

Julian Bild, Solicitor: The EU: A help or hindrance?

Biog:

Julian qualified as a solicitor in 1997. Since then he has specialised in representing asylum seekers, but with extensive experience of general immigration work. For many years, Julian supervised the Upper Tribunal work at the Immigration Advisory Service, later becoming their Training and Quality Manager. For the last few years he has worked as a consultant, trainer, and lecturer in immigration and asylum law and practice. He has contributed to publications including the HJT Immigration Manual, the Law Society's Immigration and Asylum Handbook, and Butterworth's Immigration Law Service. He has also trained for ILPA, lectured for the Law Society, and has drafted the OISC's competence assessments. His notable cases include: RN (Returnees) Zimbabwe CG [2008] UKAIT 00083, EM and Others (Returnees) Zimbabwe CG [2011] UKUT 98 (IAC), HH (Criminal record; deportation: "war zone") Iraq [2008] UKAIT 00051 and YT (Minority church members at risk) Eritrea CG [2004] UKIAT 00218. Julian currently works as an immigration solicitor with the Anti-trafficking and Labour Exploitation Unit

I've been an immigration solicitor in the UK for 20 years. But It's not in that capacity I've been asked to speak today. I've been asked to talk about Lexit — a left wing perspective on supporting the UK leaving the EU. Career suicide? I hope not!

The majority of voters in the UK voted to leave the EU, including some 30% of Labour voters, numbers which have held up since the vote. We cannot dismiss the very real objections that many have to the EU, and we cannot allow the debate to be the exclusive preserve of the right. And that is ever more so as the Tory's implode and there is the real prospect of electing a left-labour govt.

More than anything, we need a Labour govt that does not this time embrace economic liberalism. And the way the EU debate is framed may well determine whether we do elect a Labour Government and, if we do, the trajectory it follows

I became a socialist long before I became a lawyer. So although I can discuss the minutiae of UK and EU immigration control with the best of them, when it comes to the big political issues, it's to politics that I go.

I became a political and trade union activist in the UK in the late 1970's, not that long after the UK joined the EU. I cut my political teeth under a Labour govt. I fought fascists in the

1970's at a time of IMF-imposed austerity, saw waves of redundancies, and the public sector striking against low pay. Under the Thatcher government, I saw the miners strike, and the Falkland war. There were campaigns for nuclear disarmament, against anti-Trade Union laws, and the destruction of the public housing sector. We saw the deregulation of the city, and massive cuts in public services, the wars in the Balkans, genocide in Rwanda, the destruction of Somalia and the Lebanon, and more recently Iraq, Libya and Syria. We then had the banking crash and even more austerity. Global warming gets ever worse. In the UK, child poverty is set to soar to 37% of children in the next 5 years (despite the government passing a Child Poverty Act in 2010).

What I don't remember throughout those forty years is any indication that the EU was not and is not perfectly comfortable with **all** of these developments.

So what is the EU good for?

Looking at the EU from the perspective of the social welfare lawyer, it provides us with a huge body of law we can use to bolster, now and then, our legal challenges. Just as we pick through national legislation from the magna carta onwards, common law, and other international treaties and conventions, we do so through EU law and occasionally find a useful titbit which we can add to the mix.

Does that mean that in itself the EU is a good thing? I would say no. There's nothing fundamentally radical or even liberal about the EU or EU law. We can sometimes use it successfully for purposes for which the drafters never envisaged, but it is not fundamentally different to any other legal code. For lawyers, always, the more law the better, but to defend the EU on that basis is to look at the world through the prism of the law and its very easy then to lose the big picture. Despite laws which promise to improve things, for most of the population they just get worse. Work for most of us gets harder, whilst the rich get richer. Big business has far more resources than we do to find ways to undermine or sidestep any real challenge to their power.

Whether pursuing globalisation or protectionism, the EU exists on a fundamental level to allow big business to better compete in the world economy. EU law exists to support that project. If we occasionally see some benefits from that, they are far outweighed by the overarching pursuit of neo-liberalism and austerity.

For that reason, until the referendum, for the left in the UK, the EU was not a substantial arena for struggle or argument. We could happily sit on the side-lines of the debate and watch the Tories tear themselves apart over it.

In fact, I nearly abstained in the vote – as an immigration lawyer there's a tendency to see the world through the lens of immigration control, and free movement is clearly a good thing in that respect.

But I did vote to leave the EU. The world is more than its borders. Even Free movement, the best of what the EU has to offer us, is largely a charade. It certainly did not arise through any concern to take down borders for political or social reasons. It exists, centrally, to allow labour to be moved without restriction from areas of low employment to areas of high employment. It exists as a function of economic competition. Whilst I absolutely support the concept of free movement, I am fundamentally opposed to the organisation that created it and the consequences for those not able to exercise their Treaty rights .

The trade off for free movement, is fortress Europe, a Europe content to see thousands drowning every year whilst trying to flee war and poverty, asylum seekers being tipped over the border into Turkey, or held in concentration camps in Libya, Niger and Chad, paid for by the EU.

Yesterday Der Spiegel published the names of 33000 refugees who have died trying to reach Europe, dying because the EU would rather defend its free movement zone. And we've seen EU states introducing ever tougher domestic controls on those seeking to enter the EU for work and family reunification.

Perhaps 1% or so of the EU population uses the free movement regime to work in another EU state. No doubt if UK capital requires workers – skilled and unskilled - to come here, it will find a way – even if it is substantially more inconvenient than the current regime. EU or not, British capital will always find a way to feed its appetite for exploiting the world's labour.

And many EU workers *are* massively exploited in the UK. Many of the most vulnerable are trafficked here, and their wages, if paid at all, are stolen by the traffickers. They are trafficked almost always because of the poverty they face at home.

EU workers do not drive down pay and conditions – only employers can do that – but many do work under conditions that UK workers would not tolerate. And employers know that. 1000s of the most vulnerable EU workers, including victims of trafficking are removed from the UK illegally each year, often for want of being able to access legal advice. Others are denied benefits to which they are entitled. Although the EU commission mildly rebukes the UK govt from time to time for wantonly ignoring EU law, never has it insisted on legal aid being restored to allow individuals to challenge those decisions.

Clearly, both free movement and workers rights are an anachronism for many in the leadership of the EU. The right to travel to find work is an important one, but like so much else, capitalism gives with one hand in order to take back much more with the other.

In the UK we have a Child Poverty Act in the face of increasing child poverty. A Modern Slavery Act in the face of increasing levels of trafficking and exploitation, and an Employment Rights Act in an era of ever diminishing workers rights. Just as our national state functions to provide cover for an economic system that finds ever more imaginative ways to exploit us, the EU does that on a supra-national level. As lawyers, we cannot stop human trafficking, one trafficking victim at a time. Or the casualisation of employment, one taxi firm at a time. For every case, we win, many more are lost, and huge numbers are just never brought. I love my job, but recognise that even when we win something, its well within the wit of those in power to simply change the law, or take the gains away by other means.

What is the trajectory of travel for the EU?

Macron, the investment banker, is dubbed “the “saviour” of neoliberalism. He aims to entirely reorganise the French labour market, by making it easier to sack workers, and by removing trade union rights. He’s signed executive orders to push these reforms through whilst announcing huge cuts to public spending and plans to reduce tax for the country’s wealthiest households. He’s a neo-liberal wet dream and his policies are entirely in harmony with the EU. If these measures succeed in France, Macron’s next target will be the EU. The door will be open.

Where workers appear to gain from EU law, there is absolutely no way of defending them on an EU level. Liberal laws can easily disappear when no longer useful or the pressure wains for big business to continue such concessions. The EU is in essence the sum of the executives of the member states, and in an era of May, Macron, Merkel, Varadkar etc, its not hard to guess the trajectory of travel for EU law.

And the EU can be persuaded to substantially limit free movement if it thought it could keep the UK in it by doing so. Gordon Brown talked on Wednesday of the real possibility of the EU offering the UK a 'game-changer' deal if it were to reconsider leaving. I really cannot see Macron, and Merkel objecting to that.

Our focus in the UK should be on national politics because we have some real prospect to bring about big change here. And if we do elect a left-wing Labour government in the UK, its axiomatic that we will keep, and improve upon some of the best bits of EU law. Even the Tories in the state they are in, if we can continue to apply the necessary pressure, are going to find it difficult to repeal them.

But to put the battle to stay in the EU at the top of our political agenda, is to abandon hope of any substantial change. The challenge to Brexit is being led by big business and the city for reasons that have absolutely nothing to do with workers rights. Many on the centre left are more than content to use the debate to head off the prospect of real change and to win back control of the Labour Party.

What is the trajectory of travel for the UK – Corbyn

Brexit has been a good thing for the left in the UK – not least because the Tories are destroying themselves over it. A Corbyn led Labour government has the prospect of bringing fundamental change to the UK, far beyond anything we have or can envisage from the EU – on workers rights, trade union laws, renationalisation, industrial strategy, environmental protection and tax avoidance – and many of those measures the EU would surely obstruct if it gets an opportunity to do so.

Above all else, the left project must be to get Corbyn elected. That can have significant consequences across the EU as the left everywhere takes succour from his success. The spread of political ideas, and workers solidarity has never stopped at borders – and whether

inside or outside the EU, a victory for Labour will send shockwaves around Europe and beyond.

We know that workers who are unionised have maintained their living standards better than those who are not. The victims of Grenfell gained far more from their own self-organisation than they would have if they'd sat back and waited for help. Without organising ourselves, our rights and living standards will continue to be under attack whether or not we are in the EU. Looking back over the last 45 years, the EU has worked assiduously for the short-term interests of capital. No-one on the left looking over that period can honestly say that any part of the EU's economic strategy has been to rebalance the economy in favour of ordinary workers.

Fighting back has to be our number one priority. In that context, the PLP would love the focus of the next two years to be on Brexit, on our relationship to the single market and the customs union — really arguments designed to keep the vast majority of the population off the political stage, to sideline the much more important and far-reaching debates about how we fundamentally restructure the economy, and to keep themselves power. As far as the really big issues for the left are concerned, the EU debate is, frankly, a distraction.

The real danger is that the Labour left will get immersed in the Brexit debate and lose their focus on bringing about the major structural changes we need. That can only mean moving rightwards. We've already seen it with the debate on free movement in the Labour Party moving from protecting workers rights to limiting numbers. And if the election debate moves rightwards, we know it's the far-right that benefits. The established parties across Europe have defended neo-liberalism and austerity, and as a result we've seen a massive growth of the far-right across Europe.

In the UK the left has been beaten back by offering a real alternative. The last thing we want to see as we approach another election is the 100,000s of young people radicalised over the last couple of years being shuffled off the stage whilst the grown ups moan about bankers moving to Paris or Frankfurt, and house prices falling. Frankly, I'd be happy to help the bankers pack, and I'm pretty sure that most of the UK population would love to see property prices plummet.