

The Rt Hon Boris Johnson MP

Prime Minister and Minister for the Union

CC

The Rt Hon Priti Patel MP, Secretary of State for the Home Department

The Rt Hon Alister Jack, Secretary of State for Scotland

New Plan for Immigration

Dear Prime Minister,

We are writing as representatives of Scottish civil society and faith and belief communities to express our serious concerns about the potential implications of the New Plan for Immigration and the way the consultation is being conducted.

Recent polling shows that 74% of people in Scotland believe it is important to make refugees feel welcome here and two thirds of people believe Scotland should welcome the same number or more refugees than it currently does.¹ Much work has been undertaken across civil society in Scotland to support integration among communities and to nurture and sustain such attitudes.

We are concerned that the New Plan does not take account of this huge commitment in Scotland to support integration and community cohesion and the desire to play a role as a responsible global citizen with regard to refugee protection. The New Plan runs counter to Scotland's internationally recognised New Scots Refugee Integration Strategy which strives to ensure equal support to people across Scotland regardless of how refugees arrived in the country.

UK compliance with the Refugee Convention threatened by the New Plan

The 1951 Refugee Convention enshrines the right to seek protection in a third country. Refugee protection is a moral and legal commitment to help those in greatest need, in flight from persecution and abuse, in order that they can be safe and rebuild their lives. The UK has had a proud history in refugee protection. We want it to have a proud future.

However, the New Plan will detach the UK from international refugee law. It will render many people seeking refugee protection, on arrival in the UK, ineligible for asylum. The

¹ <https://www.scottishrefugeecouncil.org.uk/survey-shows-desire-for-new-approach-to-refugee-protection-in-scotland/>

New Plan shifts the basis for protection from ‘a well founded fear of persecution’ to focus, instead, on the way people travelled to the UK in order to seek safety.

Two-tier refugee protection and support system created by the New Plan

In discriminating between people who arrive via resettlement and those reaching our shores in other ways, the New Plan institutes a two-tier refugee system, premised on a wilful ignorance of the context in which refugee flight occurs. This often means crossing borders without prerequisites for legal entry. International refugee law to which your government is a signatory recognises this fact.

At its heart, this New Plan seeks to pass responsibility to other states to protect refugees. In doing so, this risks undermining the global protection system, commitments to equitable responsibility-sharing in the UN Global Compact on Refugees, and aspirations of Global Britain. The New Plan will widen the two-tier divide by routing those deemed inadmissible into holding centres, despite the military barracks debacle. We fear these centres will be isolated and separated from communities in the UK. For those institutionalised, constant anxiety of removal awaits with the only contingent respite, a grant of short-leave with No Recourse to Public Funds, and no prospect to rebuild one’s life in the UK or be reunited with family members.

New Plan reforms on asylum stem from a false premise, will erode rights and harm people

The UK asylum system does indeed need reform but this is not due to external pressure. In fact, the UK accounts for relatively few asylum seekers in Europe and a mere fraction of those displaced globally.² The problem to be solved is an internal one. Home Office refugee protection decisions are notoriously slow, frequently lacking requisite quality and gender sensitivity, leaving people in limbo and some of the severest poverty in the UK.³

² At the end of 2019, UNHCR estimates there were 79.5m people displaced, of which 26m were refugees, and 4.2m were seeking asylum: [UNCHR Global Trends 2019](#). Also, at the end of 2019, there were 35,566 new asylum applications lodged in the UK: [Asylum Statistics \(February 2020\)](#). This means only 0.0008% of asylum applications globally are in the UK. In 2019, there were around 5 asylum applications for every 10,000 people living in the UK. Across the EU28 there were 14 asylum applications for every 10,000 people. The UK was therefore below the average among EU countries for asylum applications per head of population, ranking 17th among EU28 countries on this measure: [House of Commons Library Research Briefing](#)

³ The most recent Home Office statistics for the year ending December 2020 showed that 46,796 people had been waiting for over six months for a decision on their asylum claim (72% of claims). Covid-19 exacerbated a trend in delays that predated the pandemic: for the years ending December 2019 and December 2015, respectively, the equivalent figures were 22,549(56% of claims) and 3,626 (20% of claims): [Asylum Statistics \(February 2021\)](#). Over the most recent 5 years for which data is available, from one-third to almost half of appeals against Home office initial asylum refusals, are successful. That appellate success rate has driven a consistent uplift from initial to final asylum grant rates. Recent uplifts are 40% to 59% (2015); 32% to 51% (2016); 29% to 47% (2017), 42% to 56% (2018), 54% to 64% (2019): [Asylum Statistics \(September 2020\)](#).

The New Plan will not address these issues. If anything, its inadmissibility provisions will exacerbate them.

Consultation on the New Plan has been planned and conducted in bad faith

We are deeply concerned about the consultation process itself: it is running precisely concurrent with the purdah for devolved parliaments, local authority, and mayoral elections in the UK. This effectively silences a swathe of governance and the communities they represent, many of which have a legitimate interest in and expertise and insights to share of relevance to this consultation. Most importantly, the outsourced and inaccessible consultation makes no attempt to prioritise the experiences of those who have directly experienced the UK asylum system.

Many proposals, as presented, directly impinge on the legislative and executive competences of the Scottish Parliament and Scottish Government, such as the legal system, anti-trafficking legislation and age assessment process. This further undermines and corrodes intra-UK governance relations. To simply state that asylum is a reserved matter, ignores the complexity of the reforms proposed, the legitimate role of devolved actors in the functioning of the UK's refugee protection system and existing statutory obligations on the Secretary of State to consult with Scottish Ministers on specific matters.

A fair and humane asylum system

Most people in Scotland and the rest of the UK want a system that reflects the compassion, decency and common sense they believe in - especially as we rebuild the UK after the pandemic. This can be achieved by:

Ensuring people feel safe when they arrive, and have their refugee applications considered quickly, fairly and efficiently, no matter how they got to the UK.

Forging a new independent fairer and faster asylum decision-making system – out with the Home Office – and resettle 10,000 refugees a year and create true and safe legal routes to protection in the UK.

Ensure people seeking asylum have a safe home, enough food and essentials to live, and the right to work, with funding for communities and local authorities. Finally, chart a new vision across the UK to embrace the talents, skills and resilience of refugees to build new futures to all of our benefit.

As Prime Minister and Minister for the Union, we urge you to reconsider the deeply flawed plans and engage with those with experiences of the system as it is now: the people with lived experience of rebuilding their lives in safety in Scotland and the rest of the UK. We

ask that your Ministers set out clearly how they will engage with devolved governments to ensure that a fair and humane asylum system can be developed that works for all four nations of the UK.

We will be publishing this letter within the next few days and look forward to your response.

Yours,

Aberlour

African Collaboration Group

African Lanarkshire for Mental Health

Amma Birth Companions

Best Way Community Development

Bikes for Refugees (Scotland)

CodeYourFuture

Community InfoSource

Cranhill Development Trust

Crew 2000 Scotland

Cyrenians

East Dunbartonshire Action for Refugees

Edinburgh City Mission

Educational Institute of Scotland

Engender

Equality Network

Esolperth Centre of Sanctuary Perth Scotland

Forth Valley Welcome

Free Church of Scotland

Friends of Scottish Settlers

Fun Palaces Scotland

Glasgow Afghan United

Glasgow City Mission

Glasgow Mutual Aid

Global Justice Now

GMAC Film

Govan Community Project

Greater Govanhill CIC

Homeless Network Scotland

Humanist Society Scotland

Human Rights Consortium Scotland

Interfaith Scotland

Justice and Peace Scotland (Catholic Church)

JustRight Scotland

Kinning Park Complex

Legal Services Agency

Licketyspit Theatre Company - Children & Families Network

Maryhill Integration Network

MILK Cafe Glasgow

North Lanarkshire African Women's group

One Parent Families Scotland

Open Aye

Persian Scottish CIC

Pollokshields Development Agency

Positive Action on Housing

Poverty Alliance

Primus, Scottish Episcopal Church

Quakers in Scotland

Queen's Park Arena (Inhouse CIC)

Refugee Survival Trust

Safe in Scotland

Scottish Ahlul Bayt Society

Scottish Association of Social Work (part of BASW UK)

Scottish Independent Advocacy Alliance

Scottish Muslim Forum

Scottish Refugee Council

Scottish Trades Union Congress

Scottish Unitarian Association

Science Ceilidh

Sewing2gether All Nations

Shelter Scotland

Social Bite

South East Integration Network

St Mary's Cathedral, Glasgow (Scottish Episcopal Church)

Teneu Legal

The Church of Scotland

The Glad Cafe CIC

The Iona Community

The Occasion

The Paristamen

The Scottish Youth Parliament

The Sound Lab

The Welcoming Association

Together (Scottish Alliance for Children's Rights)

UNESCO Chair in Refugee Integration through Languages and the Arts

University of St Andrews Refugee and Forced Migration Network

West of Scotland Regional Equality Council

Women's Support Project

Youth Community Support Agency

Zainab Cobbald Institute

Zia-UI-Quran Mosque