

Summary of contents of New Plan for Immigration ('NPI')

The NPI establishes a two-tier system of immigration based on how Asylum Seekers come to the UK instead of the validity of their claim.

Legal routes

Those who come by what is termed 'safe and legal routes' will have strengthened rights and support. Whilst 'legal routes' are not defined the following routes are expressly mentioned:

1. Resettlement schemes. These will focus on areas of conflict and persecuted minority groups. There are no numbers given but just emphasis on the numbers already accepted through such routes.
2. Community sponsorship programmes. The plan is to increase the proportion of refugees who come through sponsorship by local volunteer groups that help with accommodation and integration support.
3. New procedure for Home Secretary to offer discretionary assistance to those in extreme need of safety whilst in their country of origin. Specific and compelling reasons are required. Cases will be exceptional and where a person's life is at direct risk.
4. Points based system. More help will be given to displaced people to apply via this route.
5. Family reunion to join a refugee who arrived through a legal route

Those coming by legal routes will receive indefinite leave to remain upon arrival in the UK. They will have family reunion rights (the age of dependent children that may join them may be lifted to 21).

They will receive more support to help them integrate and become self-sufficient. £14m has been committed to the Refugee Transitions Outcomes Fund to offer more support to refugees to help them into employment. Through this and other schemes there will be a package of tailored support including language training, skills development and work placements.

Illegal Routes

Those who arrive by illegal routes will be deemed 'inadmissible' and receive a notification to this effect upon arrival.

They will then be housed in new *asylum reception centres* whilst their claims are processed. These will provide 'basic accommodation'. Hotel accommodation will no longer be provided. Those where removal is possible within a reasonable timescale will be detained.

If possible, an asylum seeker coming by such route will be removed to a safe country if they could have reasonably claimed asylum in another safe country that they travelled through or have a connection to. Or they can be sent to a country that the UK has an agreement with to accept asylum seekers. This will require new returns agreements with other countries.

It states fuller use will be made of existing immigration bail powers with residence conditions, reporting arrangements and monitoring. No more detail is given on this.

Only if removal is not possible will the asylum seeker's claim be processed.

If successful they will only be granted *temporary protection status* (unless they came directly to the UK, claimed immediately and can show good cause for their illegal presence). TPS will be for up to 30 months and then they will be reassessed for return or removal. They will not have an automatic right to settle in the UK, family reunion rights, and will have NRP unless destitute. They will be expected to leave the UK as soon as able.

The system for claiming asylum and making appeals will be reformed with a one stop process and more limited appeal rights.

There will be a more rigorous standard for testing the 'well-founded fear of persecution' that an asylum seeker must meet. 'Persecution' will be defined in statute. The standard will have two elements:

1. that the person is who they say they are and have a genuine fear of persecution – the standard of proof will be 'balance of probabilities' and will include a credibility assessment.
2. Whether they can return to their country of origin – the standard of proof will be 'reasonable likelihood'

Credibility assessment will include consideration of whether there were opportunities to claim asylum in other countries and if a claim is 'contradictory'. Also relevant is whether the claimant and their representatives acted in good faith.

Good faith requirement will apply to all bringing a claim and their representatives. This means bringing claims as soon as possible, telling the truth and leaving the UK when there is no right to remain

One stop process will be introduced which will require all protection related issues to be raised upfront and before an appeal hearing. Minimal weight will be given to evidence a person brings after they have been through the one stop process (unless good reason).

Appeals will be expedited and online where appropriate with issues narrowed. Any final hearings will be shortened. There will be an accelerated appeals process for those in detention.

New fast tracked appeal process for cases deemed manifestly unfounded or new claims made late. Judge can make decisions on claims which Home Office refuse when no right of appeal is given

Fixed recoverable costs will apply for any winning party in a judicial review. *Wasted costs orders* may also be introduced whereby a judge has discretion to grant for certain behaviours including if case is promoted that is bound to fail. This may include the court's costs

Access to legal advice will be improved at different points of the process, including those prioritised for removal.

Panel of pre-approved experts may be introduced or requirement for experts to be agreed by the parties.

Age assessments

National Age Assessment Board will be introduced to set out criteria, process and requirements to assess age. Legislation will allow front line immigration officers and other staff to make initial assessments of age. Test will change from appear 'over 25 years of age' to 'significantly over 18 years of age'. There will be a fast track statutory appeal right for age assessments.

Modern Slavery

Increase in threshold for 'reasonable grounds' in deciding if a person is a victim of modern slavery with standard of 'balance of probabilities'.

A definition of 'public order' will be developed to enable the UK to withhold NRM protections and effect removal where there is a link to serious criminality or a risk to national security.

The new fast tracked appeal process will apply to late referrals for modern slavery, if removal or deportation is prevented.

Trafficked victims may also be removed to a third safe country by agreement with that country. Temporary leave to remain may be given to those who need time to recover, and other support increased.

Penalties for Traffickers

The aim is to break the business model of people smugglers. To do this it is planned

- to make seeking to enter the UK illegally also a criminal offence and increase penalties
- increase maximum sentence for facilitating illegal immigration to life imprisonment
- increase powers of Border Force to search, seize and redirect vessels
- increase penalties for failure to secure a vehicle to prevent illegal entry whether or not someone is found in the vehicle.
- Increase penalty to 5 years imprisonment for those who return in breach of deportation order.

They also plan the introduction of Electronic Travel Authorisations whereby visitors have to declare any criminality

Enforcing removals of foreign national offenders and failed asylum seekers.

The government wishes to make removal easier. They introduce penalties such as removing support from failed asylum seekers and increasing the length of time from end of sentence when a foreign national offender can be removed – increase from 9 months before end of sentence to 12 months.

Key links

24th March 2021, Priti Patel speech and the debate <https://hansard.parliament.uk/commons/2021-03-24/debates/464FFFBB-ECA5-4788-BC36-60F8B7D8D9D1/NewPlanForImmigration>.

The paper is at <https://www.gov.uk/government/consultations/new-plan-for-immigration>.

Contributions to the consultation can be made at <https://newplanforimmigration.com/en/>