

UK's "New Plan for Immigration"—a fundamental assault on the right to asylum

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Home Secretary Priti Patel's "New Plan for Immigration" is a fundamental attack on the right to asylum. The 52-page document cloaks the introduction of draconian anti-democratic measures in the doublespeak of supposedly bringing about more "fairness" and "streamlining".

Although it is already a "criminal offence to enter or be in the UK without status or permission," the government intends to extend this to those "seeking to enter the UK illegally", as well as increasing the maximum penalty from its current six months. Since virtually all "legal" means for an asylum seeker to reach Britain are being blocked, those arriving will almost all be categorised as "illegal" immigrants. Anyone receiving a custodial sentence of 12 months or more in the UK is defined as a "Foreign National Offender" (FNO) and can be subject to deportation. Breaching a deportation order and returning to the UK would mean someone defined as a FNO could be jailed for up to five years, rather than six months as currently.

In future, a right to stay will usually only be given to those refugees and asylum seekers who apply for "resettlement" to the UK through the official process. The document boasts of Britain's "proud history of those facing persecution, oppression and tyranny," with the UK accepting "more refugees through planned resettlement schemes than any other country in Europe".

Resettlement involves making a claim from abroad, before arriving in Britain, enabling the authorities to strictly control the arrival of those fleeing persecution, wars, famine, and natural disasters. Between 2015 and 2019, less than 5,000 people a year were able to come to the UK based on this process. According to [statista.com](https://www.statista.com), over the same timeframe, the annual number of refugees worldwide rose from 15.48 million to 20.45 million, the number of asylum seekers almost doubled, from 2.32 million to 4.15 million, and the tally of "internally displaced persons" increased from 37.49 million to 43.5 million.

Put in this global context—the term "fair" or "fairness" is used over 20 times in the document—Britain's "fair" share amounted to just 0.04 percent of global refugees, displaced

persons, and asylum seekers!

Either through its historic crimes against the populations of Africa, Asia and elsewhere, or more recent involvement in wars and "regime-change" operations, British imperialism has played a major role in creating such widespread misery that millions are forced to flee their homes each year.

"Streamlining" means speeding up the deportation of those who eventually manage to set foot in the UK after long, dangerous, and expensive journeys. The document complains that current legislation enables too many challenges in the appeal process—dubbed "meritless claims" by Patel—leading to insufficient "enforced returns".

Under a "one-stop" process, someone seeking asylum in the UK has only a single chance to make their case. They will be required to raise "all protection-related issues upfront and have these considered together and ahead of an appeal". If they later introduce other grounds to justify their asylum claim, "decision makers, including judges, should give minimal weight to evidence that a person brings after they have been through the 'one-stop' process."

In an overturning of international law, applications for asylum will be routinely rejected through the strict application of a "safe third country" rule, meaning any refugee passing through what is deemed to be such a country is automatically "considered inadmissible to the UK's asylum system" and will be rapidly returned.

The proposals have been harshly criticised by those responsible for upholding the rights of refugees and asylum seekers, including the UN Refugee Agency (UNHCR), British Red Cross and the Refugee Council.

The 1951 Refugee Convention did not "oblige asylum seekers to apply in the first safe country they encounter", a spokesman for the UNHCR said. "Some claimants may have legitimate reasons to seek protection in specific countries, including family or other links..."

"We should not judge how worthy someone is of asylum by how they arrived here. The proposals effectively create an unfair two-tiered system, whereby someone's case and the support they receive is judged on how they entered the

country and not on their need for protection. This is inhumane.”

Where it is not possible to simply remove those deemed inadmissible, a “new temporary protection status with less generous entitlements” will be applied. The status will only be granted for up to 30 months, “after which individuals will be reassessed for return to their country of origin or removal to another safe country”.

Patel said the status would not constitute 'an automatic right to settle' with those affected 'regularly reassessed for removal.' Those under temporary status would have “no recourse to public funds,” making them reliant on charitable organisations.

Several existing refugee accommodation facilities were recently exposed as unfit for human habitation. An investigation by the Independent Chief Inspector of Borders and Immigration, David Bolt, led to him describing former military bases such as Penally Camp and Napier Barracks used to house asylum seekers as “filthy”, “impoverished” and “run down”.

Conditions in the Immigration Removal Centres (IRC), where some of those awaiting deportation are held, are already putting detainees lives at risk from COVID-19, as proper hygiene and social distancing are virtually impossible.

Patel’s proposals will worsen the miserable conditions in which refugees and asylum seekers are held. Together with plans to expand the government’s asylum estate—described as “basic accommodation—where those whose claims are still pending can be quartered, the intention is to make life as intolerable as possible to encourage a “voluntary return”.

Following the example of Australia, which houses hundreds in squalid conditions “off-shore”, the British government intends to amend the Nationality, Immigration and Asylum Act 2002 to “Make it possible for asylum claims to be processed outside the UK and in another country”.

Turkey receives payment from the European Union to detain refugees on its territory who are trying to reach the continent, and such an approach could enable the British government to bribe a friendly regime to do its dirty work. Failing that, Britain possesses several isolated island territories that could be used.

The grounds for making an asylum application are to be “strengthened.” This will establish a more rigorous standard for testing the “well-founded fear of persecution.” Not only will the individual have to prove their claim to the higher civil standard of the “balance of probabilities”, but a so-called “credibility assessment” will be applied. This means that in assessing whether there is a well-founded fear of persecution, consideration would also be given to any

opportunities the individual had to lodge an asylum claim in a “safe third country.”

Ominously, the document promises to “clarify in statute the definition of ‘persecution,’” which is a key test to claim protection under the Refugee Convention.

Rights to appeal against unfavourable asylum decisions are to be drastically curtailed. Since it is impossible to reach the UK “legally” except through the resettlement process, everyone else will be deemed to be an “illegal” immigrant, who has acted in “bad faith” and so stand virtually no chance of being granted asylum.

Last year, more than 8,000 people crossed the Channel in small vessels and claimed asylum and 800 people have claimed asylum after small-boat crossings in 2021. A failure to apply for asylum in a “safe third country” and the manner of the person’s arrival, e.g., by crossing the Channel in a dingy, is taken as prima facie evidence of a “failure to act in Good Faith”, which may then be considered by the Home Office, or a judge” in assessing the “credibility” of a claim. This will apply not only to an initial claim for asylum but in any subsequent appeals, the document threatens.

Some of the most draconian penalties are being proposed for those who pilot such vessels, under the pretext of deterring people-traffickers. Existing powers are to be widened and the maximum penalty for “facilitating illegal immigration” raised to life imprisonment.

Sonia Lenegan of the Immigration Law Practitioners’ Association called the measures “cruel” and said they would leave “traumatised people with an uncertain, temporary form of status.”

The right to asylum is a fundamental democratic right, which is being abrogated by capitalist governments around the world. As the Socialist Equality Party (SEP) states in its Fifth Congress Resolution, “The victims of imperialist wars and brutal exploitation by the transnational corporations are subjected to the vilest crimes, hunted collectively by Europe’s governments using warships, allowed to die in their thousands at sea, imprisoned in concentration camps and subject to deportation.”

The SEP defends the rights of refugees and asylum seekers and demands an end to all deportations and for refugees to be welcomed and provided with the benefits of citizenship.



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