

Is helping asylum seekers illegal? – answering your concerns

Q. Are these people illegal immigrants?

A. Some asylum seekers enter the country by perfectly legal means, others are forced to enter by an illegal route. Many people fleeing persecution in their home countries cannot get the travel documents required to travel legally. However, Article 31 of the 1954 Convention on the Status of Refugees states -

Article 31. - Refugees unlawfully in the country of refuge

The Contracting States shall not impose penalties, on account of their illegal entry or presence, on refugees who, coming directly from a territory where their life or freedom was threatened in the sense of article 1, enter or are present in their territory without authorization, provided they present themselves without delay to the authorities and show good cause for their illegal entry or presence.

In other words, it is perfectly acceptable to come on a false passport, or with no passport if you have good reason! If a person claims asylum when they get here, they are not an illegal immigrant.

Q. Aren't a lot of these so-called asylum seekers just coming here to work?

A. Asylum seekers are not allowed to work and receive only 70% of income support which is often provided in supermarket vouchers. If someone comes here simply looking for a better life, they are likely to find black-market work and keep off official radars as far as possible, rather than claiming asylum. People who do this are illegal immigrants. If someone claims asylum, and sticks to their story even when all support is withdrawn and they are made destitute, their motivation is clearly not economic. If they do not genuinely fear persecution, imprisonment or even death, surely they would choose to return home rather than living a life of destitution here.

Further evidence that suggests most asylum seekers are not here for the work comes from the list of countries they come from. Most are either war-torn, have appalling human rights records, or absolutely no law and order - or a combination of the 3! Zimbabwe, DR Congo, Afghanistan, Iran, Iraq, Eritrea, Somalia, Sudan (Darfur), Pakistan and China are always in or around the top 10 countries asylum seekers come from.

Q. Once a person's asylum claim has been refused, isn't it illegal for them to stay here?

A. Until such point as a refused asylum seeker is actually deported, they have no alternative to being here, but have no means of surviving in the meantime. If the Home Office requires them to report to a Reporting Centre (Dallas Court in Salford), then they could be deemed illegal if they do not comply, but as long as they comply, they are doing nothing illegal, because the UKBA can come and deport them at any time if they so wish. Some countries are considered so unsafe that the UK is not currently deporting people there, but it provides no means of survival in the meantime.

Refused asylum seekers are legally entitled to appeal or to provide fresh evidence for a review of their case - but few are able to access a solicitor to do this, and again they receive no support to survive until they can do so. What is illegal is for the refused asylum seeker to do anything to support themselves, whether by working or begging, so their only legal options are charitable support or starvation.

Q. If someone's asylum claim has been refused, surely that means they don't have a good case?

A. The Independent Asylum Commission found that there is a 'Culture of unbelief' in the Home Office. Unlike in the criminal justice system where you are considered innocent until proven guilty, asylum seekers are required to prove their case, so they are considered to be guilty of deception unless they can prove they are telling the truth.

Lack of legal aid (a total of 15 hours, including appeals) and time make it very hard to get evidence from countries thousands of miles away, and some asylum seekers are unrepresented at their hearings. Few think of bringing evidence with them when they are fleeing for their lives. Even if you obtain evidence, they may reject it saying you could have bribed someone for it or inflicted injuries on yourself! Other cases have simply been mismanaged. Steve, a human rights activist from Southern Africa, submitted a large dossier of evidence, which was 'mislaidd' by the Home Office four times. About 1 in 3 asylum seekers are granted Leave to Remain. The fact that 80% of those refused and made destitute are unwilling to return home suggests that they are facing real danger if they do so.

Q. If someone's asylum claim has been refused, is it illegal to help them?

A. It is illegal to employ them, or to give 'immigration advice' if you are unregistered to do so. However, it is not illegal to give them basic fundamentals such as food, accommodation, emotional support, assistance in accessing such medical care as they are entitled to, assistance in accessing solicitors etc..

Q. Isn't it better to err on the side of not getting involved?

A. If everyone always thought this, Anne Frank would not have lived long enough to write a diary, Schindler would not have had a list, Martin Luther King would not have had a dream.

If you are a Christian, your first allegiance should be to God, not to the law of the land or the expectations of society. The bible is clear on God's heart for the poor and the oppressed, and how we should treat our neighbour. Just read the story of the Good Samaritan (Luke 10:25-37) or Jesus' teaching about the sheep and the goats (Matt 25:31-46). Leviticus 19:33-34a says "When the foreigner lives with you in your land, don't take advantage of them. Treat the foreigner the same as a native, love them like one of your own."

Jesus himself was an asylum seeker, fleeing to Egypt as small child. What would have happened if the Egyptian 'Home Office' had refused them sanctuary and sent him back to face King Herod? Jesus also disobeyed a number of Roman Laws, including claiming to be the emperor (only one God-emperor allowed!). He also broke loads of religious laws (work on the Sabbath etc). I would also guess that his antics in the temple courts would have broken both Roman and Jewish laws!

We need to be seeking to follow Jesus' example by placing God's commands first. Refused asylum seekers are some of the most marginalised people in our society. How would Jesus have treated them?