

Notes to accompany the visit of the UN Special Rapporteur on the Human Rights of Migrants

3rd July 2019



Migration Mobilities Bristol (MMB)

These notes summarise a selection of the work being carried out in Bristol that is of relevance to the full and effective protection of the human rights of migrants. We start by outlining the work of Migration Mobilities Bristol (MMB), a Specialist Research Institute of the University of Bristol, and go on to give examples of research projects grouped around the four key challenges that MMB addresses. A final section covers submissions from local NGOs and local government.

Background

The past two decades have witnessed a massive increase in research on migration, yet for all the evidence and policy work we have done some people still move easily across the world – as talent, tourists and ‘high net worth individuals’ – while others continue to be scapegoated and demonised, their journeys becoming ever more dangerous and their attempts to successfully claim asylum ever more difficult. In short, the problems associated with ‘migration’ continue. There is an urgent need for new thinking on migration.

Migration Mobilities Bristol (MMB) takes an exciting and innovative approach to studying the movement of people. It combines perspectives from arts and social sciences and brings together current analysis and observation, historical evidence, philosophy, and sociological and legal theory while engaging with and learning from the perspectives of non-academics, particularly people who are on the move. This interdisciplinarity and engagement with policy, practice and theory enables us both to better understand contemporary mobilities and to reflect on what responses to migration tell us about the states and places where migrants live. MMB promotes robust, theoretically informed and socially committed research.

An interdisciplinary hub for research on human mobilities, MMB is an interconnected body of academics and researchers; a source of thought leadership and expert commentary. We work beyond the boundaries of our university to push the boundaries of our subject. We have strong relationships with other research centres across the world, and we are part of the landscape of organisations involved in migration: local to international. Our work at Bristol is linked by a common interest in the social, economic and cultural consequences of migration and in the connections between human movement and other mobilities.

MMB Research

We conduct research that expands and challenges understandings of mobility in order to contribute to a more just world. We foster creative and interdisciplinary thinking by engaging with theory and the arts as well as law, policy and practice to explore human mobility and its social relations. We build connections between the local and the global, the present and the past.

In all our work we recognise the importance of immigration status: asylum seekers, undocumented migrants, students, temporary workers and marriage migrants to name a few. We also acknowledge that we must take an intersectional approach: age, gender, sexuality and (dis)ability are all crucial to shaping experiences. We are particularly interested in the ways that race and ethnicity intersect with these factors.

The MMB network has more than 200 scholars from across the university and beyond in a range of disciplines including: English, film studies, geography, history, law, modern languages, music, philosophy, politics and social policy. Further information on the people that make up MMB can be found here – www.bris.ac.uk/mmb/people.

This event and document have been put together by Professor Bridget Anderson, Emma Newcombe and Dr Diego Acosta Arcarazo.

[Bridget Anderson](#) is the Director of [Migration Mobilities Bristol](#) and Professor of Migration, Mobilities and Citizenship. Her post is split between the Faculty of Social Sciences and Law and the School of Sociology, Politics and International Studies. Bridget is the author of *Us and Them? The Dangerous Politics of Immigration Controls* and *Doing the Dirty Work? The Global Politics of Domestic Labour*. Her work explores the tension between labour market flexibilities and citizenship rights, and pioneered an understanding of the functions of immigration in key labour market sectors. Her interest in labour demand has meant an engagement with debates about trafficking and modern day slavery, which in turn led to an interest in state enforcement and deportation, and in the ways immigration controls increasingly impact on citizens as well as on migrants. Bridget has worked closely with migrants' organisations, trades unions and legal practitioners at local, national and international levels.

[Emma Newcombe](#) is Specialist Research Institute Manager for Migration Mobilities Bristol. Emma's role includes leading on strategic planning and policy development for MMB, as well as managing communications and user engagement activities, promoting and supporting inter- and transdisciplinary working, and delivering evidence, analysis and evaluations.

[Diego Acosta Arcarazo](#) is a Reader in European and Migration Law at the University of Bristol. He holds a PhD in European Law from Kings College London. His latest book, *The National Versus the Foreigner in South America: 200 Years of Migration and Citizenship Law*, was published by Cambridge University Press in 2018. Diego is regularly invited to present his work at international conferences and has provided consultancy on issues of migration law for international organizations, governments, law firms, political parties and NGOs in the US, Europe, South America and Africa. Diego is also an active member of the MMB Management Group.



1. Imagination, belonging, futures

The production and maintenance of territorial borders through practices of state surveillance and citizenship play a central role in how nationhood is imagined. They are also key to the politics of inclusion/exclusion and the separation from, and attachment to, place. The 'imagination, belonging, futures' research challenge seeks to explore and identify new and alternative forms of belonging and relationships by engaging with the ideas and utopian visions precipitated by the global mobility of people across borders.

We examine mobile populations in different historical periods and geographical spaces, focusing on the social and cultural notions of home, exile, identity and community formation – and how these ideas change over time and space. We explore the politics and aesthetics of belonging by employing radical, participatory and self-representational methodologies alongside a critical engagement with filmic, literary and figurative strategies.

How do dominant representations and spatial imaginaries become established, and how can they be, or how are they being, unsettled? What possibilities lie in the individual, collective and utopian imaginaries of mobile groups and what insights might they offer into new or alternative ways of living and working together? What implications might aesthetic, narrative and representational strategies have in policy making? In what ways can the study of the mobile imagination help us rethink or problematise established categorisations of migrant, refugee and citizen?

Research challenge co-ordinator: Dr Nariman Massoumi, Lecturer in Film and Television



Selected Projects

Dr Jacqueline Maingard, Reader in Film, University of Bristol

My research expertise is in film that represents migrants and refugees, violations against them, their reasons for leaving their home countries, their border crossings and journeys, their experiences of camps and detention centres, of law and officialdom, and the trauma that accompanies their lives. Hearing the 'voices' of migrants and refugees themselves is essential for creating policies and programmes that respond to their needs and afford them agency, and for extending knowledge in the public sphere. Their subjective points of view are crucial and films make an important contribution in expressing these, whether through agencies or in their own filmmaking endeavours. My background is in both the social sciences and the arts, in Africa and Europe, and my expertise straddles the combined realms of film/filmmaking and community work. I have published research articles on films dealing with migration. I curate screenings and organise public events. I design and contribute to educational programmes (for example, the EIUC Masters Programme, on 'African Cinema and Human Rights'; and Bristol Futures, on 'Global Citizenship').

Keywords: film, 'voice', agency, subjective points of view

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Dr Denny Pencheva, Teaching Assistant in Politics (School of Sociology, Politics and International Studies), Associate Teacher in EU and UK migration policies (School for Policy Studies), University of Bristol

My research explores the nexus between international security and migration. I am particularly interested in the relationship between securitised migration politics and policies and the heterogeneous nature of migration flows. I am interested in the role of supranational institutions (EU) and intergovernmental organisations (UNHCR, IOM, etc.) in governing different aspects of global migration (regular and irregular). Recently, my work has sought to explore the impact of Brexit on the representation and human rights of EU migrants in the UK. In terms of regional expertise, my work has focused on the UK, Scandinavia, Central and Eastern Europe, and the Balkans.

Keywords: security, migration, media, Brexit

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Ann Singleton, Senior Research Fellow, School for Policy Studies, University of Bristol

My work focuses on improving the use and understanding of international migration data in the development of policy. I am Senior Advisor to the IOM's [Global Migration Data Analysis Centre \(IOM GMDAC\)](#) and I have been instrumental in the development of the [IOM's Migration Data Portal](#). I am a member of UNSD's International Expert Advisory Group on Migration Statistics, advised the European Commission, the European Parliament, the Council of Ministers and EU Presidencies and many

governments. Between 2002 and 2004 I was responsible for policy on statistics in the European Commission's Directorate-General for Justice and Home Affairs and introduced the EU's first legislation on migration and asylum statistics.

- Vice-Chair of the Worldwide Universities Network (WUN) [‘Understanding Cultures’ Global Challenge’](#)
- Lead investigator of WUN projects: [‘Memorials to people who have died and to those missing during migration: a global project’](#) and [‘Migration, Development and Global Transformations \(MDGT\)’](#)
- Editor of the Global Migration Group [Handbook for Improving the Production and Use of Migration Data for Development.](#)
- Led the UoB-hosted WUN-IOM [Summer School on Migration Data for Policy.](#) The next WUN-IOM Summer School is planned to take place at the University of Cape Town in 2020.

Keywords: migration data and statistics, migration policy, WUN-IOM Strategic Alliance, migrant deaths
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2. Control, conflict, resistance

This research challenge seeks to understand people's different abilities to move and how their conflicts and struggles are shaped by everyday constraints on their movements and presence. We explore our current situations through attention to our pasts and through this aim to contribute to political and theoretical debates on mobility, control and resistance – and how these relate to class, gender, age, nationality, 'race' and sexuality.

Conflicts have arisen historically between social actors seeking freer and safer movement and those determined to tighten controls on mobility. We seek to connect this to questions of 'differential inclusion' where people's presence is (barely) tolerated when they attempt to stop moving. This means taking into account how the violent ruptures of modernity – such as enclosure, colonialism, slavery and partition – have had on-going implications for techniques of mobility control and people's resistance to them. Through theoretical, historical and empirical work we seek to understand and challenge the structural inequalities and systems of domination, such as 'race', caste, class, gender, age and nationality, that restrict rights and freedoms in the global world in different ways. In order to do so we ask:

- How do people differently devise moves and tactics to circumnavigate and resist constraints on their freedom?
- What are the links between historical and contemporary techniques used by states, social groups and political organisations to control and prevent the unwanted movement of particular populations?
- How can past efforts by rightless and marginalised people to move closer to freedom shed light on the pursuit and practice of freedom by such people today?
- How can narratives and lived experiences of mobilities problematise and expose the limits and ambivalences of dichotomies such as resistance/accommodation, agency/control, freedom/domination?

Research challenge co-ordinator: Dr Angelo Martins Junior, Research Associate, School of Sociology, Politics and International Studies



Selected Projects

Dr Camilla Morelli, Lecturer in Social Anthropology, University of Bristol

My research examines the lives of indigenous children and youth who are migrating from rainforest areas to urban settlements in Peru, where most of them live precariously in urban slums and struggle with economic hardship, social exclusions and marginalisation.

Children and youth constitute the largest demographics of indigenous and rural population in Latin America, and they are often at the centre of migratory processes from rural to urban areas across the world. And yet, their own voices, perspectives and agency are often unheard in both academic research and developmental projects both at national and international level.

Drawing on ethnographic fieldwork with indigenous people conducted over the past ten years, I use qualitative and collaborative methods (including storytelling, photography and animation) that can bring out the voices and experiences of young migrants themselves, so as to document the challenges of migration from their own perspectives.

This fits into the Rapporteur's mandate insofar as I seek ways to report the challenges faced by vulnerable migrants (point a) by co-producing documents with them (point b), and I explore practical ways in which this collaborative research can inform policy and intervention (points e and g).

Keywords: indigenous migrants, children and youth, urbanisation, Latin America, ethnography

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Professor Julia O'Connell Davidson, Professor of Social Research, School of Sociology Politics and International Studies, University of Bristol

My research critiques the use of the slave trade as a metaphor in relation to contemporary migration, and highlights instead the many similarities between the history of state controls over the mobility of enslaved people and the techniques used by contemporary states to restrict the mobility of migrants and refugees. I currently hold a five-year ERC Advanced Grant that is, among other things, gathering data on sub-Saharan Africans' experience of irregular migration to Europe and to Brazil. These data will be analysed in relation to historical evidence on enslaved people's flight from slave states, and the maroon or *quilombo* communities formed by escapees from slavery. We will also be studying parallels and discontinuities between asylum-seeking in Europe and Brazil today, and the history of enslaved people's efforts to legally transform their status from 'slave' to 'freed' and to secure rights and freedoms by going to law. I have also recently completed research in Jamaica that examined the unintended and very negative impact of United States Trafficking in Persons Reports and policy on vulnerable populations, including sex workers and LGBTQ communities.

Keywords: slavery, state control, irregular migration, asylum, trafficking

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Dr Katharine Charsley, Reader in Sociology, University of Bristol

My research centres on the topic of marriage and migration and I have particular expertise on marriage-related migration to the UK. My most recent project interrogates the notion that ethnic minority marriage migration is a problem for integration – a logic which has been used to justify restrictions to spousal migration/reunification in the UK and elsewhere in Europe. This work has particularly focused on the British South Asian populations, which are the largest ethnic group involved in this kind of transnational marriage. I am currently working with a grassroots support group to develop a project on the impact on British families of being denied the ability to live in the UK with their spouse as a result either of failure to meet visa requirements such as minimum income (which carry particular disadvantage for low earning social groups) or errors in visa decisions. I run an international research network on marriage and migration, with over 120 mailing list members (all researchers in the field).

Keywords: marriage migration, family migration, transnational marriage, integration, gender

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Dr Melanie Griffiths, Birmingham Fellow, School of Geography, Earth and Environmental Sciences, University of Birmingham

I am an anthropologist by training, working on migrants and migration management in the UK. My research expertise includes immigration enforcement matters, including immigration detention, criminalisation and deportation. I also specialise in issues of time, gender (particularly men and masculinity), the judicial system and bureaucratic relations in the migration field. I work with a variety of migrant groups, particularly irregular and illegalised migrants, deportees and asylum seekers, as well as their British family members.

I currently hold a prestigious Birmingham Fellowship at the University of Birmingham, where I am leading research examining new developments in immigration enforcement evolving under Brexit. In 2014-17 I headed a Future Research Leaders project at the University of Bristol investigating the family lives and private life rights of 'mixed-immigration status' families. Focusing on deportable migrant men and their British/European partners and children, the research examined the impact of deportation on families, including citizens. I have a PhD from the University of Oxford, which focused on problems of identification facing refused asylum seekers and immigration detainees. In 2013 I worked on a University of Exeter project exploring disparities between asylum appeals heard at different tribunal centres.

Keywords: asylum, irregular migration, immigration detention, deportation, gender, men

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Dr Katie Bales, Lecturer in Law, University of Bristol, and Arooba Hameed, student, University of Bristol

Challenges to asylum seekers' and refugees' access to higher education in the UK and Bristol

Unlike refugee students, asylum seekers are classified as 'international students' by many universities in terms of their status and which fees they should pay. Asylum seekers and those without leave to remain or enter are also unable to access Student Finance from the Government. This means that many people are unable to access higher education and are forced to put their lives on hold whilst their immigration claim is processed. In some instances, this can take over ten years.

In order to address this, some universities (such as Bristol) have established 'Sanctuary Scholarship Schemes' for refugees and asylum seekers. Overall, the sanctuary scholarship schemes have been very successful, but they can only provide access for a very small minority of students and education should be accessible to all. Sanctuary scholarship schemes are also being threatened by the Government's rules on the 'right to study' and the imposition of study bans.

Any student wishing to study in the UK must have the 'right to study', which is dependent on immigration status. It can be granted in the form of a visa or endorsement or granted depending on status. Refugee status, for example, grants the 'right to study' in the UK. All UK and EU passport holders have the right to study in the UK. Universities allowing students to study who do not have the 'right to study' risk having their Tier 4 License removed by the Home Office. Removal of the Tier 4 License means Universities would not be able to host international students, which would have major implications in terms of funding.

In January 2018, the UK Government introduced 'study bans' as a possible condition of 'immigration bail'. Immigration bail applies to those who are either detained within immigration detention, or liable to be detained within immigration detention in the UK, i.e. anyone without leave to remain or enter, such as: asylum seekers, unaccompanied asylum seeking children, undocumented children and young persons, those who are 'appeal rights exhausted' and care leavers who have not resolved their immigration status. Once granted bail an individual will be given a BAIL 201 form, which notifies them of when their bail begins and the conditions under which it is imposed. In January 2018, schedule 10, para 2 of the Immigration Act 2016 was brought into force, which introduces a number of new 'bail' conditions – 'study bans' are one of these new conditions. If an individual breaches an immigration bail condition the Home Office has the power to arrest or detain them. Home Office guidance on study bans states that asylum seekers with active claims should not have a study condition applied and that bans should only be applied where the asylum seeker becomes appeal rights exhausted. Before imposing a ban, decision makers are asked to consider whether the 'individual is undertaking significant exams, for example GCSEs, "A" levels or their equivalents or university finals, and what the timescale is when taking removal action into account, and therefore the impact of a study restriction' (Home Office guidance p.13).

Our experience at Bristol is that this guidance is not being adhered to and students are having bans imposed on them before sitting significant exams resulting in their having to miss the exams. Once a student has a ban imposed the University has to suspend the student or the student risks committing an immigration offence, which could have significant repercussions.

Keywords: education, right to study, asylum seekers, forced migration

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3. Bodies, borders, justice

This research challenge explores how state borders create and manage sexual, racial, cultural, age, ability and class differences. It examines the effects of bordering on human relationships, on rights and on justice.

International mobility – often labelled as ‘migration’ – tends to come with weakened rights and vulnerability to injustice, ranging from oppressive inclusion to violent exclusion. State borders create, reflect and reinforce many other forms of bordering within state territories manifesting, for example, in ‘hostile environment’ policies and their consequences.

The ‘bodies, borders, justice’ research challenge studies how the making of borders intersects with and contributes to the construction of sexual, racial, cultural, age, ability and class differences. Borders and differences are both shaped by and structure personal relationships, and this research challenge foregrounds the role of emotions in facilitating or undermining interpersonal bonds in contexts such as schools, workplaces, civil society and family homes.

From a critical perspective, we unpack the past and present (re)production of embodied and territorialised cultures, including languages, religions and artistic practices, through legal and social institutions in the global North and South. Our overarching aim is to develop, in dialogue with other academics, professionals and activists, strategies to expand the possibilities of justice in a mobile world.

Key concerns include:

- How do state bordering practices and nationalised imaginaries contribute to creating other social categories, particularly ‘race’?
- How are identities mediated by the representation of mobility in written, oral and visual discourses?
- What common processes lie behind the subordination of various mobile populations?
- What conceptions of justice legitimise attempts to immobilise people for certain periods in specific locations, from the state to the prison?

Research challenge co-ordinator: Dr Pier-Luc Dupont, **Research Associate, School of Sociology, Politics and International Studies**



Selected Projects

Dr Pier-Luc Dupont, Research Associate, School of Sociology, Politics and International Studies, University of Bristol

A large part of my research over the past seven years has been concerned with the structural roots of racial discrimination and the development of legal and policy measures to prevent it. Drawing on this work and more particularly on the UK data collected in the course of the Horizon 2020 project [ETHOS – Toward a European Theory of Justice and Fairness](#), I address the problem of ‘opportunistic’ or ‘exploitative’ discrimination driven by the denial of UK migrant workers’ social rights; the subordination of their residency to their continued employment; and for asylum seekers and migrant workers in an irregular situation, the outright negation of the right to participate in paid work. My overall argument is that by dramatically curtailing workers’ bargaining power, these restrictions allow employers to treat them less favourably than workers with indefinite leave to remain or UK citizenship. In turn, this less favourable treatment pushes migrant workers into more precarious, lower-status positions and consolidates a racialised employment hierarchy that contributes to racist attitudes in society more broadly. These processes constitute a prima facie violation of Articles 7, 25, 27, 38, 43(d), 54(b), 55 and 68(2) of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

To unpack these general trends, I focus on recent developments in relation to the ‘no recourse to public funds’ condition for migrants with temporary permits; the requirements of continuous work regulating the renewal of temporary permits, access to permanent residency and UK citizenship; and the doctrine of ‘illegality’ that strips unauthorised workers of all judicial means to claim employment rights.

Keywords: [exploitative discrimination](#), [conditional residency](#), [no recourse to public funds](#), [illegal employment](#), [racial hierarchy](#)

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Dr Devyani Prabhat, Reader in Law, University of Bristol

I am an expert on British nationality and citizenship and have written three books on various aspects of nationality and citizenship. I have a specific interest in young people and children and their right to nationality as well as rights associated with long term legal status such as refugee and stateless status. At present I am working on statelessness and the right to vote with partners in Asylum Aid (now named Consonant), UNHCR and UNICEF.

Keywords: [nationality](#), [British citizenship](#), [children’s rights](#), [long-term residence](#), [belonging](#)

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Yasha Maccanico, PhD researcher, University of Bristol, and Researcher at Statewatch, member of Migreurop and Osservatorio Solidarietà

Thesis title: European Immigration Policies as a Problem: State Power and Authoritarianism. My work on immigration policies at the EU and national levels addresses their inherent features and their relationship to state power and authoritarianism, hypothesizing that they are more about justifying a power grab by producing hierarchies to be subsequently used as a wrecking ball, than about immigration *per se*. At the EU level, this amounts to placing frontline states in situations of structural disadvantage (the substance of the EU's 2015 Agenda in this field) to justify developing the EU's security and immigration management structures. At the national level, it stops migrants being recognised as people, thus justifying violence, detention and states resorting to unlawful practices. At the intergovernmental level, it makes it possible to Europeanise discrimination and ethnic profiling as routine practices enacted by law enforcement agencies in pursuit of strategic goals. Official documents and the interaction between the EU and national levels show how this policy field is enabling a subversive agenda to prosper within and beyond the EU's borders, through externalisation, whereby authorities strive to overwhelm normative frameworks, the international system and limits to state power(s) in pursuit of ambitious policy goals.

Keywords: European agenda on migration, Italy, Libya, human rights, externalisation, criminalising solidarity

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Dr Mengia Tschalaer, Marie Curie Research Fellow, School of Sociology, Politics and International Studies, University of Bristol

I am currently engaged in a 2-year European Commission Horizon 2020 funded research project on queer asylum in Germany. I am concerned that despite the Directive 2011/95/EU, which recognizes human rights violations based on sexual orientation and gender identity as grounds for seeking asylum in Europe, lesbian, gay, trans, queer and intersex (LGBTQI+) people seeking asylum remain often unrecognized and invisible in the asylum system. My data shows that LGBTQI+ refugees and people seeking asylum face particular legal and social challenges that are related to stereotyping, lack of socio-legal support, and poor housing situations. First, while recent EU policy and law reflect reform endeavours to improve the quality of sexual orientation/gender identity asylum interviews, decision-making on LGBTQI+ claims remain poor and inconsistent and often rely on stereotyping. Second, LGBTQI+ people seeking asylum often lack access to legal and social support because there is a lack of information for LGBTQI+ refugees on how to find support and where. Third, LGBTQI+ refugees and people seeking asylum feel a heightened sense of loneliness and social isolation as they are often inadequately housed; they also experience hate crime and sexual assault, which increases the risk of mental health related issues such as depression and suicide.

Keywords: asylum, refugee, Germany, LGBTQI+, assessment

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Rebecca Yeo, PhD Researcher, University of Bath

The rights of disabled asylum seekers and refugees

The UN Convention on the Rights of Persons with Disabilities (UNCRPD) (2006) contains internationally agreed standards for the removal of barriers that disabled people face accessing universal rights. Disabled asylum seekers are routinely denied the rights of the Convention, including: food, housing, safety and independent living. A UN Inspection 2016 found 'grave and systematic' abuse of disabled people's rights. The denial of services and support is particularly acute in the asylum system, where the 'hostile environment' is designed to reduce the numbers of migrants in the UK. The result is that the asylum system itself is disabling.

It would be wrong to suggest that no provision exists. People with ongoing asylum claims have the same right as any other resident in the UK to access social care. However, not all asylum seekers have care needs and there is a crisis of funding of social care as reported by the UN inspector in 2016. When the needs of disabled asylum seekers are recognised in the asylum system, the assumption is often that the issues are new. This is not the case. The rights enshrined in the UNCRPD were designed to apply to all disabled people irrespective of migration status.

Keywords: disability, UN Convention on the Rights of Persons with Disabilities, hostile environment, disabling system

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Ben Hudson, PhD researcher, School of Law, University of Bristol

My work on the human rights of migrants falls under two headings. The first concerns migrant reception and categorisation and in my latest work I examine the ECtHR's application of the vulnerability concept in its case law on mixed-migration journeys across the Mediterranean Sea. This work shows that while the ECtHR is amenable to recognising vulnerability in its many varied and overlapping forms, the Court's actual application of the concept belies its sophistication and squanders its potential. The result is a continued reliance upon a simplistic and invidious approach that excludes recognition of the lived vulnerability of many who undertake hazardous journeys by sea, namely those sweepingly classified as 'irregular'. The second area of my work concerns forced migrants' access to higher education, primarily in the English context. This research reveals how tightening restrictions in funding regulations and immigration law together conspire against the realisation of forced migrants' rights to education. In this connection, I work closely with universities to navigate this complex legal and regulatory environment. In particular, I support the design and implementation of sanctuary initiatives underpinned by the [Guiding Principles on Sanctuary Scholars in UK Higher Education](#), which I co-authored and which now form the basis for recognition as a University of Sanctuary:

Keywords: law, human rights, access to higher education, forced and mixed migration, vulnerability

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Dr Natasha Carver, Research Associate, School of Law and Policy, Cardiff University

My research focuses on family life and intimate relationships after migration. My particular interest is on how states use legislation in the name of protecting their 'national culture', and the impact such measures have on migrants. As such, I work on arranged/forced and transnational marriage, female genital circumcision/mutilation (FGC/M) and the criminalization of migrants and migrant families more broadly. My forthcoming book, *Marriage, Gender and Refugee Migration* (Rutgers UP, 2020), examines perceptions of 'families-in-crisis' among Somali migrants to the UK. I have two ongoing research projects. The first (with Saffron Karlsen, Christina Pantazis and Magda Mogilnicka, University of Bristol) critically appraises legislative and policy measures aimed at preventing and eliminating FGC/M. Across Europe and the West, states have rushed through legislation to ban FGC/M, often with caveats that exempt the non-migrant population from prosecution for undertaking similar genital reshaping. Furthermore, these laws have been adopted based on the assumption that migrant behaviour and family life are determined by 'culture', despite empirical evidence suggesting that FGC/M is a strategy for social acceptance and advancement and as such is abandoned by the vast majority following migration. In the second project I am examining group-prosecutions of people from a migrant background for child sexual exploitation in the UK, and (often) their subsequent deportation.

Keywords: migrant family life, criminalisation, deportation, legal limbo

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4. Trade, labour, capital

This research challenge seeks to understand the mobility of people and its relation to the movement of goods, services and money. We are also interested in how the relationship between markets and migration is imagined and represented.

The search for markets for goods, land, labour and work has been one of the primary drivers of the movement of people, both historically and in contemporary times. In the past, this quest led to movements of people in a discernible direction, but today the flows of migration and goods are more complex in their directionality. Meanwhile the movement of finance capital is increasingly critical but under-explored by researchers.

Key research questions include:

- How are these movements, and our understandings of them, gendered?
- Do the movements of workers always go hand in hand with movement of capital?
- Does capital always precede, with workers following? Could it be that labour flees when capital arrives?
- What are the implications of different forms of capitalism for these relationships?
- What role do cities, sub-national territorial formations and regional arrangements play in capitalism(s) and what does this mean for understanding flows of people?
- Do crises in regimes of capital accumulation offer new opportunities that allow us to challenge anti-migrant animus?
- Do terms like trade, labour, capital and migration aid or hinder our understanding of their relationships?

Research challenge co-ordinator: Dr Manoj Dias-Abey, **Lecturer in Law**



Selected Projects

Dr Manoj Dias-Abey, Lecturer in Law, University of Bristol

My research interests lie at the intersection of labour law and immigration law. My current work focuses on labour organisations and movements that represent migrant workers, and how they utilise the law to further their objectives. Relatedly, I also research the law and political economy of temporary labour migration.

The United Kingdom currently has in place a number of temporary labour migration programmes, including the Seasonal Workers Pilot and the General Work Visa (Tier 2). If free movement from the European Union ends as a result of “Brexit” arrangements, it is highly likely that the UK will allow employers greater recourse to these programmes. “Guestworker” schemes impose a variety of de jure and de facto restrictions on workers, which ensure certain labour market outcomes. Citing historical and comparative evidence, I outline the precise ways in which temporary labour migration facilitates the neoliberal restructuring of labour markets.

Keywords: temporary labour migration, migrant workers, labour rights, Brexit

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Dr Gregory Schwartz, Lecturer in Management, University of Bristol

My research looks at labour mobility between EU member and European ‘third country’ states in the context of uneven and combined Europe, interrogating whether mobility can redress the linked crisis tendencies in production and social reproduction. This work builds on ongoing research looking at the prospects of labour provisions in EU-Ukraine DCFTA (Association Agreement). This concern stems from intensified pressures in the sphere of social reproduction triggered by states and markets attempting to defer crisis tendencies in production by shifting the costs of transformations to the domestic and unpaid spheres, while social reproduction is being reconstituted by markets, the responsibility for it being privatised and individualised, and the capabilities of individuals and households to meet this responsibility receiving inadequate support. The increased need for and lower capacity to engage in social reproduction lead to EU and national governments using legal, policy and practical responses to the intrinsically linked problems of production and social reproduction, while the transnationalisation of entitlements and rights, of citizenship and residency, in Europe defined by EU’s ‘freedoms of movement’, position labour mobility as an important mechanism through which such problems can be addressed. This raises the question of whether such responses in an economically integrated but unequal Europe are sustainable, or whether they tend to promote regressive redistribution within and between countries, producing benefits in some parts of Europe and for some groups while exacerbating them in other parts and for other groups, thus leading to new forms and degrees of inequalities in Europe.

Keywords: Eastern Europe, labour migration, social reproduction, gender, inequality

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Professor Tonia Novitz, Professor of Labour Law, University of Bristol

My concerns lie predominantly with temporary migration of workers and their abuse within trade in services. I have been engaged in tracking exploitation of 'posted workers' linked to European Union trade in services, with respect to the various violations of their labour rights, including associational freedoms. I have drawn parallels with movement of natural persons under Mode 4 of the General Agreement on Trade in Services (GATS) and the Annex to that instrument in Movement of Natural Persons, which fails to refer to labour standards. While there are signs of progress such as the 2018 amendment by EU Directive 2018/957 to the EU Posting of Workers Directive in 2018, it is vital that on the international stage (and in the context of transnational supply chains) we begin to acknowledge more fully the connections between trade law and migration and human rights law. I am currently engaged in a European Commission funded Horizon 2020 Project on Sustainable Market Actors for Responsible Trade (SMART) tracing EU and international regulatory issues arising in relation to trade in textiles and mobile phones. From a sustainability perspective, we are seeking to build social and migration concerns into trade relations.

Keywords: labour, posted work, temporary migration, trade in services, sustainability, supply chains

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Examples of NGOs and Local Government sectors working with MMB

Colin Yeo, Barrister, freemovement.org

I am a barrister based in Bristol specialising in immigration, asylum and nationality law. My work is mainly family immigration work for spouses, children and dependent parents, nationality questions, human rights work with long-term residents and asylum work with refugees. I run a website for immigration lawyers and interested members of the public at www.freemovement.org.uk, which receives around 2.5 million page views per year. I regularly write about immigration issues such as deprivation of citizenship, the future status of EU citizens, the hostile environment policy of citizen-on-citizen immigration checks, the Windrush scandal, immigration detention and other contemporary issues and I work with several charities, campaign groups and academics around the UK. I am often called by journalists asking for insight into immigration issues.

Keywords: hostile environment, Windrush scandal, EU Settled Status Scheme

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David Barclay, Mayor's Advisor on Inclusion, Bristol City Council

As the Mayor's Advisor on Inclusion, I have worked to help those affected by the Windrush Scandal in Bristol to get access to citizenship documents and the Government's compensation scheme. I have also been involved in facilitating the Mayor's participation in international discussions on the UN Global Compact for Migration, which focused on this particular issue and the ways in which the Hostile Environment fails to meet the requirements of objective 15 of the Compact on access to public services. With a high degree of uncertainty around Brexit and the EU Settled Status Scheme, the Mayor and Council have significant concerns about the way this Scheme is currently structured, and its potential to represent a 'second Windrush scandal'.

Keywords: Windrush, citizenship, compensation schemes, Global Compact for Migration, hostile environment

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Bristol Refugee Rights (BRR)

Our vision is a society where refugees, asylum seekers and migrants are welcomed, feel safe, live free of poverty and are able to positively build their lives. A society where everyone's rights and entitlements are respected.

Bristol Refugee Rights (BRR) is a place of solidarity and trust; being member led is fundamental; and members are supported to participate throughout the organisation. We prioritise welcome, safety, wellbeing and equality. Our services are holistic, complementary and integrated and many are unique in Bristol – for example, our Advice Service that includes asylum support advice, our Early Years Project for refugee and migrant children and our LGBT+ group specifically for asylum seekers, refugees and migrants. BRR works in partnership convening city-wide fora, bringing organisations together and working strategically to meet the needs of members and tackle root causes of the problems they face.

BRR is a charity and a company limited by guarantee. In 2019, our doors have been open for 13 years and during that time we have developed into the largest provider of services to asylum seekers and refugees in Bristol. Our Welcome Centre is open three days a week, we have 120 volunteers and 24 part time staff.

Keywords: safety, early action, advocacy, empowerment, action for change

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the3million

Following the 2016 Brexit referendum, the3million emerged as the main campaign for EU27 citizens in the UK. It has grown organically from a group of concerned citizens to an international campaign that gives voice to what was previously a largely voiceless and invisible minority. As a result, it is now the first port of call for EU27 citizens seeking to defend their rights, and it also provides insight and expertise to policymakers and the media. While advocacy remains its main focus, the3million also gets involved in strategic litigation when necessary.

The campaign collaborates in the UK and abroad with civil society groups and trade unions, and it is active on issues affecting all migrants such as indefinite detention, data protection, and voting rights. It monitors the implementation of the EU settlement scheme, and advocates for changing it to a declaratory system to protect EU27 citizens already in the country from the risk of falling into the hostile environment created by the UK immigration system.

the3million also works to preserve local voting rights of EU27 citizens in the UK, and to expand their franchise for national elections and referendums, alongside all foreign residents in the UK and all British citizens abroad.

Keywords: Brexit, citizenship, rights, migration, democracy

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Rohan Roy, Policy Assistant, Business West

Business West has long taken a keen interest in successive governments' migration policies, from who gets through the border to how they are treated once inside. From surveys of our members and by looking at wider data, we identify 'underemployment' as one of the biggest issues affecting migrants in the region. In a tight labour market, skills are going under-utilised because of cultural barriers to entry and because people often hold unrecognised qualifications. This has not been addressed by adequate policies from the government. Rather, we have seen a policy of hostile environment employed against non-European migrants and increasingly those from certain EU countries as well. We know a number of businesses whose European employees - both high and low skilled - have left because they no longer feel welcome.

Bristol's thriving, dynamic and creative economy has been built by its cosmopolitan population and the crosspollination of cultures. We believe that significantly more needs to be done to make migrants feel welcome and to integrate their skills into the economy. Bristol's continued success as a city relies on people wanting to live and work here.

Keywords: underemployment, cultural barriers, hostile environment, skills, economy

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David Jepson, Board Member, ACH / Himilo

ACH / Himilo is a leading organisation supporting the integration of newly arrived communities. It was set up in Bristol ten years ago by people from refugee and migrant backgrounds. We believe that integration should be bottom up and maximise individual autonomy through self-integration, which is the most effective method of ensuring human rights. The housing available for these communities is often poor quality, private, rented and expensive and only available for short-term periods. This impacts on wider aspects of integration and on access to sustainable employment. As a housing association we offer accommodation to 700 refugees in Bristol and in the West Midlands and we are strong supporters of Bristol City Council's active programme to provide more affordable and social housing, along with stricter regulation of private sector rented properties. Nevertheless, this remains a huge challenge.

We also see economic integration as central and aim for our target communities to access median level employment or better and not just entry level work. We work directly with certain employers (First Bus, Starbucks and business services sector). However, poor public infrastructure such as transport and housing along with lack of coherent government policy and funding restricts progress. For example, the aspiration for newly arrived communities to set up small enterprises can be undermined by the delivery of government business support. There is an especially serious problem for asylum seekers who are prohibited from all work and dependent on minimal state support, leaving them isolated and excluded.

Furthermore, historically, the UK experienced unprecedented levels of inward migration following EU enlargement in 2004. Unlike previous immigration, these groups went to rural, coastal and former industrial areas, to work in sectors such as hospitality, care, agriculture and food processing. Government provided minimal response over the following years in terms of the needed public services such as housing, health care, education and policing. There was also a shortcoming in support for rights at work (for example, health and safety, contracts, minimum wage), although organisations such as the SW TUC undertook important support and information provision. These communities, especially those in lower paid work and with settled families, now face uncertainty and some level of personal threat due to the Brexit process.

Keywords: [integration](#), [autonomy](#), [employment](#), [housing](#)

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Ruth Pickersgill, Councillor for Easton Ward, Bristol City Council

Three key issues negatively affect migrants in the UK: the two-tier system, the ban on working and the hostile environment.

Two-tier system: Support available to migrants in the UK varies, not according to their needs, but their method of arrival. People arriving from the same countries, having fled the same atrocities, end up here with different funding levels and access to services (for example, those on the Vulnerable Persons Resettlement Scheme and spontaneous arrivals). This is creating a narrative of 'worthy' and 'unworthy' asylum seekers and refugees, reinforced by negative media portrayal.

Lift the ban on working: It is discriminatory (and economic madness) that asylum seekers are not allowed to work. Often stuck in the asylum system for years, when they finally get status, they lack the relevant up-to-date skills, references and work experience required to access the job market at an appropriate level.

The hostile environment permeates all aspects of Government policy making. The Study Ban, right to work checks, denial of access to secondary health care, indefinite detentions and the use of imposed NRPf ('no

recourse to public funds’) create a climate of suspicion and status checking rather than human rights. Many bodies are now unclear about migrants’ entitlement to employment or services, and many migrants fall through the net and become destitute. The asylum system itself remains too complicated, lengthy and discriminatory, and decision making cumbersome and unreliable (so many appeals are won).

Keywords: access, hostile environment, rights, support, asylum

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