

The background of the entire page is a detailed aerial map of a city, likely London, showing a dense grid of streets and buildings. The map is rendered in a monochromatic blue color scheme, with lighter shades for buildings and darker shades for streets and shadows. The map is centered and covers the entire area.

# Entitlement and belonging: social restructuring and multicultural Britain

An IRR discussion paper on the Housing and  
Planning Bill 2015 and the Immigration Bill 2015

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**RACE**  
RELATIONS

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## The government considers the Housing and Planning Bill 2015 and the Immigration Bill 2015, currently going through parliament, as flagship pieces of legislation. This paper examines the likely impact of the legislation on the inner-city communities of multicultural Britain, the implications of its enforcement and the wider questions thrown up about the future of the welfare state.

We start with an explanation of the main measures contained within these bills and then set out the predicted impact of these measures, discussing evictions and 'displacement', destitution and homelessness, the spread of the 'hostile environment' strategy and its implications. The final two sections focus on enforcement and how formal accountability measures are being eradicated.<sup>1</sup>

The discussion paper argues that:

- The legislation appears aimed at a rapid social restructuring. This culmination of attempts by Labour and Conservative-led governments to codify social entitlements in Britain, link rights to responsibilities and exclude certain categories of people from rights altogether, will see multicultural neighbourhoods increasingly broken up and displaced.
- Extremes of poverty in inner-city neighbourhoods will be exacerbated, leaving children among those increasingly vulnerable to destitution. Local authorities will have no duties to assess provision for Gypsy and Travellers when assessing housing need.
- The extension of the 'hostile environment' principle which underlies immigration policy will lead to a deterioration in the quality of life for BAME communities. A climate of suspicion and mistrust will develop as those from BAME communities are forced to prove immigration status before receiving services.
- Vast new powers will be accumulated by government agencies responsible for administering the legislation. At the same time, mechanisms to scrutinise and hold

the government to account will be fatally weakened. As policy-delivery increasingly broadens to include civil-society bodies, accountability is being inverted, with these agencies increasingly answerable to and controlled by the state.

In preparing this paper we have used information taken from a wide range of sources, including organisations working in immigration, welfare and social policy, as well as statistical data from various sources. Where possible, this is used to provide an indication of *how* these bills will impact, and upon *whom*. The analysis also draws on four interviews that were carried out at the end of 2015 with representatives of voluntary sector organisations whose case-work informs activism around racial justice – in such areas as access to justice, welfare, migration, homelessness and poverty. Questions explored the interplay between racism and austerity, the links between social policy, immigration policy and the criminal justice system, the manner in which policies are being delivered in this context and legislative developments that reinforce them.

Section 1: <b>The Housing and Planning and Immigration Bills 2015</b>	<b>3</b>
Section 2: <b>Key concerns</b>	<b>5</b>
a) Urban renewal and the displacement of the poor	
b) The end of social housing and the intensification of homelessness	
c) The hostile environment	
d) A SUS culture	
Section 3: <b>Enforcement</b>	<b>10</b>
Section 4: <b>The inversion of accountability</b>	<b>12</b>

## Section 1

# The Housing and Planning and Immigration Bills 2015

**The Housing and Planning and Immigration Bills 2015 reinforce each other. They contain measures which are central to the government's 'one nation' agenda. This section sets out their key provisions and the context within which they interlink.**

When David Cameron gave his maiden speech as the leader of a majority government on 8 May 2015, he congratulated the coalition that he had fronted for the 'foundations' that it had laid, before suggesting that 'the real opportunities lie ahead'. 'When I stood here five years ago, our country was in the grip of an economic crisis', he said. But 'I truly believe we are on the brink of something special ... We can make Britain a place where a good life is in reach for everyone who is willing to work and do the right thing.'<sup>2</sup>

The legislative programme for achieving this, set out a few weeks later in the Queen's Speech 2015, was introduced under the rhetoric of a new 'One Nation Government'.<sup>3</sup> With a 'mandate for renewal', twenty-seven bills were introduced covering welfare, policing, counter-extremism, devolution, education, human rights, trade unions, surveillance and data retention, and more. And within this wholesale strategy of state restructuring were the Housing and Planning and Immigration Bills 2015-2016.

These bills – the former of which was to become the first to be considered under new English votes for English laws measures<sup>4</sup> – are a culmination of attempts by Labour- and Conservative-led governments to codify social entitlement in Britain, link rights to responsibilities and exclude certain categories of people from rights altogether. The immigration bill includes

measures which will expand the powers of immigration officers yet further, continue a commitment to integrating immigration enforcement within mainstream services and criminalise undocumented workers,<sup>5</sup> rendering them ever more vulnerable to exploitation. The housing bill includes measures which will end secure tenancies, force the sale of property – transferring public land into private hands – and ultimately force rents higher in an upward spiral. Whereas the former is focused on addressing who can reside in the country, the latter addresses who can reside where. And in doing so, the impact of the act on the poor and marginalised will be devastating. The elderly, victims of domestic violence and those with health problems will be left vulnerable by the phasing out of secure tenancies. Some 60,000 people, it is estimated, may be unable to remain in their home as a result of 'pay-to-stay provisions'. Families will be separated. People in receipt of disability allowance, for example, may be penalised.

These two bills do not exist in isolation from the broader 'one nation' strategy of which they are part. But as we show below, they do reinforce one another. And taken together, they represent a significant step towards restructuring the face of urban Britain. If passed they will provide pretext for the mass, accelerated displacement of those who do not fit within contemporary vernaculars of urban living – breaking-up multicultural communities in the process. They will isolate people from family networks and community infrastructures. Ultimately, they will undermine the formal mechanisms which hold state agencies to account.

An overview of some of the key measures in these bills is provided in Figure 1, below.

## Figure 1: A brief overview of the Housing and Planning Bill 2015 and the Immigration Bill 2015

### The Housing and Planning Bill 2015

- Secure tenancies will be phased out and replaced by two to five year fixed tenancies.
- Council and housing association tenants will be made to 'pay to stay'. Social landlords with tenants earning £30,000 or over per annum (£40,000 in London) will be able to charge 'market or near market rents'.
- Councils will be forced to sell low-rent homes deemed 'high value', so as to fund 'right to buy' discounts for Housing Association tenants.
- Eviction powers will be bolstered further; 'fast-track' evictions will be enabled for landlords when they think tenants have abandoned a property, whereby the courts can be bypassed.
- When assessing housing needs, councils will be obliged to 'consider the needs of all the people residing in or resorting to their district, without any references to Gypsies and Travellers'.
- A duty will be placed on councils to guarantee the delivery of starter homes, to be sold to first time buyers (aged under 40) at 80 per cent of market rates.
- The government's powers to intervene in the planning and plan-making process will be extended, in some cases to direct councils on how to proceed. Developers will be able to bypass councils and go directly to the Secretary of State for planning permission.

For more information, see the briefings by the Kill the Housing Bill campaign,<sup>6</sup> Shelter,<sup>7</sup> Social Housing Under Threat (SHOUT),<sup>8</sup> Architects for Social Housing<sup>9</sup> and information provided by the Radical Housing Network.

### The Immigration Bill 2015

- A Director of Labour Market Enforcement will be created. A new offence of 'illegal working' will be created; sanctions will be increased; immigration officers' powers will be extended.
- Landlords will face five year prison sentences for renting to undocumented migrants. Landlords will be given new eviction powers.
- Banks will be obliged to carry out immigration checks and take action with regard to undocumented migrants; a new offence will be created preventing undocumented migrants from driving.
- 'Deport first, appeal later' provisions will be extended.
- 'Refused' asylum-seeking families will no longer automatically receive asylum support; support in general for refused asylum seekers will be restricted further.
- English language requirements for public sector workers in public-facing roles will be introduced.
- An 'immigration skills charge' will be introduced for those sponsoring some non-EEA nationals
- Control zones will be introduced; immigration powers will extend further to sea vessels and in terms of facilitating undocumented immigration.

For more information, see the briefings by Migrants Rights Network,<sup>10</sup> the Joint Council for the Welfare of Immigrants (JCWI)<sup>11</sup> and the Electronic Immigration Network.<sup>12</sup>

## Section 2

# Key concerns

**Who is able to live where they desire in the UK? Who is included within the myriad vernaculars of urban renewal? Who, ultimately, is included within the appeal to 'one nation'? These are the questions implied by these bills. And the most searching thinking on this is coming from those residents forced to resist the bills' impacts and the grass-roots networks resisting alongside them. It is significant that many of these networks have emerged in multicultural neighbourhoods often the target of aggressive regeneration strategies and processes of gentrification. Against this backdrop, this section shows how the enacted bills would mean the poor increasingly displaced, homelessness and destitution intensified and a climate of suspicion and mistrust against BAME communities legitimised.**

### a) Urban renewal and the displacement of the poor

With their respective aims of enforcing norms of property ownership, freeing up land for investors, removing some people from certain forms of housing and others from the country, the two bills reinforce a resurgent wave of gentrification 'reclaiming' space for a new set of cultural and economic elites. Frequently (but by no means always), these areas are inner-city estates and localities where black and Asian communities settled in the post-war period. And it is here that contemporary debates over social policy, welfare reform and immigration policing are being played out, and networks of resistance, mutual support and protest are emerging.

Referring to a series of work-related immigration raids in Deptford, southeast London, the Anti-Raids Network has pointed

out that 'One interpretation ... could be that they are a purposeful attempt to undermine the economic base of minority stallholders on the market, to make it appear an even more attractive investment to real estate speculators.'<sup>13</sup> As they make clear, the goals of immigration policy should not be distinguished from broader attempts to transform particular localities through a narrative of urban renaissance. And it is in such contexts that the Housing and Planning Bill and the Immigration Bill will contribute to ongoing processes of 'social cleansing'. To take just one example, despite ferocious resistance in London around 500 families are being displaced from their homes every week.<sup>14</sup> Summed up by one collective as combining 'moving out undesirable humans' with 'sanitising and securing the social environment for those who remain',<sup>15</sup> these processes are underpinned by a series of ideological assumptions about 'who' belongs in particular localities, with the multicultural poor among those deemed eminently disposable.

Already, evictions are being carried out at record levels in England, with nearly 43,000 tenants evicted from rented accommodation in 2015, or more than 170 per day (over half from privately rented accommodation).<sup>16</sup> And as figures from *Shelter* reveal, there are stark geographical differences. Between October 2013 to September 2014, possession claims (including mortgage possession claims) – the first stage of a legal process which can lead to eviction – were made on 1-in-36 households in Newham, 1-in-38 households in Barking and Dagenham and 1-in-42 households in Haringey, Southwark and Waltham Forest.<sup>17</sup> It is London boroughs which dominate this list of repossession 'hotspots' – many of which are multicultural areas undergoing rapid processes of urban restructuring and 'regeneration'.

An extract of Shelter's data, showing possession claims for twenty local authority 'hotspots' in England in 2013/14, is shown in Figure 2. We have added to this data on ethnicity, taken from the latest census (2011).

If these figures give an indication of the rapidity with which multicultural communities are broken up, the Housing and Planning Bill is explicit about how it will facilitate these processes. With regard to housing entitlements,

**Figure 2: Possession claims for twenty local authorities identified as hotspots, October 2013-September 2014.**

Rank (national)	Local Authority	Region	Rate of possession claims per household			Total number of claims	Percentage of population from BAME**
			Mortgage	Landlord	Total		
1	Newham	London	1 in 62	1 in 26	1 in 36	2,843	83%
2	Barking and Dagenham	London	1 in 82	1 in 23	1 in 38	1,840	51%
3	Haringey	London	1 in 152	1 in 26	1 in 42	2,449	65%
4	Southwark	London	1 in 140	1 in 30	1 in 42	2,892	60%
5	Waltham Forest	London	1 in 134	1 in 22	1 in 42	2,282	64%
6	Hackney	London	1 in 132	1 in 33	1 in 43	2,387	64%
7	Lewisham	London	1 in 111	1 in 27	1 in 43	2,689	58%
8	Brent	London	1 in 120	1 in 26	1 in 44	2,516	64%
9	Greenwich	London	1 in 101	1 in 28	1 in 46	2,505	48%
10	Enfield	London	1 in 118	1 in 21	1 in 46	2,581	59%
11	Lambeth	London	1 in 141	1 in 35	1 in 50	2,616	61%
12	Croydon	London	1 in 118	1 in 23	1 in 50	2,886	53%
13	Ealing	London	1 in 152	1 in 26	1 in 52	2,375	70%
14	Slough UA	South East	1 in 110	1 in 29	1 in 54	933	65%
15	Tower Hamlets	London	1 in 120	1 in 44	1 in 57	1,792	69%
16	Nottingham	East Mids	1 in 108	1 in 34	1 in 57	2,228	35%
17	Peterborough	East	1 in 117	1 in 26	1 in 57	1,298	29%
18	Redbridge	London	1 in 121	1 in 24	1 in 58	1,703	65%
19	Hillingdon	London	1 in 173	1 in 23	1 in 59	1,702	48%
20	Manchester	North West	1 in 80	1 in 45	1 in 61	3,335	20%

All data except for that on ethnicity taken from Shelter.<sup>18</sup> Data on ethnicity taken from the Census 2011.

\* BAME is taken in this context to include all those from ethnic groups which are not White: English/Welsh/Scottish/Northern Irish/British.

\*\* Rounded to one decimal place.

it obliges councils to 'consider the needs of all the people residing in or resorting to their district, without any references to Gypsies and Travellers'. And as the Traveller Movement explains, this provision rests on a 'perception' that Gypsies and Travellers receive 'differential treatment' in the planning system – disregarding the evidence of 'stigma and discrimination' in society generally that Gypsies and Travellers actually, persistently face. The impact, it continues, will be to 'exacerbate the existing chronic shortage of Traveller sites in England and result in an increase in unauthorised sites'.<sup>19</sup>

Additionally though, this bill includes measures which could accelerate a broader forced displacement of the marginalised. According to Architects for Social Housing (ASH), the Housing Bill amounts to an ongoing land-grab which, by obliging local housing authorities to sell 'high value' housing, serves as a pretext 'either to transfer public housing into private hands or to free up ... coveted land for property developers'.<sup>20</sup> It sounds the death knell for security of tenure (already being eroded prior to the bill's enactment), and it provides the legislative mechanisms through which social housing can practically be obliterated. Duties will be placed on local authorities to build starter homes for first-time buyers, price-capped, as *Shelter* has shown, at such a level that they will be unaffordable for people on average incomes in around half of the country and some 98 per cent of people across the country on low incomes. And one outcome of all of this will be to reinforce the inequities of burgeoning rental markets which increasingly force people out of areas they cannot afford. During the passage of the bill, attempts to impose the most basic forms of regulation have been sabotaged. 312 MPs ensured that an amendment requiring rented homes to be 'fit for human habitation' was rejected in January 2016. Significantly, it has emerged that at least seventy-three of them, including the prime minister, earn money as landlords.<sup>21</sup>

## (b) The end of social housing and the intensification of homelessness

As various commentators have made clear, the Housing Bill does not just undermine social housing, it 'marks the end of the social housing era'.<sup>22</sup> Even the Conservative-linked Local Government Association warns that around 80,000 council homes will disappear by 2020, with homes sold under the right to buy scheme not being replaced.<sup>23</sup> Other estimates put this number above 190,000.<sup>24</sup> Either way, it will accelerate the impact of decades of decline in this context, and the combination of right-to-buy schemes and the forced sell-off of council properties will contribute to the eradication of affordable (in the real sense of the word) housing, in favour of that which is accessible only to a select few. Against a backdrop of £12 billion welfare cuts – added to the £35 billion spending cuts that have already been administered and a series of welfare 'reforms' including, for example, the 'bedroom tax' and the benefit cap<sup>25</sup> – the impact will be to compound already existing inequalities.

According to the Race Equality Foundation, it is Caribbean, Bangladeshi and African communities who are most likely to live in social rented accommodation (around 40, 35 and 40 per cent respectively),<sup>26</sup> thus making them particularly vulnerable to some of the new changes. This is compounded by labour market discrimination which, for example, led to a nearly 50 per cent increase in the number of 16-24 year olds from BAME communities experiencing long term unemployment between 2010 and 2015.<sup>27</sup> At the same time, substantial cuts to housing benefit for young people and other groups leave thousands of people increasingly precarious, with one impact being the intensification of already rocketing homelessness. Nearly two million people are on housing waiting lists in Britain. Around 30 per cent of 'statutory homeless acceptances' are a result of assured shorthold tenancies coming to an end. According to the Department of Communities

and Local Government's (DCLG) own figures, the number of Asian and black households assessed as being 'unintentionally homeless' and in priority need of housing increased by 33 and 21 per cent respectively between 2012 and 2015. The number of homeless families housed in bed and breakfast accommodation increased in the same period by over 300 per cent (to 2,570 families in March 2015), with BAME families making up some 55 per cent of those living in temporary accommodation.<sup>28</sup> The legislation, meanwhile, contains provisions which make it easier for landlords to evict tenants from 'abandoned' properties, increasing the coercive powers available in order to bypass any semblance of due process (a point explored further in Section 4).

### (c) The hostile environment

If the Housing and Planning Bill will reinforce a range of policy measures framing where particular communities will reside, the Immigration Bill is committed to creating a 'hostile environment' for those who can be removed from the country. Rolling out 'right to rent' checks on a national scale, this bill has made immigration profiling a legal duty with landlords facing penalties of up to £3,000 per tenant if they fail to comply. Although the extension of immigration control into everyday life is not new, the commitment to the creation of a hostile environment takes this further. The aim is to continue a long-standing strategy of making life intolerable for undocumented migrants and refused asylum seekers so as to force them to leave, as migrants' rights groups have emphasised repeatedly. And it is in this context that, for example, further restrictions on healthcare should be read, or the bolstering of powers to deny financial support (including from families with children). One of the impacts, no doubt, will be to drive more people into undocumented working so as to survive. But for those who do so, new powers which criminalise undocumented working allow the state to confiscate their meagre earnings as 'proceeds of crime'.

A timeline of some of the key measures and strategies promoted and led by the Conservatives to create a hostile environment are presented in Figure 3 below (on the following page).

Fidelis Chebe is the project coordinator at Migrant Action, a project supporting vulnerable migrants in Leeds. For him, the Immigration Bill creates and utilises the most extreme forms of poverty; and like the Housing and Planning Bill, it contains measures to coercively respond to those impacted. 'Look at what's in the Bill', he said:

*First, it will result in families whose asylum claims are refused losing their support completely. Straight away, they'll join the thousands of adults that this already happens to each year. Second, when children in care who have an irregular status turn adults they will immediately be denied support. And this, by design, is an attempt to make them leave the country. So what is the message here? The message is that there will be an increased resort to the worst forms of destitution as a tool of deportation.*

Such strategies are not new. The use of destitution of an adjunct to immigration and asylum policy, originating in Conservative reforms in the mid-1990s, was institutionalised by New Labour at the beginning of the 21<sup>st</sup> Century. But they are being intensified to such an extent that, as the Red Cross pointed out, last year, a 'record' number of people are now being forced into homelessness.<sup>29</sup> And it is a point reiterated by Laurie Ray, a caseworker at the Leeds-based Positive Action for Refugees and Asylum Seekers (PAFRAS). PAFRAS' twice-weekly 'drop-in' service for refused asylum seekers – providing advice, support, free food, clothing and signposting – received around 270 'visits' a month in 2007. Now, however, despite this drop-in service operating only once a week, because of lack of funds, about 160 people come each week. 'That's crept up on us', he said in interview. 'If you compare that to a few years ago, the increase in people is quite substantial. We expect it to become more so.'

## Figure 3: Creating a hostile environment – a timeline of key events

### May 2012

In an interview with the Daily Telegraph discussing immigration policy, Home Secretary Theresa May explains that '[Her] aim is to create here in Britain a really hostile environment for illegal immigration ... What we don't want is a situation where people think that they can come here and overstay because they're able to access everything they need'.

### September 2012

Operation Terminus, a joint UKBA-Metropolitan Police operation to deport more foreign national offenders, begins.

### February 2013

Announcement that Operation Terminus to be rolled out nationally as Operation Nexus.

### July 2013

The Home Office begins 'Operation Vaken' in six London boroughs, a communications pilot encouraging irregular migrants to leave the UK 'voluntarily'. Mobile 'ad-vans' telling people to 'go home or face arrest' are driven round the boroughs. Adverts are placed in shops, community centres, newspapers etc informing people of ways to depart the UK. Immigration surgeries are held with local faith and community groups, and a dedicated phone line is set up to advise people how to leave.

### October 2013

The coalition government introduces an

Immigration Bill containing a deprivation of citizenship clause, proposals to reduce access to healthcare through creating charging measures, proposals to reduce appeal rights in immigration and asylum cases, and to increase private and public sector body involvement in carrying out immigration status checks.

### May 2014

The Immigration Act 2014 receives royal assent.

### June 2014

A fortnight-long series of large-scale, multi-agency immigration raids begins under the name Operation Centurion.

### July 2014

Operation Skybreaker begins – a five-month pilot in several London boroughs seeking, as one part of its strategy, to draw-in a variety of community and civil society actors into contributing to immigration control.

### December 2014

The 'right to rent scheme' is piloted in five areas across England.

### September 2015

The Immigration Bill 2015 is introduced.

### February 2016

The right to rent provisions of the Immigration Act 2014 are rolled out nationally.

At the same time, economic worth is increasingly determining rights, including that of being able to stay in the UK. Extending New Labour's managed migration policies, proposals (from 2012, but now being put in place) to allow for the removal, for example, of certain non-EU migrants who fail to earn £35,000 per year, after five years, could open the door to the

deportation of thousands of people on the basis that they are not wealthy enough.<sup>30</sup> And along with measures such as the £18,600 income threshold – to enable (non-EU) spouses to enter the UK – migrants are being reduced to units of capital, or the output of their labour. 'We need to understand what is happening as a way of shaping who has entitlements

to rights, justice and ultimately life', Fidelis Chebe stated:

*Wealth is one determiner of access to rights. The [immigration] bill seeks to make life as 'hostile' as possible for anyone who is not seen as deserving of rights – the poorest migrants, those who fallen foul of the system. These are the communities it is designed to break up.*

### (d) A SUS culture

The impact, though, will reach much further. By creating a system whereby immigration profiling becomes a legal duty, it is inevitable that 'settled' BAME communities will be affected. The government's own evaluation of a six month 'right to rent' pilot, beginning in 2014, included an exercise where undercover 'shoppers' enacted scenarios with landlords to see how they applied the scheme. It revealed 'instances where agents and landlords appeared to imply an element of discrimination'.<sup>31</sup> The Joint Council for the Welfare of Immigrants (JCWI), meanwhile, carried out a separate, independent evaluation, showing that 25 per cent of landlords would be less likely to rent to some with a 'foreign name' or a 'foreign accent', 42 per cent would be less

likely to rent to someone who could not produce a British passport and that checks were being applied against people who 'appear' foreign.<sup>32</sup> It is hardly surprising, therefore, that the checks have been described by various commentators as contemporary versions of the 'no dogs, no blacks, no Irish' cards advertising rooms for rent in the 1960s-70s.<sup>33</sup>

It is reminiscent of the SUS laws,<sup>34</sup> facilitating arbitrary and wrongful arrest, legitimised by the blanket 'suspicion' of a particular community. In evidence to the Royal Commission on Criminal Procedure, in 1979, the IRR showed (in its description of a SUS 1 (for young black people) and a SUS 2 (for Asian people)) how immigration laws were giving the police powers to arrest without a warrant anyone suspected of being an 'illegal entrant'.<sup>35</sup> And it is this SUS 2 which is now being extended. For the roll-out of right to rent provisions, as stated above, will also roll out discrimination. But so too will measures to create an offence of 'driving while illegal', for example, or the duties placed on banks to police the immigration status of their customers. One outcome of the 'hostile environment' will be the increased normalisation of immigration policing.

## Section 3 Enforcement

**Together these bills effectively create new mechanisms through which a social restructuring, based on a set of assumptions about rights and responsibilities, entitlement and belonging, is taking place. Measures including, for example, the criminalisation of undocumented working, the expansion of immigration officers' powers (the immigration bill) and the introduction of 'fast-track' evictions (the housing and planning bill) indicate how coercion and enforcement are paramount in**

**government thinking. But as interviewees for this research repeatedly told us, the social restructuring the government desires cannot come about through legislation alone. It demands a strong degree of collaboration and enforcement by non-statutory agencies.**

Rita Chadha is the Chief Executive of the Refugee and Migrant Forum of Essex and London (RAMFEL).<sup>36</sup> She discussed how the Immigration Bill's increased co-option of private sector agencies (such as banks, landlords and

employers) as de facto immigration officers was taking place in conjunction with the increased collaboration of civil society and 'third sector' agencies (charities, NGOs etc) as immigration enforcement agencies. These are not new processes, but as they amplify the expansion of immigration control into the vagaries of everyday life, they facilitate an intensification of information-sharing and 'networking' whereby seemingly disparate state agendas are conjoined to work in tandem, with serious ethical considerations for the voluntary sector.

'In London', she stated:

*It was said a few years ago that there were too many homeless charities duplicating work and that they should combine. And you could see that with the way commissioners, and procurement has worked for a lot of homeless charities. So for street based homelessness, in each local area you have a commissioned service that is responsible for going out and verifying street sleepers; they have to see the person in situ, and they will give the person what is known as a chain number. That chain number is entered on to a database that homeless charities can access and find out what the case work steps are for that client.*

However:

*We have raised huge concerns about how this chain database is used, who has got access to it, who certain charities are sharing information from it with and whether it is being used to target 'hotspots'. So you have seen that in Brent. The operations that have happened there have been a result of somebody looking at that database and saying there is a cluster here of people here who 'look like' migrants, so we can engage in enforcement activity.<sup>37</sup> [Another example] is Operation Alabama; this was started off by Newham council and based in old shopping centre, which is covered and which has a public right of way, so it couldn't be sealed off at night. During the night time a lot of*

*homeless migrants bed down there. So what happened was a multi-agency enforcement operation. They called it Alabama. They said they had presented a social care model; we can't find any evidence that any social care agencies gave any support there. [Twenty-eight 'anti-social behaviour warnings' were issued through the first night-time patrols under Operation Alabama. One person was detained as an overstayer; four people were told to report to UKBA offices; two people refused 'specialist help' to leave the UK].*

The point, here, is not just that immigration enforcement combines with 'homelessness prevention' activities in an increasing array of contexts. Nor is it just that certain third-sector agencies are increasingly willing (or in some cases not so willing) parties to enforcement agendas under a rubric of 'partnership'.<sup>38</sup> Rather, such convergences are indicative of the long-standing shift in the role of welfare, from one ostensibly of universal support or care to a much more openly discriminating and punitive one, that dispossesses certain people of their rights and uproots them from where they live. That is, institutional structures, bodies and networks operate to remove support, or provide assistance on a conditional basis. With the conditions aimed at funnelling a person into a pre-determined and often authoritarian pathway. 'For alcoholics and drug users,' Rita Chadha explained:

*The message is 'clean yourself up'. For LGBT homeless people it is 'it is your responsibility'. For migrants it is 'go back home'. The idea is 'you got yourself into this, so you get yourself out of it'. Most definitely. It is difficult to fight against this, as it is the most all-prevailing narrative.*

Indira Kartalozzi, the founder of Chrysalis Family Futures,<sup>39</sup> an organisation providing legal advice family support and advocacy, confirms this. 'I think that the welfare system is a deterrent system rather than a system that supports vulnerable people ... Continued

pieces of legislation are all going towards simplifying the system, but are making it inaccessible, especially by vulnerable or marginalised people.' Giving the example of migrants with no 'settled' status with no recourse to public funds, and in particular those with children, she explained:

*Through my work I send a lot of 'Section 17' referrals to social services, child in need referrals, because with families if there is no recourse to public funds and there is a destitute child in need there is a statutory duty to protect the child regardless. That means if the child is homeless they should be provided with shelter; if the child has no food they should be provided with subsistence.*

In practice though, as she continued:

*These referrals should be assessed by social workers. But, instead they go for immigration assessment to a person that has no understanding of a child in need assessment. This is the new way that referrals are being averted. The immigration assessor might say the likelihood of you getting status is very poor, therefore you should make an effort to go back home to your country of origin.*

'This is not care', she concludes. 'It is immigration control.' And in this system of control, attempting to protect a child from the most desperate form of poverty facilitates, unwittingly, removal.

## Section 4

# The inversion of accountability

**As responsibility for enforcing the measures in these bills is devolved to include civil society actors, so too are these actors made increasingly accountable to the state whilst, simultaneously, the measures which formerly held that state to account are being undermined or abolished.**

With increasingly blurry distinctions between welfare, criminal justice, immigration control, the outcome is something similar to what political scientist Mark Neocleous, in a different context, has aptly described as 'social policing'. This, he explains, reflects conceptually 'the expansive set of institutions through which policing takes place'.<sup>40</sup> And, he continues, the outcome is to maintain, reproduce and fabricate a particular form of social order. The Housing and Planning and Immigration Bills contribute to this process not only in the ways documented above. They also point to an eradication of mechanisms to hold the state to account for the harm

and injustices that their combined measures will produce.

Both bills contain measures which will bypass the limited checks on power which systems of due process offer. Through the introduction of 'fast track evictions', the Housing and Planning Bill grants landlords the power to remove tenants who are eight weeks behind in rent payments without having to gain a possession order from the courts. Taking away the ability to challenge evictions until after the event, this could impact on all housing tenants. But it will particularly affect those in receipt of housing benefit, given that payments are frequently delayed.<sup>41</sup> And this fast-tracking' of evictions finds a parallel in provisions of the immigration bill which enable the summary eviction of tenants if it is revealed they are disqualified from renting. If a landlord receives notice of this from the Secretary of State, the tenant can be evicted without having to obtain a court

order, and without judicial oversight. It is a measure that has been neatly described by one parliamentarian as 'Dickensian'.<sup>42</sup> Building on the abolition of all immigration appeals (except for asylum cases and those on human rights grounds) in the Immigration Act 2014, the new bill also contains measures to remove the right to appeal against the refusal of support from refused asylum seekers. At the same time 'deport first, appeal later' provisions will be extended whereby all human rights appeals against removal, where the Home Office deems that there is no risk of 'serious or irreversible harm', will have to be exercised after leaving the UK and therefore after the removal has taken place. The new legislation reveals how the desire to rid the country or an area of the 'unentitled', by any means necessary, is removing the protections of due process from a whole section of people.

Under construction then is a system whereby executive power is being amassed at the same time that service delivery and enforcement of policy continues to be increasingly devolved to non-state agencies. It underpins what retired immigration barrister Frances Webber, discussing the immigration bill, has called the 'inversion of accountability'. As governments grant themselves more powers, she explains, as they accept less accountability for their actions, civil society actors are increasingly being drawn into the 'efficient' delivery of immigration control. And in the process, it is they who become accountable to the state – subject to increasing control and regulation.<sup>43</sup>

In such a subversion of accountability, the Housing and Planning Bill for example would enable the Communities Secretary to force public bodies to give up 'surplus' land for development and property speculation. Barriers in the form of planning permission could be overridden, for the legislation also makes provisions to open up the planning applications process to 'alternative providers'. This market, as has been pointed out elsewhere, will enable developers to 'shop around' for providers

who will most likely grant planning permission. According to one MP, this creates the potential to 'generate a degree of corruption and totally inappropriate conflicts of interest'.<sup>44</sup>

But these bills, as interviewees for this research made clear, do not exist in isolation; and they are by no means the only ways through which mechanisms of accountability are being eroded. With legal aid under attack and funding to advice agencies being withdrawn, larger 'established' bodies with experience of contract delivery – and often a willingness to accept particular terms and conditions – are consolidating their already strong hold on 'how' services should be delivered to the detriment of smaller organisations with a local community base. Rita Chadha, discussing the funding of both the migrants rights and homelessness 'sectors', noted how 'bigger charities say they are the authoritative voice, when actually the reason they are the most authoritative voice is because they procured contracts that allowed them to be the authoritative voice, and they got them because they are not going to buck the system.' This, she continued, formulates its own form of side-lining dissent, for 'when a select few "safe" organisations have that monopoly over the whole discussion, over the whole procurement process, any dissenting voices of course get squeezed.'

And it should also be noted that there appears to be another overt policy flank in the squeezing of dissenting voices: the defanging of charities in terms of their capacity to lobby and criticise. The Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014 has created uncertainty amongst charities as to what they can properly do in terms of political campaigning and whether they need to register. Then it was revealed in January 2016, that gagging clauses were being inserted into government contracts with charity providers so as to prevent them from publicly criticising government policy, especially austerity measures.

Not only are there attempts to cajole critical groups into a silent acquiescence over reactionary policies then, but the thrust of the housing and immigration bills with their language of 'entitlement' serves to turn neighbour against neighbour and thereby further undermine accountability. For Laurie Ray, this is what the entire narrative around legal aid and welfare cuts has attempted to

achieve by 'targeting so many groups: welfare rights, family law, employment, immigration and so on', and attempting to pit them against each other. 'This ... tries to destroy solidarity.' Fidelis Chebe, meanwhile, put it more bluntly: 'We know that this whole legislative project that is being put in place, this austerity project which it is part of, is ideological.'

## Conclusion

In January 2016, the Prime Minister proposed to 'radically transform' over 100 'sink estates' across the country – reportedly including the Winstanley estate (Wandsworth) Lower Falinge (Rochdale) and Broadwater Farm (Tottenham) – through a £140 million scheme which would, in some cases, 'knock them down and replace them'.<sup>45</sup> The communities living on these estates, some 100,000 people, were described by Cameron as 'self-governing and divorced from the mainstream'. And although they would be offered 'binding guarantees' that they would be able to return, evidence of other similar programmes suggests that the majority will not be able to do so.<sup>46</sup> Under the narrative of urban renewal and regeneration, they are expendable. The 'mission here', Cameron says, is

'nothing short of a social turnaround'. 'I believe that together we can tear down anything that stands in our way'.<sup>47</sup>

This briefing paper has explored the ways in which the Housing and Planning Bill and the Immigration Bill contribute to such 'social turnaround' – by providing the pretext for the removal of particular populations, by cutting down avenues of redress against this processes, and by drawing in an increasing array of state and non-state agencies. These two bills do not exist in a vacuum. They are only two elements in a much larger process of societal and state restructuring; but, as this paper indicates, they are central to this process.

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