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Gatwick Detainees Welfare Group

Our response to the New Plan for Immigration

The Government's proposed *New Plan for Immigration* claims to be 'fair but firm'. Whilst we agree that improvements are urgently needed in the immigration system, we believe this plan is anything but fair. Instead, it creates a 2-tier system which discriminates against any asylum seeker seeking safety in the UK, who is not part of a resettlement programme: that is, the majority of asylum seekers in the UK. It punishes those who feel forced to make desperate journeys. The New Plan breaches the UK's commitment to the Refugee Convention:

Article 31: The Contracting States shall not impose penalties, on account of their illegal entry or presence, on refugees who, coming directly from a territory where their life or freedom was threatened in the sense of article 1, enter or are present in their territory without authorisation, provided they present themselves without delay to the authorities and show good cause for their illegal entry or presence.

In this document we summarise some of the key points from the proposals, highlight some areas that particularly relate to our work and suggest ways that you might respond. We recognise that the consultation process itself is fraught with issues of concern, namely the short period of the consultation and the exclusion of consultation with people with lived experience of detention. We suggest that if you have any concerns about the consultation, you share these with your MP. However, whilst the consultation is itself problematic, we suggest that you still please participate in the online consultation. We understand that the Home Office have put out paid adverts on Facebook, meaning there will likely be many responses by government supporters targeted for their support for Priti Patel's immigration policies. It is likely that the Home Office will quote data from the online consultation to justify any policy changes. Therefore, it is important that we counter the narrative in the online consultation so our views are also counted. GDWG will be writing an organisational response, but individual responses are essential and please also ask your friends, family and networks to register their responses online.

You can access the Government's 'New Plan' [here](#).

Summary

In this document we are not presenting a complete summary of the online consultation. We recommend that you read the New Plan itself if possible. In many places throughout the New Plan, proposals are ambiguous, making analysis challenging. As noted by the Refugee Council, many of the proposals in the policy document are not new. They have been explored and dismissed by previous Governments. If you write to your MP, you might like to ask on what evidence the change of policy is based on.

The policy document implies that immigration levels are at a record high, despite the fact that asylum claims in the UK were down by 18% in 2020. Whilst the proposal states that, last year, 62% of asylum claims in the UK were made irregularly, that is in the context of coronavirus, which meant other routes of arrival were not available.

Much of the evidence used in the policy document is incorrect and misleading. For example, though the UK may have higher levels of refugees through resettlement programmes, it has much lower levels of asylum-seekers overall than other European countries.

Patrons: Lord Dholakia OBE, Baroness Helena Kennedy QC

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- **New ‘reception centres’ and potential for off-shore centres (p. 19)**

The New Plan states that the Government intend to build new reception centres and will keep the option open for building these off-shore in the future. Reception centres are detention centres in all but name. As seen by the terrible conditions at Napier Barracks, those in reception centres often have even less access to the limited protections of detention. NGOs struggled to access Napier Barracks to offer support to those held in cramped conditions. There is little access to medical care nor legal advice. Australia offers clear evidence that off-shore detention centres are inhuman and are even less open to scrutiny than the current detention estate.

- **2-Tier system (p. 12; p. 17)**

From the outset, the New Plan reiterates the hostile environment. Free Movement note that the term ‘illegal’ is used 74 times in the document, in reference to asylum seekers. A distinction is established between ‘illegal’ asylum seekers, and those who reach the UK via resettlement programmes. Please note there are currently no such programmes running, and the proposals do not make any suggestion of a future programme. As Enver Soloman, the CEO of the Refugee Council says ‘the Government is seeking to unjustly differentiate between the deserving and undeserving refugee... The reality is that, when faced with upheaval, ordinary people are forced to take extraordinary measures and do not have a choice about how they seek safety.’

Currently, the maximum sentence for entering the UK irregularly is six months. The New Plan proposes to extend this, but it does not clarify what the new maximum sentence would be. Similarly, assisting with irregular migration could now lead to life imprisonment. Whilst this offence was intended to limit human trafficking, it is pertinent to remember that in the latter half of 2020, migrants who were forced to steer small boats to reach safety, were charged with this offence.

People will continue to flee persecution, regardless of the restrictions imposed on asylum seekers once they reach the UK. Creating a 2-tier system will criminalise more people, push more people into destitution, and as Action Foundation recognise, this makes people more vulnerable to exploitation – purportedly what the Home Secretary seeks to reduce.

- **New tests of persecution and modern slavery (p. 18; p. 32)**

The New Plan states that they will set a ‘higher standard for testing whether an individual has a well-founded fear of persecution’. It is already difficult to demonstrate evidence of persecution, and this proposal will make it more difficult for someone to qualify as a refugee. Similarly, the Government plans to remove protections guaranteed to those within the National Referral Mechanism (NRM) for modern slavery to those who have a sentence of 12 months, even if there are ‘reasonable grounds’ that the individual is a victim of modern slavery. This would serve to weaken protections for some of the most vulnerable migrants in society.

If the Adults At Risk (AAR) policy can be used as an indication of how the new test might look, it is likely that even if a person was able to prove they had a well-founded fear of persecution, the Government may undermine this, saying they were unlikely to face persecution if they were returned.

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- **Age assessments (pp. 22-23)**

The New Plan recommends introducing a National Age Assessment Board (NAAB) which would allow immigration officials to make age assessments in place of social workers who currently do such assessments. The culture of disbelief inherent within the immigration system means this would not be an independent assessment but would be prejudiced from the outset.

- **Temporary Protection (p. 20)**

The New Plan proposes weakening the protections afforded by limited leave to remain. The proposals suggest offering protection for a period of 30 months, after which point the individual would have to be reassessed, with the risk of return to their country of origin. The New Plan states 'people granted temporary protection status will be expected to leave the UK as soon as they are able to or as soon as they can be returned or removed'.

This proposal is inhumane and will lead to an increase in anxiety and uncertainty with people unable to settle to begin a new life.

- **Fast-tracking and limited appeals (p. 28)**

The New Plan proposes a 'one-stop' process, whereby rights-based claims are considered at one time, to 'tackle the practice' of making multiple appeals. The language used within the proposal demonstrates a failure to consider the circumstances that people claiming asylum may have been through. It disregards multiple barriers which make it difficult to share histories when claiming asylum (language, PTSD, lack of legal support and trust are a few such barriers). The proposals to give less weight to evidence brought forwards after an initial claim, again would disadvantage some of the most vulnerable people in the immigration system.

The UK's fast-track asylum system was declared unlawful in 2015 and was suspended after being found to be unfair and unjust. The new proposals brief reference to introducing fast-track appeals systems, makes no recognition of it having been previously overturned.

- **Cost to taxpayer (p. 8)**

The New Plan claims that the current immigration system costs the taxpayer £1 billion annually. This cost is self-imposed by the Government who made it illegal for asylum seekers to work. We want the Government to lift the ban and allow those seeking safety in the UK the opportunity to support themselves. Many of the people we work with comment on their frustration at their enforced destitution and desire to have agency and be financially self-reliant.

We have all witnessed at first-hand how the uncertainty and lack of a time limit in detention destroys the mental health of those who are detained. Overall, the proposals set out in the New Plan represent an attempt to make life even more precarious for those we work with. Integration and living out dreams of making a new life are taken away in the New Plan. The vision is one of uncertainty pervading and ever more destroyed lives. The current immigration system is in need of reform; indefinite detention, inadequate asylum housing, and bans on working should not prevail. Though the Government has previously made commitments to reduce the number of people held in detention, there is no reflection of this within the current proposals. No mention is made of recent pilots into

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community-based case resolution such as that took place in Newcastle with Action Foundation. Sadly the Government has wasted the opportunity to propose a safe and humane immigration system. Your participation in the consultation is vital to counter the inhumane narrative being proposed.

Taking Part in the Consultation

The consultation process itself is problematic; mainly consisting of multiple-choice questions for complex matters, asking leading questions, and offering little space for constructive answers. It may feel like a PR exercise rather than a consultation! The consultation is only available in English or Welsh, which make it inaccessible to many of those who are affected by the immigration system first-hand. However, we feel that it is important to take part since in consultation exercises numbers do count.

How to respond to the online consultation:

- 1) Please follow this link to the website: <https://newplanforimmigration.com/en/> and select 'sign up'.
- 2) You will have to register with an email address and then have the option to choose the type of response. Please select 'I am a member of the public submitting a personal response'.
- 3) In the unit 'Introduction to the New Plan for Immigration', the third question, regarding your general views, has a textbox which you can use for your general response. We recommend writing this out on a word-processing document and pasting it into the survey. Make good use of this space to highlight your main concerns with the proposals. We suggest that you include relevant points about detention here and that the proposals do not once mention community-based alternatives.
- 4) We support AVID's advice that you 'express that the policies set out would be highly ineffective at achieving the Home Office's stated goals in the multiple-choice questions, and then to express dissatisfaction with the stated goals and approaches themselves separately in the open-ended questions'.
- 5) You do not have to answer every question. To ensure you have seen all of the available questions, click 'show more' on the homepage. Once you have submitted your answers you will not be able to edit nor see them. If you would like to save a copy of your responses for future reference, you may like to take a screenshot of your answers before submitting.

Further Suggestions:

- 1) **Write to your MP** – When you have made an online submission, if you would like to reiterate your views to your MP, we'd love to read their response. You may wish to include the points we have mentioned above, but we recommend you personalise your letter with details of your experiences supporting those within the immigration system, without sharing any identifiable details. Remember to include your name and address, as MPs will not consider your letter unless it is clear you are one of their constituents. If you wish to mention the failings of the consultation process, you may like to mention the [Gunning Principles](#) that frame what a satisfactory consultation looks like.

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- 2) **Email 'Britain First'** - When you have made an online submission, you may like to give your views in more detail by email. If so, please write **by 30th April**, if you want to respond in a different format to the consultation survey to this email address: newplanforimmigration@britainthinks.com
- 3) **Share the Consultation with your networks.** The more people who respond to this, the more effective it will be. Email your friends, family, and share on social networks. The deadline is **4th May**.
- 4) **Ensure the voices of those who have experienced detention are heard.** If you are a GDWG visitor, you may include thoughts from those you are supporting, though again being careful not to cite any identifiable details. You may be in touch with people who have experienced detention who might like to take part in the online consultation. We shall be working with our community of people with lived experience of detention to ensure their views are submitted. In the online consultation there is only one place where lived experience is called upon – where there is a request for personal experience of electronic travel visas! These are used by a tiny fraction of people!

Please contact GDWG if you have any questions or require further advice. If you'd like to share any thoughts on the New Plan for Immigration in our next newsletter, please let us know.

Further reading:

[Consultation on the New Plan for Immigration: A Guide \(refugeewomen.co.uk\)](http://refugeewomen.co.uk)

[Parliamentary Briefing - The New Plan for Immigration - April 2021 - Refugee Council](#)

(April 2021)