Is it a Crime to Seek Refuge?

Keelin Howard examines the effects of press (and political) rhetoric depicting refugees, immigrants and asylum seekers as criminals.

That certain sections of the press 'demonise' people who seek asylum in Britain is by now well-documented. A further, less-explored aspect of this is the *criminalisation* by the media of those who seek refuge here. The pervasive media portrayal of asylum seekers as being criminal or potentially criminal, of being in this country under fraudulent pretences, serves to further marginalise them and has a very real and sometimes dangerous effect on public opinion and public behaviour.

One example of this was a parish councillor in a Yorkshire village, representing residents opposed to the building of a hostel for asylum seekers, who was quoted as saying: "these are elderly people, nervous of what is going to happen. People have read stories about beggars and armed gangs." Labour MP Clive Soley recently said of the concerns over asylum seekers some of his constituents voice: "The fear is irrational and based on racism, but it is real and you cannot ignore it".

"Asylum run as criminal racket"* The Times, *Feb 7th 2001

"How 1,000 a night want to steal through the Chunnel... as many as 1,000 illegal immigrants a night try to smuggle themselves on to trains going through the Channel Tunnel to claim asylum in Britain"* Daily Mail *20 Feb 2001

"Illegal immigrants, asylum-seekers... bootleggers... scum of the earth drug smugglers... the backdraft of a nation's human sewage" Nick Hudson in the* Dover Express, *1 Oct '98

And yet, a report and good practice guide recently published by ACPO (the Association of Chief Police Officers) categorically states "The vast majority of people seeking asylum are law-abiding citizens". Since government legislation now orders the dispersal of asylum seekers around the country, accurately informed local and national media coverage is even more vitally important. Shah (2000) says 'racist campaigns are appearing at local levels as residents reportedly resent the presence of refugee groups who are frequently portrayed as criminals'. ACPO's report states that "There are far reaching implications for the asylum community, as potential victims of crime who may be subject to harassment, as well as to the local community who may feel an increased fear of crime as a result of dispersal arrangements".

A rigorous piece of research is needed to thoroughly assess the role of different sections of the media in unfairly criminalising asylum seekers, and media implication in racist campaigns and in amplifying racist fears. However, even in this brief article we can survey some ways in which 'the media' (fundamentally in this case sections of the national tabloid press) criminalise asylum seekers, and how the reality behind the headlines is twisted and inverted by rhetoric.

Disproportionate reporting

Crime and offences *by* asylum seekers are reported disproportionately, sensationalised with emotive language and given more space than befits the crime. This suggests that asylum seekers are more generically criminal than the British population, and spreads fear and mistrust amongst people in communities where asylum seekers may be dispersed. After the rape of a woman near Hastings by men described as having 'foreign accents' and 'eastern European' appearances, the tabloids began another attack on refugees in general as if all refugees were potential rapists (Campaign Against Racism and Fascism - CARF 55, April/May 2000).

Bursts of press hysteria around particular instances of asylum seekers involved in crime, such as the coverage of Roma women with children 'aggressively' begging, fit many of the criteria of moral panics in which asylum seekers are folk-devils and deviants. The public is seldom informed of the realities behind the stories, for example that some offences committed between asylum seekers may be due to over-crowded accommodation of people from conflicting factions of the societies they have just escaped. Begging is more likely to occur because asylum seekers are expected to subsist on 70 per cent of income support levels which includes only 10 pounds a week in cash. This and being forbidden to work for six months after arrival, makes people more vulnerable to working illegally and being exploited by unscrupulous employers who pay far below a minimum wage.

Another factor in media criminalising of asylum seekers is that of 'criminal by association', where newspapers run headlines and stories which blur the boundaries between so-called 'criminal gangs of people smugglers' and those being 'smuggled'. For instance, "Asylum run as criminal racket" (*The Times*, Feb 7th 2001) and "Straw admits crime gangs now control asylum system... Labour has lost control of the asylum system and allowed it to be taken over by criminal gangs... a body blow to the Government's claim to have cracked down on asylum cheats" (*Daily Mail*, Feb 7th 2001).

Government policy and the language of illegality The language of *illegality* is so pervasive in descriptions of asylum seekers that it has now become

commonplace. 'Illegal immigrants', 'asylum seekers' and 'refugees' are labels that are often used interchangeably and carelessly by all sections of the media, when in fact these terms have quite specific legal meanings. The juxtaposition of these two headlines in *The Times*, Feb 14 2001 is typical of this: "Illegal workers imported by Mafia" next to "Asylum-seekers are exploiting rights charter". The interchange and juxtaposition of 'illegal immigrant' with 'asylum seeker' throws an air of illegality over all asylum seekers, while mistrust and suspicion are generated by constant references to 'bogus asylum seekers'. Contrary to popular terminology, there can in fact be no such thing as a 'bogus asylum seeker' (evidence for *claims* for asylum might be unavailable, or even false in some cases, but a person claiming asylum can *only* be a genuine asylum seeker). This distinction seems lost even on Tony Blair, who said on 1 March 2000 "Those measures will help us separate bogus asylum seekers from genuine asylum seekers."

This language of illegality used by the tabloid press obscures the actual reality of the legal position of asylum seekers under international law: "How 1,000 a night want to *steal* through the Chunnel... as many as 1,000 *illegal* immigrants a night try to *smuggle* themselves on to trains going through the Channel Tunnel to claim asylum in Britain" (*Daily Mail* 20 Feb 2001, my italics).

What this piece does not go on to say is that, according to the 1951 Geneva Convention, Britain is legally obliged to provide refuge for those fleeing persecution whether they have legal documentation or not. In defiance of this principle, the government continues to make it almost impossible for asylum seekers to enter Britain legally, with tighter security, large fines imposed on carriers who allow people to slip through, and tightened "visa control... on citizens of most former black colonies and refugee-producing countries" (Cohen 2001).

Shah (2000) argues that as well as the legal and statutory changes preventing the arrival of people seeking asylum, the latest "legalised marginalisation of refugees" includes "police powers... given to immigration and police officers to maintain close control of asylum seekers once in the UK". For instance, the 1999 Asylum and Immigration Act lays out powers to arrest and search persons and to enter and search premises without warrant, approaching "... its logical conclusion of transforming the entire state machine into partners of the immigration service" (Cohen 2001).

Probably the most disturbing case of government criminalisation of asylum seekers is the increasing use of arbitrary imprisonment in detention centres, including plans to build new 'centres' and make 500 new places available in HM prisons. Detained asylum seekers have fewer rights than convicted criminals: they are not told the length of their sentence and they often don't know why they are being detained. Immigration detention is traumatic for those detained, and adds to their stigmatization by the host society and to the public confusion over the 'legal' status of refugees, giving the impression that to seek asylum is a crime. The general consensus of government policy and sections of the media is that asylum seekers are guilty until proved innocent.

From rhetorical to physical violence

In the most extreme cases blatant racist rhetoric such as this has been published: "illegal immigrants, asylum-seekers... bootleggers... scum of the earth drug smugglers... the backdraft of a nation's human sewage" (Nick Hudson in the *Dover Express*, 1 Oct '98). The publication of this piece was followed by: acts of physical violence against asylum seekers and black and Asian British citizens who were mistaken for asylum seekers; violent clashes in Dover between local residents and asylum seekers; National Front rallies on the Kent coast and an escalating campaign of the "war against bogus asylum-seekers" by national tabloids, particularly the *Daily Mail*.

The national climate is now such that The Refugee Council say they receive reports of harassment against asylum seekers everyday. A catalogue of local press cuttings documents some of this: " a Kurdish man was set upon in the street by a gang of 15 people" (*The Glaswegian*, Aug 10 2000); "Racist thugs have launched attacks against asylum seekers living in Oldham" (*Oldham Chronicle*, Sept 4 2000); "a young Kosovan asylum seeker was knifed while playing football in an unprovoked attack by local young men... medical staff revealed bullet wounds to his head and neck that had healed over" (*Coventry Evening Telegraph*, Sept 19 2000. Press clippings collated by the Refugee Council's 'iNexile' magazine, October 2000). Such incidents are rarely reported in the *national* press.

Managing public opinion

That asylum seekers have become highly visible targets of racist violence has been recognised by the ACPO report which warns of the dangers of "ill-informed, adverse media coverage" saying, "racist expressions towards asylum seekers appear to have become common currency and acceptable in a way which would never be tolerated towards any other minority." Amongst its 28 recommendations for more sensitive, trust-building policing of communities with asylum seekers, the ACPO report insists that the police must be actively involved in inter-agency media strategies ensuring that media coverage is accurate, responsible and well-informed.

Despite criminalising policies, the government recognises the effect of media coverage on public opinion (and public acceptance of their policies). The new Home Office agency NASS (National Asylum Support Service) made it a contractual obligation that the regional consortia of agencies involved in supporting dispersed asylum seekers must have a media strategy in place. *Another Country* (July 2000), the Audit Commission's report on dispersal, highlighted the need *before dispersal* for accurately,

informative and balanced media coverage, including the positive contributions asylum seekers can make and information about the conditions they have come from. It recommended that all supporting agencies should be pro-active in supplying such information to dispel harmful media myths. Speers (2001) found that when the local media in Wales were fully and accurately briefed, the reporting generally reflected this. She calls for more accurate information directed to the media at national levels.

The evidence shows what can be done locally with a properly informed pro-active approach stressing the enriching qualities of asylum seekers. *Anyone* who cares must engage in 'myth-busting', because as Stan Cohen (2000) says "Besides the specific renewal of the deep prejudice against Gypsies, there is the general media and public crusade against immigrants, asylum seekers and refugees".

However as we have seen it is not simply the media that criminalises asylum seekers: "This crusade is fully synchronised with the government's populist 'policy' of doing everything possible to let as few outsiders into the country as possible (and criminalising many in the process). That a social democratic government has succeeded into making 'asylum seekers' and 'refugees' into monster words is almost unbelievable". ■

***Keelin Howard** is a PhD student at Buckinghamshire Chilterns University College researching the implementation of the Immigration and Asylum Act 1999.*

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Blood on the News-stands

Mike Jempson, Director of The Press Wise Trust, argues that journalists are responsible for the consequences when asylum-seekers are scapegoated by the media.

Within hours of the sensational press treatment given to *The Future of Multi-Ethnic Britain*, the Runnymede Trust report published last October, a member of the public called the Trust to say "To show you what I think of your report, I'm going to go out of my house right now and I'm going to slit the throat of the first Paki I meet".

Such sickening bravado from one of the many racists who populate our streets may not provide the scientific evidence required to link press coverage to the rise in racially-motivated violence we have witnessed in recent years, but it should at least give journalists pause for thought.

Certainly many of those who attended our recent Forum in Westminster on Refugees, Asylum-seekers and the Media would insist that there is a connection. It may no longer be polite to express racist views in public, but the unease generated by countless scare stories about Britain being 'overrun by foreigners' has offered legitimacy to xenophobia and hostility to an unspecified class of people known as 'asylum-seekers'.

The term itself has become one of abuse. Gone are the days when sympathetic media coverage of Kosovar Albanians encouraged people to welcome the refugees with open arms while NATO bombed their persecutors. Now we are led to believe, especially by *The Daily Mail*, that Britain has become the magnet for the world's dispossessed.

Never mind the fact that some of the world's poorest nations are harbouring the vast majority of the estimated 12 million refugees worldwide. Nor that the real villains are the unscrupulous traffickers who have turned political and environmental instability into a thriving business. Nor, indeed, that the leading contingent of asylum-seekers are Kurds from Iraq fleeing Saddam's oppressive regime, which Britain also continues to bomb. The media cannot have it both ways. Journalists may take proper satisfaction when our efforts expose the failures of governments and the anti-social activities of criminals, but we must beware hypocrisy that can quickly undermine our credibility with the public.

While seeking to deflect blame for the hysterical reactions to the arrival of poor and persecuted Roma from Slovakia in October 1997, some reports insisted that the new arrivals had been encouraged to come by 'foreign' TV documentaries which suggested that Britain was a safe and salubrious haven.

The headlines on Monday 20 October 1997 said it all:

3,000 GIPSIES HEAD FOR ENGLAND: We have best handouts (*Sun*)

Dover overwhelmed by Gypsy asylum-seekers (*The Times*)

Gypsies invade Dover, hoping for a handout (*Independent*)

Resentment as 'invasion' continues (*Daily Telegraph*)

The Dover Deluge: Pleas for action as port is flooded by gypsy asylum seekers (*Daily Mail*)

Gipsy scam grows: Thousands on the way seeking benefits cash (*Express*)

Crisis talks on Gipsies (*Mirror*)

Tide of Gypsy asylum ebbs (*Guardian*)

The response was immediate. Racist organisations took to the streets of Dover, Jack Straw immediately imposed visa restrictions on all Slovakians (incidentally generating even more hostility to Roma on the streets of Bratislava), and the press had a field day with public indignation that destitute Roma were begging in Britain. None of these reactions improved community relations, or defused the vitriol of racists who need little excuse to blame foreigners for the country's ills.

RAM Forum

On 1 February this year, MPs in the House of Commons exercised their lungs over the chaos of successive government asylum policies. Nearby in a hall in Westminster at the Refugees, Asylum-seekers and the Media (RAM) Forum, Nazand Beghikani, an exile from Iraqi Kurdistan who now works for the RAM project, gave a shocking account of what happened to her brother in Germany.

He sought refuge in Germany after the execution of two of their other siblings in Saddam's gaols, and was reported missing by his wife after the family received threats from local Nazis. Determined to prove that he had merely gone underground to seek asylum elsewhere in Europe, the police tapped the family phone, convinced they would hear him reporting on his progress. Instead they were forced to acknowledge that the family was receiving death threats. Six weeks later they found his body in a nearby river — and promptly recorded it as suicide.

Similar stories of violence against asylum seekers in Britain are finding their way into the headlines, although much racial violence goes unreported. Meanwhile, the police have at last acknowledged that violence against refugees is a serious threat to public order. The Association of Chief Police Officers has warned that more must be done to tackle this racially-motivated violence. The recent Channel Four documentary *Bloody Foreigners*, shot largely undercover, provided graphic evidence of threats and violence against those stigmatised by the media as spongers and ne'er-do-wells. And Jay Rayner's study for *The Observer* (18 Feb) demonstrated that the most significant increase is to be found in rural areas unused to these new strangers in their midst. Small wonder that police officers from West Country race hate units, concerned at hostility directed at the relatively few asylum-seekers who have been relocated in the region, expressed their concerns at a media workshop PressWise ran at a Searchlight anti-racism day in Bristol last autumn.

According to a survey conducted for the eminently respectable Readers' Digest by the equally respected MORI organisation, the public appear to think that Britain is being overrun by feckless foreigners attracted by the prospect of generous state benefits. Apparently 80 per cent of British people believe refugees see the UK as a 'soft touch'. (*The Daily Mail* gleefully announced that even Labour MPs share this view on its 1 Feb front page.)

The MORI poll revealed that 63 per cent of the population think the state provides asylum-seekers with £100 a week more than the £38 they actually receive, mostly in the form of food vouchers for which there are no cash reimbursements if they underspend. Even more worrying the majority of British people believe that 20 per cent of the UK population are immigrants, and 26 per cent of the population are from ethnic minorities. In actual fact only seven per cent of the population are from ethnic minorities and only about four per cent are immigrants.

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Who is to blame for this extraordinary level of ignorance? I would not lay it entirely at the door of the media, although it is high time journalists looked at the consequences of pandering to popular prejudice and misrepresenting or incompletely explaining facts. That, as every politician knows, has always been a good way of grabbing headlines and making electoral capital out of public unease. Newspaper owners are in the business of selling more newspapers every day, not just trying to win votes every few years. With the asylum issue firmly on the forthcoming general election agenda this could prove to be a lethal cocktail.

The RAM Forum attempted (and failed) to get political parties and editorial executives to agree ground-rules for the election campaign to protect asylum-seekers from the backwash of prejudice, and we can be sure that anyone playing the race card will get extensive media coverage. Yet social scientist Dr Shamit Saggar of Queen Mary College told the Forum and Newsnight that voting patterns over the last 50 years demonstrate that pandering to racism

has lost the power to catch votes among an increasingly open-minded electorate.

Complaints

Complaints Commission procedures do not allow for investigation of objections to press stories attacking vaguely identified social groups - like refugees and asylum-seekers - and has in the past bestowed respectability on the use of pejorative expressions like 'Chinks' by treating them as the common parlance of ordinary people.

To his credit, PCC Chair Lord Wakeham has issued a series of statements warning editors about the danger of inflaming public passions with inaccurate or misleading coverage of refugees and asylum-seekers. But these groups are not likely to make complaints to the PCC because they fear harassment following a complaint, or because they do not or cannot read British newspapers. Even if complaints are successful, newspapers are only obliged to publish a correction and apology, rather than make proper amends for the damage they have caused to individuals and groups of people.

Our RAM project is designed to empower exiles and their support groups to take issue when the print and broadcast media get things wrong, and we are keen to assist those who wish to make specific complaints to the regulators. Far better, however, if journalists and their editors cease to scapegoat people whose only offence is the desire for a better, safer life. We would all be better served if they concentrated instead on informing the public about the root causes of mass migration (often linked to Britain's foreign policies), offered constructive criticism about where the asylum system has gone wrong, and hounded those who exploit the dispossessed - including the racists who make their lives a misery in what is supposed to be a tolerant society.

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***Mike Jempson** is Director of The PressWise Trust, based in Bristol (ram@presswise.org.uk). The RAM Forum (Refugees, Asylum-seekers and the Media), was held on 1 February 2001 at Abbey Community Centre in Westminster. The session was moderated by BBC Newscaster George Alagiah, with Kamal Ahmed of The Observer and Dorothy Byrne, Channel 4 Commissioning Editor.*

Reporting Corporate Crime Out of Existence

Despite its severe impact, corporate crime is relatively neglected in media coverage of crime and not categorised as 'crime'. Steve Tombs and Dave Whyte ask if it is time to challenge these popular and academic constructions.

As we approach another general election, in which, if recent political debate is anything to go by, 'crime' will emerge as a key issue, we should be prepared for an extra large helping of mass media superficiality, distortion and sensationalism. This is one feature that might well distinguish this campaign from that in 1997, in which the issue of crime did not feature in the top ten election issues treated by the media (*The Guardian*, 21 April 1997). However, we can be reasonably certain that amongst the 'garrulous discourse' on crime and law and order that finds its way into our newspapers, there will be little - if any - consideration of corporate crime, despite overwhelming evidence of its greater economic, physical and social impacts (Slapper and Tombs, 1999).

This is an apt moment to present briefly some findings from our analysis of 'crime stories' in five national newspapers and their Sunday counterparts in the six weeks (17 March 1997 - 1 May 1997 inclusive) leading up to the last British general election. Our analysis established a total of 1148 crime stories in the nine publications during our period of analysis. Of those, 911 were categorised as conventional crime and 237 as corporate crime. 'Conventional crime' stories fell into four categories: those covering policy on criminal justice and changes in the criminal legal processes; profiles of known criminals; feature stories on particular crime problems; and accounts of incidents dealt with by criminal justice institutions and criminal legal processes. Our category of 'corporate crime' covered offences occurring in the context of legitimate, formal, business organisations which, following Sutherland, are punishable by the state under administrative, civil or criminal law. We also extended our category of corporate crime to include the following: public, state and internal organisational inquiries into incidents that potentially involved corporate offences; public statements and reprimands made by regulatory authorities; cases tried in the UK that relate to non-UK or 'international' offences; and stories that focused upon well known cases and individuals associated with corporate crime.

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Reporting corporate crime

- The reporting of 'conventional' crime stories vastly outweighed that of corporate crime: in the *Daily Mirror* and *Sunday Mirror*, the ratio between these was 20:1, in the *Sun* and *News of the World* 9:1, the *Daily Telegraph* and *Sunday Telegraph* 4:1, and in the *Guardian* and *Observer* 2:1. This overwhelming focus upon 'conventional crimes' is thus greatest in the tabloids, while the imbalance is less stark in broadsheets, and particularly in the more liberal *Observer* and *Guardian*. The circulation of these tabloids was on average about ten times greater than the broadsheets (*The Guardian*, 1997).
- By contrast, the *Financial Times* ran four times as many corporate crime as conventional crime stories during this period. As a paper that reports mainly market and business news, and sells to a specialist business audience, it is clearly better placed to report the realities of the world of business than other newspapers. As Ralph Nader has remarked of the FT's American counterpart, "The *Wall Street Journal* has so much information on corporate crime, it should be named the Crime Street Journal" (Sherrill 1997).
- The majority (55 per cent) of corporate crime stories in our data set related to financial frauds. This supports the argument that where corporate crime does attract legal, political or popular attention, this is much more likely to be for crimes inimical to the effective functioning, and claims to legitimacy, of capitalism (Pearce and Tombs 1998).
- Corporate crime stories were unlikely to make the first three pages of the newspaper, that is, to receive such priority as to be either front page, or on the 'inside' pages two and three. A total of four corporate crime stories made pages two and three of the high-circulation *Sun* and *Mirror* during this period. None made the front page. Thus, where corporate crimes were represented, they tended to appear away from headline news, tucked away in later pages or specialist 'business' or 'finance' sections.
- Related to this point, when corporate crime was reported, it tended neither to be represented as a crime story, nor reported in the language of crime. Indeed, these read in a way that often made it difficult to distinguish a corporate crime story from a 'business' or 'finance' story with a distinctly 'pro-business' spin. A case in point was the representation of the debate around appropriate forms of regulation in the aftermath of the e-coli outbreak in Lanarkshire. *The Sun*, warning of the potential damage to butchers' profits that could be caused by an over-bearing state, headlined their story "Butchers Could Go Bust in Food Safety Clampdown" (9 April, 1997). On the same day, *The Daily Telegraph* took a similar line with the headline "Butchers Face Closure Under New Rules".

Of course, newspaper coverage of 'crime' both reflects and in turn reinforces the general marginalisation of corporate crime within 'crime, law and order' discourses: newspapers do not simply reflect passively political and legal discourses and practice, but play an active role in this process. It may be the case, then, that current debates around corporate power - in relation, for example, to deaths on the railways or fuel profiteering - may force themselves into election debate, and be represented within the print media as issues of corporate illegality. Frankly, though, we doubt it. This pessimism is informed not least by a recognition of the failure of criminology itself to treat such issues as 'real' crime. It is sixty years since Edwin Sutherland's attempt to free the discipline of criminology from the grip of dominant definitions of 'crime' handed down by the powerful. Is it not time that a few more of us started to redress this grossly distorted story?

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***Steve Tombs** is Professor of Sociology, Centre for Criminal Justice, Liverpool John Moores University. **Dave Whyte** is Lecturer in Criminology, Manchester Metropolitan University. They are currently preparing for publication an edited text, Researching the Crimes of the Powerful: scrutinising states and corporations (2002, New York/London: Peter Lang)*

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