



Grassroots for Europe Round Table # 32 - 10/01/2023 Report

Title “UK Immigration Policy – its damaging effects”.

Zoe Gardner, Policy and Research Manager - Another Europe Is Possible

“Current picture of Migration Management”

Our government is in crisis and is trying to shift the national conversation back to refugees and migration where it feels to be on stable electoral ground.

Brexit and our changing relationship with Europe have affected the small boats migration route but did not create the perma-crisis faced by refugees in Northern France. A series of agreements (Sangatte and Le Touquet) dating from the 1990s and early 2000s allow the UK border to operate on French soil. Thousands of destitute people, without authorisation to come to the UK, live in camps in Northern France. Many are driven to attempt extremely dangerous Channel crossings in small boats, in lorries or on trains often at the mercy of people smugglers.

Our colleagues in France firmly oppose these juxtaposed controls and blame them for the desperate situation in Northern France. It is vital for our government to reach a satisfactory deal with the EU. Successive Home Secretaries have instigated various unsuccessful deals - funding for French police with patrols and fencing on French beaches.

A new deal is intended to replace the Dublin Regulation which assigns responsibility for examining asylum claims to the first EU country of entry. Other criteria which are equally, if not more, important are humanitarian grounds and family reunification. At the end of 2022 France, Germany, The Netherlands, and the UK produced a joint statement reiterating their commitment to achieving agreement on this issue. However, reaching agreement with the EU will be more difficult than bilateral agreements that the UK government sought initially with France. Meanwhile, a package of regulations and directives is currently being negotiated by EU institutions with the intention of signing them off by the end of this EU parliamentary year.

The new EU package does not look promising, involving as it does summary detention of people, including minors, at borders for an indefinite period without the right to claim asylum. Children as young as six would be subject to finger-printing or biometric identification tests as well as data collection. There are plans to package together asylum refusal and deportation orders which clearly limits right of appeal and access to proper judicial safeguards.

There will be a new way of sharing responsibility, with member states being able to enact returns on each other's behalf. Whilst there has been criticism of the UK Rwanda scheme, the EU equips and pays Libyan coastguard or militias posing as legitimate coastguards to intercept and return asylum seekers to Libya and from there, in some cases, people have been transferred through a UN scheme on to Rwanda.

It is very important for us to have a clear view of the current situation if we are to respond effectively. It is not helpful to see the present state of affairs merely in terms of Brexit or our government, as there is a global rejection of the principles of the Refugee Convention which has been in place for 70 years. The UK has enacted legislation which contravenes the Refugee Convention as does the EU asylum pact, with similar moves in the US and elsewhere.

At the same time as this government exploits the situation of refugees, it has overseen a relaxation in immigration via short-term, temporary visas with fewer rights and more restrictive conditions. Whereas people previously benefited from freedom of movement – right to settle, to leave and return, to change job, to bring their family – they now have very limited rights, such as six-month visas, leading to poor working conditions. Immigration should be viewed as part of an extremely complex global system, encompassing, for example, our food production and social care, rather than a simple linear process of people entering the UK.

To end on a more positive note, whilst people do not want to see small boats arriving, migration is generally viewed much more positively than it was a decade ago, with the contribution made by migrants being more widely recognised. So, there are ways in which we can move forward.

Jon Featonby, Chief Policy Analyst, Refugee Council: “Is the worst still to come? UK Asylum Policy in 2023.”

The European context of the UK immigration policy (outlined in Zoe Gardner’s talk) is important, but rarely informs much of UK Parliamentary Debate. But the wider global context of the Refugee Convention on immigration, whether it be America or Pakistan, is mentioned even less frequently. It is important to stress that the UK’s (generally ill-informed) behaviour matters at an EU level, because the EU is tightening up its policies as well, which will mostly affect countries closer to those places from which refugees are fleeing. This makes it harder for EU countries to maintain open borders. The vast majority (83%) of refugees are hosted by developing countries, and 72% are hosted by a country which borders the source of conflict or disaster. Europe, and even more so the UK, shelter a tiny proportion of global migrants.

2022 was a difficult year for those working in the refugee and migration sector, and even more so for those seeking protection in the UK, and will determine most of what is likely to happen in 2023. Channel crossings in small boats topped the political agenda, but 2022 saw the Nationality and Borders Act, one of the worst pieces of asylum and trafficking legislation seen for a long time. It severely limits the possibility of seeking protection in the UK, raises the bar for being granted refugee status, and criminalises those crossing the Channel ‘irregularly’ to claim asylum. This all flies in the face of the spirit of the 1951 Refugee (or Geneva) Convention. The Nationality and Borders Act also adds restrictive definitions about being a refugee in the UK and creates a two-tier system for those granted refugee status by the UK asylum process. Somebody who has arrived ‘irregularly’ and is granted refugee status will be classified as a group 2 refugee, with limited access to family reunion, no recourse to public funds, and only two and a half years permission to stay rather than five years. (Re-application every 30 months creates at least four times the work per refugee for the Home Office!) Group 2 refugees have to wait at least 10 years rather than the normal five years to be granted status. Such requirements massively undermine integration, which is particularly serious for the 3,000 or so unaccompanied children who the Refugee Council supports each year. The Act will shortly enforce age assessments of those unaccompanied children, including medical assessments largely by X rays, which pose health risks as well as questions of accuracy.

The system therefore compels asylum seekers to risk their lives in potentially tragic ways, as happened just before Christmas. Some 45,000 people may have reached the UK irregularly in 2022, but we now have 144,000 asylum seekers waiting just for an initial decision on their claim. This is largely because the Home Office makes so few asylum decisions, a mere

20,000 a year at present, or roughly what France and Germany each do each month. The huge backlog of 30% of people who have already been waiting for at least a year has knock-on effects on those relying on the Home Office for their support with finance and accommodation. Hence 30,000 people are living in hotels, completely inappropriate for those in the asylum system.

Political pressures were also seen in the inhumane Rwanda agreement and the legal challenges against it. The High Court did find that it was, at least in principle, legal under the 1951 Convention, but in practice the High Court has also found the Home Office guilty of acting unlawfully in many individual cases. The basic factual inaccuracies in some letters to individuals highlight the inadequacy of Home Office case-working.

So, we inherit a chaotic situation in 2023 with the Prime Minister reiterating his 'plan' to introduce laws to stop channel crossings and reduce Home Office backlogs. He appears to rely on detaining and immediately returning 'irregular' arrivals, ignoring the fact that this is not possible without the agreement of other countries. Yet more pointless, damaging legislation that ultimately won't address any of the real issues affecting the asylum system. The main challenge for those campaigning for a more humanitarian system, whether at national, EU or global level, is to keep responding to government proposals and to stress what will make a real difference. A coordinated response will help to create a more positive agenda. One co-ordinated response, for example, will be to the Prime Minister's commitment to clear the backlog of asylum decisions by the end of 2023. There were caveats: the Home Office referred to "legacy cases," which probably refers to asylum applications made in the UK before 28 June 2022, when most of the Nationality and Borders Act came into force. That is still some 90,000 applications to decide within a year - about four and a half times more than the UK has so far been able to process per annum. There are some simple steps to take. Around a third of the present backlog is from just five countries - Iran, Sudan, Eritrea, Afghanistan and Syria, from where at least 82% of applications are usually granted. The Refugee Council is working on how asylum seekers from those countries can be processed more speedily. Faster processing of the 8,000 unaccompanied children awaiting a decision would also make major inroads relatively quickly.

Another campaigning issue in 2023 may be the UK's response to migrants from Ukraine. Whereas the EU allowed Ukrainians to travel without a visa, the UK created two visa schemes, the 'family scheme' and the 'house Ukraine' scheme, which have proved problematic. The UK granted 200,000 visas to Ukrainians, and over 150,000 people have now arrived, mostly accommodated by British people. These are huge numbers compared to 'irregular' arrivals. So can the British willingness to help extend to refugees from other nations like Eritrea, Afghanistan, or Syria?

Responding to deeply damaging legislation will occupy those in the refugee sector during 2023. At the same time opposition parties, especially the Labour front bench, will need to develop a constructive dialogue while monitoring developments in the EU.

What would actually make a real difference from a Refugee Council perspective?

- The Home Office tackling the processing backlog in a serious manner.
- Campaigners continuously highlighting the UK's absence of safe routes for asylum seekers. The Home Office narrative seems to be about people in small boats jumping some mythical queue of 'legal' refugees, but since before COVID re-settlement is down massively and refugee family reunions are down by a third. There just aren't that many legal routes unless you happen to be Ukrainian.

- The Home Office increasing the rates of resettlement and family reunion.
- Promoting the concept of humanitarian visas, which allow people to apply for a visa from the first country to which they are displaced.
- Exploring with other European civil societies how to change the narrative about global refugee issues.

Question & Answer Section:

Question: Do the speakers know of any exemplary practices on immigration elsewhere in the world? Or is it a race to the bottom throughout the world?

Zoe Gardner: No country does this extremely well on all fronts. However, many countries have good practice in certain areas. I would point primarily to countries that can be at least reasonably compared to the UK, because there are some South American countries that have quite good policies, but I think it's quite a different context. Spain and Portugal would be the two that I would point to. Spain's border policy is abhorrent, but its immigration policy is good compared to the sort of short-term visas that lock people out of accessing rights. Spain has a good policy in terms of relatively shorter routes to permanent status, very permissive family reunification policies for all types of migrants. It has reasonable regularisation routes in terms of people who haven't got a legal status of any kind, whether asylum seekers or, more often, people who are not in the asylum system to be able to regularise their status and obtain a legal stay after much less time than many other countries. Portugal is, obviously, much less of what's called a "destination country", and is a different context, because Portugal desperately needs migration. Many countries that receive migrants – and not just the richest countries, but many so-called 'transit' countries and poorer countries - rely on those migrants for their labour, - and, very often, they put them into situations of vulnerability by refusing them adequate status and protection in order to better be able to exploit that labour. So, we do all need migration, but Portugal's a slightly specific case of that.

What's interesting about Portugal is that it recognises the impact of its colonial past. So, migrants from former Portuguese colonies have a more direct route to entry, citizenship, and equal status. The aim is that all migrants should have completely equal rights with Portuguese citizens, everybody living in Portugal should have equal access to the welfare state, employment without discrimination, etc. So, there are good examples to pick out. In terms of refugee protection, it is slightly another matter and there are few examples of countries moving in a positive direction. This is why I iconoclastically like to query whether the Refugee Convention is the best way for the future. We need to look longer term to protect people, because if people have the right to move and have rights to settle in other countries and across borders, they don't necessarily always need to go through the asylum system. I'm not suggesting we throw out the baby of the Refugee Convention with the bathwater by any means, but I do think that having a range of tailored migration systems would prevent a lot of the problems that we see with the refugee-demonisation agenda, including for people who are forced migrants but are not protected under the Convention, like people fleeing climate disaster.

And on the Labour Party: Organisations, like the Refugee Council, should be having those conversations with the Front Bench, just behind the scenes, where there is plenty to be achieved. We cannot rely on Labour going into the next election with fleshed-out detailed policies for refugees or other migrants. They're going to have a very broad-brush

manifesto, that tries not to scare anybody. There is a small light on the horizon that their policy won't be as bad as this Government's.

Jonathan Featonby: I agree it's difficult to find good examples. It used to be that you could point to places like Sweden as an example of how to run a humane asylum system. There are some places, like Uganda, that do integration particularly well, but they are not comparable, really, to the UK for a number of different reasons. Zoe's point around what to expect from Labour is an absolutely correct and important one. They're not going to stick something in front and centre about asylum in their manifesto, for several reasons. However, looking at where the polls are, if there is going to be a Labour Government then they are going to inherit an asylum system in a massive mess, whether that's Channel crossings or backlog accommodation. We see part of our role in having those conversations that if/when there is a Labour Government, we can end up with some sensible policies for immediate release within, say, the first 100 days, to be followed by the longer-term stuff that changes direction from our current path.

Chair: At the United Nations Global Refugee Concert in January 2020, three nations were singled out for good practice. The first was Jordan, maybe not surprisingly, as it had the highest percentage of refugees per capita, and apparently a very good integration record; the second was Germany, for the obvious reasons of having taken in a lot of people against the mainstream of what the EU was doing at the time; and thirdly, and that was a real surprise for me, Turkey. There were some protests, but Turkey is being paid for taking back refugees from Greece, and therefore, from the EU, and I suppose can claim that they have taken in, in absolute terms, a huge number of refugees.

Question: [How do you think the right-wing British media will respond to the new hostile EU immigration policy? And how do you think the pro-EU community independent press should respond in terms of offering a unified narrative?](#)

Zoe Gardner: The right-wing press will largely ignore it. This is part of the problem. In the UK we view migration as a thing that happens in a linear way that arrives at the Kent coast. People say, 'why can't we just send them back?' They forget that France is a real country too, with a real population made up of real people who also have views. It's not just a place where we can put people; EU27 countries have their own policies. Nationally, we know little about these, and those that we do get to hear about in the right-wing press, are where EU policies are going in a negative direction.

To respond in more human-rights based terms, it is valuable to make links with other European civil society organisations and other global societies where people are opposing the legislative agenda to shape a new, compelling, narrative. Let's talk to people in France about their perspective on how to manage the Calais situation. We must stop thinking we're the only people with a voice in this discussion.

Jonathan Featonby: I agree with Zoe on right-wing media. I don't think they pay much attention at all. I'm not sure that any media pays attention to what happens politically at EU level. Take for example, the Italian Government's decree introduced in December that forces charity-run ships to request a port and sail to it "without delay" after a rescue, rather than remain at sea looking for other migrant boats in distress, as generally used to occur. I haven't seen much coverage of that, across any UK media. I agree there is an important need to work more as a pan-European civil society, including parliamentary

cooperation, to form a global response to this. At the Red Cross, we are trying to encourage this, to stop seeing this as a regional issue. We might talk about the global numbers, but we still approach it in a Western way, focusing on this country's viewpoint that deals with very few people that happen to end up here. The UK is not a major destination, like Jordan or Turkey. Let's talk to civil societies in those countries which do host millions of people about how they think international protection and cooperation should work.

Question: Is the idea that every migrant is desperate to get to the UK true? Why do migrants want to come to the UK?

Zoe Gardner: Jonathan has gone over the figures. We can only go with what the research tells us. Our government wants to tell us that we're great, and that everyone's coming to us, and is supported by the media. Migration flows are not linear. Especially forced migration flows. Generally speaking, people are not aiming just for one place and just make a beeline straight for it. Most people who make these kinds of irregular journeys spend weeks, months, and even sometimes years in the process, stopping in various different countries, sometimes to work irregularly, sometimes being detained, sometimes being pushed back between different countries, and around again, before they ever make it even to Europe, let alone then onwards to the UK. And at each stage, most people stop. We are the westernmost edge of this. By then time our trickle of migrants arrive, they have been through, possibly, 28 countries previously.

The principle of refugee protection relies on every country agreeing to take a share. Before migrants get to our shores, they will have crossed many countries where they may have had negative experiences. If we look at it as everybody ultimately wanting to come to us, we ignore the complexity of reality. So, we need to keep front and centre that it's not true that everybody's trying to come to us; as for the small proportion that do, just from a perspective of maintaining a world that protects refugees, we must respond by welcoming our share.

Chair: The refugees who I hosted mostly said English is easier to learn than most other languages. Also, some have relatives here. These may be some of the factors here.

Jonathan Featonby: There are some people who want to come to the UK for obvious reasons, family being one of them. This Government puts an irrational focus on reducing access to family reunion, including now through the Nationality and Borders Act; Zoe talked about the Dublin Regulation, and how, when the UK was part of that, far more people transferred to the UK for family reunion reasons than we ever transferred back. As Zoe said, most people don't set out to do that. Many who make it to the UK actually had no control at all over where they were going to end up. They are under the control of agents. This arises from the Home Office's own research which investigated why people were displaced in the first place and why they ended up where they did which did not support its own narrative previously referred to. This document had to be extracted from the Government under a Parliamentary Written Answer following a refusal of an FOI request and reveals that Home Office asylum policy is not evidence-led.

<https://freemovement.org.uk/wp-content/uploads/2022/11/Annex-A-Sovereign-Borders-International-Asylum-Comparisons-Report-Section-1-Drivers-and-impact-on-asylum-migration-journeys.pdf>

Question: What would be our top three messages on how a closer relationship with the EU would help us better manage migration? Since it is a rising regional trend?

Zoe Gardner: The main national discussion should focus on managing refugee distribution internationally. It would better sense to do that with the rest of Europe than it does to throw money to Rwanda who will take it without resolving the root causes. EU member states have a voice to stand up to the UK and require us to take in as well as remove refugees, which Rwanda can't do. We need to rebalance the sharing of responsibility for determining people's asylum claims. The EU does have its own tensions, but one of the things the UK has going for us is that we really do have a very strong civil society. Through engagement with members of the Network on Statelessness, across the whole of Europe, UK civil society could have significant positive influence on the European debate on refugees and migration, even if our Government's contribution would not necessarily be a positive one.

Jonathan Featonby: The first message is that it's far easier for governments who are trying to deal with these things by working together to tend to come up with some sustainable solutions rather than this kind of race to the bottom that we currently have, where we have the French police's approach to migrant camps in northern France and how that then means somebody's not going to claim asylum in France so is incentivized to try and cross the channel. We need to look at the concept of asylum and the way hostile-environment and enforcement-led policies just lead to some more people becoming irregular. Under the way in which the Convention has been enacted by governments, it has very much been that somebody gets to a country, and they claim asylum. If we had humanitarian visas and a European commitment to these, we could change some of the ways people had to undertake those journeys in the first place. Let's start speaking about that as a possible solution.

Question: Is there scope for greater UK-EU civil society and parliamentary cooperation over resisting and mitigating bad asylum and migration tendencies? Is *Another Europe is Possible (AEIP)* doing anything like this?

Jonathan Featonby: On the first question the answer is "yes". Hence, the context that Zoe has given us is really important from a UK perspective. It's crucial to take a wider view.

Zoe Gardner: On the second question about AEIP, one of the things that AEIP does really well is to bring together the voices of other European organisations. AEIP is part of many European networks, including the "European Alternatives" which represent a network of civil society organisations across Europe. Working at European Network of Statelessness, we are a European network. This provides scope. If neighbours could work together towards good national asylum systems, this could cascade.

Currently, there is a lot of despair and lack of energy. Our UK civil society sector working on refugees has spent the last year strenuously challenging the Nationality and Borders Bill (now Act), only to find that the media has now lost interest. It's like it never happened. However, the problems will repeat, and we'll have to challenge once again, which is exhausting. It is hard, especially when you're working across borders, across cultures,

across languages, but it remains the only way. Where these links exist, AEIP is bringing them in and I'd be more than happy to link anyone up with anyone that I can.

Question: Is there a group of former refugees, in the UK, or in Europe?

Jonathan Featonby: "Former refugees" is a difficult term to define. Do people feel themselves as former refugees or as always being refugees? As a sector, we're trying to put the voice of lived experience at the heart of all our policy suggestions and media work. The British Red Cross has a group called the Voices Network. This comprises a very eloquent group of people from across the UK. It operates as an award-winning podcast series which talks about actual people's experience of being a refugee. The Refugee Council is also concentrating on this. Freedom from Torture have run *Survivors Speak Out* for a long time as well. There are a number of similar groups, and we'd recommend anybody who's looking to get involved in refugee issues to find them on social media, and follow them for events and outreach.

Chair: I would like to add two points. The first one is a competition which the European Parliament is organising, which was originally my initiative together with a former Palestinian refugee who is now running an organisation to help refugees and migrants set up businesses. This is a competition for migrants/refugees from anywhere in the world, who come to the EU or the UK, to tell their stories. Despite the pandemic, we had many entries, but we had to postpone the prize-giving a few times. We had three prize winners and we're going to run this again next year with the Renew Europe group funding us. It's not party political. If anybody's interested in this, please contact me. Second, the fantastic UK *Refugees at Home* organisation matches migrants and refugees with host families. The host families do not get paid like under the Ukraine scheme. Mine was a host family and we had a wonderful experience. One can host refugees for anything from two days to five years, and you can choose who you host. A wonderful organisation, one of many others with incredible engagement by civil society.

Attendees

Speakers:

Jon Featonby

Zoe Gardner

Chair: Irina von Wiese

Participating Organisations :

John Gaskell - Grassroots for Europe

Fiona Godfrey - British in Europe

Jane Golding - British in Europe

Sandra Khadouri - UK-EU Cooperation Channels and Network

Else Kvist - New Europeans

Yvonne Wancke - EM

Rosemary Watt - Glasgow loves EU

Paul Willner – Wales for Europe

Richard Wilson – Grassroots for Europe

Sue Wilson - Bremain in Spain
Richard Kilpatrick - EM
Julie Ward – Bylines Network
Magdalena Williams - EM
Lisa Bruton – Bremain in Spain
Mark Johnston – Pro Europa
Andrea Dumitrache - the 3million
Tamsin Shasha – The Festival for Europe
Sharon Leclercq-Spooner – Pro Europa
Fiona Wishlade – Glasgow Loves EU

RT Planning Team

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The zoom information for Round Table # 33.

Tuesday 7th February 2023 at 5pm <https://us02web.zoom.us/j/86789845326>

Topic: Round Table #33

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