

Asylum bid showcase of Major's 'shameful' policy

By GRAHAM ALLEN

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B RITISH newspapers and television have been full of the efforts of Liu Yijung and Lin Lin to seek political asylum in Britain or Hongkong.

Mr Tony Blair, the Labour Party's shadow home secretary, has been at the forefront of the condemnation of the Conservative government's attitude which, he says, "can be summed up in one word - shameful".

As Mr Blair's deputy, responsible for immigration and asylum, I feel the fate of Liu and Lin is the latest sad case in a long line of suffering brought about by the government's policies. My fear is a new Asylum Bill predicted for the autumn will make matters worse.

The case illustrates all that is wrong with the UK Government's commitment to the 1951 UN Convention on refugees. These two women are a classic political case. Amnesty International has checked aspects of their stories and find their accounts entirely consistent with their knowledge of events in China after the 1989 Tiananmen Square massacre.

The international human rights organisation has predicted that should the young women be deported to China they will almost certainly be imprisoned and possibly tortured for their political beliefs. Amnesty has launched a vigorous campaign to prevent the two from becoming prisoners of conscience.

The Hongkong authorities and, more specifically, the Governor, Mr Chris Patten, have refused to intervene.

It sadly appears the UK Government no longer has either the political will or courage to allow or encourage the Hongkong administration to make independent decisions. This is a shameful derogation of their obligations under the 1951 UN Convention and other human rights obligations.

A further application for asylum to Britain itself has been refused by the Home Office. This is startling hypocrisy considering the strong words from the Prime Minister, Mr John Major, when visiting China last year. As well as fund-raising for his party in Hongkong, he took time out to lecture the Chinese authorities to act in accordance with international standards of human rights.

No evidence has emerged that circumstances have changed in China. Mr Major will, therefore, be held responsible for the consequences if the two women are sent back to China, for it is under his prime ministership that Britain's proud reputation in asylum human rights has declined rapidly.

However, the decision is in some ways typical of the Conservative policy.

It was deplorable the Conservative Party tried to mobilise electoral support by appealing to people's insecurities and fears about being overrun by foreigners. The excuse was the bringing forward of an Asylum Bill. "Asylum Cheats" "Labour Party To Open Floodgates" - these were the headlines on front pages of tabloid

newspapers before the general elections in April.

The intention to introduce the Asylum Bill was announced by then home secretary, Mr Kenneth Baker, in July 1991. By the time parliament was dissolved for the general election, the bill was about to go through its House of Lords committee stages. It had been drastically amended, criticised, condemned and abused from across the political and social spectrum. At the end of the day it was not on the statute books. This was no great disappointment to the Conservative government as it had skilfully played the "race card".

Throughout the debate the Labour Party attempted to take a principled position on the bill. It agreed some new procedures were required. The starting point was the Labour Party's absolute commitment to the 1951 UN Convention. It accepted there had been large increases in the number of applicants for asylum and that action was needed to deal with the large administrative backlog.

Labour's contention was that the government's neglect and underfunding of the Refugee Section of the Immigration and Nationality Department caused delays in processing applications which encouraged abuse by bogus asylum seekers. As a result, it became the norm for applicants to be assessed two years after applying. Labour suggested more staff were required to speed up this process. The Government increased the numbers substantially as the bill was being discussed in parliament.

A S PREDICTED, the number of applicants began to fall and some applications were found to be fraudulent. This, in our opinion, solved to a great extent the Government's complaint about the system being abused and undermined - the very reason they claimed for introducing such Draconian measures in the bill to parliament in the first place.

Two points that we agreed with in principle were firstly the need to prevent bogus asylum seekers from abusing the procedures and secondly to ensure the mechanisms which dealt with applicants were fast, fair and efficient. Where we differed from the government was that we wanted speed without compromising justice. The Conservative government's proposals were unnecessarily harsh and mean spirited.

For example, the right for funding independent legal advice was to be removed, only two days were to be given to prepare an appeal, oral hearings were to be denied to applicants, and there was to be no automatic right of appeal against refusal.

These policies were condemned by all sections of British society. Pressure groups and alliances between many concerned organisations were formed. The Asylum Rights Campaign com-

prising more than 60 organisations and refugee bodies helped to successfully mobilise support nationwide against what were generally regarded as unjust proposals.

During the various parliamentary stages in the House of Commons and House of Lords in various committee stages, the Government came under intense pressure to amend its proposals. Various concessions were forced from them including the abandonment of the proposals to remove legal aid for independent legal representation, and the extension of appeal preparation time to 10 days instead of two. The bill did not reach the statute books before the election. It is, however, likely a similar bill will reappear in the Queen's Speech this autumn.

The UK Government's recent record on individual asylum cases has been appalling by any standard. Take the case of a Zairian

national who was deported despite an order of stay from a High Court judge. This led to the historic decision to find the Home Secretary guilty of contempt of court.

The Labour Party recognises the fact there is turmoil, civil war and poverty across the world causing movement of people across land. These situations are not adequately covered by Section 1 of the 1951 UN Convention on refugees which refers to individuals. No provisions are made for groups of people.

THE European dimension of Conservative policy also gives cause for concern, asylum and immigration policy being developed in secrecy.

The UK and its European Community partners will soon decide on whether a common asylum policy is to be adopted. This is a logical progression from the Sin-

gle European Act. As each country has different procedures there will be the pressure to adopt the lowest common standards. The Labour Party is opposed to this.

The UK now has the presidency of the European Commission for six months. We will press the Conservative government to adopt the best and most just standards, and reject trends towards "a fortress Europe" which denies the basic human right of sanctuary to persecuted individuals. This we will force on to the agenda for it is too important an issue to be either glossed over or ignored.

The treatment of Liu and Lin will stand as a reminder to us within the Labour Party and humanitarians the world over that we must all adhere strictly to the words and spirit of the 1951 UN Convention on refugees.

Graham Allen is the British Labour Party's spokesman on immigration.