

# **Looking Beyond the Numbers – A Qualitative Study on the Chinese Migrant Worker Communities in West Norfolk.**



Report and Research directed and written by Carrie Pemberton  
Director of Ibox Insight LLP – [Carrie@iboxinsight.com](mailto:Carrie@iboxinsight.com)  
Senior Associate Member  
Centre of International Studies  
University of Cambridge

Report and Research undertaken and written by Bonny Ling  
Visiting Research Fellow  
Centre of International Studies  
University of Cambridge  
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*Commentary on the Cover Photo: The culture of Chinese people is intertwined with the Chinese dragon. The sign of the Chinese dragon is believed to bring forth and radiate power with those blessed with its sign manifesting greatness, bravery, and intelligence. The eastern dragons of China are associated with a character of beauty, kindness, and prudence and are considered to be extraordinarily intelligent. The western dragons are known for their negative energies and symbolize greed and hunger. The dragon symbolizes protection and those born in the year of the dragon are understood to be hard working and industrious.*



**With thanks to all the individuals,  
community groups, statutory and  
voluntary organisations that took  
part in the research**



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June 2004

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## Foreword

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The promotion of equity and equality within service provision to the public is a key priority for all agencies. The commitment of the Police Service in partnership with the statutory and voluntary sector to community and race relations is fundamental to securing and nurturing community cohesion and access to justice for all and is integral to our ability to meet our general public duty under the Race Relations Act 1976, as amended in 2000.

In support of local, national and legislative requirements, with the support of the County Strategic Partnership Group we commissioned a qualitative study into Chinese Migrant workers in Norfolk, to identify issues affecting this undocumented community's experiences with a view to addressing social cohesion and service delivery for all.

A civilised, harmonious and cohesive society is only possible if each of us feels equally understood, respected, and valued. How confident are we that migrant workers enjoy these basic rights and also have access to the services available to the rest of our community?

Over the last ten years through various studies such as 'Not in Norfolk', 'Now in Norfolk', 'The Broadland Report', 'The ERINN Report' and 'The West Norfolk Report' a growing body of research evidence was brought together. In March 2003 a common vision for all agencies had been established through our community cohesion base line survey research report 'Norfolk at ease'. Over the last two years it had become evident that Norfolk was attracting significant numbers of migrant workers. What was also evident was that we knew little about these growing communities; their needs, aspirations, wants, the difficulties they faced and what, if any, access they had to services.

This research in conjunction with the earlier study report on migrant workers in west Norfolk is a catalyst to rejuvenate an enthusiasm of all of us to work together as statutory, commercial and voluntary sector organisations in order to raise awareness of the experiences and issues affecting migrant workers in Norfolk.

It will also help to develop a consistent and effective approach to tackling abuses and indignities that hurt those communities. I sincerely hope that the findings of the report will raise our awareness' to be able to develop and deliver an inclusive service provision that acknowledge

and support the basic human rights of these workers and gives them the respect they deserve.

A handwritten signature in black ink that reads "Simon Taylor." The signature is written in a cursive style with a long horizontal stroke at the end.

**Simon Taylor**  
**Assistant Chief Constable**  
**Norfolk Constabulary**

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## Acknowledgements

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*“I want to tell my story to other people – to the Home Office, to Immigration Service – so that they can understand the hard life of migrants [like us]. So that they can understand our circumstances and realities.”*  
Chinese Migrant I.T.

In the course of our research, we heard of a story about how Chinese migrant workers had given Christmas cards to their English colleagues. Quite a touching gesture to underscore how these Chinese migrants had come to adapt to the new culture they now inhabited. When we saw these Christmas cards, the most surprising thing was that the Chinese migrants had signed the cards with their farm identification number instead of their names. The title of our report – *‘Beyond the Numbers’* acknowledges their lives and their hidden identities in the United Kingdom.

Without the trust, courage and generosity shown by the interviewees and contacts within the Chinese migrant community of King’s Lynn, these stories would not have surfaced. This is their report.

Moreover, the research owes a great deal to the frontline workers of King’s Lynn who dedicate much of their time to understanding the needs of this ‘hidden community’ of migrant workers. Norfolk Constabulary Minority Ethnic Liaison Officer, Constable Tony Lombardi, the YMCA Asylum Seeker Outreach Worker Team of Mrs. Daisy Line and Mr. Mark Bowley, and Mr. Kwai Li, President of the West Norfolk & Districts Chinese Association, have assisted in ways too numerous to mention in making in-roads to this community. Without them, the stories of the individuals behind and beyond the numbers would have been much harder, if not impossible, to uncover.

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## IBIX Foreword

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**Ibix Insight**, founded in 2003 by its Director Dr Carrie Pemberton, offers a unique blend of academic evidence-based research tailored to the practical policy implementing tasks of the contemporary public sector world. Recent reports undertaken by Ibix Insight have included a review of welfare provisions for the Home Office in the Immigration removal centres of the United Kingdom, and the public policy implications of incorporating the work, energy and commitment of faith communities in the delivery of parenting support in the local community.

**Ibix Insight** noted the presence of a new wave of Chinese workers in Norfolk during the delivery of training in Managing Diversity, Migration and the Politics of Multiculturalism. Conversations with the local police Minority Ethnic Liaison Officer Tony Lombardi soon developed into a round table, which the Centre of International Studies in the University of Cambridge where Carrie Pemberton is a Senior Research Member, the Assistant Chief Constable of Norfolk Constabulary Simon Taylor, and the force's Diversity Advisor Abraham Eshetu. It was clear that there were a number of issues to take forward with implications across Norfolk, with the expansion of this particular sector of the labour pool, the varied migration status which they seemed to carry and community integration issues which arose – which the County Strategic Partnership Group may be interested to develop.

In November 2003 **Ibix Insight** embedded the research skills of Bonny Ling into the work of the Norfolk Constabulary, where her background dealing with substantial migration flows in Bosnia-Herzegovina with the United Nations and more recently in the immigration legal issues raised in the attempted United Nations peace settlement for Cyprus. Bonny offered to this research her natal fluency in Mandarin and understanding of mainstream Chinese culture, which brings to this report on Chinese migration into Norfolk important disclosures of the people behind the statistics. **Ibix Insight**, in the course of this report, offers a series of recommendations for ways forward for the Norfolk political, judicial, civil and business communities in their responses to the multiple challenges and future opportunities which engaging with this sector of migrant employees presents.

The title '**Beyond the Numbers**' conveys a concern to discover the personal story behind the statistics, to enter into the migrant's world of precarious journey making, moving to a strange place in order to find a means of livelihood or of physical safety. There is a physical and emotional journey that a migrant must undergo as s/he faces his/her uncertain future with the scant promise of something better. It is our hope that this research will enable a deeper appreciation in the community in Norfolk of the challenges, which face migrants who travel thousands of miles to be part of our community for

whatever their reasons. They face the challenges of a different language, culture, ethnic diversity, work practices and the daily challenge of living a semi-legitimate life in the UK on the margins of acceptability and in the orbit of poorly controlled criminality. In order to respond appropriately to the challenge of regular and irregular labour migration we have to move behind the numbers to engage this community and the people who make up the numbers, and to acknowledge the pull dynamics of employment opportunities in our county which our own population are unwilling or not present to access. Such employment is low skilled, labour intensive, repetitive, frequently involving long anti-social hours and hard physical labour.

This is a story which is so often told simply in numbers and statistics. The story behind the numbers is the one which we must also communicate across our county. The presence of migrant (both legal and illegal) labour in our local economy is a story which goes beyond the listing of numbers; it is a story of the shaping of work and justice, community integration and employment accountability. It is a story which challenges our commitment to community integration and our response to the forces of global markets. It is a story which will command attention from the agencies of law enforcement, educationalists, community support workers, health authorities and community leaders, whatever their provenance. Beyond the numbers we begin to understand and engage – we offer this research in the spirit of such engagement and the will to understand.

**Rev Dr Carrie Pemberton**  
**IBIX Research**



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## Beyond the Numbers: A Qualitative Study on the Chinese Migrant Worker Community in King's Lynn

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## ***Executive Summary***

During 2003 a variety of different agencies across Norfolk recognised that social justice, community policing, employment and housing issues were being impacted by the new era of both illegal and legal migrant labour present in the Norfolk employment pool, which over the last decades has diversified into Eastern European, Portuguese, and more recently Chinese labour into King's Lynn and the wider Norfolk area. With European accession in place and the insertion of new legal supply lines of labour into the area, the presence of legal alongside apparently illegal migrant labour, combined with asylum-seeking residents generated through dispersal and employment opportunities, the challenges for Norfolk statutory providers is considerable. It seemed appropriate to focus some research on a section of the community where the Norfolk Constabulary had already registered victim concerns. A paper was introduced to the county strategic partnership by the Norfolk Constabulary which found support for the following research proposal.

This area of research lifts the latch on the door of Chinese migration and the life of the migrant community in King's Lynn has serious regional and national implications. The number of Chinese arrivals in King's Lynn by the summer of 2003 appeared to rise to between 1500 and 2000 from an informal survey undertaken at King's Lynn railway station. This was a steep rise if true and deserved further enquiry as to some of the dynamics at work in the rise. Interviewees accessed in the commissioned study insisted that the number in the King's Lynn area has never reached that figure, and the figure was probably in the range of 350 - 500 at the very most. These conflicting numbers of newly arrived Chinese migrant workers in the King's Lynn area only illustrates the problems for public policy provision with this hard to identify and reach client group. The nature of irregular migration, seasonal employment and intra-community transportation networks makes access to the community problematic. Furthermore the potential influences from London networks seeking to control part of the Kings Lynn migrant labour and false documentation economy, means that there are multiple difficulties in obtaining an accurate figure for this 'hidden' community. In the way that the report has been structured we have interviewed those migrant workers in the King's Lynn and Norfolk regions who have their story to share with those who make decisions in the way in which employment and social policy is developed and resources distributed.

The increased presence of the Chinese migrant community in Norfolk has been caused by both push and pull factors. The pull factors include:

- A plentiful supply of seasonal, temporary and unskilled work in the area
- A history of an unregulated but highly organised method of accessing employment through the gangmaster system
- A prior network of an established Chinese community in the area

- Easy access by road and train to established Chinese community networks in London
- Easier methods of transportation and the supply of false documentation

The push factors include the:

- Corruption, discrimination, difficulties with the State, regional government or the local judiciary
- Unemployment, no state benefits, poor health care and lack of educational opportunities
- Migrant labour providing a stream of resources for households resident in the country of origin
- Family breakdown (particularly the death or sickness of a parent or parents)
- A response to local economic, ecological, or household disasters

The report is written at a time when we are becoming aware of the wider situation across the UK as being importantly reliant on migrant labour, particularly in sectors like health care, education, cleaning, agriculture, hotels and catering, IT and construction. Cleaning, agriculture, food-packing, restaurant, hotel work and construction are all sectors in which Chinese labour is to be found. It is estimated that the UK will need up to 1.2 million migrants, many unskilled, in the next few years just to replace workers entering retirement. Alongside the findings of this report on the Chinese migrant community in Norfolk the gap between local labour and those who are entering through illicit migrant gateways to fill it is a wider policy issue which needs to be addressed by employers and national government.

The findings of this four-month study have revealed the following about the lives of this migrant community in our midst. This community, which is separated by language, culture and ethnicity from the majority Norfolk community in which it is set, is highly mobile, hard working, with strong internal solidarity, but living in a difficult and vulnerable place with regards the legal and statutory authorities, due to their unresolved and varying migration status. In one sense this is a shadow community which lives in a semi-visible world supplying agricultural and food packing needs as a flexible and cheap source of labour. Consequently this community experiences:

- Racism
- Low pay – frequently below the minimum wage
- Unsafe working conditions
- A de facto absence of trade union protection in the work space
- Limited access to police and statutory authority protection because of their legal status
- Poor and overcrowded housing
- Attempted robbery, public order offences, assault which may contain racist motivation from the local Norfolk population

- Exploitation and blackmail undertaken by criminalised sectors within the disparate Chinese community
- Living in fear of exposure to the State authorities particularly immigration
- Concern for the continued vulnerability of their families back home

## Overview of Study

- Although poverty is popularly cited as the reason for the push of migrants out of China, our interviews revealed that frequently, the reasons for leaving China are more complex than that which a straightforward case of extreme poverty would present. A more accurate summation would be to describe a range of factors, social, economic and geo-political contributing to an individual or household's social vulnerability.
- Different figures exist on how much snakehead gangs charge for assuring their migrant clients transportation and entry into the country of destination. Interviewees for this research quoted figures from 50,000 to 200,000 RMB (£3,500 to £14,000), depending on the place of origin and the mode of transportation.<sup>1</sup> In one case, a snakehead had sold a client's property and used part of the proceeds to pay his airfare from Beijing to London Heathrow.
- For a migrant who is desperate to leave home, snakeheads provide indispensable advice on how to get to other counties. In this sense, the snakehead's role is comparable to that of a travel agent. He is not despised by the migrants as someone whose sole aim is to take advantage of their vulnerable situation. This finding indicates that while top snakeheads control and profit enormously from the smuggling facilitation process from end to end, those who operate within China to arrange a would be migrant's travel may be viewed more benevolently by the migrants than police and immigration personnel might expect.
- Discussion on snakeheads is further complicated by the mismatch of terminology from English to Chinese and vice versa. Whereas the term 'snakeheads' is a catch-all term in English to refer to people who are involved in smuggling Chinese migrants, its equivalents in Chinese do not suffice in describing the complex relationship that exists between a snakehead and migrant.
- Our interviews brought to light a real diversity in the ways that irregular Chinese migrants enter the UK. Most of our interviewees were not visa over-stayers. Furthermore, those who had flown into Britain reported

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<sup>1</sup> 'snakeheads' is a term used to refer to people who are either involved in smuggling Chinese migrants or in the brokering of work and access to illicit papers here in the country of destination

that they were travelling with 'genuine' passports, which contained their photographs, and valid visas but didn't carry their real names<sup>2</sup>.

- While there is currently a new trend of Chinese migrants from the Fuzhou/Fuqing area, who cite high wages in Britain's Chinese restaurants as their main reason for entry into the country, our interviews have found other asylum-related reasons for Chinese migrants to come to Britain.
- There is a much more complicated relationship between a migrant worker and the gangmaster than that which is generally portrayed by the media. While the dynamics involve elements of labour exploitation of a vulnerable group, migrant workers are driven by promises of their own economic betterment and welcome the presence of people (agents and sub-agents) who can offer them employment.
- In the course of the interviews conducted for this report, we found that there is another level of contact between the gangmasters and the Chinese migrant workers themselves. When asked about how he finds his temporary jobs, one interviewee used the term '接頭', pronounced *jieng tao*, or roughly translated as 'one who connects,' 'a local contact,' or 'connecting head.'
- Representing a mobile work force, Chinese migrant workers are engaged in a wide range of seasonal and not so seasonal employment. Many of those interviewed took pride in them being able to do the many different tasks presented and work hard for long hours without complaining. Temporary employment in the King's Lynn area can include picking daffodils in the spring, factory work, food processing and canning, farm work, and working in restaurants or takeaways.
- Within the Chinese migrant worker community, a clear distinction exists between 'good people' and 'bad people.' 'Bad people' refers to what is labelled in the commonly used Chinese expression '黑社會' 'black society'<sup>3</sup>— the criminal underworld of gangs and organised crime. These people are dangerous for the migrant community, and they can be harassed and intimidated by them for reasons of extortion.
- The Chinese migrant community is a self-supporting and independent one. Those temporarily without work or new comers into the migrant community are given shelter and fed within the 'established' migrant labour households as they wait for their work documents or agents to be arranged, and accommodate to their new life in the UK. Because of this self-supporting nature, contact with the statutory authorities within

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<sup>2</sup> The inclusion of false names and details renders the passport as not genuine.

<sup>3</sup> In the use of the term 'black' '黑' the solidarity of black consciousness which has become part of the parlance of multi-cultural Britain is not being evoked. It is a description evocative for the Chinese migrant community of danger, marginality and of sub-criminality - not an evocation of ethnicity or alternative histories and futures explicit in African and African Caribbean use of this term.

Norfolk is extremely rare from the migrant working population. It is a hidden society within our Norfolk community.

- Language is a further reason why this community is so hidden within Norfolk's midst. Many Chinese migrants have poor literacy skills, and few carry more than a few words of English. Their enclosed social environment within their ethnic set and ambiguous legal status at work means that English as a working language is very slowly acquired.
- The most surprising element to emerge out of most interview questions on living experiences with Chinese undocumented migrants in the King's Lynn area is the frequency and intensity of racist incidents directed against them.
- Demographic details on racist offenders targeting Chinese migrant workers emerging from the interviews are generally consistent with the pattern established by other victims' accounts and case studies about racist incidents in other British Minority Ethnic groups.
- Despite the occurrence of these events and the fear and stress that these incidents elicit in the targeted individuals, as well as the general Chinese migrant population at-large, hardly any of the incidents have been reported to the police or other community members.
- Results from our interviews show that the main reasons why the Chinese migrant community of King's Lynn do not report to authorities their experiences with racist incidents or intra-community criminality are: (1) lack of knowledge on what constitutes a racist incident; (2) fears of repercussions from law enforcement and, in particular, immigration services; (3) concern about the repercussions of retribution by 'bad people', representing the criminal underworld of the Chinese smuggling and employment networks substantially based in London.
- This fear means that perpetrators can act with virtual impunity – both intra-community, where there is wide evidence of organised crime and criminality at all stages of the process of migration and accessing the employment sector, and from public order offending by the local community. An increase in this form of disorder and criminality will increase if the appropriate authorities do not focus attention. It is important that all sections of the Norfolk community have the protection of the law and not just some.



## **Recommendations**

The recommendations, which form an integral part of this report, call for a regional, national and indeed international response affecting a wide range of agencies. These include local government, local police, community organisations, the Commission for Racial Equality, Race Equality Councils and the prosecuting authorities at regional level; at national level regulatory bodies who represent employers in the affected sectors, national Government agencies including the Department of Trade and Industry, the Department of the Environment, Farming and Rural Affairs, the Home Office, the Foreign Office, the Department for International Development and Immigration and Nationalities directorate and the National Crime Intelligence Service; and internationally the European Union, the People's Republic of China, the International Labour Organisation, the United Nations. Europol and Interpol are also implicated in responding to the challenges which these shadow communities pose to the way in which our world distributes its resources and attends to the rights and welfare of all its citizens.

## **Key Recommendations**

### **Law and Order**

- Some basic education and awareness raising within the local community is required to increase the understanding of the Chinese migrants that the behaviour to which they are frequently subjected to is criminal and that they are entitled to the protection of the law whatever their immigration or working status
- The migrant community requires long-term contact and trust building established through such innovative positions as the Minority Ethnic Liaison Officer. Community policing concerns require an in-depth and long-term association with this community managed cross sector with other public service bodies.
- Creation of safe routes for reporting. The range of abuses on this migrant population are numerous, harassment and extortion from snakeheads, organised criminal elements, and employers that do not pay properly, or whose working conditions are dangerous
  - A dedicated help line with Mandarin speakers – this should be part of a nationwide initiative with a 0845 number linked into a help centre.
  - Protocols understood by all public sector and commercial frontline staff – hospital, social services, to enable rapid comprehension of acts of harassment and intimidation.
  - Continued active recruitment of ethnic diversity staff throughout the Constabulary and the recruitment of community development officers within the community to act as a conduit between the community and appropriate agencies. This would



promote effective community access to service provision across the region.

- That an environment is created by the Norfolk police which allows for the proper investigation and prosecution of what appears to be serious offending by one part of the community on another part of the community. Concerns that victims will simply be removed from the country by the Immigration Services need to be addressed
- Detection and identification of Chinese Migrant worker recruiters through profiling of appropriate indicators. These would include people with large quantities of cash and other's wage slips. They are likely to be the middlemen between gangmasters and the Chinese labour pool.
- That Chinese migrant workers are treated as potential victims and witnesses in any decision to investigate the serious criminality which is evidenced by this report
- That safeguards are put in place to protect victims and witnesses which would at the least allow their availability in this country for trial
- By feeding the recommendations into the national strategic policing assessment, national issues and resourcing needs can be considered. Inter-agency collaborative working on this issue to be developed.
- Emergency contingency plans need to be reviewed to ensure that they meet the needs of each discrete ethnic community.

### **Legal Services**

- The further development of holistic and accessible expertise across the county's legal service provision on immigration, employment rights and asylum issues which will enable the criminal issues of exploitation, deception and employment malpractice pertaining to the Chinese population to be addressed
- The promotion of legal aid and pro-bono legal work for migrants wishing to bring prosecutions against employers, snakeheads, 'bad people' or members of the local population. The inclusion of the Crown Prosecution Service in these discussions is important.

### **Statutory Providers and Community Relations**

- Create safe community drop-in centres for all illegal migrant workers, which are never abused by immigration raids. These could provide desperately needed legal advice, counselling, English, skills training and information. Illegal migrant workers are a reality. It is important that their reality is recognised rather than driving them underground to be

exploited by their criminal sector in London, Liverpool and King's Lynn. The centre should have information on housing, money transfers back to China, health care and health and safety in the work place.

- Raising awareness of racist incidents across Norfolk and promoting reporting of incidents by victims and witnesses. To be complemented by booklets in easy to access Chinese on harassment, extortion, racist incidents – and the right of protection given by the Police within the UK. This campaign could be conducted through libraries, schools, faith community portals, and town wide festivals.
- Working with the established Hong Kong Chinese community to understand the difficulties presented for the community by the influx of new illegal migrant labour to develop some common solutions.
- Funding by the local authorities of a team of key community social workers for accessing and supporting the various migrant groups within the Norfolk area, and building appropriate support in voluntary, Non Governmental Organisations and public service bodies working with these diverse populations.

## **Employment**

- Enforcement of employment laws in remote areas. DEFRA needs to build its capacity for spot checks in farming areas to monitor working practices and those being used for work.
- Training for employers in the key industries accessed by illegal migrant labour – meat packing, food processing, field work, shell fishing.
- Engage with the Trade Unions and with employers to ensure that all workers are receiving the minimum wage, appropriate health and safety training, and are appropriately protected by the statutory regulations on work.
- Exploration with business, building and farming sectors of the long-term shortfall in labour supply in the Norfolk area. Taskforce to engage with National Government on the development of legitimate migration for labour from outside of the European Union.

## **Banking**

- Development of secure routes for China bound payments. This would remove the vulnerability of illegal migrant households from burglary and extortion by intra community criminality. It would also remove the fraudulent laundering of finance, which is currently occurring within protection rackets in this community.
- Remittances are important for the development of national economies – securing payments for Chinese migrant workers to their families in

China reduces the criminalised routes they would otherwise need to use and the strengthening of the smuggling/trafficking nexus.

### **Cross sector working**

- The County Strategic Partnership is the body that enables cross-sector delivery throughout the county. A sub-group of this body is recommended which would also include employer groups, the Trade Unions, migrant support services and faith community representatives to focus on the migrant communities' needs. Additionally the inclusion of Immigration and Crown Prosecution Services within this group would help a developing response to the needs and challenges represented by the illegal migrant community in the county.

### **Language**

- The development in the region of qualified and expert interpreters in various languages who can be used to help interpret for migrant communities and individuals seeking access to services to key stakeholders in the statutory and employment sector
- The three forms of access to interpretation available to public and voluntary agencies (in total 21) through the INTRAN partnership need to be promoted and used more regularly throughout the public service sector
- Adult literacy opportunities for the migrant and asylum applicant community

### **Media strategy**

- Keep the media informed of developments in the county and how migration flows work together with the demands for employment within certain labour intensive sectors
- Develop positive images of the contribution of migrant labour
- Encourage the media through information sharing and joint working to work with the statutory sector in public awareness raising and the protection of citizen's rights at every level
- Work with media to assist in responsible information sharing to all parts of the community, and to build understanding at every level of migrant and settled community engagement

## Immigration

- Better checks at points of entry, better training for immigration personnel on checking passports and visas, particularly on how to spot an altered travel document. Heathrow has surfaced as a key point of entry for those interviewed in our research.
- Develop improved understanding of boundaries between immigration and police service as to their various responsibilities, and different mandate for work in the UK – particularly in the arena of witness protection and the reporting of crime
- Work with employers and the Department of Trade and Industry and DEFRA to develop a coherent policy of employment opportunity for the shortfalls in seasonal employment, and the presence of low skilled labour opportunities which occur in the Eastern region – so that those present in the UK fulfilling these needs are not without the due protection of the law and legitimate migration status

## Regional and European Union Policy implications

- Through our lobbying structures into the European Parliament and the European Commission to:
  - engage with the recommendations of the Independent Legal Practitioners Authority (ILPA) to focus not only on high skilled labour shortages but also the need across the European Union, and particularly affecting the Eastern region of the United Kingdom for low skilled labour.<sup>4</sup> The European Commission's focus on the possible social difficulties of encouraging low skilled labour migration to the European Union is according to misplaced. Low skilled migrants do not generally compete with national workers for jobs as they fill posts for jobs which national workers do not wish to do.
  - create a more rational National and European Community based Immigration Policy which channels potentially illegal migration into legal channels to satisfy clear labour market demands in order thereby eliminating the misery of undocumented migrants and the politicisation of the immigration debate. The enduring and media highlighted problems of illegal migration has unfortunately resulted in the polarisation

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<sup>4</sup> *ILPA Response to the European Commission's 'Community immigration policy.'* Immigration Law Practitioners' Association (ILPA) (accessed 25 May 2004); available from <http://www.ilpa.org.uk/submissions/ecimpolicy.htm>.

of public opinion for and against immigration. This is not a good place to develop long term policy response which has realised itself too often in the granting of amnesties or regularisations or the refusal to acknowledge the needs and practice of business to a compromised labour market.

- Commission the East of England Development Agency and associated bodies, to map the changing patterns of work and business for this area. This would help to provide National government with evidence based research to explore solutions for short term service provision, as well as resourcing our intergovernmental discussion with those countries which currently provide our short term, low skilled labour short falls in less than satisfactory circumstances. This will include input into the current talks on the General Agreement on Tariffs and Trade in which the United Kingdom is involved.
- balance the interests of the Member States and business. It is increasingly business which dictates labour market needs. The European Community's role in assessing appropriate immigration levels can only be carried out successfully if it is based on predictions and practices which are able to respond quickly enough to changes in the labour market across the EU and to the variations and specificities of each region.

## Chapter One

### Introduction

Mention illegal migration and with it comes words such as 'organised crime,' 'black market,' and 'hidden crimes.' Refer to illegal migration workers and the discussions become more complicated. Opinions then range from sympathy for the plight of the world's poor who are socially vulnerable in their home countries and for those who are desperate enough to gamble their own survival for a chance of a better future for themselves and their families back home. At the other extreme, there exists an equally potent view that illegal migrant workers are taking jobs away from local workers and taking advantage of the UK welfare system. What is lost in the midst of these competing and mutually exclusive views, frequently held at the same time, is a measured exploration of the reasons for illegal migrants' mobility, as well as their working and living experiences in their adopted countries of residence. With the aim to better understand the experiences and needs of illegal migrants, for the improved performance of community policing and social inclusion mandates from central and regional governance, this study was commissioned to focus on the experiences of Chinese illegal migrant workers in Norfolk, particularly focusing on King's Lynn.

#### **Glossary: Basic terms of migration**

The majority of the following definitions are taken and modified from World Migration 2003: Managing Migration – Challenges and Responses for People on the Move published by the International Organization for Migration (IOM).<sup>5</sup> They are meant to provide succinct, readily understandable and widely applicable explanations for the terms of migration used throughout this report. For the definition on asylum seeking we have brought out the pertinent points in recent UK legislation.

**Asylum seeker**<sup>6</sup> – a person who has crossed an international border and has not yet received a decision on his/her claim for refugee status. An asylum

<sup>5</sup> *World Migration 2003: Managing Migration – Challenges and Responses for People on the Move*. International Organization for Migration (IOM) (accessed 20 May 2004); available from <http://www.iom.ch/iomwebsite/Publication/ServletSearchPublication?event=detail&id=2111>. Pages 9-10.

<sup>6</sup> Further Part 2 of the Nationality, Immigration and Asylum Act 2002 sets out the circumstances in which an asylum seeker can receive support if they are destitute. Section 18 for the purposes of that part of the Act defines an asylum seeker as:

18 Asylum-seeker: definition

(1) For the purposes of this Part a person is an "asylum-seeker" if-

- (a) he is at least 18 years old,
- (b) he is in the United Kingdom,
- (c) a claim for asylum has been made by him at a place designated by the

seeker in UK immigration law is a person who claims asylum. The Immigration Rules (Rule 327) defines an asylum applicant as a person who claims that it would be contrary to the United Kingdom's obligations under the United Nations Convention and Protocol relating to the Status of Refugees for him to be removed from or required to leave the United Kingdom. Until the claim is examined fairly, the *asylum seeker* is entitled not to be returned to his/her country of nationality. Not every *asylum seeker* will ultimately be recognised as a refugee. In the United Kingdom those who wish to claim asylum should register this desire at the port of entry – only these claimants will normally receive the support of the National Asylum Support Service whilst their claim is being assessed. The Nationality, Immigration and Asylum Act 2002 which makes provision against people trafficking and improved compliance procedures with businesses to diminish opportunities for illegal work practices, now has a series of provisions which form the basis on which the state will register a claim for asylum and begin the procedure of assessment.<sup>7</sup> These new elements are poorly understood by the migrant Chinese population we have engaged during our research.

**Economic migrant** – a person leaving his/her habitual place of residence to settle outside his/her country of origin in order to improve his/her quality of life. This term is also used to refer to persons attempting to enter a country without legal permission and/or by using asylum procedures without bona fide cause. It also applies to persons settling outside their country of origin for the duration of an agricultural or tourist season, appropriately called seasonal workers.

**Illegal or irregular migrant** (undocumented or clandestine migrants) – a person without legal status in a transit or host country owing to illegal entry or the expiry of his/her visa. The term is applied to non-nationals who have infringed the transit or host country's rules of admission; persons attempting to obtain asylum without due cause; and any other person not authorised to remain in the host country.

**Illegal or irregular migration** – the movement of a person to a new place of residence or transit using irregular or illegal means, as the case may be, without valid documents or carrying forged documents. This term also covers trafficking in migrants.<sup>8</sup>

**Migrant worker** – a person engaging in a remunerated activity in a country of which he/she is not a national, excluding asylum seekers and refugees. A migrant worker establishes his/her residence in the host country for the duration of his/her work. This term applies to illegal/irregular migrant workers,

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Secretary of State,

(d) the Secretary of State has recorded the claim, and

(e) the claim has not been determined.

<sup>7</sup> The Nationality, Immigration and Asylum Act 2002, which received Royal Assent on 7 November 2002.

<sup>8</sup> Substantial emendations to the UK response to trafficking in persons and the perceived abuse of the asylum system have been outlined in the bill currently before Parliament the Asylum and Immigration (Treatment of Claimants etc) Bill was in the House of Commons on 27 November 2003.



as well as to staff of multinational companies whose duties require them to move from one country to another.

**Refugee** – a person who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his/her nationality and is unable or, owing to such fear, is unwilling to avail himself/herself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it (the 1951 United Nations Convention relating to the Status of Refugees, article 1(A)(2)).

**Seasonal worker** – a migrant worker whose work depends on seasonal conditions and is performed only during part of the year.

**Smuggling of migrants** – this term describes the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a state of which he/she is not a national or a permanent resident. Illegal entry means the crossing of borders without complying with the necessary requirements for legal entry into the receiving state.

### **King's Lynn and the newly arrived Chinese migrants**

Around May-June of 2002, local residents in the King's Lynn area started to notice the onset of arrivals of small groups of people perceived and referred to within the community as 'Chinese-looking individuals' at the King's Lynn rail station. As described by one constable, "these quiet and respectful people seemed somewhat lost and bewildered but all were in search of the 'Fairstead Estate' at King's Lynn."<sup>9</sup> According to the Minority Ethnic Liaison Officer, it appeared that these Chinese migrants had travelled to King's Lynn from London by prior arrangement to meet local 'agents,' who had also pre-arranged their work and accommodation.<sup>10</sup>

By October 2002, the number of Chinese arrivals was estimated to be around 450.<sup>11</sup> According to one police estimate, subsequently reported by a European-based Chinese newspaper, the number of new Chinese migrant workers increased to around 1,500 by the summer of 2003.<sup>12</sup> Another figure

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<sup>9</sup> Internal police weekly report from the Minority Ethnic Liaison Officer Tony Lombardi, 23 October 2002.

<sup>10</sup> *Ibid.*

<sup>11</sup> *Ibid.*

<sup>12</sup> 蔡芳祖. "警方要求移民局制止入境: 中國人蛇蜂湧英諾福郡 (14/15 June 2003)" in 星島日報, Sing Tao Daily, European Edition Issue No. 8633. Page 1.



placed the number at 2,000.<sup>13</sup> However in our research our sources were surprised by this estimate and insisted that the number never reached this volume. One interviewee gave the figure of 300-400 Chinese migrant workers, whilst emphasising that there is always considerable movement within the Chinese migrant community with the further complication that Malaysians and Mongolians, due to their physical appearance, were often confused by UK nationals as being Chinese.<sup>14</sup>

By the end of 2003, after robust immigration raids in the area, many Chinese migrant workers had left King's Lynn, fearing arrest by authorities. By the beginning of 2004, the interviewees claimed that only 100-200 Chinese illegal migrants were left in King's Lynn.<sup>15</sup> For those who remained, employment prospects didn't look promising, and many were contemplating leaving until work revived later in the spring and summer. These conflicting numbers of how many newly-arrived Chinese migrant workers have come to King's Lynn in 2002-2004 only illustrate the difficulties of working with a substantially hidden community.

QUOTE: "Last year when the Chinese migrants started to arrive at the train station, they looked lost, very bewildered and not knowing where they were. Usually they just waited by the phone until they were picked up by someone. Sometimes they waited for a long, long time, not leaving the area by the phone, then suddenly they were gone. They had been picked up." One rail station official.

Although the effects of global migration is most acutely felt at the local level in terms of changing demographics, it cannot be taken outside the context of global migration trends. According to one International Organization for Migration study, one out of every 35 people worldwide is an international migrant. Based on the world population of around 6 billion people in 2000, migrants represent about 2.9 percent of the total world population – enough for it to be the world's fifth biggest country if all the migrants were to live in the same place. Demographers project the world population to be approximately 9 billion by the year 2050, including around 230 million migrants.<sup>16</sup> According to one study, the current annual migration flow is somewhere between 5 and 10 million people, including undocumented migrants.<sup>17</sup>

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<sup>13</sup> John Vidal. "Cultural revolution in Norfolk as Chinese move in to make a legal – or illegal – living (24 July 2003)" in *The Guardian* (accessed 19 April 2004): available from [http://www.guardian.co.uk/uk\\_news/story/0,3604,1004683,00.html](http://www.guardian.co.uk/uk_news/story/0,3604,1004683,00.html).

<sup>14</sup> Conversation with Migrant I.L.

<sup>15</sup> Conversations with Migrants C.P. and I.G.

<sup>16</sup> Statistics are from *World Migration 2003: Managing Migration – Challenges and Responses for People on the Move*. Pages 4 to 6.

<sup>17</sup> Simon, G. (2001). "Les nouvelles mobilités internationales", *Le Journal du CNRS*, no. 134, February, Meudon and Paris. Cited in *World Migration 2003: Managing Migration – Challenges and Responses for People on the Move*. Page 6.

A cursory examination of the current increase in international migration often cites two undeniable global trends: first, global population is increasing; and secondly, as there are more underdeveloped countries in the world, people from extreme poverty are driven to seek wealth in developed countries. At the same time, these two factors must also be examined in tandem with other factors, including the demand for employers to use cheap labour. For instance, one study has stated: “most labour migration begins inside the industrialised countries, as employers there, with or without explicit government approval, recruit and employ migrant workers.”<sup>18</sup>

QUOTE: “Why do people say that there is a problem with Chinese [illegal migrant] workers in Britain? We do the jobs that locals don’t want to do, and this is fine with us. We don’t mind working hard, and we don’t cause troubles or do crimes. But still, why do people complain so much about us?”  
*Conversation with Migrant C.N.*

The sudden increase in Chinese migrants in the King’s Lynn area proved a challenge for statutory and other service-providing bodies. Beyond the usual language translation difficulties, there were gaps in knowledge as to why they had chosen King’s Lynn to settle. *What was their link to this demand for cheap labour?* In addition, what were some of the smuggling and labour exploitation dynamics that they might have been subjected to? The issue of Chinese migrants in King’s Lynn became a practical challenge for local authorities and voluntary bodies to provide a viable local response to a significant demographic change. It was also a timely opportunity to examine migration in the wider context of global movement, the variety of migration in its licit and illicit forms, the performance of the employment market and its effects on migration and the impacts of all these global forces and movements at the local level in Norfolk.

## Research methodology

This research was commissioned by Norfolk Constabulary and the County Strategic Partnership, as part of their programme to improve community cohesion and social service delivery across the county. Interviews were originally scheduled to be conducted over a 2-month period, from January to February 2004, with Chinese migrant workers, some of whom would be asylum seekers and others who are undocumented workers. Due to the difficulties in accessing this population – the interview period was extended to April. The research method was determined by multiple factors: the hidden nature of their work and domestic arrangements, the community’s absence in

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<sup>18</sup> P.L. Martin and J.E. Taylor, “Managing Migration: the Role of Economic Policies,” in *Global Migrants, Global Refugees: Problems and Solution*, eds. A.R. Zolberg and P.M. Benda (New York: Berghahn, 2001): 99.

census data, the presence of snakeheads, recruiters and gangmasters, and the constant fear of outsiders because of their frequently illegal status or, because of their taking employment, their compromised asylum situation. It was decided that a qualitative research method should be undertaken, concentrating on the insights which particular members of the community would be able to provide on the recent Chinese migrant community into the area.

In total, eight sets of semi-structured interviews were conducted for this research, including two interviews conducted via secondary means. These two sets of secondary interviews were conducted by a member of the migrant community who accessed individuals willing to tell their stories to someone that they had known for longer, whilst still being aware of the purpose of the research. In these secondary interviews, the interviewer read the same research introduction to the interviewee which had been prepared for the initial person to person interviews undertaken in our qualitative research. This information included relevant information on confidentiality provisions and compliance with the Data Protection Act in research and publication. The research followed guidelines laid down by the World Health Organisation on ethical interviewing. Their replies were given to the primary researcher for transcription into English and data analysis.

A schedule of interview questions was formulated with areas of enquiry divided into the following six general categories:

- background information
- living in King's Lynn
- employment
- financial arrangements
- travels and migration
- future plans

The questions were translated into Chinese, and care was taken in keeping as much of the nuance in English as possible as well as the colloquial tone. Given the potential sensitivity of the questions, which seek to elicit information on semi-legitimate or illegitimate activities that a migrant worker might be reluctant to disclose, our research was guided by principles of ethical and safety recommendations for interviewing with illegal migrants. The recommended ten principles in the guidelines pioneered in a report for the World Health Organization on recommendations for interviewing trafficked women, were absorbed and contextualised to suit the particular exigencies and circumstances of our research.<sup>19</sup>

*You know how  
that is like to be  
so afraid that  
you are not  
afraid anymore?*

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<sup>19</sup> Cathy Zimmerman and Charlotte Watts, *WHO Ethical and Safety Recommendations for Interviewing Trafficked Women* (Geneva, Switzerland: World Health Organization, 2003).

## **ETHICAL INTERVIEWING**

*Before interviewing, the following introduction lines for the project were made clear to each interviewee:*

Information from this interview will not be passed to the Immigration Office and those who enforce immigration laws.

We are not interested in your immigration status.

Your name and details that could be used to identify you will not appear in the final report and these details will be omitted in the transcript of interviews.

This is an exploratory research that seeks to better understand your experiences in King's Lynn.

If you do not feel comfortable in answering a question, please know that it is absolutely fine not to answer such a question.

It is, however, important that you answer questions as truthfully as you can and elaborate on your answers as much as you feel comfortable with, so that we can properly understand your experiences and your needs.

The research also benefited greatly from conversations with another three additional contacts, who did not mind 'talking' but felt intimidated by formal interviews. In accordance with their preference, we use the information elicited from informal conversations with them for the research but do not classify them as 'interviews.' Moreover, the tremendous challenges in accessing the Chinese illegal population for this research meant that we had to try to access information about them through peripheral individuals who have had experiences in working alongside the community. In this sense, we were fortunate to know more about the employment conditions of Chinese illegal migrants through a local farm labourer, who sympathised with their plight, and noted the use of 'abusive language', their sense of vulnerability due to fears of discovery at the work place. A Hong Kong Customs Official brought unique insights into the world of the smugglers – and the logistical details of how their 'human cargo' were brought by freight containers through the port of Hong Kong, and the President of the West Norfolk & Districts Chinese Association, Mr Kwai Li. Mr Li enabled us to understand some of the perceptions of the older Cantonese-speaking community of restaurateurs and the established Hong Kong Chinese community in Norfolk to the irregular movement into the area of mainland Chinese migrants and asylum seekers.

### **Gender, translation and anonymity**

Throughout this research, these interviews are referred to by a coded system in order to protect people's identity. When the report refers to a specific

migrant in the third person, the masculine form is used, 'he,' 'his,' and 'him,' when the substance of the section does not benefit from any gender distinction. In Mandarin Chinese third-person pronouns for male and female are impossible to distinguish in speech. Both genders are referred to in the third-person singular in Chinese as 'ta.' (the Chinese characters are slightly different when written, 他 (male) and 她 (female), – but imperceptible when spoken). The ambiguity of this male/female distinction in speech seemed to make it easier for interviewees to talk about specific incidents which happened to their friends. Although gender could be determined via the content of the story, the interviewees often didn't feel the need to specify. This provides us with an additional protective measure for people's identity. The report keeps this ambiguity when referring to specific migrants. The report, however, is sensitive to the difficulties which arise because of the way in which many irregular female migrants in domestic or off-street locations within the sex industry are concealed from any public access, which makes their presence within the wider story of their community even more hidden. The research undertaken by Kalayan and Anti-Slavery international offer useful background papers for understanding the implications of the withholding of identity papers and the control which is exerted on this sector of the community. Our current legislative framework has little in place to encourage the attention of law enforcement and the Crown Prosecution Service for the protection of these hidden victims.<sup>20</sup> Our use of the ambiguous third person 'ta' in our citation of interviews should be read with all these considerations in mind.

### Difficulties encountered during research

*It will be very, very hard for you to do your research even though you can speak our language. They think you work for immigration.*

The most difficult challenge encountered during this research was making inroads into the Chinese illegal migrant worker community of King's Lynn. The research followed the heel of a period marked by strong operations on the part of immigration enforcement in the King's Lynn area, which was perceived by the Chinese migrants as particularly targeted against them. This made the community particularly suspicious of an attempt from

<sup>20</sup> Programme Consultation Meeting on the Protection of Domestic Workers Against the Threat of Forced Labour and Trafficking. Paper prepared for Anti-Slavery International by Lin Chew, in cooperation with the ILO's Special Action Programme to Combat Forced Labour January 2003. Available from <http://www.antislavery.org/homepage/resources/Anti-Slavery%20domestic%20workers%20discussion%20paper%200203.pdf>

outside their community to elicit information about them. The fact that the interviewer was bilingual made some migrants ambivalent towards the project – the only bilingual people that they had met thus far were translators working for the immigration services. Initially they perceived speaking about their experiences as low benefit and high risk: high risk because the research may indeed be used to deport them; low benefit because they could not envisage the findings of any report making others more likely to help them. Hence, a strong sense of scepticism and fatalism prevailed in many of the contacts that we had made in this community who simply didn't want to be formally interviewed.

QUOTE: "Let me tell you something but don't get too sad. I don't think people would want to talk to you for the research. It will be very, very hard for you to do your research even though you can speak our language. They think you work for immigration. The only bilingual people they have met so far are the immigration translators who only come to our homes to find trouble during immigration operations. People think you must work for immigration because they are the only ones with translators who can speak both Chinese and English." Conversation with Migrant I.G. during the early days of the research.

Furthermore, in the course of establishing contacts with the local Chinese migrant community of King's Lynn three major events happened that significantly affected our ability to access this particular community for interviews. First, the Morecambe Bay tragedy of 5 February 2004, where more than 30 cocklers, mostly of Chinese origin, were caught by rising waters in the turbulent Hest Bank area of Lancashire. This sparked public sympathy and rigorous public discussions on immigration issues, as well as making illegal Chinese migrants themselves a focus of a range law enforcement efforts to locate culpable gangmasters. As a result, many temporary employment agencies were unwilling to use Chinese labour for fear of being portrayed as complicit with gangmaster activity.<sup>21</sup> Alongside this came highly visible law enforcement operations with house raids of Chinese shared households and the wide ranging Morecambe Bay investigation which involved many areas outside Lancashire, including the Norfolk region. These left many Chinese illegal migrant workers in the King's Lynn area feeling that it was safer to relocate and certainly to keep a low public profile. Unfortunately for the research contacts with people within the migrant community which had been nurtured over a three-month period suddenly disappeared along with the information which had been slowly emerging with growing trust and understanding.

QUOTE: "I called to say good-bye. I am going somewhere else tomorrow. It is hard to find work in King's Lynn now with all the big waves [media and law enforcement attention on Chinese illegal migrant workers]. Life for us is not very good. We have had a tough winter. Very hard to find work. I am going to

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<sup>21</sup> Information from conversations with Migrants C.N. and I.I. and interview with Migrant I.T.



[omitted] to work in a restaurant, and maybe I can open my own restaurant some day. Tell Tony [Lombardi, the Minority Ethnic Liaison Officer for Norfolk Constabulary] ‘thank you.’ I have gone through a lot of experiences in this country and I know about people and how people see people like us, but we are so grateful to meet a person who doesn’t look down on us and tries to make things a little bit better for us to survive.”<sup>22</sup> A phone call with Migrant I.I. in the week that followed the Morecambe Bay tragedy.

Secondly, the Morecambe Bay tragedy brought renewed media attention to the King’s Lynn area. This followed the print and radio media’s previous profiles in the summer of 2003 depicting Kings Lynn as an emerging hub of Chinese illegal migrant employment. Media attention was intensified when

*I am going somewhere else tomorrow. It is hard to find work in King’s Lynn now with all the big waves.*

information emerged that the Morecambe Bay tragedy pointed to a possible link with gangmasters in the Norfolk area. Around this time, Chinese migrant contacts with the research project started to indicate their nervousness concerning the press, their fear of been seen or photographed and, worse still of being identified by the press as undocumented workers and subsequently being detained and deported by the Immigration Services.

An undercover reporter posing as a potential employer and offering jobs to Chinese illegal migrant workers obtained information on the community which was published in The Sun, entitled The Slaves of King’s Lynn. The report had a profoundly de-stabilising effect on the community, with the main front page photograph showing a female Chinese worker in conversation with the posed reporter. The photograph was not altered, and the face of this Chinese woman was prominently shown in *The Sun’s* Valentine’s edition of 14 February 2004. Most Chinese migrant workers with whom we had contact spoke about the report with horror and expressed disbelief that one of their own made it to printed media. The Chinese woman whose face had been splashed across the newspaper was reported as very nervous about possible knock-on effects of this coverage and immediately left the King’s Lynn area.<sup>23</sup>

These incidents raise questions about our privacy laws and how illegal migrants on our shores are to be protected from such intrusion. Because they are terrified of being discovered as illegal residents they do not challenge violations of their privacy when their image and personal information are used without their consent. Even if a court were to uphold a challenge to the papers, they would not be eligible for legal aid to pursue such a course of action. *The Sun’s* article raised questions on whether measures could be taken when journalists and their publishing organisations expose the identities of the illegal migrants without any concerns for their safety. The legal redress available to an illegal migrant is virtually non existent at these points – leaving

<sup>22</sup> Phone call with Migrant I.I

<sup>23</sup> Information from interview with Migrant I.K.

them vulnerable on a number of counts; to discovery by Immigration Services if they have not sought asylum, blackmail and retribution from criminal elements in the Chinese community, and potentially heightened local community anxiety about the Chinese population as a whole. All this happens without the fundamental issues which underlie the migrant population's presence in the region being addressed. Fundamentally, these questions point to values laid down in the Universal Declaration of Human Rights including, among others, the right to life, liberty and security of person (article 3), right not be held in slavery or servitude (article 4), and the right to recognition everywhere as a person before the law (article 6). Our domestic legislation needs to be proof read through these articles and we need to recognise that it does pertain to individuals who are *de facto* residents and workers simply by their presence and contribution to the labour force of the host country. However, because these are a shadow people, access to legal redress and recognition is practically problematic, despite the existence of our Race Relations Amendment Act 2000 and the UK ratification of the Convention for the Protection of Human Rights and Fundamental Freedoms, commonly referred to as the European Convention on Human Rights (ECHR).

A third factor, which needs to be considered in shaping the context of our research was Operation Absent, a complex and sustained investigation into gangmaster activity by Norfolk Constabulary resulted in the apprehension and charge of a key facilitator in creating illicit employment opportunities in the Kings Lynn area.<sup>24</sup> This operation was covered extensively by the local and national media with headlines on 25<sup>th</sup> March 2004 and further problematised what was already a challenging context for Chinese community engagement.

These are complicated issues for a society that tends to politicise discussions on how to best manage migration. This exploratory research *Beyond the Numbers* seeks to document, describe and analyse the experiences of the Chinese illegal migrant workers who we were privileged to draw alongside and interview. It is intended to be a bridge for the development of increasingly nuanced policies, both national and local, on managing migration, employment, law enforcement and the protection of the courts, asylum and community integration. From the stories of the Chinese illegal migrants whom we met, a multifaceted picture emerges of their reasons for leaving, their perspectives on potential return, their transportation routes, employment, personal safety, and support structures. It raises questions about the way in which employment in Norfolk both uses large amounts of undocumented or falsely documented labour and chooses to ignore the social, legal and political implications of the demand cycle which its requirement for a flexible and cheap labour pool drives. This is the first research of its kind for the area, and **Ibix Insight** looks forward to facilitating further reflection with those tasked to move the research findings forward in the practical realm of social policy, international migration law, implication for trade and industry, and local community policing initiatives.

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<sup>24</sup> The key operator is a non Chinese ethnic person.



## Chapter Two

### Why Leave Home?

Compared to other European countries Britain has had the longest history of Chinese immigration, which started with the presence of Chinese sailors going back to at least the 1860s. After World War II, Britain, along with France and the Netherlands, became the core countries of the European Chinese migration system. Each of these countries had a sizeable Chinese migrant resident population, and they served as nodes for further Chinese migration to other peripheral countries in Western Europe. In particular, during the 1960s, Britain found itself as the crucial hub of the spread of Hong Kong Chinese across the continent due to historical and cultural connections. As a result, present-day Britain has the most mature and diverse Chinese European community, with ethnic Chinese residents tracing their origins to Hong Kong, Singapore, and Malaysia.<sup>25</sup>

More recently, starting during the second half of the 1980s, these general trends of Chinese migration to Britain have been complemented by another particular migratory flow – namely new Chinese migrants from the Fuzhou/Fuqing area, who cite the high wages in Chinese restaurants in Britain as their main reason for coming here.<sup>26</sup> At the same time, discussions on Chinese illegal migration have figured very prominently in the media, despite this sector representing a minority of the world's migrants. One scholar has referred to this as “the fear of migration from the most populous nation in the world” as the underlying reason for the relatively high level of concern directed against the category of Chinese illegal migrants.<sup>27</sup> We must also mention that the recorded deaths in the UK from this sector of migration is the highest in our recent history and have provoked media and public concern by their high volume in both instances. This chapter will examine some of the current international estimates on Chinese illegal migration, pointing to some possible reasons for this relatively high level of concern on Chinese illegal migration, before moving to some of their stories for why they left home.

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<sup>25</sup> Frank Pieke. *Recent Trends in Chinese Migration to Europe: Fujianese Migration in Perspective (IOM Migration Research Series No. 6)*. (Geneva, Switzerland: International Organization for Migration, 2002): 5-6. Copy of the report could be accessed at [http://www.iom.int/DOCUMENTS/PUBLICATION/EN/mrs\\_6\\_2002.pdf](http://www.iom.int/DOCUMENTS/PUBLICATION/EN/mrs_6_2002.pdf).

<sup>26</sup> *Ibid.*, 19.

<sup>27</sup> Ronald Skeldon. *Myths and Realities of Chinese Irregular Migration (IOM Migration Research Series No. 1)*. (Geneva, Switzerland: International Organization for Migration, 2000): 14. Copy of the report could be accessed at [http://acadprojwww.wlu.edu/vol4/BlackmerH/public\\_html/mypdfs/seldon.pdf](http://acadprojwww.wlu.edu/vol4/BlackmerH/public_html/mypdfs/seldon.pdf)

## Estimates on Chinese illegal migration

According to the National Criminal Intelligence Service, organised immigration crime is one of the fastest-growing areas of the underworld. At least 600,000 people enter the EU illegally each year and around 80 percent of those are facilitated by criminal smuggling networks.<sup>28</sup> Although exact numbers of illegal migrants are impossible to obtain due to the clandestine nature of the business, some 300,000 irregular migrants are estimated to enter the U.S. each year, out of which about 25,000 to 50,000 are thought to be Chinese. Another estimate cites that there may have been 3 million migrants in an irregular situation in Europe in the mid-1990s.<sup>29</sup>

The number of migrants who have entered the country illegally is not a statistic which can be drawn down from the national census. In the absence of exact figures on the extent of illegal immigration into Europe, asylum application figures are often used as indicators of trends and levels of irregular resident flows. Using asylum application figures, of course, is not ideal. Many illegal migrant workers do not apply for asylum and thus fall outside the count. It also excludes those migrants who had entered legally but overstayed on their visas. On the other hand, given the impossibility of having the exact data on the number of illegal migrants within a country's borders, studies on Chinese illegal migration generally rely on asylum application numbers to give a fairly accurate indicator of flows.<sup>30</sup>

The three figures below, generated from the latest asylum level data provided by the Office of the United Nations High Commissioner for Refugees in Geneva, Switzerland, show in figure (1) that the level of asylum applications to the U.K. are not disproportionately large as compared to other industrialised countries or amongst the number for European countries; in figure (2) that asylum figures into the UK and the European Union in general are significantly decreasing and in figure (3) that the Chinese asylum applicants to the U.K. are not in the ascendant in comparison with other applicant groups.

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<sup>28</sup> Tony Thompson. "Snakehead empress who made millions trafficking in misery (6 July 2003)" in *The Observer*. Page 13.

<sup>29</sup> Figures are from Ronald Skeldon. *Myths and Realities of Chinese Irregular Migration (IOM Migration Research Series No. 1)*. (Geneva, Switzerland: International Organization for Migration, 2000): 12-3.

<sup>30</sup> For instance, both IOM reports on the subject of Chinese migration (Skeldon 2000 and Pieke 2002) contain analyses on Chinese asylum applicant figures, which were then used as indicators of the level and extent of Chinese irregular migration.

Figure One. Top-ten ranking industrialised countries  
for the total number of asylum applicants and number per 1000 residents.<sup>31</sup>

Rank	Countries	Total for 2000 to 2003	Rank	Countries	Total Per 1000 residents
1	United Kingdom	255,730	1	Austria	12.55
2	United States	225,680	2	Norway	10.68
3	Germany	209,870	3	Sweden	9.91
4	France	149,740	4	Switzerland	9.46
5	Canada	110,030	5	Liechtenstein	9.01
6	Austria	101,830	6	Cyprus	8.96
7	Sweden	87,900	7	Ireland	7.64
8	Switzerland	67,810	8	Luxembourg	7.33
9	Netherlands	64,650	9	Belgium	5.86
10	Belgium	60,300	10	Slovakia	5.22
11	Norway	48,220	11	United Kingdom	4.33

\*Source of information: UNHCR Geneva. 24 February 2004. <<http://www.unhcr.ch/statistics>>

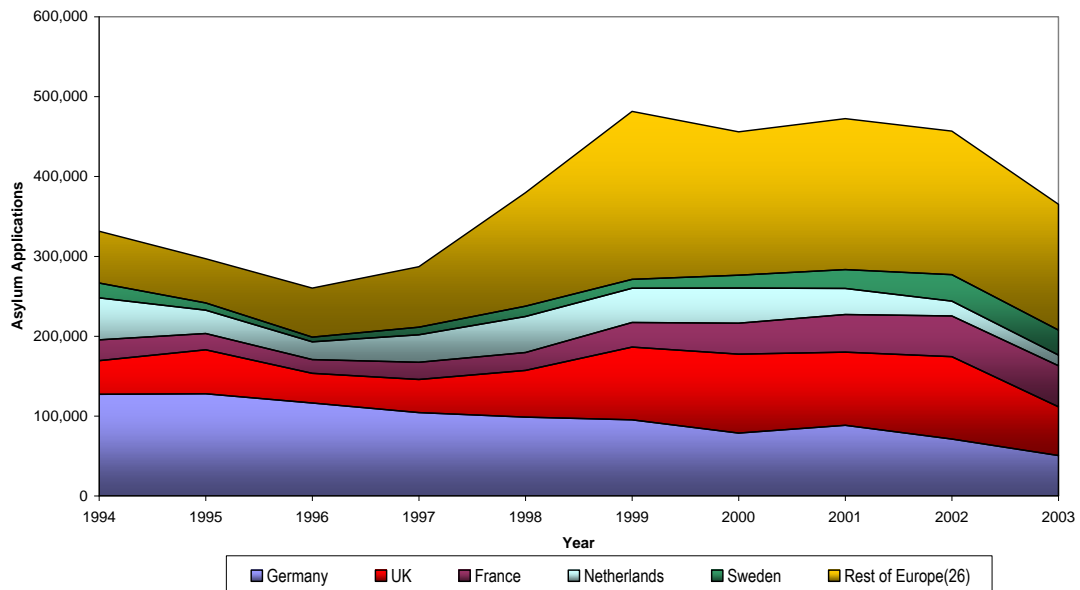
It is widely cited in newspaper and general street discussion on asylum that the U.K. has the largest number of asylum applicants in Europe. However this paints an incomplete picture of the level of asylum applications to the country, as the U.K. doesn't feature in the top ten countries when the absolute number of asylum applicants is compared to the size of its population – which is a more reliable number for gauging the potential effects of forced migration on the host country.

Following a drastic increase in the number of asylum applications to the European Union during the height of the conflict in Bosnia-Herzegovina, the total number of asylum applications subsequently dropped and levelled out, with the exception of the increase seen from 1999 to 2001 associated with the displacement of people resulting from political upheavals in Kosovo. Figure (2) shows that for the past decade the top five destination countries in Europe for asylum seekers, in the order of magnitude, have been Sweden, the Netherlands, France, the U.K., and Germany.<sup>32</sup> The U.K. is consistently in fourth place for asylum applications. This figure **does not support the image** painted by anti-immigration rhetoric that asylum seekers are flooding the country.

<sup>31</sup> *Asylum Levels and Trends: Europe and non-European Industrialized Countries, 2003. A comparative overview of asylum applications submitted in 44 European and 6 non-European countries in 2003 and before (24 February 2004).* United Nations High Commissioner for Refugees (UNHCR) (accessed 1 May 2004); available from <http://www.unhcr.ch/statistics>.

<sup>32</sup> *Ibid.*

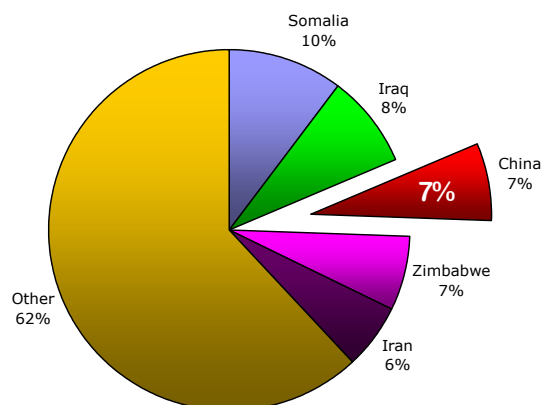
Figure Two. Applications for Asylum in Europe from 1994 to 2003



\*Source of information: UNHCR Geneva. 24 February 2004. <<http://www.unhcr.ch/statistics>>

Out of the total number of asylum applications to the U.K, Chinese asylum applicants do not figure prominently in comparison with other applicant groups. Figure three shows the percentage of asylum applications from the top five countries of origin in 2003.<sup>33</sup> Chinese asylum applicants account for 7% of the total asylum applications to the U.K. Somalia ranks first with 10%, Iraq second with 8%. Zimbabwe also ranks third with China, both countries taking 7% of the total number of asylum applications to the UK.

**Figure Three. Country of Origin for Asylum Applications to the U.K. in 2003**



<sup>33</sup> *Ibid.*

Given these statistics, there are several factors that help to explain why Chinese illegal migration has recently attracted so much public attention in Britain.<sup>34</sup>

- The smuggling of Chinese migrants seems to be highly organised;
- The profits are high due to the large sums paid by the migrants to reach their destination countries;
- Allegations of abuse and labour exploitation of Chinese migrant workers during their journey and by gangmasters in the destination country;
- Authorities and law enforcement agencies in the destination country have found it more difficult to understand Chinese illegal migration;
- Increased curiosity on Chinese politics and economic liberalisation and these effects on ordinary Chinese citizens;
- High-profiled events such as the Dover tragedy of 2000 and Morecambe Bay tragedy of 2004 – with over 70 migrants killed at point of entry or during work undertaken in the UK, has heightened public awareness;
- Reported links with and involvement of Chinese organised crime; and
- The visibility of newly arrived Chinese migrants and the effects of their arrival on local demographical changes.

QUOTE: “My family and I all applied for asylum. After a while when we couldn’t manage anymore, I applied for social support at [omitted]...but I stopped taking the money after a month. It didn’t feel good to take the money from the British government, and I thought we could just try to manage somehow. My mother was on social support for four months but also stopped. She works a little now at [omitted], and I really don’t want her to have to work. Maybe one day when my status is ok, then I could support her... but I really don’t know where we are at the [asylum application] process right now. I had an immigration card, and they [the immigration officers] said my appeal has been rejected, but it was a shock to me. I didn’t know about the rejection at all.” Interview with Migrant I.K.

More importantly, behind these factors and the statistics are stories of Chinese migrants who came to Britain under different circumstances. While their stories make up trends in migration, they, as individuals, can so often

<sup>34</sup> The first four factors are from Ronald Skeldon. *Myths and Realities of Chinese Irregular Migration* (IOM Migration Research Series No. 1). (Geneva, Switzerland: International Organization for Migration, 2000): 14.

disappear in the statistical amalgamations which erase the uniqueness of each one's history and current challenges.

## Seeking asylum

Most Chinese migrants to whom we have spoken, who have sought asylum, have shown a real lack of understanding on the process itself and the current status of their application. Most individuals receive legal assistance from Chinese-speaking solicitors, accessed through advertisements in Chinese newspapers or supplied by contacts made in country. In fact, one of the migrants interviewed explicitly mentioned that he and many other Chinese migrants doubt the intention of non-Chinese solicitors who may not be “on their side” and collude with the immigration authorities to reject their applications and promptly deport them from the country.<sup>35</sup> Those who were interviewed and who have claimed asylum, pointed to the regularisation of their status in the UK as the most important reason for their asylum application. The reasons and circumstances for their initial migration differed – differences which we explore later in the Chapter. At the same time, most—especially the Chinese male asylum seekers—felt genuinely embarrassed about being on social support while waiting for their asylum decision. They see it as taking public money when they can still physically work. In this sense, they perceive the prohibition on employment as a de-masculinisation of their identity.

QUOTE: “Man is a man. Not a woman. We can't be afraid and we must try to make it outside. We have to provide for our family. To try to make the situation better for the next generation.” Interview with Migrant I.J.

Some risk working for this reason and also for the possibility of making more money to send home when they see there are employment opportunities. There are also Chinese illegal migrants who do not apply for asylum. One Chinese contact, in particular, said he didn't apply because he didn't know how to apply, and he was afraid of coming face-to-face with immigration officials.<sup>36</sup>

QUOTE: “My living conditions used to be much worse. Have you seen a house occupied by Chinese workers? They are very crowded, and housing sometimes comes with arrangements for work. Now my living conditions are much better, thanks to the support from Social Services. England is very good for asylum. Social Services gives me food and house. Many Chinese are without house, no support from Social Services. Now few have work. The situation is very sad for them.” Interview with Migrant I.H.

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<sup>35</sup> Conversation with Migrant I.L.

<sup>36</sup> Conversation with Migrant C.N.



It must also be noted that the rules for asylum applications have tightened considerably after the enactment of the Nationality, Immigration and Asylum Act of 2002.



Oakington Detention Centre where many Chinese Asylum claims are processed and the person temporarily detained  
©IbixInsight LLP

Under Section 55, a potential asylum seeker must apply “as soon as reasonably practicable after the person's arrival in the United Kingdom.” While an immigration interviewer may take other factors into consideration in the determination of what was “as reasonably practicable” for a particular asylum seeker, this criterion is widely taken to mean that an application must be made at the port of entry. Individuals cannot claim their lack of knowledge of U.K. asylum rules as exoneration. This means that it is very difficult for individuals to make post-arrival asylum applications, which was previously allowed under the Immigration and Asylum Act of 1999. Such a drastic change in asylum procedures has inevitably resulted in much confusion over the rules of application. Two such cases were reported to us in the course of the research, involving Chinese migrant workers who hadn’t known that they had to apply at the port of entry and had now forfeited their right for support whilst their asylum claim is considered.<sup>37</sup>

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<sup>37</sup> Conversations with Migrants C.N. and I.H.

### **From the Refugee Council, Seeking asylum in the UK:**

In the UK, a person is a refugee only when their application for asylum has been accepted by the Home Office. When a person has lodged an asylum claim with the Immigration and Nationality Directorate at the Home Office and is waiting for a decision on their claim, s/he is called an 'asylum seeker'.

The Integrated Casework Unit at the Home Office Immigration and Nationality Directorate makes decisions on asylum claims. They will assess claims on the basis of an asylum seeker's credibility, the current political situation in their country, evidence on the country's human rights record and, if applicable, medical evidence of torture and abuse. The asylum applicant will have to show that they meet the criteria laid down in the 1951 Convention relating to the Status of Refugees.

If the asylum application is refused, the applicant still has further appeal rights with the Immigration Appellate Authority and the Immigration Appeals Tribunal.

An asylum applicant is granted refugee status if they meet the criteria laid down in the 1951 UN Convention on Refugees. Exceptional leave to remain (ELR) is granted when the Home Office considers that the applicant does not meet those criteria, but that it may be dangerous for the applicant to return to their country due to the current situation. ELR may also be granted in other exceptional circumstances, for example, when someone has been waiting for a long time, or for people who have come to the UK as part of a government evacuation programme, as happened in recent years with refugees from Bosnia and Kosovo.<sup>38</sup>

*There is no welfare in China, and many people come from villages where they were farmers but they couldn't farm anymore because of famines or floods*

Many Chinese migrants detained by the Immigration Services are released after a short stay in reception or removal centres on Temporary Admission into the UK community. This is mainly because they cannot be removed from the country due to the delay or inability of their home governments to supply the appropriate travel documents. They frequently do not qualify for State support through NASS having claimed too late after entry at port, so they are left in a perilously unsupported state. This policy needs fresh consideration, as those in this situation must either work in the grey sector or move into more criminalised terrain in order to have money to live.

<sup>38</sup> *Seeking asylum in the UK*. The Refugee Council (accessed 20 May 2004); available from [http://www.refugeecouncil.org.uk/infocentre/asylumlaw/seeking\\_asylum.htm](http://www.refugeecouncil.org.uk/infocentre/asylumlaw/seeking_asylum.htm).



## Life-changing events

A commonly used Chinese metaphor for leaving home – 離鄉背井, or *'leaving the village and turning one's back on the water well'* – expressively conveys a migrant's sentiment of moving to a strange place in order to find livelihood elsewhere. In this context, the well forms the backdrop for both the physical and emotional journey that a migrant must undergo as s/he faces his uncertain future with the scant promise of something better. Their migration, at the same time, is happening within the context of China's rapid economic development, which has completely undermined the sense of job security once associated with employment in the state sector. Like many young and well-educated Chinese, rural Chinese residents—especially those who feel like they are without other options in their home village—are also willing to move to the great cosmopolitan cities of Beijing and Shanghai, the Special Economic Zones or even countries abroad in their search for these economic opportunities.

Although poverty is popularly cited as the reason for the push of migrants out of China, our interviews has found that frequently the reasons for leaving China are more nuanced than a straightforward case of extreme poverty would present. As opposed to painting illegal immigration from China as the result of extreme poverty, it would be more accurate to describe it as result of a range of factors contributing to social vulnerability. Poverty, along with factors such as gender discrimination and the lack social security support in times of unemployment, industrial accidents, or health difficulties by local government, increases the social vulnerability of individuals and makes them less resilient to recover from crises which occur to both individuals and households. Particularly for those on the brink of subsistence, the loss of employment, the diagnosis of illness of a family member, environmental crises ranging from flood, crop failure, or ecological blight or forced displacement can render them without further options for livelihood.

It is important to note that, for some migrants, the prospect of prosecution by the Chinese state provokes their departure from their former home. Despite changes in the leadership of the People's Republic of China in early 2003, the overall human rights situation has reportedly "remained unchanged and even deteriorated in some respects."<sup>39</sup> The ruling Communist Party bans political opposition parties, domestic human rights organisations, and religious organisations not controlled by the government – these include some Christian denominations, Muslim communities and more esoteric movements such as the *Falun Gong*. Such restrictions on civil and political rights, along with a "poorly functioning justice system, widespread official corruption, intolerance for dissenting political views, and a culture of impunity for officials and their families,"<sup>40</sup> can bring shattering consequences for individuals who find themselves prosecuted by the state.

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<sup>39</sup> *Human Rights Overview on China (1 January 2004)*. Human Rights Watch (HRW) (accessed 20 May 2004); available from <http://hrw.org/english/docs/2003/12/31/china7001.htm>.

<sup>40</sup> *Ibid.*

1. For example, one migrant interviewed revealed his feelings on having to leave China because of fear of arrest by the police for having organised a public protest against the local judiciary. He claimed that the local judiciary had colluded with his debtor, so that the court did not adjudicate his civil claim.<sup>41</sup> Another story pointed to similar fear of inappropriate state prosecution because of an individual's suspected involvement in the *Falun Gong*. Indeed, these stories, if true, are difficulties which within China are likely to bring arrests, beatings and even execution.<sup>42</sup> Although corruption within the state sector is a current major concern for the Chinese intelligentsia and Non-Governmental Organisations such as Transparency International, a person's wealth or familiar safety net is unlikely to save him from such circumstances. Leaving the country, if alternative strategies are not to be found, is perceived as the only viable option. China, however, is on the list of countries whose citizens are dealt with by the Oakington fast track process, a process designed for relatively straightforward immigration cases where the State is seen as able to protect its citizens from the persecution described in the Geneva Convention on the Status of Refugees and other human rights conventions. Our understanding of the current state of affairs in China from the mapping of human rights reports submitted to the United Nations and the European Union is that this situation is by no means completely validated.

**Amnesty International Report 2003 on the human rights situation in China:**

Serious human rights' violations continued and in some respects the situation deteriorated. Tens of thousands of people continued to be arbitrarily detained or imprisoned for peacefully exercising their rights to freedom of expression, association or belief. Some were sentenced to prison terms; many others were administratively detained without charge or trial. The "strike hard" campaign against crime launched in April 2001 was renewed for a further year. According to interim figures available, the crackdown led to at least 1,921 death sentences, many imposed after unfair trials, and 1,060 executions. Torture and ill treatment remained widespread and appeared to increase as a result of the campaign. The anti-crime crack-down also extended to people accused of being "ethnic separatists", "terrorists" and "religious extremists" in the Xinjiang Uighur Autonomous Region (XUAR) and members of the *Falun Gong* spiritual movement. Further regulations were introduced to control access to the Internet. Labour protests increased and were frequently met with excessive use of force and arbitrary detentions. In Xinjiang, restrictions increased on the cultural and religious rights of the mainly Muslim Uighur minority. In Tibet, freedom of expression and religion continued to be severely restricted, although seven prisoners of conscience were released before the end of their sentences.<sup>43</sup>

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<sup>41</sup> Interview with Migrant I.S.

<sup>42</sup> See for further information see *Amnesty International Report 2003, Report on China (covering events from January – December 2002)*. Amnesty International (AI) (accessed 20 May 2004); available from <http://web.amnesty.org/report2003/chn-summary-eng>.

<sup>43</sup> *Ibid.*

A common thread in the interviews was the sense of gambling with one's destiny – ‘算了，算了’，or roughly translated as ‘so *what else?*’ – when one decides to leave China. Going abroad, at least, offers them some chance of escaping their dire circumstances back home. If they make it abroad, find a job, and manage to send some money home, then their families' living conditions would significantly improve. In this cost-benefit calculation, the migrant, acting as a rational decision-maker, sees that he has not much to lose, for he already does not have much of a social safety net back home. At the same time, he has much to gain if he takes a chance abroad.

#### **CASE STUDY: The fisherman's tale**

I have been in the UK for ten years now. My family had a fishing boat, but it was destroyed in a typhoon. The area where I am from in China is very windy, and the waves could become very scary. We lost our boat in a typhoon, and I wanted to provide for my family. We didn't have very much and I didn't think I had any solution to make things better for my family. We couldn't pay back what we had borrowed for the boat, and life was getting very bad for us. And China is not like here [in the UK]. There is little welfare, almost no help, from the government for people like us. We had to pay a lot to government officials for little things, like license, permission to do this and that. I didn't know it then because I thought it was normal. Now I know these were bribes and they weren't suppose to make us pay for those fees. Many officials were corrupt.

I heard from someone that life outside is better. I could make more money outside and pay back my debts, so I thought that, as the man of the household, I should try to make it, to make it better for my family. I borrowed money from my relatives, about 50,000 RMB [Chinese currency Renminbi, currently about £3,500], and gave it to a Lead Head who said that he could help me get outside of China, to make money outside, and then to send it back home.<sup>44</sup>

Another reason for movement into the UK lies in the social network of established geo-social networks of migration. For example, it was widely reported by the media that most of the cockle pickers who drowned at Morecambe Bay came from the coastal province of Fujian in south-eastern China. Chinese contacts used for this research also confirmed that the cockling operations in the Morecambe area carried a strong 'Fujian connection.' For instance, the labour recruiters were reportedly from Fujian and so were the majority of the Chinese workers who did this job.<sup>45</sup>

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<sup>44</sup> Interview with Migrant I.J.

<sup>45</sup> Interview with Migrant I.K.

Fujian has historically been a sea-faring province, and its expertise in the transportation of goods soon found diversification in the migrant smuggling operations out of China in the late 1980s and early 1990s. When China's rapid economic development failed to reach some parts of Fujian in the last decades of the twentieth century, it resulted in a pool of people who were readily willing to seek opportunities abroad. The province quickly became specialised in illegal migration, and former simple Fujianese fishing villages were rapidly transformed into three-story tiled buildings paid for by overseas remittances from migrant members of the extended family. For these migrants from Fujian, leaving China had less to do with desperation and poverty and more with a developing cultural norm for household members to seek opportunities abroad. This migration route became easier over time to recruit and facilitate with an established group of Fujianese migrants abroad who assisted, either directly or indirectly, in the smuggling process.<sup>46</sup>

QUOTE: "I think most people come because there is someone sick in the family, and they don't have money. So they want to go out of China and try to make as much money as possible for their treatment. You know China is very different. If someone is sick, it costs a lot of money to get medical treatments. So, people have to borrow money for medical treatment and also for leaving China. There is a lot of borrowing. A lot of debt.

One time I even saw a 49-year-old man cry. He was homesick and said he didn't even want to leave China. But what else could he have done. His had to support his parents. His wife was sick, and he needs to have money for his kids' education. So, he left China to make some money for his family. There is no welfare in China, and many people come from villages where they were farmers but they couldn't farm anymore because of famines or floods." Interview with Migrant I.G.

### **Demographics of migrants interviewed**

It was extremely difficult to obtain primary information on the stories and circumstances of Fujianese migrants in the King's Lynn area. While some of our interviewees spoke about the predominance of Fujianese in the migrant community, this particular population remained difficult to access. After the Morecambe Bay tragedy in early February with the majority of the victims coming from Fujian, it was virtually impossible to make in-roads. Initial impressions are that this group of migrants are very closed and wary of outside contact. Consequently, beyond using secondary information from interviewees and the current literature on the Fujianese migrant population, it

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<sup>46</sup> Background information on migration from Fujian from Sarah Buckley. "South China's fortune seekers (9 February 2004)" in *BBC News* (accessed 15 May 2004); available from <http://newsvote.bbc.co.uk/mpapps/pagetools/print/news.bbc.co.uk/1/hi/world/asia-pacific/3472691.stm>.

has not been possible to analyse the Fujianese experience directly in personal interviews during the course of this research.

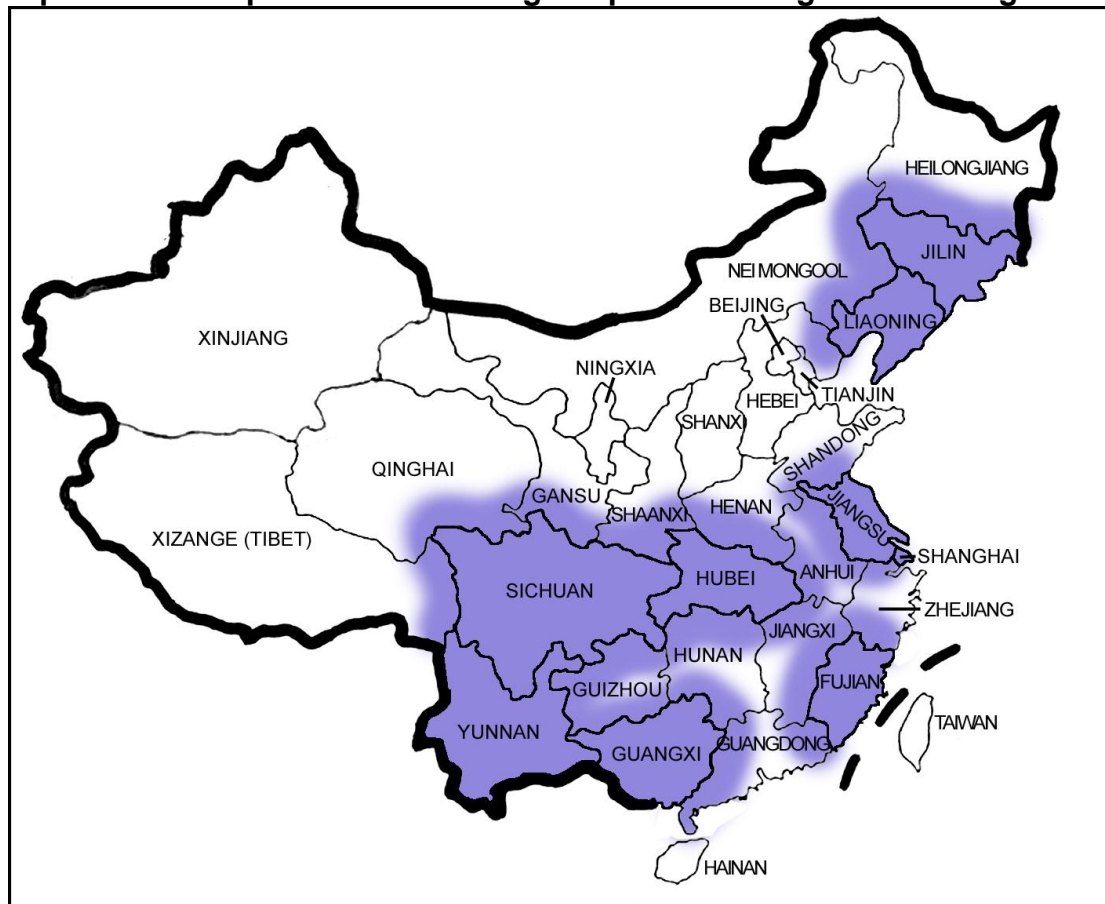
QUOTE: "I like England. The atmosphere here is quiet and orderly, not like China. For example, I like the way that people yield seats to pregnant women on the bus. That is not like China when it is messy and chaotic to get on a bus. But England is not an immigrant heaven... I want to go home to see my family." Interview with Migrant I.T.

QUOTE: "There is no certainty in our lives. It is hard to plan ahead, so we don't think too much. Sometimes I think we are so afraid that we cannot feel fear anymore. You know how that is like to be so afraid that you are not afraid anymore?" Interview with Migrant I.K.

### *Place of origin*

The Chinese migrants we had interviewed or have had informal contacts with come from many different regions of China. The map below with its shaded areas represents the origin of these migrants.

**A provincial map of China showing the places of origin for the migrants**





### *Education*

Many of the migrants have not had extensive schooling. The highest educated person from our group went to a professional training institute and another finished what is equivalent to secondary schooling. The majority, however, only had some elementary schooling (reception to year six)) and have basic literacy. One migrant noted that some form of home-schooling by one his parents supplemented his studies, but he only formally completed the fifth grade. One migrant taught himself how to read and write while he was finishing his military service in China. Most see secondary and tertiary education as not belonging to their own 'fate,' so they tend to accept things as they currently are without wanting to change too many of their life's parameters. Nonetheless, one migrant did express his eventual desire to continue the elementary schooling that he had abandoned early on.

QUOTE: "I only had elementary schooling for a few years. Even though education was much cheaper back then, my family still couldn't afford to pay for my schooling...When I left China, my family has to look after themselves. I eat whatever is around and I try to save as much money as possible to send it back to them. Now it is very difficult for a Chinese migrant to find work. There are many Chinese workers now, much more than before when I first came to England." Interview with Migrant I.J.

### *Age*

Most of the migrants from our group are male, between 30 to 40 years old. Two migrants are over 40, and another two are under 25. When asked about how long they have been in Britain, three didn't want to reply. One has been in the country for under a year; three between one and two years; two have been here for four years; one for five years; and one for over ten years.

### *Work back home*

In terms of their occupations back home, for those migrants who had worked in China, one worked at a train station, another was a local government administrator, and one was in charge of construction work. There was also a cook, a fisherman, and a businessman whose small company had failed and was then in debt.

### *Communicating in the common dialect*

Despite the many different dialects in China, all the communications in the course of this research were done in the Mandarin Chinese dialect, '普通話.' Known as the 'Common Dialect,' Mandarin Chinese is spoken by most people in addition to the dialect of their home region. Many of the migrants speak their native dialects but communicate with others from different regions in Mandarin Chinese. Moreover, the writing system has been standardised. Practically this means that while words are pronounced differently according to each dialect, the characters are the same. For example, during an

interview, if an expression is not understood, one can write down the words, which are then easily understood by the other party.

At the same time, communicating is more than just a technical translation. It entailed trust building between the interviewer and the interviewee, and for the conversation to take on an appropriate tone and level of interpretation. This also entails becoming familiar with the 'lingo' used by the Chinese illegal migrants and to understand where the mismatch of terminology between English and Chinese expressions may occur. In this respect, the Chinese migrants interviewed for this research extended much grace and patience to the principle researcher, who despite her bilingual ability still had to learn and adjust to the challenges of communicating and translating for this population.



## Chapter Three

### Getting from China to King's Lynn

There was an increased rate in the arrival of Chinese migrant workers from the summer of 2002 which was met with a sense of puzzlement by the residents of King's Lynn. One described it as a sudden influx of Chinese people, arriving at the King's Lynn train station with their suitcases and looking very disoriented.

QUOTE: "[That] evening [of 19 November 2002], I saw a group of approximately 15 Chinese nationals walking with their belongings including foodstuffs and bedding along Gaywood Road from Little Loke towards Tennyson Avenue traffic lights. They looked very much like recently displaced people." Minority Ethnic Liaison Officer Tony Lombari.<sup>47</sup>

These initial waves of Chinese migrants arriving chiefly through the train station, though some were encountered walking up the A11 on the hard shoulder, with mobile phone numbers sewn into the hem of their sleeves. They were eventually absorbed into the general population. As a result, more Chinese faces started to appear on the streets, in the parks, at the food shops, and became the neighbours of local residents. The burning question at the time – other than why these Chinese migrants had left China in the first place – was how they had travelled so far from China to the small seaport town of King's Lynn.



King's Lynn Station – T. Lombari

### The business of snakeheads

Chinese migrant smugglers, who have at their disposal a well-established and decentralised network of contacts and safe houses from China to countries of

<sup>47</sup> Internal police email from the Minority Ethnic Liaison Officer Tony Lombari, 21 November 2002.

transit and destination, are commonly known as 'snakeheads,' 人蛇 or 蛇頭. Although there are various methods of transporting migrants into the country of destination, Chinese snakeheads are perhaps most notorious for resorting to loading their migrants as cargo in freight carriers or onto over-crowded boats for the perilous journey to their country of destination. When these shipments fail, the disastrous consequences are blazoned across the world's press and raise the public profile on the plight of Chinese illegal migrants. They also bring in their wake major police operations such as Operation Mallard which was precipitated by the disaster in Dover in 2000.

In 1993, a freighter called the *Golden Venture* carrying nearly 300 illegal immigrants from Southern China ran aground off the coast of New York and resulted in the death of ten passengers. The alleged mastermind of the *Golden Venture* smuggling operation, Cheng Chui Ping, also known as 'Sister Ping' or 'Big Sister Ping,' was arrested and charged in Hong Kong in 2000. Last year she was extradited back to the United States to face criminal charges in New York.<sup>48</sup> More recently, on a fateful Sunday, June 18th 2000, sixty Chinese illegal migrants were found in the back of a sealed lorry container carrying tomatoes under refrigeration at the Port of Dover. Customs officials at Dover opened the container, only to find a 'sea of bodies'<sup>49</sup> of 58 migrants who had suffocated. Only two survived. In 2003, a Dutch court sentenced the top snakehead, Jing Ping Chen, also nicknamed as 'Sister Ping,' linked to the Dover tragedy, to three years in jail and a fine of £8000 pounds. The snakehead of the Dover smuggling operation, a Rotterdam-based Turkish gangster Guersel Ozkam, was given a 10-year jail sentence.<sup>50</sup> Different figures exist on how much snakeheads charge for assuring their migrant clients transportation and entry into the country of origin. Chinese migrants to the United States have reported that they paid an average of almost \$23,000 each to be smuggled into the country in the late 1980s, with fees rising to almost \$30,000 by 1993.<sup>51</sup> Recently, Chinese illegal migrants have reportedly paid up to £20,000 for a passage into the U.K.<sup>52</sup> Interviewees for this research have quoted figures from 50,000 to 200,000 RMB (currently about £3,500 to £14,000), depending on the place of origin and the mode of transportation. In one case, the snakehead had sold the house belonging to the migrant and used part of the proceeds to transport him by air from Beijing

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<sup>48</sup> Susan Saulny. "Law catches up with Sister Ping (3 July 2003)" in *The Age* (accessed 4 May 2004); available from <http://www.theage.com.au/articles/2003/07/02/1056825456165.html>.

<sup>49</sup> "Driver jailed for Chinese deaths (5 April 2001)" in *CNN.com/World* (accessed 4 May 2004); available from <http://edition.cnn.com/2001/WORLD/europe/04/05/dover.verdict.02/>.

<sup>50</sup> Tony Thompson. "Snakehead empress who made millions trafficking in misery (6 July 2003)" in *The Observer*. Page 13.

<sup>51</sup> Ko-Lin Chin, *Smuggled Chinese: Clandestine Immigration to the United States* (Philadelphia: Temple University Press, 1999): 37-8. Cited in Ronald Skeldon. *Myths and Realities of Chinese Irregular Migration (IOM Migration Research Series No. 1)*. (Geneva, Switzerland: International Organization for Migration, 2000): 21.

<sup>52</sup> Alastair Leithead. "Manchester's hidden community (17 February 2004)" in *BBC News* (accessed 18 February 2004); available from <http://news.bbc.co.uk/1/hi/uk/3496983.stm>.

International Airport to London Heathrow. The migrant was kept out of the transaction and does not know how much the house fetched. All he knows is that the snakehead kept all the profits.<sup>53</sup>

At the same time, it is important to note that, to the migrants, snakeheads provide an essential travel service. For a migrant who is desperate to leave home, snakeheads provide indispensable advice on how to get to other countries and the ability to access tickets, identities and documents. In this sense, the snakehead's role is comparable to that of a travel agent. He is not despised by the migrant as someone whose sole aim is to take advantage of his or her vulnerable situation. As Dr Pieke of Oxford University notes: "publicity and academic writing on Chinese and particularly Fujianese migration have paid undue attention to smuggling, which to migrants at the end of the day is merely their way to get where they want to go to."<sup>54</sup>

*One Chinese article used the term 蛇寶, or loosely translated as 'a cave of snakes' to refer to safe-houses used by snakeheads to hide illegal migrants. Another expression 蛇匪, or 'snake bandits', is used to emphasise the intensity of criminal involvement inherent in these smuggling operations.*

Discussion on snakeheads is further complicated by the mismatch of terminology from English to Chinese. Whereas the term 'snakeheads' is a catch-all term in English to refer to people who are involved in smuggling

Chinese migrants, its equivalents in Chinese (人蛇 or 蛇頭) sometimes do not suffice in describing the complex relationship that exists between a snakehead and migrant. For example, one Chinese article used the term 蛇寶, or loosely translated as 'a cave of snakes' to refer to safe-houses used by snakeheads to hide illegal migrants.<sup>55</sup> Another expression 蛇匪, or 'snake bandits', is used to emphasise the intensity of criminal involvement inherent in these smuggling operations. Despite a plethora of snake metaphors in Chinese to describe the various activities of snakeheads, migrants themselves often refer to their snakehead – the person who had arranged and profited from their travels – as a 帶頭 or translated as a 'lead head.' This expression does not have the character for 'snake' and therefore has no immediate connotation to a snakehead operation.

<sup>53</sup> Interview with Migrant I.G.

<sup>54</sup> Frank Pieke. *Recent Trends in Chinese Migration to Europe: Fujianese Migration in Perspective* (IOM Migration Research Series No. 6). (Geneva, Switzerland: International Organization for Migration, 2002): 23.

<sup>55</sup> 蔡芳祖. "警方要求移民局制止入境: 中國人蛇蜂湧英諾福郡(14/15 June 2003)" in 星島日報, *Sing Tao Daily*, European Edition Issue No. 8633. Page 1.

QUOTE: Before we didn't have these so-called snakeheads. I didn't have the feeling that our Lead Head was a criminal or we were doing something illegal. But now I have heard from my friends [who are also migrant workers in London] that sometimes these snakeheads are so afraid of being caught that they would push people over in boats, just so that no one would find out that they are doing something illegal. When I left, I didn't hear anything like this." Interview with Migrant I.J.

This finding indicates that while top snakeheads control and profit greatly from the smuggling facilitation process from end to end, those who operate on the ground to arrange migrants' way out may be viewed more benevolently by the migrants. Indeed, for the migrant, the 'snakehead' on the ground is more or less a travel agent who provides a valuable service. This supports the findings of Dr Pieke, who argues that many Chinese migrants perceive themselves as remaining very much in control of their own destiny – a fact obscured by the intense publicity on snakehead, smuggling, and debt bondage.<sup>56</sup>

#### **Migrant smuggling and human trafficking: What is the difference?**

Illegal migration is a broad category that includes visitors who overstay their visas, as well as the smuggling of migrants (also known as alien or people smuggling) and its related phenomenon known as human trafficking. Despite the prevalent use of the term 'human trafficking' to refer to all types of illegal migration in recent years, there are substantial differences between 'human trafficking' and 'migrant smuggling.'

**Migrant smuggling** occurs when those smuggled are migrants who have willingly paid for the chance to work abroad. Therefore, it comes with a voluntary element and some knowledge on the part of the migrant of his/her impending illegal entry, at least at the onset of the journey. The primary goal of an alien smuggler is to provide a limited migratory service out of a country of origin.

In comparison, the goal of **human trafficking** is to import labour for ongoing enterprises by criminal organisations or even semi-legitimate businesses in the destination country. Human trafficking represents a continuous cycle of criminal activity since organised crime groups can profit both from the victims' initial trafficking fees and their subsequent labour. Migrants may be held for weeks, months, or years in conditions of forced labour, including prostitution, in communities where they often do not speak the language. As a result, those trafficked may be extremely reluctant to seek help from local authorities due to their illegal immigration status. Moreover, trafficked victims may even be repeatedly sold and exchanged, while taking on new 'owners' and incurring more debts that they themselves must repay with their own labour.

<sup>56</sup> Frank Pieke. *Recent Trends in Chinese Migration to Europe: Fujianese Migration in Perspective* (IOM Migration Research Series No. 6). (Geneva, Switzerland: International Organization for Migration, 2002): 24.

Ultimately, what sets human trafficking apart from migrant smuggling is the element of coercion and the degree in which the migrant's freedom of movement is deprived, despite the fact that the individual initially might have given his or her consent to migrate. It is of fundamental importance to point out that the international legal and customary prohibition against slavery outlaws anyone from selling himself or herself into bondage. For such reasons, if a person desires to stop performing the work, and then is forced to remain and work against his or her will, the work is deemed involuntary and slavery-like, regardless of the victim's initial consent to migrant in the first place.

#### **International legal definitions:**

**'Smuggling of migrants'** shall mean the procurement, in order to obtain, directly or indirectly, a financial or other material benefit, of the illegal entry of a person into a State Party of which the person is not a national or a permanent resident.<sup>57</sup>

**'Trafficking in humans'** shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.<sup>58</sup>

All the interviewees conducted for this research clearly point to dynamics of migrant smuggling. Chinese migrant workers had entered Britain by contacting a 'travel facilitator' ('snakehead') and paid fees for them to be brought into the country. Once in Britain, some Chinese migrant workers reported repeated incidents of what colloquially might best be referred to as extortion by Chinese gangsters, some from London and others more close by in King's Lynn, with wage deductions being extracted by their Chinese local employment recruiters. Whether these incidents of theft and wage deductions amount to debt bondage and slavery-liked labour practices, which is required to meet the labour exploitation threshold under the current United Nations definition of human trafficking, remains to be seen. This will be a matter for policy makers and further research and criminal investigation.

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<sup>57</sup> Definition from the Protocol against the Smuggling of Migrants by Land, Sea and Air (article 3), supplementing the 2000 United Nations Convention against Transnational Organized Crime (also known as the Palermo Convention).

<sup>58</sup> Definition from the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (article 3), supplement the 2000 United Nations Convention against Transnational Organized Crime (also known as the Palermo Convention).



Currently from our research it was not clear that the threshold had been breached on the continuum into human trafficking which is indicated by the terms of exploitation. We do not currently have adequate evidence of the conditions under which significant numbers of the Chinese migrant community are living and working in order to be able to make the assertion of labour exploitation as defined by the Human Trafficking Protocol of the Convention against Transnational Organized Crime as at 'a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery.'

## Transportation

The drastic circumstances in which the group of 60 Chinese illegal migrants, crammed into the back of an air-tight lorry container, had planned to pass through the Port of Dover in June 2000 is but one of the many transportation methods used to bring illegal migrants into the UK. Generally, the smuggling of migrants from China is achieved in three main ways:<sup>59</sup>

- Legal exit and legal entry
- Legal exit and illegal entry
- Illegal exit and illegal entry

The first method refers to a migrant having the necessary passport and visa but who, may, for example, overstay upon expiration of the visa. Legal exit but illegal entry occurs when the migrant cannot obtain the necessary entry visas despite him/her having legitimate passports. Migrants using fraudulently obtained documents and permits or the complete absence of travel documents during the journey mark the last method of illegal exit and illegal entry. Usually, the migrants will leave China by sea or land, either clandestinely or after bribes have been paid to local police or border officials. The majority move by a combination of sea, land and air.<sup>60</sup>

Our interviews brought to light a real diversity in the ways that irregular Chinese migrants enter the UK. Most interviewees were not visa over-stayers. Furthermore, those who had flown into Britain reported that they were travelling with genuine passports, which contained their photographs, and valid visas but didn't carry their real names. For example, one interviewee replied that he had left his village by boat to cross the Yangtze River and then travelled by bus through Hunan and Guangdong Province to arrive at Shenzhen, a city just outside of Hong Kong. From Hong Kong, the individual, who was in a group of five migrants all travelling with a lead organiser, flew to Moscow and then to London Heathrow. He reported seeing his passport,

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13. Ronald Skeldon. *Myths and Realities of Chinese Irregular Migration (IOM Migration Research Series No. 1)*. (Geneva, Switzerland: International Organization for Migration, 2000): 23.

<sup>60</sup> *Ibid.*, 25.

which seemed genuine and carried his true photo and name, but he was never allowed to be in possession of it. The lead organiser kept all the passports, and subsequent to his arrival he has never seen his passport again.

Another story underscores the circuitous nature of some of these journeys. One migrant reported that he first travelled by boat from Fujian to Japan and



then flew to Milan, Italy. From Italy, the migrant travelled by boat to France and then by train into the Netherlands before entering Britain by boat. A recent incident saw a group of thirteen would-be migrants being dropped on a beach at St Leonards, having made the final leg of their journey by inflatable speedboat.<sup>61</sup> It appears that it is not difficult for a

would-be migrant to find someone from their village with contacts to professional smugglers. One interview revealed how one migrant was able to escape, with the help of 80,000 RMB (Chinese currency Renminbi currently about £5,500), having been arrested by the Chinese police for organising a public protest against a local court's reluctance to adjudicate a civil claim.

QUOTE: "The police I know in China are bad. They are more like 流氓-gangsters and punks. They beat people without first looking at 道-reasons." Interview with Migrant I.S.

Most interviews alluded to the role of 'people who said they could help us to go abroad.' This underscores the fundamental difference in the way that migrants perceive the role of these people smugglers. 'Snakeheads', in English terminology, appear to be familiar with the situation that migrants are in prior to leaving home. They acquire the role of assistants – of helpers and facilitators rather than exploitative traffickers in the perception of the illegal migrants. Those who facilitate their entry to Europe are not viewed as necessarily malicious, even though they have the potential means to exert continued control over migrants when they have arrived in the UK. Travel documents are kept and allegedly recycled for other migrants moving into Europe facilitated by the snakeheads. A worry might be that this withholding of documents could be used as a means of ensuring continued payments of the debt which is incurred through the smuggled travel arrangements. This, however, was not the perception of those to whom we have talked. For example, one migrant said that the false passport that he had used for entry

<sup>61</sup> "Two remanded over immigrants find (31 May 2004)" in *BBC News/UK Edition* (accessed 5 June 2004); available from <http://news.bbc.co.uk/1/hi/england/3762763.stm>



into the U.K. was kept by the snakehead because another migrant could then use it.<sup>62</sup> This way, the snakehead could profit from a continuous use of false passports by many different migrants, while the migrant who had first used the passport to enter the country is left in a precarious position of not having any form of personal identification.

Anti Slavery International and the Non Governmental Organisation, Kalayan, dedicated to the support and protection of domestic workers, have recognised the vulnerability which the removal of documents places anyone involved in migrant labour.<sup>63</sup> They have called on the UK government to ratify the UN 1990 Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. Article 21 of this Convention protects migrant workers against the confiscation or destruction of their travel documents. They have identified the need 'for domestic legislation to make it illegal to destroy, conceal, remove, confiscate, or possess another person's passport or other government identification document, whether actual or purported.'<sup>64</sup> These examples illustrate that migrant workers in the UK are working in situations which are not only exploitative, but in some cases would also constitute forced labour (e.g. where documents are removed in order to coerce migrants into staying in a job or accept exploitative conditions of work). Despite this, the UK will not guarantee migrant workers the rights set out in the 1990 Migrant Convention, stating that:

"The Government has no plans at present to sign and ratify the Convention. The Government considers it has struck the right balance between the need for immigration control and the protection of the interests and rights of migrant workers and their families in the UK."<sup>65</sup>

However without this sort of protection, licit and illicit migrant labour will be open to abuse and move further into a shadow existence, unable to access protection within the work place by unionisation, the necessary advice and support for integration needed from regional governance and open to further coercion and exploitation by criminal elements in society. It is important that the nexus is severed between smuggling, labour migration, and the trafficking of persons. Addressing the issue of passport and travel document removal is one step towards clearing the way for more regularised, transparent migration paths into the employment market of the UK.

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<sup>62</sup> Interview with Migrant I.K.

<sup>63</sup> Kalayaan, *Migrant Workers' Rights: The Passport Issue*, London, 2003.

<sup>64</sup> Kaye, M. (2003). The migration-trafficking nexus: combating trafficking through the protection of migrants' human rights. London, Anti-Slavery International: 28.

<sup>65</sup> Letter from the Home Office, Immigration and Nationality Directorate to the Joint Council for the Welfare of Immigrants, 7 August 2003.

## Hong Kong transit stop

Whether the migrant leaves China by air or other modes of transport, Hong Kong is frequently used as a transit stop for illegal migrants from China to other destinations mainly in North America and Europe. Most Chinese illegal migrants who pass through Hong Kong appear to be from Fujian Province.<sup>66</sup> These migrants travel down from Fujian to Hong Kong in small boats along the coast. Upon arrival in Hong Kong, they are taken to small apartments away from the city centre. It is difficult for smugglers to time the transport connections perfectly so that migrants arrive in Hong Kong just as their onward journey in a freight container bound for Europe or the U.S. is about to depart. Thus migrants, who are taking the long sea route in freight containers, need temporary accommodation arranged out of town for a few days until the next element of their travel arrangements becomes available.

The containers used for smuggling people have ventilation; usually they just have a steel grid on top, which allows air through, and a board latch on the floor for waste disposal. The containers also have a supply of food and water for the journey. They can even have a satellite telephone for communication with their snakeheads

In one incident in which the Hong Kong Customs and Excise Department were involved, 26 people, both males and females, were found inside a freight container. They had arrived in Hong Kong a few days before their freight container was ready and been placed in a secluded apartment for about two nights. Three snakeheads, one in Fujian, another in Hong Kong and the last in the U.S. had arranged their travel portfolio. The modified

containers used for smuggling people on the sea, are prepared for a journey that can take up to two months. As described by one Hong Kong Customs and Excise officer: "The containers used for smuggling people have ventilation, usually they just have a steel grid on top, which allows air through, and a board latch on the floor for waste disposal. The containers also have a supply of food and water for the journey. They can even have a satellite telephone for communication with their snakeheads."<sup>67</sup>

<sup>66</sup> Information on Hong Kong as a transit stop is mainly from a background interview with a Hong Kong Customs & Excise Department officer on 4 December 2003 at Cambridge University, England.

<sup>67</sup> *Ibid.*

## Destination

CASE STUDY: [This man from my village got] a passport and a plane ticket for me. I noticed the picture in the passport of me was real, but my name was not.

The plane ticket was from Beijing so I took the train from my village to Beijing, which took three days. From Beijing, I boarded a plane. The man from the village came with me for the journey. He was on the plane too. Now I know the person who brought me over was a snakehead, but before I didn't suspect that he was one. I trusted him because he said: "Trust me! I will arrange everything for you, sell your house, arrange your airfare, and take you to England."

It was the first time that I have ever been inside a plane, and I got very dizzy during the flight, and I had airsickness. It was a very long flight. I don't think we stopped anywhere, but I was very sleepy and dizzy. The next thing I know I have arrived at Heathrow. I was afraid and very nervous. But then I thought this is my fate. If I am cheated, then I am cheated. If I make it, then I make it.

From Heathrow, I took two buses and then one train to King's Lynn. I didn't know I was going to King's Lynn until we arrived at the King's Lynn station. The man who took me from China was with me. At the train station, it was very late, and I haven't eaten for a long time. He told me to stay at the train station to wait for him and he will bring me back some food. He told me not to leave, made me promise not to leave the station. So I waited and waited for him to come back for 1 to 2 hours. He didn't return.

I was very afraid. It was very new place. I didn't know where I was. I started to cry out of fear, but then I must thank the god in heaven because I met some other Chinese people. It was very strange that there were still Chinese people at the station because it was late, and Chinese people usually don't go out walking around late at night. But I must have been really lucky.

They saw me crying, came over and asked me where I came from. They took me back to their house, and I was living there with them until August or so.<sup>68</sup>

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<sup>68</sup> Interview with Migrant I.G.

Popular opinion often paints the reason for a migrant's decision to come to the UK as a purely economic one. Consequently, this provokes anti-immigration statements such as '*No asylum, no benefits, no nothing*' or '*[Our] streets are paved with litter, not gold*'.<sup>69</sup> While there is currently a new trend of Chinese migrants from the Fuzhou/Fuqing area, who cite high wages in Britain's Chinese restaurants as their main reason for entry into the country, our interviews have unearthed other reasons for Chinese irregular migration to Britain. Indeed, economic migration should not be the broad brush, catch all, in the official reception of claims for asylum made by Chinese migrants when they come in contact with immigration officials. Differences may exist for Chinese migrants from different regions, which would reflect the profound regional, ethnic, socio-political and religious diversity of the Chinese population. Their homes and communities may be at different stages of economic development or their particular locality may have had a historical legacy of emigration. At the individual level, we have found through our interviews that a migrant might have chosen Britain out of ignorance or through the sponsoring 'advertisement' of the person arranging a migrant's travels, who might have the best forward contacts into work and housing opportunities in Britain.

Many of the interviewees reported being given destination choices by the snakehead who initially arranged their travels. One reported that he was wondering whether to travel to Britain or to go to the U.S. where he had family ties. The snakehead, however, advised that it was illegal to enter the U.S. but that he could get into Britain by legal means. Because he didn't want to do anything illegal, he chose to go to Britain instead. Another person alluded to a similar dynamic with his snakehead, who had given him different destination choices but the fees for Britain were cheaper than the ones for the U.S. or Australia. Thus we see how snakeheads manipulate their 'passengers' into taking options, which suit their purposes rather than the best interests of their fee-paying clients. These elements of deception in travel arrangement may indicate some of the initial dynamics of trafficking in human beings for the purpose of labour exploitation. More research however is needed to follow this exploratory study in order to ascertain the extent of human trafficking in Chinese irregular migration to Britain.

A migrant, who was left without parents, describe how his snakehead in China had told him that the UK is a place that respects human rights, and an orphan like him would have a better chance of surviving in Britain than in China. Similarly two other migrants spoke of their escape from China to Britain, assisted by friends who had connections with snakeheads.<sup>70</sup> They escaped due to fear of political prosecution because they had publicly protested against their local government, specifically on the absence of judicial remedy

<sup>69</sup> "Morecambe Bay tragedy: What can be done? Comments from viewers (9 February 2004)" in *BBC News/UK Edition* (accessed 10 February 2004); available from <http://news.bbc.co.uk>.

<sup>70</sup> Interviews with Migrants I.S. and I.K.

and police impunity. They believed that the British government would give them 'justice' and a chance to live without the fear of state prosecution. All of these accounts indicate the power that a snakehead exerts in determining or, at least, greatly influencing the destination of migrants.

There are therefore different types of snakeheads or at the very least different terminologies which are lost in Chinese-English translation. There are significant distinctions that need to be present when the processes of Chinese illegal migration are discussed, the cases of Chinese migrants assessed by the state. The difficulty is that the snakehead who first arranges a migrant's travels may be seen by the migrant as a person who is benevolent, and assistant to them in their plight. There is no doubt, however, that this snakehead profits from, and substantially manages frequently through a form of deception, the travel plans of his 'client.' Secondly snakeheads operating in China may be very different from the style of snakeheads working in the destination country. They are frequently different individuals, but they may belong to the same migrant smuggling and/or trafficking network. If they belong to the same smuggling network, then they have the ability to continue to exert significant control on their client even after the migrants have reached their country of destination. In this scenario, the 'snakeheads' may control the migrants by extorting money from them and keeping them under debt bondage. These would then be human trafficking cases.

The next two sections will examine the working experiences of the Chinese illegal migrants in the King's Lynn area and the social structure within this underprivileged community. What emerges is a picture more complicated than previously known about Chinese illegal migrant workers.

## **Recommendations**

- The need for a working party at regional, national and international level to explore the issues pertaining and the adequacy of the current working definitions on trafficking and smuggling with representation from international law, criminal law, employment law, Operation Reflex, Europol, trade union organisations, ILO, Serious Crimes Squad, Immigration, Human Rights' NGOs, the United Nations, and affected governments
- Nationally to address the issue of employment requirements and how migrant labour is to be regularised to fulfil the demands of the Norfolk employment sector. Conversations to include the relevant Government Departments including the Home Office, Department of Trade and Industry, Department for the Environment, Farming and Rural Affairs and the Department for International Development
- The engagement of Immigration and Nationalities Directorate with the complexity of Chinese illegal smuggling routes, including the presence of asylum applicants, a range of histories and possible criminal constraints on the migrant population

- The creation at criminal investigation level both regionally and internationally using the medium of the National Association of Chief Police Officers, Europol and bilateral joint operations of a serious engagement with the way in which the management of Chinese migrant labour is operated in country
- Examine the merits of ratifying the 1990 Migrants Convention with attention to the offence of the removal of passports and identity documents
- To explore alternative methods of regularising migrant labour from outside the European Union to access work in the informal and seasonal labour markets
- Further research on the relationship of smuggling and trafficking in the criminalisation of migration and employment access in the UK, with particular attention to China and other designated countries where robust shadow transportation networks are operating

## Chapter Four

### A Hard Day's Work

One farmhand who works alongside Chinese migrants in the King's Lynn area simply described them as "robots."

QUOTE: "During the day, they [the Chinese workers] don't stop for lunch or dinner. They work like robots until they are told to stop. See, if we get paid by how much we have done, then they don't stop because they can get more done."<sup>71</sup>

The press coverage after the Morecambe Bay tragedy in 2004 highlighted the fact that Chinese illegal migrant workers are extremely vulnerable to unsafe working condition and labour exploitation practices.

QUOTE: "I'm quite sure those people will have been paid very little for the bags of cockles they collected and the gangmasters will no doubt have made a great deal of money out of them." Labour MP Geraldine Smith of Morecambe & Lunesdale<sup>72</sup>

One report found that despite long and irregular working hours the Chinese cockle pickers work without any safety equipment and are reportedly paid just £8 cash for each bag of cockles. Apparently the dealer is paid £15 for each bag of cockles, but only half that amount is given to the actual pickers after deductions by their gangmasters.<sup>73</sup> In comparison, £8 for a bag of cockles is significantly better than what another reporter discovered: "Migrant workers packing fruit for a supermarket were left with wages of just 78p a week after their gangmaster deducted rent and transport costs".<sup>74</sup>

These stories are shocking. For people who do not share the working reality of illegal migrant workers, it is difficult to imagine what has driven them into this strange world and why people continue to stay in such extreme and menacing situations. In reality, the relationship between a migrant worker and the gangmaster is a complex one. The dynamics involve elements of labour exploitation of a vulnerable group, leading to what one commentator calls the

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<sup>71</sup> Background interview with a local farm labourer on 23 February 2004 in the King's Lynn area.

<sup>72</sup> "Tide kills 18 cockle pickers (6 February 2004)" in *BBC News* (accessed 7 February 2004); available from <http://news.bbc.co.uk/1/hi/england/lancashire/3464203.stm>.

<sup>73</sup> James Meek and Jonathan Watts. "Two days before the disaster, Yu phones his wife. 'He said his life was terrible. I told him to leave. He said without this job I can't eat (20 February 2004)" in *The Guardian* (accessed from 25 February 2004); available from <http://www.guardian.co.uk/g2/story/0,3604,1152116,00.html>.

<sup>74</sup> Felicity Lawrence. "Gangmasters paid migrant workers 78p a week (26 February 2004)" in *The Guardian* (accessed 1 May 2004); available from [http://www.guardian.co.uk/uk\\_news/story/0,3604,1156166,00.html](http://www.guardian.co.uk/uk_news/story/0,3604,1156166,00.html).



creation of “disposable people.”<sup>75</sup> At the same time, migrant workers, driven by promises of their own economic betterment, may seek out and be at least initially grateful for the people who offer them employment – notwithstanding rake-offs, elements of fraud, identity theft and coercion. While Chinese illegal migrant workers may view their existence in the U.K. as a hard life, those interviewed often expressed a sense of pride for being able to work in extreme conditions and provide for their families back home. These dynamics together paints an intricate relationship between a Chinese illegal migrant worker and his various employers. In this chapter we explore how labour exploitation occurs and what are the perceptions of the Chinese workers themselves in trying to make a living outside the legal employment framework.

## The Gangmasters

Vans leaving King's Lynn town centre taking migrants to work T. Lombardi



The system of gang labour, referring to the bringing together of groups of about 50 people for agricultural day labour, is thought to have originated in the village of Castle Acre in Norfolk in the 1820s.<sup>76</sup> ‘Gangmasters’ soon took on the role of organising and supervising these teams of gang labour. In this sense, ‘gangmasters’ were

elevated from a regular labourer to manager, and they sometimes benefited by receiving a small definite sum for each member of the gang. Over time, West Norfolk – particularly its food processing industry and farmland work – became increasingly reliant on this form of temporary labour to meet their labour requirements, moving away from the previous system where workers directly presented themselves to the employer for work. Currently, the allocation of individual workers for work in these sectors is almost entirely controlled by gangmasters. From being a form of rationalisation of temporary employment opportunities with a fluctuating pool of labour, gangmasters have increasingly earned the reputation of providing employment for illegal migrant workers through a scant regard for employment or immigration law. Some of these gangmasters have also become notoriously wealthy through making

<sup>75</sup> Kevin Bales. *Disposable People: New Slavery in the Global Economy* (Berkeley, California: University of California Press, 1999).

<sup>76</sup> Memorandum submitted by Dr Jennifer Frances, Senior Research Associate, Institute for Manufacturing, University of Cambridge, to the United Kingdom Parliament’s Select Committee on Environment, Food and Rural Affairs (accessed 2 May 2004); available from <http://www.parliament.the-stationery-office.co.uk/pa/cm200203/cmselect/cmenvfru/691-iii/3060402.htm>. Page 1.

significant deductions from the pay of their workers – who due to their illegal status feel that they cannot access the protection of the law. This is problematic as it is not a clear point of policy as to what the status of an illegal migrant is in ownership of their wages, and induction on these issues is not accessible for the Chinese migrant at point of entry to Britain!

“Illegal activity damages the reputation of legitimate gangmasters by tarring all gangmasters with the same brush.”

However, it is important to note that ‘gangmasters’ are not a homogenous group, despite the term ‘gangmaster’ increasingly becoming synonymous with criminality and elements of labour exploitation. As stated by the

Department for Environment, Food and Rural Affairs: “Illegal activity also damages the reputation of legitimate gangmasters by tarring all gangmasters with the same brush.”<sup>77</sup> There certainly exists legitimate gangmasters who conduct their business within the parameters of the law, but they have to compete with less scrupulous gangmasters who can provide labourers for less pay.

### Local Chinese recruiters

In the course of the interviews conducted for this report, we found that there is another level of contact between the gangmasters and Chinese migrant workers themselves. When asked about how temporary jobs are located, one interviewee used the term ‘接頭’, pronounced *jieng tao*, or roughly translated as ‘one who connects,’ ‘a local contact,’ or ‘connecting head.’

These local Chinese contacts do not have a straightforward equivalent into English translation. When asked if these Chinese connecting heads are the same as ‘snakeheads,’ i.e. people who are involved in the network of smuggling migrants from China to other countries, the answer was ‘no’ but this does not rule out that they are in some way connected to this wider smuggling network. When asked if these Chinese contacts are the same as people who arrange temporary work, the answer was that while they are friends with the English staff in the employment agencies or with the gangmasters, they are not directly at the same management level. ‘A connecting head’ usually have some fluency in English and thus can operate as a point of contact for the Chinese illegal migrant workers and the gatekeepers of local employment opportunities.

The best translation for their role is probably ‘a local recruiter.’ As such, the local Chinese ‘connecting heads’ are authoritative individuals within the illegal

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<sup>77</sup> Memorandum submitted by DEFRA to the United Kingdom Parliament’s Select Committee on Environment, Food and Rural Affairs (accessed 2 May 2004); available from <http://www.parliament.the-stationery-office.co.uk/pa/cm200203/cmselect/cmenvfru/691-iii/3060406.htm>. Page 6.

Chinese migrant community simply by their ability to provide leads on employment possibilities. The exact nature of the relationship between these local Chinese recruiters and British gangmasters remains unclear from our initial research. One possibility is that they are, indeed, small-scale gangmasters who subcontract themselves as a self-employed group to large-scale gangmasters, which apparently is not an uncommon practice.<sup>78</sup> On the other hand, it does appear from our interviews that these local Chinese recruiters provide more of an employment information service. Whilst they do have to work, their positions are marginally better than other illegal migrant workers. Not much is known how about the bargaining roles of the 'local connecting heads' and the local and regional gangmasters, and it remains possible that some elements of labour exploitation and wage deductions exist through these local Chinese recruiters.

CASE STUDY: "The way we get most of our work is that a '接頭,' [*jieng tao* or local Chinese recruiter] arranges things. When a factory or a farm needs temporary work, they call a temporary staffing agency. The agency then calls a '接頭,' *jieng tao*, who can speak English. The agency then asks for so and so number of workers. The '接頭,' *jieng tao*, arranges the people. Sometimes even the agency picks us up at train stations. We get a call that say, meet us at this station and then there is a van waiting for us to take us to the factory or farm for work." Interview with Migrant I.J.

Due to the clandestine nature of illegal migrant work, most individuals interviewed were reluctant to answer questions relating to how they go about finding work. In the period immediately after Morecambe bay, most of our Chinese contacts reported that temporary employment agencies had become less willing to hire Chinese temporary labour, for fear of being labelled as gangmasters. Nonetheless, another interview conducted at this time elicited information on the hierarchy of Chinese illegal migrant labour, and clearly pointed to the on going presence of these Chinese local recruiters.<sup>79</sup>

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<sup>78</sup> Memorandum submitted by Dr Jennifer Frances, Senior Research Associate, Institute for Manufacturing, University of Cambridge, to the United Kingdom Parliament's Select Committee on Environment, Food and Rural Affairs. Page 2.

<sup>79</sup> Background interview with a local farm labourer on 23 February 2004 in the King's Lynn area.

### Hierarchy at the farm

Boss / farm owner



Foreman, who is instructed by the farm



Supervisor, who is paid by the gangmaster



Chinese local contact, who translates



Chinese migrant workers

A special report featured in March in *The Guardian* shook the local community further. Hsiao-Hung Pai embedded herself in the Chinese migrant worker community and her journal **claimed** a significant role for Chinese local connecting heads or “recruiters,”<sup>80</sup> As an undercover reporter she was able to enter the world of Chinese migrant workers by contacting a Chinese “recruiter” based in Thetford, Norfolk, citing the name of another “recruiter” based in King’s Lynn. The Thetford recruiter promised work and accommodation for Hsiao-Hung Pai in Thetford. This same recruiter was involved in the illicit production and sale of false passports; organised the Chinese cockler team at Morecambe that perished in February and was planning to set up another cockler team in the Morecambe Bay surroundings. Before registering the undercover reporter Hsiao-Hung Pai for work at a local employment recruitment agency, he first demanded that a prior registration fee of £200 should be made payable to him.

### The Working day

Representing a mobile work force, Chinese migrant workers find themselves in all sorts of employment, in all sorts of locations. Many of those interviewed **by ourselves and Miss Pai** took pride in being able to do the variety of tasks presented and to work hard without complaining. Temporary employment opportunities for the migrant labour sector in the King’s Lynn area includes picking daffodils in the spring, general factory work, food processing and canning, farm field work, as well as working at restaurants or take-aways.

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<sup>80</sup> Hsiao-Hung Pai. “Inside the grim world of the gangmasters”. Part One (27 March 2004) in *The Guardian* (accessed 14 April 2004); available from [http://www.guardian.co.uk/uk\\_news/story/0,3604,1179164,00.html](http://www.guardian.co.uk/uk_news/story/0,3604,1179164,00.html).

QUOTE: "I lifted so many heavy things, dragged them to put them in trucks and off-loading shipments. I could do all that. Things that even some people couldn't do... We had to work so physically hard, lifting very heavy things and moving them to somewhere else, so the calories we took it weren't enough for the work we did. I was so hungry, but I did the work. I finished it. See how strong I was! We made about 140 pounds that working week." Interview with Migrant I.J.

In general, in our research, most interviewees were reluctant to directly answer questions relating to their employment. One interviewee, who was willing to speak openly about his employment experiences, said that he had worked at more than ten factories in the King's Lynn area. Usually each job lasted for a few months, although sometimes he would go to a different factory each day. The jobs are all temporary in nature. If factories don't have orders, then there is simply no need for temporary labourers. As a result, the

*Sometimes we would go to a different factory each day. It is kind of funny, you would laugh – but we get off our bus and they pick us out like a beauty pageant*

population's income is not stable, and their primary worry is not being able to work so that they do not receive money. This can mean that they then fail in sending remittances home to their families or dependents, or that they fall behind with their debt repayment, housing and food costs.<sup>81</sup>

The working day for an illegal migrant is undoubtedly hard. Initial information gleaned from the interviews indicates that there is usually a mini-bus to pick them up at their address which takes them to and from work. On a farm, during the winter season, workers usually start around 6:30am and finish around 3:30 pm. In the summer, the day starts much earlier, around 4:30am.<sup>82</sup> Two Chinese migrants who had

worked at factories (without specifying the type of factory work) said that they usually work 12-hour shift days. In these 12-hours, they get two breaks, each lasting 30 minutes for both lunch and dinner. They also get a one 15-minute break for tea and rest. In this location they earned the minimum wage, about £4.50 to £4.60 an hour. With deductions, their net pay was around £3.80. They believe the deductions are due to various taxes but they weren't entirely

<sup>81</sup> Remittances are the portion of an international migrant's earnings that are sent back to their country of origin. A study by the World Bank, Global Development Finance, published in April 2003 found that Statistics on remittances normally refer to official remittances, which are those that are sent home through official banks and recorded in national statistics. The total value of official remittances doubled between 1988 and 1999. According to the World Bank, official remittances further increased from \$60 billion to \$80 billion between 1998 and 2002. Unofficial remittances, which are sent via private courier systems, friends or relatives, are likely to be two or three times the official figure. Remittances account for substantial amounts of a state's income and therefore have an important impact on national economies.

<sup>82</sup> Background interview with a local farm labourer on 23 February 2004 in the King's Lynn area.



sure and had no paper trail to account for the deductions.<sup>83</sup> Other types of deductions, which can be made against their income, include transportation costs on the van which takes workers to and from work. One illegal migrant worker cited a *per diem* charge of £1.50 for the daily roundtrip to work.<sup>84</sup> Added to the issue of these deductions, these two factory workers have to work 12-hour days without ever accessing overtime pay.

QUOTE: "Sometimes we would go to a different factory each day. It is kind of funny, you would laugh – but we get off our bus and they pick us out like a beauty pageant. They will look at the workers and say this person gets work that day or that person. And sometimes I am not picked and it is a waste of time to be there." Interview with Migrant I.J.

The wage at the factory seems comparable to what a migrant worker could get in a restaurant. One interviewee spoke about earning £3.50 each hour for frying fish during an 8-hour shift day. It also seems that one of the most coveted employment opportunities for a Chinese migrant is being chef of a restaurant, which pays about £300 a week. In addition to a higher income these chefs get a break after lunch during their 10-hour shift days.

*As the Chinese workers don't speak English, they were often talked to like animals. 'Sit there', 'Go away', 'You stupid' were often heard.*

Whilst the working day for an illegal migrant is physically hard, the psychological environment can also be hostile for the Chinese migrant workers. One local worker reported that Chinese workers are often "talked down like they are not worth much."<sup>85</sup> It was common for Chinese workers to be shouted at and be called 'bad names.' Verbal abuse and name calling against Chinese workers was also observed by *The Guardian* undercover reporter at one of the local employment agencies that hires Chinese workers - "As the Chinese workers don't speak English, they were often talked to like animals. 'Sit there', 'Go away', 'You stupid' were often heard."<sup>86</sup>

<sup>83</sup> Information from Conversations with Migrants C.N. and I.I.

<sup>84</sup> Interview with Migrant I.J.

<sup>85</sup> Background interview with a local farm labourer on 23 February 2004 in the King's Lynn area.

<sup>86</sup> Hsiao-Hung Pai. "Inside the grim world of the gangmasters. Part One (27 March 2004)" in *The Guardian* (accessed 14 April 2004); available from [http://www.guardian.co.uk/uk\\_news/story/0,3604,1179164,00.html](http://www.guardian.co.uk/uk_news/story/0,3604,1179164,00.html).

### **The invisible world of Chinese female migrant workers in the sex trade**

We had hoped to find out more about Chinese female migrant workers in the sex trade and their degree of labour exploitation. This area, however, was extremely difficult to access due to cultural reluctance to talk about sexual issues openly and also the stigmatisation of prostitutes. Nonetheless, we were able to obtain secondary information through one migrant interviewee who was willing to give some initial information on the nature and extent of the sex trade within the Chinese migrant community.<sup>87</sup>

The following profile is based on this interview and requires further dedicated research for verification and clarification:

- London, not surprisingly, appears to be the centre of the Chinese sex trade. Advertisements for brothels are easily found in Chinese print publications and are usually under the cover of massage parlours.
- Most undocumented female migrants cannot do physical hard labour work, so they see prostitution as one of the few available options for them to work in Britain.
- There are Chinese female sex workers from different regions in China. Most are in their 30s to 40s. A minority of them are very young, between 19 to 21 years old. They are usually students who work part-time in between their classes.
- Most of the customers are Chinese males, i.e. this is an intra-community trade.
- Usually, the rate is charged by the hour, about £80. The woman has to split it 50-50 with her pimp, so she pockets about £40 for each hour of work.
- Most female workers are not necessarily engaged in “forced prostitution”, but maybe working as prostitutes in order to pay back their travelling debt to ‘snakeheads.’ This opens up an important area for further research on the linkage between smuggling Chinese migrant workers into Britain and subsequent sexual exploitation by the migrant, established and indigenous communities.
- There are more Chinese ‘massage parlours’ now because it is becoming more difficult for female Chinese migrant workers, in general, to find employment. More females are being driven into the sex trade to make some money.

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<sup>87</sup> Conversation with Migrant I.G.



- There is a 'paedophilic' style premium on young women from Thailand, China and Malaysia, when used by European Males if they look young and are petite.<sup>88</sup>

## Paying and saving

Financial arrangements for an illegal migrant are problematic. Due to their illegal resident status in the country and them not having fixed abodes and travel documentation such as passports, it is almost impossible for them to open a regular bank account under the current banking legislation. Most work is paid in cash. The savings are normally sent home through Chinese banks operating in London which allow migrants to use cash to wire money to China. Banks reportedly charge a commission of around £25 for each transaction when the amount is between £1000 to £2000.<sup>89</sup> Sometimes migrants try to save on the commission fees by trying to wait until they have earned more cash to remit the money home, but this makes them more vulnerable to attacks and theft. There is also a remittance shop in London, set up by Chinese migrants from Fuqing, which apparently does not charge commission fees. It, however, operates on a very poor exchange rate (reportedly almost 10 percent less than the official currency exchange rate) between the British pound and the Chinese Yuan Renminbi; so much money is lost in the transaction. One interviewee also spoke of the practice to send cash home through the Royal Mail by insured airmail. Out of the five times he did it, only one letter arrived. All his other money, about £1000 in total, was lost.<sup>90</sup>

QUOTE: "When I was working, in a good year, I made about 2000-3000 pounds a year." Interview with Migrant I.J.

Besides taking various dubious deductions from a worker's earnings, it also has been reported in an earlier study that many "gangmasters/agencies maximise their profit from workers, and their control over them, by also providing them with accommodation."<sup>91</sup> One interviewee who reported that he had to pay about £60 for one week's of accommodation confirmed this. His local Chinese recruiter arranged housing, and it represented about three days of his total weekly earnings.<sup>92</sup>

Another way to further profit from the labourers is to exploit the inconveniences that come with not having a legitimate bank account. This is a particular problem when a migrant worker is paid in cheques, but he doesn't

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<sup>88</sup> Source with member of the Clubs and Vice unit in the Metropolitan Police 2004

<sup>89</sup> Interview with Migrant I.I.

<sup>90</sup> Interview with Migrant I.J.

<sup>91</sup> Becky Taylor and Ben Rogaly. *Report on Migrant Working in West Norfolk (October 2003)*. Unpublished: 2003. Page 10.

<sup>92</sup> Interview with Migrant I.J.

have a bank account for depositing the money. If he is lucky and has a trustworthy friend who has a bank account, then he can 'park' his money in his friend's account. It has been reported that it was much easier to open bank accounts a few years ago, so there are some Chinese illegal migrant workers in the country with legitimate bank accounts. This arrangement is obviously open to much abuse. In fact, one background interviewee spoke of one such financial dispute involving both parties disagreeing on the amount of the deposit.<sup>93</sup> At the other extreme, in the course of this research, we also heard of stories where friends would go to great length to assist each other in their financial arrangements.

CASE STUDY: "Sometime these '接頭,' *jieng tao* [or local Chinese recruiter], are bad. They get the money for our work from these temporary staffing agencies, but then they don't give us the money. Sometimes they even keep our pay and that is very unfair because it was us that did the hard physical labour. These '接頭,' *jieng tao*, just tell us that, oh, the agencies haven't paid yet, but it isn't true. Sometimes we would ask the agency directly—maybe someone can speak a little bit—and they would say that they have given it to the '接頭,' *jieng tao*, already. On days like these it is luckier not to have work. We work hard, sometimes not even eating very much, and we don't even keep our money...

If a worker cannot get a bank account and his pay is given out in cheque, then he has a problem. Usually the companies give out the cheques to the '接頭,' *jieng tao*, and he then has to give the cheques out to the people. But if it is not in cash, then the '接頭,' *jieng tao*, can take those cheques, deposit them into his own bank account, and he can either not give the pay out, if he is really bad, or give them out but take out a big deduction. Any case, the workers lose some money." Interview with Migrant I.J.

There is a natural contradiction in Chinese migrants working illegally in Britain to meet the demands in this country for a pool of cheap and temporal labour. It would all be too easy to put the responsibilities on the individuals who form this mobile workforce and who are then too fearful of deportation to speak about their employment experiences. The reality must be that either gangmasters, agencies, or companies do not to use illegal labour at all, or if they do use illegal labour, then they accord those illegal labourers the same employment protection as resident workers. The biggest contradiction is for an employer to use illegal labourers and then only to treat them with disdain and verbal abuse. Simply stated, under the current system, there are second-tier workers whose safety and well-being concerns are lost in the chain of accountability.

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<sup>93</sup> Background interview with Mr Kwai Li, President of the West Norfolk & Districts Chinese Association, on 8 January 2004 in King's Lynn.

## **Recommendations**

- Establish legitimate ways of storing money in banks and sending payments home
- Employment legislation to tighten up illegitimate use of illegal labour in the United Kingdom
- Improvement of reporting on racist behaviour within the work place – the continued development of racial awareness and diversity training in all work places through the Trade Unions and Employers
- The participation of the Commission for Racial Equality in the development of awareness of its work and the civil duty of every individual to report
- Development of witness protection at all levels of reporting and protection against removal
- Development of protocols of protection of the subject of verbal abuse whilst the offence is being investigated

## Chapter 5

### Amongst Our Kind

Chinese illegal migrant workers frequently refer to themselves as 'black labour' '黑工', or simply as 'our kind.'<sup>94</sup> They often use these expressions in the third person narrative to indirectly illustrate their own feelings. A common saying is '*They don't understand how it feels to be black labourers,*' in which, depending on the circumstance, 'they' may not only refer to authorities but also reporters, local residents, or simply anyone else who has a different fate. Such expressions underscore their own sense of social exclusion. Furthermore, this dichotomy of 'us' and 'them' is also used in the other direction. Public discussions in Britain on Chinese migrant workers often elicit strong views on their presence in the black market economy, such as issues surrounding illegal migrants and social welfare, criminality, and enforcement of deportation measures. In such discussions, 'they' become all the irregular Chinese migrants in Britain, and little distinction is made for various circumstances and degrees of criminality and labour exploitation that exist for different members of this community. What emerges from our interviews is an intricate picture of social relationships within the Chinese illegal migrant community. It provides more subtleties to the blanket description of the 'us' and 'them' dynamic and illustrates the great diversity in experiences that exist even 'amongst our kind.'

### Chinese underworld

Within the Chinese migrant worker community, a clear distinction exists between '好人, good people' and '壞人, bad people.' The 'bad people' refers to what is labelled in Chinese as '黑社會, black society' – the criminal underworld of gangs and organised crime. It is already widely known that illegal migrants have to borrow heavily to secure the services of snakeheads for travels and that these snakeheads are affiliated with organised crime. For instance, each of migrants of the Dover Tragedy reportedly had paid up to £20,000 each to Chinese snakeheads, who had sub-contracted transportation for their entry into Britain to a Dutch-Turkish criminal gang based in Rotterdam.<sup>95</sup> Migrants usually pay for their travels through savings or, more often, by borrowing money from family members, but little is known about the extent of the debt bondage that these migrants might be embroiled in once they arrive and start work in the country of destination.

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<sup>94</sup> In the use of the term 'black', 黑 the solidarity of black consciousness which has become part of the parlance of multi-cultural Britain is not being evoked. Rather this is a description of exclusion, of marginality and of sub-criminality - not an evocation of skin colour and alternative histories and futures explicit in African and African Caribbean use of this term.

<sup>95</sup> Felicity Lawrence, Hsiao-Hung Pai, Vikram Dodd, Helen Carter, David Ward and Jonathan Watts. "Victims of the sands and the snakeheads (7 February 2004)" in *The Guardian* (accessed 1 May 2004); available from [http://www.guardian.co.uk/uk\\_news/story/0,3604,1143060,00.html](http://www.guardian.co.uk/uk_news/story/0,3604,1143060,00.html).

NOTE: The 1957 United Nations Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery defined *debt bondage* as: “the status or condition arising from a pledge by a debtor of his personal services or of those of a person under his control as security for a debt, if the value of those services as reasonably assessed is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and defined [article 1(a)].”

As any issue related to dealings of the Chinese underworld was typically shied away from by the interviewees, including the manner in which their travels had been arranged and any questions relating to their on-going financial arrangements, we were unable to assess the presence and extent of debt bondage amongst Chinese illegal migrants in the Norfolk region. Underscoring the paucity of analyses on how money is exchanged and used as a control mechanism on the illegal migrants and the need for further investigation in this area, one study commented that “of all the unknowns associated with trafficking, perhaps the most intriguing is that of the economics of the trade.”<sup>96</sup>

Nevertheless, one interviewee spoke frankly about criminal incidents of theft and blackmail with physical violence undertaken by the Chinese underworld, which commonly involves the payment of ‘保護錢, protection money’ to gangsters. The amount of this ‘protection money’ is not exact and seems to range from hundreds to thousands of pounds depending on the circumstances.

CASE STUDY: “I was almost beaten to death because I didn’t pay protection money. If they were only asking a few tens of pounds, then that would have been a different story. I would have paid just to get rid of them and forget about the money, but they were demanding hundreds. It was already very hard to have work, and I didn’t have any money. I kept on saying that they could beat me to death and I still wouldn’t have any money. But they just continued to beat me. For them, it is much easier to get money by demanding from us protection money and not do the hard types of work that we do...The bad people would come around and demand protection money. It was dangerous protection money, protection from people like them. They made us sign slips of paper saying how much money we owe them. Sometimes just a few hundred of pounds and those were ok, but then sometimes even thousands of pounds. If we didn’t sign, then we would get beaten up. This was easy money for these bad people.”<sup>97</sup>

Sometimes the non-payment of ‘protection money’ is held directly against the safety of the migrant’s family back in China. This is a very effective extortion

<sup>96</sup> Ronald Skeldon. *Myths and Realities of Chinese Irregular Migration (IOM Migration Research Series No. 1)*. (Geneva, Switzerland: International Organization for Migration, 2000): 21.

<sup>97</sup> Migrant K:I February 2004

tactic. Far away from home and missing family members, a migrant simply doesn't want to risk the safety of his family members. One interviewee said: "[S]omeone came to find me and told me that if I don't give them 5000 pounds, then they will ask my family in China to give them even more money. I was afraid and worried about my family. I eventually paid off that 5000 pounds completely, but they even wanted more. One time they asked for another 3000 pounds and then a few more hundred after that."<sup>98</sup>

It also seems that those involved in protection are based in London, and travel up to find migrants in King's Lynn. However, two other interviewees pointed to the presence of people affiliated with Chinese organised crime in London living in King's Lynn. Such individuals were labelled as 'snakeheads' by the interviewees. These snakeheads used violence, including beating and/or threats of physical ill treatment, such as cigarette burns on the body to extort money. They can occasionally share the same accommodation with migrant workers, which facilitates their ability to exert control over the migrant in their everyday lives. One interviewee reported that he once saw one such 'snakeheads' who had a gun and a big knife tucked into his trousers.

QUOTE: "I think the gun was real. I didn't want to know for sure if it was real, but the big knife, oh, it was definitely real."<sup>99</sup>

In one particular incident reported to us, an immigration raid undertaken by the enforcement unit of the Immigration Service temporarily apprehended one such 'snakehead' without being aware of his role in the group. Apparently, this person, who has several aliases, had come especially from London to extort some money, but walked in on an immigration enforcement operation in King's Lynn. All the other residents thought it must have been 'the will of heaven' for such a criminal to be finally apprehended by law enforcement. Due to the lack of information on the range of people within the residential group of illegal Chinese migrants, however, this said 'snakehead' was able to slip through the enforcement operation.

*Immigration doesn't really care about who they pick up, as long as they meet the quota of how many Chinese people they should catch in a day*

In another reported incident, one 'snakehead' living in King's Lynn (to be more precise, this person was probably a local Chinese recruiter whose role was described earlier in Chapter 4), was briefly apprehended during an immigration operation and later released. It was reported that he had about £2000 in cash on his person and the wage slips of Chinese labourers. When the immigration female officer found this said 'snakehead' to have so much money, she reportedly made a joke about how he was then rich enough to get married. The fact that he had so much cash along with the wage slips of so many other labourers didn't sound an alarm bell that this individual might be a dubious character.

<sup>98</sup> Interview with Migrant Migrant K:I February 2004

<sup>99</sup> Ibid



Reportedly these two individuals, the one who came from London to extort money and the King's Lynn 'snakehead' with the £2000 in cash are connected, but both escaped apprehension and detention. This is a clear instance where better profiling on snakehead and Chinese underworld modus operandi would help a more articulated and sensitive approach to the management of illegal migration and the criminal substructure, which subsists in this life.

QUOTE: "Immigration doesn't really care about who they pick up, as long as they meet the quota of how many Chinese people they should catch in a day. One time, they even caught a bad person ['snakehead'], and we were glad he was finally caught. But this bad person was clever. He just waited until immigration wasn't looking. He left the room and then just jumped over the back fence. They [immigration officers] probably didn't even notice he was gone, but the good people who didn't want to make trouble for immigration, stayed, got caught and taken away." Interview with Migrant I.K.

### **Support structure**

Despite the low income of the Chinese illegal migrant population, there is a very strong network of personal support which operates between migrant workers. For instance, there is very little Chinese homelessness even though some migrant workers are without jobs for periods of weeks and sometimes months and are without savings to pay for their accommodation or food. In such cases, it is not uncommon for the individual to be put up by his friends in different houses, each for a few days at a time. Seldom do they turn to the 'outside' for help, either because of their inability to speak English, or their fear of coming into contact with authorities. As such, Chinese migrant workers build very strong ties with 'their kind' for support and solidarity from elements that threaten them. Also, as living as an illegal migrant in the Britain can sometimes be so unpredictable, friendship often takes on a higher intensity than it would do in China. There is a strong sense of community solidarity that transcends the boundaries of region and background as the various populations of China are brought into the irregular employment melting pot in Britain.

Interviewees often spoke of one such 'great friend' in their life in Britain. For one interviewee, there is one good friend in London who calls him if he hears anything about elements of the Chinese underworld that had extorted money from him or any other news of interest.<sup>100</sup> For another interviewee, he described his one 'great friend' as his '恩人' benefactor.<sup>101</sup> His friend had warned him about taking up work from the Chinese local recruits, saying that he would then come under the control of the underworld. Instead, his friend paid for both of their rents with his earnings so that at least one of them would

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<sup>100</sup> Interview with Migrant KI

<sup>101</sup> Ibid

be sheltered from this particular world of labour exploitation. This happened another time for a young migrant who was taken into a household of Chinese migrants. Accommodation and living costs were picked up by the other residents who were protecting the migrant from the harshness of their working conditions.<sup>102</sup> In this sense, friendship and support structures come with a strong component of mentoring from migrants who have lived in the place longer and know the lay of the land better.

QUOTE: “Another man left because his wife was found to be in the initial stage of cancer. We the Chinese migrant community here even collected money for her. Many people donated money. Because you know, initial cancer means that the person still has a chance to live if she gets treatment, so people were trying to help this man.” Interview with Migrant I.G.

### Importance of local and legitimate service support

*I am not afraid anymore. I know there are good people here, that people in Social Services are good.*

Indeed, given the reluctance of this illegal migrant community to come into contact with any of the state or regional authorities, one of the most difficult challenges facing the social services is to establish in-roads into the community. Chinese migrants who have applied for asylum in the UK and who are being supported by Social Services either by National Asylum Support Service or Local Authority are already ‘less invisible’ to the authorities. They are a valuable resource for conveying the particular needs of the Chinese illegal migrant

community to others who might be able to help. Such channels of communication, of course, are completely voluntary. Therefore, trust in the outreach worker is of paramount importance, for trust is not usually first vested in the agency per se but rather is built up in the individual over time. From the individual, credibility is then given to the agency. For example, in King’s Lynn, the asylum seeker outreach worker team of the YMCA seconded to Social Services has come to be seen by the asylum seekers and migrant residents with irregular status, as the ‘human face’ of Social Services.

QUOTE: “Before when I first arrived in Britain and before I came into contact with Social Services, I was afraid. I had my Chinese housemates but I didn’t know foreign people. Now that I have met Daisy [Line] and Mark [Bowler—the Asylum Seeker Outreach Worker Team of YMCA], I am not afraid anymore. I know there are good people here, that people in Social Services are good.”

#### **Interviewer**

*[But how can you say that all the people in Social Services are good if you only know two people in it?]*

<sup>102</sup> Interview with Migrant I.G.

“That is true [laughs], but, for me, knowing those two is enough. “  
Conversation with Migrant I.G.

Too frequently, administrative bodies, under the philosophy of service-delivery, forget that the service is more than the delivery of support stipends. This attitude undermines the importance of these frontline workers and also belittles the genuine needs that may arise, from time to time, to tap into such illegal migrant community for information. Under ordinary circumstances, Chinese asylum seekers and illegal migrants do go to frontline workers for information on how to adjust to life in a foreign country. Simple things, such as booking a dentist’s appointment or informing one’s landlord of problems, are daunting for people who are not familiar with the informal rules of social behaviour. They may also want to know where to learn English, how to get a driver’s license, and eventually how to continue with their studies. The importance of having someone, who has earned their trust, to provide these simple services cannot be overemphasised.

When dealing with a socially vulnerable and excluded population such as illegal migrants, friendship and assistance from ‘legitimate people’ brings an alternative option to reliance on snakeheads, local recruiters, or other people with dubious backgrounds for services, information and help. Snakeheads and elements of the Chinese underworld know that they can further exploit migrants with irregular status in the destination country by providing services to help the migrants settle into their new surroundings. In the absence of legitimate alternatives, these options, whether they are associated with the underworld or not, are extensively utilised and appreciated. The top snakehead of the Golden Venture incident in the U.S. Cheng Chui Ping, was described as a “benevolent figure” and affectionately Sister Ping or Big Sister Ping by the migrants in New York City’s Chinatown district: “They said she often found jobs for people and helped them settle into their new surroundings and that she could sometimes provide loans faster than the Bank of China. Those who knew her describe her as friendly and trustworthy. The image painted by law enforcement officials could not be in greater contrast.”<sup>103</sup>

QUOTE: “I would like to take English classes to improve my English...With our health concerns, it is fine. We ask our families back home to send us medicine. Until big problems occur, then maybe we will think about going to the hospital. We have a complete collection of Chinese medicine here for every illness, even for heart problems. This way we can take care of ourselves”.<sup>104</sup>

<sup>103</sup> Susan Saulny. “Law catches up with Sister Ping (3 July 2003)” in *The Age* (accessed 4 May 2004); available from <http://www.theage.com.au/articles/2003/07/02/1056825456165.html>.

<sup>104</sup> Interview with Migrant I:N

We try to find help within us, sometimes with whoever can speak English. Some people helped me to learn some English. We hardly go to a foreigner for help because of our language problems.” Interview with Migrant I.I.

## Housemates

Another support structure for illegal Chinese migrants in Norfolk comes in the form of their housemates. Although there are some reports of ‘snakeheads’ or gangsters who actually live in the house with the migrants, most of the stories that emerge illustrate a tight bond between the housemates. People from different regions of China occupy most of the houses of our contacts. Different dialects are spoken, and their experiences vary. Nonetheless, a strong sense of solidarity exists amongst the housemates – perhaps the result of their acute sense of social exclusion. This is clearest when interviewees talk about their encounters with racist incidents. There are stories where housemates would together try to find wooden planks for boarding broken windows and where housemates would help each other when attackers, either local or from Chinese gangs, come to find certain individuals at home.

Indeed stories of friendships built within the house are often lost behind the stark image of Chinese illegal migrants and their overcrowded and squalid accommodation. Despite their living situation, occupants usually make great effort in keeping the place as neat as possible with the bedcovers folded and suitcases stacked away. It would be far too simple to wonder how Chinese migrant workers could live in such conditions without looking at the reasons behind the overcrowding.

Accommodation is crowded because:

Chinese illegal migrants make only a meagre income  
They often take in their compatriots who are even poorer to give them a place to stay  
There is a very limited accommodation available to Chinese migrant workers

One report has explicitly pointed to the fact that there is racism within the housing market, resulting in Chinese migrants not being able to move to cheaper and safer accommodations because people are simply unwilling to have them rent.<sup>105</sup> In this context, the strict enforcement of eviction orders to alleviate the overcrowded situation is only half a solution.<sup>106</sup> Where can the Chinese migrants go? When evicted they are driven even more underground, as more of them will eventually seek out the assistance of semi-legitimate

<sup>105</sup> Becky Taylor and Ben Rogaly. *Report on Migrant Working in West Norfolk (October 2003)*. Unpublished: 2003. Page 9.

<sup>106</sup> Claire Beal. “Migrant misery – we are acting (17 February 2004)” in *Lynn News*. Page 3.

elements to meet their housing needs. Furthermore, enforcement of housing laws, albeit done in the spirit of assisting illegal migrant workers, leads to a feeling within the Chinese illegal migrant community that they are pitted against local authorities. This challenges local housing authorities and trusts to consider a further range of options to meet their housing needs.

### **Caught in a tight spot**

When asked how some of our interviewees view their own situation, a common answer is ‘進退兩難,’ *‘it is difficult to advance or to retreat,’* or *‘caught in a tight spot.’* They often feel they are stuck between two places with nowhere else to go. They have left China, but they are not fully residents of Britain. They are workers in Britain, but they work in fear of immigration and other law enforcement operations. Another person described them as yo-yos, being tossed around between elements of organised crime and legitimate organisations that try to help them but without knowing how to do so. One interviewee described his existence as ‘hell’ because he feels he has no legitimate opportunities to be away from Chinese snakeheads, organised crime, and labour recruiters who benefit from his labour. Another interviewee says what he wants most is ‘自由的空間’— a space of freedom to live a normal and peaceful life.<sup>107</sup> Most of them miss home and are only too proud to show pictures of their family members back home when they are at ease. Their fate, however, is peripatetic, and most migrants fatalistically accept it.

### **Recommendations**

- Work with Chinese authorities on the illegal migration networks in China and develop working with Human Rights Organisations in China to elicit information on the extent of debt bondage
- Recruit ethnic Chinese police to develop an understanding of how the debt bondage system is working – and to see how to appropriately protect the migrant population through the courts
- Importance of long term trust building establishing credible relationships with social service and community outreach workers. The importance of regional finance for outreach work into a hidden community
- There are limited accommodation opportunities for illegal migrant labour due to the shadow economy in which they live and work – which leaves them open to abuse and risks public order difficulties in the neighbourhoods where they are settled. There is a need for Housing Associations, statutory authorities, employers and NGO's concerned with this situation to look at alternatives for the migrant population whilst they are resident and working in the UK.

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<sup>107</sup> Conversation with Migrant I.J.

## Chapter six

### Living Safely

Much has been written in the media since the Dover and Morecambe Bay tragedies about the 'hidden' nature of Britain's illegal Chinese immigrant community. Due to various factors, such as the extreme mobility and underground nature of this population and language barriers, reporting rarely goes beyond a description of their squalid living conditions and hard working days. Yet, Chinese irregular migrant workers, by their very presence in a community, are *de facto* residents of such a community despite their illegal status in the country. Just like other normal residents, they have personal security concerns. The most surprising element to emerge out of most interview questions on living experiences with Chinese irregular migrants in the King's Lynn area is the frequency and intensity of racist incidents directed against them. This section will explore these experiences of Chinese illegal migrants as well as their reasons for not reporting these incidents to authorities.

### Community safety

In describing racist incidents that have happened to them, interviewees were quick to emphasise that most of the local residents are polite and that these events represent the behaviour of few 'bad apples.' Frequently, interviewees would start to tell stories of these incidents by first qualifying them as insignificant events or simply as *'these stories don't really matter.'* At time, excuses would be made for the offenders, such as: *'they are just kids,' 'they are not educated,' 'they are probably from broken families,' 'They are not locals,'* or *'These tactics do not scare us.'*<sup>108</sup> Other times, the ability to put up with these events is seen as a source of pride for being better-mannered and able to survive living abroad despite of these negative aspects.

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<sup>108</sup> Interviews with Migrants I.G. and I.I. and Conversations with Migrant C.P. and I.L.



CASE STUDY: “There was this Chinese male worker, about 40 years old. He works sometimes at this restaurant. Restaurant’s closing time is late, usually about 11, 12 at night. This guy has to walk about 30 minutes to get home. About one-third of the way home, he was on this little remote road, he was attacked by two English boys about 16, 17 years old. They were hiding in the bushes and came out to rob this Chinese guy’s backpack. The Chinese guy resisted and started to run away.

You see, this guy had about £1000 in his backpack - that is at least about one month of his earnings. He was saving the money to send home. He was protecting his backpack, so he ran towards home. The two English boys kept on chasing him. They had a wooden bat. Whenever they caught up with this guy, they would fight him, hit him, and tear his clothes. The Chinese guy just tried to run away with his backpack.

So, it was like that for more than 30 minutes. They would grab him, beat him, and he would run away for a few metres and then they would catch up with him and beat him again. In the end, the Chinese guy finally made it home. They didn’t manage to rob his backpack with all the money, but we were all shocked when we heard what had happened to him. We didn’t report it to the police. We were too afraid, and then what could the police do about it? [What did the guy do about his wounds?] We gave him 紅花油 (Chinese massage oil). What else could we do? He had to be back at work the next day.” Interview with Migrant I.I.

It seems from the interviews, that most Chinese migrants in King’s Lynn cope with their fear of being targeted for racist incidents by not going out as they might like. During a casual conversation with a group of five male Chinese migrant workers, one of them mentioned that they don’t have trouble with the locals anymore because they just stay at home, especially after 5 pm. The only time that they need to leave their accommodation is to shop for food. Another interviewee spoke about their self-imposed curfew on going out on Friday nights. He explained: “We heard that these [racist] incidents happen most on Friday nights. Probably because the locals like to drink on Friday night, and together as a group they feel more free to do things against us.”<sup>109</sup> They often spoke of how their solution against these incidents is to run to a crowded place or run in the general direction of a police station. Some of the migrants’ insistence that the practical solution is for them to stay out of the way of local residents only underscores their own sense of vulnerability and their lack of entitlement of rights – even when it comes to their personal safety.

Some of the anecdotes of racist incidents that happened in the King’s Lynn against Chinese individuals include:

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<sup>109</sup> Interview with Migrant I.G.

- A Chinese female migrant walking alone on the street and was followed by a group of men, who even crossed the street to continue following her<sup>110</sup>
- A Chinese male, about 40-year-old, being pursued by a group of 5 or 6 kids, some brandishing knives<sup>111</sup>
- A young boy in a group of other kids throwing a brick at a Chinese male and hitting his face, resulting in a bleeding scratch above his left eye<sup>112</sup>
- A Chinese male on his way to visit his friends when he was cornered and about to be beaten up by a young person. The youth left when another Chinese male came to this person's aid<sup>113</sup>
- A young Chinese female, walking in the centre of King's Lynn near Argos, was surrounded on each side by two boys, about 16-17 years old. The boys pushed her from one side to another and only stopped when she ran away to another crowded street<sup>114</sup>
- A group of Chinese, 2 female and 3 male, were followed by another 5 locals, around the age 14-17, who only stopped following when the group of Chinese individuals ran in the direction of a police station<sup>115</sup>
- One local boy asked a Chinese male for a cigarette and started to hit and spit on the Chinese male when he had no cigarettes to give. The boy was also gesturing to hit with a brick<sup>116</sup>
- One Chinese male was making a call inside a phone box when three English males opened the door and started to hit him. The Chinese male left and ran to another phone booth to finish the call, but the three local guys followed him there and only left when the Chinese guy gestured that he was going to fight back<sup>117</sup>

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<sup>110</sup> Conversation with Migrant C.P.

<sup>111</sup> *Ibid.*

<sup>112</sup> Interview with Migrant I.L.

<sup>113</sup> *Ibid.*

<sup>114</sup> Interview with Migrant I.G.

<sup>115</sup> *Ibid.*

<sup>116</sup> Interview with Migrant I.I.

<sup>117</sup> *Ibid.*

- One Chinese male, in a group of three Chinese males and one female, was hit in the eye by two English boys, about 15, 16 years old, in front of Morrison's supermarket in the middle of the afternoon. The Chinese group ran back home, but the two boys followed. Later they showed up with a wooden bat and started to hit the windows before running away<sup>118</sup>

CASE STUDY: "There was also this incident last year involving an even younger person who harassed us. It was a young girl, about 10 years old. There was this forty-year-old Chinese woman who was just finished work around 5 PM. She took the bus home. She got off the bus and was walking towards home. About halfway through, about, 7 minutes later, this girl brought 4 other kids to join her. They were about the same age as her. They followed this Chinese lady, even crossed the street and started to hit her. They even used bricks to throw at her. This woman didn't want to be in a fight with them or hit back because they were just kids. But then the kids followed her home and demanded money. They wanted £5. People in the house put together £5 to give to them just to keep them away. But then the next day, they came back again asking for more money. They did that for about a week, kept on coming around the house to ask for money." Interview with Migrant I.I.

Indeed almost all of the houses accommodating Chinese people have had their windows broken at one point or another. It has been reported that most of the time, it was a group of 14-16 years old boys going around and breaking windows. Other times, bricks are thrown through the window at night, and no one inside was awake to see the perpetrators. One interviewee, however, did speak of one an incident when a heavy brick was thrown into the living room when the room was full of people.<sup>119</sup> Luckily no one sat on the chair next to the window - otherwise the person would have been seriously injured, but those inside were sure that it was done with the intention to cause injury. Some of the typical coping mechanisms reported on how Chinese migrants dealt with these types of harassment at their place of residence included moving to another location or, more often, putting up wooden boards across windows.

### **Some patterns**

Frequently, racist incidents against the Chinese would start by local youths approaching the Chinese individual and asking for cigarettes or sometimes for money. Usually, if the person has extra cigarettes or coins on him, he would give them to these local youths, just to avoid trouble. One interviewee spoke of the time when he just happened to be smoking his last cigarette when a group of about 4 or 5 male youths came to ask for cigarettes. He showed

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<sup>118</sup> *Ibid.*

<sup>119</sup> Interview with Migrant I.L.

them that his cigarette box was empty. Still, they were not satisfied. They became very angry and were cursing him before finally leaving him alone.<sup>120</sup>

QUOTE: "Maybe it is almost as if they are just looking for an excuse to give us trouble. It doesn't really matter if we give them cigarettes or money. They will always find an excuse to hit us and to bother us." Interview with Migrant I.I,

Demographic details on racist offenders targeting Chinese migrant workers emerging from the interviews are generally consistent with the pattern established by other victims' accounts and case studies about racist incidents – mainly that racist offenders are typically white males aged sixteen to twenty-five, frequently involving groups of offenders and sometimes younger children and older adults.<sup>121</sup> Various studies have sought to understand the reasons for racist incidents. While some studies focus on the role of the increasing size of the ethnic minority population in communities, others have examined the so-called 'economic scapegoating' of ethnic minorities as the motivating factor for racist attacks.<sup>122</sup> This type of scapegoating takes place when racist offenders target minority communities because they misleadingly perceive the minorities as receiving preferential treatment. Certainly both factors are plausible explanations for the occurrence of racist incidents against the Chinese migrant community in the King's Lynn area. First, there had been a visible increase in the Chinese population between the summers of 2002 and 2003. In addition, the recent propaganda of British National Party flyers for the June 10<sup>th</sup> European Parliament and local council election in the King's Lynn area, deliberately misinforming the public about asylum seekers social benefits, exacerbates existing sentiment of economic scapegoating and does not contribute to multiethnic relations within the community.

QUOTE: "The BNP says that an asylum seeker is sent right to the front of the housing queue. That is not true. The BNP says that an asylum seeker gets a new cooker and full central heating. That is not true. Asylum seekers do not get brand new 20" screen colour TVs and have their annual licence fees paid. And they certainly do not have free window cleaners every 12 weeks. The only thing true on the BNP flyer is that asylum seekers don't pay council tax and rent is paid if they are being supported by NASS [National Asylum Support Service] and LA [Local Authority], but they certainly have to pay water, insurance, electricity, gas and telephone bills." Daisy Line, Asylum Seeker Outreach Worker, YMCA.

<sup>120</sup> Interview with Migrant I.I.

<sup>121</sup> Coretta Phillips and Ben Bowling, "Racism, Ethnicity, Crime, and Criminal Justice," in the Oxford Handbook of Criminology, eds. Mike Maguire, Rod Morgan and Robert Reiner (Oxford: Oxford University Press, 2002): 585.

<sup>122</sup> Sibbitt, R. (1997), *The Perpetrators of Racial Harassment and Racial Violence*, Home Office Research Study No. 176, London: Home Office; and Ray, L., Smith, D., and Wastell, L. (2001), 'Understanding Racist Violence', *Criminal Justice Matters*, 43. Cited in Coretta Phillips and Ben Bowling, "Racism, Ethnicity, Crime, and Criminal Justice," in the Oxford Handbook of Criminology, eds. Mike Maguire, Rod Morgan and Robert Reiner (Oxford: Oxford University Press, 2002): 585.

## Access to justice

Despite the occurrence of these events and the fear and stress that these incidents have elicit in the targeted individuals, as well as the general Chinese migrant population at-large, hardly any of the incidents have been reported to the police or other community members. As pointed out by a recent study, *The Reporting and Recording of Racist Incidents Against Asylum Seekers in the North East of England*, under-reporting of racist incidents remains a significant problem, for research continues to suggest that victims are often unwilling to report incidents for the following reasons:<sup>123</sup>

- The incident is not considered serious enough
- The perpetrators are unknown or are too young to prosecute
- The victim is afraid that there will be repercussions as a consequence of their decision to report
- Lack of confidence in the police on behalf of black and ethnic communities
- Lack of confidence that anything will be achieved as a result of reporting an incident or racist harassment

Results from our interviews show that the predominant reasons why the Chinese migrant community of King's Lynn do not report to authorities their experiences with racist incidents are: (1) lack of knowledge on what constitutes a racist incident; and (2) fears of repercussions from law enforcement and, in particular, immigration services. In fact, their lack of confidence in the police is more associated with their fear of being labelled as 'illegal residents' for deportation than for anything else. One Chinese migrant asked: "*Why would the police believe me if the other person is white and I am an illegal?*"<sup>124</sup> Many fear that, due to their illegal status, nothing will be achieved as a result of them reporting a racist incident. Furthermore, many Chinese migrants do not report for the reason of language barriers. Consequently, their inability to speak basic English adversely affects their personal safety within the community.

### *Misunderstandings on the definition of racist incident*

Responding to recommendations emerging from the Stephen Lawrence Inquiry, the Home Office's Code of Practice on the reporting and recording of racist incidents unambiguously defined a racist incident as "any incident which is perceived to be racist by the victim or any other person." The intention of

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<sup>123</sup> Ann Clark. *The Reporting and Recording of Racist Incidents Against Asylum Seekers in the North East of England: A report for The North East Consortium for Asylum and Refugee Support (NECARS) (March 2004)*. Accessed 3 May 2004. Available from [http://online.northumbria.ac.uk/csru/pdfs/NECARS\\_report.pdf](http://online.northumbria.ac.uk/csru/pdfs/NECARS_report.pdf). Page 15.

<sup>124</sup> Conversation with Migrant C.P.

this straightforward definition was for not putting the victim in the position of deciding on whether the perpetrator's motive was indeed racist. Instead, it is the responsibility of law enforcement to record such incidents and take full account of the possible existence of a racist dimension to the incident during their investigation.

Despite the clarity of this definition of a racist incident, significant misunderstandings exist within the Chinese migrant community on what constitutes a racist incident. For instance, as described earlier, some members tend to dismiss racist incidents as unimportant even though the intensity of incidents does not form part of the definition. On the other hand, there is also the sentiment held by some of the migrants interviewed that they should be 'generous' and not press charges against these perpetrators. They consider that reporting to the police and actually taking these matters to heart would only exacerbate the situation.

#### *Afraid of repercussions from law enforcement and immigration*

The biggest obstacle for illegal migrants to report racist incidents is their fear of being identified by law enforcement as migrants with irregular status in the community and to have the information transferred to immigration services for their deportation. It also does not help that, both issues of policing and immigration fall under the mandate of the Home Office. Thus, it is easy to confuse an immigration raid on places suspected of housing or employing illegal migrants as a policing operation. With no clear distinction made between the two law enforcement authorities, an illegal migrant will always be inclined not to report racist incidents. Their fear of detection is so strong that their default assumption tends to be distrusting any person of authority. Until such trust is could be established that the official means no harm and has no intention of forcible deporting them, they would prefer to stay 'invisible' and avoid contacts with any authority. In this sense, reporting a racist incident only brings about unwelcome attention on a migrant's own documentation.

QUOTE: "Don't I have to say where I live and show to the police my passport and visa if I report an incident? And if I don't have these documents, then they surely will arrest me and turn me to immigration services. Why should I throw myself into a net?" Conversation with Migrant C.N.

#### *Language barrier and translation*

In addition to their illegal status, another significant barrier for Chinese illegal migrant workers to report racist incidents to the police is the language barrier. Their fear is that they cannot describe what had happened adequately and that such language ineptitude will cast a shadow on the credibility of their reports. In fact, most of the interviewees who spoke about racist incidents could give details in Chinese about the appearances and particular details of the perpetrators, such as height and, for one case, the particular limp of an attacker. One interviewee replied that he can recognise the group of people



who once had followed him, especially one particular male amongst the group who tended to come around the place of his accommodation several times to smash windows.

QUOTE: “For example, we know how to say the bus station and train station, but what if the incident happened somewhere else and we don’t know how to describe it?” Interview with Migrant I.I.

At the same time, language barrier is more than a tangible issue. One interviewee spoke of ‘the barriers inside our hearts,’ which he used to describe the existence of a natural tendency on behalf of the Chinese illegal migrants to assume that they won’t be believed by ‘others.’ Therefore, they think their only option is to accept whatever fate has dealt them, including incidents threatening their safety within the community.

The under-reporting of racist incidents against the Chinese migrant community of King’s Lynn results in more harassment against them. At least three interviewees mentioned that local perpetrators must know the Chinese

“For example, we know how to say the bus station and train station, but what if the incident happened somewhere else and we don’t know how to describe it?”

don’t report incidents to the police and that must be the reason why they often find Chinese targets. In this sense, this dynamic become a vicious cycle of racist incidents in which no reporting only exacerbates the intensity of the problem.

In the presence of such a language problem, the obvious solution is to have a dedicated Chinese-English translator for the police who can assist in the reporting and recording of these incidents. Currently, most translation needs that arise are met by phone translation services, such as INTRAN or Language Line<sup>125</sup>. Translation for the Chinese illegal

migrants as experienced throughout this research, however, involves more than technical bilingual abilities. When dealing with illegal Chinese migrants much hinges on establishing interpersonal trust that their experiences are taken seriously. Only then, as this research can attest to, are migrants confident enough to tell their stories to authorities.

Thinking outside the obvious solution of language translators, one interviewee suggested hiring ethnic Chinese police officers who could speak the main Mandarin dialect. He said: “Certainly if there are Chinese ethnic policemen working here or people who can speak Chinese within the police, then we will have more confidence to report to the police.”<sup>126</sup> Certainly translation services, in terms of balancing agency’s hiring and budgetary concerns while

<sup>125</sup> Phone services are provided through Language Line. . Face to face interpreting is provided for through Cambridge interpretation and translation (Cintra). INTRAN is a partnership of public agencies which coordinates management of both Cintra and Language Line.

<sup>126</sup> Interview with Migrant I.I.

adequately meeting community needs, are one area that needs creative thinking. We will further explore ways to meet translation needs.

CASE STUDY: “Around July or August of last year about 5 PM, one Chinese male and female were in a park. Two guys, one was the same boy who harassed us before, stopped to talk to the two Chinese. The boy asked the woman for cigarettes and then for some money. The women didn’t have any and the boy got angry. The bigger guy threw a coke can at the couple. The man started to run but the white guy was on a bike and started to chase. The women screamed. One passer-by, middle-age, male, stopped by to see what was happening, saw the incident, and told the boy to stop it. The boy got very angry at this nice man who was trying to help and started to shout, “F\*\*K you!” to this older man. In the end these two troublemakers left. And you see there are also good people in the community who also don’t think these incidents are right.” Interview with Migrant I.G.

It is difficult for people not belonging to this socially excluded community to imagine the full significance of their interactions with Chinese illegal migrants. Mainly because most Chinese illegal migrants do not expect to be noticed, they have learned to take some measures of comfort in being ‘invisible’ to the outside community. At the same time, any positive interaction with a local resident outside their social circle of irregular migrants is fondly remembered. Most of these stories involve very simple things such as a local saying ‘hello’ or ‘excuse me’ on the street to them. To them, these ordinary gestures acknowledge their existence and treat them as normal people. Chinese illegal migrants frequently repeat these stories with great affection, such as a

*If there are Chinese ethnic policemen working here or people who can speak Chinese within the police, then we will have more confidence to report to the police*

story told by one interviewee involving one train personnel who had given a route map to the Chinese migrant when he was lost.<sup>127</sup> Another story involved a witness of a racist incident who even intervened to stop the harassment against a Chinese couple.<sup>128</sup> Together, these stories of ordinary kindness leave a very deep impression on the community.

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<sup>127</sup> Interview with Migrant I.J.

<sup>128</sup> Interview with Migrant I.G.

**Making sense of the UK – the range of agents involved in a Chinese migrant’s ‘hidden’ world.**

Chinese	English	Role Description
‘Travel facilitator’ 帶頭, or literally translated as a ‘lead head,’ or sometimes generally called in Chinese as a ‘snakehead’ but sometimes migrants themselves do not see these point of contacts as malicious individuals. Instead, they provide valuable travel advice and services for migrants.	Snakehead	Someone who arranges and profits from a migrant’s travels out of China. Their first point of contact with the migrant smuggling network.
‘Snakeheads’ whose criminal network transports migrants from China to country of destination.	Snakeheads	Illegal migrants have to borrow heavily to secure the services of snakeheads for travels. Also, these snakeheads are affiliated with elements of organised crime.
Getting money back to China.	Local money changers	With the laws on money laundering now restricting those who can open bank accounts – the opportunity for extortionate rates to be exacted from those seeking to send remittances back home to their families can be problematic.
Local Chinese recruiters, ‘接頭’, (pronounced <i>jieng tao</i> , or roughly translated as ‘one who connects,’ ‘a local contact,’ or ‘connecting head’).	Local Chinese employment recruiters	A connecting head usually has some fluency in English and thus can operate as a point of contact for the Chinese illegal migrant workers and acts as the gatekeepers of local employment opportunities. As such, the local Chinese recruiters are authoritative individuals within the illegal Chinese migrant community simply by their ability to provide leads on employment

		possibilities. May be gangmasters (British or Chinese) frequently lie behind these Chinese employment recruiters.
Help with the immigration system	Lawyers/immigration advisers	If these are not ratified by the Law Society then they are a means of potential abuse for the illegal migrant. They may demand further money from the client when legal aid might be available. They can demand money and then do very little for the legal needs of the client – as there is very little material in place to alert clients as to their rights within Immigration Centres this sort of collusion could be occurring at unacceptable levels. <sup>129</sup>
‘Snakeheads’ who extort ‘protection money’ from migrants in the country of destination. Individuals from ‘黑社會’ (‘black society’) – the criminal underworld of gangs and organised crime.	Gangsters	
Language issues	Translators	When these are supplied by the PRC Government there is a potential range of abuses which could occur, including a form of harassment if those experiencing the translation are seeking asylum in the UK.
People who provide them	Landlords	Housing may be linked to

<sup>129</sup> There are two organisations, which are of immediate importance to engage on the issue of potentially poor immigration advice. One is the Office for the Supervision of Solicitors at the Law Society and the other is The Office of the Immigration Services Commissioner (OISC) is an independent public body set up under the Immigration and Asylum Act 1999. It is responsible for ensuring that all immigration advisers fulfill the requirements of good practice. The OISC is committed to the elimination of unscrupulous advisers and the fair and thorough investigation of complaints.

housing. These may sometimes have links with Chinese organised crime.		employment opportunities. Another element of control on the migrant since legitimate and affordable housing leads are few.
People who provide work opportunities.	Employers	Employment may not be within standard regulatory – minimum wage rates – or because of their ‘irregular status’ have the employee exposed to health and safety risks, or unremunerated over-time from which employees who are unionised would be automatically protected.

## **CHAPTER SEVEN**

### **When Tragedy Strikes**

Celebrations for Chinese New Year traditionally last for 15 days. The Year of the Monkey is no different, except that the Morecambe Bay tragedy occurred on the night of the last day of this festive period. For the superstitious Chinese, the deaths could not have been a worse harbinger for the upcoming year. Across the UK, news of this event shocked public consciousness and fed a media facilitated public discussion on immigration issues. In the Chinese illegal migrant community in King's Lynn, feelings of sympathy for their compatriots also came with fear for their own future. The tragedy not only reminded them of how perilous their own existence could be, but they were also worried about the renewed public attention on Chinese illegal migrants. They feared that the Immigration Service would solve the 'illegal migration problem' by raiding properties. They feared not finding employment because Chinese labourers would be shunned as the enforcement of labour laws become disproportionately applied to the Chinese. Lastly, if they had information on the victims' identities or the criminal elements that had led the victims to that situation, they feared telling the authorities.

More than anything else, the Morecambe Bay tragedy exemplifies how statutory and other service providing bodies still struggle to find ways to deal with this illegal, but de facto resident, migrant community. Despite the best of all intentions, there seems to be continued difficulties on how to meet the needs of this community or how to access the community for information. Specifically, there is not much of an established mechanism for building in-roads and trust with members of this community. Consequently, there are many perceptions and experiences of the Morecambe Bay tragedy. These include those of the media, politicians, law enforcement officers, the wider British public and the undocumented Chinese migrant community.

This chapter will explore the impact of the Morecambe Bay tragedy and the consequent law enforcement, political and media focus on issues surrounding the migrant Chinese communities in the UK.

The dominant perspective in what follows is guided by the observations of members of the migrant community in Norfolk. We also include, for the purpose of context, the wider reporting of the incident in the British and Chinese media and the local experience, in Norfolk, of law enforcement activity.

#### **The indicator**

We had known that there was a significant exodus of Chinese undocumented migrant workers from King' Lynn by the end of 2003, but it was not clear where they were heading. Our contacts within this community proved to be just as elusive about why the Chinese migrant population increased and then decreased again between the summer of 2002 to winter of 2003. Two reasons



were cited for this exodus from King's Lynn: first, employment opportunities had decreased; and second, many Chinese migrants felt that they were being targeted by immigration services. The first indicator came at the beginning of February 2004 in that some of the Chinese migrants leaving King's Lynn were engaged in a dangerous trade somewhere by the sea.

QUOTE: "Most people went to dig fish in the sea. They wait until the tide is away then they look for it in the sand. *[What do you mean 'in the sea'? Do you mean 'by the sea'?]* No. They go on a boat then when the tide goes away then they get out and walk on the sand to dig fish. It is very hard work. And dangerous too, but what else can you do when you don't have work? There is no work in King's Lynn so many people left and went up north to find work. It is a very hard life." Interview with Migrant I.H.

As previously described in the section on research methodology, there are various challenges inherent in interviewing Chinese illegal migrants. For this one particular interview, the expression 'dig fish' was used, which literally has no English translation. It became later apparent that the person had meant digging shellfish, i.e. cockles. In addition, since Chinese translation of English place names are done phonetically; the name in Chinese can have several likely candidates in English. For example, a three-syllable-word that starts with the 'l' sound can either be 'Littleport,' 'Lincolnshire,' or 'Liverpool.' The paramount concern of the police was for the safety of these Chinese illegal migrants who might have been placed in a dangerous trade with little or no safety equipment. The early day intelligence on the involvement of Chinese migrant workers in cockling, informed by Migrant I.H's interview, was under development when the Morecambe Bay tragedy happened. Lancashire Constabulary's subsequent enquiries, however, have shown that whatever specific cockling enterprise referred to by Migrant I.H was, it seemed to include some cross-over with people linked to the Morecambe Bay disaster.

## **Two-way communication**

In the immediate aftermath of the Morecambe Bay tragedy an appeal was made to local contacts within the Chinese migrant community to let the police know of any information that may be useful in the identification of victims. Contacts promised to pass word back if the community knew of any person for certain who might be amongst one of the victims. Given the cultural reluctance of the Chinese to speak of 'death' or anything related to it for fear of attracting ill fortune, this was not a gesture without cost. The community sympathised with the tragic fate of their compatriots and wanted to know, straightforwardly, if their bodies could 'go home,' i.e. if the British government could repatriate their bodies back to China. It is commonly believed in Chinese folk religion that only when a person's physical body is at home and properly paid tribute to by his family could the person's spirit finally find rest. Otherwise, the person would become a wandering spirit, still lost in a foreign country in the after-world. In this sense, the identification of victims and their prompt repatriation to their grieving families was considered by the Chinese migrant community which we engaged with, as the first priority of any law

enforcement action. Of critical importance is this understanding of the different perceptions of what are the required priorities of action between migrant community and law enforcement bodies. Fundamentally, at the heart of the work of a community liaison officer or minority police officers from the particular ethnic group is exactly this nuanced understanding of different cultural and operational requirements.

In the week that followed, contacts also sought information from the Minority Ethnic Liaison Officer of the Norfolk Constabulary Tony Lombardi on what was happening with the investigation into the Morecambe Bay tragedy. Although Officer Lombardi doesn't speak Chinese, he had for some days the assistance of the lead researcher for this report who is bilingual. With face-to-face translation, Officer Lombardi could communicate at length with Chinese illegal migrants who were seeking information during what they perceived was a tumultuous time. This underscores the importance of having personal translators embedded with police work. Certainly such information is lost without translation. Additionally it would have been incredibly challenging for such information to be conveyed by Cintra or Language Line over the phone due to the sensitivity of the work. In many ways, the two-way communication between the minority ethnic liaison officer and Chinese contacts was a unique situation. While there was an appeal from one side for information on the Morecambe Bay tragedy, including victim identification, contacts within the Chinese illegal migrant community also sought information to alleviate some of their feelings of uncertainty and unrest. There is an additional dimension of benefits which can be easily missed when the migrant community is examined solely from a law enforcement angle.

Most of our contacts obtained their information from a European-based Chinese newspaper or from newspapers in China as reported to them by their families on their mobile phone. As such, they

*The cocklers were providing a service to the domestic labour force and their deaths were result of government policies that exclude legitimate employment from their reach*

were curious as to how the story was being reported by the British press. In fact, about a week after the Morecambe Bay tragedy, one Chinese contact who had just spoken to his family in south-eastern China told us about the editorial position of one Shanghai newspaper.<sup>130</sup>

He was curious about whether the same sentiment was being reflected in British media. Interestingly enough, the editorial position for this Shanghai newspaper was that the death and sacrifices of these Chinese cocklers and their families should be acknowledged and honoured by the British government by granting amnesty to illegal migrants who are already in this country and then easing entry requirements for Chinese nationals. Demonstrating a clear cultural gap in the perception of the same event, this migrant

<sup>130</sup> Conversation with Migrant I.I.

was in absolute disbelief when we told him that, while tremendous public sympathy were with those who had perished in Morecambe Bay, the government was far from granting amnesty nor easing entry requirements for Chinese nationals. He spoke agitatedly about how it should be recognised that these cocklers were providing a service to the domestic labour force and that their deaths were result of government policies that exclude legitimate employment from their reach. Time and time again, there seems to be two parallel tracks on the perception of the Morecambe Bay tragedy beyond the common link of sympathy for the victims and their families.

British media broadcasted images of police operations entering accommodations of Chinese migrant workers in the Liverpool area further gave the impression to the Chinese illegal migrants that police were targeting them as culprits and not as potential victims or informants on possible criminal activities in the area. The high visibility of the police activity, fuelled by media interest may have reassured some sections of the British public that something was being done to catch the perpetrators, but certain unforeseen consequences were triggered. One of these seems to have been the unintended effect of triggering an exodus of the Chinese undocumented migrant worker community from the Norfolk area or if they stayed going further underground.

At the time of writing there is no evidence of any direct linkage between persons interviewed in Norfolk and those involved in the tragedy. It is a simple fact, however that many undocumented workers are afraid of coming into contact with the police due to their illegal immigration status, and so the networks of involvement are not transparent to investigation. Without a forwarding address to give, the only permanent thing for a Chinese migrant seems to be his/her mobile telephone number, which makes it easier to conceal their physical whereabouts.

QUOTE: "I know that people were picking shells at Morecambe. In 2002, I was told about this opportunity by someone from Fuqing<sup>131</sup>. I needed to pay about 500 pounds up front. 300 pounds for introduction fees to be able to do this work and then 200 for equipment. I heard that people need special equipment to do this work, like plastic pants and things like that. I called at first because the money was good, although it was very hard work. And then there were cheaper housing fees because we heard that Chinese workers live in derelict houses, houses that are not so well-kept, and we can save money from housing expenses. In the end, I didn't want this work anymore and didn't go through this fish connection person." Interview with Migrant I.J.

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131 There are several ways of spelling the same Chinese word in English. We have used Fujian throughout when it refers to the Province. There is, however, a sea town called Fuqing (pronounced Fu-ching). Some of the Morecambe victims apparently came from the Fuqing village area. So, it could be both Fuqing or Fujian, depending on what is being referred to: Fuqing the sea town or Fujian the Province.

## Challenges for Law Enforcement

A significant challenge in investigation is how to appropriately access the affected community for information. The unintended negative effect on the Chinese illegal migrant community, as already indicated, had severe implications for our research. Prosecuting authorities and police operational risk assessments need to research a range of operating procedures to reduce such unintended consequences on such communities when undertaking investigations in these highly sensitive arenas. The media reporting which followed the heightened interest in economic migration as a result of the Morecambe tragedy risked further traumatising the Chinese irregular migrant community some of whom felt that they were being exploited. One of our interviewees commented on how images had been 'shown' of dead bodies and appalling housing conditions in the press, not for real sympathy or understanding but for an exotic sense of amazement at how Chinese people could live and work in such conditions in contemporary Britain.<sup>132</sup>

### *Reassuring confidentiality*

To illustrate how difficult it is for a Chinese illegal migrant to come forward with possible information we shall pay attention to one of our interviewees who wanted to assist the police after the tragedy on the sands of Morecombe bay. He claimed that he wanted desperately to help in the identification of those who had not survived because he was anxious that some of his friends might have been drowned.<sup>133</sup> This potential witness had to be reassured several times that his own identity was irrelevant in the identification of a victim. He remained agitated throughout the process of identification. He was afraid that the mere fact of having information on a potential victim could be interpreted by the police and immigration authorities as establishing a link between himself and the 'gangmasters' and would result in him being summarily deported to China. He said that he wanted to pass on the information because he found it very sad to think that victims' bodies were lying alone and estranged in the mortuary without their families knowing about their deaths. During the course of his interview with the Police where he described the appearance of his friends, he paused several times and asked if the information would be completely anonymous. This incident, which took place in Kings Lynn a fortnight after the Morecambe Bay tragedy, illustrates the inherent difficulties in establishing trust with potential informants, many of whom, at least at the beginning, need to be reassured of confidentiality and their personal protection.

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<sup>132</sup> Conversation with Migrant C.N.

<sup>133</sup> Conversation with Migrant [I:K]

### *Translator sensitivities*

A serious challenge which has been highlighted in the course of the Morecambe Bay tragedy has been the substantial translation needs and costs arising from this type of investigation. Although at first sight, an easy source of translation could have been obtained from Chinese embassy staff, Lancashire Constabulary importantly used alternative and independent sources of translation. Despite this good practice, a perception was created for some of the migrant community we talked to, that there was strong co-operation between the police and the Chinese authorities, which further undermined the confidence of this vulnerable population to 'come forward'.

This perception apparently arose from some of the media reports which appeared in the Chinese press picturing Chinese embassy staff together with senior members of Lancashire Constabulary Police staff. Such moments have impact beyond the moment of photo-opportunity. This misconstrual of the role of the Chinese authorities in the processes of investigation and translation is absolutely critical to address. It is given further critical edge when one understands that a significant part of the Chinese irregular working community in Britain today have an asylum application in process or have been refused asylum and are therefore avoiding any contact with official mechanisms of the state as there is a live immigration enforcement mandate for their removal.

Although it may first have appeared that Asylum seekers had contravened the prohibition on employment during the assessment of their asylum application, the picture is not so obviously clear. The following categories of asylum seekers can work legally in the U.K., even though the Home Office has abolished the right for asylum seekers to apply for permission to work since 23 July 2002:

- An asylum seeker before 23 July 2002 who had already been given permission to work, retains their right to work until a decision is made on their asylum claim; or
- If the circumstances of an asylum seeker's application are truly exceptional, then the Home Office has the discretion to allow the asylum seeker to take employment. An example of an exceptional circumstance would be if an asylum seeker's application remained outstanding for over one year without a decision being made.

From February 2005 across Europe, asylum seekers who have not had an initial decision within 12 months of their asylum application will be allowed to work pursuant to the EU Directive on Reception Arrangements for Asylum Seekers.<sup>134</sup> However, the Immigration & Nationality Act section 55 and 57,

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<sup>134</sup> Information on asylum seekers and permission to work from background conversations with Daisy Line, YMCA Asylum Seeker Outreach Worker, on 20 May 2004; and "Asylum

as amended in 2002, sees the UK asylum application process determined somewhat differently. More over despite these variations in UK and European decisions on the rights of asylum claimants to undertake employment, the simple matter remains that at the point of contact with the rescue crew and police at Morecambe Bay, neither the nationality, immigration status or gender of the affected persons was known. Consequently any co-operation with the Chinese authorities in the interviewing of survivors of the disaster would have been contrary to international legislation which protects asylum seekers from contact with their state authorities whilst their asylum claim is being tested. This was duly observed by the Lancashire Constabulary, but unfortunately the picture of the Police alongside state authorities seemed to have done some mischief in the understanding of those we interviewed in Norfolk after the tragedy.

There are difficulties in investigating crimes arising out of asylum/immigration and trafficking cases. These difficulties arise because of trans-jurisdiction issues requiring cross border co-operation between agencies. The cases are complicated by serious witness intimidation problems and compounded by language and cultural issues. The investigations of these cases are resource intensive in relation to the public perception of the importance of the case. In such cases training of the investigators and prosecutors in the background to these crimes would be helpful. There are already in place a number of protocols between investigation agencies to assist in their liaison with each other. Resources do not always permit the full realisation of how these can work. However a co-ordinated approach between agencies can be assisted through training and working protocols.

**DEFINITION:** The 1951 United Nations Convention relating to the Status of Refugees defines a refugee as any person who “owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it [article 1(A)(2)].”

**DEFINITION:** An Asylum seeker is, by definition, someone who seeks to be recognised as a refugee having left the country of his nationality due to a well-founded fear of being persecuted.<sup>135</sup> International law does not allow for any pre-judgement on the final assessment of an asylum application, for it is

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seekers’ eligibility to take employment.” Gherson & Co. 2003 (accessed 21 May 2004); available from <http://www.gherson.com/news.php3?article=asylum-employ>.

<sup>135</sup> The 1951 United Nations Convention relating to the Status of Refugees. Article 1(A) (2).



enshrined in the Universal Declaration of Human Rights of 1948 that everyone has the right to seek and to enjoy in other countries asylum from prosecution (article 14). This requires for all asylum cases to be presumed as genuine until his claim is assessed and determined to be otherwise by the country providing protection. This obliges the state offering protection to respect the asylum seeker's stated fear of persecution from state agents of his country of nationality.

QUOTE: "Everyone [within the Chinese migrant community] knows what had happened at Morecambe. They feel those who died had died in vain. We all know there are risks with doing illegal labour, but even then it was such a sad way to go...Really, those who should be afraid are the 'snakeheads' who killed so many people." Interview with Migrant I.K.

In the course of this research, the greatest challenge was to build trust between the translator and interviewee and for the translator to find the appropriate tone and level of interpretation. For example, if the migrant being interviewed only has had elementary education, then questions must not be circuitous. Colloquial terms should be used instead of technical vocabularies. This also entails becoming familiar with the 'lingo' used by the Chinese illegal migrants and to understand where the mismatch of terminology between English and Chinese expressions may occur. For example, as mentioned in Chapter 4 on employment, the person providing employment leads for Chinese migrant workers is known as a '接頭', pronounced jieng tao. While it has three possible translations in English ('one who connects,' 'a local contact,' or 'connecting head'), the closest translation in conformity with its meaning and intended function is probably 'a local Chinese recruiter.' Moreover, some of the migrants may not be completely fluent in the standard dialect, '普通話 (the common dialect, called the 'Mandarin dialect in English'), so a translator would need to articulate clearly.

At the same time, a modicum of translation is better than no translation at all. Without the ability to translate important information is lost. The Lancashire investigation team showed a series of photographs to some Chinese residents of the King's Lynn community to see if they recognised any individuals.<sup>136</sup> Although independent interpretation services were identified and used, the complexity of dialect nuances seemed to have defeated the provision available. Meetings took place but gesturing was relied upon alongside clear verbal exchange of information. Some of those interviewed by our team afterwards, thought that they were being shown photos of victims of the tragedy in order to assist in their identification. For them this was a critical issue which drove their co-operation with the authorities, as they wanted to see their compatriots identified, and their bodies released back to China for a

<sup>136</sup> Information from conversations with Migrants I.G. and I.L. and the Minority Ethnic Liaison Officer Tony Lombardi.

proper funeral amongst their own family members 'at home'. Such is the complexity of the sub-script of translation and the strategic importance of understanding the inter- cultural context.

QUOTE: "I heard people who went to Liverpool to pick shells were very tired and very cold. They said they felt cheated because their 'boss' [or 'bosses'] gave them a low wage. Lower than what was agreed at first. The people who went up to do this wanted to come back, but they were afraid of not having a job in King's Lynn." Interview with Migrant I.K.

Illegal Chinese migration to Britain seems to be known, marked and remembered by infamous events, first Dover in 2000 and more recently Morecambe Bay in February of 2004. After the blitz of media and political attention that naturally follow these events, the momentum gained in the aftermath of these tragedies seems to subside. Opportunities to learn more about what is happening in this so-called 'invisible community' and the factors shaping of these circumstances and leading to so many senseless waste of lives are relegated to the back section of papers. here are two possible choices. Either we think of Dover and Morecambe Bay as random and sensational aberrations or we try to understand the stories beyond the numbers and statistics. It is only by delving deeper, pursuing actively indigenous Chinese recruitment into the body of policing and public sector provisioning in the UK, that we shall gain the understanding and capacity required to prevent another such tragedy over the next decade.

## Recommendations

- The need for a robust understanding of the 1951 United Nations Convention on the Status of Refugees, the contested space which an illegal migrant worker or asylum seeker from China occupies between the state authorities in China and the United Kingdom and the cultural appreciation of the desires, needs and fears of the irregular migrant worker. Protection of the rights of individuals within our borders is paramount.
- Understanding of the world of criminality and pressure in which the migrant Chinese population lives, and an appropriate joined up approach to address the employment, corruption and exploitation issues which arise in their daily lives.
- Emergency contingency plans are required for these discrete communities, so that our agents of law enforcement do not contravene important elements of international law which are embedded in our democracy.

- The need for law enforcement and immigration services to continue to develop close working relationships with the Law Society and the Office of the Immigration Services Commissioner to identify 'legal' practitioners in this field who are either not authorised to represent their clients, or whose representation is less than independent.
- There is a national resource which is identified in the Police and Criminal Evidence Act as the National Register of Interpreters within the institute of linguists. This is an independent standard. Local provision of these registered interpreters is the responsibility of the local Force. These resources should be deployed alongside the long-term development of minority ethnic liaison posts and ethnic Chinese officers. It is recommended that all law enforcement agencies ensure that adherence is given to the National ACPO Policy and the Police & Criminal Evidence Act Codes of Practice with regards to the minimum and legal requirement for interpretation services concerning criminal investigations.

## **Some Conclusions for Community Policing Issues**

The evidence obtained from interviews with Chinese migrants indicates two major areas of concern for the police:

Unreported serious local offending against the Chinese community. A number of incidents are cited of:

- Assault
- Attempted robbery
- Public order offences
- Blackmail
- Theft

This offending behaviour is perpetrated by members of the local community. On occasions the offending may be aggravated by the racist motivation of the perpetrators. Such offending is viewed seriously by the courts and would lead to substantial prison sentences against the convicted.

This offending is not being reported in some instances because the victims may not appreciate that criminal offending has taken place against them. It is not necessary to show that these attacks have been motivated by racism for successful prosecutions to be brought for assault and public order offences.

It would appear that serious incidents of crime are not being reported due to the well-founded fear that the Immigration Service will remove them from the country due to their illegal status. This fear means that the perpetrators can act with complete immunity. A section of the Norfolk community no longer has the protection of the law. The likelihood of increased public order offending is inevitable and could give rise to the most serious offending being a consequence.

## **Recommendations**

- Some basic education by the local community is required to increase the understanding of the Chinese migrants that the behaviour to which they have been subjected is criminal and that they are entitled to the protection of the law whatever their immigration or working status.
- That an environment is created by the Norfolk police which allows for the proper investigation and prosecution of what appears to be serious offending by one part of the community on another part of the community. Concerns that victims will simply be removed from the country need to be addressed.

The second policing issue is of a substantial national interest as well as a local issue. The evidence indicates a surrounding wall of organised crime and criminality at all stages of the process. The Chinese migrants at all levels are the victims of this criminality. Inevitably large profits will be made by organised criminals which will be laundered through other offending, e.g. drugs and prostitution. There is a clear relationship with NCIS threat assessment factors.

Areas of serious criminality that could be investigated include:

- Organised conspiracies to facilitate unlawful immigration under the Nationality, Immigration and Asylum Act 2002
- The forging and falsification of passports and other travel documentation
- Offences of assault, robbery and blackmail arising out of 'protection rackets' within the Chinese community
- Inland Revenue and Vat offences by employers
- Health and Safety breaches of a criminal nature by employers providing unsafe working conditions

In addition there is evidence of breaches of employment law and regulations in relation to wages, deductions and the running of some employment agencies.

Proper investigation of this substantial criminality will require the cooperation of the victims to give witnesses statements and to give evidence in court. An environment of trust will have to be developed between the Chinese migrant community and the police for this to happen. In addition it may be necessary to give certain guarantees as to the witnesses' status in the UK. It will also be necessary to guarantee the protection of these witnesses both in this country and elsewhere should they be removed. These are conditions which the police will find difficult to meet without a national approach and the cooperation of other government agencies.

## **Recommendations**

- That Chinese migrant workers are treated as potential victims and witnesses in any decision to investigate the serious criminality which is evidenced by this report;
- That safeguards are put in place to protect victims and witnesses which would at the least allow their availability in this country for trial;
- That this is treated as a national policing issue and resourced for research and implementation at national level.

## Appendix 1

### United Kingdom's Foreign & Commonwealth Office Country Profiles for the People's Republic of China<sup>137</sup>



#### BASIC INFORMATION

**Full Country Name:** The People's Republic of China



**Area:** 9,956,960 sq km (3.7m sq mi)

**Population:** 1.29 bn

**Capital City:** Beijing

**People:** Han Chinese are the majority people group. There are 55 minority ethnic groups.

**Official Language:** Mandarin (Putonghua) with many local dialects.

**Religion(s):** China is officially atheistic, but there are five State-Registered Religions: Daoism, Buddhism, Islam, Catholic and Protestant Christianity.

**Currency:** Yuan or Renminbi (RMB)

**Major political parties:** Chinese Communist Party

**Government:** There are three major hierarchies in China: the Chinese Communist Party (CCP), the government and the military. The supreme decision-making body in China is the CCP Politburo and its 9-member Standing Committee, which acts as a kind of 'inner cabinet', and is headed by the General Secretary of the Chinese Communist Party. The National People's Congress (NPC) is China's legislative body. It has a five-year membership and meets once a year in plenary session. However, in practice it is the CCP who takes all key decisions.

**Head of State and General Secretary of the CCP:** President Hu Jintao

**Chairman of the Standing Committee of the NPC:** Wu Bangguo

**Premier of the State Council:** Wen Jiabao

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<sup>137</sup> *The Country Profile for China.* Foreign & Commonwealth Office (FCO) (accessed 23 May 2004); available from <http://www.fco.gov.uk/servlet/Front?pagename=OpenMarket/Xcelerate/ShowPage&c=Page&cid=1007029394365&a=KCountryProfile&aid=1018965313021>.



**Foreign Minister:** Li Zhaoxing

**Membership of international groups/organisations:** United Nations (including permanent membership of the UN Security Council), ASEAN Regional Forum (ARF); Asia-Pacific Economic Cooperation Forum (APEC); Asian Development Bank (ADB); Shanghai Cooperation Organisation; World Trade Organisation (WTO).

## **GEOGRAPHY**

With an area of 3,705,408 square miles (9,956,960 square km) China is twice the size of Western Europe and the third largest country in the world, after Russia and Canada. It has 31 provinces, including five 'autonomous regions' and four city municipalities. China is a highly diverse country and its terrain varies from plains, deltas and hills in the east to mountains, high plateaux and deserts in the west. To the south its climate is tropical, whilst to the north it is sub-arctic. Less than one-sixth of China is suitable for agriculture and the most fertile areas lie in the eastern third of the country, which is economically the most developed region.

## **HISTORY**

### **Longer Historical Perspective**

The Chinese imperial system came to an end in 1911, when the Qing (Manchu) dynasty was overthrown and China was proclaimed a republic, partly through the efforts of revolutionaries such as Sun Yat-sen. The country then entered a period of warlordism until in 1927 the Nationalist Party or 'Kuomintang' (KMT), under its leader Chiang Kai-shek, established a central government in Nanjing. The Chinese Communist Party (CCP) was founded in 1921 but broke with the KMT and was forced to flee into the interior in the Long March in 1934/35. Both KMT and CCP forces opposed Japan during World War Two but a civil war broke out from 1945-1949. CCP forces under Mao Zedong routed their KMT opponents and in 1949 Mao announced the establishment of the People's Republic of China. KMT elements fled to the island of Taiwan.

The period between 1949 and Mao's death in 1976 was characterised by an ambitious political and economic restructuring programme which involved the collectivisation of industry, the establishment of communes and the redistribution of land. The Cultural Revolution from 1966-1976 brought enormous upheaval in the political system and Mao had to rely on the armed forces to maintain order and exercise control.

### **Recent History**

In December 1978 the CCP, inspired by Deng Xiaoping, launched a wide-ranging programme of economic and social reform which sought to modernise the economy, develop China's external relations (the 'open door policy') - especially with the West, and implement a gradual and limited liberalisation of Chinese society.

Political opposition to the more liberal reforms forced periods of retrenchment and in June 1989, following the brutal suppression of pro-democracy demonstrators in Beijing, political control swung firmly into the hands of conservative elements within the CCP. The Chinese government labelled the demonstrations a 'counter-

revolutionary rebellion' and clamped down on dissent. Prominent dissidents fled the country or went into hiding. Many activists were arrested. Party General Secretary Zhao Ziyang was replaced by Jiang Zemin, former Mayor and later Party Secretary of Shanghai. Jiang was appointed to the additional post of State President in March 1993. Since then, the Party leadership has continued the economic reform programme, while also seeking to improve China's standing in the international community. Jiang retired as President in March 2003 and was replaced by Vice-President Hu Jintao (see below)

## **POLITICS**

### **Recent Political Developments**

At the 16th Communist Party Congress in November 2002 Jiang Zemin stepped down from his position as Party General Secretary to make way for a new 'fourth' generation of leaders. Prior to this, he had pressed ahead with a major political campaign, the 'Three Representatives', which addresses key concerns surrounding the Party's continuing role and relevance at a time of major domestic and international change. Jiang was succeeded as Party General Secretary by Hu Jintao. The new State leadership positions were announced at the National People's Congress (NPC), which met from 5-18 March 2003. Hu Jintao was named President and Wen Jiabao became Premier. Wu Bangguo replaced Li Peng as NPC Chairman. The new leadership have made it clear that they will continue the current policy main priorities of economic growth, internal stability and opening up to the world.

### **Elections**

China is in practice a one party state. The National People's Congress (NPC) is indirectly elected. Direct elections for village leaders have also been conducted since 1988. They take place every three years, although it is unclear how genuine and effective they are. The legislature remains subject to Party leadership. However, since 1987 the NPC has been building its oversight capacity over the actions of the government.

## **ECONOMY**

### **Economic indicators:**

**GDP:** US\$1.19 trillion (2001 provisional)  
**GDP per head:** US\$908 (2001 provisional)  
**Annual Growth:** 7.3% (2001)  
**Inflation:** 0.7% (2001)  
**Exchange rate:** 12.9 Renminbi = £1

China has been one of the world's economic success stories since reforms began in 1978 and has recently overtaken Italy to become the sixth largest economy in the world (in purchasing power parity terms, China is the world's second biggest economy) Official figures show that GDP grew on average by well over 10% per annum until the mid-90s and currently stands at around 7-8% a year.

A growing share of China's economic growth has been generated in the private sector as the government has opened up industries to domestic and foreign competition, though the role of the state in ownership and planning remains

extensive. Foreign Direct Investment reached \$ 52 billion in 2002, overtaking the US to become the largest recipient of FDI in the world. China is the world's 6th largest trading nation. Its exports and imports of goods were valued at (\$ 326bn and \$295bn respectively in 2002).

China's economic and social development challenges remain huge. These include reforming ailing state-owned industries, overhauling the financial sector and raising the incomes of China's rural population. China's leaders have launched a campaign to develop China's western regions in an effort to slow down the widening income gap between China's more developed eastern and coastal areas and the interior. China's entry into the World Trade Organisation in December 2001 is further integrating China into the global economy.

## **INTERNATIONAL RELATIONS**

### **CHINA'S RELATIONS WITH THE INTERNATIONAL COMMUNITY**

The PRC took over the China seat at the United Nations from Taiwan in 1971. Since the launch of its 'open door policy' in 1978 China has begun to take a more active role in international organisations. The repression of the democracy movement in 1989, however, led to a chill in relations between the West and China. In recent years, China has generally pursued amicable relations with its neighbours and with the West. Diplomatic relations were restored or 'normalised' in the early 1990s with countries in South East Asia such as Indonesia and Vietnam.

China's international political and economic weight has continued to grow. It hosted summits of APEC (Asia-Pacific Economic Co-operation) and ASEM (Asia-Europe Meeting) in 2001, and is active within the ASEAN Plus Three (ASEAN countries plus China, South Korea and Japan) grouping. It joined the World Trade Organisation in 2001, and is increasingly active in the United Nations Security Council, where it holds one of the five Permanent Seats. China supported Security Council Resolution 1441 on Iraq.

### **CHINA'S RELATIONS WITH THE UK**

The British Government's broad objectives are:

- to encourage and support China's closer integration into the international system (including economic, financial and trade structures) as a responsible and friendly partner, and to encourage a constructive approach to international security issues and global challenges such as the environment, drugs, terrorism and AIDS;
- to help China deliver economic reform and eradicate poverty;
- to promote positive change in human rights, with a particular emphasis on promoting the rule of law;
- to advance our commercial interests;
- to fulfil our political and moral obligations to the people of Hong Kong.

### **UK Development Assistance**

Although the Chinese government has made remarkable progress in lifting as many as 300m people out of poverty since 1978, there are still more than 160m people in China who live on less than \$1 per day (the international standard which defines

absolute poverty). The majority of the remaining poor are located in the Western Provinces of China.

The Department for International Development (DFID) is working with the Chinese Government to support their poverty reduction programmes. They are active in areas of basic education, health (particularly health policy, and in programmes to control TB and HIV/AIDS), economic reform and water and sustainable livelihoods. The main provinces in which DFID works are Gansu, Sichuan and Yunnan. The DFID annual programme to China is around £40 million.

### **Trade and Investment**

UK trade with China grew exponentially in the 1990s.

UK direct exports to China in 2002 were £1, 505m – down 12.6% from 2001. This was due to the global economic downturn and a drop in telecommunications business, while the industry restructured. UK exports to China have improved in 2003. Exports from January to October 2003 stood at, £1,588.2, against £1,266.9 in January – October 2002 a rise of 25.4%. UK import figures from China for January to October 2003 were £6,879.8m against £5,696.0 in January-October 2002, a rise of 20.8%.

### **Outward Investment**

Cumulative pledged investments in China by British companies amounted to over US \$ 18.46 billion by the end of 2002. We are the sixth largest foreign investor in China and the leading EU investor there with more than 3,000 British-invested joint ventures. Although the largest share of British investment capital until recently came from industrial giants such as BP and Shell, a number of smaller, specialist British operators are continuing to invest in the market.

### **Inward Investment**

More than 150 companies have invested in the UK from mainland China. Whilst the majority are in the banking, consultancy and trading sectors, more companies are now looking at the UK's R&D capabilities and service sector. The majority of Chinese companies are based in the London area with new clusters to be found in the regions.

China is a priority market for UK Trade and Investment. Areas of opportunities of potential interest to UK companies include the following sectors: aerospace, energy, environment, education and training, financial services, Healthcare, ICT, oil & gas and water. Commercial opportunities will continue to increase significantly since China's entry to the WTO in December 2001.

The China-Britain Business Council (CBBC) is one of the principal vehicles in the UK for the development of business with China. The CBBC has offices in London, Glasgow and Newcastle and six offices in China (Beijing, Shanghai, Shenzhen, Wuhan, Qingdao and Chengdu). British Trade International provides approximately one third of the CBBC's income through a grant-in-aid.

## **Cultural relations with the UK**

There are strong and growing cultural and educational relations between the UK and China. The British Council, which operates as the Cultural and Education Section of the British Embassy in Beijing and the British Consulates-General in Shanghai, Guangzhou and Chongqing, has a wide-ranging programme of activity covering areas such as the arts, education, science and technology and good governance. It is also active in promoting UK education. In the 2002-03 academic year there were some 23,000 Chinese students in UK higher education, making China one of the leading providers of overseas students in the UK. The British Council also conducts over 60,000 English language examinations in China annually from a network of 21 test centres throughout the country.

The British Chevening Scholarships Programme for China is the largest in the world and is funded by the Foreign and Commonwealth Office. For the academic year 2003-04 it will have provided over 170 scholarships for young Chinese students. Many former Chevening scholars have gone on to achieve positions of influence in China.

The Great Britain-China Centre, founded in 1974 and part-funded by the Foreign and Commonwealth Office, promotes understanding between Britain and China, particularly in the areas of legal and labour reform. It manages exchange programmes with Chinese partners and provides information and advice about China. It also acts as Secretariat for the UK/China Forum, which seeks to forge non-official links between the UK and China in the areas of culture and education, environment, law, finance, industry, science and technology and the media. The fourth UK/China Forum is due to take place in China in 2003.

## **Recent Visits**

There have been several high-level visits to China in recent years. The Prime Minister visited Beijing and Shanghai in July 2003. There have also been visits to China since May 2002 by the Deputy Prime Minister, Foreign Secretary, Attorney General, Secretary of State for Trade and Industry, Secretary of State for Culture, Media and Sport, Minister of State for Lifelong Learning, Further and Higher Education and the Parliamentary Under-Secretary at the Foreign & Commonwealth Office. Senior visitors from China in 2003 included the Vice Chairman of the National People's Congress, Wang Zhaoguo, and the Foreign Minister Li Zhaoxing.

## **Human Rights**

The human rights situation in China continues to be a matter of serious concern. The detention and harassment of democracy activists, religious practitioners and Falun Gong adherents runs contrary to international human rights norms. Religious belief, freedoms of association, expression and of media are routinely restricted. Since Falun Gong was declared illegal by the Chinese authorities in 1999 large numbers of its practitioners have been detained and leaders given harsh sentences. Whilst the British Government does not take a view on the nature of Falun Gong, it is concerned by reports of human rights abuses against Falun Gong adherents.

We raise these and other issues, together with certain individual cases, at every appropriate contact with Chinese ministers and through our regular bilateral Human Rights Dialogue with the Chinese. The dialogue process began in September 1997, and formal sessions are held twice a year, alternately in London and Beijing.

## **Tibet**

Successive British Governments have regarded Tibet as autonomous while recognising the special position of the Chinese there. Tibet has never been internationally recognised as an independent state. We welcomed the visit to Beijing and Lhasa in September 2002 by representatives of the Dalai Lama and continue to encourage the Chinese Government to enter into meaningful dialogue with the Dalai Lama to resolve the Tibetan issue.

## **Health**

The overall health situation in China has improved considerably since 1949. For example, between 1965 and 1995, China's infant mortality rate decreased from 90 to 36 per 1,000 live births, and life expectancy at birth increased from 55 to 69 years. But these improvements have slowed since the 1980s. Economic reforms have inadvertently led to the collapse of rural community financing of health services.

## **APPENDIX 2**

### **Guiding principles to the ethical and safe conduct of interviews with illegal migrants who may have been trafficked, i.e. held in situations of exploitative labour practices**

[modification of the World Health Organization Ethical and Safety Recommendations for Interviewing Trafficked Women (2003)].

#### **(1) DO NO HARM**

Treat each interviewee and the situation as if the potential for harm is extreme until there is evidence to suggest the contrary. Do not undertake any interview that will make the interviewee's situation worse.

#### **(2) ENSURE THAT THE INFORMATION OBTAINED FROM INTERVIEWS CANNOT BE USED FOR CRIMINAL PROSECUTION AGAINST THE INTERVIEWEES OR OTHER INDIVIDUALS**

In order to establish trust between the interviewer and the migrant interviewees, make certain that information obtained from interview sessions cannot be materials for criminal prosecutions against the interviewees or other named individuals.

#### **(3) KNOW YOUR SUBJECT AND ASSESS THE RISKS**

To the extent possible, learn the risks associated with illegal migration operations and the particularities of each migrant case before undertaking an interview. Risk assessment to be undertaken with Norfolk Police Force



Community Policing department.

**(4) PREPARE REFERRAL INFORMATION – DO NOT MAKE PROMISES THAT YOU CANNOT FULFILL**

Be prepared to provide information in a migrant's native language and the local language, if these are different, about appropriate legal, health, shelter, social support and security services, and to help them with referral services, if requested.

**(5) ENSURE ANONYMITY AND CONFIDENTIALITY**

Protect an interviewee's identity and confidentiality throughout the entire interview process – from the moment he or she is contacted through the time that details are made public.

**(6) GET INFORMED CONSENT**

Make certain that each interviewee clearly understands the content and purpose of the interview, the intended use of the information, his or her right not to answer questions, right to terminate the interview at any time, and right to put restrictions on how the information is used.

**(7) LISTEN TO AND RESPECT EACH MIGRANT'S ASSESSMENT OF HIS OR HER SITUATION AND RISKS TO SAFETY**

Recognize that each migrant will have different concerns, and that the way he or she views her concerns may be different from how others might assess them.

**(8) DO NOT RE-TRAUMATIZE MIGRANTS WHO HAVE BEEN TRAFFICKED**

Do not ask questions intended to provoke an emotionally charged response. Be prepared to respond to an interviewee's distress.

**(9) BE PREPARED FOR EMERGENCY INTERVENTION**

Be prepared to respond if an interviewee says he or she is in imminent danger.

**(10) PUT INFORMATION COLLECTED TO GOOD USE**

Use information in a way that advances the development of good policies and effective interventions for trafficked migrants.

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## **Useful Websites for More Information**

### **International Agencies**

United Nations Office of the High Commissioner for Human Rights (OHCHR)  
<http://www.unhchr.ch/>

United Nations Office of the High Commissioner for Refugees (UNHCR)  
<http://www.unhcr.ch/>

International Organization for Migration (IOM)  
<http://www.iom.int/>

### **Regional Resources**

European Commission's Directorate-General for Justice and Home Affairs  
[http://europa.eu.int/comm/dgs/justice\\_home/wai/index\\_en.htm](http://europa.eu.int/comm/dgs/justice_home/wai/index_en.htm)

European Crime Prevention Network  
[http://europa.eu.int/comm/dgs/justice\\_home/eucpn/wai/dg\\_eucpn\\_en.htm](http://europa.eu.int/comm/dgs/justice_home/eucpn/wai/dg_eucpn_en.htm)

Council of Europe  
4<sup>th</sup> Regional Conference on Migration  
[http://www.coe.int/T/E/Social\\_Cohesion/Migration/](http://www.coe.int/T/E/Social_Cohesion/Migration/)

Action against Trafficking in Human Beings  
[http://www.coe.int/T/E/human\\_rights/trafficking/](http://www.coe.int/T/E/human_rights/trafficking/)

### **International Non-Governmental Organisations**

Amnesty International	<a href="http://www.amnesty.org/">http://www.amnesty.org/</a>
Anti-Slavery International	<a href="http://www.antislavery.org/">http://www.antislavery.org/</a>
Human Rights Watch	<a href="http://www.hrw.org/">http://www.hrw.org/</a>
Human Rights in China	<a href="http://iso.hrichina.org/iso/">http://iso.hrichina.org/iso/</a>

### **Chinese Community Organisations in Britain**

Chinese Information & Advice Centre  
<http://www.ciac.co.uk/>

The Chinese in Britain Forum  
<http://www.cibf.co.uk/english/index.htm>

British Born Chinese  
<http://www.britishbornchinese.org.uk/>

Chinatown Online  
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