

sensitive to cultural differences without flattening faith as one all encompassing category as Joliffe and Haque (2017) highlighted in their report. This was previously understood but has been somewhat abandoned by authorities post-2010, thus missing out on previously by the successful Black Muslim-led projects launched back in 2006 with the STREET project lead by Dr Abdul Haqq Baker and the lesser-known but overwhelmingly successful SIRAAT project which worked with over 300 Black Muslims in prison between 2006 and 2011 helping them to better understand Islam, and their rehabilitation from an erroneous Islamic ideology.

CONCLUSION

This essay has explored how faith communities have a number of resources to draw on as well as a support system for prisoners as they transition back into society. Cultural understandings involving not just race but faith can play crucial roles in rehabilitating Black Muslim prisoners.

One of the many things which we must learn in this period of efforts to embolden racial justice in our society is that cultural competence and history are more than just significant elements in the puzzle. Cultural competence in engaging a diverse community of Muslims in the prison service in the UK is critical to ensuring their needs are catered for and are better prepared for life after prison.



ABU HAJIRAH

Abu Hajirah works in the criminal justice system for the Ministry of Justice and has done for over 25 years.

Son of a teacher and a prominent family in Guyana, he is a revert to Islam who has studied Islam in a number of countries including Jordan, Saudi Arabia and the UK under a number of Islamic scholars.

He is one of the directors of a Mosque and Islamic cultural centre in South London which has led the fight against Islamic extremism from the early Nineties, whilst supporting

the community to find solace in practicing Islam un the UK.

During this time he has been involved in many projects that support Muslims from providing aid and spiritual support to refugees and those in need in Bosnia, Somalia, Iraq, Gambia , Yemen, Palestine and many localities.

THE IMPACT OF THE
IMMIGRATION POLICY AND THE
HOSTILE ENVIRONMENT ON
BLACK MUSLIMS

BY BILIKISU SAVAGE

On 14 May 2014, a new Immigration Act received royal assent. This legislation has made it more difficult for those who come to the UK.

The new legislation introduced a new system of providing documentary evidence of;

- Right to remain, live lawful in the UK
- Right to work
- Right to rent or buy a house
- Right to open a bank account

A new streamline appeal system was introduced. The speedier appeals system and the lack of access to public services and labour market created the ‘hostile environment’. The UK Home Office’s hostile environment policy **is a set** of administrative and legislative measures designed to make staying in the United Kingdom as difficult as possible for people without leave to remain, in the hope that they may ‘voluntarily leave.’

Wendy Williams, HM Inspector of the Constabulary, in a landmark report (Williams 2020) found that the UK’s “treatment of the Windrush generation, and approach to immigration more broadly, was caused by institutional failures to understand race and racism.” Her report concluded that they are in some respects institutionally racist, conforming to the MacPherson report (1999). That definition is:

collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture, or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic people.

To provide insight into some of the effects of the 2014 Immigration Act in the preparation of this report, three families from the Black Muslim community have volunteered to provide information for the following three case studies

Their stories illustrate how the policies which Williams demonstrated “institutional ignorance and thoughtlessness towards the issue of race” have a far broader impact. These three stories show the hostile environment’s effects shape the everyday lives of Muslim families have adverse impacts such as separation.

CASE STUDY 1

Family man known as **Individual A** arrived in the UK as a single person in 2000 on a temporary visa. The wife later joined him in November 2004. They had their first child in 2005, two months after the birth of their child, **Individual A** was arrested for using a false instrument and sentenced to 6 months. He served 3 months, even though he was of good character prior to his offence, deportation was recommended. The family continued to live in the UK with no recourse to public funds. They had their second child in 2007, continued to maintain their

family ties in the UK and sought a judicial review. Awaiting their appeal hearing, Individual A and wife were required to sign on at their local reporting centre. Their first daughter was granted British citizenship in May 2016. Individual A was deported in 2016 despite having two children born in the UK and one with a British passport at the time of his deportation.

CASE STUDY 2

Individual B arrived in the UK on a temporary visa in 2005. Individual B later married a British citizen. The Home office did not accept the marriage to be genuine. Individual B appealed, while awaiting his hearing date he was reporting at his local reporting centre. One day whilst reporting he was detained and subsequently deported in 2016 despite his marriage and no criminal record.

CASE STUDY 3

Individual C arrived in the UK September 2010 on a tier 1 visa, 4 months after her 5 years visa was granted. The Home Office had refused her husband and children applications hence they could not come to the UK as a family. On arrival in the UK, individual C appealed against the decision and won. The family continued living in the UK and applied to extend their leave to remain in 2015 as they could not meet up with the 5 years requirement for Indefinite Leave to Remain under the Tier 1 (Highly Skilled Migrant Programme) due to the 4 month delays in coming to the UK, but this application was refused because of doubt by the case worker and application of the rule of probability in the genuineness of income based on evidence provided. This family’s refusal of leave to remain took 3 years of appeal. Having spent thousands of pounds and traumatised due to their adverse experience the family was granted 30 months leave to remain in 2018.

ANALYSIS

The three case studies cited capture to some extent the impact of the Immigration Act on Black Muslim communities in the UK. There is a growing concern within the Black community and in this case, the Black Muslim community, that what happened with the Windrush scandal can potentially be repeated due to the 2014 Immigration Act. For example, according to an article by Ian Birrell (2020) thousands of children in the UK are in limbo – trapped without immigration status. One study, this year estimated there are 215,000 children living here without immigration status, half of them born in the UK (Jolly et al 2020).

THE WINDRUSH SCANDAL

In 2018, Wendy Williams was commissioned by the Home Secretary Javid to carry out an independent assessment of the Windrush scandal, particularly covering the events from 2008 to March 2018. The report concludes that the Windrush generation and their children have been poorly served by this country. These people had no reason to doubt their status, or that they belonged in the UK. They could not have been expected to know the complexity of the law as it changed around them.

According to the Wendy Williams’ report (2020), successive governments tightened immigration controls and passed laws to demonstrate their intention on being tough on immigration. This created and expanded the Home office’s hostile environment policy, which had no regard for the Windrush generation.

Additionally, other reports have drawn similar conclusions about the deleterious effects of the ‘hostile environment’ it created. In December 2018, the National Audit Office criticised officials for poor quality data that incorrectly classified them as illegal immigrants.

A critical report from the Equality and Human Rights Commission (EHRC) confirmed that the Home Office broke equalities law when it introduced its hostile environment immigration measures (2020). EHRC officials found that officials failed to appreciate the severity of the negative impacts of its policy on this group of people.

SUMMARY

The Wendy Williams report made 30 recommendations for change and improvement which can be boiled down to three elements:

- The Home Office must acknowledge the wrong which has been done
- It must open itself up to greater external scrutiny
- It must change its culture to recognise that migration and wider Home Office policy is about people and, whatever its objective, should be rooted in humanity

The report recommendations clearly highlight the impact of the changes in Immigration Act on Black Britons. The three cases mentioned within the report can serve as the first set of qualitative data collected to reflect the impact of the policies on the Black Muslim community.



RECOMMENDATION

Case studies cited above indicate that there is limited evidence of the impact of the 2014 Immigration Act on the Black Muslim community. It is recommended that further research is carried out to document the impact of the immigration policies on diverse communities within the UK. It is further recommended that the government commissions an independent report to address the impact of the 2014 immigration act on diverse migrant communities in the UK.

This research could address the following areas;

- Percentage number of Black people/ Muslims detained since May 2014,
- Percentage number of Black people/Muslims deported due to criminal activities.
- Request for freedom of information data to establish the number of Black people deported since the new immigration act.
- The growing numbers of a high proportion of children born in the UK, who have lived more than their adult life in the UK and their families are now in limbo.



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