

Written evidence submitted by Southampton and Winchester Visitors Group (BSAIB21)

BORDER SECURITY, ASYLUM AND IMMIGRATION BILL EVIDENCE TO THE BILL COMMITTEE

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Executive Summary

- We are a local charity with over 20 years of experience helping people while they claim asylum.
- There is substantial public support for asylum and a need for balanced and responsible political discussion.
- The Bill is focused on border security and does not address this need for reform of the asylum system in the UK.
- Border security measures on their own are not sufficient: asylum visas and safe routes are needed.
- Robust text is needed to ensure that people who provide humanitarian assistance are not prosecuted.
- People who are seeking asylum should not be criminalised.
- Mobile phones should not be confiscated; they should be returned within 7 days.
- Detention should only be used as a last resort, time-limited, subject to judicial oversight and with proper safeguarding.
- Henry VIII powers should be limited.
- The right to naturalisation and British citizenship should not be withheld based on how people came to the UK.

1. Who we are

1.1

Southampton and Winchester Visitors Group (SWVG) is a charity led by local volunteers who help people while they are claiming asylum and in the initial period after they receive an asylum decision. We have been operating for over 20 years, we have 150 local volunteers

and we help about 500 people annually. The help we give includes: a weekly social drop-in with help desks; signposting to solicitors and healthcare providers; travel to Home Office interviews; help in finding accommodation; English teaching, food distribution, social well-being and sports activities; and support to people reporting at the police station. Our latest project 'Cooking with Friends' has helped 40 people gain their NVQ in food hygiene. We also talk to local and national politicians about the effect that government policies have on the people that we help. We work in partnership with other organisations in our area.

1.2

SWVG is a member Together with Refugees (TWR), a nationwide coalition of over 600 organisations in the UK [Ref 1]. We call on politicians to endorse the TWR Parliamentary Promise to work for a fair new plan for asylum [Ref 2] which:

- Ensures protection for people fleeing war and persecution by upholding the UK's commitment under international law to the right to claim asylum.
- Provides a proper strategy for welcoming refugees, who do so much to enrich our society, by ensuring fair, rapid decisions on their application for asylum, and the chance to rebuild their lives through settling in a community.
- Forges stronger global cooperation to tackle the root causes that force people to flee their homes and provides positive solutions when they do, including through safe routes to refugee protection. .

1.3

SWVG is submitting evidence because we help many people who have had traumatic experiences in their country of origin and had difficult journeys to seek asylum. We know them and we care about them.

1.4

We are also advocates for a fair, humane and efficient asylum system; a lot of our effort is devoted to mitigating and correcting failures of the system.

1.5

Our comments below are made in relation to policies; we are not party-political.

2. General remarks

2.1

Despite years of misinformation and negative portrayal by the media and by political leaders about people who seek asylum – and although immigration and asylum are largely confused in the public mind, although refugees are only about 6% of the total – there is substantial public support in the UK for refugees and for the principle of asylum [Ref 3]. This is

reflected in the widespread public support for SWVG, for the TWR coalition and for the City of Sanctuary movement (which has over 70 local authorities as members) [Ref. 4].

2.2

Responsible politicians should not use prejudicial language about people who need asylum. This sort of language undermines rational discussion, it polarises opinion, is divisive to local communities and leads to poor policy making. It threatens social cohesion [Ref 5]. Political leaders need to use balanced language about asylum, the reasons why people need it and the benefits it brings us, which a majority of people in the UK understand and agree with.

2.3

The Bill is focused primarily on law enforcement relating to organised crime and unauthorised immigration.

2.4

The Bill does not address the urgently-needed reform of the UK asylum system, which is advocated in The Institute for Government's report "How the government can design better asylum policy" [Ref. 6]. The introduction states: *"This report puts forward recommendations to help the government set a clear direction and a coherent asylum strategy rather than the reactive or contradictory decisions made by previous governments."*

2.5

The Bill does not address how the UK will fulfil its international commitments by enabling people to claim asylum in a fair, safe, humane and efficient manner. The safety of the person seeking asylum should be uppermost.

2.6

Successive governments have spent large sums of money increasing border security at Calais and elsewhere and in subsidies to the French authorities. These measures do not appear to have worked in reducing the number of people seeking asylum in the UK. Instead they have displaced people onto more dangerous routes and increased the fatality rates [Ref 7].

2.7

Security measures on their own will not work. A system of "safe and legal routes" and refugee visas is needed to enable a manageable number of people to reach the UK without taking dangerous routes. This would give the UK government a degree of control over who comes to the UK, compared to the present situation, and would reduce the risk of fatality to those people who have good grounds for asylum. This system has worked reasonably well for Ukrainians; a more consistent approach is needed [Ref 6 section "It is largely impossible to apply for asylum from abroad"]].

2.8

52% of initial Home Office decisions on asylum claims made in the year to September 2024 have been grants of protection. The proportion of asylum appeals allowed in the year to June 2024 was 48%. [Ref 8] The majority of people who claim asylum and have a decision are ultimately granted Leave to Remain. Given the forensic nature of asylum assessments, this is powerful evidence that they do indeed have well-founded reasons for asylum in accordance with international and domestic law. The Home Office has a wealth of information in people's asylum claims which explain why they come to the UK.

2.9

People who are not granted Leave to Remain (whether because their cause for asylum did not meet the legal definition or because they could not obtain proper legal advice due to the present scarcity of legal aid immigration solicitors) should nonetheless be treated with humanity and respect. The provisions of the Bill, particularly regarding detention and removals, should be written with this in mind.

2.10

For the asylum system to work efficiently and fairly, people need access to immigration solicitors. Despite the recent increase in legal aid provision, there is still a severe scarcity of legal advice for people who are claiming asylum. This increases the number of people unfairly refused asylum because their claim was not submitted correctly and consequently the number of people in fear of detention [Ref 9].

3. Evidence relating to specific clauses in the Bill

3.1

Clauses 13(3) and (4); Clauses 14 (3), (4) and (5) Clause 15. Some of the people that we help have made "dangerous journeys" to the UK, so we have an interest in whether they could have received humanitarian and safety assistance during their journeys. The text of these clauses needs to be sufficiently robust, so as to ensure that people who offer assistance to people seeking asylum for humanitarian or safety reasons will not be subject to legal harassment.

3.2

Clause 15(2). We suggest that this should be amended to clarify that someone providing a boat or life raft for the purpose of rescuing people would be exempt from prosecution.

3.3

Clause 18. This clause should be amended to ensure that a person seeking asylum who has been put in a difficult or impossible situation, maybe under duress, should not be criminalised for (for example) steering a boat. Criminalisation of people who are seeking safety, rather than the smugglers, is against natural justice, is unlikely to reduce numbers crossing the Channel and adds another burden to the criminal justice system. [Ref 10].

3.4

Clauses 19 - 26. In our experience, confiscation of people's mobile phones by the police and Border Force has a severe impact on people personally who cannot contact their families and prevents them accessing help, solicitors, doctors, the Home Office, and Home Office agencies such as Migrant Help and translation services. This has knock-on effects on their mental health and on their ability to submit their asylum claim, leading to further counter-productive delays in the asylum system. It adversely affects charities like SWVG, which have to try to provide people with replacement phones so that they can do all these things. People's phones should only be removed temporarily in tightly defined circumstances. Their personal data should be backed up and given to them together with a temporary phone. The police and Border Force should not lose people's phones as happened frequently in the past. People should have their phones returned to them within a maximum of one week.

3.5

It is possible, however, that in future smuggling gangs will take people's mobile phones before they travel, in which case the Home Office would need to consider how people who are seeking asylum will be able to communicate sufficiently.

3.6

Clause 37. We are pleased to see the "Safety of Rwanda 2024" Act repealed. We agree with the Institute of Government that "*Too much asylum policy has been shaped by unfounded political assumptions*". [Ref. 6, The politics of asylum make policy making more difficult].

3.7

Clause 41. In past years there have been numerous egregious cases of the unjustified use of immigration detention and abuse of people in detention. For some people seeking asylum, this has been indefinite imprisonment with few safeguards. Detention is inherently harmful to people's physical and mental health and indefinite detention – without a time limit – even more so. From 2023-24, more than 50% of people detained were later released on immigration bail. In some cases, years after they were first detained. This raises serious questions about whether their detention was ever justified? We have for example the case of a late middle-aged woman whom we were helping, who was detained more than once,

was forcibly restrained despite presenting no risk, but who was subsequently released and granted Refugee status. We agree with the British Red Cross [Ref 11] and with Detention Action [Ref 12] that detention should only be a last resort and with a 28-day limit on anyone's time in detention. We agree that vulnerable people, including pregnant women, should never be detained. Detention should be subject to judicial safeguards. Staff should have the necessary training, supervision and independent checks to ensure they are dealing with people in a safe and compassionate manner. No person under 18 should be detained, and anyone who is seeking age verification should not be detained.

3.8

Henry VIII powers

The bill contains three clauses which would enable ministers to amend or repeal provisions of primary legislation using secondary legislation ('Henry VIII clauses').

- Clause 15(3): power to add to the list of items which are excluded from the scope of the new offences in clauses 13 and 14
- Clause 44(3): power to add to the list of items which are included in the scope of the new criminal offence in clause 43
- Clause 53(1): power to make consequential amendments

The delegated powers memorandum identifies and discusses these clauses, along with other provisions allowing for secondary legislation.

We hope that the Committee will carefully consider the extent of Henry VIII powers and set proper limits on them.

3.9

We appreciate the House of Commons Library Research Briefing [Ref 13].

4. Removal of the right to gain citizenship

4.1

Although not part of the Bill, we strongly object to this measure which denies people the ability to fully integrate on the basis of a spurious and irrelevant "good character" test, despite the Home Office having decided that they do have valid grounds for being granted refugee status, which itself means that they had a well-founded fear of persecution which caused them to seek asylum. We know people who are definitely of good character, who have learnt English, have studied to get qualified with skills that the UK needs and have been saving money to qualify for citizenship. This not only prevents them becoming full members of our society as many eminent former refugees have been in the past, it also casts a shadow on their children.

4.2

The removal of this right is contrary to the Refugee Convention 1951 Article 34 "Naturalization" [Ref 14] which states that

“The Contracting States shall as far as possible facilitate the assimilation and naturalization of refugees. They shall in particular make every effort to expedite naturalization proceedings and to reduce as far as possible the charges and costs of such proceedings.”

4.3

We question whether there is any evidence that this measure would affect the number of people claiming asylum in the UK?

4.4

Too much asylum policy has, under successive governments, been shaped disproportionately by ill-founded assumptions, particularly about the ‘pull factors’ that are contended to motivate asylum seekers’ decision to travel to the UK, including by irregular means, and how people can be deterred. [Ref. 6, The politics of asylum make policy making more difficult]. This is again a policy that has been based on unfounded political assumptions; it is one which will have a damaging effect on people we know who want to contribute and integrate properly in our society.

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