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Abstract:

Law and legal discourses are an integral part of social life, a central means of producing social identities and exercising social power in day to day life. Critically informed geographical perspectives on law have illustrated in a number of ways how the legal and social (and therefore the spatial) are mutually constitutive. This paper argues that perspectives from critical legal geography can offer insights into the operation of asylum and immigration law in the UK in the late 1990s. This paper argues that legal practices and relations are organisied in hegemonic and counter-hegemonic ways in different places and institutional contexts in London. In addition law and legal practices comprise a particularly important way in which 'community' can be constructed simultaneously across a variety of different scales in ways that can marginalise and exclude relatively powerless groups like asylum seekers. Thus refugee identities offer a particularly clear example of how social realities are constituted by law and legal practice.

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Geographies of asylum, legal knowledge and legal practices.

During the height of the recent foot and mouth epidemic in the UK rumors circulated through media circles that clandestine illegal immigrants and asylum seekers had introduced the virus into the UK's food system and national herd (Guardian Network 2001). This willingness to ascribe the blame for rural Britain's latest catastrophe on the desperate few who make it into the UK to claim asylum was probably born of an sense of crisis and a traditional xenophobia in rural Britain. It also speaks volumes about how asylum and asylum seekers have been denigrated, pathologised and viewed almost exclusively in 'crisis' terms within UK (and European) media and political circles. In the UK hydraulic metaphors imagine flows of migrants (water, blood, diseases) leaving and entering states (reservoirs, lake or the body) that are protected by international borders and immigration laws (dams or surgical instruments). Flows may be 'out of control' threatening the livelihoods of all citizens, thus 'floods' of refugees or asylum seekers threaten to 'swamp' the state. Representing the state and refugee movements in such a simplistic, but seductively holistic, way legitimates the replacement of polyvocal, complex and chaotic stories and realities of migrant life with a mono-chrome universe of truth.

This paper is concerned with the interrelationships between refugee and asylum law and the geography of asylum in the UK. I will show, over the following pages, how laws, legal discourses and legal geographies "position us as subjects and produce the social identities and power relations which structure our realities" (Swain 1997 p. 5). The asylum system in the UK provides particularly clear examples of the mutual constitution of social and legal worlds. Periodic overhauls of the UK's asylum determinations and appeals processes take place in response to politically unpopular representations of a 'soft' legal regime and the shifting legal construction of people as asylum seekers and refugees has profound effects on their social and political lives. This is most obvious when asylum seekers are granted refugee status and protection from persecution, but it is also apparent in the myriad of routine, everyday ways in which the UK's immigration system operates as *a system of power* (i.e. by exercising control over different people at different times, in different places) (Paliwala 1995). Laws and regulations decide who is to live where, who is to be deported and who is to be detained, which person's appeal rights are truncated and which person faces a risk of persecution.

However over and beyond these points this paper looks at how a 'critical legal geography' offers new and potentially important insights into UK asylum and immigration law in the 1990s. Specifically it argues that an appreciation of the spatial organisation of legal practices and relations in refugee and asylum institutions is important. This paper argues firstly that hegemonic assumptions about asylum law, legal practices and actions place legal representatives and clients in unequal and potentially exploitative relationships and that this is the product of 'legal closure' or the denial of the mutual constitution of the legal and the social. Secondly this paper also demonstrates that law is used to (re)define collective identities and membership of 'communities' of refugees and asylum seekers, these processes are always infused with political and social relations and that the (re)drawing of physical and symbolic boundaries are part of these processes and relations. Thus the practice of separating legal and social worlds risks ignoring the mutual constitution of space and law and this contributes to the marginalisation of oppressed groups like asylum seekers and refugees.

Geography, Law and Theory.

Blomley (1994) argues that the dominant and hegemonic legal paradigm, 'legal closure', understands law as a structured and hierarchical system of knowledge and as separable from politicised and value-laden social and political life. However critics from a variety of theoretical positions - including Marxism, feminism, post-colonialism and post-modernism - argue that law is not an autonomous arena (Fitzpatrick and Darian-Smith 1999; Hunt and Wickham 1994; Olsen 1990; Trubek 1984; Wickham 1990). The 'critical legal studies' movement, as it has been called, contends that law is not a timeless and acontextual body of knowledge but is an important system where political struggles, rights and realities are enacted and contested (Blomley 1993). Rather than a transcendental entity that exists 'above' or 'apart from' human society, legal discourses form part of the ways we understand the world around us and define our roles within it.

Geography offers important insights into both the ways in which laws are (re)constituted and (re)interpreted and the practices and processes associated with the construction, use of and production of knowledge about law. Multiple, overlapping legal practices and relations surround us on a day to day basis establishing what behaviour is allowed in which places and by what types of people. The legal terrain is criss-crossed with grossly unequal relations of age, gender, race and sexuality favouring the powerful and marginalising the powerless. Principal research themes of critical legal

geographies include: the geographical specificity of law and legal knowledges, in terms of scales, domains, power and control over space (Cooper 1998; Kobayashi 1995); the exclusion of particular groups from particular spaces and the creation of spaces of resistance by the marginalised (Mitchell 1997); the processes and discourses that (re)construct and (re)shape people's legal identities and their capacities to enter into and act within the formal legal system (Chouinard 1998). A flurry of writings about legal geographies in the early 1990s has been followed by the steady development of a body of literature and academic perspectives on legal geographies (Blacksell et al 1991; Blomley 1992; 1994; Chouinard 1994; 1998; Clark 1986; Cooper 1998; Delany 1998; Ford 1994; Fyfe 1995; Kobayashi 1995). The majority of these 'legal geographies' have produced critiques of legal closure from within formal legal channels and spaces (the courts, the House of Parliament, the media etc.). This paper argues that particular legal practices and, identities and relations emerge and constitute both formal and informal institutions in specific historical and geographical contexts and that these processes are frequently not in the hands of legal elites or the legally trained.

Refugee Law and Critical Legal Studies.

The history of immigration and asylum law is explicitly more politicised than other legal areas in the UK. Some authors have argued that legal positivist studies on asylum law retain an "intrinsically critical" edge by challenging state practices through mobilising new and more expansive interpretations of the 1951 Geneva Convention (henceforth the Geneva Convention) (Harvey 1997a). However laudable these aims are they are problematic because of the number of assumptions and understandings encoded within the UK's refugee and asylum law. Legal arguments and publications in refugee law start from the initial premises of the Geneva Convention. Competing interpretations and arguments about the Geneva Convention are rooted in problematic assumptions about the law, justice and legal subject-citizens that underlie the post-War human rights regime (Chimni 1998; Hyndman 2000; Malkki 1992; 1995; 1996). These have rested on axiomatic beliefs that law is a privileged discourse that exists above politics and social difference, effectively reproducing hegemonic western legal relations in the application of an international legal norm.

Harvey (1999) argues that despite the huge numbers of asylum law decisions taken on a day to day basis it is surprising that refugee legal studies has remained remarkably untouched by critical arguments about law. Chimni

(1998) asserts that international refugee legal research is informed by a legal positivism that sees refugee law as an 'objective' system of rules open to interpretation by equally objective agents - the courts, lawyers and judges (Chimni 1998). The individual and atomised refugee or asylum seeker found within UN human rights discourses is rooted in the post-War universal subject citizen (Hyndman 2000). Just as the remnants of these discourses remain embedded within the discourses and practices of humanitarian organisations the individual refugee subject remains the principle iconic figure within discussions about asylum and refugee law in the UK (ibid.; see Goodwin-Gill 1993; Hathaway 1991). A problem with these understandings is that they reproduce hegemonic liberal world views in western legal discourse, specifically ideological constructions of the citizen self as the only legitimate social identity beyond the state (Blomley, 1994).

Kobayashi (1995) points out that this places asylum seekers in contradictory positions, individual determinations are made on people who are usually selected because they belong to a persecuted group. In addition the myth of identical situation in Western conceptions of law are based upon the denial of difference between individuals when at the same time the refugee is coerced into emphasising his or her difference and 'Otherness' in order to claim asylum. The dominance of the individual client/lawyer model for legal service provision in the UK has occurred at the expense of collectively based understandings of the legal practices and processes that might challenge the unjust operation of power in UK asylum and immigration law today.

However laws remain an important terrain for resistance to powerful groups and struggles for political, economic and civil rights. In an original and insightful analysis of local legal aid in Canada in the 1970s, Chouinard (1998) shows how legal relations, practices and ultimately challenges to injustice can be constructed in radically different ways in different organisations and institutions. Community legal clinics in Canada provided legal advice and services and organised legal aid as part of progressive local politics that was responsive to and controlled by the collective legal needs of local communities. Over the 1980s, as these clinics were gradually incorporated into centralised bureaucratic legal regimes, the struggle for collective justice was marginalised in conjunction with the relinquishing of local community control over legal processes and relations (ibid.). So the example of the rise and fall of progressive legal aid in Canada is in part the story of how the places where legal clinics were based played a fundamental role in shaping the kinds of legal practices and relations that characterised these clinics. The

mutual constitution of legal and spatial relations reveals how changing the spatial organisation of legal aid funding became an important weapon in the struggle by conservative interests to prevent local community clinics using the law for 'political' purposes (ibid.).

Thinking about asylum law in the UK along these lines immediately shifts attention from the national asylum-space articulated in the Houses of Parliament and the national press (Young 1997). Instead asylum law can be seen as a multi-tiered medium through which legal struggles take place and asylum and immigration law is given meaning in a variety of different sites and locales. These locales range from the dominant and powerful (such as the Home Office, the UK Immigration Appeals Authority), to the local and everyday (local council offices, local refugee community groups and organisations). These latter, local refugee and asylum institutions represent key places where legal struggles over asylum take place. These are the places that are integral parts of a geography of asylum in the UK: where asylum claims are written down; where asylum appeals are prepared; where resettlement agencies are contacted; and where welfare, housing and benefits are sought. Thus the geographies of these asylum institutions (in the state and civil society) are a critical part of the experience and structuring of asylum and resettlement for thousands of asylum seekers in the UK. Asylum law, resettlement policies and refugee and asylum seekers' multiple experiences and realities do not take place on the head of a pin, but in historically and geographically specific contexts and institutional domains.

In the empirical analysis that follows I will discuss ways in which legal relations and practices were constructed in different institutional contexts. On the one hand constructions of legal relations and identities by legal experts in specialist (or 'backup') institutions represented the provision of legal services for asylum seekers in ways that reproduced the ideological construction of individual refugee subjects, this was reflected in the unequal relations of power between individual legal clients and their legal representatives. I also go on to discuss how asylum seekers shared these ideological constructions. On the other hand legal relations and identities in different institutional contexts (or 'frontline' institutions) were constructed in markedly different ways as the response to the needs of local communities.

However claims for collectivised legal struggles and community based legal practices and developments must, logically, be based on particular ideas about what the 'community' actually is. Bauman (1996) points out that 'community' is often associated with a regressive politics of identity that

assumes an organic wholeness amongst members (Hall 1995; Massey 1994). Representations of communities as the bounded communion of people legitimate exclusionary, racist and frequently violent responses to those deemed to 'violate' the boundaries of community (Cooper 1998; Rose 1997; Sibley 1996). Legal relations, practices and discourse are central elements in the construction of 'community', a case in point is the legal construction of community (codified into asylum and immigration law) that plays an important role in nationalist discourses (Kobayashi 1995; Mertz 1994; Yngvesson et al 1994). The use and (re)production of law is a central way in which boundaries between groups of people are (re)drawn in everyday life across a variety of different scales. Legal practices and relations can be used in particular ways by people to define themselves (or others), however temporarily, as insiders (by using law to do such-and-such for the community) or as 'outsiders' (through their [ab]use of law for the wrong purpose or for 'purely selfish' reasons) (Yngvesson et al. 1994). Thus the paper goes on to discuss the use of law and legal relations in the (re)production of 'community' for specific groups of refugees and asylum seekers.

Thus critically informed analyses of space have played an important role in usurping traditional understandings of law as a neutral or impartial body of knowledge. Understandings of law both as the codification of hegemonic interests and as a potent site for empowering different groups are important because they reveal ways in which law and legal practices are structured around particular ideas and ideological perspectives. If we examine asylum and immigration law in this light we need to understand it as a medium through which political struggles take place in both formal and informal institutional settings. A rationale for this focus on refugee and asylum institutions is to answer Harvey's (1999: 121) call to "*co-join a critical conception of legality with the political, social and cultural context within which refugee law functions*". An analytical focus on refugee and asylum institutions provides evidence of law as a set of interrelated discursive political and social practices enacted within wider relations of power. A geographical focus will demonstrate how these socio-political practices, discourses and ideologies shape and are shaped by space and spatial relations. In what follows I discuss the discursive and spatial and ideological constitution of asylum and immigration law in 'backup', 'frontline' and 'community' organisations. Before discussing these issues I shall briefly outline recent changes to asylum and immigration law in the UK as well as the context within which the research was carried out.

UK Asylum Legislation in the 1990s.

Asylum legislation and regulations have received a considerable level of attention from government and the media in the UK over the 1990s. As a signatory state to the Geneva Convention the UK is obliged to bring its domestic legal arrangements into line with the international obligations set out by the UN (Lambert 1995). Since 1990 three major pieces of asylum legislation have been enacted in the UK (see Harvey 1997b). These Acts have substantially restructured asylum procedures in the UK. The 1993 Asylum and Immigration Appeals Act introduced the right of (oral) appeal for asylum seekers[2] for the first time, as well as 'fast track' or accelerated appeals procedures for cases that were certified as 'unfounded' (Amnesty 1997).

The 1996 Asylum and Immigration Act, alongside the introduction of the Short Procedure effectively introduced accelerated determinations for all asylum seekers bar those from selected countries. The 1996 legislation extended the accelerated appeals procedures to cover a range of different cases, including those from 'white list' countries where there is 'no serious risk of persecution' (Amnesty 1997; Harvey 1997b). In addition to this, latter stages of the Bill saw the addition of sections that sought to remove welfare and housing benefits from asylum seekers who failed to apply for asylum at a port of entry (*ibid.*). Both the 1993 and 1996 Acts contain particular understandings and assumptions about fast track procedures, the risk of persecution in certain countries and safe third countries. These concepts can be understood as central parts of the UK's attempts to circumvent its international obligations under the Geneva Convention (and other international instruments) (see Tuitt 1996). In other words, both the 1993 Asylum Appeals Act and the 1996 Asylum and Immigration Act have radically undermined the legal protection offered to refugees in the UK. Furthermore, in doing this they represent a further stage in a process of legally restricting rights and support to immigrants and refugees that has been present in government thinking in the UK since the 1905 Aliens Act (Glover 1997).

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[2]Before 1993 the system of appeals for asylum seekers were dealt with by the Immigration Appeals Authority (established by the 1971 Immigration Act). Under this system asylum seekers appeal rights depended on their immigrant status held before the claim for asylum was lodged. The 1993 Act established a tier of Special Adjudicators who assessed only asylum appeals, asylum seekers could then take any further appeals to the Immigration Appeals Authority. The appeals system for asylum seekers was introduced to prevent a case being taken to the European Court of Human Rights against the UK for having no formal appeal system for asylum seekers (Interview 22/2/1998).

In 1998 the (then new) Labour administration published a White Paper on Asylum and Immigration that condemned the asylum procedures as too complex and 'piecemeal' promising a 'complete overhaul' of the immigration and asylum system (Home Office 1998 : 3.1). In concrete terms however the 1999 Asylum and Immigration Act represents another stage in the restriction of refugees and asylum seekers social and political rights. The Act, passed in November 1999, abolishes the White List[3] but asylum procedures and a number of key welfare regulations have been restructured. Presently all asylum claims have a single right of appeal, if this is unsuccessful then a deportation order is issued. The time limits for claims and appeals are also targeted, claims are decided upon within two months, appeals within four months (Home Office 1998). Central parts of the Act include the re-organisation of welfare provisions for asylum seekers by substituting all cash payments with vouchers for food, clothing and other expenses - the weekly amounts allowed for single asylum seekers under 24 is £27.90; for single parents £35.35; for couples £55.30; for children below 16 £17.75; and for children above sixteen £21.20 (Guardian 26/11/1999). In addition the Immigration Authority ignores any preferences asylum seekers may have over where they may live during their asylum claim, asylum seekers have been dispersed over the UK living on minimum incomes. These measures have made asylum claims increasingly difficult for those escaping persecution, while those making abusive claims can still simply disappear and live illegally in the UK

Geographies of asylum in the UK.

The discussions, which follow, are based on research undertaken for a Ph.D. between 1995 - 1998. The context of this research then are the debates and issues surrounding the passage and implementation of the 1996 Asylum and Immigration Act. The aims of this research were first to examine the ways in which contradictory legal practices create uneven geographies of asylum, and second the ways in which these uneven geographies create widely divergent experiences for different actors in the asylum system. An important element in these research aims were to examine the practices and daily realities of institutions and organisations working with and for asylum seekers and refugees, ranging from powerful lobby organisations to local community

[3]The *White List* refers to particular countries where the Home Secretary considered there to be 'in general no serious risk of persecution' (Harvey 1997; Young 1997). The *White List* was introduced in the 1996 Asylum and Immigration Act, asylum claims from these countries were automatically refused and placed on accelerated appeals procedures.

organisations in the East End of London. The organisations and institutions contacted were London-based because 88% of refugees settle in London (RTEC 1996) (after three years of the current dispersal policy this proportion has changed).

Interviews were carried out with representatives from nineteen London-based asylum and refugee organisations and with four asylum seekers. Information about each institution and the names of interviewees throughout this paper have been changed to ensure confidentiality. Semi-structured interviews were held (usually with one person) in offices, work places or hostels and lasted between 45 min to 1.5 hours. Interviews were held with a range of different local institutions - local authorities, multicultural and multiethnic organisations, government funded organisations, community groups, barristers offices, local law centers and refugee hostels.

'Frontline' and 'Backup' Institutions.

In interviews different legal practices and relations were identified in different asylum and refugee institutions and organisations, as a result of the way in which asylum and immigration law was imagined by different interviewees. Interviewees from four legal organisations (Citizens Advice Bureaux and local Law Centers) and with five legal elites (barristers practicing immigration law) revealed that there were marked differences in the ways legal processes, identities and relations were understood in different institutional settings.

What follows is not meant to suggest that legal case workers in particular types of institutions or organisations are necessarily more enlightened, radical or even 'client friendly' than individual barristers or solicitors. Committed, politically conscious and hard working staff worked in every type of organisation (and frequently transferred from one to the other). The quotes below should be read as the situated accounts of legal practitioners placed within organisational landscapes of power where hegemonic relations define social interactions between differently empowered individuals.

Backup Institutions

During the 1990s asylum law in the UK became an increasingly more and more complex and restrictive legal realm, consequently the role of advisory agencies grew in importance. The growing complexity of asylum law and the asylum process emphasised the relative importance of legal expertise and

knowledges about asylum in negotiating successful routes for asylum claims through the increasingly labyrinthine determination and appeals system.

Legal knowledges about the details of asylum procedures were a principal way in which advice, referrals and networking practices were structured amongst voluntary and legal agencies. Ideas and concepts about law and legal knowledge structure daily work practices in legal institutions. Sue who worked for the South London Refugee Agency in a discussion about the 1996 Asylum and Immigration Act referred to these issues thus (Allen is the author):

> Sue: 'the changes in the Asylum and Immigration Act has made us ... we don't do any Asylum applications now where we used to do them, because....'
>
> Allen: '.... this is as a result of the 1995/1996 Act'
>
> Sue: 'the 96 Act, because the constraints, the time constraints on people who are on the fast track as so, difficult that we feel that we must get a solicitor involved, so our job is really is referral' (Interview, 20/3/1997).

Blacksell, Economides and Watkins (1991) explore levels of access and availability of legal services in rural Britain and propose a descriptive theory of the type and range of legal services in rural Britain. Although a rural context contrasts with the urban inner-city boroughs that asylum seekers live there are parallels between rural and urban poor - both are marginalised populations and often depend on informal networks to gain access to legal services. The theoretical model of legal services in Blacksell et al (1991) is based around a *loose hierarchy* of individuals, institutions and organisations that provide legal advice and comprise the context within which individual and collective legal identities are constructed.

Jane the co-ordinator of Legal Action an advocacy/lobby organisation commented on such a hierarchy of legal advice services for asylum seekers.

> 'it's very difficult to create an expertise and ideally what is needed is a really good system of referral where there is a network of front-line or community organisations... like the Refugee Incomers Project and the Legal Detention Advice Committee that actually are literally on that front-line, where people are supported and skilled up to a certain level and know

> beyond that level that they must refer cases on and they have got somewhere to refer people to' (Interview, 26/02/1998)

This representation of the asylum legal advice system was underscored by particular assumptions about the nature of legal advice. Implicit in this reading was a hierarchy of 'basic' legal advice agencies and institutions 'up to' other levels. Knowledge and skills play a central role in this hierarchy, people were 'skilled up to a certain level' within institutions in this hierarchy. Jane's account followed conventional and hegemonic representations of law and legal expertise - law is a body of privileged, expert and institutionalised knowledges that demand practitioners have had formal education and training. Law is a principle discourse in the web of different discourses that construct social identities, structure social reality and condition social life (Swain, 1997). Its powers lie in its claims to name and to separate 'truth' from 'fiction' (Hunt and Wickham, 1995). These truth claims are powerful because they mask the transient and changing nature of legal discourses through emphasising the authority *of* law through knowledges *about* law (Swain, 1997).

The effect of this institution of authority placed institutional and individual legal identities in positions of power relative to each other. Thus the 'loose hierarchy' was infused with power, and this was mediated by knowledges about asylum. Knowledges about the asylum system and asylum and immigration law were held by particular individuals in particular institutions and were articulated through their daily work practices. This specified the power relations between both individuals and between organisations. For example localised links between refugee groups and legal advisors were frequently emphasised in interviews, this masked the unequal power relations between powerful groups like solicitors, funded by Legal Aid, and relatively powerless, poorly funded refugee community groups. Thus voluntary organisations might

> 'develop quite good referral links, probably with only one or two different agencies [but] what the community groups complain about is that both their skills and resources are undervalued and taken for granted' (Interview, 26/02/1998).

A solicitor's firm or barrister or Law Center representative may be paid by Legal Aid but sometimes expected a refugee community organisation, whose staff are mainly volunteers, to provide free of charge translations, background country reports or other information. These tensions were important because

they represented points at which the 'unified front' of those working for refugee rights became problematic, revealing the ambiguities, inequalities and misunderstandings between different organisations and individuals that worked against the realisation of legal rights. These tensions and difficulties acted as points of articulation of complex relations of power, knowledge and legal identity between legal, para-legal and other institutions. Legal discourses privileged elite and specialist knowledges of asylum law - accessible to a few only - that control access to resources in the asylum world. Privileging one group places others in less powerful roles creating conditions where the chances of exploitation were greater

Returning once again to 'Jane', the co-ordinator of 'Legal Action', she argued that the best way to guarantee adequate legal services for asylum seekers and refugees was to create a hierarchy of 'fontline' and 'backup' institutions. Jane's account contained clues about the" social and legal relations that played a determining role in the practices of particular organisations. These were referred to using specific spatial metaphors — 'front-line or community organisations... front-line organisations... that are literally on that front-line'. The military metaphor - frontline - revealed important points about the ways that the roles of, and relations between, different institutions were understood[4]. Some institutions and groups hold more power and status in relation to others, thus the location of these groups differed to the location of others. Other groups are on the 'front line', the 'trenches' where asylum seekers and refugees were in need of immediate advice and help. The skills and legal advice offered by such groups, by implication, differed from backup, specialist agencies and organisations like the Refugee Legal Center or the United Kingdom Immigration Advisory Service (UKIAS). In these places asylum seekers were offered in-depth, specialist and expert help and advice on any number of different topics to do with asylum claims, determination procedures and appeal rights etc.. Thus asylum and immigration law was reproduced as a hegemonic body of privileged, expert and institutionalised knowledges that required formal education and training, as well it was literally marked out as a separate space within which particular 'expert' and elite legal institutions and organisations operated.

[4]Cresswell (1997) argues that metaphors are not simply textual flourishes used to enhance representations of reality, nor are they straightforward aids in understanding and objective reality. Instead metaphors lie at the heart of constructions of truth and therefore action and practices, they structure, everyday life most often along dominant and hegemonic lines of power (*ibid*.).

Of course the authority invested in formal legal training did not automatically guarantee quality legal services, anecdotal evidence in interviews points to malpractice by some practitioners[5]. Dave from 'Detainee Action' hinted at the existence of 'a lot of bad solicitors in the immigration world' (17/9/1996). Asylum seekers were vulnerable to fraudulent and abusive representation from incompetent or unscrupulous legal representatives through their lack of knowledge of the asylum system (Justice 1997). Asylum seekers pursue an asylum claim once, experienced refugee community workers or solicitors have attended interviews and prepared claims frequently. The powerful positions of the solicitor were contrasted with the powerlessness of asylum seekers and this powerlessness was rooted to asylum seekers' knowledges about the asylum system.

Tariq's account of his entry into the UK illustrated his marginalisation throughout his journey and the beginning of his asylum claim.

> 'when I arrived to the airport according to the, to agreement with the smugglers they say that someone will see you in the airport and you have to go outside because if you apply for asylum in the airport they will send you back to Turkey, therefore I entered and I saw the man who was working they said he will bring a lawyer to complete the asylum procedures, and he brought me to the center of London and said "wait until I go and bring the lawyer and the documents", I waited him a long time, for many hours, I waited for him two or three days until 30th and I was very, very tired and it was very cold therefore I went to Lunar House, not to there, I went to the police and informed that I am here and I came in illegal and I was deceived by the smugglers and the police gave me the address of Lunar House you know in Croyden' (Interview, 26/05/1998).

In this account we see the embodiment of asylum seeker's vulnerability, deceived by bogus advice and abandoned in the center of a strange city, Tariq was 'very, very tired' and cold by the time he contacted the police himself. His account is interesting for what is unsaid as much as what is said. Tariq's vulnerability was experienced because of his lack of knowledge about asylum law in the UK. The deception of the smugglers was, in part, because he was

[5] In one case the respondent said she was unwilling to refer asylum seekers onto any local solicitors, preferring instead to rely on legal agencies that receive government funding - Refugee Legal Centre and the UKIAS (Interview, 21/4/1998).

disorientated and confused, and because of discourses and ideologies about law, legal knowledges and expertise. His assumption that he needed a solicitor to initiate the procedures was rooted in these discourses about law, legal knowledge and legal expertise. He ended up, along with hundreds of other asylum seekers starting the procedures himself, thereby placing himself at a disadvantage in an asylum system that is biased against those who do not claim asylum immediately on entering the country (Justice, 1997). Tariq's asylum claim will be judged, not so much on the specific details of his experiences, but on the consequences of these beliefs about the authority of law, legal knowledges, lawyers and legal practitioners.

Thus hegemonic principles of legal closure, that there is a self contained and authoritative legal logic and set of principles that exist outside of normal social relations were responsible for channeling asylum seekers into a legal system supported and funded by Legal Aid. Access to legal knowledges may have proved empowering for asylum seekers, however for the many, caught in atomised individual legal relations, the complex field of asylum and immigration law remained incomprehensible.

"*Front-line' institutions.*

Front-line institutions are best understood as 'para-legal' institutions where, for the most part, staff did not necessarily hold professional legal qualifications, clients were recruited through an open-door policy, and rather than being clustered within the city of London were geographically dispersed through inner and outer suburbs. Interviewees from 'front line' organisations represented legal identities, practices and relations in different ways to those in elite 'backup' institutions. As I go on to illustrate these differences were based around different understandings of the relationship between law and place.

Local law centers are good examples of 'front line' organisations, existing to meet and serve local community legal needs (a significant proportion of which is often immigration/asylum law related) (Interview, 21/4/1998). Interviewees in local law centers highlighted how different local law centers worked on different *types* of asylum and immigration cases. In the words of Sarah, who works in the North London Law Center :

> '*the Refugee Legal Center has a special third country unit which is very efficient and that tends to be immediate court cases so it actually doesn't come through to us, ... fast track appeals, they tend not to come through to us because its a very short time frame.... people are more*

> *likely to stick with the first agency they get to*' (Interview, 22/5/1998).

In comparison to Jane's account, above. Sarah's description contained marked differences in how legal processes and relations in local law centers were understood (as place specific practices specialising in particular types of cases). These differences were the result of the ways in which the relationship between law and space was constituted. For Jane changes in asylum law in the UK were best answered by an ordered and hierarchical universe of 'front line' and 'backup' specialist organisations. For Sarah changes in the law were constituted through changing legal practices in specific contexts where local populations were served by 'front line' institutions and organisations.

The embeddedness of legal practices and relations in place was also reflected in the ways in which local and place specific knowledges were used day to day as part of a negotiation of the asylum process, by both asylum seekers and workers in asylum and refugee institutions. Knowledges about who guaranteed good representation and which law centers specialised in what type of case were important. 'Paula' from the 'Immigrants Services Center' makes a specific point about this:

> '*I also refer to some law centers you see it depends on the language of the person you are working with so some law centers have particular, they have workers who speak certain languages..... Paddington law center for instance has quite a good reputation... most of the inner London law centers are actually quite good on immigration*'.(Interview, 16/9/1996).

The referral of an asylum seekers to legal institutions was not based on the links between local and 'backup' institutions. Instead these referral practices were mediated through routinised knowledges of the linguistic and cultural geography of central London and the staff and individuals in specific places in central London.

Bobby, a case worker in the Central London Law Center took this point further by making explicit links between the composition of the client base of the center, his ethnicity and the ethnic and cultural landscape of the locality where he worked:

> *before I started, there was no Chinese using the services, nowadays in immigration you are talking about almost 80% of the people using the service are Chinese, firstly because I speak the dialects and secondly I am Chinese and we're actually near Chinatown*" (Interview 21/05/1998)

Bobby also went on to argue that local places shaped local legal relations, practices and identities

> '*different communities have different problems like for the Vietnamese /Chinese community its mainly family reunion; then you have the Hong Kong Chinese its usually overstaying/getting married; Chinese from China are usually asylum cases; and then Malaysian/Singapore Chinese are usually students problems students getting nicked for working, this sort of thing; and then Bengali community are also family reunion.... this is a center not only for the Chinese, there are two main community groups in our area the Bengali and the Chinese, so different communities have a very specific problems which we will deal with*' (Interview, 21/05/1998).

In 'front-line' institutions then, legal practices and relations were not simply the preserve of individual heroic legal champions, but were collectively determined and developed according to the needs of specific communities in particular places. Mosaics of different overlapping nationalities, races, ethnicities and cultures across London had community organisations that often had strong links with local law centers. Here multiple overlapping legal relations and practices were situated and placed within local landscapes where people access legal resources and challenged prevailing injustices in the asylum system. Different groups of asylum seekers required different legal advice and varied and heterogeneous legal practices developed in response to these specific needs. In 'front-line' institutions, like community law centers the provision of legal services and the preparation of cases were collectively shaped and determined.

Within the legal landscape community law centers were distinguished by their emphasis on collectively determined relations and practices. Though funded in the same way as other organisations the commitment to collectively based relations in local law centers meant that these places constitute an alternative to hegemonic legal relations. Thus everyday geographic realities of local places formed critical parts of legal practices and relations in law centers. Arguments that legislation would presage a normative set of changes across the UK ignores this geography. The implications of changes to the asylum system introduced by successive legislation ensured that specific legal practices emerge in different places, according to the needs of local communities (and, in some instances, the abilities of legal advisors).

The legal construction of 'community'.

In research on refugees, community organisations are frequently represented as unproblematic 'go-betweens' or 'crucial links' between marginalised populations and services providers (Canda and Phaotbtong 1992; Carey-Wood et al. 1995; Joly 1988; Mukerji 1994; Whalbeck 1998). These representations of 'communities' and 'community groups' often essentialise differences between dominant and subordinate groups while denying differences that exist within groups (Whalbeck, 1998). Community groups and organisations are, of course, highly significant places for asylum seekers in London. Interviewees from statutory and voluntary organisations represented how community organisations acted as a medium between state services and local communities on a day-to-day basis. In these interviews representations of community groups emphasised their 'wholeness', as homogenous populations with single voices, ignoring differences and often transnational political tensions that criss-crossed communities and became part of everyday experiences of many refugees and asylum seekers in the UK (White 2001).

The 'organic' and 'natural' origins of communities were the product of carefully orchestrated and manipulated political representations and accounts of identity, place, nationality and culture (re)produced by both dominant actors and agents and from community members themselves. Legal practices and activities were central to these representations, by (re)defining boundaries about whom was (not) part of the 'community'. As well because law is a 'real' discourse of power shared by different organisations and institutions using laws in particular ways can position particular organisations as the 'authentic' voice of a community. The account of the origins of the South East Asian Community Group illustrates the role of law and legal discourses in the origins and evolution of a community group.

The South East Asian Community Group (Interview 11/10/1996).

The South East Asian Community Group (SEAG) formed in 1986 although the respondent, Mr. Kadigamar, described a period of unofficial and unorganised work from before then. The origins of the organisation were situated in the first large-scale flight of refugees from South East Asia to the UK. Mr. Kadigamar was one of a group of asylum seekers who were detained by the UK immigration authorities. After a number of deportations he and other fellow nationals managed to contact an MP who secured them accommodation in Newham. After this, a number of refugees moved into the

premises the group operated from. The history of the SEAG was interlaced with Mr. Kadigamar's narrative of his arrival into the UK, his (and other's) detention, possible deportation and eventual release. Immigration law and the legal practices and actions that are specific to immigration law (e.g. asylum interviews, appeals hearings, detention and deportation) were placed side by side with the emergence of the group. What began as informal advice to friends, fellow nationals and colleagues soon 'grew' or developed into an institutional presence and specific site within the local community.

> '*other people.... came here* [to the group's premises] *.... to ask us to help on what happened at the immigration interview and how you fill out an income support form..... so we started to share our experience with those people*' (Interview, 11/10/1996).

The origins of the SEAG developed from offering advice and help to fellow nationals (and others) about the asylum determination process or welfare and benefits rights and regulations. Thus immigration and welfare law and legal relations and practice lay at the heart of what the SEAG was and how its members understood its function and origins.

The then embryonic group made contact with the local authority that offered them advice on how to draw up a constitution and formally organise. In 1987 three members of the community were murdered in a racially-motivated attack and the organisation handled the funeral arrangements, negotiating a loan from the council to cover the burial costs. Placing the details of funeral arrangements for three victims of a racist attack in this narrative (i.e. just before the organisations formal recognition by the local council) was significant. Events such as these are often used to structure narratives and may be ascribed causative effects that far exceed any real effects. This account was important also because it represents another way in which laws and legal practices and relations formed part of the ways community organisations were politically and socially constructed. After the racist attacks and funerals the SEAG received its first year of funding from the local council which itself bore a civil and legal responsibility to an excluded and marginalised group. Laws and legal discourses about political and human rights opened up a space for the SEAG to register itself with the majority community and legitimate its representation of a racialised 'Other'. The following year the SEAG began to formally receive funds from the council.

The narrative of the SEAG's history is woven around ideas and notions about belonging and insiderness and outsiderness. The use of and willingness to share knowledges and information about immigration and asylum law and welfare regulations and legal rights were central themes in the origins of the group. The positioning of the group at the social and moral center of the community was possible through the use of particular laws, legal discourses and practices. Simultaneously council funding and resources ensured that the SEAG became the dominant organisational presence in the local community, the basis for local collective legal struggle against the asylum and immigration system and the 'authentic' and authoritative voice for the South East Asian community in Newham.

The mutually constitutive relationship between the SEAG and legal relations and discourses was reflected through multiple spatial scales and spaces: from the global and international scale of the Geneva Convention; the UK's obligations and responsibilities towards asylum seekers; national asylum and immigration determinations and appeals procedures; UK anti-discrimination legislation; local authority responsibilities; and localised interpretations of the provision of statutory services. Local collective struggles against injustices in asylum procedures and regulations were based around ideas about community that are themselves mutually constituted by law, legal relations and legal practices. Legal discourses are one of the ways in which all communities establish and represent themselves and this is always part of the process of (re)defining a community's exclusivity and partiality. Law acts as an arena where dominant representations about who the South East Asian Community Group should represent were reproduced. These contain subtle exclusions which should be acknowledged by powerful legal voices and organisations, rather than a reliance clients coming from a legally 'neutral' community.

Conclusions.

This paper has voiced a dissatisfaction with the domination of legal positivism in refugee legal scholarship. Refugee law has, in the past, been criticised for being irrelevant and distanced from the needs and problems of refugees and asylum seekers today (Joly 1998). This legal positivism has led to the prioritising of the needs and concerns of *individual* refugee subject and has reproduced hegemonic legal relations. These approaches reproduce the liberal individual legal subject and the representation of law and legal knowledge as the preserve of the elite and the privileged. Hegemonic

approaches in refugee law in the UK focus on legal discourses that reflect and shape the interests of powerful groups. The representation of the asylum system as a hierarchy of 'front line and backup' groups fails to take into account the importance of locally specific legal needs, responsibilities and practices and importantly reproduced hegemonic legal relations and practices that isolated and marginalised asylum seekers.

Instead this paper has argued that the changes, practices and processes associated with refugee law in the UK (for example accelerated procedures, refugee definitions etc.) were constituted in multiple sites and places in the asylum legal system. Different sites and organisations were characterised by different legal practices and relations. Local law centers emphasised the importance of specific legal demands and local community legal needs. The emphasis on collectively decided and determined legal processes and practices in local law centers was contrasted with hegemonic individually based legal relations in elite spaces of barristers offices and 'backup institutions'. In short place shaped law and legal relations.

As well as this, however, the use of particular laws, legal practices and regulations formed important ways in which communities could be (re)defined (by themselves and others) as 'Other' to the dominant host society. Laws were used by local communities to define themselves and their relationship to place. An array of subtle and not so subtle exclusions define communities and the use of legal discourses, practices and knowledges were an important part of these exclusions. In short law and legal relations shape places. Thus an analysis of the mutually constitutive relationship between law and place is important because it helps us understand the geographic complexities of the legal practices, discourses and lived relations that constitute the asylum system and therefore the degree of access marginalise groups like asylum seekers have to justice. Where a refugee or asylum seeker was had profound effects on the future success or failure of her/his asylum claim or appeal to a refusal.

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