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# ILPA EXPLORES RACISM

IN THE IMMIGRATION SECTOR

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ILPA launched a survey of its members in July 2020 that ran for two months. The survey provided ILPA members with the opportunity to provide feedback on the racism they may have experienced working in the immigration sector and the racism experienced by their clients.

## DEFINITION

Racism is understood here to mean any form of discrimination, be it visible or otherwise, directed towards a person on account of their skin colour, perceived race, ethnicity, religion or nationality. It can be covert and non-tangible but importantly is perceived by the person to which it is being directed. While filling out this survey we encouraged members to think about not only overt instances of racism, but any scenarios where they have felt disempowered or marginalised through covert microaggressions.

We recognise that race and racism are incredibly nuanced and therefore a survey will not account for the myriad ways in which individuals may experience discrimination.

## KEYWORDS

**BIPOC** Black, Indigenous and People of Colour

**Microaggressions** Coined by American psychiatrist Chester M. Pierce in the 1970s to describe instances of commonplace verbal or non-verbal actions that undermine a group of marginalised people

**Othering** To view or treat a person or group of people as intrinsically different to oneself; treating people as different and inferior

## SUMMARY

Throughout the survey ILPA endeavoured to collate data about members' experiences as BIPOC immigration practitioners and about instances where they or their clients have faced racism and discrimination in the immigration sector.

We received 80 responses in total and acknowledge that this is a small sample and we do not take it to be representative of the immigration sector as a whole, but would like to offer these findings as a snapshot of lived experiences. We have taken care to avoid as many tick boxes as possible to avoid further minoritisation and 'Othering'. As such, we have collated the range of voices and answers in an accessible way, to highlight the individual nuances of each person's story.

Equally, we acknowledge that in conducting a survey about racism we will never capture every person's unique experiences but we strive to open the conversation and do all that we can from our position as ILPA to help combat institutionalised racism both within our organisation and the immigration system as a whole.

Finally, we want to state here that language is important when discussing race and racism. In using terms like BIPOC one inadvertently contributes to a system that draws a binary split between white people and 'everyone else' thus homogenising a vast and rich wealth of people's experiences. At times, for ease of communication during the survey we have used the term BIPOC, but everywhere else we have used the term racialised. This helps to shift the dialogue of racism from one where racialised people are categorised on account of their being non-white to one where a category of race has been applied to them.

### **We have identified two key areas of pervasive racism in the sector and they are as follows;**

The racism experienced as a racialised immigration practitioner from:

- within your workplace
- your clients

The racism experienced by your clients from:

- decision making bodies i.e. the Home Office and Courts and Tribunals
- other external bodies

## 03

The following report goes into detail about the answers members gave and lists our recommendations (page 15). What was evident from the survey was that in most instances racialised immigration practitioners do not formally or informally raise their concerns about racism experienced in the immigration sector. This is down to a combination of factors such as a lack of awareness about formal complaints procedures or a lack of willingness to use the procedures due to fear of further prejudice; and that racism is prevalent even in what is often considered a 'liberal' environment.

### *Racism experienced as BIPOC from your workplace*

Just over 40% of respondents answered that they had experienced racism in their places of work. Of those only 6% felt confident to raise it with a line manager or a senior member of staff. It was discovered that this is due in part to already being marginalized as often one of the few Black practitioners or People of Colour in a firm, and thus respondents felt raising a concern would be met with denial and potentially further cement marginalization.

Microaggressions are notoriously difficult to pin-down as they often come in well-intentioned packages but are ultimately based on an assumption or a pre-conceived idea or judgement and can leave the person on the receiving end of the comment disarmed. Much of not being able to address racist incidents when they occur was put down to the reaction from white peers when racism is mentioned. Many respondents cite defensiveness, disbelief or dismissal of their concerns.

70% of respondents said they had been witness to a racist incident in the workplace and yet the majority of respondents who answered this said they felt unable to speak up about it when they saw it happen. A culture of downplaying racist microaggressions and obfuscating discussions of race with politically correct terminology leads to a failure to take racism seriously. Coupled with the economic barriers that arise when trying to enter the sector, prejudiced hiring practices and barriers to promotion (25% of respondents said they faced racial discrimination when seeking a job in the immigration sector), plus facing majority white senior members of staff, all create an environment in which it is increasingly hard for racialised people to challenge racism in their workplace.

### *Racism experienced as BIPOC from your clients*

To add another layer to an already multi-faceted and fraught conversation, we asked respondents if they had faced discrimination from their clients. We received many answers from respondents who list the prejudice they have faced from clients. Of the 44% who said they had faced discrimination from a client, 13% did not know the formal complaints procedure at their place of work and 24% said they were not sure if their place of work had a formal complaints procedure. This means a total of 37% of respondents were not knowledgeable about how to even raise a formal complaint let alone make one, making it unlikely that this cohort would be able to address a racist incident formally if one did occur.

*Racism experienced by your clients from decision-making bodies*

Alongside the difficulty in raising concerns about racism in the workplace many respondents highlighted the difficulty in challenging racism in the immigration sector as a whole due to the hierarchical nature of the Judicial system and decision-making bodies such as the Home Office.

The final stream of this survey set out to explore racism experienced by your clients from external bodies such as the Home Office, NHS trusts, charities, translators, the police and courts and tribunals. 85% answered that their clients had experienced racism from these institutions. Of these, 40% of respondents said they were not comfortable challenging racism and nearly 30% said they were not sure. Only 6% of respondents said they felt comfortable challenging racism that was directed towards their clients. This was largely explained by the vulnerability of their client's situation and fear that decision-making bodies would prejudice clients' claims if they appeared to 'step out of line'. This breeds a culture of acceptance of prejudiced and racist attitudes by the Home Office and allows them to continue to penalise without retribution.

Many respondents said they felt that better training and more open conversations about race, along with clearly-defined steps and procedures about how to challenge racist decision making, would better equip them to start challenging the racism directed towards their clients when they encounter it.

Ultimately, this survey revealed that there are two main issues: challenging racism in the workplace and from clients, and challenging the inherent bias in the immigration system as a whole.

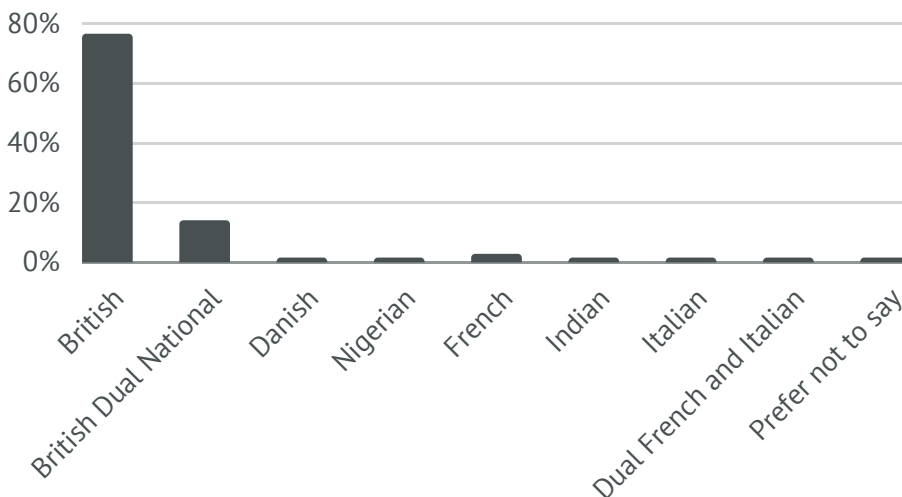
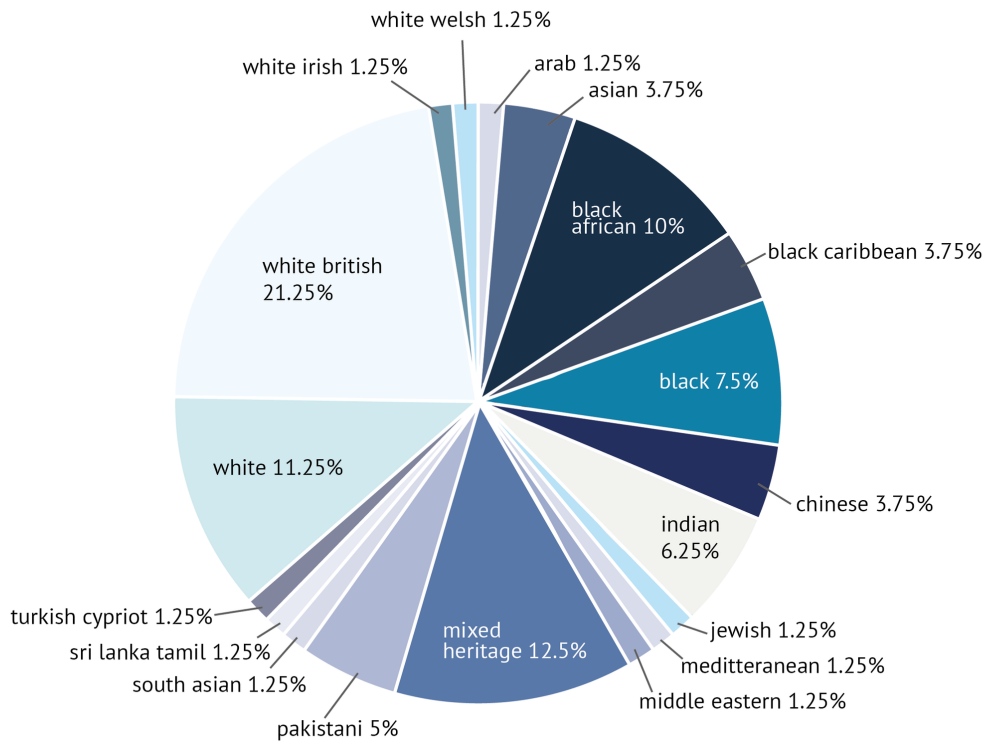
**ILPA has taken action to analyse how we as a charity can achieve a more just and equitable system of immigration law. We have undertaken a review of our tutor cohort and our working group co-convenors and are examining our hiring practices to ensure that we reflect a diverse sector and a wide range of voices. We encourage you to read this report with an open mind and examine the way in which you as an individual or as an organisation can do the same.**

The full list of recommendations can be found on page 15.

# THE RESPONDENTS

When conducting this survey we made a conscious effort to steer away from the usual tick box exercises that often fail to capture the diversity of identity and in some cases misses people off altogether. We started the survey by asking a little bit about how the respondents self-identified before asking them about their experiences.

We asked our members 'what is your ethnicity?' and this is how they responded:

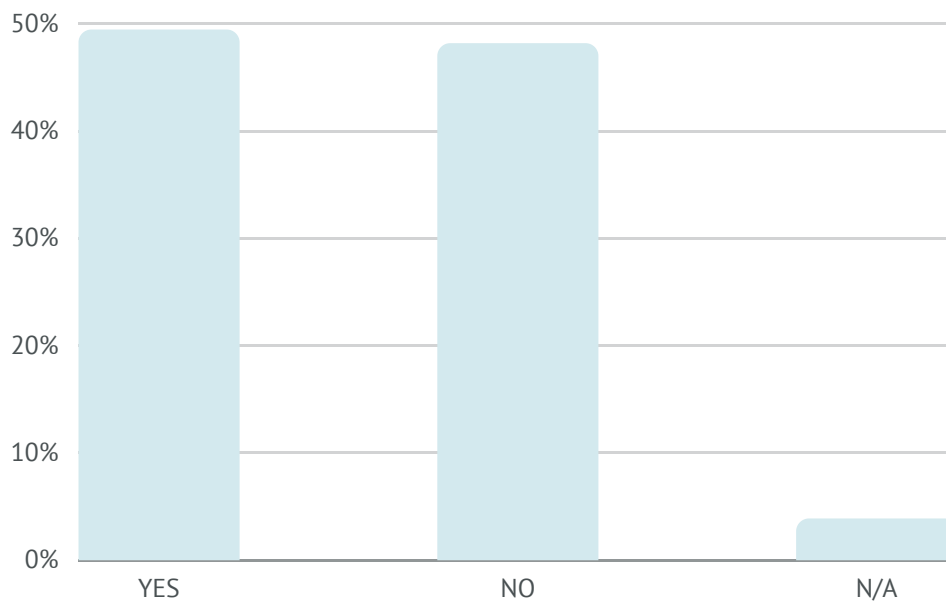


The overwhelming majority of respondents held British nationality, with the second largest group being dual British nationals. This group consisted of people holding dual citizenship with Trinidad, Ireland, Barbados, New Zealand, Nigeria, U.S.A, France, Italy, Zambia and Australia.

# THE ANSWERS

## 01

**Have you ever felt uncomfortable and/or marginalised at your workplace specifically on account of your race and/or ethnicity?**



**If yes, have you felt as though you have been able to call out, challenge or address these instances?**

The overwhelming majority of respondents who answered yes to feeling uncomfortable and marginalised in the workplace said that they did not feel that they were able to raise these issues when they occurred.

*- Not as a junior member of the team but I have grown more confident to as time went on. I still do not feel fully comfortable doing so however.*

*- No. At the time, I was the only black individual in the room and one of three black people in the firm. Being part of the minority, I did/do not feel comfortable speaking up at times.*

*- Yes. I tried to challenge but was not believed and accused of playing the race card.*

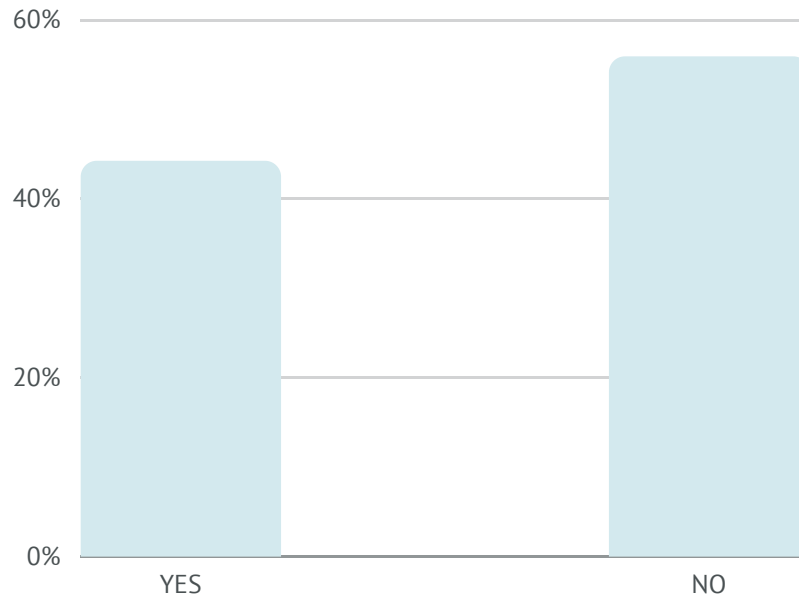
*- No, certainly not. I needed the job and was worried that I would be labelled a trouble maker.*

*- No - people find race difficult to discuss, apart from the usual white allies - most times the conversation is met with silence, defensiveness or denial.*

07

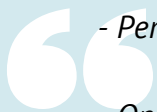
## 02

### Have you personally experienced racism in the workplace?



When asked "did you feel confident to challenge it, raise it with your line manager, senior personnel or HR?" only 6.33% of respondents answered "Yes".

When asked "are there any circumstances that make it difficult or uncomfortable to raise these issues with your colleagues?" respondents said ...



- Personal feelings such as embarrassment, being uncomfortable.
- On previous occasion where race has been an issue, it was dismissed.
- I was one of 2 people of colour in this place, I was on a temporary contract and felt very insecure.
- White colleagues often seek to downplay racism, or see complaints of racism as a personal attack.
- In the legal profession, particularly when comments emanate from judges, it is extremely difficult to challenge unless the conduct of comment is blatantly racist or xenophobic.
- Their lack of understanding, lack of empathy, arrogance and racism itself make it impossible to challenge.
- Hierarchy, power structures, small working organisation, lack of real commitment to change status quo.





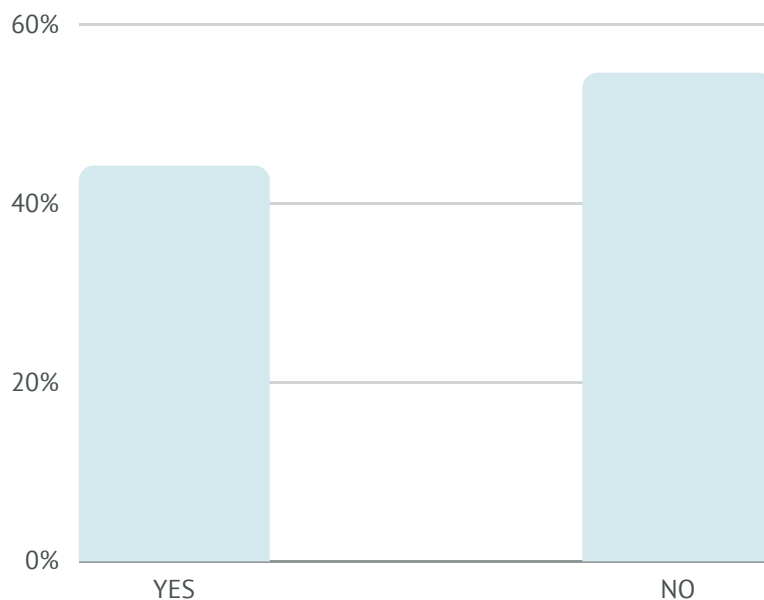
## 03

When asked **"Do you know the complaints procedure for reporting racism in your place of work?"** **12.99%** of respondents answered **"No"** and **24.8%** of respondents said they did not know if their place of work had this type of complaints procedure.

Although **44.16%** of respondents of respondents had experienced racism at work, only **11.39%** of people made a formal complaint.

## 04

**Do you feel you have ever been treated less favourably by clients on the basis of your race (including nationality, ethnic or national origins) or presumed race?**



**44.16%** of respondents said that they felt that they have been treated less favourably by their clients.

“

*- I have had clients very explicitly state that they did not want an 'Asian' lawyer.*

*- Discrimination by solicitors in allocation of work.*

*- The clients believed I was not an acceptable representative.*

*- Clients assuming a non-white solicitor is not as capable or assuming I have certain set prejudices that would reduce the quality of my work for them.*

*- I have had several incidents; I will provide an example of a few. Client's presume I am not a solicitor or question my qualifications (one asked whether I knew what an LPC was?). At times it is my accent or making a subject of 'where I am from'.*

”

“

*- Generally not wanting a rep that is black or more specifically with a difficult name to pronounce.*

*- 1. Clients have asked about my background before meeting me. 2. I have been told that 'I don't look like a lawyer'. 3. My qualifications have been questioned and some have asked for other lawyers to be present 4. I have had complaints made about my work **before** I even started doing anything.*

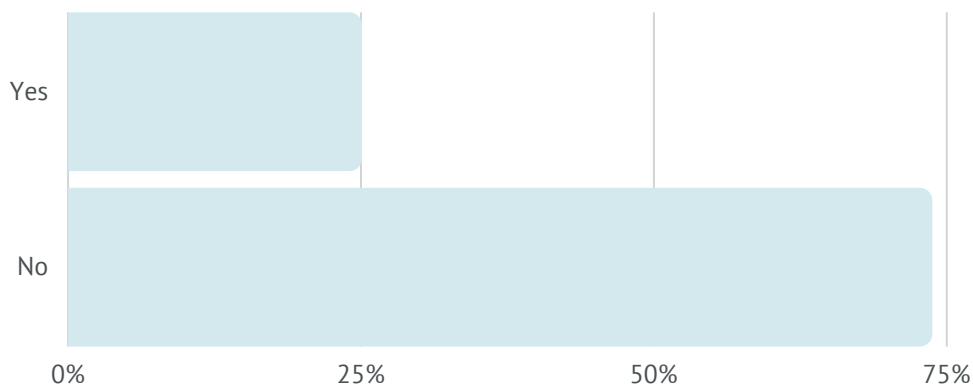
*- Refusing to work with me even though they have never met me*

*- I have felt on occasion that there is an assumption made by some white British clients that my advice will be shoddy compared to that of my white colleagues. I have sometimes felt that clients of the same ethnic background as me make assumptions about the way I would think/ cultural biases because of my ethnic background.*

”

# 05

**Have you experienced racial discrimination when seeking employment and/or other opportunities in the immigration sector, that you know of?**



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*At pupillage interviews I've been asked if my parents were “kicked out of Kenya by Amin”, even though Amin was Ugandan, and I am not an East African Asian.*

”

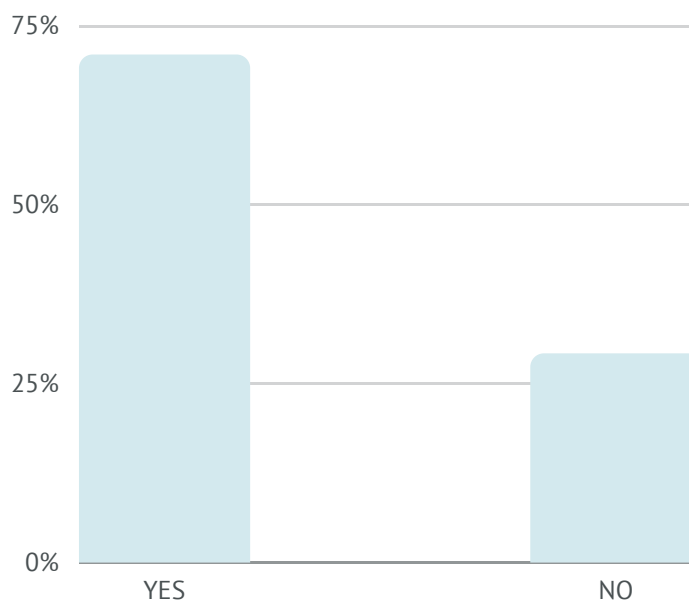
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*I was challenged at an interview as to why I was not fluent in my 'mother tongue' (Arabic), but my first language is English.*

”

## 06

When asked **"have you been witness to racism in the workplace experienced by your colleagues or clients?"** 70.89% of respondents answered **yes**. When asked **"if yes, did you feel confident to challenge it?"** the majority of respondents said **no**.



*- If not racism, prejudice. I really wanted to speak up on one specific occasion but again, being the only POC in the room was hard. I left it too long and then felt I couldn't say anything.*

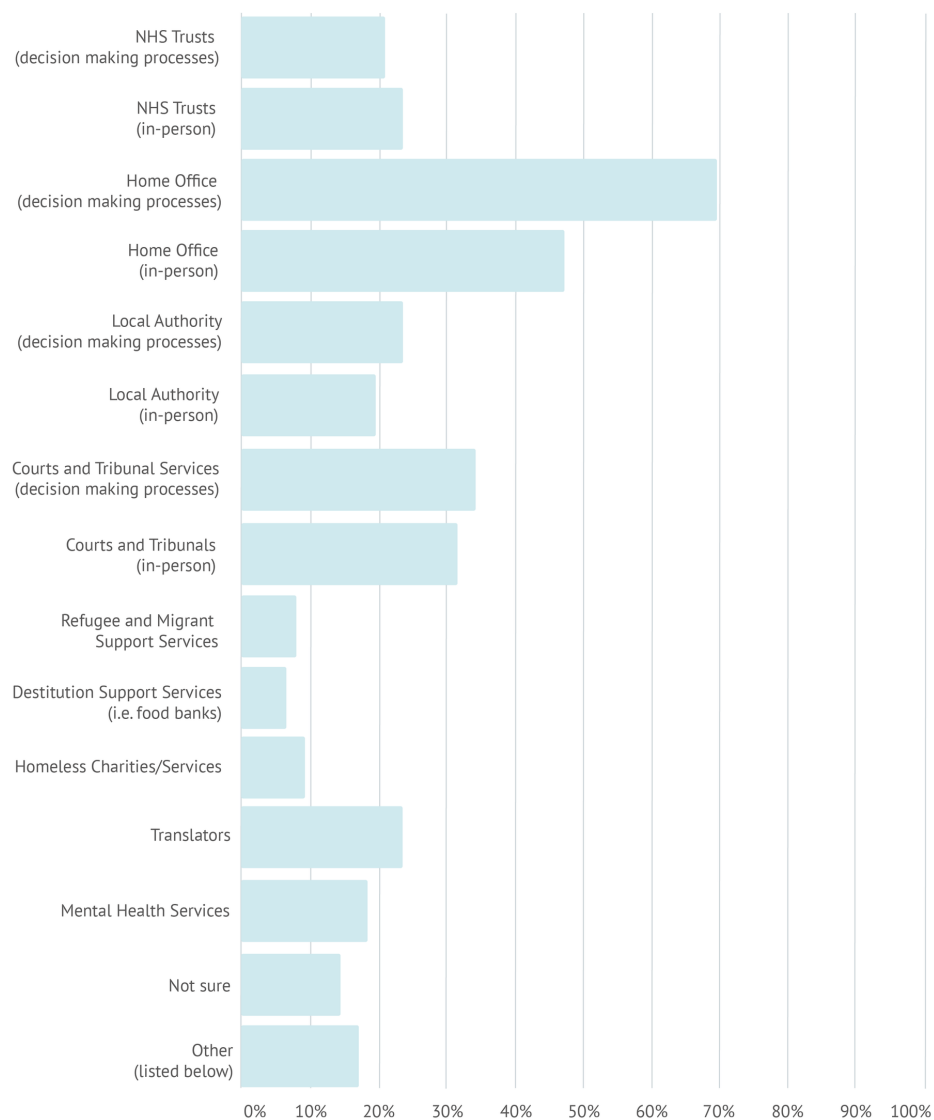
*- No. It was apartheid all over again. The white person had their own reception area. My Immigration team is not allowed to use this and had to have a separate reception area. One white client stated that he does not want to sit next to an asylum seeker or a black man. The other partners agreed with him.*

*- Previously, when working for another employer I felt my asylum seeking clients were not treated as courteously as white British clients of the same firm. They were often asked to wait in a separate area. I was not comfortable with challenging this at the time and wish I had.*



# 07

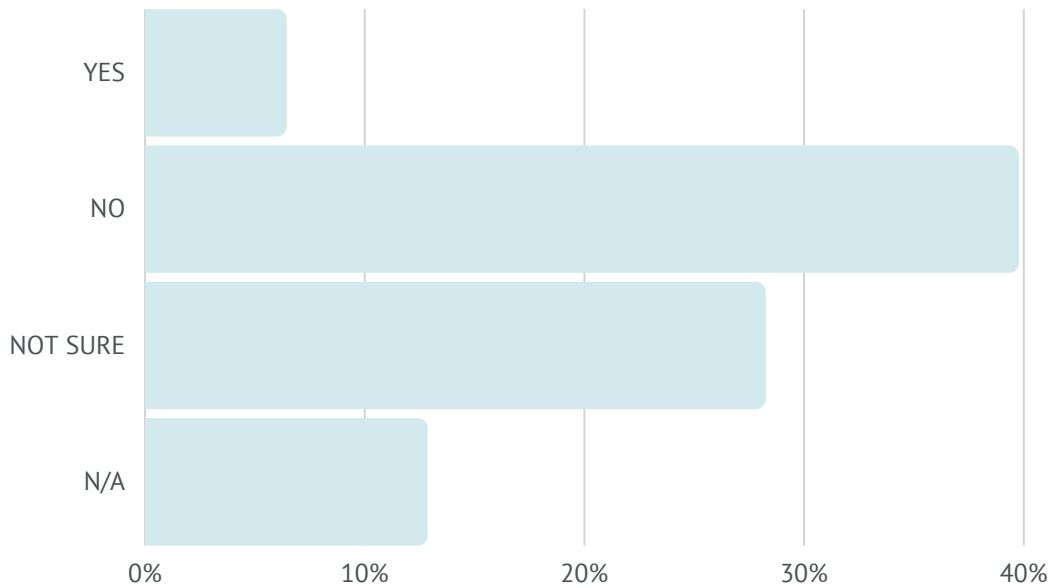
When asked "have your clients experienced incidents of racism or racial discrimination by any of the following organisations/persons, or any other organisations, that you are aware of?" 85.53% of respondents said yes.



You have told us that your clients have also faced discrimination and racist assumptions from: **education providers, banks, accommodation providers, Border Force, Her Majesty's Passport Office, food banks, Child Maintenance Service and the police.**

# 08

When asked "If your client has experienced racism when interacting with any of these services did they feel comfortable challenging it?" only **6.41%** of respondents said **yes**, **39.74%** said **no** and **28.21%** said **not sure**.



*- Our clients are the most vulnerable and those who have the most at stake if they appear to step out of line.*

*- Most clients are without status and vulnerable. They are in fear of challenge in case it back fires.*

*- I also do discrimination law; therefore, client's do raise racism via this mechanism. However, I am yet to see racism being challenged outside the standard Equality Act arguments. There is campaigning, but not necessarily via legal routes. This may also be due to a lacuna in the law not articulating how racism operates in people's daily lives.*

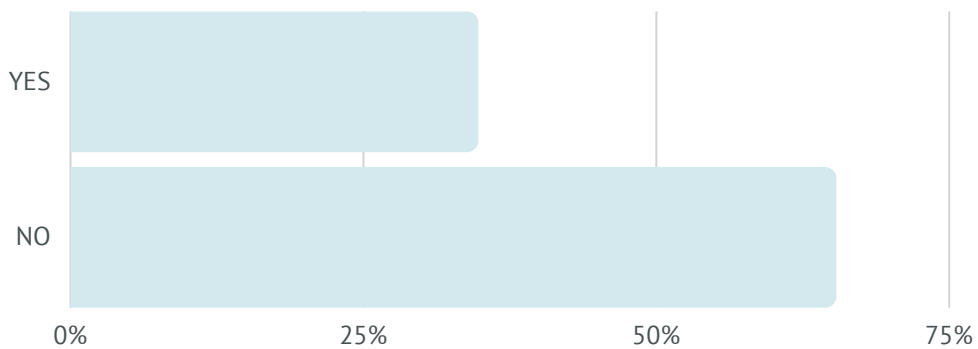


# 09

When asked "If you were aware of the racism did you make a conscious effort to address it with your client?", **49.37%** of respondents said **yes**, of which only **14.1%** of these incidences led to a formal complaint. The main reasons given for not making a formal complaint were that **the representative and the client did not think it would be taken seriously** and **the client was vulnerable with a pending decision and did not want to challenge it for fear of making their situation worse**.

# 10

When asked "if you have been witness to racism experienced by your clients do you feel you have the necessary knowledge and skills available to you to adequately address it?" 65.28% of respondents said **no**.



When asked "what would have helped you to address this" you said ...

- “ - Advice on how to deal with micro-aggressions when directed at others would undoubtedly be helpful - both in court and in life.
- Training in how we are part of the problem. How to have conversations on race. How to be more aware.
- Learning how to raise it in a less confrontational way so as to have a more lasting impact.
- Training on how to talk about race and racism.
- An understanding of the procedures in Tribunal/with the HO to raise these concerns.
- General training on how to manage these issues in the best interests of clients.
- A call-out guide for racism in the Tribunal by judges and presenting officers.”

# RECOMMENDATIONS

We asked you **"what are the 3 priority areas you think ILPA should concentrate its efforts on in order to tackle racism within the immigration sector?"**

These are your recommendations ...

## Recommendations for ILPA

- Facilitate a support network for BIPOC practitioners
- Develop social mobility initiatives to widen access to the legal sector and encourage upward mobility within the legal sector
- Develop a transparent disciplinary process for members who fail to safeguard their staff against racism in the workplace
- More diversity within the staff, trustees, tutors and working group co-convenors

## Recommendations for ILPA Members

- Workplace training on racism, microaggressions and white privilege
- Establish a transparent process in which to receive and process formal and informal complaints about racism
- Conduct a review into the allocation of work
- Take the diversity and inclusion pledge and hold themselves accountable to the spirit of the pledge
- Training for HR and Management on recruitment, retention and support for BIPOC practitioners

## Recommendations for the Immigration/Legal Sector

- Anti-racism training to be undertaken by Judges, courts and tribunals staff and the Home Office
- Collect evidence on discriminatory and racist practices in the decision making process
- Develop a transparent complaints procedure for overt and covert racism in the decision making process



# RESOURCES

We are all on a journey of learning and unlearning biases. Both an awareness and an anti-racist vocabulary will guide us through this together and help us to dismantle systemic racism.

At ILPA, we have put together a collection of [anti-racism resources](#) from books, podcasts, documentaries and resources for Black lawyers.

We have listed a selection of resources from this collection here that we hope will inspire change, promote growth and help those at the very start of their journey...

## Podcasts

*About Race* with Renni Eddo-Lodge

*Yo, is this racist?* with Andrew Ti and Tawny Newsome

*Good Ancestor Podcast* with Layla Saad

## Books

*In Black and White: A Young Barrister's Story of Race and Class in a Broken Justice System* by Alexandra Wilson

*Overcoming Everyday Racism: Building Resilience and Wellbeing in the Face of Discrimination and Microaggressions* by Susan Cousins and Cheryl Hill

*Black and British: A Forgotten History* by David Olusoga

*Brit(ish): On Race, Identity and Belonging* by Afua Hirsch

*Natives: Race and Class in the Ruins of Empire* by Akala

*Why I'm No Longer Talking to White People About Race* by Renni Eddo-Lodge