

## **No One Is Illegal!**

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### **NO ONE IS ILLEGAL!**

For a world without borders! No immigration controls!

### **DEFEND THE OUTLAW!**

Immigration controls should be abolished. People should not be deemed 'illegal' because they have fallen foul of an increasingly brutal and repressive system of controls. Why is immigration law different from all other laws? Under all other laws it is the act that is illegal, but under immigration law it is the person who is illegal. Those subject to immigration control are dehumanised, are reduced to non-persons, are nobodies. They are the modern outlaw. Like their medieval counterpart, they exist outside of the law and outside of the law's protection. Opposition to immigration controls requires defending all immigration outlaws.

### **BEWARE THE FASCIST! UNDERSTAND THE ENEMY!**

Immigration controls are not fascism. Detention centres are not extermination camps. However, immigration laws are different from other laws in one other significant way. They are the result, at least in part, of organised fascist activity. This country's first controls were contained in the 1905 Aliens Act and were directed at Jewish refugees fleeing anti-Semitism in Eastern Europe and Russia. A major, perhaps the major, reason for the implementation of this legislation was the agitation of the British Brothers League. This was a proto-fascistic organisation formed in 1901 specifically around the demand for controls, which organized major demonstrations in London's East End and which can legitimately be viewed as the main force behind the legislation.

The first controls directed against black people – the 1962 Commonwealth Immigrants Act – quickly followed events in Notting Hill and Nottingham in 1958. These were the so-called 'race riots' – so-called to give a spurious impression of both spontaneity and non-political street fighting. The reality was that these physical and political attacks on black people were engineered by explicitly fascist organisations such as Oswald Moseley's Union

Movement and Colin Jordan's White Defence League. And these organisations had a specific demand – immigration controls. Fascist front organisations such as the British Immigration Control Association subsequently continued the agitation until legislation was enacted. Oswald Mosley himself was quoted in the left-wing Reynolds News (5 November 1961) as claiming the Bill leading to the 1962 Act was the “first success” for fascist activity in this country.

Immigration laws are inherently racist, since their purpose is to exclude outsiders. And they feed and legitimise racism. Far from being a natural feature of the political landscape, they are a relatively recent and disastrous distortion of it, explicable only by racism. This, together with the fascist origins of such laws, renders problematic the notion of ‘reform’, as opposed to abolition, of immigration controls.

### **IMMIGRATION CONTROLS ARE MORE THAN THEY SEEM**

Immigration controls deny people the right to freedom of movement and the right to decide for themselves where they wish to live and to work. They also deny people access to rights such as the right to work and the right to social and legal protections enjoyed by some of the current inhabitants of the place to which they migrate. In the process, these controls cause intolerable suffering to many people. The sole purpose of this suffering is to deter others who might come to this country to claim asylum, to work or to join family here. People are thus punished not for anything they have themselves done, but for what others might do in the future.

Controls are not simply about exclusion and deportation. They are a total system. A system of extremes of pain and misery. They are international in the sense that virtually all countries, particularly all industrial countries, use controls. They are also international in the way the old British Empire was international. British Embassies, British High Commissions, British Consulates encircle the globe, denying visas or entry clearance to the unchosen. A vast edifice of repression is built to prevent the movement of people. Those who attempt to flee wars and repression, or to improve their situation through migration, are forced to resort to buying false papers from agents or, worse, to travel clandestinely, again usually with the help of often unscrupulous agents. In the process many of them suffer great hardship, and thousands die.

The answer is not to abolish agents, unscrupulous or otherwise. It is to abolish the controls on which the agents, the pain and the misery breed.

Controls are also internal to the modern state and in particular to the modern British state. They require the expansion of repressive and violent activities such as surveillance, security, prisons and policing, changes which threaten to permeate society as a whole. The deaths of Joy Gardner and others at the hands of immigration officers are a portent for the future.

Immigration officers have become part of what Karl Marx's colleague Frederick Engels described as “the armed bodies of men” who constitute the state. Under immigration laws,

about 2,000 immigrants and asylum seekers who have not been charged with any crime, including children, babies and pregnant women, are locked up without trial, without time limit, and with minimal access to bail. Asylum seekers who are not detained are no longer allowed to work. Since 1996, employers have become an extension of the immigration service, responsible for the immigration status of their workers and liable to criminal sanction for employing undocumented workers.

Over the last two decades, entitlement to most welfare state benefits and provision has to some extent or another become linked to immigration status. Those without the required status go without. They are excluded from virtually all non-contributory benefits, child benefit, social housing and homelessness accommodation, in-patient hospital treatment, significant areas of community care legislation relating to the destitute, the sick, the elderly and the otherwise vulnerable, protection under child care legislation, state education provision in prisons and detention centres and in the proposed new accommodation centres. So much for the idea that those coming from overseas obtain priority treatment! Instead, since 1999 asylum seekers from overseas have been deliberately transformed into an underclass subject to a regime that is the direct copy of the 19<sup>th</sup>-century poor law. Like the poor law, there is maintenance below subsistence level (70% of income support). Like the poor law there is forced dispersal into accommodation over which those dispersed have no choice. Under legislation introduced in 2002, many asylum seekers are no longer to have even this miserable entitlement, and are neither supported by the state nor allowed to work.

Immigration controls are not only about refugees. This is just the latest government myth. Migrants and immigrants – those coming to work and those wanting to join family here – along with visitors and students are all equally subject to controls along with refugees. Except that unlike refugees, they are not even entitled to the fake safety net of the poor law. History is important. It is the immigrant communities, especially of the Indian subcontinent and the Caribbean, who from the 1970s launched a direct attack on immigration control by organising around campaigns against deportations and for family reunion. It is these campaigns that laid the foundations for the present movement in defence of refugees.

### **CAN THERE BE NON-RACIST OR FAIR CONTROLS?**

Immigration controls are racist. The first post-war controls, contained in the 1962 Commonwealth Immigrants Act, were directed at black people. However, all those subject to immigration control are not black. Within the last decade there has emerged or re-emerged a racism against those from Eastern Europe, often combined with an anti-Islamic racism which ensures controls are directed against all those from Bosnians to Serbs to the Roma to the nationalities of the new Russian empire. There is nothing new about this. The first immigration controls, contained in the 1905 Aliens Act, were imposed against refugees – Jewish refugees fleeing persecution in Eastern Europe and Tsarist Russia. Controls were

again imposed on Jews attempting to escape Nazism. In short, the first half of the 20<sup>th</sup> century was about controls against Jews, the second half about controls against black people and the last decade has been about controls against anyone fleeing war, poverty or mayhem or anyone wanting to join family here.

Today there exists, however fragmented, a movement against immigration control – a movement that challenges deportations, which opposes detention centres, which offers solidarity to refugees. The great strength of this movement is that it has united and formed a coalition between liberals and socialists, between reformists who don't challenge controls on principle and socialists who are opposed to all controls – and who argue no one is illegal. The greatest weakness of this movement is that on the level of ideas, liberalism dominates. Many of those critical of controls believe that such controls can somehow be sanitised, be rendered fair, be made non-racist. Even socialists are sometimes reluctant to raise the demand for the abolition of all immigration controls or to take this demand to its logical conclusions, in case this alienates potential allies against the abuses that follow from them. The result is that the argument against controls is simply not presented. Many people, perhaps most fair-minded people, if they are presented with the case, do agree that in principle immigration controls are wrong, but may also believe that to argue for their abolition is unrealistic.

But ideas matter, and so too does the struggle for ideas. Wrong ideas can at best lead to confusion and dead ends, and at worst to collusion with the present system. It is our position – a position that denies anyone is illegal, a position that is for a world without borders – that immigration restrictions can never be rendered fair or non-racist.

This is for the following reasons. First, controls are inherently racist in that they are based on the crudest of all nationalisms – namely, the assertion that the British have a franchise on Britain. Second, they are only explicable by racism. Their imposition is a result of and is a victory for racist, proto-fascist and actual fascist organisations. It is impossible to see how legislation brought into being by such means, legislation accompanied by the most vile racist imagery and assumptions, can ever be reconfigured and rendered 'fair'. Third, the demand for 'fair' controls simply ignores the link between immigration controls and welfare entitlements. This link is itself intrinsically unfair – and racist. Finally, controls can never be 'fair' to those who remain subject to them.

The demand for no controls – based on the assertion that no one is illegal – is frequently derided as utopian, and is compared adversely to the 'realism' of arguing for fair controls. However, this stands political reality on its head. The struggle against the totality of controls is certainly uphill – it may well require a revolution. However the achievement of fair immigration restrictions – i.e., the transformation of immigration controls into their opposite – would require a miracle.

## MORE PROBLEMS WITH ARGUMENTS FOR REFORMS

The proclamation, our proclamation that **No One Is Illegal**, means what it says – it does not mean some people are not illegal or only some people are legal. The demand for no controls means no collusion with either the arguments for controls or with controls themselves. However, controls have become so politically legitimised over the relatively short period of their existence that it has become all too easy to accept their existence whilst simultaneously opposing them. Here are some examples of what we are arguing against – deliberately difficult, and we hope provocative, examples:

First, we are absolutely and unconditionally in favour of campaigns against deportation. However, we are critical of the emphasis given to so-called ‘compassionate’ grounds – in particular the recurrent themes of sickness, age, vulnerability of children, violence towards women and destruction of family relationships. Of course, we accept that these issues have to be presented, and presented forcibly, to the Home Office in private as part of any legal argument. The present balance of power – with the Home Office having most of the power – requires this presentation. However, this does not require campaigns against deportation to construct themselves politically and publicly around such compassionate grounds. What this does is make a distinction between the ‘worthy’ and the ‘unworthy’ – between those with compassionate grounds and those without. It legitimises the racist-inspired obligation that people feel to justify their presence here. In doing this it transforms what is normally undesirable – for instance, ill health – into something highly desirable in order to try to remain here. Under the guise of gaining support on humanitarian grounds, it actually dehumanises individuals, and denies them their dignity, by reducing them to the sum total of their disabilities and vulnerabilities. It creates a competition between those subject to immigration controls as to who has the more ‘compassionate’ grounds. Ultimately, it makes it virtually impossible for young, fit, childless, single people without an asylum claim to fight to stay. This is why we support the slogan **‘Solidarity not Pity’**. We support unconditionally the right of all people to stay here if they wish to, and irrespective of their personal circumstances.

Second, we are absolutely in favour of exposing the lies and hypocrisies of those advocating immigration controls – such as the lie that people coming here are a ‘burden’ on welfare or are ‘flooding’ the country. It is important to reject the notion that if immigration controls were abolished this country would be invaded by the populations of entire continents; the reality is that the vast majority of people prefer to stay where they are if this is at all possible. However, we are opposed to building a case against immigration controls on the grounds that immigration is in the economic self-interest of the current inhabitants of this country, both because such an argument is wrong in principle and because the situation can change. For example, although it was true until recently that more people left this country than came here, this is no longer the case. And while migrants, immigrants and refugees are currently net contributors to the welfare system, supposing it could be shown that new arrivals are somehow accessing a ‘disproportionate’ percentage of welfare, would that mean we now have to support controls? Statistics are useful to refute distortions and lies, but

cannot be the bedrock of our opposition to controls. Statistics can be a hostage to political fortune. Principles cannot. This is why we support the principle of **No One Is Illegal**.

Third, we recognise the many contributions made to British society by migrants, immigrants and refugees stretching back centuries. Britain has been constructed out of waves of migration – the very idea of there being an ‘indigenous’ population is both politically racist and historically nonsensical. However, we are opposed to all arguments that seek to justify the presence of anyone on the grounds of the economic or cultural or any other contributions they may make. It is not up to the British state to decide where people should or should not live, or anyone else but migrants and refugees themselves. We support the unfettered right of entry of the feckless, the unemployable and the uncultured. We assert **No One Is Illegal**.

### **GAINS FOR SOME MEAN EXCLUSION OF OTHERS. NO ‘EQUAL-OPPORTUNITIES’ IMMIGRATION CONTROLS!**

An obvious, if often overlooked, feature of immigration control and the struggle against it, is that defining who may be excluded from it by necessity entails defining who is included in it. **No One Is Illegal** means that reform of immigration control, in whatever way such reform is presented, is at best problematic, at worst unacceptable, because it would leave some people subject to control. It would still leave immigration outlaws. The degree to which any demand falling short of total abolition of controls is acceptable can only be measured by the degree in which it takes up the fight for all outlaws. All specific demands against controls need to be put in the context of and worked out through a position of opposition to all controls. Again we present some deliberately controversial examples:

First, we are critical of the demand for a government ‘amnesty’ against immigration outlaws. The level of our criticism will depend on the level at which the amnesty is pitched. Who is to be included in this demand? More importantly, who is to be excluded? What gives anyone opposed to controls the right to define who is to be excluded? **No One Is Illegal** means what it says – anyone in the entire world who wishes to come or remain should have the right to do so. On a pragmatic basis, amnesties have to be criticised as they will be used by the Home Office to entrap those not included in the amnesty.. This is precisely what happened when in 1974 a Labour government declared a tightly defined amnesty – deporting many of those who applied under the mistaken belief they fell within the definition.

Second, we are critical of demands which, however well meant, leave even more vulnerable and exposed to immigration controls those not contained within the demand. An example is the demand that women coming here for marriage who are subsequently subject to domestic violence should not be subject to the requirement that they remain living with their partner for 12 months in order to acquire full immigration status. After years of campaigning, this demand has now been met in part. As such it is clearly a tremendous gain for those women who otherwise would have the impossible choice of remaining in a violent relationship or being deported. However where does this leave all those women not

subject to violence who wish for whatever reason to leave the relationship? For them, not being battered by their partner has now become a positive disadvantage for immigration – purposes. This is yet another example of how something morally outrageous abuse of women – has become something highly desirable in immigration law. It is simply not a tenable position to argue. The only tenable position is to fight for the right of all, men or women, to remain in the country, irrespective of their personal situation.

Third, immigration controls are not just racist. In their nationalism they encompass virtually all reactionary ideology. So, unsurprisingly, they are homophobic. Until recently there has been no provision for a gay partner to come or remain. However, we are critical of the campaign for 'equality' with heterosexual relationships for gay relationships within immigration control. There cannot be 'equal opportunities' immigration controls – unless one is in favour of the equality of the damned. For the last 40 years, immigration control has systematically attacked, undermined and wrecked tens of thousands of mainly black extended families from the Indian subcontinent, the Caribbean and Africa. Demanding equality with heterosexual couples simply ignores the inherent racism of controls, and therefore the relationship between racism, sexism and homophobia. An additional problem is that the demand for the rights of gay couples elevates romance into a political goal – what about the single gay person, the celibate, the lonely, those of no sexual orientation or the promiscuous of any sexual orientation? Including gay couples within immigration law and its spurious 'rights' means that all these other people are by definition excluded. Their status as outlaws is intensified. The way forward is to fight for the rights of all gay women and men along with everyone else to be able to come and remain, irrespective of personal circumstances or relationships. The only 'equal opportunities' immigration controls are no immigration controls.

Fourth, demanding to be 'included' within controls – in the sense of demanding specific provision for gay couples – seems itself quite strange, in that everyone else is fighting to be excluded from the tentacles of controls. However, this contradiction only exists because, given the existence of controls, then absolutely everyone is already 'included' in them to a greater or a lesser extent – in that everyone remains liable to investigation as to whether or not they are subject to them. In this sense, women experiencing domestic violence still very much remain subject to controls – as they are obliged to undergo the humiliation of reliving the violence by having to prove its existence. The only political answer to these issues is to fight for no controls.

Fifth, each piece of immigration legislation going back to 1905 (and dramatically intensified in the last decade) can be seen as another brick in the wall – the wall preventing entry of the undesirable, the unchosen. It is therefore not sufficient to demand the repeal of the latest piece of legislation, to remove the latest brick – the whole wall has to go. Otherwise all those excluded by previous legislation remain outlaws and, what is worse, forgotten outlaws. Simply demanding the repeal of the most recent, and only the most recent, laws only serves to legitimise those preceding them. An example is the agitation

against that part of the Nationality, Immigration and Asylum Act 2002 (the latest legislation) that denies support to asylum seekers who make 'late' asylum applications – thus rendering these refugees destitute. However, in 1999 there was a campaign against the then latest legislation – the Immigration and Asylum Act. This was the legislation that created the poor law of forced dispersal and below-subsistence support. But now the agitation is to include late asylum applicants within the poor law! Again, this is not a tenable political position.

At the same time, there is being forgotten all those undocumented non-asylum seekers, migrants and immigrants, who have effectively been without any support due to provisions in various pieces of legislation prior to 1999. These statutes were themselves once new, were once campaigned against and are now forgotten – along with those subject to them.

**No One Is Illegal** means fighting to destroy immigration controls in their entirety, and at the same time fighting to break the link between welfare entitlement and immigration status.

## **SOCIALISM**

Many, if not all, of the arguments used to justify immigration controls are simply ludicrous and are more the result of racist-inspired moral panic than of any connection with reality. Such is the notion that the entire world population would come to this country if there were no controls: even if such an absurd notion were true, it should prompt concern for their reasons for coming, rather than fear. Nonetheless, these objections to open borders need to be answered; and they require a socialist and anti-imperialist analysis. The objections about 'overcrowding' can only be answered by discussing socialist use of resources – use based on needs, not profits. The objection, the surreal objection, that migrants, immigrants and refugees obtain luxury housing and endless welfare compared to British workers needs to be answered both by pointing out the truth (namely that just the opposite is the case), but also by a recognition that benefits and welfare are woefully inadequate for everyone – both for the documented and the undocumented; and that both have a shared interest in fighting for better welfare. The objection that those fleeing the devastation of the third world have no right to come here can be met by pointing out the imperial responsibility for this devastation, both in the past and currently. As the Asian Youth Movement used to say: "We are here because you were there". The objection that a state has the right to control its own borders can only ultimately be answered by questioning the nature of the nation state and of borders.

We agree, and sing along with John Lennon: "**Imagine there's no countries...**"

## **THE WAY FORWARD: BREAK THE LINKS, PULL THE PLUG!**

>TO BUILD THE WIDEST POSSIBLE ALLIANCE in all struggles against immigration controls amongst those of differing political views. But to do this without collusion with controls and without compromising with the principle of no controls. To do this on the

basis of challenging and winning over those involved to a position of opposition to all controls. **No One Is Illegal – No Exceptions, No Concessions, No Conciliation!**

> TO RAISE THE DEMAND FOR NO IMMIGRATION CONTROLS within all actions and campaigns in support of migrants and refugees. A no-controls position should not be a necessary precondition of support for any particular campaign, but we should argue constantly within all campaigns for such a position. We should argue for campaign slogans to reflect a position of opposition to controls, not 'refugees are our friends' or 'refugees are welcome here', but slogans which recognise that we are in favour of freedom for all as a right, not a charity. **No One Is Illegal – Free Movement – No Immigration Controls!**

> TO SUPPORT AND BUILD EVERY SINGLE CAMPAIGN AGAINST DEPORTATION. To do this on the basis of solidarity, not compassion. **No One Is Illegal – No Need for Justification of Presence!**

> TO SUPPORT AND BUILD EVERY CAMPAIGN AGAINST DETENTION/REMOVAL CENTRES, since these are one of the clearest and most outrageously brutal and unjust consequences of immigration controls. No refugees or migrants should be detained simply because they want to be in this country. All detention/removal centres, and also all accommodation, induction and any other repressive 'centres' designed to enforce the unenforceable, should be closed. **No One Is Illegal – No Detentions!**

> TO FIGHT AGAINST ALL FORMS OF COLLUSION with immigration control and with the Home Office. In particular this means local authorities and voluntary sector organisations refusing to implement the new poor law. Local authorities should refuse to act as sub-contracted agents providing accommodation (often otherwise unlettable) for the forced dispersal scheme. Voluntary sector agencies should likewise refuse Home Office monies to enforce the poor law either through the provision of accommodation or advice. **No One Is Illegal – Break the Links between Welfare Entitlement and Immigration Status!**

> FOR WORKERS WITHIN THE WELFARE SYSTEM TO REFUSE TO COMPLY with the denial of benefits or provisions based on immigration status. Most workers within the welfare state, at either local or national level, entered their jobs in the belief they would be providing some form of socially useful service. Instead they now find they are denying services and have become part of the apparatus of immigration control. **No One Is Illegal – No Compliance, Be in and against the State!**

Of course, non-compliance by individual workers would leave them absolutely vulnerable to victimisation and dismissal. Non-compliance requires major trade union support. It is manifestly important to try and win trade unions to a position of no immigration controls. To do this it is equally important to form rank and file groupings within unions of welfare workers who are being obliged to enforce internal immigration controls. **No One Is Illegal – Workers' Control, Not Immigration Controls!**

> FOR A MASSIVE TRADE UNION CAMPAIGN OF RECRUITMENT OF UNDOCUMENTED WORKERS or immigration outlaws. Such a recruitment campaign would help break the division between the documented and the undocumented. It would enable a campaign to develop against sweated labour and for the protection of migrant rights – rights to a fair wage, right to proper work conditions and, most of all, the right to work itself – as now it is unlawful to work without the correct immigration documentation. It would also provide another base for the undocumented to resist deportation and to fight for the regularisation of their status. **No One Is Illegal – Everyone Has the Right to Work, the Right to Be in a Union, and the Right to Have Proper Working Conditions!**

### **WE ARE NOT ALONE!**

**No One Is Illegal** is a phrase first used by Elie Weisel, a Jewish survivor from Nazi Germany, a refugee and a Nobel Prize winner. He was speaking in 1985 in Tuscon, Arizona, at a national sanctuary conference in defence of the rights of refugees to live in the US. The sanctuary movement undertaken by religious communities in the US (and to a far lesser extent in the UK) in support of those threatened by immigration controls is one of many pieces of resistance to controls. Over the last few years **No One Is Illegal** groups have been formed throughout Europe and North America – for instance, in Germany (**Kein Mensch Ist Illegal**), Spain (**Ninguna Persona Es Illegal**), Sweden (**Ingen Manniska Ar Illegal**), Poland (**Zaden Czlowiek Nie Jest Nielegalny**) and Holland (**Geen Mens Is Illegal**). In August 1999 anarchists organised a demonstration in Lvov, Poland, against the deportation of Ukrainian workers under the banner of **No One Is Illegal**. In France the *sans papiers* campaign functions under the slogan **Personne N'Est Illegal/e**. There have been **No One Is Illegal/No Border** camps at the joint borders of Germany, the Czech Republic and Poland, and **No Border** camps at Frankfurt, southern Spain and Salzburg. In June 2002 there was a demonstration against war, globalisation and in defence of refugees under the same slogan in Ottawa, Canada. In England groups are emerging that call themselves **No Borders**. The demand for no controls, rather than being seen as extreme, operates as a rallying call to the undocumented and their supporters. Our aim in producing this, our initial manifesto, is to encourage the formation of **No One Is Illegal/No Border** groups throughout this country – groups specifically and unreservedly committed to the destruction of all immigration controls.

6 September 2003

<http://www.noii.org.uk/no-one-is-illegal-manifesto/>

**“IMAGINE THERE’S NO COUNTRIES...”**