



Welsh Refugee Council
Empowering asylum seekers and refugees
to build new futures in Wales

New Plan for Immigration - WRC Response being made via online portal.

In addition, WRC has feed in via:

- Deep Dive sessions run by the Home Office.
- Extra Strategic Engagement Group session with Home Office Officials in attendance.
- Three 1:1 conversations with the Director of the New Plan for Immigration, one of which included our Human Rights Lawyer/Trustee.
- CEO Interviewed by Britain Thinks, on how we feel the Home Office have/have not engaged.
- Adding our name and support to feedback letters from Crisis, Stakeholder Engagement Group (SEG), Women for Refugee Women, Detention Subgroup.
- Taking part in upcoming Together with Refugees Rally

1. Leading questions:

Many questions are presented as a statement that are difficult to disagree with.

For instance, Question 2 (B) asks respondents to indicate whether “reforming legal processes to ensure improved access to justice” will “effectively” increase the fairness of UK asylum system. Improving the access to justice will make the system fairer. But the proposal introduces the “Fixed Recoverable Costs” to the immigration -related judicial review (including Asylum case). The winning party can recover legal cost from the losing party. And the proposal also encourages the court to use “Wasted Cost Orders” in the immigration and asylum matters. This will increase the potential cost and deter immigration lawyers and asylum applicant to bring judicial reviews against the Home Office. These reforms would not improve the access of justice.

Similarly, a part of Question 4 ask respondent to indicate whether “enhancing support provided to refugee to help them integrate into UK society and become more sufficient more quickly” will “effectively” help the refugees fully contribute and integrate to society. More funding and support will help refugee integrate into the society. But the proposal has little details on the support that are going to provide to refugee.

2. Misinterpretation:

Question 2 (G), 4 and 5 are framed on the idea of legal journey/route. “Illegal journey” is a flawed concept, because no one can travel illegally if they are seeking asylum. As UNHCR points out, “It is not illegal to seek asylum – the right is universal – whatever the means of travel or way of arrival”, because it is recognized that “asylum seekers are often unable to travel and arrive in a country via regular means”¹.

Meanwhile, part of the Question 19 is framed on the idea of “safe country”. The question assumes that refugees must make an asylum claim and stay in the first “safe country” that they pass. But it is not true under the UN Refugee Convention. UNHCR points out that “Convention does not require refugees to claim asylum in the first safe country they reach, or make it illegal to seek asylum if a claimant has passed through another safe country”².

These questions seem intentionally misleading respondents by creating an impression that asylum seekers in the UK is illegal.

3. Misleading Information:

Question 9 implies that the current immigration rules allow children to join their family members in the UK. But immigration rules do not permit this in asylum cases. And allowing unaccompanied children to join their family and claiming asylum with their family in the UK were possible under the Dublin III Regulation. But this legal route of entry is removed since the UK withdrew from the Regulation following Brexit. Making a distinction between unaccompanied asylum-seeking children in the EU and those outside the EU that want to reunite with family members in the UK misleads the public.

4. Blurring the line of “illegal immigrant” and “asylum seeker”:

Question 19 blurs the line between “illegal immigrant” and “asylum seeker”. They are two different concepts. Under the international law, crossing an international border for asylum is legal. And all asylum seekers are allowed to stay in the UK while their application is pending. Therefore, there is no such thing as an “illegal asylum seeker”. And “asylum seeker can only become illegal immigrant if he or she remains in the UK after having failed to respond to a removal notice”³.

5. Lack of Evidence:

Question 28 is based on the assumption that many asylum seekers and their advocates do not “act in good faith”. However, Home Office does not provide evidence to support this assumption.

¹ [UNHCR - UK Immigration and Asylum Plans – Some Questions Answered by UNHCR](#)

² [UNHCR - UK Immigration and Asylum Plans – Some Questions Answered by UNHCR](#)

³ [House of Commons - Home Affairs Committee: \(parliament.uk\)](#) Note 77.

Suggestions:

1. A Wider Definition of Persecution (Question 22)

The Refugee Convention was established 70 years ago. At the time of drafting the convention, the term persecution does not cover "a person or group suffering from some type of incessant prejudice" like gender and sexuality-based persecution, and states were regarded as the only the agent of persecution. In today's world, the agents of 'persecution' are no longer necessarily state actors, it could be non-state actors, or even sub-state actors, rebels and militia⁴. For the UK to better protect the vulnerable people, Home Office needs to ensure a wide, rather than narrow definition of persecution.

2. Safe Route (Question 33)

This proposal closes safe and legal routes (like withdrawing from the Dublin III Regulation), it will push more people to take dangerous journeys. The only way to make a safer route for asylum seekers is to open more route for them to make asylum claim. Then asylum seekers will not have the intention to make the "unsafe journey". Therefore, allowing asylum application to be make in a third country could potentially reduce the incentive of asylum seekers to undertake the dangerous journey.

Disagree:

1. Create a two-tier system (Question 20)

The new proposal proposes a differential treatment according to how refugees enter the UK. It essentially creates a two-tier system.. It is unfair because it penalizes individuals who enter the UK informally and travelled through what the Home Office regards as a safe country. Under Refugee Convention, it is legal to enter UK informally to claim asylum and it does not require asylum seeker to claim asylum in the first safe country they reach. Many people arriving via unauthorised routes could still have strong asylum claims. There is no solid to penalise these individuals.

2. New Reception Centres (Question 23)

The large-scale asylum accommodation has been proved problematic recently. For instance, Penally camp was overcrowded. Due to its remote location, there was a lack of access to health care, legal advice and support services⁵. It is not suitable for those that need support. Unless these types of accommodation are

⁴ McFadyen, G (2012) The Contemporary Refugee: Persecution, Semantics and Universality, *eSharp*, Special Issue: The 1951 UN Refugee Convention -60 Years On, pp. 9-35

⁵ <https://committees.parliament.uk/writtenevidence/22327/pdf/>



well managed and supported, the proposal to continue this type of accommodation are irresponsible.

3. Age Assessment (Question 24)

Under the proposal, Home Office plans to introduce the “scientific methods” to improve the accuracy of age assessments. But scientific methods cannot determine age definitively. The recent Home office Guidance recognises that scientific methods can only estimate age and consequently there will always be a margin for error⁶.

And the proposal also plans to allow immigration officers, rather than social workers, to make “to make reasonable initial assessments of age”. The problem is that conducting age assessments is a complex and specialist work, immigration officers do not have sufficient experience and knowledge to carry out assessment.

4. Removal of support from failed asylum-seeking families (question 38)

Without the right to work, the proposal will force these group of people into destitution and homelessness. They are more likely to “drop out of sight” and “live off the radar”. It will be more difficult for Home Office to maintain and manage the asylum system effectively.

*all the signed question numbers are from the Stakeholder questionnaire (PDF Form).

⁶ [Assessing age asylum casework guidance \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)