

Catholic Union Briefing on the New Plan for Immigration

3 July 2021

The [New Plan for Immigration](#) (NPI) sets out UK Government proposals to reform the immigration and asylum system. It has three objectives:

1. “to increase the fairness and efficacy of our system so that we can better protect and support those in genuine need of asylum”.
2. “to deter illegal entry into the UK, thereby breaking the business model of people smuggling networks and protecting the lives of those they endanger”.
3. “to remove more easily from the UK those with no right to be here”.

How does the Government plan to achieve these objectives?

The NPI will establish, for the first time, a two-tier system which will differentiate asylum claims based on whether a person has arrived in the UK legally or illegally. An outline of these two systems can be seen below.

“Safe and Legal” Routes

Under the proposals, Asylum Seekers who arrive in the UK via “safe and legal routes” will receive an enhanced level of support and strengthened rights. For example, the Government will grant resettled refugees immediate indefinite leave to remain on their arrival. Having already committed £14 million to the “Refugee Transitions Outcomes Fund”, the NPI indicates that the Government will develop a package of tailored support including language training, skills development and work placements to “help refugees build their lives”.

While the NPI does not offer a definition of what constitutes a “safe and legal route”, it does mention the following examples:

- Resettlement Schemes.
- Community Sponsorship Programmes.
- Entry via the points-based immigration system.
- Family Reunion route allowing relatives to join those who arrived in the UK legally.
- A new procedure to allow the Home Secretary to offer discretionary assistance to people still in their country of origin, allowing them to enter the UK in “specific and compelling circumstances” where the person’s life is at risk.

Illegal Routes

The plan states that “anyone who arrives into the UK illegally - where they could reasonably have claimed asylum in another safe country – will be considered inadmissible to the asylum system”. People who fit into this category will be notified that the UK will seek to return them to a safe country. Contingent on the securing of returns agreements, the Government will try to return inadmissible asylum seekers to the safe country of most recent embarkation. It will also pursue agreements to effect removals to alternative third safe countries.

The NPI also outlines plans to establish new “asylum reception centres” to provide basic accommodation. This will end the use of hotels as temporary accommodation for those who have entered illegally. Furthermore, the Government will also maintain the facility to detain people where removal is possible “within a reasonable timescale”.

If an inadmissible person cannot be removed, the Government will be obliged to process their claim. If the person did not come to the UK directly, did not claim without delay, or did not show good cause for their illegal presence, they will be considered for 'temporary protection'. This status will be granted for up to 30 months, after which individuals will be reassessed for return or removal. People granted temporary protection status will not have an automatic right to settle in the UK and will be expected to leave as soon as they are able.

Reforms to claiming asylum and the appeals process

The proposals also outline reforms to the process of claiming asylum and making an appeal. The NPM discusses the introduction of the following:

- A new *'one-stop' process* that will require people to raise all protection-related issues upfront and have these considered together and ahead of an appeal hearing where applicable. This includes grounds for asylum, human rights or referral as a potential victim of modern slavery. Minimal weight will be given to evidence a person brings after they have been through the one-stop process.
- A *'Good Faith' requirement* that will apply to the person making the claim and those who represent them. This means bringing any claims as soon as possible, telling the truth and leaving the UK when individuals have no right to remain. Failure to act in Good Faith may be considered when the Home Office or judge assess the credibility of someone's claim.
- A "more rigorous" standard of testing a claimant's *"well-founded fear of persecution"*. The definition of 'persecution' will be set out in statute. The test will determine:
 - If the person is who they say they are and that they are experiencing genuine fear of persecution. This will be proven to the standard of "balance of probabilities" and will include a *credibility assessment*. This assessment will consider the opportunities a person had to claim asylum in other countries and if their claim is "contradictory".
 - Whether the claimant is likely to face persecution if they return to their country of origin. This will need to be proven to the standard of "reasonable likelihood".
- A new fast-tracked appeals process for cases that are deemed to be manifestly unfounded or new claims made late. This will include late referrals for modern slavery insofar as they prevent removal.
- A shift towards expedited appeals that will be progressed online where appropriate with issues "narrowed". For cases that do proceed to a final hearing, hearings will be shorter and "more focused". There will also be an "accelerated appeal process" for those in detention.
- An extension of *"Fixed Recoverable Costs"* and *"Wasted Cost Orders"* in immigration and asylum cases. This would specify in advance the amount in legal costs that the winning party can recover from the losing party. The plan states that "both sides will benefit from a greater degree of certainty about the potential cost and risks attached to contesting a case".
- A *"National Age Assessment Board"* to set out the criteria, process and requirements to be followed to assess age. Legislation will allow front-line immigration staff and other staff who are not social workers to make an initial assessment of age. The age of which a person will be treated as an adult following such an assessment will change from "over 25" to "significantly over 18".
- A potential increase in the *"Reasonable Grounds threshold"* used when deciding if a person is a genuine victim of modern slavery. In addition, the definition of "public order" will be clarified to enable the UK to withhold protections afforded by the National Referral Mechanism where there is a link to serious criminality or risk to national security. The NPM cites "an alarming increase" in the number of people, including Foreign National Offenders, seeking modern slavery referrals as the reason for these changes.

Proposals for tougher sentences and new powers

Since the Government's objective is to deter illegal entry into the UK and break the business model of people smugglers, the NPM sets out a range of tougher sentences and new powers:

- To make “seeking to enter the UK illegally” a criminal offence and to increase the maximum penalty.
- To increase the maximum sentence for those facilitating illegal immigration from 14 years to life.
- To strengthen the powers of the Border Force, including the ability to return intercepted vessels to the country from which they started their journey. This, however, will be subject to that country agreeing to returns.
- To increase penalties for failing to secure a vehicle against illegal entry, regardless of whether someone is found inside.
- To increase the maximum sentence for Foreign National Offenders who return to the UK in breach of a deportation order from 6 months to 5 years.

Catholic reaction to the New Plan for Immigration

The proposals have been met with criticism from various Catholic organisations. In its '[Joint Letter on the New Plan for Immigration](#)', the *Bishops' Conference of England and Wales* voiced its opposition to “any move to treat differently those forced to risk their lives or make difficult journeys to reach safety and those who are selected for organised resettlement routes”. The bishops also called for clear resettlement targets and greater support for civil society groups welcoming refugees through community sponsorship schemes.

The *St. Vincent de Paul Society (SVP)* released an '[Open Statement to the Home Secretary](#)' which claims that the proposals “lack humanity and respect for human dignity”. The SVP goes on to explain that many refugees have “no choice but to cross borders informally to reach a safe haven; to penalise them for this is to abandon the very principle of international protection”. This statement was supported by over 80 signatories from various Christian denominations and other faiths. The signatories include the Jesuit Refugee Service, Joint Public Issues Team, Quaker Asylum and Refugee Network, Salvation Army, and the Baptist Union (GB).

While welcoming the proposals on planned resettlement and community sponsorship, *Caritas* described the policy of differentiating between cohorts according to their method of travel as “deeply troubling”. In its [response](#), Caritas also warned that a narrative which portrays migrants as criminals deserving of rejection “may undermine the work of Catholic and other communities to welcome, protect, promote and integrate refugees arriving in the UK, including those using planned and safe routes”.

The *Jesuit Refugee Service (JRS)* published a report entitled '[Being Human in the Asylum System](#)'. The report condemns the NPI for being “formulated on the basis that asylum claimants are lying”. It goes on to say that the Government is “more concerned with refusing asylum claims and removing claimants than with ensuring that people in need of sanctuary are offered protection”. Within the report, the JRS advocates for a newly reformed system in which asylum claimants and refugees can live in dignity and participate fully in wider social, economic and political life. In addition to the report, the JRS has provided a [series of resources](#) on its website and is encouraging people to write to their MP on the issue. It has also outlined the following priority advocacy points:

- The asylum system should never penalise people for arriving spontaneously or without documents, or differentiate asylum claims on the basis of how people got here.
- Asylum claimants should have dignified accommodation within British communities. Plans for out-of-town reception centres are dehumanising and will force people to live on the margins.
- Asylum claims should not be processed in detention.
- The NPI formalises a hermeneutic suspicion within the asylum system.

The public consultation on the proposals ended on 6 May 2021. While the Government has not yet responded to the consultation or analysed the responses, some organisations have made their responses and comments publicly available. You can find a list of consultation responses and reactions [here](#).