



## **Submission to the All-Party Parliamentary Group on Refugees**

### **Refugees Welcome Inquiry**

**October 2016**

Amnesty International UK is a national section of a global movement of over three million supporters, members and activists. We represent more than 600,000 members, supporters, activists, and active groups across the UK. Collectively, our vision is of a world in which every person enjoys all of the human rights enshrined in the Universal Declaration of Human Rights and other international human rights instruments. Our mission is to undertake research and action focused on preventing and ending grave abuses of these rights. We are independent of any government, political ideology, economic interest or religion.

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**Introduction:**

1. Amnesty International UK (“AIUK”) welcomes this timely inquiry by the All-Party Parliamentary Group (APPG). By this submission, we intend to provide some context for the inquiry relating to recent and current policy and its impact on the experience of refugees in the UK.
2. Late last year, AIUK commissioned research from MigrationWork CIC to explore the scope for building on the experience of Syrian refugee resettlement through local, participatory activity that can challenge and change public understanding and attitudes towards refugee and migrant rights. The observations made in this submission are broadly informed by the findings and recommendations.
3. AIUK has seen the submission of Still Human Still Here. AIUK is a founding member of that coalition. We endorse the submission, and do not repeat its contents here.

**General:**

4. The experience of refugees in the UK is a product of many actors. These include refugees themselves, central and local government, lawyers, civil society, the media and the general public. Their experience is a product both of things that are or not done and said – what they are able to do, what is done to them and how they are made to feel about these things. Capacity for and success of integration, which is a key matter raised in the terms of reference, are dependent on opportunities to participate, feel welcome, plan and build a future. This entails providing for the immediate and the long-term.
5. It also entails understanding and taking into account what has gone before. Whether someone has e.g. been resettled from a refugee camp in which they may have lived in a relatively deprived state for many years, made a long, dangerous and traumatic journey to the UK, or spent months or years in the UK asylum system excluded from such opportunities for social engagement and participation as work or study, this will have an impact on their capacity to integrate at the point of asylum being granted in the UK. So will past experience of torture or other trauma, and the refugee’s experience of others – including officials – in her or his country of origin and other countries.
6. It is important to emphasise that success or otherwise of integration within any community is not exclusively a matter for any one individual or group and not others in that community. This has implications for central and local government – both as regards responsibilities to promote good community relations generally, and the opportunities they enable or facilitate for settled communities to positively engage with the integration of those who are new to the community.
7. In relation to efforts to promote and assist integration, there is a distinction between that which focuses on trying to encourage, or compel, refugees (or any other new arrivals) to integrate into a settled community and that which takes as its focus the bringing of communities – new and settled – together. As elsewhere, integration strategies which seek the engagement and participation of all, and from which all stand to benefit, are more likely to prove successful. Recognition of this has increasingly underpinned strategies adopted in regions of conflict and crisis.<sup>1</sup> While such contexts are importantly different, the point of principle seems likely to be similarly applicable.

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<sup>1</sup> The following is taken from the summary to an update report of the Executive Committee of the U High Commissioner for Refugees’ Programme, 6 June 2014: “While pervasive operational change will take time, the goal is a “cultural shift” away from long-term care and maintenance in favour of self-reliance and solutions-

## **Two-tier asylum system**

8. At last year's party conference, the then Home Secretary – now Prime Minister – indicated her intention to more clearly distinguish between the protection granted to refugees via the UK's resettlement programmes and that secured by others via the UK's asylum system. The government has not as yet acted on this intention. If it does so, this will almost certainly be to the detriment of integration. It will be so in two ways.
9. Firstly, it will likely set back the successful integration of those subjected to a lesser standard of protection. The more precarious the situation of a refugee, the less well she or he is likely to be able to integrate. This can result merely from the feeling of being less secure and less welcome. It can also result if the distinction introduced provides for a tangibly less secure status since, for example, opportunities to work or to study are likely to be limited by any constraint which makes unclear for how long the refugee's availability for work may be relied upon or whether she or he will be permitted to complete a course of study.
10. Secondly, it will likely undermine successful integration more generally. The suggestion – made explicit in last year's speech – was that some refugees were abusing the UK's asylum system and hospitality. This is an unwarranted accusation. The granting of refugee leave (that is permission to stay in the UK on the ground of their refugee status and entitlement to protection in international law) is recognition both of the status of the person as a refugee and of the UK's responsibility to provide asylum to that person. To suggest there is something abusive in this process of recognition is both offensive and divisive. It is not abusive for a refugee to exercise their right to seek and enjoy asylum from persecution,<sup>2</sup> and it is not abusive to choose or be driven by circumstance (including lack of safety or welcome elsewhere) to exercise that right in the UK.<sup>3</sup> Moreover, wrongly suggesting that some refugees provided asylum in the UK are abusing the UK's hospitality is likely to undermine the prospect of integration of all refugees by introducing or further entrenching hostility and suspicion in the minds of others about anyone who has sought safety here.

## **Family reunion**

11. One matter of especial importance to successful integration is family reunion. Separation from family can cause significant distress, which may be greatly exacerbated for a refugee by anxiety about the safety of family – whether e.g. in her or his country of origin, in a neighbouring country or indeed on a journey attempting to reach the UK to join the refugee here. On the other hand, reunion does not merely allay distress. The companionship and support of family may be a positive asset for a refugee in seeking social engagement and in addressing some of the day-to-day aspects of rebuilding her or his life in the UK.

## **Settled status**

12. For a period before August 2005, refugees recognised via the UK asylum system were granted indefinite leave to remain. This had a positive impact on integration in two ways.

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*oriented planning in partnership with affected governments, displaced persons and host communities, developments actors, the private sector and others."* <http://www.unhcr.org/53aa914f9.pdf>

<sup>2</sup> The right is established by Article 14, 1948 Universal Declaration of Human Rights.

<sup>3</sup> Article 31, 1951 UN Convention on the Status relating to Refugees prohibits the penalising of a refugee for having crossed borders without permission for the purpose of seeking asylum.

13. Firstly, it directly aided their integration by giving them a significantly more secure immigration status; and in doing so accelerated the opportunity for them to become British citizens by naturalisation – this opportunity depends (among other factors) on someone’s length of residence in the UK and their having settled status.<sup>4</sup>
14. Secondly, it relieved the Home Office of the significant administrative burden arising from the need of refugees with only limited leave to remain to renew their status to avoid becoming overstayers or regularise their stay if becoming so. This is relevant to integration because freeing up asylum casework capacity should provide the Home Office an opportunity to improve efficiency of its asylum determination. That would aid integration by speeding up recognition of refugee status, and so avoiding delays which can be debilitating for people seeking asylum because of anxiety arising from ongoing uncertainty as to their safety and future in the UK and the prospects of family with whom they wish to be reunited.

### **Hostile environment**

15. The Immigration Acts 2014 and 2016 have, in large part, contributed towards establishing what the then Home Secretary, now Prime Minister, has previously referred to as a ‘hostile environment’ in the UK.<sup>5</sup> Her notional targets for such an environment were said to be persons in the UK without permission to be here. Refugees are not immune from this environment – both the language and the policy.
16. Increasingly, government policy seeks to introduce division based on nationality or immigration status in relation to schooling, the workplace, healthcare, access to rented accommodation and other ordinary aspects of social life. This policy is exacerbated by imposing greater responsibility on non-immigration public and private bodies and individuals to report on or enforce this division. As we warned in our oral and written evidence to the Public Bill Committee considering the Immigration Bill 2015-16,<sup>6</sup> the impact of this is not and cannot be effectively targeted at those without permission to be here. The suspicions that are integral to this policy cut across those permitted to be here and those not, as well as across those who are British citizens and those who are not. Moreover, many refugees, as indeed others, may find themselves without permission to be here because although entitled to be here their entitlement has been wrongly refused or is yet to be recognised. Cuts to legal aid, increases in court fees and restrictions on appeal rights all exacerbate this.
17. Distinct from the above, policy and language which accentuates division is likely to more broadly undermine the will and capacity of communities to be welcoming places.

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<sup>4</sup> The requirements for naturalisation are provided for by section 6(1), British Nationality Act 1981.

<sup>5</sup> See e.g. <http://www.telegraph.co.uk/news/uknews/immigration/9291483/Theresa-May-interview-Were-going-to-give-illegal-migrants-a-really-hostile-reception.html>

<sup>6</sup> <http://www.publications.parliament.uk/pa/cm201516/cmpublic/immigration/151022/pm/151022s01.htm> and <http://www.publications.parliament.uk/pa/cm201516/cmpublic/immigration/memo/ib20.htm>