



## **Asylum and Immigration: A programme of action**

### **Summary**

1. This paper sets out a series of measures, to be implemented over a period of years, in order to restore control of our borders and bring asylum and immigration under control.

### **Introduction**

2. Immigration has now reached a scale that will significantly affect our society, and especially our cities. The order of magnitude is at least 200,000 per year or 2 million every 10 years. It has trebled since 1997.

3. There are three major elements - asylum seekers, illegal immigrants and legal immigrants. The subject as a whole has not received serious thought for 25 years, being either sensationalised or (usually) neglected. Policy has been allowed to drift with the result that the Government have effectively lost control of our borders. A whole range of measures, implemented over a period of years, will therefore be necessary to restore it. They are listed at Annex A and explained below.

### **Asylum Seekers**

4. Asylum has become another means of economic migration. 103,000 people applied for asylum in 2002 - about the size of the British Army. On average over the last 6 years, only 20% have been granted asylum, including those granted on appeal. A further 20% have been granted permission to stay. Of the remaining 60%, only 13% have been removed - the remainder presumably stay in Britain illegally. This is a clear incentive for others to come so the removal of those with no right to remain in Britain must be the first priority of policy (1a). The recent amnesty is clearly a step in exactly the wrong direction. Similar amnesties in the US, Italy and Spain have simply encouraged further immigration.

5. A major difficulty in removing failed asylum seekers is that the process now takes so long that applicants put down roots or have the opportunity to disappear into the city centres. Hence our suggestion that one layer of appeal (Immigration Appeals Tribunal) be removed (1b). The Government are now moving in this direction.

6. There are many appeals but 80% are rejected. One major reason is that applicants cannot be removed from the UK while their appeals are pending. Indeed a number lodge appeals and then disappear. A further reason is that lawyers increase their earnings by making appeals, however flimsy the grounds of appeal. Legal Aid for asylum seekers,

which now costs £0.5 million a day (or £170 million per year), must therefore be cut back (1c). The Government have now made proposals for this.

7. A further major difficulty is that 80% of asylum seekers are found to have no documents - usually because they themselves have destroyed them, often on the instructions of people traffickers. In doing so they are exploiting a loophole in the 1951 Geneva Convention on Refugees. This makes it more difficult to remove those who fail to be granted asylum. It also involves a clear security risk. We believe that firm action is required. Those who destroy their documents should be detained pending identity and security checks. Initially numbers would be large but they would fall off sharply as it became known that destroying documents led to detention. This would make the proposal feasible (1d). Simply making the destruction of documents a criminal offence, as the government now propose, would not be enough unless offenders were jailed for a substantial term. In due course, biometric information on visas would help re-create the documents of those who had, at some stage, applied for one.

8. As some asylum seekers come from countries with a high incidence of infectious diseases such as HIV and Hepatitis, this would also be an opportunity to carry out health checks. Health should not be a factor in assessing an asylum claim but it should affect the priority for removal of those who fail.

9. Even these measures may not reduce the flow to an acceptable level. Over the past ten years there have been five substantial Acts of Parliament, each amending its predecessors, by which successive governments have tried to cope with an ever increasing flow of asylum seekers under a system based on the 1951 Geneva Convention on Refugees, a system which requires every application to be investigated and individually considered. That system also provides an elaborate system of appeals of which applicants who have been refused will inevitably take advantage. As a consequence, in spite of the huge increases in the number of civil servants, immigration adjudicators and others in recent years to cope with the extra workload, the system is overwhelmed.

10. In our view, the only humane and effective means of dealing with this growing problem is to withdraw from the 1951 Geneva Convention on Refugees and to amend the Human Rights Legislation so as to enact national laws under which decisions can be reached in weeks rather than months. When present efforts are seen to fail we will have to come back to this proposal. A fuller account of it is contained in MigrationwatchUK paper "Asylum laws: a way forward", available on our website.

11. A further improvement would be to make protection offered to asylum claimants temporary - only valid for as long as persecution lasts (1f). In particular, we should ensure that asylum seekers from countries such as Kosovo or Bosnia where British peace-keeping forces are declared to be in control are returned to those countries(1g).

12. Meanwhile, the French and Belgian governments who permit large numbers of asylum seekers to congregate at the channel ports until they succeed in getting to Britain should be pressed to deport them to their countries of origin or grant them asylum.

### **Illegal Immigrants**

13. There is a growing realisation that illegal immigration is a serious problem. We know that there are at least ¼ million asylum seekers who were refused asylum between 1997 and 2002 but who have not been removed. There are probably many more who have

arrived in Britain undetected on the back of a truck. The Home Secretary recently admitted that "he hadn't a clue" how many illegal immigrants were in Britain.

14. A major weakness of the system is that foreign visitors and students are no longer recorded as they arrive and depart from Britain. This is an open invitation to overstay a visa. It is essential that this recording be re-introduced (2a).

15. It is also essential to reduce the incentive for employers to employ illegal labour. At present, they can hire cheap and flexible labour with little risk of detection, let alone conviction. In 2002 there was only one successful prosecution. Criminal liability for the employment of illegal immigrants should be extended beyond the gangmaster to any other party which may be identified as the employer or which benefits from that employment, such as a supermarket which enters into supply contracts with the gangmaster, knowing that he employs illegal immigrants. Fines should be imposed that will seriously deter illegal employment (2b). The Immigration Service will require extra resources for this effort.

16. There is now such wide spread abuse of the immigration regulations and of public services such as the National Health Service that the introduction of an ID card is unavoidable. It could be introduced initially as an entitlement card to ease the transition. It would not be essential to carry the card itself. Once a person had registered, their name, date of birth and mother's maiden name would be sufficient to identify them. A policeman (or receptionist) could enter these details into a computer and bring up a photograph which could be compared with the applicant. Meanwhile, there is no reason why those applying for social security, NHS treatment etc should not provide the same level of proof that is now required to open a bank account (1c).

17. Similarly, local authorities should be obliged to check the immigration status of those seeking housing or education (2d).

18. The problem of family visitors from countries of emigration will remain a difficulty. There is a strong case for ensuring that such visitors (and students) post a bond before departure for the UK which would be returned to them on their return home (2e).

### **Legal Immigrants**

19. A modest level of migration in both directions is normal for a society and economy like ours. Migration for specific jobs has been facilitated for many years by granting work permits to employers who cannot find a suitable employee in Britain. This has continued at a level of about 40,000 a year for many years. Used properly, Work Permits can be a useful means of filling short term gaps in our economy while helping to develop the skill of the work permit holders - provided, of course, that they return home after their five year permit has expired. However, the present Government have made a massive increase in the issue of work permits with a target in 2003 of 200,000 permits. There are serious concerns about the capability, even the will, of Work Permits UK to carry out effective checks on those concerned. Such work permits are the more attractive as they are a route to settlement in Britain. After four years, a work permit holder can apply for settlement and, in the past, 95% have been granted. We believe that there is no justification for such a massive increase and that applications by employers for permits should be much more strictly scrutinised to ensure that they are in the national interest. We would expect the number to be sharply reduced (3a).

20. The "Primary Purpose Rule" was abolished as a result of a promise made by the present Government during the election campaign of 1997. The rule had required that someone bringing a spouse into Britain had to satisfy the Entry Clearance Officer that the primary purpose of the marriage was not to avoid the immigration regulations. The practical effect of its abolition has been to open the door to unchecked secondary immigration. It should be reinstated (3b).

21. This reinstatement should be reinforced by imposing a minimum age limit on trans-national marriages. The age limit has recently been raised to 18 but it should now be raised to 18, or preferably, 24 as in Denmark. This would particularly help young women who are put under pressure to marry a cousin from their country of origin - often for immigration purposes. A further safeguard would be to insist that marriage contracts entered into overseas provide for the possibility of divorce at the wife's request and are otherwise in accord with English law. (3c).

22. As the purpose of this series of measures is to reduce net immigration into Britain, it would be entirely logical to permit the free movement of citizens of those countries from which there is no net immigration. In practice, this means countries at the same economic level. European Union citizens already have free movement. There is substantial traffic in both directions but no significant net immigration. The same system could be extended to other countries at a similar level, thus also producing some bureaucratic savings (3d).

### **Action Overseas**

23. Restrictive measures at home are essential but they should be reinforced by a serious effort to improve conditions in the source countries and thus to reduce the pressure of economic migrants.

24. We currently spend almost as much on our asylum system (£2 billion a year) as we do on our bi-lateral development aid. This is nonsensical. We should make a major increase in development aid to improve conditions in sending countries and to act as an incentive for repatriation agreements (4a).

25. As for refugees, it makes much more sense that they should remain close to their own countries so that they can return when conditions improve. The UNHCR is responsible for most refugee camps around the world yet the British contribution to their funds is less than £25 million a year. This is shameful and should be massively increased. Our money should be spent on people in the regions of the world where they live rather than putting people in a tower block in front of television sets (4b).

26. We should also make every effort to deal with the situations that are generating refugees. Our armed forces have a special expertise in peace-keeping operations. We should look favourably on their deployment in such situations (4c).

### **Annex A**

#### **Proposals for a programme of action**

A significant reduction in present levels of immigration and asylum seeking requires a realistic and coherent set of measures in three fields, as well as determined efforts overseas:

1. Asylum seekers (about half the total of immigrants who are recorded)
  - a) increased efforts to remove those with no right to remain
  - b) reduce the number of levels of appeal, at present four
  - c) impose strict limits on legal aid
  - d) detain those found without documents pending identity, security and health checks
  - e) withdraw from the 1951 Geneva Convention on refugees and amend the Human Rights Legislation so as to achieve decisions within a month.
  - f) make protection temporary for as long persecution lasts.
  - g) ensure return to countries where British peacekeeping forces are declared to be in control.

## 2. Illegal immigrants

- a) Reintroduce recording of the arrival and departure of foreigners. Extend the visa regime.
- b) strengthen measures against illegal employment (for example by making the employer, not the gang master, legally responsible and imposing fines equivalent to a year's wages)
- c) introduce ID card/entitlement cards. Meanwhile, require everybody applying for a job, social security, welfare benefits, NHS treatment, school places etc, to produce proof of identity in the same way that is now required to open a bank account, i.e. proof of identity (passports etc) and proof of residential address (utility bills) to prove their entitlement.
- d) Oblige Local Authorities to check the immigration status of those seeking housing or education.
- e) introduce the option of bonds for family visitors from countries of emigration. Similarly, employers and Universities would post bonds to guarantee the departure of workers and students.

## 3. Legal Immigrants

- a) cut back work permits and remove the presumption of renewal and later settlement .
- b) reinstate the Primary Purpose Rule for spouses from overseas.
- c) Tighten marriage regulations, e.g. by imposing a lower age limit of 24, as Denmark has done. Insist that marriage contracts provide for the possibility of divorce at the wife's request.
- d) Permit free movement of citizens between countries at the same economic level so as to achieve mutual economic benefit (as well as bureaucratic savings).

4. Parallel action is needed overseas to improve conditions for refugees close to their own countries and to reduce the pressure of economic migrants:

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- a) Make a major increase in development aid both to improve conditions in sending countries, to act as an incentive for repatriation agreements and to help those Third World countries that bear the burden of most refugees.
- b) Institute a major increase in aid to the UNHCR from its present minimal level of less than £25 million per year so as to improve conditions in refugee camps
- c) Strengthen the British contribution to peacekeeping operations - especially in those areas which are generating refugees.

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