The language of labelling and the politics of hospitality in the British asylum system

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Abstract
Since 1990 when Britain witnessed a spike in asylum applications, consecutive governments have adopted a stance towards asylum, whereby the interests of the state supersede those seeking asylum. By employing Jacques Derrida’s notion of hospitality and the politics of labelling, the article identifies five ways in which Conservative, New Labour and Conservative Liberal Democratic coalition governments have sought to establish the label of a genuine asylum seeker. Drawing upon parliamentary archives, the article presents a narrative of an idealised refugee figure that has been created through consecutive British governments, at the expense of the asylum seeker. Individuals who do not meet the genuine criteria are branded as failed, bogus asylum seekers, or more recently, immigrants, who abuse the system. The article argues that what we are witnessing within the British asylum system is the politics of hospitality, whereby hostility is the overriding reaction to the asylum seeker.

Keywords
asylum, Britain, hospitality, hostipitality, labelling

Introduction
The figure of the asylum seeker in Britain has occupied a precarious position throughout the twentieth and twenty-first centuries. Since 1990 when asylum figures had their first spike with 26,205 applications annually (Hawkins, 2014),1 consecutive British governments have been caught between positioning the asylum seeker as an economic threat to society and, at the same time, presenting the asylum seeker as a humanitarian figure in need of refuge, in what Matthew Gibney (2014) terms a ‘paradoxical response’. Governments have been open to providing hospitality to the asylum seeker, an individual who can apply for asylum ‘owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion’ and who is seeking to attain refugee status (UN High Commissioner for Refugee Convention,
Article 1.A) But, governments have been offering sanctuary under specific terms and conditions, despite being concerned that the guest—the asylum seeker—is in fact, abusing their position (Gibney, 2004: 122). Through consecutive governments, asylum policies have emerged that have adopted the approach of deterrence and increased border controls in the quest to reduce ‘abuse’ of the asylum system. As a result, an idealised genuine asylum seeker has been created by consecutive governments, who seeks the label of refugee within the state, but this is offset by the bogus asylum seeker—a fake asylum seeker perceived to be abusing the system for economic reasons. With the emergence of this fractured hierarchy of ‘refugeehood’, consecutive governments have pinpointed through legislation what qualifies as a genuine asylum seeker: an idealised notion of what it takes to be classified as a genuine asylum seeker in need of refugee status. Those asylum seekers who do not meet the strict criteria are discarded and branded as failed, bogus asylum seekers, or more recently, economic migrants, who abuse the system.

The main objective of this article is to examine how consecutive British governments have sought to fracture the label of refugee. It focuses on three governments since 1990: the Conservative government from 1990 to 1997, New Labour (1997–2010) and the Conservative and Liberal Democrats coalition government (2010–2015). Although addressing specific governments, the article argues that each of these governments have followed the same line of logic regarding asylum, with the three governments adopting similar non-partisan approaches and rhetoric towards the asylum seeker.2

Methodologically, the article draws upon archival research from Hansards, focusing primarily on House of Commons debates, from 1990 to 2015 using the key terms ‘asylum seeker’, ‘refugee’ and ‘immigrant’. The main focus of the archival work was to ascertain how successive governments, since 1990, have sought to define an idealised notion of a genuine asylum seeker through the use of labelling and its implementation in subsequent policies. The archival material presented highlights a consistency in government language and tone adopted towards asylum seekers—with the interests of the state superseding the interests of the asylum seekers throughout the years since 1990, with each of the governments adopting a hostile stance. However, dissident voices, particularly from backbench New Labour Members of Parliament (MPs), are addressed within the article, allowing a minority voice from government to emerge in support of asylum seekers.

The article begins by engaging with the theoretical framework of Jacques Derrida’s hospitality—a principle that means ‘the right of the stranger not to be treated with hostility when he arrives at someone else’s territory’ (Derrida, 2000a: 4). In examining Derrida’s understanding of hospitality, the article examines how we engage with and position the other when they enter our midst. It argues that the British approach to refuge reflects the notion of hostipality (that being the hostility that resides within hospitality towards the undesirable guest) with hospitality and hostility being two sides of the same coin in the process of contemporary British asylum. The article then examines how the politics of labelling—an approach that examines the value, identification and power behind labels—operates within the British asylum system, and how the vast majority of asylum seekers are caught between the labels of genuine versus bogus. Through the establishment of an idealised genuine asylum seeker, the government has been able to effectively label and categorise, who should, or who should not, be a refugee. By engaging with the concept of labelling and specifically drawing on the work of Roger Zetter and Howard Becker—two prominent theorists in labelling—the article explores how the asylum seeker is constructed and framed through political processes that position, categorise and castigate them as the other. The article concludes by addressing how the politics of hospitality
McFadyen

and labelling operate in the state’s interest and at the expense of the asylum seeker. The core argument identifies five ways in which these three governments have sought to establish the label of a genuine asylum seeker. Drawing upon the language and framing of the refugee from parliamentary archives, the article presents a narrative of an idealised figure of refugee that has been constructed through consecutive governments, at the expense of the asylum seeker. In doing so, the article argues that what we are witnessing within the British asylum system is the politics of hostipitality, whereby hostility is the overriding reaction to the asylum seeker.

**Hospitality, hostility, hostipitality**

When an asylum seeker arrives in Britain, they cross the border without an invite, and ask for asylum. The principle of asylum, ‘creates the desire for a welcome without reserve and without calculation, an exposure without limit to whoever arrives’ (Derrida, 2005: 6). According to Jacques Derrida, all should be welcomed and allowed to put forth a claim for asylum, and for this reason, his notion of hospitality can be fruitfully employed to examine the British asylum system. Through conditional hospitality, British policies of asylum, I argue, have been able continuously to curtail and bear down upon the policy of asylum, reducing the right to asylum to a select few who are able to meet the government’s rigid criteria of refuge. The binarism of hospitality and hostility, what Derrida terms hostipitality, is I argue, a defining feature of government policies and debates surrounding asylum.

Through his work *Of Hospitality*, Derrida provides the notion of unconditional hospitality. Derrida’s understanding is that ‘[U]nconditional hospitality implies that you don’t ask the other, the newcomer, the guest to give anything back, or even to identify himself or herself. Even if the other deprives you of your mastery or your home, you have to accept this’ (Derrida, 2002: 71). The concept of unconditional hospitality requires us to open our ‘house’ to the stranger, to the ‘absolute, unknown anonymous other’ and provide them with shelter and sanctuary without asking for anything in return (Derrida, 2000c: 25). But as Derrida (2000c: 25) stressed it, at the same, time introduces us to the notion of threats, limitations and fear of the stranger, for we are offered no knowledge or history of the other who presents themselves at our door. They are the unidentifiable other.

By employing hospitality, a state must be willing to open its borders to all those who seek sanctuary. Yet, this is where the paradox of hospitality emerges, with conditional hospitality taking place and a limitation of the notion of hospitality taking precedence. Hospitality should be open to all who seek it, yet at the same time, the notion of unconditional hospitality needs to be, and can only be, conditional. For as Derrida (2000c: 77) argues, unconditional hospitality, opening your home, allowing the other to cross your threshold even without identifying themselves, ‘these rights and duties are always conditioned and conditional’. Unconditional hospitality seeks to rise above the laws of hospitality, but it fails to detach itself. As Derrida (2000c: 81) explains, ‘they incorporate one another at the moment of excluding one another … they are both more or less hospitable, hospitable and inhospitable’. Unconditional hospitality can only be conditional, for in establishing a home, for example, one is automatically erecting a border, demarcating what is inside and outside. In creating a home, you create a space with a border that is yours through a process of inclusion and exclusion. The guest must cross over a border, a threshold in order to be included—hence the conditionality of the hospitality. Derrida refers to this as the ‘gap’ between the hospitality of invitations and the hospitality of visitation. He writes:
for there to be hospitality, there must be a door. But if there is a door, there is no longer hospitality.
There is no hospitable house. There is no house without doors and windows. But as soon as there
are a door and windows, it means that someone has the key to them and consequently controls
the conditions of hospitality. There must be a threshold. But if there is a threshold, there is no
longer hospitality. (Derrida, 2000a, 14)

In this regard, Derrida (2000c: 149) asserts that ‘pure unconditional hospitality appears
inaccessible’, for a border always needs to be crossed in entering into a host’s house. As
Catherine Brun (2010: 371) notes, in order to provide hospitality, ‘… one has to have
control and ownership of a place. It requires the rights to a particular place, and it involves
power and inequality in the relation between the host and the guest’. Conditional hospital-
ity then is the inevitable (political) compromise in the claim for unconditional hospitality
and actually allows the host to wield a significant amount of power by placing restrictions
on the greeting extended to the guest (Wilson, 2010: 113). For how is a state able to cope
with the possibility of accepting all who approach its border for sanctuary? Through condi-
tional hospitality, the guest must follow ‘our rules, our way of life, even our language,
our culture, our political system’ (Derrida cited in Borradori, 2003: 128). However, the
right of conditional hospitality raised a question for Derrida regarding the abuse of hospi-
tality. How is one to know that the hospitality that is being provided is not being abused
by what he terms ‘parasites’? As Derrida (2000c: 59) notes of the problem between the
genuine and parasitical guest:

How can we distinguish between a guest and a parasite? In principle, the difference is
straightforward, but for that you need a law, hospitality, reception, the welcome offered has to
be submitted to a basic and limiting jurisdiction. Not all new arrivals are received as guests if
they don’t have the benefit of the right to hospitality or the right of asylum etc. Without this
right, a new arrival can only be introduced ‘in my home’, in the hosts ‘at home’, as a parasite, a
guest who is wrong, illegitimate, clandestine, liable to expulsion or arrest. (Derrida, 2000c: 59)

The quest to ascertain if one’s guest is genuine or not can place the position of the host
on the defensive. Through conditional hospitality, Derrida (2000c: 15) notes that the act
of seeking hospitality begins with the speaking of the stranger and the utilisation and
employment of the host’s language in order to ask for and attain sanctuary. However, in
the hunt to detect the genuine guest, hosts can go so far as to become ‘virtually xenopho-
bic’ in the aim to provide sanctuary only to the genuine guest (Derrida, 2000c: 53).
Hospitality is firmly rooted in conditions, but Derrida argues that the host could go as far
as to protect their right to offer hospitality to only the genuine, by ceasing to partake in
the act of hospitality altogether. As Derrida explains:

One can become virtually xenophobic in order to protect or claim to protect one’s own hospitality
… I want to be master at home … to be able to receive whomsoever I like there. Anyone who
encroaches on my ‘at home’, on my ipseity, on my power of hospitality, on my sovereignty as
host, I start to regard as an undesirable foreigner, and virtually as an enemy. This other becomes
a hostile subject, and I risk becoming their hostage. (Derrida, 2000c: 53–55)

For Derrida (2000a: 3), hospitality is ‘parasitized by its opposite, “hostility,” the unde-
sirable guest [hôte] which it harbours as the self-contradiction in its own body’.

It is for these reasons that conditional hospitality is pertinent for a discussion of British
asylum policies and the positioning of the asylum figure. The framework of conditional
hospitality allows us to understand the positioning of the asylum seeker and examine the relationships at play between the government (the host) and the asylum seeker (the guest/stranger). The current approach, such as the British position towards asylum, operates on the conditional approach to hospitality. Conditional hospitality provides the host with a level of power to wield against the guest, by dictating the terms of hospitality. In extreme cases, due to fear of abuse by the perceived ‘parasite’, the state will prevent the stranger from accessing hospitality in order to preserve the dignity of the institution itself. Derrida’s discussion on the xenophobia of hospitality and the limitations of conditional hospitality provides a sharp reference to the darker side of what hospitality can provide. For conditional hospitality as Dan Bulley (2009: 72) notes ‘is hostile towards the other who is absolutely excluded, and hostile to the otherness that must become the same to be included’. It is this understanding of hospitality, or rather, the notion of hospitability, that I want to draw upon to gain a better understanding of British asylum policies, where ‘to welcome the other’ as Emmanuel Levinas accounts, raises questions of our freedom, our security, of our vulnerability, however justified (cited in Derrida, 1999: 29).

Labelling the asylum ‘Other’

What is a bogus refugee? Is it someone who has applied and been rejected? … the Government seem to suggest that, by definition, if one does not receive asylum, one must be bogus. I should have thought that a bogus refugee or a bogus asylum seeker is someone who knew all along that he had no chance and that his application was ill-founded. (Darling cited in HC Deb 13 November 1991: vol. 198, col 1082)

In engaging with the construction of the genuine asylum seeker and having examined how hospitability can be viewed as a defining feature of the British asylum system, one where fear and suspicion of the other are paramount, the article now discusses how hospitability is played out in the asylum system through the theory of labelling. Through labelling, there emerges a hierarchy that situates the label of refugee at the pinnacle, followed then by the label of asylum seeker, bogus asylum seeker, illegal immigrant and so on. With the label of asylum seeker, politicians have been able to successfully steer debates and create suspicion, tension and reduced sympathy towards this group within society. Lord Jakobovits identified this notion of the construction of labelling refugees, during a House of Lords debate in March 1993 (HL Deb 11 March 1993: vol. 543, col 1145), commenting ‘I cannot quite understand why the inelegant and perhaps supercilious term “asylum seeker” should have replaced the simpler word “refugee” which might evoke more sympathy’. Indeed, what Lord Jakobovits highlighted here is the politics and fracturing of language that underlies asylum. By employing the label of asylum seeker, there emerges the possibility to frame the individual as an abusive, bogus or failed, asylum seeker, something that would not be possible with the label of refugee. You either are or are not a refugee, whereas the asylum seeker can fall into an array of subsequently inferior categorisations that further remove the individual from the prized refugee label.

In engaging with the theory of labelling, there are a plethora of approaches that one can adopt to examine the framing of the other as well as the politics and power relations at play. Michel Foucault’s work on delinquency which covers how the delinquent is labelled, constructed, monitored and perpetuated within society can easily provide comparisons with the British asylum seeker. The same applies for Stewart Hall’s work on the term ‘mugging’, and how a label can do immense damage, carrying more potency than the actual
activity itself by obscuring and ‘demystifying’ underlying causes. Postcolonial theory such as Edward Said’s Orientalism or Homi Bhabha’s writing on binaries is also extremely useful for engaging with labelling and helping to understand the politics of the other.

However, in examining the politics of labelling, the following section focuses on two approaches to labelling theory, that of Roger Zetter, the prominent labelling theorist within refugee studies and Howard Becker’s work on deviance and labelling. In focusing on these two approaches, the article identifies and asserts the importance of labelling, and how it is occurring for the benefit of politicians and governments to control, regulate and monitor asylum flows when offering conditional hospitality; emphasising that labelling does not occur within a political vacuum.

Roger Zetter’s (2007: 173) influential approach to refugees centred his work on the creation and understanding of labels. Zetter argues that when they are applied ‘patterns of social and cultural norms … are mediated, impacted and ultimately controlled and reformed by institutional agency’. He asserts that the process of labelling and the significance of stereotyping ‘involves disaggregation, standardization, and the formulation of clear cut categories’ (Zetter, 1991: 44). Through the process of labelling, Zetter argues that governments have been able to categorise and create labels of identity that can be assumed, adopted and identified, with varying levels of power attributed to each label.

Zetter (2007) states that what has defined the current era of refuge is the distinct proliferation of new labels that are, at best, a vague interpretation, or, at worst, a relentless discriminatory term that disconnects individuals from the central characteristics that equate them to being a refugee—that is, a ‘stereotyped identity’ (Zetter, 2007: 176). For example, through the construction of the bogus or abusive asylum-seeker label, individuals are effectively cut off and marginalised from the asylum-seeker label and the ultimate label of refugee. What we see occurring through this process is a ‘fractioning’ of the original refugee label into ever smaller, inferior labels of refuge, with different categories of eligibility and entitlements. For example, in the case of asylum legislation, the refugee is entitled to live within Britain, work and access welfare benefits and health care; the genuine asylum seeker is entitled to remain in Britain subject to their asylum application, they are not entitled to work nor mainstream benefits but ‘asylum support’ and can apply for accommodation through the Home Office’s dispersal policy (Gower, 2015). In contrast, the individual labelled as a bogus asylum seeker is likely to be detained then deported when found to be a failed or bogus asylum seeker (Gibney, 2008). Accordingly, when examining the British fragmentation of the refugee label into sub-categories of genuine/bogus asylum seekers, it is easy to see how the notion of labelling allows for the ‘political agendas about identity to become incorporated in ostensibly neutral bureaucratic categories, such as “refugee”’ (Zetter, 2007: 185).

The emergence of highly politicised labels such as bogus and illegal, particularly in response to rising asylum numbers of the late 1990s and early 2000s, as well as growing criticism of states’ responses (Boswell et al., 2015), resulted in the label of refugee itself being removed from its traditional roots in the United Nations Convention and Protocol Relating to the Status of Refugees (UN High Commissioner for Refugees, 1951) and becoming a ‘highly privileged prize’, for which a small minority are deemed to be eligible. Indeed, Zetter (2007: 182) argues that the ‘proliferation of labels … underpins a deliberately transformative process to create far less-preferential categories’. Derrida argues that the label and the experience of the refugee in this century have ‘undergone a mutation … The words “refugee,” “exile,” “deported,” “displaced person” and even “foreigner” have changed their meaning’ (Derrida, 2000b). But, rather than a mutation, I argue that what we are witnessing is a politics of labelling. The language and vocabulary that surrounds
the figure of the asylum seeker does vary in its range but is ‘singular in its intention—to convey an image of marginality, dishonesty, a threat, unwelcomed …’ (Zetter, 2007: 184). Through the politics of labelling we are able to witness the fear and suspicion of the other that emerges through conditional hospitality, and how the fear of the abusive other leads to the state establishing multiple labels of inferiority in order to protect the right to refuge from being abused. Accordingly, the politicisation of labelling allows the government to determine the level of hospitality towards the individual in question. The genuine asylum seeker will be welcomed, but conditional hospitality will generally reign. With the fracturing of the label, individuals will be increasingly unable to attain the label refugee or genuine asylum seeker and will fall into the subsequently inferior categorisations, thus inferring hospitality from the state.

When examining the use of labelling, we can also draw upon Howard Becker’s theory of labelling. In his 1966 work *Outsiders*, Becker focused on the notion of deviant groups and how they are constructed, identified and labelled by the majority group within a society. He noted:

We must see deviance, and the outsiders who personify the abstract conception as a consequence of a process of interaction between people, some of whom in the service of their own interests make and enforce rules which catch others who, in the service of their own interests, have committed acts which are labelled deviant. (Becker, 1991: 163)

Becker (1991: 9) argues that within a society, social groups create rules and attempt to have those rules enforced where necessary. For example, with the issue of deviance, Becker (1991) notes that it is not the behaviour itself that is deviant, but rather that it has been labelled deviant by other social groups who have enforced rules regarding that behaviour. Accordingly, those who are said to have broken the rules of society are framed as deviants: the outsiders of society. As Becker (1991: 162) explains:

[deviance] … in the sense I have been using it, of publicly labelled wrongdoing—is always the result of enterprise. Before any act can be viewed as deviant, and before any class can be labelled and treated as outsiders for committing the act, someone must have made the rule which defined the act as deviant. (Becker, 1991: 162)

In a sense, it is the majority dictating what socially acceptable behavioural patterns are within society. The labelled are positioned outside the normal social structure with some social groups far more susceptible to being labelled deviant with the rules tending ‘to be applied more to some persons than others’ (Becker, 1991: 12).

Similar to the deviance label, the label of asylum seeker exposes an individual to a plethora of negative connotations that marginalise their situation, as well as positioning them as a threat that needs to be dealt with. Asylum has been heavily politicised since the 1990s, with government responses emphasising the heavy handedness apparently needed to address the problem, with the rhetoric of ‘floods’, ‘swamps’ and ‘tides’ being drawn upon to highlight the threat and security risk that is presented by asylum seekers. The label asylum seeker or others, such as bogus, illegal, clandestine or abusive, are all socially and politically constructed and have emerged from parliamentary debates into legislation and regulations. Since 1990, consecutive governments have decided that certain behaviours from would-be refugees would no longer be deemed acceptable (e.g. arriving without passports, without visas, via a third country, etc.) (Crawley, 2010: 50; Gibney, 2014). As such, those asylum seekers who are not able to comply with the set government criteria are
labelled with the connotation that they are merely seeking economic benefits rather than genuinely seeking sanctuary (Crawley, 2010; Gibney, 2004: 122). The label is applied uniformly obscuring the individual cases that it is meant to apply. However, as Becker (1991: 9) warns us, ‘the process of labelling may not be infallible’. There may be individuals who end up being labelled deviant or in this article’s case, bogus, illegal or abusive asylum seekers, who have in fact not broken any rules. And conversely, there may be people who are labelled as genuine asylum seekers who actually are not. In the end, the government, the Home Office and the Border Agencies who engage with the asylum applications, view the label first, rather than the individual stories behind the label. The label of asylum seeker, rather than refugee, becomes the ‘master status’ whereby this ‘identification proves to be more important than most others’, with the individual being labelled as an asylum seeker first, before other identifications are made (Becker, 1991: 33). As noted, you either are, or are not a refugee, whereas the label of asylum seeker is rather ambiguous, removing the individual from the prized refugee label into an array of inferior labels.

Labelling is a conscious decision by one group to label another—shaping and normalising behaviours, whilst establishing distinctions between individuals, normally to the detriment of the labelled. It is a bureaucratic process that enables the government to mystify issues such as refuge, with the end result being that the label resonates more with society and instils fear, far more than the real fact of the matter would. Labelling is political by nature and through the use of labels, consecutive governments have been able to define the agenda regarding asylum. Through the continuous use of the term asylum seeker, and then the introduction of the term bogus, as well as immigrant, successive governments have been able to successfully fracture the refugee label. Refugees are no longer here to seek refuge, but asylum, and in doing so many will be found to be bogus or illegal. Labelling in this regard has provided the government with the power to redefine the notion of asylum in Britain, as well as to protect the label of refugee from abuse.

Through the politics of labelling, the government has created an idealised notion of what constitutes a genuine asylum seeker through British asylum policies. In doing so, it has set limitations and restrictions upon asylum, a process that is already fairly constrained. By adding additional restrictions to asylum, for example, travel restrictions, British governments have managed to control the field of asylum and narrow the target audience with these extra demands. In doing so, hospitality is positioned firmly within the realm of conditional hospitality, with the government functioning through the framework of hostipitality. The construction of a hierarchy of asylum labels is testament to the fear of the abusive stranger who is intent in exploiting the hospitality of the host state. Portrayed as merely economic migrants, asylum seekers are seen to have abused the hospitality of the asylum system for their own needs, and subsequently are blamed for creating backlogs and queues, and wasting resources of the state.

Having examined the politics of hostipitality and the language of labelling, the final section draws on these approaches as a framework to examine how consecutive British governments since 1990 have created a genuinely idealised refugee figure, at the expense of the asylum seeker.

**The genuine asylum seeker is?**

… [T]here is a genuine problem with asylum in this country … The proper way forward is to do what we are doing: introducing tough new asylum measures that will allow genuine asylum seekers through, but will halt those bogus asylum seekers who do nothing but harm to the cause of proper asylum seekers. (Blair, cited in HC Deb 2 February 2000: vol. 343 col 1048–103)
Through consecutive British governments, an idealised categorisation of the would-be refugee has emerged. The end product has been the emergence of a tangible one-size-fits-all figure of a genuine asylum seeker. This figure is upheld as honourable, legal and legitimate. Consecutive British governments since the 1990s have presented the genuine asylum seeker as the pinnacle of refuge; they will have particular experiences, adhere to certain modes of travel and be knowledgeable of the national asylum rules. This figure is upheld as the true asylum seeker. Those who are unable to meet the criteria of the genuine asylum seeker are labelled as bogus, failed asylum seekers or simply, immigrants.

Through the creation of labels, governments has been able to ‘engage in an act of power’ (Barnett and Finnemore, 1999: 711) against the asylum seeker. The following section identifies five ways in which successive governments have sought to fracture the label of refugee, resulting in the creation of an idealised notion of a genuine asylum seeker. In doing so, following Derrida, this section identifies the government as the host, who has the power to offer hospitality to the guest, asylum seeker.

The first ascribed characteristic of the genuine asylum seeker is that they will need to have arrived through legal means with the correct travel documentation and visas. Those found travelling without the proper documentation will be banned from travelling, or if a carrier such as an airline allows them to travel, that airline can then be fined if they are caught at a later date. The demand for asylum seekers to hold the necessary papers and visas began with the Immigration (Carrier Liabilities) Act of 1987 under the Margaret Thatcher Conservative Government. The Act made it illegal for people to arrive through modes of travel such as by plane or boat, without the necessary visa documentation and passports. Labour MP Jeremy Corbyn asserted that since the government’s rationale for the Act was that as they ‘didn’t want to and couldn’t get out of the Geneva Convention … they introduced the Carriers Liability Act, so that the airline or shipping agents would be financially responsible for anyone who was not subsequently admitted to the country’ (Interview, 2 December 2013). With the creation of this Act, only those with valid passports and visas would be eligible to reach Britain. Without the necessary paperwork, entry into Britain through conventional means such as via airlines and ferries is illegal.

What the Act obscured was that arriving without the proper documents does not mean that the individual is not an asylum seeker—it just means that they are inadequately documented. What the Conservative government did through this legislation was to make arriving without the proper papers a criminal matter that automatically makes claiming asylum without papers very difficult. Labour MP Mike Watson (HC Deb 13 November 1991: vol. 198 col 1082) lambasted the Conservative government for its inability to comprehend the contemporary asylum situation:

The Government … fails to understand what is involved in fleeing persecution … requiring passengers to provide what is termed ‘valid travel documentation’ at the point of exit. In many cases, that is simply impossible. Companies are to be instructed to reject anyone travelling on false documents. But how else are people fleeing persecution to leave the country in which they are being persecuted? It is hardly likely that they will be issued with a passport and a neat visa stamp, yet the Home Office appears to think that they are in the same position as someone seeking simply to emigrate from the United Kingdom. That is nonsense.

Despite this, Jack Straw (2001) then New Labour Home Secretary, was still insisting in 2001 at a speech to the Institute for Public Policy Research, that the demand for the correct documentation and visas was not impacting on asylum seekers’ safety; arguing that ‘some may say that the increased use of visas and the imposition of penalties on
carriers are the main barriers preventing refugees from reaching safety, and that the answer is therefore to end these policies. I disagree'.

This leads us to the second ascribed characteristic of the genuine asylum seeker. The genuine asylum seeker needs to have travelled directly from their country of origin and not have passed through a safe third country. First, although not written into the 1951 Refugee Convention, it has become implicit that asylum seekers should seek protection at the nearest possible location. Indeed, with the European Union’s Dublin II Regulations (2003), asylum seekers are only allowed to lodge one asylum claim in order to prevent the supposed practice of ‘asylum shopping’. The state in which the asylum seeker arrives first needs to be the state where the application is lodged. As a result, an asylum seeker cannot travel across or between European states to seek asylum in a preferred state (Hatton, 2008).7

Second, acts such as the Immigration and Asylum Act (1999) (IAA) and the Nationality, Immigration and Asylum Act (2002) (NIAA) addressed the issue of safe third countries. Part 4, Section 80 of the NIAA empowered the Secretary of State to remove asylum seekers from Britain to a ‘safe third country’ (one complying with the 1951 Convention and the European Convention on Human Rights) if it was found that they had travelled through another country on their way to Britain (Legislation.gov.uk, 1999, 2002). This position was reaffirmed in The Asylum and Immigration (treatment of claimants) Act (2004) (AIA), which reasserted that individuals seeking refuge should do so in the first safe country they reach, even though international refugee law makes no such distinction or requirement (Legislation.gov.uk, 2004: Section 33). The AIA stipulated that if the individual seeking refuge had not travelled to Britain directly from their country of origin and had had the opportunity at the border of another country to make an asylum claim and seek protection from another state, then they should be deported to that safe third country in order to seek protection there (Refugee Council, 2005). This aspect of asylum has been well supported in Parliament over the years. Conservative MP Bowen Wells (HC Deb 2 November 1992: vol. 213, col 21) in early 1992 stated,

It is right that we should take away from those seeking asylum the right to come to this country via a third country. If one is a true political refugee, one should seek asylum only in the country next to the one from which one is fleeing. The idea that people can fly from Sri Lanka, as Tamils did the other day, to Malaysia, to India, to Germany and then to this country to seek political asylum is nonsense.

This position was still being expressed 10 years later, with the release of the 2002 White Paper, Secure Borders, Safe Haven. The White Paper spoke of the processes of those arriving in Britain, and argued that there were still a large number of abusive applicants entering the system. It stated:

there is a world of difference between offering sanctuary to those in genuine fear of persecution and allowing asylum seekers to stay simply because the UK is their country of preference. The great majority of those seeking asylum could perfectly reasonably have sought protection at an early stage in their journey. (Secretary of State for the Home Department, 2002)

Indeed, in 2010 Conservative MP Philip Hollobone drew upon the genuine asylum seeker arguing ‘surely we should not be giving asylum to people who come to this country via another safe country. Yes, let us give asylum to people who are genuinely fleeing persecution, but not to tourists’ (Hollobone, HC Deb 28 June 2010: col 554).
The third criterion applied to distinguish genuine asylum seekers is that they must be fleeing due to a well-founded fear of persecution as specified in the 1951 Convention. Having arrived legitimately in Britain, direct from their country of origin, and with the necessary visas and passports, the genuine asylum seeker will have a classic 1951 Convention reason for fleeing. This means that the asylum seeker will have a claim for refuge based upon a well-founded fear of persecution due to race, religion, nationality, political opinion or membership of a particular social group (UN High Commissioner for Refugee Convention, 1951: Article 1.A.). The genuine asylum seeker needs to be able to demonstrate that their fear of persecution is well-founded, and that they are incapable or reluctant to seek protection from their country of origin (UK Border Agency, 2011: 38). Crucially, the genuine asylum seeker needs to be able to speak of their persecution in a detailed, consistent and coherent manner in order to be viewed as credible (Home Office, 2014: 14). Yet, as Conservative MP Kenneth Baker argued in the early 1991, although the element of persecution is central for seeking refuge, most individuals applying do so with unfounded applications. Speaking at a time when Britain was witnessing increased numbers of asylum applications from Tamils, Nigerians and Yugoslavs, Baker insisted that this increase in numbers was not equated to international unrest, but rather an abuse of a hospitable system. He insisted:

Fear of persecution is no longer the dominant element for many asylum seekers. In only a small minority of cases in the United Kingdom are the applicants shown to have a ‘well-founded fear of persecution’, as required by the terms of the 1951 United Nations convention on refugees. The convention is an instrument of last resort, designed to protect life and liberty from immediate threat. It does not confer an unfettered right to travel the world and settle in the country of one’s choice. (Baker, HC Deb 2 July 1991: vol. 194, col 165)

Many of the parliamentary debates occurring from 1990 onwards continued with this line of thought, espoused by Baker, that asylum seekers were not fleeing persecution, but were merely in search of a better life. Conservative MP Kenneth Clarke argued in a 1992 Commons debate, that ‘we must recognise that the growth in asylum applications is in part linked to the fact that anyone who asks for asylum is allowed past the normal immigration controls at our port’ with this possibility being a prize in itself to draw people (HC Deb 2 November 1992: vol. 213, col 21). Then Conservative Home Secretary Michael Howard asserted in 1995 that Britain was perceived as an attractive country for benefits internationally and argued that the lure of benefits meant that the number of genuine asylum seekers was significantly eclipsed by those seeking economic gain. Defending the government stance, Howard argued that:

For far too many people across the world, this country is far too attractive a destination for bogus asylum seekers and other illegal immigrants. The reason is simple: it is far easier to obtain access to jobs and benefits here than almost anywhere else. (Howard, HC Deb 20 November 1995a: col 335)

This same view of the abuse of British hospitality was upheld by Conservative MP Mark Wolfson (HC Deb 11 December 1995: vol. 268, col 1699) who declared ‘there can be little doubt that one of the reasons for the dramatic rise in applications to enter the UK … is the social security benefits that are available to asylum seekers here’. Indeed, most recently, Prime Minister David Cameron speaking on the Mediterranean crisis in June 2015 asserted ‘let us be clear the vast majority of people who are setting off into the
Mediterranean are not asylum seekers, but people seeking a better life’ (Cameron, House of Commons Parliament TV, 3 June 2015). With this line of logic, the genuine asylum seeker, with their well-founded fear of persecution, should possess all the necessary and relevant documentation pertaining to their persecution, and should be able to articulate their experiences of persecution in a coherent, detailed and timely manner.

A fourth criterion in the construction of the genuine asylum seeker is that they are not driven by welfare benefits or economic aspirations, but rather are focused upon seeking a safe haven. As noted, many Ministers have expressed doubts on the numbers of asylum seekers arriving on the shores of Britain. They have argued that the increase in asylum claims is connected to economic migrants abusing the asylum process to gain access to the welfare, with Michael Howard stating in a 1995 debate that Britain ‘must be a haven, not a honey pot’ (HC Deb 11 December 1995b: vol. 268, col 699). It was assumed through parliamentary debates that the genuine asylum seeker would be willing to endure hardship through policies such as reduced benefits in kind (e.g. the introduction of vouchers rather than cash).8

This position was highlighted clearly with the implementation of the IAA 1999. Jack Straw, as New Labour Home Secretary, argued at the time that the new legislation was essential so as to be ‘less of an incentive for the bogus people to come here’ (cited in The Guardian 9 February 1999). Deterrence was central within the IAA, not the protection of refugees. The objective was to remove any incentives in order to deter presumed economic migrants (Fekete, 2001; Friedman and Klein, 2008). Welfare benefits, especially, were perceived by the New Labour government and the Conservative Liberal Democrat coalition to be a major pull factor for economic migrants to use the refugee route to enter the country rather than through the traditional channels of entry (Sales, 2002: 457). Certainly, former New Labour Minister for State for Asylum and Immigration, Barbara Roach, reflected that due to poor asylum and immigration processes, the British asylum system was overwhelmed with claims for refuge, but stressed that many were unfounded, and people were entering merely for economic rather than 1951 Refugee Convention reasons (Interview, 11 May 2012). Because of this, the genuine asylum seeker was assumed to be able to tolerate further trauma in the quest for sanctuary, unlike their abusive bogus counterparts with then, New Labour Minister of State for Immigration, Citizenship and Counter-Terrorism, Beverley Hughes asserting that ‘it is vital to discourage’ applicants and to send out a clear message that ‘we will not tolerate abuse of the asylum system’ (HC Written Statement, 23rd February 2004: vol. 418, col 225W). The apparent lure of benefits features prominently within parliamentary discourse; a prime example is provided by Conservative MP Humfrey Malins. He spoke of the genuine asylum seeker in a 2003 debate, asserting that ‘… the genuine asylum seeker arriving here, fleeing persecution, torture and possible death, would, if offered a choice between going back or spending two years in a British prison, opt for prison every time …’ (HC Deb 17 December 2003: vol. 415, col 587–620).

Government have presented the genuine asylum seeker as above welfare benefits—as neither interested nor impacted by them. For the genuine asylum seeker, the lure of benefits would not matter; thus, the state reducing benefits and introducing payment in-kind in order to deter would-be abusive claimants, would not constitute a barrier for the genuine asylum seeker. This aspect of the genuine asylum seeker has been noticeable throughout the last 3 years particularly, with the Conservative Liberal Democrat coalition freezing financial support to asylum seekers at £5.23 per day, arguing in 2013 that the rates were adequate (Harper, 2013). Thus, the government asserted that the welfare support of asylum seekers should not be a central priority.
What we see emerging then is a dichotomy between the apparent deserving genuine asylum seeker who is worthy of benefits and the scheming bogus asylum seeker who is focused purely on benefits. This dichotomous labelling has escalated to the point where the government in October 2014 refused to continue funding the search and rescue programme in the Mediterranean. It was perceived to be a ‘pull factor’ as those who were crossing the Mediterranean and subsequently drowning in trying to reach Europe were viewed as merely seeking to abuse the British system—an act that the government viewed should not be encouraged (Baroness Anelay, HL Written Statement, 15 October 2014: col WA41). In the ‘cruel logic’ of government rhetoric, the more deserving the asylum seeker is, the more then, that they should be willing to endure in order to attain safety. This logic operates in the government’s favour, with the status of refugee becoming a highly prized, yet exclusive label.

The final criterion on the construction of the genuine asylum seeker is that they constitute a minority figure in the world of ‘migrants’. Despite the fact that the number of asylum seekers that actually make it to the shores of Britain is less than 2% of the world’s asylum population itself (UN High Commissioner for Refugees, UK website, n.d.-b), parliamentary debates have constructed the notion that of those arriving, the genuine asylum seeker only accounts for a sub-fraction of that total. This is despite the fact that the top 10 countries of origins for asylum seekers to Britain include war torn countries such as Syria, Nigeria, Pakistan, Sri Lanka, Bangladesh, Iran, Afghanistan, India, Eritrea and Albania (UNHCR website). Despite the origins of the asylum seeker, it has been continuously perceived within parliament that the vast majority of people arriving to this country do so with unfounded claims. In a 1992 debate, Conservative MP Iain Duncan-Smith asserted that:

many would-be immigrants have seen asylum as another way around the system. The number of those who have a genuine claim to be here, whether on the grounds of asylum or the other immigration rules, has been distorted by the numbers of bogus asylum seekers. It is they who have put such a strain on our traditional tolerance. (HC Deb 2 November 1992: vol. 213, col 21-120)

Conservative MP Michael Howard speaking in 1995 argued that ‘there are countries that generate large numbers of asylum claims, but few, if any, genuine cases’ (HC Deb 11 December 1995b: vol. 268, col 1699-808). Similarly, Conservative MP Nigel Waterson declared in a 1999 debate, that most asylum claims are bogus:

One thing that we know with certainty is that the great majority of applicants will not turn out to be genuine asylum seekers. Any regime must recognise that the great majority of applicants—who, of course, should be treated courteously and humanely while their applications are being processed, which we hope will be done swiftly—will turn out to be making bogus applications. (HC Deb 16 February 1999: vol. 326, col 37–129)

Genuine asylum seekers are considered to be a minority group, with the vast majority of applicants being charged with abusing the system. This position regarding the unfounded claims within Britain was upheld by former Prime Minister, Tony Blair in 2010. Blair reflected that:

The painful stories of refugees fleeing from Hitler and the Nazis and being turned away produced a right and proper revulsion. The presumption was that someone who claimed asylum was
persecuted and should be taken in, not cast out. It was an entirely understandable emotion in the aftermath of such horror. Unfortunately, it was completely unrealistic in the late twentieth century. The presumption was plainly false: the majority of asylum claims were not genuine. (Blair, 2010: 204)

The idealised notion of the asylum seeker was constructed through various pieces of legislation and government debates in parliament, and this has lead to a self-fulfilling prophecy. If you assume that the vast majority of applicants are bogus, and define them as such, then they will become bogus through legislation, with the legislation shaping ‘the person in the image people have of him’ (Becker, 1991: 34). The legislation itself perpetuates bogus claimants. By assuming that the vast majority of applicants entering the system are bogus, and by defining the majority of applicants as such, then they will become bogus through the legislation, as the system will only view them as such—the system expects bogus applications having assumed that only the minority applying are genuine. The legislation itself perpetuates bogus claimants.

Presented as the pinnacle of refuge, the genuine asylum seeker has continuously been presented as having had particular experiences, adhering to certain modes of travel and being knowledgeable regarding the national asylum policies. The genuine asylum seeker will have arrived direct from their country of origin and will not have arrived via a (safe) third country. They will have a classic definition of persecution and be able to articulate their story in a detailed and constructive manner. They will also not be interested in welfare benefits and will constitute a small percentage of overall migrant numbers. Those who are unable to meet this specific criterion are castigated as bogus, illegal and failed applicants, intent on abusing the generous welfare entitlements of the asylum system. It is this framing of the genuine asylum seeker that has dominated asylum policies over the last 20 years. Labour MP Jeremy Corbyn, asserted that the language employed by the government is ‘deeply dishonest’ because it always carries the assumption that Britain is a wholesome country of asylum, committed to the 1951 Refugee Convention, but at the same time, it is erecting ‘huge hurdles’ for individuals seeking asylum (Interview, 2 December 2013).

Through government debates and legislation on the construction of either the idealised asylum seeker, or the bogus asylum seeker, Labour MP Diane Abbot, eloquently noted that ‘too often in the debate, on both sides, we speak about asylum seekers as though they were some sort of inanimate object—the burden, the problem, the flood or the swamp. However, they are people’ (Abbott, HC Deb 12 April 2000: vol. 348, col 426-73). Interestingly, this is noticeable particularly, in recent House of Commons debates, with the labelling and positioning of the term refugee. From examining Hansard records between 1990 and 2015, it is apparent to see the impact of the geographical distance on the use of the label refugee. In House of Commons debates, the refugee is commonly referred to as existing ‘out there’, beyond Britain, inhabiting an environment that is far away. Within the camps of Zaatari, Syria, Darfur, Palestine—this is where the refugee exists. The refugee does not reside in the United Kingdom. Indeed, the geographical distance of the refugee has been reinforced during the Mediterranean refugee crisis when David Cameron (HC Deb 7 September 2015: vol. 599, col 24) asserted that Britain would accept 20,000 refugees from the camps in Turkey, Lebanon and Syria. Those who have undertaken the journey to Europe are not perceived as genuine asylum seekers or refugees.

For those seeking refuge in Britain, the term asylum seeker is firmly employed with the label itself fractured into inferior, more politically sensitive labels, such as bogus, abusive, illegal, or more recently, the growing use of the label (economic) migrant. What
we are witnessing is the further fracturing of the refugee label, emanating from the host state, into the indistinct label of migrant that subsumes the label of refugee and asylum seeker alongside the migrant label. Yet, even the refugee is still a label in itself that is separated from the ultimate label of citizen, a label in itself. What this has resulted in is a politics of hospitality where fear of the other abusing the system results in consecutive host governments fracturing the label of refuge, creating an idealised genuine refugee label that a minority will attain, and of which the majority are deemed unworthy. By employing hospitality, the state is then able to wield an immense level of power, fracturing the label of refugee in order to protect itself from potential ‘parasitical’ guests who are perceived to be abusing the hospitality provided.

Conclusion

Philip Marfleet (2006: xii) raised the question as to why yesterday’s ‘deserving refugee’ has become the ‘menacing and unwelcome alien’ of today. However, this article has underlined how today’s asylum seeker is the same as yesterday’s asylum seeker: unwelcome and viewed with suspicion by the host state. In reflecting on the manner of the British asylum process, this article has sought to examine how the politics of hospitality and the language of labelling have resulted in the creation of an idealised genuine asylum seeker that has allowed the label of refugee to be fractured into inferior sub-categories, further removing the guest asylum seeker from the sanctuary sought. Through identifying five ways in which successive governments since 1990 have sought to fracture the label of the refugee, the article has identified the process of labelling that is occurring within the British asylum system, at the expense of the asylum seeker. Hospitality has always been a policy that has been asserted by British governments, but in reality, the process of asylum in Britain reflects the notion of hospitality: with hospitality and hostility very much being two sides of the same coin operating within the British host system.

With the establishment of the idealised genuine asylum seeker, consecutive British governments have been able to create a self-fulfilling prophecy regarding the abuse of the system. The host, by initiating policies and legislation that have identified accepted behaviours and experiences of a genuine asylum seeker, the construction of an idealised asylum seeker has emerged at the expense of those not able to meet the criteria, through no fault of their own. This labelling has allowed consecutive governments since 1990, through the politics of labelling, to castigate the majority of asylum claimants as bogus, abusive, illegal or simply economic migrants.

By setting the bar so high, the vast majority of those arriving will automatically be viewed and shaped into inferior labels of asylum. The process of labelling the genuine asylum seeker, in this regard, operates in the state’s interest, highlighting the political nature of labelling. By fragmenting the label of the refugee, consecutive British governments, since 1990 and regardless of political leanings, have been able to implement policies that strike at the heart of the asylum system by asserting that they are protecting themselves, as well as the genuine asylum seeker from the growing hordes of abusive claimants. This is how the 1951 Refugee Convention has operated in Britain, but as James Hathaway (1991: 180) notes, this is how the Convention has always operated—with the needs of states first, noting that the Convention is a ‘facade of universal humane concern’. This facade of hospitality needs to be challenged, for although Britain is still engaging in the refugee process and upholding the 1951 Refugee Convention, the notion of unconditional hospitality is not the model to which they aspire. Rather hospitality is in
operation, whereby fear of the other abusing the system (and the host state) is resulting in stringent policies that are detrimentally impacting on those individuals seeking sanctuary in Britain.

Within 2015 alone, the figure of the asylum seeker has received considerable negative news coverage. From the Mediterranean refugee crisis to the Calais troubles, the other is presented as a threat, a threat to our security, to the UK’s way of life and to the genuine asylum seeker. With Prime Minister David Cameron referring to the other as ‘a swarm of people coming across the Mediterranean, seeking a better life’ (BBC News, 30 July 2015), now more than ever does the notion of hospitality need to be challenged and upheld. Asylum policies in Britain reveal the restrictions, as well as the hostility, directed towards the asylum figure and highlights the continued narrowing of the parameters of asylum seeking by the host. Accordingly, Derrida’s approach of hospitality helps to identify the processes of hospitality and hostility that are running parallel to one another within the British asylum process. Niklaus Steiner (cited in Bohmer and Shuman, 2008: 266) notes, ‘no one in Europe is arguing to have asylum abolished’; however, British governments are doing all in their power to operate a policy of diminishing numbers. The politics of hospitality and the language of labelling reveal a process where hospitality is in full operation, resulting in British governments continuing to view asylum seekers as anything but refugees in need.

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Notes

1. During the 1980s, asylum applications to Britain were fairly steady, with figures, annually falling under 5000 until 1989 when the figures increased to 11,640. It is only in 1990 that we see the first significant spike in asylum figures with 26,205. Since 1990, asylum figures in Britain have never fallen below 17,000. Hawkins (2014: 5).

2. Much has been written on consecutive government policies on asylum. For a detailed literature on British asylum policies, see: Bloch (2000); Stevens (2004); Sales (2002); and Schuster and Solomos (2001).

3. See Foucault (1991, 2009).

4. See Hall (1978).

5. See Said (2003) and Bhabha (1994).

6. The most recent (complete) government figures show that as of May 2013, 63% of asylum seekers to Britain had had their application refused. Only 37% of asylum applications were granted refugee status, temporary protection, or another form of protection at the initial stage. Within that same year, of the 63% who were refused initially and appealed, the Government statistics show that only 26% of these appeals were upheld with 67% dismissed, and the final 4% being either withdrawn or discarded. The figures for 2013 construct a picture of an asylum system where refusal is the norm, and those attaining refuge are in the minority. This is despite asylum seekers arriving from some of the most unstable regions in the world (Syria, Iran, Pakistan, Sri Lanka, Afghanistan, Nigeria, Eritrea, India, Bangladesh and Albania). Home Office (2013: Section 8.3). These figures are similar to those presented by Oliver Hawkins in his 2011 report showing a continuation of the appeal trend for dismissal: Hawkins (2011: 5).

7. This overlooks the colonial legacy that is connected to the British asylum system. Out of the top 10 countries of origin for asylum seekers for 2014, for example, 5 have directions connections with British colonialism: Pakistan, Sri Lanka, Bangladesh, India and Nigeria. In Iran and Afghanistan, there is a colonial legacy with Britain having acted as a territorial protectorate. Of the remaining: Syria was a territory under French colonial rule, and Eritrea and Albania buck the trend. UN High Commissioner for Refugee UK website (n.d.-a).

8. The vouchers were only valued at 70% of basic income support, and along with the vouchers, asylum seekers through the IAA were entitled to £10 in cash. For Rosemary Sales, this resulted in asylum seekers
severely limited to basic welfare provisions such as health or legal services, and since the value of the vouchers was set so low, it was completely inadequate to offer a healthy diet particularly for families with children. Sales (2002: 465).

9. For example, see the House of Commons Debate (2011a, 2011b).

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