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The UK government's 'new vision' of refugee protection: a summary

Over the last few months, the Cabinet Office and Home Office have been developing proposals for a 'new vision' of refugee protection that is "fit for the 21st century". On 27 March 2003, the Home Office published details of its proposals in *New international approaches to asylum processing and protection*. The proposals were presented to the EU informal Justice and Home Affairs Committee on 28 March where it was agreed that the UK and its partners would "produce a worked up set of proposals for the June European Council, when heads of government have agreed to take this forward".

This briefing explains the key components of these proposals and outlines the Refugee Council's main concerns with them.

Summary of the proposals

The Home Office starts from the premise that the current global system is failing because

- support for refugees is unfair – those reaching Europe receive far greater support than refugees in the regions of origin;
- 50 to 75 per cent of those claiming asylum in Europe are not recognised as refugees;
- people fleeing persecution are required to enter the West illegally, often with the help of criminal organisations; and
- individual countries experience rapidly fluctuating numbers of asylum applicants.

The proposals are presented in very broad terms providing little detail. However, it is clear that they have two main aspects:

1. Short-medium term proposals involve the development of **transit processing centres (TPCs)** along major transit routes into the EU, close to EU borders. Asylum seekers arriving spontaneously in the UK or another EU member state would be removed to a TPC where their asylum claims would be processed. No clear decision has been made as to whether asylum seekers intercepted en route to the EU would also be sent to the TPCs for their claims to be processed.

The paper suggests that the International Organization for Migration (IOM) could manage TPCs, with a screening system approved by the United Nations High Commissioner for Refugees (UNHCR). If an individual's asylum claim was unsuccessful s/he would be returned to his or her country or region of origin. If the claim was successful s/he would be eligible for resettlement within the EU on a 'burden-sharing' basis.

2. Long-term proposals focus on **improving protection in regions of origin**. This includes ambitious proposals to address the root causes of forced displacement, to establish '**regional protection areas' (RPAs)** in refugee-producing regions, and to develop managed resettlement routes from source regions to Europe. Unsuccessful asylum applicants from TPCs may be returned to RPAs in their region of origin, if their country of origin remains unsafe.

Resettlement

Managed resettlement schemes are central to the proposals. Under the proposals, EU member states would accept a quota of recognised refugees for resettlement. Those refugees accepted for

resettlement would be brought from an RPA or TPC into an EU member state, and provided with support to rebuild their lives and integrate into the local community.

Refugee Council's concerns

The Refugee Council welcomes the Government's recognition of the need to address root causes of forced displacement, the value of working with other states and international institutions, and its commitment to resettlement programmes. We also agree that the current system is not working effectively. However, these proposals fail to address the problems identified, are unworkable and will only serve to throw the system into chaos, further endangering the lives of people fleeing persecution.

We think that the proposals are

- **unprincipled** as they attempt to circumvent the UK's international obligations by shifting responsibility for some of the world's most vulnerable people onto already over stretched developing countries. This sends out a dangerous signal to other countries and threatens to unravel the global safety net provided by the 1951 Refugee Convention. Improving protection in the regions of origin must be additional to, and not in place of existing legal obligations to those who arrive spontaneously.
- **legally problematic** as they will lead to a raft of expensive and lengthy judicial challenges in the UK and elsewhere. The proposed RPAs and TPCs are unlikely to be able to provide the conditions and levels of protection required in the EU, and the asylum process may not be subject to the same scrutiny and safeguards as in the UK.
- **unworkable** as they will create 'super-Sangattes' which host countries are unlikely to accept on their territory. Experience shows that large-scale refugee camps, wherever they are located, simply do not work and, more often than not, lead to instability in the surrounding area. In addition to this, people seeking protection will be discouraged from claiming asylum, knowing that they will be deported from the UK to an overseas processing zone. They may remain 'underground', hindering their integration into society, fuelling social exclusion, depriving the Treasury of tax revenues and damaging community relations.
- **expensive** as the cost of establishing TPCs, improving protection in regions of origin, and deporting tens of thousands of people to overseas processing centres and then back to Europe or their country of origin will be prohibitively high.

The Refugee Council is not convinced of the need for new international approaches to overcome challenges to the international protection system. The problems identified by the Government stem from the inconsistent and mean-spirited application of the 1951 Refugee Convention. Real solutions lie in better co-operation within the EU, a real commitment to improving protection in the regions of origin, and far greater efforts to address the fundamental reasons why people are forced to flee their countries.

Links to further information

Read the Home Office's proposals: *New International Approaches to Asylum Processing and Protection (March 2003)* in 'Press Releases' at www.homeoffice.gov.uk.

Read the Refugee Council's position on the proposals at www.refugeecouncil.org.uk