

SVP Policy Briefing: New Plan for Immigration (short version)

The Home Secretary, Priti Patel, has announced on the 24th March 2021 the Government's "[New Plan for Immigration](#)". The new plan was launched alongside a consultation (closing on the 6th May 2021). Following the consultation, the government is planning on introducing a bill to enshrine the proposals into UK Law.

Summary

The New Plan for Immigration (NPI) has been awaited by the sector for some time. This plan focuses on the need to be tougher on so-called "illegal migration", traffickers as well as reducing the number of routes available to people who want to seek asylum in the UK. The plan has three stated objectives:

- Increase the fairness of our asylum system.
- Reduce "illegal" entry into the UK and reduce people smuggling.
- Grant more powers to remove those deemed to be here "illegally".

Although there are some welcome proposals, the overall tone and policy proposals are worrying. The use of the term "illegal migration" in the plan is dangerous, and in some cases technically incorrect. The overall narrative reinforces the 'good vs bad' migrant narrative and exploits concerns around limited resources by claiming for example that "if left unchecked, illegal immigration puts unsustainable pressures on public services". This kind of rhetoric plays into populist fears of migration and seriously risks fostering racial discrimination and violence.

Claims that those who "passed through safe European countries before making unnecessary and dangerous journeys – including by small boat – to reach the UK" are "illegal" are technically incorrect. **This is a key flaw of the plan as this description is highly misleading, and possibly in breach of the Refugee Convention.** Given the geographical position of the UK, it is technically impossible for a person to arrive on UK soil and claim asylum without passing through a European country. **This implies that people's claim for asylum shouldn't be based on need but on their mode of transport. Many experts, lawyers and barristers have pointed out that this plan's use of the term "illegal migration" simply does not exist in law and is not used correctly.**

In principle we share the government's concerns around the complexity of the current asylum system and welcome making the system less complex and bureaucratic. However, this ambition **should not be used to criminalise people who are simply**

seeking a better life and safety. It is also concerning that the need to ‘simplify the system’ is being used to justify eroding an essential system of checks and balances which helps ensure people are given a fair assessment and can seek re-assessment should they feel their case has been unfairly assessed. Particularly concerning are proposals to eliminate existing tools to ensure claims are assessed effectively (such as Judicial Review) and to place more financial burden on charities and pro-bono lawyers providing advice to asylum seekers.

Summary of the key proposals

- **Resettlement:** Welcome focus on the need for resettlement. However, there is no detail on how many refugees the government is committed to resettling. The document simply states that numbers will be subject to ongoing review. No information is provided on the Syrian Vulnerable Person Resettlement Scheme (VPRS) commitments.
- A positive proposal is that under the new scheme refugees resettled to the UK will be granted immediate indefinite leave to remain. This is welcome news as it will allow people to integrate better and allow them to start rebuilding their lives in the UK.
- **Family Reunion:** We welcome the ongoing commitment to family reunion routes. There are plans to review the family reunion route and specifically it will consider if it will add unmarried dependent children under the age of 21 (currently it's 18) to join their parents (only where both parents are living in the UK). This is welcome however we would support a broader definition of ‘family’ as current rules leave thousands of families separated.
- **New Humanitarian Routes:** This is potentially good news. This will allow the Home Secretary to make ad hoc decisions and offer discretionary assistance to people facing persecution in their country because of protected characteristics (gender, religion etc.).
- **Refugee integration:** Some welcome points here as the focus is on being more effective at helping refugees in rebuilding their life in the UK. The focus is on finding ways of helping people find employment. £14 million have already been committed to a programme to help refugees get into work.
- **Criminalise so-called “illegal” entry in the UK:** This is possibly one of the most worrying proposals as it effectively removes any route for people who want to claim asylum in the UK. Because asylum can only be claimed once on UK soil, and because of the geographical position of the UK, it will be effectively impossible for



most people to claim asylum in the UK. The paper states that the government will “Ensure those who arrive in the UK, 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”. **This implies that people’s claim for asylum shouldn’t be based on need but on their mode of transport. Many expert lawyers and barristers have pointed out that this plan’s use of the term “illegal migration” simply does not exist in law and is not correct as used in the document.**

- Introduce a **new temporary protection status** for people who are inadmissible but cannot be returned to their country of origin: This is a concerning system as it may leave people in limbo for up to 30 months, without any clarity or security as to the kind of protection they may be entitled to.
- **Make it possible for asylum claims to be processed outside the UK and in another country:** This is another highly problematic proposal. This would be a similar model to the Australian one (who assess claims on the island of Nauru). This model is highly controversial and has attracted widespread criticism by human rights groups. Details are not provided, but it is expected that the UK will set up ‘assessment’ centres on some of its [territories offshore](#).
- Use **new scientific methods to accurately assess age (to prevent adults claiming asylum as minors):** this is an issue often discussed in public settings, however there are a very small number of cases in which this has occurred. In principle, and unless these methods are invasive and at risk of invading someone’s rights, there is no issue with improving the way in which the system works.
- **Legislate so that front-line immigration officers and other staff who are not social workers are able to make reasonable initial assessments of age:** This is highly problematic. Allowing immigration officers who often do not have the appropriate training to make this decision will risk many asylum claims being dismissed.
- **Provide more support for legal advice:** In principle this is great news, however it remains to be seen what this will entail (legal aid funding?, grants for immigration advice charities?).
- One of the most contentious points is **expanding the recoverable costs to cover Judicial Review (JR)**. This means that charities and pro bono immigration advisers will need to cover more of the cost, which is likely to deter many immigration advisers from taking cases to JR and therefore ensure claims for asylum can be appealed and re-assessed by someone other than the Home Office.
- **Increasing criminal offences for illegal entry and facilitating entry:** Currently entering and/or being in the UK without status carries a penalty of 6 months

imprisonment and a fine. The plan proposes increasing the maximum penalty as a deterrent and proposes including “those seeking to enter the UK illegally”.

- The plan proposes **introducing new powers to Border Force** to enable them to “stop and redirect vessels out of UK territorial seas” if suspected to be facilitating illegal entry to the UK. This is another highly contentious and problematic proposal. The increased militarisation of borders should be of concern as it will unlikely act as a deterrent for people trying to enter the UK, but rather will likely lead to many more deaths at sea. European countries such as [Italy](#) have taken similar measures and ministers responsible were charged with serious charges related to putting the lives of migrants at risk.
- A slightly odd proposal is to suggest that should countries fail to cooperate to ‘take back’ their own nationals who are Foreign National Offenders (FNO) in the UK, the government will consider “whether to more carefully control visa availability” (for nationals of that country). This is a bizarre proposal which will likely cause diplomatic rows.