From Racial to Racist State: Questions for Social Professionals

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Introduction

In this article, I examine selected aspects of a recent proposal by the Department of Justice, Quality and Law Reform, the Scheme for an Immigration Residence and Protection Bill to demonstrate how Ireland is continuing to move from a 'racial state' to 'racist state' (Lentin, 2004). The Scheme ‘is not’ a first draft of the text of the Bill, and the Bill when drafted may use quite different language to achieve the same, or substantially the same, policy aims as set out in the Scheme’ (Department of Justice, Equality and Law Reform, 2006, p.1). While having an ambiguous status, the Scheme reflects policies that the government would like to implement. These policies would impact on the work of social professionals with asylum seekers by drawing social professionals increasingly into the role of ‘policing’ the internal and external borders of State. While the term ‘social professionals’ is not used in the Scheme, the role of the ‘responsible adult appointed by the Health Service Executive’, who is always a social professional, is cited seven times.

More and more of the practices of government are taking place at a distance and depend on the self-regulation of individuals and groups (Triantafilou, 2004). This shift in government practices can be clearly seen in the governance of asylum seekers, who are expected to self-regulate their own containment within the Irish state, living in the restricted confines of accommodation centres and being held on the margins of Irish society. Social professionals have a growing role in ‘facilitating’ these processes of self-regulation through providing, and not providing, welfare services to asylum seekers. Before commenting on the proposed legislation and the implications for social professionals, I start by considering whether the proposed legislation provides evidence that Ireland has move from a racial to a racist state.

From ‘Race’ to Racial and Racist States.

There is a long and on-going debate within the social sciences about the use of the concept of 'race'. A critique of the concept has existed since at least the mid-1970s
This critique is based on arguments that the use of ‘race’ both reifies the concept of ‘race’ and supports the racist view that there are a number of races which can be hierarchically ordered. While not wanting to ignore the use of the concept of ‘race’, social scientists have increasingly moved away from focusing on ‘race’ to consideration of how polices and practices become racialised and how the social construction of ‘race’ is given power and meaning in the social world. The process of racial formation, often called racialisation, has become one of the central concepts in the study ‘race’ and racism. The racialisation of individuals and/or groups is linked to exclusionary cultural and political processes where ‘race’ is invoked as an explanation and justification (Murji and Solomos, 2005). Processes of racialisation are central to how asylum seekers are defined within Irish society.

The concept of the ‘racial state’ was first used by Omi and Winant (1986) and has more recently been developed by Goldberg (2002) and in an Irish context by Lentin with and a variety of other authors (e.g. Lentin and Lentin, 2006; Lentin and McVeigh, 2006). Omi and Winant argue that, through processes of racial formation, a series of racial meanings are established within specific societies. These racial meanings exist at the micro-level, in relation to individuals’ identities, and at a macro level, through economic, cultural and social structures, e.g. the racial meanings attributed to individual identities can be seen in the representations of Black politicians, while the location of racialised groups in particular sectors of the labour market shapes how these groups are viewed. The racial order that is established at these two levels provides a rationale for various racialised economic, political and ideological/cultural practices. This racial order is not stable or fixed, but rather has to be continuously reproduced through political struggle and the everyday production of new racialised discourses and identities.

Omi and Winant (1986) show how the state is central to the reproduction of the racial order through the development and implementation policies and practices that define and regulate individual identities, as well as maintain economic, social and cultural structures. Goldberg (2002) builds on the work of Omi and Winant (1986) to argue that in the ‘racial state’, the state and ‘race’ cannot be viewed as conceptually distinct. Rather, ‘race’ and state are inexorably intertwined with the state actively excluding racialised groups and individuals (i.e. groups and individuals that are identified as racially ‘different’ from the dominant group) to produce the illusion of homogeneity. The modern nation state is founded on exclusions, specific inclusions,
and the management of limited heterogeneity through the policies and practices of multiculturalism and assimilation. Government policies support the myth that the nation is homogeneous and result in the situation that:

people who have nothing in common, who have nothing to do with each other, and indeed whose interests are objectively in conflict, are brought together in a common self perception. From a position inside this myth, the foreigner, the outsider, the alien, the Other can be constructed (Humphries, 2002, p.213).

The myth of homogeneity obscures the racialised basis of all modern nation states. Each nation state has differing racialised forms depending on unique sets of historical and spatial factors (Goldberg, 2004). For example, the Irish nation state has a different racial form than England because of its different history of migration and position in relation to the colonial project. Different racial forms are constantly being defined and re-defined through policies and governmental technologies such as ‘constitutions, border controls, the law, policy making, bureaucracy ... census categorisations, invented histories and traditions, ceremonies and cultural imaginings’ (Lentin, 2004, p.7). This article focuses on the government’s proposed policy that asylum seekers, and other foreign nationals, produce identity documents as and when required by members of the Garda Síochána or immigration officials, and on the increasing role of social professionals in policing the internal borders of the nation state.

The reproduction of new racial forms may happen quickly during what Balibar (1991) describes as ‘crisis racism’ when the stability of the state is threatened by the practices and/or perception of the practices of racialised groups. During a period of ‘crisis racism’, class and other distinctions are temporarily removed to provide an apparently united, classless solidarity against the assumed social threat of the ‘Other’. Bhabha (1999) argues that modern states are characterised by ‘emergencies’ which lead to the emergence of new racialised forms of control. In racial states, crisis racism invariably results in the re-assertion of white supremacy in the interests of the dominant class (Goldberg, 2002). In Ireland, the crisis associated with the arrival of asylum seekers has resulted in the rapid development of restrictive immigration policies and practices, and a fundamental change to the Irish Constitution. On June 11 2004, the citizens of Ireland (79% of the electorate) voted to accepted changes, proposed by the government, to amend Article 9 of the Constitution and removed the absolute right of citizenship to children born on the island of Ireland. A person’s eligibility to claim citizenship by birth now depends on a
number of factors, including when the person was born and the nationality of their parent(s). This turn away from birth in Ireland to the blood line instates 'race' at the centre of the status of Irish citizenship.

Goldberg (2002) makes the distinction between weak and strong racial states. Strong racial states are committed to continuous reductive racial definitions and these definitions are enforced through all the state’s agencies. Weak racial states have only limited racial procedures of classification and record keeping, and do not support specifically racist exclusionary practices. The immigration policies enacted since the mid-1990s in Ireland have, in my view, pushed Ireland towards the strong racial state end of the spectrum. Strong racial states are defined as racist because the racialised definition of populations results in exclusion and inclusion on racial terms and produces effects and meanings that are racist (Goldberg, 2002).

According to Lentin (2004), the Irish government’s immigration laws, policies and practices, used to regulate particular migrant and ethnic minority groups, have moved Ireland from a racial to a racist state. This represents a shift from a state that uses policies and practices to identify racial ‘difference’ to a state which uses racial difference as a way of justifying the discrimination of particular groups. This discrimination can range from the denial of appropriate services and resources to physical segregation (e.g. asylum seekers being maintained in accommodation centres away from the general public and being denied welfare benefits).

Mynott (2002) argues that in the UK, the introduction of internal immigration controls, such as enforced dispersal, the voucher system and limited access to housing and welfare services has created a new form of apartheid. Those without an officially recognised and ‘acceptable’ immigration status have become a new category of ‘untouchables’/‘undeserving poor’ who are isolated from the rest of society and kept in ‘a position of impoverishment, degradation and powerlessness’ (Cohen, 2006, p. 105). Like the British state, the Irish state disperses asylum seekers to national accommodation centres. These accommodation centres only provide for the basic needs of asylum seekers. In addition to their board and lodging, adult asylum seekers receive only €19.10 per week. Direct provision and non-entitlement to engage in paid work enforces the segregation of asylum seekers from the rest of the population. However, the schools that asylum-seeking children attend provide significant opportunities for children and adult asylum seekers to meet Irish citizens. Such contact between asylum-seeking children and Irish children has led in some
cases to protests over the deportation of asylum-seeking children. The racialised identities of asylum-seeking children are, at least temporarily, replaced by the identities of children who have children’s needs and rights.

The implementation of immigration policies can be interrupted by popular protests. However, the internal contradictions within immigration policies can disrupt the racialisation process. King-O’Riain (2006) argues that there is no consistent logic to the racialisation of the state in Ireland. There are gaps in the legislation as well as legislation that produces unintended consequences. As well as repressive racialising laws and policies, the state has also introduced legislation and policies to counter racism. For example, while the state deports asylum seekers it also supports the implementation of the Employment Equality Act, 1998 and the Equal Status Act, 2000 which outlaw discrimination in employment and the provision of goods and services on the ground of ‘race’ (including skin colour, nationality and ethnic origin), as well as eight other grounds. The government has also developed a National Action Plan Against Racism (2005), which originates from commitments given by the Irish government at the United Nations World Conference Against Racism in South Africa in 2001, and previously sponsored the Know Racism campaign. This campaign launched in 2001, aimed ‘to contribute to creating the conditions for building an inclusive society in Ireland where racism is effectively addressed and cultural diversity is valued’. While the government sponsors policies and public campaigns to challenge racism there is no change in its attitude towards asylum seekers, rather the possibility of becoming an asylum seeker in Ireland is being restricted and the opportunity to successfully gain refugee status has become increasingly limited.

In addition to the spaces opened up by the contradictory nature of government policy, processes of racialisation produce contradictions and opportunities for resistance. Through processes of racialisation individuals and groups perform and enact ‘race’ – the idea of ‘race’ comes into existence in everyday life. Goldberg (2002) argues that these ‘performativities’ are produced within and outside the state and therefore race is ultimately uncontainable by state formation. There is always the possibility for race to be mobilized as a counter-history, as counter-performativities and counter-practices to prevailing state design, though the social space for racial counter-performance is invariably contained restrained (Goldberg, 2002, p.247).
As well as processes of racial identification (e.g. 'Black is beautiful') resulting in counter-identities and practices, individuals also are reproduced within other forms of identification. As we come to see the world in globalised terms, we are confronted by a proliferation of difference and increasing diversity (Rattansi and Westwood, 1994). This diversity results in multiple processes of identification which result in all individuals having multiple identities and identifications which may support and challenge dominant racialised identities (Christie, 2004). Thus the racialisation process is never totalizing and all-consuming.

As well as processes of racialisation producing multiple identifications and encountering other processes that may challenge the dominant formations of the state, the state in itself is not a fixed and unitary entity. The state, fuelled by the Celtic Tiger economy, has expanded its control through the development of social and economic policies. As the state's welfare services expand, they become increasingly diverse and include state-sponsored NGOs. Both state welfare services and NGOs, funded directly and/or indirectly by the state, are critical of the government's policies. Social care professions employed by the state welfare service and NGOs are often placed in the ambiguous position of being required to carry out government policies while knowing that these policies are not in the best interests of services users. As welfare provision expands slowly, social professionals have an increasingly important role in the state's attempts to 'regulate' society's heterogeneity and to sustain the myth of homogeneity. They are implicated in the reproduction of both the racial and racist state, but also are in a unique position to resist and challenge these aspects of the state policy and practice.

In the next section, I discuss current proposals on migration made by the government in the Scheme for an Immigration, Residence and Protection Bill. In the racial state, the state seeks to exercise control over racialised groups within the state and to exclude other racialised groups from entering the state. However, the racial state is never completely successful in achieving these goals, and there are always inconsistencies and gaps in policies that can be identified and used as opportunities by social professionals who wish to resist and combat racialised/racist forms of practice. Before considering some of the ways social professionals may be able to develop these practices, it is important to analyse particular policies, in this case the proposed Scheme, as the enactment of these policies will ensure a racist state and have the potential to require racist practices from social professionals.
Scheme for an Immigration, Residence and Protection Bill

In September 2006, the Department of Justice, Equality and Law Reform introduced the Scheme for an Immigration, Residence and Protection Bill. The Scheme is written under 84 'Heads' which cover areas such as entry into the state, visa requirements, removal from the state and state protection. The Scheme states that it is not the first draft of the text of the Bill. However, it also states that changes are only expected to be made in relation to the language of the legislation, rather than to the policy aims. Therefore, while not the draft of a Bill, the Scheme provides the basis for future legislation and policy. The government is seeking to replace all existing legislation on immigration, residence, asylum and protection matters by one new inclusive piece of legislation. Immigration legislation in Ireland, as in most other modern states, has developed in an ad hoc fashion. The government plans to consolidate existing legislation by repealing and replacing the following legislation: Aliens Act 1953, Refugee Act 1996, Immigration Act 1999, Immigration Act 2003 and Immigration Act 2004. The Scheme seeks to cover both asylum and 'protection' issues as well as general provision on immigration of 'foreign nationals'. This combination of different aspects of immigration policies collapses two different processes into one and may be over-ambitious. The Human Rights Commission (2006) has argued that there are 'inherent tensions in putting these two systems [asylum and protection] in one piece of legislation' (p.1). The consolidation of legislation may appear helpful, but the end result seems to be new confusions.

Since the Refugee Act 1996, which was viewed by many as 'progressive', immigration legislation in Ireland has become increasingly restrictive. The proposed Scheme, under the guise of consolidating existing legislation, is continuing this restrictive trend. The Scheme introduces new forms of regulation for asylum seekers which include, for example, the requirement for asylum seekers to provide new forms of identification, and restrictions on asylum seekers to marry. The Scheme proposed that 'foreign nationals' be forbidden to marry without first notifying the Minister of Justice, Equality and Law reform. Marriages that take place without meeting this condition will be deemed invalid. Those who officiate at and/or facilitate 'invalid' marriages will be guilty of a criminal offence. Under the proposed Scheme asylum-seekers are not to be entitled to marry. These new forms of control rely on self-regulation by 'foreign nationals', and in particular asylum-seekers, as well as enforcement by members of Garda Síochána or immigration officials.
Social professions, particularly in their role as 'responsible adults appointed by the Health Service Executive', are also likely to be given new roles in 'facilitating' and monitoring the self-regulation of asylum seekers. Social professionals will be expected to continue in their traditional role of assessing individuals' behaviour and attitudes. However, they will be expected to use new assessment criteria based on the assessment of migrants' 'good character' and willingness to integrate into Irish society. Not only will social professionals be required to use more restrictive criteria to assess asylum seekers, the new Scheme will also make it more difficult for social professionals to challenge the assessment of members of Garda Síochána or immigration officials. In particular, the Scheme includes proposals on the criminalisation of activities that obstruct the deportation of individuals, including children, from the state. In the following section, I discuss how the new requirements for the identification of asylum seekers and the restrictions on challenging deportations further draw social professionals into the role of implementing migration policies.

**New Identity Requirements**

The Scheme places the responsibility on foreign nationals, including asylum seekers, to prove that they have permission to reside in Ireland (EU citizens, who are covered under the Council 2004/38/EC of 29 April 2004, are not treated as 'foreign' in the proposed legislation). New forms of identification, including biometric data, will be issued to 'foreign nationals' who must produce this identification on demand to members of Garda Síochána or immigration officials (Head 82). If 'foreign nationals' are not able to prove that they have this permission to reside in Ireland, they must remove themselves, or be removed, from the state. While the Scheme focuses on 'foreign nationals', the legislation is likely to place the onus on everybody living in the state to be able to prove that they are legally entitled to be in Ireland. The Immigration Act 2004 already requires 'foreign nationals' to produce identification. However, the proposed Scheme also requires 'foreign nationals to provide biometric information where necessary'. Under the Immigration Act 2000, individuals under the age of 16 were not required to produce identity documents. However, the Scheme proposes that all 'foreign nationals', including those under the age of 16, should produce identification. When appropriate identification is not provided by an asylum seeker or immigrant, including biometric data, s/he can be considered not to have made reasonable efforts to establish her or his true identity and can be assessed as
failing to co-operate. Failure to co-operate with this requirement will constitute a criminal offence. Biometric data will not be required where the person is under the age of 14 years except when in the presence of a person acting in loco parentis or a responsible adult appointed by the Health Service Executive (Head 68). Social professionals, in their role as responsible adults appointed by the Health Service Executive, will therefore be expected to facilitate the self-regulation of asylum seekers through participating in the collection of information, including biometric data, for identity documents.

The requirement to produce identification on demand for the Garda Síochána or immigration officials raises questions about how and when these powers will be used. The Human Rights Commission (2006) argues that the stopping of persons for the purposes of the production of identity documents is covered within the European Convention on Human Rights (2003) as a potential interference with the right to private life. The Commission suggests that as the Immigration Act 2004 already gives the Garda Síochána or immigration officials power to require 'foreign nationals' to provide identification, these existing powers should be evaluated before they are extended to include all 'foreign nationals' and the collection of biometric data. The requirement to carry identity documents or a residence permit at all times as well as giving the Garda Síochána and immigration officials the power to stop individuals to ask for their identification documents involves both a heavy infrastructure of state surveillance and self-monitoring for immigrants and asylum seekers who must always ensure that they are carrying the relevant identification.

The European Convention on Human Rights (2003) states that in the area of immigration law there needs to be 'a reasonable relationship of proportionality between the means employed and the aims sought to be achieved' (p. 47). The implementation of the proposed provisions is likely to have a disproportionate impact on persons from racial, ethnic and religious minorities who are both Irish citizens and foreign nationals as they are more likely that other groups to be asked to produce their identification documents. Moreover, as the UN Commission on the Rights of the Child argues, the Scheme will also discriminate against asylum-seeking children by requiring them to produce, on demand, forms of identification that are not required from Irish children.

It is now likely that a new form of residence permit/identity card will be produced in Ireland for asylum seekers and immigrants. There is increasing pressure on the Irish
government to introduce identity cards because by 2008, the Immigration and Nationality Directorate in the UK will issue biometric identification to 'foreign nationals' and, by 2009, the Identity and Passport Service will issue ID cards for British citizens (Home Office, 2006). In France, by the end of 2007, the government plans to provide the whole population with ID cards that contain not only the civil status of the citizen, but also two biometric identifiers: photographs and fingerprints (Digital Civil Rights in Europe, 2007). In Ireland, Public Personal Service Numbers (introduced in the 1998 Social Welfare Act) and Public Services Cards (a person’s name, PPSN, primary account number, date of issue are inscribed on the card; a person’s date of birth, gender, expiry date of card and card service code are electronically stored) already exist. Public Service Cards do not include a photograph of the owners, but in many other ways they could be used as a national identity card (Murphy, 2006). Although the Minister for Justice, Equality and Law Reform, Michael McDowell, has opposed the introduction of identity cards, the indications are that government policy is to support the introduction.

The success of introducing an ID system as a system of immigration control will depend on the constant checking of the identity cards of the entire population or a focus on checking the identity of specific minorities. It is likely that members of the Garda Síochána and immigration officials will adopt the latter strategy as widespread checking of individuals’ identities would be resource-intensive and politically unacceptable. Drawing on research on the implementation of ‘stop and search’ powers in the UK (under the Police and Criminal Evidence Act 1984 and the Terrorism Act 2000), the Human Rights Commission (2006) argues that the requirement to produce identification documents is likely to discriminate against ethnic minorities. It is not clear what roles social professionals will have in checking the identity of individuals and whether this would be will be a universally applied procedure before services are provided. However, it is likely that the disadvantaged groups that social professionals traditionally work with are the groups that are going to be the most oppressed by these new requirements. Individuals and groups, who because of their appearance, behaviour and/or assumed behaviour are viewed as ‘different’, are most likely to be required to prove their identity. Evidence in other European countries indicates that anyone who is defined as Black or a member of an ethnic minority will be asked more often than white members of society to prove their identity. While the Scheme only requires ‘foreign nationals’ to prove their identity, as
Ireland becomes more multiethnic, it is likely that many Irish citizens will also be requested to prove their right to reside in Ireland.

In addition to participating in the collection of identification data, social professionals are likely to be further drawn into immigration procedures by having to advise on the age of children/young people. Separated young people under the age of 18 are placed in the care of the Health Service Executive (HSE) under the Child Care Act 1991 (see the editorial for further discussion of separated children and Christie, 2003). They are entitled to welfare benefits and the support of HSE staff. Separated young asylum seekers who are 18 or over are placed with other adults in direct provision. The decision about whether an asylum seeker is classified as an adult or a young person/child may be crucial to the well-being of the individual and influence the likelihood of gaining refugee status. While social professionals do not have the responsibility for determining the age of asylum seekers, they do have relevant experience in this area and may be asked for advice. As biometric data can only be obtained from young people under the age of 14 when a parent, person who is acting in loco parentis or a responsible adult appointed by the Health Service Executive is present, social professionals working with these children/young people will be involved in discussions about giving the relevant documentation and who should be responsible for it. Here again, social professionals will be placed in the position of facilitating the implementation of restrictive immigration policies.

Detention and Deportation of Children

The role of social professionals in detention and deportation is highly contentious. Under the Scheme, all 'foreign nationals', including asylum seekers, both children and adults, who are about to be deported may be arrested and detained for a period of up to 8 weeks (Head 40). Segregated areas of an adult prison are currently used to detain adults and children. The Committee on the Elimination of Racial Discrimination (part of the Office of United Nations High Commissioner for Human Rights) report in 2005 argued for the provision of special detention centres for asylum seekers whose request for asylum has been rejected and are awaiting deportation. The European Committee for the Prevention of Torture was established to oversee the protection of the rights set out in the Council of Europe Convention on Torture. This committee has stated that prisons should not be used to detain somebody who
is neither convicted nor suspected of committing a criminal office. Furthermore, the Irish Refugee Council (2006) has become increasingly concerned about the pre-deportation detention of persons whose asylum claims have been rejected and argues strongly that detention should only be used as a last resort and detention should only occur in specialised detention facilities for asylum seekers. Anecdotally in Ireland it seems that detention is being conducted in a range of ways that are neither consistent nor transparent. This repressive practice of pre-deportation detention is becoming increasingly hard to research.

While children are not to be detained (Head 26) prior to deportation, the parents of children may be detained. In such cases it is likely that children will be placed in the care of the Health Service Executive. The separation of families as a result of immigration policies is hardly in the best interests of children or parents. Social professionals will again be drawn into facilitating immigration policies by providing care for children whose parents have been detained. How are ‘appropriate care’ and the ‘well-being’ of the child being decided on in such circumstances? The state is actually creating the ‘at risk’ situation in which social professionals, employed by or funded by the State, are intervening.

The Scheme also limits the potential of social professionals to advocate for the best interests of children: ‘No person shall, by act or omission, obstruct or hinder an immigration officer or member of the Garda Síochána engaged in the removal of a person from the State’ (Head 39, 4(b)). In addition, the ‘parent, guardian or person who is acting in loco parentis to a minor is expected to facilitate the removal of the minor’ (Head 39, 4(c)). This ‘facilitation’ includes handing over children to the custody of the Garda Síochána or immigration officials, and obtaining travel documents and tickets for children who are going to be deported. Social professionals may be required to sign documentation related to the deportation of the children and cooperate in collecting any relevant biometric data. Any person, including social professionals, who fails to co-operate with members of the Garda Síochána or immigration officials in the deportation of asylum seekers will have committed a criminal offence.

The introduction of legislation based on the Scheme will create particular difficulties for social professionals who are acting in loco parentis for asylum-seeking children. The implementation of the Scheme may result in the spectre of social professionals
in the role of ‘social police’, separating children from parents who are placed in
detention and assisting in the deportation of children. The consequences for social
professionals who fail to ‘co-operate’ with members of the Garda Síochána or
immigration officials is untested, but the Scheme is very clear in proposing that any
failure to co-operate will be considered a criminal offence, even if the social
professional is acting in ‘the best interest of the child’ (also a stated government
policy).

Conclusion: Social Professionals and the Politics of Exclusion

Although I started this article with the aim of distinguishing the positions of social
professionals within the racial and racist state, I now question how useful this
distinction is. There are at least two particular problems with the distinction. First, it is
difficult to identify a racial state that does not have racist consequences for racialised
members of the population. Second, to suggest that there were racial states before
racist states suggests that there are nation states that are not built on racism - the
exclusion of the racialised Other. Nonetheless, the concepts of the ‘racial’ and
‘racist’ state remain useful as they highlight the ways that processes of racialisation
and racism are linked to nation-state building. ‘Race’, even when constantly re-
coded and given different ‘tags’, tends to be associated with irreducible difference,
difference that is visible. The policy of introducing compulsory identification cards
that include photographs creates a whole new context in which racist practices
relying on visible difference are made legitimate. The racist state is, therefore, still at
the centre of battles over ‘who controls the codes and practices of nation-building
and other forms of legislated belonging’ (Gunew, 2004, p. 22)

Integration is identified as one objective of the new legislation which requires the
state ‘to promote the successful integration of permanent residents into the State,
while recognizing that integration involves mutual obligations for new immigrants and
Irish society’ (Department of Justice, Equality and Law Reform, 2006, p.8; italics
added). Yet, integration is only mentioned briefly in this one sentence of the
preamble to the Scheme. The above definition of integration excludes the integration
of non-permanent residents such as asylum seekers and individuals with the right to
remain in Ireland. Non-permanent residents are to be held at the very margins of
Irish society and to be reminded of this through daily practices of self-identification
and more punitive forms of control and containment. Social professionals will be
implicated in this policy of non-integration of asylum seekers, which is a policy objective in the proposed legislations.

Bommes and Geddes (2000) argue that '[t]he sovereignty of national states over a given territory and population was and still is based on the exchange of the political provision of welfare in exchange for the internal loyalty of their citizens' (p. 1). The welfare state and social professionals employed within it have always been central to this exchange of welfare for citizen loyalty. However, the welfare state and social professionals are now in a new era in which many of those residents within nation-states do not have citizenship status. Their loyalties are multiple and they are often not wanted by a state that seeks to expel them. The withholding of welfare, rights and social support and the imposition of surveillance and unrealistic criteria to achieve the right to residence are central to this new regime. Indeed, some argue that immigration and integration policies in fact reinvigorate the nation-state, because these are the policy fields that demonstrate its capacity to resist forces of globalisation (Koopmans et al., 2005). Social professionals can be seen as taking on new roles in the inclusion and exclusion of particular groups from the nation state. So, although it may seem like a new era, social professionals will continue to be expected to make assessments about ‘good’ and ‘bad’ citizens in order to help sustain the nation state.

However, social professionals face more and more ethical and political dilemmas working within and against the state, with immigrants and asylum seekers and especially asylum-seeking children and young people. As Rose (1989) argues '[c]hildhood is the most extensively governed sector of personal existence' (p. 121) and asylum-seeking children are doubly governed through their status as children and as asylum seekers. The government, instead of introducing legislation that reinforces the containment and self-regulation of asylum seekers, could have used the opportunity to promote the welfare of asylum-seeking adults and children. For example, the Children’s Rights Alliance (2006) has highlighted the government’s commitment in the National Children’s Strategy to provide each separated child with a guardian ad litem to represent her/his best interests during the asylum process. The CRA also recommends that the accommodation used by separated children should be covered by the National Standards for Children’s Residential Centres. Within the Scheme, the government could also have developed more specific legislation to stop the trafficking of children. To foster the protection of children
seeking asylum, the government might also have extended the remit of the Ombudsman for Children, allowing her to act in cases of children related to asylum, immigration, naturalisation and citizenship status.

Back in 1988, Roys argued that to focus on cultural diversity failed to recognise the material and political realities of racial and cultural difference in the UK. ‘The difficulties of the black population are the result of not only migration and differences in culture and language but also of living in a society which is hostile to black people and denies them equal life changes and can expose them to enormous material and psychological pressure’ (1998, p.221). In Ireland nearly twenty years later, social professionals have a unique opportunity to expose the unequal life chances and material and human injustices experienced by asylum seekers in particular. They have access to the resources necessary to advocate for the rights of asylum seekers, including the right to residence, paid work and welfare. By working towards these basic rights they could help foster more collaborative relationships between social professionals and asylum seekers.
References


Introduction

A refugee is defined by the United Nations Convention on the Status of Refugees (1951) as someone who is outside of his or her country of nationality and who is able to show a well-founded fear of being persecuted for reasons of race, religion, nationality or membership of a particular social group or political opinion. Asylum seekers are people who are outside of their own country and who are seeking asylum but have not yet been granted refugee status. In the light of these definitions, it is not surprising that refugees and asylum seekers are known to be a particularly vulnerable population who may experience more problems affecting their well-being than the general population.

The greater health and social needs of refugees and asylum seekers result from a variety of factors, many of them beyond their own control. The social problems faced by asylum seekers may relate to the manner in which they have been displaced from their native country, to the difficulties they may have encountered en route to their chosen country of asylum or to the difficulties that they may encounter as they attempt to start a 'new life' in a different country and culture. In being forced to leave their homes, asylum seekers may have lost all of their possessions, including their homes and their clothing. To obtain safe passage to another country, they may have had to sell their possessions or to use up their reserves. In addition, they may have been bereaved of close relatives in traumatic circumstances or been witness to atrocities. They may have faced dangers in transit resulting in more loss of possessions or bereavements. Finally, when they arrive in their country of asylum, it may be less than welcoming. Their initial concerns there will focus on their survival needs, food, shelter and security. In the longer term, they will realise that they are trying to establish themselves in a country where the culture may be very different to their own and where they may not even have a good command of the main spoken language. They may end up being isolated from their own people, both in their country of asylum and in their country of origin, and lacking the normal social supports.