

Response to the UK Government's consultation on the New Plan for Immigration



Submission from the Scottish Youth Parliament, January 2021

This is a copy of SYP's response, which was submitted via the Citizen's Lab online survey platform.

We chose only to respond to certain questions within the consultation, as outlined below.

This response is based on relevant SYP policy, findings from SYP's 2021-26 manifesto research, and consultation with SYP's External Affairs, UK & International Committee and Equality & Human Rights Committee

The foreword provides a high level outline of the New Plan for Immigration, including reforms to make the system fair, but firm. Overall, how far do you support or oppose what is being said here?

We strongly oppose what has been said in the foreword. Whilst we do agree that more needs to be done to improve the safety and rights of asylum seekers coming to the UK, we do not agree with the nature of the majority of reforms set out within the plan and believe that they will not take us towards this goal.

We will detail why we hold this position in the rest of this consultation. As a brief summary, we note the following comments on the New Plan for Immigration:

- We do not believe that the plan will provide sufficient safe and legal routes for asylum seekers and, therefore, unsafe passage will continue.
- Whilst we do believe that asylum claims should be processed more quickly, we do not believe that a move to a two-tier system should occur.
- Family reunification rights should be extended to all asylum seekers and refugees, allowing simple reunification with a wide range of family members, through a system that is easily accessible to all.
- The UK Government should consider extending reunification rights to young people under the age of 26.
- There should be a new scheme to provide safe passage for unaccompanied child asylum seekers from Europe.
- Scientific methods should not be used to determine the age of an asylum seeker.
- The UK should not use foreign asylum seeker processing center.

The Government recognises the importance of reuniting those who are in the UK who are in genuine need of protection, with their family members. How important, if at all, do you think each of the following proposals would be in meeting this objective?

Based on the responses of MSYPs consulted on this question, SYP thinks the following proposals are very important:

- Reuniting an adult with refugee status in the UK with their spouse or partner, wherever their spouse/partner may be in the world.

- Reuniting an adult with refugee status in the UK with their own child who is under the age of 18, wherever their child may be in the world.
- Reuniting an adult with refugee status in the UK with their own adult child who is over the age of 18, wherever their child may be in the world.
- Reuniting an adult with refugee status in the UK with a close family member (e.g. sister, brother), wherever that family member may be in the world.
- Reuniting an adult with refugee status in the UK with another family member (e.g. uncle, aunt, nephew, niece), wherever that family member may be in the world.

Are there any further observations or views you would like to share about safe and legal routes to the UK for family reunion or other purposes for protection claimants and/or refugees and/or their families that you have not expressed?

When you answer please indicate if your views relate to protection claimants and/or refugees and/or their families in the EU and/or the rest of the world.

The Scottish Youth Parliament (SYP) believes that refugee and asylum seeking children should have the right to join their families in the UK. This policy position was adopted after a mass consultation for our 2021-26 manifesto, where 86% of young people agreed with this statement.

Based on these positions, along with additional consultation with various Members of the Scottish Youth Parliament (MSYP's) and young refugees, we do not believe that the proposals within the New Plan for Immigration are adequate to ensure that all child asylum seekers and refugees have the opportunity to reunite with their family.

Firstly, by mainly limiting the right to reunite only to parents, as opposed to extended family (as per EU law), many young refugees will face a life separated from their relatives. We note that under other parts of the UK's immigration rules, there are provisions that allow children to reunite with wider family members. However, there are strict criteria and high evidential thresholds that mean in practice, very few children qualify. We would therefore like to see this practice end and return to the EU's family reunion rules for the following reasons.

Safe Passage International have highlighted that under these restrictions, 95% of the people they support who were previously able to reunite with family in the UK are no longer able to under the current system. We take the example of Ali, a young refugee seeker interviewed by the Guardian, whose parents died as they fled to safety in Europe. Thanks to the previous regulations, he was able to join his uncle in the UK (<https://bit.ly/3vG1zq4>). Situations like this are not uncommon. This demonstrates the importance of making this system accessible to a wide range of relatives.

We also note that there are high application fees for all routes other than those for children with a parent who is a refugee or has been granted humanitarian protection in the UK, making the UK's rules a lot more restrictive than the EU's family reunion rules. We believe this should not be the case.

Furthermore, in order to complete their application for a family reunion visa, family members must attend a Visa Application Centre (VAC) to have biometrics taken, to submit a passport or identity document and to collect the decision on their application. However, research by the British Red Cross has found that, frequently, already vulnerable individuals are put at risk, by having to make long, dangerous and unnecessary journeys to

reach VACs. Under EU Law, children do not have to go to VAC and we believe this should be the same for those seeking to come to the UK.

As SYP classifies a young person as someone under the age of 26, and we believe that young people should have the right to reunite with their family members, we call on the UK Government to consider extending these rights to those above the age of 18. Studies show that many young people continue to require additional family support at the transition to adulthood and those seeking asylum should also have this opportunity.

We are also concerned about the impact a two-tiered system would have on family reunification rights. We believe that these rights should not be contingent on how someone enters the country and should be something all asylum seekers and refugees should have a right to. When speaking to a group of young refugees and asylum seekers about this issue, one young person told us that 'I think it is a right to be reunited with your family. It is not right not to have that right.' An MSYP also told us that 'How you enter the country should not matter- all that matters is that you were fleeing persecution/war'. We believe this change moves our asylum system away from having people's safety at its core.

We also believe that these restrictions would increase reliance on illegal and risky methods. Research by UNHCR shows that children are particularly likely to resort to people smuggling when access to family reunion is delayed or at risk. They are also particularly vulnerable to sexual exploitation, trafficking and forced labour. We therefore believe that the routes for family reunification and propose two-tiered system are not adequate enough to move asylum seekers away from these dangerous methods, as set out as part of the New Plan for Immigration aims.

Finally, we are disappointed to see that the plan does not offer safe routes for unaccompanied asylum-seeking children in Europe. 480 unaccompanied children from Europe came through the Dubs scheme, which has now closed with nothing to replace it. Our members have backed Safe Passage's Our Turn campaign, which asks the UK Government to welcome 10,000 at-risk child refugees over the next 10 years as part of a new child resettlement scheme.

The new resettlement scheme has no commitment to children or to children in Europe. In addition to this, only 0.08% of refugees globally are selected for resettlement and only 99 unaccompanied children came through the previous resettlement scheme. As a resettlement scheme is currently the only proposed legal route to seek refuge, we do not believe this will be sufficient to support refugees and will only encourage illegal entry routes.

No safe route will mean that children will continue to risk their lives across the channel. More than 12,000 unaccompanied children were granted asylum by the UK between 2010-2020. Research by Safe Passage shows that over 10,000 of those unaccompanied children were forced to come dangerously because they could not access a safe route.

We believe that the government should provide a new safe route to sanctuary in the UK for children currently in Europe, including those without family links to the UK. Such a scheme should ensure that vulnerable children are relocated to the UK, providing a safe alternative to risking their lives in lorries and dinghies.

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 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?

We strongly disagree with all of the following proposals:

- 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 demeanor strongly suggests they are 'over 25 years of age'. The 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.

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 the 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.

Some of our members did note their belief that there is a need to ensure that those seeking asylum can be processed quicker. They commented on how the lack of progress to their claims can impact their physical and mental health and lead to some getting 'lost in the system.

However, the overall consensus was that this plan (and most of its aims) is not the correct way to achieve this and that move towards a two-tiered system creates many issues.

Primarily, we do not believe that the proposed changes provide sufficient legal routes to the UK to prevent asylum seekers using illegal routes. The proposal for a new resettlement scheme, as the only legal route to enter the UK (bar the traditional immigration process) concerns us. SYP has criticised previous schemes for not being as comprehensive as the worlds asylum seekers required.

As noted in a previous answer, the new resettlement scheme has no commitment to children or to children in Europe. In addition to this, only 0.08% of refugees globally are selected for resettlement and only 99 unaccompanied children came through the previous

resettlement scheme. As a new resettlement scheme is currently the only proposed legal route to seek refuge, we do not believe this will be sufficient to support the majority of asylum seekers.

No safe route will mean that asylum seekers will continue to risk their lives across the channel. More than 12,000 unaccompanied children were granted asylum by the UK between 2010-2020. Research by Safe Passage shows that over 10,000 of those unaccompanied children were forced to come dangerously because they could not access a safe route. We therefore believe that this will not adequately help those in need nor will it reduce the rates of illegal entry into the UK.

Furthermore, due to the lack of options for legal passage this plan provides, as well as the general principles behind the concept of asylum, we also not believe 'inadmissible' claimants should have limited rights. Some of our members felt that the concept in general felt like the UK was neglecting international responsibility and were concerned it could breach international law. Alongside the concerns around how this would affect family reunification rights, they also felt concerned about whether judgements around whether it is safe to return someone to the home state would be fair.

MSYPs have also noted that this system will help to create or perpetrate ideas about asylum seekers:

'It is legitimising a harmful narrative and concept. It adds to the idea that people are here for dangerous reasons.'

'Helps make the divide between 'us' and 'them' clear'

Another highlighted that, by preventing those in countries deemed 'safe' from legally coming to the UK, we could continue to let those people live in risk. For example, in countries where Islamophobia is prevalent some seeking refuge may continue to face persecution.

We therefore do not support the move towards a two-tiered system as proposed in the New Plan for Immigration and call for more extensive safe passage routes.

'Scientific' age assessments

We also do not support the proposal to move towards utilizing 'scientific' assessments of age and believe that its inaccuracies this will lead to dangerous situations for child asylum seekers. MSYPs have noted the following concerns around the accuracy of this approach:

- Skepticism over whether this is possible
- This could be racist and be biased towards the ethnicities that were or were not used in the studies to determine them
- Different people from different countries age differently - e.g. in South Sudan the average height is over 6 foot

These concerns are shared by others from the children's rights and social work sectors. Stewart MacLachlan, senior legal and policy officer at Coram Children's Legal Centre, said:

"There is no accurate way to assess age, and an increased focus on medical or 'scientific' methods will cause further confusion, as well as raising significant ethical issues."

He also notes that this process would have a wide margin of error. “The new proposals on the framework for assessing age are deeply worrying. They will increase the already real risk to children of being placed in accommodation with adults or held in adult detention centres.”

Social Workers Without Borders (SWWB) have said that the plan “fails to recognise the very serious safeguarding concern for children being wrongly assessed as adults and ending up unsupported in adult accommodation or detention facilities”.

We echo these concerns about the risk this poses to children, who could be treated and processed as adults.

Furthermore, MSYPs have also highlighted how this could be traumatic for those who have suffered trauma (which many of those seeking asylum have). It also helps to dehumanise refugees and make them out as ‘a problem rather than people’.

Foreign Processing Centers

Finally, we do not agree that the UK should seek to utilise foreign processing centers. Based on their knowledge of similar provisions in other nations, our members raised concerns around the conditions asylum seekers would face, the high rates of suicide this can lead to and their inability to integrate with a community during this process.

We note that this reflects the position of partners, such as Amnesty International, on this issue.

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