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.

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1	The UK Government is committed to building an	Open question	We question the repeated use of the term "illegal" which indicates a
	asylum system that is firm and fair, based on three		hostile attitude on the part of the government. Claiming asylum is
	major objectives:		never illegal.
	• To increase the fairness and efficacy of our system		The New Plan for Immigration does nothing to address the reasons and
	so that we can better protect and support those in		situations which force people to seek asylum.
	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.		

- **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

- 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.
- o Very important o Fairly important o Not very important o Not at all important o 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.	o Strongly agree o Agree o Neither agree nor disagree o Disagree o Strongly disagree o Don't know	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	government has recently closed down such routes (Dubs
maintained and defined safe and legal routes for refugees	Amendment).
in genuine need of protection is achieved;	
and	
(b) Whether there are any potential challenges that you	Offering immediate indefinite leave to remain in the UK for
can foresee in the approach the Government is taking to	resettled refugees is welcomed, and this package must
help those in genuine need of protection. Please provide	include access to public funding in line with the general
as much detail as you can.	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.

5	The Government wants to change the registration route	o Strongly agree	QARN does not agree with this. Many countries have no system
	for stateless children, who were born in the UK and have	o Agree	for registering foreign births.
	lived here for five years.	o Neither agree nor	
	The Government wants to ensure that those who are	disagree	All children born in UK should be given citizenship if their
	genuinely stateless can benefit. People should not be	o Disagree	parent/s request this. It is, for example, unreasonable to expect
	able to acquire these benefits if they purposely fail to	o Strongly disagree	someone who has fled persecution to make their whereabouts
	acquire their own nationality for their child.	o Don't know	known to the offending State services by applying for citizenship
			of their children, whether or not their claim for asylum has been
	To what extent, if at all, do you agree that this is the right		accepted in UK.
	approach? o Strongly agree o Agree o Neither agree nor		
	disagree o Disagree o Strongly disagree o Don't know		
6	The law currently allows some discretion around	o Strongly agree	
	naturalisation, to account for exceptional circumstance.	o Agree	If discretion enables a more relaxed approach then we strongly
	However, it is currently an un-waivable requirement that	o Neither agree nor	agree .
	a person must have been in the UK on the first day of	disagree	
	their 5 (or 3) year residential qualifying period.	o Disagree	
		o Strongly disagree	

	The Government is seeking to change the law so that	o Don't know	
	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?		
7	Please use the space below to give further feedback on	Open question	People seeking asylum may have a passport from their
	the proposals in chapter 3. The Government is keen to		originating country, but it is not right to expect them to also
	understand: (a) If there are any ways in which these		apply for the same for their children born in UK. To make such
	proposals could be improved to make sure the objective		an application may put someone at increased risk of harm to
	of correcting historic anomalies in our nationality laws is		themselves, and/or to their family back 'home'. It would not be
	achieved; and (b) Whether there are any potential		right to deprive these children of British nationality on the basis
	challenges that you can foresee in the approach being		that their parents did not feel able to register them elsewhere.
	taken to reform nationality laws. Please provide as much		
	detail as you can.		

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.

8	The UK Government intends to create a differentiated	Open question	QARN believes that this is a disgraceful proposition. It takes no
	approach to asylum claims. For the first time how		account of the fact that people fleeing for their lives will not be in
	somebody arrives in the UK will matter for the purposes of		a position to find out what the government regards as a "legal"
	their asylum claim. As the Government seeks to implement		route. They often do not know where they are going. Their sole

	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.
9	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?	Open question	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 caseowners, 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.
10	The Government is aware that currently it can take many months to consider asylum applications and intends to	Drag and drop to rank options	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

ensure that claims from those who enter the UK illegally is exacerbated by the hostile environment and culture of disbelief are dealt with swiftly and efficiently. in which applications for asylum are considered. To help achieve this, in your view, which of the following All accommodation for asylum seekers must meet recognized steps would be the most important? Please rank the standards of safety, spaciousness, light, cleanliness and warmth. If following statements from most to least important. full-board arrangements are made, food must be nutritious and 1. To use asylum processing centres to accommodate must be prepared and delivered hygienically. those who enter the UK illegally, whilst they await the outcome of their claim and / or removal from the UK. The Government has allowed the use of 'contingency units' 2. To have an expedited approach to appeals, particularly that are clearly unsuitable at best and dangerous to people's where further or repeat claims are made by the individual. physical and psychological well-being in their acceptance of 3. To ensure there are set timescales for considering claims conditions in Napier and Penally camps. It has become clear and appeals made by people who are in immigration that people living in these places, and so any similar detention, which will include safeguards to ensure 'reception centre' are not protected by rules governing the procedural fairness. This will be set out in legislation. treatment of detainees, although the conditions therein are 4. To ensure those who do not qualify for protection under similar in many ways. They are worse off in fact that the Refugee Convention, but who still face human rights detainees. It is not an answer, they should be in the risks, are covered in a way consistent with our new community. approach to asylum. 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 o Very effective There is no credible and safe 'scientific' evidence of age by which The Government is committed to strengthening the framework for determining the age of people claiming o Fairly effective to assess young people 'accurately'. If people pose as children asylum, where this is disputed. This will ensure the system 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 workers are able to make reasonable initial assessments of age. Currently, an individual will be treated as an adult where their physical appearance and demeanour strongly suggests they are 'over 25 years of age'. The UK Government is exploring changing this to 'significantly over 18 years of age'. Social workers will be able to make straightforward under/over 18 decisions with additional safeguards.

• Creating a statutory appeal right against age assessment decisions to avoid excessive judicial review litigation.

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	Open question	QARN does not agree with any of the proposals in Question 10.
	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 cenrechallenges that you can foresee in the approach being taken around asylum reform. Please provide as much detail as you can.		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
			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.

Chapter 5: Streamlining Asylum Claims and Appeals These questions relate to chapter 5 of the New Plan for Immigration. Please refer to this chapter for more information.

16	The Government believes that all those who are subject	o Strongly agree	QARN sees these proposals as simply a statement of what is
	to the UK's immigration laws, including those who have	o Agree	already in place.
	arrived here illegally or overstayed their visa, should be	o Neither agree nor	
	required to act in good faith at all times. Currently, the	disagree	The reasons for people withholding or distorting information are
	system is susceptible to being abused and there has to be	o Disagree	many and varied, and based on a need to survive, and
	an onus on individuals to act properly and take steps to	o Strongly disagree	understandable lack of trust given their experiences before
	return to their country of origin where they have no right	o Don't know	leaving their country and upon arrival in UK.

	to remain in the LIV. This duty will each to server		
	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.		
17	The Government propose an amended 'one-stop	Open question	People who arrive here are traumatised and therefore not in a
	process' for all protection claimants. This means		position to explain their situation coherently in front of strangers
	supporting individuals to present all protection-related		within an intimidating system which they do not understand.
	issues at the start of the process. The objective of this		
	process is to avoid sequential and last-minute claims		If they have left a situation of war, chaos and terror, they will not
	being made, resulting in quicker and more effective		have been in a position to gather up all the evidence they will
	decision making for claimants. Are there other measures		need for an asylum claim. It can take many months to gather such
	not set out in the proposals for a 'one-stop process' that		evidence especially if the situation in the country of origin
	the Government could take to speed up the immigration		deteriorates to hinder communication.
	and asylum appeals process, while upholding access to		
	justice? Please give data (where applicable) and detailed		
	reasons.		
		1	1

18	Please use the space below to give further feedback on	Open question	Time and again it has been shown that the Home Office itself does
	the proposals in chapter 5. In particular, the Government		not always act in good faith. They have an often careless attitude
	is keen to understand: (a) If there are any ways in which		to evidence which has been submitted, documents get lost, claims
	these proposals could be improved to make sure the		against the applicant are made which do not bear any relation to
	asylum and appeals system is faster, fairer, and		reality.
	concludes cases more effectively;		
	(b) Whether there are any potential challenges that you		There needs to be a radical shift away from the hostile
	can foresee in the approach the Government are taking		environment we see and the culture of disbelief, to a genuine fair,
	around streamlining appeals. Please provide as much		compassionate, welcoming, and safe environment.
	detail as you can.		

Chapter 6: Supporting Victims of Modern Slavery These questions relate to chapter 6 of the New Plan for Immigration. Please refer to this chapter for more information.

19	Please use the space below to give further feedback on	Open question	It is not clear how the victims of modern slavery are treated when
	the proposals in chapter 6.		they have been trafficked into illegal activities. One such victim
	In particular, the Government is keen to understand:		who had been forced to work in a cannabis factory was detained
	(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		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.
	as you can.		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.

Chapter 7: Disrupting Criminal Networks Behind People Smuggling These questions relate to chapter 7 of the New Plan for Immigration. Please refer to this chapter for more information.

20	This question relates to the proposals to overhaul the	o Strongly agree	
	Clandestine Civil Penalty Regime in chapter 7 of the	o Agree	
	New Plan for Immigration.	o Neither agree	
	The Government recognises that there is an ongoing	nor disagree	
	threat posed to the haulage sector by those who view	o Disagree	
	clandestine concealment in goods vehicles as a means	o Strongly	
	to enter the UK illegally.	disagree	
	5 ,	o Don't know	
	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?		
21	This question relates to the proposals to overhaul the	The current	
	Clandestine Civil Penalty Regime in chapter 7 of the	maximum penalty	
	New Plan for Immigration.	(£2000 per	
	The Government aims to provide a fair and	clandestine	
	transparent charging framework that addresses more	migrant)	
	severe breaches of the Clandestine Entrant Civil	 Other amount 	
	Penalty Code.	(please specify)	
	The Government proposes an increase in the level of	 Don't know 	
	penalty.		
	penalty.		

	What level of fine (per clandestine migrant) do you		
22	think is appropriate?		
23	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	Open question	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.
	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		Any penalties imposed have to be consistent with justice and the right of appeal, access to Judicial Review, etc.
	taking to defend the border. Please provide as much detail as you can.		It is not clear what approach the government is taking to defending the UK border other than by bilateral agreement with France.

Chapter 8: Enforcing Removals including Foreign National Offenders (FNOs) These questions relate to chapter 8 of the New Plan for Immigration. Please refer to this chapter for m ore information.

24	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. I		
	n 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		
25	4. Other length of time (please specify and explain your answer)		
26	Please use the space below to give further feedback on the proposals in chapter 8.	Open questions	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.

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 geopolitical 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.