

Independent Asylum Commission

CONDUCTING A NATIONWIDE REVIEW OF THE UK ASYLUM SYSTEM

IN ASSOCIATION WITH THE **CITIZEN** ORGANISING FOUNDATION

saving sanctuary

The Independent Asylum Commission's first report of conclusions and recommendations:

How we restore public support for sanctuary and improve the way we decide who needs sanctuary

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www.independentasylumcommission.org.uk

Executive Summary

The Independent Asylum Commission (IAC) is conducting a nationwide citizens' review of the UK asylum system. In its Interim Findings, published on 27th March 2008, it presented evidence gathered from several hundred individuals and organisations, through public hearings, written and video evidence, and research.

Since that publication, the UK Border Agency has issued the first of three responses to those Interim Findings, and the Commission has continued to gather evidence on public perception of asylum in the UK and the values the British people think should underpin how we respond to those seeking sanctuary. Along with the CITIZENS SPEAK consultation on sanctuary in the UK, we have commissioned an opinion poll and focus group research to gain a better understanding of public attitudes to asylum.

This report, *Saving Sanctuary*, is the first of three reports of the Commissioners' conclusions and recommendations, to be published in Summer 2008. The Commissioners aim to make credible and workable recommendations for reform that safeguard the rights of asylum seekers but also command the confidence of the British public.

Key Findings

- ◆ **The Commission concludes that there is grave misunderstanding in the public mind about the term 'asylum' which if not addressed threatens to undermine support for the UK's proud tradition of providing sanctuary to those fleeing persecution; and recommends that immediate action is taken to win hearts and minds and long term public support for sanctuary.**
- ◆ **Following its public CITIZENS SPEAK consultation, the Commission concludes that there is a mainstream consensus on the five key values that should be foundation principles on which policy relating to those seeking sanctuary should be based; and recommends that current and future government policy be brought into line with those values.**
- ◆ **The Commission concludes that in recent years there have been significant improvements in the way we decide who needs sanctuary, for which we commend the UK Border Agency; and recommends that the UK Border Agency takes steps to address remaining flaws, and engage with the 48 recommendations we make to improve still further the way the UK decides who needs sanctuary.**

Restoring public support for sanctuary in the UK through effective communication

- ◆ Politicians, government, media and civil society must work together to develop and promote a 'centre ground' for sanctuary in line with mainstream British values.
- ◆ There must be an emphasis on the moral and humanitarian imperative of offering sanctuary, through information and education, in order to secure long-term public support.
- ◆ The concept of sanctuary must be distinguished very clearly from economic migration, through avoiding the term 'asylum' and choosing appropriate and understood terminology.
- ◆ The availability and quality of information for the public on those seeking sanctuary must be improved.
- ◆ Efforts must be made to promote tolerance and neighbourliness towards those seeking sanctuary and assist integration at a local level.

Restoring public confidence by ensuring that asylum policies are in keeping with mainstream consensus British values on sanctuary

- 1) People fleeing persecution should be able to find sanctuary in safe countries like the UK.
- 2) The UK should have an effective system for controlling our border that lets people seeking sanctuary in, as well as keeping irregular migrants out.
- 3) The UK should have a fair and effective decision-making body that takes pride in giving sanctuary, to those who need it, and denying it to those who do not.

- 4) People seeking sanctuary should be treated fairly and humanely, have access to essential support and public services, and should make a contribution to the UK if they are able.
- 5) Once a decision has been made, the UK should act swiftly, effectively and in a controlled way – either to assist integration or effect a swift, safe and sustainable return for those who have had a fair hearing and have been refused sanctuary.

Restoring public trust by continuing to improve the way we decide who needs sanctuary

- ◆ The Commissioners make 8 recommendations to improve access to the asylum system for those seeking sanctuary, focusing particularly on the need to differentiate those seeking sanctuary from other migrants and to encourage a 'protection culture' among decision-makers.
- ◆ The Commissioners make 21 recommendations to continue to improve the quality of decision-making by the UK Border Agency, focusing particularly on the training and support of decision-makers and interpreters, the conduct of interviews, the information available to staff, and the fast-track process.
- ◆ The Commissioners make 19 recommendations to ensure that the asylum system is not so adversarial or heavily weighted against the asylum seeker, focusing particularly on early access to legal advice, representation for asylum seekers, the conduct of appeals, the use of expert reports, the fast-track process and improving public understanding of the way decisions are made.

For further information see

www.independentasylumcommission.org.uk.

For media enquiries contact Jonathan Cox on 07919 484066.

Conclusions and Recommendations

'Saving Sanctuary' The Independent Asylum Commission's First Report of Conclusions and Recommendations: How we restore public support for sanctuary and improve the way we decide who needs sanctuary.

Commissioners



Sir John Waite (Co-Chair)

A former Judge of the High Court (Family Division) and of the Court of Appeal, former President of the Employment Tribunal & until recently Chair of UNICEF UK.



Shamit Saggat

Professor of Political Science at the University of Sussex and Chair of the Law Society's Consumer Complaints Board. Previously a Senior Policy Advisor in the Prime Minister's Strategy Unit; he holds academic posts at Queen Mary University, UCLA and Yale.



Ifath Nawaz (Co-Chair)

President of the Association of Muslim Lawyers, member of the Policing and Security working group in the wake of the bombings of 7 July 2005, a Commissioner on the Lunar House Report.



Nicholas Sagovsky

Canon Professor Nicholas Sagovsky, Canon Theologian at Westminster Abbey. A Commissioner on the South London Citizens Lunar House Report.



Countess of Mar

A cross-bench member of the House of Lords, previously sat on the Asylum and Immigration tribunal, for over two decades and resigned when she became disillusioned with the system.



Katie Ghose

Director of the British Institute for Human Rights. A public affairs specialist and barrister with a background in human rights law and immigration, Katie has also worked in the voluntary sector.



Lord David Ramsbotham GCB CBE
Her Majesty's Chief Inspector of Prisons between December 1995 and August 2001 and a former army general.



Zrinka Bralo
A journalist from Sarajevo who has also worked as a researcher and commentator since her exile to the UK in 1993. She is Executive Director of the Migrant and Refugee Communities Forum in West London.



Dr Silvia Casale
Member of the United Nations Subcommittee on Prevention of Torture and President of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.



Bishop Patrick Lynch
Rt Reverend Patrick Lynch is the Auxiliary Bishop for the Roman Catholic Archdiocese of Southwark. He has worked extensively with many different migrant communities during his ministry.



Earl of Sandwich
A cross bencher in the House of Lords with an interest in international relations and refugee issues.

Jacqueline Parlevliet
Deputy Representative of the United Nations High Commissioner for Refugees in London (Observer status)

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For more information see
www.independentasylumcommission.org.uk.

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Glossary

AIT	Asylum and Immigration Tribunal
COI	Country of Origin Information
ECHR	European Convention on Human Rights
LSC	Legal Services Commission
NAM	New Asylum Model
UKBA	UK Border Agency (formerly the Border and Immigration Agency)
UNHCR	The Office of the United Nations High Commissioner for Refugees

Foreword

by Sir John Waite and Ifath Nawaz, Co-chairs of the Independent Asylum Commission

Our tradition of sanctuary is precious. Just ask those who have fled persecution, oppression and danger in their home countries and found sanctuary in the UK. They know the true value of our oft-cited proud tradition of sanctuary.

Over the centuries Britain has hosted thousands of refugees: Huguenots, Jews and Bosnians, and those from lesser known nationalities. Many of them have returned home when the danger has passed, and many others have decided to stay in the UK and make it their home. To the exiles who stayed we owe a deep enrichment of our cultural and economic life, including classic British institutions: Marks and Spencer, fish and chips, and the Mini. Our tradition of sanctuary, and the refugee communities it has brought to our shores, have helped build the nation and society in which we live.

And yet now our tradition of sanctuary is under threat because public confidence in our asylum system is uncertain. On the one hand it is clear that the British public supports the concept of providing sanctuary to those fleeing persecution – they understand sanctuary, see it as a positive word, and in some cases can relate to it personally.

On the other hand we have an asylum system that purports to provide sanctuary, and yet the public has little understanding of what ‘asylum’ means, associate it – indelibly – with a range of negative and unrelated issues, and have little confidence in the asylum system itself. There is a profound disconnection in the public mind between the sanctuary they want the UK to provide and their perception of the asylum system.

We, and our fellow Commissioners, believe that unless public confidence in our asylum system is restored, the UK’s future as a place of sanctuary is bleak. This is why our first report of conclusions and recommendations focuses on the way we decide who needs sanctuary. Part of the answer to restoring public confidence is to have a fair and effective system in line with the mainstream values of the British people.

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Sir John Waite

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Ifath Nawaz

But fixing the system is not the whole answer. The public have to understand and support sanctuary – and the system that provides it for those fleeing persecution. We call on those in politics and government, the media and civil society, and all people of good will in every class, race, region and nation of the UK, to join together and persevere in a campaign to win hearts and minds – and long term public support – for sanctuary.

For those who have fled persecution, sanctuary is saving – our duty is to save sanctuary for those who will undoubtedly need it in the future.

We commend our first report of conclusions and recommendations to you and hope you will look forward to our second and third reports, due later this summer, with keen interest.

CHAPTER 1

The UK provided sanctuary to 10,000 Jewish children as part of the Kindertransport prior to the Second World War. They arrived at Liverpool Street Station, London.”

Introduction

What is the Citizen Organising Foundation?

The Citizen Organising Foundation supports the development of broad based community or citizen organising across Britain and Ireland. COF's primary affiliate community organization is LONDON CITIZENS: the Capital's largest and most diverse campaigning alliance. London Citizens has earned a reputation for taking effective action to pursue change. Members include churches, mosques, trade unions, schools and other civil society organisations.

For further information see www.cof.org.uk.

History of the Independent Asylum Commission

In 2004 South London Citizens, a coalition of churches, mosques, schools, trades union branches and other civil society groups who campaign for the common good, conducted an enquiry into Lunar House, the headquarters of the Immigration and Nationality Directorate (IND), now the UK Border Agency (UKBA).

They published their report, *A Humane Service for Global Citizens*, in 2005, and it was well-received by IND, who have since implemented a number of its recommendations and continue to liaise with a monitoring group from South London CITIZENS. The report's final recommendation was that there should be an independent citizens' enquiry into the implementation of national policies on asylum.

The Independent Asylum Commission was commissioned by the Citizen Organising Foundation to undertake this work. It was launched in 2006 in the House of Commons, and has since been collecting evidence from a wide range of witnesses across the UK – from asylum seekers and refugees to those citizens who feel the system is being abused. The final conclusions and recommendations will be presented in three reports to the Citizen Organising Foundation and its member organisations later in the summer of 2008.



Aims

The Independent Asylum Commission aims to:

- Conduct an independent citizens' enquiry into the UK asylum system;
- Identify to what extent the current system is effective in providing sanctuary to those who need it, and in dealing with those who do not, in line with our international and human rights obligations;
- Make credible and workable recommendations for reform of the UK asylum system that safeguard the rights of asylum seekers but also command the confidence of the British public;
- Work constructively with the UK Border Agency and other appropriate bodies to implement those recommendations.

The Independent Asylum Commission is concerned only with those who come to the UK seeking sanctuary from persecution and makes no comment on economic migration. The Commission has striven to listen to all perspectives on this debate and to work constructively with the major stakeholders while retaining its independence from the government and the refugee sector. We hope that this report will uphold the UK's proud and historic tradition of offering sanctuary to those fleeing from persecution.

Methodology

The Independent Asylum Commission is the largest inquiry on this issue ever undertaken. The Commission used a number of methods to ensure that the widest possible range of voices was heard: from those concerned that the asylum system is too generous, through to those concerned that the rights of asylum seekers are not being respected.

As with the South London Citizens enquiry, the Independent Asylum Commission is seeking a constructive dialogue with the UK Border Agency (UKBA) and other stakeholders, and has adopted the formula that proved so successful with the Lunar House inquiry:

- i. Identifying key issues of concern and good practice to affirm;
- ii. Presenting the supporting evidence from hearings and written testimony;
- iii. Seeking a response on each issue from UKBA;
- iv. Assessing the UKBA response;
- v. Publishing final conclusions and recommendations.

On March 27th 2008 the Independent Asylum Commission launched its Interim Findings¹ in the Grand Committee Chamber, House of Commons. That report set out the Commissioners' provisional assessment of the asylum system based upon evidence gathered from across the UK. The Commissioners' conclusions and recommendations should be read alongside the evidence presented in those Interim Findings.

Over an 18 month period the Commission held seven themed public hearings across the country; held a special hearing in Belfast; held seven closed evidence sessions at Westminster Abbey; commissioned the Information Centre about Asylum and Refugees to produce comprehensive

thematic briefings on all aspects of the UK asylum system; received over 180 submissions to the call for evidence; received over a hundred video submissions; held key stakeholder interviews on public attitudes to asylum in eight locations across the UK; held focus groups in eight locations across the UK; held the CITIZENS SPEAK consultation asking for the public's views on sanctuary in the UK; held over 50 People's Commissions across the UK to recommend the values and principles that should underpin UK asylum policy.

Since the launch of the Interim Findings the Commission has continued to gather evidence on public perceptions of asylum and the values the British people think should underpin how we respond to those seeking sanctuary. Along with the CITIZENS SPEAK consultation, we have also commissioned an opinion poll and focus group research in order to gain a better understanding of public attitudes to asylum.

The Interim Findings expressed the Commissioners' concerns based on the evidence gathered and affirmed positive aspects of the UK's asylum system. Since its launch, the UK Border Agency has responded in writing to the Commissioners' concerns and affirmations. We thank them for their co-operation, and willingness to engage with us.

These conclusions and recommendations are based on:

- The concerns and affirmations expressed in the Independent Asylum Commission's Interim Findings;
- The written response to the Independent Asylum Commission's Interim Findings received from the UK Border Agency;
- The results of the CITIZENS SPEAK consultation, public attitudes focus groups, key stakeholder interviews and opinion polling.

How the recommendations are structured

The Independent Asylum Commission's Interim Findings were set out in three main sections, looking at three distinct areas of the UK's asylum system:

- How we decide who needs sanctuary;
- How we treat people seeking sanctuary;
- What happens when we refuse people sanctuary.

In accord with this structure, the Commission's recommendations are set out in three separate publications. This, the first of these publications, details the Commissioners' recommendations on 'How we decide who needs sanctuary' and how we restore public support for sanctuary.

The Commissioners' concerns on each issue, as set out in the Interim Findings, are listed, followed by the response from the UK Border Agency to those concerns. The Commissioners' conclusions and recommendations are then listed at the end of each section.

Funders

The Citizen Organising Foundation is a registered charity that receives no government money and is funded by the annual dues from member communities and grants from charitable trusts. The Independent Asylum Commission owes much to the generosity of the charitable trusts and individuals that have provided funding:

The Diana, Princess of Wales, Memorial Fund



The Society of Jesus

The Esmée Fairbairn Foundation



The Joseph Rowntree Charitable Trust

The M.B. Reckitt Trust

The City Parochial Foundation

The Sigrid Rausing Trust

The Bromley Trust

The Network for Social Change



The United Nations High Commissioner for Refugees, London
St Mary's Church, Battersea
Garden Court Chambers
UNISON Scotland
Mr T. Bartlett Esq.

Staff and Volunteers

The Independent Asylum Commission has been supported by three staff members:

Jonathan Cox

Commission Co-ordinator

Chris Hobson

Commission Associate Organiser

Anna Collins

Commission Communications Officer

A debt of gratitude is also owed to previous staff members Bernadette Farrell, Fran Smith and Roxanne Abdulali.

The Commission has been guided by a steering committee:

Michael Bartlet

Religious Society of Friends (Quakers)

Neil Jameson

Executive Director, Citizen Organising Foundation

Maurice Wren

Chair of the Asylum Rights Campaign (ARC) and Co-ordinator, Asylum Aid

Louise Zanre

Director of the Jesuit Refugee Service UK

Nicholas Sagovsky

Commissioner

The Commission has received invaluable support and assistance from volunteers.

Public Attitudes Research Project

Researchers: Elizabeth Cheyne, Malcolm Corrigan, Theresa Tschol, Anne Marie O'Reilly, Kieran Zucker, Onyeka Igwe, Madhulika Sahoo, Oonagh Skrine, Hana Hamaz, Fionnuala Somerville, Anna Isaacs, Joanna Derwin, Alexa Kellow, Paul Chalmers, Mhairi Guild, Rowan Boase, and Tim Cox.

Focus group facilitators:

Anna Collins, Carina Crawford, Hannah Ward, Jonathan Cox, Tim Cox and Tim Woodall.

Research consultant on the Public Attitudes Research Project (PARP): Naomi Newman, Institute for Public Policy Research (ippr).

Steering group for PARP: Jan Shaw (Amnesty International), Esme Peach (Refugee Action), Neil Jameson (London CITIZENS).

Public Attitudes Research Project Assistant: Tim Cox.

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David Braine at Friction.tv

People's Commission Toolkit:
Dr Julian Baggini, Anna Collins and Jonathan Cox.

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Particular thanks to Justin Russell and Grahame Jupp and other staff at the UK Border Agency who provided the response to our Interim Findings.

UK Border Agency response to the Independent Asylum Commission's Interim Findings²

While we welcome the Commission's acknowledgment that the UK asylum system is 'improved and improving' we would strongly refute the Commission's allegations that our asylum system:

- ◆ 'is not yet fit for purpose'
- ◆ 'denies sanctuary to some who genuinely need it and ought to be entitled to it'
- ◆ 'is not firm enough in returning those whose claims are refused' and
- ◆ 'is marred by inhumanity in its treatment of the vulnerable'.

We are committed to upholding the UK's proud tradition of offering protection to those who need it and fully honouring our international obligations under the UN Refugee Convention and the European Convention on Human Rights.

- ◆ We give refugee status or other forms of protection to thousands of people each year. In 2007 5,750 applicants were granted some form of protection at first instance decision.
- ◆ Working with the United Nations High Commissioner for Refugees (UNHCR) our Gateway programme is resettling 500 refugees a year from refugee camps to the UK.
- ◆ We involve UNHCR in quality checking our decision process and provide 55 days of training before each case-owner starts work.
- ◆ The UK is recognised as one of the world leaders in the provision of high quality briefing for case owners on individual countries through our Country of Origin Information Service. And that unlike most other countries all of this information is unclassified and publicly available for independent scrutiny.
- ◆ We are committed to rolling out a new national Refugee Integration and Employment Service from

October 2008 to provide support, advice and mentoring to all new refugees granted status in the UK.

- ◆ We spend millions of pounds a year (£24.7M in 2007/08) funding a wide range of NGOs including the Refugee Council, Refugee Action and Migrant Helpline to provide one stop services to support and provide independent advice to asylum seekers and refugees while they go through the system.
- ◆ We spend £500m a year supporting asylum seekers while their claim is processed.

For applicants whose claim is refused we continue to offer support to families with children under 18 until they are removed from the country and to other applicants who are seriously ill or for whom there is no viable route of return home.

We believe our system strikes a fair balance between dealing properly with those needing international protection and deterring those who seek to abuse the process for their own benefit. We are disappointed that the interim report did not paint a true picture of the asylum system as it is now. In several areas, out-of-date or subjective testimony has been presented as unchallenged fact and presented in unjustified, excessively emotive language or imagery. The report appeared to contain little if any testimony from those who had received a positive first instance decision to put the process in proper perspective. It is still difficult to identify from the report what has driven the Commission's conclusion that we deny sanctuary to some who genuinely need it and ought to be entitled to it, and it is disappointing that the report fails to address the very real problems caused by those who consciously attempt to abuse our asylum process (for example by lying about their nationality or identity or deliberately destroy their documents).³

² The Independent Asylum Commission published its Interim Findings on 27th March 2008. You can download a copy at www.independentasylumcommission.org.uk.

³ This is the opening statement to the first of UKBA's three responses to the Interim Findings. The detailed responses on 'how we decide who needs sanctuary' are printed in text below.