2008) acknowledges the positive contribution of migrants, but argues that, because this is not clearly recognized by public opinion, further efforts need to be made to increase newcomers’ contributions. *Managing the Impacts of Migration* (DCLG 2008) complies with, rather than rebukes, a populist topos of advantage (Van der Valk 2003) based on assumptions that migrants ‘jump the queue’ and get what they do not deserve:
There is no evidence to support the claims that on arrival in the UK migrants gain access to social housing in preference to UK nationals. (...) Nonetheless, we recognise that there is a perception that migrants sometimes receive preferential treatment. We are bringing forward a Green Paper on housing reform by the end of 2008 in which we will look at how we can improve transparency in the housing allocations process and ensure that it is not only fair but seen to be fair" (DCLG 2008: 27, par 5).

At some point, the document appears to challenge populist discourses, but this is rather lost in the whole text. For instance here the topos of numbers is questioned with caution:

"Migration is just one of many factors which determine how cohesive an area is. Some areas are barely affected by it whereas, for others, it is a very big issue - especially where there are existing tensions or high levels of deprivation. The rate of increase in newcomers rather than the overall level seems to be crucial factor" (DCLG 2008: 38, par 1).

Attempts at constructing a balanced picture of community cohesion are, however, juxtaposed with a notion of the “rate of increase in newcomers”, i.e. they are disqualified in the name of the dominant discourse of managed migration and its preoccupation with preferably low numbers. It is mentioned only once that the process of integration should be a task for both newcomers and host communities:

"Those [migrants] staying longer will want to become a fully integrated, active part of the community around them. This will only happen successfully if that community welcomes them and there are shared values across all groups. So promoting integration must involve both new migrants and established communities" (DCLG 2008: 42, par 3).

The notion of “welcoming” migrants is not further developed, presumably because constructing a hospitality discourse would contradict the discourse of managed migration built upon the idea of an exchange of economic contribution for political rights. Overall, the text is very careful when it comes to challenging populist myths, and, perhaps, the word 'mitigate' is more
adequate here. Essentially, migration remains a Trojan horse, and the public needs to be constantly reassured that the government protects them from the threat, usually by referring to the logics of the topos of numbers. This embodies New Labour’s ambivalent stance towards migration, and its pursuit of the populist vote rather than a choice of working responsibly on the public’s accurate understanding of the issues that affect their life. For instance, no attempt is made in the Path to Citizenship (Home Office 2008) document to evaluate the integration process already underway as migrants adapt to their new circumstances. Instead, the entire argument is structured around demanding more from migrants, and inflicting harsher penalties on those who don’t manage to cross the hurdles along the path to integration.

In February 2005 the UK government applied an extension of the requirement to show “knowledge of life in the UK” to Indefinite Leave to Remain (ILR) applications. Nevertheless, the policy assumed cultural diversity and treated the respect for it as one of British values. The Five Year Strategy (Home Office 2005) mentions that “diversity is the source of pride” (Home Office 2005: 22, point 40) and acknowledges the multi-ethnic character of the British nation (Home Office 2005: 22, point 40). It is this multi-ethnic citizenry that is constructed in New Labour’s policy documents: pronoun “we” which, according to Fairclough (2000: 17), is a New Labour ‘keyword’, explicitly includes British citizens of immigrant origin (Home Office 2005: 5, par 6). In Managing the Impacts (DCLG 2008) the government recognized the historical significance of migration and its influence on all aspects of life in the UK:

“The history of migration stretches back centuries. Time and again new arrivals from Europe, the Commonwealth and further afield have brought skills, knowledge and expertise to these shores, reinvigorating the economy, strengthening public services, and enriching British culture” (DCLG 2008: 5, par 1, foreword).

However, this seemingly inclusive approach did not extend to refugees, and, even less so, to asylum seekers. After all, asylum seekers were not voters, and were not part of Labour’s ethnic minority support base. Furthermore,
New Labour often drew on a populist race relations narrative whereby strict border controls are necessary for maintaining stable race relations. By stating that ‘prejudice’ can only be contained by ‘tough new asylum measures’ Blair was affirming that the public must be protected from excessive immigration because, otherwise, they would look to right-wing parties to do so. In the dominant communitarian tradition, Tony Blair, the then Prime Minister, was referring to the British people as “moderate and tolerant” (Home Office 2005: 5, par 6). Consequently, by referring to the topos ‘for their (migrants’) own good’ (Van der Valk 2003) New Labour was implying that it was not the host community that was to blame for potential tensions, but that it was the newcomers who caused them:

“But this traditional tolerance is under threat. It is under threat from those who come and live here illegally by breaking our rules and abusing our hospitality. And, unless we act to tackle abuses, it could be increasingly exploited by extremists to promote their perverted view of race” (Home Office 2005: 5, par 7).

This reflects the assumption that fear of migration is responsible for rise of the far right, whereas the Labour government constructed itself as a benevolent actor introducing radical solutions to save the nation from the looming danger posed by the extremists. Although the discourse of hospitality did not exist in New Labour’s social policy, it was evoked here only to emphasize the parasitic, and even criminal, character of a migrant. In the logic of appearances (Fairclough 2000: 28), asylum seekers were equated with “illegal migrants” and “immigration offenders” (note that in light of international law asylum seekers can never be ‘illegal’):

"We will put immigration at the centre of our relationship with all major countries from which failed asylum seekers and illegal migrants come” (Home Office 2005: 30, point 74).

"We have removed many more failed asylum seekers and other immigration offenders from the UK than ever before, but we will substantially increase the number in future” (Home Office 2005: 8, par 6).
The Path to Citizenship (Home Office 2008) document associates all migrants who wish to naturalize with the criminal justice system through choice of wording. They are referred to as “probationary citizens”, whilst the UK can exercise its right to "put new citizens on probation". The word 'probation' means both testing someone’s abilities and checking their behaviour after they have committed a crime. The latter would suggest that the identity of a migrant is criminalised per se, as if crossing a border was an illegitimate act. Similarly, the verb "judge" colludes with the criminalisation discourses on migration:

"We will have revolutionised the way in which we judge who can come [to UK]" (Home Office 2008: 5, par 5).

"Changing the way we judge who should come to Britain" (Home Office 2008: 12, point 43).

Again, hidden moral overtones are introduced here because to judge in a law court signifies forming an opinion on the deeds of an accused. Here it is framed within the discourse of managed migration: if a migrant does not meet the requirement of economic viability, he will be banished from entering the UK. Asylum was co-opted by New Labour’s migration problematic, and, as a consequence, asylum seekers and refugees were represented as ‘cheats’ who were, in fact, economic migrants in disguise, and who sought to cynically take advantage of the benefits system.

3. Populist topos of profit: Refugees as economic migrants in disguise.

The dominant populist topos of profit (Van der Valk 2003), or, in other words, the 'bogus' asylum seeker narrative, conceptualizes the asylum seeker as a disguised economic migrant taking advantage of Britain's welfare system. More reluctantly though, given New Labour’s strong normativity of self-sufficiency and work ethics, asylum seekers were depicted as those who come to Britain to work:
"(We must) ensure that we distinguish between genuine refugees and those who are looking to come here to work or to claim benefits" (Home Office 2005: 7-8, par 11).

Not permitting asylum seekers to work was, and still is a particularly contentious issue, but, as work is seen in this particular context as an incentive to “abuse British hospitality”, it loses its otherwise emphasized moral significance. New Labour’s expectations imposed on asylum seekers were therefore very complex. Refugees were recognized as a distinct group that were politically persecuted and sought protection in the UK. At the same time, within the dominant discourse of fairness, and the subdiscourse of managed migration, they joined the category of other migrants, and, in order to become citizens, they were expected to contribute to the British economy like everybody else. In practice this meant that refugees ended up in a situation where they were labelled either as a parasite living off handouts, or as an economic migrant in disguise. In terms of the rhetoric, the Five Year Strategy (Home Office 2005) document introduced the following collocation: forced migrants were no longer simply refugees (in fact, they were never mentioned as such in the text), they could only be ‘genuine refugees’ or ‘those genuinely fleeing death or persecution’. This assumes that there are some ‘not genuine’ refugees, and that the majority of them are actually ‘not genuine’:

"For example, a significant number of asylum applications are late or opportunistic. (...) Only a very small proportion of these applicants are found to be genuine refugees" (Home Office 2005: 36, par 3).

This is a hegemonic New Labour narrative based on a foundational belief that falling recognition rates prove that most asylum seekers are, in fact, economic migrants. Furthermore, there was a co-occurrence in policy documents between the word ‘asylum seeker’ and ‘removal’, as if it were the fate predestined for asylum seekers, thereby clearly delineating them from ‘genuine refugees’. It is logically contradictory, as there can be no ‘genuine refugees’ without ‘asylum seekers’, because in order to be recognized as a refugee one needs to first claim asylum, i.e. become an asylum seeker. But
the government did not address this misinformation surrounding asylum. On the contrary, it chose to reinforce it. For instance, it did not provide any explanation for the following, again very contentious, statement:

"Since the late 1980s there has been significant abuse of the asylum system by those who are economic migrants but claim to be persecuted" (Home Office 2005: 17, par 26).

This abuse narrative was developed in the early 1990s, when Labour was in opposition, and was a response to rising numbers of asylum seekers. It became so dominant that Blair was forced to reaffirm it in order to establish his legitimacy as a political leader. It also coincided with the fall of communism and an end to the figure of a heroic refugee. Nowhere was it stated in New Labour documents that there was a clear correlation between a globally deteriorating political situation and the number of those fleeing political persecution.

4. 'Fairness' discourse: a combination of legislative (topos of contributor) and populist (topoi of numbers, burden and advantage) subdiscourses.

"Concern over asylum and immigration is not about racism. It is about fairness".
Blair 2005

A legislative discourse of sovereignty affirms the state’s territoriality, namely its responsibility for border control. New Labour’s civic contract drafted by former Prime Minister, Tony Blair, redefined the sovereignty narrative by rejecting jus sanguinis and jus soli, and granting the state the authority to distribute citizenship rights based upon the individual's economic contribution (Maughan 2010). The role of the state was therefore to maximise the benefits derived from migration, and to minimise the abuse associated with the phenomenon; it is precisely the dichotomy ‘benefit-abuse’ that structured New Labour’s response to migration in general,
including forced migration. Constructing social policies around the discourse of managed migration meant that it was crucial that everything was of economic benefit to the country:

"It will also ensure we enforce the rules systematically and rigorously to benefit Britain" (Home Office 2005: 8, par 8).

"It will ensure Britain continues to benefit from people from abroad who work hard and add to our prosperity" (Home Office 2005: 5, par 1).

"Those who want to settle permanently in the UK will have to show they bring long-term benefits to our country" (Home Office 2005: 6, par 3).

New Labour’s fixation on the notion of ‘benefit’ even transgressed linguistic correctness:

"We want to enable all places to share in the positive benefits of migration" (DCLG 2008: 10, par 7).

Can there be a negative benefit?

In order to reinforce the dichotomy between a ‘good’, hardworking migrant and a ‘bad’ one, relying on state welfare migrant, the word ‘benefit’ was often used alongside its antithesis, ‘abuse’:

"The Prime Minister announced last year a comprehensive review of our legal migration routes to ensure they benefit Britain and are robust against abuse" (Home Office 2005: 12, point 4).

"We now need to build on these foundations to root out remaining abuses and ensure the whole system works in the interests of this country" (Home Office 2005: 6, par 1).

The subdiscourse of managed migration was therefore characterised by the championing of legal, highly selective economic migration (Roche 2000) and, to a certain extent, the liberalisation of work permits, as a counterbalance to a crackdown on asylum. Value orientations and normative assumptions embodied by the discourse were predominantly neo-liberal values of self-
interest, autonomy and choice, whilst the vision of human nature was that of a self-interested, calculating individual. What followed was a highly utilitarian approach to migration. The *Five Year Strategy* (Home Office 2005) document described in detail what categories of migrants were welcomed in the UK:

"Permanent migrant must be as economically active as possible; put as little burden on the state as possible; and be as socially integrated as possible" (Home Office 2005: 21, point 35).

New Labour was therefore pursuing migratory Darwinism whilst Blair’s civic contract established ‘conditionality of rights’ whereby an individual was not a bearer of inalienable rights, but had to earn those rights through her positive contribution to society:

"An explicit expectation that rights must be balanced by responsibilities (...) there are clear obligations that go alongside British residency and ultimately citizenship (...) [to] make a positive contribution to UK society" (Blair 2004).

Newcomers could only earn rights (Home Office 2008: 33, point 191) by meeting labour market needs, a perspective that failed to take account of the position of asylum seekers, seeking a right to protection. There was a stark contrast here between the economically and socially 'responsible' migrant and the non-contributing asylum seeker. But contribution was the basis for inclusion into the community of citizens. Citizenship was to be earned, rather than ‘granted’, it was therefore a privilege:

"Showing current British citizens that those seeking to join them as British citizens are *earning citizenship* by being active rather than passive participants in UK life" (Home Office 2008: 29, point 167).

By giving the state the authority to distribute citizenship rights, Blair’s contract established a mechanism for his new 'us' and 'them' or the ‘beneficial contributor’, versus the ‘abusive non-contributor’. By associating asylum seekers with non-contributors, Blair argued that their exclusion was ‘fair’ as
only those who contribute to society should be rewarded with citizenship rights:

"Fairness is about people getting what they deserve - hardworking citizens being supported, whilst those abusing the system being excluded. Fairness is therefore about the government exercising strict controls to make sure that those who seek to abuse the system are excluded" (Blair 2003).

A citizen is someone who contributes, or, rather, someone who contributes is rewarded with the status of citizen, hence becoming a legitimate member of the community. Economic self-sufficiency was to be rewarded with full citizenship rights in an attempt to build a perfect nation of entrepreneurial citizens. An asylum seeker then became a violator of fairness, someone who demands something she does not deserve, something that belongs rightfully only to citizens; someone who wants to take without giving back. Moreover, in order to take, one has to first give – that’s a “fair deal for citizenship” (UKBA 2009: 4, par 5). This redefinition of ‘fairness’, that is ensuring that contributors are rewarded, and non-contributors are excluded, is a neo-liberal interpretation of the reciprocity mode. There is no hospitality here: those needy hands will be pushed away as bills need to be paid. New Labour set up a dichotomy between well-managed and economically beneficial migration as opposed to an uncontrollable asylum system (it is impossible to predict the number of asylum claimants) compromised by illegality as a result of tightening the borders, and, potentially, of no utilitarian value to the British state.

5. Discourse of ‘fairness’ and topos of contributor in social care: Whose health, whose care, whose say?

Social care is absent in New Labour’s immigration/asylum policy documents that are based on the discourse of managed migration, hence concerned only with managing people. But in documents relating to social care provision refugees are not even named, which implies that they are not valued, and not expected to access those services. Following the topos of
contributor omnipresent in immigration/ asylum policies, social care services were to be delivered exclusively to citizens constructed as those who ‘belong’, and who are therefore the legitimate recipients of state aid:

"(...) re-design local services around the needs of citizens" (DH 2007: 2, par 2).

"We will shift the whole system towards the active, engaged citizen in his or her local community" (DH 2006: 19, 1.39).

The indigenous population is first of all a community of economically viable contributors; ethnic differences and inequalities derived from those were acknowledged, but defined within the boundaries of the nation-state. The communitarian notion of society stands for the community of contributing citizens, as suggested by the occurrence of fairness discourse:

"(...) We are committed to a health and social care system that promotes fairness, inclusion and respect for people from all sections of society, regardless of their age, disability, gender, sexual orientation, race, culture or religion, and in which discrimination will not be tolerated" (DH 2006: 17, point 1.27).

Since it would be ‘unfair’ to support those who don’t contribute, fairness is a coded word for the relationship between the state and a citizen. Origin, the only phrase that could denote a foreign-born person, is not included in the above list. Similarly, under the expression ‘people with particular needs’, there are only ‘ethnic minorities’ mentioned, that is British citizens of diverse ethnic backgrounds:

"We will increase the quantity and quality of primary care in under-served, deprived areas. And we will ensure that people with particular needs get the services they require - young people, mothers, ethnic minorities, people with disabilities, people at the end of their lives, offenders and others. In social care we will develop new ways to break down inequalities in access to services (...)" (DH 2006: 8, point 18).
The problem of unequal access to services that migrants, and refugees in particular, have to struggle with due to linguistic and cultural differences, was completely ignored (unless they would be categorised as ‘others’, but this is reading between the lines). Furthermore, the category of homeless people, and those who live in temporary accommodation, did not include asylum seekers even though all of them live in this kind of housing arrangement, and often go through periods of sleeping rough. But asylum claimants were not even perceived as “legitimate” migrants thus they were completely erased from New Labour’s policy landscape:

"Allowing people to take the lead in accessing the help they need is a fundamental principle we want to uphold, but sometimes health and care services must proactively go out to those who have the greatest needs. This is because some groups, including people who live in residential homes, black and minority ethnic people, people who are homeless or living in temporary accommodation, and travellers, will not always be able to access traditional services, including health care, social services and the benefits system" (DH 2006: 95, 4.66).

Consequently, asylum seekers were not covered by New Labour’s policy of homelessness prevention (DH 2006: 96, 4.70), nor any other form of prevention. The promise in *Our Health* (DH 2006), namely that the government will invest more in preventative services (DH 2006: 4, par 5) did not intend to cover forced migrants, neither those whose asylum claim was pending, nor those already granted refugee protection. This contradicted New Labour’s own community cohesion initiatives as the goal of social inclusion was undermined by excluding those two specific groups of people:

"On adult social care services, people said we needed to do far more to increase independence and inclusion within local communities and to shift towards prevention and promoting well-being" (DH 2006: 199, A.7).

One of the questions that the government was asking in *Our Health* (DH 2006) was whether Primary Care Trusts and community health services focused sufficiently on the “most vulnerable and those in greatest need” (DH 2006: 172, 7.79). This was, however, mitigated by the phrase on “fair
services” suggesting once again that, following New Labour's fairness discourse, it was only contributors who were entitled to social care. This is re-confirmed in the paragraph on engaging citizens and responding to their concerns, particularly in the case of those “whose needs are greatest but whose voices are often least heard” (DH 2006: 157, 7.5). New Labour governments were focused on the promotion of user 'voice and choice', but where refugees are not recognized as citizens, residents or service users, their needs and views are correspondingly not to be sought out or taken into account. For instance, Putting People First emphasizes tackling inequalities based on ill health and disability, but not origin; the exclusion of migrants is further underlined by the usage of the word ‘citizen’:

"Agreed and shared outcomes which should ensure people, irrespective of illness or disability are supported to participate as active and equal citizens, both economically and socially" (DH 2007: 2-3, point 3.2).

Similarly, being sensitive to refugee experience I was hoping to find some referral to linguistic and cultural difference that might hinder forced migrants from realising their full potential, but again, this was not the case:

"We will always fulfil our responsibility to provide care and protection for those who through their illness or disability are genuinely unable to express needs and wants or exercise control" (DH 2007: 2, par 7).

I became aware of the fact that my layperson perspective on social work practice permitted me to read social policy texts in an open, non-conventional way, but, as I discovered later, in the jargon of professional social care system it all had different meanings. In some cases it was more evident, like in the following quote:

"The alleviation of loneliness and isolation to be a major priority. Citizens live independently but are not independent (...)" (DH 2007: 3, point 3.3).
Loneliness and isolation seem to perfectly describe the existential situation of newly arrived migrants, but the focus is actually on citizens. The absence of refugees was particularly poignant when the text referred to people with mental health problems where the notion of “equality of citizenship” was an echo of disabled people’s campaigns, rather than of a reflection of migrants’ needs:

"Older people, disabled people and people with mental health problems demand equality of citizenship in every aspect of their lives (...)" (DH 2007: 1, par 1).

There is nothing about diversity here, even though people from minority ethnic backgrounds, including refugees, are often over represented in the mental health system. Refugees could also be, of course, included in the category of elderly and disabled people, but nowhere in the Our Health (DH 2006) or in Putting People First (DH 2007) documents is this indicated. The most contentious issue is government’s explicit referral to the “most disadvantaged groups” (DH 2006: 204, B.3). My immediate thought would be it is about asylum seekers and refugees but, given the overall context of the text, this is an over interpretation. Putting People First (DH 2007) reiterates this seemingly inclusive call, stating that access to support should be “universal and available in every community” (DH 2007: 1, par 5). But would it really be “every community”? The same text speaks of “commitment to social justice” (DH 2007: 5, par 7) which can clearly generate expectations of social care provision to asylum seekers and refugees. However, after a closer reading of the document, we realise that the support is not there: forced migrants (i.e. asylum seekers and recognized refugees) are not named anywhere in the Department of Health documents. It is as if they do not exist as a distinctive group of service users. In Putting People First (DH 2007) there is a discussion on the risk of abuse and neglect of vulnerable adults (DH 2007: 4, point 3.3.); theoretically “vulnerable adults” could be asylum seekers and refugees, but it is in fact about mental capacity and frail people (only safeguarding applies to absolutely everyone). In a separate chapter analysing interviews with asylum seekers and refugees I shall offer
evidence that they may have even greater health and social care needs because of the traumatic and stressful experiences they went through before displacement, and, often afterwards, also in a country of asylum. This is, however, not recognised in New Labour’s social care documents.

There is an assumption in all New Labour social policy documents, both those concerned with safeguarding borders and on selective migration, and those focusing on the provision of health, housing and other services, that migrants (all migrants, for that matter) are young, independent, healthy individuals: perfect gastarbeiter. Migrants are therefore not supposed to access social care services at all, especially since social care is not a universal right:

"The majority [of migrants] are young, fit, have no dependants and came here to work or study" (DCLG 2008: 27, par 5).

"Migrants to the UK are expected to work, study or to be self-sufficient" (DCLG 2008: 15, par 1).

The reference to self-sufficiency is crucial here as it delineates migrants from citizens: citizens as contributors have a right, or rather have earned a right, to access social care services. Of course, in the ideal New Labour’s world everyone should be working hard and be self-reliant, but there were some privileges that only citizens could enjoy. Abolishing asylum seekers’ access to benefits was part of Blair’s strategy to maintain British sovereignty and protect British citizens:

"The overall position in respect of benefits is therefore based on a system where rights are 'earned'" (Home Office 2008: 35, point 200).

Conditionality underpinned not only New Labour’s stance on political rights, but also social rights, with its focus on responsible citizens. The aim of Putting People First (DH 2007) was to ensure that care and support system was fair and “unambiguous about the respective responsibilities of the state, family and individual” (DH 2007: 1, par 3). Contribution was everyone’s
responsibility, and social care’s role was only to enable people to become self-reliant so that they are able to contribute to society:

"They [services] should support independence, not dependence and allow everyone to enjoy a good quality of life, including the ability to contribute fully to our communities" (DH 2006: 204, B.3).

"Our society is based on the belief that everyone has a contribution to make and has the right to control their own lives" (DH 2006: 204, B.1).

Refugees were no exception here; being recognised as ‘genuine’ they joined the category of other ‘legitimate’ migrants, hence were expected to earn their (further) rights. Having being granted the right to protection, they still had to work for the privilege of citizenship and its benefits, the notion of which is a leitmotiv in New Labour’s social policies:

"We will continue to provide refuge for those fleeing persecution, as we have done for centuries. (...) We are also taking steps to ensure that they learn English and do not access benefits or services unfairly" (DCLG 2008: 10, par 4).

Initially non-contributors, refugees had to make commitments (i.e. learn English, work) before they would be permitted to use what the community of contributors produced:

"However, there are some services to which migrants (...) may not have access until they have lived and worked in the UK for some time and have earned the right to access those services" (DCLG 2008: 24, par 4).

"The Government has already strengthened the rules on access to social housing for foreign nationals. Our Earned Citizenship proposals are a further step to put into practice our belief that the rights new migrants enjoy should reflect the contribution they make" (DCLG 2008: 27, par 3).

There was a populist assumption behind this thinking, namely that resources (schools, hospitals, housing) are limited, and being able to access them is a ‘fair’ reward for previous contributions:
"However, in other places migration does create additional demands on local services (...). People feel very strongly about these issues, which go to the heart of their sense of fairness. It is vital to address them" (DCLG 2008: 24, par 2).

The notion of ‘fairness’ signifies the shift from a topos of burden (migrants, including refugees are associated with social expenditure) to a topos of contributor (earning rights through commitment to the host society, in particular of the economic kind). The key discourse in both immigration and social care documents, the discourse of fairness, is therefore not relevant to asylum seekers and refugees who, as a consequence of their complex vulnerabilities, might not be able to attain the role of an entrepreneurial contributor. To conclude, social care provision to asylum seekers and refugees was a neglected area of policy due to New Labour’s ideological preoccupation with the exclusion of those who were not beneficial to a modern British economy. Including forced migrants in social policy responses would mean that they are entitled to services that were on offer; that they were, in fact, permitted to “belong”. As they were excluded, there was therefore no guidance for social care professionals. The practitioners did not get any help on how to interpret legislative frameworks surrounding asylum, in particular the intersection of legal, policy and community care context, especially with regards to what services forced migrants are actually entitled to. General policy guidance in social care policy prioritised individualisation and personalisation that could not inform practice on refugees. The lack of clear guidelines in relation to work with forced migrants led to dilemmas on the frontline. As a result, social care providers had to bend things, or to refer people to voluntary organisations. Social workers that I interviewed had difficulties comprehending their responsibilities towards asylum seekers and refugees, and were clear only about very high threshold of levels of need necessary to provide support; this is probably the only universal guidance that can be found in New Labour’s policy (DH 2006: 204, B.5; DH 2006: 205, B.6). They also complained about the complexity of the system, a problem which is also recognized in the Putting People First document (DH 2007: 1, par 3). Further to this, the overall confusion allowed for a significant level of
discretion, with either progressive or regressive responses on the frontline of services.


This chapter is an epitaph for successive New Labour governments as the issues discussed here were current at the time when the research was conducted, which was before the new coalition government was formed following elections in May 2010. There is a degree of uncertainty surrounding the new citizenship regime because the government charged with its implementation is not the government responsible for its inception. The Tories' stance on immigration can be summarised by their manifesto claim that “immigration is too high”, and their focus on allowing only “the best and the brightest”, "wealth creators", and "truly exceptional people" (May 2010: 1, par 6 and 8; May 2010: 2, par 1) to enter the UK. This is not that different, perhaps only more restrictive, from New Labour’s discourse of managed migration, as, under the new government, more migrants coming to the United Kingdom will have to depart at the end of their temporary leave. This is because the coalition government will be looking to close down the possibilities of people to ‘switching’ visas when they are already in the UK, and thus preventing them from entering the country under a temporary basis with the view to later progress towards a more permanent status in Britain. In such a way Tories reiterate Labour’s topos of contributor (Home Office 2008: 12, par 43) in their approach to British citizenship, which is described as a privilege, not a right:

"Settling in Britain should be a privilege to be earned, not an automatic add-on to a temporary way in" (May 2010: 3, par 3).

Theresa May, in her November 2010 speech, referred to the dichotomy ‘abuse-benefit’ too; in fact it would be impossible to guess whether the following quote came from Tony Blair’s statement or from the Tory minister:
"We must tighten up our immigration system, focusing on tackling abuse and supporting only the most economically beneficial migrants” (May 2010: 1, par 6).

May must have carefully studied New Labour’s policy documents, because, amongst her inspirations, there are also the familiar topos of numbers, the container metaphor, and the topos of burden:

"Controlled migration has benefited the UK (...). But when immigration gets out of control, it places great pressures on our society, economy and public services" (May 2010: 1, par 2).

But the most significant New Labour’s legacy is the co-option by two other main parties of the idea of ‘fairness’, redefined so many times that it has now become a complete political hocus-pocus. In the May 2010 general election all the three main parties competed with each other promising the electorate a “fairer Britain”. The Liberal Democrats’ manifesto contained some progressive measures relating to migration and asylum, but, both their ambitious plan of creating an independent asylum tribunal similar to the Canadian model, and introducing one-off amnesty for irregular migrants residing in the UK for more than five years, have now been abandoned. The way to heal the asylum system would be to clearly separate it from wider migration, particularly in the field of public information. The right to protection and the value of providing asylum must be publicly defended by government, and not undermined. It is, however, unlikely to happen in the current economic climate of recession, budget deficit and cuts. The concept of fairness with deeply engrained conditionality will only probably further mutate towards a restrictive stance on asylum; after all, it is seen as ‘fair’ to shut the door in face of someone who has got nothing to offer but her bare humanity.

7. Conclusion.

In this chapter I have aimed to identify the core discourses that have grown around asylum seekers and refugees during the years of successive
Labour governments. I have argued that a particular redefinition of ‘fairness’ enabled the legitimisation of refugees’ exclusion from both the realms of citizenship and social care. Refugees are expected to ‘earn’ their rights, including the right to access social care through contribution to the host society. But, in the contradictory amalgam of New Labour discourses, they are regarded with suspicion, as merely ‘undeserving’ economic migrants who abuse both asylum and welfare systems. However, policy documents should not be taken as defining what happens to forced migrants in statutory social care as it is necessary to pay due regard to how front line workers interpret and negotiate these policy discourses. There is a complex interplay between the prevailing social policy discourses that I discussed here, and social workers’ own attitudes and knowledge that will be explored in the next chapter.
VII. Social care providers’ responses to asylum seekers and refugees.

1. Introduction.

New Labour social policy documents were woven around the legislative discourse of managed migration combined with the populist discourse, whilst the discourse of care was practically absent there. Analysis of interviews with social care professionals revealed much more complex patterns of sub-discourses and counter-discourses, indicating a significant level of discretion in social policy’s interpretation and application on the services’ frontline. I carried out a total of fourteen vignette-based interviews with social care professionals, mainly qualified social workers (nine interviews), including people working in dedicated No Recourse to Public Funds Teams (five persons, including one who was not a social worker, and one team manager); specialised HIV/AIDS team (one interviewee); Children/Young People team (six interviews, including one with an accommodation officer, and a manager). Some of my interviewees used to work in Asylum teams thus had a good grasp of the field, whilst some struggled with complex asylum related legislation. All my participants felt comfortable discussing the vignettes, written accounts of hypothetical scenarios, in this case based on real life experiences:

- **Vignette 1** tells a story of a failed asylum seeker, a young single woman with mild learning disabilities who was tortured in her country of origin. Aisha is homeless and provided with food at a local day centre for asylum seekers. The support workers suspect that she is sexually exploited by some men from her community who are offering her accommodation in exchange for sex.

- **Vignette 2** describes the situation of an asylum seeker with a pending appeal, a single mother with three young children. Felicity was raped by militias in her country of origin and both she, and her youngest child are HIV positive. The family was living in private accommodation, and, as they could not pay the rent, Felicity moved to
one room and rented out the other rooms to another family. She has lived off handouts and the children are often hungry.

- **Vignette 3** is about a person with Discretionary Leave to Remain, a torture survivor suffering from mental health problems. Ahmed was placed by a local council in privately rented accommodation which is substandard. The flat does not have central heating, and it would cost him all his Income Support money to properly warm it up using electricity. Ahmed does not feel safe on his estate – he was previously a victim of a racially motivated attack. He finds it difficult to go out and has lost contact with members of his community as they do not live in the area.

Themes identified in the interviews were coded and categorised under a broader category of discourse of rights versus discourse of needs:

a) legal/procedural issues - refugees' needs and experience
b) entitlements/eligibility - care/perceived degree of discretion/strategies for working the system
c) roles/responsibilities - values/moral dilemmas/emotional experiences of workers
d) worker's sense of powerlessness - worker's sense of power

The question of potential service users' eligibility came up as a key theme, with the following positions identifiable:

1. *Legislative discourse - focus on eligibility rather than needs.* Here the perceived purpose of legislation was to combat abuse of the asylum system; this meant acknowledgement of government powers relating to immigration controls alongside emphasis on the high threshold of suffering necessary for asylum seekers to be eligible for support. Four subdiscourses were identified within the discourse of rights:
bureaucratic discourse; anti-bureaucratic discourse; subversive discourse and postcolonial counter-discourse.

2. Discourse of care - focus on needs as opposed to eligibility. This discourse emphasizes the absolute nature of Article 3 (prohibition of inhuman or degrading treatment) of the European Convention on the Protection of Human Rights and Fundamental Freedoms (ECHR) and places fundamental human rights over policy concerns. The focus is on asylum seekers’ and refugees’ vulnerability: they are constructed as needy (theme of humanisation) and suffering (topos of victimisation). I discuss the self-representation of social care professionals as emotional and powerless, hence "struggling" with the system, whilst subdiscourses of equality and its counter-discourse provide conceptual frameworks for practitioners' responses.

3. Populist discourse - defence of legitimate public concern over resources. Asylum seekers and refugees are represented here as economic migrants and cheaters who are a strain on public services, and who cynically abuse those services. I frame the populist discourse in socio-linguistic terms and conclude by looking at the social construction of "undeserving" asylum seekers and "deserving" ("genuine") refugees.

These basic categories (i.e. discourse of rights, discourse of care and populist discourse) were evident before I began my fieldwork. Furthermore, they are not specific to refugees but (with an exception of populist discourse) belong to social care's professional discourse. Nevertheless it was interesting to see how social care professionals are negotiating and applying those dominant discourses and how they work out what is the right thing to do, as well as how they make sense of, and negotiate, policies within which they are expected to work, and how they justify their choices and legitimate their views. Vignettes proved to be an excellent research method since social workers are familiar with working on case studies, and were extensively elaborating on the scenarios they were presented with. When analysing the data, I was examining what social care professionals were drawing on to respond to situations described in vignettes, e.g. political concepts,
professional values and reflection or procedures, as well as how those different positions emerge out of the text - and, more importantly, whether those discourses are seen to be conflicting, and accompanied by more critical themes. Those counter-discourses, or subdiscourses, as opposed to the three main discourses, are inductive, that is, they grew out of working extensively with the data. And this is where the real richness and originality of the text is to be found: it emerges from analysis of what pulls these subdiscourses together, and from examining the way in which they are de-legitimated and excluded from the accepted order of discourse. In order to understand these discursive practices I applied Ruth Wodak’s (Reisigl and Wodak 2009: 13) Discourse-Historical Approach, and I interrogated the data in the following way:

1. How are persons, phenomena/events, processes and actions named and referred to linguistically?
2. What characteristics, qualities and features are attributed to social actors, objects, phenomena/events and processes?
3. What arguments are employed in the discourse in question?
4. From what perspectives are these nominations, attributions and arguments expressed?
5. Are the respective utterances articulated overtly; are they intensified or mitigated?

Investigating the topics of the discourse and of the argumentation (e.g. topoi, fallacies) allows for an understanding how social care professionals were underscoring their opinions or justifying practices. The topic tells us what a sentence, discourse fragment or text is about. Fallacy on the other hand indicates transgressions of discussion rules within an argumentative text; for instance, overgeneralization (e.g. all migrants are poor and uneducated) and setting up a straw man (e.g. if we relax immigration controls, the whole system will collapse) are used in populist discourse (Van der Valk 2003). Argumentation is further reinforced by metaphor, irony, repetition and euphemism because those rhetorical strategies steer attention, enhance interest and underline meaning. For example in anti-immigrant discourse
these are employed to emphasize positive things about the in-group, whilst emphasizing negative things about out-groups, and/or de-emphasizing negative things about 'us', and de-emphasizing positive things about 'them'. This is very important in the context of social policy whereby the line is drawn between those deemed 'deserving' and those labelled as 'undeserving'. Social workers are then faced with the following dilemma: in their professional role they are caught between state enforcement and a duty of care, and, in order to deal with these tensions they need to employ various discursive practices. Furthermore, the same worker could draw on different, often contradictory, discourses. This depended on the context: for instance, responses to vignette 2 describing a situation of a single mother with an HIV positive child were more benevolent than those discussing a case of a single man with mental health problems in vignette number 3.

2. Legislative discourses of rights: the question of eligibility and entitlement.

"We have to follow procedures. I'm a human being but I can't change the procedures."
NRPF officer

"Social care is governed by the state of which we have no authority over, and they are not the most clear, or communicative, or empathetic of people."
HIV/AIDS team worker

"Yes, we do checks. We have to. When somebody presents himself or is being referred to the team, makes the initial contact, you would be asking for their proof of their medical, immigration status and so on and so forth. Documents. Because you will find clients coming to say, oh, they have something pending (laughs). Or you even have sometimes solicitors' letters, they are putting article 3 or some asylum claim is pending. By the time you do the check, it's not always the case. So we do our checks."
Social worker, NRPF team
A. Bureaucratic discourse.

In order to show how social care professionals use legalistic language, I would like to begin with enlisting expressions that were used repeatedly:

- verbs (also in present participle) - assess, following procedures, meet the threshold, working within the system, system dictates, negotiating, questioning, verify, prove
- verbs in passive forms (passivation) - entitled, legally obliged, governed by law, governed by the state
- nouns - system, legislation, entitlement, duties, assessment, eligibility, responsibility, public funds, public services, legal duty, evidence, investigation, proof, documents, checks
- adjectives - legal, reasonable, unacceptable, unlawful, statutory, fraudulent, eligible, not eligible

Verbs like “examine”, “verify” and “assess” are part of a bureaucratic discourse which is structured by a set of legal values in which faith in rational argumentation, order, clarity, justice and equality are assumed to prevail. It is a discourse that justifies action in terms of duties, obligations and responsibilities which are politically, socially or legally associated with a given role or position, in this case the role of a social care professional/social worker. Bureaucratic discourse entails that an institutional actor believes or claims to respect official norms, and remains within the prevalent moral order. Therefore, within this discourse, an in-depth knowledge of the legislation was seen as a prerequisite to fair treatment of clients:

"There are statutory duties and if you know them, you should know what to do and people shouldn't be falling through any gaps or stay in a limbo not knowing if they are actually entitled to anything, and the services don't know if they are entitled to anything so they kind of get rid of them as if they were second or third class citizens."

Social worker, NRPF
"We are led by this legislation. Because if we do not... let's say if the assessor felt very sorry for someone and put the information in that assessment that was not there, and then that case was reviewed, that's fraudulent. *It's favouritism, it shouldn't happen.* There are certain reasons why there is *eligibility*, for whatever reason."

HIV/ AIDS team worker

In bureaucratic discourse "facts" established by detached legal reasoning are contrasted with "arbitrary decisions", here derived from prejudices; hence the legalistic idiom becomes the idiom of redemption that eradicates moral dilemmas and allows for absolute clarity:

"And it seems *a lot of social workers*, social services don't even go to their legal department for advice, they do things the way they used to be done without *checking* or they do what they find is a common sense. They think, oh, it's an asylum seeker therefore he mustn't be ordinarily resident anywhere, so we won't *give them anything*, you know, or we give him this, but we can't give him that, it's often based on *arbitrary decisions* and not *actual fact*.

Social worker, NRPF

Consequently, the complex legal and procedural issues were not seen as an obstacle to service provision; quite the contrary, for those drawing on this discourse it was the interpretation of legislation and its implementation which they found problematic:

"The *legislation* is very clear in this area. There's bit of that which is conflicting, you know, community care, human rights and immigration *legislation*, but once you know how they work together, which, you know, often takes a little bit of time in a dedicated team that we are here. There's case law as well. But it's quite clear as far as you know what you're doing, when you know the *system*, there's a great bias to support someone so it's a matter of working out, OK with the *legislation*, what is the option here, there's usually only one or two options."

Social worker, NRPF

"I know it's easy to say, but it *probably* does happen, and the social workers go, tough, you know, you get a *wrong social worker* and he says, well, tough, they are failed asylum seekers, go away, slap... but there's Every Child Matters, and Children Act, it's just *unacceptable* for this to happen."

Social worker, Children and Young People team
Discrepancies in workers' understanding of the legislation were huge, with some believing that all the asylum seekers should be supported by the National Asylum Support Service rather than social services. But even those social care professionals who were less familiar with this field of work also referred to legalistic idioms. Whilst discussing a vignette describing the case of Aisha, a young destitute torture survivor with mild learning disabilities, a confused social worker admitted that:

"Even though this case is not unique but... most of our cases are not straightforward, they have such different levels of complexities, and it's really important to get as much clear, robust evidence as we can..."

Social worker, NRPF

Legalistic language is believed to be value-free and objective, whilst the procedures should eventually lead to uncovering a 'truth' that will allow the worker to determine someone's eligibility for support. Thus the flaws in the system are not its inherent characteristics, but are due to human error in their application. If the rules tend to be harsh, this is legitimized by the need to safeguard the asylum system against abuse. So, if a worker refers to herself as a "human being battling with procedures that can't be changed", this indicates that the asylum system needs to be harsh in order to combat abuse, and a professional is accepting this even though she might find it difficult to implement at times. In expressions such as "this is how it is", "I'm at one with the system", or "the system is my profession", critique is disabled and the status quo is upheld:

"As I said I'm at one with the system, I just acknowledge, this is it, this is what I work within, you know, I'm not saying that all those things are great, I'm just saying this is how it is."

NRPF officer

One of the potentially contentious policies, identity checks of people approaching NRPF teams before carrying out needs assessment, was neutralised by an explicit reference to the very core of bureaucratic
discourse, that is, equating what is legal or lawful with what is reasonable, realistic, practical and acceptable:

"I would say I have to contact UKBA, I can't just not know who you are, that's not... You can't get a service if you can't prove your identity, if you can't prove your status, I think it's reasonable, and it's legal. And if someone said... that's why I get their permission, a, because it's a right way to do, and b, it gives them an opportunity to say I don't want that to happen and to walk away. The thing is that they could have quite high care needs and they could be eligible for support, but it's kind of two way street, but legally I can't proceed, local authorities can't accommodate people who have never proved who they are, I mean that's just not... not acceptable. And it would probably be unlawful, I mean I can't think if any other public service or anything that you would receive from a local authority, you wouldn't have to prove who you are, it's the first thing you have to do, isn't it. So if people felt strongly that they don't want UKBA to be contacted, I would have to say we can't proceed with your application... which... if they did have high care needs that would certainly be a problem for them and I wouldn't feel greatly about that, but I wouldn't be able to proceed, I wouldn't be able to say, OK, you don't have to prove who you are".

NRPF officer

The moral ambiguity of identity checks was neutralised, with a bigger emphasis being put on bureaucratic procedures rather than the actual need:

"You know, sometimes for me as, you know coming from the statutory social work, you know, I have my values, my morals, but in this scene we are just about assessments..."

Social worker, NRPF

Therefore a worker adhering to bureaucratic discourse is, in fact, accepting the role of state policy's enforcer:

"But in terms of negotiating two aspects of what we do, unfortunately we are bit of a solicitor because our assessments... you know, sometimes I wonder if I'm a solicitor or a lawyer because we are looking at the different aspects of law, and justifying why this person shouldn't be in the UK, that's what we do, you know, we are not trained to do that as a social worker but somebody has got to do it. And that has to be a social worker because there will be a lot of issues, domestic violence, child protection, lots of issues so it can't be
done by just anybody. It has to be done by a social worker unfortunately."
Social worker, NRPF

Whilst the majority of my interviewees clearly expressed their dissatisfaction with using social welfare as a tool of immigration control, one person saw facilitating arrests as part of her professional role:

"However, yes, in this team if we have... let's say, a failed asylum seeker with removal notice, it's a phone call away. We have a link with Home Office worker whom we can call to give the details of this... whether they catch them... we should be doing this ideally. I've had immigration officials coming to this team to pick up a client. Unfortunately she was an overstayer and they could not deport her because deporting an overstayer is much more difficult than deporting a failed asylum seeker."
Social worker, NRPF

Furthermore, negative adjectives such as "unrealistic" and "impractical" were evoked when referring to a suggestion of a change in asylum policies:

"And it is part of my role to ascertain eligibility, to ascertain needs, and yes, things touch me on a moral level, how can it not, you know, I'm not an autocrat... A lot of people I meet may have had incredibly difficult experiences that I can't even begin to imagine living through myself, but I can only apply that which I can apply... If I could apply a lovely law where everyone was happy, I would apply that law but you need to work within the systems that exist... and to think otherwise is unrealistic."
NRPF officer

"Systems are systems, aren't they, and you can't run a society as complex as this without systems. You can't run a society without immigration rules, without borders, yes in an ideal world, but completely impractical, you have to have systems... and not all systems are fair but there is a reason why they have to exist."
NRPF officer

The language of law embodies the reason, and a social care professional strives to present herself as first and foremost reasonable (but not entirely detached: she is not an "autocrat" and "things touch her on a moral level"). This is an important strategy used in managing self-presentation, in this
particular case in order to fend off accusations of prejudice against asylum seekers and refugees: racists are not "reasonable", they are people driven by emotions. Hence a 'reasonable' social worker defends 'reasonable' state policies; they might be harsh but they are not racist or xenophobic. To further reinforce this point, a claim is made that statutory social care is in fact equally non benign to everyone:

"The way I tend to view public services is that ... nobody is having a good time, nobody is getting a great treatment just because of the way the systems are set up. And I think that treatment can often be perceived as sort of... this particular group of people being treated in this way because they belong to this group but in fact it is happening to indigenous white British people. So things are just as bad for everyone (laughs)."

NRPF officer

"But you know it doesn't matter what field of social work there is, there is discrimination in all the areas, social inclusion, poverty, substance misuse, mental health, there is discrimination there, in all those areas..."

Manager, Children and Young People team

Faith in justice and equality is constitutive of bureaucratic discourse, even if it means that everybody is treated equally badly. Similarly, the social control aspect of the social care system is normalized through its omnipresence: scrutiny and checks are everywhere thus they become normative.

"I think all systems control people, all systems are designed to control people. What you said about being watched in NASS accommodation made me think about our B&B - people are watched in B&B, you know. All systems in which people are provided with something... when people are being provided with something... I personally think it is reasonable for them to have checks because people do try to exploit... some people do try to exploit what they are being provided with, whether it's by subletting their flats and moving away or by working and claiming benefits, and we're talking all systems here, not only systems available to no recourse clients, we're talking benefits system, social housing allocation, so I'm making no... I'm not differentiating between someone exploiting an asylum system or housing system, you know, that just happens, people do do that, so I do think that it's reasonable that there are checks."

NRPF officer
A particular notion of "bureaucratic fairness" is used to neutralize the intrusiveness of the social care system. It is a "deal", an exchange of surveillance for support, and, since it is mutual and reciprocal, it is assumed to be "fair" (the unequal relation of power between the state and the resident/citizen is omitted):

"In their first interview we tell them [asylum seekers] we have to contact the Home Office... It's almost like... that's the deal, you come to us, we are a public body using public money, we will spend public money on you, that's fine, but this is the deal... what we are going to do from now, we will contact the Home Office, and then we will assess your needs. If you don't like that, then you do what you wanna do. That's our approach."

NRPF officer

To conclude, bureaucratic discourse is rooted in a belief in fairness, justice and equality of a given system, in this case, the relation between immigration/asylum policy and statutory social care. The interviewees tended to draw on this discourse when making general statements about their role, rather than responding to a specific vignette, so it was not unusual to have two competing discourses, bureaucratic and anti-bureaucratic, in one text. However, it was anti-bureaucratic discourse that was more prevalent in terms of number of people who were referring to it. This is based on a widely shared critique of the Home Office, in particular its inefficiency, that leaves asylum seekers in a sometimes decade-long limbo.

B. Anti-bureaucratic discourse: Social worker versus the system.

"I tell them [asylum seekers], it's not about me and you, it's about the system - then they calm down".

Social worker, NRPF

"I would try as a human to convey to that person that this is the system you are in, this is nothing to do with me and you, this is the system you are in, and it's really unfortunate that you are in this system but these are your choices. They might all be shit, but these are your only choices and I can try to assist you with your limited choices by doing the small things that might
make *those really shit* choices better for you but I can't manufacture a choice for you..."

NRPF officer

Interestingly, and perhaps surprisingly, in the case of this study it was anti-bureaucratic discourse that was dominant: state policies were seen as *not* rational and *not* clear as well as *imposed* on a worker, a merely passive and powerless executor whose agency is limited by legal duties. It is the 'system' that dictates what they are able to do; they are 'governed' by the state:

"But *the system is my profession*, whatever the *system dictates* is what I have to do, and my brother always likes calling me an *agent of social control* (laughs) but I'm an agent of social control, *just as a housing officer is an agent of social control, just as a civil servant is an agent of social control*, I mean I can't allow the local authority to perform a function that is not *legally obliged* to perform or doesn't have a *legal duty* to perform."

NRPF officer

Within this discourse a social care professional is a reluctant enforcer of state policies: on one hand this suggests that the state is the most powerful actor (followed by a local authority equipped with a significant degree of power hence both social care professional and asylum seeker are powerless) but, on the other hand, it neutralises, or at least minimises, the tension between professional values of social work and the legislative framework. It is the 'system' that is to blame: "we have to do what we have to do".

"Well, yes, at the end of the day, *everything is up to the Home Office*, isn't it. *Everything* is up to Home Office, whether someone stays, whether someone goes. We can do what we are legally required to do in the context of... whether a *person* is in our area. If the Home Office decides, we detain, or the Home Office decides, we deport, or the Home Office decides, yea, you can stay, so local council is like... *we just have to do what we have to do* whilst we have to do it until Home Office makes their decision which kind of trumps any decision that we make, isn't it."

NRPF officer
This tactic of depersonalisation and distancing was usually employed in the context of denying the service as opposed to personalisation (speaking in the first person, that is, taking up the responsibility for one’s decisions) which was used to present oneself as benevolent and engaged, usually when responding to the vignette about a single HIV positive mother with three children. Legalistic argumentation, or a language of rights, is juxtaposed against a language of needs and duty of care; the former is simultaneously uncompassionate (“strict”) and inflexible (“very clear”). A legalistic idiom acquires quasi-mechanistic, hence inhuman features:

“But when you are governed by such strict case law, changing case law, different interpretations, it really throws you. And I’ve had a number of workers who have been very upset about potential outcomes and trying to normalise that there’s only so much as we can do because if you go to the legal department and say, this is what we’ve got, this is the evidence, and on this evidence, on this information it appears that they have no health needs, they don’t have this, legal argument would be very clear: we don’t have a duty.”

Accommodation officer, Children and Young People Team

Anti-bureaucratic discourse rejects the claim that systems are just and fair; here the asylum system is described as complicated, unclear and irresponsible:

“So it’s like, it’s almost as though this country accepts these people to come into the country under some kind of leave to remain or not, but then doesn’t actually come up with all the goods in a straightforward way to support them. So my argument would be... well, clarify what are you able to do as a country, how much resources are you able to put so you see it through properly and you make sure that things are done smoothly, and everybody knows what their responsibilities are and things are a lot less complicated. Or say you can’t take them. This is just awful, the way it is.”

Accommodation officer, Children and Young People Team

In the discourse of rights (i.e. both bureaucratic and anti-bureaucratic discourses) people make sense of their professional role by referring to legalistic language of the state apparatus. However, faith in a just and fair system is characteristic of bureaucratic discourse, whereas anti-bureaucratic discourse challenges the notion of fairness. Paradoxically, anti-bureaucrats
and asylum seekers are both victims of the authoritarian and uncaring system:

"And it's a bit of a Cinderella service as well because of, you know, how people feel about asylum seekers in general. So it's like... morally it's almost like you are made to look at things as they really are whereas other people are in a position to be able to gloss over... 'difficulties with asylum seekers, you know, so much resources being used up'... And if you are in it, you have to work with it as much as you possibly can and try to come up with something..."

Accommodation officer, Children and Young People team

Social care provision to asylum seekers is far from being a priority for local authorities, and as a consequence social workers are forced to manoeuvre between professional values of social change and empowerment, as well as the constraints of the system. Notwithstanding this, the law provides only a framework, but not direct answers, and the actual practice is a combination of personal, social work and legal values.

C. Subversive subdiscourse.

For some interviewees drawing on the bureaucratic discourse it was an in depth knowledge of the asylum and community care legislation that was a necessary condition that allowed for a just treatment of asylum seekers. This was accompanied by a more subversive counter-discourse whereby social care providers were aware that government policies are inconsistent, and that it gives them scope to support people:

"It's a difficult one, I mean I would always see it as a duty of care, first and foremost, and if you've got to the point where it feels like that's not, I would treat it first of all as a challenge and do whatever I can do, and then if I can't do that, I wouldn't do it. But I'm a in a privileged position at the moment because Home Office is being so inconsistent with their procedures that it gives us a lot of scope to use our power for good (laughs)."

Social worker, NRPF
Duty of care is contrasted here with state enforcement. However, the interviewee drew on this discourse only when prompted (at the end of the interview I asked him to define his role as a social worker); otherwise he was referring to bureaucratic discourse when speaking about asylum policy, and to anti-bureaucratic discourse when discussing statutory social care. Following bureaucratic discourse, policies of the state were seen as clear but the procedures were perceived as inconsistent, i.e. a gap was spotted between principle and praxis. But, if the principles are fair, then why would one need to search for inconsistencies in practice in order to "use power for good"? To further add to the complexity, the worker was the only participant who acknowledged that social care professionals actually have 'power'. For another very competent social worker, the legislation, or rather the loop holes in the law, actually constituted a situation enabling him to help his clients:

"My thinking would be... I would be looking how I can get around various legislation... that would be my way of looking at it. (...) There are always ways to get around... it's all about thinking outside of the box. It's about the way you ask local authority for something".

Social worker, Children and Young People team

Therefore, in contrast to dominant anti-bureaucratic discourse, the legislation was perceived as fairly flexible and permitted people to "think outside of the box". This also introduces a new dynamics, that is the relation between a worker and a local authority (rather than only between the state as an enforcer of asylum policy and a social care provider complying with or challenging the system) which was not really raised by other interviewees in a context other than resources available in a given locality. However, in order to spot those inconsistencies a social worker has to know this field of work very well, which is not always possible due to job constraints and lack of training.
D. Postcolonial counter-discourse.

Whilst a discourse on rights constitutes an obstacle to service provision to asylum seekers due to the curtailment of their rights in asylum policy, there was evidence of a very marginal counter-discourse (in fact only one worker drew on this) that I called postcolonial counter-discourse. Here refugees, and actually migrants in general - "anybody coming here" - have a legitimate right to come to Britain. This is the only account of a social worker not making the distinction between "asylum seeker" and "genuine refugee" but including all immigrants, whether they are fleeing extreme poverty or persecution. Furthermore, the populist discourse on scarcity of resources and defence of public concern over those resources is completely reversed. Britain is rich, and more importantly, its wealth is illegitimate because it has been built on colonialism and slavery:

"Britain is rich and it built all this wealth on blood of slaves, you know what I'm saying? So if someone wants to come back here and says, listen, I want a little bit of that cake, since you have taken everything that we had, I don't have problem with anybody coming here really."

Social worker, Children/ Young People Team

Therefore it is payback time for Britain. Migrants, in particular those coming from former colonies, have every right to be here, and what is more, they are entitled to receive support from the state, because it is Britain that plundered their countries. In this reciprocity mode a link is reiterated between the Mother Country and the Commonwealth: migrants are coming back here, and they are here because Britain was there. A metaphor of a cake that needs to be shared evokes equal redistribution and justice, and calls for an inclusive welfare state for all (i.e. not only for Convention refugees which would constitute a stricter interpretation of the notion of rights). It is thus an idiom of rights which is to secure the wellbeing of migrants. However, for the majority of my interviewees it was discourse of care which was a safeguard of refugees' welfare.
3. Discourses of care - focus on needs rather than eligibility.

"We believe that asylum seekers deserve a service, they are one of the most vulnerable groups within the field of social work, there is layers and layers of vulnerability, they haven't got any family here, the majority of them, they need a good service, they need a good advocacy, they need to know their rights, and we certainly do this in our team."

Manager, Child/ Young People team

"The whole social care system is about need, it's not about where the person comes from who is presenting that need, at least this is my view, and this is what I would hope other social care professionals would answer. Whoever has the most need is the person who needs to be helped and that should be irrelevant where they come from, or who they are, or what their country of origin is."

Social worker, Child/ Young People team

"When you are a social worker, you could argue that if you are looking at a specific need, and an adult or a child is gonna be put at risk of significant harm, that's what you are assessing, not the asylum claim, yea. It does come into play if you are looking at public funds and public services but if you are assessing a risk to a safety of an adult or a child then you have to undertake your assessment as if you were to undertake it for anyone. And if they don't qualify for a service, you better look at how you're gonna provide them with a service in the community if they can't have it from you because of public funds issue."

Social worker, Children/ Young People team

A. Language of care.

Once again, I would like to start the analysis of discourses of care by looking more closely at the language of care. The following verbs, nouns and adjectives were used in the construction of discourses of care:

- verbs (also in present participle) - wish, assist (not assess), feel for them, feel bad, feel sorry, get disheartened, person needs help, return home to what, doing very best, push back, cut off, drop into an abyss, it goes against my views, don't know their rights, giving this person up
- verbs in passive form - hands are tied, being pushed, spoon fed, forced away from the mainstream society
The language of care is much richer than the legalistic one: it is emotionally charged rather than detached (repetitive use of the verb "feel" and adjectives such as tragic, painful, moral, humane, personal as well as referrals to "heart"), draws on the psychological notion of vulnerability, and, more explicitly, on "care" and "care needs". The meaning is intensified by using words such as "really", "very", and "incredibly", along with comparatives and superlatives.

**emotional social care professional**

Those interviewees drawing on the discourse of care were talking about their emotional experiences at work as well as the moral dimension of their professional role: they were "upset", "disheartened" and "frustrated". Cutting off support to young unaccompanied asylum seekers was seen as particularly upsetting:

"So it's **very painful for the social workers**, it's **very painful for me** as accommodation officer, to say you gonna have to let go this accommodation that you got used to and where you had some **safety** in."

Accommodation officer, Children and Young People team
Here the United Kingdom is represented as a safe haven, but a safe haven that is taken away. The need for safety refers to both the refugee experience, and young people's need of protection. The same interviewee compared social workers to unaccompanied minors' family implying a strong sense of responsibility and care for their wellbeing:

"And there's no choice given, it's very hard for young people to get their heads around the fact that we may have supported them for a few years but... and then we are suddenly not. That's very difficult, 'cause I suppose they feel, well, either you are our parents and you look after us, and this is what happens, and then suddenly you turn around and drop us into an abyss really. There's nothing certain."

Accommodation officer, Children and Young People team

Withdrawing support is an abrupt, sudden and brutal event for a young asylum seeker, and dropping someone into an abyss is a powerful metaphor of guilt and betrayal. Similarly, the phrase "giving somebody up/ away" calls on moral obligation, and is akin to the language of political persecution (i.e. surrendering somebody to authorities):

"The only different thing about No Recourse is that you have to verify the immigration stuff and because it is so contentious and that you have to do it by linking yourself in with the enforcer of immigration, and I know that with a lot of practitioners it's quite an uncomfortable thing for people to do, to contact the Home Office because you feel like you may be giving this person up, you may be giving them away but that's why I make it a condition, that they need to know that I'm gonna do that, and they can say, you know, I don't want you to do that, and I'm going now, and I can say fine, I never saw you, obviously if Home Office asked me had I seen them, I would answer truthfully of course, but I'm not gonna take this information and give it if I don't have to give it."

NRPF officer

Withholding information about irregular migrants or failed asylum seekers who went underground was a tactic used by some of my interviewees in order to bypass the moral dilemma attached to liaising with the Home Office. Nevertheless it meant refusing a service to a needy person, which was relatively easier to do than cutting off provision of services. This proves that in order for ethics of care to flourish, there must be some sort of relationship
established between a worker and a service user. This point was made by an accommodation officer for whom witnessing unexpected deportations of young asylum seekers was a very traumatic experience:

"I had to go and see a flat of a young person that's been deported, and it's like, you open the fridge, you've got food, you've got the plates gone in the sink to wash up, and it's like... they've gone out for a walk, and not come back again, and that's pretty poignant as well. And I think it happens quickly, abruptly, and with a... like this is what we need to do, let's get on with it, sort of thing. So they might be humane while they do it but still the process is very abrupt.

N: And are you informed in advance that your client will be deported? I: No, no, I think we are given little if any warning. We are asked not to tell a young person as well. So, I mean, for instance, maybe they go on their monthly visit to Lunar House [to report] and one time they just don't go back. They say, this is your time, you have to go back. And they can't even go back to pack... or make arrangements, they can't even go back to their home. Which is very hard."

Accommodation officer, Children and Young People team

The phrase "this is your time, you have to go back" evokes the image of death, and in fact, that is what might be awaiting asylum seekers in their countries of origin. The use of the emotionally charged word "home" is very interesting here because it implicates the UK not the country of birth. In the discourse on rights refugees' home is always 'there' not 'here' and 'going back home' means leaving the UK. Discourse of care, however, rejects the legalistic notion of origin and focuses on actual ties that a refugee establishes with a host country which becomes her home. It means that refugees belong here; it is a very inclusive discourse based on the ethic of care.

• powerlessness

"I know that my colleagues do their very, very best for those young people who are in this situation, who are faced with... you know, our support is ending, they are caught between... maybe they've had removal directions, or maybe they haven't... And it's that sense of powerlessness, that there's nothing we can do to make it ok for these young people... They have to leave everything they know in most cases, and even if an appeal is made on vulnerability grounds, that is far from certain that it would be granted... "

Accommodation officer, NRPF
For those interviewees drawing on the discourse of care, the immigration law was the biggest barrier for the service provision since local authorities are legally banned from supporting able-bodied asylum seekers. For most people it led to a sense of powerlessness and frustration; the following statements were made repeatedly:

"I wish that there was something that can be done but it doesn't always work."

Social worker, NRPF

"As a person, there's nothing I can do, but I support them [asylum seekers] as much as I can".

Social worker, NRPF

"It's hard. Clients come and say they want to commit suicide. I give them moral support but I have no power".

Social worker, NRPF

Here a distinction was made between a social worker as an individual who would like to help others, and a person whose professional role constraints did not allow them to do so - a social worker from a NRPF team referred to this tension between what is the right thing to do, and what is feasible, as having her "hands tied":

"And sometimes you may have a client or you assist someone and you can really feel for them, you sympathise with them, and their story is really tragic but then our hands are tied. They don't meet the threshold and then what is really there for them... so it's frustrating."

Social worker NRPF

"Sometimes your heart does go out and you think, oh, we could do a little... so you do feel it, you do feel bad, you do feel sorry sometimes, and some people's stories are really... [sucks her teeth] I mean you wonder how people get to a stage like... some of the stories that we have here... but... your hands are tied. Your hands are tied."

Social worker NRPF

"Sometimes you get disheartened when your hands are tied and you see that this person needs help. Yea. And sometimes there's no way of getting there apart from saying, look, can you return home? A lot of the time, to return home to what?"

Social worker NRPF
Some people clearly expressed their dissatisfaction with using social welfare as a tool of immigration control, and felt uncomfortable when being drawn into the role of enforcer of state policies, like in the above quotation which is about suggesting that someone returns to their country of origin (in fact, local authorities can provide people with tickets back home). For those drawing on the discourse of care, as mentioned earlier, refugees have made their home in the UK regardless of their legal status. Some of the interviewees emphasised that they were neither policemen nor immigration officers, who were described as authoritarian, suspicious and disbeliefing, and that they would feel very uncomfortable if they were to facilitate the arrests of their clients. Thus there was a clear conflict between duty of care and state enforcement:

"A social worker should be someone who is looking after people but because you work quite closely with the Home Office, the expectations and culture are very much of a distrust, you know, sort of suspicion. So if you are not careful, you get corrupt."

Social worker, NRPF

Retaining humanity in such a challenging work environment is difficult, and a social worker who manages to do so becomes some sort of a hero, someone who overcomes obstacles and acts ethically against the odds:

"Anything that an individual worker wants to do for a young person is done in spite of all of this [asylum policies]."

Accommodation officer, Children and Young People team

A discourse of care emphasizes ethos of social work rather than rules and procedures. It subverts a discourse of rights in the name of values, but, at the same time, acknowledges the power of the legal idiom. Negotiating those two discourses resembles a Sophoclean tragedy whereby one has to choose between universal human values and loyalty to authorities. In this regard, two approaches to asylum seekers and refugees could be identified: one that calls for an assessment of needs regardless of immigration status, but treats forced migrants as any other vulnerable group; and the other based on the
presumption that refugees have higher social care needs than other groups
due to the very experience of displacement.

B. Care discourse of equality - assessment of needs not immigration
status.

A discourse of equality challenges the idea of an exclusionary welfare
state and focuses solely on care needs. It recognizes that state policies are
an obstacle to care provision, and conceptualizes asylum seekers and
refugees as vulnerable groups in need of support.

- metaphor of battle/struggle

For those drawing on this discourse of care, social care provision to asylum
seekers and refugees was described in terms of a "conflict", "battle" and
"struggle". It is an interesting conduit metaphor (i.e. it draws attention to
addressing the problem or to attempts to find a way out of it) because it
evokes a more physical and emotional image than "problem" which suggests
more of a mental issue. The battle/struggle metaphor plays the following
roles (after Wodak et al. 1999):

a) it casts the worker as agent engaging in a struggle with a difficult matter,
and as seeking ways of solving it, for example by ensuring that asylum
seekers' needs are assessed just like any other person's needs:

"Personally I look at the care needs, that's what I'm assessing. I was
always battling to make sure that I get service for the people that I
was working with because it is based on their need, not their asylum
status."

Social worker, Children/ Young People team

b) it appears in the sense of struggling with an undesirable condition that
requires alteration/ manipulation. For instance, some of my interviewees
were calling for allowing asylum seekers to work.
c) it refers to a competing position that is struggled against an abstract concept (injustice) personified into an acting entity (local authority, the state, the system, the government), usually the Home Office:

"He needs good advocacy who's got the time and the resources to be an absolute thorn in the council's flesh, you know. I'm really busy to do an awful lots of battles that I'd like to do, I haven't got the time, I've got so much on. I cannot do it, I cannot sustain it. Because it does take time. Our legal department isn't really geared up for these sort of battles, certainly not for housing, they have a generic level of expertise I suppose and it doesn't cover everything."

Accommodation officer, Children and Young People team

d) it is legitimized through an articulation of the goals of the struggle, and those for whom it is being struggled for, i.e. to aid or liberate people. In other words, struggle with the system (statutory social care in the context of asylum policy) entails struggling for asylum seekers and refugees:

"To me as a social worker, that's why I work with a client to fight against this sort of things because I do think that sometimes asylum seekers, and refugees, to be honest some people don't know the difference and treat them all the same (laughs), whatever their particular immigration status I think it's important to treat them fully fairly particularly if they are entitled to a service."

Social worker, Children and Young People team

A discourse of equality calls for a fair treatment of asylum seekers and refugees who deserve a service due to their vulnerability. In order to classify as a vulnerable group, refugees are first and foremost represented as victims, rather than survivors.

- **topos of victimisation**

Asylum seekers are represented as lacking agency: their idleness is enforced by legal regulations, and is also a source of psychological distress. They are double-victimised, being victims of political oppression in their country of origin, and victims of the asylum policy in the UK. Commenting on the vignette describing a single man with Discretionary Leave to Remain, a
social worker from NRPF told me about one of his clients who was also granted three years leave to remain:

"We've got one client who just got his leave to remain, he was asylum seeker for 3-4 years... his mental health was improving up to the point when he got his leave... and from the time he got his leave he was referred to social housing and it's [mental health] deteriorated - he became suicidal and had another psychotic episode. He was almost dormant and not doing anything for these three years and suddenly he had to make his way into the world. He applied for benefits and now it's not income support as such, you're still on income support but for people who have health and mental health needs it's a special allowance which is designed to push you back... and basically it's just testing you every few months to see if you can be cut off as opposed to seeing how much help they should actually give you to find a job. And unless you've got a doctor's certificate to say that you tried to kill yourself they might cut off your benefits, that sort of thing. So it can be very difficult as well, being assessed for housing, and all of this."

Social worker, NRPF

Thus it is "the system" which is "designed to push people back": individuals forced to live in limbo when awaiting a decision on their asylum claim, and then eventually granted some form of leave to remain, are often incapable of standing on their own feet. They are "completely dependent", "almost dormant" and "spoon fed by anonymous (that is lacking a humane dimension) organization":

"That makes it very, very hard for a society to deal with people who may want to work but can't, and don't have any choices here except being spoon fed by an anonymous organization that says where you're gonna live, and how much you're gonna live on and that's it. Take it or leave it. They are forced away from the mainstream society as well so that brings isolation, depression, etc."

Accommodation officer, Children and Young People team

Usage of verbs in the passive emphasizes asylum seekers' subordination: they are "being pushed", "tested", "assessed", "cut off", and "forced away from mainstream society". They are not given any choices in their lives and are subjected to state orchestrated social exclusion with all its psycho-social consequences. Discourse of equality draws attention to discrimination of
asylum seekers; here it is suggested that whilst other vulnerable groups are
given due attention, the asylum seekers' plight is ignored:

"I think that it's really difficult for this group of people [asylum
seekers]... and society doesn't really... the government don't really
want to help therefore it's quite easy for local authorities not to help
because they haven't got the same kind of pressures... if an
indigenous child in care goes missing there is far more emergency
and emphasis than when one of our young people goes missing... it's
like a structural kind of racism you know (...)."

Social worker, Children/ Young People team

A social worker from NRPF team admitted that asylum seekers are treated
unfairly in the statutory social care system; she used the word "grinding", and
to grind somebody down means to treat someone cruelly and unfairly:

"You think, I'm gonna really grind it, and by grinding, imagine you're
asking somebody, why are they living in the country, they tell you they
were raped, they were tortured, how they were beaten up in prison,
you force the memories back, it's always flood of tears, you know, in
the assessment it's not typical, oh, how can I help you, do you want
direct payments and how can I make your life better, and how can I
improve your independence, no, it's about, you want the social
services to help you, you want us to pay for your support, you are
asking me to spend tax payers' money, and you need to answer every
of my questions."

Social worker, NRPF team

Here working towards independence with members of the indigenous
population is juxtaposed with fostering dependence in asylum seekers. They
are the Other, the un-belonging and the un-deserving. Social care becomes
then an arm of the state apparatus, protective towards its own people, but
hostile to the suffering Other.

- humanisation of asylum seekers

“People are thankful and grateful if they are spoken to like a human being.”
Social worker, NRPF
In the discourse of equality asylum seekers are referred to as "human beings", "people" rather than "person" or "clients", whilst social workers would begin to respond to a vignette with a phrase "as a human...". By comparing refugees to 'us', an appeal is made for fair treatment of all. When referring to failed asylum seekers who might choose to go back home because their situation here is so bad, a non-UK born social worker admitted "sometimes I feel like this myself". She did not draw the line between 'us' and 'them' but spoke of shared experiences, and shared feelings among migrants in general. A similar point was made by another Black social worker who empathised with refugees and who saw himself as a representative of people of colour:

"I don't think about resources, it's human beings that we are dealing with, duty of care must come first. For me it's about personal convictions. Even though I was born in the UK, I'm British, as a Black person I've experienced a lot of pressure and racism... so I think I've got like an empathy even though my situation is different to the people I work with, I know what racism is, I know what disenfranchisement is, so I see it as a part of... like a responsibility that I have in my work. It sounds like I'm really idealistic, but that's my ideal, I fail at a time, but that's what I'm trying to do, that's my aim, I want to provide the best service possible."

Social worker, Children/ Young People team

He acknowledged that his situation might be different to those who fled their countries of origin, but disregarded the idiom of rights in favour of community of experience ("even though I'm British"). His own experience of racial oppression found its reflection in moral values that he applied in his work ("I see it like a responsibility", "that's my aim").

For a manager of a Children and Young People team it was human experience of movement in a globalised world that was an argument for the equal treatment of refugees:

"And the media... if we could get carte blanche on the media not being able to report on asylum issues, it would help a lot... it's misinterpretations, misquotes, I mean in the news at the moment, the French minister blaming the UK, saying she's gonna bill us for the cost to the French government, isn't very helpful at all, but we can't take
away the fact that there are... there are... issues about asylum and migration... really. But that's, you know human nature. That happens within the UK, people move from the North to the South, and the world seems to have got smaller in that sense..."

Manager, Children and Young People team

Refugees were equated here with migrants, but this was meant to lead to the conclusion that we are all the same. British people are moving from one part of the country to the other, and immigrants and asylum seekers are crossing the borders; migration, defined as a search for a better life, is thus common to all humans ("that's human nature"). The world has become smaller and we have to accept the fact that we are living side by side with people who were born elsewhere: this is just the way it is, and there is no point in resisting it, even though "there are issues about asylum and migration". Displacement and mobility are therefore normalised: refugees are not any different from us because we all tend to live in a place where we were not born.

When the question of welfare system abuse was raised by my interviewees, it was mitigated by statements that "everybody does it" because "anyone would do anything for shelter, water, food and money" and "people (all people) do bizarre things [to get it]":

"Saying to us as the truth, and that has unfortunately been... we have found out later that some of the information was not correct... and some of the documentation was not correct which is really difficult because you're expecting a degree of transparency but of course if we empathise that the person in front of you would do anything... to... to be able to have shelter, water, food and money."

HIV/ AIDS team worker

"There are certain reasons why there is eligibility, for whatever reason. And that's the same for the healthcare. Coming from abroad... spending half of your life in you know... out of Europe probably... and then coming in and expecting to have a breast reduction (laughs). People do bizarre things, even coming from America to have their teeth done... I think what I try to do is to try to normalize it, this is not the only area of social care and health which is... under scrutiny (laughs)."

HIV/ AIDS team worker
"(...) obviously these people do have a lack of money and there are reasons why they would want to undertake something which is essentially a criminal act in order to get more money and it's understandable and it's not legally justifiable but it's understandable."

NRPF officer

There are no flaws in refugees' characters, it is the desperate situation that they are in which might force them to break the rules because "When people (again, all people) want something, they will fight for this". So it is a part of human nature: we are all trying to survive by any means necessary. The discourse of equality differs here significantly from the populist one where refugees are first and foremost defined as the Other, unlike Us.

My interviewees were using the care idiom when speaking about particularly vulnerable people such as ill women, pregnant women, especially those with health problems, children, young people, and women with children in general. The participants were usually drawing on the care discourse when responding to vignette 2 about a single mother with HIV positive children: a woman is seen as an archetypical victim deserving protection, and even more so if she is a mother. There is a discrepancy here between asylum policy and community care guidelines: the UK tends not to grant asylum on the grounds of gender-related persecution, whilst statutory social care is focused on protecting children at risk, and vulnerable women.

"And I think it's right that people with children shouldn't be so strictly... their income shouldn't be so strictly restricted because they have children in their house... That is not to say that £42.40 is a severe restriction, I don't believe it is, I think it's a fairly reasonable one, to be honest, given the amount of bills paid for the clients..." NRPF officer

"We are very tough, we turn lots of people away. We only house them when we must - if they would sleep in the streets, if they have children."

Social worker, NRPF

What further humanises women with children is the universally shared human experience of motherhood, and a particular Western understanding of
what childhood should be like. Whilst single asylum seeking men might be seen as a menace, particularly if they are non-white and of Muslim faith, a woman with a child does not pose a threat, and her call for help is more legitimate. What is more, we are accustomed to images of, in particular, African refugee women holding children in their arms in some dreadful war-torn place, but we never see images of these children’s fathers - perhaps because they were killed, detained or take part in an armed conflict - nevertheless all that we see is a lonely vulnerable woman with a child. The responses to vignette 1 describing a single woman without children were very different: here the eligibility rather than care idiom was employed. Her vulnerability was defined in terms of its severity, with different people assessing it differently: for some Aisha was "quite vulnerable", for others "fairly", "very" or "extremely vulnerable". This is a very important point because a worker's initial assessment of a case would, following the Slough ruling of 2008 that I mentioned earlier, presumably determine their decision on whether to provide a service or not.

C. Counter-discourse to discourse of equality - asylum seekers are more vulnerable than other groups in need.

"I think what makes it more challenging with refugees and asylum process, is the needs of asylum seekers, the layers of need, and often young people who have gone through this system are so much more vulnerable."
Manager, Children/ Young People team

In this counter-discourse asylum seekers are more vulnerable and have more complex needs than others, they are a special case, hence should be treated in a special way. Interestingly, this reflects a debate in the field of international law, whereby human rights law, a universal right based on indivisibility, is contrasted with refugee law grounded in categorization that is affording protective rights to a minority group. A discourse on equality calls for equal rights for asylum seekers and refugees on the basis of shared humanity whilst its counter-discourse recognizes them as a group that should
be granted special rights. In the context of statutory social care, asylum seekers differ from other vulnerable groups because their immigration status hinders the communication between a social care professional and a service user:

"Primarily their [asylum seekers'] first point of contact is with immigration and I think it takes them a while to differentiate between social services and the immigration, and it's all very well sitting in the interview and saying we are not immigration, what you say to us has got nothing to do... that can take some time. I've known one young girl for four years and she started talking about her family only last week, so it can take some time."

Manager, Children and Young People team

Therefore, working with asylum seekers ideally requires a different, more sensitive approach, and a long term, closer involvement with a client (for example, allocating one support worker per service user). Without this, even the assessment of someone's needs might be impossible due to language barriers and cultural differences. When responding to a vignette about Aisha, a torture survivor with mild learning disabilities, a worker from NRPF team pointed out the difficulties attached to working with people of different backgrounds:

"And then my preliminary interview with her would also include some issues around what her care needs were, and in fact if she’s got any disabilities which is very, very difficult thing to diagnose with someone with whom you are trying to communicate in language that is not your own."

NRPF officer

Another worker made a statement against pathologizing asylum seekers and stigmatizing them as a "problem group" referring to the vignette about Ahmed, a single man with mental health problems:

"What kind of accommodation are they able to provide, somebody like Ahmed may be put into accommodation with people who are alcoholics, drug users etc. And that would be very, very difficult for him to deal with, wouldn't it."

Accommodation officer, Children and Young People team
This is a critique of a "one size fits all" approach, and, by challenging placing asylum seekers in accommodation with alcoholics and drug users, a point is made about their distinctive needs. Alcoholics, drug addicts and refugees are all vulnerable adults, but refugees' vulnerability is rooted in their experience of persecution and displacement, and, for that reason, social care response to their needs should be different.

In the next section I consider a different, populist discourse whereby public resentment towards asylum seekers and refugees is portrayed as reasonable and justified.

3. Populist discourse.

"On the other hand you see there is also this argument that a local authority can't be giving more support to these people [asylum seekers and refugees] than they give to anyone else... so we can't be giving Ahmed a lovely brand new bathroom and shiny flat when there are other desperate people who are in the queue. And by giving people shiny flats all you do is turn others against them, that would lead to more racial harassment..."

HIV/AIDS team worker

"I think some people see it [social care provision to asylum seekers] as not having resources, and some... yea, you could interpret legislation in lots of different ways. But it's also about local authority's money, and who they see as deserving and not deserving."

Social worker, NRPF

A. The populist vocabulary.

In the case of this study, the fact that No Recourse to Public Funds teams are not reimbursed by the government puts lots of pressure on social workers who have to be very weary of how they use scarce resources, and who might be caught up in a situation where supporting an asylum seeker might have direct consequences on a local authority's ability to help the indigenous population. The need to redistribute limited resources triggers looking for responses in the populist discourse arsenal. What was interesting
to observe here was how the interviewees were trying to draw me into their populist discourse: back questions ("right?", "you know?", "yea?") and question tags ("isn’t it?", "aren’t they?") were used repeatedly. This was a form of self reassurance, and grasping for consent while representing refugees and attributing social positions. By doing so, the workers wanted to acknowledge that these are the dilemmas which are broadly recognised, and to support a presuppositional structure facilitating obviousness and unison. But, this was an uneasy task since I am myself an immigrant, and, by punctuating explanation with laughter, my interviewees were communicating that nature of the expressed view was potentially problematic to the other party; it was a way of recognizing that the interviewer might have difficulties with accepting what they were saying. This was evidence of attending to the extremity of their claim, but it did not mitigate the statement: it was not the view that was softened, but its presentation. Shortcut transitions from argument to conclusion were facilitated through the use of the following topoi and metaphors (after Van der Valk 2003):

**a) topos of burden** - refugees are a burden on social expenditure; implied conclusion - we must stop immigration by means of strict migration and asylum policies. A social worker from NRPF admitted that the specific character of their team - i.e. helping those who are normally not eligible for support - obscures moral values favouring an assessment-only perspective. Furthermore, concern over resources has actually become a value in its own right. As another NRPF officer stated, by generously allocating funds she would be "doing public funds a disservice":

"I mean I can't allow the local authority to perform a function that is not legally obliged to perform or doesn't have a legal duty to perform. I would be **doing public funds a disservice** and this is probably one of my **most important values** which I already indicated earlier... But basically the **waste of public money is unacceptable** anyway and that's why as I said before, **resources have to be carefully allocated**, they really do, and it has to be people who need it the most."  

NRPF officer
b) topos of profit - asylum seekers who are in fact economic migrants in disguise only come here to profit from our country, and we don't need such dishonest people. Here my participant was referring to vignette number 3:

"When you say the property was substandard, who said this? The client? Because it is not uncommon for many people placed in accommodation, for whatever reason, we have a duty to place them, to make sure they have a roof over their head, that they are safe, not that they have en suite and a mini bar and all the rest of luxuries."

HIV/ AIDS team worker

In other words, refugees are abusing our hospitality as they want more than they are entitled to: not only do they live from our assets, but they are a parasitical Other who is never satisfied or grateful for what she receives. It is imputed that they have bad character, are irresponsible and consumerism-oriented. As a consequence, suspension of reciprocity in rights and entitlements is justified.

c) topos of advantage - refugees are given more advantages than the indigenous population; in fact, the British are discriminated against and must be cared for. Here opposition to supporting asylum seekers is justified by referring to the difficulties faced by the British people, and the plight of asylum seekers is downplayed so that both the British and refugees are presented as being in an equally difficult position. The special condition of refugees as people fleeing persecution is then erased; they do not have any special needs hence their claim is delegitimized:

"Many people who are in temporary accommodation irrespective of their immigration status may have a bathroom which is just as big as this one table where you have a toilet and a sink, and that's it."

HIV/ AIDS team

"I'm from a health background and it kind of goes against my views of free care and free access but I think... it's a contentious... situation where you know we have limited resources, limited funds for everyone not just people who are coming into the country or already in the country but for the elderly, for people who've got learning disabilities, there's only so much money for everyone."

HIV/ AIDS team worker
The topos of advantage is reinforced through rhetoric of comparison and differentiation: firstly, there are many people who live in poverty in the UK; secondly, resources are "not just for people who are coming to this country" suggesting that asylum seekers are somehow prioritized in the social care system. Their needs are then juxtaposed with the needs of unquestioningly deserving groups such as the elderly and people with learning disabilities (but, for instance, not single mothers - hence there's a differentiating degree of 'deserving' a service).

d) topos 'for their own good' - immigration favours racism and harms the integration of refugees; thus stopping immigration is in the interest of migrants themselves:

"On the other hand you see there is also this argument that a local authority can't be giving more support to these people [asylum seekers/ refugees] than they give to anyone else... so we can't be giving Ahmed a lovely brand new bathroom and shiny flat when there are other desperate people who are in the queue. And by giving people shiny flats all you do is turn others against them, that would lead to more racial harassment..."

HIV/ AIDS team worker

Hyperboles are used to emphasize and intensify the message: Ahmed does not only want a bathroom and a flat, he wants a "lovely brand new" bathroom and "shiny" flat (topos of profit) whilst other people are "desperate". A queue made of those "desperate people" is an indirect referral to the populist theme of "asylum seekers jumping the queue" (topos of advantage). It is also about the cultural importance of queuing in Britain: standing in a queue suggests egalitarianism because everyone has to queue. Then a counterfactual argument is evoked, that is, an argumentative move based on an imaginary situation which is constructed in order to better predict negative consequences that are used to persuade about necessity of a specific policy. In this case it is a rhetorical strategy of appealing to social cohesion as a basis for rejection of refugees. We witness a victim-perpetrator reversal where the in-group is concerned about community relations, and the out-group is referred to as the threat to it. It is part of a macro argumentation
strategy of ‘war’ and confrontation, and reflection of a Manichean picture of race relations (‘us’ versus ‘them’).

e) topos of numbers - the number of refugees coming to the UK is too high and this is bound to have negative consequences. This communicates a negative conclusion rule that was mentioned in previous chapters: the higher the number, the worse the event. Refugees are dehumanised through referential strategy of calling them 'numbers', 'entrants', 'newcomers' with excessive quantity attributions; they are represented as plural and homogenous:

"People will travel and the numbers are getting higher and the asylum system has never been able to cope with it, but there are genuine asylum seekers that need help, that need support, and it is duty of care that is certainly within our team..."

Manager, Children and Young People team

The topos of numbers is intrinsically linked to topos on a failed immigration system because the numbers are to be blamed for the system's failure. Even though it is a government's incompetence that is resented and represented as a disaster, rather than immigration itself, nevertheless it assumes that immigration, as such, is a negative and dangerous phenomenon that the state needs to protect its citizens from. Similarly, the number of refugees is hinted at in a house metaphor:

"We can't help everyone who walks through the door."
Social worker, NRPF

The phrase "we can't help everyone" suggests that there are too many people asking for help, i.e. there are too many asylum seekers and refugees in the UK. The house metaphor symbolises the lack of restrictions on immigration (the doors are open and too many people come in), and this reveals and emphasizes the assumption that control over immigration has been lost. It is also a rejection of hospitality: there are people waiting by the door but we are not going to let them in. The topos of numbers is particularly
contentious because it signals that asylum becomes equated with immigration: asylum seekers are seen as voluntary migrants, choosing a country where they want to apply for asylum (even though many studies, including those commissioned by the Home Office, indicate otherwise), and are treated as numbers within the discourse of managed migration.

f) the container metaphor builds on the topos of numbers, but develops them into a whole scenario of what will happen if the 'numbers' get really high.

"And you say to them, why did you come in here? They say because of humanitarian protection in the UK, and that's the common thing I think in Europe UK has very good human rights protection so therefore... But that doesn't mean that we will not discharge. It's like a little ball, and you want to put the whole world into a little ball, that's how you feel."

Social worker, NRPF

"Little ball" is a typical container metaphor of limited size and quantity: it's little (implying that Britain is already full but "the whole world" is still trying to squeeze in here), and it implies processes of exclusion and inclusion. There is a gradual increase of a mass in a container, the build up of pressure from inside (e.g. pressure on resources) that, once the critical point is reached, might lead to the breaking through of a container, a social explosion. The little ball metaphor conceptualizes the nation state and represents society as bounded space; it is a three-dimensional image that emphasizes differentiation, separation and enclosure. This bounded space incorporates a trajectory from the periphery to the centre, protecting what is within (close to self) from external danger (outside of law). The situation is perceived from the perspective of the entity that is experiencing the pressure, i.e. 'us' who are already in the container. It is based on our universally shared understanding of the value of the 'inside' compared with the 'outside'. This entails that which is 'inside' the little ball needs to be protected from outside sources of danger, hence the significance of secure borders and the political legitimacy of those who maintain the boundaries of the container. Therefore
it is common sense (and not prejudice) to say that there’s no place for everyone in the UK: prejudice is achieved here from a position of tolerance and reasonableness. This succumbing to pejorative reporting characteristic of tabloid rhetoric illustrates very poignantly the challenges that underfunded local authorities have to face; populist comments subtly point to a scenario where a worker might actually be forced to make a choice that is not solely based on a need, but rather on the basis of who she thinks "deserves" the service more: a frail elderly English lady, or a newly arrived traumatised asylum seeker. Here the notion of belonging might creep in and work to the disadvantage of the asylum seeking Other.

B. Social constructions of asylum seekers and refugees: undeserving asylum seeker and deserving 'genuine refugee'.

"People will travel and the numbers are getting higher and the asylum system has never been able to cope with it, but there are genuine asylum seekers that need help, that need support, and it is duty of care that is certainly within our team..."
Manager, Children and Young People team

The Asylum and Immigration Act 1996 introduced the notion of 'genuine asylum seekers' (i.e. those who claimed asylum at the port of entry) and 'bogus asylum seekers' (in country applicants), but this distinction referred to the way that forced migrants were making claims. However, this differentiation has been adapted and further developed by New Labour who reclassified asylum seekers as economic migrants. This has had an impact on social policy's assumptions about who is 'bogus' hence undeserving, and who is 'genuine' and deserving a service. Out-group actors can be represented in specific (subdivided and differentiated in specific groups) or more general terms (homogenous categories). Initially two category memberships were created: asylum seekers whose victim status is not acknowledged, and refugees who are recognized as victims who need help and support. However, later on 'asylum seekers' with their ambiguous status
replaced 'refugees' altogether, and the suspicion was installed: were they really persecuted?

"A lot of people may have had incredibly difficult experiences."
Social worker, NRPF team

"Some people's stories are really tragic."
Social worker, NRPF team

A distancing strategy is achieved here through the use of modal verbs, and referring to people's stories rather than to their experiences is evidence of disbelief ("stories" may be invented or recreated whereas "experiences" are inherent to who we are and their authenticity cannot be questioned). Conflating categories means that all forced migrants become potential *clandestinos*; in such a way the harsh treatment is justified, and specific circumstances and needs of asylum seekers are overlooked. The majority of my interviewees repeated the phrase "*some* asylum seekers are *genuine*", and although they were concerned about their plight, they kept perpetuating the divide. Not being able to help someone was described as being *sometimes* - but not always - really frustrating. This implies that not everyone is "genuine":

"And *maybe* for some of our clients that... *maybe* their stories are not so... *what's the word...* some clients who we probably deem that are not... *maybe not telling the truth...* from our assessments, there are different stories that they've said... or along the years... it may not go in their favour *I suppose*. But for majority of our clients, I think if... there was a way of working where we could say, look, this is our client's situation and we feel that they *should be granted leave to remain* or some leave to remain. *Maybe* that would help."
Social worker, NRPF

The social worker who visibly struggled to divide her clients into "bogus" and "genuine", which was evident in false starts and hesitations (repetition of the word "maybe"), nonetheless got drawn into what should not be part of her role, making assumptions about someone's asylum claim. For another social worker the experience of working in an asylum team was a "learning process"; she presented herself as balanced, but had to change her
approach because asylum seekers were lying to her (in other words, abusing her good will):

"Initially I juggled with it... I juggled with it to the point where, you know, as a social worker, my specialist area is adults with physical disabilities and you make it better, you don't make it difficult. (...) I used to work in Asylum team and I used to juggle with it a lot... but for me it's a kind of learning process. Because sometimes you have... people who come through your door and they give you the biggest story and you believe it. By the time you finish investigation you find that it's... it's not true."

Social worker, NRPF team

So, if there is discrimination occurring in statutory social services, it is a result of asylum seekers' behaviour, it is their fault. Therefore discrimination is transformed from an accountable moral practice into something inevitable due to the intrinsic features of asylum seekers' characters. It is an example of extreme case formulation whereby the phenomenon is in the object rather than a product of interaction and circumstances. Shifts between principle and praxis render possible the self-confirming and perception-guiding topology: asylum seekers are lying and a social worker needs to be careful. This is when legalistic discourse is being drawn upon - there needs to be an investigation because asylum seekers do not tell the truth:

"And if they find that if they do something, say something, it will change their situation, they will do it. They will say they are subject to domestic violence because they hear that if that's the case, they will get something else. So it's really tough. Really tough. And we know that happens, because suddenly we have three or four people coming out of nowhere saying he's hit me. And we have to investigate it, and it's not the case."

HIV/AIDS team worker

Descriptions of the situations are themselves the basis for evaluating rightness or wrongness of whatever is being reported as moral judgments are already present in the way that an event is being narrated. For instance, stories where asylum seekers are presented as being involved in asocial/ negative activities such as subletting their accommodation, or getting help from charities, and from different councils, were described in detail:
"Yes, we have people that are being placed with NASS in let's say Birmingham or Manchester but for some reason they leave their NASS accommodation and find themselves in London. And it's a completely different story. During a check, because we do a check, you find out when you're speaking to NASS, that this person has a two or three bedroom property in Birmingham or Manchester and they're meant to be there. Meanwhile they're asking for support here. It is almost as they are double dipping you know. Because there's nothing linking us, the only link for us is to check with Home Office. Otherwise, if we don't check, you'll find people in Birmingham, you know, applying for support in London and so on and so forth. So the check is very, very important to what we do."

Social worker, NRPF

There is a contrast here between best intentions of offering refugee a place to stay and their resulting behaviour: the latter is portrayed as being offensive, reprehensible and of abusing hospitality ("double dipping"). By means of this extreme negative depiction, the delegitimization of the asylum seekers' plight is achieved. It is a rhetoric of fact, rather than of prejudice, but incorporates prejudices uncritically.

4. Conclusion.

The sheer complexity of discursive repertoires employed by social care professionals does not allow for drawing simplistic conclusions. Social care practitioners act in ways that are unsanctioned, and are able to subvert official policies (for example, some were referring to a discourse of care that is completely absent in social policy documents) because of the structure of their job. Discretion and rules are interrelated: rules specify duties of workers but discretion allows them freedom of action (Hupe and Hill 2007: 280-1). The legislative discourse of entitlement dominant in social policy documents was reflected in social care professionals’ responses, but it was anti-bureaucratic subdiscourse that prevailed, that is, government’s policies, even if being implemented were viewed as unjust and unfair. What is more, many workers (with the exception of the minority referring to the subversive subdiscourse of rights) shared a sense of disempowerment and
powerlessness akin to that felt by refugees, and, paradoxically, viewed their professional roles as not allowing them to exercise agency.
VIII. Asylum seekers' and refugees' experiences of statutory social care.

1. Introduction.

I carried out five semi-structured interviews with refugees, and these were facilitated by a dynamic voluntary organization working with both economic and forced migrants. Four of my participants were recognized refugees (i.e. were granted refugee status), whilst one was still an asylum seeker. The only condition that I had set for my informants was that they had some form of contact with the statutory social care system. In practice this meant that the group included those whose experience was not personal to them, but was of others’ experiences of this system; people belonging to this category were working in voluntary organizations. I am aware that three of the participants who agreed to be interviewed were particularly outspoken people who were themselves active in the community, and who had been in the UK for more than five years. This was probably unavoidable, because, for various ethical reasons (see the chapter on Methodology) I did not want to use interpreters in my interviews, so the informants had to have a fairly good command of English. Two other interviewees (Grigor and Salman\textsuperscript{18}) were more representative of "ordinary refugees"; in other words, they were not working (either voluntarily or as paid employees) in the community sector - unlike Khadija, Amina and Tariq. However, one needs to be very cautious when creating those subcategories. The advantage of speaking to those "community leaders" was that they were able to draw widely on the experience of others in their respective communities; the disadvantage was that, being strong, empowered individuals, they might have misrepresented experiences of the marginalised members of refugee communities, and I was not hearing directly from those who had experienced the system. However, the aim of this part of the study was not to present the views of a

\textsuperscript{18} All the names of my interviewees have been changed. The names of participants’ countries of origin have not been changed in order to give the context to their refugee experience.
representative refugee sample, but to discuss, in detail, a few case studies in order to compare the way in which they spoke about social care, as well as to contrast this with social care practitioner discourse(s). Last, but not least, it is very important to gain an insider's perspective on the subject, which is not an easy task when researching marginalised and hidden populations.

It is important to examine the experiences of asylum seekers and refugees in the light of both social policy documents and social care professionals’ narratives. There was an important discrepancy in the way power was viewed by refugees as opposed to social care providers: whilst social workers may have felt powerless, to the refugees' perspective they embodied the very authority and omnipotence of the state. Furthermore, the notions of reciprocity and hospitality, accompanied by the call for preventive social care services for asylum seekers, were entirely new radical discourses brought into the discussion by refugees. In social policy the theme of reciprocity was framed within a legislative rather than a care discourse; for refugees it was shared humanity that led to interrelatedness and thereby created mutual responsibilities. Refugees did want to give something back to community, and described integration as a two-way process, but they understood contribution in a different, non-economically oriented way that underlined its social and moral dimensions.

2. Tariq, a disabled Somali man in his thirties.

a) The interstitial positioning of an asylum seeker.

Tariq has got severe mobility problems due to having suffered child polio, and has been receiving help from social services since he arrived in the UK. He fled Somalia with his family and kept emphasizing how important it is for a refugee to have family support:
"I think it really helps if you have a family, if you come as a family unit, it's sometimes better... because if it wasn't the case, probably I wouldn't be able to continue my education, I would have interruption with my housing because I wouldn't have a secure place to go to... like I imagine someone who has no family or who are on their own, it would be very difficult to continue the study... that would be the main problem, to continue your study. Because you need some security whether you study or whether in employment, you need some kind of stability to go through life... naturally. To have a progress in your life (my emphasis 19)."

For Tariq, the lack of stability and security were the key terms describing the refugee experience. Recounting his life as an asylum seeker, Tariq spoke of a deep sense of insecurity and temporariness, whereby waiting for a decision on one's asylum case is equivalent to the suspension of life:

"Because when you are waiting for your immigration status, even in my experience, you get that uncertainty, and there's degree of worrying about what your fate is gonna be, what the outcome is going to be. And especially when you have nowhere to go back. Because at that time Somalia was in a civil war, very very bad civil war... and not knowing the outcome, the result, that greatly affected my life I think.... and my ability to progress on the ladder, in terms of education, the health service, getting a chance of getting a good and secure employment..."
them to live what is conceived as a "normal life"; the adjective "normal" serves here as a means to define asylum seekers' lives as not "normal":

"I think the crucial thing is if they [asylum seekers] have a link with the community, go to study, and as much as possible, try to have a normal life. I think that's the crucial point."

Tariq, once an asylum seeker and now a British citizen, defined those seeking protection as 'Other' in relation to his understanding of normality. It is a construction based on his personal perceptions of what it meant to claim asylum. For him it was a sense of de-temporalization from normal life. The need for stability and security is a universal human need, and not having it fulfilled impedes one's progress in life. For Tariq "progress" was a constitutive element of "normal life". Asylum seekers are hindered from moving on in their lives hence their human condition is de-normalized. But, even when granted leave to remain, refugees still struggle if they don't have family support in the UK:

"(...) Because if that wasn't the case [if he didn't have family support] then... As you can imagine, I did my study, I go to college, I studied up to level 4, that was the beauty of it, because I had a support. If I were to have an interruption, probably, it would be a different story, I wouldn't be able to learn English, I would be struggling. The other problem is, when you have a basic level, basic need, like basic numeracy and basic English, there's no progression, if you leave your job, you won't find another job because you don't have next level skills."

According to Tariq, the lack of support that can only be given by one's family has an impact on a refugee's ability to progress. Here "progress" is understood in a non-western manner, as a collective rather than individual achievement: a person succeeds thanks to others' involvement and contribution to their development. Interruption is a powerful word in Tariq's narrative - it symbolises the refugee condition and represents, very negatively, the rupture in one's life. That sense of continuity is of particular importance in oral cultures, such as the Somali, where time is not perceived
linearly but is understood as a cycle. Continuity is therefore a precondition of progress.

b) Special care needs.

Tariq was happy with the help he received from social services. They found him a school suited to his mobility needs, with classrooms located on the ground floor, organized transport for him, and fitted special arrangements in his house. However, he was acutely aware of the reasons why he was supported in the first place:

"Generally I must say I was happy with the service. Probably because it was my special need... (...) Probably if I was an adult [he was a minor at that time], I think it would be a different story... Because I can imagine someone's being an adult, they have no special needs, it's like... It depends on a case, family with children, social services will be sympathetic towards them, because they have a duty to look after children... But if I were an adult person, and there was nothing wrong with me, it would be a different story, I don't know how they [able bodied asylum seekers] survive, how they get help. I think your only lifeline is then with organizations like this [voluntary organizations], but they are under resourced as well, they have limited staff, and limited specialism on what advice they can give you. I think for an adult or refused asylum seeker, such organizations, voluntary human rights groups are a lifeline, they are helping them out."

Tariq knew the system very well and recognised the gap in provision for adult, single asylum seekers without care needs resulting from illness or disability. This is because forced migrants are not entitled to social care support by virtue of being refugees, but because they have needs recognized as entitling them to such support. Clearly they do have needs regarding their transition, but these are not seen as relevant to statutory social care, and tend to be addressed by non-governmental organizations. People with a pending asylum case are entitled to UK Border Agency (UKBA) support, but those whose claim is rejected can only seek help from the voluntary sector. As pointed out by Tariq, social services have a duty to protect children at risk, and, judging by my interviews with social care
professionals, they do seem to be more sympathetic towards families. There are two parallel issues here: the question of differentiating between the legal status of an asylum seeker and a refugee, and the criteria for access to social care services:

"I don't know the details, but there's different categories... There's failed asylum seeker, there's asylum seeker who is waiting for reply, and I think they treat them differently... It's really challenging. (...) Access to social services, actually it does have an impact on your movement and things like that. I mean the criteria they look at... because they have quite restricted criteria so if you are not within these criteria, you're not gonna access the service... That's the bottom line so... it all depends on their criteria."

According to Tariq the social care system is based on strict criteria, and does not treat needy people fairly. At the same time, social care provision has a great impact on people's lives. In the case of Tariq's family, it was housing services (and not social services) that he complained about because they restricted his family's choice on where they wanted to live. Tariq clearly did not like the way they operated:

"(...) Once they give you another accommodation, you have to take that offer, and you have a limited say... It's like when you are on homeless list, they want to close the case, so you have to take the offer."

Having registered as a homeless family in central London, Tariq, his parents, and his siblings had to move to temporary accommodation in East London. They stayed there for a year which cost Tariq "interruption" in his education as he was not able to travel to his college. His story is in stark contrast with the prioritisation of "choice and control" (Putting People First, DH 2007) present within mainstream social care: but there are no individually tailored services available to people like Tariq. He called his family's experience with housing a "journey" to indicate their sense of homelessness and feeling of not being settled. This metaphor of course reflects the very displacement and flight of a refugee. Not being able to choose a place of residence, and having to constantly change accommodation in order to fulfil the housing system
procedures, makes the dream of establishing a new home even more distant. As Tariq mentioned earlier, refugees are in desperate need of stability, and an insecure housing situation severely undermines their psychological wellbeing. When speaking about refugees' discrimination in the social care system, Tariq argued:

"In ideal world, social workers are supposed to be just obeying what is the local policy or national policy... and that should be interpreted in a non-discriminatory way, and they should be doing their duty as well, because they have a duty to protect those who are vulnerable - asylum seekers, asylum seekers' families. They do have this state duty to protect..."

Tariq suggests that it is the social workers' interpretation of the legislation that leads to discrimination. He refers to social work professional values as a way of challenging the government's asylum policies, thus signalling a tension between duty of care and state enforcement; this is the same dilemma that social care professionals were talking about. There is also an interesting convergence here with regards to a social worker's role, protecting the vulnerable, and a state's duty to protect those fleeing persecution that cannot avail themselves of the protection of their country of origin. Furthermore, Tariq suggests here that all asylum seekers are vulnerable, thus deserving protection; but that would imply much more inclusive social care support based on forced migrants' shared experience of displacement.

c) Refugee's cumulative vulnerabilities.

The problem of discrimination was framed by Tariq by the notion of suspicion, also mentioned by some of the social care professionals that I spoke to. For Tariq, it was a foreign accent and racial difference that led to the discriminatory treatment he received:
"There's discrimination... there's discrimination... right from the outset when you are accessing services they want to check that you are eligible for the service. And they will be suspicious. But for a white British person, they wouldn't even question them, they only say, yea yea, you can do whatever (laughs). But when they see you, or even on the phone when you have a heavy accent, they will say, do you have your documents, that's how they start it. There's discrimination and there's no guidelines saying that... I mean people do it, like unconsciously... as soon as they find out that you have a heavy accent, or they see... what you call it... your look... because what they call a visible community... if you are Asian or Black, then definitely they will be interested... if you are white, you can probably get away with it. And it's not only social services, it's other areas as well. You will be picked for no reason... For example they search my bag because they can see that I'm a Muslim."

Here a refugee's body is a space of vulnerability: it is a body gazed upon in public spaces, a body excluded by host society, a body that does not belong. Colour or black body is synonymous with Otherness; it signifies inferiority and prompts suspicion. When I mentioned to Tariq that social workers had told me that they have to verify everyone's identity, and that they do check white British people's documents as well, he replied:

"And you believe them? (laughs) I would look at this with suspicion because... it will even affect people who are Black or Asian who were born here... I've seen it with my own eyes... people who were born here, and they 'become' asylum seekers. And I think that is even more upsetting for them because they see themselves as equal citizens, equal to their white counterparts. But because of their colour... they would be asked this question, have you got your papers... when they were born here (laughs). People have these mindsets... that's what causes a barrier. Because... to cross this barrier is a hard work. Even it will affect your employment as well. Even if you were born here, but you are Asian or Black, they will definitely ask you for your documents. I'm generalizing but I think this is what is happening."

According to Tariq, the term 'asylum seeker' has become racialised. Due to the ethnically exclusive idea of Britishness as a white identity, there is a commonality of experience between British Asian and Black British people and the asylum seeking Other. What is important in Tariq's narrative is the evidence of new forms of vulnerability based upon ethnic origin and religion.
as well as immigration status. In the case of asylum seekers and refugees, those cumulative vulnerabilities are interconnected and mutually reinforcing.

d) Call for prevention and low level services.

In Tariq's opinion, it was limited resources available to social services that were the cause of discrimination towards asylum seekers and refugees. However, he skilfully challenged the populist discourse by referring to the idea of "public interest":

"They [social workers] should be looking at what is in the public interest as well. Sometimes there's little mind they're gonna invest on assessing or giving that little bit of care for that family. The consequences are far greater. Let's say this family can't access health service, their immigration status will not sort it out, it will have impact on their social, economic and health wellbeing. (...) If I were a social worker, I would have done my best, that's the best interest of the society, to sort out those people's problems, and look at it sympathetically. At the end of the day... I know we have limited resources to play with... if I were in their shoes... it's easy to criticise (laughs) but if you are working within limited resources, then you have to prioritise, and you have to do it in equitable way to the society, so I think, sometimes just because that person or that family is not meeting the criteria.... if they are not meeting that criteria for social services, and they are not accessing that crucial, that fair assessment, which would have cost that much, if you calculate the emotional cost, the health cost, their chances of not going through life, it's far far more greater, and it will impact their local area. Because if you have unhealthy people, or poor people, the cracks will show."

Using the populist vocabulary (words such as "interest", "invest", "equitable", "calculate", "cost/s") Tariq manages to construct a powerful counter-discourse: the human cost of leaving asylum seekers destitute and without support will actually be far greater than offering them help. He takes a holistic view of British society, and recognizes that if one group of people is socially excluded, it will have a negative effect on the whole community. His views echo a key theme of current policies: prevention and low level services (Putting People First, 2007). Once again, he is drawing on a metaphor
expressing discontinuity and breakage - "cracks". Tariq is therefore accusing social services of professional misjudgement, and a short-sighted perspective. By refusing to support vulnerable people, they are, in fact, creating future social problems that will be much harder to tackle. Here a discourse of care is framed through the usage of the idiom of rationality, rather than the idiom of emotions: we should care for refugees because it is in our own best interest. This is a deeply reciprocal vision of social life based on interrelatedness.

e) Discourse of care.

Tariq reframes a discourse of care in the rational terms again when discussing anti-asylum policies. He blames the tabloid media for stirring anti-asylum hysteria:

"Things are not driven by the big population or social work professionals, the directors are the media which will influence people's perceptions, 'oh asylum seekers again, they are here to exploit our service, they're here to exploit our resources', but if you look at it on the other hand, probably they have genuine, genuine problems, they are fleeing, they're fleeing persecution, genuinely. Imbalanced media reporting is I think the main driver of people's perception, raising the barrier and things like that."

According to Tariq, the media are acting irrationally, they are "imbalanced", and they represent not only lay voices (these are contrasted with "social worker professionals") but also views that are in fact not shared by the majority of people ("big population"). If they had learnt more about asylum seekers, they would have known that their problems are "genuine", and that they are fleeing persecution. Using the word "genuine" Tariq draws on the very populist discourse of the tabloid media. But, by repeating it several times, he is emphasizing the point he is making: that representing asylum seekers as welfare scroungers is an indicator of people's ignorance. Therefore prejudice and racism are irrational; Tariq referred to anti-asylum policies as "silly":

196
"Media and right wing politicians, I think those are the drivers deciding the policy or driving people to make silly decisions which are irrational."

Tariq is drawing here on the bureaucratic discourse whereby decision-making based on facts (rationality) is juxtaposed with decision making based on prejudices (irrationality). In his view, educating the host society about the plight of refugees would lead to better policies. However, Tariq's recommendations for improvement of social care provision to asylum seekers and refugees were expressed in the language of the discourse of care and anti-populist discourse:

"I would say we need continuous support for asylum seekers with young children, we need to look at unaccompanied children who have been sent by their families, with no adult... (...) If they [social services] put to them to hostels and unfriendly places, that would not be an ideal place. I think the crucial thing is if they have a link with the community, go to study, and as much as possible, try to have a normal life. I think that's the crucial point. Again, continuous support for families with children, support for unaccompanied children, support for those who have health problems, for whatever reason, probably due to their immigration status they are vulnerable to having mental health breakdown, I've seen it, my experience of working in the community, I've had cases of suicide, because of their immigration not sorted out, I've seen suicides, nervous breakdowns, so the costs are far, far greater. So I think we need to address the issue."

The issue of continuity of support was again repeated by Tariq, alongside the vision of the therapeutic power of communal life as opposed to social isolation deemed abnormal. He mentioned particularly vulnerable groups within refugee communities such as families, unaccompanied minors and people with health problems. These are all people who are, at least in theory, eligible for statutory social care regardless of their immigration status. However, in Tariq's view, all asylum seekers might suffer mental health problems due to the uncertainty of their existence, and, for that reason, early intervention is a way of preventing serious crises. For Tariq, it did not matter why people come to the UK, what was important was that they need help:
"These people, they end up here for... for, for whatever reason... for whatever reason they end up here, and they need support (...) Sometimes it's not money, money is sometimes not the issue, it's that welcoming hand, open heart, open arms."

It is a human call for help that the host society needs to respond to, an act of hospitality towards a stranger in need. It is Derrida’s unconditional hospitality that Tariq is talking about: welcoming a stranger without asking who she is and where she comes from. This is the very essence of discourse of care: opening up one's doors, heart and arms to a fellow human being.

3. Grigor, a middle-aged Armenian man with health problems.

a) Destitution following refusal of asylum.

Grigor is a seriously ill man whose medical condition got significantly worse when he was living on the streets as a failed asylum seeker. This could have been prevented, but, when his case was refused, he was not able to get any support and was destitute for four years. Initially he was receiving support under Section 4 of the Immigration and Asylum Act 1999 which is for people whose cases are rejected, but who, for various reasons, cannot go back to their country of origin. In the case of Grigor, it was due to his health problems. He was then given a £35 voucher per week but it was not enough to survive on, and he was always hungry. Grigor described his situation as inhuman and deeply degrading:

"When I was in section 4, and £35 voucher, you know, this status is very low, you know, for a person."

His doctor wrote a letter saying that he needed more food (and hospital treatment that he was not entitled to) because of his illness, and the letter was repeatedly sent to the Home Office and social services as well as to the Citizens Advice Bureau. The response was that Grigor could only be eligible
for support once his immigration status was settled. But, most of the time, there was no answer at all:

"Home Office, social worker head office, no answer, not helping, nothing. _Even if I died, I think nobody_... because no answer from social worker, no answer from civic centre, this is _not normal_, they could write an answer 'we can't help you', that's another thing, and no answer is another thing you know."

The discourse of marginalisation was the main thread in Grigor's narrative. He felt completely ignored and unheard; the unfinished sentence suggests that no one cared whether he was dead or alive: "even if I died, I think nobody..." He also saw himself as a victim of discrimination - the way he was treated was, in his view, "not normal" implying that other people did at least get replies from social services. It was not clear in Grigor's story when and why his Section 4 support was cut off, but the bottom line was that he became homeless:

"I stay in one house for 4-5 days but then _I was told I can't live there_, I go out, but where, Victoria Station, Hammersmith bus station, mini-cab offices, I went there to warm up, they were asking me, how are you my friend, do you need something (laughs hysterically)."

His hysterical laughter at the end of this phrase made me feel quite uncomfortable, and I did not ask him anymore about his experience of homelessness as it was clearly a very traumatic period in his life. Grigor summarised it as a subhuman condition; in fact, even animals were better off than him because their basic needs were met:

"My situation was very far side you know from some _human_ or something you know. (...) For 4 years I lived like _not human_, you know. Sometimes (laughs) I compared myself to some animals, you know, and I say, this animal can't say thank God, because he's not hungry, and not cold, but I'm hungry and I'm cold."

Grigor was drawing on the ontological differences between animals as creatures not endowed with spirituality, and thus inferior to human, and
people as beings able to connect with the transcendent. But, in Grigor's narrative, God is kinder to animals which exacerbated his sense of injustice and led him to question his own human condition. This proves how dehumanising and damaging the experience of destitution is, and how deep the scars that it leaves on a person are.

b) Leave to Remain.

I interviewed Grigor one year after he was granted his leave to remain. He has now got a social worker that he is very happy with, and it is easy for him to contact her anytime he wishes to speak to her; and, even more importantly, she is "welcoming". Even though Grigor is gravely ill, has spent a long time in hospital, and regularly taking medications, he is hopeful for the future:

"And everything now I'm hopefully waiting in the future will be ok, will be well you know. Now in a process, my, how can I explain it, my old and my new life, you know, when I moved from old life to this life, when I took papers, my life is changing for better you know."

Like Tariq, Grigor is making a clear distinction between his "old life" of a refused asylum seeker, and a "new life" of a person with leave to remain in the UK. In his old life his identity was virtually suspended, and the experience of destitution made him feel inhuman. Interestingly, Grigor's life in his country of origin is altogether erased: both "old" and "new" lives are in the UK. The gap, the space in-between is not located somewhere between Armenia and his future life in the UK: it is solely the time that Grigor spent living in the UK as a failed asylum seeker. This proves how much he has invested emotionally in his life in Britain, and perhaps, how awful his situation was in the country of origin.
c) Reciprocity as a basic feature of human life.

Having been granted leave to remain, Grigor felt he was morally obliged to help others who have been through the same tribulations that he has himself experienced. He recalled arriving in the UK, and mentioned how difficult it was to come here without money, not knowing a word in English, and being all alone without "anyone who can help you or understand you".

"Everybody need help... especially, especially sick people. Very important thing when they show you nice behaviour, you know, and you're happy for this welcoming, for this situation, to stay in that side to ready to help us, like me, many people, you know."

According to Grigor, "everybody needs help", there is no human that is entirely self-sufficient and independent. But there are people who need this help more than others, those who are more vulnerable, such as the sick. Speaking of destitute asylum seekers, Grigor emphasizes that it is not a marginal problem, that there are many people who are living on the street, and who are hungry. He strongly empathizes with them, and even though he does not have much to offer, he is ready to help them, to give back what others have given him throughout those terrible years:

"I know I'm not alone in this situation, now there's too many people living not very well, poverty, now, even my money is not enough for me, but if I saw somebody with not enough money for his bread, I'm happy to give him money, because really I saw that poverty life, I was inside there, they are cold, they are scared, you know, they have not enough food, they are not feeling enough person you know, not full, like broken or like empty in there, you know, so too many people now... so I think how I can, I want to help them, because it's horrible, I'm ready to help them. What I take from my friends, I want to give more to somebody who needs it, you know, because life is... how you learn it, and like this you have to teach it. Your knowledge, and you are with this, you have to do something because you know this (...) And I saw that and I have to do the same thing that I saw, that I took, I have to give it to somebody, especially somebody who needs it."

Grigor feels that life has taught him a lesson: he knows what it is like to live in a state of destitution, and this makes him attentive to someone else's
suffering. He believes in reciprocity, and sees it as his duty to help those who are even less fortunate than him. This is the basis for his critique of social services: why someone who has so little, like himself, is more than willing to support others, whilst a powerful state agency like social services is refusing to do so:

"If I'm just one person and I want to help that people who need help, I'm ready to do that, but why social services are stopping to do that, why, I'm only one person, but I'm ready to make people happy or something, give food to somebody if he needs it, but a big organization in the UK, social services, why they cover their eyes, you know."

Grigor accuses social services of pretending that the problem of destitution does not exist, and that it is not their responsibility to deal with it. In his opinion, they have resources (they are a "big organization") but simply choose not to help desperate people:

"Very important thing, we are together, all together, we're playing one game but nobody is understanding this game, Home Office from his position, government from his position, migrant from his position, this person from his position, everything but no common working, misunderstanding, doctor says one thing, judge says another thing, government says another thing but de facto not really fully you know. There's a mistake you know. Mistake, mistake in there, covered eyes, only take off those glasses and see that life, that poverty life. This is about social worker, about government, about Home Office. But I saw English people are very kind, very good-hearted you know, they want to help you but they can't because only Home Office or only government can decide. I wish but I can't, you know. I can't help you with food, money, something."

According to Grigor, people refuse to recognize their common humanity ("we are together, all together"). Furthermore, there are flaws in the asylum system due to lack of communication between different parties. This is a call for a state to act ethically. In Grigor's response the authorities are contrasted with "English people", but it is not clear why someone would need the government's permission to give food to a destitute asylum seeker. Nevertheless, the ordinary English people are represented as helpless and
powerless, in a similar way to some social workers who were self-presenting themselves as concerned about asylum seekers’ fate, but unable to help. However, Grigor’s perspective on social care professionals is very different: they do have power and are, in fact, part of the oppressive, unjust system, together with the government and the Home Office. By implementing harsh policies, such as refusing to support destitute failed asylum seekers, the statutory social care system becomes an arm of the state. Voluntary sector organisations were, in contrast, perceived by Grigor as benevolent but relatively powerless:

"And after that, thank you God, I came here [to a community organization], one of my friends brought me here, for introducing, he told me, even if they can’t help you, they are nice people, you can introduce and talk, you know, they can hear and how I expect it, when I came here, I feel me not very easy, not very friendly because I don’t believe nobody... ok but here I saw good hearted people, nice mentality, they ready to help, to make for me a favour, to make me smile you know. And they introduce with many friends."

Even though the organization that Grigor was talking about was not in a position to solve his immigration problems, what was important for him was that someone was out there to listen to him and to offer emotional support. For Grigor the value of those social contacts was very high, and voluntary organisations played a big part in enabling him to meet other people. Asylum seekers are excluded from the cityscape: they are too poor to go out, they cannot work and they often live in deprived and hostile areas so unless they have family or community links in the UK, they are sentenced to social isolation. Voluntary organizations are often the only friendly spaces where they can talk to somebody else, have a cup of tea, and forget about their problems. Some social workers that I interviewed spoke about trying to offer emotional support to asylum seekers when there was nothing else that they could do, but social services offices could hardly be called friendly spaces, especially for those asylum seekers whose cases were refused (as I already mentioned, social workers have a duty to contact the Home Office about the whereabouts of failed asylum seekers). What is more, asylum seekers are very distrustful (as Grigor admitted, "I feel me not very easy, not very friendly
because I don’t believe nobody…”) and, like Grigor, tend to perceive social services as agents of state control. Charity organizations then become the only neutral space where an asylum seeker can take refuge, the only hospitable and welcoming spaces.

4. Salman, a young East African man with mental health problems: the idiom of being unheard.

Salman is a very nervous young man suffering from mental health problems. He did not agree for me to record our interview, and did not tell me either his real name or country of origin. He was granted Indefinite Leave to Remain (ILR) in the UK six months after his initial claim, so he did not complain about his experience with the Home Office. Salman’s problems started when he was granted refugee status and entered the world of social services. He was then told by social services that: “you’ve got your status, that’s it”. According to him it was a “decision for nothing” because he was not able to look after himself, but at the same time was not receiving any help.

Salman was homeless for four months, and was then offered temporary accommodation for only one month. Then he went through medical assessment but was deemed not eligible for support, even though he had a letter from his GP saying that he had mental health problems. Salman said that social services had “ignored” his doctor’s report, and that no one was even looking at those documents or contacting his GP. Like Grigor, he was very frustrated that his case was not even dealt with properly. Salman mentioned that it happened on several occasions. For instance, social services promised to send him the information about educational opportunities, but he has never received anything; as a consequence he got the impression that nobody was listening to him. Salman said social services disregarded the medical evidence, and he ended up on the street again. He told me that what upset him the most was that he was not given any reasons why he was being refused accommodation: “I would agree with [social services’] refusal, if they explained it to me”. His experience was similar to
Grigor’s problems, but, whilst Grigor was at that time a failed asylum seeker, Salman was approaching social services as a recognized refugee. This would indicate that some social workers are not able to differentiate between those two legally different categories.

Salman’s vulnerability on the grounds of his mental health issues was played down. He was told by a social worker that since he could speak English, then he couldn’t be sick, as if there was a connection between the two. He was also rather cynically advised that without a solicitor he is wasting his time, and that he could only be offered an appointment in 6 weeks from time of application. This was whilst Salman was still homeless. He later contacted the Refugee Council and the Medical Foundation for the Care of Victims of Torture who found him a solicitor. The solicitor threatened social services with the High Court, and only then was Salman’s temporary accommodation extended. He complained that the fight with social services put him under lots of pressure, and that he felt discriminated against:

“They [social services] attack you, they are aggressive. But for people who are not refugees they are nice (...) I’m sure that with British clients it’s different.”

Salman added that it is a government policy to “treat refugees badly”, and that social services are part of the problem. The change must therefore come from the top - it is the government that needs to improve the asylum system. Like Grigor, Salman was very happy with the help he was receiving from voluntary sector organizations, and suggested that the government should learn from the charity sector on how to support refugees.
5. Khadija, a Sudanese woman in her thirties.

a) Construction of a 'genuine refugee'.

Khadija, as an able-bodied and single person, was not eligible for social care support; hence her interview gives a perspective on the struggles of others. Khadija used to work in an international development agency in Sudan and had to flee the country after joining an opposition party. Emphasising how successful she was in her job back home was one of the dominant threads of her narrative. This was a discursive attempt to counter the populist discourse whereby asylum seekers are portrayed as poor and uneducated economic migrants in disguise:

"I used to work in a very good job in international organisation but because I joined opposition party and the situation in Sudan was just horrible, and lots of bad things happened, and I left the country" (my emphasis).

It was not only a good job, it was a job in an international organisation, hence a very prestigious professional role. Furthermore, Khadija was a university graduate:

"I used to work in a very good job in my country, it was international organisation, development organisation (...) my writing in English was good, not bad, because I studied at university in Sudan in English".

Representing herself as belonging to the Sudanese elite was another important exercise in establishing herself as a 'genuine refugee' who was forced to abandon her homeland because of political problems. She wanted to emphasize that she had not come to the UK in search of economic benefits but to escape persecution. In fact, she had experienced downward social mobility in the host country:
"Leaving your country because of the war and the government, and starting everything from the scratch, it made me mad, what I'm going to do, what I'm going to do in this country... I'm very independent but when I came here I found that I can't even support myself, it just left me in a very bad condition, like getting mad..."

Not being able to support herself and to be self-sufficient was, for Khadija, a source of shame and distress. Many people feel shame when asking for help and may view seeking asylum as receiving charity. For an independent professional woman like Khadija, this was a humiliating process. She described her initial situation in the UK through the idiom of 'madness', signifying both emotional distress and cultural alienation. Khadija had some relatives in London and refused dispersal to a town in Midlands in order not to "go mad":

"I used to live with my relatives, and when I asked for accommodation they gave me outside London. They actually dispersed me, they gave me a place outside of London, I don't remember the place, Leicester or something. When I came here, I was so depressed because I left my family, so many problems, you can't speak English well, and you don't have the money, you don't have the support (...). I refused to go outside of London, because I was so depressed, I didn't want to be on my own, I stayed with my relatives. It was not a proper accommodation but at least it wasn't living alone outside of London. I'm sure I would get mad or something, it was such a stressful time for me."

Khadija was initially refused asylum, but was granted Indefinite Leave to Remain on appeal. Her asylum claim was pending for a year, and during that time, she was in receipt of vouchers that she used to swap for cash with friends and relatives. Once granted Leave to Remain, she applied for job seeker's allowance and started attending English courses. As she was not happy with the support offered by the job centre ("they are rubbish, not helpful at all"), she started volunteering at a small organisation run by people from her community. This gave Khadija the confidence to apply for jobs: "I was working very hard to get a job". Eventually she got her first job in the UK through networking, and is now working as well as studying for a Masters degree. She reiterated that her success was due to "hard work":

207
"I'm happy now, I even started doing my Masters degree in Public Health and Nutrition, I started lots of training, getting out, meeting people, so now I'm settled but I worked very hard, you see, if you work hard in this country, you can overcome..."

Here Khadija hinted at the importance of the work ethos, and the immigrants' contribution to a host society. In this context refugees are no longer seen as a special category of migrants. She spoke of the economic value of refugees to the UK:

"Definitely there are some benefits from refugees coming here, there's lots of jobs that I don't think any English person could do it, all those rubbish jobs they are done by migrants, so they contribute a lot to the economy of this country, but sometimes people don't value these things."

This is a counter-discourse to the one that represents refugees as a group of migrants with particular, distinctive features, and to which Khadija referred earlier when juxtaposing economic migrants and refugees ("I used to work in a very good job but because I joined opposition party I left the country"). Overlooking complex vulnerabilities within refugee communities, Khadija nevertheless underlines their very diversity (i.e. some refugees are very vulnerable, but some are not) and challenges the victimisation discourse.

**b) Gender in the refugee context.**

Having worked with Arab women fleeing domestic violence, Khadija was critical of gender-related cultural constraints imposed on female members of her community:

"I'm not happy that I don't have children but if I had children I wouldn't have been able to do what I've done, because now I see how children keep women at house, the women I work with now, most of them are at home, I think because of children, because there's not much childcare for them, they've got language barrier, gender, and even our culture, men don't help at home at all. Our men, yea (laughs), I just
feel sorry for the women, all the time they’re sitting at home, raising the children until the children become big, and then the time has run, they are in their forties and they can’t do anything, this is the kind of women I’m working with, and trying hard with them to provide childcare, volunteering opportunity to get them out of the house.”

Khadija was explicitly distancing herself from other Sudanese women: she is a good example of a refugee woman who has fully appreciated and benefited from the social position of women in the West. The issue of gender in the refugee context plays a significant part here as the necessity to adapt to new social reality often leads to questioning of the traditional gender roles. Consequently, men often find themselves losing their privileged social position (El-Solh 1991) whilst women become empowered (Essed et al. 2004). Women are often no longer perceived as ‘victims’, as they take up new social roles (Rajasingham-Senanayake 2004) and it is argued that their ability to adapt is greater (El-Solh 1993: 32). Women realise that they are given more opportunities in the Western context, and often refuse to accept traditional gender roles they had been prescribed to follow prior to displacement. In her current post Khadija facilitates women’s access to health services, but she does not stop there, and tries to empower the women she works with. At the same time she complained about a lack of cultural awareness in social services; the accusation was made on the basis of her work with victims of domestic violence:

"Most social workers don't cover all the cultures, they don't understand any culture (...) Social services, social workers, to be honest, most of the time, they don't have any clue about what they are doing, even they don't understand what is going on, I guess they make assumptions, and then they go on these assumptions, they take decision trying to conclude that this assumption is right. And it is not fair at all. They don't understand the culture."

She has had to “struggle” to make social services aware of the cultural issues associated with their service users' background. On some occasions she felt that her opinion was ignored, like in the case of a woman whose children were taken away from her because she did not play with them when
a social worker visited her. Khadija was trying to explain that it is not culturally appropriate for an Arab woman to play with her children, particularly in the presence of a stranger, but social services were clear: the woman in question did not stimulate the development of her children; therefore they should be taken into care. Khadija said she had several meetings with social workers, but in vain: "It was so sad for me, I tried to explain but they didn't understand, and there's lots of cases like that". However, the power dynamic was, in this case, very different. Khadija felt that social services were acting from a standpoint of cultural superiority, because they have "authority, that kind of status, they are part of the government, it's that thing in their mind". But when I asked Khadija if she thinks that in statutory social care there is lack of understanding of refugee-specific issues (her clients were both economic and forced migrants), she reduced the problem to cultural differences and racism.

6. Amina, an Eritrean woman in her forties.

a) Navigating through social care system.

Amina is an asylum seeker and her case has been unresolved for many years now. Her narrative provides more of a comment on social care as she did not have a direct experience of seeking help. Just like Khadija, Amina was distancing herself from more needy people, sometimes in a punitive way. I would suggest that both women did not see themselves as needy because of the social stigma attached to that status: dependence on an anonymous, rather distrusted institution, social services (in contrast to family and friendship network that were highly valued), was perceived as undermining their autonomy, revealing the normativity of independence. Amina chose to recount stories of her friends who needed her help as they did not speak English:

"I help my friends voluntarily, they don't have the money, I don't have the money, so we have to help each other. They can tell social worker
to bring an interpreter but sometimes they are not comfortable with the interpreter, they are more comfortable with a friend. They can tell everything to their friend, and they can interpret for them. I just help them voluntarily because they are my friends."

Amina has been helping her friends throughout their journey from an asylum seeker to a recognised refugee: apart from herself, they had all become British citizens, which she laughingly admitted. Having worked as a volunteer in refugee organisations she knows how to navigate through the social care system, including housing, education and health services. Amina told me a story of a friend who got her refugee status whilst dispersed to Glasgow. She wanted to go back to London where her family and friends lived, but the housing department in one of the capital's boroughs refused to offer them accommodation. Amina got involved in the matter arguing that the family must be housed in London on the basis of their social isolation in Glasgow. They have won their case with her help.

"I did some voluntary work and from there I learned some rules, and then I thought, ok I can challenge them, if you get a negative decision, you challenge it and win. But not all refugees know it, you must have access to know something."

For Amina knowing the system was the key issue to challenging it. She felt she had the power to argue her case, in comparison to others not so familiar with rules and regulations who "just go blind". According to Amina, refugees' vulnerability lies in their lack of knowledge, predetermined by their inability to speak English:

"I normally encourage my friends to learn English and to be integrated because it's not a good idea to always ask people for help, it's not a good idea, it's good to learn, if you learn you can know anything about the rules, about the system. (...) If you don't know the language, you are like a deaf person, you don't know anything."

Again, she used the metaphor of sensory deprivation to describe the situation of those refugees: they are both "blind" and "deaf". Comparing
cultural dislocation to physical experience of disorientation reinforces the importance of learning English, and familiarizing oneself with the set of rules in the UK. If you can't see, you will stumble, and if you can't hear, you won't be able to learn. Furthermore, a blind or a deaf person relies on the support of others, and Amina was critical of refugee's dependence. Nevertheless, she acknowledged that there were some people who knew the system well and could "manipulate it and use it as they want". When comparing refugees with British people seeking help from social services, Amina acknowledged refugees' relative disadvantage due to the language barrier:

"I know there are some English people who suffer in their own country, I know, but because they know the language, they know the system and they know how to tackle it, it's lesser, not as severe as the refugees. Refugees, because they don't know the language, they are frightened, they say no, no, and they just leave. But English people, because they know the language, they can challenge it. But even English people, they suffer (laughs). They suffer really."

Hinting at the potentially contentious issue of entitlement ("some English people suffer in their own country"), she was able to turn it around discursively pointing at the indigenous population's greater power to challenge the system. Refugees, being more vulnerable here (not only can't they speak English, but they are also "frightened"), reclaim their eligibility for support.

b) Refugee rights.

Amina argued that refugees do have rights in the host country, but lack of English impinges on their ability to fully enjoy them:

"Refugees, they must know English, if they don't learn it, they can't understand what is going on, they might lose their rights, and they don't know what their rights in this country are."
It is therefore a refugee’s responsibility to learn English and to defend their rights. This reclaims their agency and empowers them. According to Amina being able to communicate in English will safeguard refugees from experiencing discrimination:

"If you don't know the language, there's always discrimination. But if you know the language, I don't believe that if someone tells you, no, I can't accommodate you or gives you a wrong answer, and you say, OK pass me to the manager, and they don't want to pass you to the manager, but if I don't know the language, I accept and go, if I don't know the rules, I accept and go, so the language, knowing the culture, knowing the rules, it helps, you know. Knowing all this, if it's not fulfilled what you ask, then you might say, oh, I am discriminated, but before knowing the language, before knowing everything, you can't say 'I'm discriminated'."

Language is a weapon in the hands of refugees and it is up to them to use it. It allows them to ask questions and to challenge negative decisions, to speak out and to make their voice heard. A person who is voiceless and unheard is a defenceless person, vulnerable to abuse: Amina calls for refugees to fight instead of humbly accepting things as they are. Refugees do have the power to be the masters of their fate, and not only be passive victims. She also suggests that people who are not familiar with the system might easily come to the conclusion that they are the victims of discrimination. For Amina, this victimization discourse was not acceptable:

"If you know English, you can ask 'why', because there are lots of rules in this country, regardless of your skin colour, religion, and all of this. It's actually very practical. I never had any problems, never faced any discrimination, I don't know, maybe it's my attitude. UK has got very, very good rules."

The rules in the UK are "very practical" and "very, very good". They are complex, but at the same time just and fair. To further reinforce her point, Amina draws on her own experience: she has personally never experienced any discrimination. And, if it is due to her attitude, then she recommends that other refugees employ the same strategy:
"I encourage them [refugee friends] to learn English, to volunteer, to go out, and mix with the people, mix with the British society, because if they are going to live here, you must mix, isn't it. I'm very happy when my friends pass English test and get British status. Most of my friends are doing fine and they accept my advice, they go to school, to college, they learn English and they are happy, they always tell me, thank you so much, now we understand a little bit of English. *I'm happy with this, you know, because they are learning.*

Speaking English and understanding British culture and society is, in fact, the key to a refugee's wellbeing ("they learn English and they are happy", "I'm happy with this, you know, because they are learning"): it is a very interesting psycho-social recommendation. Emphasis on having contacts with people outside of one's own community reflects Amina's understanding of what it means to live in a multicultural society: "if you are going to live here, you must mix".

c) The ideal social care professional.

In her comments about social services Amina argued that the rules are fair and just, the only problem is to apply them accordingly. Social workers fail because they don't know those complex rules:

"I think most of the social services, they don't have enough training as I saw them, the way they deal with people. Some of them they are of course very well trained but some of them not, and they don't know the exact rules, because there are so many rules, and they don't know which one applies to which one."

Amina recognised difficulties attached to this profession, particularly in the case of social work with refugee families:

"My suggestion is, especially for people with young children, there must be very qualified social service or social workers, it's not only the training, the experience as well. And I must say they must be selected because they must have interest in that proper job. Otherwise, if you don't have the interest, even if you have training, you can't fulfil
everything for that person, it's a very difficult job, so my suggestion is to have more training, people who work there must love that job, and must know the problems where people are coming from, because people are coming from lots of areas, persecution, trauma, you know, lots of things. So I think training is needed in social services."

Alongside training, Amina drew attention to worker's experience, passion and knowledge. According to Amina, refugees constitute a special category due to their complex needs stemming from the refugee experience. Social workers should see their job as a vocation, and should view their role as first and foremost serving and helping their clients. Amina had experience of facilitating her friends' access to social services in London where a high turnover of workforce and understaffing are of particular concern to both professionals and service users. Amina's ideal social worker is a person has undergone a proper selection process and training, who loves her job, and who understands the complexity of her clients' situations. She further elaborated on the perfect social care professional:

"You must feel inside yourself, you must be humane, you deal with people, what you don't like for yourself, you don't like for the others, yea, on the top of that you must be trained to know the system, you must know the rules, and you must work according to the rules".

A worker must follow the regulations, the law (which implies that they are, on the whole, good rules) but she also needs to "feel" in order to complement the task of familiarising herself with the legislation. A social worker is therefore not only a bureaucrat, but also a fellow human equipped with compassion and empathy. This suggests a humanisation discourse within the language of care. Social care is here an encounter between two human beings - a social worker and a refugee client.

Amina was critical of what she saw as social workers' inefficiency and the bloated bureaucracy of the system. She told me the story of the daughter of a friend of hers, who doesn't want to go school, goes out late and doesn't listen to her mother. She complained that investigating the situation takes lots of time while the girl is getting more and more out of control. Other
problems she noticed included lack of explanation underpinning social services' negative decisions, and a general lack of communication between a service user and a social care professional, which was reported by two other refugees that I interviewed as well (Grigor and Salman). But, in contrast to Amina, Grigor and Salman interpreted the problem as evidence of being discriminated against.

Speaking of challenging work with refugee families, Amina, in a similar way to Khadija, mentioned the issue of cultural differences, particularly when it came to different forms of relationships between children and parents:

"There are cultural clashes, you know, they're [refugees] coming from another culture, where children are under complete control of their parents, when they come here, that's different, and the children know, here you can't control me, which is very hurtful for the parent, so I think this part must be changed completely. I can suggest that government must give full right to the parent, some parents can harm their children, but 90% of parents don't harm their children, most parents want their children to have a good future. So there's lots of cultural clashes in refugee area."

Children of refugees are acutely aware of their personal liberties in the UK, and Amina would like social services to respect the cultural backgrounds of the parents. She understood that the British social care system was focused on child protection but, in her view, those measures were exaggerated. Drawing on the reciprocity idiom, Amina suggested that the parents of those children make some concessions as well:

"Parents must learn English as well, because if they don't know the language, they can't learn the culture, the way the British people live, so it's sad really, they don't integrate, I hope government focus on it and change the legislation, and make those parents integrate into the country."

Amina's vision of integration is therefore a two-way street: British society should accommodate some of the cultural needs of refugees, such as giving them more control over their children, and refugees should learn the
language and understand British culture. Nevertheless, according to Amina, it is the government's job to design policies that facilitate the integration of migrant populations ("I hope government focus on it and make those parents integrate"). In her narrative Amina did not differentiate between 'asylum seekers' and 'refugees', but called them *en masse* 'refugees' which is a rhetorical strategy of counteracting the populist discourse of contrasting 'undeserving asylum seekers' with 'deserving genuine refugees'. Nevertheless, she also confirmed a point made earlier by Khadija about the diversity within refugee communities: whilst some are completely lost in the new reality (victimisation discourse), others are actively manipulating the system, clearly establishing themselves in a position of agency (counter-discourse).

7. Conclusion.

The interviews demonstrate a variety of perspectives on social care, including views on the responsibilities of the system and of refugees, definitions of vulnerability, experiences of discrimination and notions of hospitality. From the interviewees' perspective, being an asylum seeker meant suspension of normal life, disruption in one's biography, and being in a state of dehumanising uncertainty and instability. Whereas a victimisation discourse was at times contested by my interviewees, they all agreed that a host state has a duty to protect vulnerable groups such as asylum seekers and refugees. However, only Tariq and Grigor called for unconditional hospitality based on shared humanity: Tariq was asking for "little bit of care" and "sympathetic" treatment of refugees, and Grigor told me that a simple encounter between people can make a difference to someone who is alone and destitute in a foreign country. Their focus was not only upon material provisions, but upon building relations with people in a host country, and the desire to belong. Tariq was drawing on the discourse of care by *de facto* including asylum seekers and refugees into British society: they are living here and therefore we ought to help them. He challenged both bureaucratic and populist discourses by criticizing social services focus on eligibility and
their unwillingness to spend money on groups deemed 'undeserving'. He did not portray refugees as victims asking for charity, but as an organic part of society that needs to be looked after in order to prevent it from falling apart. Grigor, on the other hand, was drawing on a more radical discourse of hospitality, the readiness to help fellow human beings. He was accusing social services of being indifferent to human suffering. The discourse of rights is totally absent in his narrative. His view was that the state agencies simply needed to unconditionally attend to human needs.

Social services were perceived as an arm of the state and were treated with distrust and suspicion, whereas the voluntary sector was highly valued as a source of both practical and emotional support. Social care professionals were accused of a lack of cultural awareness and knowledge with regards to refugee specific issues. Refugees felt unheard and ignored. For some this was evidence of discrimination (Tariq, Grigor, Salman), but, according to others (Amina and Khadija), it was the lack of language skills, and not understanding of complex social care system that were hindering refugees from reclaiming their rights. In her anti-victimisation stance Amina strongly opposed the discrimination discourse. According to her, learning English will safeguard refugees from experiencing discrimination. In her comments about social services Amina drew on the bureaucratic discourse: the rules are fair and just, the only problem is to apply them accordingly. She drew on both legalistic and care discourses when she further elaborated on her view of a perfect social care professional. Here all my interviewees emphasized the need to be humane when dealing with forced migrants; their ideal social care provider was a “bureaucrat with a heart”, someone who follows the guidelines closely but who understands refugee’s cultural background, and who is sympathetic to the challenges they face in a host society. The notion of social worker’s discretion in the context of broader policies was a complex issue, with some informants having a blurred vision of the matter (Grigor, Salman) and some blaming both policy makers and front line workers for failing to deliver support to vulnerable people (Tariq and Khadija). Amina was the only one who argued that policies are fair, but that their application is flawed. The diversity of opinions in such a small sample
indicated that refugees are a highly heterogeneous group and that, consequently, policy responses to this marginalised population should take into account the various and complicated needs of those concerned.
IX. Discussion: the role of discourses on rights and needs in securing refugees’ wellbeing.

1. Introduction.

This chapter is concerned with the critical discussion of major conceptual threads that are present in my findings. The principal question addressed here is the juxtaposition of discourses of rights and care as reflected in my research findings. This will be discussed in the context of the intersection between rights’ construction, cultural representations of refugees and front line social care provision. It is my intention to focus on the notion of discretion because the research has elucidated that social policy does not determine what is happening in social care practice. In order to build up a comprehensive analysis, observations will also be made on the issues that I indicated in earlier chapters, such as reciprocity, care and concepts of ‘worthiness’ and ‘unworthiness’. I will then revisit research questions to demonstrate how the empirical work that I have done, as well as my conceptual analysis have enabled me to address these. I will end by raising concerns about the risk implied in favouring either legalistic discourse or discourse of needs, suggesting instead an application of the two as the best response to refugees’ welfare.

2. The construction of rights in social policy documents: how to exclude in a ‘fair’ way.

Social policy can be conceptualized as a tool in the distribution of individual and social rights, and an examination of discourses present in social policy documents uncovers political processes involved in decisions to either extend or withdraw rights to state welfare services to “outsider” groups. The dynamics of boundaries maintenance carried out through the allocation and administration of rights by the nation-state requires careful investigation;
for New Labour, it was a ‘fairness’ discourse and the figure of the contributor that structured all their policy responses to the question of what can be “allowed” to refugees. According to Morris (2010: 39), this contractual approach was a means of “micro managing both population and economy”. The benefit-abuse dichotomy redefined a map of social belonging: those who were economically beneficial to the state were welcomed, whilst those who were not had to face exclusion. This was described as a ‘fair deal’ for citizenship, a reciprocal exchange of economic contribution for political and social rights alongside the line “who counts is who works” (Clarke 2004: 67).

The social care system was meant to be ‘fair’ too, that is accessible only for those who contribute, in other words, citizens. If provided with social care services at all, asylum seekers had to endure surveillance (e.g. social workers were required to liaise with the Home Office) in exchange for support. According to some of my interviewees drawing on the bureaucratic discourse, this was a ‘fair deal’: something for something. This particular definition of fairness entered the populist discourse too, with some social care practitioners accusing asylum seekers of “double dipping”, or having too high demands such as asking for a “brand new bathroom”, hence violating the reciprocity idiom that constitutes what is deemed to be fair. To employ the insights of Mauss’s (1954) theory of social functions of giving the extension of social care provision to non-contributors such as asylum claimants was seen as a gift for which there is no return. An asylum seeker comes here to take something from us: she is ‘seeking’ and ‘taking’ sanctuary, but what does she give in return? Migrants are either valued for what they bring to host societies (topos of contributor), or feared for what they will do to their newly adopted countries (topos of burden). Both responses judge the migrant in terms of what she will do for or to us as a nation (Honig 1999: 188) rather than in terms of their intrinsic needs or value as a member of the human race. Not being permitted to work, asylum seekers have no opportunity of earning recognition, and can only claim an absolute right based on membership of the community of humanity as opposed to communitarian notions of reciprocity and proximity. Furthermore, withdrawal of access to mainstream welfare support was damaging to public perceptions of asylum seekers, constituting what Lockwood (1996) calls a
'civic deficit' whereby the contraction of rights is accompanied by an erosion of moral standing. For Lockwood (1996) this shows that policy is in fact a civic stratification enterprise whereby ascribing entitlements creates a system of inequality based on gain and deficit with respect to the delivery of rights. This complex system of legal statuses is particularly tangible in the phenomenon of governing, i.e. organising the differentiation and integration (Clarke 2005) of non-citizens on national territory. An ethos and practice of citizenship is, in fact, about structuring group interests and fields of conflict (Lockwood 96: 536), and it is citizenship that is fundamental to welfare entitlement (Dunkerley et al. 2005: 650).

I now turn to explore New Labour’s construction of refugees’ needs and rights in detail. Morris (2010: 113) argues that the policy background to welfare and asylum can be explored by looking at:

a) the stated and hidden purposes of the legislation;
b) the message this conveys with respect to the social status of the target group;
c) any irrationality in the framing of the policy;
d) the moral and material resources enabling a challenge; and
e) the outcome with respect to the contours of rights.

New Labour’s stated policy approach to those issues was characterised by their focus on managing both economic and forced migration: that is to make sure that the number of those coming to the UK is kept low, and that there is an economic selection of those wishing to settle in the country. The hidden intention, however, was the deterrence of asylum seekers based on the presumption that generous welfare benefits operate as a ‘pull factor’ on those perceived en masse as ‘bogus’, hence ‘undeserving’. It is a shift from using the benefit system as a means of checking immigration status to the denial of entitlement altogether as a means of deterrence (Morris 2010: 36): here organisational and ideological aspects of welfare are deployed in the management of migration. Minderhoud (1999: 145) is unequivocal on this point arguing that using access to social security became a dominant tool of
asylum policy. He also discusses two other kinds of legal instruments used to regulate migration: the right to stay in the country exercised through border control, visa regimes and detention, and special arrangements to make entrance or departure more attractive, such as family reunion laws or facilitating going back to country of origin by cash payouts. The argument advanced by Minderhoud (1999: 146) is that inclusion and exclusion from labour markets and the welfare system is the state’s preferred strategy because it reflects the tension between immigration control and human rights. By employing this tactic a state is less likely to be accused of breaching its international obligations than by recourse to mass detention or the removal of asylum claimants. This is because the question of social rights protection is simply less enforceable by supranational bodies. It is beyond the scope of this study to engage in discussion on British judicial responses to those human rights challenges that are examined elsewhere, namely in Lydia Morris’s (2010) work on the sociology of rights. Suffice to say that, in those legal cases, the requirement of a special evidence of intense suffering in circumstances when any person would suffer intensely entails regarding asylum seekers as less than human. I refer here to human rights assessments that are conducted by social services in relation to destitute persons subject to immigration control who have no recourse to public funds, and who do not meet other eligibility criteria (for details see Guidance for Local Authorities: Assessing and Supporting Destitute People from Abroad with No Recourse to Public Funds, NRPF 2007). The assessment is to establish whether there is an obligation on the authority to provide support in order to prevent a breach of a person’s human rights, in particular Article 3 on the prohibition of torture or inhuman or degrading treatment or punishment; and Article 8 relating to respect for private and family life. In practice this is about deciding whether denying support to asylum seekers, in other words forcing them to live on the streets and beg for money, could amount to “degrading treatment” under the Human Rights Act 1998, Article 3. What is important in terms of the social policy orientation of my research is the phenomenon of “banalization of suffering” which stems from treating people as cases and categories within a bureaucratised administrative system (Weiler 1992: 69).
Immigration laws and the acquisition of citizenship were endlessly conditional under New Labour: ‘rights’ represented a privilege which had to be earned. Notions of need were therefore secondary to issues of claim and entitlement. More importantly, as Morris observes, “the conferral of a right can act as an expression of the boundaries of moral obligation for a given society” (Morris 2010: 155). The notion of hospitality advocated by the refugees that I interviewed was starkly absent in social policy documents, opening up the question of the lack of forced migrants’ voices in consultations around service provisions (Phillimore and Goodson 2010). In both social policy documents and welfare workers’ responses hospitality was only referred to in the context of its abuse by asylum seekers and refugees, i.e. it acquired a negative meaning: it was not something that was offered, but violated. A message of welcome was completely disqualified in immigration/asylum policy due to an emphasis on control, and a focus on an imperative to limit the number of newcomers. This negativity, in turn, conflicted with policy that aimed to promote the integration of recognized refugees by communicating to the public that forced migrants are damaging to society. Social policy driven by reduction of public spending on the non-belonging Other, and concerned with eradicating ‘abuse’ by means of attacking fundamental rights of access and freedom from inhuman and degrading treatment, reflects the tension between a national and a cosmopolitan paradigm (Morris 2010: 91). A national paradigm is constructed around the communitarian approach wherein societal bonds are based on proximity and affinity whilst the cosmopolitan approach acknowledges moral obligations to different distant Others. In my study the cosmopolitan paradigm is represented by a discourse of needs whereby humanitarian concerns are privileged over safeguarding the national interests prevailing in a discourse of rights/national paradigm.
3. The cultural representations of refugees: between a victim and a criminal.

In New Labour’s policy documents all migrants are constructed as self-sufficient because there is an economic incentive to encourage participation and self-reliance. This eschews reference to the fact that refugees may be disadvantaged in their pursuit of the contributing citizen ideal. The normativity of independence advanced in policy documents was in my study challenged by both social care professionals and refugees who were drawing on the discourse of care wherein forced migrants are represented as more vulnerable than other needy groups due to the very nature of their personal history, immigration status and unfamiliarity with the UK. Some of my refugee participants added to this list of cumulative vulnerabilities their ethnic origin and religious backgrounds, which were seen as factors increasing the risk of being discriminated against when accessing social services. In this light, both asylum seekers and recognized refugees are groups that need special care support. With regards to ethnicity, one social worker made a reference to the community of experience shared by people of colour and refugees, whilst a refugee privileged visible ethnic difference over immigration status in his view of a racialised asylum seeker identity. He argued that ‘asylum seeker’ became a coded token, a shortcut for non-belonging in the UK; a totalised menace and an absolute Other. This remark offers useful insights for an analysis of the construction of refugee rights focused on their suffering non-political bodies, as opposed to gendered and racialised bodies that are perceived as threatening (Fassin 2001). The conundrum is embedded in a binary image of a refugee as either vulnerable victim or threatening criminal (Judge 2010: 8). On the one hand, imaginings of forced migrants are the inheritors of a colonial discourse with its tropes of non-productivity, culpability and dangerousness grounded in the racialised and sexualised male body (Hubbard 2005). On the other hand, there are certain qualities that are indicative of ‘genuine’ refugeeness such as silence, passivity and victimhood (Nyers 2006: 15). This cultural representation ‘feminises’ refugees, and the gendered ideal of weak and dependent person
is particularly contentious for single young men seeking asylum (Judge 2010: 12). It is important to note at this point that the social care providers that I interviewed were drawing on contradictory discourses which depended on the person who was depicted in a vignette: for instance responses to a case study about a woman with children were different from social interventions applied to a story of a single man. First of all, the self-presentation of a worker was shifting from personalisation when responding in a benevolent and engaged way when discussing the case study involving children, to distancing when refusing a service to either a single woman or a man. Moreover, social workers were using emotionally charged language whilst speaking about young unaccompanied asylum seekers, and it was the only situation when they were referring to the UK as those young people’s legitimate ‘home’ (in the case of adult asylum seekers, it was their country of origin). I am of course aware of legislation concerning children at risk, but it could be argued that in the case of refugees we observe an overlapping of the notion of ‘deserving’ and humanitarian discourse of ‘womenandchildren’ (Jaji 2009) that fits into gendered images of vulnerability representing ‘genuine’ refugeedom. It is those feminised refugees who need help as ‘suffering bodies’. Furthermore, certain types of femininity are valorised over others (Judge 2010: 24) as reactions to the vignette about a single young woman were not as benevolent as those relating to the narrative of a mother with children, a hybridised figure of vulnerability. This shows that refugeedom has acquired a bodily and depoliticised character where a refugee’s identity is reduced to neediness (Rajaram 2002). Consequently, refugee advocacy does not revolve around a call for forced migrants’ political membership, but around inclusion on the grounds of care (Judge 2010: 15). In the appeals to humanitarianism made by refugee advocates the emphasis is placed upon the responsibilities of care givers for dependent and deserving ”victims”. At this point it is worth mentioning that in my study it was only refugees who were drawing on an anti-victimisation discourse which indicates their attempt to subvert this dominant victimisation discourse whereby they are seen as passive and devoid of agency. Here the notion of discrimination was disqualified in the name of refugees’ empowerment. The risk associated with anti-victimisation discourse is, however, the disassociation of refugees from
the category of ‘special’ migrants, as put forward by New Labour’s policy approach wherein migration and asylum were most of the time not differentiated from each other. This brings me to the issue of the social construction of a target group, and its impact on the policy agenda and the choice of policy tools.

The purpose of this paragraph is to engage with the relationship between social position and allocation of rights. Schneider and Ingram (1993) classify target groups according to different degrees of their social recognition as follows:

a) advantaged groups
b) contenders
c) dependants
d) deviants

In search for political support, politicians strategically manipulate the social constructions of target populations (Schneider and Ingram 1993). Those manipulations can be held accountable for “irrationality in the framing of the policy” as noted by Morris (2010: 113). Positively constructed groups will be provided with beneficial policies whilst those who are negatively constructed will be faced with punitive treatment. Immigration policy under Labour distinguished between advantaged groups, such as highly skilled migrant workers, and contenders with some moral power to improve their position, in this case the so called A8 nationals from the new European Union accession states. Unaccompanied asylum seeking children would belong to the category of dependents, i.e. those lacking in power but able to generate some public support, whilst both irregular migrants and asylum seekers would fall into the category of deviants, portrayed as abusing the immigration system and unable to generate public sympathy. The issue of building public support for the plight of refugees is what Morris (2010: 113) refers to as “the moral resources enabling a challenge”. We may wonder in which category recognised refugees would fall; I would argue that their position shifts
together with changes in social policy, particularly since the process of rights ascribing constantly redefines the social construction of this group within the system of status recognition. In other words, discrediting the target group affects their “contours of rights” (Morris 2010: 113), and curtailment of rights lowers social standing of the population in question: these are two mutually reinforcing processes. During the Cold War refugees would easily fit into the advantaged, morally valued group, but as their civil and political rights have been eroded, the suffering bodies, rather than political violence, have become the most legitimate grounds for displaced people to claim recognition (Fassin 2001) hence placing them in the category of dependants. The potential for refugees to acquire the status of contenders has also diminished with the abolition of Indefinite Leave to Remain for Convention refugees as the temporality of their new status inevitably downgraded them to the level of deviants. Furthermore, biopolitical concern with the ‘real’ victim where the suffering body serves as marker of legitimacy leaves those beyond this discourse, for example young men, criminalised (Judge 2010: 20) and therefore seen as ‘deviant’. It may be argued that current advocacy discourse that draws on biopolitics is merely fighting for a means for refugees to be recognised as dependants. Furthermore, in social relationships of domination, those who have power are unable to care about the marginalised, i.e. those at the bottom of Schneider and Ingram's (1993) typology. This is very important because, as Tronto (1995: 148) contends, "Until we care about something, the care process cannot begin".

4. Proximity as a precondition to the development of care discourse.

Analysis of my findings suggests that social care professionals were more likely to draw on the discourse of care when recounting stories of terminating support to their clients: it was easier for them to refuse help rather than to cut it off, which indicates that some sort of prior human relationship is necessary for ethic of care to develop. The particularity of compassion would therefore fall within the notion of communitarianism adding complexity to my distinction between the discourses of needs and
rights. Paradoxically then, a discourse of care associated with a cosmopolitan paradigm would actually flourish under conditions of a perhaps more inclusive, but nevertheless national paradigm, structured by relations of proximity. By the same token, in refugee advocacy there is a tendency to exoticize the displaced through the idiom of trauma, simultaneously asserting that refugees are ‘just like us’ and invoking human rights ideals based on ideas of universality (Judge 2010: 11). Drawing on my findings, extending moral boundaries (Tronto 1993) could be facilitated by a discourse of rights, rather than needs. Only once we encounter the Other (and this encounter is structured by the notion of rights: if asylum seekers are not permitted to enter the country, we would never meet them, hence cannot be given a chance to develop ethics of care) we may be able to care for them. But this is not a politics of compassion that calls for including those we do not know personally (Porter 2006: 98). On the contrary, this confirms the contention that care defines justice because a demand for justice comes from compassion (Porter 2006: 103) which is difficult to generate without getting to know the Other first: “It is these moments of compassionate recognition of human dignity, not a dispassionate calculation of rights, which give rise to the demand for justice” (Bartlett 1992: 84). It is therefore an oxymoron to say that compassion “helps us recognize our justice obligations to those distant from us” (Clement 1996: 85). Due to its universality, justice towards the Other remains within the idiom of rights, that is to say it must not be discredited but simply extended, to draw on Tronto (1993) once again. Porter (1996: 7) tries to resolve this conundrum by referring to “compassionate justice” arguing that both justice and care imply community. However, ‘human community’ may be too abstract for the majority of people, and requires re-imagining communities beyond the nation. When we look at the development of human societies from simple, very small tribal communities based on closely knit kinship where a stranger living in a neighbouring village equalled the enemy, to very complex social organisations in the urban context, where we are surrounded by strangers, we may be able to understand this somewhat primordial tendency to favour the familiar. On the other hand though, taking into account the scale of migration in the contemporary world, cultural diversity in global cities, the growing importance of the internet, and social
media in particular, and travelling made more affordable, we are indeed
given an opportunity to meet distant Others, and possibly develop an ability
to *compati*, in Latin 'suffer with', those people, and build solidarity embedded
in acts of compassion.

5. Complexity of rules and the necessity of discretion.

I will now consider the narratives of front line social care practitioners
and discuss some interesting indications in their responses. By and large
social workers were questioning government’s policies, and spoke of ethical
conflict grounded in their professional role. At times they were acting to
undermine aspects of policy that they disagreed with, e.g. refusing to
cooperate with arrests of their clients, or modifying service delivery by
adopting tactics other than those prescribed in official strategies, for instance
when displaying emotions whilst working with young unaccompanied asylum
seekers. The majority of workers drew on anti-bureaucratic discourse and
criticised the Home Office for its lack of efficiency, which was indirectly
affecting their own workload, as well as displaying their dissatisfaction with
the Home Office’s lack of concern for human lives who had been left in
limbo. Consequently, they often perceived themselves as powerless and
struggling with the asylum system. Even those practitioners who believed
that asylum regulations were, in principle, good but mismanaged in practice
(bureaucratic discourse) were using the ethical alibi of a heartless ‘system’
(Herzfeld 1992: 80) based on the idea of separation of person from action in
Western bureaucracy, and well illustrated by often reiterated statements
such as: “I tell them [asylum seekers], it’s not about you and me, it’s about
the system”. In this legalism-orientated approach the alignment of power
remains unchallenged. Hagelund (2005: 679), in her case study of
Norwegian social care practitioners working with refugees, argues that hiding
behind the rules allows workers to evade accountability and resist
temptations to “feel sorry for people and to help more than one should.” This
approach often protected the social care providers from potential conflict
between the ideals of their profession, and the societal norms embodied in social policy and agency guidelines. Here laws and procedures institutionalise “the evasion of responsibility in the name of responsibility itself” (Herzfeld 1992: 156). Lipsky (1980: 71) points to the contradiction that services are delivered by people to people, which, at least in theory, could involve caring and responsibility, but these are delivered through a bureaucracy which assumes detachment, where care is conditional due to resource limitations.

The findings of this study show that front line workers act upon values which distinguish the worthy and unworthy of public bounty; however, this distinction is complex as social care professionals draw on multiple, often contradictory, discourses depending on the characteristics of an individual service user. For those of my interviewees who drew in particular on a populist discourse and topos of advantage, it was members of the indigenous population who deserved a service more. Indifference to the fate of ‘Others’ then became morally justified for those presenting themselves as the protectors of ‘our own interests’ (Herzfeld 1992: 80). Since those workers felt that they had to choose between those who ‘belong’ and those who don’t, exclusion of the latter was acceptable in order to better care for those ‘inside’ (Nyers 2006). Questions of biased behaviour of street level bureaucrats are touched on in Lipsky’s (1980: 109) work wherein he notes that they “respond to general orientations toward clients’ worthiness or unworthiness that permeate the society and to whose proliferation they regularly contribute”. This differentiation of the client population on the basis of their social worth is supported by racism and prejudices (Lipsky 1980: 115). At this point I want to argue that those institutionalized stereotypes are multidimensional, and influenced not only by ethnicity and immigration status, but also gender, age and family situation of a person seeking help. This is all very poignant as policy guidelines speak only about the notion of ‘need’, itself complicated and confusing, leading to the situation where the legal and policy frameworks have become more imprecise (Evans and Harris 2004: 885).
Social care practitioners are required to “strike a balance between demands, needs and resources” (Wells 1997: 336) but nowhere is it written how to deal with responsibility for what can and cannot be met. In the case of social care provision to people with no recourse to public funds it is even more unclear, since this area of work is covered not only by the community care context, but also legal and policy background to asylum and immigration. The majority of my participants admitted that they are not able to comprehend constantly changing asylum-related policies, and quite a few were confusing fundamental pieces of legislation. This confirms Lipsky’s (1980: 14) perspective on complex rules, namely that they can only be evoked by front line workers selectively, as well as Evans and Harris’s (2004: 892) contention that a greater elaboration of guidelines can actually make them more uncertain. By the same token, Lipsky (1980: 14) argues that in the context of voluminous and often contradictory rules, social care providers tend to adhere only to the most basic precepts of eligibility, in the case of this study the Slough judgement being the landmark in the recent development of welfare restrictionalism (Phillimore 2011: 10-11). Interpreting the rules in order to apply them de facto constitutes the process of policy making, as argued by Evans and Harris (2004: 879). Even though asylum-related field of social care practice with its tightening up of procedures may seem to restrict social care professionals’ agency (and indeed, many of my interviewees, as I mentioned earlier, perceived themselves as “powerless”), front line workers can still manage to “exercise some discretion, invoking their personal interpretation of policy” as discussed by Dunkerley et al. (2005: 649) in their study on social care provision to unaccompanied asylum seeking minors. The question is then, in what situations is discretion more likely to occur? To reiterate my earlier argument, the complexity of the rules is the first prerequisite of discretion because ambiguous guidelines contribute to the uncertainty that further leads to discretion. Some of my participants argued that the scope for resisting asylum law from within the system is very limited, but others admitted that it is possible to use discretion in order to undermine the system. However, my findings indicate that even those social workers who saw their professional role as having their “hands tied”, to quote one of my informants, were, in fact, exercising a “weaker” sense of discretion, that is
“interpretation of and authority to decide within rules” (Evans and Harris 2004: 882), simply because of the sheer proliferation of those rules, and the limited understanding of them. The confusion caused by conflicting guidelines required practitioners to use their own discretion about the meaning and relevance of policy in order to translate it into practice. Although this may sound like imposing my own research categories on my material, they were practising discretion without even being aware of doing so, for example when withholding information on the whereabouts of failed asylum seekers, or turning a blind eye on those who went underground. The variety of discourses present in such a small sample proves my point: if everyone was going by the book, responses to my vignettes would be similar, and they were clearly not. Drawing on Prior (2009: 22) here, I would suggest that my participants’ choices were the result of a creative engagement between their professional knowledge (i.e. formal interventions and possible policy outcomes) and individual, context-specific understanding of particular needs influenced by emotions and ethical values. Those social care professionals who did challenge the system, “reflexive practitioners” to draw on Banks’ (2006: 150) classification, were more knowledgeable, often having previously worked in the dismantled Asylum Teams. These professionals were confident enough to tinker around the edges of policy, for instance when arranging better accommodation for their client, or when negotiating more beneficial financial hand outs for them. The social workers drawing on the subversive anti-bureaucratic discourse saw themselves as endowed with power “to do good”, to rephrase a quote from an interview, because they spotted inconsistencies in the asylum system, in particular the gap between principle (policy) and praxis (procedures). In their view the legislation was flexible and gave them the scope for supporting people. Paradoxically then, the applicability of discretion increases both with workers’ competence, and with their ignorance of this challenging area of work. In the first case, knowledge of the system allowed them to navigate through complex procedures and laws, and in the second case they needed to be innovative too, operating on the basis of limited information in order to fulfil their tasks. More importantly, discretion can take the form of compassion and intervention on behalf of service users as well as exclusion and
discrimination against them (Lipsky 1980: 23). This is what Barnes and Prior (2009) call “progressive” and “regressive subversion” accordingly. The work of Herzfeld (1992) is also pertinent to this discussion, bringing together many critical strands of thinking in-between anthropology and social policy analysis. As Herzfeld (1992: 169) observes, “bureaucratic devices of exclusion only acquire force and meaning when willing operators are in a position to seize on their possibilities”. Law and procedures provide frameworks but not direct answers, as they need to be interpreted first in order to be implemented (Banks 2006: 11-12). Social care professionals can never be neutral (Batsleer and Humphries 2000: 12), and it is their own value system that informs the deployment of their knowledge (Wagenaar and Cook 2003: 156).

6. Responses to research questions posed in the study.

In the light of the discussion of the key insights emerging from my analysis I can reflect on the research questions posed in this study:

- How does the government conceptualise the problem of asylum in their policy documents?
- What are the responses of front line social care practitioners to those policies?
- What impact does a service provision (or lack of it) have on individual well being of asylum seekers and refugees?

In New Labour’s social policy documents asylum was co-opted by the migration problematic hence responses to refugees were structured around the discourse of managed migration and the topos of numbers. The phrase “We have already made real progress in reducing the number of unfounded asylum applications” (Home Office 2005: 35, par 1) is particularly striking; it is as if the number of persons claiming asylum were some kind of an abstract entity that could simply be “reduced”. There is no explanation what an
“unfounded application” is, and why the number is falling. In actual fact, it is due to the tightening of the United Kingdom’s borders, and not to a decrease in humanitarian crises around the world. Fundamental issues of poor quality decision-making in the asylum process were not addressed by the successive New Labour governments; and yet, at the time when Controlling our borders (Home Office 2005) was published, 20 per cent of decisions were overturned at appeal, and, for some countries this figure reached 50 per cent (Refugee Council 2005c: 4). Instead of improving the quality of the asylum system decision-making, the government’s response was fast-tracking (i.e. categorising people on the basis of their country of origin’s ‘safety’, and speeding up, or rejecting their applications accordingly) as well as curtailing access to legal aid and appeals.

However, the research has revealed that the government’s stance on asylum as reflected in the social policy documents does not determine front line social care practice. The workers do exercise discretion in their interpretation and application of these policies. Some social care professionals referred to the bureaucratic discourse as a prerequisite to refugees’ fair treatment, but the majority drew on an anti-bureaucratic discourse whereby the statutory social care system was seen as unfair and unjust. The critique of the Home Office was shared by virtually everyone I spoke to, albeit for different reasons (e.g. for those operating within the idiom of care, state policies were seen as indifferent to human suffering, whilst for those privileging the populist discourse, it was the inefficient, bureaucratised system that they were complaining about), and was, in many aspects, similar to the dissatisfaction felt by refugees themselves. Furthermore, the policies were perceived as too complicated and unclear to understand. Social care professionals felt overwhelmed by the complexity of their professional roles, particularly in the light of the limited legally-oriented training. The majority spotted the contradiction between the duty of care as prescribed by social work values, and an enforcement of the government’s policies, arguing that they were not immigration officers. Some mentioned that if they were forced to comply with the aspects of policy that did not sit comfortably with them, they would simply quit their job. Nevertheless, the responses of front line
workers were highly contextualised, ranging from care and concern with refugees’ welfare to enforcement of the state’s exclusionary policies. This very much depended on the social construction of a refugee described in a particular vignette.

In the opinion of refugees that I interviewed statutory social care provision was, in fact, part of the oppressive state apparatus. Although regarded with distrust, social care was providing necessary help in the context of the dire socioeconomic situation that refugees are facing, and could contribute to their well-being. However, both the absence of support, and the grudging way in which it was delivered, was problematic. The refugees’ responses were highly ambivalent. The statutory social care system was perceived as exclusionary, but, at the same time, it provided - or could potentially provide - support for people in need. For Tariq, this was a tool that enabled him to move on with his life, to make “progress”.

Nevertheless, he favoured family and community support over the anonymous institution that he perceived as discriminatory. In the case of Grigor, the lack of service provision resulted in destitution and homelessness, which, in turn, severely exacerbated his health problems and feelings of isolation and despair. In Grigor’s narrative it was voluntary organisations that were attentive to human suffering, whilst social services were seen as an indifferent arm of the state. Salman experienced problems accessing social care services regardless of his refugee status, and, as a consequence, felt excluded on the basis of his displaced person’s identity. Amina and Khadija were not users of social care services, and highly valued their independence from the state. They saw stigma attached to asking for help, and defined welfare as a trap that prevented people from becoming self-reliant which was clearly in opposition to what Tariq was elaborating on.

The notion of vulnerability was therefore a contested concept in my interviews with refugees, and expectations toward the host state varied greatly. The complex problem of how to improve the system was met with equally complicated responses, ranging from philosophically grounded unconditional hospitality, a plea for attentiveness to human needs and a call
for cultural awareness amongst those working with asylum seekers and refugees.

7. Conclusion.

The fundamental question of this study was to explore what discourse is the most useful with respect to responding to the needs of refugees: is it the discourse of rights, or the discourse of care? Judge (2010) constructs a dichotomy between refugee welfare reflected in care discourse, and the political aspects of asylum that belong to the language of rights. In the context of social policy analysis, this could be supported by Lipsky’s (1980: 148) claim that medicalisation of social problems, in this case the medicalisation of asylum, undermines the political and social status of individuals, here being the asylum seekers and refugees. Furthermore, medicalisation implies that social institutions are not responsible for refugees’ problems. In their publication Good Practice in Social Care with Refugees and Asylum Seekers the Social Care Institute for Excellence (2010: 6) challenges the clinicalisation of refugeedom, and advocates a rights-based approach in order to ensure that “the principles of equality and respect” are met with regard to displaced people. It is argued that such an approach recognises forced migrants’ vulnerability through the lens of human rights’ universality, therefore implying that social care agencies have a responsibility and duty in relation to the social care needs of asylum seekers and refugees (SCIE 2010: 7). This way of framing the problem presents the utility of rights discourse in defence of asylum seekers and refugees. In social policy documents it is clear that the lack of political rights precludes forced migrants from gaining the entitlement to care. However, social care professionals’ responses suggest that it is care that precedes rights, whilst refugees interviewed for my study were calling for unconditional care. This shows that neither of the discourses should be discredited, and that a skilful combination of the two can be the most beneficial solution to secure the wellbeing of forced migrants.
X. Conclusion.

1. Introduction.

This chapter carries out three tasks: the first task is to draw out distinct contributions that the study makes to knowledge on the theoretical, methodological and empirical levels. It discusses original theoretical contributions derived from an extended analytical framework which combines an anthropological perspective with a focus on social policy. Terms borrowed from anthropology such as hospitality, gift and reciprocity, all imbued with taxonomy generating characteristics, were employed to explore and challenge policies that deny access to resources to groups considered undeserving, in this case asylum seekers and refugees. Combining analytical frameworks from anthropology and social policy is comparatively rare, but it offers new contributions to the examination of the way boundaries are constructed in a study that looks into the dynamics between immigration and welfare regimes in relation to forced migrants. Discretion, on the other hand, is a new term that has emerged from analysis of social care practitioners' accounts of frontline services provision. It has therefore become a concept that I have employed at both substantive and theoretical levels in this study. Bureaucracy represents a convergence of research interest in anthropology and social policy, and it is therefore another possible realm of theoretical interchange between these two fields of social sciences. Both disciplines are equipped with a body of theory concerning the concept of bureaucracy; both authors that I cited in my work, Herzfeld (1992) and Lipsky (1980) argue that official social policies do not determine praxis, and that "street level bureaucrats" do exercise discretion in their application. This is also what Giddens (1984) calls a "dialectic of power" in his structuration theory. The methodological design of the project reflects this theory by a threefold approach to the research topic: Giddens's idea of structure (1984) is reflected in government policies on asylum seekers and refugees, and his notion of agency refers to what frontline social care practitioners exercise in their practice. In order to emphasize the agency of forced migrants, the additional dimension of the study is focussed on asylum seekers' and
refugees' narratives of their experience of the welfare system in the UK. This holistic approach is methodologically appropriate and enriching to what is a very complex and empirically original study.

The second task of this chapter is to present an evaluation of the research project undertaken by identifying its challenges, strengths and weaknesses. This is entwined in the ethical issues associated with research on vulnerable groups, and in an overall tendency of research ethics committees to view social sciences through the lens of clinical research. Consequently, ethnographic research methods, namely participant observation, had to be disregarded. Furthermore, the political sensitivity of the topic certainly did not facilitate the recruitment of participants for the study. Some local authorities declined to take part in the research, and others were very defensive throughout the process. However, interviews with social care practitioners proved to be successful due to their familiarity with vignettes, and a visible appreciation of being provided with a chance to reflect on one's work in an environment that is very often too hectic to enable reflection about one's professional role. In the case of refugee participants, there was a risk of research fatigue as refugee organisations are frequently asked for help by research students, and do not consider this kind of project - rightly or wrongly - to be of great importance as their priorities are focussed on funding and dealing with heavy workload. The support of a community organisation was a lifeline, but it also meant losing some of the control over the recruitment of informants. Nonetheless, the richness of diverse points of view amongst forced migrants provided valuable insights into their own, distinctive understanding of hospitality and reciprocity.

Thirdly, the thesis will be concluded by pointing to the applicability of the findings to front line social care services through an account of the needs of refugees, and sketching out the nature of problems associated with responding to those in the context of statutory social care. The evidence collected during the course of this research points to a lack of understanding of asylum legislation among frontline staff, and reluctance to see asylum seekers as legitimate service users. Competing priorities of different pieces
of legislation lead to confusion in policy and practice with regards to entitlements of asylum-seeking individuals. Social care practitioners are expected to challenge social injustice, empower and protect people from harm and abuse, but in the context of asylum policies their professional role involves enforcing internal controls hence restricting access to welfare to a vulnerable population. Refugees are, therefore, first and foremost subject to coercive powers of the state rather than its protective functions. Moreover, the application of a bio-medical model to social intervention is highly questionable in the case of refugees whose distress cannot be abstracted from structural inequalities. Asylum policy characterised by enforced poverty, poor housing and a reduced level of welfare benefits has a devastating impact on the wellbeing of displaced people. The findings of this research suggest the need for a new policy approach whereby asylum seekers are reintegrated into the mainstream welfare system and provided with continuous, culturally specific support as well as with the right to work.

2. The original contribution to knowledge.

The thesis brought insights from anthropology to the study of social welfare and social policy by applying concepts of hospitality and gift to frontline social work and the nation-state's response to refugees. Anthropology can aid social policy in the analysis of processes of incorporation and exclusion that underpin its very functioning. Therefore drawing on the two disciplines can provide insights and explanations that were hitherto unavailable; notably, it enables to shed light on xenophobic discourses that are usually disregarded as irrational and too 'primordial' to be properly examined and challenged. Here the usual answer is that people tend to be afraid of strangers, and that is just 'human nature'. More importantly, this argument is widely used by political elites who are supposedly simply responding to concerns of the electorate. Whilst I am not trying to deny racist overtones present in populist discourses, the application of theory from anthropology to social policy data enhances reflection on what is, in fact, a very complex dialectical relationship between the state and the
Other. New Labour’s social policy towards asylum and migration, characterised by the conditional acquisition of rights, can be interpreted as a form of conditional hospitality, a gesture of gift-giving that imposes the obligation of reciprocity. This process signals a deterrent approach, which leads to a shrinkage of the political space for asylum and the correlative extension of prohibitive and punitive controls. However, because this exclusion of forced migrants is grounded in the idea of reciprocity, it is deemed ‘fair’, not discriminatory. In other words, it sends a message that refugees are undesirable not so much because of who they are (although it is an important factor in the fantasies of inundation and cultural pollution), but because they violate the rules of giving and returning. The identity of a refugee as a stranger does come into play though when it is concluded that rights are bestowed by a political community, and are not inherent in humanity. Without a protection of a nation-state, a refugee loses the right to have rights.

Hospitality is the process of making the Other a human like oneself, hence it poses politically laden questions about power and identity. Unconditional Derridian hospitality, albeit recognised as an unattainable goal, is considered here as a space of generosity, care and moral responsibility towards strangers. It is an attempt to create shared symbolic and physical spaces in which boundaries may be lowered (Dikec 2002). In those shared political spaces of inclusion, societies change, grow, renew and reproduce themselves (Selwyn 2000: 19). A critical understanding of the centrality of taxonomy in social policy, namely in migration and welfare regimes, serves as a background for political and indeed ethical questions to emerge, notably how to foster a commitment to a genuinely universal welfare system for the most disadvantaged, wherever they come from, and what role needs and rights play in the call for unrestricted care and social justice. This inclusionary rendering of asylum argues for the relevance of care ethics, with its notion of extended moral boundaries (Tronto 1993). One of the conceptual strands of the study is to engage in the systematic analysis of the very meaning of the discourse of care as opposed to the discourse of rights, in order to open up a political space that is not skewed against strangers. The study is an invitation
to conceive it in a way that reconciles both discourses: findings of this research suggest that a discourse of care can only flourish if a discourse of rights is balanced in favour of refugees. That is because if migration and welfare regimes operate in the way that expels asylum seekers and marginalises refugees, those in host countries will never be able to meet them. And it is clear from the evidence presented in this study that care is more likely to develop under the condition of proximity and affinity, as people find it difficult to identify with the suffering of the distant Other. Once members of a host society come into a meaningful contact with refugees (which is currently not an easy task), they might revisit their opinions and sympathise with the plight of the displaced. A strong welfare state could significantly contribute to this bridge-building exercise as universal welfare institutions bring people together through common needs and services (Gregory 2011: 5). But in order for this to happen, asylum seekers would need to be reintegrated into the mainstream benefits system. The social costs of UKBA support for asylum claimants are enormous: it divides and stigmatizes refugee populations through fostering a sense that those seeking sanctuary are not part of the same social reality. Equal allocation of resources would, on the other hand, help to facilitate the notions of common identity and equal social status. Following the presumption that attitudes are mediated institutionally, this change might entail political support for those parties who do not construct their policies around anti-asylum hysteria; also, it would then be more difficult to demonise refugees in the media. Paradoxically, the conclusion is that a national paradigm with its communitarian vision of societal bonds actually allows for a cosmopolitan paradigm to emerge. This argument would not have emerged if it were not for the project’s theoretically distinct contribution that lies in its interdisciplinary character, and a location within a particular set of concepts such as needs, rights and social justice. In addition, the study is enriched with a detailed background knowledge of British asylum policies and an in-depth understanding of the phenomenon of forced migration. Therefore the work provides new insights and perspectives to the debate on the duty of care and state enforcement in the context of social work with marginalized groups, in this case asylum seekers and refugees.
The study explored the problem of statutory social care provision to asylum seekers and refugees from three different methodological angles, namely analysis of discourses in social policy documents, vignette-based interviews with social care practitioners, and semi-structured interviews with refugees. Each of the three research methods addressed a different research question in order to enhance reflection on the problem of delivering social care within the boundaries of the national welfare state. The first question enquired into the manner in which former New Labour governments had conceptualised asylum in both their immigration and social policy documents. An idiom of managed migration was here an attempt to simultaneously manage both the British population and its economy. A whole set of deterrent measures was developed under the New Labour who championed skilled migration over forced migration, and considered the welfare system a ‘pull factor’ for asylum seekers. In other words, in social policy documents economic migrants were represented as coming to the UK in order to work, whereas those claiming asylum, or so called "bogus asylum seekers", and not "genuine refugees", were depicted as entering the country just to abuse the benefits system. It was a clear cut categorisation: asylum seekers come to Britain to abuse her hospitality, not to seek international protection. The dichotomy benefit-abuse was also crucial in the construction of the conditionality of rights: those beneficial to UK economy were rewarded with rights, including the right to welfare support. Following this presumption, lack of political rights for asylum seekers and refugees precluded them from entitlement to social care, and in fact, to secure and dignified livelihood. And this was the government's objective, not some kind of aberration: to reach a "tipping point" where there are more removals than refused asylum seekers in each year (Oxfam 2011: 16). But what was the response of frontline practitioners to those policies, clearly at odds with the values of their professions? The evidence demonstrates that social policy does not determine what is happening on the ground. Quite on the contrary, a common thread which ran through the practitioners’ accounts was that they disagreed with the government’s asylum policy, and by and large saw their professional role as subordinated to oppressive state practice. Consequently, the workers exercised discretion in their application of state policies, and it
was the level of perceived discretion that they were able to exercise at work, and the extent to which they voiced a moral consideration involved in the practice of gate-keeping, that they disagreed on. The notion of discretion accounts for contradictory practices whereby social care practitioners acted either as agents of social control or benevolent carers of vulnerable people. Here it was care that preceded rights as workers admitted that refusing a service was much easier than cutting it off once some sort of relationship had been established between a service provider and a user. Furthermore, it was the question of how a refugee was depicted in a given vignette: it was then a worker’s own judgement, rather than policy guidelines, that contributed to the construction of a person as deserving, or not deserving a helping hand. Refugees’ views, on the other hand, invoked the notion of unconditional hospitality, and, unlike social care professionals, did not give priority to the issue of eligibility. They saw statutory social care support as a lifeline but also as a source of social stigma: some of the participants challenged the victimisation discourse and did not want to be represented as needy and dependent. In their narratives they were instead focused on the problem of the lack of cultural awareness in frontline social care services, as well as the discrimination based on refugees’ cumulative vulnerabilities, rooted in not only their immigration status, but also ethnic and religious backgrounds. In this context refugees shared the experience of racism with other people of colour, regardless of their legal status.

Employing more than one research method generated new knowledge through a synthesis of the findings from three distinctive angles accompanied by methodologically relevant research questions. Moreover, adopting a social constructionist approach allowed me to bring together critical strands from all dimensions of the study. The social construction of asylum seekers and refugees played a prominent role in the manner that social policy documents were framed, it influenced social care practitioners’ responses, and was also at the centre of forced migrants’ reflections on the problem of discrimination within statutory social care. The strength of this investigation lies in the integration of those three distinctive perspectives that are rarely looked at together, and in such a way it increases the level of understanding
of the complex relationship between the state, social care and refugees. The combination of research techniques contributed to an in-depth, multidimensional explanation of the exclusionary operations of the Labour governments, it demonstrated the multifaceted issues affecting social care provision to forced migrants, and identified the range and detail of the social care needs of refugees. This permitted the analysis to shift from the sphere of political debate to the professional field of social care, and then to an exploration of the exclusionary narratives through the lens of refugees’ own experience. It is in analysing the exclusionary interactions between these linguistic and non-linguistic discursive practices, and from a consideration of policy to a consideration of praxis, that this study develops a critique of restrictionist approaches to welfare. While the research explored the increasing dominance of an exclusionary politics that excludes the ‘undeserving’, the analysis has also taken steps towards considering how this might be critically interceded through a counter-discourse of care.

3. Evaluation of the research approach.

This section will chart challenges involved in the process of carrying out the project. In order to examine discourses present in social policy documents I carried out detailed linguistically-oriented background work. Documents concerned with asylum/immigration policies were easy to explore as I already had a substantial knowledge of this area. But the biggest challenge was posed by the interpretation of social care policy documents that, as a layperson, I found difficult to decipher. The application of Sevenhuijsen’s (2003) ‘Trace’ method permitted me to conceptualise the complete absence of asylum seekers and refugees in social policy documents related to social care. This was a research finding, albeit a puzzling one, but nonetheless one which exposed the exclusion of asylum seekers and refugees from the realm of statutory social care. The absence of any specific acknowledgment that refugees are likely to be amongst those needing support from social care services in itself emphasised the marginal position of forced migrants. The central premise of my argument in
responding to this is to assert that asylum seekers and refugees do have complex social care needs that I will summarise later in this chapter.

The interviews with practitioners were based on vignettes, and this research method proved to be an excellent tool to elicit their responses since all social care providers were familiar with working on case studies (I was told that this approach is also applied during job interviews in the field of social work). Furthermore, vignettes are non-personal, i.e. they describe hypothetical scenarios hence they allowed front line social care workers to freely elaborate on the issues encountered in their practice. Perhaps there was one mistake that I made during the process, namely I told my interviewees that the vignettes were real life stories based on my voluntary work with asylum seekers and refugees. I think I should only have mentioned that they were indeed grounded in reality, but by revealing that I was myself working in the refugee field could have created a bias in my participants’ responses. People who work in the voluntary sector tend to be advocates of marginalised groups, and I could have been regarded in such a light - which, as a result might have influenced what I was being told. It is therefore possible that some social care professionals softened their views when talking to someone they perceived as an advocate of refugees’ rights. However, this did not preclude some of my interviewees from expressing populist views, regardless of my own rather obvious migrant identity.

Another problem was associated with the recruitment of social care workers for my study. It was beyond the scope of my research to pay attention to hierarchical relationships within a particular agency (I did not recruit people on the basis of their job title, i.e. I interviewed both ordinary officers and managers) which was at times problematic due to the sometimes conflicted nature of the relationships between a manager and his/her team. In my analysis I did not differentiate between those two roles because it was not my purpose to carry out research that focussed on the way in which those occupying different roles within organisations viewed the issues I was exploring.
Even though the material from my interviews with social care professionals proved to be very rich, I feel that if it had been also accompanied by participant observation, then this would have allowed me to get a better insight into social work practice. This was prompted by quite a few comments made to me by the refugee participants who argued that social care practitioners were openly discriminating against them. As this is not a positivist study, it does not aim to find out what is ‘the truth’, but my anthropological background prompts me to think that in-depth research should look at what people do, rather than analyse only what they say in formally arranged interviews. But, due to ethical constraints, it was impossible for me to observe social workers at work. Volunteering was not an option either since I do not have any social care related qualifications, plus this would also be deemed unethical due to the involvement of vulnerable people. On the other hand, if I were a social worker myself, I would not see what I was able to observe as an outsider, because detachment allows for interrogating the supposed natural order of things. In any case, I would still face the same ethical dilemmas associated with the research on socially excluded populations. In other words, I had to operate within a set of quite stringent constraints, and conduct as rigorous research as possible within those limitations.

Turning now to critically look at the interviews with the refugees, it is worth mentioning that in order to avoid ethical pitfalls associated with the lack of professional boundaries, I did not recruit participants amongst my informal contacts in the refugee communities, but relied on a community centre instead. I was concerned that I had lost control over the recruitment process since everything was prearranged by people working in the organisation. It appeared that only three out of five of my interviewees had actually had direct contact with statutory social care services, even though this had initially been the precondition to participating in the project. I suppose the centre’s workers found it hard to identify people who both met my criteria, and who were willing to take part in the interview. Due to the fact that I did not want to use interpreters, my criteria for inclusion had been in fact quite restrictive. I was not hoping for a large sample, as the aim of my study was
not to attempt to generalise, but to understand social policy in the light of the lived experience of those affected. However, I do think that it would have been more valuable to hear more stories from those who were social services users, or who were directly affected by the lack of social care provision. The interviews with two women who were active in their communities did provide me with stories of more people than my sample actually covered, but those narratives were inevitably second hand and lacking the direct personal experience that could enrich my later analysis.

4. Policy implications and recommendations.

As this study falls within the category of applied social research, I shall now consider the picture that emerges from my findings with regard to asylum seekers’ and refugees’ needs as well as the challenges that these pose to frontline social care practice. All these issues have clear implication for policy. In the 1990s there was an underlying presumption that there was no need for specific projects for asylum seekers and refugees because they were ‘not here to stay’ (LDC/SPN 2006: 5). They were treated as transient groups whose needs were best met by the voluntary sector (Okitikpi and Aymer 2003: 220). Disbanding specialised Asylum teams after 2000 equalled reducing the focus of local authorities on the needs of this client group, and following the riots in Northern England in 2001, there was an ideological move away from culturally specific services provision which further affected refugee communities. Furthermore, since a legal ruling in 2008 (M v Slough), the threshold for eligibility has been raised making it harder for those experiencing mental health problems to gain support (Mind 2009: 9) which meant that a smaller proportion of asylum seekers became eligible for local authority accommodation and subsistence rather than that provided by the UKBA (NRPF 2011: 14). In the social policy documents that I analysed it was clear that given the absence of mention of refugees in these, they (i.e. recognised refugees) would probably be seen as belonging to the broad category of minority ethnic groups. Whilst refugee communities might face
similar problems to Black and Minority Ethnic (BME) communities, they also differ in important ways:

a) Asylum seekers have experienced traumatic events in their lives, and an insight is needed into the psychological consequences of these. Moreover, they live in fear and insecurity due to having their asylum claims pending (an important argument against the clinicalisation of their problems) which might cause a further deterioration of their mental health. Thus social care providers need to know how to deal with clients who might have been victims of organised violence, rape or torture; who may have attempted suicide; and who are often forced to live in destitution. What is more, not being sensitive to different cultural understandings of mental health and wellbeing can result in misdiagnosis. It is also vital to emphasize that in some cases psychological interventions should focus on adjustment to a new culture. My findings show that this can all be very challenging and emotionally draining for a practitioner.

b) Refugees often suffer from physical health problems that are further exacerbated by life in poverty/ destitution. Furthermore, if refugees take up employment in the black market, they become vulnerable to abuse and exploitation. This adds up to their cumulative vulnerabilities and requires a multi-faceted approach to their social care needs.

c) Those seeking asylum are caught in a bureaucratic, Kafkaesque net of asylum determination process that they need to be guided through. Very often they spend years in a legal limbo waiting for a decision from the Home Office. And yet an assessment of asylum seekers’ needs is too reminiscent of a Home Office interview, and there is not enough time to build trust between a forced migrant and a worker. Furthermore, due to dispersal policy asylum seekers are a high mobility group which prevents continuity of support. The social workers I interviewed did not usually have a sufficient understanding of the asylum system, and were confused about their clients’ entitlements (e.g. when there were disputes occurring between the
NASS and a local authority) due to frequent changes in the legislation, lack of training and a heavy workload.

d) Refugees and asylum seekers are victims of a particular new form of racism, ‘xeno-racism’ (Sivanandan 2001), which has got characteristics of ‘old’ racism (e.g. exclusion, scapegoating and exploitation), but targets foreigners regardless of their racial/ethnic background. Here it must be noted that the populist discourses on asylum seekers and refugees present in the public domain may be affecting service providers as well, as shown in my research findings.

e) Refugee communities are culturally diverse and a high cultural competence is essential when working with these groups. Refugees that I interviewed were particularly vocal on this issue, accusing social care practitioners of ignorance with regard to cultural differences. But there were also some workers who made a point about the linguistic and cultural difficulties involved in the frontline services provision to forced migrants, especially when carrying out needs assessment.

f) Last, but not least, asylum seekers face difficulties in obtaining help. Apart from the culturally sensitive issues I mentioned earlier, for instance cultural inhibition in seeking help, adequate English language support and/or interpreting services are absolutely crucial in providing social care. The issue of trust is very important here and, in some cases, the wrongly assumed allegiances between a client and an interpreter may be highly disruptive in the context of ethnic/tribal/linguistic/religious/political divisions in the refugees’ countries of origin. Secondly, seemingly trivial issues such as lack of money for a bus fare may also impede the access to services.

Therefore treating asylum seekers like other BME groups (e.g. service planning on the basis of data on existing ethnic minority populations) is inadequate and may prove unhelpful. I disagree with Lorenz (1998) who claims that social work with migrants and refugees should not be a special area of expertise. My findings confirm Okitikpi and Aymer’s (2003) concerns that there is a skill and knowledge gap with regard to social care provision to asylum seekers and refugees. The problem is exacerbated by the fact that
there is no statutory guidance on the duties of local authorities to people with No Recourse to Public Funds (NRPF) and this results in inconsistency of practice. The lack of guidance is causing considerable confusion among statutory staff, and in some cases it leads to refugees and asylum seekers who are entitled to social care being refused help. This is because sometimes referrals are dealt with by not sufficiently qualified staff with a poor awareness of refugees’ backgrounds and needs, often in the context of the lack of resources to respond to needs flexibly.

Based on this study, I argue that once we better understand all the issues concerning forcibly displaced people, we can be in a better position to meet their needs. What is required is an awareness of the problems that asylum seekers and refugees face in personal, cultural and institutional terms. This can only develop in the context of dedicated teams with sufficient commitment and expertise, readily available resources for support with language and positive approach to refugees. Staff should be provided with training on the policy and legislative framework, the rights of asylum seekers and their specific social care and health needs. Cultural competence is needed not only in order to guard against discrimination, but also to help maximise the availability of social care support. However, the latter cannot be executed without changes in the asylum system. Restrictive policies on welfare support are functioning to socially exclude and marginalise refugees and asylum seekers. Asylum policy creates an environment which is having a devastating impact on the wellbeing and long-term integration prospects of asylum seekers and refugees.

It is hoped that the findings of this study will contribute to a wider debate on the social rights of asylum seekers and refugees with temporary leave to remain in the UK. The summary of the study findings will be forwarded to all the local authorities that took part in the research; this is not only a formal requirement but also an attempt to engage them in a discussion that might lead to rethinking of the statutory social care’s role in the asylum system. More research at local and national levels, carried out in partnership with asylum seekers and refugees, is crucial to get meaningful
information on issues faced by asylum-seeking communities and to improve service provision. Refugees’ views on their needs for social care and their suggestions for good practice should be explored on a bigger scale and in a more systematic way. Another research priority concerns the similarities and discrepancies between care needs from the perspective of refugees, social care professionals and policy makers. Such an exploration of the care needs from different angles can contribute to the grounded development of social care interventions for this vulnerable group.
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Appendices.

Appendix A.

Proposal to the Faculty of Health and Social Science Research Ethics and Governance Committee
June 2008

Proposed title of study: Duty of Care or State Enforcement: Social Care Provision to Asylum Seekers and Refugees

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Sponsorship: SASS

Supervisors: Professor Marian Barnes
Dr Julia Stroud

Level of study: MPhil/ PhD

Proposed Timescale: Three years
Start date: 1st October 2007
Completion: 1st October 2010
1. Introduction.

1.1 This study focuses on the ways that welfare entitlements available to asylum seekers and refugees with temporary protection (Discretionary Leave to Remain and Humanitarian Protection) have been curtailed in the context of anti-asylum legislation in UK. It will explore through qualitative research the interrelation between policy documents, front line social care providers’ practice and experience of accessing state welfare by asylum seekers and refugees.

1.2 Asylum seekers were formally excluded from access to mainstream welfare benefits in 2000 when the National Asylum Support Service was established. The rationale behind this was the assumption that social security benefits are a ‘pull factor’ on economic migration (for a discussion on this matter see Bloch and Schuster 2002) or in other words, that refugees are in fact ‘economic migrants’ in disguise. By creating NASS the Home Office introduced a ‘separate system for providing essential welfare support to asylum seekers, based on enforced dispersal to the regions and the provision of most subsistence support in the form of vouchers’ (Dunstan 2002: 1). There have been numerous studies severely criticizing NASS’s ‘administrative inefficiency and bureaucratic inaccessibility’ (Dunstan 2002), the destitution to which asylum seekers were compelled due to NASS’s failure to deliver (Refugee Media Action Group 2006; Refugee Council 2005), the poor quality accommodation (Carter and El-Hassan 2003) and critique of the infamous Section 9 of the Asylum and Immigration (Treatment of Claimants etc) Act 2004 (Cunningham and Tomlinson 2005). Other research has demonstrated poor provision of legal services (Smith 2001) and racial tensions in NASS dispersal areas (IRR 2002) as well as social work practitioners’ response to the problem (Briskman and Cemlyn 2004 on defence of asylum seekers’ rights to welfare benefits).

1.3 Currently asylum seekers can access state support only in extraordinary circumstances under the National Assistance Act 1948, i.e. when they have special care needs due to health/mental health problems or when they have
children. People granted Discretionary Leave to Remain or Humanitarian Protection have full access to welfare benefits but time limited nature of their immigration status (three and five years accordingly) leaves them in a precarious situation for example in relation to housing. This is the area which remains under researched particularly in the context of how social care providers negotiate their contradictory role of a carer and an enforcer of harsh state policies as ‘Research directly addressed to social workers’ ethics and values is scanty’ (Clark cited in Wilks 2004: 80). Following Lipsky’s (1980) work on street level bureaucracy the study will highlight possibilities of resisting and challenging government’s policies in front line work, as well as motives and strategies of those who decide to do so.

1.4 In the current political context where only three approaches are adopted by the state in relation to welfare needs of asylum seekers, i.e. internment, national administration and co-opting charities (IRR European Race Bulletin 2001: 4), and in the situation of underfunding of welfare provision in the name of deterrence, social work values of anti-racism, social justice and human rights are put at risk (Briskman and Cemlyn 2005). Therefore the restrictive social policy characterized by the construction of the refugee as ‘burdensome, needy and costly’ (Humphries 2004: 101) has grave implications for social care practice. However, it is social care practitioners’ duty to understand social processes that cause oppression and to advocate for the rights of the oppressed group (Mullaly 2002). Furthermore they have got legal obligations towards refugees and asylum seekers. But according to Beth Humphries (2004: 194) ‘Social work has always had a contradictory and ambivalent relationship with those who use state services’. She argues that the balance has recently shifted significantly towards ‘control, restriction, surveillance and ultimately exclusion’ (Humphries 2004: 194) where social care providers become ‘state enforcers’, e.g. when evicting rejected asylum seekers from NASS properties. That is clearly at odds with social work principles of anti-racist and anti-oppressive practice. What is more, existing research suggests that moral dilemmas have been regarded as key in understanding social work ethics (Rhodes cited in Wilks 2004: 79).
1.5 In response to this ethical dilemma, the study will investigate the construction of ‘deserving’ and ‘undeserving’ recipients of state support in social policy documents. This is a part of a wider phenomenon, a politics of care that can be conceptualised both as discipline/vigil and gift (Fox 1995). In such a way care can reveal relations of power in British society. In order to understand how attitudes of hospitality/hostility depend on the host country’s interests, the study will begin with an insight into the history of refugees’ admissions in the UK and creation of new term ‘asylum seeker’ that replaces an older definition of an ‘exile’. I will also explain what the institution of asylum is and give an overview of legal documents constituting the ‘refugee regime’ and rights given to those seeking international protection.

1.6 The study will involve three different perspectives:

1. Analysing policy documents
2. Interviewing practitioners
3. Working on secondary data

Due to ethical issues attached to research with vulnerable groups and difficulties of negotiating access to people whose legal status is still disputed, I will be working on secondary sources, namely the archives of the Independent Asylum Commission. The Independent Asylum Commission was launched in 2006 with an aim of conducting an independent citizens’ enquiry into the UK asylum system, and has since been collecting testimonies from asylum seekers and refugees (as well as members of the public). Narratives describing experience of accessing welfare system will be invaluable here. On a more theoretical level I will be exploring ways in which access to welfare may rely on a particular definition of refugees as sick and traumatised in a dominant discourse of medicalisation/victimisation, and how they might resist or appropriate this approach. I will adopt a critical perspective and strive to represent refugees as active social actors and self-determining political subjects.
2. Purpose of study.

2.1 The purpose of the study is to investigate connections between the welfare system and state apparatus. My main aim is to find out what is the role of state welfare in immigration system as welfare provision needs to be understood in relation to immigration policy that regulates refugees’ inclusion or exclusion from society. I am going to analyze whether inequality is justified and normalized in a discourse that constructs refugees as the ‘Other’, and how subjection to socio-economic and symbolic injustice is experienced by this very group. I will explore whether we need to counter parochial notions of care that conceptualize it in terms of protection of what is considered as ‘one’s own people’.

3. Research aims.

- To critically examine statutory social care provision to asylum seekers and refugees
- To evaluate normative frameworks present in policy documents relating to persons subject to immigration control and their welfare entitlements
- To analyse how front line workers may undermine as well as implement policies in their practice
- To explore how asylum seekers and refugees experience access to welfare state provision

4. Methods and Participants.

4.1 The study will be based on qualitative methodology as the research questions are focused on values in both social policy and social care as well as on analysis of refugees’ experiences of accessing welfare support.

4.2 Barter and Renold (cited in Wilks 2004: 83) suggest the dictum ‘fuzziness is strength’ in relation to qualitative studies. The key advantage of qualitative methods is that it allows participants to define the situation in their own terms
thus it focuses on meanings people give to the social world. The qualitative researcher is working with words rather than numbers, and ‘words are fatter than numbers and usually have multiple meanings’ (Miles and Huberman cited in Hesse-Biber and Leavy 2004: 410). This type of research is grounded in interpretivism (Williams and May 1996) and when undertaking a qualitative study the researcher is ‘constantly bouncing back and forth between the phases of analysis and interpretation’ (Hesse-Biber and Leavy 2004: 421). What emerges is ‘a highly subjective, partial, and fragmentary but also deeply personal record of human lives based on eyewitness accounts and testimony’ (Schep-P-Hughes, 1995: 149).

4.3 The study will employ more than one method in order to generate new knowledge through a synthesis of the findings from different approaches (Silverman 1993). Refugee studies is multidisciplinary as a field and interdisciplinary in its approach – it contains different disciplines that lend their theoretical tools to the study of refugees, yet individual researchers within the field develop a common language, a mélange of interdisciplinary voices (Voutira and Dona 2007: 166). Use of variety of methods can increase the level of understanding of the complex relationship between the state, social care and forced migrants.

4.4 The methods that this study will adopt are:

   d) Discourse analysis
   e) Vignettes
   f) Analysis of secondary data

4.5 Discourse analysis is a method of social critique and it allows investigating how disadvantage is justified and rationalized, and how inequality is normalized and rendered ‘safe’ (Wetherell and Potter 1992: 115). It shows that presenting phenomena in a particular way creates versions of reality, and having acknowledged this it permits critique of dominant truth claims. Adapting this approach will unravel some of the
thinking behind social policy documents as one the tasks of discourse analysis is to focus on utterances which reflect attitudes and the functions they fulfill (Alvesson and Skoldberg 2000: 205). It is also a primary tool in researching power relations because it seeks to answer questions of positions of power, the institutional context it is embedded in, strategies it takes part in etc (Alvesson and Skoldberg 2000: 233-234).

4.6 Combining discourse analysis with ‘Trace’, Sevenhuijsen’s (2000) method for normative policy analysis from the ethic of care perspective will enable me to dismantle discursive constructions of refugees and welfare entitlements. The paradigm for both methods is the same: policy texts construct rather than describe social problems (Sevenhuijsen 2003: 7). However, an additional advantage of ‘Trace’ is that it does not only point out to the role of the state but also aims to uncover values and norms behind policy documents. This can provide an important insight into the ethical dimension of social policy.

4.7 In my analysis of policy documents I will consider their:

- Purpose
- Origin
- How care and care receiver are defined
- How a given document is constructing refugees
- What notions of social justice and welfare are evident there

Some of the documents that I will be looking at:

- Social Security (Persons from Abroad) Miscellaneous Amendment Regulations 1996
- Immigration and Asylum Act 1999
- Controlling our borders: Making migration work for Britain. Five year strategy for asylum and immigration, 2005
4.8 I will use vignettes in interviews with front line social care providers in the statutory sector, or in non statutory organisations contracted by the state due to service level agreements. Vignettes are a well recognised research tool in studies exploring social work values and ethics. They are simulations of real events, and they are used to elicit responses to written accounts of hypothetical situations. This research method is non-personal hence it will allow front line social care workers to more freely elaborate on moral dilemmas that they are facing in their practice. As my study can be perceived as raising controversial issues, another advantage of using vignettes is their potential to aid ‘the study of difficult topics of enquiry as they can help to desensitize aspects of these for participants’ (Hughes and Huby cited in Wilks 2004: 81).

4.9 The Independent Asylum Commission has collected testimonies from several hundred individuals and organisations nationwide, through public hearings, written and video evidence, and research. It is the largest enquiry on this issue ever taken. The following methods were used to gather evidence from asylum seekers and refugees:

- Seven themed public hearings in Birmingham, West London, Cardiff, Glasgow, Leeds, Manchester and South London
- Special hearing in Belfast
- Seven closed evidence sessions held at Westminster Abbey
- 180 submissions to the written call for evidence from January to November 2007
- Over a hundred video submissions to the call for evidence from January to November 2007
The Commission’s findings are divided into three sections:

1. How we decide who needs sanctuary
   a) How asylum decisions are made
   b) How asylum decisions are appealed

2. How we treat people seeking sanctuary
   a) Material support for asylum seekers
   b) Detention of asylum seekers
   c) How asylum seekers with additional vulnerabilities are treated

3. What happens when we refuse people sanctuary
   a) Destitution of refused asylum seekers
   b) How refused asylum seekers are returned

For the purpose of this study I will examine testimonies gathered under the theme of ‘How we treat people seeking sanctuary’. Details of the sampling are still to be determined. Access to archives will be facilitated by Commission Associate Organiser, my former colleague from Refugee Studies course.

Participants.
4.10 Participants chosen for the study will be social care professionals (including social workers but also non professional practitioners) working in some capacity with asylum seekers and refugees.

Recruitment.
4.11 I worked with asylum seekers and refugees in a voluntary capacity for several years and I graduated from a Refugee Studies course where I met students (mostly refugees themselves) who work in the refugee field. Therefore social care practitioners will be recruited mainly informally through my existing contacts as well as through the network of one of my supervisors. I will start with existing contacts because my experience is that contacting organisations without someone’s referral can be difficult however I
will try to identify other contacts through snowballing. Nevertheless I will consider contacting relevant organisations anyway in order to avoid relying on one ‘familiar’ network.

4.12 I would like to interview fifteen professionals with at least one year experience of working with forced migrants either in local governments, NHS (or a mixture of both e.g. local Community Care Teams) or voluntary organisations. I will aim to include a variety of services e.g. delivering welfare benefits, assessing housing, health/mental health and child care needs.

Confidentiality and privacy.
4.13 The research will use the ethical guidelines produced by the Association of Social Anthropologists of the Commonwealth (2007) and adapted by the Refugee Studies Centre at Oxford University, the relevant academic literature on ethics and the advice of the supervision team to assist in the ethical decision making for this study.

4.14 Research participants will have a right to remain anonymous and to have their rights to privacy and confidentiality respected. This will be made explicit in the consent forms that all participants will be asked to sign prior to any data being collected. I will take appropriate measures relating to the storage and security of records during and after fieldwork, and will remove any possible identifiers so that individuals are unable to be identified. However, I will also make clear to participants that it is particularly difficult to disguise office-holders, organizations, public agencies or other collectivities without so distorting the data as to compromise scholarly accuracy and integrity (ASA 2007: 166).

4.15 All data will be stored on a computer using the appropriate password facility. Hard copies of data will be kept in a lockable drawer. The information that provides the identity of the participants will be kept at a separate location on a laptop with a password facility and in a lockable filling cabinet.
4.16 The interviewees will choose the time and location of the interview. Interviews are likely to take place at a practitioner’s workplace during lunch break. Areas of sensitivity will be discussed with existing contacts and applied to data collection method. The participants will be sent a summary report containing the main findings of the research and have the opportunity to give feedback based on this and their experience of the research process.

Informed consent.
4.17 The principle of informed consent expresses the belief in the need for truthful and respectful exchanges between researchers and the people whom they study (ASA 2007: 165). Participants must fully understand what it means to participate in the research, what are the risks and benefits of doing so, as well as what are their rights (i.e. right not to participate and right to withdraw at any time).

4.18 Voluntary informed consent will be negotiated with research participants and all potential participants will be talked through the research process. Gaining voluntary informed consent from the professionals will involve being open and honest about all aspects of the research. It is important that they are aware that the research will be looking critically at their work and that some of them might feel uncomfortable about this. All participants will be required to sign a consent form and given an information sheet about the study.

Protection from harm.
4.19 Researchers have a responsibility to ensure that the physical, social and psychological well-being of an individual participating in research is not adversely affected by participation in the research. The research experience may be a disturbing one and the researcher should do their best to minimise this risk. According to the principle of avoiding undue intrusion (ASA 2007: 165) the advancement of knowledge and the pursuit of information are not in themselves sufficient justifications for overriding the values and ignoring the interests of those studied.
4.20 Some of the issues that will be discussed during the interviews could cause some emotional upset however usage of vignettes should alleviate this reaction. In any case it is crucial that these sessions only take place with participants that have been through the process of giving voluntary informed consent including a chance to ask researcher questions regarding the study, and that the interview is conducted sensitively in a non-judgmental manner.

4.21 The data is planned to be collected between the autumn of 2008 and the autumn of 2009. It is expected that it will be collected in London.

**Potential benefits to participants.**

4.22 Hutchinson et al. (cited in Corbin and Morse 2003: 346) listed seven possible benefits of qualitative interviews. They might:

- serve as catharsis
- provide self-acknowledgment and validation
- contribute to a sense of purpose
- increase self-awareness
- grant a sense of empowerment
- promote healing
- give voice to the voiceless and disenfranchised

In the case of this study it is likely that it can provide front line participants with self-acknowledgement and validation as well as contribute to a sense of purpose and increase self-awareness. I might suggest participation in a focus group should they wish to get involved in a collective discussion and feedback. This research will give front line social care practitioners an opportunity to reflect on their work and perhaps understand the impact that their actions have on the most marginalised members of British society – refugees.

5. **Options not followed.**

5.1 I was considering involving asylum seekers and refugees in my study in order to give them voice and to avoid speaking on behalf of them. However
research on vulnerable groups is full of ethical pitfalls and I had to re-think my position as ‘Inequalities of political rights, economic positions, psychosocial positions, gender and other social and cultural factors between the researcher and the researched all require attention’ (Hynes 2003: 13). Vulnerable people are defined as ‘those who do not have access to full citizenship rights because of a variety of personal, social and economic factors’ (INVOLVE 2002: 3). Asylum seekers are a particularly vulnerable group because they experience multidimensional subjection due to:

- poverty (socio-economic subjection)
- not belonging/ lack of citizenship rights (political subjection)
- asking for international protection (legal subjection)
- traumatic experience in country of origin + being ‘lost’ in a new place (psychological subjection)
- social exclusion/ lack of participation (socio-cultural subjection)

5.2 Informed consent provides protection on the assumption that participants are autonomous, understand the implications of giving consent and are in relatively equal positions of power with researchers. These assumptions are unjustified in many research contexts in which research participants are vulnerable, but particularly in the context of refugee research (McKenzie, McDowell and Pittaway 2007: 301-2).

5.3 Another problem attached to informed consent is that it is not culturally relative. Its formality in the British context can cause heightened suspicion among potential participants from refugee backgrounds that had been through many bureaucratic procedures inherent in the asylum system. A seemingly innocent act of signing a consent form can be interpreted very differently by refugees because of cultural differences in perception of state apparatus. As Robinson (cited in Hynes 2003: 4) suggests, ‘Many asylum seekers have had to learn not to trust people to survive. Their persecutions in the country of origin may have been sparked by a casual comment made by a neighbour, a colleague, a friend or even someone who wished them ill’.

287
Refugees have a very blurred vision of the state and a university is seen as a part of the establishment. They are aware that there is some research carried out for the Home Office and they are afraid that taking part in an interview might jeopardize their situation. Bloch (1999: 379) reflecting on her survey points out that ‘Interviewers noted a strong element of suspicion expressed by possible and actual respondents about the survey and that gatekeepers and interviewers were vital to the success of the survey as they legitimized it to prospective respondents’. Therefore seeking informed consent unwillingly reiterates much loathed contact with authorities, and Hynes (2003: 15) notes that ‘as well as usual offers of anonymity and confidentiality, it may be useful to place emphasis on separation and independence from ‘officialdom’. However this seems to be in a conflict with the very way of seeking informed consent (i.e. going through paperwork, asking for signature etc) and any researcher not enforcing this could be accused of deception.

5.4 The risk of deception is looming in research among refugee populations because a good deal of data and information is collected in research contexts where formal and even informal consent is not, and cannot be given (McKenzie, McDowell and Pittaway 2007: 307-8). Information received through informal rather than formal channels may be quite crucial to the research and possibly more reliable than information obtained through formal channels or through formal processes of consent. These are called ‘back stage’ channels that may provide more useful insights into the true situation faced by individuals or communities in vulnerable positions than ‘front stage’ information given through formal channels (McKenzie, McDowell and Pittaway 2007: 307-8). Schmidt (2007) argues that it might not always be possible to be open about one’s methods and/or conceptual framework both because of the risk involved for informants but also because it restructures the field of research too radically. Oliver Bakewell has made this argument with respect to research on self-settled refugees and suggested that in some situations one may not reveal the immediate research question because ‘if you look for refugees you might miss the refugee reality’ (Bakewell cited in Schmidt 2007: 94-5). Rodgers is advocating ethnographic fieldwork claiming
that ‘hanging out’ with refugees is the best method if social research is to reveal something about lived experience of forced migration (Rodgers 2004: 49). However, it is all a rather ethical landmine and every researcher has to decide for herself which arguments are outweighing in this very heated debate.

6. Analysis.
6.1 The data will be coded and key concepts and themes will be derived from this process. This will be done manually. I will employ a postmodernist approach because it is ‘attentive to the power imbued within any knowledge construction’ (Hesse-Biber and Leavy 2004: 414).

6.2 Analysis will begin as soon as the data collection begins as this preliminary analysis will inform later interviews, policy documents investigation and work on secondary data. The process is therefore dialectic rather than linear (Agar 1980: 9).

7. Conclusion.
7.1 Impact of the research.
Researchers have a responsibility to publish findings and to do justice to participants (Corbin and Morse 2003: 349). Researchers in the field of Forced Migration conduct their work with an aim that the knowledge they generate will help those displaced and uprooted following admonishment that research into other’s suffering can only be justified if alleviation of that suffering is an explicit objective (Turton cited in Dona: 2007b: 210). The ideal of social change has been present in refugee studies since its institutionalization (Zetter 1988; Gingrich 2002; Black 2001; Jacobsen and Landau 2003) and there is an inherent relationship between scholarship and advocacy in work on refugee issues:
'For what purpose are we pursuing our scholarly work, if it does not sooner or later yield something for the benefit of humanity? In other words, refugee studies always remind us of the social responsibility and public accountability of the anthropological enterprise' (Gingrich, 2002: 17).

An example of the integration of advocacy and scholarship has been the conceptualization of refugees as a resource rather than a problem (Harrell-Bond 1996). In this sense, in refugee studies, scholarship is embedded in advocacy and advocacy in scholarship (Voutira and Dona 2007: 167). This is what Jacobsen and Landau (2003: 1) call the dual imperative: ‘Both to satisfy the demands of the academy and to ensure that the knowledge and understanding our work generates are used to protect refugees, influence governments, and improve the ways institutions like the United Nations or Non-Governmental Organizations do their work’.

8. Funding.

8.1 The funding for this project is provided by SASS.
References.


Appendix B – Letter requesting access

Name and address of organisation

3rd June 2008

Dear [name],

My name is Natalia Paszkiewicz and I am a research student at University of Brighton. I am conducting research about social care provision to asylum seekers and refugees with temporary leave to remain. I have worked with asylum seekers and refugees in a voluntary capacity for some time and I am aware of some of the challenges that they face. I also recognise great significance of front line social care work and its potential to help refugees effectively integrate into local communities.

The aim of the study is to explore the varied responses of state social care provision to asylum seekers and refugees.

I hope that you would agree to take part in this research. Attached is the information sheet and I welcome you to ask questions about the study before you decide whether to participate. Should you decide to do so, please return the slip below in a SAE provided. Alternatively you can email me at N.Paszkiewicz@brighton.ac.uk or call me at my mobile 07949 612646.

Sincerely,

Natalia Paszkiewicz
PhD Candidate
University of Brighton
School of Applied Social Science
Mayfield House
Falmer BN1 9PH

I would like to take part in the research on social care provision to asylum seekers and refugees carried out by Natalia Paszkiewicz. I can be contacted at……………………

Signed………………………………………

Date………………………………………..
Appendix C – Consent Form

*University of Brighton*

Please tick all boxes and sign below.

I have discussed the research with Natalia Paszkiewicz and agree to take part in this research. I know that I will not be able to be identified for any publications that are produced as a consequence of the research.

The researcher has explained to my satisfaction the purpose of the research and the possible risks involved.

I have had the principles and the procedure explained to me and I have also read the information sheet. I understand the principles and procedures fully.

I am aware that I will be asked to talk about my experiences as a front line social care worker. I understand that the research will be covering topic of social care provision to asylum seekers and refugees with temporary leave to remain.

I understand that any confidential information will be seen only by the researcher and will not be revealed to anyone else.

I understand that I am free to withdraw from the project at any time without having to give any reasons.

Name...........................................................................................................

Signed ........................................................................................................

Date...........................................................................................................
Appendix D - Information sheet

Study title: Duty of Care or State Enforcement: Social Care Provision to Asylum Seekers and Refugees.

You are being invited to take part in this research project because of your professional role as a social care practitioner working with asylum seekers and refugees. You can choose whether you participate. I welcome you to ask questions about the study before you decide whether to participate. If you agree to do so, you may withdraw from the study at any time by advising me of this decision. Please take time to read the following information carefully. Thank you for your time.

My name is Natalia Paszkiewicz and I am carrying out some research on social care provision to asylum seekers and refugees for my studies at the University of Brighton. I would like to know about your experience of providing front line social care to forced migrants.

My aim is to explore the role of social care professionals working with this particularly vulnerable group. I am interested in daily practice decision making process, moral dilemmas that they might encounter and problems they have to tackle in the context of work with persons subject to immigration controls.

I would like to interview fifteen front line social care providers working for local governments, NHS and voluntary organisations.

If you decide to take part you will be given this information sheet to keep and be asked to sign a consent form. A decision to withdraw at any time, or a decision not to take part, will not affect you in any way.

In my interviews I will be using vignettes, written accounts of hypothetical situations that you may encounter in your daily practice. This will allow you to more freely elaborate on challenges and dilemmas that you might face in your work.

The interviews will last for about one hour and you can decide where and when they take place. The interviews will be recorded and then typed up afterwards.

I will make these sessions as comfortable as possible and you are under no obligation to answer any of my questions and can stop the session at any time. If you find some of the topics to be causing distress to you, I will terminate the interview. Should you need support in such a case, my supervisor’s contact details are given below. They will also respond to any complaints that you may have if something goes wrong.
A benefit of your participation in my study may be that it will enable you to reflect on a range of strategies employed for dealing with the dilemmas of delivering non-judgmental and non-discriminatory social care services within the boundaries of the national welfare state.

The interviews will be confidential and I will keep all of the information from the interviews in a locked cabinet. Please rest assured that your personal details will be kept separately from raw data. All identifying features (such as your name and names of places) will be removed in the final report and any subsequent publications so that you will not be able to be identified. I will use quotations but this will be done in a way that fully protects your anonymity and confidentiality.

You will be sent a summary report containing the main findings of the research and have the opportunity to give feedback based on this and your experience of the research process.

At the end of the project the data may become part of the text of my PhD thesis and possibly other publications for academic or public audiences and lecture material for teaching that I may do. I guarantee that I will not name you as the author of any statements or actor responsible for any actions that I include or describe in this project or in my future work.

This project has been reviewed by, and received ethics clearance through the Faculty of Health and Social Science Research Ethics and Governance Committee.

I am happy to discuss with you any risk(s) that you may perceive regarding your participation in this project. If you have any questions or queries please either call me at 07949612646 or email me at N.Paszkiewicz@brighton.ac.uk.

Sincerely,

Natalia Paszkiewicz
PhD Candidate
University of Brighton
School of Applied Social Science
Mayfield House
Falmer BN1 9PH
Appendix E.

Proposal to the Faculty of Health and Social Science Research Ethics and Governance Committee
April 2009

Resubmission

Title of study: Duty of Care or State Enforcement: Social Care Provision to Asylum Seekers and Refugees

Researcher: Natalia Paszkiewicz

Contact details: School of Applied Social Science
University of Brighton
Mayfield House
Falmer BN1 9PH

Sponsorship: SASS

Supervisors: Professor Marian Barnes
Dr Julia Stroud

Level of study: MPhil/ PhD

Proposed Timescale: Three years
Start date: 1st October 2007
Completion: 1st October 2010
1. Background.
1.1 This project has been reviewed by, and received ethical clearance through the Faculty of Health and Social Science Research Ethics and Governance Committee in September 2008. However, it has proved impossible to obtain written testimonies of asylum seekers and refugees as The Independent Asylum Commission archives were lacking specific accounts of accessing social care by these groups. Apparently this subject has not been researched yet therefore the idea of working on secondary data needs to be abandoned. Thus I would like to request to have my ethical approval extended to include interviews with refugees instead of secondary data analysis as previously envisaged.

2. Method and participants.
2.1 In order to explore and access refugees’ own experience I will be using a ‘respondent-led’ methodology that I am familiar with due to my training in anthropology/ ethnographic research methods. Reflexive and flexible process of qualitative interviewing that I intend to adopt enables researchers to interact with respondents to probe their views and understandings. In other words, such qualitative interviewing permits what Geertz (1973) calls ‘thick description’.

2.2 Participants will be asked open-ended questions about their experience of accessing welfare services loosely based on the following points (please note that it is not a questionnaire but rather a guide that I will be referring to):

1) What state welfare agency have you been in contact with?
2) What kind of contact it is (or was)?
3) How much contact did you have with social care agencies?
4) What kind of help did you need?
5) Did the agencies help you to solve your problems?

2.3 I will be applying a narrative approach following Turner and Bruner’s (1998) suggestion that in order to understand refugees’ experience or to focus on ‘anthropology of experience’, researchers ought to employ
‘narratives’ as a method of analysis. They argue that to study ‘human experience’ one has to recognise that the very ‘experience’ is expressed in narratives.

2.4 In analysis of the data I will be aiming at answering the following questions:

1) How welfare is understood by people who come from different backgrounds; do refugees have certain expectations of welfare?
2) What do refugees want? What needs do they have? (e.g. mental health, integration) We call it welfare, but what does it mean for them?
3) What needs are taken into account? How are they defined? And who defines them?
4) What is the response of social care agencies?

Participants.
2.5 Participants chosen for the study will be asylum seekers and refugees with temporary leave to remain who are currently users of social care services (either statutory or non-statutory), or who attempted to access them. In the first case they need to have an enduring, significant contact with welfare providers.

Recruitment.
2.6 Access to asylum seekers and refugees will be facilitated by community organisations that I know due to having worked in that field as a volunteer. Information about the project will be disseminated by agency’s workers on their notice boards and/ or in the form of handouts. People wishing to participate in the study will be asked to either contact me using provided prepaid envelopes, or by coming to centre on designated day to see me. Interviews will be carried out in a safe environment, e.g. in a private room at premises of an agency. It is likely that organisations will identify participants because of knowledge of their clients’ circumstances as in this case some form of contact with social care services is necessary in order to take part in the study.
2.7 I would like to interview five asylum seekers or refugees; the sample does not have to be large as the aim of this part of the study is to learn about refugee experiences and to explore in depth their views on the services they receive. It is possible that participants will express their thoughts on how the services can be improved; this would be a very valuable addition to the research.

Confidentiality and privacy.
2.8 The research will use the ethical guidelines produced by the Association of Social Anthropologists of the Commonwealth (2007) and adopted by the Refugee Studies Centre at Oxford University, as well as the relevant academic literature on research ethics and advice of the supervision team.

2.9 Research participants will have a right to remain anonymous and to have their rights to privacy and confidentiality respected. This is particularly crucial in case of persons with unregulated immigration status and history of clandestine political activism in country of origin; hence I will guarantee that the participants will not be identifiable in any way.

2.10 All data will be stored on a computer using the appropriate password facility. Hard copies of data will be kept in a lockable drawer.

2.11 The interviewees will choose the time and location of the interview however it is likely that they will take place at an agency’s premises provided that this is where they do feel comfortable. The interview session will be taped and is expected to last an hour. The tape will be destroyed after the final write-up of the research.

2.12 Participants will be sent a summary report containing the main findings of the research. If they prefer this to be done orally due to a better command of spoken rather than written English, this will be arranged.
Informed consent.
2.13 I will make it clear that this research is not linked to any services that participants may or may not receive, i.e. it is not intended to improve their quality of life, and it does not promise to improve services they receive. This will be restated at the beginning of each interview. I will also ensure that interviewees understand that the research is purely for the purpose of PhD studies, but that results might be used to advocate for rights of forced migrants. In order to maintain research’s integrity and to protect potential respondents, people with a limited command of English will not be asked to take part in the study as participants must fully understand what it means to participate in the research, what are the risks and benefits of doing so, as well as what are their rights (i.e. right not to participate and right to withdraw at any time).

2.14 Participation in this research is voluntary and it is important that potential respondents understand that there is no obligation to participate (please see Appendices). If they do decide to take part in this research, they will need to sign a consent sheet. Due to possible stress involved in signing it (please see paragraph 5.3 of my initial submission), it can be arranged to have a trusted agency worker present during a conversation explaining procedures and purpose of the study; in this case, the worker will observe the process and sign the form on behalf of their client. Participants will be able to withdraw from this research at anytime, and it will be made clear that this will not affect the standard of care they receive.

Protection from harm.
2.15 Researchers have a responsibility to ensure that the physical, social and psychological well-being of an individual participating in research is not adversely affected by participation in the research. The research experience may be a disturbing one and the researcher should do their best to minimise this risk. According to the principle of avoiding undue intrusion (ASA 2007: 165) the advancement of knowledge and the pursuit of information are not in themselves sufficient justifications for overriding the values and ignoring the interests of those studied.
2.16 There are two main concerns when researching vulnerable migrants: their psychological well being can be affected by questions that trigger bad memories, whilst those with unregulated immigration status can be anxious about its disclosure and an adverse impact it could have on their life. Therefore it is important to reassure potential participants that the interview will be conducted sensitively in a non-judgmental manner, and to place emphasis on researcher’s separation and independence from authorities. Endorsement by an agency that supports a refugee should be conducive to establishing a trustful relationship between participant and researcher.

2.17 Personal questions might be asked during the interview so it is crucial that these sessions only take place with participants that have been through the process of giving voluntary informed consent including a chance to ask researcher detailed questions regarding the study.

**Potential benefits to participants.**

2.18 Hutchinson et al. (cited in Corbin and Morse 2003: 346) listed seven possible benefits of qualitative interviews. They might:

- a) serve as catharsis
- b) provide self-acknowledgment and validation
- c) contribute to a sense of purpose
- d) increase self-awareness
- e) grant a sense of empowerment
- f) promote healing
- g) give voice to the voiceless and disenfranchised

This part of the study is likely to grant a sense of empowerment to people who are often voiceless. Organisations facilitating the research will be offered a factsheet/ summary of the thesis in order to inform a debate about their clients’ access to social care. I will be open to their suggestions of distributing findings of the study or contributing to their publicity materials.
2.19 The data is planned to be collected between the spring of 2009 and the autumn of 2009. It is expected that it will take place in London and Brighton.
References.


APPENDIX F  - Information Sheet for Asylum Seekers and Refugees

Study title: Duty of Care or State Enforcement: Social Care Provision to Asylum Seekers and Refugees.

You are invited to take part in this research project because I would like to know about problems you have or had when you came to the UK, and whether someone helped you to sort them out. I hope that this research will help people like you in the future. You can choose to participate or not. Please ask me questions about the study before you decide whether to participate. If you agree to do so, you may withdraw from the study at any time by simply telling me of this decision. Please take time to read the following information carefully. Thank you for your time.

My name is Natalia Paszkiewicz and I am a student at the University of Brighton. I am interested in your experience of accessing welfare services in the UK and would like to ask you some questions about this.

I am asking asylum seekers and refugees to agree to be interviewed so that I can collect what your experiences are and use them in my study. I used to work with asylum seekers and refugees as a volunteer, and I have some friends who are refugees so I know a bit about problems that you might have. I am a migrant myself and I understand how difficult it can be to live in a new country.

Here are some of the topics that I would like to talk to you about:

What kind of help you needed when you arrived
Where you went to ask for help
Whether your problems were solved or not

The interviews will last for about one hour and could take place in a private room at the agency’s premises, or somewhere else where you feel comfortable. They will be recorded and then typed up afterwards.

I will not tell anyone else what you have told me in the interview. I will keep all of the information from the interviews in a locked cabinet.
Some of the things that we talk about in the interview may be things that worry you but all you need to do is say ‘stop’ and we can move on to the next topic. I may ask you to explain things a little bit more or give me an example but this is so that I can make sure I’ve got things right.

You can stop being involved in the research whenever you like and you do not have to give me a reason.

When I write the research report up I will make sure that no names or places are included. This will mean that no one reading my work will know who you are.

I hope this information is helpful and if you have any questions please ask. If you forget to ask me something or think about another question after we have talked through this sheet you can contact me by either calling/ texting me at 07949 612646 and I will call you back, or sending me an email N.Paszkiewicz@brighton.ac.uk. If you would like to talk to my professors who are helping me with my research, their contact details are below:

Prof Marian Barnes and Dr Julia Stroud
Telephone: 01273 643960 (Prof Barnes) and 01273 643 853 (Dr Stroud)
Email: Marian.Barnes@brighton.ac.uk; J.Stroud@bton.ac.uk

Thank you very much for your trust.

Yours sincerely,

Natalia Paszkiewicz
PhD Candidate
University of Brighton
School of Applied Social Science
Mayfield House
Falmer BN1 9PH
I will talk you through this sheet. When you are happy please tick the boxes and sign your name below.

I have talked through the information sheet with Natalia Paszkiewicz and I understand what the project is about.

I have been able to ask all the questions that I wanted. I know that Natalia Paszkiewicz will not talk about what I have said with anyone else, and that no-one will know who I am if they read the report.

Natalia Paszkiewicz can use what I say in her report, presentations and academic publications. I will not be named in any of the research.

I am aware that I will be asked to talk about my experiences of looking for help. I understand that the research will be covering topic of social care provision to asylum seekers and refugees with temporary leave to remain.

I understand that I can pull out of the research at any time and do not have to continue to take part.

Name……………………………………………………………………………………………………

Signed …………………………………………………………………………………………………

Date……………………………………………………………………………………………………
Appendix H - Vignettes.

Vignette 1 – a failed asylum seeker.
Aisha was tortured in her country of origin. She has mild learning disabilities which can affect her ability to process and provide information. However, they were not picked up by a medical practitioner in the UK so her claim was refused on the basis of inconsistencies in her account on arrival. Aisha came to the UK together with her mother and brother, who were both granted indefinite leave to remain.
Aisha’s elderly mother became ill and after a lengthy stay in hospital that included a period in mental health unit, she passed away. After mother’s death Aisha lived at her brother’s home but he was not willing to support her financially. With a help of a voluntary organisation she applied for support under Section 4 of the Immigration and Asylum Act 1999 but was not granted it because she did not meet the threshold of absolute destitution, i.e. was not homeless. Later her brother’s property was condemned as unfit for habitation and the family were given notice to leave. The brother has vanished and the council would not re-house Aisha as she is a failed asylum seeker. It was suggested by social services that she returns to the country of origin. Aisha is provided with food at a local day centre for asylum seekers. Currently she has no fixed accommodation and sleeps at various friends’ homes. The support workers suspect that she is sexually exploited by some men from her community who are offering her accommodation in exchange for sex.

Vignette 2 – an asylum seeker with a pending appeal.
Felicity came to the UK with her three young children age five, eight and twelve. She was raped by militias in her country of origin but she did not disclose it and the Home Office refused her asylum claim. Soon after their arrival the health of her youngest child deteriorated. During hospitalisation, the child was diagnosed HIV positive and then the mother tested and received a positive diagnosis. Felicity made a Human Rights application to remain in the UK and social services would support the children under section 17 of the Children Act 1989.
The family was living in private accommodation. They could not pay the rent so Felicity moved to one room and rented out the other rooms to another family. Social services initially gave the family limited help under Section 17 but there was no clear system of financial support. During this time the gas was disconnected due to non-payment of bills: it was winter and the HIV positive child fell ill. The voluntary organisation provided them with food and home visits. Felicity is now receiving £51/ week; she was told by social services that she would receive £46 more but the money has not arrived. The family has lived off handouts and the children are often hungry.

Vignette 3 – a person with Discretionary Leave to Remain.

Ahmed has been looked after by a local Community Mental Health Team for seven years. After arrival in the UK he had multiple serious suicidal attempts and was diagnosed with Post Traumatic Stress Disorder. He is suffering from depression and has severe flashbacks and quasi-psychotic outbursts of panic.

After eight years of waiting for the Home Office’s decision, Ahmed was granted three years Discretionary Leave to Remain on medical grounds. Ahmed was placed by a local council in a privately rented accommodation which is substandard. However, when the council was sent to look at the property, they did not raise any concerns about overall dampness and cold, broken bed and unsuitable bathroom. Ahmed, a torture survivor, is suffering from epileptic seizures so he can’t have a bath due to risk of drowning but the shower in his bathroom is not working, so he has to use plastic bowls and squat in the bathtub to wash which exacerbates his back pain. The flat does not have central heating and it would cost him all his Income Support money to properly warm it up using electricity.

Ahmed does not feel safe on his estate – he was previously a victim of a racially motivated attack. He finds it difficult to go out and lost contact with members of his community as they live don’t live in the area. His social isolation is aggravated by the fact that he can’t invite anyone to his place. Ahmed is frequently in despair and can’t see a way forward.