

New Plan for Immigration – consultation response

May 2021

About this consultation.

The [New Plan for Immigration](#) was published on 23rd March 2021. Consultation documents were published at the same time; potential respondents were required to create an online login for access to the Plan (policy document) and response documents. Different questionnaires were created for 'stakeholders' and 'public'; the latter separated into 'core' and 'technical' questions. We used the stakeholder questionnaire but answered only selected questions. In particular we chose not to answer some of the multiple choice questions as we felt unable to express our view in the format required (e.g. if we disagreed with the premise of the question).

Other than removing these questions, and the numbering used in the questionnaire, we have included all of our response here (proposals and consultation questions are in **bold**). We also attended a number of topic-related consultation events which were recorded and the content of which, we were informed, will be fed into the consultation along with written submissions.

The foreword provides a high level outline of the New Plan for Immigration, including reforms to make the system fair, but firm. Overall, how far do you support or oppose what is being said here?

Strongly oppose

Chapter 1: Overview of the Current System.

The UK Government is committed to building an asylum system that is firm and fair, based on three major objectives:

- **To increase the fairness and efficacy of our system so that we can better protect and support those in genuine need of asylum.**
- **To deter illegal entry into the UK, thereby breaking the business model of criminal trafficking networks and protecting the lives of those they endanger; and**
- **To remove more easily from the UK those with no right to be here**

Specific proposals in chapter 1

- **Strengthening safe and legal routes for those genuinely seeking protection in the UK.**
- **Reforming legal processes to ensure improved access to justice**

- **Reforming legal processes to ensure speedier outcomes**
- **Requiring those who claim asylum and their legal representatives to act in 'good faith' by providing all relevant information in support of their claim at the earliest opportunity.**
- **Enforcing the swift removal of those found to have no right to be in the UK, including Foreign National Offenders.**
- **Eliminating the ability for individuals to make repeated protection claims to stop their removal, when those follow-up claims could have been raised earlier in the process.**
- **Preventing illegal entry at the border, for example, by making irregular channel crossings unviable for small boats or deterring other activities such as hiding in the back of lorries.**

The Refugee Council is opposed to most of the proposals in this paper. We disagree with policies based on differential treatment towards refugees that is based on the manner in which they approached the UK government, seeking protection under the UK's obligations to refugees, as set out in the 1951 Convention Relating to the Status of Refugees (hereafter the 1951 Convention).

We strongly object to the premise that deterrent measures are either necessary or desirable, nor is there evidence that they work in reducing the dangerous journeys that people make in search of safety. The introduction of deterrent measures hostile to refugees and other migrants at EU level has not prevented people from attempting to cross bodies of water such as the Mediterranean. Neither do we envisage that the deterrent measures will have any impact on the number of people attempting to seek asylum in the UK. Similar measures have been introduced by previous governments; recent 'hostile environment' policies have been widely criticised and not found to be effective in encouraging people to leave the UK. Rather they seek to harm those who are already in the UK, including those who are refugees. This criticism has been levelled at these policies prior to their introduction and most recently in a report; ['Access Denied'](#) from the Institute of Public Policy Research.

The approach described in the New Plan for Immigration also sends an important message to other states, many of which are hosting significantly larger refugee populations, with the resultant effect being to undermine the commitments of those countries to provide protection. These are the very countries to which the UK, under these proposals, seeks to return refugees to have their status determined.

The proposals and questions relating to the reform of legal processes to ensure access to justice, reforms to legal processes to ensure speedier outcomes and the creation of a requirement to act in 'good faith' contain insufficient detail to enable a reasoned response. Legal representatives are bound by professional codes of conduct and asylum applicants are already required to provide all relevant information at the earliest opportunity, including in the Point of Claim leaflet given to asylum applicants and through the issuing of a one stop notice under section 120 of the Nationality, Immigration and Asylum Act 2002. No rationale is given in the policy paper as to why the additional proposals are necessary. In relation to the specific mention of disclosing any issues relating to being a potential victim of modern slavery, the paper disregards the body of evidence pertaining to the difficulties people may face in disclosure, particularly as such victims are likely to have been living under the control of a person who has sought to dissuade them from approaching the authorities.

Further detail is given below about the proposals relating to strengthening the safe and legal processes for people to seek protection in the UK.

Whilst we agree with the objective to strengthen safe and legal routes we are deeply concerned that the proposals do nothing to achieve this and in fact risk undermining the two main existing safe and legal routes; resettlement and family reunion.

Resettlement has provided a durable solution for refugees in protracted situations with no chance of integration in their first country of asylum or who find it particularly difficult to survive due to their personal circumstances. The UK government, from its involvement in the Gateway Protection Programme and subsequent resettlement activities, has sought to work closely with the UNHCR to identify and resettle some of the world's most vulnerable refugees. Local authorities and other statutory agencies, with the involvement of civil society including local communities, have helped these refugees to rebuild their lives, through working together to enable integration. Now, more than ever, the UK must commit to continuing to focus on those most in need in its selection of individuals and families to be brought to the UK to rebuild their lives. The UK should be ambitious in its commitment to a long term target averaging 10,000 refugees per year, enabling the aforementioned agencies to plan and use their resources in the most effective way. The proposal to move away from an annual resettlement target will likely reduce local authority engagement with resettlement resulting in fewer refugees being resettled. We are deeply concerned over the proposal to move away from selecting refugees based on vulnerability to selection based on integration prospects. Resettlement must be based on the principle of protection and should be open to the most vulnerable refugees who have no other durable solutions open to them.

Many family members of refugees currently entitled to reunite in the UK under the Refugee Family Reunion policy are people themselves in need of protection. Refugee Family Reunion is currently the most utilised safe and legal route, with over 29,000 people being granted visas in the last 5 years, 90% of whom are women and children. No evidence suggests that the family members of refugees are in less precarious circumstances if their family member entered the UK outside of the resettlement schemes. The proposal to limit family reunion for people granted temporary protection would leave thousands of women and children unable to access family reunion as a safe and legal route, and risks pushing them into making dangerous journeys for the purposes of reuniting with their family member. This completely contradicts the stated aim to strengthen safe and legal routes and to reduce irregular and dangerous journeys. If the government is serious about its proposition to strengthen safe and legal routes for those genuinely seeking protection in the UK, then all refugees who are granted status should have full access to family reunion, irrespective of how they arrived in the UK.

In addition to providing practical advice, orientation and financial support, integration activities must prioritise community engagement and awareness raising amongst those who are already resident in the UK. The proposals in this paper refer solely to service provision to refugees, which is welcome, but development of integration policy should understand its complexity and the work that needs to be undertaken to achieve this, including how people are treated and referred to when they are in the asylum system. The tone of the New Plan for Immigration is worrying in this regard; much of the language is likely to leave the reader with the impression that people seeking asylum are dangerous and a risk to our country. Much of the language of the paper would appear to attempt to send the message that that people seeking asylum are to be feared and avoided, not welcomed. We know from our work that this message harms refugees; people will feel grudgingly accepted if their claim is dealt with in a manner described in the differential system, despite having shown a well-founded fear of persecution and be as entitled to the support and welcome of the UK population. We would recommend a more sophisticated integration strategy for refugees that takes into account this issue as well as being

informed by the government's own research; [Integrating refugees](#), from 2019, which examines and evaluates such concepts as social connections and partnerships between refugees and 'host' communities.

Chapter 2: Protecting those Fleeing Persecution, Oppression and Tyranny

The intention of the UK Government is to maintain clear, well- defined routes for refugees in need of protection, ensuring refugees have the freedom to succeed, ability to integrate and contribute fully to society when they arrive in the UK.

Specific proposals in chapter 2

- **Maintaining a long-term commitment to resettle refugees from around the globe to the UK, including ensuring a full range of persecuted minorities are represented.**
- **Granting resettled refugees immediate indefinite leave to remain on their arrival in the UK so that they benefit from full rights and entitlements when they arrive.**
- **Reviewing the refugee family reunion routes available to refugees who have arrived through safe and legal routes.**
- **Ensuring resettlement programmes are responsive to emerging international crises – so refugees at immediate risk can be resettled more quickly.**
- **Working to ensure more resettled refugees can enter the UK through community sponsorship, encouraging stronger partnerships between local government and community groups.**
- **Introducing a new means for the Home Secretary to help people in extreme need of safety whilst still in their country of origin in life-threatening circumstances.**
- **Enhancing support provided to refugees to help them integrate into UK society and become self-sufficient more quickly.**
- **Reviewing support for refugees to access employment in the UK through our points-based immigration system where they qualify.**

This chapter also asked our views on the importance of the following practical considerations:

- **Linking the numbers of refugees the UK resettles to the capacity of local areas to provide help and support.**
- **Prioritising refugees on the basis of their vulnerability or risk.**
- **Prioritising refugees based on their potential to integrate in the UK (e.g. English proficiency, pre-existing ties to the UK, or skills).**
- **Prioritising refugees from persecuted minority groups.**
- **Prioritising the family members of refugees already in the UK.**

And to what extent we agreed with the following statements

- **An integration support package should focus on progress to employment (including self-employment).**
Disagree
- **An integration support package should consider elements such as well-being, language, employment and social bonds.**
Strongly agree
- **An integration support package should be delivered at local level to national standards (to an agreed mandatory framework), so that all refugees receive the**

appropriate level of support, delivered in a way that is appropriate to where they live.
Strongly agree

The Refugee Council believes that everyone who has shown, to the internationally agreed standard, that s/he is a refugee, should benefit from the same status and rights afforded as a result. Not all refugees have access to a safe route and one which allows them to enter the UK with prior permission. The proposals are presented as if there was a queue of refugees, all of whom have the same chance of reaching safety and being provided with protection, but this is simply not the case.

The proposals do not widen or increase the opportunities for people in need of protection to seek it safely, either here in the UK or elsewhere. Indeed, the most significant safe route currently used is under the refugee family reunion policy, which, under these proposals, is to be restricted, although detail of what these restrictions will be is not outlined in the paper in any detail. We understand, through dialogue with officials, that the Home Office intends to honour its obligations under Article 8 of the European Convention on Human Rights suggesting that the refugees whose decision is made after initially being deemed inadmissible will have the right to be joined by immediate family members. If this is the case those rights should remain included in Part 11 of the Immigration Rules.

Furthermore the government should take this opportunity to end the unfair anomaly in current policy that prevents unaccompanied child refugees from living in safety with their close family by making them ineligible as sponsors, unless the government agrees that they have exceptional or compassionate reasons to be allowed the same rights as other refugees. This is unfair to child refugees who have been recognised as such in the same way as adults, yet government policy expects them to show their right to a family life to a different standard than their adult counterparts.

The paper acknowledges the need to consider some young adult children as automatically eligible to reunite with their parents in the UK; as previously stated family reunion rights must be respected for all refugees who are found to be in need of protection. We are unaware of any evidence suggesting that resettled refugees, as a cohort, have a greater need for this flexibility regarding the definition of close family member, than other refugees. In line with the calls made by the Families Together Coalition, which have also received cross party parliamentary support, all refugees should be entitled to bring their adult dependent children and siblings up to the age of 25 to join them under the refugee family reunion policy.

We urge the government to make this change to policy and apply to all refugees recognised by the UK, regardless of the manner in which they arrived and sought protection.

The Refugee Council strongly agrees with the commitment to grant indefinite leave to resettled refugees. The same commitment should be made towards anyone who is recognised as a refugee, even if initially their claim was deemed inadmissible.

The proposal mentioned in the paper relating to new means for the Home Secretary to help people in extreme need of safety whilst still in their country of origin warrants further discussion as no detail is given as to the circumstances, means or process being referred to here. The acknowledgement that people need assistance to escape life threatening situations is welcome and we encourage the government to work with international agencies to enable the UK to provide safe means for a range of people escaping persecution and harm. As outlined in our [policy paper](#) published in March 2021 we call upon the government to utilise existing routes to their full potential, explore complementary routes including those outlined by the UN High Commissioner for Refugees, consider introducing routes for people to travel safely to the UK and examine the current measures that currently undermine the safe travel of those who may be in need of protection. This latter point relates in part to interception and push back measures in which the UK has been involved or initiated, both unilaterally or as part of the EU, including through the border control agency Frontex.

We also welcome the commitment to ensure that resettlement programmes are responsive to emerging international crises. We call upon the government to delay no longer in making a long-term commitment to resettle 10,000 refugees each year, from countries across the world.

The UK's resettlement scheme should continue to enable the UNHCR to select refugees based on their identified need for resettlement as a durable solution to their plight. Resettled refugees are selected by UNHCR on the basis of need; the UK has a recent proud history of providing a chance for some of the world's most vulnerable refugees to rebuild their lives in safety, overwhelmingly welcomed by communities as well as the state.

In addition the UK should explore complementary pathways for refugees who could be brought under employment or educational schemes, where their skills, abilities and potential can be utilised as well as their protection needs met. The Home Office should explore options in line with the [UNHCR strategy on complementary pathways](#), published in 2019

Refugees brought to the UK and those recognised once in the country, through the asylum determination process, should receive an equivalent level of integration support, tailored to their circumstances. For both cohorts the aim should be to work towards empowerment following a period of intensive support either on arrival or immediately following recognition as a refugee through the asylum determination process. All refugees should be given sufficient emergency funding to ensure they can access safe and sustainable accommodation and subsistence, as well as specialist advice and help to access services to which they may not have previously been entitled.

In addition to providing practical advice, orientation and financial support, integration activities must prioritise community engagement and awareness raising amongst those who are already resident in the UK. The proposals in this paper refer solely to service provision to refugees, which is welcome, but development of integration policy should understand its complexity and the work that needs to be undertaken to achieve this, including how people are treated and referred to when they are in the asylum system.

The tone of the New Plan for Immigration is worrying in this regard; much of the language is likely to leave the reader with the impression that people seeking asylum are dangerous and a risk to our country. Much of the language of the paper would appear to attempt to send the message that that people seeking asylum are to be feared and avoided, not welcomed. We know from our work that this message harms refugees; people will feel grudgingly accepted if their claim is dealt with in a manner described in the differential system, despite them having shown a well-founded fear of persecution and therefore equally entitled to the support and welcome of the UK population. We would recommend a more sophisticated integration strategy for refugees that takes into account this issue as well as being informed by the government's own research; [Integrating refugees](#), from 2019, examining and evaluating such concepts as social connections and partnerships between refugees and 'host' communities.

Safe and legal routes including Family reunion for unaccompanied asylum seeking children

The Government recognises the importance of reuniting those who are in the UK who are in genuine need of protection, with their family members.

How important, if at all, do you think each of the following proposals would be in meeting this objective? Please select one response for each statement.

Reuniting an adult with refugee status in the UK with...

- **Their spouse or partner, wherever their spouse/partner may be in the world.** Very important

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- **Their own child who is under the age of 18, wherever their child may be in the world.**
Very important
- **Their own adult child who is over the age of 18, wherever their child may be in the world.** Very important
- **A close family member (e.g. sister, brother), wherever that family member may be in the world.** Very important
- **Another family member (e.g. uncle, aunt, nephew, niece), wherever that family member may be in the world.** Fairly important.

Now that the UK has left the European Union (EU), protection claimants who have sought international protection in an EU member state can no longer join family members in the UK using EU law.

This means those seeking international protection in the EU must apply to join family members in the UK under the Immigration Rules like those from the 'rest of the world'. To what extent do you agree with this approach?

Are there any other observations or views you would like to share relating to the UK Government's future policy on safe and legal routes for unaccompanied asylum-seeking children in the EU wanting to reunite with family members in the UK?

Now that the UK has left the European Union there is no mechanism by which an asylum applicant can travel safely to the UK in order to claim asylum here, either to join family members already present in the UK or because it may be in that child's best interest to have their claim determined here. Annex A of the New Plan for Immigration and the policy paper published in December 2020 entitled ['Overview of family reunion options in the Immigration Rules'](#) does not include routes for children to arrive under regulated routes to seek asylum in the UK. There is no replication of this charge free, state organised process to unite children with a family member. The specific needs of those seeking protection and wishing to live in safety with family who can provide much needed support, need to be addressed, for people of all ages. We encourage the government to seek agreements to this effect, rather than its proposed focus on seeking to reach agreements with other countries to take a proportion of the refugees who reach the UK. In discussing arrangements to reunite family members seeking asylum, we urge the government to use a wide definition of family member, such as that in the Dublin III Regulation. This is in recognition that the process of fleeing persecution children become separated from family members and would benefit from the care and support that wider family may be able to provide.

Are there any other observations or views you would like to share relating to the UK Government's future policy on safe and legal routes for unaccompanied asylum-seeking children in the rest of the world (outside the EU) wanting to reunite with family members in the UK?

Children face significant challenges and often danger, in their attempts to access a safe route to the UK
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to join family members. The report '[The long road to reunion](#)' published by the British Red Cross in 2020 describes the risks encountered that people, including children, seeking to reunite with a refugee family member, experience and makes clear recommendations for changes to the process to mitigate these dangers.

Are there any other observations or views you would like to share relating to the UK Government's future policy on safe and legal routes to the UK for protection claimants in the EU?

The Dublin III Regulation included welcome family unity clauses that allowed family members, separated across the EU, to reunite safely and with the assistance of states. Whilst no longer bound by the Regulation the UK should consider granting entry clearance to the family members of people who remain in the asylum system already in the UK, to allow them to be joined to the existing claim or make a claim in their own right.

Are there any other observations or views you would like to share relating to the UK Government's future policy on safe and legal routes for protection claimants who are adults and/or families (adults and accompanied children) wanting to reunite with family members in the UK?

The Refugee Family Reunion policy has allowed some of the close family members of adult refugees to join them in safety to live as a family once again. We urge the government to expand the eligibility of family members to include adult children and siblings under the age of 25 of all those provided with protection under the 1951 Convention or Article 3 of the European Convention on Human Rights (those currently granted Humanitarian Protection) including those who arrived in the UK whilst under the age of 18. The latter should be granted the right to bring their parents and siblings under the Refugee Family Reunion policy and not be required, as is currently the policy, to show an exceptional reason why they should have this right. As established in the 2020 report [Without my Family](#) this is a breach of the national and international law including the Convention on the Rights of the Child as well as being based on an absence of any evidence of being necessary or proportionate.

Are there any further observations or views you would like to share about safe and legal routes to the UK for family reunion or other purposes for protection claimants and/or refugees and/or their families that you have not expressed?

It is very important to understand and respect the right to family life for all refugees. The New Plan for Immigration rightly proudly states that more than 29,000 close family members of refugees have been welcomed to the UK in the last five years. It is absolutely vital that this route continues to be available for anyone recognised as a refugee in the UK, including those whose claims were initially deemed inadmissible. With the attention the Home Office intends to pay to the integration needs of refugees, it should ensure that refugee family reunion plays an important part, as shown in research including [Safe but not Settled](#), published by the Refugee Council and Oxfam in 2018.

Chapter 4: Disrupting Criminal Networks and Reforming the Asylum System

To protect life and ensure access to our asylum system is preserved for the most vulnerable, we must break the business model of criminal networks behind illegal immigration and overhaul the UK's decades-old domestic asylum framework.

Specific proposals related to this aim

- **Ensuring that those who arrive in the UK, having passed through safe countries,**

or have a connection to a safe country where they could have claimed asylum will be considered inadmissible to the UK's asylum system.

- **Seeking rapid removal of inadmissible cases to the safe country from which they embarked or to another third country.**
- **Introducing a new temporary protection status with less generous entitlements and limited family reunion rights for people who are inadmissible but cannot be returned to their country of origin (as it would breach international obligations) or to another safe country.**
- **Bringing forward plans to expand the Government's asylum estate. These plans will include proposals for reception centres to provide basic accommodation while processing the claims of inadmissible asylum seekers.**
- **Making it possible for asylum claims to be processed outside the UK and in another country.**

To protect the asylum system from abuse, the Government will seek to reduce attempts at illegal immigration and overhaul our domestic asylum framework.

Specific proposals related to this aim

- **Changing the rules so that people who have been convicted and sentenced to at least one-year imprisonment and constitute a danger to the community in the UK can have their refugee status revoked and can be considered for removal from the UK.**
- **Supporting decision-making by setting a clearer and higher standard for testing whether an individual has a well-founded fear of persecution, consistent with the Refugee Convention.**
- **Creating a robust approach to age assessment to ensure the Government acts as swiftly as possible to safeguard against adults claiming to be children and can use new scientific methods to improve the Government's abilities to accurately assess age.**

Some of these proposals had a specific question to which we were asked to respond.

The UK Government intends to create a differentiated approach to asylum claims. For the first time how somebody arrives in the UK will matter for the purposes of their asylum claim.

As the Government seeks to implement this change, what, if any, practical considerations should be taken into account?

The government should reconsider this proposal as it fundamentally undermines the intention of the 1951 Convention. The policy paper is wrong to state that the Convention's purpose is to provide protection to those in imminent peril; indeed the very policy of providing preferential treatment to resettled refugees undermines this statement.

The UK, as a signatory to the Convention and its 1967 protocol, does not then get a choice of which refugees it prefers to welcome and which deter. The principle of non-refoulement does not apply differently to cohorts of refugees, all of whom will have travelled through or spent some time in a country other than the one they are fleeing. Article 31 of the Convention prevents states from penalising refugees for their method of entry; the government should therefore provide equal treatment to all those recognised as refugees under the definition provided by the Convention. As recently as 2018 the UK committed to the Global Compact on Refugees, confirming its commitment to the Convention. The Home Office is fully aware that Article 31 does not require a person to have arrived directly from the initial country from which s/he fled, rather that if s/he is legally present, settled and is rebuilding elsewhere and would remain safe in that place, that country can be asked to readmit the refugee after onward travel. To interpret the Convention otherwise risks the first

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countries of refuge to provide no protection at all, in order to avoid a situation where they remain responsible for the entirety of the world's refugees, rather than the 85% currently hosted in regions neighbouring the countries from which refugees have fled.

The principle underpinning this policy of differential treatment is shameful, contrary to the UK's international obligations, and must be developed no further.

The UK Government intends on introducing a more rigorous standard for testing the "well-founded fear of persecution" in the Refugee Convention.

As the Government considers this change, what, if any, practical considerations should be taken into account?

It is not clear on what legal basis the UK government believes that it is entitled to introduce a different standard of proof to that defined in the 1951 Convention.

Furthermore, no explanation is given in the policy document as to how, if enacted, this proposal would improve the ability of the Home Office to distinguish those who are refugees from those who are not.

The reference in this brief section of the plan to the need for a refugee to establish that s/he is at risk of persecution 'as a result of a group they will have to establish that the group is suffering from systemic and widespread persecution'. This appears to us to be a misreading of the jurisprudence, nationally and internationally, establishing how a person should be identified as belonging to a 'Particular Social Group'.

Feedback on the remainder of the proposals in chapter 4.

The Refugee Council strongly opposes the **inadmissibility rules and policy**, as introduced in December 2020 and their use as a principle underpinning this New Plan for Immigration in relation to asylum reform.

The Home Office should concentrate its efforts and resources in determining the claims of the small proportion of the world's refugees who seek protection in the UK. Even as a proportion of the relatively small numbers applying for asylum in western Europe, the UK has been responsible for fewer asylum seekers relative to its population than many other countries.

Given the absence of any returns agreements relating to third country nationals currently in place, the inadmissibility policy will have the effect of lengthening the time taken to determine asylum claims, which runs contrary to the stated aims of the New Plan for Immigration.

The introduction of a **lesser form of protection** for those found to be refugees but whom, in the opinion of the UK should have sought asylum in another country, runs contrary to the 1951 Convention, specifically the obligation on signatory states not to penalise refugees for unauthorised entry to the territory. By conferring a status that is temporary in nature, with regular reviews and restricted access to the rights afforded to resettled refugees, the Home Office will also increase its workload, at a time when it can ill afford to do so, as well as inflicting misery and anxiety upon those it has found to be in need of international protection. As well as a cruel and unfair policy there is no evidence to suggest that it will have the desired effect, which is to prevent people from making dangerous journeys. Studies of a markedly similar policy in Australia, including by the [University of New South Wales](#) found that journeys made by sea increased following the introduction of temporary protection visas. Another study; '[Lives on hold](#)' conducted by the Australian Human Rights Commission and published in 2019 came to similar conclusions, including that the impact on refugees' mental health was severe. Holders of temporary protection visas were described in both studies as having poorer mental health outcomes as a result of the temporary nature of their protection, compared to those with permanent permission to stay.

The proposal to house those whose claims are deemed inadmissible in **accommodation centres** is not sufficiently detailed to allow a full and considered response. In 2017, the Home Office undertook a long and detailed consultation in preparation for the tendering of new contracts for asylum support, accommodation and advice services. The new contracts, which began in 2019, have been subject to much scrutiny, including by the National Audit Office. The emergent use of contingency accommodation has been similarly examined by a range of scrutineers. None of these thorough exercises have, to our knowledge, recommended the use of large scale accommodation centres. Without any supporting evidence or arguments as to why this notion will help the government or those people seeking asylum it has a duty to support, it is difficult to comment further, save to reiterate our long held opinion that people seeking asylum should be housed in our communities, in housing of a decent standard, and receive adequate financial support to enable them to get on with their lives whilst they await a decision on their claim. They should have access to specialist advice, including that given face to face, good quality legal advice to assist with their claim and access to specialist therapeutic services. No indication has been given in the New Plan for immigration or in the 'deep-dive' events forming part of the consultation process as to the numbers of applicants likely to be affected by these proposals. The Refugee Council has made an estimate of the numbers affected in our [Impact Analysis](#); however we strongly encourage the government to make public the statistical assumptions on which the New Plan is based and the associated costs of such measures.

The plan to amend sections 77 and 78 of the Nationality Immigration and Asylum Act 2002 to allow for **asylum claims to be processed outside the UK** should be abandoned. No evidence is included in the proposal that supports the notion that this would be in any way in the interests of anyone in the UK or those seeking asylum. The Home Office should concentrate its efforts and resources determining the claims of the relatively small numbers of people who seek its protection under international law rather than proposing costly, time-wasting proposals such as this one.

The proposals relating to **age assessment reform** appear to be founded on the flawed assumption that the need for age assessment is primarily that adults are misidentified as children. In fact the bigger concern should be ensuring that processes exist to ensure that children are not wrongly identified as adults. The risks in the latter far outweigh the risks of a small number of young adults temporarily treated as children and placed in supervised, safe environments. The Refugee Council has worked with many hundreds of children over the last ten years who, having been identified as adults following judgements made by Immigration Officers, have been left without the care and support they need, leaving them unsafe and denied access to adult supervision and all the rights that come with being a child.

The proposal therefore to remove the safeguards judged by courts to be necessary in the process of initial decisions on age, are alarming. There are good reasons why safeguards apply to decisions based on appearance and initial presentation, such as at a port, have been put into place. To seek, as these proposals do, to undermine case law in this way is irresponsible and dangerous.

In relation to the plan to introduce a National Age Assessment Board, insufficient detail is included in the Plan to give an informed opinion. We encourage the Home Office to continue the discussions with the Refugee Council and others with regard to the criteria and functions, before seeking to legislate for its introduction.

The requirements setting out when a local authority age assessment is necessary have been set out in [statutory guidance](#) by the Department for Education. It is not the role of the Home Office to interfere with guidance to social workers and we advise that this part of the plan needs to respect that and therefore be withdrawn.

The Refugee Council would welcome further opportunity to discuss the proposal to create a fast track statutory appeal, particularly if it results in issues around the age of young people seeking asylum can be resolved quickly and fairly. It is not clear from the paper or discussions held so far how this would be achieved so we would be keen to continue those discussions before making any further comment

Chapter 5: Streamlining Asylum Claims and Appeals

The Government wants to ensure the asylum and appeals system is faster, fairer and concludes cases more effectively. The Government's end-to-end reforms will aim to reduce the extent to which people can frustrate removals through sequential or unmeritorious claims, appeals or legal action, while maintaining fairness, ensuring access to justice and upholding the rule of law.

The Government wants to ensure the asylum and appeals system is faster, fairer and concludes cases more effectively. The Government's end-to-end reforms will aim to reduce the extent to which people can frustrate removals through sequential or unmeritorious claims, appeals or legal action, while maintaining fairness, ensuring access to justice and upholding the rule of law.

The Refugee Council is happy to continue discussions we have been having with officials in recent years around the shared aim of improving initial decision making, avoiding the need for Tribunals to correct the mistakes made by initial decision makers as well as ensuring that claims are able to be articulated in the best possible way in the first stage of the asylum process. Limits on the amount of legal aid funding for adult claims and the difficulties encountered accessing legal advice in a timely manner by many people in the asylum system contribute to the challenges in making a decision right first time. We encourage the government to continue to work towards system improvements, including awaiting the conclusions of the ongoing inspection of asylum casework by the Independent Chief Inspector of Borders and Immigration, rather than curtailing or limiting appeal rights for individuals or cohorts of applicants.

We remind the government that following the [Detained Fast Track process](#) being found to be unlawful, the [Tribunal Procedures Committee](#) concluded that the procedural safeguards required to comply with the law could not guarantee that all appeals were dealt with more quickly than appeals of all kind.

Specific proposal to which the Refugee Council provided a response

- **Introducing an expanded 'one-stop' process to ensure that asylum claims, human rights claims, referrals as a potential victim of modern slavery and any other protection matters are made and considered together, ahead of any appeal hearing. This would require people and their representatives to present their case honestly and comprehensively – setting out full details and evidence to the Home Office and not adding more claims later which could have been made at the start.**

All asylum applicants are already required to provide all relevant information at the earliest opportunity, including in the Point of Claim leaflet given to asylum applicants and through the issuing of a one stop notice under section 120 of the Nationality, Immigration and Asylum Act 2002. No rationale is given in the policy paper as to why the additional proposals are necessary. In relation to the specific mention of disclosing any issues relating to being a potential victim of modern slavery, the paper disregards the body of evidence pertaining to the difficulties people may face in disclosure, particularly as such victims are likely to have been living under the control of a person who has sought to dissuade them from approaching the authorities.

The policy paper refers to the need to avoid sequential and last minute claims being made. However, the further submissions process serves an important purpose; situations in countries of origin and an applicant's personal circumstances may change over time, including when an application has been refused. Case law ruling that government policy to refuse certain types of applications was erroneous and misinterpreted the law (e.g. the country guidance case of [MST Eritrea](#)) need to be rectified so that the UK is not at risk of contravening its obligations to protect people who would face persecution on

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return. Further submissions and fresh claims provide a necessary safeguard. Whilst the government does not produce regular statistical information on the success of further submissions and fresh claims, its response to a recent [Freedom of Information Act request](#) shows that the numbers are not insignificant.

Chapter 7: Disrupting Criminal Networks Behind People Smuggling

The Government is determined to introduce tough new measures to deter illegal migration by strengthening the protection of the UK's borders.

Preventing people from entering the UK unlawfully may prevent people in need of protection from receiving it. The 1951 Convention deals with this issue through Article 31; refugees should not face punitive measures as a result of the way they entered the country. Under current legislation there is no way of asking for permission to enter the UK in order to claim asylum. The government should use the opportunity it has through these asylum reform discussions to consider ways in which people may be assisted to do that, in order to expand the safe and legal routes already in place. No-one should be imprisoned for seeking the protection of a country that is a signatory to the 1951 Convention.

Chapter 8: Enforcing Removals including Foreign National Offenders (FNOs)

It is an essential responsibility of any Government to enforce and promote compliance with immigration laws, ensuring the swift return of those not entitled to be in the UK. The Home Secretary is also under a duty to remove any foreign national offender who has been served a sentence for an offence in the UK of 12 months or more. In your view, how effective, if at all, will each of the following reforms be in helping us to build on these principles?

- **Consulting with Local Authority partners and stakeholders on implementing the provisions of the 2016 Act to remove support from failed asylum-seeking families who have no right to remain in the UK.**

The elements of the Immigration Act 2016 relating to support for families and care leavers who have been refused asylum should be repealed. There is no evidence that removing support for those deemed most vulnerable (and therefore treated with more compassion than other cohorts of refused asylum seekers) will achieve any of the aims presented in the New Plan For Immigration. Repeated analysis of similar policies shows that the likely result is to force people into starvation and expose them to a heightened risk of exploitation and vulnerability to personal violence. It contravenes the duties under section 55 of the UK Borders Act 2009 as clearly the safety and welfare of children will be undermined. As with many of the measures outlined in this plan this policy is underpinned by no evidence.

The Government intends on amending the list of factors for consideration of Immigration Bail in paragraph 3 of Schedule 10 to the Immigration Act 2016 ([legislation.gov.uk](#)), to include an individual's compliance with proper immigration process. To what extent, if at all, do you agree or disagree with this proposal?

In relation to the conditions of Immigration Bail, the New Plan for Immigration fails to justify the need for reform in the way described. People in the UK already have a duty to comply with immigration process, through a number of existing measures. It is unclear to us why the reform is being proposed.

Public Sector Equality Duty (and other general questions)

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Thinking about any potential equality considerations for the intended reforms in each of the areas, are there any mitigations you feel the Government should consider? Please give data (where applicable) and detailed reasons.

It is the government's duty to analyse the impact on people with protected characteristics and whilst there is no prescribed way to do this, reforms of this magnitude should be accompanied by published analysis of their impact; we would expect to have been provided with an Equality Impact Assessment to show this analysis. We would welcome an opportunity to respond to the impact of such policies but do not see it as the role of respondents to a public consultation to initiate this process.

Is there any other feedback on the New Plan for Immigration content that you would like to submit as part of this consultation?

As key members of the Refugee and Migrant Children's Consortium and the Families Together Coalition, we would like to endorse the responses submitted by both.

We have a number of significant concerns about the consultation process.

Firstly, we are concerned that six weeks is not long enough for expert stakeholders to participate meaningfully, particularly given the extensive scope of the policy paper. [HMG's Code of Practice on Consultation](#) states that "Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible".

Furthermore, the short consultation period included the Easter break and coincided with the period leading up to elections at local and regional government levels and devolved administrations in Wales and Scotland. This will have severely impeded the ability of officials and members in those areas of government to fully respond to the proposals.

Secondly, we are concerned that the government has not made enough effort to understand the views of people who have received protection in the UK through the asylum system or resettlement programmes, which would have given an insight into how the reforms would be likely to impact upon refugees, including on their safety and wellbeing. The short timescale mitigates against people who may need help to understand the proposals, particularly when English is not their first language. The requirement to create an online account in order to submit answers is a barrier to many, including those who may be fearful of their responses being linked to and affecting their asylum claim.

The policy paper is lacking in detail about many of the significant changes proposed and uses data and research selectively.

Finally, we have engaged in many of the 'deep dive' engagement events; many of these failed to elicit any clarification of the proposals whereas at some we learnt the detail making the proposal much easier to understand. This is not a fair way to consult on such a huge area of policy.