

Some memorable quotes

- Aunt Lucy** Long ago, people in England sent their children by train with labels around their necks, so they could be taken care of by complete strangers in the country side where it was safe. They will not have forgotten how to treat strangers.
- Mr Brown** He is not our responsibility.
- Mr Gruber** A home is more than a roof over your head.
- Paddington** It can be very difficult being somewhere new. Things can often be very different to what you imagine.
- Paddington** Mrs Bird says that in London everyone is different, so anyone can fit in. I think she must be right because, although I don't look like anyone else, I really do feel at home.
- Mr Brown** When I first met Paddington, I wanted nothing to do with him.
- Mrs Bird** You just don't get it, do you?
- Mr Brown** What?
- Mrs Bird** This family needed that wee bear every bit as much as he needed you.

Some facts about the film

- ▶ The song 'London is the Place for Me' was originally composed and performed by Calypso artist Lord Kitchener, (real name Aldwyn Roberts), who emigrated to the UK from Trinidad on the Empire Windrush in 1948. His music epitomised the feelings of West Indian migrants to Great Britain in the 1950s.
- ▶ Author Michael Bond appears at 15m 28s into the film as a gentleman in a cafe window who raises a glass to Paddington who in turn raises his hat.
- ▶ Paddington is made entirely from CGI in the film. However, on set a stick featuring a puppet version of Paddington's face was used, while several teddy bears of Paddington decorated the setting.
- ▶ The film features Paddington's iconic blue duffel coat and his red Peruvian hat. However, his red Wellington Boots were dismissed because they were not part of the original design of the character. They were added later by toy factories so as to make their real-life Paddington teddy-bears able to stand on their feet.
- ▶ Originally, Michael Bond was nervous about the idea of turning his creation into a live action film. It took just half a minute of test footage to convince him.
- ▶ The character of Paddington Bear is based on a lone teddy bear, noticed by Michael Bond on a shelf in a store near Paddington Station on Christmas Eve 1956. Bond bought it as a present for his wife, and was eventually inspired to write a story. The outline of the lonely bear at Paddington Station was inspired by old newsreels showing train-loads of child evacuees leaving London during the war, with labels around their necks and their possessions in small suitcases.



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Paddington

A young Peruvian bear travels to London in search of a home. Finding himself lost and alone at Paddington Station, he meets the kindly Brown family, who offer him a temporary haven.

Colin Yeo, an immigration lawyer, comments on the film in the context of his own work ...

Paddington as migrant

Seeking a new home in a far away land, his own having been devastated by disaster, Paddington stows away to London. His link to London derives from a colonial-style explorer his aunt and uncle once met. His English is learned from that era and sounds quaintly old fashioned. In his new environment his customs and manners cause all sorts of misunderstandings. Some open-minded, open-hearted individuals welcome him. Others reject him, perhaps worried that more of his kind will follow. Paddington learns and adapts and seeks to find a place in his new host society. As such, he is typical of many of my clients and thus it is, I hope, instructive to consider his tale from a legal perspective.

Paddington - The Illegal Entrant

Paddington stows away and deliberately avoids the immigration authorities on arrival. He is in formal legal terms an illegal entrant and as such commits a criminal offence under section 24 of the Immigration Act 1971. It is an offence punishable by up to six months in prison. If or when detected by the authorities it is more likely he would simply be removed back to Peru than that he would be prosecuted, though. To avoid that fate he would need to make out a legal basis to stay.

Incidentally, for offering a home to Paddington, Mr and Mrs Brown could potentially face prosecution under section 25 of the Immigration Act 1971, entitled "Assisting unlawful immigration to member State". The maximum sentence is 14 years.

Paddington And The Refugee Convention

Although he seeks refuge from a natural disaster, Paddington would not qualify as a refugee under the terms of the UN Convention Relating to the Status of Refugees. Refugee status can only be claimed by those fleeing persecution for certain specified reasons and natural disasters are not among them.

The Home Office would not believe Paddington anyway. Unless reported in specific country information sources, the earthquake would be considered a fiction. It would be observed that genuine refugees supposedly travel to countries close to them rather than far away ones. They don't, of course, and many have the kind of cultural and language ties that bring Paddington to London. Paddington does not claim asylum at the first opportunity, another consideration to be held against him. His lack of knowledge of the immigration system would be no defence. Words like "liar" or "untrue" are for some reason avoided by civil servants; instead they would say in more sanitised and impersonal tones that Paddington's "credibility" was damaged and his account "not accepted". The refusal letter would go on to say that even if the earthquake had occurred and Paddington was a genuine victim, he could easily relocate within Peru to another remote jungle area, or if necessary to a village, town or city.

Human Rights For Bears

Paddington quickly settles into the Brown family, who open their hearts and love him as one of their own. With his Aunt Lucy unable to care for him any longer, they are his only family. Ignoring the obvious, you might think, therefore, that the right to private and family life under Article 8 of the European Convention on, er, Human Rights would help him.

Not so. Human rights are hugely controversial, thought by many politicians to be the aide only of criminals and terrorists. The Home Office position is that Article 8 is fully incorporated into

the UK's immigration rules. Those rules would not recognise Paddington as being a family member and he does not fall into any of the private life categories either. If a child he would need to show seven years of residence and that it would not be reasonable for him to go back to Peru. There is no other route to success for a child.

If an adult, Paddington would need to show "very significant obstacles to the applicant's integration into the country to which he would have to go if required to leave the UK." Any sign of integration into society here would be taken down and used against him: if he can adapt to life in the UK he can jolly well go back and adapt again to life in Peru.

A judge might potentially treat Paddington's case more flexibly. Paddington's mastery of the English language weighs in his favour. His lack of apparent financial independence and his unlawful immigration status weigh against him, and his private and family life would be given reduced weight because it was established at a time when his status was precarious. Judges will recognise that family life can, exceptionally, extend to informal adoptions and that private life amounts to more than a mere period of residence, but I would nevertheless assess Paddington's prospects of success before an immigration judge as virtually zero.

A formal adoption might change this. I know of one such case in real life, by a truly special human being who really did open her heart to a young Paddington.

A Lost Child

We are unaware of Paddington's age. He seems young and is certainly a lot smaller than his aunt and uncle. If under 18, he would be regarded as an "Unaccompanied Asylum Seeking Child" (UASC). He would be entitled to additional care and support from the local authority responsible (Westminster), would be placed in foster care if appropriate and would be allowed to stay until he was 17 and a half. After that, like the Afghan children amongst us, he would usually be forced to leave.

With the uncertainty over his appearance, though, Paddington would really struggle to prove his age. Like many others, he brought only provisions (marmalade) and the clothes he wore (a red hat), not identity documents (his label doesn't really provide much in the way of detail). We see his aunt and uncle but the Home Office age assessor would not. As with many others with an unusual appearance and no documentary proof, the Home Office would probably assess his age as being over 18 and thus treat him as an adult.

Paddington Behind Bars

If detected by the authorities, perhaps in a dawn raid on the Browns, the authorities having been tipped off by Mr Curry on David Cameron's "shop-a-neighbour" hotline, Paddington would in all likelihood be detained in one of our virulently multiplying private immigration detention spaces. Unless the Peruvian embassy accepted him as one of their nationals, he would languish there indefinitely, generating profits for the private contractor and costing the public purse a small fortune. The Home Office would be unable to remove him but as a point of principle would be unwilling to let him go. Like others caught in apparently indefinite administrative detention, his mental and physical health would likely deteriorate.

Paddington's Future

Like many others in his position, Paddington tries to get on with his life. The film only captures his first days in the United Kingdom, so we never find out how he gets on. Paddington is hunted, though, and we see that. His presence is tracked through video cameras and intelligence from members of the public. His home is even raided. It is an intimation of what life may feel like under the Immigration Act 2014, which turns landlords into immigration officers and co-opts banks, building societies, doctors and others to detect the Paddingtons who dare to roam among us.