

New Plan for Immigration – Consultation

Response from the Greater London Authority

Introduction to the New Plan for Immigration

The Greater London Authority (GLA) welcomes the opportunity to respond to the Home Office's consultation on a New Plan for Immigration. London and the UK both draw incredible strength from the contribution of migrants who choose to make this city and our country their home. London has a long and proud history of providing refuge to those seeking sanctuary. We have worked closely with London boroughs and community sponsorship groups to support the government's refugee resettlement scheme and are preparing further work to support arrivals from Hong Kong following the introduction of the Hong Kong British National (Overseas) visa. London has a significant part to play in ensuring the success of these programmes.

The GLA has undertaken work to ensure lessons are learned in response to the experiences of those from the Windrush generation; to understand the scale and impact of insecure immigration status among children and young people in London and supporting them to access their rights to residency and citizenship; and worked to ensure those eligible can access the EU Settlement Scheme. We provide policy expertise to the Mayor of London, deliver projects and programmes under mayoral direction and host the London Strategic Migration Partnership (LSMP) which provides strategic coordination on refugee resettlement, asylum accommodation and support, and English for Speakers of Other Languages (ESOL).

The GLA is concerned that the short timeframe for responses and the structure of the consultation places barriers in the way of some organisations and individuals responding in a meaningful way. In particular, the consultation and supporting documents are only available in English and a six-week window to respond leaves little time for specialist organisations to support Londoners with lived experience of the issues under consideration to engage in the process. Some stakeholders have expressed concerns about the multiple-choice format of some questions which make it difficult to respond in a meaningful way.

The GLA also has concerns that some of the policies proposed in the New Immigration Plan could have a negative and disproportionate impact in London, which this response outlines. It draws on our research, experience and expertise as a regional funder and coordinator of policy and programmes for migrants, refugees and people seeking asylum in London.

Protecting those fleeing persecution, oppression and tyranny

Out of the 32 London boroughs, 26 have participated in refugee resettlement as well as City of London. London is also one of the top regions where community sponsorship groups are forming and working on their applications. A number of groups who have already resettled families are in the process of welcoming more families.

London's potential to enable the proposed expansion of the refugee resettlement programme will require some changes to the programme:

1) Clarity on the future of the UK Resettlement Scheme (UKRS)

One of the main barriers to local authorities and community sponsorship groups expanding their involvement in refugee resettlement is the lack of certainty about the future of the programme. The initial commitment of the Vulnerable Persons Resettlement Scheme (VPRS) helped to build an infrastructure as well as the knowledge and the expertise at a policy and a practice level to ensure the programme's success. The COVID-19 pandemic has caused a disturbance in the plans to complete the VPRS and launch UKRS. The pause has impacted local authorities' resources, staffing, contract arrangements with resettlement agencies, relationships with landlords, and long-term commitment. While there is an interest in being involved in refugee resettlement in general, the lack of certainty about the programme beyond March 2022 is affecting local authorities' likelihood to commit to a pledge on UKRS.

The GLA urges the government to engage with local authorities and community sponsorship groups and to provide much needed clarity about the future of the UKRS programme and a long-term funding commitment in order to enable the maintenance or expansion of services to meet the Government's ambition for resettlement.

2) Integration support

The Immigration Plan's commitment to enhanced support to help refugees to integrate should recognise that resettled families come with a wide range of abilities and that their individual circumstances impact their integration journey in order to ensure that funding is most effective and achieves the best outcomes for resettled refugees. Integration support should be focused on encouraging independence and building skills to ensure that refugees have the opportunity to learn English and build confidence so they can find stable employment that matches their skills and qualifications.

Support should also help local authorities learn from best practice across the country. Examples from London show the importance of working on an individual level rather than a one-size-fits-all approach. A focus on integration of individuals is required in the

development of local refugee resettlement policies such as more flexible mechanisms attached to the exceptional funding in order to ensure the best outcomes for resettled refugees; evaluation practices that speak to the progress of the individual's integration journey rather than pre-set indicators for the whole population; and funding for local and regional structures that can provide integration pathways for individuals. It is also important to facilitate conversations across government to allow flexible practices for tailored support offers, especially for families with complex vulnerabilities and adults who have had limited access to education.

The proposal to grant resettled refugees indefinite leave to remain is a positive change to the programme and could help the integration of the refugees by providing them with more assurance about their status in the UK. It will also bring greater surety to employers and service providers. This change should also be applied to resettled refugees retroactively and those who were granted refugee status within the UK for parity across the system.

3) Housing Availability

Securing suitable housing poses a significant barrier to local authorities expanding their involvement in resettlement. London is disproportionately impacted by the Benefit Cap due to the high cost of housing, which has limited the ability of local authorities to procure properties for resettled refugees, and prevented local authorities from accepting families identified for resettlement who require larger properties. There is a need to provide further funding to specifically support local authorities to access appropriate accommodation for refugee families. The GLA urges the Home Office to work across government, including with the Department for Work and Pensions, to overcome the practical barriers to refugee resettlement in London, including a review on the impact of the Benefit Cap on refugee resettlement.

Ending anomalies, and delivering fairness in British Nationality Law

The GLA welcomes measures to improve access to citizenship, including the introduction of new registration provisions for children of British Overseas Territories Citizen to acquire citizenship more easily, and the creation of further flexibility to waive residence requirements for naturalisation to ensure Windrush victims can access their British Citizenship. The GLA has unique insights into the numbers of undocumented Londoners and how other Home Office policies could be amended to improve access to residency and citizenship rights, particularly for children and young people.

GLA-commissioned research has estimated that there are 215,000 undocumented children in the UK, a number which may increase following the EUSS deadline on June 30 2021.¹ Previous research into the number of undocumented children in the UK was undertaken in March 2011 and estimated that there were 120,000 undocumented children in the UK. This suggests that the population of undocumented children in the UK increased by almost 56% between March 2011 and March 2017. Of the estimated number of undocumented children (under 18), 107,000 are living in London and there are a further 26,000 undocumented young Londoners (aged 18-24).²

It is estimated that around half of all children with insecure immigration status were born in the UK³ and many of these children will be eligible to apply for citizenship, but struggle to do so because they cannot access legal advice or raise the funds needed.

Many more Londoners are now at risk of becoming undocumented as a result of Britain leaving the EU. European Londoners who live and work in the capital could face losing their rights if they are unable to access the EU Settlement Scheme by the June 2021 deadline. There are a number of particularly vulnerable groups including: children in care who have yet to be identified,⁴ EU care workers who constitute a significant proportion of London's care sector workers,⁵ victims of domestic abuse, homeless people and rough sleepers and many more.⁶

Forthcoming research funded by the GLA into immigration advice need in London has found that increased Home Office fees and cuts to legal aid since LASPO 2012 have made it harder for Londoners who are entitled to apply for British Citizenship to secure their residency rights.⁷ Undocumented Londoners, many of whom are entitled to British Citizenship, are struggling to access their rights. Without legal status, they face restrictions in accessing higher education, employment, healthcare and housing - despite being born in the UK or having spent most of their lives here. They are unable to register to vote and face barriers to participating in daily life.⁸

¹ Mayor of London (2020) 'London's children and young people who are not British citizens' < <https://www.london.gov.uk/what-we-do/communities/migrants-and-refugees/londons-children-and-young-people-who-are-not-british-citizens>>

² Mayor of London (2020).

³ Mayor of London (2020).

⁴ The Children's Society (2021) 'Looked after children and the EU Settlement Scheme' < https://www.childrensociety.org.uk/sites/default/files/2021-03/Looked_After_Children_and_the_EU_Settlement_Scheme.pdf>

⁵ JCWI (2021) 'When the clapping stops: EU care workers after Brexit' < <https://www.jcwi.org.uk/when-the-clapping-stops-eu-care-workers-after-brexit>>

⁶ Migration Observatory (2020) 'Unsettled Status – 2020: Which EU Citizens are at Risk of Failing to Secure their Rights after Brexit?' < <https://migrationobservatory.ox.ac.uk/resources/reports/unsettled-status-2020/>>

⁷ Justice Together Initiative (2021) 'London Immigration Advice Mapping' research.

⁸ Mayor of London (2020).

This research further found that the scale of need for citizenship and immigration advice within London is significant, but organisations which provide free or affordable, quality legal advice to complete these applications are overstretched beyond capacity.⁹ The combination of an increasing undocumented population and insufficient capacity among advice organisations to meet need will continue to grow unless steps are taken to make citizenship more accessible to those who are eligible.

The GLA calls on the Government to:

1. reinstate legal aid for children's immigration cases;
2. reduce the profit-making element of immigration fees; and
3. properly fund the struggling advice sector, to ensure that people can access the citizenship and immigration advice that they need.

Violence Against Women and Girls

Over recent months, the plight of migrant women and their children who have been victims of Violence Against Women and Girls (VAWG) has been highlighted, particularly during the passage of the recent Domestic Abuse (DA) Act through Parliament. While the DA Act has become a landmark piece of legislation, it did not fully address the issue of domestic abuse and immigration status.

To address this, we propose the following measures:

- For government to agree defined pathways with Police officials to prioritise victims' safety and support over immigration offences and adopt a 'firewall' in regard to sharing victims' and witnesses' personal details with immigration services. The recent Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) investigation into the first super-complaint found the practise of police sharing victims' immigration information with the Home Office has prevented victims of extremely serious crimes, such as rape and domestic violence, from reporting crimes or acting as witnesses. It found inconsistencies in police practice and unacceptable data gaps from the Home Office. It has recommended an interim firewall is implemented while the Home Office conducts further review. However, the Government must urgently make this firewall permanent to prevent the sharing of victims' and witnesses' information with immigration services. If not, it will continue to overlook society's most marginalised and isolated survivors of domestic abuse.

⁹ Justice Together Initiative (2021) 'London Immigration Advice Mapping' research.

- Assurance that all victims of Violence Against Women and Girls are entitled to the financial support and safe accommodation they require in order to leave an abusive relationship irrespective of their immigration status.
- Abolish the no recourse to public funds (NRPF) policy which prevents many migrant women with insecure immigration status from accessing vital, often life-saving support and routes to safety.
- Extend the time period for which the Destitution Domestic Violence Concession (DDVC) is provided for at least six months.

Reforming the asylum system

The UN Refugee Convention does not oblige asylum seekers to apply in the first safe country they encounter. Therefore, crossing borders without leave to enter, in order to claim asylum, is an inevitable part of the journey of many refugees. Last year, half of asylum applicants in the UK were granted asylum or another form of humanitarian protection at initial decision stage.¹⁰ The Policy Statement states that “The rapid intake of asylum claims has outstripped any ability to make asylum decisions quickly meaning caseloads are growing to unsustainable levels”, however the GLA understands that last year, around 46,000 people claimed asylum in the UK, which is more or less in line with the average for the last 15 years.¹¹

However, the GLA is concerned that the Home Office’s decision-making processes have slowed considerably. In Q4 2020 there were 50,000 people seeking asylum who have been waiting for over six months for a decision on their asylum application, up from 11,500 three years previously. In London, significant pressure on public services has arisen where there have been very high concentrations of people seeking asylum in one locality, or one London borough. The GLA believes that improvements could be made to the asylum accommodation and support framework in order to reduce the use of hotels to accommodate people seeking asylum. While the pandemic has increased the Home Office’s reliance on contingency hotel accommodation, hotels were being used to accommodate people seeking asylum prior to the COVID-19 pandemic.

¹² <https://www.jrf.org.uk/report/destitution-uk>; <https://www.homeless.org.uk/our-work/resources/resources-on-migrant-destitution-from-our-partners>; <https://www.jrf.org.uk/report/destitution-uk-2020>

¹² <https://www.jrf.org.uk/report/destitution-uk>; <https://www.homeless.org.uk/our-work/resources/resources-on-migrant-destitution-from-our-partners>; <https://www.jrf.org.uk/report/destitution-uk-2020>

Asylum Accommodation & Proposal for Reception Centres

Through the London Strategic Migration Partnership (LSMP), the GLA has been supportive of initiatives to end the use of hotels to accommodate people seeking asylum, particularly through the development of a new procurement framework to support well-managed and equitable procurement of asylum accommodation in London. This is a tripartite agreement between London local government, Clearsprings Ready Homes and the Home Office that will enable the procurement of 800 bedspaces in a manner that does not undermine borough efforts to meet housing and homelessness need.

GLA officers have also worked intensively over the last 12 months to convene the Home Office, Clearsprings Ready Homes, Migrant Help, local government, Clinical Commissioning Groups and civil society to improve the standard of support and access to services for people seeking asylum accommodated in hotels. A high concentration of people seeking asylum – especially where that population is transient - in one very specific locality creates challenges for local public services. For example: schools in London where hotels are present are faced with the challenge of meeting very specific needs of a large number of children in that hotel. These children may also be moved away from the school in just a few days (or even a few hours) notice. In a normal situation, where children are accommodated in dispersed accommodation, children are spread across a wider range of schools, and are more stably accommodated.

The proposal for the creation of reception centres could repeat and make permanent the challenges associated with accommodated people seeking asylum in hotels. It is unclear how local public services would adequately respond to a reception centre opening in their area. The wellbeing, safeguarding and safety impacts upon people in reception centres would no doubt reflect many of the same impacts as accommodating people in hotels. The proposal risks furthering the disproportionate impact on local homelessness and housing services in areas where reception centres operate. Newly recognised refugees accommodated in reception centres would have a local connection to the council area they are accommodated within. This would likely lead to extreme pressure on the borough homelessness services which have reception centres within them.

The GLA urges the Government to put an end to a reliance on contingency hotel accommodation for people seeking asylum, including the proposed reception centres, and instead refocus efforts on addressing some of the policy and funding barriers to ensure the equitable widening of dispersal accommodation.

Temporary Protection Status

The GLA is concerned by the Home Office's plans to grant only temporary protection status and to impose the no recourse to public funds (NRPF) condition on refugees who entered the UK without leave to enter.

Newly recognised refugees already experience high levels of homelessness after their 28 days move on period comes to an end. In order to reduce this risk, the Home Office has commissioned Migrant Help through the AIRE contract to deliver a Positive Move on service. The key elements of this service are:

- Connecting service users with DWP, in order to make a Universal Credit claim
- Connecting households with housing options teams within local authorities.

There is evidence of the link between NRPF and destitution,¹² and the GLA is therefore concerned that by imposing the no recourse to public funds (NRPF) condition on some newly recognised refugees, they will be at increased risk of homelessness and rough sleeping. This places local authorities under additional financial strain where there is a duty to provide support, and could impact conversations to widen dispersal given the potential financial impact of policies that limit newly recognised refugees entitlement to mainstream welfare support.

Streamlining asylum claims and appeals

The GLA welcomes the commitment to provide more generous access to advice, including legal advice, to support fair, humane and efficient decision making. Forthcoming research funded by the GLA into immigration advice need in London has found that people in need of support with an asylum application struggle to secure casework access for fresh asylum claims, which someone may submit after their previous application was Appeal Rights Exhausted (ARE).¹³ The research found that fresh claims appear to be one of the most problematic areas in terms of transitioning from initial advice to further casework, leaving people without the substantive support to make their claim in a timely and detailed way.

Within this research, immigration solicitors commented on their frustration at the limited capacity they have for comprehensive casework support using the hours they are allocated through legal aid funding. The GLA is especially concerned that people are not able to access comprehensive and high-quality advice for their asylum claims within the early stages of

¹² <https://www.jrf.org.uk/report/destitution-uk>; <https://www.homeless.org.uk/our-work/resources/resources-on-migrant-destitution-from-our-partners>; <https://www.jrf.org.uk/report/destitution-uk-2020>

¹³ Justice Together Initiative (2021) 'London Immigration Advice Mapping' research.

their application and end up disadvantaged in the legal system, leading to their applications being refused. As such, the GLA urges the Home Office to fully assess the impact of insufficient capacity among the asylum casework sector on outcomes for asylum claimants. Any future Home Office plans to reform asylum claims and appeals should review the impact that lack of available legal advice has on claimants' ability to submit comprehensive claims.

The GLA calls upon the Government to:

1. Conduct a full assessment of the impact of low capacity among asylum casework organisations and its effects on asylum claimants.
2. Ensure adequate funding for free asylum advice and casework services.

Supporting Victims of Modern Slavery

While the Home Office is taking positive steps to ensure the victims of modern slavery are identified quickly, as well as improving training for First Responders, there are a few key issues around migrant victims of trafficking and modern slavery that should inform any work by the Home Office in this area.

Forthcoming research funded by the GLA into immigration advice need in London shows that in 2019 there were 2,820 non-UK nationals referred into the National Referral Mechanism (NRM) who were in London at the time of referral.¹⁴ For 2020, up to 30 September, there were 1,707 London-based non-UK nationals referred into the NRM, which would project a total of 2,276 for the full year. Many (perhaps all, post-Brexit) of these applicants will need immigration advice and casework, some of which will overlap with asylum work. Some will need concurrent or freestanding representation up to judicial review to challenge negative decisions. For Q1 of 2020, London boroughs made 212 referrals into the NRM and the Metropolitan Police made a further 945 referrals, accounting for just over one third of the national total referrals from local authorities and police forces respectively and the Home Office's 2019 end of year summary records that 27% of these referrals were UK nationals, thus the overwhelming number will be non-UK nationals with immigration needs.

Interviewees in this research noted that there is insufficient awareness of the indicators of trafficking, such that people go unidentified and unreferred for many years. GLA-funded research found that some Home Office screening interviews have been curtailed to exclude the questions most likely to elicit information about trafficking and exploitation en route to

¹⁴ Justice Together Initiative (2021) 'London Immigration Advice Mapping' research.

the UK, and that Home Office caseworkers are sometimes unaware of the relevant indicators. Numerous adviser and support group interviewees gave examples of cases where someone had been through the entire asylum process without anyone identifying that they were a victim of trafficking, even when they were represented by a legal representative. The research suggests that this is because legal representatives are often over-stretched in terms of capacity and struggle to build relationships which would enable them to obtain this information from clients. Clients interviewed in this research have also identified that they struggled in Home Office interviews without their lawyer present; lawyers are not usually able to attend these interviews as they do not receive legal aid funding to do so.

Thus, the GLA urges the Home Office to attend to ongoing structural issues about victims of trafficking and modern slavery not being identified, the lack of legal aid capacity for their legal representatives to effectively support them through the asylum system and ongoing delays around NRM and asylum application outcomes.

The GLA calls upon the Government to:

1. Ensure adequate funding for free asylum advice and casework services.
2. Ensure that Home Office asylum casework teams are effectively trained in identifying trafficking indicators.

Enforcing removals, including foreign national offenders

The GLA is concerned about plans to remove support from ARE asylum-seekers, as originally proposed in the Immigration Act 2016. These groups are often vulnerable to issues such as poor physical and mental health, modern slavery, exploitation and abuse¹⁵ and a plan to make it more difficult for them to access basic subsistence will increase these risks. These measures risk removing a crucial safety net for migrants who do not have an ongoing asylum application. Those with children, or adults with high care needs, risk losing out on basic destitution support and will be referred to already struggling local authorities for support.

Forthcoming research funded by the GLA into immigration advice need in London has found that asylum seekers are often struggling to effectively represent their cases to the Home Office because of barriers in accessing legal advice and representation, which contributes towards refusals of applications.¹⁶

¹⁵ Red Cross (2020) 'The Costs of Destitution' < <https://www.redcross.org.uk/-/media/documents/about-us/research-publications/refugee-support/the-costs-of-destitution.pdf?la=en&hash=DB934CFE514C3B732C80E8EDF2FBC08DD746F42C>>

¹⁶ Justice Together Initiative (2021) 'London Immigration Advice Mapping' research.

Local authorities already have legal duties to support vulnerable asylum-seeking children, families and adults, through the Children Act 1989 and the Care Act 2004. NRPf Connect Data demonstrates that the average cost of supporting a household with NRPf per annum (accommodation and subsistence) is £17,887. (£18,596 for adults and £15,592 for families), creating significant costs for local authorities.¹⁷ Research previously produced by London Councils has found that London local authorities already struggle financially to fulfil their legal duties to support families with NRPf, spending upwards of £53 million in support per annum¹⁸.

During the bill stages of the Immigration Act 2016, local government organisations, such as The NRPf Network, Local Government Association and COSLA, expressed concerns about changes introduced through the Immigration Act 2016 to create additional duties for local authorities to support people who are Appeal Rights Exhausted (removing their eligibility to access the current asylum support system) when local authorities are already struggling to fulfil their existing legal duties towards groups with high needs.

Changes to how these groups access basic subsistence will risk creating unsustainable pressures for local authorities and compound the vulnerabilities of destitute asylum-seekers, creating a risk that they will go underground and face exploitation as a result of these proposals.

The GLA calls upon the Government to conduct a thorough and transparent consultation with local authorities and civil society about the impact of implementing changes around support for asylum seekers first introduced through the Immigration Act 2016.

Public Sector Equality Duty

The Home Office is required to meet its duties under the Public Sector Equality Duty (PSED) to comprehensively consider the impact of the topics in this consultation on people with protected characteristics. These characteristics include race, which also includes nationality, as well as related matters such as pregnancy/maternity and disability. The Equality and Human Rights Commission (EHRC) recently found the Home Office in breach of the PSED in carrying out its immigration functions in respect of race and colour and has recommended that the Home Office carry out its PSED duties more robustly.¹⁹ If the Home Office fails again to comply with the PSED in implementing new changes to the immigration and asylum

¹⁷ NRPf Network (2021) 'NRPf Connect – Annual data report 2019-2020: local authority support for people with no recourse to public funds (NRPf)' <<https://www.nrpfnetwork.org.uk/-/media/microsites/nrpf/documents/nrpf-connect/data-report-201920.pdf?la=en&hash=A9FAB301F6FA51DC7F6F42F79236150C8DC568DA>>

¹⁸ [No Recourse to Public Funds \(NRPf\) | London Councils](#)

system, it may find itself in breach of its PSED duty and increasing inequality towards a number of marginalised groups.

The GLA calls upon the Government to recognise and fulfil its PSED duty towards marginalised groups in its activities.