



CATHOLIC BISHOPS' CONFERENCE OF ENGLAND AND WALES

Office for Refugee Policy

25th January 2002

A BRIEFING ON THE ASYLUM PROPOSALS

The White Paper is likely to be published during either the first or the second week of February. This means that the consultation period will be very short – or as some civil servants have suggested, it will be contemporaneous to the Bill's passage through Parliament.

Many of the proposed changes announced in October will not need primary legislation: e.g. the accelerated appeals procedure, reporting centres and induction centres are already in operation. Smart cards will be introduced at the end of this month for new applicants, with existing applicants being phased in. The first accommodation centre will open in December this year (though the building/site has as far as we know not been identified as yet!). What is likely to be in the White Paper is an overarching perspective, outlining new policy and new motivation for the changes. It is also likely to include the set up of a resettlement programme (bi-lateral agreement with UNHCR, so theoretically it wont need legislation unless it involves a new budget line of costs), the establishment of exclusion centres and the repeal of Part III of the 1999 Act (giving the automatic right of a bail hearing to detainees). There is also a hint that employment rule changes may be included, though the new Highly Skilled Migrants Programme is already up and running (see Home Office website for details).

The new asylum procedure seems to be as follows:

1. Having stated that you want to seek asylum, if your case is thought to be manifestly unfounded you are sent to Oakington, as at present. Otherwise you are sent to an induction centre. The three so far in operation or about to come on-line: Dover, Heathrow (Thorncliffe Hotel?) and Crawley. It is a yet uncertain if the substantive interview will take place in the induction centre – if so you are likely to be there for 7-10 days. If not it may turn out that the induction centres are in effect "Operation North" under a new name (stay overnight if that and being immediately dispersed so that your feet never touch London).
2. From the induction centre or from Oakington you are then dispersed or as of December sent to an accommodation centre to participate in the pilot scheme. Dispersal will still be to named accommodation under NASS. Support will be via the new smart card. Vouchers will be phased out by autumn 2002 and everyone put on the smart card system. The smart card gives access to cash (possibly through cashpoints?). The smart card will have some items of information visible and others embedded in a chip. The latter are likely to include whether or not you are allowed to work (though how then does an employer access the info on the chip?) and the last reporting date and the next. It is unclear if those in accommodation centres will have any cash available to them since they will be housed and fed on site.
3. While dispersed, you will have to attend a Reporting Centre. It is unclear if travel expenses to the reporting centre will be available. It is unclear if reporting centres will be



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easily accessible from all dispersal areas (unlikely). The pilot reporting centre in Salford automatically detains all first time callers for a brief period until their details are processed and then they are released automatically. What already seems to be clear is that reporting centres will be informed of the decision in your case – so that if it is negative, the Immigration Service can pick you up for transfer to a removal centre. What is also clear is that failure to report and have your smart card validated, will mean the withdrawal of access to cash via the smart card and an assumption that you are withdrawing your asylum case.

4. Appeals have been truncated already. Some certified cases have had their right to Judicial Review removed. If you are a certified case (manifestly unfounded) and your appeal is refused, the Home Office will be told of the decision before you or your legal representative. JR will (in theory) also be truncated for these cases. See the detail of SI 4014/2001 and the comments on it by Asylum Aid.
5. If you have a negative decision and you are not a certified case, it is unclear when detention for removal will commence (after the first negative decision or after the negative appeal decision?) What is clear is that the reporting requirements will make it much easier for the Immigration Service to pick you up for detention.
6. Detention Centres are being renamed Removal Centres. It really does seem that the focus will be on short term detention just prior to removal, though there will be a huge problem trying to stop Immigration Officers detaining people on arrival. Three of the current detention centres have been designated Holding Centre: Lindholme, Haslar and New Dover. These will accommodate those people who are deemed to be high risk (people likely to abscond, those who have failed to comply with dispersal, accommodation in an accommodation centre, or to comply with reporting requirements). It is likely that these centres may also hold those who have come to the end of the road, who are not entitled to any status, but who for one reason or another cannot be removed from the UK (e.g. no commercial flights, the political situation in their own country, etc.)
7. Positive decisions. There is no indication of an improvement in the reception conditions / integration method for those given refugee status or ELR. It is likely to continue to be as haphazard as ever.

It is fairly clear that the focus of any new system is going to be on tracking movement, linking tracking to support and linking tracking to removal. No account has been taken of the need for a fair decision making process. This is essential particularly if safeguards (such as appeal rights) are going to be truncated.