

Workers Control Not Immigration Controls

A programme for Trades Unions proposed by No One Is Illegal



“NATFHE welcomes the publication of this pamphlet to stimulate debate in the trade union movement on this vital issue”

Paul Mackney, General Secretary, NATFHE – The University & College Lecturers Union, April 2006

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Pamphlet published May Day 2006

Introduction

No immigration controls in the workplace!

The well known phrase “workers of the world unite” does not mean “only workers with the correct immigration status” unite. It means all workers both here and internationally. The function of immigration controls is to ensure the absolute reversal of this principal. It is to ensure the global division and antagonism between workers. This is divide and rule based on the crudest nationalism and racism. Workers’ unity means getting rid of controls. This may seem unrealistic, fantastic and utopian. It would certainly require an enormous political upheaval.

Some unions have indeed at some times adopted resolutions in opposition to controls in principle and in so doing have effectively accepted the slogan No One Is Illegal. This has been the result of the self-organisation of those threatened by controls – organising either within the unions or through anti-deportation campaigns.

The 1989 NALGO (the predecessor of UNISON) conference demanded the abolition of all controls. In the same period NAPO (the probation workers union) adopted a similar position. In the recent period the 2005 conference of NAFHE (workers in higher education) passed a resolution committing the union to “support the right of any person to come and live and seek employment in the UK for whatever reason”. The 2006 NUJ (journalists) conference passed a resolution “to campaign for a policy of opposing all immigration controls and to promote the right to free movement, together with equal rights for all residents of whatever nationality”

The programme that dare not speak its name

However opposition to controls in their totality has with rare exceptions become the programme that dare not speak its name. Instead another and opposite orthodoxy is dominant in the labour

movement. This is the demand for "fair" or "benign" or "compassionate" controls. And meeting this demand would not require a political upheaval. It would require a miracle. By their very definition controls are inevitably, unjust and malign. It is the idea that controls can be non-racist or fair that is unrealistic. There cannot be equal opportunities immigration control.

Most of the reasons why there cannot be "fair" controls are really transparent and don't require much reflection. First, the initial legislative controls, the 1905 Aliens Act, were based on that most primitive of racisms, anti-Semitism, and were directed against Jewish refugees fleeing Tsarist Russia. Second, the next wave of controls, starting with the 1962 Commonwealth Immigrants Act, were directed at black people (this itself being in some ways anticipated as early as 1925 in a Coloured Alien Seamen Order requiring the enforced registration with the police of "coloured" seafarers). None of this is much of an advert for the idea that controls can be turned inside out and rendered "non-racist". Third, controls are anyhow based on the vilest nationalism – the idea that the right to come to or stay in the UK should be reserved only for members of a privileged club who somehow have managed to acquire the franchise. This is why there should be opposed both the present work permit scheme and also the proposed new scheme based on a points system for workers. Fourth, controls can never, by any definition or redefinition, be "fair" to those excluded by them. Fifth, the very first control on peoples' global movement prior to legislation was slavery out of Africa – which again was hardly susceptible of being rendered benign or compassionate.

All this is obvious. What is less obvious, because less known, is that controls are in fact a result of successful fascistic agitation. The 1905 Act was largely the result of agitation by an organisation now lost (suppressed) to history – the British Brothers League. The 1962 Act followed quickly on the so-called Notting Hill riots (actually racist white riots) of 1958 which were organised by fascist groups such as Oswald Mosley's Union Movement. The idea that a political construct such as immigration restrictions which are a product of fascistic activity can somehow be sanitised and rendered harmless simply does not make sense. It is equivalent to arguing that all that is wrong with

fascist groups like the British National Party is that they are “unfair” and we ought to fight to make them non-racist. As the saying goes – a leopard can’t change its spots.

Workplace immigration controls

The fact that the destruction of controls would require a huge political movement – maybe even a revolution – is not a statement of pessimism. It does not imply any acceptance of controls until the day of complete deliverance. Rather it is a statement that all criticisms of control, all demands made against particular controls, should be on the basis of opposition to restrictions in principle – on the basis that No One Is Illegal! Within this political framework trade union agitation becomes crucial.

This is because of something often ignored – namely immigration controls come into conflict with union organisation on a daily basis at the workplace. Immigration laws are a total system - they are about internal controls as well as exclusion and deportation. In particular most welfare entitlements (social housing, non-contributory benefits, hospital treatment) are dependent on immigration status as is the right to work itself. As a consequence of this total system it is inevitable that controls regularly and directly impinge upon workers in the course of their employment or their union activities. Of course trade unionists should oppose controls in every context in which they arise – such as detentions and deportations – because in every context in which they arise they are a manifestation of racism. However the need for trade union involvement goes well beyond this and extends into the heart of the employment relationship itself.

A danger to all workers

Immigration controls are a danger to all trade unionists. – including those workers with full immigration status. One of the functions of immigration control is to undercut the wages and conditions of all workers by transforming migrant labour and labour without any immigration status into a non-unionised low-waged workforce unprotected by labour legislation. Which is why there is a need to fight for the regularisation of immigration status, for full

unionisation and for equality of wages and conditions for all. In the past the trade union movement has, unfortunately, often been in the forefront of agitating for controls. For instance the very first controls – the 1905 Aliens Act aimed at Jewish refugees – was preceded by the TUC demanding controls. Again in the 1950s and 1960s the TUC supported controls against black commonwealth workers.

But it should be remembered that though some unions regrettably supported the 1905 Act yet other unions even then opposed immigration laws on principle. In 1895 these mainly Jewish trade unions produced a pamphlet against controls – A Voice From The Aliens – which persuaded some English trade unionists to reject controls. This has been reproduced on the No One Is Illegal website.

Today the labour movement has once again begun to change its position, to begin to take a critical position towards the present laws – and again this is due to a great extent to the resistance and anti-deportation campaigns of those threatened by controls. Today it is possible to once again open up the whole debate. It is possible to start to challenge the very existence of controls

Part one

For a trade union action programme against controls

Closing down Immigration controls

What has to be faced up to is that it is now utterly inadequate to give lip service to the appalling cruelty inflicted by immigration control. What has to be acknowledged is that controls cannot be sanitised on a case by case basis – no more than a tiger can be tamed by the extraction of tooth by tooth.

Trades unions are central here. For instance would any union tolerate its members as part of their job contract being made to impose quotas for job opportunities or housing opportunities or health treatment or welfare support on black people? We assume not. However in effect immigration controls, by linking entitlements to immigration status, impose quotas on the undocumented in respect to virtually all welfare provision. Indeed asylum seekers have been removed totally from the welfare state and are now subject to a new poor law administered by the “welfare wing” of the Home Office – the National Asylum Support Service (NASS). This a poor law based on maintenance at 70% of income support level, forced dispersal throughout the country and eviction onto the streets for rejected asylum seekers. And all this is administered by trade unionists.

Trade unions in this country are still very powerful. If the labour movement had the political will it could pull the plug on immigration controls and close them down. This is precisely because many of the crucial sectors that enforce immigration control are heavily unionised. Proper use of this trade union organisation could make controls unworkable.

This is clearly the case at the epicentres of controls. The administrative nerve centre of immigration restrictions is the Immigration and Nationality Directorate based at Lunar House in Croydon. A few years ago the system was almost brought to its knees

when the computer system malfunctioned. Imagine what a strike would achieve in combating the racism of controls!

Another organisational base of immigration control is at airports. Trade union action at airports could effectively stop deportations by refusing to service or fly planes carrying passengers being expelled.

In Germany an organisation known as Deportation Class has campaigned against Lufthansa Airlines to prevent deportations. Law experts of the German pilots' association "Cockpit" have declared that it is illegal to deport human beings who are brought into the airplane in shackles. According to their opinion, the captain should refuse to participate in such a deportation, due to the risk of criminal proceedings against himself. Accordingly, "Cockpit" call all their members to make sure before take-off that anybody in the process of being deported is staying voluntarily inside the airplane. The international pilots' association also considers it to be a prerequisite that the person in question is "willing to travel". There are examples of pilots and air crew in the UK refusing to fly out deportees

No One Is Illegal!

In all other areas of the law it is the activity that is unlawful. Under immigration controls it is humanity that is reduced to being unlawful. The phrase "No One Is Illegal" means what it says. It does not mean only some people are legal. It goes beyond fighting just for asylum-seekers. Asylum-seekers are only the latest of the unwanted to be demonised. In the past it was immigrants, those wanting to settle here, often seeking to join their family. Or else it was migrants, those wanting to work here. And these groups are still unwanted. In the future it will be some other group. Today's lawful presence will be tomorrow's unlawful presence. None of this law has anything to do with morality. It has all to do with politics and power. As Martin Luther King once said "Never forget that everything Hitler did in Germany was legal". Which is again why we proclaim No One Is Illegal. This means fighting for whoever wants to come or stay irrespective of their motive.

The political language of controls

Controls are not a “natural” phenomenon. They are a result of political activity. Immigration law is not god-given. It is the result of political agitation. Everything about immigration controls is political - including language. And this applies to the language of those affected by controls. How should these be described? It is Bob Dylan who sang “pity the poor immigrant” But terms such as immigrant, migrant or refugee are quite inadequate collectively in describing all those at the mercy of controls. This is not because other groups are presently affected, such as students. It is not because in the past yet other categories were the victims, for instance after the Russian revolution it was members of the Communist Party and from the mid 1920s it was black seafarers. It is not even because in the future hitherto unthought of groups will be affected. It is also because those possessed of proper immigration documents are carved up into a hierarchy depending on the conditions of stay, length of stay, whether employment is restricted during stay and rights (or lack of them) to benefits. And those granted the documents of permanent settlement are attacked vicariously through immigration controls by the denial of family members to join them. Under the 2006 Immigration, Asylum and Nationality Act even the holy grail of citizenship becomes revocable with ease. It is at these points that documents themselves become pointless. Which is why those resisting controls have claimed for themselves the political language of the *undocumented* or the *sans papiers*. This is the language which unites all those subject to controls. All other language divides them.

Part two

The proposed programme

Defiance not compliance!

The vast majority of workers within the welfare sector join that sector with the motivation to help other people. However the implementation of internal controls is only possible through the active co-operation of these workers, these trade unionists, who find themselves having to determine welfare provision on the basis of immigration status.

But it is precisely this role which presents a weak link in the whole chain of controls. Individual or even groups of workers would be exposed to victimisation if they tried to break this link without union backing. However internal controls could be brought to a halt by public sector workers organised in their unions. Public sector unions – based in, for example, the health, local authority and welfare benefit sectors - should adopt a policy of non co-operation and non-implementation of internal controls by supporting their members in refusing to ask questions as to immigration status and by refusing to pass on information to the Home Office. Workers within each relevant sector – for instance local authority housing workers – should start to organise rank and file groups within their unions where these issues could be discussed, debated and acted on.

Under pressure of campaigns by the undocumented there has been the start by unions of adopting a policy of defiance.

The 2005 UNISON Health Workers Conference resolved to “support health workers in refusing to monitor or provide information on asylum seekers to government bodies”. Workers in other sectors are also moving towards a position of defiance. For instance under section 9 of the 2004 legislation rejected asylum seekers with children can be evicted from National Asylum Support Service administered accommodation if they persist in fighting their case and refusing to return to the country from which they fled. One consequence of this is that children may end up taken from their

parents by social services and placed in care. UNISON North West Regional Council has condemned this as abduction not in the interests of the child but of immigration control and has voted to support any of its members who defy implementing section 9. Even the professional body The British Association of Social Workers has said it expects social workers "to strongly resist the implementation of this brutal power".

As a result of these threats by organised workers – themselves stimulated by various anti deportation campaigns – there is a serious possibility the government will withdraw from implementing section 9 as such.

No workplace raids!

Workplace swoops by the police and immigration service are now a regular occurrence. Factories, fast food places, garages, nursing homes and hotels are the frequent subject of raids in the search for undocumented workers. As early as 1980 and after a series of raids the Transport and General Workers Union and the General and Municipal Workers Union issued a joint statement saying that black workers had "have to carry at all times their papers proving their right to live and work here. This is a situation more reminiscent of the apartheid system in South Africa than of Great Britain" (Guardian July 7th).

It is a matter of obvious concern to all trade unionists if co-workers are dragged from the workplace by the immigration service. A basic trade union demand should be that employers ban the immigration service or those acting on their behalf, such as the police, from entering the premises.

No employer sanctions!

The Tory's 1996 Asylum and Immigration Act represented a direct attack on workers' organisation and workers' unity. It penalised (fined) bosses for employing workers without the "correct" immigration status – without the correct documents. These are the undocumented workers of popular imagination and the laws are

known as employer sanctions. These laws have been significantly strengthened by Labour's 2006 Immigration, Asylum and Nationality Act which allows for on the spot civil penalties as an alternative to criminal procedures. Employer sanctions are completely reactionary. They require workers to disclose their immigration status to their employer. They transform the bosses into agents of immigration control. They bring immigration control into the workplace. They drive a wedge between "lawful" and "unlawful" workers. They point the finger at all undocumented workers. They weaken trade union organisation by creating a pariah class of workers without immigration status who have to conceal their identity.

Employer sanctions are part of the grand plan for Fortress Europe. As long ago as 1976 the European Commission produced a draft directive "On the harmonisation of laws in the Member States to combat illegal migration and illegal employment". This called for employer sanctions. Such sanctions now exist in all the main centres of industrial might. They were introduced into the USA in 1986 in the Immigration Control and Reform Act. They are part of the internationalisation of immigration controls. They point to a future where worker surveillance extends further into the workplace and where the undocumented worker is subject to a Big Brother regime. When the European draft directive was debated in parliament in June 1977, Gwyneth Dunwoody MP pointed out that there had been suggestions by the European Commission that "the wages council and factory inspectors should be used as a method of checking... immigrants".

The TUC did oppose employer sanctions when first introduced in 1996 and all labour movement bodies should follow this.

However this TUC opposition was not always the case. As long ago as 1978 the House of Commons Select Committee on Race Relations and Immigration pointed out the TUC was in favour of such laws. Two justifications are normally given by union leaders for employer sanctions. These reasons are quite contradictory. The first justification is that workers without immigration status somehow weaken trade union negotiated work place conditions (see the TUC's Hotel and Catering Industry Committee in its minutes of April 1978). This is

exactly the same argument used historically to justify immigration control on all workers whether "authorised" or not - namely that cheap imported labour undermine wages and bargaining positions. The other justification is that employer sanctions somehow protects undocumented immigrant workers by preventing their exploitation (see the General Council's Statement on Immigration and Racism issued at the 1990 conference in response to a NALGO resolution against controls in principle). However it is a very strange way of protecting exploited workers by transforming their bosses into stool-pigeons for the immigration service who can then deport these same workers!

Solidarity not sanctions! Better pay and conditions for all!

In essence employer sanctions are about snatching, penalising and expelling undocumented workers. They are not about attacking bosses. The figures show this. In June 2005 the Home Office produced a so-called "Regulatory Impact Assessment" on the then Immigration, Asylum and Nationality Bill. This shows that, for example, in 2004 there were 1098 "successful operations" (i.e. raids) by the immigration service which resulted in the arrest of 3332 workers – but only the successful prosecution of 8 employers! In the previous year only one boss was successfully prosecuted – but 1779 workers arrested, removed from the workplace and presumably deported. No equality here.

Recently one section of the trade union movement has again recognised the danger of employer sanctions on the shop floor. In December 2005 it was widely reported that at least one branch of the retail giant ASDA had been demanding that Asian employees produce their passports – and that their names had been read out publicly over the store tannoy asking for their documents. The workers union, the GMB, denounced this. This denunciation should be the start of a campaign against employer sanctions..

Trade union strength and organisation does not rest on the arrest and deportation of workers. It rests on solidarity. It rests on preventing the exploitation of workers without immigration status

by organising those workers in unions and campaigning with them against deportation and for the regularisation of their stay in this country. The labour movement should refuse to accept the definition of workers into "lawful" and "unlawful". Instead unions should campaign under the slogan of No Worker Is Illegal

Low wages are not fought by making employers into immigration spies. They are fought by unionising all workers to fight together for better conditions irrespective of their immigration status. Equality and improvement of wage rates, health and safety conditions, holiday, sickness and redundancy entitlements – these all have to be fought for irrespective of immigration status.

A recent, December 2005, massive example of this was the action in Eire against the attempt to by the Irish Ferry company to import Baltic workers at a wage rate below the minimum standard. This was met by trade union action – unfortunately abandoned before final victory - including the occupation of one ferry, the prevention of another sailing and a demonstration of 100000. Union leaflets were printed in Latvian and Lithuanian, welcoming the migrant workers and demanding equality of rates and conditions for all irrespective of immigration status.

In 2002 the TUC produced a pamphlet, *Migrant Workers a TUC Guide*. This should be in the hands of every shop steward both because of the clarity of its legal explanations and because of its encouragement to organise in defence of the undocumented – both in the workplace for better conditions and against deportations. It gives many examples of support for migrant workers to attain better working conditions. For instance:

"Its (the Transport and General Worker's Union) most recent successful campaign involved Chinese workers at the New Diamond restaurant in London's Soho. The workers worked long hours without a break. They received no compensation if they had an accident at work. They were never given a payslip and had no holidays. Health and safety standards were very low. After a recruitment campaign, workers at the restaurant took industrial action when four members of the union were dismissed. They

successfully picketed the restaurant while lodging their claims at an employment tribunal. The employers were forced to settle, paying a significant sum of money to the four workers”

The TGWU has also taken the initiative in recruiting cleaners – many of whom are migrant workers – and in November 2005 organised a Justice For Cleaners picket outside the Deutsche bank against poverty wages. The same union has sponsored a Tube Cleaners Support Group. This has already had one victory in forcing Metronet Rail (London underground) to withdraw from its contract with the Blue Diamond cleaning company which had been paying its often undocumented workers at below agreed wage levels.

All this is modelled on the vibrant *Justice For Janitors* campaign in the USA where the Service Employees International Union is fighting for the rights of janitors without immigration status. It is clear from all this that even if there is ever achieved a situation of no controls then there will still have to be laws protecting and actions defending the rights and conditions of migrant workers and those who they have come to join. This is just the same as the need to equalise the rights of, for instance, part time or temporary workers – a situation which in any event many of the undocumented find themselves – alongside full time or permanent workers.

Control of gangmasters not undocumented workers!

In February 2004 there occurred the tragic scandal of the death by drowning of 19 Chinese cockle gatherers in Morecambe Bay after being trapped by rising tides. The cockle pickers had been employed and exploited by gangmasters – these being basically employment *gangsters* or pimps who either themselves hire or hand on workers to other contractors. By July 2004 there was enacted the Gangmasters (Licensing) Act – the speed of enactment not being unrelated to the international publicity given to the tragedy. The Act provides for a compulsory registration scheme for gangmasters within the agricultural and shell fish and associated processing and packaging sectors. There had in fact been control of gangmasters within agriculture since laws passed in 1867 – which were repealed by Labour in 1965. The new legislation should be supported if it saves

lives and prevents super-exploitation. Indeed at least one union, the GMB, has called for the legislation to be extended across the board to all industry.

However as Virgil, the classical Roman poet, wrote – Beware the Greeks bearing gifts. It would seem that the Chinese workers who died were without immigration status – which made them doubly vulnerable to the gangmasters. The cross-party support in the parliamentary debate of 9 February 2004 for the gangmaster legislation presented it as though it is were a way of preventing the exploitation of other economically vulnerable undocumented workers by preventing them staying in the country! Like the same spurious justifications given to employer sanctions this again stands reality on its head. The way to provide protection and prevent super exploitation caused by vulnerability through lack of immigration status is to get rid of the cause of the vulnerability – immigration controls and the whole concept of immigration status. However the Home Office appears to be hoping that registered gangmasters will not only not employ the undocumented but will in some way act as yet another arm in tracking them down and reporting them. And of course any future cockle gatherers without appropriate documents whose lives might be discovered to be in danger will not be allowed to remain but will be forcibly deported.

Similar deportations are already happening and the labour movement is turning a blind eye to them. In April 2004 over twenty undocumented East European workers were subject to raids and arrests in Cheetham, Manchester and elsewhere. The General Secretary of the Transport and General Workers Union welcomed this as disrupting the work of gangmasters – though no gangmaster was reported as being arrested. Instead the BBC's report was headed "Illegal workers face deportation". As is asked by Shakespeare in King Lear – "Which is the justice? Which is the thief?" The thieves are the exploitative gangmasters and the racist Home Office. The justice is with the workers of whatever nationality. The only principled and effective trade union position is for gangmasters to be regulated within the context of the right to remain –the regularisation – of all those workers without status, of the end to employer sanctions and of the dismantling of immigration restrictions themselves.

No slave labour! For the right to work!

The ultimate exploitation of the undocumented and the most extreme undermining of trade union cohesion is the reduction of those without immigration status to a position of actual slavery. Indeed the TUC in its pamphlet *Overworked, Underpaid and Over Here*, published in 2003, drew attention to the "slavery or forced labour" of those undertaking *undocumented work*. And this position has now been given statutory confirmation courtesy of section 10 of the 2004 Asylum and Immigration Act.

Section 10 represents the most extreme example yet of internal controls. It makes housing and other poor-law support for certain refugees to be made conditional on undertaking "community services". These are refugees whose claim has been rejected by the Home Office but are unable to return home because of circumstances beyond their control – because they are stateless or ill or (paradoxically in the case of a rejected asylum application) the country of return is too dangerous. Section 10 transforms asylum-seekers into slaves. It makes their labour compulsory, as refusal to participate will mean deprivation of housing and other support. When the Act was being debated in its committee stage in the House of Lords (15 June 2004), Lord Rooker encouraged voluntary sector groups to get involved in tendering to NASS for this slave labour. He also suggested that this compulsory refugee labour could be used for the maintenance of the refugee's own accommodation – which is a way local authorities and private companies could get otherwise run-down unlettable properties updated for free.

There has been successful resistance to the implementation of section 10. In Liverpool the YMCA tendered for the scheme. But after outrage was expressed by the undocumented and their supporters the tender was withdrawn.

The paradoxical flip side of this slave labour scheme is that asylum seekers awaiting a determination of their refugee application are normally prohibited from exercising another basic trade union right – the right to work. This leads to further impoverishment and pushes the undocumented into the hands of exploitative bosses. Trade

unions need to resist the implementation of section 10, to be alert to the employment of slave labour and to the existence of rogue employers. And they should fight for the right to work for all irrespective of immigration status.

This reduction of those without immigration status to slave labour has now taken a new twist. They are to become the equivalent of prison labour. The latest Asylum, Immigration and Nationality Act allows one class of person the "privilege" of being allowed to work. This is those detained in a removal centre and waiting deportation. Soon it may be compulsory labour. In the meantime the new law exempts this work from the national minimum wage. This clearly needs to be opposed not least because it undercuts national wage levels.

No employment restrictions based on nationality status!

Immigration controls often operate in ways that are hidden to everyone except those discriminated against by them. An example of this is the law making eligibility for employment within various branches of the civil service dependant upon having British citizenship. The origins of this go far back into history and are an anachronism. The exclusion can be found in the Act of Settlement of 1700. It was reproduced as long ago as the 1919 Aliens Restriction (Amendment) Act – in the wake of post war anti-German, anti-Jewish and anti-Communist hysteria. And all this law still exists today with some amendments. Whenever there has been an attempt to repeal it then its defenders have used the most reactionary arguments. In a parliamentary debate of 14 May 2004 the Tory MP Eric Forth said "At least at the moment we should be able to sleep in our beds at night in the secure knowledge that all sorts of suspicious aliens have not inveigled their way into our governmental system and into the civil service".

This prohibition on employment – this time based on nationality – is yet another way that workers are split through the use of nationalism and needs to be opposed by the trade union movement.

No to traffickers! Yes to rescuers!

Trafficking in humanity for financial gain is once more just another form of pimping. This the case whether or not the trafficking is part of a supply chain to the sex industry. Indeed trafficking cannot be reduced to the sex trade and also provides cheap, vulnerable labour to other more conventional sectors. Some of the recent immigration control laws contain new criminal offences in relation to this trade in human cargo. Section 145 of the 2002 legislation outlaws trafficking for purposes of prostitution and section 4 of the 2004 legislation extends this to trafficking for exploitation generally with a surprisingly wide definition of "exploitation" – including the provision of any service through "force, threats or deception". Irrespective of these specific issues, there have been general provisions since the 1971 Immigration Act against "assisting illegal entry and harbouring".

Given the disreputable nature of trafficking for gain then should trade unionists support all legislation designed to suppress the trade? The answer is no! Once again as in the case of gangmasters - beware the politicians bearing gifts. In particular beware laws demonising traffickers which are part of, and included in, far wider legislation designed to further control the entry of the undocumented. Anti-trafficking measures are being used to prevent the migration of people who are driven by poverty and persecution to move country.

Three situations need to be distinguished. First is *trafficking* which involves trickery or violence or lack of any consent – which is essentially trans-national kidnapping. In September 2005 there was much publicity given to the discovery in Birmingham of 19 women from East Europe who were being forcibly imprisoned in a brothel after being deceived into coming to the UK by traffickers. Sex by clients in this situation is in effect rape. The prosecuting and outlawing of the traffickers should be supported by everyone. At the same time the victims of such forced trafficking should be given the absolute right to remain – not, as at present, being liable to deportation. Criminalising the victims of trafficking is racist, hypocritical and cruel. Again we should ask – *Which is the justice? Which is the thief?* At the moment the British government is not even

prepared to give its signature to the extremely limited *European Convention on Action Against Trafficking in Human Beings* – which allows for temporary residence for those trafficked. Moreover global trafficking in some form could continue even after the abolition of controls – just as it existed, for instance in the guise of the white slave trade, before controls. And measures will be necessary to prevent this where violence or deception is involved. However the super-exploitation that results today from trafficking – not least the blackmailing and threats of exposure by the traffickers on those they smuggle here – is frequently the consequence of immigration controls themselves and can only be solved or ameliorated by the dismantling of controls. And it should never be forgotten that the biggest trafficker of people without their consent is the Home Office – whose deportation programme is far in advance of that of the private dealers in people misery.

The second situation is *smuggling* of people for profit – but where those being smuggled consent to this as the only way of exiting the country of origin and entering the UK. This is a disgusting trade. However given the existence of immigration controls it is a life-line to those who wish to exercise their fundamental human right to freedom of movement. The prevalence of smuggling for profit will only end when immigration controls end. Until then outlawing it will only cut off the means of escape to those who want to flee their country of origin.

The third situation is the *rescuing* of the impoverished and the persecuted. Trade unionists should oppose the criminalisation of those who out of political consciousness or family solidarity help to ease the entry of the undocumented. Indeed trade unions should actively encourage and sponsor and aid this free movement. “Underground railways” providing rescue and freedom, or at least safety, – such as existed for slaves escaping the plantations of the American south or for some Jews trapped in Nazi Europe – need to be developed in the twenty first century for those trapped in persecution or poverty or who wish to otherwise migrate for reasons of their choice.

No deportation or intimidation of trade union activists through controls!

The potential for immigration controls to be divisive and undermine workers unity is almost infinite.

Controls can be used to create disunity by intimidating trade union activists who have not got a secure immigration status. There have been several examples of trade unions actively fighting to defend members against such threats.

It is also now a legitimate trade union practice to support members under threat of deportation. For instance UNISON, and its forerunner NALGO, has consistently and actively campaigned against the deportation of its members since it successfully fought in the early 1980's the threatened deportation of Mohammed Idrish, a worker from Birmingham. In the mid 1980s UCATT, the building workers union, organised a lunch-time walk out from Manchester town hall as part of the victorious defence of one of its members, George Roucou, who was employed by the council's direct works and was under threat of deportation. The National Union of Journalists is presently fighting to stop the removal of Mansoor Hassan – a campaigning writer who has exposed the practice of so-called "honour killings" in Pakistan.

In some ways times have moved on. The militancy of the undocumented community both in the workplace and on the streets, both against working conditions and against deportations, has forced the TUC to acknowledge there are real issues here.

The TUC pamphlet, Migrant Workers a TUC Guide makes it clear that "trade unions have a role to play in assisting migrant workers who have been subject to negative decisions by the immigration authorities".

Likewise this TUC pamphlet expresses support for campaigns against deportations – and it provides examples of the attempt to deport people who happen to be trade unionists and examples of trade union support against their deportation. For instance:

“RC was one of the many migrant domestic workers who joined the TGWU through its involvement with the migrants’ organisation Kalayaan. In 1998 she was detained and was about to be deported when the union found out. It was able to make immediate representations to the government, reminding it that at the very time it was in the process of announcing that it was going to regularise the position of migrant workers like her. The union’s intervention was successful and she was allowed to stay”

However none of these threatened deportations described above were a response to trade union activity as such. Nonetheless as long ago as the Alien Restriction Act of 1919 it was made a criminal offence for a non-British citizen to “promote or attempt to promote industrial unrest in any industry in which he has not been bona fide engaged for at least two years”. Conviction of such an offence could lead to a recommendation of deportation by the court. This provision is now another piece of the forgotten and hidden history of immigration control. It was aimed at both trade unionists and Communists and was enacted in the middle of the anti-communist hysteria following the Russian revolution. Once again Jewish workers were its main and intended victims. It was successful in weakening trade union organisation.

On the one hand there were actual deportations of trade union militants. The Stepney Trades Council Annual Report for 1919/1920 records that: “The government policy to crush Trades Union and Labour organisations of the alien population by means of the Alien Restriction Order and the action of the government in arresting and deporting Trade Union officials where no case can be made, has been a matter of grave concern to this Council. The organisation of alien workers has not been an easy task and the position of every trade unionist was threatened by the government policy which made it a criminal offence for an alien to take part in the industrial movement”.

On the other hand the very existence of this legislation served to intimidate some Jewish workers from trade union activity. In a parliamentary debate of October 22nd 1919 Colonel Wedgewood, an

opponent of this law, said: "I understand that there are numerous officials of Jewish trade unions in the East End, most of which unions are affiliated with the local trade and labour councils, and the officials are already resigning from their posts as secretaries and from the trade and labour councils because they are afraid that, by being on the trades and labour councils, they may involve themselves on a charge of promoting or attempting to promote industrial unrest".

Trade union activists today

This power to prosecute and deport for promoting industrial unrest is still law. It has never been repealed, though it apparently has not been used since the 1920s. However under the 1971 immigration Act the Home Secretary can initiate deportation procedures on so-called "conducive to public good" grounds. This provision can potentially be used against trade union militants and on at least one occasion has been so used.

In 1974 Franco Caprino, an Italian worker in the catering industry, was arrested and threatened with deportation on the grounds that his presence in the UK was not conducive to the public good. He had been active in unionising migrant workers in the catering trade – particularly those coming from the underdeveloped areas of Southern Europe. A successful campaign against deportation was fought by the Franco Caprino Support Committee and with the support of Franco's union, the Transport and General Workers Union.

Unionise the undocumented – rethink the unionisation of immigration officials!

Unity is strength. At the moment many undocumented workers are isolated, atomised and vulnerable – vulnerable to deportation as well as exploitation by rogue employers. This vulnerability could be broken down through trade union organisation. Trade unions should embark on a deliberate policy of recruitment of the undocumented. This must include the active recruitment of those without immigration status. Unions should cooperate between themselves in this membership drive and not enter into competition for recruits – a

competition which could further divide undocumented workers. And those workers without full or any immigration status must be given full union membership not (as in some unions) just associate or second class membership. Unions must reject in every sphere the whole divisive distinction between "legal" and "illegal". They must fight for the regularisation of status of all they recruit – as part of a policy of support for everyone, union members or not, under threat of deportation and as part of a policy of opposition to controls in principle.

The flip side to this is the present unionisation of immigration officers. Many immigration officers are in their own scab outfit, the Immigration Service Union, which is not affiliated to the TUC. The ISU is essentially an in-house union which operates as a wing of the Home Office itself – as such it is an enemy of the undocumented and should be treated as such.

However other officers are organised in the immigration branch of PCSU –the Public and Commercial Service Union. PCSU is a legitimate, mass union affiliated to the TUC. This obviously raises a fundamental question of principle – should a union be organising people whose function is to harass, detain and deport the undocumented? There could arise, there may have arisen, a situation where one PCSU member is deporting another PCSU member. The PCSU normalizes immigration controls by regarding workers within the immigration service as "ordinary" employees undertaking ordinary employment. This is made clear in the November 2003 edition of the union's *Journal*. The General Secretary, whilst condemning "prejudice" against asylum-seekers, compliments union members in the immigration service as undertaking a "professional job" to which the PCSU "has given and will continue to give 100% support". The December 2005 issue of its journal attacked those clauses in the then Immigration, Asylum and Nationality Bill which allow private companies to search vehicles at sea and air ports for people without the "correct" immigration documents. However this was not based on any principled objection to controls. It was not based on solidarity with the undocumented. Rather it was based on the protection of members' jobs – members who "prevent illegal people and materials entering the country by searching vehicles quickly and professionally".

The PCSU Immigration Staff Branch does not view its main, or any purpose, as representing a challenge to controls. Its main concerns are the everyday conditions of its members. In expressing these concerns, the PCSU inevitably legitimizes the politically illegitimate. In its written evidence to the 2002 House of Commons Home Affairs Committee report on *Asylum Removals*, it expresses "discontent with the system for removing failed asylum-seekers", but it does this not from the perspective of the refugee but rather "on the basis of improving the working conditions of members of the union". It offers no principled objection to controls or their implementation; rather it criticizes the Home Office's "business plan" and "the setting of unrealistic targets". The latter term refers to the forced and potentially violent removal of human beings. In November 2005 the PCSU virtually acted as a scab outfit in respect to a protest in Glasgow by asylum-seekers and their supporters who protested outside and inside NASS offices in Glasgow. The union condemned this as being antagonistic to the "health and safety" of its members. There was no consideration given to the health and safety of those undocumented who exist without welfare and in a state of destitution before facing detention and deportation. There was no consideration given to joint actions of solidarity with the asylum seekers.

What position should be taken on this? What should be done? In many ways the problem here is similar to the problem of unionisation of workers in industries which progressive wings of the labour movement opposes – such as arms manufacture. Without immigration controls the work of immigration officers would not exist. There is an obvious conflict here between job security and fighting racism. However unions which claim opposition to racism cannot simply ignore this contradiction. One way forward would be to refuse to unionise, and to refuse to give labour movement recognition to the unionisation of, immigration officers and all other workers within the Immigration and Nationality Directorate of the Home Office. This would be one possible principled position. The problem however is that because of internal controls and in particular the link between immigration status and welfare entitlement then it could be said "we are all immigration officers now". Members of other unions – for example UNISON, the local government union - are at present continually collusive with controls.

Indeed it is a measure of the far-reaching nature of controls that non-unionisation of those enforcing them directly or indirectly would lead to a decimation of trade union membership.

So another suggested better way forward is that all members of all unions (such is the expansive nature of controls) should be recruited on the basis that their union is in support of non co-operation with all aspects of control and will guarantee to provide full union defence, legal and political, of all members victimised for non co-operation. Of course from the reality of today's politics this might seem fantastic – but today's trade union politics is that there can be "fair" controls and this is what is really fantastic.

For full civic rights! For the right to vote!

The racism of internal control goes beyond the factory floor. It goes beyond linking welfare entitlements to immigration status. It extends into the most fundamental of democratic rights – the right to vote. The basic rule is that only people with a British (or Irish) nationality have the right to vote in the UK – for parliamentary, local and European elections. Commonwealth citizens have the right to vote but can only vote in local elections if they have permanent stay here. European Union citizens are permitted to vote only in local and European elections. Everyone else is voteless. So even if voting could change matters, the undocumented are undemocratically excluded from the system. They share this exclusion with convicted prisoners and certain people judged mentally unfit – all constitute an unholy trinity in the eyes of the British state.

Part three

A proposed model trade union resolution and action programme against controls

(A) This trade union organisation;

- (1) NOTES the existence of immigration control legislation which deports individuals, divides families and prevents the entry of asylum-seekers.
- (2) CONDEMNS this legislation as racist.
- (3) CONSIDERS all immigration controls to be intrinsically and inevitably racist. Immigration laws were introduced in this country in 1905 in order to keep out Jewish refugees from Eastern Europe. These laws were then used to exclude the victims of Nazism. In the second half of the century controls targeted black people. They now target all the undocumented – in particular, but not only, migrants (those coming to work), immigrants (those coming for settlement) and refugees.
- (4) OBSERVES immigration law is unique. It is a result of fascistic agitation. The 1905 Act was the result of activity by the proto-fascist British Brothers League. The post-war legislation followed the 1958 Notting Hill “race riots” provoked by Oswald Mosley’s fascists. “Non-racist” or “fair” immigration controls are impossible.
- (5) REGARDS immigration controls as divisive of trade union and labour organisation by splitting workers into “legal” and “illegal” and “British” and “foreign”
- (6) WELCOMES the self-organisation of all those threatened by immigration controls
- (7) VIEWS employer sanctions as the most divisive form of immigration control. They turn the bosses into agents of immigration control in the workplace – by criminalising the employment of undocumented labour.
- (8) OPPOSES the linking of entitlements (including the right to vote) to immigration status along with the establishment of the National Asylum Support Service and its administering of a new

poor law for asylum seekers. The latter exists outside the welfare state with the help of local authorities which collaborate with the forced dispersal scheme.

- (9) IS CONCERNED trade unionists are used to enforce both immigration controls and internal immigration controls – e.g. in hospitals, benefit agencies and local authority housing departments where entitlements are linked to immigration status.
- (10) IS APPALLED BY the forced trafficking of human being. We support the right of people to freely come to the UK by any means necessary and we support the right to remain of those trafficked.

(B) This trade union organisation

RESOLVES to contest all immigration controls and internal controls and to

- (1) Actively embark on a recruitment drive of all workers irrespective of their immigration status
- (2) Fight for the right to work and for equality of conditions and pay at not below minimum wage levels for all workers irrespective of immigration status – and an end to both compulsory labour and also to all links between employment opportunity and nationality status.
- (3) Support all members or non-members threatened by immigration controls or refused welfare entitlements because of their immigration status.
- (4) Defend all members who refuse to implement immigration or internal controls.
- (5) Encourage the self-organisation of those threatened by controls
- (6) Support all campaigns against deportation or detention and fight for the right to come & stay (*regularisation*) of everyone.
- (7) Support campaigns for the restoration of entitlements for all irrespective of status.
- (8) Oppose employer sanctions.
- (9) Oppose any attempt by the Immigration Service to enter the workplace in order to arrest, detain and deport workers.
- (10) Campaign for the right to vote in all elections for everyone living in the UK irrespective of immigration status

- (11) Campaign to retain and extend laws against forced trafficking and to fight for the right to remain of those trafficked.
- (12) Explore how unions can best help facilitate the entry here of those wishing to leave their country of origin as a result of persecution, impoverishment, being divided from their family here or for any other reason of their choice.

CALLS UPON the TUC and this union regionally/nationally to adopt the above.

Campaigns against deportations, detentions, lack of adequate or any welfare – these are now part of the everyday struggles of refugees and all others threatened by immigration controls. As a result the issue of immigration control is now a live one within the trade union and wider labour movement.

Support for anti-deportation campaigns and passing resolutions against aspects of control are now correctly seen as legitimate trade union activity. Some unions, such as NAFTE (teachers in higher education), have adopted policies which are in effect against controls in principle.

The aims of the present pamphlet are four-fold. First to show that there cannot be such an animal as fair or just, or benign or reasonable or non-racist controls. All controls are by their nature oppressive and racist. Second it is to show that immigration controls effect trade unions and trade unionists in the workplace. There are a whole series of issues which hitherto have largely gone unaddressed by both campaigners against controls and by trade unions but which are detrimental to all workers. Trade union resolutions and activities need to get beyond generalities and address these. Third we highlight examples of good trade union practice. Fourth we present a model trade union resolution. Altogether this amounts to a trade union programme of opposition to controls.

No One Is Illegal is an organisation of people who have been fighting immigration controls for many years. By definition immigration controls are global and we have links internationally with other organisations of the undocumented. We thought it important, and continue to think it important, to highlight why controls need to be opposed in their totality. With this aim we have already produced a Manifesto against controls. This and our other literature and activity can be found on our web site.

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Price by donation

This trade union programme is being distributed without charge (or by voluntary donation). However No One Is Illegal is only able to produce material because of the donations we receive. If you or your organisation wish to make a donation please send a cheque payable to "No One Is Illegal" to the address below.

This pamphlet has been sponsored by various trade union bodies. We welcome further sponsorship for our activities – in particular for a planned conference for trade unionists on the issues raised in the pamphlet.

Where possible we would be happy to provide a speaker for your branch. Our web site is www.noii.org.uk. Our email is info@noii.org.uk. Our address is No One Is Illegal c/o Bolton Socialist Club, 16 Wood St, Bolton BL1 1DY.

Cover photograph is by Jaggi Singh. It is taken from the No One Is Illegal/World Without Borders June 2005 march in Canada from Montreal to Ottawa

Pamphlet published May Day 2006