

UNITED KINGDOM REFUGEE ADMISSION POLICY AND THE  
POLITICALLY ACTIVE REFUGEE

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## INTRODUCTION

In most discussions of the issues surrounding refugees and exiles, particularly regarding nomenclature, there has been very little distinction made between politically active refugees and exiles, and the bulk of the refugee and exile communities. While, in recent years, considerable efforts have gone into the redefinition of the term 'refugee', particularly in trying to persuade First World nations to adopt a more 'generous' definition, much less effort has gone into the equally critical distinction between those refugees and exiles who remain actively involved in the politics of their home country, and those who, having left their home country and gained admission to the new host country, retain little or no interest in the affairs of the 'old' country, and rather quickly adopt the mores, values and institutions of the new host country.

Between these two extremes however there lies a wide range of activity which has for the most part been ignored by writers on the subject. Iwanska "identifies three groups according to their active or potential role in the undertaking of exile political activity". The 'core members' who are the active participants of the exile organisation; the 'rear guard' includes proven loyalists who have been members in the past but have drifted away for lack of time, because of distance, or more absorbing life events; the 'diaspora' consists of all nationals members abroad whom core members assume may be aroused and mobilised in case of need.<sup>1</sup>

Dirks makes a somewhat similar distinction between "the political refugee who has exiled himself so as to continue pursuing political goals, and the non activist refugee, who desires to abandon his former homeland, and, like an economic migrant, better his life in the adopted state. The political activist, having been forced by circumstances to become a refugee, rejects assimilation or integration pressure in the state of asylum in favour of maintaining a lively interest in the conditions that continue to prevail in his state of origin. The non activists, constituting the majority of the refugees, wish to forget the conditions that gave rise to their need to flee ... The political activist looks upon the state of asylum as an integral part of a strategic retreat and not a permanent end or solution to their problem."<sup>2</sup> As Dirks rightly argues: "Activist exiles are often an acute embarrassment to the state in which they have acquired temporary asylum due to their outspoken attacks upon their former governments. For this reason such refugees may only enjoy asylum of a state so long as non provocative behaviour is practiced."<sup>3</sup>

If the work on political participation for home citizens can be taken as an approximate guide on refugee and exile political activity, then the first category of refugees referred to by Iwanska, would account for no more than about 5% to 8% at the most, whilst the second category might account up to 60%, thus leaving in the third category, the remaining one third of the community.<sup>4</sup> Thus this article focuses on this small but significant group of politically active refugees and exiles, and the determinants of admission/exclusion of these refugees, by the host government, in this case, the United Kingdom.

The first general point that must be made is that there has never been any public declaration of policy or statement by past or present governments in the U.K., that refugees or exiles may be excluded or not admitted specifically for the reason of likely future political activity.<sup>5</sup> The mere act of being politically active, and likely to remain politically active, has never been a cause for non-admission or exclusion. However, it must be immediately noted that since 1914 at least, the practices of successive British government have exercised considerable administrative discretion under the catch-all phrase 'not conducive to the public good', which can be brought into operation whenever and wherever the government of the day so wishes. Thus what we will be examining are

the degrees of discretion operated and the implicit but still discernible patterns that emerge in the evolution of policies and practices in this domain.

Accordingly we highlight the various potential influences on admission policy specifically identifying the impact of a number of factors. Firstly, there is the issue of the U.K. relationship with, and attitude towards, the exiles' home government, be it 'friendly' or 'hostile'. Secondly, there is the U.K.'s own attitude towards the exiles' 'cause', which although obviously linked to perceptions of the 'home' government, can be considered analytically separable. Next these are the attitudes of the U.K.'s allies toward the home government and/or the exiles' cause, which are significant according to the extent of the U.K. government's desire to please these allies. Lastly, we will consider the nature of the actual political activity engaged in by the exiles, and the degree to which it will affect public order, irrespective of the extent of the U.K. government's sympathies towards the exile movement. In reality all these analytically separable factors are likely to blend together in defining U.K. responses to any specific instance of potential or anticipated political activism, particularly since they are, in practice, mediated through the tightly integrated institutional sieve which sifts through potential refugees, accepting some and refusing others entry.

Consequently, the article will first consider the organisational structure related to policing the admission of politically active refugees and exiles. This will involve consideration of a number of U.K. government departments and organisations, including its intelligence agencies.

#### THE STRUCTURE AND ORGANISATION OF THE ADMITTING AGENCIES

The control of entry to all visitors to the U.K. is by the Immigration officers of the Immigration and Nationality Department (IND) which is part of the Home Office.<sup>6</sup> Immigration control in its present form developed from the passage of the 1905 Aliens Act, which led to the appointment of their first immigration officers. Their numbers were steadily increased to deal with implications of the Aliens Acts of 1914 and 1919. Later Immigration Acts of 1962, 1968 and 1971 led to its further expansion. The IND employs about 3,000 people and costs about £45 million a year. About 1300 of the staff work in the field headquarters at Lunar House, Croydon. Most of the remainder are immigration officers working at ports and airports throughout the country.

The IND, except for the Immigration Service which recruits and operates somewhat separately from the rest of the department, was, until 1983, divided into three operating divisions. One dealt with extension of stay or settlement from non-commonwealth citizens, a second division dealt with applications from the Commonwealth, and a third handled the appeals and applications from Pakistan. This last division also had a coordinating responsibility. However, after the 1981 British Nationality Act came into force in 1983, this organisational structure made little sense and it was decided to reorganise the whole department. In the present structure, one division (B1) handles all general casework; another (B2) handles most policy matters; a third (B3) deals with appeals and enforcement; a fourth (B4) handles citizenship; and a fifth (B5) operates the management services.

Because of the specialised nature of the work, all asylum applications are considered in one section, the Refugees and Special Cases section of the general caseworking division (B1). The other factor to recognise is that because of the wide range of activities of the various departments of the Home Office, these institutions traditionally view themselves as quite separate entities. This is particularly the case with the IND. Additionally, within the latter the operatives of the Immigration Service, in turn, view themselves quite differently from the rest of the IND. The size of the enterprise can be illustrated by a few statistics. In the IND report of 1986, there were 37

million visitors to the U.K. of which 24 million were U.K. citizens, 5 million E.C. citizens and over 8 million other visitors. Of the 13 million non-British citizens, about 18,000 were refused entry.

Looking specifically at refugees and asylum seekers, the number of applications for asylum increased from 1550 in 1979 - when numbers were first 'officially' kept - to about five and a half thousand in 1985.

Since then the numbers have remained at about the same level.<sup>7</sup> Up until 1984 the majority were from Iran, followed by Ghanaians. In 1983 the number of applications from Sri Lanka went up dramatically and by 1985 had displaced Iranians as the largest national group. Since 1987 when travel restrictions were imposed the numbers of Tamil asylum seekers have dropped sharply. However, the number applying from Iraq and Iran have remained constant and there has been a considerable increase by Turks, mainly Kurds, in the last two years.

In addition to the individual applications, there have been, over the last fifteen years, exceptional treatment policies for particular nationalities, usually arising from specific factors. These groups were usually granted what has been technically referred to as Exceptional Leave to Remain (ELR) This is a discretionary status, technically falling outside the Immigration Rules, and which could later either be given a more permanent status, or revoked. Among the groups which have benefitted from this approach have been Cypriots, Poles, Ugandans, Afghans, but not, for example, Tamils from Sri Lanka. Lastly, there have been over the last 15 years two specific government sponsored 'programmes' for accepting refugees. From the 1970's there was a Vietnamese programme. (Up to the present moment, the government has accepted approximately 22,000 Vietnamese). The U.K. also accepted approximately 3,000 Chileans until that programme was ended in 1979.

In the first official published report of the IND in 1984, it stated that: "the control of immigration and the grant of citizenship are central and essential functions of the state."<sup>8</sup> Unsurprisingly therefore since at least 1961, the Home Office has maintained a record of visitors entering and leaving the U.K. This procedure became more standardised from 1945 with the requirement of all visitors to complete landing and embarkation cards. Further, under the various Aliens Acts every local police force maintained a register of aliens - those who were in the country for more than three months, which in recent years has been increased to six months because of the increasing work load. While there has been a central register kept by the Home Office since 1916, increasingly, these registers were put on a computerised system which could link the Home Office with local police computers. In 1980, as Hillyard and Percy-Smith point out "The IND introduced a computer system for tracing overstayers and also began to use a system called INDECS for matching landing and embarkation cards. This automatically produces a list of all people who are still in the country after the expiry date of their visas and this is then passed on to the Metropolitan Police Aliens Registration Office which has access to the Police National Computer (PNC) 'Wanted and Missing Persons Index.' In addition it was reported that the Suspect Index which is a loose leafed book which immigration officials consult for the 'exclusion of undesirables', was also to be computerised and increased in capacity".<sup>9</sup>

Other current and future developments relating to Home Office computerisation have a similar relevance. For example Campbell and Connor rather dramatically claimed - citing a 'confidential' memorandum obtained by them - that the introduction of machine readable passports would "automatically identify those on a special warning list so that their movements might be tracked, or other action taken". This system would also make automatic records for all passengers entering and leaving the U.K., maintain checks on all visitors subject to immigration control, identifying those who have not left within an allowed time so as to pass their names on to the police or to the special immigration tracing

units".<sup>10</sup> Virtually all the information just referred to was publicly presented in the IND report of 1984!<sup>11</sup>

The other two agencies who are involved in admissions policing, though less publicly, are the Special Branch and MI5, with the latter operating behind the somewhat less private screen of the Special Branch. One of the functions of the Special Branch is investigating criminal offences under the Immigration Act, which includes illegal entry. This function was originally dealt with by a specialised illegal immigration intelligence unit within the Metropolitan Police set up in 1973, and working in conjunction with the Immigration Services' own intelligence unit.<sup>12</sup> The police unit had, by 1978, 30 members and cost nearly a quarter of a million pounds.<sup>13</sup> From 1980, following complaints about police and immigration 'fishing expeditions', new procedures were laid down by the Home Office in the conduct of joint operations.<sup>14</sup> Nevertheless, there are still complaints from voluntary organisations and the ethnic communities that the old practices still persist.<sup>15</sup>

While it is evident that the bulk of formal admissions control is exercised by the Immigration Service at the port of entry, this admissions control operates in conjunction with a number of other intelligence and government organisations. For example, Special Branch (SB) officers of the police operate at all airports and seaports, and in fact outside London, the overwhelming number of SB officers are engaged in Ports Operations.

In addition to the Immigration Service and Special Branch, the Foreign Office<sup>16</sup> has had an input into the admissions process, in that even today, applicants for entry clearance can in some circumstances be pre-processed via the British embassy acting on behalf of the Home Office.<sup>17</sup> Historically the role of the passport control office, situated with U.K. embassies abroad became synonymous with the activities of the MI6, (or the SIS as it used to be known).

The methods created during the First World War to control potential subversion abroad were maintained by the U.K. authorities after the War. It was decided that controls of entry from abroad which had been exercised by means of the granting of visas to applicants by British military missions should continue. As M Haldane Porter, the founding father of the Immigration service in the U.K. said in 1919: "One of the chief functions of the controls after the war would be to exclude Bolshevik agents from the U.K. At home this would be achieved by Immigration officers, while abroad officers should be attached to the consulate in the guise of vice-consuls, these officers working with and receiving their instructions from MI5."<sup>18</sup> In addition, 'a secret system of signals on the passport' developed during the First World War to enable Military Control Officers to alert MI5 port control officers to suspicious visitors on their arrival in Britain', was continued.<sup>19</sup> The Foreign office rather reluctantly took responsibility for the Passport Control department (PCD). However as Christopher Andrew pointed out, it kept the PCD and its masters SIS at a discrete distance and disclaimed all formal responsibility.<sup>20</sup> As Nigel West stated, it was possible to identify who the British secret service operatives were by simply visiting an embassy or consulate to apply for a visa.<sup>21</sup>

Just as the SIS/MI6 evolved from its Foreign Office connection, the Security Service MI5 evolved from its Home Office links. While the primary function of MI5 is internal, it does act as a liaison conduit with other security services abroad. From its earliest days under the leadership of Captain Reginald Kell, MI5 like its sister organisation MI6 was deeply suspicious of aliens. "It was Kell who decreed," as John Bulloch, the author of a fairly uncritical study of MI5 wrote, "to have an MI5 man on duty at every port supplied with a list of agents who might try to enter the country and on qui vive for anything suspicious."<sup>22</sup>

Further, at Kell's instigation, a complex system of files and cross-indexing was devised. For a long time this system was carried out manually, and only since the early 1970's put on a computer base, whilst remaining at the heart of MI5 operations. This was particularly important in compiling the Suspect Index, originally a blue book listing all terrorists, people in breach of immigration laws and other suspicious characters.

A typical example of the 'list' in operation occurred September 1971 when a representative of the South-West African People's Organisation (SWAPO) arrived from Brussels at Dover, and was stopped and his briefcase searched. After the customs official discovered who he was, another man appeared and looked at all the contents of his briefcase and proceeded to photocopy its contents.<sup>23</sup> Where necessary the 'list' will be supplemented by information from other governments. For example where there was clearly Anglo-American co-operation, in the case of the Chilean refugees. In this case it is well documented that part of the reason for the slowness of entry of a number of Chilean refugees was the need to reply on CIA information on their political background.<sup>24</sup>

Since the early 1970's it is evident that there has been much close co-operation between the U.K. and other intelligence services particularly in Western Europe through formal links such as the TREVI<sup>25</sup> group and informal co-operation on the movement of potential terrorists, drug trafficking and organised crime.<sup>26</sup> But, as the Guardian report of October 1986 indicated, at an informal meeting to discuss the above agenda the co-ordination of visa and immigration policies, and the prevention of abuse of the right of asylum was also on the agenda.<sup>27</sup>

#### DETERMINANTS OF ADMISSION OF POLITICALLY ACTIVE REFUGEES

##### 1. Attitude to political activity per se

As already indicated, the U.K. has never had any general policy which has excluded politically active refugees and exiles simply because of their 'political activism'. In fact during the 19th century the U.K. went further and did not expel a single refugee or prohibit a single one of them. Although at this time, both the rest of Europe and North America operated very few prohibitions towards refugees and exiles. What was distinctive about the U.K. policy was its undiscriminating nature. However, from the 1880's the flow of Jewish immigration led to increasing hostility towards aliens, and the eventual passage of the Aliens Act of 1905. This hostility was due to social problems and xenophobia and not specifically related to political activism. Indeed, as one another commented, "the act had for the first time ... (given) statutory recognition (to political asylum) since it allowed entry as of right where political refugee status was proved."<sup>28</sup> Although the Act technically survived until its repeal in 1919, it was, in practice, submerged by the all-embracing powers of the Aliens Restriction Act of 1914. Accordingly the 1905 Act proved less damaging to immigration than its detractors feared, and much less effective than its critics implied. But a new immigration service had been created, a principle of control conceded, and a system invented ostensibly for use in emergencies, that in the event was to continue during the rest of this century.

The 1914 Act contained a clause which gave the Home Secretary power to prevent the entry and order the deportation of aliens if it was deemed 'conductive to the public good'. The other area in which there was statutory exemption for asylum seekers was in regard to the extradition of aliens to foreign countries and the surrender of Commonwealth fugitives. The Extradition Act of 1870 and the Fugitive Offenders Act, 1967, each contained restrictions upon the expulsions and surrender of refugees. While the Suppression of Terrorism Act 1978 modified the meaning of political offences, it still continued the restrictions for non-extradition if there were substantial grounds for believing



that the purpose was on account of his race, religion, nationality or political opinion.

Nevertheless, while the right of political asylum, apart from the brief period between the 1905 and the 1914 Acts, was not enshrined in legislation or in published immigration rules until 1971, the Home Office through the Home Secretary always retained the traditional right to give such asylum to those refugees and exiles it considered suitable. Although there was no public statement on the policy for the admission of political refugees before 1971, a settled but implicit policy had emerged in the 1930's. A Home Office memorandum of 1933 states: "we do not, of course admit that there is a 'right of asylum', but when we have to decide whether a particular political refugee is to be given admission to this country, we have to base our decision not on the question whether he is recognised by his Government but on whether it is in the public interest that he should not be admitted."<sup>29</sup>

In the wake of the assassination of King Alexander of Yugoslavia in October 1934 and the call by the Yugoslavian government to the League of Nations to consider the issue of refugees, asylum and terrorism, these events generated a full scale intra-governmental debate on the whole subject of political asylum. The outcome was that the Home and Foreign Offices jointly concluded that it would be "Impossible to make any general statement as to when asylum would be extended to a political refugee, since a decision can only be reached in the light of the circumstances of any particular case." Instead it was decided "that each particular case would have to be considered on its individual merits and that in arriving at its decisions the government would be guided by considerations of expediency of the possible reactions upon their foreign relations and of public opinion in this country."<sup>30</sup>

While we are not yet privy, via the PRO records, to recent examples of the evolution of government thinking, an article published in the Times in 1962 under the intriguing title of POLITICAL ASYLUM ONLY AFTER SCREENING, seemed to be a 'semi-authoritative'<sup>31</sup> statement of the policies and practices by the main government departments dealing with these issues. This reiterates the claim that "Britain had long prided itself on being a sanctuary for the oppressed without inquiring too closely into the nature of the oppression or what use the refugees would make of the hospitality". The article then goes on to state "these indiscriminate days are over, the aspirant for asylum must pass a Home Office screening".<sup>32</sup>

However, the position was partly clarified after the publication of the Immigration Rules, which followed the Immigration Act of 1971. The rules for the first time publicly enshrined the UN 1951 Refugee Convention and the 1967 Protocol. However the Home Office has also continued to emphasize, as in its evidence to the Home Affairs Select committee on Race Relations and Immigration in 1978, that "there is no right to receive political asylum, only a right to give it,"<sup>33</sup> a view endorsed by the committee. In addition in the last 15 years, the Home Office added another string to its bow of regulations, in that it extended temporary admissions to certain individuals and groups under the general clause of exceptional leave to remain (ELR), which was outside the published immigration rules. This administrative discretion has been one of the main tools of refugee and exile admission in recent years, except for the two government sponsored refugee programmes for the Chileans between 1974-9, and the Vietnamese Programme since 1979.

## 2. Attitude to the exiles' home Government and the exiles' cause

Behind the general policy however, there were, a number of discrete operational factors which clearly influenced the broad admissions policy. From the ending of totally unrestricted entry to the U.K. in 1905, one of the key, but highly complex factors has been the British governments attitude to, relationship with

the exiles' home government. Thus, whereas in 1907 Lenin could freely operate in London despite the U.K.'s friendly relations with the Russian Empire, by 1929 Trotsky was being refused entry although a fugitive from a regime hostile to the U.K. One of the earliest documented examples of clear U.K. hostility to, and fears of, a regime affecting its admission policy was the attitude towards those who fled from the Bolshevik regime. It is clear from the approach of the Foreign Office, and also the intelligence agencies, ie., Sir Basil Thompson of the Special Branch and the activities of MI6, that a high degree of anti-Bolshevik and anti-semitic hysteria was being generated, and all Russian immigrants, refugees and exiles were considered a potential risk and possible danger to the U.K.<sup>34</sup> Similarly in the 1930's the general negative attitude by the British authorities towards the plight of Jewish refugees from Nazi Germany and Austria, was only partly influenced by a general concern that their admission would have adverse economic and social consequences. There was also an equal concern that they could be a source of friction between the government and the Nazi regime. It was not until the event of Kristallnacht and the Sudetenland, in 1938, that the British authorities attitude softened towards the refugees and similarly hardened against the home regime.<sup>35</sup>

Again the post-war period British attitudes towards Soviet and East European refugees and exiles reflected the changing attitudes towards the home regime. Whilst as late as 1945, the British government was actively aiding and abetting the Soviet authorities in the return of many thousands of captured troops, particularly in POW camps in Austria and Germany,<sup>36</sup> by 1946, with the worsening of relations between the Western governments and the Eastern bloc, many thousands of East Europeans and Balts were allowed entry into the U.K. with a cursory and in some cases, a deliberately ineffective screening process, among which, there were a number of war criminals and other people who had actively collaborated with the Nazi regime.<sup>37</sup>

Sometimes, in their haste to prevent potential disturbing of good relations, the U.K. authorities can be publicly embarrassed as the Amekrane case of 1973 demonstrated. In this case, Mohammed Amekrane, a Moroccan fighter pilot had landed in Gibraltar and sought asylum. He was declared a prohibited immigrant and handed over to a Moroccan government representative. Since he had fled from Morocco with which the U.K. had no extradition treaty, his removal would have seemed unlawful. In this instance the European Commission for Human Rights found there was prima face case to which the British government was answerable. The government decided to pay the widow (For Amekrane had by now been executed by the Moroccan government), an ex gratia payment before the case came before the European court. It would seem the need to maintain good relations with Morocco because of the dispute with Spain was a factor in the decision in the case.<sup>38</sup>

However an example of how a change in government can shift the attitude towards the Home government is illustrated by the case of the Chilean exiles. The sudden emergence of Chilean refugees came as an unwelcome surprise to the British authorities. It is clear that the response at first to the 1973 military coup and its immediate aftermath, was muted. As Ann Browne put it ... "The then Conservative government hastened to recognise the new regime and gave instructions that no non-British subject was to be given asylum in the British embassy. This was in sharp contrast to other European countries." As she goes on to claim "it was not until the Labour government gained office that Chilean refugees were admitted to Britain over six months after the coup had taken place".<sup>39</sup> The activities and the pronounced political position of the Chilean refugees and their Labour and union supporters, clearly annoyed those on the right of the political spectrum. Thus in May 1977 the Conservative leader of the GLC (Greater London Council) housing policy committee said in response to an approach for housing Chilean refugees: "I aim to see that London's own people become number one priority and because of this, Marxist refugees will be given only a low priority, if any at all."<sup>40</sup> Thus it was not altogether surprising

that one of the first actions of the Home Secretary in the new Conservative government of 1979 was to announce the closure of the special Latin American programme. Further the government restored full diplomatic trade relations with Chile which had been broken off since 1976.

Another influence on the U.K. was its relations with members of the Commonwealth. In fact one of the key problems in U.K. relations with the Commonwealth, was the non recognition that any person fleeing from a Commonwealth country could be regarded as a political refugee. It was not until 1979, that the political asylum practices which governed non-Commonwealth entrants were equally applied to Commonwealth citizens. Further, the rules governing the deportation of Commonwealth citizens who had claimed political asylum, was unclear until 1967. When after the political uproar following the Enahoro case of 1962<sup>41</sup>, new legislation came in which brought into line the same rules governing extradition as those appertaining to non-commonwealth aliens.

Problems also arose in the definition of those members of the remaining Commonwealth who were still regarded as colonial citizens and this ambiguity came sharply into force with the declaration of UDI by the Smith regime in Rhodesia in 1965, and the U.K. attitudes towards Rhodesian/Zimbabwean refugees. As far as the Home Office was concerned they were not refugees, but rather British passport holders from a Commonwealth country, thus coming under the normal immigration rules. In practice these rules were interpreted liberally until October 1975, however after this date, Zimbabweans lost the right as a group to be treated exceptionally. Despite some fairly strong representations and correspondence by the United Nations and the voluntary agencies and question in the House of Commons,<sup>42</sup> the Home Office stood firm and possible further embarrassment was avoided by the Lancaster House agreement in late 1979 and the swift return of Zimbabweans to their home territory.

Similarly, ties with a Commonwealth country can affect U.K. attitudes towards refugee claims for political asylum, although such decisions would also be clouded by broader immigration issues. A good example of this was the case of the Tamil 'refugees'. From 1983 a growing number of Tamils came to U.K. to escape the communal violence. However by 1985, the Home Office, adopted a new policy in that those who had already been admitted were given ELR, but those seeking asylum thereafter were to be treated in a case by case approach.<sup>43</sup> Despite a more generous policy in Europe towards the Tamils, - at least during the earlier period - <sup>44</sup>, and considerable pressure from the voluntary agencies and human rights organisations about the continuing violations of human rights and persecution<sup>45</sup>, the Tamils were not being considered as special cases. While there may be some evidence to suggest that part of the explanation of the Home Office' attitude towards the Tamils, was more due to fears of 'bogus' refugee status being used to evade the stricter immigration controls, an additional factor, was the Foreign office perception of the need to maintain good relations with the government of Sri Lanka, which holds a considerable strategic value in the Indian Ocean for the Western Alliance.<sup>46</sup>

### 3. Attitude of U.K.'S allies towards the exiles' home government

Evidence to show the linkage between the attitude of the U.K.'s allies towards an exiles home government and U.K. policy and practice towards the self-same refugees and exiles is most evident post-1945, when the decline of U.K. hegemony, had become obvious, yet there are also some earlier examples of not unsuccessful attempts by foreign governments to influence British attitudes towards refugees and exiles, or at least to tolerate some co-operation between their respective intelligence agencies. While in the mid 19th century the U.K. authorities publicly rejected pleas from several governments to act more vigorously against their exiles residing in the U.K., they nevertheless responded by encouraging them to immigrate from the U.K. to the U.S.A.

In the 1850's for example, French, Italian and Polish refugees were paid out of secret service funds to leave Britain for America.<sup>47</sup> By the end of the century when the anarchist 'threat' dominated inter-governmental thinking, the U.K. government formally rejected attendance at the anti-anarchist meetings of European governments, whilst simultaneously tolerating the informal relationships between the Czarist secret police, Okhrana, and members of the Special Branch that had grown up.<sup>48</sup>

It is however in the post-1945 world with the growing realisation of the U.K.'s dependence on the other allies, particularly the United States, that this factor plays a more dominant role. In the early post war period the close relationship which had been built up during the war, not only between the U.S. and U.K. governments, but particularly between their intelligence agencies, was formalised by an agreement between the Attlee government and the Truman administration. Thus, the United States and the U.K. took a very similar stance over refugees escaping from Eastern Europe, and in general, responded to the 1956 Hungarian revolution and the 1968 invasion of Czechoslovakia by Soviet troops in somewhat similar ways regarding refugees.<sup>49</sup>

Sometimes, there was a difference in perspective and this could cause occasional embarrassment and friction. In 1961, for example, the Soblen case highlighted the question of whether a United State citizen accused of serious offences i.e. espionage, was able to take refuge in the territory of a NATO ally. Despite considerable public disquiet and parliamentary debate, Dr Soblen was to be returned to the U.S.A., and only his suicide prevented his return.<sup>50</sup> In the case of the Chilean refugees and exiles seeking entry between 1974-9 admission policies continued to be co-ordinated even in a period when the U.K. Labour government and U.S. administrations foreign policies were sometimes out of step.

In particular the close links forged between the U.K. and U.S. intelligence communities, continued to influence U.K. government refugee admissions policy. Labour Home Secretaries insisted that the Chilean applicants had to be personally acceptable, which in coded terms, meant that the applicants would have to be cleared as a security risk.<sup>51</sup>

Further, British government policy towards Tibet and Tibetan refugees also reflected the delicacy of Sino-British relations. Until the early 1970's, and the Peoples Republic of China's (PRC) re-emergence on to the world scene, the U.K. could pay lip service to the cause of Tibetan independence and adopt a reasonably liberal approach towards Tibetan refugees without any fear of it being seriously tested. However, with the Hong Kong agreement prominent and rising Tibetan hostility towards the Chinese authorities, British timidity over its policy towards Tibet grew. For example when the Dalai Lama visited London in April 1988 he was informed by the Foreign Office that his visit was sanctioned on condition that he made no political statements. After his arrival, however, to the chagrin of the Foreign Office, the Dalai Lama ignored the discrete warning and spoke out against the Chinese regime in Peking.<sup>52</sup> He later went on to a special session of the Council of Europe, at which he repeated his attack.

However, the other main and growing influence on the U.K. admission policy has been its European partners. From the late 1960's and particularly after the Munich massacre in 1972 international terrorism became a serious concern to all the European countries. Their response was to set up, in 1975, a new police network known as TREVI.<sup>53</sup> This network was set up in response to the potential threats to internal security by the growth of domestic terrorism, and its possible links with international terrorism. Further, the impact of the Palestinian and other middle eastern conflicts which began to cause violence both in the air and on the streets of western Europe, led to a much closer co-operation between the U.K. and its western European partners on all matters of

security, and specifically on the mutual exchange of information about entry across borders.<sup>54</sup>

#### 4. The nature of the exiles' political activity

As we have already noted, during the 19th century, when there was unrestricted entry into the U.K., questions about the nature of the exiles political activity, whilst occasionally causing some degree of irritation between the U.K. government and her continental neighbours did not, in itself affect the U.K. government attitude towards admission. However, by the beginning of the 20th century, both government and public perception of the potential danger of 'anarchist activity' and increasing spy mania ensured a climate much less tolerant towards exile political activity. Thus when Churchill visited the Sidney street siege in 1909 as Home Secretary he was apparently greeted with cries of "Oo let'em in?".<sup>55</sup> Further evidence of a mood of reduced tolerance toward certain types of political activity, was the post First World War coalition government's attitude towards both enemy aliens and Russians. A mixture of general nativism, anti-semitism, and anti-Bolshevism, led to both the internment of many thousands of aliens during the First World war and to the exclusion from the U.K. of thousands after it.<sup>56</sup>

More recently the growth of international terrorism, and the increased activity of the IRA on the mainland of the U.K.,<sup>57</sup> led to increasing concern about the possible importation of violence on the streets of London. For example, one of the reasons put forward to justify the governments' restrictive approach towards political asylum for Iranian refugees and exiles was surprisingly publicly expressed by a Conservative member of the Sub-committee for Race Relations and Immigration (SCORRI). He commented that this policy was 'because of the fear that Khomeini's agents may also be posing as refugees in order to spy on and perhaps eliminate opponents of the regime who seek asylum in the West.'<sup>58</sup> In the event such fears were overshadowed by the more public and newsworthy activities of the Gaddafi regime and the Libyan embassy affair.<sup>59</sup>

Another favourite target for alleged 'subversive' political activity was trade union activities especially in times of industrial unrest. Although the 1919 Aliens Act was primarily concerned with imposing restrictions on aliens already within the U.K., rather than with entry, it also made it a criminal offence for an alien to 'promote or attempt to promote industrial unrest in any industry in which he has not been bona fide engaged for at least two years.'<sup>60</sup> As Paul Gordon argues 'Although it appears never to have been used, the continued existence of this provision after 1971 ... means that it is regarded as potentially useful ... its being in force may also serve as a warning against industrial militancy.'<sup>61</sup>

A clear example of the authorities' attitude were the remarks of an immigration adjudicator sitting in Glasgow in 1976 regarding the case of three Chilean appellants who had been refused entry. He wrote: 'I turn now to the question of the exercise of discretion. The Home Office statement indicates that the Secretary of State for the Home Office gave consideration ... for exceptional treatment outside the immigration rules ... but to date he has not decided to exercise discretion in favour of the Appellants. I understand that solicitations in the usual pattern by a Member of Parliament are being made to the Home Secretary. In addition, the current all time peak level of unemployment in Scotland was nearly increased on a substantial scale when Communist agitators tried to prevent completion ... of naval contracts placed by the Chilean Government. If the trade unions had been so persuaded these shipyards would have closed. For all these reasons I would ... urge the Home Secretary to refuse the exercise of discretion ... Perhaps Cuba might be a country more receptive to the political aspirations of all three appellants.'<sup>62</sup>

With increasing co-operation at the European level, particularly at the Council of Ministers, the Council of Europe, especially its Ad Hoc Committee of Experts on the Legal Aspects of Territorial Asylum, Refugees and Stateless persons (CAHAR) which was established in 1977, and in its appropriate parliamentary committees,<sup>63</sup> and TREVI, information about potential refugees and exiles is now being collated in a much more systematic way. Particularly following the Libyan air strike by U.S. forces in early 1986 and the spate of bombings particularly in Paris in that year, the EC ministers held a series of meetings in the latter part of 1986 to co-ordinate their approach to such 'terrorist' activity. At a meeting held in London it was agreed to establish a common communication network. A follow up meeting in January incorporated half the members of the EC. In a secret document giving comprehensive details of terrorist organisations and operation Mr Hurd, the U.K. Home Secretary declared 'we have moved from an exchange of raw intelligence material to an agreed analysis.'<sup>64</sup> In addition, at an informal meeting of Interior Ministers to discuss the political implications of terrorism, drug trafficking and organised crime, it was also agreed to set up working groups to consider such measures as the co-ordination of visa and immigration policies and the prevention of abuse of the right of asylum.'<sup>65</sup> Despite this growth in co-operation, the U.K. government while welcoming increased co-operation, is still insisting on the right to operate its own additional and traditional controls over admissions, even after 1992.<sup>66</sup>

#### Coda

In each decision made about the admission or exclusion of a politically active refugee or group of refugees, it is possible to trace a complex set of interrelationships, including ideological and foreign policy considerations as well as anxieties about threats on public order. The Nineteenth Century attitude of 'splendid isolation' from outside influence has collapsed - maintained only in some of the language used to describe U.K. refugee policy. Consequently the influence of foreign policy has assumed much greater importance originally in terms of maintaining good relations with the exile's home government and more recently in terms of the need to act in concert with U.K. allies, particularly the EC and the US, in relation to politically active refugees from countries negatively perceived by the ally.

Additionally, the internal security factor, epitomised by the Home Office preoccupation with any potential dangers to 'domestic tranquility' also still weighs heavily on the decision making process over whom to admit. The remarks of the then Home Secretary, Sir William Joynson-Hicks visiting the Immigration staff in the summer of 1924, on the subject of the decision to be taken when considering whether or not to refuse leave to enter, still reflect the perennial attitude of the governmental authorities, particularly as operated through its immigration service: 'If when considering the desirability or otherwise of an alien's presence in the United Kingdom, doubt arises, benefit should be given to the country, not to the alien.'<sup>67</sup> This policy is still as firmly in place now, as it was when it was enunciated nearly 70 years ago.

## NOTES

1. Iwanska, A. (1981) *Exiled Government: Spanish and Polish*, Cambridge, Mass: Schenkman Publishing Company, pp.43-44.
2. Dirks, G. (1977) *Canadas' Refugee Policy: Indifference or Opportunism*. Montreal McGill: Queen's University, pp.31-33.
3. Ibid.
4. See Milbraith, L., (1965) *Political Participation*, Chicago: Rand McNally Co., p20. For U.S. and for U.K. see Kavanagh, D., *Political Behaviour and Participation in Parry, G. P.(ed), (1972), Participation in Politics*, Manchester, U.K.: Manchester University Press, Ch5.
5. Author's emphasis.
6. This section on the Immigration and Nationality Department (IND) is partly based on the first three annual reports of 1984, 1985, and 1986, (London Home Office).
7. For fuller details of the numbers see Nettleton, C., November 1988) *Asylum-Seekers in the United Kingdom: Essential Statistics*, London British Refugee Council. Since the completion of this article, more recent information indicates that there has been a threefold increase in those applying for asylum in 1989 raising the numbers to nearly 16,000. Of the applicants processed, just over 3,000 were granted refugee status and a further 5,700 were granted exceptional leave to remain (ELR). See 'Figures reveal big rise in applications for asylum', *Guardian*, July 26 1990.
8. See IND report, 1984, p.1.
9. Storey, H. (1984) 'U.K. Immigration Controls and the Welfare State,' *Journal of Welfare*, p17, 1984. Quoted in Hillyard, P. and Percy Smith, J., *The Coercive State*. London: Fontana (1984), p.200.
10. Campbell, D. and Connor, S. (1986). *On the Record Michael Joseph*. London P152. Quoted in Hillyard and Smith, p.201.
11. See pp42-43 of 1984 IND report.
12. See Gordon, P. (1985) *Policing Immigration: Britains Internal Controls*. London: Pluto Press, pp.22-24.
13. 390 HL Official Report (5th Series) *Written Answers*, col 309. Quoted in MacDonald, I. *Immigration Law and Practice*, 2nd edition. London: Butterworths, London, 1987, p.313.
14. IND report, 1984, p.33.
15. See 'New fishing raids breach guidelines', *Joint Committee for the Welfare of Immigrants Bulletin*, Vol 2, No10, May 1986.
16. Other departments were also involved at times with refugees and exiles, most obviously the Ministry of Labour, later known as the Department of Employment, the Department of Education and Science and the Department of Health and Social Services. However, in most cases their activities did not particularly involve politically active refugees, but rather the main bulk of the refugee population.

17. See for overseas procedures, Bevan, V. *The Development of British Immigration Law*, London, Croom Helm, 1986, pp.166-179.
18. Haldane Porter, M., *Aliens Committee Minutes*, Home Office Library 27th December 1919. Quoted in Vincenzi, C. I., *The Origins and Development of the Law Relating to the Control of Movements of Aliens in the UK*, Ph.D. Thesis, University of Leeds, December 1982.
19. Andrew, C. (1985) *The Making of the British Intelligence Community*. London Heinmann, p.240.
20. Ibid.
21. West, N. (1983) *MI6: British Intelligence Service Operations 1990-45*. London Weidenfield and Nicolson, pp.20-1. See also West, N. (1988) *The Friends: Britains Post War Secret Intelligence Operations*. London: Weidenfield and Nicolson, p15, on how this problem was overcome in post-war embassies.
22. Bulloch, J. (1963) *MI5*. London: Arthur Barker, p.183.
23. See Bunyan, T. (1977) *The History and Practice of the Political Police in Britain*. London: Quartet Books, p.148.
24. Browne, A. (1979) 'Latin American Refugees: British Government Policy and Practice' in *An Annual Review of British Latin American Relations*. London: Latin American Relations, p.29.
25. According to Paul Gordon TREVI is named after the Trevi fountains to commemorate the origins of the group at a meeting of European community leaders in Rome in December 1975. See Gordon, P. *Fortress Europe: The meaning of 1992*. Runnymede Trust, London 1989, p.10.
26. A recent example when there was effective co-operation between the UK intelligence community involving both MI6, MI5 and Special Branch and the Spanish authorities was the abortive IRA Gibraltar operation. See Pallister, D. and Norton-Taylor, R. 'Knocking on the Door of Secret World'. *Guardian* September 5 1988.
27. See *The Guardian*, October 20 1986.
28. Venzenzi, C.I. opt cit., p.110.
29. FO 371/16828, C 2312/24/92. Holderness to Perowne, Foreign Office, March 11 1933. Quoted in Sherman, A.J. (1973) *Island Refugee: Britain and Refugee from the Third Reich. 1933-9*. London: Paul Elek, p.49.
30. Home Office Memorandum Respecting Foreign Political Refugees in the United Kingdom, November 11934, FO 371/8553, R6774/5524/92. Quoted in Sherman, p49. See also Roberts, Memorandum, December 5 1934, FO 371/18462, R6930/5524/92. Quoted in Sherman, p.50.
31. See Thornberry, C. H. R., (1963) 'Dr Soblen and the Alien Law of the United Kingdom'. *The International and Comparative law Quarterly*, April, Vol 12, Part 2, pp414-74. See especially p.436.
32. Our own correspondent, 'Political Asylum Only After Screening', *Times*, February 20 1962.
33. Select Committee on Race Relations and Immigration, 1977-8, para 97, HC 30311. London: HMSO, 1978.



34. A "Time correspondent for example saw behind domestic unrest the manipulative arm of the Russian leaders using their 'clear logical Jewish brains to undermine Christianity". Times April 2 1919. Quoted in Nottingham, C. 'Recasting Bourgeois Britain? The British State in the Years which followed the First World War'. International Review of Social History, Vol 31, Part 3, p.229.
35. Hirschfeld, G. (ed) (1984) Exile in Great Britain. England/USA: Berg Publishers/Humanities Press. Hirschfeld, G., Introduction, p.2.
36. See Victims of Yalta by Tolstoy, N. (1977) London: Hodder and Stoughton and Bethell, N. (1974) The last Secret; Forcible Repatriation to Russia 1944-7. London: Deutsch. See also the Libel case involving Tolstoy and Lord Aldington over this issue, in the British Press, during November-December 1989.
37. See Ceasarani, D. (Principal Research) (November 1988) The All-Party Parliamentary War Crime Group. Report on the entry of Nazi war criminals and collaborators into the UK, 1945-50. The Publication of this report led to a parliamentary debate and free vote on the issue whether to allow the prosecution of alleged war criminals still living in the UK. The motion was passed. See Guardian December 13 1989.
38. Times August 14 1974.
39. Browne, A., op cit, pp.28-9.
40. Ibid, p.44.
41. See Smith de, S.A., (1963) 'Political Asylum and the Commonwealth' Parliamentary Affairs, pp.396-403.
42. See the correspondence between Sir Leslie Kirkley, the Chairman of the Standing Conference on Refugee to the Foreign Secretary and the submitted report by Dr Beer, International University Exchange Fund,. February 6 1979. British Refugee Council Archives, Located in Resource Centre, London. Beers' report was later to be the basis of an article by Connolly, M. and Beer, C, (1979) 'Zimbabwean Refugees in the UK,' published in Disaster, Vol 3, No.4, pp.461-466.
43. See 'Tamil Refugees', JCWI Bulletin, Vol 2, No 11, July 1986.
44. For example West Germany's constitution ensured that alleged victims of political persecution cannot be turned away at the border before their claims have been examined. See Graff, J. (1989) 'Sorting out the Real Refugees'. Time Magazine, January 23. See also Jones, B. 'Tamils Flock to Europe. But Status is Uncertain', International Herald Tribune, July 20 1987.
45. See for example, Amnesty International Reports on the situation in Sri Lanka. It was partly due to lack of response of the British government that the Amnesty International British section launched a major campaign on refugee procedures in 1988. See (1988) Exiled: Asylum Seekers in the UK. London Amnesty International. Also interview with Jan Shaw, Refugee Officer of Amnesty International British Section, London, September 1989.
46. For Example, Hazarika, S. (1984) 'Israel and Britain Said to Aid Sri Lanka Force', New York Times, August 26, p.8. On former British and Israeli military personnel being involved in training Sri Lanka security forces.
47. See Smith, P. T. (1985) Policing Victorian London. Greenwood Press, Westport Conn, pp.95-97.

48. See Porter, B (1987) *The Origins of the Vigilant State: The London Metropolitan Special Branch before the First World War*. London: Weidenfield and Nicholson. p.142.

49. However, following the 1956 revolution, some congressmen were deeply suspicious of allowing Hungarian refugees to enter, on the grounds that 'the Russians had planted a few chosen disciples to infiltrate with the hope that they would plant the seed of communism'. Quoted from Polenberg, R. (1980) *One Nation Divisible: Class, Race and Ethnicity in the US since 1938*. Penguin Books, London, pp.118-119.

For an account of US policy and practices towards politically active refugees, see Kaye, R. Charlton, R. and Farley, L.T., 'Policing Refugees, Aliens and Exiles, US Policy and Practice'. Forthcoming 1990, in *Immigrants and Minorities*.

50. See Thornberry, C., op.cit. and also Rolph, C. H. (1962) 'What Right of Asylum'. *New Statesman*, September 21, pp.359-60.

51. When Alex Lyon, Minister of State under Jenkins resigned from office, he revealed in a TV interview that the check for personal acceptability was carried out with the help of the CIA. See Anne Brown, op.cit.

52. See 'Dalai Lama Visits U.K.', *Refugee Community news*, No.32, June 1988.

53. See Plate, T. and Darvi, A (1983) *Secret Police: The Inside Story of a Network of Terror*. London: Abacus, p.60.

54. Even so, the UK government sometimes took a more relaxed attitude towards foreign radicals. Thus while the UK government did admit Rudi Deutsche, of 1968 fame, however he was later excluded by the next administration. While Astrid Prohl, one of the key figures in the red army faction movement in West Germany was allowed to stay in the UK only on condition of non-involvement in political activities.

55. Rumbelow, D. (1973) *The Houndsditch Murders and the Siege of Sidney Street*, W H Allen, London, p.135.

56. See Ceasarani, D. (1987) 'Anti-Alienism in England After the First World War'. *Immigrants and Minorities*, Vol 2, No 1, Spring 1987, pp.42-53.

57. See Smith, Lt. Col. T (1987) 'Counter Terrorism: Administrative Response in the UK.' *Public Policy and Administration*, Vol 6, No 1, March, pp.6-29.

58. Remarks of Mr John Hunt, para 75, *Minutes of Evidence*, December 3, Home Affairs Committee, Sub Committee on Race Relations and Immigration, 1984-5, Refugees.

59. See the *Times*, February 20th 1985.

60. Quoted in Gordon, P. (1985) *Policing Immigration: Britain's Internal Control*. London: Pluto Press, p.9.

61. Ibid.

62. Determination issued by Aitcheson, L. W. D. Esq., on 10 December 1976 in Appeals No TH/1514/76 and Th/1515/76 heard in Glasgow. Quoted in Fortin, C. (ed) (1978) *Third World Political Refugees in the United Kingdom*. London: University of Sussex, Institute of Development Studies/World University Service, June, pp.9-10.

This adjudication reflected a more general feeling among conservative elements, including the leadership of the Conservative party, that many of the Chilean refugees were potential 'political subversives'. It was therefore not altogether surprising that one of the first acts of the new Conservative government elected in July 1979 was to end the special refugee programme for Chilean refugees. See Danielle Joly, (1987) Britain and its Refugees: The Case of the Chileans. Paper given at Refugee Studies Programme, Queen Elizabeth House, University of Oxford February 25th 1987, especially pp.14-17.

63. See Loescher, G. (1989) 'The European Community and Refugees.' International Affairs, Vol. 65, No 4, pp.628-30.

64. See 'Europe', Kessings, Vol XXXIII, January 1987, pp.34-83.

65. The Guardian, October 20 1986.

66. See Palmer, J. (1989) 'EEC Plan for Joint Border Police Force'. Guardian, February 6 1989.

67. Roche, P. W. E. (1969) The Key in the Lock. London John Murray, p.107.