

New Plan for Immigration: Stakeholder questionnaire

<p>This pdf version of the online questionnaire allows you to download the questions as a whole to help you formulate your responses to the online questionnaire.</p>		
<p>Foreword</p>		
<p>1</p>	<p>The foreword provides a high level outline of the New Plan for Immigration, including reforms to make the system fair, but firm.</p> <p>Overall, how far do you support or oppose what is being said here?</p> <p>Please refer to the foreword of the New Plan for Immigration to support your answer to this question.</p>	<ul style="list-style-type: none"> <input type="radio"/> Strongly support <input type="radio"/> Tend to support <input type="radio"/> Neither support nor oppose <input type="radio"/> Tend to oppose <input type="radio"/> Strongly oppose <input type="radio"/> Don't know
<p>Chapter 1: Overview of the Current System</p> <p>This question relates to the Overview of the Current System in the New Plan for Immigration, should you wish to refer to this before answering.</p>		
<p>2</p>	<p>The UK Government is committed to building an asylum system that is firm and fair, based on three major objectives:</p> <ul style="list-style-type: none"> • 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. <p>How effective, if at all, do you think each of the following will be in helping the UK Government achieve this vision? Please select one response for each statement.</p> <ul style="list-style-type: none"> A. Strengthening safe and legal routes for those genuinely seeking protection in the UK. B. Reforming legal processes to ensure improved access to justice. C. Reforming legal processes to ensure speedier outcomes. D. 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. 	<ul style="list-style-type: none"> <input type="radio"/> Very effective <input type="radio"/> Fairly effective <input type="radio"/> Not very effective <input type="radio"/> Not at all effective <input type="radio"/> Don't know <p>No response</p>

	<ul style="list-style-type: none"> E. Enforcing the swift removal of those found to have no right to be in the UK, including Foreign National Offenders. F. 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. G. 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. 	
<p>3</p>	<p>Please use the space below to give further detail for your answer. In particular, if there are any other objectives that the Government should consider as part of their plans to reform the asylum and illegal migration systems.</p> <p>The framing of the question focuses on whether the actions outlined will be effective in achieving the aims of the Government’s proposals. While there are elements in the statements that we might broadly support (e.g. ‘reforming legal processes to ensure improved access to justice’), we fundamentally disagrees with the approach the Government is taking. The framing and format of the question does not allow for meaningful feedback, thus we do not feel able to rate the effectiveness of the statements. We are very concerned that the proposals threaten the very right to seek sanctuary in the UK and will be largely unworkable. They will make life harder for those people who do claim asylum here and put people seeking safety more at risk. We agree that the UK asylum system must be reformed to better protect people seeking sanctuary, however these proposals will not improve the system. The proposals do nothing to strengthen safe and legal routes, and more alarmingly, will have the opposite effect by reducing access to Refugee Family Reunion for people seeking asylum who enter the UK irregularly. The proposal seeks to punish people seeking asylum who arrive through an irregular route by creating a two-tier asylum system which would restrict access to family reunion for thousands of women and children each year. The plan uses language that implies that such claims are less ‘genuine’ than those arriving</p>	<p>Open question</p>

through a regular route. This is despite the fact that the UK’s obligation to recognise refugees under the 1951 Convention has nothing to do with how the applicant entered the country. The proposal to establish a two-tier asylum system is completely unfounded and unfair.

Refugee Family Reunion is currently the most accessed safe and legal route, with over 29,000 people being granted visas in the last 5 years, 90% of whom are women and children. If the intention is 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. The Plan and the upcoming Sovereign Borders Bill are important opportunities to make the UK’s asylum system fairer, humane and more efficient. At the heart of this should be expanding safe and legal routes to the UK, including making it easier for all refugee families to reunite.

We are also deeply concerned that the proposals will in fact most likely exacerbate an already broken system and force even more people seeking sanctuary into destitution. The City of Sanctuary Local Authority Network has ongoing concerns about the impact of the No Recourse of Public Funds policy. We believe that these new proposals will only worsen the current situation. We strongly oppose the proposal that there will be no access to asylum support on medical grounds or human rights grounds (as there is now under section 4) for appeal rights exhausted by asylum seekers. This proposal will significantly increase rough sleeping and local authorities will have a statutory duty to support many of these vulnerable adults without any additional resources.

The plan states that it is built on the principle of fairness, that it will create “an asylum system that helps the most vulnerable” and that it “upholds our reputation as a country ... which is a haven for those in need.” It fails on all these principles. This plan is unfair, it fails to help the most vulnerable and will indeed demonise them and make their lives demonstrably worse, including people who have been

found to have a genuine need for asylum. Moreover, in failing to tackle the genuine problems in the asylum system – lack of resources, poor decision making and delays to considering claims – it will simply increase the burden on an already overstretched department, and place increasing burdens on Local Authorities.

We reject the distinction between 'legal' and 'illegal' immigration in reference to people entering the asylum system. There will always be people who, by necessity, enter the UK clandestinely and claim asylum. These proposals create a two tier system and seek to punish these people for the simple act of seeking protection. People fleeing persecution often do so at short notice, avoiding immigration controls as they are in fear of the authorities and may be unable to obtain, or have good reason not to use, travel documents from their country of origin as they fear persecution by these same authorities.

We have been proud to participate in the VPRS and will continue to work with the Home Office to resettle further families under the new scheme. However, one of the essential elements to the success of VPRS was the target of resettling 20 000 refugees. The lack of a target for the new scheme risks failure as it does not provide an incentive for the Home Office or local authorities to drive participation, and does not provide the certainty for local authorities to develop and maintain high quality resettlement programmes.

Chapter 2: Protecting those Fleeing Persecution, Oppression and Tyranny

<p>4</p>	<p>The Government is reviewing safe and legal routes for protection claimants to enter the UK. Further details of this can be found in Annex A.</p> <p>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.</p> <p>In your view, how effective, if at all, do you feel each of the following proposals will be in ensuring the Government can provide safe and legal ways for refugees in genuine need of protection?</p> <p>Please select one response for each statement.</p> <ul style="list-style-type: none"> • 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. 	<ul style="list-style-type: none"> ○ Very effective ○ Fairly effective ○ Not very effective ○ Not at all effective ○ Don't know <p>No response</p>
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	<ul style="list-style-type: none"> • 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. 	
<p>5</p>	<p>In maintaining clearly-defined safe and legal routes, how important, if at all, are each of the following practical considerations? Please select one response for each statement.</p> <ul style="list-style-type: none"> • 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. 	<ul style="list-style-type: none"> <input type="radio"/> Very important <input type="radio"/> Fairly important <input type="radio"/> Not very important <input type="radio"/> Not at all important <input type="radio"/> Don't know <p>No response</p>
<p>6</p>	<p>The intention is to continue to provide support to all those granted refugee status so that they are equipped to properly integrate and contribute to society when they arrive in the UK.</p> <p>How far do you agree or disagree that each of the following proposals will help to meet this aim of developing refugee support?</p> <p>Please select one response for each statement.</p>	<ul style="list-style-type: none"> <input type="radio"/> Strongly agree <input type="radio"/> Agree <input type="radio"/> Neither agree nor disagree <input type="radio"/> Disagree <input type="radio"/> Strongly disagree <input type="radio"/> Don't know <p>No answer</p>

	<ul style="list-style-type: none"> • An integration support package should focus on progress to employment (including self-employment). • An integration support package should consider elements such as well-being, language, employment and social bonds. • 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. 	
<p>7</p>	<p>Please use the space below to give further feedback on the proposals in chapter 2. In particular, the Government is keen to understand:</p> <p>(a) If there are any ways in which these proposals could be improved to make sure the objective of providing well maintained and defined safe and legal routes for refugees in genuine need of protection is achieved; and</p> <p>(b) Whether there are any potential challenges that you can foresee in the approach the Government is taking to help those in genuine need of protection.</p> <p>Please provide as much detail as you can.</p> <p>We very much welcome the Government’s commitment to resettlement and the proposal of widening access to people in need of protection from across the globe. However without a plan, timetable or a target number of people it is impossible to comment on how effective this commitment would be. We also call for more engagement with the local authorities in designing resettlement programmes and encourage the Government to look at best practice examples across Europe.</p> <p>We welcome the change to granting resettled refugees immediate indefinite leave to remain. Additionally ensuring that resettlement programmes are responsive to global situations is also important; however we cannot comment with regards to its effectiveness as there is insufficient detail in the plan. Similarly there is no detail on how the Government intends to work to ensure more refugees can enter through community sponsorship. While in principle we are confident that Network members would most likely welcome working with community groups to</p>	<p>Open question</p>

increase community sponsorship there is no information within the plan as to whether there would be additional resources available for local government to be able to provide support for this work.

While we welcome an extension to resettlement (with the caveat of not knowing the full details) we are deeply concerned that this commitment will only benefit a small amount of people. The integration support package and employment support should be enhanced but these services should be available to all refugees and not only those who come through the resettlement programme.

The change to allow unmarried dependent children under the age of 21 (rather than just 18) to join their parents, where both parents are refugees living in the UK and arrived through resettlement, is welcome. In practice however it is likely to make little difference and will not expand opportunities for family reunion.

The majority of refugee families who arrive via resettlement routes would include any dependent adult children. The specification that both parents need to be living in the UK is also potentially limiting, as often one parent may be missing or dead.

Refugee Family Reunion is currently the most accessed safe route and it allows family members to reunite safely in the UK. The proposals outlined will undermine refugee family reunion as the provision of asylum would be greatly curtailed for refugees who arrive in the UK via irregular routes (because there are no safe and legal routes available to them). Those arriving via irregular routes currently make up a large majority of those claiming asylum in the UK. For the vast majority of those people, there is no viable alternative for them to be reunited with family members. Limiting this route therefore risks incentivising more dangerous journeys, made by people seeking to live with their family members, rather than reducing them.

Finally, the move to give people with temporary status no recourse to public funds is extremely concerning. More families with no recourse to public funds will be forced into destitution and struggle to access necessities such as housing, health, education

	<p>and welfare. Local authorities will have a statutory duty to support the children of those families and any vulnerable adults without having been given the resources to do so. Combined with the proposal to no longer offer asylum support on medical grounds or human rights grounds (as there is now under section 4) for appeal rights exhausted asylum seekers, this will increase destitution considerably. We are strongly opposing these proposals in particular as they will significantly increase rough sleeping. Local authorities will have a statutory duty to support many of these vulnerable adults and will not get any additional resources, resulting in increased financial strain on already over-stretched budgets.</p>	
<p>Safe and legal routes including Family reunion for unaccompanied asylum seeking children</p> <p>These questions relate to the separate information sheet (Annex A) on safe and legal routes including family reunion for unaccompanied asylum seeking children. Please refer to this sheet for more information.</p>		
<p>8</p>	<p>The Government recognises the importance of reuniting those who are in the UK who are in genuine need of protection, with their family members.</p> <p>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.</p> <p>Reuniting an adult with refugee status in the UK with...</p> <ul style="list-style-type: none"> • Their spouse or partner, wherever their spouse/partner may be in the world. • Their own child who is under the age of 18, wherever their child may be in the world. • Their own adult child who is over the age of 18, wherever their child may be in the world. 	<ul style="list-style-type: none"> ○ Very important ○ Fairly important ○ Not very important ○ Not at all important ○ Don't know <p>All very important</p>

	<ul style="list-style-type: none"> • A close family member (e.g. sister, brother), wherever that family member may be in the world. • Another family member (e.g. uncle, aunt, nephew, niece), wherever that family member may be in the world 	
9	<p>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.</p> <p>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'.</p> <p>To what extent do you agree or disagree with this approach to apply the same policy to protection claimants seeking to join family members in the UK, regardless of where they are?</p>	<ul style="list-style-type: none"> ○ Strongly agree ○ Agree ○ Neither agree nor disagree ○ Disagree ○ Strongly disagree ○ Don't know <p>No response</p>
10	<p>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?</p> <p>Please write in your answer and provide as much detail as you can.</p> <p>We are concerned that separated asylum-seeking children will be negatively impacted by the new proposals. Of the 29,000 family reunion visas granted in the last 5 years, 90% were given to women and children. Family reunion is currently the only safe and regular route for unaccompanied minors who have family members in the UK to reunite safely. For the majority, the family member they are hoping to reunite with will have come to the UK via an irregular route. If those who come via irregular routes will have limited family reunion rights, this may result in fewer unaccompanied minors being able to come to the UK to reunite with family members. Instead, they will be forced to undertake dangerous journeys in order to reunite as is already the case for separated children who don't have family members in the UK (and thus have no safe and regular routes available to them since the closure of the Dubs amendment in May 2020).</p>	Open question

	<p>Under section 55 of the Borders, Citizenship and Immigration act 2009, the best interests of the child principle is incorporated into UK law. This requires all actors to take into account a child’s best interests when making decisions which concern them. It is undoubtedly within a child’s best interests to reunite with family members (if the child requests to do so). If the government is committed to upholding this, they should be seeking to expand safe routes for children rather than restricting them. Annex A, which accompanies the plan, does not set out in any detail the UK Government's future policy on safe and legal routes for unaccompanied children but outlines the current routes in place (under the immigration rules). Unaccompanied asylum-seeking children are one of the most vulnerable groups and they have the right to be reunited with their family members safely and as quickly as possible.</p> <p>We urge the UK Government to uphold its commitment to this group of children, and strengthen safe and regular routes for children separated from their families.</p>	
11	<p>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?</p> <p>Please write in your answer and provide as much detail as you can.</p>	<p>Open question</p> <p>No answer</p>
12	<p>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?</p> <p>Please write in your answer and provide as much detail as you can.</p> <p>When you answer please indicate if your views relate to protection claimants who are unaccompanied asylum-seeking children, adults and/or families (adults and accompanied children) in the EU.</p>	<p>Open question</p> <p>No answer</p>

<p>13</p>	<p>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?</p> <p>Please write in your answer and provide as much detail as you can.</p> <p>Instead of reviewing the family reunion routes available for refugees who arrive via safe and legal routes, such as resettlement, the Government should instead expand the criteria of who qualifies as a family member for the purposes of refugee family reunion. This should include allowing adult refugees in the UK to sponsor their adult children and siblings who are under the age of 25 and their parents, and to give unaccompanied refugee children in the UK the right to sponsor their parents and siblings who are under the age of 25 to join them under the refugee family reunion rules.</p>	<p>Open question</p>
<p>14</p>	<p>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?</p> <p>Please write in your answer and provide as much detail as you can.</p> <p>When you answer please indicate if your views relate to protection claimants and/or refugees and/or their families in the EU and/or the rest of the world.</p> <p>Previously, the UK’s EU membership provided a possible safe and legal route for unaccompanied children in the EU to join family members in the UK for the purpose of claiming asylum here with their family. As the UK has left the EU, it is no longer a part of the Dublin Regulation. The Immigration rules set out the criteria and eligibility for family reunion in the UK. The criteria is extremely restrictive and although individuals can apply for family reunion ‘outside the rules’, in reality very few people are successful. The Government’s proposals make no provision for people – whether children or adults – who currently make dangerous journeys to the UK to make asylum claims here. The Government’s policy position generally remains that nobody can claim asylum in the UK unless they get here first; and its rules make no provision to permit someone to travel to the UK for the</p>	<p>Open question</p>

purpose of making such a claim. While the Government, in presenting its proposals, has emphasised the many people who have been permitted to come to the UK by the safe and legal route of a refugee family reunion visa, the proposals, if implemented, would withdraw that possibility from many people. To receive a refugee family reunion visa, someone must be the family member of a refugee who has been given asylum in the UK. The proposals expressly intend to avoid or delay granting asylum to many refugees in the UK. Their family members will, therefore, only be able to reunite with them if they rely on dangerous journeys and smugglers. Although the Government’s plans commit to increasing safe and legal routes, this proposal risks restricting access for many families, when the Government should instead build upon and widen the existing rules. Many families are displaced, living in precarious situations and have protection concerns themselves. This would leave families who have been separated by war, violence and persecution facing dangerous journeys if they wanted to be reunited.

There is an abundance of research that proves that children are best placed within their family networks. The separation of children from their parents can and does lead to profound mental health difficulties that disadvantage children through their adolescence and into adulthood. The values and principles of the legal framework that supports Children’s Services in the UK is based on the premise that children are best placed within their families. To introduce a system that does not facilitate families staying together is also contrary to the human rights act right to family life.

The Government’s New Immigration Plan will do nothing to help asylum-seeking children who are in Europe. Right now, there are child refugees in Europe who had to leave their homes in search of safety – and they’re still searching. This should be an opportunity for Britain to show global leadership and act in solidarity with our closest neighbours by providing safe passage for children in Europe.

Currently there are no safe routes for unaccompanied asylum-seeking children in Europe. 480 unaccompanied children from Europe came through the Dubs scheme but

that closed last year. The new resettlement scheme has no commitment to children or to children in Europe - only 0.08% of refugees globally are selected for resettlement and only 99 unaccompanied children came through the previous resettlement scheme.

No safe route will mean that children will continue to risk their lives across the channel. More than 12,000 unaccompanied children were granted asylum by the UK between 2010 and 2020. Research by Safe Passage shows that over 10,000 of those unaccompanied children were forced to travel dangerously because they could not access a safe route.

The Government should provide a new safe route to sanctuary in the UK for children currently in Europe, including those without family links to the UK. Such a scheme should ensure that vulnerable children are relocated to the UK, providing a safe alternative to risking their lives in lorries and dinghies.

The loss of family reunion rights for unaccompanied asylum-seeking children in the EU reuniting with family members in the UK after Brexit has meant that 95% of the people that Safe Passage supports, who were previously able to reunite with family members in the UK under EU law, are now unable to do so. The UK's family reunion route should match that available in other EU countries.

The EU's family reunion law allows children to reunite with a wider range of family members such as uncles, aunts, siblings and grandparents, whilst the UK's immigration rules are much more restrictive and only allow children to reunite with parents under Part 11 of the rules - the UK's refugee family reunion rules.

Under other parts of the UK's rules, there are provisions which allow children to reunite with wider family members however there are strict criteria and high evidential thresholds that mean in practice, very few children qualify. These thresholds should be removed.

There are high application fees for all routes other than those for children with a parent who is a refugee or has been granted humanitarian protection in the UK, making the UK's rules a lot more restrictive than the EU's family reunion rules.

In order to complete their application for a family reunion visa, family members must attend a Visa Application

Centre (VAC) to have biometrics taken, to submit a passport or identity document and to collect the decision on their application. However, research by the British Red Cross has found that, frequently, already vulnerable individuals are put at risk, by having to make long, dangerous and unnecessary journeys to reach VACs. Under EU Law, children do not have to go to VAC.

The New Plan introduces a two-tiered system whereby the Government will seek to consider those that have passed through ‘safe countries’ in Europe inadmissible to the UK’s asylum system and will introduce a new temporary protection status with less generous entitlements and limited family reunion rights for people who are declared by the Government to be ‘inadmissible’. This means that there will be restricted access to family reunion rights for some refugees, depending on how they originally entered the UK.

All children fleeing persecution and violence deserve safe routes to reach safety and reunite with family members regardless of where they are located.

When unaccompanied children do not have access to have a safe route, they are more likely to attempt to make dangerous journeys to reach family members. Research by UNHCR also shows that children are particularly likely to resort to people smuggling when access to family reunion is delayed or at risk. They are also particularly vulnerable to sexual exploitation, trafficking and forced labour.

Chapter 3: Ending Anomalies and Delivering Fairness in British Nationality Law

These questions relate to chapter 3 of the New Plan for Immigration. Please refer to this chapter for more information.

<p>15</p>	<p>How effective, if at all, do you feel the following changes will be in contributing to the objective of correcting historic anomalies in current British Nationality law? Please provide an answer for each statement.</p> <ul style="list-style-type: none"> • Introducing new registration provisions for children of a British Overseas Territories Citizen (BOTC) to acquire citizenship more easily. • Fixing the injustice which prevents a child from acquiring their father's citizenship if their mother was married to someone else. • Introducing a new discretionary adult registration route to give the Home Secretary an ability to grant citizenship in compelling and exceptional circumstances where there has been historical unfairness beyond a person's control. • Creating further flexibility to waive residence requirements for naturalisation in exceptional cases. This will mean those impacted by Windrush are not prevented from qualifying for British Citizenship because they were not able to return to the UK to meet 	<ul style="list-style-type: none"> ○ Very effective ○ Fairly effective ○ Not very effective ○ Not at all effective ○ Don't know <p>All very effective</p>
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	<p>the residency requirements through no fault of their own.</p>	
16	<p>The Government wants to change the registration route for stateless children, who were born in the UK and have lived here for five years.</p> <p>The Government wants to ensure that those who are genuinely stateless can benefit. People should not be able to acquire these benefits if they purposely fail to acquire their own nationality for their child.</p> <p>To what extent, if at all, do you agree that this is the right approach?</p>	<ul style="list-style-type: none"> <input type="radio"/> Strongly agree <input type="radio"/> Agree <input type="radio"/> Neither agree nor disagree <input type="radio"/> Disagree <input type="radio"/> Strongly disagree <input type="radio"/> Don't know
17	<p>The law currently allows some discretion around naturalisation, to account for exceptional circumstances. However, it is currently an un-waivable requirement that a person must have been in the UK on the first day of their 5 (or 3) year residential qualifying period.</p> <p>The Government is seeking to change the law so that discretion can be exercised when a person was not in the UK on that day in appropriate cases, whilst maintaining the principle that people should have completed a period of continuous residence.</p> <p>This might be used, for example, where a person was a long-term resident of the UK but had been prevented from returning to the UK after a trip overseas five years ago by mistake, as was the case for a number of the Windrush generation, or due to unforeseen compelling circumstances.</p> <p>To what extent, if at all, do you agree that this approach provides sufficient flexibility to allow people with a strong connection to the UK to qualify for naturalisation?</p>	<ul style="list-style-type: none"> <input type="radio"/> Strongly agree <input type="radio"/> Agree <input type="radio"/> Neither agree nor disagree <input type="radio"/> Disagree <input type="radio"/> Strongly disagree <input type="radio"/> Don't know
18	<p>Please use the space below to give further feedback on the proposals in chapter 3. The Government is keen to understand:</p> <p>(a) If there are any ways in which these proposals could be improved to make sure the objective of correcting historic anomalies in our nationality laws is achieved; and</p> <p>(b) Whether there are any potential challenges that you can foresee in the approach being taken to reform nationality laws.</p> <p>Please provide as much detail as you can.</p>	<p>Open question</p>

As regards the Windrush scandal, people who were entitled to register as British citizens but wrongly and deliberately discouraged not to do so should not have to face any barriers now that they would not have faced in registering in the 1980s. We welcome the intention to introduce discretion to waive certain of the requirements of naturalisation. However, this does not go far enough. None of the requirements of naturalisation ought to apply as these were not requirements of registration (which was the right of the people affected) in the 1980s. That includes the requirement of good character, which was not a requirement then and should not be a requirement now.

There are several further fundamental problems that it is within the Home Office power to correct now. Of especial importance is the failure of the Home Office to recognise and respect the rights of thousands of children born and grown up in the UK to British citizenship by registration. Most of the barriers to children registering their right to citizenship do not require anything other than the Home Office to prioritise encouraging and enabling children to register. This should be done. It is appalling that many British children remain effectively deprived of the citizenship of this, their country.

<p>Chapter 4: Disrupting Criminal Networks and Reforming the Asylum System</p> <p>These questions relate to chapter 4 of the New Plan for Immigration. Please refer to this chapter for more information.</p>		
<p>19</p>	<p>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.</p> <p>In your view, how effective, if at all, will the following proposals be in achieving this aim?</p> <ul style="list-style-type: none"> • 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. 	<ul style="list-style-type: none"> ○ Very effective ○ Fairly effective ○ Not very effective ○ Not at all effective ○ Don’t know <p>Not at all effective for all points</p>
<p>20</p>	<p>To protect the asylum system from abuse, the Government will seek to reduce attempts at illegal immigration and overhaul our domestic asylum framework.</p> <p>In your view, how effective, if at all, will the following proposals be in achieving this aim?</p> <ul style="list-style-type: none"> • Changing the rules so that people who have been convicted and sentenced to at least one-year imprisonment and constitute a danger to the 	<ul style="list-style-type: none"> ○ Very effective ○ Fairly effective ○ Not very effective ○ Not at all effective ○ Don’t know <p>Not at all effective for all points</p>

	<p>community in the UK can have their refugee status revoked and can be considered for removal from the UK.</p> <ul style="list-style-type: none"> • 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. 	
<p>21</p>	<p>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.</p> <p>As the Government seeks to implement this change, what, if any, practical considerations should be taken into account?</p> <p>We fundamentally disagree with the overall approach the Government is proposing. These proposed reforms will do nothing to prevent dangerous Channel crossings, whilst making the lives of many who have fled war and persecution a misery. We would welcome the introduction of safe and legal routes for asylum seekers to enter the UK from France and other parts of Europe.</p> <p>We are concerned that the current proposals are contrary to the Refugee Convention as there is no obligation to claim asylum in the safe first country someone reaches. The Convention allows for people seeking sanctuary to lodge a claim for international protection in whichever country they feel they will be able to find safety, regardless of their method of travel. As such there should not be a differentiated approach to asylum claims, either while people are waiting for a decision to be made or once status is granted. A person’s route of entry to the country has no bearing on their need for protection or their right to fair treatment. It is also concerning that people given temporary protection will not be able to access full family reunion rights. Rather than restricting family reunion rights for some refugees, we call upon</p>	<p>Open question</p>

the government to increase access to family reunion for all refugees, regardless of how they entered the UK. No one seeking sanctuary should be punished for the way they arrive in the UK.

The proposed use of reception centres is also alarming. Rather than expanding the use of harmful institutional accommodation, the government should be making a full commitment to working collaboratively with Local Government and provide the resources needed to ensure sufficient reception arrangements for people seeking sanctuary in the UK. We believe that with additional resources many local authorities would welcome becoming a dispersal area (as we have seen with the positive response to resettlement). We would also call the Government to urgently address the long-standing issues in the management and monitoring of contracted asylum accommodation provision.

We strongly oppose the introduction of a new temporary protection status. It will create yet more barriers to people being able to rebuild their lives, creating a new group of people subject to NRPF and vulnerable to destitution.

The changes would also put children at risk as many arrive in the UK after travelling through other countries, for complex reasons but most of which would be beyond their control. The changes seek to undermine our legal commitments and our standards in how we treat some of the most vulnerable children in society. At the very least we need assurances that there are protections for children in relation to the inadmissibility rule and all the new conditions attached to that.

As stated previously, this two tier system will place an additional burden on local authorities. As people granted asylum will continue to be denied access to public funds unless they become destitute, they are more likely to reach crisis point if they become unemployed and will therefore require support from NRPF services and homeless charities. For individuals and couples without additional health needs, this could entail them spending a period of time homeless while they apply to have the NRPF restriction removed. It is inhumane to develop a policy which risks placing people who have arrived in the UK

	seeking sanctuary, and been granted Refugee Status, into destitution.	
22	<p>The UK Government intends on introducing a more rigorous standard for testing the “well-founded fear of persecution” in the Refugee Convention.</p> <p>As the Government considers this change, what, if any, practical considerations should be taken into account?</p> <p>The Government has put forward no evidence or reason as to why the standard to test for a well-founded fear of persecution should be more rigorous. As it stands, the percentage of successful appeals demonstrates that people already aren’t receiving protection when they should; in 2019/20, the First-tier Tribunal success rate in asylum appeals was 48%. In introducing a more rigorous standard the UK Government proposes to diverge from the internationally acknowledged standard of proof in this area of law. This will undermine the UK’s commitment to asylum, necessitate costly litigation and license others to withdraw from their own asylum commitments. Where the UK should be promoting high standards internationally, with this move it risks encouraging others to lower the standards to the detriment of some of the most vulnerable people in society.</p>	Open question
23	<p>The Government is aware that currently it can take many months to consider asylum applications and intends to ensure that claims from those who enter the UK illegally are dealt with swiftly and efficiently.</p> <p>To help achieve this, in your view, which of the following steps would be the most important? Please rank the following statements from most to least important.</p> <ol style="list-style-type: none"> 1. To use asylum processing centres to accommodate those who enter the UK illegally, whilst they await the outcome of their claim and / or removal from the UK. 2. To have an expedited approach to appeals, particularly where further or repeat claims are made by the individual. 3. To ensure there are set timescales for considering claims and appeals made by people who are in immigration detention, which will include safeguards 	<p>Drag and drop to rank options</p> <p>No response all steps are potentially harmful and will not address backlog.</p>

	<p>to ensure procedural fairness. This will be set out in legislation.</p> <p>4. To ensure those who do not qualify for protection under the Refugee Convention, but who still face human rights risks, are covered in a way consistent with our new approach to asylum.</p>	
24	<p>The Government is committed to strengthening the framework for determining the age of people claiming asylum, where this is disputed. This will ensure the system cannot be misused by adults who are claiming to be children.</p> <p>In your view, how effective would each of the following reforms be in achieving this aim?</p> <ul style="list-style-type: none"> • Bring forward plans to introduce a new National Age Assessment Board (NAAB) to set out the criteria, process and requirements to be followed to assess age, including the most up to date scientific technology. NAAB functions may include acting as a first point of review for any Local Authority age assessment decision and carry out direct age assessments itself where required or where invited to do so by a Local Authority. • Creating a requirement on Local Authorities to either undertake full age assessments or refer people to the NAAB for assessment where they have reason to believe that someone’s age is being incorrectly given, in line with existing safeguarding obligations. • Legislating so that front-line immigration officers and other staff who are not social workers are able to make reasonable initial assessments of age. Currently, an individual will be treated as an adult where their physical appearance and demeanour strongly suggests they are ‘over 25 years of age’. The UK Government is exploring changing this to ‘significantly over 18 years of age’. Social workers will be able to make straightforward under/over 18 decisions with additional safeguards. • Creating a statutory appeal right against age assessment decisions to avoid excessive judicial review litigation. 	<ul style="list-style-type: none"> ○ Very effective ○ Fairly effective ○ Not very effective ○ Not at all effective ○ Don’t know <p>Not at all effective for all points</p>
25	<p>Please use the space below to give further feedback on the proposals in chapter 4. In particular, the Government is keen to understand:</p> <p>(a) If there are any ways in which these proposals could be improved to make sure the objective of overhauling our domestic asylum framework is achieved; and</p>	Open question

(b) Whether there are any potential challenges that you can foresee in the approach being taken around asylum reform.

Please provide as much detail as you can.

We do not endorse any of the proposals in this chapter. Whilst it is clear that the UK asylum system should be improved, the rationale behind these proposals is deeply flawed and not based on evidence. In particular establishing a differentiated approach to asylum claims will only cause further harm to and delays for people seeking asylum without addressing any of the issues which the proposal seek to resolve. The proposals fail to engage meaningfully with the many long-standing issues facing the UK asylum system and will cause increased harm to people seeking sanctuary.

In particular we are concerned about the proposals with regards to age assessments, which will increase the likelihood that children will be wrongly identified as adults and will be placed in accommodation with adults or held in adult detention centres. These proposals run contrary to the direction of travel of best practice in this area of work, particularly in the devolved nations.

The oversight by a National Age Assessment Board (NAAB) is concerning as the plan provides no details on how the board would be constituted. While we assume social workers will continue to undertake age assessments, clarity is needed on the proposed role of NAAB (National Age Assessment Board) and how this aligns with social workers ethical duties. Most importantly it is imperative that any system includes social work expertise and must not in any way dilute the social worker role. Conducting age assessments is complex and specialist and should not be undertaken by anyone other than a social worker who has specialist training. There must be engagement with local authorities with particular expertise in this area. We are also concerned about the introduction of 'scientific' checks; there is simply no accurate way to assess age. The Royal College of Paediatrics and Child Health concluded that there was a five-year margin of error for medical assessments. The system would dilute current standards, does not ensure children are offered the protection they are entitled to and puts

the safety of children at risk. The focus on medical or ‘scientific’ methods raises significant ethical issues and that those plans should be abandoned.

We reject the deliberate conflation of people seeking asylum with ‘illegal immigration’. People fleeing persecution are often unable to flee their country through regular channels for a variety of reasons. They may not hold a passport or be unable to acquire one, they may risk persecution by their national authorities if requesting a passport or exit visa. There are numerous examples of ethnic groups who are denied, or facing difficulty in establishing, nationality of the country of their birth. Anyone persecuted on the basis of a convention reason may have good reason to fear approaching the authorities to request a passport or travel documents. These people have no option but to flee their country by clandestine means. These are the people that the asylum system is designed to protect, and under these proposals they could be considered inadmissible to the asylum system or, even if they are found to be in genuine need of protection, denied the right to settlement and access to public funds. This would leave them in a permanent state of uncertainty about their future, and risk them becoming destitute if they are unable to find employment.

These proposals fail to consider the genuine problems in the asylum system, and in fact place an additional burden on the Home Office which will simply make things worse. As anyone with temporary protection status will need to have their case reviewed every 30 months the Home Office will have simply have an increased workload. As people with this form of protection will not have an automatic right to settlement they will be forced to have their status reviewed repeatedly, and then apply for settlement through other routes, such as long residence, which will be much more time consuming for the Home Office to consider than the current process for people with refugee status to apply for indefinite leave to remain.

The proposals in this chapter should be scrapped. While it is clear that the UK asylum system should be improved, the rationale behind these proposals is deeply flawed and not based on evidence. In particular establishing a differentiated approach to asylum claims, will only cause further harm to and

	<p>delays for people seeking asylum without addressing any of the issues which the proposal says it seeks to resolve. The proposals fail to engage meaningfully with the many long-standing issues facing the UK asylum system, and will cause increased harm to people seeking sanctuary.</p>	
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Chapter 5: Streamlining Asylum Claims and Appeals

These questions relate to chapter 5 of the New Plan for Immigration. Please refer to this chapter for more information.

<p>26</p>	<p>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.</p> <p>In your view, how effective, if at all, will each of the following intended reforms be in achieving these aims?</p> <ul style="list-style-type: none"> • Developing a “Good Faith” requirement setting out principles for people and their representatives when dealing with public authorities and the courts, such as not providing misleading information or bringing evidence late where it was reasonable to do so earlier. • 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. • Considering introducing a ground of appeal to the First Tier Tribunal for certain Modern Slavery cases within the ‘one-stop’ process. 	<ul style="list-style-type: none"> • Very effective • Fairly effective • Not very effective • Not at all effective • Don’t know <p>“Good faith” not at all effective</p> <p>“One-stop” not at all effective</p> <p>Modern slavery don’t know</p>
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<p>27</p>	<p>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.</p> <p>In your view, how effective, if at all, will each of the following intended reforms be in achieving these aims:</p>	<ul style="list-style-type: none"> ○ Very effective ○ Fairly effective ○ Not very effective ○ Not at all effective ○ Don’t know
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	<ul style="list-style-type: none"> • Providing more generous access to advice, including legal advice, to support people to raise issues, provide evidence as early as possible and avoid last minute claims. • Introducing an expedited process for claims and appeals made from detention, providing access to justice while quickly disposing any unmeritorious claims. • Providing a quicker process for Judges to take decisions on claims which the Home Office refuse without the right of appeal, reducing delays and costs from judicial reviews. • Introducing a new system for creating a panel of pre-approved experts (e.g. medical experts) who report to the court or require experts to be jointly agreed by parties. • Expanding the fixed recoverable costs regime to cover immigration judicial reviews (JRs) and encouraging the increased use of wasted costs orders in Asylum and Immigration matters. • Introducing a new fast-track appeal process. This will be for cases that are deemed to be manifestly unfounded or new claims, made late. This will include late referrals for modern slavery insofar as they prevent removal or deportation. 	<p>Fairly effective</p> <p>Not at all effective</p> <p>Not at all effective</p> <p>Don't know</p> <p>Not at all effective</p> <p>Not at all effective</p>
<p>28</p>	<p>The Government believes that all those who are subject to the UK's immigration laws, including those who have arrived here illegally or overstayed their visa, should be required to act in good faith at all times. Currently, the system is susceptible to being abused and there has to be an onus on individuals to act properly and take steps to return to their country of origin where they have no right to remain in the UK. This duty will apply to anyone engaging with the UK authorities on an immigration matter.</p> <p>As a part this requirement, to what extent do you agree or disagree with each of the following principles:</p> <ol style="list-style-type: none"> 1. Individuals coming to the UK (as a visitor, student or other legal means) should leave the country on their own accord, by the time their visa expires. 2. Individuals seeking the protection of the UK Government should bring their claims as soon as possible. 	<ul style="list-style-type: none"> ○ Strongly agree ○ Agree ○ Neither agree nor disagree ○ Disagree ○ Strongly disagree ○ Don't know <p>No response</p>

	<p>3. Individuals seeking the protection of the UK Government should always tell the truth.</p> <p>4. Failure to act in good faith should be a factor that counts against the individual, when considered by the Home Office or judges as part of their decision making.</p> <p>5. Where an individual has not acted in good faith, this will be a relevant and important factor which decision makers and judges should take into account when determining the credibility of the claimant.</p>	<p>Don't know</p> <p>Strongly disagree</p> <p>Strongly disagree</p>
<p>29</p>	<p>The Government propose an amended 'one-stop process' for all protection claimants. This means supporting individuals to present all protection-related issues at the start of the process. The objective of this process is to avoid sequential and last-minute claims being made, resulting in quicker and more effective decision making for claimants.</p> <p>Are there other measures not set out in the proposals for a 'one-stop process' that the Government could take to speed up the immigration and asylum appeals process, while upholding access to justice? Please give data (where applicable) and detailed reasons.</p> <p>The Home Office introduced a 'one-stop process' as long ago as the Nationality, Immigration and Asylum Act 2002. Its stated aims were precisely the aims that are stated now.</p> <p>The introduction of this process was followed by successive revisions and complications of the appeals system over several years.</p> <p>The fundamental problem, as it has long been, lies with the Home Office. It could make the asylum system fairer, more consistent and efficient if it concentrated on ensuring that its decision-making was as fair, clear and reliable as possible.</p> <p>Too often, some refugees are not given the time they need to build trust with lawyers and disclose what has happened to them while others are simply left in limbo without progress on their claim at all.</p> <p>As for decisions to refuse asylum, the Home Office could greatly assist the appeals process. It could do so by making clear decisions (rather than wasting time and causing confusion by casting around for as many, often indefensible, reasons for refusing someone's claim); and by being prepared to review</p>	<p>Open question</p>

	<p>and correct refusals when it is shown the decision was mistaken rather than requiring the appeal process to take its full course.</p> <p>It would also help if the Home Office stopped bringing up new reasons for refusing asylum simply because its original reasons have been shown to be mistaken.</p>	
<p>30</p>	<p>Please use the space below to give further feedback on the proposals in chapter 5. In particular, the Government is keen to understand:</p> <p>(a) If there are any ways in which these proposals could be improved to make sure the asylum and appeals system is faster, fairer, and concludes cases more effectively;</p> <p>(b) Whether there are any potential challenges that you can foresee in the approach the Government are taking around streamlining appeals.</p> <p>Please provide as much detail as you can.</p> <hr/> <p>To improve the asylum system the Home Office should be properly resourced to be able to deal with the level of casework they undertake and provide decisions within an appropriate timescale. Its staff should be properly trained and supported to make fair, reasonable decisions on asylum claims based on a full appreciation of the evidence and understanding of the relevant case law. Improved decision making would reduce the need for appeals and subsequent fresh claims and therefore decrease the burden on the Home Office and the Tribunal.</p> <p>In addition, if the Government genuinely wants to improve the asylum system, it should be focused on increasing, not decreasing, access to justice for people in the asylum system. If people making asylum claims are represented by accredited, good quality lawyers they are better able to present their case at the first instance and receive an appropriate decisions. In contrast, poor quality legal representatives fail to present the case clearly and often lead to negative decisions in meritorious cases, leading to applicants appealing or submitting fresh claims once they have obtained better quality representation.</p> <p>It is correct to say that "we must re-wire the asylum system to ensure that it properly serves vulnerable</p>	<p>Open question</p>

	<p>people in need of protection” but this is best served by a properly funded Home Office working collaboratively with applicants and their legal representatives to ensure they have all the relevant information to enable them to reach a fully considered decision at the first instance. We note that some steps have been made towards this in recent years, and this has improved the quality of decision making and reduced the need for appeals. These proposals risk backsliding on this progress.</p>	
<p>Chapter 6: Supporting Victims of Modern Slavery These questions relate to chapter 6 of the New Plan for Immigration. Please refer to this chapter for more information.</p>		
<p>31</p>	<p>The Government believes there is a need to act now to build a resilient system which identifies victims of modern slavery as quickly as possible, and ensures that support is provided to those who need it, distinguishing effectively between genuine and vexatious accounts of modern slavery.</p>	<ul style="list-style-type: none"> <input type="radio"/> Very effective <input type="radio"/> Fairly effective <input type="radio"/> Not very effective <input type="radio"/> Not at all effective <input type="radio"/> Don't know

	<p>In your view, how effective, if at all, will each of the following intended reforms be in achieving these aims?</p> <ul style="list-style-type: none"> • Improving First Responders' understanding of when to make a referral into the National Referral Mechanism (NRM) and when alternative support services may be more appropriate. • Clarifying the Reasonable Grounds threshold. • Clarifying the definition of "public order" to enable the UK to withhold protections afforded by the NRM where there is a link to serious criminality or risk to UK national security. • Legislating to clarify the basis on which confirmed victims of modern slavery may be eligible for a grant of temporary, modern slavery specific, leave to remain. • Bringing forward other future legislation to clarify international obligations to victims in UK law. • Continuing to strengthen the criminal justice system response to modern slavery, providing additional funding to increase prosecutions and build policing capability to investigate and respond to organised crime. • Introducing new initiatives (as set out in Chapter 6 of the New Plan for Immigration) to provide additional support to victims, improve the Government's ability to prevent modern slavery in the first place, and increase prosecutions of perpetrators. 	<p>No answer</p>
<p>32</p>	<p>Please use the space below to give further feedback on the proposals in chapter 6. In particular, the Government is keen to understand:</p> <p>(a) If there are any ways in which these proposals could be improved to make sure the objective of building a resilient system which accurately identifies possible victims of modern slavery as quickly as possible and ensures that support is provided to genuine victims who need it is achieved; and</p> <p>(b) Whether there are any potential challenges that you can foresee in the approach the Government are taking around modern slavery.</p> <p>Please provide as much detail as you can.</p>	<p>Open question</p>

Local authorities, police and immigration officers – and many other people – would benefit from training to be able to better identify victims of trafficking, slavery or other exploitation. However, everything depends on the quality and purpose of the training. The key purpose of training for ‘first responders’ ought not to be to prepare them to make conclusive decisions but rather to identify potential victims and be able to engage with potential victims in an encouraging and supportive way that will assist a victim to seek and receive protection and assistance. There is a confusion in the proposal for a further consultation on ‘public order grounds exemption’. The ‘exception’ in the Convention on Action against Trafficking in Human Beings (ECAT) refers to two distinct matters. One concerns what are called ‘public order’ grounds. The other concerns improper claims. What is said in Chapter 6 appears to treat these as one and the same.

The proposal for a further consultation on the test by which it is assessed whether someone is a victim of trafficking is unconvincing. It is suggested that the standard of proof needs to be raised. Amnesty is aware of no evidence to support that and fears the result will simply be to exclude more victims from the protection and assistance they need and the UK is legally required to provide.

There are several other proposals made under the heading of ‘providing victims of modern slavery with increased support’. However, very little substance is given as to what is meant here. We would support increased support for victims but whether any proposals would achieve that depends on their substance.

Chapter 7: Disrupting Criminal Networks Behind People Smuggling

These questions relate to chapter 7 of the New Plan for Immigration. Please refer to this chapter for more information.

<p>33</p>	<p>Illegal immigration can cause significant harm and can endanger the lives of those undertaking dangerous journeys. It can also endanger those emergency service workers and Border Force officers who respond to illegal journeys such as those made by small boat.</p> <p>The Government is determined to introduce tough new measures to deter illegal migration by strengthening the protection of the UK's borders</p> <p>In your view, how effective, if at all, will each of the following intended reforms be in helping to meet this aim:</p> <ol style="list-style-type: none"> 1. Introducing tougher criminal offences for those attempting to illegally enter the UK, (including raising the penalty for illegal entry from 6 months to 2 - 5 years). 2. Widening existing powers to tackle those promoting or facilitating illegal migration, including raising the maximum sentence for facilitation to life imprisonment. 3. Giving additional powers to Border Force including searching freight containers for immigration purposes, seize and dispose of any vessels and the ability to stop and redirect vessels from the UK where persons being conveyed are suspected of seeking to enter the UK illegally. 4. Increasing the penalty to a maximum of 5 years in prison for Foreign National Offenders who return to the UK in breach of a deportation order. 5. Overhauling the Clandestine Civil Penalty Regime. 6. Implementing an Electronic Travel Authorisation (ETA) scheme to identify and block the entry of those who present a threat to the UK. 	<ul style="list-style-type: none"> <input type="radio"/> Very effective <input type="radio"/> Fairly effective <input type="radio"/> Not very effective <input type="radio"/> Not at all effective <input type="radio"/> Don't know <p>Not at all effective</p> <p>Not at all effective</p> <p>Not at all effective</p> <p>Not at all effective</p> <p>Not at all effective</p> <p>Not at all effective</p>
<p>34</p>	<p>This question relates to the proposals to overhaul the Clandestine Civil Penalty Regime in chapter 7 of the New Plan for Immigration.</p> <p>The Government recognises that there is an ongoing threat posed to the haulage sector by those who view clandestine concealment in goods vehicles as a means to enter the UK illegally.</p>	<ul style="list-style-type: none"> <input type="radio"/> Strongly agree <input type="radio"/> Agree <input type="radio"/> Neither agree nor disagree <input type="radio"/> Disagree <input type="radio"/> Strongly disagree <input type="radio"/> Don't know

	<p>Efforts to improve lorry security will assist in protecting the industry and borders, and yet the Government is still encountering large volumes of vehicles which do not meet the minimum-security standards set out in the Civil Penalty: Prevention of Clandestine Entrants Code of Practice (which can be accessed on GOV.UK).</p> <p>How far do you agree or disagree that improving levels of goods vehicle security is an important step towards reducing illegal entry by clandestine migrants?</p>	No answer
35	<p>This question relates to the proposals to overhaul the Clandestine Civil Penalty Regime in chapter 7 of the New Plan for Immigration.</p> <p>The Government aims to provide a fair and transparent charging framework that addresses more severe breaches of the Clandestine Entrant Civil Penalty Code. The Government proposes an increase in the level of penalty.</p> <p>What level of fine (per clandestine migrant) do you think is appropriate?</p>	<ul style="list-style-type: none"> • The current maximum penalty (£2000 per clandestine migrant) • Other amount (please specify) • Don't know <p>No answer</p>
36	<p>The Government proposes to legislate for and enforce an electronic travel authorisation (ETAs) scheme i.e., an application for permission to travel to the UK similar to the current process for countries like United States, Canada, Australia and New Zealand.</p> <p>If you have experience of applying for or engaging with travel authorisation schemes operated by other countries, what are your experiences of those schemes?</p> <ol style="list-style-type: none"> 1. Mostly positive 2. Equally positive and negative 3. Mostly negative 4. Not sure / don't know 5. I have not had experience of applying <p>Please give details to support your answer.</p>	<ul style="list-style-type: none"> ○ Mostly positive ○ Equally positive and negative ○ Mostly negative ○ Not sure / don't know ○ I Have not had experience of applying <p>Open question</p> <p>No answer</p>
37	<p>Please use the space below to give further feedback on the proposals in chapter 7. In particular, the Government is keen to understand</p>	Open question

	<p>(a) If there are any ways in which these proposals could be improved to make sure the objective of defending the UK border and preventing illegal entry is achieved; and</p> <p>(b) Whether there are any potential challenges that you can foresee in the approach the Government are taking to defend the border.</p> <p>Please provide as much detail as you can.</p>	
	<p>As stated earlier, people arriving in the UK clandestinely to claim asylum do so because they are fleeing persecution and they have no other means to reach the UK. These proposals simply seek to punish these incredibly vulnerable people for the act of claiming asylum. In addition, they appear to place additional burdens and penalties on the haulage industry, potentially for actions which are no fault of their own. These penalties could potentially lead to an additional risk to people claiming asylum. Both parties would be disincentivised from approaching the authorities if a situation arises where the lives of people travelling clandestinely are at risk, as they would be leaving themselves open to prosecution.</p>	

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

These questions relate to chapter 8 of the New Plan for Immigration. Please refer to this chapter for more information.

<p>38</p>	<p>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.</p> <p>In your view, how effective, if at all, will each of the following reforms be in helping us to build on these principles?</p> <ul style="list-style-type: none"> 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. Considering whether to more carefully control visa availability where a country does not co-operate with 	<ul style="list-style-type: none"> <input type="radio"/> Very effective <input type="radio"/> Fairly effective <input type="radio"/> Not very effective <input type="radio"/> Not at all effective <input type="radio"/> Don't know <p>Not at all effective</p> <p>Not at all effective</p>
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<p>receiving their own nationals who have no right to be in the UK.</p> <ul style="list-style-type: none"> Increasing the early removal provision for Foreign National Offenders who leave the UK from 9 months to 12 months to encourage departure and also add a new 'stop the clock' provision so that they must complete their sentence if they return. This would be in addition to any sentence for returning in breach of a deportation order. Amending the list of factors for consideration of granting immigration bail and the conditions of immigration bail. Placing in statute a single, standardised minimum notice period for migrants to access justice prior to 	<p>Not at all effective</p> <p>Not at all effective</p> <p>Not at all effective</p>
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	<p>enforced removal and confirm in statute that notice need not be re-issued following a previous failed removal, for example where the person has physically disrupted their removal.</p>	
<p>39</p>	<p>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.</p> <p>To what extent, if at all, do you agree or disagree with this proposal?</p>	<ul style="list-style-type: none"> <input type="radio"/> Strongly agree <input type="radio"/> Agree <input type="radio"/> Neither agree nor disagree <input checked="" type="radio"/> Disagree <input type="radio"/> Strongly disagree <input type="radio"/> Don't know
<p>40</p>	<p>This question relates to the proposals around providing prior notice of a set period (known as the notice period) before the individual is removed. This notice period provides the opportunity to seek legal advice and bring legal challenges ahead of removal.</p> <p>In your view, should this notice period be:</p> <ol style="list-style-type: none"> 1. A minimum of 72 hours, as is currently the case 2. 5 working days 3. 7 calendar days 4. Other length of time (please specify and explain your answer) <p>Proposed answer:</p> <p>The notice period should be extended to at least 7 calendar days. This would allow time for the individual to seek legal advice, and for their legal representatives to consider the case and submit the appropriate appeals or applications.</p> <p>We submit that you should consider a longer notice period, as it can be difficult for individuals in detention to obtain legal advice. Although there are providers who operate in detention centres they are frequently over subscribed and individuals may be unable to obtain an appointment, or providers may not have capacity to take on the case. Given many individuals seeking to remain in the UK on asylum or human rights grounds do so because they fear persecution, or a risk to their life, if returned, it is essential that they are afforded the opportunity to pursue their legal options. Put simply, without this there is a risk that the UK could return people to persecution, torture or death.</p>	<p>Open question</p>

<p>41</p>	<p>Please use the space below to give further feedback on the proposals in chapter 8. In particular, the Government is keen to understand</p> <p>(a) If there are any ways in which these proposals could be improved to make sure the objective of enforcing and promoting compliance with immigration laws, ensuring the swift return of those not entitled to be in the UK is achieved; and</p> <p>(b) Whether there are any potential challenges that you can foresee in the approach the Government is taking around removals.</p> <p>Please write in your answer in full, providing as much detail as you can.</p>	<p>Open question</p>
	<p>We reject in the strongest possible terms the proposal to implement the provisions of the Immigration Act 2016 to remove support from failed asylum seekers. This measure would simply pass on the cost of supporting vulnerable, destitute families (and some individuals) on to local authorities. There are many reasons why people may remain in the UK after their asylum claim is refused; they may continue to be in fear of their life if returned and be working towards submitting a fresh claim for asylum, children may lose contact with one of their parents or other close family members if returned. If families become destitute while they are pursuing their legal options it will fall to local authorities to support them under Section 17 of the Children’s Act. This would place a drain on their already limited budgets in this area, and could impact on the quality of support they are able to provide both to these families and to other vulnerable families supported under S.17. We are particularly concerned about the intention to “work with local authorities and partners to enforce returns”. We reject any suggestion that we should become complicit in enforcing returns. In Lewisham this would run counter to our status as a Borough of Sanctuary. It would place an additional burden on every local authority if they are asked to act as immigration enforcement, and would discourage people from approaching their local authority for</p>	

	<p>support, further marginalising one of the most vulnerable groups in our community.</p> <p>By removing support and asking local authorities and other partners to take on an enforcement role, these proposals risk pushing families into destitution as their means of support are removed and they fear approaching local authorities for support. This would place children at significant increased risk of harm.</p> <p>If the government wishes to increase the number of returns in a cost effective manner it should look to enhance the Assisted Voluntary Return scheme and work with independent partners to implement this.</p> <p>As the scheme incentivised departures both individuals and families willing came forward to plan for their return. This is both more humane and more effective than pursuing an enforcement route.</p>	
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Public Sector Equality Duty (and other general questions)		
42	<p>Below is a list of protected characteristics under the Equalities Act:</p> <ul style="list-style-type: none"> • Age • Disability • Gender reassignment • Marriage and civil partnership • Pregnancy and maternity • Race • Religion or belief • Sex • Sexual orientation <p>From the list of areas below, please select any areas where you feel intended reforms present disproportionate impacts on individuals protected by the Equalities Act.</p> <p>Please expand on your answer for any areas you have selected, providing data (where applicable), further information and detailed reasons.</p> <ul style="list-style-type: none"> • Protecting those Fleeing Persecution, Oppression and Tyranny (Chapter 2) • Ending Anomalies and Delivering Fairness in British Nationality Law (Chapter 3) • Disrupting Criminal Networks and Reforming the Asylum System (Chapter 4) • Streamlining Asylum Claims and Appeals (Chapter 5) • Supporting Victims of Modern Slavery (Chapter 6) • Disrupting Criminal Networks Behind People Smuggling (Chapter 7) • Enforcing Removals including Foreign National Offenders (FNOs) (Chapter 8) • None of these 	<p>Multiple choice</p> <p>Open question</p>

We believe the proposals in the Plan will have significant impact on people with protected characteristics under the Equalities Act including, but not limited to, the following:

- Age

Elderly people will be disproportionately affected by the proposal in Chapter 4 to grant temporary protection status for illegal entrants whose asylum claim is successful. They would be denied access to state benefits, such as a pension, would find it harder to gain employment and would be more likely to be unable to work due to age or health. These proposals risk pushing a disproportionate number of elderly people in to destitution.

Children would be disproportionately affected by the changes to age assessments proposed in Chapter 4. The changes to legislation to enable age to be challenged where immigration officers believe an individual is 'significantly over 18' will lead to a significant number of children having their age unnecessarily disputed. The recent case law that led to the change in guidance so that only individuals believed to be 'over 25 years of age' are treated as adults set out clearly the significant flaws in the approach the government is proposing.

- Disability

Disabled people will be disproportionately affected by temporary protection status, as they would be denied access to state benefits. As they may be unable to work, or find it difficult to obtain employment, they may be forced in to destitution by the lack of support.

- Pregnancy and maternity

Pregnant women will be disproportionately affected by the changes proposed in Chapter 8. They may have support removed from them if their asylum claim is refused and be afraid, or unable, to approach local authorities for support. If pregnant women perceive that local authorities, health services or other statutory bodies will be required to report their presence to the Home Office or even support their removal they will avoid approaching them which could place their health, and that of their child, at significant risk.

- Race

	<ul style="list-style-type: none"> • Religion or belief <p>People claiming asylum are disproportionately from a minority racial or religious background. These proposals as a whole seek to demonise these groups, limit their access to services and impose significant penalties on them for the act of claiming asylum.</p> <ul style="list-style-type: none"> • Sex <p>Women will be disproportionately affected by these proposals, as they are primary care givers they are more likely to be reliant on state benefits, which the proposals in Chapter 4 make it harder for them to obtain. Families seeking to access NRPF services through local authorities are disproportionately female lone parents and the removal of section 4 support and expectation that local authorities take on an enforcement role in Chapter 8 will disproportionately affect them and risk pushing them in to destitution.</p> <ul style="list-style-type: none"> • Sexual orientation • Gender reassignment <p>LGBT people seeking asylum will be disproportionately affected by these proposals. Many people are persecuted on the basis of their sexual orientation and flee their country on these grounds. As they are typically persecuted for cultural or religious reasons they are unlikely to be safe in a refugee camp and will need to flee their country through clandestine means. These proposals seek to punish people for entering the UK clandestinely, and limit their status even if their asylum claim is successful, and LGBT people claiming asylum will typically come via this route.</p>	
<p>43</p>	<p>And in which areas, if any, of the intended reforms do you feel there are likely to be the greatest potential equalities considerations against the listed protected characteristics? (tick all that apply)</p> <ul style="list-style-type: none"> • Protecting those Fleeing Persecution, Oppression and Tyranny (Chapter 2) • Ending Anomalies and Delivering Fairness in British Nationality Law (Chapter 3) • Disrupting Criminal Networks and Reforming the Asylum System (Chapter 4) 	<p>Multiple choice</p> <p>Open question</p>

	<ul style="list-style-type: none"> • Streamlining Asylum Claims and Appeals (Chapter 5) • Supporting Victims of Modern Slavery (Chapter 6) • Disrupting Criminal Networks Behind People Smuggling (Chapter 7) • Enforcing Removals including Foreign National Offenders (FNOs) (Chapter 8) • None of these <p>Please expand on your answer, providing data (where applicable) and further information</p> <p>Many of the proposals in the Plan for Immigration are likely to cause significant harm to people seeking refugee protection. The majority of people seeking sanctuary will have protected characteristics and there are no safeguards or protections to prevent them from being disproportionately impacted.</p>	
<p>44</p>	<p>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.</p> <p>According to the Equality and Human Rights Commission (EHRC), the Home Office failed to comply with the Public Sector Equality Duty (PSED) when developing, implementing and monitoring the 'hostile environment' policy agenda. The Plan further expands that hostile environment and is therefore in breach of the PSED. This Plan does not appear to comply with the agreement the Home Office has made to the EHRC to make improvements.</p>	<p>Open question</p>
<p>45</p>	<p>Is there any other feedback on the New Plan for Immigration content that you would like to submit as part of this consultation?</p> <p>The consultation process itself is concerning for the following reasons:</p> <ul style="list-style-type: none"> • The consultation is only running for 6 weeks, when Government guidelines state that consultations should be run over a 12 week period. These six weeks include Easter holidays, a May bank holiday and is being run during a 	<p>Open question</p>

pre-election period. Also, the deadline for responses is the day of local elections.

- The document is only in English and Welsh. Many people with lived experience will therefore be unable to respond. As far as we are aware there has been no engagement with people with lived experience prior to the Plan being developed.
- Many of the questions are leading and do not allow for meaningful answers.
- The consultation is poorly designed and the sign-up process makes it very inaccessible.

While we support some elements of these proposals, specifically the ongoing commitments to refugee resettlement, British Overseas Territories Citizens and the Windrush Generation are welcomed, overall these proposals are ill thought through, unworkable and potentially illegal. Contrary to the Government’s lofty claims, these proposals do nothing to strengthen safe routes for refugees and in fact will place vulnerable people at greater risk and seeks to demonise them for simply claiming asylum.

To ensure we maintain our role as a global leader in refugee resettlement these proposals must be amended to include a target number of people to be resettled. This will drive engagement from local authorities and stakeholders. The proposals should also be amended to specifically set out the level of support that local authorities will receive for both the resettlement programme and community sponsorship. These measure will enable local authorities to plan their future resettlement work and recruit staff, or contract providers and services, to support resettled refugees once they arrive.

The rest of the proposals should be scrapped and the Government should urgently seek meaningful engagement with the stakeholders and services to address the real problems within the immigration system.

The asylum system in its current form is failing but this is due to the fact that it is still not fit for purpose. If the Government genuinely wishes to address these failings it should train and resource staff to make

better initial decisions within a reasonable timeframe, ensure that all applicants have access to timely, good quality legal advice through the legal aid system and that legal representatives have the time to prepare their case appropriately. Better initial decisions reduce the need for further appeals. Timely decisions reduce the number of applications in the system. Access to good quality legal advice in the first instance enables applicants to present their case fully at the first opportunity, therefore reducing the need for further applications or appeals as all the relevant information has already been presented. All these measures would reduce the backlog in the asylum system and be a much more effective, cost efficient and humane use of public funds.

These proposals undermine people's fundamental rights to claim asylum in the UK. They will cause suffering and hardship to those fleeing war and persecution and arriving in the UK to seek safety. The proposals to introduce a 'temporary protection status' for people who arrived in the UK through clandestine means and whose asylum claims are successful is clearly discriminatory and would place a large number of vulnerable people in legal limbo and at risk of destitution. People seeking safety do not have a choice in the means by which they arrive in the UK. Many do not have the documents that would allow them to travel legally. Some will not be safe in refugee camps as they may face continued persecution, such as LGBT people or religious minorities. Many arrive in the UK as children and had no say in the means by which they arrived. Many will not be safe to flee their country through legal routes as they fear detention or persecution by the authorities. Even those not in fear of the authorities may have reason to be concerned at approaching them for travel documents, or passing through immigration, as they are from marginalised groups who are treated with suspicion. All these groups, and more, would be punished for fleeing their country and entering the UK by the only means available to them. They would be at risk of detention and imprisonment on arrival, and even if their asylum claim was successful they would not be entitled to

settlement or to access public funds. This is clearly discriminatory, and would lead to an increased burden on both the Home Office and local authorities.

The Home Office would have the increased workload of renewing ‘temporary status’ every 30 months, increasing rather than reducing their backlog. Local authorities would face an additional cost as people would only be able to access public funds if they are destitute. Many people would be forced to the point of destitution and therefore have to approach their local authority or other providers for support. Local authorities have a statutory duties under the Children’s Act and National Assistance Act to support vulnerable residents and would be required to support an increased number of residents. In addition, the Home Office would again face an increased workload as people apply to have the NRPF restriction removed once they become destitute.

These proposals appear to suggest that local authorities would be expected to cooperate in enforcement. This is short sighted and counter-productive. It would simply mean that vulnerable groups avoid engagement with statutory authorities. This could prevent these groups accessing services to which they are entitled, and which may prevent them becoming destitute or developing physical and mental health problems. There are clearly safeguarding risks with this approach, as vulnerable families would avoid seeking necessary support for fear that the local authority would assist in their removal. Even if their only limited instances where the local authorities would be required to assist, anything that creates the perception within the refugee and migrant community that local authorities would cooperate with the Home Office could lead to them avoiding engagement and the associated risks.

The Government should use this consultation as the start of a longer engagement process with the local authorities, stakeholders and the refugee and migrant community itself to understand the genuine issues with the asylum process and put together a realistic, workable plan which seeks to address them.

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END OF QUESTIONNAIRE