

Immigration Bill: House of Lords

Committee of the Whole House



Britain Yearly Meeting
of the Religious Society of Friends

Quakers in Britain and the Quaker Asylum and Refugee Network

15 January 2016

1. Summary

- 1.1. Quakers in Britain and the Quaker Asylum and Refugee Network are deeply concerned by the Immigration Bill currently in the House of Lords. This Bill deliberately seeks to create a hostile climate for refugees. In doing so, it legitimatises the further erosion of humanitarian values.
- 1.2. Enforced destitution should not be used as an instrument of immigration control and is, in any case, ineffective. Punitive measures taken by successive governments over many years have not significantly reduced numbers seeking protection in the UK nor have they reduced net immigration. Asylum seekers who are fearful of return will not be persuaded to go back to their own countries by the removal of support. Only an improvement in the conditions in their countries will produce this result.
- 1.3. We ask members of the House of Lords to consider the issues we raise below when debating this Bill in Committee.

2. About Quakers in Britain

- 2.1. This submission comes from Quakers in Britainⁱ and the Quaker Asylum and Refugee Network (QARN)ⁱⁱ. Quakers in Britain is formally known as the Religious Society of Friends (Quakers) in Britain. QARN is a nationwide network of Quakers who have experience of working with asylum seekers and refugees. A key aim of the network is to ensure that justice and compassion are the guiding principles in the treatment of asylum seekers, forced migrants and refugees.
- 2.2. Our concerns below are informed by our belief that everyone is equal in the eyes of God and by the experience of Quakers across Britain. We see our work with refugees, forced migrants and asylum seekers as an expression of our commitment to justice, equality and peace.

Specific concerns regarding the Immigration Bill

3. Right to family life

- 3.1. We are concerned that this Bill erodes current immigration legislation on the right to family life, and that the increasingly hostile environment created by provisions in this Bill would cause more families to become destitute. We must recognise that the children of asylum seekers are children first and foremost, and make their welfare a priority. It cannot be right that a local authority could consider removing children from families seeking asylum on the basis that they are living

in poverty rather than providing the family as a whole with support. Yet this is the logical conclusion of the policy to create a more hostile environment, in which asylum seekers and refugees are deliberately made destitute.

- 3.2. We also support the family reunification amendment proposed by Lord Hylton and Baroness Hamwee, which recognises that family ties are not restricted to spouses or dependent childrenⁱⁱⁱ.

4. Right to rent

- 4.1. This Bill extends the “right to rent” measure of the Immigration Act 2014. It introduces new offences in order to prevent access to housing by targeting landlords renting to those they know or have reasonable cause to believe are disqualified from renting as a result of their immigration status. We are concerned that this will lead to increased discrimination against refugees and asylum seekers, as well as those who may incorrectly be perceived as being refugees or asylum seekers. The likelihood is that this will increase homelessness and increase the risk of exploitation of refugees and asylum seekers.
- 4.2. We ask members of the House of Lords to oppose measures which will have such a negative impact on refugees and asylum seekers.

5. Criminalisation of technical offences

- 5.1. We are deeply concerned that this Bill proposes that working or driving without permission becomes a criminal, rather than technical, offence. We consider that this further entrenches the existing policies of forced destitution, which we strongly oppose.
- 5.2. Those seeking asylum do not have permission to work in the UK, or to drive. The support provided by the Home Office consists of accommodation given on a no-choice basis and £5.28 per day to cover food, clothing, toiletries, travel, communication and all other necessities. We believe this is too low to cover basic human needs. Furthermore, many of those seeking asylum are required to wait for long periods of time without this support, sometimes because they have been refused and are appealing against that decision, or because they have been denied the support in error, or because they have difficulty in accessing the support. The result is that many asylum seekers are forced into absolute poverty, often either relying on support from charities and faith-based groups or living on the streets.
- 5.3. Any criminal sentence should have a positive purpose, and it is more likely to be effective if the expected outcome is clearly identified. In these instances, there appears to be no purpose other than punishment. It is a false assumption that the repetition of the offence is prevented by imprisonment. We cannot see the benefit of imprisoning or fining those who are working without the right to do so.
- 5.4. Furthermore, we consider that allowing asylum seekers to work would be beneficial and enable them to contribute to society. Working is also a viable alternative to immigration detention, which is costly, inhumane, and unnecessary.

- 5.5. We urge members of the House of Lords to consider the amendment proposed by Lord Rosser and Lord Kennedy of Southwark regarding permission to work after six months^{iv}.

6. Further concerns

- 6.1. In addition to the concerns mentioned above, we wish to raise concerns around changes to the legal process.
- 6.2. The Bill proposes to allow the removal of any person appealing against a refused human rights claim, provided that it would not cause them serious and irreversible harm^v. Any appeal would then need to be made after having been returned to the country of origin. We value the right of appeal and believe that applicants should be allowed to remain in the UK while they lodge an appeal. As a proportion of cases are won at appeal, a ‘deport first, appeal later’ policy is not only likely to be more costly and lengthy, but may also put lives at risk.
- 6.3. We remain deeply concerned about the ongoing use of immigration detention, where lives are put on hold for months and years^{vi}. We recommend that the provision of asylum support should enable the release from detention of those who do not need to be detained. We ask for a time limit of 28 days, with no re-detaining. We are also concerned that those without a bail address could be released into destitution, and ask that the issues of accommodation and detention are considered together. We believe that immigration detention has no place in a just and fair system, and urge members of the House of Lords to consider alternatives that enable people to make a contribution to society.

7. Contact

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ⁱ Formally known as the Religious Society of Friends (Quakers) in Britain. Registered with charity number 1127633. Around 23,000 people attend 478 Quaker meetings in Britain.

ⁱⁱ <http://www.qarn.org.uk>

ⁱⁱⁱ After Clause 38:

LORD HYLTON
BARONESS HAMWEE

Insert the following new Clause—

“Family reunion: persons with international protection needs

(1) Rules made by the Secretary of State under section 3 of the Immigration Act 1971 (general provisions for regulation and control), shall, within six months of the passing of this Act, make provision for—

(a) British citizens and persons settled in the UK to be enabled to sponsor their children, grandchildren, parents, grandparents,

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spouses, civil or unmarried partners, or siblings, who are persons registered with the Office of the UN High Commissioner for Refugees or with the authorities responsible for the protection of refugees in the State in which they are present, to come to the UK on terms no less favourable than those under rules made under that section which apply to family members of persons recognised as refugees, save that it may be provided that those sponsored shall have no recourse to public funds; and

(b) applications for refugee family reunion from the children, grandchildren, parents, grandparents, spouses, civil or unmarried partners, or siblings of persons recognised as refugees or who have been granted humanitarian protection in the United Kingdom.

(2) An order shall be made by the Lord Chancellor under section 9(2)(a) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (general cases) in respect of family reunion for the persons described in subsection (1) within six months of the passing of this Act.”

^{iv} After Clause 12

LORD ROSSER
LORD KENNEDY OF SOUTHWARK

Insert the following new Clause—

“Permission to work for asylum seekers after six months

(1) The Immigration Act 1971 is amended as follows.

(2) After section 3(9) (general provisions for regulation and control) insert—

“() In making rules under subsection (2), the Secretary of State must provide for persons seeking asylum, within the meaning of the rules, to apply to the Secretary of State for permission to take up employment, including self-employment and voluntary work.

() Permission to work for persons seeking asylum must be granted if—

(a) a decision has not been taken on the applicant’s asylum application within six months of the date on which it was recorded, or

(b) an individual makes further submissions which raise asylum grounds and a decision on that new claim or to refuse to treat such further submissions as a new claim has not been taken within six months of the date on which the submissions were recorded.

() Permission for a person seeking asylum to take up employment shall be on terms no less favourable than those upon which permission is granted to a person recognised as a refugee to take up employment.””

^v Clause 31, which amends Section 94B.

^{vi} The consultation paper issued by the Home Office in advance of the Immigration Bill 2015 gave some indication of proposed changes, including removing access to Home Office accommodation for those seeking to leave detention. To read our response to that consultation, please contact Jessica Metheringham on jessicam@quaker.org.uk.