

## THE PATH TO CITIZENSHIP: NEXT STEPS IN REFORMING THE IMMIGRATION SYSTEM CONSULTATION QUESTIONS

FEBRUARY 2008

Completed consultation proformas should be sent no later than 14th May to the following address.

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<b>DATE</b>	7 <sup>th</sup> May 2008
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### CHAPTER 3: THREE ROUTES TO CITIZENSHIP AND THREE STAGES IN THE JOURNEY

1. ARE ALL PARTS OF THE SYSTEM SET OUT IN CHAPTER 3 (I.E. THE THREE ROUTES TO CITIZENSHIP AND THE THREE STAGES IN THE JOURNEY) CLEAR AND EASY TO UNDERSTAND?

- Yes  
 No  
 Unsure

If you have answered no, please state what part of the system you think is not clear and easy to understand. (free response)

We believe that the introduction of an additional requirement for probationary citizenship will increase complexity.

## 2. DO YOU THINK THE CONCEPT OF 'PROBATIONARY CITIZENSHIP' IS A GOOD IDEA?

*Probationary citizenship is a new stage which is time-limited to encourage migrants to complete the journey to citizenship and integrate fully into British society. It is intended to provide a stepping stone between temporary residence and British citizenship/permanent residence. During their time as probationary citizens migrants will demonstrate whether they have earned their right to British citizenship or permanent residence.*

- Yes  
 No  
 Unsure

### Please list any reasons for your response below. (free response)

We do not believe that the introduction of a new category of probationary citizen is necessary or desirable. The introduction of an additional period of uncertainty over and above the existing hurdles to permanent status in the UK would have a negative impact on those granted protection in the UK.

We do not believe it is appropriate for those with a recognised need for protection to be required to further 'earn' the right to remain in the UK. Refugees should be given permanent residence when their case is determined.

However, many refugees are very keen to become citizens and can be supported to take this step. There is much more that could be done by the government to encourage and assist refugees to apply for citizenship under the current system. We would encourage the government to explore the take up of citizenship by refugees and take action to address any barriers (in particular the cost of applying) before introducing further hurdles such as probationary citizenship periods.

We recommend that refugees applying for ILR receive timely information regarding citizenship, that information on citizenship is made available to organisations working with refugees, especially refugee community organisations, and that specific advice and guidance is developed to be available to refugees considering citizenship.

## 3. MIGRANTS OF CERTAIN NATIONALITIES MAY CHOOSE NOT TO BECOME BRITISH CITIZENS BECAUSE OF RESTRICTIONS ON HOLDING MORE THAN ONE NATIONALITY IN THE LAW OF THEIR COUNTRY OF ORIGIN. DO YOU THINK THAT A PERMANENT RESIDENCE CATEGORY SHOULD BE PROVIDED FOR PERSONS IN THIS SITUATION?

*We recognise that some people will feel unable to apply for British citizenship - because of restrictions on holding more than one nationality in the law of their country of origin - and we have taken this into account in the proposed architecture. We intend to provide a clear route for migrants to become permanent residents, as an alternative route to British citizenship, but all migrants will need to spend longer as probationary citizens if they choose this route. A shorter progression time to British citizenship from probationary citizenship is intended to encourage migrants to choose British citizenship above permanent residence.*

- Yes  
 No  
 Unsure

### Please list any reasons for your response below. (free response)

None of the above.

We do not agree that those unable or unwilling to apply for citizenship should be penalised for doing so, or discriminated against (with regard to how long they have to wait to confirm their permanent residence) because restrictions in their country of origin preclude them from holding more than one nationality.

Refugees came to the UK because they were forced to flee and many have experienced a long and difficult process to rebuild their lives. There is not one refugee experience – age, gender, race, social and financial status and background all have a bearing on refugees' lives, their journey to the UK and their experiences when they are here.

The refugee experience may shape attitudes towards acquiring citizenship, which is an intensely personal decision, bound up in feelings of cultural and political identity. Some refugees may

embrace the opportunity to apply for citizenship, whilst others feel that they are unable or unwilling to become British, and many cannot afford to take the test. Many refugees wish to return home if the situation improves in their country, and may wish to retain their nationality.

In conclusion, we believe that those who choose to apply for permanent residence instead of citizenship should be subject to equal timescales.

#### 4. DO YOU THINK THE 'UK ANCESTRY' ROUTE SHOULD BE ABOLISHED?

*Under the current UK ancestry provisions, a Commonwealth citizen, aged 17 or over, who is able to show that one of his grandparents was born in the UK, and who intends to take or seek employment here, may be granted an entry clearance on the basis of his UK ancestry.*

- Yes
- No
- Unsure

**Please list any reasons for your response below. (free response)**

No comment.

#### 5. DO YOU THINK THE 'RETIRED PERSONS OF INDEPENDENT MEANS' ROUTE SHOULD BE ABOLISHED?

*Under the existing 'retired persons of independent means' provisions, a person may qualify for an entry clearance if they are aged 60 or over, have an income of at least £25,000 a year, have a close connection with the UK, and intend to make the UK their home.*

- Yes
- No
- Unsure

**Please list any reasons for your response below. (free response)**

No comment.

## CHAPTER 4: EARNING THE RIGHT TO STAY

### 1. ARE THE PROPOSED MINIMUM TIME PERIODS FOR A MIGRANT TO COMPLETE THE JOURNEY TO BRITISH CITIZENSHIP SUITABLE?

#### A. 6 YEARS FOR ECONOMIC MIGRANTS (UNDER TIERS 1 AND 2 OF THE PBS) AND THEIR DEPENDANTS

*We propose that persons on the 'economic migrant' route should be able to qualify for **citizenship** after a minimum of 6 years. This period is made up of a 5 years as a temporary resident and a minimum of 1 year as a probationary citizen.*

- Yes
- No: the time period should be increased
- No: the time period should be decreased
- Unsure

#### B. 3 YEARS FOR FAMILY MEMBERS OF BRITISH CITIZENS/PERMANENT RESIDENTS

*We propose that family members of British citizens/permanent residents should be able to qualify for **citizenship** after a minimum of 3 years. This period is made up of a 2 years as a temporary resident and a minimum of 1 year as a probationary citizen.*

- Yes
- No: the time period should be increased

- No: the time period should be decreased  
 Unsure

### C. 6 YEARS FOR MIGRANTS GIVEN PROTECTION (THOSE GRANTED REFUGEE STATUS AND HUMANITARIAN PROTECTION) AND THEIR DEPENDANTS

*We propose that persons on the 'protection' route should be able to qualify for **citizenship** after a minimum of 6 years. This period is made up of 5 years as a temporary resident and a minimum of 1 year as a probationary citizen.*

- Yes  
 No: the time period should be increased  
 No: the time period should be decreased  
 Unsure

#### Please list any reasons for your response below. (free response)

The Refugee Council believes that refugees should be given Indefinite Leave to Remain (ILR) when they are granted status, and should not be subject to automatic review after five years. We urge the government to use the opportunity presented by the Green Paper to review the policy of granting limited leave, in view of the fact that refugees with five year limited leave may face further distress and anxiety about the permanence of their status in the UK, and may well be placed at a further disadvantage when seeking employment, training, housing and rebuilding their lives.

We note that Lord Goldsmith's review of Citizenship recommends that the government undertake such a review.

The government's stated agenda is to improve cohesion and integration, yet at present those who want to contribute fully to the UK, and have had their protection needs recognised, are left in limbo for a further period.

We would urge the government to ensure that if the current policy of granting limited leave is maintained, refugees should not be subject to further delays through the introduction of another year or more as a probationary citizen, or three years or more before they can apply for permanent residence.

## 2. ARE THE PROPOSED MINIMUM TIME PERIODS FOR A MIGRANT TO COMPLETE THE JOURNEY TO PERMANENT RESIDENCE SUITABLE?

### A. 8 YEARS FOR ECONOMIC MIGRANTS (TIERS 1 AND 2 OF THE PBS) AND THEIR DEPENDANTS

*We propose that persons on the 'economic migrant' route should be able to qualify for **permanent residence** after a minimum of 8 years. This period is made up of 5 years as a temporary resident and a minimum of 3 years as a probationary citizen.*

- Yes  
 No: the time periods should be increased  
 No: the time periods should be decreased  
 Unsure

### B. 5 YEARS FOR FAMILY MEMBERS OF BRITISH CITIZENS AND PERMANENT RESIDENTS

*We propose that family members of British citizens and **permanent residents** should be able to qualify for permanent residence after a minimum of 5 years. This period is made up of 2 years as a temporary resident and a minimum of 3 years as a probationary citizen.*

- Yes  
 No: the time periods should be increased  
 No: the time periods should be decreased  
 Unsure

### C. 8 YEARS FOR MIGRANTS GIVEN PROTECTION (THOSE GRANTED REFUGEE STATUS OR HUMANITARIAN PROTECTION) AND THEIR DEPENDANTS

We propose that persons on the 'protection' route should be able to qualify for **permanent residence** after a minimum of 8 years. This period is made up of 5 years as a temporary resident and a minimum of 3 years as a probationary citizen.

- Yes
- No: the time periods should be increased
- No: the time periods should be decreased
- Unsure

**Please list any reasons for your response below. (free response)**

As stated above, we do not believe that refugees who cannot or do not wish to apply for citizenship should be penalised for this through an extension of the time required to live in the UK as a probationary citizen.

Those granted protection in the UK should be granted indefinite leave to remain from the outset.

### **3. SHOULD PARTNERS OF BRITISH CITIZENS OR PERMANENT RESIDENTS BE REQUIRED TO DEMONSTRATE THAT THEY ARE IN AN ONGOING RELATIONSHIP WITH THE CITIZEN/PERMANENT RESIDENT BEFORE PROGRESSING:**

#### **A. FROM THE PROBATIONARY CITIZENSHIP STAGE TO BRITISH CITIZENSHIP?**

- Yes
- No
- Unsure

#### **B. FROM THE PROBATIONARY CITIZENSHIP STAGE TO PERMANENT RESIDENCE?**

- Yes
- No
- Unsure

**Please list any reasons for your response below. (free response)**

### **4. SHOULD GATEWAY REFUGEES CONTINUE TO BE GRANTED PERMANENT RESIDENCE ON ARRIVAL IN THE UK?**

*The Gateway Protection Programme is the UK's international commitment to offer permanent protection for refugees in vulnerable situations where resettlement is the only solution. The Gateway Programme is run in conjunction with the UNHCR. At present, Gateway refugees are granted settlement on arrival in the UK with no requirement for an active review.*

- Yes
- No
- Unsure

**Please list any reasons for your response below. (free response)**

The Refugee Council agrees that Gateway refugees should continue to be granted permanent residence on arrival. Resettlement programmes are intended to be durable solutions and we would strongly oppose the introduction of an active review for Gateway refugees. Gateway refugees have often been in refugee camps for many years and are selected on the basis of their vulnerability; a less than permanent status would serve to prolong the uncertain future of this already vulnerable group that the UK has selected to bring here.

Gateway refugees have their asylum claims determined by UNHCR and by UK officials who travel to refugee camps for interviews. Refugees also undergo health and security screening as well as cultural orientation. This process inevitably raises expectations and relevant stakeholders have worked hard to manage these; the knowledge of a future active review could disincentivise parties, including the refugees, to participate effectively in this process. The Refugee Council fully supports the Gateway programme and is concerned that the UK's standing as a state that successfully incorporates good practice as a relatively new resettlement state could be damaged by

the introduction of an active review, both internationally and amongst the refugee population the UK seeks to resettle.

Resettlement is a solution for refugees for whom neither integration in the country of asylum nor return to country of origin are possibilities; permanent status in the resettlement country is therefore integral to resettlement. A review would be counterproductive for refugees and receiving communities and would be administratively burdensome.

We believe that the granting of settlement to Gateway refugees without a requirement for active review provides a positive model of the approach we would wish to see to all those granted refugee status and humanitarian protection. UNCHR recommends that Gateway refugees should continue to receive permanent status upon arrival in the UK.

## 5. ACTIVE CITIZENSHIP

*We propose that probationary citizens who have demonstrated 'active citizenship' (e.g. volunteering with a recognised charity) should be able to apply for citizenship or permanent residency sooner than those who do not.*

*Migrants who **have demonstrated active citizenship** would be able to apply for **citizenship** after a minimum of **1 year** and **permanent residence** after a minimum of **3 years** as probationary citizens.*

*Migrants who have **not** demonstrated active citizenship would be able to apply for **citizenship** after a minimum of **3 years** and **permanent residence** after a minimum of **5 years** as probationary citizens.*

### A. SHOULD 'ACTIVE CITIZENSHIP' BE A MEANS BY WHICH PROBATIONARY CITIZENS CAN SPEED UP THEIR JOURNEY BRITISH CITIZENSHIP OR PERMANENT RESIDENCE?

- Yes  
 No  
 Unsure

*We are also seeking views on whether all migrants should be **required** to demonstrate a minimum level of community involvement.*

### B. SHOULD 'ACTIVE CITIZENSHIP' BE A MANDATORY REQUIREMENT FOR ALL PROBATIONARY CITIZENS TO QUALIFY FOR BRITISH CITIZENSHIP OR PERMANENT RESIDENCE?

- Yes  
 No  
 Unsure

#### Please list any reasons for your response below. (free response)

We believe that all people in the UK should be encouraged and supported to live as active citizens. We are a charity with as many volunteers as paid staff, and we know from our work with refugee community organisations and the voluntary sector that many refugees and asylum seekers contribute actively to life in the UK in a variety of ways.

However, we are opposed to the linking the granting of citizenship and permanent residence to active citizenship for a number of reasons.

We are concerned that by making access to citizenship at the earliest opportunity (one year after granting probationary citizenship) conditional on taking part in active citizenship, and specifically voluntary activity, the proposals undermine the key concept that volunteering should be a free choice made by an individual. In October 2007, Phil Hope MP stated that:

"For the purposes of volunteering policies the Cabinet Office defines volunteering and volunteering opportunities as any non-compulsory activity which involves spending time, unpaid, doing something which is of benefit to others (excluding relatives), society or the environment."

Whilst the proposals do not go against the letter of this statement we feel that they go against the spirit. There are many different reasons for volunteering, but being required to take part in order not to prolong passage to

citizenship risks undermining the voluntary notion of the activity.

We are also concerned that this proposal may lead to suspicions about an individual's reasons for volunteering - for example believing that someone is only undertaking the activity in order to tick a box in their application for citizenship. This could create a two-tiered volunteer team where some are "pure" volunteers and others are not. This would be harmful to the thousands of refugees, asylum seekers and migrants who volunteer because they want to help their local community and do something worthwhile with their time in the UK.

We firmly believe that volunteering is an activity that should be promoted amongst refugees and asylum seekers and that each individual should be able to make an informed choice about whether to volunteer, formally or informally, in full knowledge of the benefits that everyone can gain from volunteering. (Such benefits include improved knowledge of work places and culture, the opportunity to meet new people, make friends and integrate, improved skills and knowledge, improved communication skills and being able to help others.)

Making active citizenship such a core component of the citizenship process could also be discriminatory as people with illnesses and disabilities may find it difficult to access volunteering opportunities. In some cases, women and single parents may also find it difficult to find suitable volunteering opportunities.

There is also the potential that access to volunteering for people seeking citizenship could be open to misuse by volunteering organisations. Many overseas organisations make "volunteers" pay for the opportunities they offer and it is entirely possible that less scrupulous organisations might levy a fee for volunteers to cover "administration costs".

## **6. SHOULD THE FOLLOWING ACTIVITIES BE VIEWED AS DEMONSTRATIONS OF 'ACTIVE CITIZENSHIP'?**

### **A. VOLUNTEERING WITH A RECOGNISED ORGANISATION OR CHARITY**

- Yes
- No
- Unsure

### **B. EMPLOYER SUPPORTED VOLUNTEERING**

- Yes
- No
- Unsure

### **C. VOLUNTEERING WITH A RECOGNISED ORGANISATION TO SUPPORT THE UK'S INTERNATIONAL DEVELOPMENT OBJECTIVES, INCLUDING SHORT PERIODS OF TIME OVERSEAS**

- Yes
- No
- Unsure

### **D. RUNNING OR HELPING TO RUN A PLAYGROUP WHICH ENCOURAGES THE DIFFERENT COMMUNITIES TO INTERACT**

- Yes
- No
- Unsure

### **E. FUND-RAISING ACTIVITIES FOR CHARITIES OR SCHOOLS**

- Yes
- No
- Unsure

### **F. SERVING ON COMMUNITY BODIES, FOR EXAMPLE AS A SCHOOL GOVERNOR**

- Yes
- No
- Unsure

## G. RUNNING OR HELPING RUN A LOCAL SPORTING TEAM

- Yes
- No
- Unsure

**Please detail any other activities that you think should be viewed as demonstrations of active citizenship (free response).**

As stated above, we believe that active citizenship and volunteering should be encouraged and supported. However, we are concerned that if this requirement is implemented, it must be done in a way that recognises a range of activities, and does not discriminate against or disadvantage those who are contributing to communities in other ways, for example women or men with caring responsibilities and those with health conditions that make it impossible for them to undertake volunteering.

If certain types of activity are to 'count' towards citizenship, we would not disagree with any of those listed. However, we note that the types of activity described above would not recognise those who work in small community networks or groups that are not registered charities. The definitions of activities that could be constitute active citizenship appear to be a "traditional" view of volunteering. As an organisation that involves over 300 volunteers in our services each week, many of whom are refugees or asylum seekers, and who support many other refugees and asylum seekers to access volunteering opportunities in other organisations, we are acutely aware that the concept of formal volunteering that is prevalent in the UK, and which forms the basis for the list in paragraph 176, does not exist in many refugee producing countries. As a result, many asylum seekers and refugees will take part in community activities without ever being part of a structured organisation or group. The 2006 report, A Part of Society, Refugees and Asylum Seekers Volunteering in the UK by Ruth Wilson and funded by the Home Office states "Many refugees and people seeking asylum volunteer. Most do so within their community, or as part of a refugee organisation they know and trust. Far fewer go on to volunteer in other, non-refugee, organisations."

It is important if volunteering is to be linked to active citizenship that the definitions of activities are broadened to include a wide range possible activities, not just those that meet the formalised volunteering structure reflected in the consultation paper.

## 7. DO YOU THINK THAT COMMITTING A CRIME WHICH ATTRACTS A CUSTODIAL SENTENCE SHOULD SLOW DOWN OR STOP A MIGRANT'S PROGRESSION TO PERMANENT RESIDENCE?

- Slow down
- Stop
- Neither
- Unsure

## 8. DO YOU THINK THAT COMMITTING AN OFFENCE WHICH DOES NOT ATTRACT A CUSTODIAL SENTENCE SHOULD SLOW DOWN OR STOP A MIGRANT'S PROGRESSION TO PERMANENT RESIDENCE?

- Slow down
- Stop
- Neither
- Unsure

**Please list any reasons for your response below. (free response)**

We believe that proportionate decisions need to be taken on a case-by-case basis where someone has committed a crime. We recognise that there will be circumstances where the nature of the offence could legitimately have an impact on whether an application for citizenship is delayed or refused, but we would be concerned if the policy was a blunt instrument to stop or delay all citizenship applications.

We also note that people who are claiming asylum may be granted protection after having been convicted of an immigration offence relating to their entry into the UK, as there is no legal route to enter the UK for the purposes of claiming asylum in the UK. We would urge the government to ensure that those who are granted protection are not precluded from citizenship on this basis.

**9. DO YOU THINK PROGRESSION SHOULD BE STOPPED OR DELAYED FOR THOSE WHOSE CHILDREN COMMIT CRIMINAL OFFENCES?**

- Slow down
- Stop
- Neither
- Unsure

**Please list any reasons for your response below. (free response)**

We do not believe that this approach would be helpful in supporting parents to deal with criminal behaviour by their children. The threat of an impact on citizenship or permanent residence processes is unlikely to serve as a deterrent, or have a moderating impact on a child or young person. Once a criminal act has been committed by a child or young person, it is not constructive to penalise parents.

**CHAPTER 5:  
THE IMPACT OF MIGRATION AND ACCESS TO BENEFITS AND SERVICES**

**1. SHOULD PROBATIONARY CITIZENS WHO HAVE ENTERED THE UK THROUGH THE ECONOMIC OR FAMILY ROUTES HAVE ACCESS TO BENEFITS *IN ADDITION* TO THOSE BASED SOLELY ON CONTRIBUTIONS MADE THROUGH THE NATIONAL INSURANCE SCHEME?**

*We are proposing that probationary citizens who have entered the UK through the economic or family routes should continue to only have access to benefits based on the contributions they have made through the National Insurance scheme, providing that the minimum level of contributions have been made.*

- Yes
- No
- Unsure

**Please list any reasons for your response below. (free response)**

No comment

**2. FURTHER AND HIGHER EDUCATION**

*We are proposing that probationary citizens should have access to ESOL further education courses at the 'home rate', instead of at the higher 'overseas rate' and that access to higher education at the 'home rate' should only be available at British citizenship/permanent residence. ('Home rate' fees are those which British citizens pay for further education; non-citizens pay a higher premium for access to educational institutions: the 'overseas rate')*

**A. AT WHICH STAGE IN THE JOURNEY TO CITIZENSHIP DO YOU THINK FURTHER EDUCATION FOR THE SAME FEES AS BRITISH NATIONALS (RATHER THAN AT THE HIGHER 'OVERSEAS RATE') SHOULD BE AVAILABLE?**

- Temporary residence
- Probationary citizenship
- British citizenship/permanent residence
- Unsure

**B. AT WHICH STAGE IN THE JOURNEY TO CITIZENSHIP DO YOU THINK HIGHER EDUCATION FOR THE SAME FEES AS BRITISH NATIONALS (RATHER THAN AT THE HIGHER 'OVERSEAS RATE') SHOULD BE AVAILABLE?**

- Temporary residence
- Probationary citizenship

- British citizenship/permanent residence
- Unsure

**3. SHOULD NON-EEA MIGRANTS ENTERING THROUGH THE ECONOMIC AND FAMILY ROUTES PAY AN ADDITIONAL CHARGE ON TOP OF EXISTING APPLICATION FEES IN ORDER TO CREATE A FUND WHICH WOULD BE USED TO ALLEVIATE SHORT-TERM PRESSURES ON LOCAL PUBLIC SERVICES CAUSED BY MIGRATION?**

- Yes
- No
- Unsure

**Please list any reasons for your response below. (free response)**

[This section supports our answer to question 2 above, as there is no space for a free response provided]

It is important that asylum seekers granted refugee status or who are refused asylum but given Humanitarian Protection or Discretionary Leave to Remain should continue to be considered as home students for fee purposes and student support in further and higher education during the probationary citizenship period. This eligibility should start from the time of the first decision rather than following the review. Further and higher education offer key opportunities for developing new and existing skills in the UK.

We believe refugees should be considered as a priority group for ESOL funding. This recognises the distinct reasons for having to come to the UK and the disadvantage faced in accessing employment and public services.

We think that eligibility for ESOL and further education should be extended to asylum seekers from the first day of their claim. The current six month qualifying period for Learning and Skills Council funding for asylum seekers can have a significant impact on longer term social and economic inclusion, particularly on English language skills. We also think that asylum seekers who wait beyond the target period for Home Office decision making should qualify for funding as home students in higher education.

## **CHAPTER 7: SIMPLIFYING THE SYSTEM AND REFORMING THE LAW**

**1. OVERALL, ARE THE SIMPLIFICATION PROPOSALS SET OUT IN CHAPTER 7 OF THE GREEN PAPER IN KEEPING WITH THE SIMPLIFICATION PRINCIPLES OUTLINED IN PARAGRAPH 223?**

- Yes
- No
- Unsure

**ARE THERE ANY SIMPLIFICATION PROPOSALS THAT YOU FEEL ARE NOT IN KEEPING WITH THE SIMPLIFICATION PRINCIPLES IN PARAGRAPH 223?**

- Yes
- No
- Unsure

**Please state which proposals you feel are not in keeping with the simplification principles and why (free response).**

None of the above. The Chapter and the Principles may be consistent in their own terms - with efficiency being equated to a "ramped up performance" in the fast track - but, as we made clear in our original response to the Simplification Consultation (at: <http://www.refugeecouncil.org.uk/policy/responses/2007/simplifyingimmigration.htm>) , we do not accept that the principles outlined sit comfortably with the difficult area of refugee status determination. For example, the current practice of screening for detained fast track decision making is not transparent, clear or predictable. It is a process driven by timetables which allow considerable discretion to case owners on how to handle a case and renders the presence of a quality adviser more not less necessary.

Whilst translating leave to enter or remain into "permission" may achieve some semantic clarity the proposal does

not address the question of temporary admission which is potentially a source of some confusion since people will be in the UK lawfully but will not have permission. We presume that people with Discretionary Leave and Special Immigration Status will have "permission". The need for the former also illustrates the need for continuing discretion which we trust will continue. In our view, introduction of the latter has not added to the simplification of the system.

Whilst we welcome the intention to increase clarity and consistency in the provision of asylum support, we need more information on this before we can comment. We urge the UKBA to use this opportunity to address the issues of poverty among those on asylum support, prolonged periods on Section 4 in receipt of vouchers and destitution among those who cannot access support at the end of the process but who cannot return.

We are concerned by the imposition of automatic and lengthy bars on return for all people who are expelled irrespective of the reason unless they return voluntarily at their own expense. There is no lawful route into the UK to seek asylum and people fleeing persecution are commonly driven to use false documentation. They should not be penalised for doing so. The recent imposition of these bars through changes to the immigration rules without consultation is an example of a concern we raised in our response to the Simplification consultation about the dangers of a single piece of legislation capable of rapid amendment through changes to the rules without the full process of parliamentary consideration. The results have been arbitrary and may have the perverse effect of encouraging people to remain and contest removal rather than leave and seek alternative means of entry.

## 2. DO YOU HAVE ANY FURTHER THOUGHTS OR COMMENTS ON THE SIMPLIFICATION PROPOSALS SET OUT? (free response)

We are concerned that elements of the Simplification process are set out as part of this Consultation without any strategic overview of what the whole process will look like. The level of detail in the Green Paper is too vague to allow for detailed scrutiny. Our understanding of the Simplification process was that such an overview would be published and that there would be the opportunity to comment on the scope and content of the whole proposed structure before being asked to comment in detail on specific changes. This does imply a longer timetable than the one to which the government is committed. We remain of the view that there should be a process of consolidation of existing legislation before legislation is introduced. Instead we understand there will be a partial draft Bill published in May with a final Bill in November based on this piece meal approach. This is extremely unsatisfactory.

## ANNEX C: CONSULTATION ON IMPACTS OF GREEN PAPER PROPOSALS

### 1. DO YOU THINK THAT THE SCOPE OF THE IDENTIFIED COSTS AND BENEFITS IN ANNEX C IS CORRECT?

*In Annex C we discuss areas where the Green paper proposals may give rise to costs or benefits. We are seeking comments on whether the scope of identified costs and benefits seems broadly correct.*

- Yes
- No
- Unsure

Please list any reasons for your response below. (free response)

## RESPONDENT INFORMATION

### HOW DID YOU FIND OUT ABOUT THE CONSULTATION?

- a) from the Home Office

- b) on line
- c) through your organisation
- d) through friends
- e) through a consultation event
- f) through the media
- g) other (please specify)

#### HOW ARE YOU REPLYING TO US?

- a) by e-mail
- b) by post
- c) at a consultation event
- d) other (please specify)

#### ARE YOU A:

- a) British Citizen
- b) non-British Citizen permanently resident in the UK
- c) non-British Citizen temporarily resident in the UK
- d) other (please state)

#### PLEASE INDICATE THE REGION OF THE UK YOU ARE FROM, OR THE ORGANISATION WHICH YOU REPRESENT IS BASED:

- a) England
- b) Scotland
- c) Wales
- D) Northern Ireland

#### ARE YOU A: (PLEASE SELECT ALL THAT APPLY)

- a) member of the general public
- b) voluntary/community organisation or charity
- c) an employment agency
- d) educational institution
- e) local government
- f) immigration advisor/Immigration Law Practitioner
- g) central government
- h) an employer/trade association
- i) other (please specify)

#### ARE YOU A:

- a) public sector body
- b) private sector body
- c) other (please specify)

**PLEASE TICK THE BOX THAT BEST DESCRIBES THE SECTOR YOUR ORGANISATION FALLS INTO (IF ANY)**

- a) administration, business and management services
- b) agricultural activities
- c) computer services
- d) construction and land services
- e) education and cultural activities
- f) entertainment and leisure services
- g) extraction industries
- h) financial services
- i) government
- j) private health and medical services
- k) NHS Trust
- l) hospitality, hotel and catering and other related services
- m) law related services
- n) manufacturing
- o) real estate and property services
- p) retail and related services
- q) security and protective services
- r) social care services
- s) sporting activities
- t) telecommunications
- u) transport
- v) utilities – gas, electricity and water
- w) other services