

## SESPM response to the consultation on the New Plan for Immigration May 2021

*This is the collated version of the responses which SESPM submitted via the online questionnaire but we are sending them in this format as they may be easier to understand as a stand alone document.*

### Introduction

The South East Strategic Partnership for Migration (SESPM) is a Home Office funded partnership that provides strategic leadership, advice and coordination for migration policy issues affecting the South East of England region. SESPM provides an effective two-way conduit between central government and local partners that aims to help those partners and the South East to manage and benefit from migration. Our partners includes local authorities (of which there are seventy-four), the police, health authorities, fire and rescue services and voluntary sector organisations.

Along with policy development, the SESPM role incorporates support to our partners on the following issues:

- the regional coordination of the refugee resettlement schemes, including the provision of English for Speakers of Other Languages (ESOL) for refugees who come on the schemes
- assistance to our partners and coordination regarding work with Unaccompanied Asylum Seeking Children, including contributing to the development and implementation of the UASC National Transfer Scheme
- facilitating the widening of asylum dispersal in the South East
- promoting initiatives concerning migration, such as those that support integration, those combatting modern slavery, the EU Settlement Scheme, new migration routes, such as that for British Nationals Overseas (BNOs), voluntary return and responding to the impact of the Covid-9 pandemic on the work of those involved with migration
- developing practice in relation to No Recourse to Public Funds (NRPF)
- incorporating the voice and experience of migrants and refugees into the work of our partners

The South East hosts the largest number of migrants in the UK outside of London and is for many migrants their point of entry on their way to other parts of country. As a partnership SESPM has over twenty years of experience in the field of migration and of contributing to the development of policy and practice based on the knowledge gained from the delivery of services by our partners. Drawing on that experience SESPM welcomes the opportunity to contribute to the consultation on the New Plan for Immigration, albeit that SESPM partners have concerns about the consultation process (see below).

The comments from SESPM partners are confined to the parts of the plan that relate to the topics where the SESPM partners have the most authority to contribute and where SESPM has obtained the views of our public authority partners. These are largely parts of the plan that will have a significant impact on the delivery of services at a local level. Additionally, many of the SESPM partners will be contributing to the consultation in their own right.

### The consultation process

SESPM partners are concerned that the consultation process will militate against the government receiving the range and depth of feedback that would better inform the plan. Concerns include the following:

- Given the major changes that are proposed, limiting the consultation period to six-weeks is too short, especially given that the period includes three bank holidays and that many local authorities are in a pre-election period (because of the local elections to be held on 6 May).
- The layout of the plan is confusing with some topics, for example, those relating to UASCs cutting across different chapters.
- Some of the language in the plan is misleading, for example, conflating concepts of entering the UK illegally and asylum claims. No matter how someone enters the country there is no such thing as an illegal asylum claim or an illegal asylum seeker. The choice of language and the portrayal of statistics were felt to not reflect the experience of most people arriving in the UK seeking asylum, nor of the communities and organisations who support them.
- The multiple choice questions, which form the majority of the questionnaire, are in some cases written in a way that implies acceptance with the premise of the question. Any answer could be taken as agreement with that premise. Furthermore, there are nuances in possible responses to the multiple choice questions for which the suggested responses leave no room. Accordingly, SESPM has declined to answer the multiple choice questions and have provided our responses in the open boxes and in a separate document.
- For the aspects of the plan that are most relevant to SESPM partners, there is not enough information about what is being proposed for us to provide a full answer. The lack of detail, particularly on how aspects of the plan would be implemented, has made it difficult to respond in as much detail as would normally be appropriate for such potentially major changes. SESPM partners stressed that their inability to respond to some questions because of this lack of detail should not be interpreted as agreement with the proposals. Furthermore, the plan has raised a number of questions from SESPM partners, and these questions are included in the relevant sections of the SESPM response.
- There are no timelines suggested in the plan. If some of the proposals were enacted public authorities and other providers would need sufficient time to adapt their services.

- There is not a distinct mechanism within the consultation process to hear the views of migrants (including refugees and asylum seekers) themselves. Given that this is the group of people that the plan will have the most impact on, the omission of a specific platform to attain the lived experience of migrants fundamentally undermines the consultation.
- The consultation process for the New Plan for Immigration is not the appropriate mechanism for fulfilling the government’s statutory duty set out in Section 3 of the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 to consult on family reunion routes for UASC. The complex nature of work with UASC and the importance of treating this group of people as children first merits a separate exercise.

### Overview response to what is proposed in the plan

- The proposals in the plan, as far as SESPM partners have understood them, would have a significant impact on the activities of SESPM partners and the communities and individuals that they work with. Some of the proposals if put into operation would be divisive and run counter to current efforts being made to promote integration and community cohesion. Several of the proposals are impractical and would present major challenges for SESPM partners, both in terms of resources that they would need and in the imposition of more responsibilities being placed upon local service providers.
- SESPM partners wish to continue working closely with the Home Office to improve aspects of the asylum system, such as the UASC National Transfer Scheme and increasing asylum dispersal in the South East. However, there was nothing in the plan that provided or suggested an effective means for achieving these improvements or for furthering the achievements to date in these areas.
- SESPM partners had concerns that lessons from recent reports and findings, in particular the “[Windrush Lessons Learnt Review](#)” and the “[Public Sector Equality Duty assessment of hostile environment policies](#)”, don’t seem to have been taken into account in the formulation of New Plan for Immigration. Several aspects of the plan could have unintended consequences for groups with protected characteristics, and SESPM partners would welcome being able to see the Equality Impact Assessment for these.
- SESPM partners would suggest that before any legislation is introduced or practices changed within existing law that further and more detailed consultation is conducted with SESPM and other stakeholders. In doing so we believe that the proposals would be better informed by the public authorities and organisations that witness the impact of migration and who deliver services at a local level.

Below are our responses to the areas of the plan that SESPM partners have the most direct experience of and have provided comments on for the purpose of the consultation. The responses are ordered under the following headings:

- Chapter 2 Protecting those Fleeing persecution

- Chapter 3 Ending anomalies in delivering fairness in British Nationality Law
- Chapter 4 Reforming the asylum system
- Chapter 5 Streamlining asylum claims and appeals
- Chapter 6 Supporting victims of modern slavery
- Chapter 8 Enforcing removals

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## Chapter 2 Protecting those Fleeing Persecution, oppression and tyranny -part 1

### Resettlement schemes

SESPM partners welcome the commitment in the proposal to the resettlement of refugees in the UK as a way of providing protection to people fleeing persecution. SESPM partners have had a positive experience in the South East of refugee resettlement schemes. The schemes have engaged local authority and voluntary sector partners in the delivering support to enable the refugees who have come to rebuild their lives in the UK. There are aspects of what is being proposed in terms of resettlement that SESPM partners have other comments on.

- SESPM partners welcome the proposal to grant Indefinite Leave to Remain (ILR) to people on arrival – doing so would provide more security to the refugees who come and help with the process of integration as it displays a long term commitment from the UK. Also, in the existing resettlement scheme, organising the applications for ILR for refugees who have come has been time consuming and taken up resources.
- SESPM partners would like to know if refugees who have come on the previous resettlement schemes can apply for ILR before they have been here for five years (thus bringing them into line with the refugees arriving on the new schemes).
- SESPM partners are concerned that there should not be a disparity in the granting of ILR between refugees who have arrived by the resettlement route and those who have been granted refugee status through the asylum route. The granting of refugee status in-country should also include granting of ILR.
- SESPM partners suggest that it would be efficacious to have targets for the numbers of refugees that the UK would aim to resettle every year. Having targets would aid the planning that is required by local authorities and other service providers who are engaged in the resettlement schemes. It would also help to contribute to a more predictable flow or pace of arrivals of refugees under resettlement schemes. Again, this would help local authorities and others in sustaining their expertise and their staff engaged in resettlement and to provide enough of a critical mass in an area to develop appropriate services. Given that the numbers of refugees in the world who are potentially eligible for resettlement in 2021 are 1.445 million ( <https://www.unhcr.org/uk/protection/resettlement/5ef34bfb7/projected-global-resettlement-needs-2021-pdf.html> ) SESPM partners suggest that the target be ambitious.

- Additionally, SESPM partners would suggest transparent targets for certain cohorts within the groups of refugees who are potentially eligible for resettlement. Examples include, example, single women, LGBTQI+ refugees and families with elderly dependents. Having such targets will aid in the development of services and support for the refugees who will be come. In establishing such targets, SESPM partners would suggest that there is a value in creating a balance of vulnerabilities within the resettled refugee cohort, although they recognise that any resettlement scheme also has to have the capacity to be responsive to the worldwide needs at the time.
- The inclusion of a new Humanitarian route was supported by SESPM partners, but the lack of detail on this made it difficult to comment. There was though a concern expressed that resettlement takes resources and time to organise, and partnership work is critical to successful delivery so early discussions on what this route would look like, what support would be available and how this could be formalised would be welcomed.
- SESPM partners think that the criteria for inclusion on resettlement schemes should not be based on a refugee's potential to integrate but, on need.
- While SESPM partners welcome the commitment to resettlement, they have concerns about the disparity in the support available to refugees who come via this route and the support available to asylum seekers. In practice on the ground having two-tiers of support ifs difficult for service providers and militates against community cohesion.
- SESPM partners noted that less than 1% of the world's refugees are resettled globally every year ( <https://www.unhcr.org/uk/resettlement.html> ) and that the vast majority of refugees with protection needs do not have access to the resettlement route. So, while SESPM partners welcome the commitment to resettlement, they felt that the plan does not provide routes to protection for other refugees who have the same needs and vulnerabilities of those who have accessed the resettlement schemes. SESPM partners think that other routes to people gaining protection in the UK should be developed alongside enhancement of the resettlement schemes and expansion of family reunion eligibility.
- SESPM partners recognise that Community Sponsorship of refugee resettlement can provide additional support to refugees who come via the resettlement route. Community Sponsorship can complement the work of local authorities and others who are engaged in resettlement but, it needs to be recognised that some responsibilities will still fall back on public authorities, such as safeguarding, even if a refugee is within a Community Sponsorship scheme. Local authorities have concerns about the use of Community Sponsorship in isolation of coordination with and adequate resources being made available to local authorities and others to aid with the resettlement process. While being open to working with the groups involved, SESPM partners stressed that resettlement cannot be achieved through Community Sponsorship alone.

## Family reunion rights (see separate answers on the specific questions relating to family reunion rights for UASC)

SESPM partners welcome the expansion of the criteria for eligibility family reunification, for example increasing the age to 21 for dependent children. The experience of SESPM partners shows the value of family reunion in helping with the process of integration and as a way of providing protection to refugees and their families.

Our other comments on this aspect of the plan are:

- There is a need for more detail on family reunion routes. SESPM partners' experience shows that it is important to manage expectations of families who are here by providing clarity on the process. The process would benefit from there being a clear route by which family members in the UK can apply for relatives who are abroad to join them.
- There is scope to widen the eligibility (and criteria) for family reunion that takes into account a broader sense of family. The terminology and definitions of what constitutes a family differs across cultures and the UK should respect these differences.
- SESPM partners noted that the statutory authorities need to be sufficiently resourced to conduct robust family assessments that ensure that safeguarding concerns are covered.
- Most of the refugee families who come of the resettlement schemes already have most of their family with them, so while an expansion of the family reunion criteria may help some of them, the majority of people that the changes could apply to would have come by other routes.

## Support for integration

SESPM partners have taken what is suggested in the plan as a positive recognition of the need for support for integration, however there is a lack of clarity on what is being proposed. Comments on what has been understood of the plan are:

- SESPM partners think that there is a need to enhance support for integration for people who have come by both the resettlement and asylum routes.
- SESPM partners recognise the value of integration support being provided from the first days of a person's arrival in the UK, whether through the resettlement scheme or via the asylum route.
- The experience of SESPM partners with the current 28-day transition period between someone receiving refugee status and being moved off asylum support on to mainstream provision has shown that the time period is not long enough to put in place the measures needed to ensure a successful transition.
- SESPM partners think It would be beneficial if measures from the Indicators of Integration and the tools to use these were developed further to enable an objective measurement of integration.

## Employment support and Access to work

- SESPM partners recognise the importance of refugees being provided with support to gain employment and welcome efforts to improve such support. However, the provision of such support requires considerable resources and time, adequate amounts of which would be needed for this element of the proposals to be effective. Often bespoke employment support is needed as refugees make the transition from their usual work environment into that of the UK. There is not enough information on how the refugee Transitions Outcomes Fund would operate to comment on whether this would be enough of a resource to meet the needs for employment support. SESPM partners also note that no local authorities in the South East have been able to access support from the current version of the Transitions Outcomes Fund.
- In addition to employment support, there was no mention of volunteering or community work, which have been shown as key elements of the process of integration. SESPM partners would suggest that routes and resources be made available to promote these elements in resettlement support.
- Not all refugees are able to work, even if they have permission to do so. For example, some are hampered by health and other vulnerabilities that have arisen from their experience of becoming a refugee. While it is good to provide support into employment for all refugees SESPM partners think it would be misleading to suggest that doing so will mean all refugees gain employment.
- SESPM partners think that although the proposal mentions employment disparities between refugees and the rest of the UK population, there was not enough detail on an analysis of why this is the case and of concrete proposals to remedy the disparity.

## ESOL

Based on their experience of ESOL delivery for resettled refugees in the South East, SESPM partners have the following comments:

- Learning English is important to the process of integration and SESPM partners would support the enhancement of ESOL provision. SESPM partners stress that the level of ESOL support required is in excess of the provision allowed for within the current funding arrangements for resettlement.
- The provision of ESOL benefits from having the flexibility to respond to a wide variety of levels of English and learning processes. For example, language development is not linear and acquiring language skills may be a process that takes place over a lifetime for some refugees. Similarly, ESOL provision can be more effective if there is scope for it to be delivered in a variety of ways, for example not just in classrooms or groups or with formal curriculums. The flexibility of provision would need to be taken into account in enhanced ESOL support for the resettlement scheme.

## Other points relating to chapter 2

- SESPM partners think that the penalisation or differentiation in how to treat people who have come by different routes will not be effective (see elsewhere in our response) and would be particularly detrimental to the needs of UASC.
- The integration support that is suggested for refugees who have come via the resettlement route should be available for UASC.
- SESPM partners think that there should be training for frontline workers in how trauma manifests itself in young people. As such there should be the promotion of a model of good practice that is combined with the training for public authority staff who will come into contact with UASC.

## **Chapter 2 Protecting those Fleeing Persecution, oppression and tyranny Part 2 – safe and legal routes - family reunion for UASC**

- SESPM partners think that routes to family reunion for UASC that were enacted through the Dublin III arrangements should be replaced with arrangements that enable the transfer of children from within Europe to be reunited with family in the UK. Apart from cases where there was a safeguarding concern, young people within the EU should be reunited with family members in the UK, and that it is in the child's best interest for this to take place.
- Increasing access to family reunion through legal routes would benefit the children and in the experience of SESPM partners aid integration. If family reunion rights are restricted for adults who arrive in the UK irregularly, for example clandestinely, SESPM partners think this will incentivise other family members, including children, to undertake dangerous journeys.
- SESPM partners raised the importance of working with the UK-based family members, to allow them to fully understand the implications of agreeing to support a child and to be in contact with local services from the beginning of the process.
- SESPM partners think that refugee and asylum seeking children and the families being reunited should be given the same amount of support as their UK-resident peers.
- As with children and young people within the EU, SESPM partners think that the ability to reunite UASC outside of the EU with family in the UK is important and that there should be a robust mechanism for this. SESPM partners think that this process needs to be quicker than that used the organised refugee resettlement routes, given the additional vulnerabilities and risks that children face whilst separated from family.
- SESPM partners think that the proposals should also consider reuniting children in family units with family in the UK, and that the proposals should not just apply to unaccompanied children.
- SESPM partners question how legislation concerning Children, including the Children Act 2004, will overlap with the proposals, for example with the safeguarding responsibilities of local authorities?

- SESPM partners think that UASC should be given the right to sponsor their parents and siblings who are aged under twenty-five years to join them in the UK under family reunion rules.
  - SESPM partners think that consideration should be given to reintroducing Legal aid for all family reunion cases.
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### **Chapter 3 Ending anomalies and delivering fairness in British Nationality Law**

- SESPM partners expressed concerns about the approach to denying British Citizenship to children who are stateless. SESPM partners think that an approach that penalises a child because of the actions of an adult is not proportionate, and a better approach would be to provide information to people on their nationality rights.
  - SESPM partners expressed concern about the impact this proposal would have on Looked After Children who may have no family contact and/or evidence of nationality but who could be affected.
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### **Chapter 4 Disrupting Criminal Networks and reforming asylum system**

SESPM partners have the following comments on the proposals in this section of the plan.

- SESPM partners think that it is not helpful that Chapter 8 has conflated issues concerning the disruption of criminal networks in the same section as reform of the asylum system. Doing so can contribute to false impressions of asylum seekers and refugees which in turn can create community tensions. It is not a criminal act to apply for asylum.
- SESPM partners have concerns about how this aspect of the proposal would conform with the UK's obligations under the UN Refugee Convention, specifically whether it would go against the commitments in Article 31.
- SESPM partners think that the **creation of a temporary protection status** with less rights and entitlements would be divisive and would be difficult for service providers to implement. Having different status and entitlements will add to the complexity of provision of services from providers such as local authorities. It would be practically difficult to provide services for some people but not others, even though both groups would have similar needs.
- SESPM partners think that temporary protection status will increase the amount of homelessness in their areas, including street homeless. There are concerns that this would undo the progress that has been made addressing street homelessness in light of the Covid-19 pandemic. An increase in homelessness would also have resource implications for local authorities.

- SESPM partners have concerns that children will be disproportionately affected by this aspect of the plan in that they are unlikely to have decision-making powers over their route and final destination. This includes lack of control over obtaining passports and visas, organising and funding of travel arrangements, but also means those who are unaccompanied are also less likely to be able to access “safe and legal” routes into the UK. This could lead to the criminalisation of children, in terms of their entry method to the UK, but also increase their risk to trafficking and exploitation and their vulnerability as a result. In particular, SESPM partners felt that this aspect of the plan would directly disadvantage children and have an equalities impact because of the age of this group. Additionally, SESPM partners are concerned about the potential for the criminalisation of children and young people, by virtue of their vulnerability to criminal exploitation in order to reach the UK. SESPM partners think that an unaccompanied child’s asylum claim should not be ruled “inadmissible” on the basis of them travelling through other “safe” countries.
- SESPM partners think that these proposals would make the situation for vulnerable people worse, rather than better, and would encourage people to take more risks, including dangerous journeys and be subjected to more exploitation. SESPM partners did not think that “fortifying” the UK would reduce the number of people wanting to arrive here. SESPM partners were concerned that the plan has not fully considered the multiple reasons why people choose the UK as a place to seek refuge, for example, cultural links. SESPM partners think that these measures will not stop people who are significant risk of persecution or harm attempting to come to the UK.
- SESPM partners think that there is a risk that front line staff in public authorities would become quasi immigration officers. Although they would need training and knowledge about the differentiation in immigration status it is not their role to act as immigration officers.
- SESPM partners have extensive experience of working with and providing services to asylum seekers and the communities that they live in. A consistent strand that runs through the work of the SESPM partners is supporting initiatives that facilitate the process of integration. Based on this experience SESPM partners are concerned about the impact on integration for people deemed ‘inadmissible’ who then go on to acquire temporary protection status. It would be practically difficult to provide integration support for some members of the community but not others, even though those others would have similar needs.
- SESPM partners are concerned about what the expectation would be of local authority responsibilities with respect to care leavers who have temporary status.
- SESPM partners think that there is a risk that care leavers who have fewer rights, and less support will drift out of the system, increasing their vulnerability.
- SESPM partners have a concern that there is a potential financial impact on local authorities who may be forced to absorb the costs and responsibilities associated with NRP conditions, especially in relation to families with dependent children.

- SESPM partners expressed concern that groups of vulnerable people would be adversely impacted by the proposal including, but not limited to, children, victims of trafficking and modern slavery, and women. These groups in particular are more likely to have barriers in terms of being able to prove their identity and articulate their circumstances and there is therefore an equalities impact. Additionally, it was not clear who would conduct a “credibility assessment” and how this will be done impartially and what reviews/appeals would be implemented as a safeguard.
- SESPM partners think that the consideration of the ability of individuals being able to claim asylum elsewhere (either on route to the UK or because of other links) was disproportionate, and had no regard to historical, cultural or familial links to the UK. In addition, SESPM partners think that there was no regard to those who had been trafficked to the UK or brought here without their knowledge or control, for example children, and the proposal would disproportionately punish these groups.

In addition to the above concerns SESPM partners have a range of questions concerning the creation of temporary protection status. If answered this would enable the SESPM partners to provide further feedback on their potential use. The questions are:

- It is not clear from the proposal what level of support people granted temporary protection would receive. The level of support would have an impact on services provided by the statutory and voluntary sectors as it is likely that there would be gaps in provision that would have to be addressed by those sectors. Would the statutory and voluntary sectors be resourced to do so? Would people with temporary protection be able to access health care and education?
- If an asylum seeker is assessed as being vulnerable, how would their vulnerability be addressed if they were granted temporary protection status?
- What considerations have been made in relation to this policy and its impact on *Every Child Matters*?
- What would happen if, after 30 months, the Home Office can’t remove an individual?

Overall, SESPM partners are concerned that the creation of a temporary protection status would be inappropriate to meet the needs of the individuals concerned, damaging to the process of integration and have a negative impact on the delivery of services locally and on community cohesion. Accordingly, SESPM partners would not support the proposal to create this new status.

The proposal mentions **reception centres** but, it is not clear what reception centres would entail as there are no details. SESPM partners have concerns about the potential use of reception centres. These include the following:

- The use of any building or groups of linked buildings to accommodate asylum seekers would provide a focal point for activities for groups hostile to refugees and migrants. Such activities have already been witnessed at contingency accommodation that has been used during the Covid-19 pandemic, such as Napier barracks. Besides the distress such activities could cause the people accommodated there would be a negative impact on the local community and costs associated with policing.
- Accommodating people in a place separate from the community would work against community cohesion and integration.
- The experience from the use of contingency accommodation during the Covid-19 pandemic has shown that there is a negative impact on the physical and mental health of the people living there.
- SESPM partners have concerns that UASC would end up in reception centres as a result of being wrongly assessed as being adults.
- SESPM partners have concerns that reception centres might be used for people who are correctly identified as being UASCs. The creation of a separate system for UASC using reception centres would not be in the best interests of the child.

In addition to the above concerns SESPM partners have a range of questions concerning the potential use of reception centres, which if answered would enable the SESPM partners to provide further feedback on their potential use. The questions are:

- Where would they be located, and to what extent would local authorities be involved in the planning consent to locate a reception centre and would local authorities have the power to veto the establishment of a reception centre?
- Would people accommodated there be allowed to leave or, would they be detention centres?
- Would people accommodated in them have access to local services such as health? If so, to what degree would local authorities be supported to provide such services.
- How would people in reception centres access adequate legal advice and general advice? Currently there is a lack of legal and general advice services in many areas in the South East so extra resources would be needed to address the advice needs of reception centres in the region.
- Would people accommodated in them be allowed to work?
- If an asylum seeker was self-sufficient or had alternative accommodation, would they still be required to stay in a reception centre?
- Who would provide services in reception centres and who would manage them?
- Who would have responsibility for safeguarding in reception centres – would this fall to the local authority (for example under Section 42)? If so, would the local authority be supported in fulfilling this responsibility.

- SESPM partners have significant concerns that the use of reception centres would be inappropriate to meet the needs of asylum seekers, would be damaging to the process of integration and would have a negative impact on the delivery of services locally and on community cohesion. Any further exploration for the use of reception centres must include the voice of local government (through the LGA for example) who would only endorse the use of reception centres if they deemed them appropriate to meet the needs of asylum seekers and the communities in which they would be located.
- SESPM partners expressed concern at how changing the “test” for “well-founded fear of persecution” would be permissible under the Refugee Convention and what the ramifications for doing this would be. There was concern that there would be reputational damage to the UK on the global stage, but also potentially set a dangerous precedent that would allow other states to change their standards.
- SESPM partners expressed concern at the lack of detail of this aspect of the plan.
- SESPM partners think that the decision-making process within the Home Office needs to be considered in respect to this aspect of the plan. A large proportion of asylum claims are successful on appeal and could have been resolved at an earlier stage had a “right first time” approach been fostered within the asylum casework department. A process that focused on the making the correct decision initially would potentially lead people to have more confidence in the system.

SESPM partners had the following points and questions about the proposal to establish a National Age Assessment Board (NAAB).

- SESPM partners have concerns that the language used in the plan and the consultation questions on this aspect can feed false narratives, for example, that current age assessment criteria are not robust.
- Overall, SESPM partners are not clear about the value in the creation of a NAAB. There are concerns that it would add another layer of bureaucracy to an already challenging and complicated process. It may lead to delays and it is not clear from the proposal what would happen if a local authority disagreed with an age assessment made by the NAAB.
- SESPM partners think that the development of good practice and standards in relation to age assessment are important. It is not clear though from the information provided how the creation of a NAAB could add to this development.
- It is not clear who in a NAAB would be conducting age assessments – for example, would they be qualified social workers?
- It is not clear what so called scientific age assessment methods are as the understanding of SESPM is that there is no reliable scientific method of determining a person’s age. Furthermore, any medical testing would, as with any medical intervention, give rise to issues of consent. It would not be appropriate to make medical interventions on young people without their consent.

- SESPM partners are concerned about immigration officers and other staff who are not social workers being given the power to make age assessments. Not only would they not be qualified social workers, but age assessments conducted at the point of arrival is not appropriate as the young person has often been deprived of sleep and food. Age assessments need to be conducted by fully qualified social workers.
- There is a lack of detail about the NAAB with regards to issues such as structure, membership, governance, accountability, which government department would take overall responsibility for it, how its decisions would relate to those made by local authorities, how would disputes about the decisions it made be resolved, what information and data would the NAAB have access to in order to inform decision making, what power, if any, would it have to compel organisations to engage in the process?
- SESPM partners recognise that there is potential for a NAAB to reduce the financial burden of age challenges on local authorities, although judicial reviews may be more frequent.
- SESPM partners recognise that a NAAB could enable social workers to build better trusting relationship without the burden of making age decisions.
- SESPM partners noted that the plan makes no mention of the contributions that UASC make to the communities in which they live. SESPM partners stressed that many UASC are highly motivated and are a benefit to the areas in which they live.
- SESPM partners suggest that before any further steps are taken regarding the establishment of a NAAB that further discussion should take place with local authorities, through the Association of Directors of Children's Services (ADCS) for example in order to address the concerns and questions raised above. These discussions should ensure that safeguarding considerations are given prominence in any development of this aspect of the plan.

## **Chapter 5 Streamlining Asylum Claims and appeals**

- SESPM partners are concerned that there is a shortage of access to legal advice for people who claim asylum in the South East and for other migrants with affected by immigration law. Any changes to how people make their applications need to ensure that those people have access to good quality legal advice. Resources would be needed to make this happen.
- SESPM partners think that the proposals in this part of the plan will potentially detrimentally effect children seeking asylum, as well as people who are victims of trafficking. Often young people who are victims of trafficking and modern slavery are likely to have been told what to say and may not be comfortable to disclose their own reason for claiming asylum immediately. Young people may consider family members as being at risk depending on what they tell the UK authorities, and it can take young people time to build up trust and rapport with social workers and immigration advisors.
- SESPM partners are concerned that the proposals are likely to impact LGBTQI+ people where they are unaware that their gender identity and/or sexuality status could be grounds for an asylum application.

- SESPM partners are concerned that many victims of trafficking are unaware they are “victims” and may not disclose their experience initially and that not doing so may have a detrimental effect on their asylum claim or inclusion in the NRM.
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## **Chapter 6 Supporting victims of modern slavery**

SESPM partners comments about what is proposed in the plan in respect to combatting modern slavery are:

- SESPM partners are supportive of efforts to combat modern slavery and trafficking and to provide support to the victims.
- SESPM partners support the proposal to ensure that victims of modern slavery receive ready access to specific mental health support and enhanced holistic support. We would welcome more details on what is envisaged and would be happy to then provide further feedback on this aspect of the proposals.
- SESPM partners would welcome the creation of a modern slavery prevention fund if that allowed for more resources to be made available to public authorities and voluntary sector organisations working with victims of modern slavery and efforts to prevent modern slavery. We would welcome more details on what is envisaged for such a fund and would be happy to then provide further feedback on the fund.
- SESPM partners are concerned that some victims of trafficking and modern slavery will not be able to make claims for asylum as they’ll all be deemed inadmissible to the UK asylum system as most often arrive ‘illegally’.
- SESPM partners understand that many victims of trafficking and modern slavery find it difficult to disclose or articulate their experiences, especially in the immediate aftermath of their slavery experience. Any system for identifying victims of modern slavery will need to take this into account and allow for later disclosure. We are concerned that proposals for a one-stop approach would miss victims of modern slavery and shut them out of future correct assessment and support.
- SESPM partners think that the proposal does not take into account that there are many reasons why child trafficking victims who claim asylum may not disclose information linked to their exploitation and abuse, sometimes even years after arrival in the UK. This is often due to the impact of trauma. Any proposal for working with child victims of trafficking and modern slavery would need to take this into account.
- SESPM partners welcome the proposal to increase the rollout of Child Trafficking Guardians.
- SESPM partners welcome the proposal to provide more training to first responders.
- SESPM partners acknowledge that some claims to be recognised as a victim of modern slavery or trafficking will lack credibility. Where that is the case SESPM partners recognise that such claims need to be more easily identified using appropriate standards of assessment.

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## Chapter 8 Enforcing removals

- SESPM partners are concerned about the conflating of issues concerning Foreign National Offenders and those of asylum seekers whose asylum claims have not been successful. SESPM partners think that to better develop policy and practice in relation to the two groups of people considerations should be made separately. By linking the two groups in the same chapter can contribute to false impressions of asylum seekers and refugees which in turn can create community tensions.
- SESPM partners have serious concerns about both the impact and the practicalities of the suggestions in Chapter 8 on enforcing removals as they potentially apply to people whose asylum claim has been rejected (failed asylum seekers). SESPM partners comments are restricted to observations about the proposals for that group of people. Implementing provisions within the Immigration Act 2016 to remove support from failed asylum seekers would lead to hardship for vulnerable individuals and families. It is also highly likely that it would shift responsibility and costs to local authorities should they be compelled to support an otherwise destitute family.
- SESPM partners' experience is that there are a variety of complex reasons that contribute to people not leaving the UK when their asylum claim is rejected. Even when services and support are cut, as happens under the existing asylum support and welfare systems, people who are often vulnerable, do not leave the country. Many people become exposed to exploitation and some experience a deterioration in their physical and mental health. Sadly, there are cases where a crisis point is reached and they come into contact with public authorities, at an Accident and Emergency department for example.
- SESPM partners are concerned that families may go underground in order to avoid action by the Home Office or the local authority - doing so would increase safeguarding risks. This would increase their vulnerability to exploitation, modern slavery and the deterioration of their physical and mental health.
- SESPM partners are concerned that families affected by the proposal would not approach local authorities as they would fear to raise their profile. Consequently, it would be likely that opportunities would be missed for early preventative interventions by local authorities to address need. In turn this would lead to later crisis responses that tend to be more resource intensive.
- SESPM partners are concerned that the proposal will create more work for frontline service providers as they encounter people who have been cut-off from services and who are driven to desperate measures. Frontline services would need extra resources to help them cope with the greater demands on their role.
- SESPM partners are concerned about the lack of clarity in the proposal about what the responsibilities and duty of care of local authorities will be when support is removed from people whose claim for asylum has been rejected.

- SESPM partners think that removing support from people whose claim for asylum has been rejected will increase the complexity of the system. As a result, there would be a need for more access to advice for the people who may be affected. There is currently a shortage of advice services, especially those that provide immigration related advice. The proposal would exacerbate this shortage.
- SESPM partners think that there would be costs incurred by local authorities to ensure that staff were trained understand the system. Additionally, there would be challenges for local authorities if there was an expectation that front line staff would be able to provide any advice that was regulated by the Office of Immigration Services Commissioner (OISC). Local authorities are not immigration officers and while they need to have an awareness of the legislation relevant to their work and service provision, they are not, for example, OISC accredited.
- SESPM partners are concerned and unclear what the proposal means when it states the intention of ‘working with local authorities and partners we will seek to enforce returns.’ It is difficult for local authorities to engage with enforcement of returns for several reasons. It blurs the line between the local authority role and that of the Home Office. Public authority workers. Local authority front line staff, health providers for example, are not immigration officers. If local authorities were to be involved with return enforcement, it would impact negatively on their work supporting communities and promoting integration. Furthermore, it would lead to a lack of trust that people have towards local authorities, with a consequence that vulnerable people affected will be exposed to additional risks as they avoid coming to the attention of services for a fear of being removed.
- SESPM partners think that the proposals would lead to a contradictory tension of local authorities having a role in refugee resettlement on one hand and being involved with returning people on the other - the mixed messages would make the position of local authority invidious.
- SESPM partners are concerned about limiting or removing services for people who are vulnerable, for example who have health conditions that require treatment. Would that treatment be stopped mid-way through a course of medication, for example, for TB? If that was to be the case it would go against the interest of public health.
- SESPM partners are concerned about that the safeguarding implications of removal of support.
- SESPM partners would be keen to see evidence that the removal of support would lead to more people leaving the UK.
- SESPM partners think that there would be a negative impact on community cohesion if there were groups of people in their community who cannot access advice and services that were appropriate to their needs.
- SESPM partners are concerned that forced removals increase tensions in the local community.

- SESPM partners are concerned that local authorities will be expected to exercise their duties under the Children Act for children and families whose asylum support has been ended. This raises questions about what resources would be made available to local authorities to exercise such duties.
  - SESPM partners have concerns about how the proposal would apply to care leavers who had originally come to the UK as UASC and whose asylum claim is rejected after they become 18 - years old. If no support was available for this group there are risks that they would become more vulnerable and at risk of exploitation and harm. It is unclear what the responsibilities of local authorities would be in the case of this group.
  - Overall, SESPM partners were concerned that this aspect of the plan shifts more responsibilities from central to local government without having consideration of the impact on local resources and practices.
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Question 45 – is there any other feedback on the New Plan for Immigration

The response format for the consultation suggested by Britain Thinks and the Home Office does not lend itself easily to responses which reflect the opinions of a range of stakeholders, as is the case of the SESPM partnership where we have a wide variety of stakeholders. This has meant we have not been able to answer multiple choice questions. While we have been able to use some of the open text boxes, we have additionally our answers to those questions into one document and sent this to the following email addresses:

Sovereign Borders Strategy Team

[NewPlanforImmigration@homeoffice.gov.uk](mailto:NewPlanforImmigration@homeoffice.gov.uk)

[newplanforimmigration@britainthinks.com](mailto:newplanforimmigration@britainthinks.com)