

NEW PLAN FOR IMMIGRATION CONSULTATION RESPONSE

Govan Community Project is a community-based organisation in Glasgow, supporting individuals and families in the asylum process. As such we are extremely concerned about the nature of the new immigration system proposals set out and about how the consultation exercise is being conducted.

We strongly believe these proposals will only increase the levels of destitution, risk and harm faced by individuals who seek protection in the UK and the language and terminology used promotes division, discrimination and provides further systemic social and racial injustices.

We would request that all Ministers and MPs considering these proposals take time to fully review the significant amount of reports and evidence in existence about the poor quality of decision making within the Home Office, lengthy processes and the detrimental impact the current system has on individuals and use this context to look at how the proposals being made will only increase the harm to vulnerable individuals.

We are extremely concerned about the timing of the consultation period for the following reasons:

- 6 weeks is far too short a timescale for any meaningful consultation process, particularly a consultation being held at a UK government level.
- The consultation timescale is set during a period of time where there are local and regional elections taking place in devolved nations which means that local and national government agencies in those nations will not be able to respond to proposals which will directly impact and is in complete conflict with many of their devolved policies and legislation.

We are also concerned that no consultation has been planned directly with the individuals and communities these proposals will have a direct effect upon and the timescale presented for responses does not allow for groups such as ours time to support individuals in a safe, trauma informed manner to empower them to have their views and lived experience considered. We have gathered some lived experience feedback however there has not been the opportunity to gather a much wider response.

There do not appear to be any processes in place to ensure that Ministers who will be considering these proposals listen to the concerns of those directly impacted, or have a clear picture of the impact on their safety, health and wellbeing and we would urge the UK Government to provide this platform.

The structure and language used in the consultation document provides no space for providing a complete objection to the proposals. The questions are extremely leading. The survey is inaccessible being only available in Welsh and English. In light of this we have chosen not to respond to any of the multiple-choice questions which are structured in a manner to lead respondents to answer in a way that endorses the proposals with no real option to completely oppose the measures proposed.

At a local/devolved nation level, some of these proposals will have a significant impact in Scotland where we are based and cover issues which are devolved to the Scottish Parliament. Yet, as stated above, the timing of the consultation does not allow for Scottish government bodies to respond.

The proposals do not reflect the commitments made in Scotland by our Government and are in direct conflict with the Scottish Government's New Scots Refugee Integration Strategy.

The 1951 Refugee Convention furnishes people with the right to seek protection in another country and this is a moral and legal commitment which the UK signed up to. There is nothing stated in international law that refugees must stop in the first safe country they reach. Individuals seeking protection have a right to seek asylum in any country who are part of the Refugee Convention 1951. These new proposals do not support the UK's commitment to the Refugee Convention.

We are also extremely frustrated and disappointed that none of the current failings in the hostile environment policy are addressed in these proposals. The proposals demonstrate that the UK government has learned no lessons from past failings, including Windrush, despite the surmountable evidence available of these nor any of the ongoing failings in relation to quality and timescale of decision making.

There is no acknowledgement of the barriers faced by individuals in accessing and providing evidence to set timescales, particularly for those who have fled their countries of origin with urgency for reasons of life preservation. There needs to be a wide, lengthy, trauma informed consultation process with those with lived experience of migration journeys for ministers and MP's to have a full understanding of the lack of safe routes available.

The proposals and the language contained within them promote a culture of discrimination, distrust and a complete disregard for humanity, respect and dignity.

FOREWORD

We strongly oppose and do not see the 'fairness' you refer to present in the proposals. Introducing a two-tier system is not a fair system and individuals who are seeking protection should under no circumstances have their asylum claim judged on the route taken on their perilous journey. Individuals do not make life threatening choices if they have another option. Asylum claim assessments should be based solely on the circumstances of the reason for seeking protection, with structures in place which do not discriminate or cause harm to those presenting their evidence.

Dividing asylum seekers into categories of legal and illegal is completely wrong. Seeking asylum is not illegal but the language used throughout the proposals create a misconception that it is.

There is absolutely no place in UK society in 2021 for Government policies which force vulnerable individuals and families into destitution and further risk and harm. All humanitarian policies of the UK Government should reflect a trauma informed, inclusive approach and this is completely absent from these proposals.

CHAPTER 1

Question 3

We are very concerned by the plans outlined in Chapter 1, and completely oppose the proposed plans.

We agree that the current immigration system does need urgent improvements. However, in the UK in 2021, any government policies in place or being proposed which systemically subject vulnerable individuals to destitution, injustice, risk of further harm and exploitation should be scrapped and deemed to have no place in our society and communities.

There are no acknowledgements in the proposals of the lasting, long term harm that destitution causes and these proposals will significantly increase this risk of harm.

We believe these proposals do not support protection, but promote the risk of further harm and do not offer individuals who have turned to our nation for protection any level of safety, protection, respect or dignity.

We are extremely concerned by the negative language used in highlighting the cost of asylum accommodation to taxpayers which promotes an immediate bias, with no reference to the fact that it is the UK Government's own 'hostile environment' policies and legislation which do not permit individuals to be self-sufficient whilst awaiting the outcome of their asylum claims.

CHAPTER 2

Question 7

We have real concerns about the creation of a 2-tier system of support for individuals seeking asylum. Individuals would not choose treacherous routes if there were more safe and legal routes available. The 'safe and legal routes' proposed will exclude a huge proportion of individuals from exercising their human right to seek asylum. Individuals seeking protection should not be penalised for the route of arrival to safety in the UK. The proposals should be looking at increasing safe and legal routes however there is no mention of this and no acknowledgement that the proposed settlement routes will not be available to all individuals who turn to the UK for protection.

Individuals must be able to claim asylum in the UK, with a supported process, regardless of their route of travel and decisions must be reached based completely on the circumstances presented in an individual's claim. Under no circumstances should their migration journey be taken into consideration as part of a claim assessment.

Those granted refugee status should be offered a more secure, longer term of leave to remain, providing the stability that is needed to fully rebuild their life in the UK.

We welcome the acknowledgement that more should be done to support integration. However, again, Scotland as a devolved nation takes a different approach to integration and recognises the importance of integration support being made available throughout the asylum process, and not just when a positive decision has been reached.

We are concerned that there is an emphasis on employment with proposals for more integration support. There are basic needs to be met which must be a priority before employment such as safety, shelter, health and wellbeing to be in a position to secure employment. The current move-on period does not support individuals to start building a life when there is again a risk of destitution if they have not been able to find a means of self sustainability and a roof over their heads within 28 days.

We also have concerns that integration support will differentiate between levels of protection status in the new proposed system and this creates even more inequity and injustice and will leave many individuals even more marginalised.

Questions 10 – 14

We do not work in the field of family reunion or support unaccompanied asylum-seeking children so will not respond to these questions. We are aware our partners in the sector with more specialism in this area will be responding and opposing the measures in this section.

CHAPTER 3

Question 18

We do not work with many individuals involved in the right to registration as British citizens. However, we would comment that there should be more done to build on lessons learned from Windrush to ensure that individuals with a right to citizenship are not put at risk or denied the opportunity for citizenship due to financial or practical barriers to being able to make their claim for nationality.

CHAPTER 4

Question 21

We completely oppose the proposal around *“those having passed through safe countries, or who have a connection to a safe country where they could have claimed asylum, will be considered inadmissible to the UK’s asylum system”*.

A country being deemed ‘safe’ to an individual will be relative to their unique experience and circumstance and there should therefore never be a blanket policy where assumptions are made about safety. There can be very specific reasons why someone is choosing to claim asylum within the UK. Other nations in Europe are already supporting a much larger proportion of asylum seekers than the UK.

Plans to introduce an approach where some individuals have limitations placed on their rights and entitlements again only exacerbates inequality and injustice and will force more vulnerable individuals into destitution and risk of harm and exploitation. No government policy or legislation should place individuals at risk.

Being forced to continually re-apply for protection status does not support individuals to rebuild their lives when they are always facing the potential of a retraction of their protection status.

The plan to increase government estate and remove even more choice and control from individuals on where they live whilst their claim is being assessed is of real concern to us.

We are in complete opposition to the proposals around the use of reception centres. This proposal is in direct conflict with any proposals around integration which cannot happen outside of communities. We have multiple concerns over this proposal, particularly given the ongoing issues with the extremely inadequate standards of accommodation being provided under Government contracts, the already available evidence on the detrimental impact of use of institutional accommodation and the length of time claims take to be processed resulting in long term social isolation from crucial community supports. Reception centres will replicate experiences of detention and segregation and trigger harmful memories and PTSD flashback of previous trauma, particularly for those who have been imprisoned or tortured in the past.

The UK should not be putting in place any measures which replicate the cruel and inhumane treatment which forced individuals to seek protection from our nation.

Question 22

We are extremely concerned over the proposals to introduce a more rigorous standard for testing the 'well founded fear' of persecution. The process is already rigorous and offers no respect or dignity with the adversarial approach taken where individuals are already treated as not being viewed as credible.

It is extremely concerning that this approach relies on Home Office assessment skills when 39% of negative decisions taken are overturned at appeal stage. The failings of poor decision-making processes within the current system have been questioned and challenged for a long time and continue to be of poor quality.

Any proposal on reviewing assessment processes should be for the Home office to work towards improving their poor quality decision making processes, which would in itself, cut down on the number of appeals and take some pressure off the current appeals system and increase timescales.

Question 25

The proposals in this chapter completely fail to address the many failings and incompetencies in the current system where the fault lies with the system and processes and not with the individuals exercising their right to seek protection.

All of the proposals made in chapter 4 offer nothing but increased hostility to those seeking their human right of seeking asylum. The proposals only promote further inequality and significant harm to individual's safety and wellbeing.

CHAPTER 5

Question 29

We are again, extremely alarmed at the proposals to introduce a one stop process for presentation of evidence in support of a claim. This proposal again creates an unfair system.

Our agency and many others alongside us can verify that it is not always possible to present a full claim at once and there are many different reasons why this might be the case. This includes: the length of time it can take to access pieces of relevant information/documentation, language barriers, the impact of trauma and PTSD on individual's ability to remember facts in a linear process – something which in Scotland we are training workforces across the country to consider as part of trauma informed approaches to service delivery.

Again, the systemic failings which force people into destitution can have an impact on their ability to present their claim. For example, finding shelter and food for survival having to take priority over evidence compiling and communications.

There are so many reasons that someone may be unable to present all information/evidence at a 'one stop' process that this practice is unjust and unfair. It will result in judgements being made about credibility which do not take individual circumstances including the impact of trauma on memory and resilience of an individual to fully participate in a one stop process.

This will have a particular impact on individuals who are survivors of torture, abuse, exploitation and trafficking in being to present a full, comprehensive case. This will result in more poor decision making on cases, which then has a significant detrimental impact on the individual.

Question 30

Promoting a system based on disbelief and mistrust is in direct contradiction with the principles of trauma informed practice and will lead to increased destitution and individuals being forced into situations where they are at further risk of exploitation and harm.

CHAPTER 6

Question 32

Some of the individuals we support will be victims of modern slavery/trafficking and we are aware of individuals being forced into destitution. We are concerned that these proposals do not offer adequate provisions of support for those who are victims of modern slavery. Individuals who are survivors of modern slavery or trafficking often have no control over the route they arrive in the UK, or when they may get the opportunity to seek protection. They should not then be penalised by a hostile immigration policy when they seek support.

We have concerns, based on previous evidence, of the quality of decision making within Home Office procedures of the quality of decisions made on 'reasonable grounds to believe' when officials are working and trained under a culture of disbelief.

Question 37

We have a real concern that the emphasis on criminality will lead to vulnerable individuals being unfairly treated, penalised for their route of seeking protection and not supported as vulnerable survivors of serious crime. The Home Office definition of people smugglers includes innocent asylum seekers. These measures will not reduce the business of people smuggling but simply drive it more underground when there are not sufficient safe and legal routes. This will place individuals in more danger.

CHAPTER 8

Question 41

We are very concerned about the proposals in relation to enforcing removals and not allowing individuals who have received a refusal of their claim time to access legal advice to explore further options open to them. We are very concerned that the language used in this proposal is leading and promotes negative assumptions to be made about refused asylum seekers which can incite prejudice against individuals who are seeking protection in the UK.

There is no acknowledgement that for many refused asylum seekers, for many different reasons, a return to their country of origin is just not realistic or possible and forcing these individuals into destitution when there is no other choice is a barbaric approach to take.

We are extremely concerned about the proposal in relation to removing support from asylum seeking families and the impact this trauma and forced poverty and destitution will have on children as well as adults.

Social work support to destitute families again is a devolved matter, where support is provided under Section 22 of the Children (Scotland) Act 1995. The proposals put forward have an aim of systematically excluding some children and families from support.

It should be noted that evidence published in September 2020 by the NRPF network demonstrated that 77% of families supported by local authorities are eventually granted leave to remain in the UK.

Question 44

The proposals put forward promote an increase in inequality for all individuals seeking protection in the UK and this is intersectional and affects individuals in all of the protected characteristics within the Equalities Act.

The two-tier system proposed creates further division and forces individuals into categories which will exacerbate the disproportionate inequities already experienced under the current hostile environment policy

The proposal aims to re-introduce plans for a detained fast track appeals system and enforcing a minimum notice period of 72 hours before a personal can be lawfully removed. The detained fast track appeals system previously operated by the Home Office was suspended in 2015 following a finding by the court of appeal that it was unlawful because "the time limits are so tight as to make it impossible for there to be a fair hearing of appeals in a significant number of cases".

FEEDBACK FROM INDIVIDUALS WITH LIVED EXPERIENCE OF THE UK ASYLUM SYSTEM

As mentioned previously, we, and many of our colleagues working in the asylum sector think it is absolutely preposterous that no meaningful consultation is being conducted with the individuals with lived experience of the UK immigration system.

The following feedback has been gathered from those who are currently in the asylum process in the UK.

If someone has passed through another European country (eg France) that the UK should refuse them a claim for asylum in the UK as the other country is deemed 'safe'.

"I oppose this. This is a clear message from the British Government that they don't want people to come here, and they want to run away from the global responsibility of protecting people. Everyone has the right to claim asylum anywhere they want, and that's how human rights should be practiced. The Government claim that they value human rights and are a world leading country, without taking the responsibility of protecting people. This is a form of torture to everyone who needs to seek asylum or make their journey here for protection"

"I really oppose this because it's not fair to so many people. The idea that they just send people back because of the route they had to take is not right. There is no consideration of the way people try to come here, the reason for their journey and the right to claim asylum where they feel safe. I don't know what to say about this more than its scary and terrifying what the UK immigration system is going to be like in the future, and in my opinion this is what the new proposals are intending for people to feel this way"

"I have been reading about this and I'm really concerned and scared. I have been in the UK for 13 years and I am still in the asylum process, but I have never felt that level of discrimination. I don't want to say that the situation has been great, but clearly it has not been as bad as this. I do really think this is wrong and sending a message to people who need to come here, stay where you are, don't come, you are not welcome here. I'm against this unfair proposal".

"When we talk about people's right to protection, we should not be focusing on how people arrive. A right to claim asylum is open to everyone, it should not be conditional on the means or route of travel. People are forced into the most difficult, dangerous and impossible circumstances in order to seek safety, punishing them for the means or route of travel they have been forced to take is completely inhumane and unfair. The UK is simply using the geography of being an island on the verge of Europe as a way of excusing itself from responsibility- it is nearly impossible to not cross countries in order to reach the UK.

It signals that the UK is not only unwelcoming, but it is also an unsafe place for people seeking protection. This proposal discriminates people merely on how they arrived without even understanding the reasons for having to make that journey".

Comments on how the proposed 2tier system would impact on those whose asylum claim would not fit with a resettlement route

"This is a system which organises people into those who deserve and those who don't. It will divide society even further and increase inequalities. If people have the right to live somewhere regardless of the process they should be able to become at some point a citizen like everyone else. So, here we are talking about first, second and third class citizens, it's sad to see and upsetting to witness this destruction of society and the world we live in. Humans are humans and they should always be treated equally, regardless of their identity or status".

"Again, I think this is wrong. People leave their countries to start a life here in a new country, they left for protection and some can never go back. Imagine they can never become a citizen in UK, they have to remain stateless. This is fundamentally wrong that someone can never have the opportunity to apply for citizenship because of the way they travelled to claim asylum. This system discriminates and divides people, when it should be uniting them".

"This is not based on human rights or protection, it looks at people as either illegal or legal, criminal or not criminal. This is discrimination and it will make people more vulnerable".

"This system is created to divide and will initiate unimaginable inequalities in the future. There is absolutely no consideration of individual vulnerabilities and the need for support. The idea that rights are privileges and are conditional on certain things does not make sense".

On the proposal to use 'reception centres' and the impact this has on trauma and lack of community

"This is a form of imprisonment, it is literally putting people into a jail upon arrival. You have to stay there until the system breaks you mentally into pieces and then you will ask them, please send me home.

The UK calls out some countries as third world or undeveloped because of their human rights. What a hypocritical system this is,. Putting people in those forms of jails because they are seeking protection is a crime. Not thinking about people's needs, or individual circumstances, mental health or what people have been through before arriving, the new proposal is physical and mental torture to everyone want to arrive and claim protection in the UK, its clear as this. So with all I have I oppose this"

"I have stayed in the hotels during the pandemic, and this was hell for me. I never felt safe and always felt fear. The idea that people will be put in this form of place that sounds to me no different than a jail is very upsetting. I hope this will not go ahead and people have to go through this, it makes us all afraid and think that they may put us all there one day. I oppose this, it should not happen".

"This is clear you don't need anyone to explain it, they just play with the words, this is putting people in jail when they arrive, they want to make life hard for people so they are forced to leave, or make people so afraid that they will not come to the UK. I fear for myself, everyone around me, and anyone who comes here in the future. It's just a scary situation, it is totally wrong".

"After the disaster of the hotel accommodation and the current exposure of the terrible living conditions and treatment of asylum seekers in barracks in England, this proposal is very worrying. The neutral language of 'reception centre' does not explain what this actually is in practice: segregation. It forbids people from entering society, it will even exacerbate the trauma people have experienced prior to arriving the UK. People have fled war, violence, imprisonment, the worst thing a place of safety could do is isolate people. It is shocking that this is even a proposal after everything we know about the asylum hotels and barracks accommodation. This could amount to a form of torture: placing people in segregated centres, creating an environment of insecurity. People rely heavily on their new communities and wider society when they arrive to the UK, denying the lifeline of community is completely inhumane".