



**RESPONSE TO HM GOVERNMENT'S WHITE
PAPER ON IMMIGRATION, CITIZENSHIP AND
ASYLUM *SECURE BORDERS, SAFE HAVEN***

Contents

Introduction	4
Oxfam’s Response to the White Paper	5
Issues of Access.....	5
<i>Working in the UK</i>	5
<i>Refugee Resettlement</i>	6
<i>Border Controls</i>	7
Asylum Support System.....	8
<i>Abolition of vouchers/Cash Support</i>	8
<i>Asylum Registration Cards</i>	8
<i>Induction Centres</i>	9
<i>Accommodation Centres</i>	11
<i>Dispersal</i>	11
<i>Reporting Centres</i>	12
Detention.....	12
Determination of Claims.....	13
Removals.....	13
Voluntary Assisted Returns.....	14
Refugee Integration.....	14
Matters not dealt with in the White Paper	14
<i>Resources</i>	14
<i>Gender Issues</i>	15
<i>Permission to work</i>	15
Conclusion	15
Summary of Recommendations	16
Appendix 1	19
Oxfam’s experience working with and on behalf of asylum-seekers and refugees	

The views expressed by Oxfam in this submission come from its experience of working with and on behalf of refugees and asylum-seekers, as we have described above. However, we were also keen to seek and represent the views of asylum-seekers and refugees on the proposals put forward in the White Paper. To this end, we conducted a small consultation exercise with refugees and asylum-seekers in the Oxford area. These views are contained in the text boxes.

The consultation meeting was attended by 11 people, seven asylum-seekers and four people with Indefinite or Exceptional Leave to Remain, from Iran, Afghanistan, Kosovo, Chad, Democratic Republic of Congo, Zimbabwe. All were men. The observations made at this meeting are included in the boxes below. While such a small number of people certainly cannot be seen as representative, their views offer an interesting insight into the perspective and experience of some individuals who are seeking or have sought protection in the UK.

Introduction

In this White Paper the Government seriously attempts to address the nature of British society within the context of the realities of a twenty-first century world. This is a world shaped by modern technology, a globalising economy, and post-Cold War politics which are characterised by widening disparities in wealth, and increasing breakdown of security and state protection in under-developed nations. All these factors are creating a huge movement of people around the world. Some aspects of the Government's analysis are to be applauded. In particular, we welcome the recognition that migration for economic reasons is understandable and valid; that the UK can benefit from immigration; that the UK must open up more routes for legal entry to the UK for both migrants and refugees; and that those fleeing persecution must be welcomed and protected.

We regret, however, that the analysis in the White Paper is not adequately reflected in the proposals for action. The proposed new 'routes of entry' into the UK may turn out to be too limited and too cautious to have a significant impact. These issues are addressed in the first section of this submission, *Issues of Access*

We are also disappointed at the tone of Chapter 4 on asylum, which still reflects the attitude that what the asylum system needs most is more control, more deterrence, more powers to remove failed asylum seekers as quickly as possible. The White Paper addresses many issues that surround those seeking asylum in this country, but does not adequately address the core question: how do we ensure that we recognise those in need of protection from persecution, and offer them a life in this country that offers them both security and a regard for their human rights? This issue is addressed in the sections on *Determination of Claims* and *Removals*

The recognition of those in need of protection lies at the heart of the asylum process. Oxfam acknowledges that those who are found, by a thorough, just and equitable judicial process, not to be in need of protection do not have the right to remain in the UK. Oxfam also believes that while that decision is being made, asylum-seekers should be able to live with dignity, and should not be forced to live in poverty. Our definition of poverty goes beyond the purely economic to encompass problems of powerlessness. We are, of course, concerned at the poverty of asylum-seekers who are forced to live on inadequate levels of financial support. But we are also concerned that, with its increased focus upon controlling asylum-seekers and limiting their opportunities to take part in society, the White Paper will deny asylum-seekers' basic rights and inhibit their integration into UK society. In the comments on the proposed changes to the *Asylum Support System*, and *Detention*, this submission works from the basic principle that asylum-seekers should be allowed to live within the community, with a reasonable degree of self-determination over their own lives, unless there are exceptional and substantial reasons why this should not be the case.

Many of the comments throughout the consultation meeting reflected the view that the Government imposes too much control on the lives of asylum-seekers, who are forced into a state of dependency. There was a real sense of confusion about why asylum-seekers were not allowed, and indeed encouraged, to work from the day of their arrival, so that they could be self-sufficient, and not be a drain on government resources.

"The government do not understand – most of us came here expecting that we would just have to find work and look after ourselves. We don't want to live off the Government. We want to work and support ourselves. We want to make choices about our lives"

"I can see that some things have to be compulsory, but the government should try to give us more choice about what we do"

In the main, the sections in this submission follow the order of the chapters in the White Paper. We also include at the end comment on three important issues that are not addressed, or are inadequately addressed, in the White Paper.

A summary of the recommendations made throughout the submission can be found at the end of the paper.

Oxfam's response to the White Paper

Issues of access

We are pleased that the Government recognises that people have a genuine need to migrate for economic reasons or in flight from real danger, and that inward migration can be of benefit to British society. We hope this marks the start of a concerted attempt to persuade the British public that the terms "economic migrant" and "asylum-seeker" should not be seen as derogatory. We applaud the efforts by all the major political parties in recent months to moderate the previously completely unacceptable tone of the debate. We sincerely hope this will continue. The major political parties all signed up to an All-Party Declaration on Principles of good practice for the Debate prior to debate of the Immigration and Asylum Bill in 1999. We hope the same principles will be upheld in discussion of the forthcoming Bill.

It is sensible and pragmatic to recognise that illegal immigration in its many forms can best be tackled, not by clamping down ever harder on our borders, but by opening up legal routes by which people can fulfil their legitimate wish to come and work in this country and benefit from our economic strengths.

Working in the UK

Oxfam believes that the future development of migration policy should be based upon certain principles:

- UK policy must seek to ensure that inward migration does not have a negative impact on developing countries, in particular by draining them of limited skilled human resources
- Migrant workers, including those who are undocumented, must have full employment rights, secure incomes and access to basic services. Outcomes are improved by policies to increase employment and skill levels, improve language fluency, promote social inclusion, and encourage legal activity.
- Measures to combat the informal economy should emphasise the penalisation of employers who exploit migrant workers, rather than migrants themselves. This must entail the setting up of effective monitoring and complaints systems for migrant workers.
- Channels should be established for 'undocumented' migrants to become regularised. In the short-term an amnesty should be considered for some groups
- A gender analysis should be integral to any new proposals so that the needs of male and female migrants and the impact of policies on them are clearly assessed
- Restrictive family reunification rights for third country nationals, which can exacerbate poverty and social exclusion, should be reviewed
- Migrants and the organisations which represent them should be actively encouraged and assisted to contribute their views on the development of migration policy
- The UK Government should instigate a campaign to make migrants aware of their rights, and to assist their integration

- The UK Government must ensure it does not ignore the skills and qualifications of refugees already resident in the UK.

It is disappointing that the Government has not carried its ideas through in the proposals in Chapter 3 of the White Paper. The proposals appear sadly to focus almost exclusively upon UK labour market needs, and not at all upon opening up opportunities to those that need them most. The Highly Skilled Migrant Programme may attract the very people poor and developing countries need most desperately to hang on to, while denying the poor and unskilled the opportunity to improve their economic circumstances, gain skills and send back money to support their families. The extension of the seasonal workers and the working holidaymakers schemes will be of little benefit to the less skilled from poor countries who would have to offset the cost of travelling to the UK and finding work here, against the meagre income they can earn in 6 months or by taking 'incidental' jobs. **We would strongly recommend the introduction of a robust programme of immigration for less skilled and unskilled workers attended by the same rights of settlement and family reunification as those outlined in the Highly Skilled Migrant Programme.**

The UK would benefit from such a programme a) because it would address labour shortages in eg. the construction and service industries, and b) because this may *truly* reduce illegal immigration and working, and the abuse of the asylum system – the majority of illegal migrants and invalid asylum claimants, after all, are not doctors, scientists and senior managers.

I have looked on the website for the Highly Skilled Migrants Programme. It is unrealistic. Only the President of my country has that kind of income. It is all biased towards people with high skills and what is going to benefit Britain. People with low skills deserve the right to come and earn money here too"

While we are concerned that the Highly Skilled Migrant Programme could have a negative impact upon developing countries through the loss of essential skills and experience, we recognise that skilled individuals cannot be denied the opportunity to better their economic circumstances. **Consideration needs to be given, however, to some form of compensation for developing countries that may have made a significant investment of public money into the higher education and training of such people.**

Finally, we believe that **the UK Government should endorse the principles of the 1990 UN Convention on Migrants Rights by ratifying the Convention.** The Convention recognises that migrant workers and their families lack protection in many states; extends basic human rights to documented and undocumented migrants; seeks to play a role in eliminating their exploitation; and attempts to establish minimum standards. It is likely that the Convention will be adopted by the UN in 2002, as eighteen out of the twenty ratifications necessary have been achieved. The UK should take a leadership role among European nations in ratifying the Convention.

Resettlement Programme

We fully support the proposal for a Refugee Resettlement Programme. However, we hope that targets will be set at a level at which the UK can make a real and significant contribution towards sharing the responsibility of those nations that are signatory to the 1951 Refugee Convention, to provide protection to the world's refugees.

It has been suggested that the UK's Resettlement Programme will start at a very low level, perhaps accepting only 500 people in the first year. This figure is indeed comparable with the numbers accepted by others in Western Europe, such as Denmark, the Netherlands,

Finland, Norway and Sweden. We would argue, however, that the eventual size of the UK programme should be informed, not so much by comparison with other European countries, but by comparison with other countries with much lower incomes, who accept much higher numbers of refugees. For example, UNHCR figures for 1999 show the UK hosting a total of 262,000 asylum-seekers and refugees, while other countries hosted far more: for example, Tanzania (634,000), Guinea (501,000) Iran (1.8 million). Pakistan (1.2 million)¹. By accepting a number of those refugees who are in need of permanent protection in another country, the UK can at least make a modest contribution towards relieving the enormous burden that is currently borne by these countries. We recognise that this scheme may need to be phased in. We also fully recognise that the capacity of the UK to accept refugees for permanent resettlement is not unlimited. **We hope, however, that the capacity of the Refugee Resettlement Programme will be set at a level which balances the capacity of the UK as a prosperous, industrialised country, with the global need for the protection of refugees.**

We agree with the Home Secretary that the UK must “accept asylum claims from those who present themselves and prove they have a legitimate case, whether or not they come through the gateway [of the Resettlement Programme]”. **The Resettlement Programme must not be used as justification for even stronger prevention measures taken against those who enter the UK by other means in order to claim asylum, nor should these claims be seen as any less valid than those of resettled refugees.**

“They should increase the Re-settlement Programme – it is a very good way of bringing genuine asylum-seekers here”

Border Controls

The Refugee Resettlement Programme will also be important in opening up a legal route by which refugees can enter the UK. At present it is impossible for asylum-seekers from many of the most troubled areas of the world to enter the country legally – the majority, those with or without a genuine claim alike, are forced to use illegal methods, often buying the services of smugglers or, worse still, traffickers. The proposals to clamp down upon illegal immigration, and to strengthen border controls, will make it even more difficult for asylum-seekers with a real need for protection to enter the country. Afghanistan, for example, has been subject to pre-entry clearance throughout the Taliban era, and the conflict in late 2001. Despite well-documented human rights, the dangers to life during the war, and the clear problems with finding adequate protection in neighbouring countries, any Afghan citizen wishing to travel to the UK had first to apply for a visa, which, furthermore, could only be obtained at the British mission in Islamabad. Add to this the fact that the intention to claim asylum is not recognised grounds for the issue for a visa, it becomes clear that there was, and is, virtually no legal way for an Afghan asylum-seeker to travel to the UK. **While we would applaud any move that helps to take asylum-seekers out of the hands of traffickers and smugglers, it has to be recognised that asylum-seekers will continue to use them while there is a lack of realistic, legal alternative routes into Britain.**

We also find it inequitable that the White Paper makes no distinction between trafficking and smuggling in terms of the severity of sentencing – both crimes attract a maximum of 14 years imprisonment. While we do not wish to condone the smuggling of people, trafficking, with its abuse and coercion of its victims who may be forced into the sex trade or other forms of slave labour by their traffickers, is a considerably more grave offence. To impose the same maximum sentence for both offences implies that the Government is more concerned to punish the flouting of border controls, than the abuse of vulnerable people.

¹ UNHCR, *State of the World's Refugees, 2000*

The Asylum Support System

Abolition of Vouchers/ Cash support

Once again, we applaud the willingness the Government has shown to review and reform its own policies where necessary, in its recognition that vouchers were unfair and unworkable. We are extremely pleased that the Government has now confirmed it will provide asylum-seekers' weekly allowance in cash.

The abolition of vouchers was met with universal delight. None of the asylum-seekers had a good word to say about them. One comment summarises the many opinions voiced:

"Abolishing vouchers is a very good idea. We all found them so humiliating – people would look at you differently whenever you had to buy something"

We are very pleased that the rate for children under 16 is to be increased to 100% of Income Support rates. **However, we now look to the Govt. to bring the total support paid to all asylum-seekers in line with Income Support rates, and open up their eligibility to attendant benefits.** We do not understand how lower payments to asylum-seekers can be justified in terms of any logical argument. The White Paper points out, in Annex E, that resettled refugees will arrive with "few or no possessions, or without suitable clothing for our climate". The same can be said of asylum-seekers, and it is quite simply unrealistic to expect a couple with a child, for example, to support themselves, and buy basic clothing and supplies on an income of slightly under £93 per week.

We are surprised that the Government is considering abolishing the choice for asylum-seekers to claim financial support only. We understand that this option has created problems of over-crowding in London and other cities of the South East. We fear, however, that removal of the 'financial support only' option will exacerbate the situation, as we believe that asylum-seekers will opt to live with no support at all, in order to stay with those they know, leading to more problems of destitution and/or illegal working. **We believe a more constructive way of addressing this problem would be for greater leniency to be practised by NASS in allowing those with special needs or family contacts to be accommodated in non-dispersal areas.**

Asylum Registration Cards

The introduction of the Asylum Registration Card is sensible and may prove beneficial if they help asylum-seekers, for example, to prove their eligibility to work to employers. This said, it is essential that the Govt stands by its assurances that **the ARC should not become an identity card or that access to essential services be made dependent on the card – there must be no "function-creep"**. We also call upon the Govt. to ensure that ARCs, if they are to be the means by which asylum-seekers receive their weekly allowance, **prove to be more efficient than the NASS distribution of vouchers, whose manifold inefficiencies caused so much hardship.** We note with concern that a previous trial use of 'smart cards' for the payment of benefits had to be abandoned, at a cost of £127 million to the Department of Social Security. We sincerely hope that advances in technology and the lessons learned from this earlier trial will help to avoid yet another administrative fiasco where asylum-seekers are left for weeks without financial support.

Most people in the group could see the merit of the Asylum Registration card. A number of inaccurate rumours are already circulating about ARCs, however – for example, that the police will be able to stop you on the street and demand to see your ARC, something that has been explicitly denied by the Government. It is perhaps not surprising, given the experiences that some asylum-seekers have left behind them, that

there should be a level of suspicion and paranoia about the introduction of an 'identity' card. **Care should be taken during the introduction of the ARC to reassure asylum-seekers of their actual purpose and nature.**

"They are making experiments on us, with smart cards and opening accommodation centres to see if they work. Why only us?"

"I like the idea of the ARC – especially if it has a photo and Permission to Work, so that employers will know I have the right to work here – they often don't know whether it is legal for me to work".

Induction Centres

We support the proposal that asylum-seekers should be given comprehensive advice and information on the asylum-process and what support is available to them, as soon as possible. We are pleased that, as a whole, the White Paper acknowledges the importance of ensuring access to quality legal advice to asylum-seekers but we do not consider that the statement in the White Paper "We will also supply additional briefing literature including information about access to legal advice", provides adequate detail to re-assure us that sufficient emphasis is being given to providing access to legal advice at this stage. We accept that their claim will not, or should not, reach the stage of a substantive interview while they are in the Induction Centre. However, the fact that asylum-seekers will be required to sign a document confirming that they understand the asylum process and their obligations, at a stage when they are likely to be highly confused and vulnerable, leads us to the view that they should have access to independent legal advice at the induction stage. We draw the government's attention to the recommendation by ECRE that "**each applicant for asylum should immediately, upon requesting asylum, be informed in plain language, in writing and orally in a language s/he speaks and fully understands, of his/her right to free, competent, independent legal advice and representation and enabled to exercise it without delay**"²(italics added).

We urge the Government to ensure that the system as a whole works smoothly, and is adequately resourced, so that asylum-seekers do not have to wait more than 7 days in an Induction Centre before being able to move on to more settled accommodation.

Accommodation Centres.

The proposal for Accommodation Centres give us a number of grounds for concern:

- They are far too big. Centres with 750 beds will inevitably be highly institutionalised. Such a large number of people living together will be more likely to give rise to unrest. While we recognise the difference between Detention/Removal Centres and Accommodation Centres, we do feel that the recent appalling events at Yarl's Wood may carry a warning about the consequences of setting up large institutions for the accommodation of people under stress. Such large numbers will also inevitably place pressure on the local environment, making it difficult to establish harmonious community relations.
- We have concerns for the welfare of both men and women in Accommodation Centres. Men may become extremely de-motivated in such institutionalised circumstances. Large groups of young men accommodated together may also become targets for racist abuse and even attacks. We are also concerned about the welfare of single women housed in Accommodation Centres: Shelter and the Medical

² ECRE *Study on the availability of free and low-cost legal assistance for asylum seekers in European States*, pp 25 – 30, 2001

Foundation have both reported incidents of intimidation and sexual harassment of women asylum-seekers accommodated in hostels.³

- The provision of separate services will tend to isolate and exclude asylum-seekers for British society, especially the provision of separate education for children. Attendance at main-stream schools is currently one of the best and fastest ways not only children, but their families, start to become involved with and integrated into British life
- It appears that a number of sites under consideration for the location of Accommodation Centres will be too isolated. On a limited cash income, it may be very difficult for asylum-seekers to get to conurbations to access community-based facilities and services. The majority of single young men, who make up the majority of asylum-seekers, are quickly going to become bored and restless in such an environment
- Accommodation in Centres should not be compulsory. Centres, if established with due regard for the needs and welfare of residents, may suit some asylum-seekers, but the majority will want to live within the mainstream of British society. We believe that asylum-seekers, within reason, have the right to individual choice about how they live, and that, as far as possible, those who wish to, should be allowed the opportunity to integrate into UK society for however long they are in this country

The proposal for Accommodation Centres excited the most discussion. Some people saw potential benefits of a place where specialist services would be laid on. All were concerned that no-one should have to stay in an Accommodation Centre for long periods. Some were very concerned about large numbers of people having to live cheek by jowl, especially if they were from a wide range of cultural backgrounds, and the way Accommodation Centres would isolate people from society. They felt asylum-seekers should be allowed to choose whether they went there – people have different needs and should not be funnelled into one system.

“There will be zero opportunity to integrate in Accommodation Centres”

“I don’t like the idea of my child in school with all asylum seekers”

“I have spent 2 years in college with English people – that’s how I learned how to live here”

“Accommodation Centres will be OK if they are short-term – if they are long-term it’ll be terrible. They isolate people from society”.

“I left my country because of persecution. I needed to feel free in the UK. If I had to live in one of these centres I would not feel free. I would have to report every morning – I would feel like I am in prison”.

“Accommodation Centres will draw too much attention to themselves – if you live there everyone will look at you and know you are an asylum-seeker”.

“This system will just make asylum-seekers more dependent on the government. It will prevent them from trying to manage for themselves”

³ Medical Foundation for the Care of Victims of Torture, *Response of the Medical Foundation to the National Asylum Support Service Vouchers Review*, 2000
Garvie D., *Far from Home: the housing of asylum-seekers in private rented accommodation*, Shelter, 2001

Oxfam believes the following principles should underpin the setting up of Accommodation Centres:

- 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

While we concede that Accommodation Centres established in line with these principles could be suitable for some asylum-seekers, **we question whether the per capita costs will be justifiable, and whether ultimately this large investment of resources would not be better used to improve the current system of dispersal. For the foreseeable future, dispersal will remain the system for accommodating the majority of asylum-seekers.**

Dispersal

Many of the concerns expressed by voluntary organisations about dispersal prior to the 1999 Act have proved to be correct. In 2001, the Government's own review of dispersal found the following areas of concern: local communities significantly affected by the placement of asylum-seekers in their area; asylum-seekers insufficiently informed of what is happening; local service providers not kept informed of asylum-seekers being placed in their area; significant concern about the condition and nature of accommodation; lack of consultation with local authorities.

However, we accept that dispersal will remain an important means of accommodating and supporting asylum-seekers. We also recognise the government's resolve to learn from the experience of the first two years of operation, and to improve the dispersal system. We are concerned, however, that with a major investment in Accommodation Centres, dispersal might not benefit from the reforms and resources it requires in order to overcome the very serious short-comings that have been obvious in its first two years.

We hope that the Government's stated intention to deploy existing resources more regionally and more efficiently will serve to address some of these problems. **We recommend that:**

- The government observe NACAB’s advice to open local ‘drop-in’ NASS offices or counters⁴
- There is much closer co-operation with local authorities in dispersal areas, including the inspection by Environmental Health Officers of all properties to be used by asylum-seekers
- There should be investment in the development of legal and professional interpreting services in dispersal areas
- more resources should be made available to Local Authorities and health services in areas of dispersal so that communities, and essential services such as health and education, can be better prepared for the placement of **significant numbers of asylum-seekers**. It is Oxfam’s experience in working in regions that experience a large influx of asylum-seekers/refugees, that it may be essential to work with deprived local communities as well as asylum-seekers/refugees, so that resentments do not build up, and established communities can be encouraged to accept and welcome asylum-seekers/refugees. Some of the friction between asylum-seekers and communities in dispersal areas has arisen because of the perception amongst local residents that asylum-seekers were receiving goods and benefits that were denied to them. If communities can recognise tangible benefits to themselves from receiving asylum-seekers, they will be more likely to accept them and welcome their presence.

Reporting Centres

In Paragraph 4.45 the White Paper recognises that reporting requirements “can be costly for the asylum-seeker”, and confirms that “we are reviewing the policy to identify suitable alternatives which would ease the financial pressure for asylum-seekers”. Given the levels of poverty that exist amongst asylum-seekers, and the low level of financial support available to them, **we look to the Government to ensure that asylum-seekers incur no additional costs from complying with reporting requirements.**

Detention

We are very concerned by proposals to increase the number of detention places to 4,000. We believe that **detention should only be used in exceptional circumstances**, if the legal process of claiming asylum has been fully exhausted, and there is clear evidence that an asylum-seeker may abscond. Any detention of asylum-seekers must be carried out within the standards of international law, and must recognise the distress caused by detaining a person without charge, especially given the situations of conflict and human rights abuse from which they may have fled.

We are surprised and disappointed that the Government is proposing to repeal Part III of the 1999 Immigration and Asylum Act, which allows for automatic bail hearings for detainees. Without such hearings, the right of asylum-seekers to have their detention tested by judicial scrutiny is severely curtailed. The repeal is justified in the White Paper on the grounds that Part III is inconsistent with the Government’s intention to ‘streamline’ the decision-making process, and impracticable in the light of the proposed increase in the numbers of those detained. We find this explanation extraordinary, as it appears to justify this restriction of rights on the basis of administrative efficiency. **Part III of the 1999 Act must be retained and implemented immediately.**

It is also not the act of a civilised country to detain children who are not accused of any crime, and we believe the detention of children is inconsistent with the UN Convention of the

⁴ NACAB *Process Error: CAB clients’ experience of the National Asylum Support Service, 2002*

Rights of the Child. **The practice of detaining families with children should cease immediately.**

Determination of Claims

We are disappointed that the White Paper does nothing to address the determination process itself. A credible determination process is the key to the whole asylum system, and the “end-to-end credibility” that the White Paper seeks to put in place. At present, the Government defends its records on first decisions by pointing out that some 80% of appeals uphold the original decision. Using the Government’s own figures, this means that some 20% of appeals - approximately 8,250 people in 2001 – change the original decision not to offer protection. *There is no margin for error in the determination of asylum claims*: the denial of protection to someone who will be persecuted if they are returned to their own country may result in loss of liberty, injury or death. The determination process must not only be fair, it must be *seen* to be fair, by the British public, by the actors involved, and by asylum-seekers themselves (whether correctly or not).

“I would have liked it if my case had been dealt with within six months. The worst would be to live in this country for 3 years, integrate and then have to be sent back”.

“Decisions depend totally on the individual Immigration Officer and how he feels about your case”

“The way they decide our cases is affected by politics and foreign policy. I am an Iranian, and decisions on our cases depends how well the Uk government is getting on with Iran”.

We believe there are four key components of a fair and cost-effective asylum determination system:

- **A commitment to the quality of the initial decision, taking regard of individual circumstances and particular needs (e.g. protection needs of women).** The asylum determination system must be 'front-loaded', i.e. resources must be focussed on getting good quality and defensible decisions as soon as possible.
- **Early provision of good quality legal advice.** This is not only vital for asylum seekers, but also enhances administrative efficiency by ensuring that the initial decision is based on a proper assessment of the claim.
- **Adequate safeguards against erroneous decisions.** Asylum decisions can be a matter of life and death, so it is essential that applicants have the opportunity to reverse erroneous refusals through proper access to appeal procedures and, where necessary, judicial review. ‘Streamlining’ of the determination process must not be at the cost of the thorough and equitable scrutiny of cases
- **The establishment of an Independent Documentation Centre.** It is time that the UK had an asylum determination process that commands the respect of all parties with an interest in the credibility of the asylum system. A properly independent body would provide the best means of guaranteeing the provision of full, accurate and up-to-date information about countries from which people have fled. We are pleased to see that the Government is prepared to explore the idea of an Independent Documentation Centre, as stated in Annex F of the White Paper.

Removals

Ultimately, a credible asylum system will include the necessity to remove from the country those people who have been found not to be in need of protection, by a process that is thorough, equitable, and transparent. However, the moral justification for removal

depends upon the ability to demonstrate that the determination process has been absolutely fair and thorough. We believe the government is pursuing the wrong priorities, by concentrating first upon the need to increase the number of removals. **Steps to increase the number and speed of removals should only be taken once a demonstrably fair determination process is in place.**

Voluntary Assisted Returns

We support the concept of voluntary assisted returns, as long as these are truly voluntary and no undue influence is brought to bear on asylum-seekers when they are at their most vulnerable, for example shortly after arrival. For this reason we feel some concern that asylum-seekers will be given “information about...how to make a voluntary departure should they no longer wish to pursue and asylum claim” (paragraph 4.21) at the induction stage, and we hope this information will be provided in an entirely neutral form. **People should be encouraged to make this decision without external pressure, including allowing the person to visit their home country to assess its safety, without prejudicing their claim.**

Refugee Integration

Oxfam has welcomed this Government’s commitment to the integration of recognised refugees, and is pleased to see the proposal for further funding in the White Paper.

We find that the Government’s laudable commitment to assisting the integration of recognised refugees sits uneasily with the tendency of its policy on asylum-seekers to exclude and isolate them from the mainstream of British society. There is abundant evidence that asylum-seekers have suffered discrimination, exclusion and stigmatisation from the vouchers policy, and from the poor and under-funded implementation of the dispersal policy. Now the Government proposes to isolate them still further from the mainstream of British society by housing them in Accommodation Centres. It is specious to believe that the integration of recognised refugees will not be hindered by their experiences as asylum-seekers – people will be marked by their experience as asylum-seekers, and will have to overcome the negative experiences they have during this time in order to start the process of integration. **Integration is a process that starts with a refugee’s arrival in the UK, and must be seen as an integral aim of the asylum process.**

Matters not dealt with in the White Paper

Resources

We find it disturbing that there is so little detail provided on the White Paper on how these policies are to be financed. This is dealt with in two lines in the Foreword to the White Paper by the Home Secretary, who says:

“ Decisions on the implementation and level of resources for the proposals will, of course, be taken in the forthcoming Spending Review alongside decisions on the Government’s other priorities”

We believe that many of the manifest shortcomings of NASS and the dispersal system have been due to inadequate resources, and that without adequate investment, implementation of many of the current proposals will be just as flawed. Without further information on the financial resources to be made available, it is not possible to assess how effectively some of the proposals contained in the White Paper will operate in practice. **We hope information on finances and resourcing will be made available at the earliest opportunity.**

Gender Issues

Women are persecuted as participants of political activity; they may be targeted because of their relationship to people whom the authorities are persecuting; they may be persecuted because they are placed at risk from or transgress social codes imposed upon them (such as forced marriage, genital mutilation; domestic violence); they may be sexually terrorised and raped as a weapon of war.

It is important that women who come to the UK to claim asylum are treated with sensitivity. The presence of male interviewers and interpreters, inappropriate interview techniques, fears that members of the family or community might find out, or simply the traumatic nature of the woman's experience may mean that information is provided more slowly or reluctantly. Such delays or reticence must not be mistaken for lack of credibility. Pre-conceptions or assumptions about the role of women must also not be allowed to prejudice the assessment of their claim: for example, it should not always be assumed that women are the passive victims of persecution, they may also be persecuted because of their activism.

Gender Guidelines should be used throughout the determination process, including at the stage of first decisions. **We recommend that the Gender Guidelines drawn up by The Refugee Women's Legal Group, and used by the Immigration Appellate Authority, should also be applied in full to first decisions by Immigration Case Workers.**

Oxfam has recently been involved in piloting training with Senior Case Workers, amongst others, and we hope this positive development will continue

Permission to Work

As stated by a number of the asylum-seekers we consulted about the White Paper, many expect that they will have to work in order to support themselves in this country, and do not wish to be dependent upon public funds. The current ban on asylum-seekers finding employment or even vocational experience during the first six months enforces their dependency upon (currently inadequate) public funds, and hinders attempts by asylum-seekers to be self-sufficient or to start integrating and making a life for themselves in the community. **We strongly recommend that asylum-seekers be allowed to work from the date of their claim for asylum.**

Conclusion

The UK must provide genuine protection for refugees. Equally importantly, the UK must work to eradicate the causes of flight: the abuse of human rights, conflict, extreme poverty, the economic breakdown or corruption of states who are unwilling or unable to provide their citizens with the most basic protections and necessities of life. UK Government policies across all departments and ministries, eg. foreign policy, trade investment, development policy, policies on immigration and asylum, must work towards a respect for, and observance of human rights in all countries.

Summary of Recommendations

Working in the UK

- In addition to the Highly Skilled Migrants' Programme, we recommend the introduction of a programme for manual and clerical workers attended by the same rights of settlement and family re-unification
- The Government should provide some form of compensation for poor countries who have invested public resources in the training and education of skilled migrants who settle in the UK
- The UK Government should endorse the principles of the 1990 UN Convention on Migrants Rights by ratifying the Convention
- The future development of migration policy should be informed by the following recommendations:
 - The UK policy must seek to ensure that inward migration does not have a negative impact on developing countries, in particular by draining them of limited skilled human resources
 - Migrant workers, including those who are undocumented, must have full employment rights, secure incomes and access to basic services
 - Measures to combat the informal economy should emphasise the penalisation of employers who exploit migrant workers, rather than migrants themselves
 - Channels should be established for 'undocumented' migrants to become regularised. In the short-term an amnesty should be considered for some groups
 - A gender analysis should be integral to any new proposals so that the needs of male and female migrants and the impact of policies on them are clearly assessed
 - Restrictive family reunification rights for third country nationals, which can exacerbate poverty and social exclusion, should be reviewed
 - Migrants and the organisations which represent them should be actively encouraged and assisted to contribute their views on the development of migration policy
 - The UK Government should instigate a campaign to make migrants aware of their rights, and to assist their integration
 - UK Government must ensure it does not ignore the skills and qualifications of refugees already resident in the UK

Refugee Resettlement Programme

- While recognising that the capacity of the UK to accept refugees for permanent resettlement is not unlimited, the ultimate size of the Refugee Resettlement Programme must reflect the capacity of the UK as a wealthy country to offer protection to refugees
- The Programme must also be large enough to provide a viable, legal route into the UK for asylum-seekers
- The Resettlement Programme must not be used to devalue the validity of the asylum claims of those travelling to the UK by other means.

Border Controls

- **The imposition of pre-entry controls on countries in troubled areas of the world forces asylum-seekers to resort to the services of traffickers and smugglers in order to seek protection in the UK**

Support Systems

Asylum Registration Cards and Financial Support

- **Levels of support to asylum-seekers should be increased to match income support levels**
- **The option to claim ‘financial support only’ should not be withdrawn. The National Asylum Support Service (NASS) should practise greater leniency in allowing asylum-seekers receiving support to stay in non-dispersal areas when they have family there, or other special needs**
- **The Government must develop clear guidelines concerning Asylum Registration Cards (ARC) so that they will not be necessary to access health or education services, or used as an identity card**
- **If Asylum Registration Cards are to be the means by which asylum-seekers access a weekly cash allowance, the system must be closely monitored in order to ensure it is reliable**
- **Care should be taken with the introduction of the ARC to re-assure asylum-seekers of their actual purpose and nature**

Induction Centres

- **Asylum-seekers should be given access to free independent legal advice and assistance in Induction Centres**

Accommodation Centres and Dispersal

- **We believe that, on the basis of the current proposals, Accommodation Centres will be too big, they will isolate asylum-seekers from mainstream society and prevent integration, and they may attract hostility from local communities. We believe that resources could contribute more constructively to improving the dispersal system, through which the majority of asylum-seekers will continue to be accommodated.**
- **Oxfam supports the government’s proposals to revert to cluster areas in dispersing asylum-seekers and to decentralise NASS operations. In addition we recommend:**
 - **that the Government implement the proposal by the National Association of Citizen’s Advice Bureaux to establish local NASS ‘drop-in’ services in all dispersal areas**
 - **closer co-operation with Local Authorities, especially in ensuring the quality of accommodation**
 - **the development of legal and interpreting services in dispersal areas**
 - **more investment in local health, education, environmental and community development services in dispersal areas**

Reporting Centres

- **The Government must ensure that asylum-seekers do not incur any additional costs in travelling to Reporting Centres to comply with reporting requirements**

Detention

- Detention should only be used in exceptional circumstances, if the legal process of claiming asylum has been fully exhausted, and if there is clear evidence that an asylum-seeker may abscond
- Part III of the 1999 Immigration and Asylum Act, which legislates for automatic bail hearings for immigration detainees, should be retained and implemented
- The practice of detaining families with children should cease immediately

Determination of Claims

- Resources must be committed to ensuring that good quality and defensible decisions are made on asylum claims at 'first decision' stage
- There must be early provision of good-quality legal advice
- The asylum determination process must contain adequate safeguards against wrong decisions through recourse to the full range of judicial scrutiny
- An Independent Documentation Centre should be established in order to provide accurate, impartial and up-to-date information on countries from which people have fled

Removals

- Steps to increase the number and speed of removals should only take place once a demonstrably fair determination process is in place

Voluntary Assisted Returns

- Asylum-seekers considering Voluntary Assisted Return to their home country should be allowed to visit their home country to assess its safety without prejudicing their claim

Refugee Integration

- Integration is a process that starts with a refugee's arrival in the UK, and must be seen as an integral aim of the asylum process

Gender Issues

- Guidelines on gender issues produced by the Refugee Women's Legal Group should be applied in full to first decisions on asylum claims
- Immigration caseworkers should receive training in gender issues as they apply to the determination of asylum claims

Permission to Work

- We believe that asylum-seekers should be granted permission to work from the date of their asylum claim

Appendix 1

Oxfam's experience working with and on behalf of asylum-seekers and refugees

Oxfam GB is a non-governmental organisation, which funds and implements development and relief programmes in 80 countries. Through our work, we have built up considerable knowledge and experience of situations that produce refugees around the world, of the distress and suffering endured by those caught in such situations, and of the care, protection and assistance they need. We are currently working in seven out of the ten countries from which asylum-seekers in the UK most commonly come.

Since Oxfam established a GB Poverty Programme in 1995, we have provided financial and other forms of support for a number of projects and programmes in this country working with and on behalf of asylum-seekers. We have also participated in a range of activities to improve existing knowledge about the circumstances of asylum-seekers and refugees in Britain, to change public and official attitudes towards them, and to influence government policy. In particular, we have worked in co-operation with the Refugee Council and the TGWU towards the abolition of vouchers.