

Doc 6.



PRESS AND INFORMATION OFFICE
MINISTER AND DEPARTMENT OF JUSTICE, EQUALITY AND LAW REFORM
AN OIFIG PHREASA AGUS EOLAIS
AN tAIRE AGUS AN ROINN DLÍ AGUS CIRT, COMHIONANNAIS AGUS ATHCHÓIRITHE DLÍ

**Statement by the Minister for Justice, Equality and Law Reform,
John O'Donoghue T.D., on the publication of
UK White Paper on immigration, asylum and citizenship matters**

The Minister for Justice, Equality and Law Reform, John O'Donoghue T.D., has noted with interest the contents of the White Paper on immigration, asylum and citizenship matters which was published today by the Mr. Jack Straw MP, UK Home Secretary. The Minister has been in contact with Mr. Straw who briefed him on the contents of the White Paper.

Since Ireland and the UK are neighbouring States and are part of a Common Travel Area, Mr. O'Donoghue said that "developments in the UK on the matters dealt with in the White Paper are of particular significance to us in Ireland and must be taken into account in our ongoing review of policy in this area".

The Minister went on and said that "partly in the knowledge that the UK authorities were reviewing their policy on asylum and immigration issues, the Interdepartmental Committee on Immigration, Asylum and Related Issues has been considering the operation of our asylum processing system and the overall regime for asylum seekers in Ireland. This consideration is continuing as a matter of urgency in the light of the policy changes now set out in the British White Paper".

Among the recommendations in a previous report of the Interdepartmental Committee, which were approved by Government on 17 February last, was that there should be a comparative study of Irish legislation and that of our EU partners to ascertain what changes might be necessary to align Irish policy on asylum more closely with that of our EU partners. That study is now underway. It is the Government's view that it is not possible for Ireland to pursue an Immigration and Asylum policy that deviates significantly from that of our neighbouring States.

The Minister is conscious of the great benefit conferred on residents of Ireland and Britain by the existence of the Common Travel Area. The Government regards the protection of the Common Travel Area as a primary policy function. This is a view which has been endorsed and upheld by the Courts as legitimate and fundamental and justifying the necessary steps to ensure its preservation. The Minister also signalled his strong support for the closest possible co-operation with the Immigration and Nationality Directorate (IND) of the Home Office on all matters of mutual interest. He also noted that a very high degree of co-operation is continuing

at policy and operational levels between his Department and the Garda Síochána on the one hand and the IND on the other.

In conclusion the Minister said that the Government is continuing to keep the asylum issue under review and pointed out that last week's Government decision to provide substantial additional resources i.e. 72 additional staff, was both timely and welcome. As regards the situation with asylum seekers arriving in the Wexford area from France, the Minister said that high level contact with the French authorities is ongoing. In this context a senior official of his Department and a senior Garda travelled to Cherbourg late last month for discussions with the French authorities there.

27 July, 1998.

#ExploringDP

Doc 7

HOME SECRETARY'S STATEMENT
IMMIGRATION AND ASYLUM WHITE PAPER
MONDAY, 27 JULY 1998

With permission, Madam Speaker, I should like to make a statement on immigration and asylum.

2 I am today publishing a White Paper entitled "Fairer, faster and firmer - A Modern Approach to Immigration and Asylum". This follows a wide-ranging examination undertaken as part of the Comprehensive Spending Review. The White Paper sets out a new integrated strategy to deliver the Government's commitment to a fairer, faster and firmer system of immigration control.

3 There are few more complex and sensitive responsibilities of Government than this. But the system has been subject to piecemeal and ill-considered changes which have failed to tackle the real problems. Indeed the changes often made the problems worse. The arrangements for supporting asylum seekers are a shambles. Huge backlogs have been allowed to develop. Additional complexity and regulation have made the system unwieldy to operate. Despite the dedication and professionalism of immigration staff at all levels, genuine applicants have suffered while abusive claimants and racketeers have exploited delays in the system. It is time for a new approach.

4 The Government are determined to maintain firm control over immigration, but to do so in a way which meets our international obligations and reflects our commitment to strengthen human rights.

5 The volume of passenger traffic arriving at our ports of entry has grown very fast in recent years - from 55 million arrivals in 1992/93 to 80 million in 1997/98 - and is projected to reach nearly 100 million passengers in two years' time. We wish to welcome genuine visitors to our shores, and provide them, and British citizens who travel abroad, with a fast and efficient service.

6 Our immigration policy will continue to support family life by admitting the spouses and minor dependent children of those already settled in the United Kingdom. It must also sustain and promote race equality. It is particularly important for us to acknowledge the enormous contribution which immigrants and their descendants have made to our society in all walks of life.

7 The Government have already begun to put in place a system which is fairer and more efficient. As promised in our manifesto, last June we abolished the primary purpose rule. But fairness is not well served by a system of decision making which labours under huge backlogs and out-dated methods of working.

8 The White Paper therefore sets out our plans for an integrated approach to the modernisation of immigration control. We are making organisational changes in the Immigration and Nationality Directorate, backed by new technology, which will result in a new Integrated Casework Directorate.

9 We also intend to integrate the overseas entry clearance operation with the other elements of the control. A core feature of this new approach will be a single management structure, drawn from the Foreign and Commonwealth Office and the Home Office, to manage the overseas operation. We will use new technology and more flexible legislation to the best advantage.

Visitor Appeals

10 Many people resident in this country want their relatives to visit them for important family and other occasions. The previous Government was wrong to remove the right of appeal to those refused a visit visa in such circumstances. It provided an element of independent oversight of what are bound to be very difficult and emotive decisions. Honouring our manifesto commitment, we therefore propose to introduce a streamlined right of appeal for those refused a visa to visit a family member in this country. We shall also be testing a financial bond scheme for visitors.

11 Many problems and much confusion is caused by passengers arriving in the UK without required visas, or in some cases without any passport at all. We shall adopt a tough approach to deterring and preventing the arrival of inadequately documented passengers. One of the best ways of achieving this is through the use of Airline Liaison Officers. We already have five officers placed overseas working with carriers and the relevant authorities to combat document and other frauds. We intend to increase this network to about 20 officers in total.

Appeals

12 Fundamental to our overall strategy is the need to speed up the system. There are too many avenues of appeal.

13 In future there will be a single right of appeal for those lawfully present in the United Kingdom at the time of their application. We recently published a consultation document on this. The aim is to create an appeals system which will provide a fair opportunity to review decisions, but do so quickly, and to minimise the scope for manipulation of the system.

Unscrupulous Advisers

14 In our manifesto, we said we would "control unscrupulous immigration advisers". As many Hon Members know from their constituency casework, there is a significant minority of them who abuse the system and exploit their clients. We have consulted widely about this and we will introduce a statutory scheme to regulate immigration advisers, which may include those who are legally qualified.

Asylum

15 The United Kingdom has traditionally given shelter to those fleeing persecution from other parts of the world. We will continue scrupulously to observe our international obligations to protect genuine refugees. Those who are accepted as refugees or given exceptional leave to remain should be helped to integrate into local communities. To aid integration we will reduce

to four years the qualifying period for settlement for asylum applicants granted exceptional leave to remain, and give immediate settlement to those recognised as refugees.

16 The numbers seeking asylum has increased eightfold in the last ten years from 4,000 to 34,000. The reasons for that are many, including political instability, but there is no doubt that the asylum system is being abused. Around three-quarters of asylum applications are refused outright because they do not meet the requirements for refugee status or exceptional leave to remain. The vast majority of such failed applicants appeal, but only 6% of these appeals are successful. Of course a failed asylum application does not necessarily mean that the applicant has abused the system. But many claims for asylum are made by those seeking to migrate for purely economic reasons, or as a means of prolonging a stay in the United Kingdom without legitimate reason.

17 This places substantial pressure on a system which is already under severe strain. It is unfair to genuine refugees who have to wait long periods in the system for a decision on their claim to refugee status. At the end of May this year there was a backlog of 52,000 asylum applications on which not even an initial decision had been taken. Of these applications, 10,000 were over five years old. On the same date there was a backlog of 32,000 immigration appeals waiting to be heard, of which over 70% were asylum cases.

Backlog

18 Modernising the controls and simplifying and speeding up the procedures will help to tackle these problems but we cannot create the faster system without clearing existing backlogs. We are strengthening immigration control and there will be no amnesty, either now, or in the future, for any applicant. We will instead allocate additional resources to deal with this inheritance. We will also adopt a practical approach in respect of the application backlog where an initial decision has been outstanding for some years, and ensure that the effect of long delays is properly taken into account, but in ways which will not outweigh other factors such as serious abuse.

Speeding up initial decisions

19 The package of measures I am announcing today will ensure that new applications can be dealt with more quickly. As part of that process of strengthening our control I am announcing that from today the period allowed for asylum seekers to submit further representations after interview will be reduced from 25 days to 5 days in port cases. It is already 5 days for in-country applicants. No one intent on exploiting the system should be under any illusion that these measures to clear the backlog will benefit them.

20 We shall also be taking further enforcement measures to ensure that asylum seekers who are refused leave to enter or remain are returned quickly to their country of origin. We have previously undertaken special exercises to tackle sudden increases in applications, and we will not hesitate to do so again.

21 All told we are aiming by 2001 for average process times for initial asylum decisions of two weeks and of appeals a further four months.

22 We shall not hesitate to use detention where necessary to ensure the integrity of immigration control. We have however, decided that detainees should be given written reasons for their detention and that subject to legislation there will be judicial oversight of the process.

Support for asylum seekers

23 The current support arrangements for asylum seekers are a shambles. They are the product of ill-considered legislation which then required the intervention of the courts. The 1996 Act imposed a burden on local authority social services departments which was unplanned for, is inappropriate and cannot be allowed to continue. Action must be taken to contain costs and relieve the burden which has fallen heavily on London authorities in particular and more recently on the local authorities of Dover in Kent.

24 In opposition, I said that, in a civilised society, genuine asylum seekers could not be left destitute. I am honouring that commitment today. We need a system which reduces the

incentive to economic migration and which recognises that what the genuine asylum seeker needs is food and shelter, not a giro cheque. Support will, therefore, be separated from the main social security benefits system and will principally be provided in kind, and not in cash. Where accommodation is needed, it will normally be provided directly, with no choice about location. We will also be considering the extent to which support for food and other basic needs can be provided by vouchers or other non-cash means. In general, support will not extend beyond the point at which the application has been decided and all appeal rights have been exhausted.

Single budget

25 Support on this basis will require new national machinery to plan and co-ordinate provision. There will be a single budget for asylum seeker support costs. This will be managed by the Home Office alongside the costs of the process for considering asylum cases, thus enabling a more flexible use of resources to reduce costs overall. New central machinery will be created, also under Home Office management, to contract with a range of providers to obtain accommodation; these will include the private sector, voluntary bodies, housing associations and local authorities. The intention will be to develop a national approach making use of support from existing communities and voluntary groups to relieve the current over-concentration on London and one or two other areas which is creating some severe problems there. The Government will consult widely on the detailed arrangements. In taking this work forward, we will ensure that the needs of children, whether unaccompanied or members of families, are fully protected.

Citizenship

26 The Government are committed to promoting a more positive view of citizenship which both reflects and celebrates the multi-cultural, multi-racial society we have become. We will take action to reduce the waiting times for processing applications for British citizenship in order to give a more welcoming signal to prospective citizens.

27 The measures described in this White Paper provide a much clearer framework for what our immigration control should be. They should also provide the staff of the Immigration and

Nationality Directorate with a workable system. Bureaucracy, over-complexity, delays and backlogs often frustrate the best efforts of staff to give effect to the law and the policies of Ministers. Despite those difficulties, staff throughout IND have consistently achieved impressive results. I take this opportunity to thank them for their hard work. A clear framework and better tools for the job will enable everyone to take a fresh and more purposeful view of what they can and should achieve.

28 Madam Speaker, the White Paper sets out a comprehensive and integrated strategy for immigration control. It tackles the failings of the current system and addresses the challenges we will face in the future. The Government will introduce legislation to implement the White Paper as soon as Parliamentary time allows. This legislation may be a good candidate for consideration by a Special Standing Committee of this House. Britain requires an immigration and asylum system appropriate to the demands of the 21st Century. The system in place today is simply not up to the job. We need radical change to deliver a modern and efficient system which is fairer, faster and firmer. I commend the White Paper to the House.

SUMMARY OF PROPOSALS

1. The fair and efficient control of immigration is one of the most important tasks for any Government. In one way or another, the operation of immigration control affects every citizen of this country. A modern immigration control must recognise the extent of international travel and seek to facilitate legitimate travellers as well as preventing people entering or remaining in the country if they have no right to do so. International travel is of enormous economic and social benefit to this country and reflects the UK's position within the European Union (EU).

2. In the light of the Comprehensive Spending Review process, the Government intends to modernise the whole approach to immigration in order to improve the quality of service to UK citizens and those who qualify to enter or remain here, as well as to strengthen the necessary controls on those who do not. This White Paper sets out the Government's comprehensive strategy for modernising our immigration control. The key features of the strategy are that the future operation of immigration control will be:

- integrated in order to maximise efficiency and minimise the scope for abuse;
- informed and more open; and
- fairer, faster and firmer.

3. An informed approach to immigration control must be based on a clear understanding of current immigration trends. Chapter 1 summarises those trends, while the Government's broad policy objectives, including retention of frontier controls and the commitment to promoting race equality, are set out in Chapter 2. The Government is also determined that the new strategy should

remedy the failings of the current system (Chapter 3), in particular:

- delays and backlogs which increase costs and undermine the integrity of the control;
- outdated and complex procedures which hinder genuine travellers and are vulnerable to abuse; and
- a piecemeal approach which has failed to tackle the underlying problems.

4. The Government believes that an integrated approach to modernisation and streamlining of the control provides the way ahead (Chapter 4). The subsequent chapters of the White Paper examine the constituent parts of the control from pre-entry through to settlement and citizenship or, on the other hand, removal of those with no right to be here.

An integrated approach

5. The key to modernising and streamlining the control is to see the system as a whole. In that way, the control can be operated more effectively to speed the passage of genuine travellers and to target resources on those seeking to evade the control. The Government will:

- establish a single management structure in the UK to manage the entry clearance operation overseas, and to provide more effective links with the on-entry and after-entry controls (paragraph 5.6);
- maximise the use of modern technology to integrate the pre-entry, on-entry and after-entry systems to help speed passenger clearance and target evasion of the control (paragraphs 6.10-6.11);

- integrate the use of intelligence throughout the system in order to target resources more effectively and improve multi-agency co-operation to tackle abuse and racketeering (paragraph 6.12);
- modernise the immigration, asylum and nationality casework processes by introducing a new computerised and integrated casework system (paragraphs 7.2-7.5);
- create a new inter-departmental planning and monitoring process to enable resources to be used more effectively, particularly by bringing most funding for support of asylum seekers into a single budget managed by the Home Office (paragraphs 8.22 and 13.7).

An informed and more open approach

6. The Government is committed to greater openness in relation to immigration control as in other areas of public life. Greater openness helps to ensure that decisions about changes to the control are better informed and sustains public confidence in the integrity of the control. It is also consistent with the Government's commitment to race equality, and to the principles set out in the Human Rights Bill. The Government has already taken steps to:

- ensure that reasons for refusal of British citizenship are always given (paragraphs 7.7 and 10.6);
- promote greater dialogue with those to whom the controls apply and representative interest groups by the development of user panels (paragraphs 7.8-7.9);
- develop a charter of rights and responsibilities for those coming into contact with the Immigration and Nationality Directorate (paragraph 7.10);
- publish the Immigration Directorates' Instructions and Asylum Directorate's Instructions so that users know the basis on which decisions affecting them will be made (paragraph 7.11).

Fairer, faster and firmer

7. The fundamental objective of the Government's strategy is to deliver a modern control which is fairer, faster and firmer. Many of the measures described in this White Paper satisfy at least two of those requirements; some satisfy all three. The Government intends to introduce the following integrated package of measures to reform all stages of the control:

Pre, on and after-entry controls

- introduce a streamlined right of appeal for those refused a visa to visit a family member (paragraphs 5.7-5.10);
- take statutory powers to enable a pilot scheme to be run to test the merits of introducing a financial bond scheme for visitors to the UK (paragraphs 5.11-5.12);
- examine measures to ensure fuller compliance with the Immigration (Carriers' Liability) Act 1987 (paragraphs 5.13-5.14);
- invest immediately to increase the number of Airline Liaison Officers to help reduce the number of inadequately documented passengers coming to the UK (paragraphs 5.18-5.20);
- modernise the framework of immigration law to enable the controls to be exercised more flexibly to speed the passage of genuine travellers and target resources on potential abuse (paragraphs 6.6-6.9);
- take further measures to avoid racial discrimination by employers when making checks to prevent illegal working (paragraph 7.12(iv));
- develop new criteria to enable compassionate factors to be given due weight at every stage of the caseworking process (paragraph 7.12(v)).

Appeals

- speed up the process by a radical overhaul of the system of immigration and asylum appeals, reducing the number of avenues of appeal and reforming the structure of the Immigration Appellate Authority (paragraphs 7.13-7.18);

- consult those involved in the appeals process on how to make it more efficient (paragraph 7.19);
- statutory control of unscrupulous immigration advisers who exploit individuals and undermine the control (paragraphs 7.20-7.22);
- action to bring the use of legal aid under tighter control (paragraphs 7.23-7.27).

Asylum

- recognise the obligations of both the Government and asylum applicants - a new covenant (paragraph 8.5);
- faster decisions on asylum applications and appeals, including standardising the period allowed post-interview for the submission of further material before decision (paragraphs 8.7-8.9 and 8.11);
- create new support arrangements to ensure that asylum seekers are not left destitute, minimise the incentive to economic migration, remove access to Social Security benefits, minimise cash payments and reduce the burden on local authorities (paragraphs 8.12-8.26);
- no amnesty but adopt measures, including additional resources, to tackle the backlogs inherited from the previous Government (paragraphs 8.27-8.32);
- abolish the qualifying period for grant of settlement to those given refugee status and reduce it for those granted exceptional leave to remain (paragraph 9.3);
- develop arrangements to provide high quality information about countries of origin which are more systematic and more transparent (paragraphs 9.4-9.6);
- introduce new guidelines to help ensure that the claims of those in genuine need of protection are identified quickly (paragraph 9.7);
- the separate procedure for certain listed countries (the "White List") will be abolished, but manifestly unfounded cases will continue to be put into an accelerated appeal procedure, wherever their country of origin (paragraphs 9.9-9.10).

Citizenship

- take effective action to reduce waiting times for dealing with applications for British citizenship (paragraphs 10.3-10.5);
- create a more flexible approach to the residence requirements in the British Nationality Act 1981 (paragraph 10.7).

Enforcement

- strengthen existing criminal offences to enable more effective prosecution of applications involving blatant deceit (paragraph 11.3);
- tackle the problem of bogus marriages by enhancing the powers of registrars (paragraphs 11.4-11.5);
- develop a more proactive, intelligence led and multi-agency approach to combat immigration-related crime (paragraphs 11.6-11.8);
- extend the powers of immigration officers to enable more enforcement operations to be conducted without having to rely on a police presence, and work to make the prosecution process for immigration offences more effective (paragraphs 11.9-11.12);
- examine the options for increased use of fingerprinting, and enhance the arrangements for securing documentation to strengthen the enforcement effort (paragraphs 11.14-11.18);
- evaluate the potential for increasing the number of passengers returned by use of readmission agreements and voluntary return programmes (paragraphs 11.19-11.23);
- pursue options to enable asylum seekers whose claims are properly the responsibility of other EU Member States to be transferred more quickly (paragraphs 11.24-11.30);

- support the conclusion of work on the Eurodac Convention to establish a computerised central database of fingerprints of asylum seekers and certain illegal immigrants across the EU (paragraphs 11.31 - 11.32).

Detention

- give written reasons for detention at the outset of all cases and thereafter at monthly intervals, or at shorter intervals in the case of detained families (paragraph 12.7);
- introduce a more extensive judicial element into the detention process in immigration and asylum cases (paragraphs 12.8-12.10);
- consider the need for an increase in the detention estate in order to support an increased number of removals (paragraphs 12.12-12.14);
- establish clear statutory rules covering all aspects of the management and administration of detention centres and be more open in future about private sector contracts in this area (paragraphs 12.15-12.18);
- seek specific powers for detention custody officers similar to those provided for prisoner custody officers (paragraph 12.17).

Implementation

8. Implementation of the strategy (Chapter 13) will require a major programme of work, including additional investment to strengthen the controls and reduce decision times. The Government is also introducing new budgeting and planning arrangements to make more effective use of resources. There will be a new single budget for asylum seeker support costs which will be managed by the Home Office. This will enable more flexible use of resources to reduce costs overall. There will also be a new integrated, inter-departmental planning process to manage the system as a whole more effectively. The Government will also explore whether a greater proportion of the costs of immigration control should be borne by users, including passengers, carriers and port authorities, rather than the taxpayer generally.

9. Implementation of some elements of the strategy will require changes in the law. The Government will introduce legislation for this purpose as soon as possible.