Inquiry Response December 2022

Migration Yorkshire's submission to the call for evidence into Human Rights of Asylum Seekers in the UK - Human Rights (Joint Committee) inquiry

Summary

1. Migration Yorkshire provides strategic leadership and local support across Yorkshire and Humber, carrying out the Strategic Migration Partnership (SMP) function in the region. We work with stakeholders across the statutory, voluntary, community and private sectors to ensure the region can benefit from migration.

2. We welcome the opportunity to respond to this call for evidence. Our response is informed by our strategic coordination work supporting asylum dispersal, Ukraine Scheme, Hong Kong Welcome Programme, refugee resettlement and National Transfer Scheme. Our response is summarised as follows.

- We welcome more opportunities for asylum seekers to come to the UK safely and to minimise the need for individuals to make dangerous journeys, but we are cautious about the creation of new bespoke routes for particular groups or nationalities.
- The government should consider expanding existing ‘safe and legal routes’ such as by reintroducing refugee family reunion rights for children in Europe and ensuring people can apply for asylum from abroad.
- The UK Resettlement Scheme must ensure that refugees from across the world can benefit from the scheme.
- There is a need for a review of ‘safe and legal routes’ as well as a review of the asylum support system. The government should consider aligning the different routes to reduce inequality between schemes.
- There are issues with the provision of asylum accommodation, levels of support and access to legal aid-funded advice. These three areas require further review.
- We have responded only to those questions we felt well-positioned to answer that is, **questions 2 and 6**.

Safe and legal routes

Question 2. What “safe and legal routes” currently exist for asylum seekers in the UK? Should new routes be introduced?

3. Many asylum seekers may arrive through routes which now, under provisions from the Nationality and Borders Act 2022, are not considered ‘legal’. To our understanding, asylum seekers can only arrive through a ‘safe and legal route’ where they have been granted permission to enter the UK with a valid visa or have arrived as a non-visa national. Whilst many asylum seekers do raise claims in-country after previously entering the UK under a different reason, many claimants arrive without permission to enter, such is the nature of asylum-seeking.

4. There are a number of alternative immigration routes which the government have designated ‘safe and legal routes’. These include the Hong Kong BN(O) visa, Ukraine Scheme, UK Resettlement Scheme (UKRS), Afghan schemes and the refugee family reunion visa route. Whilst these are not asylum routes per se, they are routes by which someone seeking protection may enter the UK. We have experience of working to facilitate integration support for arrivals on all these routes in our SMP role and through our regional Refugee Integration Service, which includes a refugee family reunion law clinic.

5. The fact that there are bespoke routes available for a select number of countries and limited possibilities for refugees to be resettled from across the world illustrates that these routes are not available to every refugee in need. Despite pledges from government to expand the UKRS, data shows that arrivals under the UKRS remain concentrated amongst countries like Syria, who were already benefiting from previous resettlement schemes.

6. These bespoke routes have differing levels of access, and differing levels of post-arrival integration support. For example, it is quicker, cheaper and easier to apply for a Ukraine Scheme visa than a Hong Kong BN(O) visa due to quicker processing times, the absence of visa fees and more lenient evidence requirements. Moreover, the different routes contain differing rights and entitlements. This is clear when we consider that some arrivals on the Afghan routes are considered ‘refugees’ and possess refugee family reunion rights while others do not, or that the Ukraine Scheme does not contain a direct route to settlement unlike other routes.

7. Through these new routes we’ve also seen the UK government introduce concessions to prevent the rigidness of the immigration rules from disabling refugees to come to the UK, such as through concessions enabling people with Hong Kong BN(O) status and Ukrainians to be granted Leave Outside the Rules at the UK border. This has enabled many refugees in need to be able to come here safely and promptly.

8. Migration Yorkshire welcomes more opportunities for people seeking protection to be able to come to the UK safely, minimising the need for them to undertake dangerous journeys. However, we are cautious about the creation of new bespoke routes. ‘Safe and legal routes’ need to be available to people seeking asylum of all nationalities rather than select nationalities. We would welcome a review of the existing routes and the consideration of a system based on equality, ensuring refugees from across the world have the same opportunity to

seek protection in the UK. We would also advocate for a system ensuring the same level of integration support is in place for these arrivals to rebuild their lives in the UK, regardless of whether they arrived on a ‘safe and legal route’ or as an asylum seeker. We recognise the benefits of a government-funded package of integration support for both receiving communities and new arrivals and we’d like to see this standard of support extended to all refugees who come either on ‘safe and legal routes’ or as asylum seekers. We have seen that discrepancies in levels of support and treatment for some groups can create tension between communities and a sense of injustice and inequality. The differing rights and entitlements between schemes such as access to public funds creates inequality. Finally, having several bespoke routes with different funding packages and instructions makes the landscape complicated and challenging for local authorities and public services responding to the needs of new arrivals.

9. We recommend that opportunities to arrive through ‘safe and legal’ routes are enhanced to enable more refugees to come to the UK, and some of these proposals could include:

- Ensuring that the UKRS supports refugees of all nationalities to come to the UK rather than a select few, and that there is a commitment to resettle more refugees under the scheme.
- Enabling asylum seekers to make claims from abroad such as through UK embassies or other designated sites. This would minimise the need for individuals to make perilous

journeys such as through Channel crossings.

- An expansion of the refugee family reunion rules to enable refugees to sponsor more family members. This could include greater provision to sponsor siblings and other dependent relatives like cousins, nephews and nieces, reflecting the needs of more diverse family units.
- The reintroduction of a family reunification system for children in Europe separated from family in the UK, which was repealed following Brexit. Bringing this back would ensure vulnerable children and other family members are no longer separated from family in the UK.
- A review of existing ‘safe and legal routes’ to consider aligning the different schemes, ensuring that processes, opportunities, support and rights are similar across all schemes, reducing inequality and making planning in hosting authorities more efficient.
- A review of the rights of asylum seekers to consider whether they should be given the same rights as other groups who have arrived with a view to securing their status under a humanitarian pathway. This could include the provision of Leave Outside the Rules upon entry with the right to work until a decision is made on their claim, akin to concessions that enabled people with Hong Kong BN(O) status and Ukrainians to come to the UK and apply through the relevant schemes.

Legal aid, accommodation, and subsistence

Question 6. Is the support available to asylum seekers under the legal aid, accommodation, and subsistence rules compliant with the UK's human rights obligations?

10. Migration Yorkshire's work supporting asylum dispersal in the region provides us with a good insight into the support system for asylum seekers and how this impacts local authorities, communities, and asylum seekers themselves.

11. We carry out a role supporting local authority engagement with Home Office and asylum contracted providers over asylum accommodation. This involves facilitating an environment where local authorities can monitor and raise issues with the standard of accommodation in the region. We also support the local voluntary and community sector to raise issues and engage with strategic partners like the Home Office over items like asylum accommodation and support.

12. Through our engagement, we are regularly made aware of incidents where asylum accommodation fails to meet local authority and Housing Act standards. We are also cognisant that public law challenges against the Home Office for failing to provide adequate accommodation are increasingly common. Moreover, asylum seekers are increasingly being accommodated in temporary contingency accommodation like hotels. This type of housing has been found to be inappropriate for long-term use due to a variety of reasons such as safeguarding, the impact on

asylum seekers' wellbeing, as well as the welfare and development of children.

13. Our engagement with the local voluntary and community sector often provides feedback that asylum seekers struggle to live on low levels of subsistence support which are provided at a weekly rate of £40.85. Additionally, for those in receipt of full-board support in hotels, the additional payment of £8.24 per week is limited and unable to meet people's needs such as the costs of daily transport.

14. Access to accommodation and financial support remains a barrier through the delivery of the Advice, Issue Reporting and Eligibility (AIRE) contract. The service provider Migrant Help provides a helpline as the main source of advice and support for asylum seekers to apply for asylum support and accommodation. This has been found to be extremely challenging due to the complex nature of some cases requiring advocacy, the gathering of documentary evidence; and feedback from partners suggests it's inappropriate for vulnerable asylum seekers who would benefit from more accessible services. Furthermore, access to the helpline is compromised with long waiting times often reported.

15. For those who do apply for asylum support, there is no legal aid available to support with appealing an asylum support decision in England and Wales. AIRE contract provider Migrant Help does not provide advocacy support and therefore will not assist asylum seekers to appeal support decisions. Asylum

seekers are therefore reliant on voluntary sector groups to advise, support and represent them with asylum support appeals. With appeal hearings held in London, this also creates additional hurdles for representation. All this can make it difficult for individuals to access support and accommodation.

16. Our engagement with the voluntary and community sector has also made us aware of problems accessing legal aid-funded advice for asylum seekers seeking advice and representation for their asylum claim. Last year, we also participated in a Home Office and Legal Aid Agency consultation workshop over the future of legal aid funding for this cohort.

17. We understand that the availability of advice can be impacted by location with some larger cities benefiting from more provision than other areas. These were key findings in Refugee Action's report on legal aid provision for immigration advice. Dispersal location therefore potentially impacts the ability to access asylum due to the availability of advice services. This is a particular concern for new dispersal areas who will not have the infrastructure to respond to this need through the local legal and voluntary sectors. Similarly, we've also seen occasions where individuals accommodated in hotel sites in rural, remote locations, are unable to access immigration advice.

18. There are evident issues with the provision of poor-quality asylum accommodation, low levels of subsistence support and a lack of legal aid-funded advice for asylum seekers. We'd welcome further independent and government led reviews into

these three issues.

19. For more information, please contact Stefan Robert

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