



**Yorkshire & Humber
Regional Migration Partnership**
shaping migration in the region

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2 February 2010

Simplifying Immigration Law and Reforming Asylum Support: A Consultation Response from the Yorkshire & Humber Regional Migration Partnership

Dear Colleague,

Please find attached a copy of our response to UKBA on the current consultations on Simplifying Immigration Law and Reforming Asylum Support.

This response was shaped by widespread consultation within Yorkshire & Humber and sets out, constructively, how we can work with Government to improve the way in which the immigration and asylum system can work in the region.

We are grateful for the input of a wide range of partners in helping us develop this response.

For more information on our response, please contact Pip Tyler at the Partnership.

Yours sincerely,

Cllr Olivia Rowley
Chair



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Introduction

1. We welcome the opportunity to contribute to the UKBA Simplification plans and encourage UKBA to consider the long term implications of any changes made upon asylum seekers, supporting organisations and the local host community.
2. This consultation response was submitted by the Yorkshire & Humber Regional Migration Partnership (YHRMP). It was shaped through discussions with our Strategic Migration Group, and through consultation within the wider region. It has been circulated around and signed off by our Strategic Migration Group on behalf of the region.
3. The views are the views of the region and are not endorsed or supported by UKBA representatives on the Partnership since they belong to the consulting organisation. Background on YHRMP can be found at:
www.migrationyorkshire.org.uk/?page=aboutus.
4. Due to the range of organisations we work with, we are submitting some of the responses and questions raised by our partners during discussions on this consultation. Of course, not every individual in each organisation may agree with our submission in its entirety. It is, however, a fair representation of regional views expressed to us.

Response to the consultation 'Simplifying Immigration Law: a new framework for immigration rules'

5. YHRMP supports the principles in this consultation document and its associated proposals: we support modernisation and simplification of the Immigration Rules (Q1), predictability and transparency of changes to Immigration Rules (Q2), and reduced, better quality and simple, clear guidance (Q3). The future structures seem straightforward (Q4). We have no view on UK Ancestry and Representatives of Overseas Business (Q5) as this is not a core part of our remit around migrants.

Response to the consultation 'Reforming Asylum Support'

6. YHRMP held a regional consultation event on the asylum support proposals jointly with UKBA in January 2010. This was attended by representatives of over 40 organisations from different sectors. The discussions and views collated from this event are submitted as attachment to assist UKBA. The elected member advisory group in Sheffield also contributed their views. We have taken a steer from both these discussions to inform our response.

The Consultation Themes

7. We welcome proposals to repeal Section 9 (removing support from refused asylum seeking families) and Section 10 (requiring Community Activities as a precondition of Section 4 support), and the proposal to ensure a consistent approach to fraud by extending it to include Section 4 support. We are particularly pleased that Section 9 will be repealed, given our intensive work on this in the past through the LGA and the former National Consortia Support Team.
8. We strongly endorse the move to ensure that all refused asylum seeking families will be supported directly by UKBA until their case is closed, which now includes those with children born after their claim was refused. This should help to alleviate pressure on local authorities, voluntary and community sector organisations in our region. We would support piloting of alternatives to detention in this region (like the suggested full-board accommodation for families for whom there is a realistic prospect of removal), as long as such initiatives do not compromise the safeguarding of children.
9. There are mixed views in the region regarding re-enactment of the policy to refuse support on the grounds that an asylum claim has not been lodged 'as soon as reasonably practicable' (Section 55). Sheffield's elected member advisory group felt that the decision to refuse support should be taken on a case-by-case basis, and did not want to see a blanket time limit imposed. The majority of consultation delegates support removing the policy completely while others support a limited timescale for applying in terms of months after arrival (rather than weeks or days). As current use of this policy is small and its impact upon Yorkshire & Humber is fairly minimal, it is manageable. We would object to any significant increase in use (as it was used when originally introduced) due to the impact of likely destitution upon local communities and local support organisations.
10. Experience and evidence has shown that a 'harsher' support regime for refused asylum seekers does not have a direct effect upon willingness to return to the country of origin. Therefore the costs of administering different support systems for asylum seekers and refused asylum seekers seems less justified. The current system of cashless support for refused asylum seekers is not supported by support organisations or members. Subsequent difficulties arising from cashless support for refused asylum seekers, particularly for families or those with ill health, adds another long-term expensive burden on local support organisations particularly in the health sector.
11. We would encourage UKBA to consider the economic and social benefits of a more streamlined and simpler support system. We also would encourage further improvements that will increase fair decision-making and faith in the asylum system through, for example, national rollout of the legal advice pilot.
12. We also believe that narrowing the support given by central government to asylum seekers potentially simply transfers (and possibly increases) the cost to others, rather than eliminating it from the public purse. Local Government and

the voluntary sector both believe that restricting availability of support to those refused protection will result in increased costs to them, both directly and indirectly. We ask that Government works with the LGA, the No Recourse to Public Funds Network and through voluntary sector networks to understand and model the potential impact and cost that withdrawal of support may result in.

Concluding Comments

13. Overall, we do not believe that the consultation substantially reforms the asylum support system as suggested by its title. A core theme, however, relates to the role that partnership working can play in making the system work more effectively. We agree that closer working relationships between UKBA and organisations in Yorkshire & Humber will be beneficial to everyone and encourage UKBA to work closely with partners from all sectors to achieve shared aims and objectives.
14. Delegates at our consultation event also raised concerns about specific vulnerable groups that are not mentioned in the consultation documentation. These are the most vulnerable asylum seeking groups that may have specific needs, such as victims of domestic violence, victims of trafficking, children, and those with mental health difficulties. We ask that final legislation or guidance makes reference to arrangements for these groups.
15. We believe that significant gaps in the scope of the legislation remain which should be addressed if the simplification process is to provide a comprehensive system for support. In particular, there is no reference to the support needs of unaccompanied asylum-seeking children and those leaving care. We know that there are ongoing discussions around this with the LGA and others, but clearly if support arrangements are to be changed this needs to be reflected in the broader legislation to avoid confusion about where different support begins and ends.
16. Finally, we believe that too much of the focus of the consultation documents is on how we deal with those who are shown to have no protection needs, rather than on how we properly support the integration needs of those who do get some kind of leave to remain. This results in a lack of balance and does not reflect the reality that a significant proportion of asylum claims are accepted and protection granted. We ask that Government and its Agency continue to promote a more balanced debate that allows communities to understand asylum in the round rather than focusing only on people who have exhausted their appeal rights.

Yorkshire and Humber Regional Migration Partnership
February 2010

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