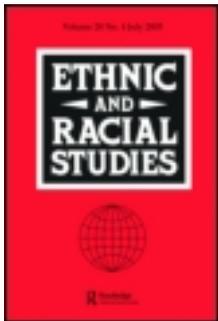


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Borderline justice: the fight for refugee and migrant rights

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BOOK REVIEW

Borderline justice: the fight for refugee and migrant rights, by Frances Webber, London, Pluto Press, 2012, x + 246 pp., £17.50 (paperback), ISBN 9780745331638

Our leaders encourage and treat as heroes those people who are fighting for democracy and human rights, in Burma, in Libya, in Egypt and Syria...But as soon as these heroes seek sanctuary here in the 'free world', they are transformed into a hostile alien threat to our culture and our values, to be kept out by military patrols and bilateral accords and e-borders and carrier sanctions and all the paraphernalia of modern immigration controls.

The genesis of Francis Webber's book is anger at the vilification and misrepresentation of migrants and asylum seekers by politicians and the press and the injustices they are subjected to at the hands of officials and judges. Based on personal experiences, Frances Webber is a legal expert who has represented migrants/asylum seekers for over thirty years, this book offers an insightful reading on how the law has been applied to migrants, refugees and other 'unpopular minorities' in the UK. Her personal and very moving writing style convinces the writer about the importance of fighting for justice in the field of migration. Her personal experience with the laws, and most of all with the unfair way the law is sometimes implemented, lays bare the cold, inhuman and racially determined logic of the Home Office decision-making and records some of the key legal struggles of today.

The title of the book *Borderline Justice* refers to marginal justice, justice which constantly disappears and constantly has to be fought for. It also refers to borderline in another sense. The book convincingly shows how the border is no longer just the point of arrival in the country, but has been brought deep into the workplace, colleges, banks, hospitals and marriage registers. As such, the book also shows how immigration status has become determinative in many areas of daily life. The chapters of the book offer an insight into the workings of the immigration and refugee regimes in the UK. Divided in three parts the book follows the logic of migrant's trajectories and takes a staged approach to explore issues around arrival, stay and departure.

The first section deals with arrival and is called *Contest at the Border*. It examines the criminalization of refugees and the production of 'illegality' through rules, regulations and technologies of control that have made access to asylum increasingly difficult to people escaping persecution. It is shown what borders mean for different types of travellers and how borders can be very real obstacles. Some people have to deal with policies of deterrence and prevention, the creation of paper and electronic walls, military patrols, surveillance systems and the subcontracting of controls to countries of origin and transit. For the global elite, however, it has never been easier to move about the world. Biometric technology opens gates literally at the blink of an eye, and new immigration rules smooth the path of the wealthy. This global misdistribution of wealth and mobility rights is completely taken for granted in the rich world, whereas Webber convincingly shows how migrants are ordinary people who deserve to leave home for ordinary reasons.

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Apart from the unequal distribution of mobility rights the first section of this book also shows how unspoken racial hierarchies and colonial attitudes are still alive in the field of migration. Certain nationalities are, for example, much less likely to be believed by Home Office caseworkers and immigration judges than others and a fairly primitive racist attitude persists in the immigration courts. Finally, the combination of visa controls and carrier sanctions has also created a market for two new growth industries; document forgery and human smuggling. Criminalization of human smuggling has clearly undermined the long and vital tradition of underground railway humanitarian smuggling which has historically been the expression of human solidarity in response to persecution of others, whether to spirit away escaped slaves in the USA in the nineteenth century, or Jews in occupied Europe in the twentieth century.

The second section of *Borderline Justice* deals with integration and is called *Battles for Fair Treatment*. These chapters deal with exclusion from work/housing/hospital care, labour migration, the double standards regarding family life and detention. It is shown how rules which are supposed to provide a clear, predictable and reliable guide to those planning to work or study in the UK and for the institutions planning to receive them have now become so complex, and are changed so frequently and with so little notice that even immigration lawyers can hardly follow them. Webber illustrates this 'bureaucratic minefield' with very moving examples.

The final section deals with departure and is called *Resisting Total Controls and Mass Removal*. It is about the creation of a huge new immigration police force, the security infrastructure of information exchange and the increasing subcontracting of immigration control functions to a wide variety of public and private sector agents. The 'deportation drive' is discussed. And it is shown that despite attempts by campaigners the government has always refused to monitor what happens to those returned to their home country of origin even when allegations persist of ill-treatment of returnees. This is a book that is very difficult to criticize, the only minor critique I can think of is that Webbers' court case activism may run the risk of not always taken serious. Important arguments sometimes remain centred around one particular case and therefore they lack a wider political grounding. Nevertheless, I would strongly recommend this book to everyone interested in understanding the direction of current immigration policy and practices in the UK. It is a very convincing story about the role that legal courts, judges and lawyers have played over the years in the important struggle for vulnerable groups to get access to the law.

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