

Need to know: Asylum, immigration and transport workers

Workers in the world's transport industries are often the first people to encounter clandestine immigrants. Transport workers are not immigration officers, and they must not be forced into that role.

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The issue of asylum and immigration is one of the most controversial among governments worldwide. While countries and their media debate their responsibilities towards those seeking asylum and those crossing borders illegally, transport workers – those most often confronted directly by the issue – are forgotten or sidelined.

Most people attempting to get into a country secretly or illegally have to use some form of transport to get across. Whether they smuggle themselves (or are smuggled by traffickers) on to a truck carrying freight, or on to a passenger or goods train, or stow themselves on board ships, or board aircraft with false papers, most often it is drivers, seafarers, ticket collectors, cabin crew and other transport workers who first come into contact with them.

The ITF has been working on this issue for a decade, calling on governments to establish systems that protect the human rights of asylum seekers and immigrants, while protecting transport workers' rights to do their job safely and unhindered, and without unfair expectations or responsibilities placed on them.

People on the move

There are about 20 million people classified as “of concern to the United Nations High Commissioner for Refugees”, including refugees, asylum seekers and internally displaced people. Twelve million of these are refugees, of whom over 3 million are from Afghanistan, with large numbers also coming from Burundi, Iraq and Sudan. Last year, around 1 million applications for asylum were made worldwide.

The right to claim asylum in the face of persecution, death or imprisonment because of race, religion, sexual orientation or political activities is enshrined in international law at the United Nations. Sometimes, people are forced to flee countries because they face persecution for trade union activities.

Holding carriers responsible

In a bid to reduce the number of asylum seekers coming across their borders, many governments have begun to penalize the carriers these people use. In Greece, for example, any carrier, such as a pilot, a ship's captain or a truck or taxi driver, who brings an illegal immigrant into the country – even if they don't know about it – could face a

Table 1. Origin of the ten largest groups¹ of refugee populations in 2001

Country of origin ²	Main countries of asylum	Total
Afghanistan	Pakistan/Islamic Republic of Iran	3 809 600
Burundi	United Republic of Tanzania	554 000
Iraq	Islamic Republic of Iran	530 100
Sudan	Uganda/Ethiopia/Democratic Republic of the Congo/Kenya/ Central African Republic	489 500
Angola	Zambia/ Democratic Republic of the Congo/Namibia	470 600
Somalia	Kenya/Yemen/Ethiopia/United States/United Kingdom	439 900
Bosnia and Herzegovina	Yugoslavia/United States/Sweden/Denmark/Netherlands	426 000
Democratic Republic of the Congo	United Republic of Tanzania/Congo/Zambia/Rwanda/Burundi	392 100
Viet Nam	China/United States	353 200
Eritrea	Sudan	333 100

¹ An estimated 3.9 million Palestinians who are covered by a separate mandate of the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) are not included in this table. However, Palestinians outside the UNRWA area of operations, such as those in Iraq or in the Libyan Arab Jamahiriya are considered to be of concern to UNHCR. At year-end their number was 349,100. ² This table includes UNHCR estimates for nationalities in industrialized countries on the basis of recent refugee arrivals and asylum-seeker recognition.

Source: UNHCR.

heavy fine, or even a year in prison. In the United Kingdom, any transport operator carrying an illegal immigrant faces a £2,000 fine per passenger (just over US\$3,000).

The result of this “carrier liability” has been that transport companies expect their employees to prevent asylum seekers from boarding vehicles.

Truck and lorry drivers have been expected to physically stop people from climbing on board, or to remove them once there. Sometimes, especially in trucking, companies pass their fines on to their workers. In some terrible cases, stowaways on board ships have been thrown overboard, because ship’s captains or shipping companies would be fined if they came into port with the stowaway on board.

A safety risk

The safety and security of transport workers is put at risk when asylum seekers attempt to use their vehicles to cross borders. Some transport workers have been threatened by asylum seekers, fearing that

their attempt to cross a border would be prevented.

Workers on the Channel Tunnel train link between the France and the United Kingdom have informed the ITF that they frequently face asylum seekers attempting to board trains, even while the train is moving. This can put the whole train at risk, including any passengers or workers on board. Some transport workers have witnessed horrific accidents and deaths among people attempting to jump on or off trains.

Transport workers are not immigration officers

Because of the threat of heavy fines if asylum seekers manage to cross borders, many transport companies expect their workers to check immigration papers, passports and other official documentation of passengers.

Many airport check-in staff, for example, are expected to check the papers of passengers and to judge whether the docu-

mentation is legitimate. This should not be the job of transport workers, but rather of immigration officials employed by governments. Transport workers are not trained for immigration work, and should not be expected to take on the responsibility of policing borders.

Cabin crew on airlines are also expected to look out for people whom they suspect of attempting to cross borders illegally. This puts transport workers in a difficult and unacceptable position, especially when their primary responsibility should be for the safety of passengers.

Rescues at sea

A similar problem faces the crew of ships when they discover stowaways on board, or are called to rescue the crew of other vessels in distress.

Under international Conventions, including the United Nations Convention on the Laws of the Sea (UNCLOS), a ship is obliged to go to the rescue of another vessel close by if it is in distress. In some cases where ships have rescued large numbers of immigrants from drowning, ships' captains and crew have been put in a difficult situation because neighbouring countries have refused to allow the people to come ashore.

In August 2001, after a Norwegian flagged ship, the *Tampa*, rescued over 400 men, women and children from a sinking Indonesian vessel close to Australia, the Australian authorities refused to allow the people ashore, fearing they would claim asylum. The ITF warned Australia that it risked setting a dangerous precedent that could undermine future rescues at sea.

"No one should put seafarers in the position of having to decide who is a refugee and who is an economic migrant," we said. "Seafarers have to help people in distress and leave the questions to national authorities."

What is the ITF doing?

It is very easy to blame asylum seekers themselves for the negative effect of the issue on transport workers, but that is to misdirect blame on to those who, often, have had no other choice but to act illegally.

The ITF firmly believes that it is governments and their policies towards the issue of asylum and immigration that put transport workers in this difficult position. Governments must act to establish proper processes for asylum and immigration, which do not pass responsibility or blame on to transport companies or transport workers.

The ITF campaigns at international bodies, including the United Nations, the International Maritime Organization (IMO) and the International Civil Aviation Organization (ICAO), for international action to ensure that asylum seekers are dealt with fairly and humanely, and that transport workers, their jobs and the integrity of the systems they work on are not adversely affected.

The ITF also works with particular governments as issues arise. Along with affiliate unions from Belgium, France and the United Kingdom, the ITF is lobbying for the French and British Governments to do more to improve the safety of workers on the Channel Tunnel rail link, which has been targeted by asylum seekers attempting to reach the United Kingdom.

References

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