

## Briefing on 'Secure Borders, Safe Haven' White Paper

'Secure Borders, Safe Haven' the White Paper on immigration, nationality and asylum was published on 7<sup>th</sup> February. It makes wide-ranging proposals with major implications for race relations and immigration rights in Britain.

### Citizenship and nationality

1. The existing **oath of allegiance** to be amended.  
NAAR believes the impact of this change is to suggest that racism is due to the black communities' failure to integrate into British society. It does not address the real problems of institutional racism and such a measure may play into the racist propaganda of extreme right wing neo-Nazi groups.
2. **Compulsory English tests** are proposed for those applying to become British citizens.  
This proposal primarily targets Asian communities. This measure implies that segregation is the responsibility of black communities, due to their 'lack of integration' rather than institutional racism which keeps communities apart, stifles economic and social prospects. It implies that people coming to the UK do not wish to learn English, when most do. NAAR opposes any compulsory measure or tests on language.

### Working in the UK

Since the Immigration Act 1971 restricting work permits to those taking up a specific job, such permits have not been available to most non-EU workers.

The White Paper introduces measures to increase the possibility of coming to the UK to work to 'satisfy our economic needs'. These are:

#### 1. The Highly Skilled Migrant Programme

The scheme has a points system based on qualifications, experience, past earnings and achievements in the field. If successful, leave to enter Britain will be granted for an initial year, which will be extended if work has been found at the appropriate skills level. Application for settlement will be possible after four years. The Paper says they can apply for entry for spouse and children, but it is not clear when this entitlement starts.

The scheme is targeted at those with high level skills. Past earnings will provide the applicant with points. For example: for those from Poland, Brazil, South Africa, Libya, Hungary, Chile, Mexico, Estonia and Turkey past earnings of £25,000 per year will give 25 points. From Jamaica, Russia, Iran, Morocco, Peru, Tunisia, Thailand, Algeria and Romania the past earnings to bring 25 points are £20,000 per year. From China, India, Pakistan, Nigeria, Sudan, Ukraine, Zimbabwe, Kenya and Bangladesh it is £15,000 a year.

Successful applicants will have to score at least 75 points and also show that:

- they have the ability to continue to work in their chosen field in Britain,
- they will not have recourse to public funds,
- they are willing to make Britain their main home, for which they will have to provide a written undertaking.

While this opens the way to primary immigration on economic grounds for the first time since the 1970s, it is exclusively targeted at professionals.

The scheme will not apply to asylum seekers already in Britain, as entry clearance in the country of origin is a requirement. Nor does it apply to those already in Britain as a visitor or on some other short-term visa.

#### 2. Allowing students to switch into employment

The White Paper proposes that students may apply to remain in Britain at the end of their studies, provided they have a work permit, an offer of employment and the permission of any international sponsor.

#### 3. Working holidaymakers

This scheme already exists and is directed at Commonwealth citizens, with the majority of successful applicants from Australia, New Zealand, Canada and South Africa. The White Paper suggests looking into extending the scheme to more Commonwealth countries and to EU candidate countries – mainly from Eastern Europe.

While supporting these measures, NAAR believes that the scheme should be much less selective and extended to the unskilled.

#### **4. Ministers of religion**

The White Paper proposes that those already in Britain in another capacity be allowed to switch their immigration status to remain in Britain as ministers of religion.

The purpose of this proposal is to curb the number of people, especially from the Asian subcontinent applying to enter Britain as ministers of religion. This potentially interferes with the choices of faith groups and applies disproportionately to people from particular communities.

### **Asylum**

The asylum section in the White Paper continues the theme of the previous legislation, with the aim of distinguishing between those 'in genuine fear of persecution' and for the UK is simply 'the country of their preference.' Although negative terminology such as 'bogus asylum seeker' is not used, the clear subtext is that the measures have to confront large numbers of illegitimate asylum claims.

The White Paper proposes an EU wide agreement on 'minimum standards', significantly establishing 'rules on recognition and content of refugee status.' This may impact on the differences between EU countries on the recognition of non-state persecution – one of the main reasons why asylum seekers prefer coming to Britain than France for example.

#### **1. Resettlement programme**

This measure would introduce a regular programme of processing asylum claims before asylum seekers reach Britain. An option in the White Paper is a yearly quota system set in collaboration with UNHCR. This is justified as a means to ensure safe travel for asylum seekers and deal with traffickers.

NAAR believes that the main goal is in fact to seek means to control the numbers of asylum seekers. A quota system was applied to Kosovan asylum seekers during the war in Yugoslavia. New temporary admission criteria were applied specifying that they would be returned to Kosova after the war. Preventing recognised refugees settling permanently in the receiving country undermines the basis of the Geneva Convention.

#### **2. Induction centres**

All new asylum applicants will first go to one of the proposed 'induction centres' where they will stay for 1-7 day depending on whether they are given temporary admission, referred to an accommodation centre or 'dispersed' through the NASS support system.

At the induction centre they will have to sign a document stating they understand: the asylum application process they will go through; their obligations regarding temporary admission and reporting; the requirement to leave Britain should their claim fail and how they can obtain assistance to return.

These induction centres will be located in a small number of areas, close to major asylum intake areas, ports and airports.

NAAR has grave concerns that asylum seekers in these induction centres are not guaranteed legal advice and may have to sign papers without fully understanding their implications. Forced dispersal and detention will continue.

#### **3. Application Registration Cards (ARCs)**

These cards replace the current official letter confirming the bearer's immigration status. The new biometric card will include a photo and a microchip including a full set of fingerprints, reporting dates, status of the asylum claim, language and country of origin. It will allow the bearer to collect financial support at a Post Office.

The card directly links receipt of financial support to evidence of reporting. An asylum seeker who has missed a report date will not receive support. Eventually all asylum seekers will require this card to access support. While it ensures asylum seekers will receive cash rather than vouchers, it will continue to mark out and stigmatise asylum seekers. It also means information on the status of the asylum seeker will be widely available outside the immigration authorities.

#### **4. Accommodation Centres**

A pilot scheme of Accommodation Centres housing around 3,000 asylum seekers eligible for NASS support, with full board and including services such as health care, education, interpretation and activities will be run. The White Paper states that the Accommodation Centres will have open access with asylum seekers free to come and go and receive visitors. They will receive a small cash allowance.

NAAR is concerned that the proposed accommodation centres, in being situated in remote areas, are fundamentally aimed at preventing asylum seekers integrating into wider British society. In Europe, such centres have been the target of racist attacks. There are also concerns as to how restrictive the regime will be in these centres. Will asylum seekers be allowed to spend nights away? Will there be curfews? Lights out? The quality and accessibility of legal advice is also an issue.

The centres are a continuation of the failed policy of attempting to disperse asylum seekers away from London and the South East.

NAAR believes that a return to welfare benefit rights remains the most efficient, best and most independent means to support asylum seekers. Asylum seekers would find their own accommodation, paid for through housing benefits, creating 'self-dispersal' and choice.

#### **5. Requirement to regularly attend a Reporting Centre**

There will be a requirement on all asylum seekers to regularly go to a Reporting Centre. Failure to report will mean support is cut off. The cost of travel to the Reporting Centre will not be reimbursed.

NAAR believes that the Reporting Centres are part of a regime that stigmatises asylum seekers, treats them as criminals and prevents their integration into wider society. Travel costs for reporting must be reimbursed.

#### **6. Audit of existing asylum seekers**

The White Paper states that 'the new arrangements for tighter contact management of asylum seekers must also be applied to existing applicants.' There will be an audit of all existing asylum seekers, in order to check their current status. This information will be gathered from local authorities supporting asylum seekers and from NASS. The audit will be used to speed up decisions and removals.

#### **7. Ending vouchers**

Vouchers will be phased out by Autumn 2002 and replaced by cash payments. This is a victory against the earlier determination of the government to maintain its despised voucher system.

The value of support will be increased in line with rises in income support rises, by about 1.6%, but will be maintained at the level of 70% of income support overall.

NAAR welcomes the end of vouchers, and the small increase in overall support, but believes that asylum seekers should receive the full level of current income support.

#### **8. Unaccompanied asylum seeking children**

The White Paper proposes allowing immigration staff to interview children.

NAAR believes that the rights of minors, and particularly children fleeing persecution, should be protected and not be subject to potentially traumatic interviews with immigration staff.

#### **9. Asylum appeals**

The White Paper proposes further restrictions to appeal rights. The Immigration and Asylum Act 1999 brought in a one stop appeal process, with the adjudicator considering an appeal on the basic asylum claim also being required to consider all other matters that could be subject to a separate appeal e.g. humanitarian grounds to stay.

The government is concerned that its own Human Rights Act 2000 is being used by asylum seekers 'as a means to delay removal'. The White Paper proposes to define the specific immigration decisions against which there is a right of appeal and set a time limit for submitting human rights' claims.

Under new asylum appeals rules already brought in, the Home Office will be informed of the outcome of an asylum appeal before the asylum seekers themselves, with the decision possibly being relayed to the asylum seeker at a Reporting Centre or Police Station. The stated aim is to reduce absconding following refusal.

The entire process will be speeded up with fast-tracking, time limits, limits to adjournments and so on.

Access to judicial review is to be limited in the guise of stopping 'unmeritorious cases' or cases where removal directions have been set.

NAAR believes that the existing system is not fair and frequently generates wrong initial decisions. The right to appeal and judicial review must be safeguarded to ensure all asylum seekers get a fair hearing.

#### **10. Oakington Reception Centre**

Oakington was subject to successful legal challenge on the grounds that, despite calling itself a 'reception centre' it operated a detention regime. The government subsequently appealed this decision and won.

Oakington will be added to by other 'reception' centres, which subject newly arrived asylum seekers to a detention regime on the basis of their country of origin.

#### **11. Increased deportations**

The Home Secretary intends to remove 2,500 failed applicants a month leading to 30,000 removals a year by 2003.

This will involve:

- A joint protocol with the police, establishing a mechanism for assistance to the Immigration Service in removing failed asylum seekers.
- While acknowledging it is costly, the White Paper proposed to introduce deportation through charter flights because it 'is an efficient way of enforcing the volume departure' of overstayers.
- Setting up of a confidential immigration hotline for members of the public to report immigration abuse.
- Existing detention centres will be re-designated 'Removal Centres' and the number of places will be expanded to 4,000 at any one time. Although the focus of detention is removal, asylum seekers will continue to be detained at all stages of their application.
- No detention of asylum seekers will take place in prisons. However, HMP Haslar and Lindholme are re-designated as removal centres.
- Escorts will have increased powers to search detainees and premises, when accompanying a police or immigration officer. It is proposed that staff outside the Immigration Service have powers to detain overstayers, 'illegal entrants' and certain categories of arriving passengers.
- The proposed automatic bail hearings in the 1999 Act, which was never implemented, is being repealed without any replacement mechanism to automatically challenge a decision to detain.

NAAR believes that this will presage a return to the days of 'immigration snatch squads' which led to the death of Joy Gardner in 1993. Joseph Crentsil is the latest victim to show the dangers. Trying to radically increase deportation will lead to more people being returned to unsafe situations, or not having their asylum claim fairly heard. There are no effective safeguards against arbitrary detention. Private firms working for the immigration service will be given effective police powers. There must be a right to an automatic bail hearing.

## **Tackling Fraud – people trafficking, illegal entry and illegal working**

This section of the White Paper focuses on illegal working. While acknowledging that Section 8 of the 1996 Act, which placed an obligation on employers to carry out immigration status checks, has not been effective, it is not proposed to repeal it.

The White Paper proposals include:

- Joint work between the police and immigration service to target illegal working;
- New penalties for 'people smuggling' applying to all those who aid illegal entry or hide people who are in the country.

NAAR believes that illegal working can be addressed through opening up the right to work to asylum seekers and improving their benefit rights. People smuggling is a lucrative business because of the desperation of people fleeing persecution who have no other way to gain refuge. Punitive measures will simply create more illegal work and more deaths as desperate people arrive in the UK.

## **Marriage/Family visits and war criminals**

### **1. Arranged marriages**

The White Paper proposes encourages British citizens to marry other who are in Britain, rather than arranging marriages with people from their country of origin. It also proposes to increase the probationary period for the recognition of marriages to non-British citizens from 12 months to 2 years.

NAAR believes this measure is targeted at cultural traditions in Asian communities in particular. It has caused widespread offence. While arguing that this defends the interests of Asian women, the increase in the probationary period will precisely adversely impact on women experiencing domestic violence.

### **2. Visa switching**

The White Paper proposes a 'no-switching' provision to prevent people from applying to remain in Britain after entering under a different category, such as visitors or students.

NAAR believes this will infringe the rights of those with legitimate reasons for changing the grounds of their stay.

For further information about campaigning against these proposals write to: Speak Out Against Racism campaign, c/o NAAR, 28 Commercial Street, London E1 6LS or phone 020 7247 9907.