

## Seeking asylum and the politics of family

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## 'Open Space', Families, Relationships and Societies

### **Seeking Asylum: The politics of the family**

It was spring time when I first met Martin. We arranged to meet at the coach station in the sleepy little English town that he had been relocated to the previous month and that was now – for who knows how long – his home. Martin is a soft spoken and slight man in his late 20s but speaks with a deep sadness. Before we got down to the seriousness of the interview, Martin suggested that we go down to the sea. As we walked to the coast, we passed through a fairground that had just been set up, cutting through the families of laughing children. In the end we did the interview sitting on rocks right by the sea, Martin staring out onto the horizon. He said that the sea made him feel alive again, after the suffocation of immigration detention.

Over the course of the next two hours, Martin told me about his life since he arrived in the UK as an orphaned teenager. He was just 14 when he arrived, although his fake passport made him out to be older. The airline had lost his bags and he had no address for them to send them onto, meaning that he had nothing but the clothes he came in and some money in his pockets. Martin had a difficult few years, staying with various people he met along the way or living on the street, moving frequently between cities. He was not entitled to either work or access the welfare system. He says that 'I raised myself' but confides that 'I started getting into trouble'. It began with small things - driving offences – but eventually he obtained some small convictions for petty crimes.

When Martin was about 15, he was advised to claim refugee protection, given the circumstances in which he left his country and the (presumed) political murder of his parents. He did so and waited for a response. After some years his claim was refused, but Martin had no permanent address and never received the letter, so he wasn't aware of this. He just assumed that his case was lost somewhere in the system, like so many others. Indeed, lengthy waits are common for asylum seekers, who are both trapped in a marginalised limbo (unable to work, progress or have any certainty over their future), and yet are human and continue to live their lives.

When Martin turned 20 he fell in love with a British girl. Her parents welcomed him into their lives and provided him with much needed stability and affection. This was a very happy time and after a year or so, his girlfriend became pregnant. It was an accident but they all came to be pleased with the news and her father offered Martin a job in his company. Martin wasn't allowed to work and knew that if he did and was caught, both of them would get in a lot of trouble. But this caused him huge guilt. 'The way I was raised, is that the man goes out to work,' he told me. And yet, he could do little but watch daytime TV as his pregnant girlfriend and her parents went out to work each day. He was desperate 'to be somebody, not just on the receiving end all the time.' So, he did the only thing he legally could do to help as an asylum seeker, he applied to the Home Office for the basic support that some are able to get. By this point he had been refused asylum and so the conditions of financial support (which was about £35 a week, on a pre-paid card he could only use in selected shops, for permitted items), meant that he had to live in no-choice accommodation in a dispersal location. Trying to find a legal way to contribute to his new family had entailed being forced to leave them. He was housed in a poor area of a city many miles away. So far that when the baby came, Martin couldn't get there in time to be at the birth.

This was a dark time and Martin started hanging out with what he called 'low kind of people' and getting in trouble. He got in a fight and was sentenced to six months in prison for common assault. He served three months and when the last day came, his girlfriend, her parents 'and the babies' were all waiting outside the prison gates to welcome him back. However, although no one had told him, Martin wasn't leaving custody. Indeed, he wouldn't leave incarceration for another *four years*. Although his offence was not very serious, when combined with earlier prison sentences, this sentence added up to 12 months. Under the 2007 UK Borders Act, this meant that Martin could be deported as a foreign criminal.

So, Martin was now to be held under immigration powers and he was taken to an Immigration Removal Centre (IRC). In the UK, over 30,000 people are incarcerated in immigration detention each year, of which around 90% are men. About half have claimed asylum, and over half end up released rather than removed. Immigration detention is an administrative power, created for the bureaucratic ease of civil servants. It is not decided by judges and is not considered punishment, even if it is experienced by detainees as being very much like prison. However, immigration detention entails extreme uncertainty, with people having little idea how or when it will end. Unlike the rest of Europe, the UK has no maximum time limit. Detention is indefinite and, as was the case for Martin, can go on for many years.

Martin repeatedly sought immigration bail but (as is very common) he was always refused. He eventually felt that he couldn't keep asking his sureties to take the day off work and travel to the court hearings, when they appeared doomed. He told them not to bother coming but unfortunately, immigration bail hearings are almost completely impossible to win without sureties and the absence of close family at the hearings worked against him.

What got Martin through those awful years of limbo, was his daughter and dreaming about the things they would do together when he was released. Luckily the IRC was near his family and so his partner and child visited regularly. She was initially just a toddler and they would send each other drawings. When she started school, she would bring her homework to the detention centre for him to help with. She gave him hope and strength, but as he bemoaned, 'it's no way to raise a child.' It left him feeling as if he were just a 'silhouette' of a father.

Martin fought hard not to be deported, appealing his deportation order multiple times. He tells me that the courts have accepted 'there is a bond between father and daughter' but 'they don't accept I'm a genuine father' and have accused him of using her to stay in the country. In some cases, the Home Office disputes the very existence of familial ties. In other cases, decision-makers accept that relationships exist but argue that they were formed tactically in order to circumvent immigration controls, or that they are simply not important enough to trump the state's decision to remove. In one appeal, when Martin was brought into the room, the little girl ran towards him calling out 'daddy!' The judge ordered her to be taken outside. Martin asks me how, after seeing this moment of spontaneous affection from a (British) child, could the judge still say that she wouldn't be sufficiently harmed by his deportation for it to be considered disproportionate? Or that telephone and online communication across continents would be a decent substitution to living together?

After a year in the first IRC, Martin was transferred (without notice or explanation) to one 150 miles away. It was much more difficult for his family to visit now. It took a lot of time and money, including an overnight stay, and eventually the couple split up. Every few months Martin got to see his daughter, but it depended upon the generosity and goodwill of his ex. This broke his heart, although in any case visits were a mixed affair. The anticipation and visit itself brought great joy, but saying goodbye and the periods afterwards were agony. They brought alive the brutality of indefinite administrative detention. Increasingly their lives diverged and their relationship became one based just on phone calls, letters and drawings. It became so painful that sometimes Martin thought that, for both their sakes, he should break contact. Talking to Martin in the windy sunshine, it was painfully evident how much it hurt him that – just because of the immigration system – his daughter had grown up apart from him.

Not only does the Home Office not try to detain people near their loved ones, but Martin believes that they purposefully moved him far away so as to prevent him from seeing his daughter. There is not only an emotional cost to their forced separation, but the lack of contact is used against Martin, to argue that he plays no significant role in the girl's life and that his deportation would not harm her enough to overcome the presumed 'public interest' of his expulsion. The Home Office employs gendered scripts about how people should perform family roles; including how a 'genuine' father feels and behaves. At the same time, it erects hurdles, such as immigration detention, curfews and prohibitions against work, that not only challenge the men's ability to be family figures that *they* want to be, but mean that they also can't meet the Home Office's definitions. Leaving them framed as inadequate, unimportant and fundamentally expendable as fathers and partners.

After more than four years in detention, Martin was suddenly released from detention, to housing at another no-choice location. Devastatingly, the seaside town where Martin was taken is at the opposite end of the country from his daughter. His dreams of being an active dad are now even more impossible. He cannot travel: requirements that he report regularly to the police and sleep at his accommodation tie him to this place. In any case the travel costs are far too high, given that Martin only gets meagre support and still must not work. 'This is to use later against me', he claims, saying that they will ask him: 'When did you last see your daughter? Where's your evidence?' His voice goes quiet as he tells me that she regularly asks, 'when are you coming? Are you coming here?' and that not only is he unable to, but he can't adequately explain to her that this is not his choice.

There is a bureaucratic indifference within the immigration system, which means that harm to families is not unusual. It is also a gendered, racialized and classed system. I ask Martin if he thinks he'd be treated different if he was a mother. 'Obviously. Obviously! Obviously!' he responds. He recognises that mothers and pregnant women are also detained for immigration purposes, but feels that they are released much more quickly and that the damage of separation in those cases is recognised in way not done with fathers. As a dad (and a poor, black, refused asylum seeker dad with a criminal record and a deportation order at that), Martin doesn't think either the Home Office or judiciary put much weight on his intimate life or the importance of him in his daughter's life. The immigration system values family figures and family life differently depending on those involved. It also actively creates gendered 'types' of migrant. Labels such as 'bogus asylum seeker', 'illegal immigrant' and 'foreign criminal' are disproportionately applied to men and heighten certain aspects of their identities (legality and mobility) to the exclusion of others (including their emotional lives).

For Martin, the immigration system is not passively indifferent. He believes that the Home Office have deliberately housed him hundreds of miles from his daughter in the full knowledge of how much she means to him. He feels that the enforced separation is a ploy and that they are trying to 'break me' by wearing him down and playing 'mind games' by encouraging him to break the conditions of his release: 'starve him of the things he wants!' His desire to be near her and contribute to her upbringing would entail him 'absconding' from his accommodation and working illegally. And yet, by not seeing her, not only is their relationship forever damaged, but so is his legal claim to remain in the UK. He tells me that the Home Office and judges will ask him when he last saw her and will use his answer to argue that they don't have a real relationship. Through no-choice accommodation, immigration detention, poverty and the threat (one day maybe reality) of deportation, the authorities have made it impossible for Martin to be in his daughter's life and for him to be, as he puts it, a 'proper dad'.

Sitting there on those rocks, Martin looked out to sea and told me that he regularly comes here because it reminds him that he is free. And yet, he feels that he might as well still be in detention, saying 'I'm basically in prison. Outside. The system has caught me in prison. I'm just a ghost, walking around.' He is stuck in this place, so far from all he loves. And he is also stuck in the UK, unable to return to his country of origin, even if he wanted to. His daughter is an 'umbilical cord' that attaches him to the UK forever. He lost his own parents and he is desperate for his daughter not to have her father similarly 'disappeared' by the authorities. 'They are doing everything they can to stop me from being with my daughter.'

It is now 18 months after that meeting and nothing has changed. There is still no resolution or progress for those involved. The Home Office have offered Martin tens of thousands of pounds settlement to leave the UK and accept a re-entry ban but he is resolute: 'I'm not leaving my child here! How can I? Who does that?'