



Centre for Just Peace and Democracy


Berghof Peace Support

Kurdish Human Rights Project (KHRP)

What Impact does UK Government Legislation and Policy have on the Kurdish Diaspora?

Editorial Note

*The policy papers were produced in the context of the project *Diaspora Dialogues for Development and Peace*. We commissioned brief policy and background papers (mainly) from activists to get their views on how they perceive their political activism, as opposed to how outsiders view them. To generate as many policy papers as possible, reflecting diverse viewpoints, the project invited activists and academics via a “Call for Papers”. Since the majority of the papers were written by activists or by those who are both activists and academics, the papers cannot be viewed as a neutral account of the present history. Nonetheless, we believe that these are unique perspectives that are hardly recognized in the scholarly writing and should be given space for reflection.*

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The Kurdish Diaspora in the UK

- While figures vary for the number of Kurds living in the UK, it is generally agreed that the number is above 100,000, making the Kurdish diaspora in the UK the largest in the world after that of Germany. Two-thirds of these are from Turkey and the majority are under 40 years of age
- Kurdish people do not have a common home country, originating mainly from Turkey, Iran, Iraq and Syria.
- Many Kurds residing in the UK came originally as refugees, experiencing persecution and discrimination by different governments in their countries of origin.
- A large portion of the Diaspora came to the UK, mainly to London, in the late 80s and early 90s from Turkey and Iraq as a result of conflict and political instability.
- There is a lack of official statistics and research on the Kurds residing in the UK. This is due to the fact that statistical data is normally collected on the basis of country of origin, not ethnicity.
- Of those Kurds seeking asylum who have been allowed to stay in the UK, approximately 70-80 per cent face obstacles due to issues with language.
- Members of the Kurdish diaspora face challenges in accessing decision-making structures & are frequently excluded from policy formulation processes & structures.
- Kurdish activism in the UK tends to be divided between national groupings and there are few cross-national groups advocating for the rights of Kurds as a minority.

Abstract

This background paper explores what impact government legislation, policy and practice has on the Kurdish diaspora in the UK. Several interviews with representatives of the Kurdish community in London, including volunteers and staff at the Kurdish Community Centre and Kurdish Cultural Centre, campaigners, academics and legal representatives were conducted as research for this paper; secondary resources include a number of academic works and research papers that are listed at the end of the paper. However, research on the Kurdish diaspora in the UK is complicated by the fact that Kurds are usually registered in official statistics according to their respective countries of origin; therefore their identification as Kurdish is not always apparent.

This paper identifies a number of challenges faced by the Kurdish diaspora in the UK. Some are common among several minority communities while others are more specific to the Kurds. Kurds form a prominent and relatively politicised diaspora with a strong sense of identity and extensive transnational ties. Of those Kurds seeking asylum that have been allowed to stay in the UK, approximately 70-80 per cent face obstacles due to issues with language. This impacts their access to welfare rights, for example, and their ability to succeed in education and in the labour market.

Lack of political participation is also an issue, as is their concentration in areas in which social and political deprivation take a number of forms, ranging from inadequate educational provisions and housing to indifferent municipal service provisions to the lack of recourse to legal and civil mechanisms through which to address disadvantages. In addition to the difficulties and trauma faced as a result of persecution and human rights violations in their country of origin, the Kurds in Britain, like most other migrant communities, face restrictive asylum policies upon arrival and later experience substantial problems as a migrant community.

They furthermore confront impediments to cultural expression, due in large part to the official policy of denying their status as a separate people. Kurdish people encounter various forms of discrimination and, to some extent, criminalisation due to the perceived association of the community with terrorist attacks and the activities attributed to proscribed organisations. Whereas vulnerable ethnic minority communities face impediments to communicating their viewpoints and engaging in relevant fora, often due to language barriers, social exclusion or non-familiarity with western decision-making structures, it may be necessary to take additional, constructive measures to ensure that voices are heard. Community centres play a crucial role in order to supply language skills, translators and general advice. Cuts in public funding, however, make them increasingly unable to supply such activities and services.

This paper aims to set out the key impediments Kurds face in the UK, including the first experience that many Kurds face with UK legislation – immigration and asylum policy, while still addressing the main problem areas of politics, education and employment. It will look at these both from the perspective of how a given policy affects the diaspora and also how different issues faced by the diaspora are addressed by the policy in place in that area. The level of impact on the Kurdish diaspora differs greatly according to each area and the length of time that the individual has spent in the UK. This paper aims to address only some of these impacts and intends to provide a basis for further discussion.

1. Introduction

The Kurdish diaspora experiences many of the same challenges as other minority communities, such as issues relating to language, immigration and funding of community centres and targeted services, for example. However, there are some specific areas relevant to the Kurdish diaspora in which the impact of governmental policy can be more clearly seen. Kurdish people do not have a common home country, originating mainly from Turkey, Iran, Iraq and Syria. UK governmental policy can have a different impact on, for example, a Kurd from Turkey and a Kurd from Iraq. In addition, many Kurds residing in the UK originally came as refugees, experiencing persecution and discrimination by different governments in their countries of origin. This, in connection with the struggle in some areas to gain an independent Kurdish identity, constitutes a common political frame of reference for the Kurdish community. More recently, heightened security concerns and anti-terror legislation in the UK have meant that, on occasion, the legitimate political expression of some Kurds has been viewed as support for terrorist organisations.

The strength of social networks and close kinship ties in the Kurdish community in London belies the socio-economic difficulties that Kurdish migrants face. A key reason for the hardships and impoverishment faced by the diaspora is their profound disempowerment. While facing substantial problems as a minority immigrant community, they are, in particular, subject to restrictive asylum policies and poor asylum decision-making, impediments to cultural expression, intolerance, discrimination and criminalisation generated by police activity and the association of immigrant communities with terrorist threats, deprivation and social exclusion, including problems in employment, skill levels, language ability, political participation and concentration into areas of multiple deprivation. Members of the Kurdish diaspora face challenges in accessing decision-making structures and are frequently excluded from policy formulation processes and structures. There is a lack of capacity within the Kurdish community in putting forward Kurdish viewpoints and accessing relevant mechanisms, followed by a marked lack of high quality information on the Kurdish diaspora. Limited attention is given to the problems faced by the Kurds in the media while their plight is frequently absent from the advocacy work of human rights organisations.

While the Kurdish population is becoming more widely identifiable as a group in Britain, as opposed to the state-led identification that previously existed, there is still a lack of understanding of the cultural, political and historical context of the Kurdish diaspora in the UK, leading to misguided perceptions of the community and their needs.

2. The Kurdish Diaspora: Facts and Figures

A key issue when studying the Kurdish diaspora is the lack of official statistics on the Kurds residing in the UK. This is due to the fact that statistical data normally is collected on the basis of country of origin, not ethnicity. Consequently, the Kurds, originating mainly from Iran, Iraq, Turkey and Syria, will not appear as such in statistics regarding, for example, immigration, demographics, the labour market or education. For Kurds, often fleeing the oppression of their language and culture in their countries of origin, this contributes to a “sense amongst the Kurdish population in the UK that their culture and language are very much undervalued” (King et al. 2008, 11). Or, as another author puts it, “Not only has Kurdish origin been masked prior to leaving Turkey... it is also hidden from the moment of arrival on foreign soil”(Laizer 1996, 127).

The estimates of the number of Kurds residing in the UK differ, varying from 40,000 to 150,000. Many sources, however, assume that the number is above 100,000, a figure something which would make the Kurdish diaspora in the UK the largest in the world after that of Germany. Two-thirds of these are from Turkey and the majority are under 40 years of age.

As to where the Kurds geographically reside, Kurdish communities, which are differentiated according to their country of origin, tend to be rather close-knit and are concentrated in particular areas of London. Kurds from Turkey, for example, have large communities concentrated in and around Hackney, Islington, Haringey, Enfield, Waltham Forest and other moderately large communities in Lewisham and Croydon. As a result of government policies of dispersal as well as the tendency to migrate to areas where there are pre-existing community ties, Kurdish communities have more recently increased in Scotland and areas such as Leicester, Nottingham and Coventry. Since the dispersal programme of the British government from the end of the 90s, new asylum applicants in the country were directly sent outside of London, as far as Glasgow, Swansea, Manchester, Birmingham, Liverpool and many other cities and towns. There is currently a significant Kurdish population in most major cities and towns across the UK.

Kurds have been coming to the UK from Turkey, Iran, Iraq and Syria since the 1960s. A few Iraqi Kurds arrived in Britain after the 1958 coup in Iraq when the nationalist Ba'ath party seized power, with Iranians seeking asylum in London from Shi'ite Muslim Ayatollah Khomeini's revolution in 1979, included Kurds. Kurds from Iran are mainly from the Mahabad region, with a few from the Khurasan province of North-East Iran, on the border with Turkmenistan, living here too.

Much larger numbers of Kurdish refugees and asylum seekers, however, poured into the UK, mainly to London, in the late 80s and early 90s. This was mainly due to the escalation of the conflict between the Turkish governmental forces and Kurdish armed groups in the Kurdish region in southeast Turkey, as well as the Anfal campaign in Iraqi Kurdistan, which, in 1988, saw thousands of Kurds murdered with chemical weapons in military operations carried out under Saddam Hussein. Some escaped to Britain when the Gulf War ended in 1991.

There are also sizeable numbers of Kurds from Armenia and Georgia as well as from Jordan and Lebanon. Due to the massacres and mass imprisonment in Syria in the spring of 2004 following an uprising, there has been a steady stream of Kurds from Syria claiming asylum in the UK. The majority of British Kurds from Turkey are mainly Elewi (Alevi in Turkish) and speak Kurmanji Kurdish. Those from Iraq are mainly Sorani speakers, although there are also significant numbers of Kurmanji or (Bahdini) speakers from Zakho and Duhok. There are also a number of Kurds from Kirkuk.

Language

Research has shown that there are “links between English-language disadvantage and social exclusion and deprivation” in the UK (Alexander et al. 2004, 1). An understanding of the English language is a key element to integration into British society and facilitates access to education, the labour market, welfare and other services. For example, a poor command of English also affects the ability of acquiring knowledge of employment rights, as those without any command of English cannot access information that exists on government websites (see Holgate et al. 2009, 11) Many Kurds, however, encounter language difficulties, with community organisations estimating that 70-80% of the Kurdish population are not fluent in English and require interpretation to access mainstream services, (cf. Alexander et al. 2004, 12) suggesting that current policy in this area is not effective.

A further challenge in this area for Kurdish people, for whom Kurdish is their first language, is that translation and interpretation is often not available in Kurdish, but only in the official state language of origin, leaving family members and community centres with the main burden of undertaking this job. At one time, community centres were able to provide English courses adapted to their Kurdish constituents. However, due to a drop in the public funding of these centres, many community centres can no longer afford to offer such courses.

Kurdish children in the school system in the UK have no option to learn in their mother tongue, in contrast, for example, to Sweden, where such *education* is provided both in *Kurdish* and on *Kurdish*. At the same time, there are a number of Kurds in the UK, particularly second and third generation, who have no command of Kurdish. Since there is no longer public funding of teaching of the Kurdish language in community centres, the opportunity of Kurdish people learning to speak and write in their ancestral language is severely restricted. This can lead to a feeling of disconnect from their culture and heritage and creates a separation between generations.

One can conclusively identify two separate issues as to facilitating an increase of English-language skills and giving people access to the labour market, welfare and other services. The first is the issue of teaching Kurdish people English. Second, one cannot overlook the need for translators and information in Kurdish before one has come to sufficiently master the English language. Today, governmental policy addresses neither of these issues sufficiently. A 2009 study commissioned by the Ministry of Justice showed that more language and literacy support services

is needed and that “issues associated with culture and identity also merit greater recognition” (Ministry of Justice 2009, v).

Education

Kurdish children can experience severe challenges in the UK educational system. School can often seem to be an “alienating environment” (Enneli 2005, 13) and many report negative experiences with the school system. This is illustrated by a story related by an Iraqi-Kurdish father, whose 8-year old daughter came home from school one day crying. When he asked her what was wrong, she said that they had been given the task of drawing the flag of their parents’ home country at school. His daughter, considering herself Kurdish rather than Iraqi, was very much distressed when she unable to find the Kurdish flag in the brochure she had been given.

Kurdish pupils tend to fare less well than their white British peers; however, some research shows that this gap narrows over time, with several factors causing this under-achievement (Strand et al. 2010, 171). The main reason for this is the fact that, unlike some other diaspora groups, Kurdish-speaking immigrants remain largely concentrated in close-knit circles. They can get by with speaking very little English within their community and, according to the views of a teacher interviewed in East London, this poor grasp of English is a significant potential barrier to greater integration and social and economic inclusion.

Other issues include the parents’ lack of knowledge of the school system and, in some cases, a limited ability to help their children with problems at school, mainly due to language barriers (Enneli 2005, 17). An example of this was given by a representative of a community centre, who told of a child and their parents attending a meeting with the teacher; the child, acting as an interpreter for his parents, was of course eager to paint a nicer picture of his school performance than was actually the case. Added to the problem of language, is the fact that parents often have a limited educational background themselves, which puts them in a position where it is hard to follow and assist their children with their schoolwork. Additionally, greater emphasis is often put on working in the family business than in further education.

Once again, the responsibility for addressing these problems has fallen to community centres and charities such as the Hackney-based Educators Forum,¹ which provides voluntary information and assistance on education to the Turkish, Kurdish and Cypriot Turkish communities who live in the UK.

Employment

While early diaspora communities were employed mainly in the textile trade, typical employment now includes the catering industries, including restaurants and wholesalers, retail and small-businesses such as local groceries and mini-cab offices. Second generation Kurds have moved from the traditional catering sector into the service sector, such as estate agents, insurance

¹ More information on the Educators Forum can be found at <http://www.edforum.org.uk>.

brokers, local newspapers, internet cafes, international call shops, money transfer companies and solicitors.

There are no authoritative employment statistics for Kurds residing in the UK. Insight might, however, be gained from studying statistics from Haringey and Hackney, two boroughs of London with a considerable concentration of Kurds. In Haringey,² the figures show a lower employment rate in the Kurdish community.³ The unemployment rate for the Kurdish amounted to 12.5%, almost double the Haringey average of 5.8% (national average 3.4%). The rate of people being economically inactive due to unspecified reasons was, at 25.8%, almost five-times higher than the Haringey average (national average 3.1%).

According to the general employment figures for Hackney in 2006,⁴ the unemployment rate was 11.3% (London average 7%, national average 4.7%). At the same time, 37.4% of the population was economically inactive (London average 25.7%, national average 21.6%). These employment statistics seem to suggest that Kurdish people reside in areas where there is higher unemployment than in the rest of the country. The statistics from Haringey also suggest that Kurdish people are faring worse than others living in the same area.

Women experience particular difficulties concerning employment. This can partially be explained by cultural reasons, but also by “poor English language skills and lack of education and training.”(King et al. 2008, 10) For the employed men, meanwhile, this is frequently in low-wage jobs. Since the small retail and service outlets has experienced harder competition, the “work available has increasingly been casual, low-paid and subject to long hours.”(King et al. 2008, 10) Consequently, Kurds experience high levels of exploitation in the labour market, such as not receiving pay during holidays or having no holidays at all, for example (Holgate 2009, 6). As to the forms of employment, young males often go into the family business or another business run by a Kurdish or Turkish person after finishing school, and do not continue with higher education.

3. Social and Political Activism in the Kurdish Diaspora

3.1 Community Centres

Community centres play an important and central role in the lives of many diaspora communities in the UK, with this certainly being the case with the Kurdish diaspora. They are often the first port of call for those seeking advice and information. Frequently run by volunteers, they are under-resourced and over-stretched. While legal advice centres and other services may exist in an area, they often fail to reach the diaspora community or to meet their needs;

² All statistics from Haringey are from the 2001 census.

³ This also applies to the Turkish and the Turkish Cypriot community. This is partially explained by higher rates of people going into higher education and looking after homes and families.

⁴ Hackney borough profile 2006, at http://www.hackney.gov.uk/Assets/Documents/hackney_borough_profile_2006.pdf (last accessed September 2010).

furthermore, there are cultural and linguistic barriers in gaining access to information and services from more 'official' channels.

Many Kurdish people rely on their family and especially the community centres to translate letters, help with housing and for general advice. For many, the community centres then become crucial in order to access their rights and know their responsibilities in British society. However, due to substantial cuts in the public funding of community centres, they now experience great difficulties in fulfilling this function. Increasingly, many of the activities and services offered by the community centres are either done on a voluntary basis or not at all. This can contribute to the overall amount of social exclusion of the diaspora, as a lack of availability and access to services is combined with a lack of trust in institutions and therefore a lack of engagement with them.

3.2 Participation in Civil Society

The Kurdish diaspora is a very diverse one. The most visible and vocal groups, however, tend to be highly politicised and, accordingly, some of the diaspora organisations and associations are organised along these lines. While there is a lack of a cohesive Kurdish community, the diaspora has been able to establish well-functioning organisations with a narrower scope.

Many organisations representing similar constituencies maintain close relationships, but little concrete joint work is conducted within these communities. Kurdish organisations tend to act alone rather than forming collective fronts on key issues. Consequently, there is currently no unifying organisation able to conduct advocacy work bringing together Kurdish voices across the board. In addition, many of the organisations experience a lack of funding for their activities. This is partially due to a lack of knowledge on how to best apply for funding for specific activities as well as a lack of resources in having someone to research and write applications.

Even though a great deal of work is done by the respective organisations, the results of this work tend not to have a great impact on public policy or filter up to the decision-making level. While some established organisations are consulted by the government over issues affecting the Kurdish community, such as asylum policy, there is nothing that points to them having any real effective or sustained access to government policy beyond these occasional, subject-specific meetings.

At the same time, the focus of some of the more vocal and politicised organisations tend, to be on the Kurdish cause in their respective countries of origin, rather than advocating for support of the Kurdish diaspora in the UK or on UK/EU policy towards their countries of origin. Consequently, the Kurdish diaspora has only a limited impact on public policy in the UK, not being able to muster its resources in order to influence governmental policy.

Despite the existence of a substantial pool of knowledge, resources and commitment within the diaspora, it lacks an ability to influence policy and practices at the national and international levels and to make use of the available mechanisms to protect and further Kurdish rights and interests. Currently, Kurdish organisations are overwhelmingly aimed at service

provision or cultural promotion; they lack the professional support, training and resources necessary to conduct sustained, professional work to empower the Kurdish community in London. The inability of Kurdish organisations to impact decision-making impedes the capacity of the Kurdish diaspora itself to address the problems of asylum, discrimination, socio-economic exclusion and cultural expression.

Participation from all sections of society is a cornerstone of democratic inclusion. Because Kurdish aspects of specific problems are not brought to the attention of decision-makers and because the situation of the Kurdish population is not highlighted, Kurds are not generally viewed by the relevant bodies as a discrete group with specific needs. Thus, the implications of a prescribed policy or practice for the Kurds are not adequately taken into account when a course of action is decided upon.

3.3 Identity & Activism

The Kurdish community in the UK has received very little academic attention and, as such, there is a dearth of information or research as to the links between political activism. Kurdish activism in the UK tends to be divided between national groupings and there are few cross-national groups advocating for the rights of Kurds as a minority.

Kurdish refugees and immigrants have predominately arrived in Britain in large numbers since the 1970s. Kurds from Iraq comprised the majority of the first wave of migration, though the 1980s and the mass migration of large numbers of Kurds from Turkey witnessed a fundamental paradigm shift in the ideology and perspectives of the British-Kurdish diaspora. An increasing sense of a coherent Kurdish identity appears to have developed over time, with research showing that an openly expressed ethnic awareness among Kurdish communities was almost non-existent until the beginning of the 1990s. Turkish Kurds were significantly more politicised with a strong sense of identity and connection with their homeland. The arrival of political activists, seeking asylum in the liberal democratic milieu of the United Kingdom, meant that many Kurds began to explore their identity and ethnicity for the first time, free from government repression or regulation (Baser 2010, 15). As a consequence, ethno-cultural ties were actually strengthened by the experiences of the Kurdish diaspora in the United Kingdom.

Although initially Kurds and Turks had co-existed within the same communities in London, the politicisation of the Kurdish community in the 1980s resulted in Kurds attempting to define their ethnicity and culture as different from that of Turks (D'Angelo 2008, 7). Rejecting the label 'Turkish speaking citizens', British Kurds have founded their own organisations and societies, which in some cases advocate for Kurdish autonomy in the Middle-East. These organisations often maintain Kurdish community centres and identify with the Kurdish region from which they come (D'Angelo 2008, 19). This is expressed through celebration and observance of cultural events, but also by raising awareness of the situation in their homeland and advocating for change. While the majority of these organisations active today define themselves as 'non-political', posters, flags and published materials at the centres often show an affiliation with political parties or political figures in their homeland. Rather than form attachments to British

political parties, most politically-active Kurds express political affinities to organisations operating from Kurdistan (Wahlbeck 2002, 227).

Many Kurds, however, have settled in the UK because it affords them civil rights and economic opportunities and do not support any political organisation. In many cases, for Kurds arriving in the UK, it is the first time that they are able to fully express their ethnic, cultural and political identities. Indeed, many British Kurds refrain from positioning themselves within the spectrum of British ethnic relations; when questioned, a large number of Kurds were perplexed by the term ‘ethnic minority,’ contextualising themselves within the Kurdish nation, not the United Kingdom (Wahlbeck 2002, 225). There is a renewed ethnic consciousness amongst British Kurds, permitting them to intermingle with Kurds with origins throughout Kurdistan for the first time, whilst being permitted to explore their culture, heritage and language free from fear.

Kurds in the UK maintain high levels of contact with Kurdistan and other parts of the diaspora and have a thriving media presence through channels, such as Roj TV. There is a strong identification and interaction with the homeland. It is often the cases that Kurds in the UK will derive their news both from their homeland and from the UK via these Kurdish media networks rather than local UK sources.

4. The Impact of Anti-Terror Legislation

After the September 11 attacks in the USA, the UK experienced a surge in new anti-terrorism legislation that supplemented the Terrorism Act of 2000. In November 2001 the Anti-Terrorism, Crime and Security Act was introduced to the Parliament. However, since parts of this act were found to be incompatible with the ECHR by the Law Lords in 2004, it was replaced by the Prevention of Terrorism Act of 2005. In 2008, the Counter-Terrorism Act came into force. This new legislation has equipped the authorities with a wide range of tools in order to deal with the terrorism threat. Most notable, perhaps, is the possibility of imposing control orders (the Prevention of Terrorism Act, 2005), the ‘stop and search’ powers under section 44 of the Terrorism Act of 2000 and the possibility of putting a person in pre-arraignment detention for 28 days (the Terrorism Act 2006).

The criticism towards parts of the anti-terrorism legislation has been considerable. One of the issues that was raised was the effect that this legislative policy had on minority communities and their activities, particularly for Muslim communities who have a negative perception of this legislation and its implementation. (Defence Science and Technology Laboratory 2010, 41f.) Muslims who express political dissatisfaction with the direct and indirect impact of anti-terror laws have found that this opposition in itself can be viewed as a potential threat. Tarique Ghaffur, Britain’s highest-ranking Muslim police officer, commented that;

“There is a very real danger that the counter-terrorism label is also being used by other law enforcement agencies to the effect that there is a real risk of criminalising minority communities. The impact of this will be that just at the time we need the confidence and

trust of these communities, they may retreat inside themselves. We therefore need proper accountability and transparency round all policy and direction that affects communities”.⁵

Even though there is very little research on the impact of this legislation on non-Muslim minority communities, many indicators point towards a similar negative perception. Representatives of the Kurdish community confirm that anti-terrorism legislation has had a negative effect on the Kurdish community, in particular restricting political expression. The impact of this must be understood in the specific Kurdish context, as many of British Kurds fled oppression of free speech and political opinion in their homeland. When they perceive that the same thing is happening in the UK, it can trigger feelings of past oppression. The listing of the Kurdistan Workers’ Party (PKK) as a terrorist organization by the UK is illustrative. The PKK is viewed by many Kurds, from Turkey in particular, as a legitimate organisation that stands in opposition to what they consider an oppressive regime, but is, however, internationally listed as a terrorist organisation by the United States, United Nations, NATO and the European Union. This has been contested by many Kurds, who have also challenged the ban on the PKK and its successor, Kongra-Gel, in court. In April 2008 the EU’s Court of First Instance ruled against the ban on both organisations on the grounds that they were not in a position “to understand clearly and unequivocally” the reasoning for their inclusion in the list. Nonetheless, this was widely seen to be a technical error and they were immediately re-listed, following appropriate procedure. The campaign against criminalising communities reported that “community centres have been insulted for displaying pictures of a ‘terrorist’”, i.e. the PKK leader Abdullah Öcalan (who has been imprisoned on Turkey’s Imrali Island since his abduction in 1999), and that, under Public Order laws, the police have attempted to prevent free expression at Kurdish demonstrations. This has included the prohibition of wearing t-shirts or holding flags with the image of Abdullah Öcalan at demonstrations and members of the Forward Intelligence Team filming those who attend demonstrations. This is not only oppression of a legitimate political opinion, but is also likely to have a detrimental effect on the future political activities of the Kurdish community, even if they are unrelated to the PKK. More recently, In 2010, MI5 interviewed several prominent members of the Kurdish community in London who were threatened for their open solidarity work with the Kurdish movement. As no charges have been brought against these individuals or evidence produced of any illegal activity, this treatment can be viewed as a form of harassment against the free expression of these Kurds and their work.

5. Immigration Policy

The numbers of asylum seekers entering Britain has risen steadily since the late 80s and, in response, the UK has introduced an unprecedented and increasingly restrictive amount of new asylum and immigration laws that not only make it more difficult for refugees to enter Britain, but also have reduced the rights of asylum seekers to social support and welfare provisions. Barriers

⁵ Tarique Ghaffur, in an address to the National Black Police Association conference in Manchester, August 2006.

to accessing justice include the dispersal of refugees and asylum seekers to areas without the infrastructure to support them and without sufficient services to address their needs (Ministry of Justice 2009, 36-39).

Asylum system

The asylum system is many Kurds' first introduction to the UK and its bureaucracy, with decisions being made, both as to whether or not the asylum-seeker should be given protection, and also to what kind of protection. The asylum system poses great challenges to the asylum-seekers, a fact which has been emphasised by representatives of the Kurdish community.

First, there is the question of the quality of the assessment of initial asylum claims. KHRP hear a number of issues that could be raised concerning the quality of the decision-making. An issue perhaps especially relevant to Kurdish people is the significance of the country of origin for the assessment of one's asylum claim. This is also an important issue since the immigration authorities' general view of the situation in a specific country is often crucial for the outcome of an asylum case.

Kurdish asylum-seekers from Turkey, a country perceived by the Home Office to be relatively safe, will often have to fight an uphill battle in order to be recognised as refugees. Symptomatic of such cases is the Home Office's emphasis on Turkey's 'zero tolerance' towards torture and the extensive legislation in this field, as well as the UK's support of Turkey's Accession bid to the EU. However, as has been documented by the Kurdish Human Rights Project (KHRP) on numerous occasions, torture and ill-treatment is indeed a reality in Turkey, (see KHRP 2007) as well as discrimination and a lack of freedom of expression.

Kurds from Syria will, on the other hand, generally have an easier, though not easy, time establishing a need for protection, as the general country situation in Syria is perceived as much worse (UK Home Office 2009, 11). The recent Foreign and Commonwealth Office (FCO) *Annual Report on Human Rights 2009*, published March 2010, noted,

"Syria's human rights record continued to deteriorate in 2009. An Emergency Law, in place since 1963, continues to restrict the rights of Syrian citizens. This is based on the justification that Syria is still at war with Israel. We remain deeply concerned about arbitrary arrests, intimidation, torture, travel bans, lack of freedom of expression, and lack of respect for the Kurdish minority."

This issue, however, is interconnected with the contents and use of Operational Guidance Notes (OGNs) by refugee status decision-makers. These OGNs aim to provide clear guidance on whether the main types of claim are likely to justify the granting of international protection. The OGNs have caused concern and criticism from civil society organisations for containing inaccurate and out-of-date country information. For example, the OGN on Iranian Kurds been criticised for not being "representative of the original source of information and is not representative of the information currently available in the public domain" (Still Human Still Here 2010).

Overall, it should be noted that, the majority being Muslim, many Kurdish asylum-seekers may also be adversely affected by the connection between immigration and 'Islamophobia' that is often made in the public domain. The media discourse on national security threats and anti-terror measures compound this perception, increasing the already considerable obstacles for asylum-seekers of Muslim faith.

Asylum support

In the UK, which accepts more asylum seekers in absolute numbers than any other European country, tighter enforcement has been employed in the past few years that makes it more difficult for asylum seekers to be eligible for financial support. The Immigration, Asylum and Nationality Act, passed in 2006, along with other recent British legislation, removes several appeal rights for asylum seekers, calls for a refusal of financial assistance to asylum seekers who don't apply within three days of being in the country and introduces electronic tagging for asylum seekers.

The impact of this is "experienced at every stage of the asylum process and also by those recently granted refugee status" (Information Centre about Asylum and Refugees (ICAR) 2006, 3). Single, adult asylum-seekers over 25 in need of support receive only £35.13 per week in order to meet their essential living needs. This is considerably below the estimated £45.01 minimum needed in order to meet these living needs (Still Human Still Here 2010, 33f.). This lack of support increases pressure on already under-resourced charities and churches to support those who would otherwise become destitute. A recent report undertaken by the Joseph Rowntree Charitable Foundation showed that the biggest reason for destitution was error or delay in the only government support available – "section four" grants for those awaiting judicial review into the failure of asylum requests or physically unable to return to their country of origin. The effects of destitution on asylum-seekers include physical health problems, mental health problems and a greater probability of being exploited, particularly in the labour market.

There is no specific Home Office policy on tackling asylum-related destitution and there are no centrally collated statistics on the subject. The UK government's policy and legislation on immigration and asylum has been criticised for increasing destitution among an already vulnerable group and for using this as a deterrent for abuse of the asylum system. It is also viewed by many refugee advocacy groups as a coercive tactic in keeping with the government's policy to create incentives for 'voluntary' return.

Irregular immigrants

An irregular immigrant can be defined as a person whose immigration status is of such a nature that he or she is liable to be deported (Institute for Public Policy Research 2006, 5). The population of irregular immigrants in the UK has been estimated to be 618,000, within the range of 417,000 and 863,000 (Gordon et al. 2009, 113). Information received from Kurdish community centres confirm that Kurds constitute a part of the UK's population of irregulars. Those

interviewed are also of the opinion that most Kurdish irregulars now reside outside the London area, as law enforcement related to illegal immigrants in London had tightened in recent years. Irregular immigrants have few or no legal rights; they rather have to rely on “concessions and formalized discretion” (Institute for Public Policy Research 2006, 14). It must be kept in mind, however, that the European Convention of Human Rights (ECHR) in individual cases may provide an individual with a right, and the government with a corresponding obligation. Most commonly, Article 3 (prohibition against inhuman or degrading treatment) and Article 8 (right to private and family life) will constitute such obligations for the government. Nonetheless, irregulars do not generally benefit from legally enshrined rights.

This legal rights lacuna contributes to a situation where irregular immigrants can more easily be taken advantage of. Opportunistic and exploitative employers might serve as an example. Even though the immigrant might have rights with regards to employment law, they must expose their irregular status if they decide to take their case to court, thus risking deportation. This has a chilling effect on one’s eagerness to enforce one’s legal rights. At the same time, as the employee is still in need of an income in order to support themselves, the employee is in a position where he or she risks further abuse by the employer.

6. Conclusion

Having examined the impact UK governmental policy has on the Kurdish diaspora, some key challenges have been identified. Several of these issues are shared with other diaspora groups in Britain, while others are more specific to the Kurds. This is partially due to the fact that many Kurdish people come from the parts of their countries of origin that have little formal education, making the transition into British society a hard one. The more specific Kurdish issues must also be understood in the wider Kurdish context, having regards to their political history. Having been systematically discriminated and oppressed in their countries of origin, the Kurdish people are often sensitive to what they perceive as discrimination in the UK. When, for example, their language and culture is not recognised in the UK, this might be seen as a continuation of their earlier experiences in their countries of origin.

As to the challenges faced by the Kurdish diaspora, there are, first, the issues regarding immigration policy. The diaspora, consisting of a great number of people fleeing their country of origin on grounds of persecution, encounter problems with immigration policy; this ranges from the quality of assessment of asylum claims to destitution among asylum-seekers. When they are allowed to stay in the UK, many Kurdish people have language problems. This imperils, for example, their access to welfare rights and their ability to succeed in education and the labour market. The community centres play a crucial role in order to supply language skills, translators and general advice. Cuts in public funding, however, make them increasingly unable to supply such activities and services. With regard to their political rights in the UK, the surge of new anti-terrorism legislation has had a negative impact on the Kurdish diaspora, limiting what Kurdish people consider legitimate political expression. The inability of Kurdish organisations to impact

decision-making beyond a local level impedes the capacity of the diaspora to address the problems of asylum determination, discrimination, socio-economic exclusion and cultural expression.

7. Recommendations

- Statistics should be gathered by allowing people that do not identify themselves primarily by the state in which they reside to have another option;
- The UK government should recognise that an ongoing conflict continues in the Kurdish region of Turkey, that torture and ill treatment continues in practice in Turkey and that Kurds are especially susceptible;
- The UK government must ensure adequate technical and financial support, such as providing Kurdish-language tuition and support in accessing and engaging with public services;
- Community centres should seek to more consistently and actively engage with national and regional voluntary sector umbrella bodies and others to develop their skill set and technical expertise in relation to engagement with government, influencing policy and writing successful applications for funding.
- The UK government must not take actions that criminalise members of the Kurdish community, but rather stimulate dialogue and inclusivity and encourage activities that promote the development of peaceful initiatives that are aimed at the democratisation of society in their home countries.
- Rights-based organisations should work more with the Kurdish community to enhance capacity, mainstream the voice of Kurdish migrants to engage with policy-makers, impact decision-making on the national and international level, and participate in the governing process and public life. This includes training for Kurdish communities and their local advocates in order to equip them with the skills and knowledge to challenge their ongoing exclusion and deprivation, thus supporting their integration to become more active members within their host communities;
- The UK government must develop policies to strengthen the voice of Kurdish migrants and address the root causes of their migration. By making the link between violations and oppression more explicit, the international community can exert pressure to stop this and help to bring about a peaceful resolution to the broader Kurdish question;
- Kurdish groups must co-ordinate to forward Kurdish viewpoints/to access relevant mechanisms and provide high-quality information on the Kurdish diaspora, which is currently lacking;
- The UK government must work to provide the Kurdish community with knowledge of, and access to, their rights to integration and encourage those facing social and economic deprivation to gain trust in state institutions and have the confidence to seek help from outside their family and community networks.

- The UK government must ensure up-to-date and well-documented information is used in OGNS ;
 - In addition to any sensitivity training case workers at UKBA receive, a comprehensive evaluation process should be implemented that includes all users of the system so as to correct for any mistreatment of an already vulnerable group and to ensure that Muslim asylum seekers are not being treated differently than non-Muslims.

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9. Annex: Asylum Statistics

Number of asylum applications 1988-1997

	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997
Iran	393	350	455	530	405	365	520	615	585	585
Iraq	163	215	985	915	700	495	550	930	965	1075
Turkey	337	1850	2250	1995	1575	1465	1840	3465	1780	2730

Number of asylum applications 1998-2007

	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Iran	745	1320	5610	3420	2630	2875	3455	3150	2375	2210
Iraq	1295	1800	7475	6680	14570	4015	1695	1415	945	1825
Turkey	2015	2850	3990	3695	2835	2390	1230	755	425	210

UK asylum figures 1998-2007 - decisions

- Figures exclude dependants.

Iran

Year	Number of applications	Initial decision: Granted asylum	Initial decision: Granted humanitarian protection, except. leave and discr. leave	Sum granted by initial decision	Outcome of appeals	Sum granted applications
1998	745	125	295	420		
1999	1320	55	20	75		
2000	5610	390	255	645		
2001	3420	575	305	880	750	1630
2002	2630	395	145	540	1430	1971
2003	2875	110	115	225	1440	1665
2004	3455	70	230	300	980	1280
2005	3150	70	385	455	635	1090
2006	2375	90	270	360	355	715
2007	2210	210	215	425	320	745

Iraq

Year	Number of applications	Initial decision: Granted asylum	Initial decision: Granted humanitarian protection and discr. leave	Sum granted by initial decision	Outcome of appeals	Sum granted applications
1998	1295	510	500	1010		
1999	1800	315	320	635		
2000	7475	845	2455	3300		
2001	6680	830	1885	2715	445	3160
2002	14570	715	8195	8910	1130	10040
2003	4015	70	2155	2225	490	2715
2004	1695	10	185	195	275	470
2005	1415	5	155	160	150	310
2006	945	30	60	90	105	195
2007	1825	145	130	275	265	540

Turkey

Year	Number of applications	Initial decision: Granted asylum	Initial decision: Granted humanitarian protection and discr. leave	Sum granted by initial decision	Outcome of appeals	Sum granted applications
1998	2015	40	30	70		
1999	2850	85	15	100		
2000	3990	180	135	315		
2001	3695	210	275	1085	485	1570
2002	2835	150	200	350	1320	1670
2003	2390	90	140	230	1665	1895
2004	1230	85	95	180	845	1025
2005	755	35	65	100	385	485
2006	425	10	35	45	120	165
2007	210	25	30	55	100	155

Syria

Year	Number of applications	Initial decision: Granted asylum	Initial decision: Granted humanitarian protection and discr. leave	Sum granted by initial decision	Outcome of appeals	Sum granted applications
1998	65	<2	-			
1999	95	5	<2			
2000	140	20	5	25		
2001	110	20	15	35	(-)	
2002	70	15	5	20	(-)	
2003	110	10	-	10	(-)	
2004	350	10	15	25	(-)	
2005	330	10	30	40	120	160
2006	160	15	15	30	40	70
2007	155	25	10	35	30	65