

Submission: Kalayaan

Date: 06/05/2021

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	Foreword	
1	<p>The foreword provides a high level outline of the New Plan for Immigration, including reforms to make the system fair, but firm.</p> <p>Overall, how far do you support or oppose what is being said here?</p> <p>Please refer to the foreword of the New Plan for Immigration to support your answer to this question.</p>	<p><input type="radio"/> Strongly support</p> <p><input type="radio"/> Tend to support</p> <p><input type="radio"/> Neither support nor oppose</p> <p><input type="radio"/> Tend to oppose</p> <p><input type="radio"/> Strongly oppose</p> <p><input type="radio"/> Don't know</p>
	Chapter 1: Overview of the Current System. This question relates to the Overview of the Current System in the New Plan for Immigration, should you wish to refer to this before answering.	
2	<p>The UK Government is committed to building an asylum system that is firm and fair, based on three major objectives:</p> <ul style="list-style-type: none">• To increase the fairness and efficacy of our system so that we can better protect and support those in genuine need of asylum.• To deter illegal entry into the UK, thereby breaking the business model of criminal trafficking networks and protecting the lives of those they endanger; and• To remove more easily from the UK those with no right to be here. <p>How effective, if at all, do you think each of the following will be in helping the UK Government achieve this vision? Please select one response for each statement.</p> <p>A. Strengthening safe and legal routes for those genuinely seeking protection in the UK. B. Reforming legal processes to ensure improved access to justice.</p>	<p><input type="radio"/> Very effective</p> <p><input type="radio"/> Fairly effective</p> <p><input type="radio"/> Not very effective</p> <p><input type="radio"/> Not at all effective</p> <p><input type="radio"/> Don't know</p> <p>Declined to answer – see answer to Q3</p>

	<p>C. Reforming legal processes to ensure speedier outcomes.</p> <p>D. Requiring those who claim asylum and their legal representatives to act in 'good faith' by providing all relevant information in support of their claim at the earliest opportunity.</p> <p>E. Enforcing the swift removal of those found to have no right to be in the UK, including Foreign National Offenders.</p> <p>F. Eliminating the ability for individuals to make repeated protection claims to stop their removal, when those follow-up claims could have been raised earlier in the process.</p> <p>G. Preventing illegal entry at the border, for example, by making irregular channel crossings unviable for small boats or deterring other activities such as hiding in the back of lorries.</p>	
3	<p>Please use the space below to give further detail for your answer. In particular, if there are any other objectives that the Government should consider as part of their plans to reform the asylum and illegal migration systems.</p> <p>The foreword and outline makes a number of unsubstantiated claims and misrepresents the cause of illegal immigration to the UK. The primary issue for those seeking protection is that there are no / very few legal routes to claim asylum when fleeing countries where they fear persecution. The proposal to distinguish asylum seekers based on how they arrive in the UK will create a dangerous two tier system and demonstrates the government has so far failed to consult with those who have fled their countries and sought protection in the UK, nor those who were trafficked and were under the control of their exploiters when they arrived. It will lead to a derogation of the UK's responsibilities to offer protection when needed.</p> <p>The government has provided no evidence that illegal routes introduce economic migrants to the asylum system, nor that there are repeat, unmeritorious claims which delay removal. It remains unclear how the suggested 'one-stop' process will differ from the Detained Fast Track (DFT) system which was previously found to be unlawful. Kalayaan is also concerned that the SSHD has made unsubstantiated claims as to the abuse of the National Referral Mechanism (NRM).</p> <p>Kalayaan believes the asylum and trafficking systems are in need of reform but these proposals fail to meet this aim. They do not demonstrate an understanding of why people are forced to make dangerous journeys or reflect on the policies currently in place which see those seeking protection face lengthy delays, poor quality decision making, poverty and destitution. These proposals only serve to undermine the government's claim to want to tackle the scourge of modern slavery by exacerbating the dangers of smuggling and trafficking.</p>	Open question
	Chapter 2: Protecting those Fleeing Persecution, Oppression and Tyranny	

4	<p>The Government is reviewing safe and legal routes for protection claimants to enter the UK. Further details of this can be found in Annex A.</p> <p>The intention of the UK Government is to maintain clear, welldefined routes for refugees in need of protection, ensuring refugees have the freedom to succeed, ability to integrate and contribute fully to society when they arrive in the UK.</p> <p>In your view, how effective, if at all, do you feel each of the following proposals will be in ensuring the Government can provide safe and legal ways for refugees in genuine need of protection? Please select one response for each statement.</p> <ul style="list-style-type: none"> • Maintaining a long-term commitment to resettle refugees from around the globe to the UK, including ensuring a full range of persecuted minorities are represented. • Granting resettled refugees immediate indefinite leave to remain on their arrival in the UK so that they benefit from full rights and entitlements when they arrive. • Reviewing the refugee family reunion routes available to refugees who have arrived through safe and legal routes. • Ensuring resettlement programmes are responsive to emerging international crises – so refugees at immediate risk can be resettled more quickly. • Working to ensure more resettled refugees can enter the UK through community sponsorship, encouraging stronger partnerships between local government and community groups. • Introducing a new means for the Home Secretary to help people in extreme need of safety whilst still in their country of origin in life-threatening circumstances. • Enhancing support provided to refugees to help them integrate into UK society and become self-sufficient more quickly. • Reviewing support for refugees to access employment in the UK through our points-based immigration system where they qualify. 	<ul style="list-style-type: none"> <input type="radio"/> Very effective <input type="radio"/> Fairly effective <input type="radio"/> Not very effective <input type="radio"/> Not at all effective <input type="radio"/> Don't know <p>Declined to answer – see answer to Q7</p>
5	<p>In maintaining clearly-defined safe and legal routes, how important, if at all, are each of the following practical considerations? Please select one response for each statement.</p> <ul style="list-style-type: none"> • Linking the numbers of refugees the UK resettles to the capacity of local areas to provide help and support. • Prioritising refugees on the basis of their vulnerability or risk. 	<ul style="list-style-type: none"> <input type="radio"/> Very important <input type="radio"/> Fairly important <input type="radio"/> Not very important <input type="radio"/> Not at all important <input type="radio"/> Don't know

	<ul style="list-style-type: none"> • Prioritising refugees based on their potential to integrate in the UK (e.g. English proficiency, preexisting ties to the UK, or skills). • Prioritising refugees from persecuted minority groups. • Prioritising the family members of refugees already in the UK. 	<p>Declined to answer - see answer to Q7</p>
6	<p>The intention is to continue to provide support to all those granted refugee status so that they are equipped to properly integrate and contribute to society when they arrive in the UK.</p> <p>How far do you agree or disagree that each of the following proposals will help to meet this aim of developing refugee support? Please select one response for each statement.</p> <ul style="list-style-type: none"> • An integration support package should focus on progress to employment (including self-employment). • An integration support package should consider elements such as well-being, language, employment and social bonds. • An integration support package should be delivered at local level to national standards (to an agreed mandatory framework), so that all refugees receive the appropriate level of support, delivered in a way that is appropriate to where they live. 	<ul style="list-style-type: none"> <input type="radio"/> Strongly agree <input type="radio"/> Agree <input type="radio"/> Neither agree nor disagree <input type="radio"/> Disagree <input type="radio"/> Strongly disagree <input type="radio"/> Don't know <p>Declined to answer - see answer to Q7</p>
7	<p>Please use the space below to give further feedback on the proposals in chapter 2. In particular, the Government is keen to understand:</p> <p>(a) If there are any ways in which these proposals could be improved to make sure the objective of providing well maintained and defined safe and legal routes for refugees in genuine need of protection is achieved; and</p> <p>(b) Whether there are any potential challenges that you can foresee in the approach the Government is taking to help those in genuine need of protection. Please provide as much detail as you can.</p> <p>Kalayaan strongly opposes any proposals which seek to differentiate between status, protections and entitlements depending on how asylum seekers and slavery survivors arrive in the UK. The proposals outlined in this policy statement are unclear as to what may happen to those who arrive in the UK under other lawful means (eg as a domestic worker) who become overstayers before they are able to seek protection. Kalayaan's long-standing experience is that domestic workers fleeing abusive employers do not know what support is available to them, nor what processes to follow because they are not provided this information prior to or after their arrival in the UK.</p>	<p>Open question</p>

	<p>Irrespective of their method of entry, all those seeking protection should be subject to the same humane and fair process. All those granted international protection should be granted indefinite leave to remain and be able to reunite with their families in the UK. All those seeking protection should be permitted to work to provide for themselves, rather than forced to become dependent on the state and destitute. Kalayaan’s 2019 report, Dignity, not destitution, evidenced how migrant domestic workers denied the right to work whilst their trafficking claims were outstanding were made vulnerable to re-exploitation and that this resulted in a deterioration in their mental health, impeding their recovery and reintegration.</p> <p>Many of the proposals are lacking in detail making it impossible to comment on their effectiveness. For example, it is unclear how people in their countries of origin in life-threatening circumstances will be able to apply for help, in practice how they will access it, how the UK government will make it known to people in their country of origin and how refusals may be challenged.</p>	
	<p>Safe and legal routes including Family reunion for unaccompanied asylum seeking children</p> <p>NB: This section covers the commitments in the Immigration and Social Security Coordination (EU Withdrawal) Act 2020– there will be a 2-page information sheet – separate to the policy statement - to support stakeholders in answering this question. The information sheet is set out in Annex A. These questions relate to the separate information sheet [linked] on safe and legal routes including family reunion for unaccompanied asylum seeking children. Please refer to this sheet for more information</p>	
8	<p>The Government recognises the importance of reuniting those who are in the UK who are in genuine need of protection, with their family members.</p> <p>How important, if at all, do you think each of the following proposals would be in meeting this objective? Please select one response for each statement.</p> <p>Reuniting an adult with refugee status in the UK with...</p> <ul style="list-style-type: none"> • Their spouse or partner, wherever their spouse/partner may be in the world. <p>Very important</p> <ul style="list-style-type: none"> • Their own child who is under the age of 18, wherever their child may be in the world. <p>Very important</p>	<ul style="list-style-type: none"> <input type="radio"/> Very important <input type="radio"/> Fairly important <input type="radio"/> Not very important <input type="radio"/> Not at all important <input type="radio"/> Don’t know

	<ul style="list-style-type: none"> • Their own adult child who is over the age of 18, wherever their child may be in the world. Very important • A close family member (e.g. sister, brother), wherever that family member may be in the world. Very important • Another family member (e.g. uncle, aunt, nephew, niece), wherever that family member may be in the world Very important 	
9	<p>Now that the UK has left the European Union (EU), protection claimants who have sought international protection in an EU member state can no longer join family members in the UK using EU law.</p> <p>This means those seeking international protection in the EU must apply to join family members in the UK under the Immigration Rules like those from the ‘rest of the world’.</p> <p>To what extent do you agree or disagree with this approach to apply the same policy to protection claimants seeking to join family members in the UK, regardless of where they are?</p>	<ul style="list-style-type: none"> <input type="radio"/> Strongly agree <input type="radio"/> Agree <input type="radio"/> Neither agree nor disagree <input type="radio"/> Disagree <input type="radio"/> Strongly disagree* <input type="radio"/> Don't know
10	<p>Are there any other observations or views you would like to share relating to the UK Government's future policy on safe and legal routes for unaccompanied asylum-seeking children in the EU wanting to reunite with family members in the UK? Please write in your answer and provide as much detail as you can.</p>	<p>Open question</p> <p>Declined to answer - as outside of Kalayaan's expertise</p>
11	<p>Are there any other observations or views you would like to share relating to the UK Government's future policy on safe and legal routes for unaccompanied asylum-seeking children in the rest of the world (outside the EU) wanting to reunite with family members in the UK?</p> <p>Please write in your answer and provide as much detail as you can.</p>	<p>Open question</p> <p>Declined to answer - as outside of Kalayaan's expertise</p>
12	<p>Are there any other observations or views you would like to share relating to the UK Government's future policy on safe and legal routes to the UK for protection claimants in the EU?</p> <p>Please write in your answer and provide as much detail as you can. When you answer please indicate if your views relate to protection claimants who are unaccompanied asylumseeking children, adults and/or families (adults and accompanied children) in the EU.</p>	<p>Open question</p> <p>Declined to answer - as outside of Kalayaan's expertise</p>

13	<p>Are there any other observations or views you would like to share relating to the UK Government’s future policy on safe and legal routes for protection claimants who are adults and/or families (adults and accompanied children) wanting to reunite with family members in the UK?</p> <p>Please write in your answer and provide as much detail as you can.</p>	<p>Open question Declined to answer - as outside of Kalayaan’s expertise</p>
14	<p>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?</p> <p>Please write in your answer and provide as much detail as you can.</p> <p>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.</p>	<p>Open question Declined to answer - as outside of Kalayaan’s expertise</p>
	<p>Chapter 3: Ending Anomalies and Delivering Fairness in British Nationality Law These questions relate to chapter 3 of the New Plan for Immigration. Please refer to this chapter for more information.</p>	
15	<p>How effective, if at all, do you feel the following changes will be in contributing to the objective of correcting historic anomalies in current British Nationality law? Please provide an answer for each statement.</p> <ul style="list-style-type: none"> • Introducing new registration provisions for children of a British Overseas Territories Citizen (BOTC) to acquire citizenship more easily. • Fixing the injustice which prevents a child from acquiring their father’s citizenship if their mother was married to someone else. • Introducing a new discretionary adult registration route to give the Home Secretary an ability to grant citizenship in compelling and exceptional circumstances where there has been historical unfairness beyond a person’s control. • Creating further flexibility to waive residence requirements for naturalisation in exceptional cases. This will mean those impacted by Windrush are not prevented from qualifying for British Citizenship because they were not able to return to the UK to meet the residency requirements through no fault of their own. 	<p>o Very effective o Fairly effective o Not very effective o Not at all effective o Don’t know Declined to answer - as outside of Kalayaan’s expertise</p>

16	<p>The Government wants to change the registration route for stateless children, who were born in the UK and have lived here for five years.</p> <p>The Government wants to ensure that those who are genuinely stateless can benefit. People should not be able to acquire these benefits if they purposely fail to acquire their own nationality for their child.</p> <p>To what extent, if at all, do you agree that this is the right approach?</p>	<ul style="list-style-type: none"> <input type="radio"/> Strongly agree <input type="radio"/> Agree <input type="radio"/> Neither agree nor disagree <input type="radio"/> Disagree <input type="radio"/> Strongly disagree <input type="radio"/> Don't know <p>Declined to answer - as outside of Kalayaan's expertise</p>
17	<p>The law currently allows some discretion around naturalisation, to account for exceptional circumstances. However, it is currently an un-waivable requirement that a person must have been in the UK on the first day of their 5 (or 3) year residential qualifying period.</p> <p>The Government is seeking to change the law so that discretion can be exercised when a person was not in the UK on that day in appropriate cases, whilst maintaining the principle that people should have completed a period of continuous residence.</p> <p>This might be used, for example, where a person was a longterm resident of the UK but had been prevented from returning to the UK after a trip overseas five years ago by mistake, as was the case for a number of the Windrush generation, or due to unforeseen compelling circumstances.</p> <p>To what extent, if at all, do you agree that this approach provides sufficient flexibility to allow people with a strong connection to the UK to qualify for naturalisation?</p>	<ul style="list-style-type: none"> <input type="radio"/> Strongly agree <input type="radio"/> Agree <input type="radio"/> Neither agree nor disagree <input type="radio"/> Disagree <input type="radio"/> Strongly disagree <input type="radio"/> Don't know <p>Declined to answer - as outside of Kalayaan's expertise</p>
18	<p>Please use the space below to give further feedback on the proposals in chapter 3. The government is keen to understand:</p> <p>(a) If there are any ways in which these proposals could be improved to make sure the objective of correcting historic anomalies in our nationality laws is achieved; and</p> <p>(b) Whether there are any potential challenges that you can foresee in the approach being taken to reform nationality laws. Please provide as much detail as you can.</p>	<p>Open question</p> <p>Declined to answer - as outside of Kalayaan's expertise</p>

	<p>Chapter 4: Disrupting Criminal Networks and Reforming the Asylum System</p> <p>These questions relate to chapter 4 of the New Plan for Immigration. Please refer to this chapter for more information.</p>	
19	<p>To protect life and ensure access to our asylum system is preserved for the most vulnerable, we must break the business model of criminal networks behind illegal immigration and overhaul the UK's decades-old domestic asylum framework.</p> <p>In your view, how effective, if at all, will the following proposals be in achieving this aim?</p> <ul style="list-style-type: none"> • Ensuring that those who arrive in the UK, having passed through safe countries, or have a connection to a safe country where they could have claimed asylum will be considered inadmissible to the UK's asylum system. Not at all effective • Seeking rapid removal of inadmissible cases to the safe country from which they embarked or to another third country. Not at all effective • Introducing a new temporary protection status with less generous entitlements and limited family reunion rights for people who are inadmissible but cannot be returned to their country of origin (as it would breach international obligations) or to another safe country. Not at all effective • Bringing forward plans to expand the Government's asylum estate. These plans will include proposals for reception centres to provide basic accommodation while processing the claims of inadmissible asylum seekers. Not at all effective • Making it possible for asylum claims to be processed outside the UK and in another country. Not at all effective 	<ul style="list-style-type: none"> <input type="radio"/> Very effective <input type="radio"/> Fairly effective <input type="radio"/> Not very effective <input type="radio"/> Not at all effective <input type="radio"/> Don't know
20	<p>To protect the asylum system from abuse, the Government will seek to reduce attempts at illegal immigration and overhaul our domestic asylum framework.</p> <p>In your view, how effective, if at all, will the following proposals be in achieving this aim?</p> <ul style="list-style-type: none"> • Changing the rules so that people who have been convicted and sentenced to at least one-year imprisonment and constitute a danger to the community in the UK can have their refugee status revoked and can be considered for removal from the UK. 	<ul style="list-style-type: none"> <input type="radio"/> Very effective <input type="radio"/> Fairly effective <input type="radio"/> Not very effective <input type="radio"/> Not at all effective <input type="radio"/> Don't know

	<p>Not at all effective</p> <ul style="list-style-type: none"> Supporting decision-making by setting a clearer and higher standard for testing whether an individual has a well-founded fear of persecution, consistent with the Refugee Convention. <p>Not at all effective</p> <ul style="list-style-type: none"> Creating a robust approach to age assessment to ensure the Government acts as swiftly as possible to safeguard against adults claiming to be children and can use new scientific methods to improve the Government’s abilities to accurately assess age. <p>Not at all effective</p>	
21	<p>The UK Government intends to create a differentiated approach to asylum claims. For the first time how somebody arrives in the UK will matter for the purposes of their asylum claim. As the Government seeks to implement this change, what, if any, practical considerations should be taken into account?</p> <p>This is an unworkable proposal and in breach of international law. It penalises those who have no option but to flee and seek refuge and does not address systemic issues of the current asylum system, including delays and poor quality decision making. This proposal will only result in asylum seekers having to endure the indignity of waiting for a decision as to what country will determine their claim, rather than being supported to rebuild their lives. There are no current arrangements to return asylum seekers to ‘safe countries’ so they will face even more time in limbo. The government should not introduce a two-tier system, either for processing claims nor regards the level of protection and rights granted to those recognised as in need of protection. All claims for international protection should be considered the same.</p>	Open question
22	<p>The UK Government intends on introducing a more rigorous standard for testing the “well-founded fear of persecution” in the Refugee Convention. As the Government considers this change, what, if any, practical considerations should be taken into account?</p> <p>The government has not set out why a higher standard of proof is required, nor how this will improve decision making. The government could consider employing lawyers to make decisions or require their decision makers to become accredited the way legal aid immigration lawyers have to, as the training and testing involved to obtain relevant qualifications would ensure decision makers have a greater understanding of the law. If the Secretary of State’s decision makers cannot apply the current standard correctly, setting a higher standard will not change this and could lead to the wrong decisions being made. It is important to remember that people claiming asylum</p>	Open question

	<p>face the risk of losing their life or being subject to inhuman or degrading treatment so wrong decisions carry very serious consequences. 48% of refusals were overturned at appeal by the First-tier Tribunal in 2019/20.</p>	
23	<p>The Government is aware that currently it can take many months to consider asylum applications and intends to ensure that claims from those who enter the UK illegally are dealt with swiftly and efficiently.</p> <p>To help achieve this, in your view, which of the following steps would be the most important? Please rank the following statements from most to least important.</p> <ol style="list-style-type: none"> 1. To use asylum processing centres to accommodate those who enter the UK illegally, whilst they await the outcome of their claim and / or removal from the UK. 2. To have an expedited approach to appeals, particularly where further or repeat claims are made by the individual. 3. To ensure there are set timescales for considering claims and appeals made by people who are in immigration detention, which will include safeguards to ensure procedural fairness. This will be set out in legislation. 4. To ensure those who do not qualify for protection under the Refugee Convention, but who still face human rights risks, are covered in a way consistent with our new approach to asylum. 	<p>Drag and drop to rank options</p> <p>Declined to answer</p>
24	<p>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.</p> <p>In your view, how effective would each of the following reforms be in achieving this aim?</p> <ul style="list-style-type: none"> • 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. <p>Don't know*</p> <ul style="list-style-type: none"> • 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. <p>Don't know*</p>	<p>o Very effective</p> <p>o Fairly effective</p> <p>o Not very effective</p> <p>o Not at all effective</p> <p>o Don't know*</p>

	<ul style="list-style-type: none"> • 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 demeanour strongly suggests they are 'over 25 years of age'. The UK 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. <p>Don't know*</p> <ul style="list-style-type: none"> • Creating a statutory appeal right against age assessment decisions to avoid excessive judicial review litigation. <p>Don't know*</p>	
25	<p>Please use the space below to give further feedback on the proposals in chapter 4. In particular, the Government is keen to understand:</p> <p>(a) If there are any ways in which these proposals could be improved to make sure the objective of overhauling our domestic asylum framework is achieved; and</p> <p>(b) Whether there are any potential challenges that you can foresee in the approach being taken around asylum reform.</p> <p>Please provide as much detail as you can.</p> <p>The proposals should be scrapped. They are not based on evidence and will only serve to harm those seeking safety in the UK. They will also result in more work for the Home Office. Furthermore, they do not address any of the systemic issues facing the asylum system. Improvements must come through training and adequate resourcing of the Home Office to process protection claims.</p> <p>There is no requirement to claim asylum in the first 'safe country' reached. Such a proposal fails to consider the reasons a person may have for continuing their journey to the UK, including family ties here. The inadmissibility process and lack of any return agreements means that people seeking protection face longer in limbo, rather than being supported to rebuild their lives.</p> <p>If the Home Office cannot return someone to their country because they are in need of protection but also cannot return them to a safe country, this shows that the system does not work. It is unreasonable and unduly harsh for the government to design a system to make the lives of refugees more difficult in comparison to those</p>	Open question

	<p>who arrive under resettlement routes. This system will create delay, require the applicant to make a greater number of applications which will take the Home Office more time to process.</p> <p>There is copious amounts of evidence that reception centres are not fit for purpose and are hugely damaging to people. The government must consider accommodating people in their communities and review current issues with contracted accommodation providers.</p> <p>No consideration has been provided as to how asylum seekers will access publicly funded advice for claims processed outside the UK, nor how it will be guaranteed they will not be disadvantaged in terms of accessing adequate facilities. No consideration has been given to the impact of taking instructions from people who are vulnerable and or traumatised remotely. International examples have proven how such offshore centres result in widespread human rights abuses.</p>	
	<p>Chapter 5: Streamlining Asylum Claims and Appeals</p> <p>These questions relate to chapter 5 of the New Plan for Immigration. Please refer to this chapter for more information.</p>	
26	<p>The Government wants to ensure the asylum and appeals system is faster, fairer and concludes cases more effectively. The Government’s end-to-end reforms will aim to reduce the extent to which people can frustrate removals through sequential or unmeritorious claims, appeals or legal action, while maintaining fairness, ensuring access to justice and upholding the rule of law.</p> <p>In your view, how effective, if at all, will each of the following intended reforms be in achieving these aims?</p> <ul style="list-style-type: none"> • Developing a “Good Faith” requirement setting out principles for people and their representatives when dealing with public authorities and the courts, such as not providing misleading information or bringing evidence late where it was reasonable to do so earlier. <p>Not at all effective</p> <ul style="list-style-type: none"> • Introducing an expanded ‘one-stop’ process to ensure that asylum claims, human rights claims, referrals as a potential victim of modern slavery and any other protection matters are made and considered together, ahead of any appeal hearing. This would require people and their representatives to present their case honestly and comprehensively – setting out full details and evidence to the Home Office and not adding more claims later which could have been made at the start. <p>Not at all effective</p>	<ul style="list-style-type: none"> <input type="radio"/> Very effective <input type="radio"/> Fairly effective <input type="radio"/> Not very effective <input type="radio"/> Not at all effective <input type="radio"/> Don’t know

	<ul style="list-style-type: none"> • Considering introducing a ground of appeal to the First Tier Tribunal for certain Modern Slavery cases within the 'one-stop' process. <p>Not at all effective</p>	
27	<p>The Government wants to ensure the asylum and appeals system is faster, fairer and concludes cases more effectively. The Government's end-to-end reforms will aim to reduce the extent to which people can frustrate removals through sequential or unmeritorious claims, appeals or legal action, while maintaining fairness, ensuring access to justice and upholding the rule of law.</p> <p>In your view, how effective, if at all, will each of the following intended reforms be in achieving these aims:</p> <ul style="list-style-type: none"> • Providing more generous access to advice, including legal advice, to support people to raise issues, provide evidence as early as possible and avoid last minute claims. <p>Fairly effective</p> <ul style="list-style-type: none"> • Introducing an expedited process for claims and appeals made from detention, providing access to justice while quickly disposing any unmeritorious claims. <p>Not at all effective</p> <ul style="list-style-type: none"> • Providing a quicker process for Judges to take decisions on claims which the Home Office refuse without the right of appeal, reducing delays and costs from judicial reviews. <p>Not at all effective</p> <ul style="list-style-type: none"> • Introducing a new system for creating a panel of preapproved experts (e.g. medical experts) who report to the court or require experts to be jointly agreed by parties. <p>Not at all effective</p> <ul style="list-style-type: none"> • Expanding the fixed recoverable costs regime to cover immigration judicial reviews (JRs) and encouraging the increased use of wasted costs orders in Asylum and Immigration matters. <p>Not at all effective</p> <ul style="list-style-type: none"> • Introducing a new fast-track appeal process. This will be 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 or deportation. <p>Not at all effective</p>	<ul style="list-style-type: none"> o Very effective o Fairly effective o Not very effective o Not at all effective o Don't know
28	<p>The Government believes that all those who are subject to the UK's immigration laws, including those who have arrived here illegally or overstayed their visa, should be required to act in good faith at all times. Currently, the system is susceptible to being abused and there has to be an onus on individuals to act properly and take steps to</p>	<ul style="list-style-type: none"> o Strongly agree o Agree

	<p>return to their country of origin where they have no right to remain in the UK. This duty will apply to anyone engaging with the UK authorities on an immigration matter.</p> <p>As a part this requirement, to what extent do you agree or disagree with each of the following principles:</p> <ol style="list-style-type: none"> 1. Individuals coming to the UK (as a visitor, student or other legal means) should leave the country on their own accord, by the time their visa expires. 2. Individuals seeking the protection of the UK Government should bring their claims as soon as possible. 3. Individuals seeking the protection of the UK Government should always tell the truth. 4. Failure to act in good faith should be a factor that counts against the individual, when considered by the Home Office or judges as part of their decision making. 5. Where an individual has not acted in good faith, this will be a relevant and important factor which decision makers and judges should take into account when determining the credibility of the claimant. 	<ul style="list-style-type: none"> <input type="radio"/> Neither agree nor disagree <input type="radio"/> Disagree <input type="radio"/> Strongly disagree <input type="radio"/> Don't know <p>Declined to answer</p>
29	<p>The Government propose an amended 'one-stop process' for all protection claimants. This means supporting individuals to present all protection-related issues at the start of the process. The objective of this process is to avoid sequential and last-minute claims being made, resulting in quicker and more effective decision making for claimants.</p> <p>Are there other measures not set out in the proposals for a 'one-stop process' that the Government could take to speed up the immigration and asylum appeals process, while upholding access to justice? Please give data (where applicable) and detailed reasons.</p> <p>We currently have a one stop process (s.120 of Nationality, Immigration and Asylum Act 2002). The new proposal appears to suggest that this should include referrals into the National Referral Mechanism (NRM) for victims of trafficking, however only designated First Responders can make a referral, not immigration solicitors. This proposal also fails to recognise the many reasons for not being able to raise all protection related issues up front – including but not limited to trauma, difficulties in trusting authorities, shame, unfamiliarity with the processes involved and poor, inexperienced legal representation. The Home Office is already aware of these barriers and cites them in various policy and guidance documents.</p> <p>Substantial cuts to legal aid have resulted in 'legal aid deserts' in large parts of the country leaving asylum seekers and other migrants without representation. These must be reversed in order to make the work financially viable for providers. There is nothing concrete in the proposal which addresses this.</p>	Open question

30	<p>Please use the space below to give further feedback on the proposals in chapter 5. In particular, the Government is keen to understand:</p> <p>(a) If there are any ways in which these proposals could be improved to make sure the asylum and appeals system is faster, fairer, and concludes cases more effectively;</p> <p>(b) Whether there are any potential challenges that you can foresee in the approach the Government are taking around streamlining appeals.</p> <p>Please provide as much detail as you can.</p> <p>Section 8 of the Asylum and Immigration (Treatment of Claimants) Act 2004 lists a number of factors which are relevant to the assessment of an applicant’s credibility. The ‘good faith’ proposal does not explain why this provision, which appears to overlap with much of this, is considered inadequate and does not acknowledge that professional obligations already apply to legal representatives.</p> <p>The government is already familiar with the barriers facing victims of trafficking in disclosing their experiences. This is set out in the Statutory Guidance, produced under s49 of the Modern Slavery Act in 2020, and the Human Trafficking Foundation’s Slavery and Trafficking Survivor Care Standards which the government has already committed to implementing via the Victim Care Contract.</p> <p>Cuts to legal aid must be reversed to ensure all those seeking protection have access to good legal advice and representation. The proposal is silent on what ‘more generous’ legal advice will look like, what investment will be committed to providing these services and who will provide them. Safeguards should be introduced to promote high quality legal representation.</p> <p>The proposal to introduce a new fast-track appeal process and an expedited process for claims and appeals made from detention is wholly silent on the 2015 dismantled Detained Fast Track process which was found to be inadequate and structurally unfair. There is nothing in the proposals to indicate how a new accelerated system will be different or fairer than the system previously in place.</p>	Open question

	<p>The current statutory framework does not give rise to an appeal in respect of decisions where a person has been found not to be a victim of trafficking. The proposal to provide a quicker process for judges to take decisions on claims where the Home Office refuse without a right of appeal fails to mention that Judicial Review applications must be lodged promptly and in any event within three months, and the Home Office is frequently granted extensions to their Acknowledgments of Service due to pressures of work.</p> <p>The proposal to have final hearings be shorted and more focussed is a matter for the Tribunal when they are faced with issues before them. Their sole priority must be to ensure that justice is done and all relevant issues considered. If the Secretary of State attempts to limit access to justice by constraining the Tribunal, this will lead to the wrong decisions being made. The government must not lose sight of the importance of the issues at stake.</p> <p>No evidence has been provided to justify the proposal that a panel is essential for approving experts who give independent evidence to appeal proceedings.</p> <p>The proposal to expand the fixed recoverable costs regime to cover immigration judicial reviews is not in the interests of justice. Given the resources available to the state, in reality there will be no equality of arms in these proceedings and will only worsen the position of individuals.</p> <p>The proposal to increase the use of wasted costs orders, rather than encouraging good practice, firms will be deterred from introducing information disclosed late by their client, which is clearly not in the interests of justice. As said previously, victims of trafficking and other vulnerable groups are often traumatised which affects disclosure. If faced with the prospect of a wasted costs order, they may be discouraged from making a late disclosure, even though this may form an essential part of their case.</p>	
	<p>Chapter 6: Supporting Victims of Modern Slavery These questions relate to chapter 6 of the New Plan for Immigration. Please refer to this chapter for more information</p>	
31	<p>The Government believes there is a need to act now to build a resilient system which identifies victims of modern slavery as quickly as possible, and ensures that support is provided to those who need it, distinguishing effectively between genuine and vexatious accounts of modern slavery.</p> <p>In your view, how effective, if at all, will each of the following intended reforms be in achieving these aims?</p>	<ul style="list-style-type: none"> <input type="radio"/> Very effective <input type="radio"/> Fairly effective <input type="radio"/> Not very effective <input type="radio"/> Not at all effective <input type="radio"/> Don't know

	<ul style="list-style-type: none"> • Improving First Responders’ understanding of when to make a referral into the National Referral Mechanism (NRM) and when alternative support services may be more appropriate. Don’t know • Clarifying the Reasonable Grounds threshold. Not at all effective • Clarifying the definition of “public order” to enable the UK to withhold protections afforded by the NRM where there is a link to serious criminality or risk to UK national security. Not at all effective • Legislating to clarify the basis on which confirmed victims of modern slavery may be eligible for a grant of temporary, modern slavery specific, leave to remain. Don’t know • Bringing forward other future legislation to clarify international obligations to victims in UK law. Not at all effective • Continuing to strengthen the criminal justice system response to modern slavery, providing additional funding to increase prosecutions and build policing capability to investigate and respond to organised crime. Don’t know • Introducing new initiatives (as set out in Chapter 6 of the New Plan for Immigration) to provide additional support to victims, improve the Government’s ability to prevent modern slavery in the first place, and increase prosecutions of perpetrators. Don’t know 	
32	<p>Please use the space below to give further feedback on the proposals in chapter 6. In particular, the Government is keen to understand:</p> <p>(a) If there are any ways in which these proposals could be improved to make sure the objective of building a resilient system which accurately identifies possible victims of modern slavery as quickly as possible and ensures that support is provided to genuine victims who need it is achieved; and</p> <p>(b) Whether there are any potential challenges that you can foresee in the approach the Government are taking around modern slavery. Please provide as much detail as you can.</p> <p>Kalayaan remains deeply concerned at the government’s claim that there has been an alarming increase in migrants, including Foreign National Offenders seeking modern slavery referrals to avoid immigration detention and delay their removal from the UK. No evidence has been provided to substantiate this claim. Our own</p>	Open question

experience tells us that migrant domestic workers, who are not told of their employment rights prior to or after their arrival in the UK, nor who they may contact should they experience abuse, do not self-identify as victims. Once identified at Kalayaan, many take significant reassurance that a referral is designed to safeguard them. Many remain unsure about proceeding given the role of the Home Office in being the decision maker, not having the right to work whilst their claims are outstanding, and the uncertainty of what may happen even with a positive decision at the conclusive grounds stage.

In February 2021 a parliamentary petition closed with over 12,000 public signatures supporting the reinstatement of the domestic worker visa regime in place prior to 2012. Crucially, this regime allowed workers to change employers should they experience abuse and allowed them the time to find safe and decent re-employment by permitting them to renew their visa annually. This visa regime is nationally and internationally recognised as the best way to protect this group of workers who the government accepts are vulnerable to abuse. In response to the petition, the government confirmed they have no intention to reinstate the original visa regime and said the NRM exists as a dedicated process for victims of modern slavery. This response fails to address the need to prevent abuse from escalating to such severe forms of ill-treatment and does nothing to protect those workers who have experienced abuse but fail to meet the threshold for a referral to the NRM. The real danger is that given workers are unable to safely change employer, they will be faced with either staying with an exploitative employer, or leaving and being abused by those looking to exploit their insecure immigration status. The visa regime for migrant domestic workers is at complete odds with the government's claim to want to prevent modern slavery as set out in this policy document.

The proposal to withhold protections afforded under the NRM in cases of serious criminality fails to recognise that the government's own statistics tells us that the most common type of exploitation identified is criminal and labour exploitation. The government is already fully aware that some victims are forced to commit crimes as part of their exploitation. Victims should not be doubly punished by the criminal justice system, which may have failed to defend the charge under s45 of the Modern Slavery Act, and then denied protections under ECAT (the Trafficking Convention).

The proposal to consult on clarifying the reasonable grounds threshold appears to only serve to either delay or restrict victims access to support under ECAT. Individuals that Kalayaan support often have urgent medical needs, including psychiatric symptoms, as well as accommodation and other emergency needs. If these needs go unmet or there is a considerable delay, the real danger is that the physical and psychological symptoms grow more acute. Any consultation must take place openly and any changes informed by evidence. The reasonable ground

	<p>threshold at 'suspect but cannot prove' is already clear. This is an appropriate threshold for ensuring that people can enter the identification system as which point evidence can begin to be collected. It is not realistic or reasonable to expect a higher threshold at the point of initial identification and access to support and could have the very dangerous consequence of shutting people out of the system, driving them back to exploitation.</p> <p>The Policy Statement refers to legislating for victims to receive a grant of discretionary leave but this is already set out in guidance and the grants are extremely low. If the government wants to demonstrate its commitment to supporting survivors, it must stop conflating victims with foreign national offenders and referring to those in the NRM as 'child rapists, people who pose a threat to national security and illegal migrants who have travelled to the UK from safe countries.' Instead, the government should make faster, better decisions and grant survivors access to work to assist them in their recovery and prevent them from being at risk of re-trafficked, as demonstrated by Kalayaan's 2019 report 'Dignity, not destitution'. The Independent Anti-Slavery Commissioner also suggested the Home Office develop a pilot to trial the effectiveness of such a scheme in her 2019-2020 Annual Report.</p>	
	<p>Chapter 7: Disrupting Criminal Networks Behind People Smuggling</p> <p>These questions relate to chapter 7 of the New Plan for Immigration. Please refer to this chapter for more information</p>	
33	<p>Illegal immigration can cause significant harm and can endanger the lives of those undertaking dangerous journeys. It can also endanger those emergency service workers and Border Force officers who respond to illegal journeys such as those made by small boat.</p> <p>The Government is determined to introduce tough new measures to deter illegal migration by strengthening the protection of the UK's borders</p> <p>In your view, how effective, if at all, will each of the following intended reforms be in helping to meet this aim:</p> <ol style="list-style-type: none"> 1. Introducing tougher criminal offences for those attempting to illegally enter the UK, (including raising the penalty for illegal entry from 6 months to 2 - 5 years). Not at all effective 2. Widening existing powers to tackle those promoting or facilitating illegal migration, including raising the maximum sentence for facilitation to life imprisonment. 	<ul style="list-style-type: none"> <input type="radio"/> Very effective <input type="radio"/> Fairly effective <input type="radio"/> Not very effective <input type="radio"/> Not at all effective <input type="radio"/> Don't know

	<p>Not at all effective</p> <p>3. Giving additional powers to Border Force including searching freight containers for immigration purposes, seize and dispose of any vessels and the ability to stop and redirect vessels from the UK where persons being conveyed are suspected of seeking to enter the UK illegally.</p> <p>Not at all effective</p> <p>4. Increasing the penalty to a maximum of 5 years in prison for Foreign National Offenders who return to the UK in breach of a deportation order.</p> <p>Not at all effective</p> <p>5. Overhauling the Clandestine Civil Penalty Regime.</p> <p>Not at all effective</p> <p>6. Implementing an Electronic Travel Authorisation (ETA) scheme to identify and block the entry of those who present a threat to the UK.</p> <p>Not at all effective</p>	
34	<p>This question relates to the proposals to overhaul the Clandestine Civil Penalty Regime in chapter 7 of the New Plan for Immigration.</p> <p>The Government recognises that there is an ongoing threat posed to the haulage sector by those who view clandestine concealment in goods vehicles as a means to enter the UK illegally.</p> <p>Efforts to improve lorry security will assist in protecting the industry and borders, and yet the Government is still encountering large volumes of vehicles which do not meet the minimum-security standards set out in the Civil Penalty: Prevention of Clandestine Entrants Code of Practice (which can be accessed on GOV.UK).</p> <p>How far do you agree or disagree that improving levels of goods vehicle security is an important step towards reducing illegal entry by clandestine migrants?</p>	<ul style="list-style-type: none"> <input type="radio"/> Strongly agree <input type="radio"/> Agree <input type="radio"/> Neither agree nor disagree <input type="radio"/> Disagree <input type="radio"/> Strongly disagree <input type="radio"/> Don't know*
35	<p>This question relates to the proposals to overhaul the Clandestine Civil Penalty Regime in chapter 7 of the New Plan for Immigration.</p> <p>The Government aims to provide a fair and transparent charging framework that addresses more severe breaches of the Clandestine Entrant Civil Penalty Code.</p>	<ul style="list-style-type: none"> • The current maximum penalty (£2000 per clandestine migrant) • Other amount (please specify) • Don't know*

	The Government proposes an increase in the level of penalty. What level of fine (per clandestine migrant) do you think is appropriate?	
36	<p>The Government proposes to legislate for and enforce an electronic travel authorisation (ETAs) scheme i.e., an application for permission to travel to the UK similar to the current process for countries like United States, Canada, Australia and New Zealand.</p> <p>If you have experience of applying for or engaging with travel authorisation schemes operated by other countries, what are your experiences of those schemes?</p>	<input type="radio"/> Mostly positive <input type="radio"/> Equally positive and negative <input type="radio"/> Mostly negative <input type="radio"/> Not sure / don't know * <input type="radio"/> I Have not had experience of applying
37	<p>Please use the space below to give further feedback on the proposals in chapter 7. In particular, the Government is keen to understand</p> <p>(a) If there are any ways in which these proposals could be improved to make sure the objective of defending the UK border and preventing illegal entry is achieved; and (b) Whether there are any potential challenges that you can foresee in the approach the Government are taking to defend the border.</p> <p>Please provide as much detail as you can.</p>	Open question
	<p>Chapter 8: Enforcing Removals including Foreign National Offenders (FNOs)</p> <p>These questions relate to chapter 8 of the New Plan for Immigration. Please refer to this chapter for more information</p>	
38	<p>It is an essential responsibility of any Government to enforce and promote compliance with immigration laws, ensuring the swift return of those not entitled to be in the UK. The Home Secretary is also under a duty to remove any foreign national offender who has been served a sentence for an offence in the UK of 12 months or more.</p> <p>In your view, how effective, if at all, will each of the following reforms be in helping us to build on these principles?</p> <ul style="list-style-type: none"> • Consulting with Local Authority partners and stakeholders on implementing the provisions of the 2016 Act to remove support from failed asylumseeking families who have no right to remain in the UK. <p>Not at all effective</p>	<input type="radio"/> Very effective <input type="radio"/> Fairly effective <input type="radio"/> Not very effective <input type="radio"/> Not at all effective <input type="radio"/> Don't know

	<ul style="list-style-type: none"> • Considering whether to more carefully control visa availability where a country does not co-operate with receiving their own nationals who have no right to be in the UK. Not at all effective • Increasing the early removal provision for Foreign National Offenders who leave the UK from 9 months to 12 months to encourage departure and also add a new 'stop the clock' provision so that they must complete their sentence if they return. This would be in addition to any sentence for returning in breach of a deportation order. Not at all effective • Amending the list of factors for consideration of granting immigration bail and the conditions of immigration bail. Not at all effective • Placing in statute a single, standardised minimum notice period for migrants to access justice prior to enforced removal and confirm in statute that notice need not be re-issued following a previous failed removal, for example where the person has physically disrupted their removal. Not at all effective 	
39	<p>The Government intends on amending the list of factors for consideration of Immigration Bail in paragraph 3 of Schedule 10 to the Immigration Act 2016 (legislation.gov.uk), to include an individual's compliance with proper immigration process.</p> <p>To what extent, if at all, do you agree or disagree with this proposal?</p> <p>Strongly disagree</p>	<input type="radio"/> Strongly agree <input type="radio"/> Agree <input type="radio"/> Neither agree nor disagree <input type="radio"/> Disagree <input checked="" type="radio"/> Strongly disagree <input type="radio"/> Don't know
40	<p>This question relates to the proposals around providing prior notice of a set period (known as the notice period) before the individual is removed. This notice period provides the opportunity to seek legal advice and bring legal challenges ahead of removal.</p> <p>In your view, should this notice period be:</p> <ol style="list-style-type: none"> 1. A minimum of 72 hours, as is currently the case 2. 5 working days 3. 7 calendar days 4. Other length of time (please specify and explain your answer) 	<input type="radio"/> A minimum of 72 hours, as is currently the case <input type="radio"/> 5 working days <input type="radio"/> 7 calendar days <input type="radio"/> Other length of time (please specify and explain your answer) <input checked="" type="radio"/> Don't know *

41	<p>Please use the space below to give further feedback on the proposals in chapter 8. In particular, the Government is keen to understand</p> <p>(a) If there are any ways in which these proposals could be improved to make sure the objective of enforcing and promoting compliance with immigration laws, ensuring the swift return of those not entitled to be in the UK is achieved; and</p> <p>(b) Whether there are any potential challenges that you can foresee in the approach the Government is taking around removals.</p> <p>Please write in your answer in full, providing as much detail as you can.</p> <p>Kalayaan objects to any changes regarding the eligibility of asylum support. Without this in place, asylum seekers and their families are left homeless, destitute and made vulnerable to exploitation and abuse. The government has presented no evidence that such a hostile measure achieves their stated aim in wanting to remove individuals from the UK.</p>	Open question
	Public Sector Equality Duty (and other general questions)	
42	<p>Below is a list of protected characteristics under the Equalities Act:</p> <ul style="list-style-type: none"> • Age • Disability • Gender reassignment • Marriage and civil partnership • Pregnancy and maternity • Race • Religion or belief • Sex • Sexual orientation 	<p>Multiple choice</p> <p>Open question</p>

	<p>From the list of areas below, please select any areas where you feel intended reforms present disproportionate impacts on individuals protected by the Equalities Act. Please expand on your answer for any areas you have selected, providing data (where applicable), further information and detailed reasons.</p> <ul style="list-style-type: none"> • Protecting those Fleeing Persecution, Oppression and Tyranny (Chapter 2) • Ending Anomalies and Delivering Fairness in British Nationality Law (Chapter 3) • Disrupting Criminal Networks and Reforming the Asylum System (Chapter 4) • Streamlining Asylum Claims and Appeals (Chapter 5) • Supporting Victims of Modern Slavery (Chapter 6) • Disrupting Criminal Networks Behind People Smuggling (Chapter 7) • Enforcing Removals including Foreign National Offenders (FNOs) (Chapter 8) • None of these 	
43	<p>And in which areas, if any, of the intended reforms do you feel there are likely to be the greatest potential equalities considerations against the listed protected characteristics? (tick all that apply)</p> <ul style="list-style-type: none"> • Strengthening Safe and legal routes (Chapter 2) • Delivering fairness in British nationality laws (Chapter 3) • Reforming the asylum system (Chapter 4) • Streamlining and speeding up removals (Chapter 5) • Reforming the Modern Slavery System (Chapter 6) • Defending the Border and strengthening enforcement (Chapter 7) • Enforcing removals, including of Foreign National Offenders (Chapter 8) • None of these <p>Please expand on your answer, providing data (where applicable) and further information</p>	<p>Multiple choice</p> <p>Open question</p>
44	<p>Thinking about any potential equality considerations for the intended reforms in each of the areas, are there any mitigations you feel the Government should consider? Please give data (where applicable) and detailed reasons.</p> <p>Many of the proposals set out are lacking in detail but it is already clear that many of them, chiefly, creating a two-tier system for processing asylum claims and differentiating the protections and entitlements granted to refugees, are set to pose significant harm to individuals protected by the Equalities Act. Many of the aims</p>	<p>Open question</p>

	identified by government would be resolved with a properly resourced and trained Home Office department and with investment in legal aid.	
45	Is there any other feedback on the New Plan for Immigration content that you would like to submit as part of this consultation?	Open question