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Stateless By Any Other Name: Refused Asylum-Seekers in the United Kingdom

Brad K. Blitz and Miguel Otero-Iglesias

This article maintains that there are certain aspects of the UK asylum system which may lead to statelessness-like situations. In order to understand how this can happen, we reconsider Hannah Arendt's concept of statelessness, which entails three losses of home (exile), state protection (basic rights) and having a place in the world (political rights). Through interviews with refused and long-term asylum-seekers in Oxford and London, and one focus group, we examine the impact of negative asylum-application decisions on applicants' access to rights. The main finding of this research is that, when denied state protection, refused asylum-seekers endure an existence not unlike stateless people. This study calls into question the application of key principles of human rights as they relate to refused asylum-seekers, especially the tenets of dignity and non-discrimination, and the right to family life.

Keywords: *Refused Asylum-Seekers; Asylum; Arendt; Protection; Human Rights; United Kingdom*

Introduction

There is growing recognition that people who cannot claim protection from their country of nationality may be effectively stateless (Blitz 2009a; Southwick and Lynch 2009; UNHCR 2007; Van Waas 2008). In this article, therefore, we reconsider Hannah Arendt's concept of statelessness, and use interviews and one focus group with refused and long-term asylum-seekers in Oxford and London to identify how such situations of statelessness arise out of the UK asylum system. In particular we

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examine the impact of negative asylum-application decisions on applicants' access to rights, especially welfare and state protection.

Initially we consider the international legal context and human-rights provisions regarding the prevention, reduction and elimination of statelessness. This is followed by a review of the relevant literature which is used to inform the research design and empirical investigation discussed later. The empirical findings are examined against the Arendtian framework which is used to explore how statelessness-like situations arise to challenge human-rights norms of protection.

Human-Rights Protection and Statelessness in Europe

Over the past 60 years, the right to nationality has emerged as a *general* right. Though not explicitly enshrined in the Universal Declaration of Human Rights (UN General Assembly 1948), the right to nationality was later embedded in the Council of Europe's Convention on Human Rights to serve as a guide and solution to those who would otherwise be stateless (Chan 1991). The introduction of the 1954 Convention on the Status of Stateless Persons affirmed the need to protect stateless persons and stipulated that states abide by the principle of non-discrimination and treat them no less favourably than citizens regarding the rights to education and public relief and no worse than other non-citizens ('aliens') regarding the right to housing or employment. This instrument was later followed by another convention in 1961 which called upon signatories to prevent and reduce statelessness which resulted from conflicts of laws and administrative problems regarding the regulation of nationality between states (Van Waas 2008).

Over the past 50 years, a number of European instruments have been introduced to address some of the problems associated with statelessness. The 1997 European Convention on Nationality calls for respect for the rights of persons *habitually resident on the territories* concerned and promotes the right of long-term residents to be naturalised (Council of Europe 1997). The 2006 European Convention on the Avoidance of Statelessness, which entered into force on 1 May 2009, is even more explicit in its call to prevent statelessness and sets out important protection measures—including the granting of citizenship to all who had it at the time of state succession, on condition of residence and historic connection (Council of Europe 2006).

Despite the above, there are important gaps in the protection of *de facto* stateless persons. Those who are not legally resident on the territory are often excluded from state protection and are especially vulnerable (Bachelor 1995; Van Waas 2008; Weis 1979). One further problem concerns the protection of those who do not qualify as refugees but who lack an effective nationality or cannot legally be returned to their country of origin (LDSG 2007, 2008). While the European Union has tried to resolve some of these complications by means of readmission agreements (Blitz 2009b; Cassarino 2007), these do not cover all states and the prospect of third countries refusing to readmit their own nationals raises the prospect that some arrivals may be

subject to indefinite detention, 'dumped and forgotten' while the host country considers its options (Adetunji 2009; LDSG 2009).

Review of Relevant Literature

There is an emerging body of research on the general theme of statelessness (Blitz and Lynch 2009; Southwick and Lynch 2009; Van Waas 2008); however, there is little reference to the UK, and other writings are more informative for the purposes of this study. Within the fields of social and political theory, the starting-point for any discussion on statelessness is Hannah Arendt's (2004) *The Origins of Totalitarianism*. One central theme in Arendt's work is her rejection of normative claims of universal rights. By drawing attention to stateless people, she set out to expose the hollowness of a human-rights regime anchored to a chauvinistic nation-state system. In her view, statelessness revealed the total dominance of the state over the person and called into question the application of universal human rights. The overriding premise of her study was that states are the greatest violators of human rights and set the terms for membership and exclusion—hence determining who might become stateless. For Arendt, statelessness illustrated a situation of 'rightlessness' which involved three distinct losses: of a home, as a result of being thrust into exile; of government protection, as a result of denaturalisation or the severing of the bond between the state and the individual; and of 'a place in the world' where the individual could belong, be heard and express his or her opinions. Statelessness therefore entailed *the loss of the right to have rights*.

Several researchers have developed elements of Arendt's work; however, with the exception of Richard Bernstein (2005, 2008) and Monika Krause (2008), the issue of statelessness has not been explicitly addressed. There have been some excellent studies on the theme of 'alienage' and the state's moral obligation to foreigners (Benhabib 2004; Brock and Brighouse 2005; Carens 2005), but these authors do not single out those who are excluded from participating *because of* their nationality. More useful is Krause's (2008) rereading of Arendt in the context of the '*sans papiers*', undocumented economic migrants in France who have recently engaged in high-profile protests. Krause applies Arendt's themes of rightlessness and domination by the state but also shows how the '*sans papiers*' have been able to subvert their situation and call upon a wider public to support their cause.

Others have addressed the subject of nationality as a pragmatic problem of the politics of integration which has only implicitly called attention to *de facto* stateless persons (Bauböck 2006). Similarly, within the field of European studies, writing on the incorporation of non-nationals has emphasised the situation of legal residents (Beckman 2006; Dell'Olio 2005; Shaw 2007; Soysal 1994) and therefore does not cover populations that may be stateless. While a handful of exceptions has linked Arendt's work to the failure of the human-rights regime to provide protection more generally (Parekh 2004; Tubb 2006), the primary contribution of academics writing on citizenship has not been in defining the problem of statelessness but, rather, in

reinterpreting liberal political theory to contest realist constants of sovereignty, fixed notions of membership, and the conceptual division of state responsibility between domestic and external arenas.

Within the field of international law, there has similarly been increasing attention paid to non-citizens, though not necessarily stateless people. This literature stands in contrast to Arendt in its emphasis on higher-level norms and insistence that stateless people have human rights under international law, irrespective of their nationality status (Aleinikoff 1986; Brownlie 1963; Ginsburgs 1966; Loewenfield 1941). Some experts have further evaluated the right to nationality in the context of non-discrimination, which has firmer foundation under international human-rights law (Doek 2006; Donner 1994; Weissbrodt 2003, 2008). One of the most comprehensive rights-based studies remains Paul Weis's (1979) *Nationality and Statelessness in International Law*. Also relevant is the distinction between the treatment of refugees and stateless people under international law and the human-rights obligations of states to both populations (Batchelor 1995; Boyden and Hart 2007; Weissbrodt and Collins 2006). In recognition of these obligations, some practitioners have examined the possibility of transforming international legal principles into law to strengthen the protection available to stateless people (Batchelor 2006; Gyulai 2007; Van Waas 2008).

Research on the problem of refused asylum-seekers in the UK is also filling a gap most publicly exposed by the 2007 *Still Human Still Here* campaign by British NGOs to highlight the destitution of tens of thousands of refused asylum-seekers in the UK¹ (Amnesty International 2006; Coventry Peace House 2008; ILPA 2007; Joseph Rowntree Charitable Trust 2007; LDSG 2007, 2008, 2009; Sawyer and Turpin 2005). A central premise of the campaign which is reflected in the literature is that destitution is used as a method of immigration policy which aims, unsuccessfully, to force people to leave the UK. A related theme is the application of anti-terror laws and the placement of refused asylum-seekers in indefinite detention (Bowring 2008; Brouwer 2003; Hegland 2007; LDSG 2008, 2009; Stevens 2006; Wright 2009).

While the situations of stateless people and asylum-seekers are legally distinct, the growing contraction of benefits and support to asylum-seekers highlights some relevant problems regarding the ways in which vulnerable populations may access their human rights to educate their children, secure decent housing, and receive healthcare (Bloch 2000; Dennis 2002; Sales 2002). Moreover, the asylum-seeking process produces highly differentiated outcomes in terms of how migrants, including children, find security and a sense of home (Gedalof 2007; Spicer 2008). One further consequence of recent policy measures has been the stigmatisation of asylum-seekers into categories of those 'deserving' and those 'undeserving' protection (Sales 2002), a fact equally relevant to stateless populations. A key factor in the differentiation of asylum-seekers which has contributed to their stigmatisation is the granting of particular categories of status, and hence different sets of entitlements that reinforce the impression that some are less deserving of protection than others (Sales 2002).

Finally, it is helpful to consider the effects of the asylum system on governmental initiatives to promote social cohesion. Some scholars maintain that these initiatives

have been undermined by contradictory policies on asylum and reception that in practice foster deprivation and feed racism and anti-immigrant sentiment (Yuval Davis *et al.* 2005). There is a related body of social-policy writing which suggests that New Labour's policies have been effectively designed with built-in biases that produce particularly negative gendered outcomes and foster social exclusion (Gedalof 2007; Sales 2002; Yuval Davis *et al.* 2005). A related theme is the degree to which support organisations can work to mitigate the effects of social exclusion and deprivation by forming 'social bridges' (Agar and Strang 2004; Zetter *et al.* 2003) in the face of restrictive policy developments. Some argue that the role played by support organisations in the development of migrants' social capital has been abandoned as organisations attempt to survive in a hostile policy environment which has introduced mechanisms (e.g. dispersal) that deny migrants opportunities to form 'social bonds' (Beirens *et al.* 2007; Zetter *et al.* 2005).

Research Context

Profile of Refused Asylum-Seekers

For the purposes of this study, *de facto* stateless people include refused asylum-seekers, and overstayers who have lost their entitlement to protection by their country of origin because they have been denaturalised while abroad or because their documents were destroyed and they can no longer prove their links to their country of nationality. In addition, there is a third category of unprotected people whose nationality is not in question but who cannot return to their country of origin and remain on temporary admission. While the Home Office expects individuals to leave the UK voluntarily within 21 days of receiving a negative decision, after which their financial assistance and accommodation are cut off, most refused asylum-seekers never leave. Some estimate that 90 per cent of refused asylum-seekers remain in the country and brave destitution rather than elect to leave the UK (National Audit Office 2009).

The number of refused asylum-seekers and others who may be considered *de facto* stateless in the UK is unknown. UNHCR (2009) estimated that there were only 205 stateless persons in the UK at the end of 2005; however, this number refers only to those who are *de jure* stateless and further investigation is required. The UK's National Audit Office (2005) provided a figure for 2004 of between 155,000 and 283,500 unsuccessful or 'failed' asylum-seekers awaiting removal; however, this figure also covered some 'legacy cases'—individuals claiming asylum before the introduction of the New Asylum Model on 7 March 2007 and who have yet to receive a decision. Theoretically, these people have the right to work—unlike unsuccessful asylum-seekers—and generally enjoy greater protection than the population of interest to this paper. In 2005, before the introduction of the New Asylum Model, a figure of up to 450,000 people was circulated; some claimed that as much as 7 per cent of the UK population fell into this category (Woodbridge 2005). Five years later,

this number is no longer used and Amnesty International speaks of tens of thousands of refused asylum-seekers in the UK (Amnesty International 2006).

While refused and current asylum-seekers alike are prohibited from working, another area of concern is access to healthcare. This issue has generated several legal controversies and provided further evidence of the confusion at the heart of government policy. In April 2008, the High Court ruled that it was unreasonable for doctors to assess the immigration status of patients and therefore raised the prospect that refused asylum-seekers could enjoy free access to the National Health Service. In practice, however, the High Court ruling changed little and historically refused asylum-seekers found it exceptionally difficult to receive treatment, especially antenatal care (Anya 2007). Those who managed to receive care, including HIV treatment, were later billed thousands of pounds and hence treated as if they were non-nationals who were ineligible for free treatment (Hargreaves and Burnett 2008). On 30 March 2009 the legal argument over access to healthcare was clarified, to the detriment of refused asylum-seekers, when the Court of Appeals issued a ruling which cancelled the above decision.

One of the few benefits available to refused asylum-seekers is Statutory Provision—which was introduced under the 1999 Immigration and Asylum Act and exists for those who are destitute and temporarily unable to leave the country (Section 4 support)—amounting to £35 per week paid in vouchers, and short-term accommodation (National Archives 1999). Other researchers have found that most refused asylum-seekers are either unaware of these benefits or do not apply for them.² At the end of June 2006, just 6,145 individuals were in receipt of Section 4 support (Refugee Action 2006: 5), although some of the participants in this study were also in receipt of it.

Research Design

For this research, ‘statelessness’ was defined in broader terms than those found in the 1954 and 1961 UN conventions (United Nations 1954, 1975) and operationalised following Arendt: the loss of ‘home’ was understood in the context of exile, while the loss of a ‘place in the world’ was understood to include situations of marginalisation resulting from formal exclusion, following receipt of a negative asylum decision. We examined how statelessness was produced—as perceived by people denied the right to asylum—and explored their relationship to the British state. Interviews were conducted with both refused and long-term asylum-seekers in order to compare their situations and gain a better understanding of how receiving a negative asylum decision propelled them into statelessness-like situations.

Methods

Semi-structured interviews (n = 19) and one focus group were conducted in Oxford and London in winter 2007–08. Oxford was selected because it is a receiving centre

for asylum-seekers and home to local support organisations such as Asylum Welcome, Open Door and Refugee Action. London was not selected as a site in itself but served as a meeting-point: some of the participants had travelled there for meetings with support agencies and requested that the researchers meet with them in London.

While interview-based research cannot demonstrate causal connections, it allows researchers to present a rich portrait of selected situations and is particularly suitable for exploring individual accounts of exclusion and marginalisation that would not necessarily be captured with a less-personal approach. The aim of the interviews was thus to illustrate the impact of loss of status and state protection as reported. Given the lack of precise data on such populations in the UK, there was no claim that the study could be considered representative; rather, the objective was to use the personal data to develop further insight into the nature of *de facto* statelessness.

The research team spent over two months trying to reach refused asylum-seekers and eventually selected participants through a process of snowballing, where informal contacts served to create a research sample. The researchers recognised the difficulties of reaching vulnerable populations and therefore relied on refugee and social-service organisations for initial introductions to people who might be classified as effectively stateless, although it was only during interviews that the team was able to verify their status.

In order to build up a base of contacts, research assistants volunteered from October to December 2007 in social-service organisations, where they established personal relationships and built up trust with potential participants, some of whom agreed to take part in the research and introduced the team to other participants. This method had some clear limitations: in addition to being time-intensive, it did not guarantee participation, and several who signalled their interest in the research failed to turn up for interviews. The following organisations were central to this study: Oxford Asylum Welcome (OAW), Open Door Session—which is sponsored by the East Oxford Community Centre—and Oxford Cherwell Valley College.

The sample population included both long-term and refused asylum-seekers who had been in the UK on average over five years. Some of the participants interviewed were on temporary admission but others had lost their rights following a negative asylum application and remained in the country without permission. Two specific cases concerned participants who would be considered *de facto* stateless under the 1954 Convention in that they no longer had an effective link to their country of origin; their situation was further complicated because they had emigrated as children from a disputed area in Kashmir and, over more than a decade, neither the British, nor the Indian or Pakistani authorities had been able to establish their nationality. The majority of participants had a recognised nationality but could not call upon their home state for protection, because it was either engulfed in war and considered unsafe or because it refused to re-admit its own nationals.

Participants included men and women, although the gender balance was significantly tilted towards men, reflecting the wider trends in asylum in Britain. Participants originated from a wide range of countries—although most were

from countries in conflict that are among the ‘top ten’ of current asylum-seeking populations—including Afghanistan, Algeria, Chad, China, Congo Brazzaville, Democratic Republic of Congo, Eritrea, Iran, Iraq, Kashmir, Kosovo, Sri Lanka, Sudan, Tunisia and Uganda. Most were under 35 years of age but some were in their 40s and one in his 50s.

The researchers asked how a change in status—for example having their application for asylum rejected—affected the participants in terms of their social and economic entitlements and personal life. To evaluate the sense of personal loss, we sought to understand how they perceived their lack of access. Questions were asked in order to identify which rights participants felt were essential, including the rights to work, social security, education and healthcare, access to courts and the justice system, and protection from deportation. Interview data generated five preliminary lines of inquiry: i) the primacy of work for integration and advancement in Britain; ii) practical challenges to integration; iii) personal development; iv) the arbitrariness of the asylum system; and, v) the prospect of return and removal. These themes were then further investigated to consider the impact that the negative asylum decision had on participants’ lives and how their situation was suggestive of statelessness in terms of the loss of a sense of home, of government protection and of ‘a place in the world’.

Findings

Change in Status and Effects on Daily Life

Receiving a negative asylum-application decision had a profound impact on the quality of participants’ lives. Participants emphasised the denial of the right to work as one factor which permeated their daily existence. Further financial worries were among the main problems cited, but participants also reported that the denial of the right to open a bank account, to hold a driver’s licence, lease a mobile phone or enter education complicated their lives. Several spoke of the effects of stress following the rejection of their asylum application. For most it was the cancellation of benefits and corresponding financial pressures that led to increased anxiety. The loss of financial support and access to education was especially noted by those who had benefited from the relatively generous provisions available to unaccompanied minors in the Oxford region. Several spoke about the inadequacies of Section 4 support, though they did not name it but simply referred to the sum of money they received. Participants who had arrived in the UK as minors had enjoyed access to education, including further education, but in interview said that the loss of access to vocational training was a major blow which forced them into new situations of idleness:

I can’t really do anything. I am just wasting my time. At my age, this should be a time to work; this is the age for doing this. I started a bricking apprenticeship, but they kicked me out because I haven’t got any documents. I stayed there for six

weeks; I had to get up very early in the morning to get there. I made a lot of effort ... I had to get two buses to get there. I was there every day from 8 till 5 and then they told me that I had to go.

Another admitted that he, too, was now idle, having been turned down for jobs on the grounds that it would be illegal to employ him. The contrast between their situation and the fate of a Kosovar who had recently been granted asylum was startling, not least because he claimed he was able to take control over his life and felt that 'anything was possible'.

For other participants, the effects of stress resulted in the fracturing of family relationships and personal loss, as reported by a Congolese woman who had been refused asylum:

When the benefits were removed for the 18 months between the appeal failing and the case being reopened, the Council tried to evict my family from the house and take the children into care. We were re-located to Liverpool where we were removed from friends and the children were taken out of their schools. As a result of all the stress, my pregnant mother lost her baby.

Above all, the change in status left participants exposed and impoverished, as all but the most basic financial benefits dried up and there appeared to be no other way of earning money for support.

Identity and Loss of Home

The denial of the right to asylum had a marked bearing on participants' sense of personal identity. They described feelings of isolation and psychosocial issues associated with the processes of exile and seeking asylum, and the challenges of readjusting to life after refusal. Two explicitly linked their lack of status to their personal identity. One reported, 'There is something missing from me. I have no ID card. I cannot show to anyone who I am'. Another put it simply: 'My identity is missing. Everyone has their identity'. Two Eritrean participants spoke of their sense of personal loss and detachment from home.

We don't know where our relatives are. They are somewhere in Sudan, but I don't know where, they are displaced. I can't call home; they check the calls in Eritrea. If they [the government] see a number from England your family might be in trouble. You can't call. There is a lot of control.

While many had felt that the process of seeking asylum was also stigmatising, there was a marked contrast in terms of the ways in which participants who had been refused asylum now evaluated their opportunities. For example, while participants had commented on the fact that they had found it difficult to come to terms with the label 'asylum-seeker' and often avoided discussion about their status because the term brought with it an attitude of condemnation, for those who had received a negative

decision their isolation was total. Whereas even long-term asylum-seekers frequently spoke optimistically and expressed hopes of working and creating a family—and even put forward some distinctly post-materialist ambitions such as taking holidays abroad—for those who had been denied the right to asylum there was no such optimism. Rather participants claimed that, as undocumented individuals, they had no control over major life decisions:

When you don't have documents you can't do anything—anything. Without papers you have no future, you are stuck, you are blocked. It's like being in prison without knowing when you are going to go out.

Participants who had been refused asylum also spoke of their discomfort at not having a clear sense of place, which affected their personal identity. The theme of alienage also came across as participants explained how long they had been in the UK. One female from East Africa, who had transited through multiple countries, described the compound effects that displacement had on her mental health and how, in the end, her lack of status contributed to her personal destruction.

I arrived alive but inside I was dead. Then with being foreign and different I completely lost my identity, confidence and had no [sense of] self.

The loss of a sense of home was the most clearly expressed by participants who had fled war-torn countries where return was not an option, even in the long term—for example Afghanistan, Eritrea, Somalia and Darfur.

Living without Protection

Some male respondents described how their lack of formal identity drew them into a world of crime and fear from which they had no protection. One who had been physically abused recognised that, as an illegal migrant, he could not even pursue his attackers in court. Others were more concerned about constant surveillance by the police, which they interpreted as the face of the state: the police were a source of both authority and fear. Encounters with the police also carried a sense of shame and embarrassment. 'I was stopped twice by the police. They stopped me and searched me and they took my details. I felt so bad, I was surprised. Why are they stopping me? I haven't done anything'. Added to the sense of shame was their knowledge of removal procedures. One knew a man who had been removed from the UK following a period in detention. Another described how, after he arrived in the UK, he had been sent to five different detention centres and one prison, since he refused to be returned (voluntarily); he was subsequently able to remain in the UK on temporary admission. Another commented on the way in which removals were conducted, which he believed to be general practice:

Sometimes they come at 4 o'clock in the morning when you are in bed and they take and they deport you. They just come to your flat and they catch you there. They have your address and they know that you have been refused.

While the threat of removal was a significant fear, some participants insisted that if they were removed they would attempt to re-enter the country and reapply for asylum. Some participants claimed that, in spite of the dangers posed by re-entry, the attempt to enter the UK brought with it the possibility of a new life. As one former political prisoner from the Middle East commented, 'If you are not free you have no hope', implying that, even as a refused asylum-seeker, he still had the chance of a better life as long as he remained in the UK.

State Domination over Family Relationships

For participants who had families, both younger siblings and children of their own, there was a sense that the state had invaded their family lives. Some older participants explained how, following a negative asylum decision, the state invaded intimate areas of their family life which traditionally fell under the participants' responsibility. The break-up of family structures was among the most painful effects of their loss of status and cut to the core of their sense of dignity. One man who claimed to have been tortured in Iran explained that, from the moment he entered the UK, he was unable to re-establish regular communication with his children. Just as with the Congolese family in Liverpool who had seen their children taken away by Social Services, the Iranian participant described how, even as he got geographically closer to his family, he was purposefully distanced from his children:

In 2004 I applied for the British driver's licence. I sent my passport through the post, they confiscated it and the next day I had two officers in my house. I was deported to Iran and when I arrived to Tehran the Police arrested me and I was beaten and tortured. After two months they released me but I had to report every month to the Police. I couldn't stand the situation anymore and, in January 2006, I sent my children to Britain by plane two months in advance and I came on the road. I didn't want to come back to this country, but I was told that when you try to enter Europe again it is always better to go to the first country because they have your fingerprints and they can deal with your case. I applied for asylum but the Home Office has rejected again my application. I am desperate; I don't know what I can do. I cannot have my children with me. They live in Manchester with an English family. I just see them now and again and when I go there I cannot even go to their house. I see them always in the city centre. The family told them not to tell me where they live, so I stay there a couple of days and then I come back to Oxford.

Support Structure: Reclaiming Power?

Our participants were a heterogeneous and random sample of people without strong connections to diaspora communities or organised support structures. There was no sense of people reclaiming power, though arguably the fact that some participants

were prepared to live illegally and if necessary risk both removal and the dangers of being smuggled back into the UK is indicative of protest. Rather, those who had been denied status tended to see themselves as victims of an unjust system and one which they could not easily correct. Several spoke about how they relied on friends, often asylum-seekers, and certain charities for support. Agencies such as Open Door and Asylum Welcome played an important role, providing free meals and a place to meet new asylum-seekers and support workers.

Analysis

Refused asylum-seekers in the UK endure a precarious existence, not unlike stateless people. Stress, depression and mental illness were partially attributed to the application of asylum policies, though participants also recognised that they had long-standing personal traumas and tragic stories of exile which were part of the asylum narrative. The effects of refusal on families with children are especially significant since the families face the prospect of their children being taken into care and, as evidenced by the Iranian father, are prevented from family reunification under the current system.

The above findings, although limited both by the sample size and by the particularities of the group (mostly young and in good health), nonetheless affirm Arendt's notion of statelessness as being truly on the margins of existence. For the research participants, their marginality was expressed by the compound loss of national identity, immigration status and formal entitlements and was revealed as they compared themselves to what they described as 'normal situations', namely the rights and privileges they understood were afforded to British and European Union nationals and those who had the right to remain in the UK. Thus, their formal designation as 'refused' asylum-seekers served as a means of differentiation and is indicative of the related processes of exclusion as they pertain to categories of asylum-seeker (Sales 2002).

It should be noted that the complex nature of pseudo-statelessness and its impact on the individuals included in this study were not revealed immediately but only as people attempted to access resources or carry out activities that brought them into conflict with the law. The precariousness of their statelessness-like existence was indicated by a sense of arbitrariness and their own ignorance of what they were permitted to do. For many, their formal exclusion was brought home when they attempted to work or, in the case of some of the younger participants, once they turned 18 and were no longer entitled to benefit from government-sponsored apprenticeships. For the parents included in this study, the extent of their rightlessness was exposed as they attempted to keep their families together. Since most of the participants were of good health, there was little evidence of their being denied access to healthcare, though some feared they might be.

In addition to not knowing what support might be available, whether it be in the form of special activities, housing or even free food provided by local organisations,

arbitrariness was illustrated by the prospect of removal from the UK and being unable to exercise one's rights before the courts and the police. Although others have drawn attention to the arbitrary application of law and policy—for example in the inconsistent case of removals and access to healthcare (Anya 2007; Hargreaves and Burnett 2008; National Audit Office 2009)—this study records how the selective application of such procedures may give rise to fear and further mistrust of the state. Some participants felt that the state had deliberately conspired against them, for instance by denying them access to their children or by dispersing them to distant cities. These actions support Arendt's analysis by illustrating the degree to which state power takes priority over the principles of protection and adherence to human-rights norms regarding the right to family life.

The loss of a place in the world, as illustrated by the denial of political rights to expression and voting, was not explicitly borne out in our study but was rather described in terms of a loss of identity and a more general feeling of marginalisation which was difficult to extract from their complex personal histories of the compound loss of rights, displacement and trauma. Arguably, a more socio-psychological study might have provided greater evidence of their loss of a place in this world. Similarly, the sense of personal protest which Krause (2008) describes did not come through as a major theme and may be explained by the size of the population, the ages of the participants, and the fact that there is little uniting the research sample. Yet, there was evidence of individual attempts to subvert the system, for example by re-entering the country illegally or participating in social activities and attempting to forge relationships.

Conclusions

Our study draws upon a small population to illustrate how certain statelessness-like situations are produced by the UK's asylum system and how receiving a negative asylum-application decision disadvantages individuals by denying them the means to support themselves and to remain as a family unit, and above all deprives them of hope. While the small sample makes it difficult to generalise, certain conclusions can be reached regarding both the methods applied and the key findings as they relate to Arendt's writings.

In terms of the methods, the difficulties encountered by the researchers in accessing refused asylum-seekers reflects their isolation within UK society, but also draws attention to the importance of engagement with the support sector for social-science research, and the negative impact that governmental policies have had on support organisations. We benefited from contacts supplied by support organisations, and in general the placement of research assistants in their offices successfully built trust. However the organisations' capacity to guarantee access to participants was complicated by their own institutional priorities and limited resources—all of which affected the process of attracting research participants. In order to attract greater numbers, future research of this sort would benefit from a

longer timeline and continued engagement with support organisations over the course of the study.

The primary value of our study is its original contribution to the literature on statelessness and UK asylum policy and through its description of how aspects of the UK asylum system give rise to statelessness-like situations. It demonstrates how a lack of protection by *and from* the state negatively impacts on respondents' personal identity and creates situations of arbitrariness, rightlessness and extreme vulnerability. We also record the relevance of Arendt's writing to understanding contemporary studies of statelessness. Arendt's identification of compound loss is a central characteristic of *de facto* statelessness but can equally be applied to many refused asylum-seekers. As we have shown, refused asylum-seekers are both exposed to the coercive power of the state to remove them, and equally shielded from its power to protect—for example through law enforcement and the judiciary and the provision of benefits and access to services.

This central conclusion therefore calls into question the application of key principles of human rights as they relate to refused asylum-seekers, especially the tenets of dignity and non-discrimination, and the right to family life. Our findings therefore support the claims made by the *Still Human, Still Here* campaign—that denial of the means of subsistence to refused asylum-seekers in the UK is both inhumane and ineffective.

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Notes

- [1] For further information on the *Still Human, Still Here* campaign, including advocacy materials and short films, see <http://stillhumanstillhere.wordpress.com/>
- [2] There are several conditions which must be fulfilled and which include 'taking all reasonable steps to leave the UK'. See Regulation 3(2)(a), National Archives (1999).

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