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Article:

Mayblin, L. orcid.org/0000-0001-6602-2091 (2021) *The death of asylum and the search for alternatives*. Discover Society: New Series.

<https://doi.org/10.51428/dsoc.2021.01.0003>

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The Death of Asylum and the Search for Alternatives

Lucy Mayblin

March 2021 saw the announcement of the UK's new post-Brexit [asylum policy](#). This plan centres 'criminal smuggling gangs' who facilitate the cross border movement of people seeking asylum, particularly in this case, across the English Channel. It therefore distinguishes between two groups of people seeking asylum: those who travel themselves to places of potential sanctuary, and those who wait in a refugee camp near the place that they fled for the lottery ticket of UNHCR resettlement. Those who arrive 'spontaneously' will never be granted permanent leave to remain in the UK. Those in the privileged group of resettled refugees will gain indefinite leave to remain.

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[Resettlement](#) represents a tiny proportion of refugee reception globally. Of the 80 million displaced people globally at the end of 2019, 22,800 were resettled in 2020 and only [3,560](#) were resettled to the UK. Under the new plans, forms of resettlement are set to increase, which can only be welcomed. But of course, the expansion of resettlement will make no difference to people who are here, and arriving, every year. People who find themselves in a situation of persecution or displacement very rarely have knowledge of any particular national asylum system. Most learn the arbitrary details of access to work, welfare, and asylum itself upon arrival.

In making smugglers the focus of asylum policy, the UK is inaugurating what [Alison Mountz](#) calls the [death of asylum](#). There is of course little difference between people fleeing persecution who make the journey themselves to the UK, or those who wait in a camp with a small chance of resettlement. The two are often, in fact, connected, as men are more likely to go ahead in advance, making perilous journeys, in the hope that safe and legal options will then be opened up for vulnerable family members. And what makes these perilous journeys so dangerous? [The lack of safe and legal routes](#).

Britain, and other countries across Europe, North America and Australasia, have gone to huge efforts and massive expense in recent decades to close down access to the right to asylum. Examples of this include paying foreign powers to quarantine refugees outside of Europe, criminalising those who help refugees, and carrier sanctions. Carrier sanctions are fines for airlines or ferry companies if someone boards an aeroplane without appropriate travel documents. So you get the airlines to stop people boarding a plane to your country to claim asylum. In this way you don't

break international law, but you are certainly violating the spirit of it. If you've ever wondered why people pay 10 times the cost of a plane ticket to cross the Mediterranean or the Channel in a tiny boat, carrier sanctions are the reason.

... government policy creates the crisis which it then claims to solve

So government policy closes down [safe and legal routes](#), forcing people to take more perilous journeys. These are not illegal journeys because under international law one cannot travel illegally if one is seeking asylum. Their only option becomes to pay smugglers for help in crossing borders. At this point [criminalising smuggling](#) becomes the focus of asylum policy. In this way, government policy creates the crisis which it then claims to solve. And this extends to people who are seeking asylum themselves.

Arcane maritime laws have been deployed by the UK in order to criminalise irregular Channel crossers who breach sea defences, and therefore deny them sanctuary. Specifically, if one of the people aboard a given boat touches the tiller, oars, or steering device, they become liable to be [arrested](#) under anti-smuggling laws. In 2020, eight people were jailed on such grounds, facing sentences of up to two and a half years, as well as the subsequent threat of deportation. For these people, there are no safe and legal routes left.

We know from [extensive research](#) on the subject, that poverty in a country does not lead to an increase in asylum applications elsewhere from that country. Things like wars, genocide and human rights abuses need to be present in order for nationals of a country to start seeking asylum abroad in any meaningful number. Why then, one might ask, is the UK so obsessed with preventing people who are fleeing wars, genocide and human rights abuses from gaining asylum here? On their own terms there is one central reason: their belief that most people seeking asylum today are not actually refugees, but [economic migrants seeking to cheat the asylum system](#).

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This idea that people who seek asylum are largely 'bogus' began in the early 2000s. It came in response to a shift in the nationalities of people seeking asylum. During the Cold War there was little concern with the mix of motivations in relation to fleeing persecution or seeking a 'better life'. But when people started to seek asylum from formerly colonised countries in the 'Third World' they began to be construed as 'new asylum seekers' and were assumed to be illegitimate. From [David Blunkett's](#) time in the Home Office onwards, these 'new asylum seekers', primarily black and brown people fleeing countries in which refugee producing situations are occurring, asylum has been increasingly closed down.

The UK government has tended to justify its highly restrictive asylum policies on the basis that it is open to abuse from bogus, cheating, young men. It then makes the lives of people who are awaiting a decision on their asylum application as difficult as possible on the basis that this will deter others. Forcing people who are here to

live [below the poverty line](#), then, is imagined to sever 'pull factors' for others who have not yet arrived. There is no evidence to support the idea that deterrence strategies work, they simply cost lives.

Over the past two decades, as we have witnessed the slow death of asylum, it has become increasingly difficult to imagine alternatives. Organisations advocating for people seeking asylum have, with diminishing funds since 2010, tended to focus on challenging specific aspects of the system on legal grounds, such as how [asylum support rates](#) are calculated or whether [indefinite detention](#) is lawful.

This is not a utopian proposal of open borders, this is the real experience of Sweden, a natural experiment with proven success.

Scholars of migration studies, myself included, have written countless papers and books debunking the spurious claims made by the government to justify their policies, and criticising the underlying logics of the system. What we have failed to do is offer convincing alternatives. But with his new book, *A Modern Migration Theory*, Professor of Migration Studies Peo Hansen offers us an example of an [alternative strategy](#). This is not a utopian proposal of open borders, this is the real experience of Sweden, a natural experiment with proven success.

During 2015, large numbers of people were displaced as the Syrian civil war escalated. Most stayed within the region, with millions of people being hosted in Turkey, Jordan and Lebanon. A smaller proportion decided to travel onwards from these places to Europe. Because of the fortress like policies adopted by European countries, there were no safe and legal routes aboard aeroplanes or ferries. Horrified by the spontaneous arrival of people seeking sanctuary, most European countries refused to take part in burden sharing and so it fell to Germany and Sweden, the only countries that opened their doors in any meaningful way, to host the new arrivals.

Hansen documents what happened next in Sweden. First, the Swedish state ended austerity in an emergency response to the challenge of hosting so many refugees. As part of this, and as a country that produces its own currency, the Swedish state distributed funds across the local authorities of the country to help them in receiving the refugees. And third, this money was spent not just on refugees, but on the infrastructure needed to support an increased population in a given area – on schools, hospitals, and housing. This is in the context of Sweden also having a welfare system which is extremely generous compared to Britain's stripped back welfare regime.

As in Britain, the Swedish government had up to this point spent some years fetishizing the 'budget deficit' and there was an assumption that spending so much money would worsen the fiscal position – that it would lead both to inflation, and a massive national deficit which must later be repaid. That this spending on refugees would cause deficits and hence necessitate borrowing, tax hikes and budget cuts was presented by politicians and the media in Sweden as a foregone conclusion. This foregone conclusion was then used as part of a narrative about refugees'

negative impact on the economy and welfare, and as the basis for closing Sweden's doors to people seeking asylum in the future.

And yet, the budget deficit never materialised: 'Just as the finance minister had buried any hope of surpluses in the near future and repeated the mantra of the need to borrow to "finance" the refugees, a veritable tidal wave of tax revenue had already started to engulf Sweden' (p.152). The economy grew and tax revenue surged in 2016 and 2017, so much that successive surpluses were created. In 2016 public consumption increased 3.6%, a figure not seen since the 1970s. Growth rates were 4% in 2016 and 2017. Refugees were filling labour shortages in understaffed sectors such as social care, where Sweden's ageing population is in need of demographic renewal.

Rather than responding with hostility, then, municipalities rightly saw the refugee influx as potentially solving ... spiralling challenges.

Refugees disproportionately ended up in smaller, poorer, depopulating, rural municipalities who also received a disproportionately large cash injections from the central government. The arrival of refugees thus addressed the triple challenges of depopulation and population ageing; a continuous loss of local tax revenues, which forced cuts in services; and severe staff shortages and recruitment problems (e.g. in the care sector). Rather than responding with hostility, then, municipalities rightly saw the refugee influx as potentially solving these spiralling challenges.

For two decades now we have been witnessing the slow death of asylum in the UK. Basing policy on prejudice rather than evidence, suspicion rather than generosity, burden rather than opportunity. Every change in the asylum system heralds new and innovative ways of circumventing human rights, detaining, deporting, impoverishing, and excluding. And none of this is cheap – it is not done for the economic benefit of the British population. It costs **£15,000** to forcibly deport someone, it costs £95 per day to detain them, with £90 million spent each year on **immigration detention**. Vast sums of money are given to private companies every year to help in the work of denying people who are seeking sanctuary access to their right to asylum.

The Swedish case offers a window into what happens when a different approach is taken. The benefit is not simply to refugees, but to the population as a whole. With an economy to rebuild after Covid and huge holes in the health and social care workforce, could we imagine an alternative in which Sweden offered inspiration to do things differently?