

Proposed reforms to UK asylum policy

Oxfam's response

A description of the reforms outlined in the speech to the House of Commons by the Home Secretary, the Rt. Hon. David Blunkett MP, on October 29th 2001, with Oxfam's response

On 29 October 2001, the Home Secretary announced the outcome of the vouchers review, together with a broad range of additional proposals for the radical reform of UK asylum policy. A further announcement of anti-terrorism measures followed on 17 November. Some of these proposals will require legislation: a White Paper on the measures set out in October will be published probably early in 2002. Bills on terrorism and on extradition have also been laid before Parliament.

These measures clearly mark significant changes in the policies affecting asylum-seekers in the UK. Taken together, they could result in a system that is ultimately more responsive to the needs of asylum-seekers and promotes their protection, or in one that emphasises deterrence and control rather than welfare and rights. This briefing paper sets out Oxfam's initial response to the initiatives announced.

In addition to the measures identified here, there are others under consideration at the European Union level, which will also have a significant impact on UK asylum policy in the future¹.

Overview

Oxfam endorses the Home Secretary's recognition that much of the system of support for asylum-seekers introduced under the centrally administered National Asylum Support Service (NASS) is failing, and applauds his decision to review and reform the system. In particular, his decisions to scrap the voucher system, to improve the system of dispersal, and to introduce some form of 'green card' scheme for labour migration are welcomed. Oxfam also gives a cautious welcome to his announcement that he will consider introducing a system of permanent refugee resettlement in the UK, and looks forward to seeing the details of this proposal.

However, yet another major revision of the asylum system and accompanying legislation – the third in five years – has been necessitated by the failures of the system introduced under the Immigration and Asylum Act 1999: the now widely condemned voucher system, for example, and the dispersal of asylum-seekers to deprived areas with inadequate support. By the end of 2002, it is possible that three different support systems will be running side by

¹ These include joint minimum standards in relation to: the definition of refugee under the 1951 Convention; complementary and temporary protection; the reception of asylum-seekers; asylum procedures; allocating responsibility for examining asylum claims.

side, with unequal treatment of asylum-seekers and resulting distress and confusion for them as they struggle to understand an alien and inconsistent system². It is essential that the government develop arrangements that are coherent and long-lasting.

Previous systems have failed in part because governments have been overwhelmingly motivated by an unrealistic desire to deter asylum-seekers from coming to the UK by the introduction of increasingly 'tough' measures. The available evidence shows that asylum-seekers are motivated to go to a particular country primarily by ties of family, community, and language, and not because they think the UK is a 'soft touch'. Attempts to deter asylum-seekers have failed to stem the rise in asylum applicants to the UK over the last five years. These failings need to be recognised in any future package of measures.

The safety and well-being of those fleeing persecution and conflict are also put at risk by the deterrent nature of some of the immigration control proposals. At present there is almost no legal means by which asylum-seekers can enter the UK to claim asylum. Very few are able to obtain a visa, and as a result, most enter the country using false documents or by being smuggled in. While it is understandable that the Government intends to crack down further on illegal immigration and people-trafficking, this is likely to prevent the entry not only of 'economic' migrants but also of those with a genuine claim for refugee status who are forced to use these routes.

In reforming the asylum system in the UK, the Government must not neglect international efforts to reduce the reasons that people seek refuge in the first place. The most effective way of reducing the flow of asylum-seekers into the UK would be to reduce the causes of conflict and oppression that drive people from their homes and countries.

The following key principles should inform future policy:

- Genuine protection should be provided for asylum-seekers in the UK, and the UK should fulfil its responsibilities under the 1951 UN Convention Relating to the Status of Refugees
- The needs of asylum-seekers should be met under one coherent system, which must be planned and adequately resourced to offer high standards of support and protection to this highly vulnerable group of people

² Depending on when an asylum-seeker arrived in the UK, they may be supported by mainstream benefits, by Local Authority Social Services Departments under 1999 Immigration and Asylum Act interim measures, or by NASS (National Asylum Support Service) vouchers and dispersal.

- Asylum-seekers must be provided with legal routes for claiming asylum in the UK
- UK foreign policies must be directed towards the need to reduce the poverty, conflict and oppression that lead to flight, and to support the promotion of protection and human rights.

Main Areas for Policy Reform

Vouchers and smart cards

In the short term, the value of vouchers, and the proportion paid in cash, will be increased. Vouchers will be phased out by autumn 2002. Smart cards will replace vouchers with 'automated credit transfer or other mechanisms to provide financial support'. They will be issued from January 2002. Smart cards will also replace the current documentation for asylum-seekers (SAL 1&2), and hold information about the user on the card. Ministers have given assurances that people will not be required to present their smart identity cards on demand on the street.

Oxfam response: Oxfam thoroughly supports the abolition of vouchers, which has been the key aim of its campaigning on asylum (with the Transport and General Workers Union, the Refugee Council, and others) since they were introduced in April 2000. In particular, the Home Secretary's recent clarification that asylum seekers will be able to claim their full weekly allowance in cash via the cards at post offices is welcomed.

However, the limited reforms to the existing voucher system while it remains in place are disappointing. Although the rate paid will rise by 1.6 per cent (a long overdue uprating), and the cash element will be increased from £10 to £14:

- The rate remains at 70 per cent of Income Support
- No change will be given by shops
- Asylum-seekers will still only be able to buy goods at participating shops, limiting their choice and ability to budget

Many asylum-seekers will therefore have to continue to live for up to another year on a system that the Home Secretary himself has described as 'too slow, vulnerable to fraud, and felt to be unfair by both asylum-seekers and local communities'. Oxfam recommends that the rate of voucher support be increased immediately to equal the rate paid for Income Support and attendant benefits.

A number of key questions remain unanswered in relation to smart cards. For example, will the support available through the cards increase as a percentage of Income Support rates? Will all asylum-seekers, including those already living on the voucher system, be issued with cards? How will dependants of claimants be identified on the cards? How will women and children be able to access support directly? Full details of the scheme are needed before it is possible to comment further.

Induction Centres

Immediately after applying for asylum, people will be accommodated for seven to ten days in Induction Centres to facilitate 'screening, health checks and identification procedures', NASS application, and explanation of applicant's rights and responsibilities. They will also provide short-term accommodation to replace emergency placements in B&Bs. These will be placed in areas where most applications are made, such as Croydon and Heathrow.

Oxfam response: In principle, the moves to make an appropriate mix of services available to asylum seekers as early as possible in their stay in the UK are welcomed, and further detail on this proposal is awaited. Oxfam and others will seek clarification as to the availability of legal advice at this critical early point.

Accommodation Centres

A pilot project of four centres, each accommodating 750 people, will be established 'as soon as possible' /by the end of 2002. They will provide full board, and a range of services including 'basic healthcare, education for children, and purposeful activity for adults', access to legal advice, and interpretation. Applicants' claim for asylum will be processed while at the centre. Centres will be open, but there will be a residence requirement. People to be housed in the centres will be selected according to 'clear criteria': those offered a place will be able to turn it down, but no alternative form of support will be offered. Centres will be run by NASS, and may be contracted out to the private sector.

Oxfam response: The proposed introduction of Accommodation Centres raises many questions. It is unclear how many people the Government intends to house in the centres after the pilot phase, how long people would be required to live there, and on what criteria people will be selected to go to the centres.

Asylum-seekers housed in Accommodation Centres may be extremely isolated and unable to start the process of integrating

themselves into society. It has been reported that the four pilot centres will be located 'near, but not in, large towns or cities'. On a limited cash income, it may be extremely difficult for asylum-seekers to get to conurbations to access services. The provision of full-board and lodging and separate services will also tend to isolate those staying at the centres. This seems to contradict the Government's stated policies to assist the integration of recognised refugees and to combat social exclusion.

Accommodation Centres should meet the following minimum standards:

- They must be open, with complete freedom of movement
- People should not be required to stay there for prolonged periods
- Residence should not be compulsory, and financial support should be available for people to choose to live with friends and relatives instead
- Residents must have access to a full range of services, including independent legal advice and interpretation. Education and health needs should be met by local services to allow asylum-seekers to participate in local community (e.g. children should go to local schools)
- Special needs must be catered for (e.g. mental health needs, and disability)
- Numbers at centres should be limited to allow for good quality of care and avoid tension with local communities
- No unaccompanied minors should be housed in centres
- Family unity must be maintained
- People must be allowed to observe religious and cultural practices
- Systems must be transparent and inhabitants kept informed on all issues relating to their case and general welfare
- Inhabitants should be consulted and encouraged to participate in the management of the centre through, for example, representative councils
- Local communities must be encouraged to take part in life at the centre

Reporting Centres

All asylum-seekers, whether receiving support or not, will be required to report regularly at a network of reporting centres. Six dedicated centres already exist and this network will be extended.

Oxfam response: The role of the Reporting Centres should be to maintain an ongoing and high standard of support and contact with asylum-seekers, and to monitor and meet their ongoing needs, rather than simply tracking their movements. In practical terms, it is likely to prove hard for asylum-seekers to reach reporting centres, unless they are located very close by or their travel is funded.

Dispersal

Dispersal will continue for those not offered a place in an Accommodation Centre. It will be improved by reverting to a policy of dispersing people to language 'cluster areas', improving consultation with Local Authorities and local voluntary organisations, decentralising NASS functions, and improving its outreach support and management structures.

Oxfam response: It seems likely that dispersal will remain an important factor in the accommodation of asylum-seekers after the introduction of Accommodation Centres, since up to 20,000 accommodation places will be required each year, by today's figures. It is very hard to believe that this many Accommodation Centre places will be provided.

Oxfam recognises that not all asylum seekers can be accommodated in the South-East, but along with many other organisations, we have been deeply concerned by aspects of the current system that have led to the accommodation of asylum-seekers in deprived areas, lacking established minority ethnic communities, and with very poor provision of services sensitive to their needs. Lack of consultation with communities to prepare them for the arrival of asylum-seekers has led to community and racial tensions, racist attacks, and the tragic death of an asylum-seeker in Glasgow.

The proposals to revert to language cluster areas, increase consultation with Local Authorities, clamp down on unscrupulous private accommodation providers, and decentralise NASS services should all be applauded, but more detail about how these will be done is required. In Oxfam's view:

- Local Authority consortia should be in charge of accommodation provision in their area, and all accommodation should be inspected by Environmental Health prior to use

- Local Authorities and health services should be given adequate additional funding to prepare communities for the placement of significant numbers of asylum-seekers, and to provide high quality services to meet the needs of asylum-seekers.

Detention

The number of detention places will be increased by 40 per cent to 4,000 places. The current secure reception system at Oakington will continue. The practice of detaining asylum-seekers in prisons will stop by the end of January 2002. Detention centres will in future be known as 'secure removal centres', intended to meet a significantly increased government target of 30,000 removals per year.

Oxfam response: the Home Secretary's commitment to end the use of prisons for detaining asylum-seekers who have not committed a crime is welcome. However, Oxfam remains fundamentally opposed to the detention of asylum-seekers except in exceptional circumstances, and is concerned that the present use of detention is inconsistent and arbitrary. The proposed increase in detention places is worrying, and clarification is needed about how they will be used in future. For example, does the term 'secure removal centre' mean that detention will in future only be used immediately prior to removal from the UK?

Oxfam believes that:

- Asylum seekers should only be detained in exceptional circumstances (i.e. if the legal process of claiming asylum has been fully exhausted [including appeals and judicial review] and if there is clear evidence that an asylum-seeker may abscond).
- Any detention of asylum-seekers should be carried out within the standards of international law
- Mass detention of asylum-seekers, including women and children, would be contrary to human rights legislation, inhumane, and vastly expensive.
- Current detention policies fail to recognise the inhumanity and distress caused by detaining asylum-seekers without charge, particularly given the situations of conflict and human rights abuse from which they may have fled.
- The decision to detain should be subject to proper and independent judicial oversight, in accordance with international human rights obligations. Part III of the 1999 Act created a system of automatic bail hearings, and should be implemented immediately.

Appeals

There will be a 'more streamlined one-stop appeals process', including procedures for appeal on human rights grounds, simplifying and extending certification (restriction of the right to appeal), and minimising delays through adjournment. The number of adjudicators, interpreters, and registered immigration lawyers will be increased. Appeal decisions will be delivered at reporting or accommodation centres and failed applicants taken immediately to removal centres.

Oxfam response: Oxfam believes that asylum-seekers must have proper and speedy access to full appeals procedures through which they can argue their cases on the grounds both of the 1951 Refugee Convention and human rights legislation. The decision to increase the available resources in the adjudication service is welcome if this facilitates the just and speedy determination of cases. However, more information is needed about the Home Secretary's plans to 'streamline' the appeals process. Oxfam is concerned that this, and the simplification of certification, could lead to a decrease in access to appeals and an inadequate process through which cases can be tested thoroughly and fairly.

Refugee Resettlement/Integration

The government will explore the possibility of introducing a programme of permanent resettlement of UNHCR-nominated refugees into the UK from region of origin. Greater assistance will be given to meet the needs of refugees and others seeking to settle in UK, such as language training and citizenship education.

Oxfam response: the introduction of a system of refugee resettlement into the UK would be a welcome step, but must go hand in hand with certain principles:

- The UK must continue to recognise that many asylum-seekers will still need to travel independently to the UK to claim asylum, and must not undermine the quality of protection offered by existing determination procedures for those who seek asylum within the UK
- The protection of refugee status must be granted according to need, and can and must not be limited by the introduction of 'quotas' of refugees accepted for resettlement

People Trafficking and Immigration Control

European Union initiatives to combat trafficking will be continued and developed. Use of new technology (CCTV, x/gamma-ray scanners) to police borders was previously announced by the Home Secretary in September.

Oxfam response: Oxfam understands the Government's wish to combat people trafficking and illegal immigration, but is concerned that such clamp-downs may further restrict access to the UK for those genuinely fleeing conflict and persecution, because such people often have to resort to illegal methods due to existing barriers (such as visa requirements, carrier sanctions, immigration liaison officers overseas) to legal entry. Oxfam's view is that an effective way of combatting trafficking would be to ensure that asylum-seekers are provided with legal routes of entry into the UK.

Labour Migration

A Highly Skilled Migrant Entry Programme will be introduced to allow people 'with exceptional skills' to seek work in the UK. Students graduating from UK universities will be able to stay on if they have a work permit. The Government will consult with employers and trade unions on the case for expanding work permits for sectors of the economy where there are labour shortages or need for seasonal labour. A cross-departmental working group chaired by Lord Rooker will look at how to tighten up on illegal employment, exploitation by employers, such as flouting of minimum wage regulations. More illegal immigrants will be removed.

Oxfam response: available evidence suggests that attracting workers in order to fill labour-market gaps produces economic, social, cultural, and fiscal benefits for developed countries such as the UK³. Indeed, the evidence that this stimulates the economy and thus the growth and incomes of the indigenous population is growing. The proposal to increase labour migration into the UK is welcome.

Anti-terrorism measures

The Home Secretary has announced that he intends to extend his power to detain by derogating from Article 5 of the European Convention on Human Rights. He also will take powers to exclude suspected terrorists from the UK asylum process.

³ UK Home Office (2001): Migration: an Economic and Social Analysis

Oxfam response: Oxfam believes that UK asylum policy must strike a balance between security and protection. It is therefore essential that measures should not be rushed through which are likely to undermine the protection of human rights, and may stigmatise all asylum-seekers as potential terrorists in the eyes of the public.

The 1951 Refugee Convention already provides the UK with the right to exclude a claim for refugee status from anyone who 'has committed a crime against peace, a war crime, or a crime against humanity...a serious non-political crime outside the country of refuge...has been guilty of acts contrary to the purposes and principles of the United Nations' (Article 1F). We therefore remain unconvinced of the need to deny the right to submit a claim for asylum to suspected terrorists, as is proposed, as their claims can be thoroughly and adequately tested under the Refugee Convention.

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