New Plan for Immigration Public Additional Questionnaire
Comments provided by the Quaker Asylum and Refugee Network (QARN)

Chapter 1: Overview of the Current System
This question relates to the Overview of the Current System in the New Plan for Immigration, should you wish to refer to this before answering.

1. The UK Government is committed to building an asylum system that is firm and fair, based on three major objectives:
   - To increase the fairness and efficacy of our system so that we can better protect and support those in genuine need of asylum;
   - To deter illegal entry into the UK, thereby breaking the business model of criminal trafficking networks and protecting the lives of those they endanger; and
   - To remove more easily from the UK those with no right to be here.

In the core questionnaire, it was asked how effective, if at all, you think each of the following will be in helping the UK Government achieve this vision:

- A. Strengthening safe and legal routes for those genuinely seeking protection in the UK.
- B. Reforming legal processes to ensure improved access to justice.
- C. Reforming legal processes to ensure speedier outcomes.
- D. Requiring those who claim asylum and their legal representatives to act in ‘good faith’ by providing all relevant information in support of their claim at the earliest opportunity.

Open question
We question the repeated use of the term “illegal” which indicates a hostile attitude on the part of the government. **Claiming asylum is never illegal.**

The New Plan for Immigration does nothing to address the reasons and situations which force people to seek asylum.
E. Enforcing the swift removal of those found to have no right to be in the UK, including Foreign National Offenders.
F. Eliminating the ability for individuals to make repeated protection claims to stop their removal, when those follow-up claims could have been raised earlier in the process.
G. Preventing illegal entry at the border, for example, by making irregular channel crossings unviable for small boats or deterring other activities such as hiding in the back of lorries.

Please use the space below to give further detail for your answer in the core questionnaire. In particular, if there are any other objectives that the Government should consider as part of their plans to reform the asylum and illegal migration systems.

Chapter 2: Protecting those Fleeing Persecution, Oppression and Tyranny

2. In maintaining clearly-defined safe and legal routes, how important, if at all, are each of the following practical considerations? Please select one response for each statement.
   - Linking the numbers of refugees the UK resettles to the capacity of local areas to provide help and support.
   - Prioritising refugees on the basis of their vulnerability or risk.

   - Very important
   - Fairly important
   - Not very important
   - Not at all important
   - Don’t know

   - How would the capacity of local areas be judged? The current system has fallen down because Local Authorities are worried about the lack of funding from central Government, to pay for resources they will have to manage in the longer term – that is where concerns about capacity lie. Support must remain a government responsibility and reception capacity must be contracted in a responsible way
   - Prioritising over what, and why, and who would make those decisions? All refugees are vulnerable. This suggests that quotas are ok, but that is not responsive to need.
- Prioritising refugees based on their potential to integrate in the UK (e.g. English proficiency, pre-existing ties to the UK, or skills).
- Prioritising refugees from persecuted minority groups.
- Prioritising the family members of refugees already in the UK.

Humanitarian protection can prioritise in this way but asylum must concentrate on protection from persecution.
- Not in relation to English proficiency or skills, otherwise we are selecting people for our own ends – to benefit the country, rather than based on their need. Integration is a two-way process. It needs funding and support.
- All refugees are vulnerable. In the context of resettlement, focusing on minority groups carries the risk of being drawn into conflicts.
- Family members should be able to join those already here, but numbers should not be set against the numbers of refugees allowed to come to UK

3 The intention is to continue to provide support to all those granted refugee status so that they are equipped to properly integrate and contribute to society when they arrive in the UK. How far do you agree or disagree that each of the following proposals will help to meet this aim of developing refugee support? Please select one response for each statement.
- An integration support package should focus on progress to employment (including self-employment)
- An integration support package should consider elements such as well-being, language, employment and social bonds.
- An integration support package should be delivered at local level to national standards (to an agreed mandatory framework), so that all refugees receive the appropriate level of support, delivered in a way that is appropriate to where they live.

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<tr>
<th>Statement</th>
<th>Strongly agree</th>
<th>Agree</th>
<th>Neither agree nor disagree</th>
<th>Disagree</th>
<th>Strongly disagree</th>
<th>Don’t know</th>
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QARN agrees with all of these statements.

4 Please use the space below to give further feedback on the proposals in chapter 2. In particular, the Government is keen to understand: (a) If there are any ways in which these proposals could be

Open question

The government has given no indication of what any “safe legal routes” might look like – in Annex A there is only a vague mention that such routes will be considered. In fact, the
improved to make sure the objective of providing well maintained and defined safe and legal routes for refugees in genuine need of protection is achieved; and (b) Whether there are any potential challenges that you can foresee in the approach the Government is taking to help those in genuine need of protection. Please provide as much detail as you can.

The Government has recently closed down such routes (Dubs Amendment).

Offering immediate indefinite leave to remain in the UK for resettled refugees is welcomed, and this package must include access to public funding in line with the general population.

The challenge of resettlement is to work effectively with the EU, UN and international charities.

Chapter 3: Ending Anomalies and Delivering Fairness in British Nationality Law These questions relate to chapter 3 of the New Plan for Immigration. Please refer to this chapter for more information.

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<td>5</td>
<td>The Government wants to change the registration route for stateless children, who were born in the UK and have lived here for five years. The Government wants to ensure that those who are genuinely stateless can benefit. People should not be able to acquire these benefits if they purposely fail to acquire their own nationality for their child. To what extent, if at all, do you agree that this is the right approach? o Strongly agree o Agree o Neither agree nor disagree o Disagree o Strongly disagree o Don’t know</td>
<td>QARN does not agree with this. Many countries have no system for registering foreign births. All children born in UK should be given citizenship if their parent/s request this. It is, for example, unreasonable to expect someone who has fled persecution to make their whereabouts known to the offending State services by applying for citizenship of their children, whether or not their claim for asylum has been accepted in UK.</td>
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<td>6</td>
<td>The law currently allows some discretion around naturalisation, to account for exceptional circumstance. However, it is currently an un-waivable requirement that a person must have been in the UK on the first day of their 5 (or 3) year residential qualifying period.</td>
<td>If discretion enables a more relaxed approach then we strongly agree.</td>
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The Government is seeking to change the law so that discretion can be exercised when a person was not in the UK on that day in appropriate cases, whilst maintaining the principle that people should have completed a period of continuous residence.
This might be used, for example, where a person was a longterm resident of the UK but had been prevented from returning to the UK after a trip overseas five years ago by mistake, as was the case for a number of the Windrush generation, or due to unforeseen compelling circumstances.
To what extent, if at all, do you agree that this approach provides sufficient flexibility to allow people with a strong connection to the UK to qualify for naturalisation?

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<th>7</th>
<th>Please use the space below to give further feedback on the proposals in chapter 3. The Government is keen to understand: (a) If there are any ways in which these proposals could be improved to make sure the objective of correcting historic anomalies in our nationality laws is achieved; and (b) Whether there are any potential challenges that you can foresee in the approach being taken to reform nationality laws. Please provide as much detail as you can.</th>
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<td>8</td>
<td>The UK Government intends to create a differentiated approach to asylum claims. For the first time how somebody arrives in the UK will matter for the purposes of their asylum claim. As the Government seeks to implement</td>
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Chapter 4: Disrupting Criminal Networks and Reforming the Asylum System These questions relate to chapter 4 of the New Plan for Immigration. Please refer to this chapter for more information.

<p>| 8 | The UK Government intends to create a differentiated approach to asylum claims. For the first time how somebody arrives in the UK will matter for the purposes of their asylum claim. As the Government seeks to implement | Open question | QARN believes that this is a disgraceful proposition. It takes no account of the fact that people fleeing for their lives will not be in a position to find out what the government regards as a “legal” route. They often do not know where they are going. Their sole |</p>
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| **this change, what, if any, practical considerations should be taken into account?** | intention is to save their lives and the lives of those accompanying them.
These suggestions would mean that people fleeing from the same situation would be accepted or rejected depending on how they had arrived – this is unjust and in contravention of international and natural law.
To inflict destitution and insecurity on traumatised people amounts to “cruel, inhuman and degrading treatment” and is thus in contravention of the UN and the European Conventions Against Torture, which the UK is bound by.
‘Safe’ countries are sometimes identified as being unsafe. Geopolitics plays its part in deciding what is safe and what is not. People’s lived experience informs their judgement about whether they are safe or not.
The proposed plans are divisive – “cruel, inhuman and degrading treatment”, and take no account of the human impact on individuals. |

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<th><strong>9</strong></th>
<th>The UK Government intends on introducing a more rigorous standard for testing the “well-founded fear of persecution” in the Refugee Convention. As the Government considers this change, what, if any, practical considerations should be taken into account?</th>
<th>Open question</th>
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<td>Time and again decision-makers have shown that their lack of knowledge leads to false assumptions about safety in people’s countries of origin, and also their lack of understanding of the trauma of torture. The current standards for testing the UN Refugee Convention ‘well-founded fear of prosecution’ adopted by the Home Office have led to appeals overturning the decisions made by case-owners, and for those who do not have the physical and/or psychological means to appeal it has cast them into a life of destitution, danger and fear. The test needs to be considered in a climate of belief. The culture of our hostile system needs to be completely dismantled.</td>
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<th><strong>10</strong></th>
<th>The Government is aware that currently it can take many months to consider asylum applications and intends to Drag and drop to rank options</th>
<th><strong>We do not agree with any of these steps as they all prevent people from being able to properly put their case for asylum. This</strong></th>
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ensure that claims from those who enter the UK illegally are dealt with swiftly and efficiently.

To help achieve this, in your view, which of the following steps would be the most important? Please rank the following statements from most to least important.

1. To use asylum processing centres to accommodate those who enter the UK illegally, whilst they await the outcome of their claim and / or removal from the UK.
2. To have an expedited approach to appeals, particularly where further or repeat claims are made by the individual.
3. To ensure there are set timescales for considering claims and appeals made by people who are in immigration detention, which will include safeguards to ensure procedural fairness. This will be set out in legislation.
4. To ensure those who do not qualify for protection under the Refugee Convention, but who still face human rights risks, are covered in a way consistent with our new approach to asylum.

is exacerbated by the hostile environment and culture of disbelief in which applications for asylum are considered. All accommodation for asylum seekers must meet recognized standards of safety, spaciousness, light, cleanliness and warmth. If full-board arrangements are made, food must be nutritious and must be prepared and delivered hygienically.

The Government has allowed the use of ‘contingency units’ that are clearly unsuitable at best and dangerous to people’s physical and psychological well-being in their acceptance of conditions in Napier and Penally camps. It has become clear that people living in these places, and so any similar ‘reception centre’ are not protected by rules governing the treatment of detainees, although the conditions therein are similar in many ways. They are worse off in fact than detainees. It is not an answer, they should be in the community.

Detention centres are “cruel, inhuman and degrading” and thus in contravention to the Conventions on the Prevention of Torture which the UK are bound by.

There needs to be an enforceable time-limit on detention

The new approach to asylum does not accord with the Refugee Convention as it appears to be based exclusively on resettlement. Those who qualify under the Convention must on no account be granted secondary statuses.

The Government is committed to strengthening the framework for determining the age of people claiming asylum, where this is disputed. This will ensure the system is very effective.

There is no credible and safe ‘scientific’ evidence of age by which to assess young people ‘accurately’. If people pose as children when they are much older this can present a risk to youngsters in
cannot be misused by adults who are claiming to be children.

In your view, how effective would each of the following reforms be in achieving this aim?

|   | • Bring forward plans to introduce a new National Age Assessment Board (NAAB) to set out the criteria, process and requirements to be followed to assess age, including the most up to date scientific technology. NAAB functions may include acting as a first point of review for any Local Authority age assessment decision and carry out direct age assessments itself where required or where invited to do so by a Local Authority.
|   | • Creating a requirement on Local Authorities to either undertake full age assessments or refer people to the NAAB for assessment where they have reason to believe that someone’s age is being incorrectly given, in line with existing safeguarding obligations.
|   | • Legislating so that front-line immigration officers and other staff who are not social work trained are able to make reasonable initial assessments of age. Currently, an individual will be treated as an adult where their physical appearance and demeanour strongly suggests they are ‘over 25 years of age’. The UK Government is exploring changing this to ‘significantly over 18 years of age’. Social workers will be able to make straightforward under/over 18 decisions with additional safeguards.
|   | • Creating a statutory appeal right against age assessment decisions to avoid excessive judicial review litigation.
|   | o Not very effective
|   | o Not at all effective
|   | o Don’t know

the system, but these people will be in a minority. Any steps taken need to address the issue of those whose given age is clearly in question within a culture of belief, not to subject all young people to rigorous and ‘scientific testing’.

It is not right that the Local Authority is responsible for age assessments when they have to find money in their budget to support those found to be children. It is not right Local Authorities they have tended to use agency staff who lack the training, commitment to holistic good practice and longer-term experience of permanent Children’s Services social workers to undertake the age assessments. On that basis, it is wise to use a separate system of assessing age.

Assessments should absolutely not be made by immigration officers and other staff who are not social work trained. There is no straightforward way for social workers to assess the age and the lowering of the age from 25 to 18 is a serious safeguarding issue for young people who are potentially children.

Judicial reviews have been necessary because of the system of disbelief, giving rise to the need to challenge decisions made. If any of the following are introduced, children and young people will be at risk of serious safeguarding breaches: the age of being treated as a young person is lowered to 18 instead of 25, the people making the assessments being immigration officers or other people who are not social worker trained, and the climate of disbelief and hostility continue.
| 15 Please use the space below to give further feedback on the proposals in chapter 4. In particular, the Government is keen to understand: (a) If there are any ways in which these proposals could be improved to make sure the objective of overhauling our domestic asylum framework is achieved; and (b) Whether there are any potential challenges that you can foresee in the approach being taken around asylum reform. Please provide as much detail as you can. | Open question | QARN does not agree with any of the proposals in Question 10. Regarding age assessment, if this were carried out in on the balance of possibilities, in a culture of belief, on the understanding that there is no exact measurement, that there are many variables to take into consideration, and there is a leeway of at least +/- 2 years, it would be a positive step to standardise this part of the process. The Plan talks of ‘repeated unmeritorious appeals and claims’. We are talking about people’s lives, and must consider the risk of being returned to danger in the country they left. In the year ending June 2020 2,932 people had an appeal allowed following an initial refusal of asylum. [https://www.gov.uk/government/statistics/immigration-statistics-year-ending-june-2020/how-many-people-do-we-grant-asylum-or-protection-to](https://www.gov.uk/government/statistics/immigration-statistics-year-ending-june-2020/how-many-people-do-we-grant-asylum-or-protection-to) Many decisions are overturned on appeal, showing the faulty nature of the initial decision-makers. People who arrive here are traumatised and therefore not in a position to explain their situation coherently in front of strangers within an intimidating system which they do not understand. This proposed system is unjust and unfair in seeking to close down options people have to take their case through the appeal system. |
It would be fair and just to enable people to be properly heard in a climate of trust not disbelief, by enabling them to present a full case when they were psychologically and physically ready and able to do so, fully supported by an effective legal aid system.

In relation to claims of concern about criminal activity of people smugglers, this would not be such a successful business if there were safe pathways to seeking asylum in UK. By not creating reasonable safe pathways for those in transit already, we are throwing people into the arms of people smugglers, and danger.

Kurds from Syria for example do not feel safe in Turkey – they have been refouled back to Syria whilst awaiting a UNHCR assessment.

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<th>Chapter 5: Streamlining Asylum Claims and Appeals</th>
<th>These questions relate to chapter 5 of the New Plan for Immigration. Please refer to this chapter for more information.</th>
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<td>The Government believes that all those who are subject to the UK’s immigration laws, including those who have arrived here illegally or overstayed their visa, should be required to act in good faith at all times. Currently, the system is susceptible to being abused and there has to be an onus on individuals to act properly and take steps to return to their country of origin where they have no right</td>
<td>QARN sees these proposals as simply a statement of what is already in place. The reasons for people withholding or distorting information are many and varied, and based on a need to survive, and understandable lack of trust given their experiences before leaving their country and upon arrival in UK.</td>
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<td>16</td>
<td>There is no right to return, therefore there is no right to make false claims of persecution. There should be a system that allows for the genuine claims to be heard and the false ones to beweeded out.</td>
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<tr>
<td>Strongly agree</td>
<td>Agree</td>
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to remain in the UK. This duty will apply to anyone engaging with the UK authorities on an immigration matter.

As a part this requirement, to what extent do you agree or disagree with each of the following principles:

1. Individuals coming to the UK (as a visitor, student or other legal means) should leave the country on their own accord, by the time their visa expires.
2. Individuals seeking the protection of the UK Government should bring their claims as soon as possible.
3. Individuals seeking the protection of the UK Government should always tell the truth.
4. Failure to act in good faith should be a factor that counts against the individual, when considered by the Home Office or judges as part of their decision making.
5. Where an individual has not acted in good faith, this will be a relevant and important factor which decision makers and judges should take into account when determining the credibility of the claimant.

The Government propose an amended ‘one-stop process’ for all protection claimants. This means supporting individuals to present all protection-related issues at the start of the process. The objective of this process is to avoid sequential and last-minute claims being made, resulting in quicker and more effective decision making for claimants. Are there other measures not set out in the proposals for a ‘one-stop process’ that the Government could take to speed up the immigration and asylum appeals process, while upholding access to justice? Please give data (where applicable) and detailed reasons.

Open question

People who arrive here are traumatised and therefore not in a position to explain their situation coherently in front of strangers within an intimidating system which they do not understand.

If they have left a situation of war, chaos and terror, they will not have been in a position to gather up all the evidence they will need for an asylum claim. It can take many months to gather such evidence especially if the situation in the country of origin deteriorates to hinder communication.
| 18 | Please use the space below to give further feedback on the proposals in chapter 5. In particular, the Government is keen to understand: (a) If there are any ways in which these proposals could be improved to make sure the asylum and appeals system is faster, fairer, and concludes cases more effectively; (b) Whether there are any potential challenges that you can foresee in the approach the Government are taking around streamlining appeals. Please provide as much detail as you can. | Open question | Time and again it has been shown that the Home Office itself does not always act in good faith. They have an often careless attitude to evidence which has been submitted, documents get lost, claims against the applicant are made which do not bear any relation to reality. There needs to be a radical shift away from the hostile environment we see and the culture of disbelief, to a genuine fair, compassionate, welcoming, and safe environment. |
| 19 | Please use the space below to give further feedback on the proposals in chapter 6. In particular, the Government is keen to understand: (a) If there are any ways in which these proposals could be improved to make sure the objective of building a resilient system which accurately identifies possible victims of modern slavery as quickly as possible and ensures that support is provided to genuine victims who need it is achieved; and (b) Whether there are any potential challenges that you can foresee in the approach the Government are taking around modern slavery. Please provide as much detail as you can. | Open question | It is not clear how the victims of modern slavery are treated when they have been trafficked into illegal activities. One such victim who had been forced to work in a cannabis factory was detained and deported. His fear of the repercussions from the traffickers led to mental collapse. People who are subjected to trafficking or modern slavery live in a complex world, where their families back home may also be at risk. Their credibility should not be discounted if they do not fit the rules, and the risk to them is long-lasting. They should be given Indefinite Leave to Remain so that they have time to properly and safely recover, and then to make plans for their own disrupted future. There has been very recent reform to create a Single Referral Mechanism and to give appropriate access to Tribunal appeals. The effect of the pandemic means that there has been little opportunity to assess how this is working in normal times. |
20 This question relates to the proposals to overhaul the Clandestine Civil Penalty Regime in chapter 7 of the New Plan for Immigration. The Government recognises that there is an ongoing threat posed to the haulage sector by those who view clandestine concealment in goods vehicles as a means to enter the UK illegally.

Efforts to improve lorry security will assist in protecting the industry and borders, and yet the Government is still encountering large volumes of vehicles which do not meet the minimum-security standards set out in the Civil Penalty: Prevention of Clandestine Entrants Code of Practice (which can be accessed on GOV.UK).

How far do you agree or disagree that improving levels of goods vehicle security is an important step towards reducing illegal entry by clandestine migrants?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree
- Don’t know

21 This question relates to the proposals to overhaul the Clandestine Civil Penalty Regime in chapter 7 of the New Plan for Immigration. The Government aims to provide a fair and transparent charging framework that addresses more severe breaches of the Clandestine Entrant Civil Penalty Code. The Government proposes an increase in the level of penalty.

- The current maximum penalty (£2000 per clandestine migrant)
- Other amount (please specify)
- Don’t know
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<td>What level of fine (per clandestine migrant) do you think is appropriate?</td>
<td>Open question</td>
<td>A more important step in disrupting this transportation of human cargo is to create pathways for people to make an application from outside UK at an early stage in their flight from danger, so that they can travel safely. Any penalties imposed have to be consistent with justice and the right of appeal, access to Judicial Review, etc. It is not clear what approach the government is taking to defending the UK border other than by bilateral agreement with France.</td>
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<td>Please use the space below to give further feedback on the proposals in chapter 7. In particular, the Government is keen to understand (a) If there are any ways in which these proposals could be improved to make sure the objective of defending the UK border and preventing illegal entry is achieved; and (b) Whether there are any potential challenges that you can foresee in the approach the Government are taking to defend the border. Please provide as much detail as you can.</td>
<td>Open question</td>
<td>A longer period would allow appeals against the decision to deport. We should not forget that there are well-documented cases where Leave to Remain has been granted to people who had been put on removal flights which had been prevented from leaving.</td>
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<td>This question relates to the proposals around providing prior notice of a set period (known as the notice period) before the individual is removed. This notice period provides the opportunity to seek legal advice and bring legal challenges ahead of removal. In your view, should this notice period be: 1. A minimum of 72 hours, as is currently the case 2. 5 working days 3. 7 calendar days 4. Other length of time (please specify and explain your answer)</td>
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<td>Please use the space below to give further feedback on the proposals in chapter 8.</td>
<td>Open questions</td>
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In particular, the Government is keen to understand
(a) if there are any ways in which these proposals
could be improved to make sure the objective of
enforcing and promoting compliance with
immigration laws, ensuring the swift return of those
not entitled to be in the UK is achieved;
and
(b) whether there are any potential challenges that
you can foresee in the approach the Government is
taking around removals. Please write in your answer
in full, providing as much detail as you can.

- We do not know enough about what happens to people who are
removed. Frequently they will be being sent to a situation of destitution
and sometimes of death. People are being removed to countries in
which they may never have lived as an adult. Government needs to
harmonize these proposals with their comprehensive improvement plan
and their current subjection to enforcement on a failure to comply with
the public sector equality duty.

  The Government lays out a plan which it says will be fair, but it is clearly
not. In fact it extends the hostile environment. People are fleeing
conflicts that the UK along with other governments have had a geo-
political hand in creating or maintaining, and climate change will
threaten the physical safety of many more in the near future.

  To bring in this system and then to speed up removal processes will
challenge the boundaries of decency, of the UK taking our place
alongside others who offer safety, and of compliance with international
Conventions.

  The government needs to acknowledge that removals are a complex
matter involving agreements with countries of origin. The current
practice of exposing rejected asylum seekers to their foreign
representations is creating potential future risk and must be ceased
forthwith.

  People who have been recognised as refugees need protection as
much as anyone else, and should not have that protection
removed. Time-served prisoners should be treated as anyone else
would, in the UK.