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FILE TITLE:		SERIES
IMMIGRATION & ASYLUM		HOME AFFAIRS
Annex A: Draft Nationality, Asylum + Immigration White Paper.		
		PART:
		1
PART BEGINS:	PART ENDS:	CAB ONE:
21 JUNE 2001	5 OCTOBER 2001	

PART
CLOSED

Labour Administration

PREM 49/2022

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PART CLOSED

DATE CLOSED	
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Series : HOME AFFAIRS

File Title : IMMIGRATION & ASYLUM

Part : 1

Date	From	To	Subject	Class	Secret
	HO		(Undated) (Annex A) Draft Nationality, Asylum and Immigration Whit	C	
21/06/2001	HS	PM	IND/LCD Monthly Report on Asylum	U	0
22/06/2001	FCO	FCO	Channel tunnel: Eurotunnel and civil penalty	C	0
09/07/2001	HO	PU	Eurostar Freight services and illegal entrants	C	0
13/07/2001		PM	Eurotunnel letter: Illegal Immigrants	U	0
16/07/2001	HS	PM	Immigration and Asylum	R	0
16/07/2001	HS	PM	Oakington: Judicial Review	R	0
18/07/2001	HO	Cab Off	Review of Direct Air-Side Transit Visas (DATVs)	U	0
23/07/2001	Cab Off	Cab Off	Whether to opt into a draft directive on long term residents in EU me	C	0
24/07/2001	FCS	HS	New Extradition Treaty Between the USA and the UK	U	0
25/07/2001	FCO	HO	Whether to Opt in to Council Directive concerning Status of 3rd coun	C	0
01/08/2001	Cab Off	HO	Review of Direct Airside Transit Visas-The Way Forward	U	0
02/08/2001	Cab Off	HO	Cross Channel Commission Sub-Group Meeting on the Civil Penalty	R	0
10/08/2001	HO	PD(OM)	Asylum appeals backlog	C	0
16/08/2001	CST	HS	Asylum Reserve	U	0
17/08/2001	HS	FCS	Pre-Clearance at Prague Airport	U	0
20/08/2001	HS	PM	People Trafficking	R	
22/08/2001	FCO	FCO	Asylum Policy	U	0
03/09/2001	PD(JR)	PM	Asylum	R	0
05/09/2001	PD(JR)	PM	French Asylum Procedures	R	
07/09/2001	HS	PM	Immigration and Asylum - The Way Forward	R	0
10/09/2001	PD(JR)	PM	Asylum - Returns and Removals	R	0
12/09/2001	PD(JR)	HO	Asylum Support	R	0
12/09/2001	FA/APS	EU/PS	Immigration and Asylum	U	0
13/09/2001	Telegram/IN		Paris 610 - Home Secretary's meeting with French Interior Minister:	R	0
13/09/2001	HO	HO	Dinner between Home Secretary and Daniel Vaillant, Ministry of Inter	R	0
13/09/2001			Following through on delivery	U	0
17/09/2001	HS	PM	Clandestine Immigration across the Channel: Eurotunnel and Sangat	U	0
19/09/2001	HS	PM	New Asylum Policy proposals	R	0
19/09/2001			Costings for secure centres	R	0
20/09/2001	LC	PM	Asylum Issues	U	0
21/09/2001	PD(JR)	PM	Stocktake Meeting with Home Secretary and Lord Chancellor	R	0
21/09/2001	HS	PM	Asylum Policy changes follow-up	R	0
21/09/2001	Cab Off	PD(JR)	Asylum Support	R	0
23/09/2001	HMT	PPS	Asylum Reserve Claim and ID cards	R	0
24/09/2001	PD(JR)	HO	Asylum Reform	R	0
25/09/2001	HS	PD(JR)	Thank you for help on asylum policy changes	U	
26/09/2001	PD(JR)	PM	Asylum	C	0
02/10/2001	Cab Off	HO	Asylum Policy	U	0
05/10/2001	HO	PD(JR)	Asylum and Immigration Bill	U	0
05/10/2001	HMT		Asylum Policy	U	0
20/06/2005	HS	DPM	Sentencing Review	U	

08/10 '01 11:20 FAX

HOME SECRETARY'S OFFICE → CHANCELLOR EXCH 002



Home Office

The Private Secretary to the Home Secretary

Justin Russell
10 Downing Street
LONDON
SW1A 2AA

08 OCT 2001
11 Jan
HC GEP
SAS

5 OCT 2001

Dear Justin

ASYLUM AND IMMIGRATION BILL

You asked for a letter setting out the likely provisions for an Asylum and Immigration Bill to be introduced later this session.

At this stage the content of the proposed Asylum and Immigration Bill is still very provisional. We will be discussing with Ministers over the coming weeks, and they will be consulting colleagues, on those provisions to which we should give priority in a Bill this session and on the detail of these. The Lord Chancellor, for example, has a key responsibility for the appeal system and a number of points in our list need to be worked through with LCD officials.

* As you know, the Home Secretary intends to set out his vision for asylum, migration and citizenship in a White Paper in the New Year. Early legislation will enable us to substantially quicken the process of change in our immigration and asylum arrangements. It will also support and complement the current proposals for new security measures to be included in the planned emergency legislation.

Our current thoughts on the likely elements of the bill are as follows :

Paving the way for accommodation centres (policy agreed by the PM; timing of the announcement of the policy still to be decided)

- residence requirement at accommodation centre
- non-compliance refusal linked to breach of residence requirement.
- power to provide those residing at accommodation centres with some cash, education and health facilities.



BC CS

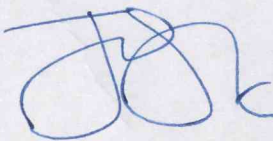
16/10

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Clare Summer

cc: JH
AA
Omc.

Letter from HO re asylum
bill attached. CST's office
have taken exception to
the ref to "Policy agreed
by the PM" at bottom of Pl.
Things may become clearer
after next morning's mtg
between TB and Blunkett
- I wasn't supposed to
report before then

-  8/10



Home Office

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Justin Russell
10 Downing Street
LONDON
SW1A 2AA

Faxed
5 OCT 2001

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- power to provide those residing at accommodation centres with some cash, education and health facilities.

- enabling powers to phase out voucher-only support and NASS accommodation.
- power to compel local authorities to provide accommodation centres.

Asylum processes

- one tier asylum appeal and/or preparation for more thorough reform of appeals system.
- strengthening fast-track handling of unmeritorious claims
- remove right of appeal against refusal of asylum for those given ELR
- implementation of EU Directive on temporary protection
- appeal determinations to be made available to IND, not appellant, and to provide for personal delivery by IND to facilitate detention of failed asylum seekers in appropriate cases.
- reforming bail provisions to support removals programme.
- retention of fingerprints of refugees (if Criminal Justice Bill dropped or this measure not included).

Enforcement : illegal working/people smuggling

- tighter illegal working provisions on employers: recruitment, subsequent access to records, etc (quick wins from new Ministerial group?)
- higher penalty for facilitation
- further offences on people trafficking (sexual exploitation; tougher offences/sentences on trafficking; EU decisions implementation; UN Protocol)
- power to revoke indefinite leave to remain
- statutory gateways IND/OGD (including Inland Revenue)/LAs/EU partners (review in light of emergency bill provisions)

Miscellaneous

- power to charge for work permits.

We will of course write again with further and firmer details but I hope that the above provisional outline is helpful.

I am copying this to private secretaries to Debora Mathews (LCD), Lucy Makinson (Treasury) and Andrew Allberry (Cabinet Office).

Yours ever

Jane

JANE FOWLER

H M Treasury

Helen Tuffs
Head of Home and Legal
Team



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Aileen Simkins
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35 Dingwall Road
Croydon CRO 2NG

5th October 2001

Dear Aileen,

ASYLUM POLICY

Paul Britton wrote to Stephen Boys-Smith on 2nd October about the draft paper that you will be circulating by 9th October for the meeting next week. I thought it might be helpful if I expanded on one or two points, in order to clarify what information we are seeking. There should be nothing too troublesome here, I hope, as the points have all been raised before.

Options (i) to (iii) establish a helpful framework for the commissioned CBA work. It is, however, important that other measures that might form part of a package centred on one of options (i) to (iii) - are considered as well in the CBA. All options for addressing the problems with NASS, as identified in the vouchers and dispersal reviews, need to be considered alongside the Home Secretary's preferred option of scrapping NASS. There seem, for example, to be other possible options for defusing potential social tensions.

Options 1-6 of the Cabinet Office paper of 26th September have been agreed by ministers, but it is still necessary to quantify the benefits and savings from these measures, as these will have important implications for judging the overall impact of the final package.

If we decided to retain NASS (under options (i) or (iii), it is not necessarily the case that vouchers need to be an integral part of the NASS package. The vouchers review appears to offer some alternatives. This issue needs to be addressed as a separate element of the work.

It is important that the implications of the various options for removals are properly considered. We still need to see the removals plan requested originally by the Chief Secretary in his 16th August letter. This is a key piece of information in any consideration of the costs and benefits of any expansion of the detention estate,



INVESTOR IN PEOPLE

whichever reporting and accommodation measures are adopted. The CBA on detention and removals need to quantify the proposed effect on the number of removals.

I am grateful for your letter of today's date responding to the requests for information we made earlier in the summer. I am afraid, however, that this does not take us much further forward in dealing with the Reserve bid. Your letter is based on the earlier bid for £517m, and, as you note, the information needs to be updated to take account of the higher bid the Home Secretary has now put on the table. We need to have the necessary information for us to properly scrutinise the forecasts. This needs to be very soon if you are planning to draw down resources in the Winter Supplementaries.

I am copying this letter to Nick Macpherson here Paul Britton (CO), Stephen Boys-Smith and Les Haugh (HO), Keith Smith and Mary Shaw (LCD), Mike Gahagan (DTLR), Michael Richardson (DWP), Barnaby Shaw (DfES), Jeremy Hayward, Justin Russell, Michael Barber and Andrew Allberry.

HELEN TUFFS



**CABINET
OFFICE**

CABINET SECRETARIAT

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Paul Britton CB

Head, Economic & Domestic Affairs Secretariat

Stephen Boys –Smith

Home Office

Apollo House

36 Wellesley Road

Croydon

CR9 3RR

2 October 2001

ASYLUM POLICY

1. I am writing to follow up the Prime Minister's meeting on asylum policy on 27 September at which he agreed with the Home Secretary, Lord Chancellor and the Chancellor that further work should be undertaken by departments on the package of measures proposed by the Home Secretary, in particular the proposal for accommodation centres, with a view to announcing a full package of measures in the House of Commons within the fortnight beginning 15 October. Following our meeting yesterday, I am writing to set out how this work should be taken forward.
2. You indicated that the Home Secretary would be seeking a further meeting with the Prime Minister on or around 15 October, with a view to making a Parliamentary statement in the week beginning 22 October. Working back from this, I ought to chair a further meeting at official level of the departments concerned on 11 October. My secretary will be in touch to arrange this. At this meeting we should aim to agree a paper giving the further advice that ministers will need to take a decision on accommodation centres and some of the other outstanding issues. This should firm up the preliminary assessment of costs and benefits in our earlier paper, fill in the gaps and identify the key risks. The particular issues that will need to be covered, some of which we have been through before, are set out below. You have agreed to circulate a draft by 9 October.
3. You also mentioned that the Home Secretary intends to publish responses to the Dispersal and Voucher Reviews at the same time as an announcement is made. Please could you circulate the latest drafts, as the reviews cover much of the ground which supports the case for accommodation centres and should therefore inform our consideration of the proposals.



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Tackling fraud and waste

4. Ministers agreed on 27 September that measures to tighten the current system (items 1 to 6 in Annex B of my note of 26 September to Jeremy Heywood, attached again for ease of reference) should be taken forward as quickly as possible. You have estimated that in total these measures could cost £34m and deliver savings of at least £133m a year. On this basis, the Treasury has assumed that the additional costs can be met from within these savings.
5. Ministers also agreed that decisions and appeal determinations should be delivered in person, rather than by post (item 8 in Annex B). The exact mechanism will depend on which of the options in paragraph 8, below, is adopted.

Granting ELR to all those whose claims predate 1 September 1999

6. The Home Secretary has proposed taking out of the asylum system all those whose claims predate 1 September 1999. The 9 October paper should identify how many asylum seekers this would remove from the backlog; where, in broad terms, they are housed and how they are supported; how many are already working legally under the 6 months rule (and for those that are not, why this is); and explain the assumptions behind the projected £110m savings, in particular how much of this relates to administrative savings and how much to savings in support costs as asylum seekers move into jobs.
7. This assessment would need to cover the current costs of supporting these asylum seekers; the administrative savings that would result from simpler processing of claims and fewer appeals; the administrative costs of granting ELR and an explanation of the assumptions that can be made about how many of these asylum seekers would take up work legally, how many would seek DWP benefits, and how many, even if they found work, might continue to need housing benefit. It would also be helpful to have a view on whether such a measure would have a significant displacement effect on job opportunities for the wider population. The cost benefit assessment of this measure should factor in all these costs to the public purse, drawing on advice from DWP and DTLR. If the cost savings are heavily driven by getting these asylum seekers into jobs, then is there a need to look more closely at how the existing 6 month rule is working?

Tighter system management and increasing the rate of removals

8. Further work is needed to bottom out the feasibility, costs and benefits of the three options for a package of measures to improve system management and increase the rate of removals, namely:
 - (i) Continuation of NASS accommodation and vouchers, with a tough new reporting regime based round a network of 75 reporting centres and legislative changes so that non-compliance would be taken into account in judging the credibility of the asylum seeker's claim or appeal, delivery of decisions and appeal determinations in person at a reporting centre, an expansion of the detention estate, and measures to improve the appeals system.
 - (ii) As above, but with the replacement of NASS accommodation and vouchers with 36 accommodation centres, which would mean that only 20 stand-alone reporting centres would be required.



- (iii) As at (i), but using an existing network (such as police stations, benefits agencies or the post-office) instead of the 75 new reporting centres.
9. As discussed at our previous meeting, the key points which will need to be picked up in your paper are:

For all options: can the capital costs of reporting centres be brought down? How quickly could these be rolled out? What are the costs and benefits of varying the number of reporting centres (eg trade-off between costs of extra centres and extra travel costs)? How quickly could the rate of removals be increased to more than 1900 a month? What other measures could be used to improve the rate of removals? In particular, what more could be done in respect of removals to the most difficult countries? Are there any other options that would deliver some or all of the proposed benefits?

For Option (ii), accommodation centres: a much clearer and quantified articulation of the additional benefits of accommodation centres over option (i) is needed. The paper also needs to address the concerns of the Lord Chancellor and Treasury ministers that the cost estimates do not reflect the full costs, in particular their concerns around: the exclusion of the costs of housing asylum seekers post-appeal and pre-removal/ voluntary return; the assumption that decisions and appeals will be processed in 2 + 4 months; the basis of the staffing, education and health costs; and key risks (eg planning permission). In this context, how robust is the assumption that the accommodation centres can be used as reporting centres for existing asylum seekers, given what we know about the (sometimes remote) location of potential sites? The paper should also explore ways in which the capital costs could be decreased, for example by extending the lead-in time, using PFI for all or part of the programme or making greater use of private sector landlords.

For Option (iii), making use of existing networks for reporting: what would be the feasibility and cost of making use of an existing network (with some additional facilities and/ or resources) for reporting and serving of decisions and appeal determinations?

10. In addition, the paper should assess whether any of these options are robust enough to offset the likely pull factor of an amnesty along the lines referred to in paragraph 6 above.

Expanding the detention estate

11. The paper should set out the costs, feasibility and quantified benefits (including the impact on the monthly rate of removals) of expanding the detention estate and any differences in costs and benefits under options (i), (ii) and (iii) above and the status quo.

Appeals System

12. Ministers agreed in principle that capacity in the asylum appeals system should be increased and legislative measures should be taken forward to limit access to appeals and judicial review (on which LCD is awaiting legal advice). The IAA has confirmed that they could increase capacity to 4500 from next month. Can you confirm that IND will be able to support this level of flow from next month and that this will now be set in train?



13. The paper for 9 October should also set out what would be the optimal level to increase IAA capacity to and the timetable to do this (i) assuming the pre-September 1999 amnesty is adopted and (ii) assuming it is not and set out the costs of each. It will be important in doing this for LCD to identify how capacity can be increased quickly and temporarily, without incurring a disproportionate long-term tail of costs, eg through the imaginative use of existing buildings, use of judges on part time basis or from other jurisdictions, and for you to set out how this greater flow will be handled in the removals system.

Reserve claim

14. I note that you are separately pursuing with Treasury your bid on the Reserve for additional funding for the asylum support system this year and a response to the Chief Secretary's letter of 16 August is currently outstanding.

Legislation

15. I understand that, at No 10's request, you are preparing a list of likely measures for a first session Asylum Bill. It would be helpful to have this at the earliest opportunity, indicating any items that are optional depending on ministers' decisions on accommodation centres.
16. I am copying this letter to John Gieve, Nick MacPherson and Helen Tuffs (HMT), Keith Smith and Mary Shaw (LCD), Mike Gahagan (DTLR), Michael Richardson (DWP), Barnaby Shaw (DfES), Jeremy Heywood, **Justin Russell**, Michael Barber and Andrew Allberry.

Sue Webster

PP PAUL BRITTON



INVESTOR IN PEOPLE

file.

From: Justin Russell
Michael Barber
Date: 26 September 2001

PRIME MINISTER

cc: Andrew Adonis
Jeremy Heywood
Jonathan Powell
Alastair Campbell
Olivia McLeod
Sir Richard Wilson

ASYLUM

You are meeting with DB, GB, AS and DI tomorrow at 1.30pm to return to the issue of asylum support. You asked HMT, HO and LCD officials to get together urgently to agree the costs of an asylum reform package. A note from Paul Britton summarising their findings is attached.

We recommend that you:

- Welcome the work that has been done since Monday in flushing out the costs.
- Ask whether it is now possible to reach agreement on the HO claim on the reserve for this financial year which does appear to be legitimate. (HMT may now be willing to say yes)
- Press for urgent action on those initiatives where there could be quick wins on cost savings, in particular:
 - Making sure NASS support is switch off immediately a claim fails
 - Rapid roll out of ID cards for all asylum seekers
 - Increase appeal capacity to end the severe bottleneck that the 4,000 / month IAA capacity limit is causing.
 - Require claimants to pick up their decision letters in person – not through the post
 - Get Jeff Rooker's ministerial group on illegal working up and running as soon as possible

- Legislation to reduce unjustified appeals and tighten up residence and reporting requirements (e.g. so that asylum seekers can be required to sign on whilst their appeal is being processed).
- Stress that in any announcement DB makes the signal we send must be a very tough one (which would be easier in a HoC statement than at Party Conference)

Accommodation centres

We recommend that you reiterate your support for this idea which could bring significant long-term benefits as part of a wider package of reform. It would send a strong signal of our determination to find a serious long-term solution to this problem. It would enable much more effective management of asylum seekers, avoiding for example the current problem of evicting asylum seekers from individual units of accommodation. It would cut fraud and help reduce the burden of asylum seekers children on inner city primary and secondary schools and assuming that accommodation centres are largely not in inner cities it could contribute to improved community relations.

On the basis of the capital figures provided in Paul Britton's submission (£570m over two years) we cannot see how we could sign up to this for an announcement next week. However, we should strongly support DB's effort to think more imaginatively about how the capital spend could be re-profiled over a longer period with a view to an announcement on 16 October. We should argue that the Treasury should find some of the cost, to be determined, to get things moving ahead of the spending review.

Given how closely the HO and LCD parts of the asylum process are inter-linked and interdependent there is a strong case for forcing a much more joined up approach to SR2002 than seems to have happened before. We should consider pressing for any new resources to be made available through a ring-fenced 'asylum reserve' (similar to the CJS reserve) which LCD and HO would be forced to jointly agree spending against.

Detention centres

Placing every failed asylum seeker in detention immediately after their appeal fails would send a very strong signal to those seeking to play the system – but would be very costly for those for whom there is no realistic prospect of removal. HO estimate that 24,000 extra detention places per year would be needed to house all unremovable failed asylum seekers at a cost of £2.4bn. A more modest investment of £130m capital plus £30m a year running costs would buy 1300 extra detention

places to ease removal of those who can be sent back. **Given the cost implications do you still wish to press for all failed asylum seekers to be detained?**

ELR

An alternative approach which DB is keen to explore would be to grant all unremoveable asylum seekers who are already in the backlog three years Exceptional Leave to Remain (ELR). This would take them off NASS benefits and would enable them to work (but would not allow them to bring their families in). Granting 15,000 backlog asylum seekers ELR could save up to £220m a year – though there could be major risks attached (e.g. that it would attract a new wave of asylum seekers in the expectation that we would repeat the exercise). It would have to be made clear that this was a one-off exercise aimed at clearing the decks for a much tougher approach. **Are you content for DB to continue to explore this option – given the political risks attached?**

Background

DB and GB met this afternoon. GB made clear he is still not willing to agree to an announcement on future funding next week though HMT seem willing to concede on the £700m HO claim on the reserve for this year (which is not likely to significantly reduce).

DB's bottom line has also shifted a bit. If he can't get agreement to an announcement next week - the minimum he wants to be able to say is that the system is in a mess, that he's looking urgently at it and will be making a full statement to Parliament on the way forward on 16 October when he will also publish the outcomes of the reviews into vouchers and into the dispersal system.

The capital costs of the accommodation centre package set out in Paul Britton's note remain very high (£390m in 2002-3; £180m in 2003-04).

DB has asked HO officials to urgently explore ways in which this capital spend could be re-profiled so as to reduce the burden on the SR2002 settlement. This is likely to involve a mix of solutions including:

- Inviting regional consortia of local authorities to build or refurbish the accommodation themselves on a voluntary basis on the understanding that the HO would then buy places off them on a contractual basis
- HO letting competitive contracts to the private sector to build and run the accommodation centres with the government providing the capital costs up

front but then selling the accommodation back at the end of the contract to recoup some of this investment. (Would cut out the delays that come with conventional PFI deals where bidders have to make their own arrangements to borrow the money up front)

- Conventional PFI arrangement with either HO or local authorities entering into design, build, and operate partnerships for the accommodation centres with the private sector. (But slow lead in time as potential bidders seek out institutions willing to loan them the capital up front).

A mixture of these solutions, which would be likely to be higher in overall lifecycle costs and would include significant project management costs and some risk of time delay – would nonetheless offer significant reductions in cost over the SR2002 planning period.

No figures are available yet on this option. DB may be able to provide more detail at your meeting tomorrow.

JUSTIN RUSSELL

ANNEX A : ESTIMATED COSTS UNDER THE PRESENT SYSTEM

	2001/02 £ million	2002/03 £ million	2003/04 £ million	2004/05 £ million	2005/06 £ million
DSS Benefit	76	5	0	0	0
Local Authorities : Families	299	286	281	277	273
Local Authorities : Singles	198	70	0	0	0
NASS : Families	154	227	291	351	414
NASS : Singles	268	181	174	122	108
UASC'S	95	95	95	95	95
TOTAL	1090	864	841	845	890
IT	87	60	60	60	60
IND BUDGET (NON-ASYLUM)	571	556	554	554	554
GRAND TOTAL	1748	1480	1455	1459	1599
TOTAL IND BASELINE	974	990	1045	1045	1045
NET REQUIREMENT	774	490	410	414	554

Note : There is currently no budget for 2004/05 and 2005/06 so the provisional 2003/04 budget figure has been carried forward

ANNEX B

Options for improving the asylum system

	Description of proposal	Key benefits described and where poss. Quantified	Cost	Comment
	Tackling fraud and waste			
1.	ID card using existing electronic fingerprint system: (a) for all new applicants (b) linked to the audit below, for all current asylum seekers (150,000)	Will flush out no-shows, to be taken off support. Will eliminate duplicate applications and false identities. Savings are included in box below to avoid double counting. Also major deterrent effect on fraud. Some prosecutions and early removals likely. ID cards will also support the proposals for increased reporting set out below.	(a) Already taking place within existing resources (b) £20m for 2002/03 – staff costs, interpreters, travel for supported claimants, etc.	
2.	Audit of NASS expenditure and active measures to improve “switching-off” rate and reduce waste in system	Linked with roll out of electronic fingerprinting above. Will ensure that NASS accommodation is used	£12m in 2002/3 for recruitment of skilled staff and external audit and ongoing costs of c.£6m pa.	Home Office will aim to begin this and the above in this financial year. They already

		properly, benefits are "switched off" as soon as a final negative decision is made, checks on claimants working and other fraud and tighter contract management. Expected savings £133m a year, relative to current spending.		have a task force in place to increase the "switching off" rate to 1200 a week.
3.	Tightening up on false claims to be unaccompanied minors	Stronger IND input into verifying claims to be under 18, linked with new approaches to accommodation to be developed with local authorities and Dept of Health to reduce unit costs. Aim to reduce current £95m spend on minors – but not yet clear by how much.	£1m a year for specialist unit to check age more rigorously when claims are first made.	
	Strengthening IND capabilities			
4.	Independent review of IND's management information system and forecasting arrangements	Better grip on costs of asylum support; smoother flow of information between systems; managers more accountable	Minor costs to be absorbed by IND in 2001/002.	

		for delivery and spending.		
5.	Bringing in consultants to review the whole process from application to appeal and removal	Chance to identify bottlenecks or systems failures, and to energise solutions. Will also follow on from review of management info to build substantially improved IT systems.	About £1m consultancy in 2001/02 from within existing Reserve bid. Ongoing costs for systems improvements.	
6.	Immediate organisational change in IND, inc. establishment of a board chaired by Jeff Rooker with non-execs	Increased management and ministerial focus on delivery.	Minor costs to be absorbed within current IND budget.	
	Tighter system management and increasing the rate of removals			
7.	Tighter residence and reporting requirements: 3 options: (a) accommodation centres and reporting centres (b) reporting centres (c) existing networks, e.g. post office, police, benefits agency	(a) Accommodation centres would provide facilities to help integration (English language teaching) but also tight case management (more rapid decisions) and management of expectations towards prompt removal. Centres would also remove most	(a) Accommodation centres to cost £390m capital in 2002-3, £180m capital in 2003-4. Running costs begin at £18m in 2002-3, £252m in 2003-4 then £330m a year at full capacity. (cf the cost of NASS accommodation for same numbers of people	All these options are predicated on being able to make the requirement to report in at regular intervals bite. This can be done before initial decisions by making failure to comply tell against the credibility of the claim. It would require a

		<p>asylum seekers from deprived urban centres where racial tension is likely and remove pressures of transient asylum seeking children from school systems. The accommodation centres would need to be accompanied by around 20 new reporting centres, for those who do not need support, to maintain comparable contact during claims and to facilitate removals by offering secure holding centres. This option would also save the education system money – estimated as £19m a year based on 6,400 children and standard capitation fees. Real benefit greater as transient children with poor English language put strain on teachers and may hinder achievement of other children. May</p>	<p>would be £270m). 20 reporting centres cost £20m (£14m 2002-3, £6m 2003-4) with £12m running costs in 2003-4 then £20m a year.</p> <p>(b) 75 reporting centres would cost £50m in 2002-3 and £25m in 2003-4 in capital, with running costs of £75m a year (£25m in 2002-3).</p> <p>(c) Running costs would be no less than the £75m above, but for poorer service.</p>	<p>change in primary legislation to introduce a similar consideration into appeals.</p>
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		<p>also be savings on primary care not quantified.</p> <p>(b) If NASS continues, without accommodation centres, many more reporting centres are needed to give comparable case management benefit. Assume 1 per NASS cluster area (75) to minimise costs of travel for supported claimants. Much less benefit in speeding up interviews and less chance to manage cases actively.</p> <p>(c) Police and other centres will be most reluctant to have asylum claimants reporting and unlikely to do more than token check of identity. No added value in site to serve decisions or appeal determinations; not</p>		
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		possible to go straight to removal.		
8.	Issue decisions and appeal determinations by hand (e.g. at an Immigration Service office) so that people at risk of absconding can be detained at that point to facilitate removal.	Certainty that decision has been received, immediate counselling on voluntary return, confirmation that support will cease (post-appeal) and immediate transfer to detention possible.	No specific extra cost provided accommodation centres and reporting centres are developed. If not, would add substantial costs of travel for applicants to come to main casework centres or ports.	
9.	Expand the detention estate so that all those whose appeals are rejected can be immediately detained	As a minimum, another 1300 detention centre spaces (reaching 4000) would reduce risks of capacity constraints impeding current removals targets, and make it possible to aim to exceed them. If all applicants with failed appeals are detained, given difficulties with removing some nationalities, the space required might grow by 24,000 a year – until a deterrent effect is achieved.	(a) 1300 detention centre spaces would cost £130m capital in 2002-3. Running costs of £30m a year would begin from 2003-4. (b) Extra sites for 24,000 unremovable failed asylum seekers a year would cost £2,400m pro rata – though it is implausible that we could find enough sites.	
10.	Further improvements building on existing removals strategy	Family removals important to save cash, all removals have deterrent effect.	Not specifically identified at this stage.	

11.	Explore scope for IND to fund resettlement packages to make it easier to return failed asylum seekers to difficult countries	Would contribute to the removal of the third to a quarter of asylum seekers currently defined as "non-removable" because of their country of origin.	Not yet identified.	
Tackling the appeals backlog				
12.	Expand the capacity of the IAA	<p>IAA can handle 4500 cases a month from November 2001, then up to 6000 cases a month from November 2002, and possibly 7000 cases a month from November 2003.</p> <p>The savings identified from the asylum costs model are £10m in 2002-3, £62m in 2003-4, £17m in 2004-5 and £3m in 2005-6 (these forecasts are still being checked).</p>	<p>The increase to 4500 cases could be met from within LCD's current resources. For further increases, the IAA's costs for the next two years would go up by £28m for 5000 a month, by £75m over two years to achieve 6000 a month, and by £105m over two years to achieve 7000 a month. And LCD's legal aid costs would increase by at least £7m per additional 500 cases.</p> <p>IND costs to match this throughput are: £4m to match 4500 cases, thereafter £3.5m for each additional</p>	Further work is needed to bottom out LCD's costs. A key issue will be how far the expansion can be met by short-term contracts or other means to avoid creating a costly surplus of judges once the backlog has been removed.

			1000 cases. This includes costs of reducing the number of appeals which go undefended.	
13.	Streamline the appeals system by removing access to judicial review as far as possible in the asylum system and limiting the scope for second-tier appeals to points of law	<p>At times up to 5% of cases awaiting initial decision have been queued behind judicial review cases. Currently it is less than 0.5% of outstanding cases (i.e. c.200). Judicial reviews also consume large sums in policy and legal defence costs.</p> <p>Cash savings if decisions taken more quickly – if even 200 cases avoid 1 year on support, saving is £2m.</p>	No costs to achieve this, apart from legislation.	
14.	Remove the right of appeal against refusal of asylum for people granted Exceptional Leave to Remain (ELR)	Will avoid some appeals – more if there is more active use of ELR grant and applicants seek to pursue asylum claim.	No costs to achieve this.	There will be HRA issues and this could lead to an increased risk of judicial review. Further thought will need to be given to whether the numbers are sufficiently large to make these risks

				justifiable.
15.	Grant ELR for 3 years to those in the backlog we have no realistic prospect of removing	<p>Savings to Home Office would be some £10,000 a year per single applicant whose appeal can be avoided.</p> <p>Costs may transfer initially to DWP and local authorities for benefits and housing – but applicants likely to be keen to work.</p>	Reviewing casework will cost money, depending on criteria used.	This will require careful assessment of which cases to grant, based on date of application, defensibility of decision and nationality (ease of removal) perhaps also compassionate factors.
	Illegal working			
16.	Establish a ministerial group chaired by Jeff Rooker to work up package of recommendations	Essential to develop plans to reduce the lure of illegal working, but to establish a clear channel for those seeking work (within agreed parameters) so that some asylum claims are diverted.	To be developed during Ministerial group.	

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FROM: PAUL BRITTON
Hd, Economic & Domestic Sect
TEL: 270 0240
DATE: 26 SEPTEMBER 2001

JEREMY HEYWOOD

c. Chancellor of the Exchequer
Lord Chancellor
Home Secretary
Chief Secretary, Treasury
Lord Macdonald
Sir Richard Wilson

ASYLUM

The paper analysing the options for asylum reform and their costs which the Prime Minister commissioned at his meeting with colleagues on 25 September is attached. It is based on work done by all the relevant Departments.

The key points are as follows.

A. Asylum costs on present policies

The Home Office base-line for asylum support costs in 2001-02 is £403m. Expenditure this year is expected to be about £1.1bn. The outturn could be slightly lower, but not by much (and an increase in asylum applications could push up expenditure further). None of the options under consideration will have a significant impact on spending this year. The excess of £700m needs to be met from the Reserve, except to the extent that offsetting savings from other Home Office programmes can be found. On present policies there will be lower, though still significant overspends in 2002/03 and 2003/04.

In addition, the Home Office has bid for £87m for IT, of which the Treasury accepts half as a legitimate charge on the Reserve.

Expenditure on IND and IAA is forecast to be within budget this year. However LCD is bidding for £60m in each of 2001/02 and in 2002/03 to cover overspends on legal aid for asylum seekers.

B. Options for reform

The paper describes a menu of options for reform, together – so far as possible – with the costs and savings that could be expected. The

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estimates of costs and savings have been produced by the Home Office and Lord Chancellor's Departments and have not all been discussed with Treasury officials. Most of the options are those suggested by the Home Secretary.

The key areas for action seem to officials to be:

- i. To ensure that NASS support is switched off for single people immediately where an asylum claim fails and waste elsewhere in the system is eliminated, saving around £133m a year.
- ii. To increase IAA and IND capacity so as to reduce more quickly the backlog of appeals, with savings rising to £62m in £2002/03 and falling away thereafter.
- iii. To require claimants to pick up their decision letters and appeal determinations in person with arrangements to detain them at that point in appropriate cases. (The benefits are not costed, but this is expected to make a significant contribution to the removals target.)
- iv. To tackle illegal working, which is a major pull factor.

Options which Ministers will want to consider to reinforce (iii) are whether to expand the network of reporting centres (and/or accommodation centres) proposed by the Home Office and whether further to expand the number of detention centres both as a deterrent to would-be asylum seekers and to facilitate removal.

It is not clear that the number of removals could in the near future be increased beyond the present target of 1,900 per month, even if more money were found.

C. Accommodation Centres

The Home Secretary proposes 18,000 places in about 36 centres to house 60% of the expected flow of new asylum seekers. Most of these will be newly constructed prefabricated units. The aim is to have all the centres in place by spring 2004. The capital cost would be £390m in 2002/03 and £180m in 2003/04. Additional running costs compared with existing policies would be £80 million a year. The Home Office would need additional provision for all of these costs.

The advantages of accommodation centres over the options described above would be greater control over the asylum process and better management of cases; the phasing out of vouchers; reduction in racial tensions which have arisen in some areas under the dispersal arrangements; and better support for asylum seekers (improved

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education, language training, preparation for integration into UK society etc).

Conclusion

Provision needs to be made for the probable overspend of £700m this year on asylum support costs and £60m on legal aid. There are likely to be further overspends in the following 2 years, though the amount of support costs can be reduced if more resources are invested in improving the system.

The issue for Ministers is how much do they wish to invest in 2002/03 and 2003/04 in improvements and are the additional advantages offered by accommodation centres sufficient to justify the high capital and running costs or would it be more cost effective to put any extra resources into eg expanding IND and IAA capacity and increasing the number of detention centres.

PAUL BRITTON

Additional copies:

Nick McPherson
Steven Boys Smith
Michael Barber
Keith Smith
Aileen Simkins
Justin Russell

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ASYLUM – THE WAY FORWARD

The current system

What is in the current settlement for asylum?

1. The main costs of the asylum system are in three parts:
 - **asylum support** (baseline funding for this year is £403m): this covers NASS accommodation and vouchers and pre-existing local authority and DSS support, all of which is funnelled through NASS.
 - **IND costs** (baseline for this year is £571m including some non-asylum spend): Immigration Service and other IND costs, eg caseworking, removals, etc.
 - **Cost of running the appeals authority and providing legal aid to appellants** (baseline in LCD's budget for this year is £63m for the IAA and £60m for asylum related legal aid costs).
2. In addition DFES and Department of Health cover the costs of educating asylum seeker children and health care provision within their general provision for schools and primary care.

What are costs expected to be on current performance?

3. The forecast of asylum support costs for this year has gone up significantly to £1.1 billion and the Home Office has put in a bid on the reserve for £700m to bridge the gap. The table in Annex A gives a breakdown of these costs for the next 5 years. On present policies there will be lower, though still significant overspends in 2002/03 and 2003/04.
4. The main reasons for this increase are:
 - The baseline settlement agreed for SR2000 was lower than Home Office's forecast requirements at that time;
 - IND are not hitting the target to process 60% of initial decisions within two months;
 - The backlog of cases awaiting an initial decision, at 43,000, is higher than originally thought;
 - Support is not being switched off as soon as decisions/ appeals are made; and
 - IND will not hit the target of 30,000 removals this year (current level is 900 a month, which is well below the revised target of 1900 a month).

5. The Home Office is also seeking an additional £87m from the Reserve for IT (to settle an outstanding dispute with Siemens and to cover IT costs relating to the current expansion in the number of Immigration Officers). The Treasury accepts the claim in respect of the Siemens contract but takes the view that the remaining IT costs should have been identified in SR2000 and must therefore be borne from within the Home Office's existing resources.
6. Officials in Treasury and Home Office are agreed that expenditure this year is likely to be of the order set out above for the reasons given. Treasury officials also accept that it will not be possible fully to resolve these problems within this financial year. So a decision will need to be taken on whether the shortfall of nearly £800m is met from within the Home Office's resources or from the Reserve.
7. These cost estimates are based on forecasts of future demand and on assumptions about how quickly improvements to the asylum system can be brought on line, so they are likely to change before the year end. However, Home Office officials advise that the revised assumptions are cautious and it is likely that any further movement in the total will be downwards (£10s rather than £100s of millions), as existing improvements come on stream (eg increases in rates of removals as new Immigration Officers begin work). Nevertheless, if there were a significant increase in the number of asylum seekers, the costs could rise.
8. The Lord Chancellor's Department is also bidding for an extra £60m this year from the Reserve to meet expected additional legal aid costs in relation to asylum appeals. This has arisen because there have been a greater number of appeals than forecast at the time of the settlement and because the costs of each case have been higher than expected. On current policies, the overspend is expected to be at least as great in 2002/03.

Options for change

9. The Home Secretary set out a package of proposals in his minutes to the Prime Minister of 7, 19 and 21 September. Following the ministerial meeting on 25 September, officials have done some further work on the costs and benefits of these proposals and have also looked at some additional options. The table in Annex B summarises this work. The quantification of costs and benefits are estimates and have not all been discussed with officials in the Treasury.
10. It is clear that a package approach will be needed to tackle the problems with the existing system and bring costs down. Officials thought that the key levers to bring future costs down were:

- Tackling fraud and waste;
- Strengthening IND capabilities;
- Increasing the rate of removals;
- eliminating appeals backlog; and
- reducing the pull of illegal working.

11. The table in Annex B explains each of the options in more detail. From this, it is possible to draw out the following key points:

12. **Fraud/ waste:** although about 4000 claims are declined each month (ie uncontested initial negative decisions or rejected appeals), not all of these result in an immediate "switching off" of support. This is partly because of breakdowns in communication between the agencies involved and partly because of the difficulties of evicting failed asylum seekers from their homes. IND are already targeting this problem and have increased the rate of terminations from 1-2000 a month to 4000 in the last couple of months. The proposed audit and roll out of electronic fingerprinting and some further system improvements would accelerate this work and tackle other examples of waste (eg tightening up contract management) offering total expected savings of £133m a year. The main benefits appear to stem from the audit and the roll-out of electronic fingerprinting to all existing asylum seekers.

13. **IND:** the proposals for strengthening IND capabilities and carrying out an independent review of its management information systems are sensible. Some of the work is already in hand and the rest could be done at minimal additional cost.

14. **Removals:** there are currently two main obstacles to removing greater numbers of failed asylum seekers from the country:

- Around a quarter to a third of asylum seekers come from countries (eg Afghanistan, Iraq, China) to which it is very difficult to remove people; and
- It is often difficult to track down failed asylum seekers to remove them.

15. The table identifies a range of possible measures to bear down on the second issue, including tightening residence and reporting requirements; changing the way in which decisions and appeal determinations are delivered; and increasing the use of detention. The first two could be delivered either using a combination of accommodation centres and reporting centres or by relying solely on reporting centres. The latter option would not deliver all the benefits of accommodation centres, but would have significantly lower capital costs. More detail is set out in the table

16. Expanding the number of detention centre places to 4000 would increase the likelihood of hitting the removals targets (30,000 this year going up to 33,000 and then 37,000 over the next two years) by providing for wider use of detention for those whose appeals are rejected until they voluntarily return to their country of origin or are removed. It would not be feasible to detain people indefinitely if their country of origin makes them effectively irremovable, given that the numbers involved might grow by 24,000 a year. Further options for dealing with these cases need to be considered urgently. The Home Office has already identified two possible options: providing financial support to these countries to assist with resettlement or an amnesty for the most difficult cases. Both these proposals are problematic and will require careful further consideration.

17. **Tightening residence and reporting requirements:** there are two realistic options for tightening residence and reporting requirements:

- accommodation centres + a small number of reporting centres; or
- existing accommodation arrangements + a larger number of reporting centres.

The principle advantages of the accommodation centres option over the alternative option are greater management of cases and support for asylum seekers on a day to day basis; faster decisions; the phasing out of vouchers; reduction in racial tensions which have arisen in some areas under the dispersal arrangements; relieving pressure on local schools and on primary care. It would not have a significant impact on removals. The capital costs of accommodation centres are estimated at £570m, with running costs at £80m a year above and beyond the cost of continuing with current NASS support arrangements. This compares to capital costs of £75m and annual running costs of £75m for a network of reporting centres.

18. **Appeals:** The Lord Chancellor's Department advises that it should be possible to ramp up the rate of appeals from 4000 a month at present to 4500 a month from November within existing resources and to 7000 cases a month by November 2003. It looks as though the optimal position might be to ramp up capacity to around 6000 cases a month by November next year. LCD have made a number of other proposals for tackling the backlog, for example by working with IND to improve the quality of initial decisions, setting in place mechanisms to verify whether appeals are still being maintained and simplifying the way in which decisions are expressed. The package of measures around appeals process will need to be considered further in the light of the broader package.

How resilient are any of the proposals to future increases in the numbers of asylum seekers?

19. It is likely that the establishment of accommodation centres would give us more flexibility to deal with a sudden influx of asylum-seekers, particularly if this were to occur in the short-term, as existing accommodation could be retained in parallel for longer than envisaged by the Home Secretary's proposals. There would also be scope to erect temporary accommodation on some of the sites identified for accommodation centres. In practice, a major influx of asylum seekers, such as occurred during the Kosovo conflict, would need to be dealt with by a range of emergency measures in conjunction with local authorities and the voluntary sector.
20. All the options are based on current levels of new applications. If there were a sustained increase in the number of asylum seekers, capacity and costs would need to be reviewed.

CABINET OFFICE
26 SEPTEMBER 2001



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PT 1
01-05.

Home Office

Home Secretary

PERSONAL & PRIVATE

Justin Russell
10 Downing Street
LONDON
SW1A 2AA

25 September 2001

Dear Justin

I just wanted to drop you a personal note of thanks for all your constructive co-operation on the asylum policy changes we are seeking.

Your involvement has been really helpful and is greatly appreciated by me.

With grateful thanks.

Best wishes

DAVID BLUNKETT

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10 DOWNING STREET
LONDON SW1A 2AA

FAXED

From the Senior Policy Adviser

24 September 2001

Dear Hilary

to HM
2579

ASYLUM REFORM

The Prime Minister discussed a package of proposals for asylum reform with the Home Secretary, the Chancellor, the Lord Chancellor and the Chief Secretary to the Treasury at their meeting today (full minute to follow). The following urgent action points were agreed:

- Home Office to provide detailed advice (including timescales and costings) to the Prime Minister, copied to all recipients of this letter, on a list of measures which can be taken anyway to tighten up the current asylum system, independent of the specific proposals on accommodation centres. For example, ID cards for asylum seekers, expediting the appeals process (both administrative and legislative changes), stricter signing-on requirements and other anti-fraud measures.
- On the Home Secretary's proposal for accommodation centres, the Prime Minister has asked Sir Richard Wilson to establish a working group of Home Office and Treasury officials to undertake an urgent cost-benefit analysis. Paul Brittan is arranging a meeting for tomorrow (Tuesday 25 September) and will be in touch directly with participants about this. The detailed analysis will need to be ready to go to the Prime Minister by close of play on Wednesday 26 September, and again should be sent to all copy recipients.

I am copying this letter to Tom Scholar and Lewis Neal (HMT), Deborah Matthews (LCD), Michael Barber, and Andrew Allberry and Mark Langdale in the Cabinet Office.

pp JUSTIN RUSSELL

Hilary Jackson
HO

020 7270 5456

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ccJR
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If you have received this fax in error, please call back on the Telephone number given above, and then destroy the material. Please treat our information with the same confidentiality that you would expect us to do with yours.

To: Jeremy Heywood **Date:** 23 September 2001

Fax No: **Pages:** 3

From: Lewis Neal

Subject: Asylum Reserve Claim and ID Cards

Jeremy,

We spoke. You asked for HMT initials thoughts on the Home Secretary's revision of his asylum Reserve claim and letter to the Prime Minister (dated 21 September) and our initial thinking on the ID cards proposal.

Asylum Reserve claim

As you know, the Home Secretary wrote to the Chief Secretary on 29 June with a claim on the Reserve for £517m for asylum support and asylum IT. The Chief Secretary replied on 16 August asking for convincing plans for addressing key areas of concern (most notably the failure to meet removals and initial decisions targets) and for some degree of burden sharing from the HO. This would feed into his consideration of the Reserve claim. Officials have since been discussing this. As you know the Home Secretary has now said that he needs about £1.1bn this year on asylum seeker support. This comprises of about £400m for which he has provision from SR2000, and around £700m from the Reserve (an increase from the initial £517m). As I said, the first HMT heard of this increase of the Reserve claim was in Thursday's telephone conversation between the Chief Secretary and Home Secretary. On late Friday afternoon HO officials sent us a new breakdown of the revised Reserve claim. HMT officials are currently examining this. However, this latest work contained no indication of the assumptions/models etc being used by the HO to arrive at the new £700m. Our officials had serious questions about the robustness of the

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£517m figure and the scope for savings. Key questions have yet to be answered and now the figure has moved significantly (to £700m) officials here need, of course, to look at the new assumptions. Looking at HO latest figures, they forecast (without accommodation centres) an automatic reduction in asylum costs as the current backlogs fall. In addition, HO officials have quantified significant possible future savings in the areas identified by the Chief Secretary (in his 16 August letter) that might almost eliminate unfunded pressures in future years.

Further, and separately, the Home Secretary appears to imply that he should be able to use an envelope of £1.1bn to affect a new asylum system (the construction of accommodation centres) in future years. As the Chief Secretary said in his letter of Friday:

- the ideas (on accommodation centers) being put forward lack sufficient analysis, require more detailed work, and a convincing case has yet to be made that these will address the problems in the current system:
- HMT/HO officials must work together on the existing reserve claim, but no additional funding can be made for new asylum policy in advance of SR2002.

I should also add that the Home Secretary's proposals would have knock on effects on LCD spending as well. I understand there has been no real consideration of these affects (and that LCD have been just as in the dark as we have). It is clear that this will also have to be considered.

As I said, officials are meeting on Monday morning, and again later in the week, to discuss this and the Home Secretary proposals on the way forward for asylum policy. The Chief Secretary will be briefed on progress before the Prime Minister's meeting and I will ensure you are informed about these discussions. As the Chief Secretary said in his letter, it is important we make the right choices are all options are fully explored. We must avoid committing ourselves before we have an affordable solution that works.

ID Cards

You also asked about our thinking on ID cards. As you know, Cabinet Office have asked for a paper to be produced on this before any decision is taken. We have not yet seen a draft on this paper.

However, a HO paper in 1999 concluded that the case for a National ID card based on historical data i.e. date of birth, address etc looked weak. The paper did conclude that the case for a "secure biometric national identity database" (based on DNA profiles, finger-printing or retinal scans for example) merited further study though this approach had very large costs (it was estimated that constructing a DNA profile database for all UK residents would cost £2bn) and risk. No 10's response (10 December 1999) said no clear case had been made for the introduction of ID cards and no further work should be done on the options for a national database.

As you will appreciate, before any decision or announcement to proceed with such a proposal, there would need to be a convincing (and costed) case that this would deliver the expected benefits. This has not yet been done. The impact of identity

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cards on Fraud is something that I understand the Fraud Cabinet Committee is examining.

Finally, as you will appreciate, this all needs to be considered in a wider context, and, as the Chief Secretary said to the Home Secretary, the Reserve is under enormous pressure this year and cannot absorb such costs (proposed by the Home Secretary) and decisions on funding for future years must be taken in SR2002.

I will keep you updated on our thinking as discussions proceed.

I am copying this fax to Tom Scholar and Ed Balls.

Lewis Neal

Lewis Neal

APS \ Chief Secretary

PS - Sorry this didn't get through last night.
As I say, we will know more this morning, I will keep you informed. On ID Cards, we have seen nothing produced by HD (recently) outlining the details of any proposals.

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From: Justin Russell
Date: 21 September 2001

PRIME MINISTER

cc: Andrew Adonis
Jeremy Heywood
Olivia McLeod
Jonathan Powell
Sir Richard Wilson

**STOCKTAKE MEETING WITH HOME SECRETARY AND LORD
CHANCELLOR**

You are meeting with DB and DI on Monday afternoon at 3.30pm. Andrew Smith, Richard Wilson and John Gieve will also be in attendance.

There are two main items for discussion.

1. Combating terrorism

Richard Wilson's office are pulling together a package of four papers including a submission from DB. Jeremy gave a clear steer of your priorities at the permanent secretaries meeting yesterday and we will need to ensure that these have been taken on board. The Home Office are resistant to the idea of allowing intercept evidence in court and may need pushing on this. (Stephen Lander feels there could be merit).

Both DB and DI are likely to want to discuss ID cards. Olivia and I have put up a separate submission to you on this. Our recommendation is that we should make it known that we are actively considering the issue of ID cards but make clear that at this stage we remain neutral until we have looked at the practical issues involved. We have also suggested that you establish a ministerial group chaired by either Derry or John Prescott to take this forward.

2. Asylum

DB has written another note for you fleshing out his package on asylum (draft attached). Key points to note are:

The Home Office is facing a huge overspend on its asylum support budget for this year. Under the settlement they were given £403m, they estimate they will actually spend £1.13 billion. DB has already put in a claim on the reserve of about £500m - he will now have to raise this to over £700m.

DB's line is that HMT always knew actual costs would be much more than £400m. His pitch to HMT is "give us what you always knew we were going to have to spend anyway (ie about £1bn) ring-fenced for the next couple of years and we will use this investment to move towards a much tougher more efficient system (accommodation centres plus registration and identity and employment checks) which in the longer term will cost significantly less".

Andrew Smith made clear last night that he is not willing to allow DB to announce the accomodation centre proposals at Conference (or even to hint at it). He wants HMT officials to do a scoping exercise with HO people before a decision can be made.

Key components of DB's package are:

- Issuing all asylum seekers with an ID card with their fingerprints and photo on - which they'll need to produce to pick up their vouchers etc. (Could be done by Christmas)
- An immediate audit of all those currently claiming NASS or other support to weed out those who are also working and so shouldn't be claiming.
- New 'benefit fraud' type powers and teams which would carry out random checks to ensure asylum seekers are where they are supposed to be plus call up system to make them report at short notice to a reporting centre.
- Legislative change - through any emergency bill - which might:
 - Enable removal of those excluded from UN Convention protection (like suspected terrorists) without having to consider the substance of the asylum claim. (You should push them on how "substance" is defined).
 - Remove access to judicial review as far as possible from the asylum system
 - New powers to impose reporting and residence requirements on asylum seekers
 - Provide an enabling power for IND to check any workplace for illegal workers. (At the moment they have to get a Magistrate's warrant).

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- 3 -

- A backlog clearance exercise which would offer three year's Exceptional Leave to Remain (ELR) to asylum seekers already in the country from countries which we already know we won't be able to remove them to. They would then be able to work and would no longer be eligible for NASS support. [In practice this would amount to an amnesty for thousands of Afghans, Iraqis and others who we would now be saying can stay here and work. Would need very careful political handling – you will need to provide a clear steer on whether you would want this to go ahead].
- Accommodation centres for the 60% of applicants not able to support themselves. This would require 34 centres built over four financial years to hold 18,000 people at any one time while their decision and appeal is processed followed by secure detention centres while they await removal. Centres would provide daytime activity, children's education and primary healthcare to stop burden on local authorities. We should support this in principle – but as the attached critique from Cabinet Office shows there is still considerable work to be done on the detail which would make it a risky conference announcement.

JUSTIN RUSSELL

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JR
ccmc
JHM**Prime Minister**

This note follows up my minute to you of the 7th September on asylum policy changes, and Justin Russell's reply of 12th September.

2. You have said that you are attracted in principle to my new policy proposals. As you know, I believe asylum policy currently presents us with a huge challenge - politically, financially and administratively. We need to send very strong signals, not just to our electorate, but to governments and migrants across the world that we are making a fundamental change to our asylum system. I cannot stress strongly enough how vital it is that we undertake radical reform. Asylum policy will return to the political agenda with a vengeance in the coming months, and we have to show we have got to grips with the problem.

3. I need clearance for the new policy direction, so that I can announce it at Labour Party conference and begin the steady transition to a wholly new system by Spring 2004. I propose to make a statement to the House when it returns in October, using the opportunity to publish the conclusions of the reviews of the voucher system and the dispersal arrangements, and to announce the immediate improvements that would be made during the transition to the new system.

4. Andrew and I have been in discussion on these issues, and my officials are liaising with HMT and LCD officials. I have also discussed this with Jack, who is content on the basis that we make clear that world changes have necessitated this fundamental overhaul since his reforms were introduced. The revised assumptions for the system I propose are attached as an annex.

5. This note cross refers to those sent to you on counter-terrorism measures. It is critical that the changes we bring in underpin and reinforce the measures we are taking in respect of security and anti-terrorism. Some of the legal changes, as well as issues of reassurance to our electorate and other friendly nations, overlap substantially.

Costs

6. On present plans, we need to spend £1.1 billion this year on asylum seeker support, in addition to approximately £500 million in running costs for IND. My solution is to take the total committed and unavoidable spend on NASS support to asylum seekers and apply it to the new policy solutions which meet both our wider goals and, on a rational and sustainable basis, reduces over time the amount to be

RESTRICTED-POLICY

RESTRICTED-POLICY

spent. Essentially, we have to recognise that without change, the total and growing expenditure would still have to be met, but without any of the gains to be made in political and financial terms. I am proposing that we put the unavoidable asylum spend in a financial envelope and use it to move to the new system.

7. I am setting in hand an immediate audit of NASS expenditure, to root out fraud and waste. In particular, the audit will look at all the accommodation we are paying for, to ensure people are living where they say they are and that landlords are not gaining excessively at our expense. It will determine whether asylum seekers are both claiming vouchers and/or accommodation at the same time as they are working. It should also be possible for IND staff, in conjunction with the police and security services, to use this audit to identify some security risk cases who can be detained and/or deported.

8. We have the opportunity to extend the electronic fingerprint system now installed in IND to provide a credit card sized "ID" card with photograph and fingerprint encoded in a 2D bar code or chip. It could simultaneously provide a basis for auditing all current asylum seekers, assessing need for support and validating their addresses. I have decided to introduce this card at the earliest possible opportunity.

9. In addition, against the background of recent uncertainty about the cost of asylum support this year, I am setting up an independent review of IND's management information system and forecasting arrangements in which the Treasury will be closely involved. I further propose to send in consultants to IND to examine the whole process of asylum decision making, from application to appeal and removal, on which I outline further changes that will generate savings below. Finally, I am strengthening the senior management of the IND and I have asked Jeff Rooker to chair a new supervisory board, to enhance the ministerial strategic oversight of the organisation and to bring in private sector non-executives. This mirrors the arrangement which already exists for the Prison Service and will improve performance scrutiny.

Immediate Reforms

10. I propose a number of immediate steps to tighten up the system and prevent abuses. In my separate notes on the measures necessary to respond to the attacks on the USA, I have already suggested specific early measures to:

- allow removal of those, including terrorists, in categories excluded from the Refugee Convention's protection without considering the substance of the asylum claim;
- remove access to judicial review as far as is possible in the asylum system, and limit the scope for further, second-tier appeal, and onward access to the Court of Appeal and to judicial review;
- tackle the need to consider the most unworthy asylum claims, such as those from people just transiting the UK or from those who have arrived using false papers.

RESTRICTED-POLICY

11. We also need to consider seriously radical options to reduce the difficulties the ECHR puts in our way in dealing firmly and quickly with these cases. It is one thing to continue to respect our Refugee Convention obligations, which rightly include security exemptions. It is quite another for Strasbourg to overlay overlapping responsibilities which have no such exemptions (leaving us powerless to remove some foreign nationals who are clearly involved in terrorism) and which can add considerably to the procedural complications of refusing and removing the generality of unfounded asylum applicants (clogging up the appeal system and seriously inhibiting progress towards our ambitious removal targets).

Tackling the Appeals Backlog

12. In addition, we need, as Derry's note to you of 20th September points out, to tackle the problem of cases "stacking up" in IND before they can be sent to the IAA. At present, we have agreement with the LCD for 4,000 cases a month to be dealt with by the IAA. With the necessary investment, and training of the judiciary, we could expand that number, streamlining and improving the system. Unless we take this action, the current backlog of 30,000 cases held in IND but not yet sent to the IAA will not be cleared until 2005.

13. Furthermore, some 28% of the cases that come before the IAA are adjourned, either because IND re-examines the initial decision, or because points of law are raised. We need to tighten up on both. I am asking my officials urgently to discuss these issues with LCD officials.

Tighter system management

14. There is further linkage between focussed counter terrorism measures and my plans for a new asylum system in the need for tighter screening of undocumented arrivals, followed by more closely managed processing of asylum claims, with strict residence and reporting requirements. In the short-term, I intend to ensure that asylum seekers are required to reapply for their vouchers and accommodation, depending on what they are claiming, as part of the audit I am proposing. We will then set up a cold-calling system, similar to that I put in place in the Employment Service, which would allow us to call-in asylum seekers for interview at immediate notice.

15. Meanwhile, all asylum seekers will be required to report regularly for the duration of their claims. Under my proposed new arrangements, those not claiming state support in accommodation centres would be put under strict obligations to report their whereabouts, and would be placed under certain residence requirements, so that they could not simply reside in London and the South East. Finally, we are examining improvements to the removals strategy, so that we can detain people at the point at which they receive a negative decision, in order to expedite their removal. We will build on the expansion of the detention estate currently in hand.

16. We are taking advice from the Law Officers on the need for legislation to underpin the new system and it may be that specific additional powers can usefully be included in an early Bill in addition to those we already have. In this context I am looking at changes which could reinforce existing controls. One would be to give us

RESTRICTED-POLICY

powers to impose reporting and residence requirements on asylum seekers in addition to the powers we already have over those given temporary admission.

Illegal Working

17. We also need action to tackle illegal working. I have already proposed a Ministerial Group under Jeff Rooker's chairmanship to make recommendations on this matter, which I hope you can give approval to now. But given the link with security measures, I believe we should take the opportunity to legislate to remove the requirement to have consent or a Magistrate's warrant before entering premises to search for those illegally employed. In addition, we should remove the restraint that immigration officers must conclude their investigations in a workplace at the point at which they identify the particular individual they had cause to track down.

18. Our objective must be to close off illegal working. On the positive side, we need to regularise some of those currently working illegally in the UK, when they are contributing to the UK economy and we consider it productive that they should stay. These people would have permission to work and pay taxes. I am exploring whether I can do this using a credit card, including their fingerprint, to provide identification, with an expectation that this could lead to longer-term immigration status. This clearly prefigures the ID card agenda, which I have covered in separate notes.

19. Within this framework, I can then take enforcement action against illegal entrants who do not have permission to work, and in particular people traffickers and other security risks. However, there is no point lifting people who are working illegally simply for them to then claim asylum. We need to close this route off through legislation – I am therefore examining how to we can deal with the problem of people simply claiming asylum when they been in this country for some time, and to prevent them making a repeat asylum application.

20. I am also looking urgently at whether, for people granted exceptional leave to remain rather than asylum, we can remove the right of appeal against the refusal of asylum. This may necessitate removing the existing override whereby everything we do is subordinate to meeting the requirements of the 1951 Convention.

Unaccompanied Minors

21. We have a large problem with asylum seekers who present themselves to local authorities as unaccompanied minors, with no documentation or proof of age. In many cases, this is a manoeuvre for young men to avoid dispersal and vouchers, and it places an undue burden on London and the South East. I therefore propose that we instruct local authorities to refer cases where there is any doubt of the applicant's age to the Immigration Service. Local authorities would only deal with genuine children, who would be taken into care, and those who can definitively prove that they are 16 or 17; for whom slightly different arrangements apply.

Exceptional Leave to Remain

22. These are measures that will radically reform the asylum system. But to ensure that we can make these reforms, I need to deal pragmatically with the costs of the

RESTRICTED-POLICY

large stock of existing claimants. I agree with Derry that the most obvious way forward is to give ELR status to those who we have no realistic prospect of removing from the country. I propose that we offer ELR for three years to existing claimants from certain nationalities or whose claims relate to a certain date or period, which would then enable these asylum seekers to work, minimising the call on benefits. Of course, we would not include in this category any criminals or other risk cases (similar once-off measures in the past have always involved checking of the papers which we would ensure was properly undertaken on this occasion). The benefit of ELR is that we would be able to remove people at a later date should the country circumstances change, and it would inhibit the expense of family reunion.

23. We would also have to manage the presentation of the policy carefully, so that we did not send out mixed signals to the rest of the world. But there would be clear benefit to our management of the system if we could get financial and administrative "headroom" in this way. In any case, the whole package will send a powerful message, to be followed up by any announcement of consultation on ID cards, either at conference or in a statement to the Parliament in the first week back.

24. I've dealt with some difficult issues in my time, but this is by far the greatest challenge, and I sincerely believe there is no viable alternative to my proposals. This is a fundamental set of reforms which will enable us both to make immediate improvements and to put the asylum system on a robust and sustainable basis for the long-term. We need to cut through the obstacles we face and radically transform our capacity to deal with the issues. My proposals would do just that.

25. I am copying this minute to the Lord Chancellor, the Chief Secretary and Sir Richard Wilson.

Douglas Blunkett

21 September 2001

RESTRICTED-POLICY

RESTRICTED - POLICY**ANNEX**

1. Detailed work is now under way, on the costs of the new scheme, and the savings we could expect to make in phasing out NASS support for new cases during the transitional period. On the assumption that, by the time the new regime is implemented, we will be able to process new cases in an average of six months, annual running costs under the proposed model would be £550m, but would be reduced to £330m if we were to target the policy only at those requiring support.
2. Currently only 70% of asylum seekers ask for NASS support; 30% make their own arrangements. Of the 70% supported by NASS, 70% of those opt for accommodation and the remaining 30% choose the voucher-only option.
3. It has been our intention from the outset that the accommodation centre regime would cater for all applicants, and it is on this basis that the required capacity of 30,000 has been calculated. We calculate that, if the accommodation centre regime was, at least initially, targeted at the 70% who currently request support, the required capacity would be 21,000.
4. On the assumption that the support option – accommodation centres – would be less attractive than what is currently available – vouchers plus accommodation or vouchers only – we might expect the proportion of applicants requesting support would fall. If it fell to 60%, with 40% choosing to make their own arrangements, the required capacity in accommodation centres would fall to only 18,000. The narrower approach would be significantly less expensive; we estimate running costs of about £330m for 60% of principal applicants, as compared with £550m for 100%.

ACCOMMODATION CENTRES: DELIVERY TIMETABLE

The illustrative table below sets out a possible delivery timetable.

Responsibility	Construction	Capacity	No of 500 bed centres	Begin work	First centres open	Fully operational
Home Office	Prefabricated units	3,000	6	late 2001	mid 2002	mid 2003
Local authority Consortia	Conversion	6,000	12	early 2002	late 2002	late 2003
Home Office	Conversion	3,000	6	mid 2002	mid 2003	Spring 2004
Private/voluntary sector	Conversion	6,000	12	late 2002	late 2003	Spring 2004
		18,000	36	late 2001	mid 2002	spring 2004

RESTRICTED - POLICY

This timetable is based on a number of important assumptions, including:

- Work could begin on construction or conversion only after a lead-in time for identifying suitable sites and obtaining planning permission;
- The lead-in time for local authority centres would be longer than for direct Home Office provision, because it would additionally include the need to negotiate with the consortia;
- The lead-in time for private and voluntary sector bids would be longer still, because of the need to undertake rigorous procurement procedures, after consultation with local authorities;
- Once planning permission had been obtained, construction of a centre of pre-fabricated units would take between 6 and 9 months; conversion of a hotel, barracks or holiday camp, in reasonably good order, would take between 9 and 12 months;
- The 12 principal NASS consortia of local authorities would locate, convert and manage one centre each.

RESTRICTED - POLICY**ACCOMMODATION CENTRES: LEGAL BASIS**

We have approached the Attorney General on where primary or secondary legislation would be necessary in order to ensure that registration and accommodation centres were able to function as intended in the Home Secretary's minute to the Prime Minister of 7 September. The following are the key issues on which legislative change might be needed.

1. Residence requirements**Objective**

To require asylum applicants to reside at a particular registration or accommodation centre, and to comply with certain requirements.

Legislative position

We have an existing power to set residence restrictions on those who are liable to detention but have been granted temporary admission to the UK. This includes most, but not all, asylum seekers.

Such restrictions require regulations to be set, using the affirmative procedure. No such regulations currently exist. We would need to consult Law Officers on the detail of such regulations.

Proposals

- Amend the 1971 and 1999 Acts in order to extend the power to set residence requirements to all asylum seekers;
- Set regulations to specify the residence requirements which could be applied to any or all new asylum seekers when the accommodation centre regime is introduced.

2. Non compliance**Objective**

To ensure that the applications of those not complying with the residence requirements can be refused, where the non-compliance goes to the credibility of the application.

Legislative position

The Immigration Rules specify that an application may be refused if an applicant fails to assist the Secretary of State in disclosing the facts of his case. This includes a refusal to be fingerprinted, failure to complete an application form and failure to attend an interview.

It would be possible to amend the Rules, by the negative resolution procedure, in order to specify that a failure to comply with any residence requirements is another factor which may go to the credibility of the application. However, it might be safer to specify this principle in primary legislation.

Proposal

RESTRICTED - POLICY

- Introduce the principle that non-compliance with any residence requirements will be considered to affect adversely the credibility of the asylum application. This might be achieved by primary legislation or an amendment to the Immigration Rules.

3. Phasing out voucher-only support and NASS accommodation**Objective**

To ensure that, on the commencement of the accommodation centre regime, new asylum applicants could not opt for NASS accommodation or voucher-only support, which would remain available in old cases and, during the transitional period, in some new cases.

Legislative position

The Immigration and Asylum Act 1999 provides that asylum seekers may ask for support. The Secretary of State has the power to undertake a means test to determine whether those requesting support are destitute. In cases where the applicant is considered to be destitute, the Secretary of State may provide support in a number of ways, including accommodation or essential living needs.

Proposal

- Amend the 1999 Act to ensure that new applicants who are offered a place at an accommodation centre cannot insist on opting for NASS support instead.

4. Local authorities**Objective**

To ensure that local authorities contribute to the establishment of accommodation centres.

Legislative position

The 1999 Act provides a power for the Secretary of State to designate "reception zones" by order. Such an order would require the relevant local authority or authorities to make housing available for the purpose of supporting destitute asylum seekers.

In its present form, this power could probably not be used to ensure local authority participation in establishing accommodation centres, since it deals exclusively with housing and not with the other services which would be provided in the centres, such as catering and education.

Proposal

- Take a new reserve power to place a duty on local authorities to provide accommodation centres.

RESTRICTED - POLICY**ACCOMMODATION CENTRES: LOCAL RESPONSES**

The acceptability of accommodation centres at local level will depend on a number of factors. One of the key factors will be the locations which are chosen, particularly whether they are urban or rural.

Decisions about location will need to take likely local responses into account. It will also be necessary to take account a number of other issues, including the cost and availability of suitable accommodation, the ease of obtaining planning permission (which will be related in part to local responses), and the provision of services such as healthcare and education.

Some of the advantages and disadvantages associated with urban and rural locations are summarised in the table below.

Urban	Rural
Advantages: <ul style="list-style-type: none"> • Build on NASS cluster areas – local communities accustomed to asylum seekers. • Services (interpreters, legal advice, etc) more readily available. 	Advantages: <ul style="list-style-type: none"> • Planning permission likely to be easier to obtain in more remote areas. • Asylum seekers more likely to remain in the reception centre if facilities are provided on site and the "pull" of the local community is minimised.
Disadvantages: <ul style="list-style-type: none"> • Planning permission difficult for new build/conversion. • Attractions of the local community may mean asylum seekers are more likely to wander. • May be building on existing adverse feeling/community tensions. 	Disadvantages: <ul style="list-style-type: none"> • Lack of service provision – legal advice, interpreters, etc. • Disproportionate impact on small local communities (especially local schools if asylum seeker children are educated there). • Remoteness could impact on the scope for providing purposeful community activity and/or work.

The need to minimise public concern and opposition argues for locating accommodation centres in urban areas outside the South-East, based on the existing cluster areas. Such areas are developing an infrastructure of support services and communities of asylum seekers and refugees. There is less likely to be opposition to a greater concentration of asylum seekers in large centres, and that concentration is less likely to put an unacceptable strain on health and education services.

However, the need to move quickly to a large estate means that we will also need to consider the suitability of suburban and rural sites across the country.

Recent research into our existing dispersal areas has suggested that local receptivity to asylum seekers is influenced to a significant degree by the extent to which local people feel involved in local decision-making, the quality of available information about asylum seekers and the support they receive, and the extent to which there is a perception that local community groups are forced to make up any shortfall in government provision for asylum seekers.

In the context of potential racial tensions, it will also be vital to ensure that central and local government works with existing community structures in order to minimise the risks of exacerbating local tensions.

RESTRICTED - POLICY

FROM: SARAH TOBIN
Economic & Domestic Affairs Secretariat
TEL: 270 0343
DATE: 21 SEPTEMBER 2001

JUSTIN RUSSELL

copies: PS/Sir Richard Wilson
Paul Britton
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ASYLUM SUPPORT

1. You asked for advice on whether the Home Secretary's proposal for designated accommodation centres for asylum seekers was deliverable to the timescale and costs set out in his note of 19 September. The proposal offers some real benefits - a move away from the much criticised system of dispersal and vouchers (though there will be a long transition period where both systems are running in parallel); making removals easier; perhaps reducing pull factors; relieving pressures on local schools and targeting specialist assistance more effectively to asylum seekers. But there may be other, less expensive, means to achieve at least some of the same ends. Moreover it seems over-optimistic to think the new centres can be delivered to the proposed timescale and costs. The costs quoted by the Home Office are in any case only part of the full costs.
2. The Home Secretary's proposal (scaled back from his original note of 7 September) is to provide 18,000 places in 36 500-bed designated accommodation centres by spring 2004. This would accommodate 60% of forecast new applicants if the 2+4 month target for processing applications and appeals is met (on the assumption that the remaining 40% will provide for themselves as 30% do now). It makes no provision for people already in the system, who would remain on NASS or previous support arrangements and no contingency provision in the event that the 2+4 target is not met..
3. 18,000 places are equivalent to 28% of the existing prison estate in England and Wales. There are serious doubts about the viability of delivering this volume of accommodation by spring 2004. The key risks concern finding sites, obtaining planning permission (which depends on local acceptability) and putting in place adequate project management capacity within the Home Office. The costings are also provisional and in any case do not cover the transitional period when NASS support will run in parallel nor the ongoing costs of deciding cases and appeals.
4. The Home Office should be asked to set out the benefits it expects the proposals to deliver and to explore other possible options to deliver these. The sums of money involved are substantial, particularly when added to the costs of running the existing support system during the transitional period and the costs of processing case

RESTRICTED - POLICY

decisions, appeals and removals. And it is not yet clear whether some of the benefits offered could be achieved in other, perhaps less expensive, ways. For example, a relatively cheap way to increase the rate of removals would be to require asylum-seekers to collect their decision notices or appeal determinations from an Immigration Service office instead of receiving them by post as happens now.

Timetable

5. The Home Office recognises the significant timetable risks around securing suitable sites and negotiating the planning process. They have therefore proposed a phased approach which would see one or two centres opening in 2002 and the bulk of the centres being rolled out over 2003 and the spring of 2004. But there remains a risk that this timetable could slip. Key risks include:
 - **Securing suitable sites:** The Home Office have identified a number of potential sites, but by no means all. It will take some time to identify and, where necessary, purchase the 36 or so sites required. In the face of local resistance, this has not proved straightforward when sites have been sought in the past for detention centres. It may prove easier to identify existing sites suitable for conversion (eg hotels, disused military bases or holiday camps) than opportunities for new build centres and the Home Office expect to rely heavily on the former.
 - **Planning:** All new build centres will need to go through a non-statutory process akin to the normal planning rules (more details are set out in the annex). Unless their prior use falls within the same "use class", conversions will also need to go through this process. Given past experience such as the proposed detention centre at Aldington in Kent (still on hold following a court challenge on HRA grounds), we should assume that there will be local objections and therefore the need for planning inquiries, which could mean the whole planning process taking around 6-9 months (whereas Home Office have assumed 4 months). DTLR and the planning inspectorate can seek to expedite this process, although it is not clear whether they have the capacity to do this for a large number of potentially contentious cases running in parallel. The Home Office should urgently explore this with DTLR.
 - It would be possible to bypass this by waiving the non-statutory process (as was done for the FMD disposal pits) or by seeking a Special Development Order from Parliament. But both these options are rarely used and would be politically controversial for overriding local democracy and could be challenged in the courts. (See annex.)
 - **Possibility of legal challenge:** there are a number of grounds on which objectors could seek to mount a legal challenge, either relating to the planning process or to the support arrangements themselves.
 - **Securing local co-operation** will be vital, not least as the Home Office hope to persuade each of the twelve consortia of local authorities for the NASS dispersal scheme to come up with at least one site and run it (contributing a third of the required total, leaving the Government and the private/ voluntary sector to find a third each). Experience of the dispersal system suggests early local engagement in the decision-making process will be crucial.

RESTRICTED - POLICY

- **Project management:** You are aware of the difficulties IND already face in managing the current asylum system. A key factor in the viability of the proposed new support arrangements will be the Home Office's ability to manage such a major procurement exercise whilst in parallel continuing to manage the existing NASS support systems (until all asylum-seekers already in the system have been dealt with) and the drive to increase removals and decision rates. The Home Office papers do not appear to give adequate weight to the significant challenges this poses. If this option is pursued, they should be asked to consider the case for bringing in external project management specialists.
- **Legislation:** The proposals will require primary legislation for which Parliamentary time will need to be found this session to hit the proposed timetable. Even if an early slot is found, the timetable would require work to begin on the first sites ahead of legislation, which could give rise to handling difficulties in Parliament, particularly over the proposal for a reserve power to compel local authorities to cooperate.

Costs

6. Home Office officials are currently working up more detailed cost estimates. Those in the 7 and 19 September papers are provisional and in any event do not represent the complete picture. But even so, the unit running costs (which exclude the significant capital start-up costs) are significantly higher than for the existing system (£18,340 per place compared to £7,280 p.a. to support a single adult or £15,600 for a family in NASS accommodation), which makes it vital to identify the additional benefits offered. Key points to note in relation to the cost estimates are:
 - **they do not represent the full future costs** (so for eg they cannot be compared against the £1bn cost of running NASS support this year). The 18,000 places, and thus the cost estimates, are for new claimants only. They make no provision for those asylum seekers already in the system, who will continue to be supported under existing NASS, local authority or DWP support systems until their claims are resolved. The Home Office is working up cost estimates for this based on how long it will take to wind up the existing arrangements (which will depend on how quickly the backlog in decisions and removals can be addressed and on the commercial terms of the NASS sub-contracts). The estimates also exclude costs such as case-working, appeals and legal aid.
 - **The capital costs in the paper may prove optimistic**, particularly if it is difficult to identify suitable sites. The Home Secretary's note cites a total capital cost of £570m, based on an illustrative assumption that half a dozen centres will be prefabricated new buildings (at £17.5m each) and the remaining 30 or so will be conversions (at c.£15m each). But, according to Home Office figures, the cost of conversion could be much higher (as much as £30m) if properties are in a poor state of repair. In this case, they would either need to place greater reliance on new build (which would be more difficult in planning terms) or see the costs increase.
 - **Running costs may be understated:** The assessment of how many spaces are required, and the costs, assume that it will be possible to get the average time for new applications and appeals down to 2 + 4 months. The Lord Chancellor has expressed his strong reservations about this assumption. Although the creation of dedicated

RESTRICTED - POLICY

accommodation centres should itself help further work is needed with LCD officials to explore the robustness of this assumption.

- **No detailed assessment has been made of the benefits:** These appear attractive: gradually decreasing and then eliminating the number of asylum seekers reliant on vouchers; improving contact with asylum seekers, contributing to removals; perhaps reducing pull factors; relieving pressures on local schools, so freeing resources for raising standards generally; improving and better targeting support for asylum seekers (eg english language teaching, interpretation, legal advice). But other options might deliver the same results more cost-effectively. Treasury officials have already asked Home Office to explore possible alternative options.
- **The additional costs would need to be met from the Reserve or a bid in the Spending Review.** And the Chief Secretary has made clear that he is not yet persuaded by the Home Office's proposals.

Conclusion

7. The proposal offers some potentially attractive benefits, but will require further development and careful consideration as part of the wider package the Home Secretary is working up. Other options should not be ruled out at this stage. The Home Office should be asked to provide further advice on the costs of phasing out the old system and should be asked to bring in DFES and DTLR officials to explore further the viability of their assumptions around the planning process and the operation of the centres and on-site education arrangements. Following this, the Prime Minister may wish to arrange a meeting of the Domestic Affairs Cabinet Committee to consider the proposals in more detail.

SARAH TOBIN

Would non-secure accommodation centres require planning permission?

Planning permission is required for new development or to change the use of land or buildings. If the previous use is sufficiently similar to an accommodation centre for asylum seekers, permission might not be required. However for the majority of conversions (eg from an army barracks or a holiday camp) it is likely that permission would be required and it would certainly be required for all new build centres.

Development carried out by or on behalf of the Crown (eg by a Government department) on land it owns or leases does not require planning permission. The Crown is immune from enforcement action by the local planning authority. Instead there are non-statutory procedures in DOE Circular 14/84 under which the developing Department serves a Notice of Proposed Development (NOPD) on the local authority. If the authority objects the matter is referred to the Secretary of State DTLR for determination. There are special urgency procedures which give local authorities 14 days to comment. If there is a dispute it is normal practice to hold an inquiry, though other methods are possible (exchange of written representations, informal hearing). **The whole process is likely to take 6-9 months** but it will of course depend on the details of each case.

Under the terms of the EC Directive on Environmental Assessment, an EIA may be necessary (depending on the circumstances of the case and whether the development would have a significant adverse effect on the environment). Member states may, in exceptional cases, exempt a specific project. But in the case of a crown development proposal the Commission might not be receptive, given that infraction proceedings were threatened some years ago because the non-statutory arrangements do not comply with the Directive.

What other options are there?

(a) Normal planning application

For non-Crown land (eg if a private landlord were invited to develop and manage a centre), the normal planning process, including provision for environmental impact assessment where appropriate, would apply.

If the local planning authority were not hostile to the proposal a normal planning permission could be put in place very quickly (**the target is 80% within 8 weeks; the absolute minimum is about one month**). The local planning authority would retain control of the development, mitigation and restoration through conditions.

If the local planning authority opposed the development, they could refuse permission and take enforcement action to prevent the development proceeding. The developer could appeal to the Secretary of State against the refusal of planning permission, or any enforcement notice served.

RESTRICTED - POLICY

An alternative might be for the Secretary of State DTLR to immediately call in the planning application for his own determination before the local authority refused permission. The Secretary of State is required to provide the applicant and the local authority with an "opportunity to be heard". Whilst this does not necessarily mean a public inquiry, it would be unusual for him not to hold one. He would certainly have to allow time for the exchange of written representations between the parties, or be open to legal challenge. **In either case, the process would be likely to take around at least 9 months.**

(b) Special Development Order

The Secretary of State can grant a planning permission by Order. This procedure has been used sparingly, most recently in 1988 (for a development in an Urban Development Corporation area). The Order would be subject to negative resolution procedure. For SDOs relating to specific development proposals, the procedure can include an inquiry but this is not a statutory requirement. Any proposal to dispense with an inquiry would have to be justified to Parliament on grounds of exceptional circumstances.

SDOs normally come into effect 21 days after being laid before Parliament, but can be made to come into immediate effect. They can be nullified after debate on a prayer put down up to 40 *sitting* days after the SDO is laid. The Secretary of State is not obliged to find time to debate a prayer but would normally do so if it came from the Opposition front bench. If there is a majority against the Order, it is revoked by Order in Council. Should an Order be revoked the provisions of S108 of the T&CP Act 1990, relating to compensation, will come into play.

No consultations are required at any stage of the process, though it would reduce grounds for challenge if consultations were carried out. It is possible to challenge a Special Development Order in the High Court. However, when the Secretary of State makes a development order, he is acting in a legislative and not a quasi judicial capacity. In circumstances where an order has been scrutinised by Parliament and not annulled, there are a number of House of Lords decisions to the effect that the threshold of unreasonableness is raised. However, the enactment of the Human Rights Act 1998 has strengthened the judicial role in ensuring that delegated legislation does not intrude upon Convention rights. However, these rights are not absolute and a successful challenge might be avoided, provided that the rights of the individual are properly weighed against the general interest.

Whilst it might be possible to produce a blanket Order granting consent for a class of development, with standard conditions, this is likely to be difficult to justify, giving wider grounds for political opposition and legal challenge. It would also give rise to difficulties with the EIA Directive given that exemption can only be claimed for specific projects. It would therefore be better to prepare Orders dealing with specific sites. Development proposals, authorised using an SDO, would also require an environmental assessment if there were likely to be significant adverse effects on the environment.



HOUSE OF LORDS,
LONDON SW1A 0PW

20th September 2001

JR
C. O'N
JJH
JB

PRIME MINISTER

ASYLUM ISSUES

I am writing to let you know my preliminary proposals and conclusions on a number of key asylum issues prior to our meeting on Monday next week. My (A) Major Proposals for Consideration and (B) Major Conclusions are set out below. The detailed supporting reasoning for A and B is set out in Annex A.

A Proposals for Consideration

The **Major Proposals** on this Minute invite consideration that we will never get on top of the problems of asylum without:

- a) a considerable increase in resources both at the Immigration Nationality Directorate (IND) in the Home Office and at the Immigration Appellate Authorities (IAA) which officials should on an urgent and realistic basis be instructed to cost;
- b) a tough, rigorously enforced returns policy for those we can remove and an Exceptional Leave to Remain policy for those we cannot remove;
- c) a generally applicable compulsory Identity card system.

B Major Conclusions

1. The 2 + 4 months (ie apparent 6 months) target for processing asylum applications end to end is misleading. More accurately it is at least 2 + 1½ + 4 months, ie 7½ months, because the "+" represents about 1½ months during which appeal papers against refusals of asylum remain within IND and are not transferred to the IAA.
2.
 - (i) IND are not meeting their 2 months part of the target but there are no hard figures and **these must be produced.**
 - (ii) There is no hard figure for the "+" period: **hard figures must be produced**, but I am told it is 6 weeks or more.
 - (iii) The IAA is so far clearing only 46% of its cases through both tiers within their 4 months against a target of 65%.
 - (iv) As at 31 August, there were 31,000 cases "stored" at IND, ie not being dealt with: these are cases of appeals to the IAA, lodged with IND and yet to be transferred to the IAA. Also, on 19 September, 2001, IND announced that it had discovered a

- backlog of 43,000 applications for asylum not yet determined by IND due to computer error (not 22,500 as previously announced).
- (v) Also, the number of cases being "stored" at IND is rising: the number of new appeals to the IAA, lodged with IND, against refusals of asylum by IND, has been exceeding **by 2000 cases per month** the appeals which are being passed from IND to the IAA to determine (although the number may now be falling).
 - (vi) Both IND and IAA require injections of further resources, the need for which must be demonstrated and which must be realistically costed.
3. Our Judges interpret **the Geneva Convention** in the same way as the US, Canada, the UN and the majority of EU Countries, other than France and Germany. The majority grant asylum to victims of non state persecution (eg by terrorist factions) which the state is unable to prevent. The EU is proposing a new Directive in accordance with the majority view. The false proposition that our judges are on a frolic of their own causes deep irritation to the judiciary and is counter productive.
 4. It is unclear why asylum applicants are detained in Oakington only whilst their asylum applications are being processed, but released when they appeal from adverse decisions: at that stage they are even more likely to abscond.
 5. David's Minute to the PM, "Immigration and Asylum - the way forward", of 7 September, should have been the subject of prior joint discussion.
 6. **Pull Factors**
 - (1) **The English language is** a major national asset, but a liability here: this is inherent, so "forget it".
 - (2) **Our very poor performance in removing illegal immigrants and failed asylum seekers.** Last year there were only 8,000 removals though the IAA refused at least 30,000 claims. This year's target is 30,000, but performance to be achieved looks more like 12,000.
 - (3) **The asylum process is clogged up with cases from countries such as Iraq, Afghanistan and China where the applicants are in any event not going to be returned (these make up approximately a quarter of current applications):** logically consideration should be given to granting them Exceptional Leave To Remain since these cases are taking up about one quarter of the effort put in to the end to end asylum process to no sensible purpose at the end of the day. However, the downside politically is that publication of such a policy would itself be a magnet to applicants for asylum with these nationalities.
 - (4) **The ability to get work without producing documents.** The only way to address this is to consider an Identity Card Regime applying to all British citizens.
 7. **The Geneva Convention** does not permit a refusal to entertain applications from those who apply only after they are apprehended as illegal immigrants.
 8. I do not see how the new **Immigration and Nationality Bill** which David is proposing for next session would address our present asylum problems.
 9. David's **Accommodation Centres** proposal merits the most serious consideration, but

- (a) The AG must be asked to advise on its lawfulness on an urgent basis before it is floated in public as a new policy.
- (b) These Centres would not work unless combined with an effective removals policy.
- (c) David's proposals underestimate the capacity requirements, because:
 - (i) $2 + 4$ does not equal 6, since the true figure is at least $7\frac{1}{2}$.
 - (ii) Accommodation would need to extend to the period between the conclusion of the asylum process and removal, which could be very substantial in the absence of vigorous implementation of a tough removals policy.
- (d) Thus the proposal must be realistically costed, because without sufficient accommodation space at all times the policy would not succeed.
- (e) Successful implementation of the new policy would require serious security at hearing centres to prevent absconding; this too will carry major costs.

I am copying this Minute to the Home Secretary, to the Chief Secretary and to Sir Richard Wilson.

Jqh

LORD CHANCELLOR

ANNEX A

The Here and Now

The current asylum process consists of several distinct stages, the responsibility for which is shared between the Home Secretary and me. The stages of the process, each with distinct time implications, are:

1. Asylum applications are made to the Immigration and Nationality Directorate (IND), part of the Home Office. IND determine the applications;
2. Appeals against an IND refusal of asylum are to the Immigration Appellate Authorities (IAA). The appeal papers, however, have to be lodged with IND. IND then undertakes a review procedure, which is administrative and not prescribed by statute, to discover any administrative flaws in its initial decisions. In these reviews they do not revisit the substance of their decisions. If they find administrative flaws they may allow the application, "second-time round". Where they do not, they collate the appeal papers and deliver them to the IAA, currently within the agreed quota of 4,000 cases per month. **Time begins to run at the IAA only then.**
3. The IAA determine the appeals. The IAA has two tiers. At first instance appeals are heard by adjudicators (HH Henry Hodge OBE is the Chief Adjudicator). The second tier is an appeal on leave to the Immigration Appeal Tribunal (IAT) (Headed by Mr Justice Collins).

The existing "**2+4**" **months target** for processing asylum applications refers to the above stages. The "2" refers to IND's commitment to make 60% of its initial decisions within two months (point 1 above). The "4" refers to IAA's commitment (as an internal key performance indicator this financial year and as a formal published target from April 2002) to complete 65% of appeals within four months (point 3). The "+" represents the period when appeal papers are being processed by IND (point 2). It follows that the target probably misleads: because here 2 plus 4 does not equal six! The "+" represents the period of time when appeal papers are with IND, but not transmitted to the IAA (point 2).

I understand that IND are not yet meeting their "2" month part of the target but I have not been able to get figures from IND as yet. **These have to be disclosed.** Also, there is **no target** for the length of time cases spend at IND in the "+" period, and there are no firm statistics on this, although I believe it stretches to 6 weeks, or more. **We must be given hard figures**, although I do not underestimate the difficulties IND face.

The IAA are working towards their "4" month target and are currently clearing 46% of cases within the required period against their target of 65% cases. They are undertaking measures to improve their performance:

- Improving listing of cases between and within centres;
- Reviewing the use of satellite courts which were used to expand the IAA capacity rapidly but have proved to be less efficient than large court centres;
- Improving Judicial performance. The support offered to the judiciary is being reviewed. The Chief Adjudicator, Judge Henry Hodge, has been asked by me to report how the management, training and mentoring of the judiciary can be improved.
- Reducing adjournments. IAA and IND officials are working together to address the causes of adjournments such as late IND reconsideration of decisions and inadequately prepared cases.

I understand that **there is some form of agreement between IND and IAA officials to manage the flow of work from IND to the IAA to take account of resource deficiencies both at IND and at the IAA.** This results in cases being "stored" in the "+" period, i.e. not being dealt with. At the end of August 31,000 cases were being stored at IND in this way. Also, at present the number of new appeals to the IAA, lodged with IND, exceeds that passed from IND to the IAA to **determine, by 2,000 cases each month (although the number of cases lodged each month appears to be falling slightly).** Therefore, the number of cases "stored" at IND is rising. I am **determined to get to the bottom of this: what is almost certainly needed is an increase in resources at both ends.** Furthermore, IND have announced publicly on 19 September that they have discovered a backlog of 43,000 applications still awaiting initial decision at IND. (This is as a result of a manual count of files which found computer records to be incorrect). Of these the likelihood is that 20%, 8,600, will be allowed; and 60% of the 80% refused, i.e. 20,640, will work their way through to the appeal stage of the process. This is likely to result in further cases being stored in the "+" period.

Basic Misconceptions about the Geneva Convention

There is a widely held misconception that our judiciary are out of step with other jurisdictions in their interpretation of the Geneva Convention. However, the UK follows the predominant interpretation of the Convention, recommended by the UN and shared by the USA, Canada and other EU Member States, with only France and Germany dissenting. Under this interpretation an asylum seeker qualifies as a refugee although he is persecuted by non-state agents whom the State is unable or unwilling to control (**the "protection theory"**). The alternative, minority view, followed by France and Germany, is that an asylum seeker qualifies as a refugee only where the state is accountable for the persecution and not where it is unable to prevent it (**the "accountability theory"**). The merit of the majority position from the stand point of the asylum seeker is plain. It is no comfort for an applicant to be told that, although he is a victim of persecution within a State, say from a terrorist organisation, where order has broken down and the State is unable to protect him, still he does not qualify for refugee status.

I well understand the French and German interest in seeking, by this interpretation, to limit the influx of asylum seekers into their countries, but the fact is that our Judges' decisions reflect the majority view of other countries. This has been confirmed by the recent EU Commission proposal for a common interpretation of the Geneva Convention that recommends following the practice of the majority to which the UK adheres. **Thus, criticising our own judges for following the majority approach is both misplaced and potentially counter-productive, because of the irritation they feel at having their position misrepresented.**

A consequence of this difference in interpretation of the Geneva Convention is that, for cases prior to the 1999 Immigration and Asylum Act, (under which France and Germany were deemed to be "safe countries") our courts do not regard France and Germany as safe countries to which asylum seekers can be returned (House of Lords' decisions in *Adan* and *Aitseguer*). This is because France and Germany return victims of non-state persecution to their countries of origin whereas the UK and the majority of other countries do not. Nevertheless the two decisions of the House of Lords, which have been publicly attacked by the previous Home Secretary, follow inexorably from the primary point that ours is the majority view of the effect of the Convention. You should know that all the current signs are that the EU will insist upon a common interpretation of the Convention that mirrors the decisions of our judges. France and Germany should then have to abandon their position.

The Oakington Procedure

Oakington is a secure reception centre used to accommodate asylum seekers while their asylum claims are fast-tracked. However, I have difficulty in understanding the purpose of detaining asylum seekers **only** whilst their initial decisions are made by IND, on a fast-track basis. If they appeal IND's refusal of their claims, as the majority do, they are then generally released from the Centre. If they would vanish if not detained whilst their initial applications are considered, they are surely more likely to disappear when their asylum applications are refused and their appeals trigger their release. Their appeals are also fast-tracked, but that does not meet this point.

The Oakington procedure has been the subject of a recent judicial review and the High Court held it to be contrary to Article 5 of ECHR to detain asylum seekers merely to aid the speedier processing of their asylum claim. The decision is now being appealed and should be heard by the Court of Appeal in the first week of October. I do not know if the Home Office advanced as a justification to the High Court the huge inherent risk of applicants absconding if not detained in Oakington, but the trouble is that that point would be difficult to square with the practice of releasing them when they appeal. **Why are they not detained throughout?**

The Home Secretary's Minute, "Immigration & Asylum – the way forward", dated 7 September

It is important in the management of the end to end asylum process that the David and I work co-operatively. I emphasised this in my letter to David, copied to you, of 25 August 2001. I want to do so. However, David wrote a Minute to you laying out new asylum proposals on 7 September, and I was not even made aware of this until Justin Russell at No. 10 referred to it in a letter to my Private Secretary dated 12 September. This failure to work collaboratively is how we should **NOT** proceed; also it means that my response to these proposals is not yet fully considered. What follows are, therefore, my preliminary thoughts only, provided for you as early as possible before our meeting.

Pull Factors to the UK

English Language

David mentions the importance of the English language as a pull factor to the UK. This is undoubtedly a major factor, but nothing can be done about it. It is inherent. The English language is our principal national asset but, in this context, it is a liability.

Failure to Remove

This is the biggest pull factor of all. We have no idea how many illegal immigrants are resident in the country who have never entered the asylum process. We do, however, have figures for those who enter the asylum process, fail and are not returned. **These figures disclose a serious pattern of failure to remove.** In the year ending March 2001 there were only 8,000 removals although the IAA alone had refused at least 30,000 claims. The Home Office target for returns in the year commencing April 2001 is 30,000 but I believe that they are currently on target to achieve only 12,000. A better performance presumably requires more resources, and a greater will on the part of the Home Office Immigration Officers to remove: again I do not under-estimate the difficulties.

Those not in practice removed

Next, there is a very large category of people who are not removed because in practice they cannot be returned whence they came: for example, returns to Northern Iraq, Afghanistan, and China, are just not made. Currently applications from these nationalities constitute one quarter of all asylum applicants. I do not know if a consistent policy applies to these people. **Logically, what is the point of clogging up the asylum process with these cases if, at the end of the day, when they**

fail to gain asylum, we are not going to return them? In practice should they not be given Exceptional Leave to Remain in the first instance? The political downside, of course, would be that granting Exceptional Leave in this way would attract applications from people who claim these nationalities. Nevertheless, the issue has to be addressed since these cases are taking up about a quarter of the effort put into the asylum process.

Ease of gaining employment

The ease with which illegal immigrants, or failed asylum seekers who are not removed, can get work without showing any documents is another principal magnet. It is, however, important to ask this hard question: **what is the point of denying people work in a strong economy if they are not in practice going to be removed? This shows that removal is the most important issue.** If, however, the policy is to clamp down on the availability of work, then the only way to achieve this may be through an Identity Card regime, applying to all citizens. Would-be employers cannot determine whether applicants for work are British citizens or not. What would probably therefore be required is an Identity Card system backed up by criminal sanctions on employers if work is provided without an identity card being shown. (See the letters between myself and John Gieve attached, at Annex B).

Illegal Immigration

David suggests that we should bar late applications for asylum from those who are picked up as illegal immigrants. Unfortunately such a policy will not be possible as it will fall foul of the Geneva Convention, under which we are committed to consider all applications for asylum. **ECHR is not relevant here.**

Immigration & Nationality Bill

I am puzzled why David is making various proposals concerning nationality and citizenship for a Bill next session. I cannot see the relevance of such a Bill to the need to take direct action on the asylum problems that currently afflict us. I doubt if these proposals could be given any priority.

Accommodation Centres Proposal

I am certainly not opposed in principle to the suggestion of accommodation centres. However, I see various difficulties with the proposed policy that will require resolution if it is to be workable.

Compliance with ECHR

David's proposal is to establish accommodation centres to house all asylum seekers throughout the end to end asylum process. This appears to resolve the Oakington difficulty where asylum seekers are released half-way through the process. However, he is not entirely clear about the level of restriction placed on asylum seekers at these centres although it appears that they would at least be required to sleep at the centres at night. The question arises whether these restrictions would amount to de facto detention. The Court of Appeal decision in the Oakington case may provide some assistance on the permitted use of detention for asylum seekers. **Nevertheless, we need the advice of the Attorney General on this point and urgently before it is floated in public.**

Maximising Removals

A primary aim of the accommodation centres is to maximise removals. These would have to combined with an effective system for removals, rigorously enforced, which does not presently exist. As explained under **"Those not in practice removed"** above, even knowing the whereabouts of failed asylum seekers, it is frequently not possible to return them to their country of origin. These people could obviously not be detained indefinitely if we were not going to return

them. Therefore, we would probably have little alternative but to offer them some form of Exceptional Leave to Remain in the UK.

Capacity of Accommodation Centres

David's plans assume that cases take six months to be processed. As explained above most cases take longer than six months as the 2+4 target does not result in an overall 6 month processing time, but probably in practice well in excess of seven months and then only if the target is consistently achieved. On this basis, a much larger accommodation estate than David proposes, with consequently higher costs, will be required. If the intention is to detain all those who have failed to gain asylum until they are removed, on that ground too it will be necessary to revisit the number of detention places that are required.

A decision to grant those who cannot be removed some form of temporary leave to remain may be one way to reduce the size of the accommodation estate required. If such people are granted temporary status promptly at the initial decision stage, they are much less likely to appeal.

Costs

I understand that officials from the Treasury, the Home Office and my Department are working to cost David's accommodation centre proposals, but these costings must be on a realistic basis. In addition to rethinking the capacity of the accommodation centres required they must also consider the security arrangements that will be necessary at hearing centres. If an asylum seeker absconds on leaving the hearing centre he has nothing to lose: if his appeal is successful he can stay in the UK; if his appeal is unsuccessful he can disappear. The resource implications of establishing sufficient security at this stage of the process will be significant and these too must be costed.

The Way Forward

Thus, much work is still necessary to ensure that the David's proposals will work, are compliant with our international obligations and are affordable. Only then should an announcement of new policy be made.

ANNEX B



Home Office

John Gieve

PERMANENT SECRETARY

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17 September 2001

Dear Sir Hayden

IDENTITY POLICY

We have spoken about the transfer after the election of responsibility for identity policy from the Home Office to the LCD. The Home Secretary is keen that it should be transferred back to him.

I gather identity policy has been located in various parts of the Home Office over the years, most typically on the police side. However, recently it has been brigaded here with work on freedom of information and kindred subjects and it was for that reason it was included with the functions to transfer to LCD. In practice, as you know, this desk has been relatively quiet for the last few years, and has taken up rather less than half a Grade 7's time.

There are two reasons for revisiting the decision. First, we are undertaking a fundamental review of asylum and immigration and Ministers are examining controls on illegal working and services for illegal immigrants in that context. The possibility of identity cards has been raised in that context and has been discussed by the Home Secretary and the Prime Minister. Second, some important security issues have been raised by the events of last week. Again we are having to examine urgently the options for better identification of people living in and travelling to this country.

It is against this background that the Home Secretary would like to reassume responsibility for identity policy. That is also why I propose to locate it in IND.



INVESTOR IN PEOPLE

BUILDING A SAFE, JUST AND TOLERANT SOCIETY

I should naturally be very glad to have a further word with you, but subject to that I should be grateful if you could seek the Lord Chancellor's agreement. There would then be various formalities to go through, but I hope in the meantime we could, as necessary, draw on the expertise of the present postholder.

Yours sincerely

[Handwritten signature]

[Handwritten signature] JOHN GIEVE
(approved by the Permanent Secretary
and signed in his absence)

Sir Hayden Phillips KCB
Permanent Secretary to the Lord Chancellor and Clerk of the Crown in Chancery
House of Lords
London



HOUSE OF LORDS,
LONDON SW1A 0PW

18th September 2001

John Gieve
Permanent Secretary
50 Queen Anne's Gate
London SW1H 9AT

Dear

John,

IDENTITY CARDS POLICY

As Sir Hayden Phillips is out of the country, I am replying personally to your letter of 17 September 2001.

Ministerial responsibility for identity cards passed to the Lord Chancellor's Department with the machinery of government changes following the General Election. I have been very surprised to read in the press recently statements by the Home Secretary on identity cards made without prior consultation with me, where Ministerial responsibility currently rests. I am perfectly willing to enter into a dialogue with the Home Secretary about whether this policy area should revert to the Home Office but this is not an issue on which I or colleagues should be bounced into a decision which has not been thought through carefully.

In your letter you put forward two reasons for revisiting the decision to move policy for identity cards. The first focuses on the significance of identity cards in the context of illegal immigrants seeking work. This is a very important consideration. The issue, however, has much wider ramifications because it is probable that identity cards would only meet this mischief if everyone seeking employment in this country were required to produce an identity card. Otherwise the onus would be on the would-be employer to determine whether the applicant was a British Citizen or not.

Your second point has high current salience but runs itself into the same point, which is really revealed by your language, 'better identification of people living in and travelling to this country' (emphasis added). The first of those two categories are, of course, mostly British citizens.

You should know that I see great force in the arguments for compulsory identity cards, backed up by criminal penalties for employers who take on workers without an identity card, but for any policy in this area to be effective the implications and costings have to be fully discussed within government and understood. We must not be deflected by the urgency of the current issues from an awareness that there are civil liberties issues generally for British Citizens. We must, at the very least, before we sound off in public about this, have dialogue within government and, very importantly, test the current opinion of the police, who have, I think, traditionally been strongly opposed to an identity card regime; although, no doubt, recent events would promote a re-think.

Finally, I have just read the addition that you wish to make to your letter under reply, which you 'phoned through to Hayden's Private Office this morning. It reads:

"Policy on identity cards sits more easily now with security and immigration issues, but of course I do realise that there are data protection and human rights considerations as well. As the current initiative is on the security and asylum side it makes sense for the lead on policy to sit with these matters. Data protection and human rights issues would be taken into account and LCD, and other departments, such as Department of Health, would be involved in developing policy on ID cards."

The other view is that identity cards are properly classified as a constitutional issue (the human rights and data protection considerations to which you referred) because all citizens would be affected by an Identity Card regime; and responsibility should not be transferred because of policy imperatives in particular areas. There would be a major risk of a perception, and perhaps the reality, that pressures on one Department were being allowed to determine a policy with ramifications far beyond these pressures.

I can assure you that not only do I retain an open mind on the issue where Ministerial responsibility should reside; but also that, if it remains here, I will be strongly supportive of well worked out proposals in the asylum and security areas and their prompt implementation.

I look forward to hearing David's views on all of this.

I am copying this letter to the Prime Minister because of your reference to discussions about identity cards between the Home Secretary and the Prime Minister.

Yours ever,

Devy.

RESTRICTED - POLICY

1. What is the basis for the £17.5m capital costs of a purpose built 500-bed centre?

Costings are based on private sector actual costs and prices, from recent work done by the Immigration Service Detention Procurement Unit on the costs of secure centres.

Construction costs – using pre-fabricated modular accommodation - break down as follows:

Capital Costs	£
Land purchase (12 acres @ £200k per acre)	2,400,000
Living Accommodation	5,340,000
Regimes(activities, medical, education, visits, etc)	4,000,000
In going works	1,000,000
Perimeter fence	750,000
Fit out (laundry, furniture, activities etc)	1,500,000
Professional works services fees	1,500,000
Legal fees and planning fees	310,000
Contingency	700,000
Sub total	17,500,000

2. Is there scope for PFI involvement?

Yes, but it would take longer. The main difficulty with the PFI route is the time taken to close the deal because of the involvement of major lending institutions in the consortia. Also, when planning consent is required, a PFI scheme requires us to get outline consent and for the supplier to get detailed consent. The outline consent must be in place before we start the PFI process to avoid potential costs of aborting the competition if planning consent is not granted. So lead-in times of constructing purpose built prefabricated centres would expand to a minimum of 6 months for planning and up to about 18 months for the PFI competition (i.e. 2 years before construction starts).

3. What would the revenue costs of paying for a £1 billion PFI programme be?

We estimate that the annual revenue cost to finance £1bn of capital costs over a 10-year period would be in the order of £140 million to £160 million.

RESTRICTED - POLICY

4. What is the basis for the £550m annual running costs?

Running Costs per 500 bed centre (excluding casework)	£
Security staff	1,500,000
Activities, Education	3,000,000
Catering	750,000
Utilities	500,000
Maintenance	500,000
CILOR(rates)	500,000
Cleaning/laundry services	500,000
Medical	480,000
Supplies	350,000
Transport	500,000
Interpreters	1,340,000
Total	9,170,000

Running costs for 60 centres (30,000 places) = £550m

5. How do costs per place compare with NASS and Oakington?

Based on the above costs, annual cost per place of an accommodation centre is £18,340.

Unit cost of supporting a single asylum seeker in NASS accommodation is £140p.w. (£7,280 p.a.); unit cost of a family is £300 p.w. (£15,600 p.a).

Oakington running costs for 2000-01 (excluding legal advice and caseworking costs) are £12,166,000 for a 400-bed centre - an annual cost of £30,415 per place.

6. What is the breakdown of the £1bn projected NASS costs for 2001-02?

The breakdown is as follows:

	£ million
NASS support costs	471
NASS admin costs (staff, non-pay running costs, etc)	36
Interim support costs*	488
Department for Work and Pensions support costs**	78
Total	1073

* Current estimate is over 55,000 main applicants on interim support.

** Current estimate is 18,000 main applicants on DWP benefits.

RESTRICTED - POLICY

7. How much of NASS costs are vouchers, accommodation, admin, etc?

NASS support costs breakdown as follows:

	£ million
Vouchers (face value & admin)	113
Accommodation (NASS & emergency)	351
Asylum seeker travel	7
Total support costs	471

8. What would be the cost of supporting 30,000 asylum seekers under the current NASS arrangements (i.e. accommodation plus vouchers)?

At a unit cost of £300p.w. for a family and £140 p.w. for a single asylum seeker, the cost of supporting an annual intake of 60,000 main applicants with the full NASS package (accommodation and vouchers) is £270 million. (This assumes applicants are supported for six months, consistent with the assumptions used in the estimated costs of accommodation centres.)

Thus:

- assume 80% asylum applicants are single; 20% are families.
- assume intake of 60,000 main applicants of which:
 - 48,000 are singles x £140p.w. = £6,720,000pw
 - 12,000 are families x £300p.w. = £3,600,000pw
 - Total = £10.32m pw
- assume each applicant remains in NASS accommodation for 26 weeks:
= £268.32 million per year.

9. What percentage of asylum seekers apply for NASS support?

Around 70% of asylum seekers apply for NASS support. (Asylum costs model assumes 52% of family cases and 72% of single adult cases based on current rates of support applications)

10. What percentage of asylum seekers under the current arrangements go for the vouchers-only option?

Currently 32% of NASS-supported asylum seekers opt for vouchers only. Of these, 89% are singles and 11% are families.

RESTRICTED - POLICY

11. What would be the additional marginal costs of putting all these people on full board and lodging?

NASS is currently supporting 47,000 asylum seekers, of which 15,000 are vouchers only. 13,350 singles and 1,650 families.

Marginal cost moving single to full board is about £100 per week so based on 6 months we have a cost of $13350 \times £100 \times 26 = £34,710,000$.

Marginal cost moving a family to full board is about £200 per week so based on 6 months we have a cost of $1650 \times £200 \times 26 = £8,580,000$.

This gives a total of £43.3 million, assuming NASS support is provided for six months.

N.B. – currently around half the asylum seeking population (48%) receives full NASS support of accommodation and vouchers. Another 22% receive vouchers only and around 30% currently receive no support at all. Our new policy assumes all 100% of asylum seekers will be required to reside in accommodation centres. Assuming the current NASS population of 47,000 represents 70% of asylum seekers, it would cost a further £90m p.a. to support the other 30% for six months each (i.e. it would cost an additional £43m + £90m = £133 million to bring those on vouchers-only and those not receiving any support onto full NASS support.)

12. Given the length of time it will take to get these accommodation centres up and running, are there other things we could do in the meantime to improve tracking of asylum seekers?

We are actively working on improved procedures to ensure closer contact between the support, casework and enforcement functions, in order to improve the tracking of asylum seekers through the system. (This is an important objective within our existing arrangements, regardless of decisions on a new approach for the future.) Some work has already been done on whether vouchers could be distributed via reporting centres, but we do not believe that this would deliver significant improvements in terms of maintaining contact with applicants, given that they are currently required to collect their vouchers weekly from a designated post office.

18/A
PT 1
01-05

JR

E: JB

JH

Prime Minister

I have set in hand comprehensive action to deal with the points we have discussed over the phone in recent days. These are covered in the separate note already sent to you. The purpose of this memorandum is briefly to cover the points you raised in relation to my new asylum policy proposals that you have said you are attracted to in principle. A full submission will be sent for your weekend box.

2. As you know, I believe that my proposed accommodation centres policy enables us to solve the substantive and political problems we currently face with asylum seekers. It would provide a tighter, end-to-end system, facilitating more removals and reducing incentives to apply for asylum in the UK. Vouchers would become unnecessary, and the race relations tensions caused by dispersal would be minimised. Given the likely increase in the numbers of refugees, already seen on the Afghanistan/Pakistan border, a substantial upfront policy change, linked to ID cards, is in my view now a political necessity.

3. That said, I know you have specific concerns that wanted you me to address. I outline these below.

Costs

4. I have looked hard at the costs, in order to minimise the call on HMT funds. We can make a major reduction in costs by targeting the new accommodation on those who need and request state support. Currently, 50% of asylum seekers claim vouchers plus accommodation; 20% vouchers only; and the remaining 30% ask for nothing. We anticipate that under the new system, 60% will be housed and supported in the accommodation centres. The rest – by their own choice – will get nothing, but they will be subject to strict reporting arrangements, as I spell out below. This is similar to policy and practice in a number of other EU states. The proportion of “nil cost” applicants is likely to be slightly higher than is currently the case because of the toughness of the new regime.

5. The registration and reporting requirements for those who stay outside the accommodation centres will have to be exacting and rigorous, and we will start putting these in place in the short-term, as we make the transition to the new system. They will need to declare where they live, and any change of address. Crucially, I will seek to improve our ability to detain and remove these people at the point of initial decision or appeal determination – the points at which we really need to be in control of their whereabouts. Whether an asylum seeker claims state support or not, we will need to act to detain people who have their appeals rejected (3,000 detention places will be available by next Spring) and then remove them quickly. In addition, ID or Citizen Cards would prevent people who had claimed asylum simply from disappearing into wider society.

RESTRICTED - PERSONAL

6. I also intend to ensure that we bear down rigorously on processing times, so that costs are lowered. Given too a rational managed migration policy to meet economic skill needs, with a reformed work permit system, the numbers of those seeking asylum, as distinct from work, should (God willing!) reduce still further, and so cut our support costs.

7. Given the assumptions above, we can estimate a need to house 18,000 people in accommodation centres at any time. This would mean 36 centres, at a running cost per annum of £9.2 million each – i.e. approximately £331 million running costs a year. On a like-for-like basis, if we were now hitting the 2+4 months targets, the annual running costs to support asylum seekers in NASS housing would be in the region of £270 million. However, the current annual total cost is close to £1 billion, largely because of the lag in dealing with appeals after our huge reduction in the initial decision backlog, which means that we are taking too long to process cases. The new system will generate improvements in processing times. Capital costs will be in the region of £570 million spread over 3 years.

8. Its also clear to me that there are savings that can be achieved by dealing more pragmatically with those who have been in the system for some years. This is linked to the wider question of illegal immigration and ID cards. I will come back to you directly on this point.

Legal Powers

9. My separate note to you outlines the need to take immediate action to prevent abuse of the asylum system by those with terrorist connections, or those who pose a security risk. This issue is connected to the wider problem of legal constraints on our power to remove those without a genuine claim to asylum arising particularly from the Human Rights Act. We need to be tough here, and it is likely to require new legislation, whether in a Bill in this session, as my separate note points out, or in another asylum act in the second session. I prefer immediate action. We also have extensive existing primary legislative powers under the 1971 and 1999 Acts, which could give us cover to impose residence requirements on most asylum applicants.

Timescale

10. Its important to maintain momentum. I therefore believe we need to move quickly next year to open the first centres. However, I recognise that it will take time to reach full capacity. Having looked again at the timescales, I can be confident that we can have the system fully established by the Spring of 2004. That would mean the new system - with 18,000 places - would be properly implemented within this Parliament.

11. I also recognise that we must keep up the pressure for performance improvements in the short term. I will look closely at our performance management regime, dovetailing with the new delivery unit arrangements, in order to make immediate improvements.

Local communities

12. The key obstacle will be planning permission, which is why I accept that we need an extension of the implementation timescale I have previously proposed. We might need to take reserve powers to set up accommodation centres without going through existing procedures, but I am also confident that we can work with the existing regional consortia of local authorities who handle dispersal to secure the sites we need. We will look to MOD sites similar to Oakington, and other disused or vacant facilities, as well as assessing the existing NASS accommodation against our new policy requirements. There should also be scope to

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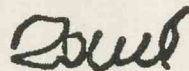
secure charitable or private accommodation on a bid-in basis, subject to consultation with local authorities. This could expand our options considerably.

13. A key issue will be access to services for asylum seekers. My view is that we need to minimise burdens on local authority education and social services, as well as health services. Some schools are suffering far too high rates of pupil turnover. This means trying to provide as much as we can on-site.

14. Other measures to show that we are not a soft touch, will be needed in the short term, linked to any emergency legislation for national security. So too will interim measures necessary to secure a stable transition from the voucher and dispersal systems. Again, I will report in detail on these points.

15. I am speaking to Andrew Smith this week, so that we are in a position to report further discussions on cost to you at Monday's stocktake. I know you appreciate the urgency of our sorting these matters out before Party conference. Finally, I attach the press notices of my announcements today.

16. I am copying this minute to Sir Richard Wilson.



DAVID BLUNKETT

19 September 2001

RESTRICTED - PERSONAL

213/2001

19 September 2001

020 7273 4545

**TRANSPARENT, CLEAR & RELIABLE
ASYLUM STATISTICS ESSENTIAL - BLUNKETT**

The results of a thorough review of Home Office asylum statistics announced today by Home Secretary David Blunkett has identified an increase in the backlog of asylum cases awaiting decision.

The revised total for the asylum backlog now stands at 43,130. Asylum decisions made, however, continue to exceed the numbers of claims for asylum received.

Today's announcement is the result of a recount of a manual count of all asylum cases, which the Home Secretary ordered to ensure absolute validity of the statistics. Problems with the backlog figures had arisen from an accumulation of errors since the last manual count of outstanding asylum applications in 1996 and from the ending of the Casework Programme in 1999.

As a result of a review by the Director of Research, Development and Statistics of the publication arrangements, ordered by Home Secretary, and in keeping with National Statistics requirements, the statistics will become more informative. They will include a wider range of data, for example removal figures, and will be published quarterly rather than monthly as at present, enabling greater accuracy and a more reliable indication of trends.

Measures introduced last year to improve the reliability, clarity and transparency of the data, and a detailed scrutiny of the figures for 2000, have resulted in revisions to provisional data on the numbers of asylum applications received, decided and outstanding in 2000.

Revised figures show that:

- 43,130 asylum applicants were awaiting an initial decision on the 31st August. The provisional figure published for July 31st was 22,580.
- 80,315 people sought asylum in the calendar year 2000, compared to the provisional figure of 76,040.
- In addition, the number of decisions made in 2000 is revised downward by less than 1% to 109,205, from provisionally 110,065.

Commenting on the findings Mr. Blunkett said:

"I am absolutely committed to the transparency, clarity and reliability of official statistics. It is essential that people have confidence in the statistics produced, especially on such an important issue as asylum. That is why Jack Straw and I have put these revisions in train and why I am publishing the findings today.

"The backlog figures have now been re-counted thoroughly and I am therefore confident that we have levelled the situation, correcting errors that go back several years. The last time the asylum backlog was physically counted was 1996 and since then, as we focussed on actually making the decisions, under-recording has crept in and over time has become significant.

"The Immigration and Nationality Directorate has made other improvements to their data systems, specifically, the introduction of a new integrated database system to replace the casework programme which ended in 1999.

"The monthly asylum application statistics were produced very quickly and always labelled provisional and so some revision is always anticipated – not least because the new database which allows the late notification of claims to be counted, and any duplicate records to be identified and removed. The quarterly statistics will include a wider range of data and will give a more reliable indication of trends, including a breakdown of head of household and dependants, as I promised Parliament in June

"I want to apologise for the necessity of having to revise the figures in this way. I hope sincerely that this is the last time that such an exercise will have to be undertaken and I have received assurances that every possible step has now been taken to clarify and verify the figures published. Decisions continue to outstrip applications, and the target for the number of decisions, which are upheld in over 80% of appeals, was met.

"I want to stress that the increase in the backlog figure announced today reflects only the way in which the applications are counted not processed. It does not mean that the case files have been lost, or not processed. The backlog is still falling but from a much higher level than we had originally thought.

"I am confident that the improvements made will provide people with more reliable data and I am determined to restore confidence in the whole system. I will be announcing further policy developments over the next few weeks.

NOTES TO EDITORS

1. **How this came to light**

The Immigration and Nationality Directorate carried out an initial manual count of the number of cases awaiting a decision in August. The Home Secretary immediately ordered a full manual recount of cases awaiting an initial decision. This was completed and the announcement was originally planned for last Wednesday - as soon as the Home Secretary became aware of the final figure. It was postponed following the terrorist attack in the United States.

2. **Systems now in place and what they have replaced**

An asylum casework database has been developed to provide comprehensive casework and management information on asylum applications, replacing a number of less reliable systems. The new system started in April 2000 and is generating information of a much higher quality. Under the new system it is easier to accommodate detail of claims reported late.

3. **Recounts since 1996**

The last time the asylum backlog was manually counted was 1996.

4. **Other revisions to asylum statistics**

We are also planning to revise the monthly data for 2001 by the time the provisional quarterly data for October to December 2001 is published at the end of February 2002. There are no plans to publish revised data for 1999 and earlier.

5. **Next statistical publication**

The next asylum bulletin on the Home Office web site, giving the quarterly figures, will be published on 30th November, relating to the period July to September 2001. Thereafter they will be published two months after the quarter they represent. The annual statistical bulletin 'Asylum Statistics 2000', will be published on 25th September.

19 September 2001

MEASURES ANNOUNCED TO IMPROVE IMMIGRATION CONTROL

Comprehensive measures to further enhance immigration control in the UK were announced by the Home Secretary, David Blunkett, today.

Speaking on a visit to the port of Dover to see the work of Immigration Officers first hand, Mr Blunkett said:

"I have made clear my commitment to improving immigration control and procedures in the UK, and at French ports and Coquelles. The enhancement of security checks, identification of clandestine attempts to enter the country, and improved action both to detain and remove those unauthorised to remain in the country, is a further step in the revision of overall immigration and asylum policy which I have promised."

"These measures should be seen in the context of the wider review of nationality and asylum policy, to be announced shortly. These measures together with those agreed with the French Interior Minister last week, are geared to securing confidence in our border controls and build on procedures undertaken by Jack Straw and Barbara Roche over recent years."

"The agreement I reached, as a result of my meeting last week with Daniel Vaillant, form the beginning of a more extensive process which will see much closer relationships between the UK, the French and our wider EU partners. The measures that will be discussed at an emergency Joint Home Affairs Council in Brussels this Thursday on counter-terrorism activity, will be complemented by the improved and enhanced border controls which we in Britain are able to provide, and which would not be in place were we to join the Schengen Protocol."

"As I have said before this is not just a problem limited to Britain or to our relationship with France but it is a global issue of international mobility, which the uncertainties created by the horrific attack on the United States last week, will accelerate."

"However, I appreciate that people here in Britain look to me to ensure that all reasonable steps are taken to enhance current measures. That is why I am announcing today further checks and surveillance measures:

New measures announced are:

- The purchase of five mobile x/gamma ray scanners for use by the Immigration Service, for the detection of clandestine entrants. Additionally, co-use of scanners used by HM Customs for other purposes have been

agreed. The scanners will be placed initially at Dover and Coquelles but will be rapidly extended to other points of entry.

- Introduction of CCTV for the Immigration Service at Heathrow Airport – building on work already undertaken at Gatwick - to monitor passengers as they disembark from incoming flights. This will provide, in the medium term the potential for phasing in other imaging services which will be of value in anti-terrorist as well as immigration control measures.
- Proposal to implement the civil penalty on Eurotunnel – in line with other freight carriers.
- A new Protocol between the Immigration Service and the Police Service, to step up the removal effort of those illegal immigrants or failed asylum seekers no longer entitled to remain in Britain.

Pilots continue on:

- Trials of new heartbeat sensors at Dover and Coquelles. The sensors work by placing up to 4 brass sensors, connected to a simple touch screen computer, on the frame of a stationary vehicle; the system is capable of detecting a heartbeat (human, animal, bird etc) inside the vehicle by the movement the heartbeat has on the vehicle.
- Analysis of passive millimetric wave imaging which uses thermal imaging techniques to detect radiation naturally emitted from objects. Although it can only be used for soft-sided vehicles, it works when the vehicle is moving. Eurotunnel are operating the system at Coquelles and we will be looking to use it for the Immigration Service.

Work continues on:

- Enhanced support for Eurotunnel by the deployment of additional immigration officers as part of the agreement with the French Government.
- Enhanced advice and security support to Eurotunnel offered by the UK Government in conjunction with measures already announced by Eurotunnel themselves.
- The development of the holding centre (accommodating up to 60 would-be illegal immigrants breaching security at Coquelles), facilitating the commitment of the French Authorities to take appropriate legal action by those trespassing or committing damage within the Coquelles terminal.
- Facilitation of measures taken by the French to avoid 'local ticketing' from Paris to Calais and immigration checks on all those using Eurostar for this journey or joining the train at Calais (the French have promised to push through the legislation this Autumn).
- Almost 3,000 spaces in the immigration detention estate by March next year, an increase from 900, facilitating the new rapid removal system announced in the Commons at the end of June, to facilitate 2,500 removals per month by the Spring.
- More effective data collection and information transfers system leading to a more robust statistical record (see separate press release).

Mr Blunkett said:

"Ministers are working hard on further decisions during the Autumn not only for tackling illegal immigration but for the development of a more broad-based comprehensive nationality and immigration policy, including the development of work permits and a rational system for economic migrants, together with the promised reviews of both the asylum support system and dispersal. We are determined to implement a comprehensive strategy on tackling illegal immigration. And the measures announced today will make a positive impact on immigration and border controls in the UK."

"There is absolutely no room for complacency especially with the heightened tension created by the events of last Tuesday, but it would be quite wrong for anyone to suggest that the problem of illegal immigration has worsened or that the Government has not put in place adequate strategies to deal with clandestine entry into the country. There were 808 clandestine entrants through the Channel Tunnel in July, this fell to 726 in August, a time of heightened interest and attention on the situation on the French coast. Nevertheless, with the steps I have announced today and with the increased pressure for Eurotunnel to complete security measures – with our support – we can do even better."

"Better detection at Coquelles as well as at the Channel Ports within France, will make a difference. I am continuing discussion with the French authorities on the introduction of both the x/gamma ray scanners at the French ports, and the 'heartbeat' scanner once the preliminary piloting has been completed."

"As we develop the availability of equipment we will continue to co-use scanners available to HM Customs and Excise for other purposes and to co-ordinate security and Customs services with the Immigration Service."

"I can further announce today that we will be joining with European partners on very specific new border control arrangements which will target the outer borders of those countries seeking accession to the European Union. This means we can work with EU colleagues to break the supply line and reduce the ease with which would-be migrants reach the French coast."

"We are committed to using the most up to date technology within the Immigration Service and one example of this is the implementation of Eurodac – the EU automated fingerprint system. The use of fingerprint technology is well underway in the UK and we are working toward Eurodac becoming another tool helping to build a more cohesive asylum system throughout the European community. "

"Finally, the work of the Immigration Service is tremendously important in the fight against illegal immigration. Advice and assistance to airlines in preventing the carriage of inadequately documented passengers to the UK is provided via the Airline Liaison Officer (ALO) network. ALOs are Chief Immigration Officers posted overseas whose work is complemented by colleagues at UK airports. They are specifically tasked with checking passengers from regions of the world where document controls are deemed to be inadequate. In addition to their work in relation to checking-in procedures, ALOs also train airline staff in enhanced forgery awareness techniques."

ENDS

Notes to Editors

1. X ray scanners

Announcement of Capital Modernisation Funding made 25 April. PN 112/2001 refers.

Consultation closed on the 31 August. Copies of which are available on The Home Office website.

The scanners operate through a boom, constructed on the rear of a lorry, which passes over the vehicle to be checked. Additionally, the Immigration Service will also co-use existing equipment operated by HM Customs & Excise for other purposes.

2. CCTV

A joint project between the Immigration Service and BAA (British Airports Authority) which aims to provide CCTV coverage of key points in Heathrow. There is the possibility of further access in due course.

These cameras will monitor people once they leave their flight, and will help identify individuals who misuse or "lose" their official documents and then present misleading or false information to officers at immigration control.

3. Civil penalty

The consultation process with Eurotunnel and other interested parties formally ended on 29 August 2001 and, as a result of comments received, a number of changes to the draft Code of Practice have been proposed. Copies available on The Home Office website [**insert link to Code of Practice**].

Airlines, ferry operators, road hauliers and other freight train operators are all liable for penalties if they do not take responsibility for putting in place effective processes and measures to prevent people travelling to the UK illegally.

From April 2000 the civil penalty was introduced to road hauliers found with clandestine entrants concealed in their vehicles which means they are liable to £2,000 per person penalty. From March 2001 this was extended to rail freight, leaving Eurotunnel as the sole exception. The aim of the civil penalty is to encourage owners, drivers and operators to check their vehicles for would-be clandestine entrants prior to embarking for the UK.

4. Acoustic sensors

Acoustic sensors work on hard sided and soft-sided vehicles/containers and refrigerated units provided all motors are switched off.

The Immigration Service has created an enclosure in Dover for the trial of the scanners.

5. Passive Millimetric Wave Imaging

This will use thermal imaging techniques to detect radiation naturally emitted from objects. The Imager can be located in a large stationary

van or similar vehicle and 'scans' the suspect vehicles and container as it moves past.

6. Immigration Officers to Coquelles

Announcement made in meeting with Daniel Vaillant, 13 September 2001 [[insert link to statement](#)].

7. Holding centre at Coquelles

Proposals have been agreed with The Immigration Service, Police Aux Frontieres and Eurotunnel to provide a holding area for those trying to illegally enter the British Control Zone.

This holding zone will assist in controlling unauthorised persons at the Coquelles site.

8. Detention Centres

The Government has committed £170 million to increase the number of detention places available. Expansion of the detention estate by 1,500 beds by Spring 2002 for asylum seekers whose applications have failed and who have reached the end of the process; people with manifestly unfounded claims; and those with a history of abusing the immigration laws.

9. Eurodac

This has been operational in the UK since 1993. The Government has spent £3 million to introduce Eurodac in the UK.

Fingerprint technology has an increasing role in the Immigration Service. The mobile units allow immigration officials to check the central database of fingerprints to ascertain within minutes whether someone is working illegally, is an absconder or a failed asylum seeker. The new system will speed up the processing of immigration cases and improve detection of multiple applications.

10. ALOs

Airline Liaison Officers (ALOs) are based in various overseas locations. They are chief immigration officers posted overseas to offer advice and assistance to all airlines in preventing the carriage of inadequately documented passengers to the UK. They train airline staff in UK passport and visa requirements, and also in forgery awareness.

Further information can be found on: www.homeoffice.gov.uk

Jeremy Heywood

F

From: Andrew Adonis
Sent: 13 September 2001 10:15
To: Justin Russell; 'Barber Michael'
Cc: Jeremy Heywood
Subject: RE: Following through on delivery

I entirely agree - and we certainly aren't going to get these 60 planning battles resolved within the next year - which is what is required to have them 'coming on stream' (a wonderful DB expression) by 2003.

-----Original Message-----

From: Justin Russell
Sent: 13 September 2001 10:07
To: 'Barber Michael'
Cc: Jeremy Heywood; Andrew Adonis
Subject: RE: Following through on delivery

They're certainly radical - I think they need more work before they're convincing. I'm not sure I'd agree that the present arrangements will never work. I doubt whether they'll ever be acceptable to the Party (particularly vouchers) - but they are an improvement on the chaos which went before with the ad hoc local arrangements. NASS did find it difficult to get accommodation procurement going - given the reluctance of local authorities to co-operate (which is partly why they've become so reliant on dodgy private landlords) - but this has got better and people are being dispersed fairly efficiently and the vouchers contract with Sudhexo is working OK. Given that NASS have had to start an entire national welfare system from scratch for 60,000 people a year I don't think they've done badly. There do remain problems with keeping people active during the day; with racial harassment - particularly in the North East and Glasgow and with linking up the decision and removal process with the support system - so that people are taken in as soon as their appeals are rejected. Whether or not HMT come up with the money (and the £250m extra / year for DB's scheme is four times what they need to fund 30,000 special constables - a much more attractive conference announcement) we should be pushing for action in these areas (which IND are working on anyway).

On balance I think DB's approach (or a move towards it) is probably the right way forward in the longer term - though we shouldn't estimate the political problems it will cause. Sixty 500 bed hostels means sixty major planning rows in 60 different constituencies and the tougher we try to sell it (particularly as a Party Conference announcement) the more unpopular it will be with the Party and with Bill Morris and the greater the risk that there will be a sudden rush of new applications as people try to get in to beat the new system (ie the opposite problem to the one you flag up)

Perhaps we should have another chat once we've got some more details out of DB?

-----Original Message-----

From: Barber Michael [mailto:Michael.Barber@cabinet-office.x.gsi.gov.uk]
Sent: Wednesday, September 12, 2001 7:31 PM
To: Russell Justin - No. 10 -
Cc: Heywood Jeremy - No. 10 -; Adonis Andrew - No. 10 -
Subject: RE: Following through on delivery

I finally had time to sit down and pay attention to DB's asylum policy proposals. I found them both radical and convincing. By contrast it is increasingly clear that the present arrangements will simply never work - however much we refine delivery.

Two points -

First, the costing obviously need to be thoroughly tested, assumptions and all, though the final figure will certainly be very large.

Second, how it is presented both when announced and beyond is crucial to the whole question of "signals". The message on announcement needs to be very tough indeed and while I agree with David that his plans can meet critics on both sides, paradoxically the proposals could fall apart under a rush of new applications if they win a strong welcome from the wet liberal tendency which has made so much running in the recent debate on the Australian case.

Michael

-----Original Message-----

From: Justin Russell [mailto:JRussell@no10.x.gsi.gov.uk]
Sent: 12 September 2001 15:25
To: 'Barber Michael'
Subject: RE: Following through on delivery

Fine - I'll try and put something round in the next hour or so.

-----Original Message-----

From: Barber Michael [mailto:Michael.Barber@cabinet-office.x.gsi.gov.uk]
Sent: Wednesday, September 12, 2001 3:07 PM
To: Russell Justin - No. 10 -; Heywood Jeremy - No. 10 -; Adonis Andrew - No. 10 -; Stevens Simon - No. 10 -; Swinson Clara - PMDU -; Nicholls Vanessa - PMDU -; Wright Jenny - PMDU -; O'Connor Tony - Prime Minister's Delivery Unit -
Subject: RE: Following through on delivery

I think we should send one letter. If you are happy to do the first draft we will give it urgent attention and get comments back to you. In his previous email Jeremy suggested the letter should go from SPA to PPS. This is fine by me. What matters is that the text keeps the delivery agenda moving. Have Clara and Simon discussed a possible text in relation to health, where we certainly need a DU-led meeting including Simon and the Treasury to put our comments to Health on the bedblocking paper.

Michael

-----Original Message-----

From: Justin Russell [mailto:JRussell@no10.x.gsi.gov.uk]
Sent: 12 September 2001 14:38
To: 'Barber Michael'; Jeremy Heywood; Andrew Adonis
Cc: Olivia McLeod
Subject: RE: Following through on delivery

I was going to propose drafting a letter for the PM to send to DB covering all of the urgent action points which were due to be discussed this afternoon (eg the PM's steer on asylum accommodation centres and police reform) and to wrap the delivery stuff in with this - if that seems OK - to go over tomorrow if possible. - Or would people prefer a separate letter on the delivery contract?

-----Original Message-----

From: Barber Michael [mailto:Michael.Barber@cabinet-office.x.gsi.gov.uk]
Sent: Wednesday, September 12, 2001 11:09 AM
To: Heywood Jeremy - No. 10 -; Adonis Andrew - No. 10 -
Cc: Russell Justin - No. 10 -; Stevens Simon - No. 10 -; Jordan William - EDS -; O'Connor Tony - Prime Minister's Delivery Unit -; Swinson Clara - PMDU -; Nicholls Vanessa - PMDU -
Subject: Following through on delivery

Now that today's stocktakes have been cancelled, I suggest that we here prepare letters to Health and the Home Office setting out where follow-up is needed. In other words, we should press on with delivery as if the stocktakes have taken place.

I will ask staff here to work up drafts in conjunction with Justin and Simon. Clearly we need to follow up urgently on:

- (i) bedblocking;
- (ii) and attrition as raised in Justin's email this morning.

But there are many more points: my proposal would be that the

• letters make a thorough series of points as we've put in briefing for the PM. It would be good to agree a text for each letter by the end of the week. I think the letters should probably go from the PM to the Secretary of State or, alternatively from me to the Permanent Secretary but this is a detail we can decide on later.

Michael

The Cabinet Office's computer systems may be monitored and communications carried on them recorded, to secure the effective operation of the system and for other lawful purposes.

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MATRIX

f. Immigration
PRJR
C: JB
JHPrime Minister

I have set in hand comprehensive action to deal with the points we have discussed over the phone in recent days. These are covered in the separate note already sent to you. The purpose of this memorandum is briefly to cover the points you raised in relation to my new asylum policy proposals that you have said you are attracted to in principle. A full submission will be sent for your weekend box.

2. As you know, I believe that my proposed accommodation centres policy enables us to solve the substantive and political problems we currently face with asylum seekers. It would provide a tighter, end-to-end system, facilitating more removals and reducing incentives to apply for asylum in the UK. Vouchers would become unnecessary, and the race relations tensions caused by dispersal would be minimised. Given the likely increase in the numbers of refugees, already seen on the Afghanistan/Pakistan border, a substantial upfront policy change, linked to ID cards, is in my view now a political necessity.

3. That said, I know you have specific concerns that wanted you me to address. I outline these below.

Costs

4. I have looked hard at the costs, in order to minimise the call on HMT funds. We can make a major reduction in costs by targeting the new accommodation on those who need and request state support. Currently, 50% of asylum seekers claim vouchers plus accommodation; 20% vouchers only; and the remaining 30% ask for nothing. We anticipate that under the new system, 60% will be housed and supported in the accommodation centres. The rest – by their own choice – will get nothing, but they will be subject to strict reporting arrangements, as I spell out below. This is similar to policy and practice in a number of other EU states. The proportion of “nil cost” applicants is likely to be slightly higher than is currently the case because of the toughness of the new regime.

5. The registration and reporting requirements for those who stay outside the accommodation centres will have to be exacting and rigorous, and we will start putting these in place in the short-term, as we make the transition to the new system. They will need to declare where they live, and any change of address. Crucially, I will seek to improve our ability to detain and remove these people at the point of initial decision or appeal determination – the points at which we really need to be in control of their whereabouts. Whether an asylum seeker claims state support or not, we will need to act to detain people who have their appeals rejected (3,000 detention places will be available by next Spring) and then remove them quickly. In addition, ID or Citizen Cards would prevent people who had claimed asylum simply from disappearing into wider society.

6. I also intend to ensure that we bear down rigorously on processing times, so that costs are lowered. Given too a rational managed migration policy to meet economic skill needs, with a reformed work permit system, the numbers of those seeking asylum, as distinct from work, should (God willing!) reduce still further, and so cut our support costs.

7. Given the assumptions above, we can estimate a need to house 18,000 people in accommodation centres at any time. This would mean 36 centres, at a running cost per annum of £9.2 million each – i.e. approximately £331 million running costs a year. On a like-for-like basis, if we were now hitting the 2+4 months targets, the annual running costs to support asylum seekers in NASS housing would be in the region of £270 million. However, the current annual total cost is close to £1 billion, largely because of the lag in dealing with appeals after our huge reduction in the initial decision backlog, which means that we are taking too long to process cases. The new system will generate improvements in processing times. Capital costs will be in the region of £570 million spread over 3 years.

8. Its also clear to me that there are savings that can be achieved by dealing more pragmatically with those who have been in the system for some years. This is linked to the wider question of illegal immigration and ID cards. I will come back to you directly on this point.

Legal Powers

9. My separate note to you outlines the need to take immediate action to prevent abuse of the asylum system by those with terrorist connections, or those who pose a security risk. This issue is connected to the wider problem of legal constraints on our power to remove those without a genuine claim to asylum arising particularly from the Human Rights Act. We need to be tough here, and it is likely to require new legislation, whether in a Bill in this session, as my separate note points out, or in another asylum act in the second session. I prefer immediate action. We also have extensive existing primary legislative powers under the 1971 and 1999 Acts, which could give us cover to impose residence requirements on most asylum applicants.

Timescale

10. Its important to maintain momentum. I therefore believe we need to move quickly next year to open the first centres. However, I recognise that it will take time to reach full capacity. Having looked again at the timescales, I can be confident that we can have the system fully established by the Spring of 2004. That would mean the new system - with 18,000 places - would be properly implemented within this Parliament.

11. I also recognise that we must keep up the pressure for performance improvements in the short term. I will look closely at our performance management regime, dovetailing with the new delivery unit arrangements, in order to make immediate improvements.

Local communities

12. The key obstacle will be planning permission, which is why I accept that we need an extension of the implementation timescale I have previously proposed. We might need to take reserve powers to set up accommodation centres without going through existing procedures, but I am also confident that we can work with the existing regional consortia of local authorities who handle dispersal to secure the sites we need. We will look to MOD sites similar to Oakington, and other disused or vacant facilities, as well as assessing the existing NASS accommodation against our new policy requirements. There should also be scope to

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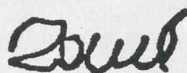
secure charitable or private accommodation on a bid-in basis, subject to consultation with local authorities. This could expand our options considerably.

13. A key issue will be access to services for asylum seekers. My view is that we need to minimise burdens on local authority education and social services, as well as health services. Some schools are suffering far too high rates of pupil turnover. This means trying to provide as much as we can on-site.

14. Other measures to show that we are not a soft touch, will be needed in the short term, linked to any emergency legislation for national security. So too will interim measures necessary to secure a stable transition from the voucher and dispersal systems. Again, I will report in detail on these points.

15. I am speaking to Andrew Smith this week, so that we are in a position to report further discussions on cost to you at Monday's stocktake. I know you appreciate the urgency of our sorting these matters out before Party conference. Finally, I attach the press notices of my announcements today.

16. I am copying this minute to Sir Richard Wilson.



DAVID BLUNKETT

19 September 2001

RESTRICTED - PERSONAL

213/2001

19 September 2001

020 7273 4545

**TRANSPARENT, CLEAR & RELIABLE
ASYLUM STATISTICS ESSENTIAL - BLUNKETT**

The results of a thorough review of Home Office asylum statistics announced today by Home Secretary David Blunkett has identified an increase in the backlog of asylum cases awaiting decision.

The revised total for the asylum backlog now stands at 43,130. Asylum decisions made, however, continue to exceed the numbers of claims for asylum received.

Today's announcement is the result of a recount of a manual count of all asylum cases, which the Home Secretary ordered to ensure absolute validity of the statistics. Problems with the backlog figures had arisen from an accumulation of errors since the last manual count of outstanding asylum applications in 1996 and from the ending of the Casework Programme in 1999.

As a result of a review by the Director of Research, Development and Statistics of the publication arrangements, ordered by Home Secretary, and in keeping with National Statistics requirements, the statistics will become more informative. They will include a wider range of data, for example removal figures, and will be published quarterly rather than monthly as at present, enabling greater accuracy and a more reliable indication of trends.

Measures introduced last year to improve the reliability, clarity and transparency of the data, and a detailed scrutiny of the figures for 2000, have resulted in revisions to provisional data on the numbers of asylum applications received, decided and outstanding in 2000.

Revised figures show that:

- 43,130 asylum applicants were awaiting an initial decision on the 31st August. The provisional figure published for July 31st was 22,580.
- 80,315 people sought asylum in the calendar year 2000, compared to the provisional figure of 76,040.
- In addition, the number of decisions made in 2000 is revised downward by less than 1% to 109,205, from provisionally 110,065.

Commenting on the findings Mr. Blunkett said:

"I am absolutely committed to the transparency, clarity and reliability of official statistics. It is essential that people have confidence in the statistics produced, especially on such an important issue as asylum. That is why Jack Straw and I have put these revisions in train and why I am publishing the findings today.

"The backlog figures have now been re-counted thoroughly and I am therefore confident that we have levelled the situation, correcting errors that go back several years. The last time the asylum backlog was physically counted was 1996 and since then, as we focussed on actually making the decisions, under-recording has crept in and over time has become significant.

"The Immigration and Nationality Directorate has made other improvements to their data systems, specifically, the introduction of a new integrated database system to replace the casework programme which ended in 1999.

"The monthly asylum application statistics were produced very quickly and always labelled provisional and so some revision is always anticipated – not least because the new database which allows the late notification of claims to be counted, and any duplicate records to be identified and removed. The quarterly statistics will include a wider range of data and will give a more reliable indication of trends, including a breakdown of head of household and dependants, as I promised Parliament in June

"I want to apologise for the necessity of having to revise the figures in this way. I hope sincerely that this is the last time that such an exercise will have to be undertaken and I have received assurances that every possible step has now been taken to clarify and verify the figures published. Decisions continue to outstrip applications, and the target for the number of decisions, which are upheld in over 80% of appeals, was met.

"I want to stress that the increase in the backlog figure announced today reflects only the way in which the applications are counted not processed. It does not mean that the case files have been lost, or not processed. The backlog is still falling but from a much higher level than we had originally thought.

"I am confident that the improvements made will provide people with more reliable data and I am determined to restore confidence in the whole system. I will be announcing further policy developments over the next few weeks.

NOTES TO EDITORS

1. How this came to light

The Immigration and Nationality Directorate carried out an initial manual count of the number of cases awaiting a decision in August. The Home Secretary immediately ordered a full manual recount of cases awaiting an initial decision. This was completed and the announcement was originally planned for last Wednesday - as soon as the Home Secretary became aware of the final figure. It was postponed following the terrorist attack in the United States.

2. Systems now in place and what they have replaced

An asylum casework database has been developed to provide comprehensive casework and management information on asylum applications, replacing a number of less reliable systems. The new system started in April 2000 and is generating information of a much higher quality. Under the new system it is easier to accommodate detail of claims reported late.

3. Recounts since 1996

The last time the asylum backlog was manually counted was 1996.

4. Other revisions to asylum statistics

We are also planning to revise the monthly data for 2001 by the time the provisional quarterly data for October to December 2001 is published at the end of February 2002. There are no plans to publish revised data for 1999 and earlier.

5. Next statistical publication

The next asylum bulletin on the Home Office web site, giving the quarterly figures, will be published on 30th November, relating to the period July to September 2001. Thereafter they will be published two months after the quarter they represent. The annual statistical bulletin 'Asylum Statistics 2000', will be published on 25th September.

19 September 2001

MEASURES ANNOUNCED TO IMPROVE IMMIGRATION CONTROL

Comprehensive measures to further enhance immigration control in the UK were announced by the Home Secretary, David Blunkett, today.

Speaking on a visit to the port of Dover to see the work of Immigration Officers first hand, Mr Blunkett said:

"I have made clear my commitment to improving immigration control and procedures in the UK, and at French ports and Coquelles. The enhancement of security checks, identification of clandestine attempts to enter the country, and improved action both to detain and remove those unauthorised to remain in the country, is a further step in the revision of overall immigration and asylum policy which I have promised."

"These measures should be seen in the context of the wider review of nationality and asylum policy, to be announced shortly. These measures together with those agreed with the French Interior Minister last week, are geared to securing confidence in our border controls and build on procedures undertaken by Jack Straw and Barbara Roche over recent years."

"The agreement I reached, as a result of my meeting last week with Daniel Vaillant, form the beginning of a more extensive process which will see much closer relationships between the UK, the French and our wider EU partners. The measures that will be discussed at an emergency Joint Home Affairs Council in Brussels this Thursday on counter-terrorism activity, will be complemented by the improved and enhanced border controls which we in Britain are able to provide, and which would not be in place were we to join the Schengen Protocol."

"As I have said before this is not just a problem limited to Britain or to our relationship with France but it is a global issue of international mobility, which the uncertainties created by the horrific attack on the United States last week, will accelerate."

"However, I appreciate that people here in Britain look to me to ensure that all reasonable steps are taken to enhance current measures. That is why I am announcing today further checks and surveillance measures:

New measures announced are:

- The purchase of five mobile x/gamma ray scanners for use by the Immigration Service, for the detection of clandestine entrants. Additionally, co-use of scanners used by HM Customs for other purposes have been

agreed. The scanners will be placed initially at Dover and Coquelles but will be rapidly extended to other points of entry.

- Introduction of CCTV for the Immigration Service at Heathrow Airport – building on work already undertaken at Gatwick - to monitor passengers as they disembark from incoming flights. This will provide, in the medium term the potential for phasing in other imaging services which will be of value in anti-terrorist as well as immigration control measures.
- Proposal to implement the civil penalty on Eurotunnel – in line with other freight carriers.
- A new Protocol between the Immigration Service and the Police Service, to step up the removal effort of those illegal immigrants or failed asylum seekers no longer entitled to remain in Britain.

Pilots continue on:

- Trials of new heartbeat sensors at Dover and Coquelles. The sensors work by placing up to 4 brass sensors, connected to a simple touch screen computer, on the frame of a stationary vehicle; the system is capable of detecting a heartbeat (human, animal, bird etc) inside the vehicle by the movement the heartbeat has on the vehicle.
- Analysis of passive millimetric wave imaging which uses thermal imaging techniques to detect radiation naturally emitted from objects. Although it can only be used for soft-sided vehicles, it works when the vehicle is moving. Eurotunnel are operating the system at Coquelles and we will be looking to use it for the Immigration Service.

Work continues on:

- Enhanced support for Eurotunnel by the deployment of additional immigration officers as part of the agreement with the French Government.
- Enhanced advice and security support to Eurotunnel offered by the UK Government in conjunction with measures already announced by Eurotunnel themselves.
- The development of the holding centre (accommodating up to 60 would-be illegal immigrants breaching security at Coquelles), facilitating the commitment of the French Authorities to take appropriate legal action by those trespassing or committing damage within the Coquelles terminal.
- Facilitation of measures taken by the French to avoid 'local ticketing' from Paris to Calais and immigration checks on all those using Eurostar for this journey or joining the train at Calais (the French have promised to push through the legislation this Autumn).
- Almost 3,000 spaces in the immigration detention estate by March next year, an increase from 900, facilitating the new rapid removal system announced in the Commons at the end of June, to facilitate 2,500 removals per month by the Spring.
- More effective data collection and information transfers system leading to a more robust statistical record (see separate press release).

Mr Blunkett said:

"Ministers are working hard on further decisions during the Autumn not only for tackling illegal immigration but for the development of a more broad-based comprehensive nationality and immigration policy, including the development of work permits and a rational system for economic migrants, together with the promised reviews of both the asylum support system and dispersal. We are determined to implement a comprehensive strategy on tackling illegal immigration. And the measures announced today will make a positive impact on immigration and border controls in the UK."

"There is absolutely no room for complacency especially with the heightened tension created by the events of last Tuesday, but it would be quite wrong for anyone to suggest that the problem of illegal immigration has worsened or that the Government has not put in place adequate strategies to deal with clandestine entry into the country. There were 808 clandestine entrants through the Channel Tunnel in July, this fell to 726 in August, a time of heightened interest and attention on the situation on the French coast. Nevertheless, with the steps I have announced today and with the increased pressure for Eurotunnel to complete security measures – with our support – we can do even better."

"Better detection at Coquelles as well as at the Channel Ports within France, will make a difference. I am continuing discussion with the French authorities on the introduction of both the x/gamma ray scanners at the French ports, and the 'heartbeat' scanner once the preliminary piloting has been completed."

"As we develop the availability of equipment we will continue to co-use scanners available to HM Customs and Excise for other purposes and to co-ordinate security and Customs services with the Immigration Service."

"I can further announce today that we will be joining with European partners on very specific new border control arrangements which will target the outer borders of those countries seeking accession to the European Union. This means we can work with EU colleagues to break the supply line and reduce the ease with which would-be migrants reach the French coast."

"We are committed to using the most up to date technology within the Immigration Service and one example of this is the implementation of Eurodac – the EU automated fingerprint system. The use of fingerprint technology is well underway in the UK and we are working toward Eurodac becoming another tool helping to build a more cohesive asylum system throughout the European community. "

"Finally, the work of the Immigration Service is tremendously important in the fight against illegal immigration. Advice and assistance to airlines in preventing the carriage of inadequately documented passengers to the UK is provided via the Airline Liaison Officer (ALO) network. ALOs are Chief Immigration Officers posted overseas whose work is complemented by colleagues at UK airports. They are specifically tasked with checking passengers from regions of the world where document controls are deemed to be inadequate. In addition to their work in relation to checking-in procedures, ALOs also train airline staff in enhanced forgery awareness techniques."

ENDS

Notes to Editors

1. X ray scanners

Announcement of Capital Modernisation Funding made 25 April. PN 112/2001 refers.

Consultation closed on the 31 August. Copies of which are available on The Home Office website.

The scanners operate through a boom, constructed on the rear of a lorry, which passes over the vehicle to be checked. Additionally, the Immigration Service will also co-use existing equipment operated by HM Customs & Excise for other purposes.

2. CCTV

A joint project between the Immigration Service and BAA (British Airports Authority) which aims to provide CCTV coverage of key points in Heathrow. There is the possibility of further access in due course. These cameras will monitor people once they leave their flight, and will help identify individuals who misuse or "lose" their official documents and then present misleading or false information to officers at immigration control.

3. Civil penalty

The consultation process with Eurotunnel and other interested parties formally ended on 29 August 2001 and, as a result of comments received, a number of changes to the draft Code of Practice have been proposed. Copies available on The Home Office website **[insert link to Code of Practice]**.

Airlines, ferry operators, road hauliers and other freight train operators are all liable for penalties if they do not take responsibility for putting in place effective processes and measures to prevent people travelling to the UK illegally.

From April 2000 the civil penalty was introduced to road hauliers found with clandestine entrants concealed in their vehicles which means they are liable to £2,000 per person penalty. From March 2001 this was extended to rail freight, leaving Eurotunnel as the sole exception. The aim of the civil penalty is to encourage owners, drivers and operators to check their vehicles for would-be clandestine entrants prior to embarking for the UK.

4. Acoustic sensors

Acoustic sensors work on hard sided and soft-sided vehicles/containers and refrigerated units provided all motors are switched off. The Immigration Service has created an enclosure in Dover for the trial of the scanners.

5. Passive Millimetric Wave Imaging

This will use thermal imaging techniques to detect radiation naturally emitted from objects. The Imager can be located in a large stationary

van or similar vehicle and 'scans' the suspect vehicles and container as it moves past.

6. Immigration Officers to Coquelles

Announcement made in meeting with Daniel Vaillant, 13 September 2001 [[insert link to statement](#)].

7. Holding centre at Coquelles

Proposals have been agreed with The Immigration Service, Police Aux Frontieres and Eurotunnel to provide a holding area for those trying to illegally enter the British Control Zone.

This holding zone will assist in controlling unauthorised persons at the Coquelles site.

8. Detention Centres

The Government has committed £170 million to increase the number of detention places available. Expansion of the detention estate by 1,500 beds by Spring 2002 for asylum seekers whose applications have failed and who have reached the end of the process; people with manifestly unfounded claims; and those with a history of abusing the immigration laws.

9. Eurodac

This has been operational in the UK since 1993. The Government has spent £3 million to introduce Eurodac in the UK.

Fingerprint technology has an increasing role in the Immigration Service. The mobile units allow immigration officials to check the central database of fingerprints to ascertain within minutes whether someone is working illegally, is an absconder or a failed asylum seeker. The new system will speed up the processing of immigration cases and improve detection of multiple applications.

10. ALOs

Airline Liaison Officers (ALOs) are based in various overseas locations. They are chief immigration officers posted overseas to offer advice and assistance to all airlines in preventing the carriage of inadequately documented passengers to the UK. They train airline staff in UK passport and visa requirements, and also in forgery awareness.

Further information can be found on: www.homeoffice.gov.uk



Top: PD (JR)

cc PD (om)

ANNEX 6

Prime Minister

**CLANDESTINE IMMIGRATION ACROSS THE CHANNEL:
EUROTUNNEL AND SANGATTE**

This is to let you know my conclusions about the imposition of the civil penalty on Eurotunnel. It is also to tell you about measures I shall be discussing with my French opposite number on 12 September.

2. You may be aware that in response to consultations over imposition of the civil penalty, Eurotunnel have sought judicial review. Counsel are optimistic about our chances of success in defending this. I therefore intend to go ahead with the regulations subject to further legal advice on some specific points. I shall use the occasion of my visit to Dover on 13 September to announce my intention to do this.

3. Prior to that, I have made arrangements for discussions with my French opposite number, Vaillant. I shall use this partly to prepare him for the announcement that I intend to go ahead despite French Government opposition. But I shall also take the opportunity to discuss proposals for handling Sangatte: some of which come from his side but most from here.

4. Briefly, I shall be looking to secure French agreement to effective joint measures to improve security at Coquelles. These may include deploying United Kingdom police officers there on a strictly limited basis. I shall also offer United Kingdom security expertise to work with French opposite numbers in providing expert advice on Eurotunnel security measures.

5. More importantly, if we can achieve a significant improvement in security, I shall be proposing we then mount a joint operation with France to process (in France) the cases of those presently housed at Sangatte (together with a proposition that I'm exploring in relation to work permits and economic migrants). The objective is to clear the centre, and then close it taking a proportion of, or if need be all, the genuine refugees there. We shall then work with the French international organisations and source countries to try to secure the return of those who fail.

6. This will not be easy to negotiate and the French will need to agree to house failed applicants somewhere well away from Sangatte. It seems, though, that the French are prepared to contemplate a United Kingdom operation there. This seems useful: while we must avoid any perception that the United Kingdom has a general responsibility for asylum seekers in France, a one-off exercise to deal with those cases in France will avoid the bad publicity and the "pull" effect likely to arise if we bring the people here.

7. Beyond that I shall be looking for closer co-operation with the French and others over a series of swift, intelligence based operations to target transit routes. I shall be pressing them to agree a return arrangement outside the Dublin Convention (difficult – and rejected, I understand, at the Cahors summit in February) and looking to work in partnership with them to speed the conclusion of a range of EU instruments (including Dublin II) which, once agreed and implemented, would put a rapid end to the kind of scenes we have witnessed in the last few weeks.

8. I also propose to use the proposed EU package I sent to you on people trafficking on 20 August as the basis for an UK-French initiative in this area. In brief that package contains proposals to encourage anti-trafficking action in key transit countries notably Turkey and the Balkans, offering resources, practical assistance and incentives including the use of EU aid and accession criteria; to extend the network of immigration liaison officers; better exchange of intelligence between member states and greater EU co-ordination of prevention in source countries. A joint UK-French initiative would help demonstrate to the public and the media that the French and British can work together on asylum and immigration in the wider context, and underline to the French that we are seeking co-operation and action.

9. Outside this, the good news is that the numbers of asylum seekers reaching the United Kingdom via the tunnel route has in fact dropped reasonably significantly in August.

... 10. I attach, for your information, a copy of the letter I intend to send to Vaillant ahead of our meeting.

11. I am copying this minute to Jack Straw, Stephen Byers, Sir Stephen Wall, Sir Michael Jay, Sir Nigel Sheinwald and Sir Richard Wilson.

David Blunkett

7 September 2001

**DRAFT LETTER FROM HOME SECRETARY TO DANIEL VAILLANT, FRENCH
MINISTER OF THE INTERIOR**

I am looking forward to meeting you on 12 September. Illegal immigration has become a matter of ever increasing concern for both the United Kingdom and France and in recent weeks we have seen the issue of immigration and asylum across the Channel receive increased levels of media attention. I therefore very much welcome the opportunity we have next week to discuss such matters.

I have asked my officials to liaise with yours prior to our meeting so that we are in a position to discuss any outstanding issues between us. I would like to talk about our options for strengthening security and dealing with the problems surrounding the Red Cross Centre at Sangatte. You have suggested that perhaps UK and French officials could work together at Sangatte to process applications. I have been thinking along similar lines and look forward to developing ideas in this area.

I am also particularly concerned about the image being conveyed in the media and by the racketeers of the UK as a haven for asylum seekers who can easily exploit our system. The UK is proud of its tradition and history as a place of refuge for those fleeing persecution, and we will continue to offer sanctuary to those genuinely in need of protection. But we do not countenance the activities of those who continually seek to circumvent our controls. We are making every effort to tighten our immigration controls and speed up our asylum decision making process. We can discuss these efforts in detail at our meeting but I have attached, for your information, a brief background note which summarises our progress so far.

In connection with tightening controls, my officials have already been looking at a variety of new technologies which can be used to assist in locating persons hidden in vehicles. In particular they have been looking at the use of x-ray scanners and whether we could share the equipment with French colleagues. I enclose details of this for your consideration. I feel sure that the use of this technology would be a vital step forward in our joint co-operation to combat the trade in human trafficking and illegal immigration and I hope following our meeting that you feel able to agree to this idea in principle.

I believe it is vital for long-term success that we continue to work together to deal with the problems of people trafficking and illegal immigration, and I very much value your

support not only on bilateral issues but also for the various initiatives we have put forward in Europe. I believe that the EU can now build on recent agreement on legal measures in this area by taking more practical action. I have been considering a package of ideas, which includes developing a joint capacity for high impact, rapid response to border hot spots; encouraging anti-trafficking action in key transit countries; more co-ordinated use of immigration liaison officers; better exchange of intelligence between member states; and greater EU co-ordination of prevention in source countries. If you support them, we might perhaps work together to develop them into joint UK-French proposals at the Laeken Council in December.

I am sure there are other areas or initiatives where the United Kingdom could offer assistance and support to you. I understand that you may have some suggestions in this respect and I very much look forward to discussing them next week.

DAVID BLUNKETT

13/09/01

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HOME OFFICE FOR PRIVATE SECRETARY, BOYS SMITH, WRENCH, RUMBLE, MACE
EVANS AND PALLET

SUBJECT: HOME SECRETARY'S MEETING WITH FRENCH INTERIOR MINISTER: 12
SEPTEMBER

1. FOLLOWING IS THE JOINT TEXT ISSUED ON 13 SEPTEMBER.

BEGINS

JOINT STATEMENT BY HOME SECRETARY DAVID BLUNKETT AND INTERIOR
MINISTER DANIEL VAILLANT

13 SEPTEMBER

WE REITERATE OUR HORROR AT TUESDAY'S TERRORIST ATTACKS ON THE UNITED
STATES AND EXPRESS OUR SYMPATHY WITH THE AMERICAN PEOPLE AND OUR
SUPPORT FOR THE AMERICAN GOVERNMENT.

FRANCE AND BRITAIN ARE DETERMINED TO WORK TOGETHER, AND WITH OTHER
DEMOCRATIC COUNTRIES, TO COMBAT TERRORISM AND FURTHER TO CONSIDER
WAYS OF ENHANCING OUR JOINT SECURITY FOR THE FUTURE.

WE EXAMINED TOGETHER THE MEASURES ALREADY ADOPTED IN OUR RESPECTIVE
COUNTRIES TO REINFORCE SECURITY AND AGREED TO REMAIN IN CLOSE
CONTACT.

WE ALSO HAD A CONSTRUCTIVE DISCUSSION OF HOW WE CAN WORK TOGETHER TO
DEAL WITH THE PROBLEM OF ILLEGAL IMMIGRATION, IN PARTICULAR PEOPLE
SEEKING TO ENTER BRITAIN FROM NORTHERN FRANCE. WE AGREED THAT THIS
IS NOT A PROBLEM LIMITED TO BRITAIN AND FRANCE. ILLEGAL IMMIGRATION
IS AN INTERNATIONAL PHENOMENON AND CONTROLLING IT IS A MATTER FOR
ALL EUROPEAN UNION MEMBER STATES.

WE AFFIRM OUR COMMITMENT TO GRANTING ASYLUM TO THOSE WHO ARE UNDER

SKP 13/9/01

THREAT OF PERSECUTION IN THEIR OWN COUNTRIES. BUT WE ARE EQUALLY COMMITTED TO COMBATING THE ILLEGAL TRAFFICKING OF HUMAN BEINGS AND THE ABUSE OF ASYLUM PROCEDURES.

WE HAVE AGREED TO WORK TOGETHER TO BRING FORWARD A NEW PACKAGE OF MEASURES TO DETER PEOPLE TRAFFICKING LEADING UP TO AND INCLUDING AT THE LAEKEN EUROPEAN COUNCIL IN DECEMBER. EUROPEAN-WIDE MEASURES WILL ADDRESS VULNERABLE BORDERS AND CLANDESTINE ROUTES I TO THE EU.

WE HAVE AGREED TO TRAVEL TOGETHER TO VISIT THE BALKANS IN THE MONTHS AHEAD TO MEET THE EU IMMIGRATION TEAM WHICH IS ALREADY ESTABLISHED THERE AND TO SEE THE PROBLEM AT FIRST HAND.

WE WILL ALSO PRESS FOR SWIFT PROGRESS TO AGREE AND IMPLEMENT COMMON EU PROCEDURES FOR DEALING WITH ASYLUM SEEKERS, AND COMMON MINIMUM STANDARDS WHICH WILL REDUCE THE DISPARITIES BETWEEN EU MEMBERS AND INHIBIT 'ASYLUM SHOPPING' IN THE EU.

THE FRENCH MINISTER OF THE INTERIOR NOTED THE SIGNIFICANT MEASURES ALREADY TAKEN TO COMBAT ILLEGAL IMMIGRATION TOWARDS THE UK INCLUDING LEGISLATION ON JUXTAPOSED CONTROLS ON EUROSTAR, POLICING OF THE CHANNEL TUNNEL ENTRANCE, 55,000 ARRESTS MADE SINCE THE BEGINNING OF THE YEAR. M VAILLANT ALSO RECALLED THE SECURITY MEASURES SO FAR TAKEN BY TRANSPORTERS AND EUROTUNNEL.

THE HOME SECRETARY RECALLED THE STEPS TAKEN IN BRITAIN SINCE 1999 TO TIGHTEN PROCEDURES FOR DEALING WITH ASYLUM SEEKERS. IMMIGRATION STAFF AND RESOURCES HAVE BEEN INCREASED (ALMOST 2000 EXTRA IMMIGRATION OFFICERS OVER THE LAST YEAR ALONE): ASYLUM CASES ARE BEING PROCESSED MORE QUICKLY: THE NUMBER OF RETURNS HAS INCREASED. THE HOME SECRETARY INTENDS IN THE WEEKS AHEAD TO ANNOUNCE FURTHER MEASURES.

MEANWHILE WE HAVE DISCUSSED A NUMBER OF MEASURES TO ADDRESS THE SITUATION AT COQUELLES AND SANGATTE AND AGREED ON THE FOLLOWING STEPS:

- BRITAIN IS PREPARED TO SEND OFFICIALS TO SANGATTE TO WORK WITH THE INTERNATIONAL ORGANISATION FOR MIGRATION, SUPPORTED BY THE FRENCH SERVICES, TO PROVIDE REALISTIC INFORMATION TO DETER WOULD-BE ECONOMIC MIGRANTS.

- BOTH SIDES AGREED THAT ACTION TO REDUCE THE FLOW OF PEOPLE INTO THE RED CROSS CENTRE AT SANGATTE SHOULD BE COMPLEMENTED BY EFFORTS TO PERSUADE WOULD-BE REFUGEES TO SEEK ASYLUM IN THE FIRST COUNTRY OF ARRIVAL IN THE EUROPEAN UNION.

- BRITAIN IS READY TO OFFER ADVICE TO EUROTUNNEL ON REINFORCING ITS SECURITY ARRANGEMENTS AND WILL EXPLORE THIS FURTHER OVER THE NEXT FEW DAYS.

- BRITAIN WILL FURTHER STRENGTHEN THE NUMBER OF IMMIGRATION OFFICERS AT THE COQUELLES SECURITY ZONE. AT THE SAME TIME FRANCE WILL TOUGHEN LEGAL ACTION AGAINST INTRUDERS THERE. WE WILL FOLLOW UP THESE PROPOSALS TOGETHER IMMEDIATELY. BRITISH AND FRENCH POLICE WILL EXAMINE WAYS TO IMPROVE THEIR EXCHANGE OF INFORMATION.

- FRANCE WILL RECRUIT ADDITIONAL INTERPRETERS TO FACILITATE INVESTIGATIONS.

- FRANCE CONFIRMS THAT THERE IS NO INTENTION TO OPEN A SECOND RECEPTION CENTRE FOR THOSE ATTEMPTING TO ENTER THE UK ILLEGALLY.

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Huw Evans
Nick Pearce (o/r)
Sir Michael Jay, BE Paris
Justin Russell, No.10
Andrew Aubrey, CO
Mark Sedwill, FCO

JR

cc OMCL
MT

By email in Home Office.
By fax outside Home Office.

13 September, 2001

Lisa Cox

**DINNER BETWEEN THE HOME SECRETARY AND DANIEL VAILLANT, 12
SEPTEMBER 2001, MINISTRY OF INTERIOR, PARIS**

Thank you for preparing briefing for this dinner. The Home Secretary was accompanied by Sir Michael Jay, Simon Fraser, Stephen Boys Smith, Jenny Rumble, Huw Evans and myself. Daniel Vaillant was accompanied by Bernard Boucault (Director of the Cabinet), Nicolas Normand (Diplomatic Adviser), Pierre Moreau (Technical Adviser), Patrice Bergougnoux (Chief of National Police), Fulvio Raggi (Central Director of Border Police, [PAF]), Stephane Fratacci, (Director of Judicial Affairs and "libertés publiques"), and Jean-Louis Langlais, (Delegate for International Affairs).

2. Mr Vaillant and the Home Secretary began by having a private discussion. Michael Jay was present from the British side. He subsequently told Stephen Boys Smith that it had been open and frank, and that he believed that it had gone well.

3. Following that, Mr Vaillant and the Home Secretary discussed the terrorist attacks on the USA of the day before. Mr Vaillant described the measures which France had taken to increase security, and said that the big question now was how the USA would respond. The Home Secretary said that France and

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the UK would need to share security information and advice, and hoped that people would know that we were facing this together.

4. The discussion then turned to illegal immigration, and Sangatte and Coquelles. The Home Secretary said that over the next few months, we would be strengthening our controls. He said the UK would consider greater input from the UK immigration service, at Coquelles, that we would like to work with the French on European and international issues, particularly on border controls and accession countries, and organised trafficking routes. He said he would like to visit the Balkans with Mr Vaillant in the months ahead. UK officials would also work on an information campaign for illegal immigrants at Sangatte.

5. He asked that the French consider the long-term future of Sangatte. On the question of return of illegal immigrants, he also said that Dublin II and the reinterpretation of 1951 Convention definitions would need to be looked at. Ideally we would like to have a bilateral repatriation agreement with France, but he knew that this had been raised at Cahors.

6. Mr Vaillant talked about the problems facing the French Government because of asylum seekers who wanted to go to the UK, and about how the UK was perceived by the French public and the media. He said that the Eurostar legislation would be debated in the Senate on 16 October, and that France had diverted a lot of police to dealing with the issues in the Calais area. He expressed his concern about the proposed imposition of the civil penalty on Eurotunnel. Fines would not solve the problem, any more than their existing imposition on other transport undertakings had done. They would be a considerable burden on Eurotunnel. (The UK side noted after the dinner that although Mr Vaillant had referred in strong terms to the civil penalty, he had not said that the French Government would take any formal steps, for example by requiring consultation under the Tunnel provisions. This was entirely consistent with the position his officials had taken in the afternoon.)

7. He said he would welcome a more visible British presence at Sangatte. He mentioned the figure of 50 Immigration Officers going to the French end of the tunnel. The protocol allowed I.O.s to do checks and controls in the international area, and could hand people over to PAF. The French felt that they were making a serious effort.

8. He agreed that the two of them should go together to look at tightening up the EU's external border and send a strong message to asylum seekers.

9. The Home Secretary said that tonight he was not asking for Sangatte to close, and that while we would be introducing X-ray equipment for our own checks at Coquelles, he understood France would have concerns on health and safety grounds. (This issue was not resolved during the dinner and will need to be pursued separately.)

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10. Mr Vaillant emphasised that there would be no second reception centre, and that Prime Minister Jospin had come down in favour of this decision at a meeting of Ministers earlier in the week. He also said that they would offer accelerated procedures and early relocation to people in Sangatte requesting asylum in France. This might cover some 10% of residents at Sangatte.

11. He said that the French intended to step up police and judicial action against the illegal immigrants detained in the Eurotunnel control zone, that he had gained a commitment from Mme Lebranchu in the Ministry of Justice to step up prosecutions. On arrest, the French would interrogate to elicit more information on country of origin and to try and track traffickers. They intended to get more interpreters to assist in this. He hoped that the UK would take this as a signal.

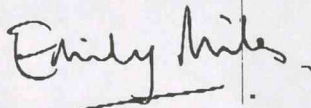
12. Mr Vaillant welcomed the proposals to enhance European measures.

13. The Home Secretary said that he saw all this as a genuine step further and that he would be talking to the Prime Minister over the weeks ahead. He welcomed the positive steps that Mr Vaillant had taken with Mme Lebranchu to try and secure prosecutions. If this went ahead, British officials would explore how we could reciprocate.

14. The Home Secretary flagged up that he would be exploring the drug trafficking issue further at an EU level. He invited Mr Vaillant to London or Sheffield for dinner.

15. Discussion then turned to other matters. The Home Secretary told Mr Vaillant that the Attorney-General would represent the British Government at the appeal against the Oakington decision. The two discussed human rights and the ECHR in general terms, the concept of citizenship, the way in which crime figures were reported in the press, and arrangements for police retirement in France and the UK. The Home Secretary said that the UK was likely to agree to recruit non-British nationals into the British police. The meeting ended on very amicable terms.

16. The joint statement issued by Mr Vaillant and the Home Secretary today will be attached to a telegram from BE Paris.

**EMILY MILES**

ehm023

FILE

Electronic copy in DCO
inbox

From: Roger Liddle
Date: 12 September 2001

STEPHEN WALL

cc: Martin Donnelly (CO)
Michael Roberts (CO)
Andrew Adonis
Justin Russell
Patrick Diamond

IMMIGRATION AND ASYLUM

This is a very interesting piece that the Czechs gave me in Prague. It lifts our sights from our battles with Eurotunnel and the French and sets out a grand design for a European solution.


ROGER LIDDLE

Eastern Europe as Gatekeeper: The Immigration and Asylum Policies of an Enlarging European Union

Milada Anna Vachudová

in Peter Andreas and Tim Snyder, eds.,
The Wall Around the West: State Borders and Immigration Control in North America and Europe
Rowman and Littlefield, 2000.
<http://www.RowmanLittlefield.com>

The construction of a common external border around the member states of the European Union (EU) and the creation of a common visa policy had significant implications for East Central and South East European states in the 1990s. The reinforcement of the external border, in conjunction with increasingly restrictive asylum policies in West European states and readmission agreements, forced the EU's eastern and southern neighbors to cope with the EU's unwanted migrants. This turned parts of East Central and South Eastern Europe into a potentially tense migration buffer zone. Because the EU's postcommunist neighbors were serious applicants for EU membership, they had no choice but to be vigilant in guarding their border to the West, and compliant with requests to take back illegal immigrants in order to stay in the good graces of EU governments. Demonstrating that they could control their borders became a way for Poland, Hungary, Slovakia, Slovenia and the Czech Republic to prove their "Western" character. Meanwhile, the common visa list isolated the citizens and elites of most South East European states from Western Europe by requiring them to get visas to travel to the Schengen area. These states did generate substantial numbers of refugees, asylum seekers and economic migrants that entered Western Europe during the 1990s. However, democratization and economic revitalization -- the only long-term solutions to the migration problem of the region -- were sometimes ill-served by the EU's visa and trade policies.

In order to earn EU membership, East Central and South East European states were also required to begin very thoroughly adopting the EU "acquis" in the field of Justice and Home Affairs.¹ The Tampere European Council in October 1999 reaffirmed that as a consequence of the integration of the Schengen acquis into the EU, the candidates must accept it in full. Fortifying their eastern and southern borders while abiding by the common visa list will, however, impose substantial costs on the

acceding states: for Hungary in the closing of its borders to visa-free travel for ethnic Hungarians in neighboring states; for Poland in the loss of economic activity along its eastern border; and for the Czech Republic in the likely elimination of its customs union with Slovakia.² Again, this risks stunting the democratization, Europeanization and economic revitalization of the states left beyond the Schengen wall as, for example, visa requirements cut Ukraine and Belarus off from Poland, or Romania and the Federal Republic of Yugoslavia off from Hungary.³

This chapter will proceed in six stages. It will first take stock of levels of immigration from East Central and South Eastern Europe in the 1990s.⁴ Second, it will describe the West European backlash against foreign residents which formed the context for changes in national asylum and immigration policies after 1989. Third, it will chronicle the ongoing transfer of decision-making power from national governments to the EU, sparked by the creation of the common external border as well as the rising salience of immigration in the domestic politics of EU member states. Fourth, it will examine the uncomfortable situation of the East Central European states who are expected to guard the gates to the West while adopting EU border control and visa practices in anticipation of accession. Fifth, it will suggest ways in which the EU can mitigate the migration problems it has helped create in order to keep them from destabilizing its eastern and southern neighbors. Finally, it will show how some of the EU's policies undermine not only the over-arching goal of stabilizing South Eastern Europe, but also the more concrete goals of limiting the flow of refugees, asylum seekers and economic migrants from the south east.

1. Migration into Western Europe After 1989

After 1989, East European states formed two distinct groups: South East European states generated substantial numbers of refugees and economic migrants traveling northward and westward, while East Central European states became reluctant gatekeepers for the EU, harboring unwanted immigrants or sending them back eastward and southward.

Analysts predicted in the early 1990s that Western Europe would be forced to endure a tide of migration from East Central Europe, for two reasons. First, the newfound freedom of movement and the economic hardships associated with marketizing reforms were expected to precipitate an overwhelming influx of economic migrants.⁵ In fact, despite the persistent economic divide between East and West, only manageable numbers of East Central Europeans left their countries after 1989 in search of a higher standard of living. Second, some observers feared that large waves of immigrants would enter Western Europe to escape conflict in East Central Europe. Forced migration, after all, accounts for much of the history of population movements in the region. This fear increased after the onset of war in Yugoslavia. East Central Europe, however, was a peaceful region during the 1990s and the anticipated flood of refugees never materialized.⁶

Still, Western Europe, especially Germany, did experience a substantial increase in immigration from the east after 1989.⁷ Much of this increase was attributable to three discrete groups of migrants: ethnic Germans "returning" to Germany, Roma (Gypsies) escaping discrimination and poverty, and Yugoslav refugees fleeing war.

Aussiedlers: From 1989 to 1994, nearly two million ethnic Germans, or Aussiedlers, profited from Germany's ethnic definition of citizenship to move to Germany.⁸ Most came from Poland, the former Soviet Union or Romania. Some Aussiedlers were spurred to emigrate by discrimination; many others, however, had at best a nominal German cultural identity and emigrated to benefit from Germany's prosperity. Aussiedlers therefore blurred the distinction between "ethnic migration" (return to an ethnic homeland) and "economic migration."

Roma: Roma came to Western Europe from Romania, Bulgaria and other states in the hundreds of thousands after 1989. Their exodus was motivated by ethnic intolerance and dire economic conditions, and facilitated by nomadic traditions. The Roma have low educational standards, very high rates of unemployment, little political power and no ethnic homeland to shelter them or to champion their rights. They face pervasive racism and discrimination throughout East Central Europe.⁹ In Romania they were subject to political trials, violence organized by state authorities, spontaneous pogroms, and forced resettlements in the 1980s and early 1990s.¹⁰ Many Roma from Romania sought

refuge in Germany where, along with other migrants who crossed perceived cultural and racial divides, they became the target of racism.¹¹ From 1997 onward, hundreds of Roma from the Czech Republic and Slovakia sought asylum in Canada and the United Kingdom due to growing intolerance at home. A fraction were granted asylum; Canada and the United Kingdom responded by periodically reinstating visas for Czech and Slovak citizens.¹²

Refugees from the Yugoslav Wars: Refugees from the wars in Bosnia-Herzegovina and Croatia were given temporary refugee protection in West European states: 700,000 were outside of the borders of the former Yugoslavia by 1993 and some 2 million by 1995.¹³ By the end of 1998, three years after the signing of the Dayton Peace Agreement, only about 40% of the refugees in Western Europe had returned to Bosnia.¹⁴ Germany, Austria, Hungary and Switzerland -- attractive by virtue of proximity, prosperity and/or existing Yugoslav communities -- sheltered a great majority of these refugees. For example, it is estimated that in 1995 there were 350,000 Bosnians in Germany; by mid-1998 190,000 had returned and 2,000 had been deported.¹⁵ Beginning in 1998, Serb repression in Kosovo sparked a steady exodus of ethnic Albanians to Western Europe.¹⁶ The exodus swelled to some 700,000 refugees during the airstrikes in 1999, but many remained in neighboring Macedonia or Albania and returned immediately after the end of the airstrikes.

The Roma and the Yugoslav refugees, however, were not alone in entering Western Europe in the 1990s. From the east and south, from the former Soviet Union and the Balkans, increasing numbers of East European migrants did embark on difficult journeys westward, to escape poverty and conflict, and to seek economic advancement in Western Europe. Others came from the Middle East, Asia and Africa, but transited through East Central or South Eastern Europe. Many crossed the border into Germany from Poland or the Czech Republic; others crossed into Austria from Hungary or Slovakia. As there exist no legal channels of immigration to Western Europe for persons fleeing poverty or generalized violence, migrants entered illegally, or claimed political asylum regardless of their background.

2. The Changing Asylum and Immigration Policies of West European States

A backlash by West European electorates against foreign residents, especially the rising numbers of asylum seekers, prompted all West European governments to implement increasingly efficient and summary national policies.¹⁷ The popularity of extreme right-wing parties, who blamed foreigners for rising unemployment, violent crime and other forms of social malaise, rose sharply in the early 1990s.¹⁸ Leaders of mainstream parties, anxious to neutralize the extreme right, took on board many of its slogans and preoccupations. In essence, they co-opted the extreme-right's diagnosis of what was ailing society (foreigners) as well as its prescribed cure (the removal of foreigners): on the logic that, while retaining power, they would deal with the crisis of xenophobia more correctly and without undermining democracy. Others argued that when mainstream parties adopted some of the rhetoric of the extreme right, they legitimized xenophobic political discourse. Meanwhile, a long-standing debate on immigration intensified: To what extent should immigrants be expected to conform to the local culture? Are governments fueling xenophobia by purposefully hampering the integration of immigrants into society, for example, in Germany by denying them citizenship?

A milestone in the transformation of Europe's immigration regime occurred in the summer of 1993, when Bonn tightened Germany's hitherto liberal asylum laws in response to a domestic surge of extreme nationalism leveled against foreigners. This surge had prompted German Foreign Minister Klaus Kinkel to warn that immigration was threatening the stability of German democracy.¹⁹ In addition to asylum seekers, the anti-foreigner sentiment was sparked by two groups which Germany had invited onto German soil: ethnic German Aussiedlers (discussed above) and non-German guest workers.²⁰ From the 1950s to the 1970s, Germany and neighboring Austria recruited hundreds of thousands guest workers from Turkey and Yugoslavia. (Indeed, from the perspective of East Europeans who might seek employment in Western Europe, the revolutions of 1989 should have come two decades earlier.²¹) During the economic contractions of the early 1970s, the guest worker programs ended, but ongoing family reunification created high levels of "regular" immigration.²²

Germany was the destination of over half of all East Europeans applying for asylum in Western Europe. From 1989 to the peak year of 1992, about one million applications for asylum were filed in Germany, of which some 560,000 came from Eastern Europe (including the former Soviet Union): of these Eastern applicants, 43% were Yugoslavs and 33% were Romanian citizens.²³ Under the 1951 Geneva convention, only refugees -- defined as discrete targets of persecution -- qualify for asylum. Only a small percentage of applicants were granted asylum (for example, only 4% in Germany in 1992), but the subsequent failure to expel refused asylum seekers allowed a form of covert migration. The UNHCR estimated in 1997 that Germany was harboring about 1.3 million refugees, as much as 10% of the world's total.²⁴ Still, overall, in 1997 and 1998 more foreigners left Germany than tried to settle there.

Most West European states responded to the sharp increase of applications for asylum in the early 1990s with tough new immigration policies, discussed below in section four. Though the new policies were designed to curb the misuse of asylum channels, it was feared that they increased the number of immigrants illegally entering Western Europe. They did successfully reduce the number of asylum seekers: the number of applications which had peaked at almost 700,000 in 1992 dropped to some 240,000 in 1995.²⁵ Numbers rose once more in the late 1990s, chiefly due to the war in Kosovo.

At the turn of the century, most West European states continued to have substantial backlogs of applications amidst ongoing controversies about how to care for asylum applicants while their applications were being processed. The established procedures were widely considered overwhelmed and inefficient. National politicians and populations bristled at the presence of asylum seekers as well illegal workers, while transnational organizations feared that more restrictive policies were endangering Europe's tradition as a place of refuge for targets of political persecution. As the EU put in place a "common external border," more and more decisions on how to fight the influx of illegal immigrants were made at the EU level by agreement among national governments in the Council. All the while, immigration lost none of its salience in the domestic politics of member states, and the perception of an unmanageable, illegal flow of migrants into Western Europe persisted even as

declining birth rates and shortages in computer specialists created powerful incentives to encourage immigration.

3. The Schengen Agreement and Plans for EU Asylum and Immigration Policies

Over the course of the 1990s, the EU member states were cooperating within the intergovernmental Justice and Home Affairs "third pillar" of the EU to tighten the common external border in order to fight illegal immigration and international crime. In addition to sorting out just what the existing Justice and Home Affairs "acquis" comprised, they were at work in 1999 on proposals to share the burden of temporary refugee protection and to harmonize the treatment of asylum seekers.²⁶ They were even contemplating the eventual alignment of national policies for the naturalization of long-term third-country residents.

The Schengen Agreement among the Benelux countries, France and Germany, signed in 1985 outside of the framework of the EU, laid the foundation for cooperation in the area of border controls. By 1997, the Schengen Agreement had been incorporated into the EU framework by the Treaty of Amsterdam, and all EU member states except Ireland and Britain had become members.²⁷ The Schengen Agreement gradually eliminated controls for persons crossing the internal national borders of the Schengen area. This necessarily led to the reinforcement and standardization of the newly-created common external border, as each Schengen member would have to accept the persons allowed to cross the borders of other member states. New rules sought to compensate for the "security deficit" caused by the abolition of internal border controls. The most visible manifestation of the common external border became the common visa list: to prevent "visa shopping," all participating states agreed to impose visa requirements on citizens of the same countries.

In general, the policies generated by the harmonization of border controls and visa requirements were more restrictive than the national policies they replaced. Harmonization at the EU level was dictated by the domestic politics of (certain) member states which insisted that the states of South Eastern Europe, even those negotiating for membership, remain on the mandatory visa list. As

will be explored in section five, this exclusion was at cross-purposes with the EU's long-term goal of stabilizing and democratizing South Eastern Europe.

The harmonization of asylum policies at the EU level, in contrast, seemed to promise the liberalization of (certain) national policies by reinforcing the principles of the 1951 Geneva Convention. The first high-profile report, however, did not bode well: During the Austrian Presidency of the EU in July 1998, the Austrian government drafted a "Strategy paper on immigration and asylum policy" which called for giant steps towards a unified EU approach to border controls and asylum seekers. The paper observed that, "the EU States have thus far not achieved any real success in combating the abuse of the right of asylum." The first version, and to a lesser extent the second, were sharply criticized by the UNHCR and by non-governmental organizations for seeking to undermine existing refugee protection standards, in particular the 1951 Convention.²⁸

The tenor changed during the Finnish Presidency of the EU. The Tampere Special European Council (meeting of Heads of State and Government) of October 1999 expanded on a European Commission action plan published in July 1998 entitled "Towards an Area of Freedom, Security and Justice." The European Council produced a document entitled the "Presidency Conclusions" which proposed forging common policies in the areas of temporary refugee protection, asylum and immigration.²⁹ Unlike the Austrian strategy paper, this document was met with approbation by the UNHCR and by non-governmental organizations defending the right of asylum.³⁰

The European Council proposed a "Common EU Asylum and Migration Policy" to standardize the way asylum seekers are treated and how their applications are processed. This may prevent the imposition of overly restrictive asylum procedures by some states, while also preventing "asylum shopping" by migrants for the least restrictive procedures. The Council called for legislation that provides for "a clear and workable determination of the State responsible for the examination of asylum applications, common standards for a fair and efficient asylum procedure, common minimum conditions of reception of asylum seekers, and the approximation of rules on the recognition and content of refugee status." (Par. 14) The Schengen Information System (SIS) already lists the names individuals who apply for asylum in more than one EU member state, but the European Council urged

the creation of a database of fingerprints solely for the identification of asylum seekers (Eurodac). (Par. 17)

With respect to immigration policies, the Conclusions did not address national rules for naturalization of third country nationals, but did call for "a set of uniform rights" for third country nationals resident in the EU which are "near as possible to those enjoyed by EU citizens." (Par. 21) The European Council also called on the Commission to study how to create a financial reserve which would be available to help member states cope with a mass influx of refugees. (Par. 16) To this end an emergency fund of \$268 million was proposed. The states that received a very large proportion of the refugees entering the EU had called for years for some kind of "burdensharing" to help spread the cost of caring for refugees awarded temporary protection.

4. The EU's Unwanted Migrants:

Transit Migrants, Asylum Seekers and Refugees in Eastern Europe

The creation of the EU's external border in conjunction with more restrictive asylum policies in West European states based on the "safe country principle" and readmission agreements forced the EU's eastern and southern neighbors to cope with the EU's unwanted migrants. Citizens of the EU's immediate eastern and southeastern neighbors -- the Czech lands, Slovakia, Hungary, Poland and Slovenia -- emigrated westward only in small numbers as demonstrated in section one. Meanwhile, their countries formed a "territorial buffer" between the EU and those countries whose citizens have demonstrated a greater propensity to migrate: Romania, Bulgaria, the former Yugoslavia and the former Soviet Union (with the exception of the Baltic states). Meanwhile, the governments of the EU's immediate neighbors made a substantial effort to guard their western borders and adopt the EU's border policies in order to qualify for EU membership. When four of five of these states (all but Slovakia) began accession negotiations in 1998, the pressure to conform and to cooperate rose substantially.³¹

"Transit migration," defined as "migration to a country with the intention of seeking the possibility there to emigrate to another country as the country of final destination," became a significant problem for the Czech Republic, Hungary, Poland, Slovakia and Slovenia. In addition to the social costs of hosting large numbers of illegal immigrants, this sort of migration presented a special challenge. "Transit migrants" *ex definitio* have no desire to settle where they are, and yet East Central European states must keep them from moving west in order to preserve good relations with the EU. Moreover, after the EU tightened its borders in 1993, these states confronted the expanding activity of the ever more sophisticated criminal gangs who traffic in humans attempting to reach the West.³² The 1998 Austrian strategy paper observed dimly that "cooperation with the transit States has not succeeded in stopping the influx of illegal migrants, but has influenced the volumes concerned; it has not been possible to force back on a lasting basis the international criminal organizations trafficking in human beings. Only in visa policy and practice is it possible to identify clear progress."³³

As increasingly prosperous democracies, East Central European states also became a destination for immigration in their own right. Roma from Romania and Bulgaria flooded into all four states.³⁴ Some 200,000 Roma from Romania cross the Polish border each year, many of them temporary labor migrants.³⁵ Poland also experienced a great influx of citizens of republics of the former Soviet Union, hundreds of thousands of whom worked illegally.³⁶ To the extent that the Czech Republic, Poland, Hungary and Slovenia became more attractive by virtue of their growing prosperity and secured greater control over their borders, they in turn began to create transit migration problems for their eastern and southern neighbors.

But in the main, East Central and South East European states were poorly equipped to turn back or absorb migrants from the former Soviet Union, the Balkans or the Third World.³⁷ They had to cope with small but increasing numbers of illegal migrants from Asia, Africa and the Middle East: migrants who crossed cultural/racial divides and who were therefore more difficult to absorb. Meanwhile, the post-communist governments did not inherit from their communist predecessors any viable state policies or institutional infrastructure for processing asylum applications or caring for different categories of migrants. In exchange for taking back transit migrants, some financial,

organizational and technical assistance with reinforcing borders and accommodating migrants was provided bilaterally by West European states (especially Germany) and through the EU's Phare program.

Poland and the Czech Republic also provided an "asylum buffer" for the EU after July 1993, when Germany changed its Basic Law such that asylum seekers entering from a "safe country" could be refused entry at the German border. The "safe country principle" was subsequently adopted by all EU member states. All states bordering the EU were designated as "safe:" no asylum applicant can travel to the EU by land. Meanwhile, the EU's neighbors were compelled to sign readmission agreements with West European states to take back all illegal immigrants, including asylum seekers. When Austria joined the EU in 1995, its neighbors Hungary and Slovakia joined the EU's immigration *cordon sanitaire*. For its part, Slovenia provided a barrier between the other post-Yugoslav states and two EU member states, Italy and Austria. In 1997 the competence to conclude readmission agreements was transferred to the Community by the Amsterdam Treaty. The 1999 Tampere European Council reaffirmed that the EU would make maximum use of readmission agreements with states of transit and of origin.

The fear of being saddled with tens of thousands of asylum seekers rejected by Germany and Austria caused a chain reaction eastward of tighter border controls, dubbed Europe's "new iron curtains." Various visa, hard-currency and invitation requirements were imposed on citizens of Bosnia-Herzegovina, the former Soviet Union and the Third World in the early 1990s. Most East Central European states also adopted the "safe country principle" and declared all neighboring states to be "safe." This triggered a web of readmission agreements which provided for the deportation of asylum seekers and illegal immigrants to the state from which they had entered. In 1998, for example, some 10,000 persons were returned to Poland under re-admission agreements, and Poland in its turn returned 6,500 people to neighboring countries. Germany returned roughly 5,000 people to Poland in 1998, down from 6,200 people in 1997.³⁸ Poland attributed the reduction to new rules requiring Russians and Belarusians to obtain visas, and Ukrainians to present proof of financial means, in order to enter Poland.

Beyond straining the abilities of states neighboring the EU, the web of readmission agreements reaching ever further east and south of the EU posed two problems. First, for states for whom EU membership is not a prospect, there was no obvious reason to cooperate with West European officials attempting to send back illegal migrants.³⁹ Second, the human rights and the right of non-refoulement of asylum seekers bounced backward by way of the chain of readmission agreements were endangered. When the EU declared all of its neighbors to the east and south as "safe countries," Poland, the Czech Republic, Slovakia, Hungary and Slovenia mostly deserved such an appellation (even though their procedures for caring for asylum seekers and processing their asylum applications were skeletal at best). But as the number of asylum seekers rose, they declared their neighbors such as Romania, Bulgaria and Ukraine to be safe countries: yet their neighbors were sometimes unsafe or simply unable to cope with asylum seekers.⁴⁰ In other words, states with the ability to implement readmission agreements pushed asylum seekers toward states that had yet to develop humane and fair policies for dealing with them. Admission was easier, but the economy poorer and the society more prone to mistreat asylum seekers from the third world. For its part, the government was often unable to afford to deport them to their home country or to the previous "safe" country they had visited.

East Central European states, especially Hungary, also had to cope with refugees from the wars in the former Yugoslavia, with the help of only small financial and knowledge transfers from Western Europe. Refugees from Bosnia-Herzegovina entered Hungary in the tens of thousands in the early 1990s: given its size and modest economy, Hungary arguably shouldered the greatest burden of sheltering Bosnian refugees.⁴¹ Meanwhile, from the late 1980s onward Hungary had to provide refuge to tens of thousands of ethnic Hungarians from neighboring states. By 1990 some 40,000 ethnic Hungarians fleeing Ceausescu's Romania had sought refuge in Hungary. In 1991 a second wave of ethnic Hungarians arrived, these fleeing Serb aggression and forced conscription in Vojvodina. As in the case of ethnic German immigrants to Germany, ethnic Hungarian immigrants suffered from and contributed to growing intolerance of foreigners in Hungary. Though Hungary extended preferential treatment to immigrants who were ethnic Hungarians, it did not encourage the Diaspora to leave their homes in Slovakia, Romania or Vojvodina.⁴²

In 1999, NATO's airstrikes against the Federal Republic of Yugoslavia (FRY) prompted fears that Serb retaliation against Vojvodina's ethnic Hungarian minority would spark another exodus to Hungary. A NATO member, Hungary sought to uphold its commitments to the alliance while limiting its participation in the bombing campaign. Some 30,000 Vojvodina Hungarians reportedly came to Hungary as tourists during the airstrikes between March and June 1999 along with thousands of other FRY citizens. Of those who applied for refugee status, most received only a temporary right of residence which excluded a work permit.⁴³

5. Helping Eastern Europe Cope with Rising Numbers of Migrants

The EU has appointed East Central European states as its immigration gatekeepers at a time when they are undergoing very difficult political and economic changes. Rising levels of immigration hold certain dangers for domestic politics in postcommunist Europe. Given the strains of economic change, especially the high level of unemployment (which was virtually nonexistent under communism), there is little reason to expect that marginalized segments of society in East European states should prove more tolerant of rising immigration than their counterparts in Western Europe. That racist violence has so far been minimal is impressive, since political actors in the states in question have been in a much weaker position than Germany or Austria to prevent it. Thus far, the extreme right has been less popular in Eastern than in Western Europe. There is as yet no trend corresponding to the popularity of the National Front in France and the Freedom Party in Austria.

Rising levels of immigration, however, could increase the popularity of the far right in Eastern Europe which tends to simultaneously oppose EU membership, immigration, and liberal reform. This could be compounded by double standards regarding the number and the integration of immigrants within candidates for EU membership. Future EU leaders may argue that EU membership is inappropriate for, say, Romania or Slovakia, because it has too many third-country migrants which might move westward, or because these migrants have triggered racist violence. Given that the EU's policies are designed to divert immigration to neighboring states, and given the levels of racist violence

in some EU member-states, such a position would be hypocritical. Shunting immigrants onto East European countries and applying double standards on the critical issue of immigration could harm the cause of reform in Eastern Europe, and thus undermine the EU's own interest in the stability of the region.

Since obtaining EU membership does remain the foremost goal throughout the region, however, the EU should pressure governments to improve their treatment of migrants as a condition of continued progress toward EU membership.⁴⁴ The EU should also provide more substantial financial and technical assistance for these states to reinforce their borders, apprehend illegal migrants, shelter asylum seekers and absorb refugees.⁴⁵ Burden-sharing should extend to states beyond the EU's border, for whom the EU's policies have helped to create a cumbersome transit migration problem and a potential refugee problem. But effective burden-sharing may require accepting people as well as giving money. The policy of paying poorer neighbors to deal with migrants will prove counterproductive if the numbers become overwhelming.

Meanwhile, immigration from the east should not be understood by the EU in monolithic terms. The opportunities for national economies afforded by migration have been highlighted by many economic studies.⁴⁶ In particular, the influx of young and educated East Europeans may play a role in the future economic growth of a Western Europe where fertility has fallen below replacement levels. The Portuguese Presidency of the European Union proposed that declining birth rates, aging populations mean that the EU needs to develop a strategy for legal immigration. A controversial United Nations report pointed to the need for many European states to accept substantial numbers of immigrants annually (in the case of Germany, 500,000) in order to keep the population steady.⁴⁷

6. Conclusion: The Power of Inclusion and Exclusion in Europe

Making the Stability Pact for South Eastern Europe A Success

This chapter has distinguished between states of East Central Europe and states of South Eastern Europe. Whereas the main concern with respect to East Central Europe must be that issues

connected to the EU external border do not derail a generally successful reform process, the main concern with respect to South Eastern Europe must be the provision of stability to prevent future waves of migration. Whereas citizens of East Central Europe generally stayed put, South Eastern Europe (the former Yugoslavia, Albania, Romania and Bulgaria) accounted for a high proportion of the asylum seekers, refugees and economic migrants that entered Western Europe in the 1990s.

In South Eastern Europe, the stakes are higher, and the dilemmas sharper. Policies designed to combat the influx of people from South Eastern Europe reveal the tension between the short-term electoral interests of West European governments and the long-term foreign policy goals articulated by the EU.⁴⁸ The EU's trade and visa policies, which have immediate repercussions for domestic politics in member states, are at cross purposes with its fledgling foreign policy, which has yet to impose clear costs and benefits on domestic groups. (Many have argued, of course, that the *absence* of a coherent EU foreign policy in the 1990s, particularly toward the Former Yugoslavia, has been very costly for member states.) Only in 1998 and 1999 did the EU's Common Foreign and Security Policy begin to evolve toward assuming some of the foreign policy competencies of a state. The success of the Common Foreign and Security Policy will be measured by its ability to apply the instruments available to the EU -- trade agreements, visa requirements and the incentives of EU membership --- to fulfilling its declared foreign policy goals, even if this entails overruling the short-term interests of some member states and incurring substantial economic costs. The rhetoric of creating a Common Asylum Policy is so far encouraging in this regard, as it privileges long-term goals and principles to these kinds of short-term interests.

The EU's foreign policy after the Kosovo crisis seemed for the first time to be based on the grudging realization that EU enlargement itself may be the best way to promote peace, democracy and economic growth in the whole of Europe. The prospect of EU membership as a motor for political and economic change was explicitly set out in the EU-led Stability Pact for South Eastern Europe adopted at Sarajevo in July 1999. In order for the flow of asylum seekers, refugees and economic migrants from South Eastern Europe to be curbed decisively, the region's moderate elites must hold power, put an end to violent conflict and revitalize the economy. All the while, these elites must fend off extremist forces

by convincing voters that difficult reforms of the economy and the state will lead to greater prosperity and to membership in the European Union. If extreme governments who do not seek EU membership remain in (or return to) power in South East European states, these states will likely continue to generate migrants. Moreover, these sorts of governments will be much less willing to serve as migration buffers for the EU.

There are two pressure points at which the EU should use its resources and leverage to find long-term solutions to the migration problems of South Eastern Europe. First, it should work for continued economic recovery in the region. Second, it should help support moderate politicians. Thus far, the perceived interests of member governments in protecting EU markets from foreign competition and EU territory from foreigners have led to policies which are counterproductive to the overarching goal of securing economic recovery and democracy in the Balkans. These policies are therefore also counterproductive to a comprehensive solution to the problem of illegal migration from South Eastern Europe.

EU member states should allow unrestricted market access to South East European producers in all sectors in the new Stabilization and Association Agreements to be signed with Macedonia, Bosnia-Herzegovina, Albania, Croatia and the Federal Republic of Yugoslavia (FRY) once they meet basic democracy requirements. Existing Association Agreements with Bulgaria and Romania should be revised to allow market access for agricultural goods. Economists agree that market access is the single most important tool in preventing the economic deterioration which might spark a wave of migrants seeking entry into the EU labor market.⁴⁹ By strengthening economies, market access for Eastern goods will encourage workers to stay where they are: free trade is thus "the best single migration policy that could be put in place."⁵⁰ At the same time, growth from free trade will help states shelter refugees and secure their borders against illegal migrants, as well as dampen racial tensions associated with rising immigration. In the long run, a Europe-wide free-trade area may be the most effective means of minimizing East-West migratory pressures.⁵¹

The trade agreements signed with East Central European states in the early 1990s imposed restrictions and long transition periods on those sectors (steel, textiles and agriculture) in which eastern

producers were the most competitive.⁵² This catered to the interests of powerful producers within the EU, although studies showed that the impact of immediate and complete market access for East Central European goods on these producers would have been minimal. In the case of the Stabilization and Association Agreements, the EU should resist protecting its markets from the goods these poor and fragile states are most able to export. Access to the EU market would also prove very instrumental in attracting much-needed foreign investment to the region.

Meanwhile, the EU should consider how visa requirements undermine the creation and the power of moderate elites in South East European states. By 1999, of the citizens of the EU's ten states associated, only Bulgarians and Romanians had to obtain visas before entering the Schengen area. This was also the case for citizens of Macedonia, Bosnia-Herzegovina, Albania, Croatia and the FRY. European leaders seemed indifferent to the negative consequences of restrictive visa policies for democracy in the Balkans. West Europeans count on business, academic, civic and policy leaders to Europeanize their countries. But these very people are discouraged from traveling to professional meetings in western Europe because obtaining a visa requires many documents, queuing at the embassy and then a long wait, sometimes measured in months. Only those with sufficient connections to get a multiple-entry Schengen visa are spared the frustration. The inconvenience and humiliation is felt most acutely by precisely those elites who are expected to Westernize their countries.

The visa requirements have fueled anti-EU sentiment in South East European states. Elites as well as ordinary citizens are frustrated, resentful and feel like third-class Europeans. This decreases the willingness of politicians and other public figures to portray themselves as pro-European, undermines the popularity of those who do, and feeds a sense of futility about ever being allowed into the European club. The sense of isolation will only mount as first wave candidates to the EU such as Hungary and the Czech Republic implement Schengen visa policies in order to make good on their bids for membership. This will make it necessary to obtain a visa to travel to Budapest, Prague or Warsaw as well as Paris, Berlin or Brussels.

The visa requirements for citizens of Bulgaria, Romania and the former Yugoslavia traveling to the Schengen area stem from the fear and the reality of illegal immigration from the Balkans into the

EU, discussed in section one. Still, given the disproportionate role a relatively small number of political, cultural, and economic elites play in setting policy and influencing political culture, it would be wise to consider expedited visa procedures for professional meetings and family visits. Moreover, the removal of reforming countries from the EU's common visa list should be on the agenda as part of a strategy to strengthen the hand of pro-Western elites in the Balkans, while integrating the region into Europe. In early 2000, the Commission did propose that Bulgaria and Romania be removed from the list, but it was not expected the EU member states would agree to the change that year.

During the long wait for full integration, the EU should do what it can to strengthen the economies and moderate elites of South Eastern Europe. This will serve the narrow political interest of EU governments in controlling illegal migration: these states will cease to create refugees, cope better with all categories of migrants on their own soil, and generate fewer economic migrants of their own. Meanwhile, it will serve the EU's ambitious, long-term goal of stabilizing and democratizing the whole of South Eastern Europe.

¹The Council in June 1998 set up an expert group composed of representatives of the member states and the Commission, which is responsible for preparing collective evaluations of the situation in the candidate countries on the enactment, application and effective implementation of the acquis in the field of Justice and Home Affairs. The preliminary reports on Estonia and Poland were completed in October 1999. The 2203rd Council meeting, Justice and Home Affairs, Luxembourg, 4 October 1999, 11281/99 (Presse 288). On the impact of the conditionality of EU membership on the domestic policymaking of East European candidates, see Milada Anna Vachudová, *Revolution, Democracy and Integration* (Oxford: Oxford University Press, forthcoming).

²Under pressure from the German government, the free movement of persons across the Czech-Slovak border had already been eliminated by the Czech government. Accords signed before the Czech-Slovak split had envisaged minimal border formalities to allow the virtual free movement of people within a free-trade zone. In 2000, the Czech government also agreed to give up its customs union with Slovakia if the Czech Republic enters the EU before Slovakia.

"Česko slíbilo Bruselu, že zruší celní unii se Slovenskem," *Lidové Noviny*, 12 April 2000, 1.

³Tim Snyder, "W poszukiwaniu wschodniego interesu," *Unia-Polska* 1, no. 1 (October 1998), electronic edition at <http://www.unia-polska.pl>. See also Freudenstein, this volume.

⁴For the purposes of this chapter, East Central Europe refers to Poland, Hungary, the Czech Republic, Slovakia, and Slovenia. Romania, Bulgaria, Albania, Macedonia, Croatia, Bosnia-Herzegovina and the Federal Republic of Yugoslavia comprise South Eastern Europe.

⁵Surveys did reveal that a high percentage of the region's population respond in the affirmative when asked if they would like to emigrate. For example, Robert J. Brym, "The Emigration Potential of Czechoslovakia, Hungary, Lithuania, Poland and Russia: Recent Survey Results," *International Sociology* 7, no. 4 (December 1992), 387-395.

⁶There were no large-scale, violent conflicts in East Central Europe which might have created refugee flows akin to the conflicts in the former Yugoslavia. The treatment of the Turkish minority in Bulgaria and the Hungarian minorities in Romania and Slovakia warranted concern in the early and mid-1990s while nationalist governments held power. However, in all three cases the prospects for violent conflict were always very small, and most refugees

would have fled to their ethnic homelands (Hungary and Turkey), not to Western Europe. The possibility of an exodus from the Soviet Union sparked by violence and economic deprivation made West Europeans even more apprehensive: Despite the collapse of the empire and of the centrally-planned economy, an unmanageable movement of people westward likewise did not occur.

⁷There was also an increasing flow of people crossing into Western Europe from the south, chiefly from North Africa and the Middle East.

⁸Ethnic Germans from Eastern Europe (excluding the GDR) moving to Germany numbered 377,000 in 1989, 397,000 in 1990, 220,000 in 1991, 220,000 in 1992, 231,000 in 1993, and 223,000 in 1994 (totaling nearly 1.7 million over six years). To control the influx, Germany's "right of return" law was modified to restrict Aussiedler immigration to 220,000 per year, and the German government offered financial incentives to ethnic Germans willing to stay put. Some three to four million ethnic Germans remain in the East. See Jurgen Fijalkowski, "Aggressive Nationalism, Immigration Pressure and Asylum Policy Disputes in Contemporary Germany," *International Migration Review* 27, no. 4 (Winter 1993), 858-859; and UN Economic Commission for Europe, *Economic Survey of Europe 1994-95* (New York: United Nations, 1995), 232.

⁹There are some 30,000 Roma of Polish citizenship, 300,000 of Czech citizenship, 400,000 of Slovak citizenship, 800,000 of Hungarian citizenship, 800,000 of Bulgarian citizenship, and at least 2,000,000 of Romanian citizenship. Zoltan Barany, "Grim Realities in Eastern Europe," *Transition*, 1, no. 4 (29 March 1995).

¹⁰Max van der Stoep, CSCE High Commissioner on National Minorities, speech at CSCE Human Dimension Seminar on "Roma in the CSCE Region," Warsaw, 20 September 1994; Alain Reyniers, "En Roumanie, de l'esclavage à la démocratie," *Hommes et Migrations*, June-July 1995, 60-61; "Limalo szuka prawdziwych Cyganów," *Gazeta Magazyn*, 187 (4 October 1996), 7.

¹¹Some 300,000 Romanian citizens, mostly Roma, entered Germany from 1991 to 1993; 180,000 subsequently left voluntarily or were deported on the basis of Germany's new asylum laws and the readmission agreement contained in the German-Romanian convention of 1992. UN Economic Commission, *Economic Survey*, 231.

¹²"Diskriminace Romu delá ČR v zahraničí největší problémy," *Lidové Noviny*, 7 July 1998, 3.

¹³"Borderline cases," *The Financial Times*, 16 October 1999, 16; and Kathleen Newland, "Involuntary Migration: Refugees in the New Europe," in *Migration and the New Europe*, Kimberly A. Hamilton, ed. (Washington, D.C.: Center for Strategic and International Studies, 1994), 58.

¹⁴"Migration in Central and Eastern Europe: 1999 review," International Organization for Migration (IOM) and International Centre for Migration Policy Development (ICMPD) (Geneva: United Nations, 1999) at <http://www.iom.int>.

¹⁵"Germany: CSU Takes Hard Line," *Migration News* 5, no. 8 (August 1998) at <http://migration.ucdavis.edu>.

¹⁶On the refugee crisis sparked by the war in Kosovo, see Koslowski in this volume.

¹⁷Even at their peak in 1992, asylum seekers were far from overwhelming Western Europe: the proportions of applicants to population were 0.56% in Germany, 0.94% in Sweden and less than 0.05% in France and Britain. In 1998, the number of inhabitants per asylum seeker in the EU ranged from 340 in the Netherlands to 830 in Germany to 29,740 in Portugal. Newland, "Involuntary Migration: Refugees in the New Europe," 62; and "Borderline cases," 16.

¹⁸Tom J. Farer argues that "the swelling number of people crossing [perceived cultural/racial divides] has substantially contributed to a crescendoing demand among European electorates for sharp limits on all cross-cultural immigration, regardless of the immigrant's motives and needs." Farer, "How the International System Copes with Involuntary Migration: Norms, Institutions and State Practice," *Human Rights Quarterly* 17, no. 1 (1995), 83.

¹⁹"Refugees: Keep Out," *The Economist*, 19 September 1992, 64.

²⁰A survey conducted in 1990 of sympathizers of the Republicans (the extreme-right wing party in Germany) found that 61% believed that guest workers were a great burden on Germany; 68% and 92% felt the same way about ethnic German Aussiedlers and asylum seekers, respectively. Mihalka, "German and Western Response," 45-47.

²¹The association agreements signed between the EU and East Central European states did not even contain a non-discrimination clause with respect to unemployment and social benefits for the small number of legal East Central European workers allowed by the agreements, although such clauses are to be found in previous agreements between the EU and Tunisia, Algeria, and Morocco.

²²In 1989, of the foreign (non-EC) population of Germany, 65% were Yugoslavs and Turks (totaling some 2.3 million persons). The Turkish population in Germany, which was 429,000 in 1970, had quadrupled to 1.7 million persons by 1990. In 1999, an estimated 7.3 million foreigners lived in Germany, of which 2.1 were Turks. During the course of the 1990s, Germany substantially revised its citizenship laws to allow for the naturalization of legally resident third-country nationals, especially those born in Germany. "Europe's Immigrants: Strangers inside the gates," *The Economist*, 15 February 1992, 22; and "Europe: Full Up? Immigration Jangling German Nerves," *The Economist*, 25 March 2000.

²³The numbers of all applications for asylum in Germany in the years 1989 through 1992 were 121,000, 193,000, 256,000, and 450,000, respectively (totaling one million, of which some 24% were Yugoslavs and 18% were Romanians). The peak was 513,000 applications in 1993. The numbers for 1998 and 1999 were 147,000 and 136,000, respectively. From the *Deutsches Statistisches Jahrbuch*, cited in Michael Mihalka, "German and Western Response to Immigration from the East," *RFE/RL Research Report* 3, no. 23 (10 June 1994), 41; and "Europe: Full Up?"

²⁴United Nations High Commissioner for Refugees, *The State of the World's Refugees: A Humanitarian Agenda* (New York: Oxford University Press, 1997).

²⁵Philip Martin and Jonas Widgren, "International Migration: A Global Challenge," *Population Bulletin* 51, no. 1 (April 1996), 26.

²⁶On the EU's mysterious Schengen acquis, see Monica den Boer, "Steamy Windows: The Transparency and Openness in Justice and Home Affairs," *Openness and Transparency in the European Union*, in Veerle Deckmyn and Ian Thomson, eds. (Maastricht: European Institute of Public Administration, 1998), 91-105; Brendan PG Smith, "Implementing the Amsterdam Treaty: The Incorporation of the Schengen Acquis into the European Union," unpublished manuscript; and Monica den Boer and William Wallace, "JHA Cooperation in the Amsterdam Era: Programme for Integration or Intergovernmental Drift?," in *Policy-Making in the European Union*, Helen Wallace and William Wallace, eds. (Oxford: Oxford University Press, Fourth Edition, forthcoming).

²⁷The United Kingdom applied in the autumn of 1999 to "opt into" provisions to help combat illegal immigration and international crime, giving it access to the SIS and Eurodac. On the British debate, "Blair plans U-Turn on Border Controls," *The Independent*, 27 March 2000. On the origin and character of the Schengen Agreement, see Anderson, this volume.

²⁸The first version was published in July 1998 as Council document 9809/98, and the second in September 1998 at <http://ue.eu.int/jai/>. The strategy paper is criticized for painting all asylum seekers as illegal immigrants in disguise, discounting that they may in fact be fleeing from persecution, and dismissing the reality that they may have to enter the country illegally in order to seek asylum.

²⁹The "Presidency Conclusions" are at <http://presidency.finland.fi>. See also Ulf Haussler, "Tampere Summit," *Migration News* 6, no. 12 (December 1999) at <http://migration.ucdavis.edu>.

³⁰The European Council on Refugees and Exiles (ECRE), for example, "welcomes that a Common European Asylum System will be based on a 'full and inclusive application of the Geneva Convention, thus ensuring that nobody is sent back to persecution.'" According to ECRE, this means that the Council would require Member States which apply an overly restrictive interpretation of the Geneva Convention to change that interpretation. "Observations by ECRE on The Presidency Conclusions of the Tampere European Council," October 1999 at <http://www.ecre.org>.

³¹On the impact of the accession negotiations, see Jesien, this volume.

³²"The new trade in humans," *The Economist*, 5 August 1995, 45-46; "Przed skokiem na Zachód," *Rzeczpospolita*, 22 April 1996, 8; "Jak zatrzymać uchodźców," *Rzeczpospolita*, 8 October 1996, 8. See also Koslowski, this volume.

³³"Strategy paper," Austrian Presidency, 3.

³⁴Of the 43,000 persons detained at the Czech borders in 1993, over half were Yugoslavs, 12% were Bulgarians and 10% were Romanians. Of the 16,000 persons detained on the Polish borders in the first nine months of 1993, over 40% were Romanians, 10% were Bulgarians, 7% were Ukrainians and 5% were Russians. "International Migration in the ECE Region," *Migration*, nos. 21-22 (1994), 173.

³⁵"Limalo szuka prawdziwych Cyganów," 9.

³⁶In the early 1990s, Soviet workers earning US\$ 60-80 per month in Poland received one-third of the average Polish wage, but twelve times the average wage in the Soviet Union. Adam Bernatowicz, "Polish Migration Policies," *Migration World* 20, no. 3 (1992), 14.

³⁷To stem the flow of migrants, they had to rely on "negative" incentives: Unlike the West, they were economically unable to offer "positive" incentives to discourage immigration by improving economic conditions at home. Michael Shafir, "Immigrants, Refugees, and Postcommunism," *RFE/RL Research Report* 3, no. 23 (10 June 1994), 35.

³⁸"Miliony na przejściach" *Rzeczpospolita*, 2 January 1999.

³⁹The 1998 Austrian strategy paper observed gloomily that the wide network of readmission agreements had proved "strikingly unsuccessful" as states of origin refused to take back their own nationals from the country they had entered illegally: "Not until it proves possible to ensure that the principle whereby the State of previous residence immediately and unconditionally takes back every single illegal border-crosser who is not protected by the ban on refoulement is put seamlessly into effect, will the overall migration-slowing effect come into play." "Strategy paper," Austrian presidency, 4, 17.

⁴⁰Also of concern were impoverished states further east who received substantial flows of transit migrants: for example, a substantial flow from the former Soviet Union and Romania crossed through Bulgaria to reach Greece." Joint NGO Statement," in Rachel Brett and Elaine Eddison, *Migration, Refugees and Displaced Persons: Report on the CSCE Human Dimension Seminar* (Colchester: Human Rights Centre, University of Essex, 1993), 20. See also "Asylum Policy in Western Europe, The Role of the European Union," *World Report 1999*, Human Rights Watch at <http://www.igc.org/hrw>.

⁴¹Hungarian refugee camps suddenly overflowed when Austria closed its borders to Bosnian refugees in the summer of 1992. The conditions in these camps demonstrate the consequences of the presence of large numbers of refugees in an East European state which is ill-prepared to receive them. Hungary -- already taxed by the recent arrival of tens of thousands of refugees from Romania, struggling with economic reform and inexperienced in sheltering war refugees -- did not always treat Yugoslav refugees appropriately or with compassion. Conditions did improve with time and Western assistance. See Maxine Marcus, "Aiding Bosnian Refugees," *Migration World* 23, no. 5 (1995), 18-21; and Judith Pataki, "The Recent History of the Hungarian Refugee Problem," *RFE/RL Research Report* 3, no. 24 (17 June 1994), 34-38.

⁴²László Szoke, "Hungarian Perspectives on Emigration and Immigration in the New European Architecture," *International Migration Review* 26, no. 2 (Summer 1992), 308, 311, 315.

⁴³"Risks of a Decision IV," Budapest *Nepszabadsag*, 31 March 1999, 3, FBIS-EEU-1999-0331; "Security Guarantees and Frightening Challenges," Budapest *Magyar Nemzet*, 27 March 1999, 4, FBIS-EEU-1999-0329; and "Number of FRY Refugees to Hungary Decreasing," Budapest *MTI*, 1 July 1999, 1620 GMT, FBIS-EEU-1999-0701.

⁴⁴For recommendations on improving the treatment of asylum seekers in aspiring EU member states, see "Position on the Enlargement of the European Union in Relation to Asylum," The European Council on Refugees and Exiles (ECRE) at <http://www.ecre.org/archive>.

⁴⁵For details of existing programs, see the Jesien and Freudenstein chapters in this volume.

⁴⁶On the benefits of less restrictive immigration policies, see David Henderson, "International migration: appraising current policies," *International Affairs* 70, no. 1 (1994), 105-108.

⁴⁷Italy, for example, would need to accept 2.2 million migrants a year to maintain the ratio of four working people for every person drawing a pension. "The Asylum Debate: EU Struggles to Find Common Approach to Control Influx," *The Guardian*, 27 March 2000.

⁴⁸Milada Anna Vachudova, "The European Union Needs to Change Its Spots," *International Herald Tribune*, 12 August 1999, 8. See also Michael Emerson and Daniel Gros, eds., *The CEPS Plan for the Balkans* (Brussels: Centre for European Policy Studies, 1999).

⁴⁹However, "the case for trade liberalization by the OECD group does not rest on its possible effects on migration flows: the main argument in its favour is that it would benefit directly the OECD countries themselves." Henderson, "International migration," 110.

⁵⁰Richard Layard, Olivier Blanchard, Rudiger Dornbusch and Paul Krugman, *East-West Migration: The Alternatives* (Cambridge: MIT Press, 1992), 51. See also Nicholas Hopkinson, "Responses to Western Europe's Immigration Crisis," Wilton Park Paper no. 84, London 1994, 19-21.

⁵¹Among those advocating an all-Europe free trade area are: Alice Enders and Ronald J. Wonnacott, "The Liberalisation of East-West European Trade: Hubs, Spokes and Further Complications," *The World Economy* 19, no. 3 (May 1996), 253-272.

⁵²Trade between the EU and East Central European states was liberalized through the bilateral Europe Agreements (EAs): these agreements limited market access for East Central European goods, especially in so-called "sensitive sectors." The agreements included provisions for "contingent protection" for industrial goods (anti-dumping measures and a general safeguard clause which may be invoked at any time) and substantial restrictions on market access for agricultural goods. See Riccardo Faini and Richard Portes, "Opportunities Outweigh Adjustment: The Political Economy of Trade with Central and Eastern Europe," in *E.U. Trade with Eastern Europe: Adjustment and Opportunities*, Faini and Portes, eds. (London: CEPR, 1995), 1-18.

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FILE
IN MATRIX

faxed to CM
12/9



10 DOWNING STREET
LONDON SW1A 2AA

From the Senior Policy Adviser

12 September 2001

Dear Hilary

ASYLUM SUPPORT

The Prime Minister had a brief word with the Home Secretary this afternoon about his note on 'Immigration and asylum – the way forward' dated 7 September.

The Prime Minister said that he was attracted, in principle, to the approach described in the Home Secretary's memorandum. However before any new proposals could be agreed and announced a number of serious practical issues would need to be bottomed out with HMT, Lord Chancellor's Department and the No10 Policy Directorate. These include the additional cost of the new approach; the practicality of rolling the new system out by the end of 2003; the legal basis of the new centres and the acceptability at a local level of the new accommodation centres. He would be grateful if the Home Secretary could take forward this work with the other Departments and report back by the middle of next week.

The Prime Minister also asked the Home Secretary to look at other ways in which we could signal that the UK was not a 'soft touch' for unfounded asylum applications.

I am copying this letter to Lucy Makinson, Debora Matthews and Andrew Albery

PP JUSTIN RUSSELL

Hilary Jackson
PPS to the Home Secretary

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AOB

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H/A P&A
PT 1
01-05

PRIME MINISTER

From: Justin Russell
Date: 10 September 2001

Cc: Andrew Adonis
Jeremy Heywood
Jonathan Powell
Olivia McLeod

ASYLUM - RETURNS AND REMOVALS

Immediate return

You asked for advice on why we cannot just send asylum seekers back to France if they have come through the tunnel.

Advice from the Home Office and Stephen Wall's people is that once asylum seekers make it to UK territory our Geneva Convention responsibilities kick in and we must consider their application unless there is another safe country that will consider their asylum claim. If we did try to return people immediately then there is every likelihood the French would bounce them straight back and in any case they would have a right of appeal against removal.

The Dublin convention (signed by the Tories, operational since 1997) exists to help determine which EU country should consider which asylum claim. Under that Convention, we cannot send asylum seekers back to France just because they have transited that country. We must send them back to the country through which they entered the EU, but even then only if we have good evidence proving this (like a plane or train ticket or passport stamp) which we very rarely have. Dublin clearly is not working well. Of 5,000 transfer requests made by the UK to other countries in the three years to September 2000 - less than 2,000 led to successful removals.

To be able to return asylum seekers, we need either a bilateral readmission agreement with France or to ensure the next revision of Dublin (on which EU negotiations are just getting underway) allows us to return asylum seekers to another EU country in which they were illegally present.

In February, Jack tried to negotiate such an agreement with the French at Cahors but was unsuccessful. DB will be trying again when he meets Vaillant on Wednesday evening though FCO are pessimistic about our chances of success given forthcoming elections in France. The feeling is that it would need a

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- 2 -

substantial bargaining chip elsewhere in the EU agenda to persuade them to move on this.

A revised Dublin convention seems more negotiable and the Commission has proposed a draft which recognises that a Member State can acquire responsibility for an asylum claim by tolerating an asylum presence on its territory (as in the Sangatte example). Dublin II must be agreed by April 2004. We will be pushing for faster implementation as a key objective in the build up to Laeken later this autumn. To achieve this we will need to offer trade-offs to those countries in southern Europe (like Italy) that will lose out (for example money to help with additional border patrols).

- Fast progress on Dublin II is essential. We should ask the Home Office to work up a package of support for frontline EU states that would help achieve this as soon as possible. Content?

Removals

You also asked what more could be done to increase removals.

Latest figures show no significant increase in monthly removals and a major shortfall between HO targets and what has been achieved to date (over 1,000 short in July). We are still well short of the 2,500 removals a month that would be required to meet the original PSA target of 30,000 removals in 2001/02.

Removals to date 2001-2

Month	Target	Actual	Principle applicants	Dependants
April	1,100	832	779	53
May	1,400	915	868	47
June	1,675	798	658	140
July	1,950	855	775	80
	6,125	3,400	3,080	320

IND already have in place a number of initiatives to increase the number of removals, including:

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- 3 -

- The Immigration Service has increased its staff by 1,775 in the last year and expects to reach its 4,800 target by November 2001.
- The continued expansion of our detention estate, with three new sites providing a total of 1500 additional beds by January 2002.
- Further immigration arrest teams are being trained, following a successful pilot scheme in the Metropolitan District, each IS region should have an arrest team by the end of March 2002.
- A protocol to assist with police assistance has been signed in July and will be formally introduced on 13 September at a meeting with ACPO.
- Four reporting centres are already operating in London, Manchester, Leeds and Gatwick where asylum seekers are required to sign in. Two more open this month in Croydon and West London and more are planned
- Greater use of charter flights to return failed applicants and work to increase the number of departures through the Voluntary Assisted Returns Programme. (Voluntary departures under this scheme are currently running at 100 a month).
- Teams of immigration staff dedicated to the removal of families whose asylum applications have failed being set up in each immigration law enforcement office.

Further reforms

There are two major barriers to accelerating the rate of removals.

Difficult source countries.

As we have succeeded in reducing asylum applications from Eastern Europe they have been replaced by countries to which it is far harder to return people. In July 2001 the top three 'asylum producing' countries were Afghanistan, Somalia and Iraq which accounted for 2,000 applications to the UK - 35% of the total. (See annex 1). All of them are currently impossible to return failed applicants to. Of the remaining countries in the top ten - returns are only relatively straightforward to Pakistan, China and India.

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For countries like Afghanistan and Iraq faster processing and greater use of detention will not therefore help increase removal rates and there is little that can currently be done to persuade the source countries to take people back. For this group the best answer may be to step up our efforts to prevent applicants reaching us through France.

For other developing countries where returns are possible but there are problems with re-documenting failed applicants – DfID may be able to do a deal where we tie extra development aid to increased co-operation over removals.

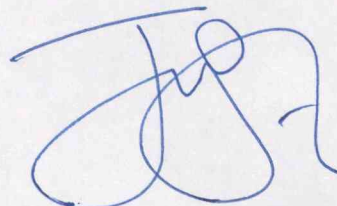
Keeping track of asylum seekers

There is considerably more that could be done to keep tabs on asylum seekers whilst their claims are processed. At present less than half of asylum seekers apply for the full NASS support package and 30% don't receive any support at all. Where NASS is not providing accommodation or vouchers we clearly have fewer levers over their behaviour. IND can require asylum seekers to sign on at their local police station or at a dedicated reporting centre – but there are only a limited number of the latter (four at present, two just about to open) and the police are understandably resistant to signing on requirements being made too frequent.

DB's proposals for accommodation centres would mean that we would know where every asylum seeker was sleeping each night. It would make it much easier to co-ordinate the decision making process (telling the applicant their appeal has been refused) and the removal process (taking the applicant into secure detention prior to removal).

Even if we do not go ahead with the accommodation centre initiative we should still ask the Home Office what more can be done to link support arrangements to decisions about removal. For example, should there be a requirement that every asylum seeker is required to sign on at a reporting centre to receive their vouchers (where they may be taken into detention if their appeal has been rejected).

Are you content for me to ask the Home Office to work up this proposal in more detail – in parallel with their accommodation centre proposals?



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FixedPrime Minister**IMMIGRATION AND ASYLUM – THE WAY FORWARD**

This note is to update you on our policy review and highlights the key areas where I would be grateful for your agreement to enable us to move forward with confidence. There are immediate issues which will require action, as well as decisions which shape long-term policy on a wider front.

I know that you will want me to bear in mind that there will be intense media interest in asylum issues next week – despite the Tory leadership result – with stories on the backlog figures, my meeting in Paris on Wednesday and our new security measures at Dover.

Judicial Reviews

Before I outline my proposals, I would like to update you on the number of judicial rulings in the pipeline. As you know, we have received the Oakington judgement today (which we have appealed against), and of course there is the judicial review both here and in France, initiated by Eurotunnel. I am also threatened with judicial review in relation to using modern and up-to-date equipment for surveillance at Dover, but I intend to go ahead anyway and fight as necessary to get the equipment installed.

I believe that the resolution of the issues below will enable us to deliver lasting and sustainable reform.

Statistics

Statistics have been notoriously unreliable in relation to both immigration and asylum on the one hand, and illegal undetected entry on the other. The improvement and investment in technology undertaken over the past two years has dramatically improved the situation, including electronic finger printing and data transfer, and with better record keeping. However, there are clearly major problems going back several years in relation to the baselines used, the nature and methodology of data collection, and the input from different sites. This is continuing to embarrass us and presents us badly in the media.

We are in a situation where the basic data (but not, of course, the relative improvement in performance) is inaccurate. You will agree that it is vital that we are both transparent and clear on a) the causes, and b) reliability for the future. It is my intention to publish data quarterly rather than monthly, enabling us to refine and update information, and to ensure its validity and reliability. We are going to announce this change and the backlog on Wednesday to coincide with the Tory leadership result.

Border controls

Substantial improvements have been made to border controls, including the ability to identify and therefore deter would-be entrants. Nevertheless, those who get into the country are still able to claim asylum, even though they may have originally wanted to remain as undetected illegal entrants surviving on the sub-economy. A great deal of

credit is due to the work done by my predecessors in securing provision at ports, airports, and latterly for the Channel Tunnel. Nevertheless, there is still much to be done here, not least in the signals to be sent to would-be illegal migrants, and I return to this later.

There is no doubt whatsoever that the situation has changed dramatically over recent years, even over the last two or three years. The Norwegian freighter carrying Afghans to Australia has highlighted in the public mind the worldwide nature of what we are dealing with, and the controversies in relation to Sangatte and Coquelles have highlighted the European-wide concerns and potential solutions. Otto Schily, the German Interior Minister, is entirely on side with the agenda that I believe would have widespread support here, and with his help the Italians, and with the helpful relations that I know you and I have with Spain, we can build allies. Nevertheless, I think that on both the immediate bilateral and European-wide front we will need to work really hard on the French – on organised crime and trafficking, and on sensible interpretations of, or revisions to, both the Dublin agreement and for that matter, the UN Convention.

In the meantime, we need to break what is now seen as a "siege" and I am looking at how we can move more quickly in relation to the work permit issues which Jack and Barbara mooted before the election, and which I picked up quickly back in June. There is a great deal more that could be done on border issues – as with the Czech Republic on embarkation – and I am looking at how we might spread this more rapidly.

Pull factors

A key factor in this debate is why Britain should be proving to be so attractive. We must be clear that the figures do not show anything like as big a surge to the UK as our media would give us to believe. Nevertheless, I believe the English language is crucial here. Wherever they come from and whatever language they speak, English is seen as a crucial educational tool for progression, and given the Internet and worldwide broadcasting, this is now being reinforced. Many of those seeking to reach Britain are relatively affluent, or from relatively affluent backgrounds, and therefore reasonably well educated. This is different to those applying for immigration from the Indian sub-continent, particularly in relation to marriage ties and the like.

In the end, however, the signals we send are – and I accept this entirely – critical to succeeding in getting some balance back into the situation. What I propose to do in the medium and long term, therefore, takes this clearly into account.

Removals

Removals need to be stepped up, but realistically. We were doing less than a thousand a month in the Spring, and whilst I believe that I can get this up to 2,500 by next Spring, the 30,000 target under the Departmental Service Agreement was, frankly, ridiculous. I made this clear without embarrassment to anyone in the Queen's speech debate in June, and as a consequence the House has been informed that we will meet the 30,000 a year target by the Spring of 2003 – in line with the manifesto. This does need to be reflected in the Delivery Agreement. However, the main problem is actually achieving this goal and getting the message out without having public disorder and the usual strumming of harps throughout the Winter. I will do my best to do this and we now have a new protocol agreed and about to be published with the police, so that they will help on this. It was necessary

to get through the Summer (particularly on the back of Bradford, Oldham, and Burnley) without a major crisis in this area – not least because of the attention on immigration and asylum from the media throughout the Summer.

Illegal immigrants

Dealing with the situation of people who had no intention of claiming asylum until they were picked up is another important matter. This, in my view, should entail entirely new rules as to how long someone can wait before claiming asylum if, obviously taking into account ECHR etc, the situation in their home country has not changed significantly since arrival. This change would require legislation – an Immigration and Nationality Bill in this session or the next.

Asylum appeals

We need a massive speeding up of the asylum appeals system. The initial processing of asylum claims (statistical blips apart) has been extremely good and a great improvement due to the new facilities that are available and the hard work and additional recruitment of Immigration and Nationality Directorate staff. But we still have two problems. Firstly, there is an unacceptable gap between determination of the asylum claim and the appeal hearing. Secondly, we need to tackle what happens to people who should be being removed from the country after their appeals have been rejected. Both require urgent action.

PROPOSALS:

If we are to make policy changes to address these problems in the context of our long term objective of a new nationality and immigration policy, we need stages on the way. These stages are:

- a) immediate toughening up, clarification, and transparency on statistics, and a clearing of the deck. This will involve more difficult media stories.
- b) the announcement of new medium term policies to address the issues of how best to monitor and track those claiming asylum, remove those with failed claims, and deal more fairly and humanely with everyone throughout the process and at the point of being granted refugee status. Part of this package must be offering those with skills, or something to contribute, the opportunity to enter Britain through a new work permit system (which is taking more sorting out than I expected)
- c) move to a White Paper and a future Immigration and Nationality Bill in the second session which would deal with the whole issue of placing entry into this country in the broader context of citizenship and nationality, dealing with race and community relations, incentives for and the point of seeking nationality, and the benefits which can then accrue. This would give us the opportunity of broadening the input in terms of the English language, understanding of our democracy and culture, and would fit into a broader debate on our programme for active citizenship and civic renewal. It would also give us an opportunity to refine our broader immigration policy, including how we handle short stay visitor visas, young commonwealth holiday/work arrangements, and the issue which I shall

deal with below in relation to simple illegal entry and disappearance into the sub-economy.

Let me first deal with the medium term policy issues I have just described in more detail. It has been clearly demonstrated over the summer that the existing dispersal system is neither popular nor, in some areas of the country, working. Regrettably, and I understand perfectly well why this option was originally chosen, it is now seen as part of the problem rather than part of the solution. Of course the voucher system goes with it, but frankly my solution is intended to find a way of handling the broader policy, dealing with the issue of sending the right signals, providing adequate and supportive accommodation, and by dint of this substantive change in direction, to remove the necessity of having a voucher system. This avoids having "capitulated" to anyone, or having done away with the voucher system, merely to replace it with cash payments. I set out **more detail** in the appendix and a rough idea of costings, but my favoured option is:

Favoured option

To set up a system of registration and processing centres - possibly called Accommodation Centres. These would be in addition to the very secure units for those who are believed to be at risk, or where there is some question mark over their absconding.

These accommodation centres would provide registration/reception and would offer accommodation and the normal basic necessities including food. Ancillary facilities would be provided for education and recreation - developed with local authorities through a new decentralised NASS. However, under my solution we would not simply use existing domestic accommodation with registration and reception bolted on, but clearly defined discrete facilities, requiring all applicants to sleep in the designated centre and be available at certain times, such as for interviews. We would envisage two stages of the process; initial registration for the first week followed by accommodation while the claim is being considered and the appeal determined.

And here is the real gain. There are many people who on claiming asylum take up the present option of vouchers only. Apart from getting the vouchers, we have no tracking system or handle on the situation at all. The new system will provide this. The new solution will ensure that as we phase it in, vouchers only will be phased out. The disappearance of the voucher and the mandatory attendance and registration at, followed by the requirement to reside at the Accommodation Centre will therefore be a major plus over the present situation. Again, the appendix provides more detail, but some expenses could be provided for agreed voluntary activity (as opposed to paid work) and small amounts of cash for personal needs could be granted, along with other improvements such as better provision for language or other skills training and for childcare facilities

This would therefore provide us (the judiciary permitting) with Oakington to take those falling within the category of requiring immediate detention and fast-tracking. We will also need a massive expansion in secure accommodation for those adjudged to be at risk of absconding or for other reasons - and under my proposals for those who having failed their appeal, require to be held prior to removal. This is particularly important because of the political imperative of stopping our use of prisons for detention purposes; we have given a commitment to the House that this will be achieved by Christmas.

Altering the system so that people get their appeal determination in circumstances where they can immediately be accompanied to such secure accommodation would then allow us to achieve the crucial flow of removals which, incidentally, is not achieved by other European partners. We will have expanded from 900 (including that proportion of dedicated prison accommodation which should not be counted as prison) to around 2,800 places by the end of this year. Given that we will need 30,000 steady stay places in the Accommodation Centres, the Ann Widdecombe solution of expanding the 2,800 to 33,000 highly secure places would be both unnecessary and prohibitively expensive.

In short, our package involves fast track Oakington, sensible Accommodation Centres, high security retention and removal, and a toughening up all round in terms of applications and applicability, particularly in ensuring the accuracy of figures and the speeding up of appeals. There would still be more to do – particularly in removals to certain countries such as Afghanistan, Somalia, and Sri Lanka, but this package would take us a long way forward.

Illegal immigrants proposal

This brings us to the question of illegals. I will not go into this in depth in this memorandum, but I suggest that we establish an inter-Departmental group, chaired by a senior Home Office official - but serviced by the Cabinet Office - to report to an ad hoc Ministerial group, chaired by Lord Rooker, to oversee their work in relation to "illegals". No-one knows what the number is, no-one has the first idea – except that all the evidence and anecdotal feedback tells me that it is an awful lot of people. They are the ones who get through, but at this moment in time are either not worried about "status" or are prepared to use (as they have been doing anyway) forged papers and passports for acquiring status and the ability to travel. The problem in dealing with this situation is twofold:

- The sub-economy (Lord Gravener's report only partly touched on this) is propping up the service sector in particular, especially in London.
- Unscrupulous employers are quite happy to go along with this and anything we do is likely to be met with cries of "over regulation". We therefore need to try and take both large and small industry with us on the old grounds of Churchill's famous phrase about the worst being undercut by the very worst! Frankly they are fraudulently swindling everyone else out of tax, National Insurance, and the like, whilst also exploiting grossly the individuals concerned.

I also want to examine ways of toughening our response to people who have no intention of claiming asylum until they are picked up as illegal immigrants and make applications only to frustrate enforcement action.

There is a case, given the enormous workload and backlog, for looking at some sophisticated form of amnesty at this point, but I am examining this further. I simply seek to try and alleviate pressures so that we can get this system right once and for all, rather than staggering on from crisis to crisis and from major publicity blitz to publicity blitz! In my view, we have a short period in which we can take decisive action and gain public support, but by the time we reach 2004/05 no-one is going to take any more excuses.

CONCLUSION:

We are dealing with European and international problems. This package won't solve all of them, but I believe that it will go much further than we have before in showing both decisive action and clarity of thought and purpose about what it is we are doing. Crucially, it will appeal to both sides of the divide; those who believe our treatment of asylum seekers should be more humane as well as those who feel we need to have a more robust regime to deter traffickers and deal effectively with economic immigrants. It will provide us with the basis for a much warmer and clearer welcome to those who come legitimately into our shores, support and backing for their development as citizens, where appropriate, and sensible arrangements for short stay and work permit applicants. I also believe that it will be critical to good community and race relations, and to providing some stability in terms of local communities and the support they offer to incomers, but also in terms of known expenditure (trying to pin down what the levels of expenditure need to be has clearly proved very difficult indeed).

If my advice on the way forward is accepted, I would like to update colleagues briefly at the Cabinet Awayday. I will also ensure that I talk privately to Jack Straw in view of the changes in policy which I believe are necessary as a consequence of what is clearly a very changed situation.

The sequence would therefore run:

- Toughening up action; clarification and transparency of statistical blip; meeting with Minister Vaillant on Wednesday 12 September, and subsequent visit to Dover;
- Statement of new policy in general terms to Conference;
- Statement to the House in the week Parliament returns and publication of the general review of NASS, including the voucher scheme, promised last year;
- Establishment of the inter-departmental group on illegal immigration;
- Publication of White Paper in early New Year;
- Legislation where needed as a matter of urgency.

I do hope that this meets with your approval.

I am copying this minute to the Chief Secretary to the Treasury and Sir Richard Wilson.

David Blunkett

7 September 2001

ACCOMMODATION CENTRES FOR ASYLUM SEEKERS

It is proposed to introduce accommodation centres as a core element of the asylum process. The principal aims of this proposal are:

- to improve the rate of removals;
- to develop firmer management of the asylum process and closer contact with asylum applicants;
- to ensure that United Kingdom procedures are more closely aligned with those of other EU Member States; and
- to remove the need to provide asylum applicants with cash or vouchers;

Functions

2. The principal function of accommodation centres would be to provide full-board accommodation throughout the application process and appeal process, thus removing the need to provide vouchers or cash. They would also be the focus of purposeful activity such as language classes and voluntary work, as well as interpretation and perhaps legal advice.

3. All new asylum seekers would be required to lodge their claims at a registration centre, building on existing emergency accommodation, where the screening and fingerprinting process would take place. They would then be rapidly dispersed to an accommodation centre, pending a decision on their applications and the outcome of any appeal. In some cases, registration and accommodation centres might be co-located.

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4. Reception management teams would provide clear instructions about the asylum process, the applicants' rights and responsibilities, and would manage the departure from the United Kingdom of those who had failed. Those refusing to leave the United Kingdom voluntarily would be more easily identified and detained, in order to effect an enforced removal.

Security

5. It is envisaged that such centres would not be subject to intensive security and applicants would not be restricted. There would, of course, be security features to prevent outsiders from entering the property.

6. All asylum applicants would be required to reside in accommodation centres. Those refusing to do so would be given no support, and their applications would be refused, where it could be shown that their failure to comply cast doubt on the credibility of the application.

7. Asylum applicants who met the detention criteria would continue to be held in more secure accommodation and those detention centres with extensive security would then be primarily used for the facilitation of removals. Subject to the outcome of the current judicial challenge, the Oakington process would therefore continue for those cases which met the fast-track criteria.

Construction and location

8. In terms of the construction of accommodation centres, there are three broad options:

- purpose-built asylum reception centres of about 500 beds each;

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- purpose-built centres using prefabricated units;
- converting properties such as hotels, barracks or holiday camps.

9. It is proposed to work closely with local authorities to establish regional accommodation centres and to arrange for the delivery of services such as catering, education and interpretation. Key issues, however, will be the availability of suitable sites and the need to obtain planning permission. Given the high capital costs of option one, and the length of building time required, I am in strong favour of combining options two and three, and with your approval would like to take immediate action to locate suitable sites.

Capacity and costs

10. Assuming a processing time of 2 months to take initial decisions and a further 4 months for those who are refused and appeal, an annual intake of 74,000 (including dependants) would require a reception capacity of approximately 30,000 beds (plus the 3,000 detention centre places that will be available by the end of this year)

11. Indicative costs are as follows (£):

	Capital costs for a 500 bed centre	Capital costs for 30,000 beds	Annual running costs* for 30,000 beds
Purpose built (prefab)	17.5 M	1B	550 M
Conversion**	15 M	0.9B	550 M

* Running costs assume providing board and lodging (including catering, cleaning, laundry services, personal hygiene, etc), recreational/educational facilities, religious facilities, crèche/children's facilities and interpretation. They make no provision for on-site caseworkers or for legal advice.

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**** Figures are based on the conversion of properties that have been occupied relatively recently.**

Transitional period

12. The initial phase would involve a strengthening of current operations by establishing a number of registration centres, building on existing emergency accommodation.

13. At the same time, work could begin, in conjunction with local authorities, on the establishment of a network of regional accommodation centres in which applicants would be required to reside during the interview and decision stage, and any appeal. As such a network would take some time to establish, the provision of vouchers would need to be phased out gradually.

14. Work on both registration and accommodation centres could begin immediately, but primary legislation would be required to ensure that applicants were not able to opt out of the system. We might also want to take a reserve power to place a duty on local authorities to participate in the provision of the new centres.

15. Subject to obtaining suitable sites and planning permission, the table below sets out the possible timing and profiling of costs. On the basis of this model, I would expect new accommodation to begin to come on stream during Spring 2002, reaching full capacity by October 2003.

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Assumptions	2002 – 2003 £M	2003 – 2004 £M	2004 – 2005 £M
5,000 prefab places during 2002	175 capital 30 running	92 running	92 running
18,000 local authority places by mid-2003	270 capital	270 capital 250 running	331 running
5,000 prefab places by mid-2003	175 capital	70 running	92 running
2,000 new-build / conversion places before end 2003	70 capital	70 capital 12 running	37 running
TOTAL	690 capital 30 running	340 capital 425 running	550 running

16. The costs of the new scheme would be in place of NASS costs as it currently operates. The current year cost of NASS is likely to be in the region of £1b (2001-02).

Revised asylum process

17. With the establishment of a network of registration centres and accommodation centres along the above lines, a revised asylum process might look as follows:

(i) Registration centre

- all applicants directed to registration centre to lodge application; identity checks and fingerprints;
- interpretation, and perhaps legal advice;
- videos and multi-lingual information on process and responsibilities;
- basic support and accommodation for a short period;
- rapid dispersal to:

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(ii) Accommodation centre

- daily contact with reception management teams;
- early interview with regional caseworker (no application form);
- training for adults in English language and other skills;
- education for children;
- voluntary work in the centre or local community;
- managed delivery of initial decision and appeal determination via reception management team.

(iii) End of process

- grants: preparation for integration into local community;
- refusals: managed voluntary returns; detention and removal where necessary.

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01-05.

PRIME MINISTER

From: Justin Russell
Date: 5 September 2001

cc: Andrew Adonis
Jonathan Powell
Olivia McLeod

FRENCH ASYLUM PROCEDURES

You asked "are we operating a more lax asylum system than France and if so, why?". The short answer, based on the comparative statistics which the Home Office have been able to provide is "no - our system is not significantly softer than the French". Indeed, although the absolute number of asylum applications is lower in France than in the UK their numbers are rising rapidly whilst ours are falling.

In the first six months of 2001 there were 23,235 asylum applications in France - up 20%, compared to a 10% reduction in the UK (which received 33,305 applications over the same period). Where there have been increases in the number of asylum applicants from particular countries to the UK - this has also often been true for France and the rest of Europe. (For example, the number of Afghan applications in the UK was up 32% in 2000 compared to 1999 - but was up 47% in France over the same period).

In terms of our asylum procedures and packages of benefits we seem to be broadly similar to France.

72% of asylum applicants in France are refused permission to stay (1999 figures - the most recent available). In the UK, (in 2000) 78% of asylum applications were rejected.

The French do refuse to admit some manifestly unfounded asylum applicants at the border - but only a small number (less than 2.5% of total applicants in 1998 - the most recent figures available). They detain a slightly higher proportion of applicants (4,000 out of 34,800 in 1999) than we do although the maximum time for which they can be detained is significantly less (20 days maximum at the border and 12 days for those refused asylum in country).

The French application process is considerably slower than ours. Less than half of applications from Sri Lanka or Turkey for example are determined within a

RESTRICTED

- 2 -

year and the average time taken to deal with appeals is six months. Rights of appeal in France are similar to the UK and applicants normally get free legal aid.

Levels of support and social benefits are similar, or if anything slightly more generous in France. Adults not residing in a reception centre receive about £180 per month – compared to a vouchers plus cash package of about £125 in the UK. As in Britain asylum seekers' children in France are entitled to free education and health care benefits for asylum seekers are the same as for French nationals on low incomes.

Rules on employment are tougher in France where no asylum seekers are allowed to work. (Though in the UK asylum seekers can only work after six months in the country).

In summary, it is difficult to make a convincing case for the UK having a softer regime than France. Indeed, as you pointed out to DB on Monday all those measures that we have taken since 1997 (removal of cash benefits, dispersal, fast-tracking of unfounded cases at Oakington) have been in the direction of a significant toughening of the system – to the point where it is difficult to see how the support package could be made any more austere). Our strategy should now focus on:

- Continuing to tighten our border controls (eg roll out of x-ray equipment, extension of civil penalty to Eurotunnel and continuing pressure to improve security at Coquelles in line with our demands in July)
- A cross-departmental crackdown on illegal working and the black economy – which is likely to be the biggest single pull factor
- Quicker processing – of both initial applications and appeals so that we meet our 2 month plus 4 month turnaround target and reduce the backlog to frictional levels. (Backed up by more Oakington style reception centres to fast-track manifestly unfounded cases and more removals).
- Joint action across the EU to prevent 'asylum shopping' and create a level playing field in the way that the 1951 Convention is interpreted and the support package that is offered to asylum seekers.



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HA 1 & A PT 1
01-05 -

PRIME MINISTER

From: Justin Russell
Date: 3 September 2001

cc: Andrew Adonis
Alastair Campbell
Jeremy Heywood

ASYLUM

As the Home Secretary mentioned to you this afternoon he has been working up a package of measures on asylum over the summer. I am expecting a paper from DB on Friday in time for your weekend box which he will wish to discuss with you at your bilateral next week (Wednesday 12 September). I am meeting with DB this Wednesday evening (5/9) to go through the package – but Home Office officials are not able to provide further details until then.

On the immediate issue of Eurotunnel Stephen Wall's people have prepared the attached helpful note.

In spite of the press coverage over the weekend the number of illegals getting to the UK through the tunnel last week (76) was significantly down on what it was in the first two weeks of August (204 and 220 respectively). The fact that clandestines are now trying to walk through the tunnel (and are being turned back) may be a sign that they are finding it increasingly difficult to board the trains themselves.

Our announcement on 18 July that we intend to extend the civil penalty to cover rail freight services through the tunnel does seem to have encouraged Eurotunnel to improve their security arrangements. They have increased the number of security guards on duty at night and erected inner cordon fencing, though they still have some way to go to fully implement the measures we asked for in July.

The consultation period on extending the civil penalty finished last week. Eurotunnel have said that they will JR this decision and Home Office legal advice is that the courts are likely to grant a JR hearing which will take some months to resolve. In the meantime DB still plans to announce next week that we will be going ahead and extending the civil penalty – although we will not be able to collect the fines themselves until after the JR hearing.

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- 2 -

Overall numbers of asylum applications are down only slightly on last year (the July figures was only 4% lower than for July 2000). Full figures are not yet available for August – but on the basis of the first three weeks look like they may be over 6,000 for the month.

David was very resistant to the idea of including a new target for reducing the number of unfounded asylum applications (I had suggested a target of halving them) in his delivery contract – and this was removed from the draft agreed at the end of July. It may be worth revisiting this if numbers continue to run at their current levels (for example we could link this to any new resources agreed in advance of SR2002).

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- 3 -

From: Adam Bye
Date: 3 September 2001

1. Stephen Wall
2. Justin Russell, No 10

EUROTUNNEL, SANGATTE AND BLOCKADES: LATEST

Media increasingly focussed on Sangatte clandestines, but situation may actually be improving. UK announcement likely on extending the civil penalty to Eurotunnel in mid-September, but process remains under judicial review. Increasing French frustration – the temptation to bash them in public risks giving them an excuse to withdraw co-operation. Risk of blockades reduced following Cross Channel Commission subgroup on the civil penalty on hauliers. Need to have a clear and convincing press strategy both here and in France.

You and others might welcome a post-summer update on this difficult nexus of issues.

Eurotunnel clandestines

2. Over the last week the press, encouraged by Eurotunnel, have discovered the problem we've been facing for several months – the large numbers penetrating the site at Coquelles. Perversely, while press interest has increased, signs are that the situation may be getting better. Last week "only" 76 managed to use this route to get to the UK, compared to 200 a week at the beginning of July and August. In particular, the fact that clandestines are now trying to enter the Tunnel itself, rather than boarding freight shuttles, suggests increased controls around platforms may be working. However, the number for August overall shows a less remarkable improvement - 726 compared to 806 in July – suggesting that the extension of the civil penalty is probably still the best way to ensure low figures.

Extension of the civil penalty to Eurotunnel

3. The public consultation on extending the civil penalty ended on 29 August. The Home Office will advise Ministers by the end of the week, and Mr

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Blunkett's visit to Dover (and possibly Sangatte and Coquelles) on 13 September is probably the opportunity for an announcement. At the same time, Eurotunnel has launched a judicial review which will not by then be underway. While lawyers say we should be able to go ahead and extend the civil penalty, we would have to reimburse Eurotunnel if we subsequently lost the case (lawyers believe we are more likely than not to win, but there are weaknesses Eurotunnel could exploit).

4. The French government, in its response to the consultation, made clear that it believes the extension of the civil penalty, and in particular "unilateral" conditions on Eurotunnel, breach Anglo-French agreements. We are also having a little spat over how the Intergovernmental Commission (IGC - the Anglo-French body charged with running the Tunnel) should respond to the consultation. The original French draft accuses us of an unnecessary and unfriendly act, and of having done nothing domestically to reduce our attractiveness to clandestines.

Sangatte and a new refugee camp in Dunkirk

5. The success in tightening controls around Eurotunnel means that a record number of clandestines are now stuck at Sangatte (1400). Clearly dealing with them is causing the French heartache. Given this, and given Eurotunnel's judicial review on closing the camp, it is not surprising they may be considering additional sites - though they tell us that the suggestion (reported in the press) of a new refugee camp 30kms inland of Dunkirk is not an active proposal. Even if it were, we should not rule it out immediately. It would be harder for refugees at such a camp to get to Dunkirk each night, let alone to Coquelles. If clandestines who had tried to enter Coquelles were bussed to the Dunkirk camp, it would make repeated nightly incursions more difficult (we would of course need to consider Dunkirk's vulnerability). However, whatever happens to Sangatte, clandestines will still amass around Coquelles if they believe it is the easiest route to the UK.

Less risk of blockades

6. More positively, the likelihood of immediate blockades has receded. This is partially thanks to the 7 August Cross Channel Commission sub-group on the civil penalty. This agreed to a number of measures: e.g. a working group to look at problematic cases; a checklist for French hauliers to draw

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- 5 -

upon; our willingness to help with further training and information. We need to follow these up to minimise the likelihood of trouble. We will also meet the French again this month to look further at how we both handle transport disruptions. And the Embassy in Paris continues to push on a possible special status ("sancturisation") for the Dover-Calais crossing.

Increased French frustration

7. The difficulties of Sangatte, dislike over our "unilateral" extension of the civil penalty, and difficulties over threatened blockades have all led to increased French frustration. More and more we are accused of forcing the French to deal with a problem which is the making of our own lax domestic asylum system. We need to aim-off from this slightly – the French may also be upset that they are having to deal with more clandestines that fail to get through. But clearly we need to handle the French carefully. While it may be tempting to bash them in the media, this will give them an excuse to withdraw co-operation from other measures to deal with illegal immigration, e.g. fully juxtaposed controls for Eurostar. We also need to get across much more effectively how we have been tightening up our immigration system – Home Office need quickly to produce ammunition on why we are not a "soft-touch". We have asked the Home Office to host a meeting on media strategy which will cover this element. And we have agreed to a Cross Channel Commission sub-group to compare respective asylum systems.

Some suggestions on next steps

- in handling increased press interest, we should rightly draw attention to Eurotunnel's failure to secure Coquelles. But, as much as possible, we should refrain from direct criticism of the French which will spark counter-criticism and risk co-operation. We can pass stronger messages to the French privately, e.g. through the 12 September Blunkett/Vaillant meeting;
- we should resist an IGC response to the consultation process that goes beyond its remit or criticises UK immigration policy;
- Home Office should quickly host the meeting on media strategy we suggested in late August – among other things, this should quickly define a clear strategy for getting across that the UK is not a "soft-touch". We should also use the Cross Channel Commission (CCC) meeting on our asylum systems to get this across and identify common ground (e.g. for possible EU initiatives);

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- 6 -

- to minimise the likelihood of blockades we should ensure rapid follow-up of actions we promised at the CCC sub-group on the civil penalty. To improve the handling of blockades we should continue to compare and try to improve our contingency plans. We should also keep pressing the French on "sancturisation" of the Calais-Dover crossing;
- if the French do present ideas on a refugee camp in Dunkirk, we should not rule them out immediately, but consider how these might best adapted to reduce clandestine pressure on the Coquelle site;
- we should continue to push measures that will allow us to return asylum seekers to France and other EU countries. While we should continue to press France for a re-admission agreement, we should be realistic of the prospects for agreement. We should also continue to push EU asylum measures that will allow us to return asylum seekers (Home Office need to do more on what trade-offs are needed to deliver this package). In addition Home Office are considering whether there are more radical solutions to the Sangatte/Coquelles problem.

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European Secretariat

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From: John Ramsden, CNWED
Date: 22 August 2001

cc: PS
PS/Mr Hain
PS/PUS
Mr Macgregor, o/r
Mr Reddaway
Heads: Planners
News
JECU (Personal)
AMSED
UND
HRPD
EUD(E)
EUD(I)
Wendy Roebuck
Special Advisers

Reference: //2001

To: Mr Arthur

SUBJECT: ASYLUM POLICY

SUMMARY

1. Fresh thinking on asylum from a senior figure in the refugee world. COI study on how the Government communicates its case on asylum

DETAIL

2. With a view to the next meeting of your immigration group I attach an article on asylum from the Chatham House Monthly by Alexander Casella who has worked most of his life for UNHCR, ending as director for Asia and the brains behind the return of the boat people to Vietnam in the 1990s. I know and much respect him.
3. Casella's article says in effect:
 - There is nothing wrong with the 1951 Refugee Convention. But it has since been interpreted and applied in ways which have brought the asylum system close to the point of collapse;
 - 'It is one thing to spend large sums of money to care for refugees and quite another if the overwhelming majority are not in need of asylum';
 - We must 'preserve the principle of asylum by curbing the abuses which are causing it to collapse under its own weight';
 - 'There can be no credible asylum policy without the repatriation of those who are not at risk and therefore are not refugees';
 - 'Ultimately Europe will have no alternative but to decide that asylum requests from citizens of specific countries will simply not be considered';

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- 'The problem is compounded by the atmosphere of confrontation within the asylum arena'. As well as bona fide NGOs governments have to contend with many 'self appointed advocacy groups with political agendas';
 - Asylum must be de-linked from immigration (of which Europe needs more);
 - European democracies have always leant over backwards to ensure that those who need it get asylum. 'If Europe's record is to be the benchmark by which future European asylum arrangement will be judged, refugees have nothing to fear'.
4. Everything Casella says applies in spades to asylum seekers from Central Europe of whom only a tiny proportion have succeeded in establishing a claim to international protection. Deterring this stream of claimants would be an 'easy win' for an over-burdened asylum system.
5. Things have greatly improved since the Immigration and Asylum Act came into force. But Casella's remarks about the 'atmosphere of confrontation which has developed within the asylum arena' apply with particular force to the UK. Because of the very strict scrutiny by the courts and the lobby it is harder for the UK to defend itself against unfounded asylum claims in the same way that most of our partners do.
6. For example on 16 August 32 Czech asylum seekers arrived at Stanstead. Nine of them were repeat applications whose earlier claims had failed. It is absurd that we are not allowed to remove them forthwith. Instead their claims must be treated seriously, from scratch. No wonder the Home Office claim that removing people does not deter them from trying again.
7. Separately, I have learned of a CO1 study, commissioned by LCD, on how the Government is putting across its case on asylum. This sounds interesting:
- We are failing to get our message across in Central Europe, not least because of the chronic shortage of telling facts and figures;
 - As I see it, HMG needs to drive a wedge between bona fide parts of the refugee industry and the rest, in order to secure more understanding for its efforts to deal with unfounded claims. The FCO could help by getting UNHCR to speak out unequivocally against asylum abuse and in favour of legitimate efforts to deal with it.
8. I am trying to find out more about the COI/LCD study.

John Ramsden
CNWED
W73
Tel: 0207 270 2367
Fax: 0207 270 2152

NO. OF ATTACHMENTS: 1

ASYLUM, IMMIGRATION AND REFUGEES

Alexander Casella



Out of Control

Asylum-seekers are often seen as being on a shopping spree for the ideal country of refuge. As they get mixed up with growing numbers of economic migrants, it has become increasingly difficult and expensive to ensure refugees get the protection they deserve. New European procedures will try to separate the moral imperative of asylum from economic need.

THE WORD ASYLUM COMES from the Greek and describes a place of refuge where a man could escape from the reach of the power of the state. Traditionally, the place of asylum was the temple. However if the person who had sought refuge in the holy place had committed a blatant crime he would be denied food and water to compel him to leave the place of worship, which then enabled the temporal power to lay hand on him.

Thus, since its very origin, the corollary of asylum was its management. Three thousand years later the problem is unchanged: asylum without management

leads to abuse, which in turn leads to the erosion of the principal. To preserve the principal requires that it be managed. The problem is how.

Three questions have to be addressed in managing asylum: who is a refugee; where should they seek asylum; and for how long?

A refugee is defined by persecution for political or religious reasons or for belonging to a specific social group. Someone seeking asylum is by definition an asylum-seeker. If a person's claim conforms to the definition of a refugee they are recognised as such. If it does not conform, they are not. There is therefore no such thing as a 'bogus refugee'. One either is a refugee or not.

GLOBAL MOVEMENT

Traditionally, refugees sought asylum within their own cultural or geographic environment with the ultimate aim of returning home when the danger for them was over.

The first major exception to this occurred during the Vietnamese refugee exodus. While some 300,000 Cambodian refugees waited for up to fourteen years in camps in Thailand for the situation in their home country to change to permit their safe repatriation, until 1989 all Vietnamese boat people were automatically resettled in developed countries.

What started as a unique case in the 1980s became a generalised phenomenon in the 1990s. Ease of transportation, the global revolution in communications, the enduring economic crisis of the third world, combined with protracted internal conflicts and social upheavals, have led to a globalisation of population displacement.

A combined mass of refugees, asylum-seekers and illegal migrants has been converging on western Europe in the quest for an economic Eldorado. And more often than not, the purpose is not so much to leave as it is to arrive. There are two constant factors: first asylum-seekers-cum-migrants move towards countries where they can join an existing community of compatriots. This is a pull factor which

means. Tamils will go principally to Switzerland, Canada and Britain; Kosovars will mostly head for Germany, Switzerland and Austria.

CONVENIENCE

Second the population flux will converge towards those countries that provide the more generous social benefits or the best living conditions. It is generally understood that personal safety is the prime concern of refugees and that they should seek asylum in the first country where they would be out of harms way. In practice this is hardly ever the case.

The illegal arrival in Britain of a Kurd who has travelled through Greece, Italy and France can have many motivations, but the need for protection is not one of them. Likewise a Tamil who arrives in Switzerland after journeying through India, Hungary, the Czech Republic and Germany can hardly claim that it was impossible to request asylum in any of these countries. Personal convenience takes precedence over protection and what might initially have been a quest for refuge becomes more often than not an asylum-shopping spree. While the phenomenon is understandable, when multiplied by the hundreds of thousands it becomes unbearable for the few countries that end up with a disproportionate burden of arrivals.

FEAR OF PERSECUTION

Current asylum procedure is based on the Convention on Refugees, drafted by western governments in 1951 in the context of population displacement following World War Two. The Convention spells out two basic principals. It defines a refugee as someone who has a well founded fear of persecution for political or religious reasons or for belonging to a specific social group. It provides that the person concerned should not be returned to a country or area where they would be in danger.

Based on these principals, western European governments established

national procedures through which an asylum-seeker can claim refugee status. By and large these procedures have been exceedingly generous. Not only do they provide social benefits for those waiting for a decision on their status, but they also include complex

safeguards to ensure that no genuine asylum-seeker is denied refugee status. This was put in place when the overwhelming majority of asylum-seekers were bona fide refugees. Half a century later there is a massive and complex influx composed of a minority of refugees needing asylum, intermingled either with refugees who seek to migrate, or with migrants pretending to be refugees.

COLLAPSING

In the late 1980s, when asylum requests began to increase and recognition rates plummeted, western European governments began to realise that their systems were collapsing under their own weight. In 1983 the total number of asylum-seekers in western Europe was a manageable 73,700. In 1992 it peaked at 692,000 to fall back to 347,000 in 1998.

The distribution of arrivals by country also changed. In 1983, 4300 asylum requests were made in Britain and 3000 in Italy. Last year Britain received some 70,000 requests while applications in Italy fell to 681 in 1996.

Italy is a case in point. With an uncontrollable coastline the country receives an estimated 150,000 illegal migrants a year. Hardly any apply for refugee status because the benefits are so meagre and most prefer either to move on and ask for asylum elsewhere in Europe or to stay and work illegally, a situation the authorities have chosen to tolerate. Only in 1998, when Italy threatened to start deporting illegal immigrants, did asylum requests suddenly climb to 6930. They are projected at some 10,000 this year.

DELAYING

With the 1951 Convention providing that a person may not be deported to his country of origin, it became a matter of course for all illegal immigrants to claim refugee status, to stave off, or at least to delay, repatriation. A typical example might be an Albanian who left illegally for Italy in 1998, bought false Italian papers, moved on to Germany to work, was identified as an Albanian and shortly before deportation applied for refugee status.

While his request is certain to be turned down, the combination of a good lawyer and a vocal advocacy group will ensure that his stay in Germany is prolonged by at least three years during which he will both receive some social benefits and work illegally.

The combination of massive arrivals and procedural abuses resulted in the

mechanism being both overwhelmed by numbers and turned into an endless labyrinth of litigation, delaying tactics and appeals. It soon took years for a case to be decided.

In some instances, Governments facing labour shortages tried to short-circuit immigration legislation by being overly generous in granting refugee status, until the system backfired by drawing in even more asylum requests. Up to ninety-five percent of the refugee claims proved bogus, and asylum-seeker presenting multiple claims in successive European countries under false names further compounded the problem. When a claim was finally adjudicated negatively, in more cases than not deportation was impossible, either because the country of origin refused to take back its citizen, or because the applicant had destroyed all documents and no claim for nationality could be legally made.

SKYROCKETING COST

The end result of disarray in the western European asylum system is skyrocketing budgets. It is estimated that from 1990 to 1998 asylum-seekers cost the European receiving countries between \$40 and \$45 billion. This year the cost is projected at \$10 billion. While this is expensive by any standard, it is one thing to spend large sums of money to care for refugees and quite another if the overwhelming majority of arrivals are not in genuine need of asylum. Indeed, of the 2.4 million asylum claims filed in Europe from 1991 to 1995 hardly ten percent were found to be refugees under the terms of the 1951 Convention.

In the late 1980s, confronted with a crisis which showed no sign of abating, western European governments, reluctantly acknowledged that the issue could simply no longer be addressed by individual countries acting independently. The only realistic solution lay in new, comprehensive asylum arrangements. While the process took time to gel, the setting up of a common asylum policy has now become a top European Union priority.

PRESERVING PRINCIPLE

The new arrangements, now in the making, have two fundamental components. The first is to preserve the principal of asylum by curbing the abuses, which are causing it to collapse under its own weight. The second is to unlink asylum and migration issues so that each can be addressed in its own right. Both

Alexandre Casella

is Assistant Director and Geneva Representative of the Vienna based International Centre for Migration Policy Development. He was previously Director for Asia at UNHCR. The opinions expressed here are his own.

these issues are the exclusive prerogatives of democratically elected European governments. And while the 1951 Conventions are the starting point, Europe has already moved further, through the convention against torture, and adding humanitarian status as an additional reason for asylum.

TEMPORARY PROTECTION

The idea of permanent, as opposed to temporary, asylum was a product of the Cold War. If not abandoned, it has now been at least curtailed, especially in regard to mass exodus. Following the Bosnian crisis European governments offered temporary protection. In a mass exodus from an area of conflict there would no longer be a costly and convoluted individual refugee determination procedure but whole groups would automatically be given asylum. It was understood that this was temporary and that repatriation would occur once the acute crisis was over in the country of origin. The approach was also valuable during the 1999 Kosovo crisis when tens of thousand of Kosovars were given refuge in Europe, to return when the war subsided.

Repatriation, generally voluntarily with some integration assistance, is the key to the system. To ensure its success, given economic disparities between the countries of origin and those of asylum, governments must retain the option of deportation. In the right circumstances, with the possibility of subsequent free movement, voluntary or unobjected return is the rule rather than the exception.

While the nature of social benefits granted to asylum-seekers is still a source of considerable discussion, suspending them altogether has never been considered. European democracies generally don't let people starve in the street, whatever their status or origin.

OUT OF DANGER

But governments have tried to be increasingly strict in implementing the principal that a refugee should seek asylum where he is in no danger, rather than where it is his personal choice to be. Germany has been returning to the Czech Republic or to Poland third country asylum-seekers coming via those countries and caught on its border. The Dutch have done the same towards Germany, the Swiss towards Italy, the Irish towards Britain. Ultimately this is only a palliative. It transposes the problem without solving it and, as long as asylum-seekers are not in holding centres they will continue to try to cross borders and many will ultimately succeed.

The ultimate purpose of this policy is to try to separate the granting of asylum with the physical presence of the asylum-seeker on the territory of the receiving country. It is on this principal that, since 1994, the US has been intercepting Cuban boat people on the high seas; if there is presumption of refugee status the asylum-seeker is landed in Guantanamo for full processing. If the decision is positive they will be given asylum in a Latin American country. If there is no presumption of refugee status, the person is returned the same day to Cuba.

This process in no way contradicts the 1951 Convention because it does ensure that a refugee will receive asylum, but not necessarily where he or she wants. This principal of access to protection without prior admission, is at the basis of a multilateral initiative. It would provide that an asylum-seeker coming to Europe via Albania would be returned to a holding centre in that country where he could be screened and then given asylum if found to be a refugee.

On the same lines, Switzerland and Austria have provisions that enable an asylum-seeker to present a request at a one of their embassies abroad. Ultimately, however, Europe will have no alternative

but to decide that asylum requests from citizens of specific countries will simply not be considered.

The problem is compounded by the atmosphere of confrontation, which has developed within the asylum arena. In addition to bona fide non-governmental organisations which are the indispensable partners of national and multinational humanitarian policies, governments now have to contend with a proliferation of self appointed 'advocacy groups'. They have political agendas and increasingly using the theme of asylum to challenge the system.

Democracies which developed the 1951 convention and extended its scope and have perhaps unskillfully, created procedures undoubtedly overcomplicated but with the ultimate aim of ensuring that no refugee be denied asylum, are portrayed as enemies of refugees.

MIGRATION AND REMOVAL

As the European Union moves closer to a common asylum system, two fundamental issues will have to be addressed. The first is removal. There can be no credible asylum policy without the repatriation of those who are not at risk and therefore are not refugees. A common and extremely forceful position is necessary for asylum-seeker source countries that refuse to take back their own nationals.

The second is the migration issue. Given current demographic patterns, Europe cannot sustain its present level of development without immigration. Largely unacknowledged, such immigration has been going on for years, albeit in the form of guest-workers in Germany and the like. Granting asylum is a moral imperative, accepting immigrants is a response to an economic need.

Migrants, properly selected, bring skills. Refugees flee persecution. And while there might be some minor overlap between the two, the contention that by expanding immigration quotas the number of fraudulent asylum claims can be significantly reduced is for all practical purposes false.

European democracies have done pretty well over the past two decades in facing successive refugee-cum-migrant crises. The costs were massive and new procedures were often overtaken by events even before they were implemented. But by and large the cases of refugees being denied asylum were few and far between and when such cases did occur the cause was human error and not government policy. If Europe's record is to be the benchmark by which the new European Asylum arrangement will be judged, refugees have nothing to fear.

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PEOPLE TRAFFICKING

Real progress has been made in some areas, particularly enforcement. But there is scope to do much more. We can increase our prevention work in source countries and improve the capacity and strategic use of intelligence. We can step up activity to detect illegal migrants once they reach the United Kingdom, prosecute the employers with whom they find work, and send them back. We need new criminal offences for people trafficking and to deal effectively with genuine victims of trafficking. We also need to co-ordinate what we already do better, and accord it the same priority across Government.

2. You asked for an update on people trafficking in David North's letter of 9 May. I attach a detailed paper.

3. Project Reflex, the multi-agency taskforce set up last year to combat organised immigration crime, is now well established. A network of Immigration Liaison Officers is being developed in key transit countries. In the United Kingdom, IND enforcement capacity has been increased and steps have been taken to ensure that local police forces and immigration officials work in partnership on this issue.

4. However, I want to make it absolutely clear that we are nowhere near getting to grips with this problem. Whether it is drugs, people or guns, in my view the position is worsening. This is not a view shared by all my officials, but I believe that we need a step change in the way we deal with these matters. In particular, building on recently developed structures, we need better co-ordination of the work of Customs, the National Criminal Intelligence Service and the National Crime Squad. Also, of course, we need enhanced international co-operation.

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5. People trafficking and migrant smuggling are fast growing problems, and the way we have responded to date, particularly the way we have allocated resources, has not kept pace with this growth. For example, the National Crime Squad devotes 79 per cent of its activity to drugs and less than 4 per cent to people smuggling. The FCO has a £7.3 million budget to assist organised crime projects, none of which is spent on immigration crime. Project Reflex has less funding than the £200 million allocated to Customs to tackle tobacco smuggling. Customs has a clear direction to deal with loss of revenue, which concentrates attention on the smuggling of cigarettes, alcohol and fuel. Any chances of reaching targets on the 'import' of Class A drugs will require a considerable refocusing. To increase our impact on people trafficking and migrant smuggling, we will need to bring this issue higher up the agenda across Government, prioritise resources accordingly and increase our capacity to deal with it.

6. Firstly, we need to make sure that the agencies concerned are all working together to meet the same priorities and that the way we allocate resources reflects this. Often the same organised crime networks are dealing in drugs, guns and people or moving between them. We need to tackle the networks, rather than focusing on one type of crime at the expense of another.

8. A joint **HO, FCO and DfID strategy** is required, so that our effort and resources are co-ordinated and targeted effectively. More funding is needed for prevention work, for example on:

- training of border officials, anti corruption measures;
- awareness raising for potential victims; and
- effective reintegration of repatriated victims to prevent them being trafficked again and acting as a deterrent to others.

9. We need to get tougher with **countries from which traffickers operate**. In particular, Turkey is a route for drugs, notably heroin, and illegal immigrants. Given their candidate status for joining the European Union, we need to put pressure on them, both bilaterally and through the European Union.

10. We can use new technology to introduce even **tougher checks at United Kingdom entry points**. For example, we need acoustic sensors and X-ray machines to check vehicles at more ports and to explore other technological developments.

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11. Within the United Kingdom, we should **crackdown on illegal working**. This means prosecuting more employers. IND has a role in this, and we will need to increase their capacity to do so. But the DTI must also step up the action they take. This is not simply an immigration crime problem. It is also about tackling unfair competition and loss of revenue, preventing the minimum wage and other employment regulations from being undermined, and ensuring that there are employment opportunities for legal low skilled workers.

12. We could also strengthen the current legislation to prosecute employers, though this is likely to generate strong opposition on the grounds that it will increase discrimination and the Labour Party opposed this in 1996. We must also change the law on data sharing to allow public bodies to exchange information with the Immigration Service on illegal workers.

13. We also need **more removals of illegal entrants** and overstayers, as well as asylum seekers. This will also require an increase in IND enforcement capacity.

14. We must **get tougher with traffickers and smugglers**. We will introduce new offences of trafficking for sexual exploitation and for labour exploitation. Facilitating illegal entry is already a criminal offence, but we need to increase the current maximum sentence of 10 years. We can also strengthen the existing legislation by removing the need to prove that smugglers acted for profit.

15. If other measures to detect illegal workers do not prove successful enough, we may need to think through the viability of introducing **ID cards**.

16. For **genuine victims of trafficking** for sexual exploitation and bonded labour, we will set up an **NGO** to support them and help them act as witnesses following the successful Dutch model. We are also planning a best practice guide to help police and immigration officers treat victims appropriately.

17. We can also take more action in **Europe**. You asked for proposals to put forward at the European Union Immigration Conference in October. They are:

- Extend the Immigration Liaison Officer network, including to source countries, working with European Union partners;
- Target efforts on the Balkans (using the window of opportunity now Milosevic is in The Hague), and other key transit countries, using European Union economic assistance and accession, with a particular focus on Turkey;
- Press for a European Police Chiefs' Task Force on people trafficking; and
- Greater use of intelligence between European Union Member States.

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18. This is very much my own thinking. I have not discussed it with Cabinet colleagues yet, though there has been contact at official level. Subject to your views, I will circulate it to colleagues for further discussion. A copy of this minute also goes to Sir Richard Wilson.

Douglas Blunkett

20 August 2001

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TRAFFICKING AND SMUGGLING OF PEOPLE

A Home Office Progress Report

July 2001

**Aileen Almond, Alex Crowe, Sara Lander
Strategic Policy Team**

1. INTRODUCTION

This report looks at how the Government can better tackle human trafficking and people smuggling. It is a response to the Prime Minister's request for a further progress report, following an initial Home Office report in March 2001.

It is divided into three parts. First, we look at the context - what the problem is and the key facts, a summary of the response to date, and other work currently in train which will have a bearing on solutions. We then look at what we can do to address the problem, using the following framework:

- prevention at source
- prevention and detection en route
- detection and enforcement in the UK
- dealing with victims
- dealing with traffickers and smugglers

For each, we assess the current position, then recommend next steps and longer term measures. Finally, we propose ways of taking the work forward.

As well as contributions from across the Home Office, we are grateful for information and advice from colleagues in the PIU, DTI, DfID, DWP, FCO and the HSE, from Professor Kevin Bales and the Refugee Council.

2. CONTEXT

2.1 The current picture

People trafficking and migrant smuggling are large and growing problems:

- Global annual profits from people trafficking are estimated to be as much as \$13 billion¹.
- There is evidence that some organised criminals are switching from smuggling drugs and other commodities to people, where the risks of detection and severity of penalties are lower². The scale of this displacement is, however, unquantified.
- Clandestine entry in the UK, mostly facilitated by organised criminals, increased more than 80 times during the 1990s³. The HO is currently assessing the feasibility of a large-scale research programme to identify the characteristics, scale and motivations of the illegal population.

¹ Kevin Bales, *Disposable People*, p23, estimates \$13 billion and believes this is a conservative estimate. Andreas Schloenhardt, *Organized crime and the business of migrant trafficking*, *Crime, Law and Social Change* 32, 1999 reports estimates of \$3 billion to \$10 billion.

² NCIS, strategic intelligence report on Project Reflex, December 2000, para 4.6.

³ IND estimate based on number of apprehensions of clandestine entrants.

- There is little reliable information on numbers of people trafficked into the UK. A HO study in 1998 estimated that between 150 and 1,500 women are trafficked into the UK annually for sexual exploitation.

What actually happens? Firstly, organised criminals facilitate illegal entry into the UK. Sometimes, the transaction stops at this point. In other cases, criminals then exploit the immigrant for profit, often using violence, threats and deception. They violate their victims' human or legal rights by forcing them into sexual exploitation or underpaid work in unsafe conditions. Both trafficking and smuggling also affect the wider community – for example, illegal working causes tax losses and often benefits fraud, and in some sectors, may undermine labour standards and the minimum wage.

The difference between people trafficking and migrant smuggling is that trafficking involves exploiting the victim; smuggling merely facilitating illegal entry. The distinction can be important because trafficking victims may warrant special treatment and support, under international agreements⁴. In practice, many measures, particularly on enforcement, will be equally effective in addressing both.

2.2 Our response so far

There are substantial difficulties to overcome in tackling trafficking and smuggling, but real progress has been made in some areas, particularly enforcement. For example, Project Reflex, the multi-agency taskforce set up last year to combat organised immigration crime, is now well established. A network of Immigration Liaison Officers is being developed in key transit countries. In the UK, IND enforcement capacity has been increased and steps have been taken to ensure that local police forces and immigration officials work in partnership on this issue.

There is scope to do much more. We can increase our prevention work in source countries and improve the capacity and strategic use of intelligence. We can step up activity to detect illegal migrants once they reach the UK, prosecute the employers with whom they find work, and send them back. We also need new criminal offences for people trafficking and to deal effectively with genuine victims of trafficking.

This is a fast growing problem, and the way we have responded to date, particularly the way we have allocated resources, has not kept pace with this growth. For example, the National Crime Squad devotes 79% of its activity to drugs and less than 4% to people smuggling. The FCO has a £7.3 million budget to assist organised crime projects, none of which is spent on immigration crime. To increase our impact, we will need to bring this issue up the agenda across Government, prioritise resources accordingly, increase our capacity to deal with it, and co-ordinate what we already do better.

2.3 Other relevant work

The way we respond to trafficking and smuggling is bound up with the action we take on a wide range of other issues. These include:

- Our relationships with the main source countries of asylum seekers and illegal immigrants

⁴ The UN Transnational Organised Crime Convention has separate protocols on people trafficking and migrant smuggling.

- The policy on asylum, particularly whether we amend the current system to allow people to apply for asylum from outside the UK
- How we might move from an immigration control policy to a managed migration policy, and in particular, how we might open up legal channels of migration for low skilled workers
- How to tackle exploitation at work, with its links to social exclusion, including policy on the minimum wage, and other employment regulations
- The extent to which we understand this as a crime problem as well as an immigration one, and treat it accordingly

3. PREVENTION AT SOURCE

Prevention in source countries is an important part of the solution to people trafficking. As with drugs, it would be a mistake to rely purely on enforcement against traffickers. Governments in many source countries lack the resources, infrastructure or awareness to take effective preventative action. They may even regard trafficked people as a useful source of remittances. For example, remittances from Chinese expatriates make a major contribution to Chinese GNP. Corruption also plays a role: traffickers can offer officials the equivalent of a year's salary to ignore illegal behaviour.

3.1 Where we are now

The UK, through DfID and FCO, funds a limited range of projects in source countries. They include initiatives to educate potential victims about the dangers of being trafficked; to assist with effective reintegration of repatriated victims so they are not trafficked again; and to help governments develop effective anti-trafficking measures. DfID staff based abroad sometimes know of potential victims before they leave the country, although this information is not systematically passed to anti-trafficking enforcement operations.

Example preventative project. A project by the International Programme on the Elimination of Child Labour (IPEC) combats the trafficking of children in the Mekong sub-region. This has been expanded and now aims more broadly at reducing labour exploitation of women and children, through targeting trafficking.

Other countries and international bodies support or run similar programmes. For example, the EU has run public information campaigns in Eastern Europe and is considering one in China.

There is considerable scope to expand this preventative work, to better target and co-ordinate it, and to integrate it with enforcement.

3.2 Next steps

a) The UK should lead the way in helping source countries prevent trafficking.

- Many of the source countries are recipients of assistance from the UK. Poverty is an important cause of people trafficking. DfID believe it may be possible to direct assistance, both money and expertise, into relevant trafficking prevention initiatives.

- The UK is already committed to helping reduce corruption in other countries. Some of this effort could be specifically directed towards improving the integrity of their borders.
- Training local officials to recognise and assist outgoing victims, perhaps by using returned former victims, would help to reduce the numbers of people being trafficked.
- Co-ordinating repatriation and preventative work. Speed and certainty of repatriation may be one of the best deterrents for people considering illegal entry into the UK - seeing their neighbour return home a mere two weeks after they left, having spent thousands of pounds and gained nothing. We can work with source countries to increase visibility and educative value of repatriations. (See section 5 for next steps on increasing removals from the UK.)

b) The UK can also support international trafficking prevention activity, and take a lead in joining it up.

Within the EU, the October immigration conference provides an opportunity to take a lead. We should aim to present a concrete package of proposals, agreed between all UK Government departments, for which we have garnered support from other Member States in advance. It would also be useful to have talked to some of the main source countries. The package could include closer linking of EU accession and aid with preventative action against illegal migration by these countries. A number of key source or transit countries, such as Ukraine and Turkey, are EU applicants or potential applicants.

We can also encourage source countries to implement the UN Protocol on Trafficking. The Protocol provides a template for co-ordinated international action but is dependent on source and transit countries signing up to it. The UN plans to provide technical assistance in implementing its anti-trafficking protocols, a programme which the UK could in principle support.

There needs to be a greater co-ordination of the various international preventative initiatives. As a member country of several international organisations, the UK should take the lead in encouraging consideration of, for instance, UN efforts to combat people trafficking during similar discussions in EU fora. The UK could undertake a mapping exercise to establish what is being done, both by individual countries and international organisations, and identify gaps. Alternatively, it could propose that a leading international body, perhaps the European Commission, undertake this work.

3.3 Longer term measures

a) Increase joint working between DfID, HO and FCO.

An expansion of the current DfID and FCO-funded preventative and educational work could be very successful. But to be most effective, this will require a more strategic and co-ordinated approach. There may be a case for pooled funding between DfID, FCO and HO, supported by:

- A set of objectives, and possibly targets, on prevention.
- A map of current initiatives.
- An assessment of areas where trafficking is or is likely to be a serious problem, and where they make a real difference. This should be forward looking, based on strategic intelligence on future trafficking trends.

- A body of information on 'what works where', based on systematic project evaluations, so we can tailor interventions to the countries and circumstances in which they occur and promote best practice.

4. PREVENTION AND DETECTION EN ROUTE

Where prevention fails, we need to disrupt the transportation of illegal migrants into the UK. Through Project Reflex and the establishment of an Immigration Liaison Officer network, this has been the main focus of our activities against trafficking to date. This section identifies how we can build on our work so far.

4.1 Where we are now

a) Project Reflex

Project Reflex, the multi-agency task force on organised immigration crime chaired by the National Crime Squad (NCS), was established last year. It co-ordinates anti-trafficking operations, and develops the intelligence and strategic planning to underpin them.

Under Reflex, a central tasking forum has been established to plan and co-ordinate multi-agency operations. This is working well, and has resulted in some major successes. The most recent has been Operation Franc in early June, in which a gang smuggling large numbers of Turks was dismantled with arrests in the UK, Belgium, France and Germany. It is still too early to assess the Reflex's impact on organised immigration crime, and we are keeping it under close review.

Within Reflex, the National Criminal Intelligence Service (NCIS) has lead responsibility for the collation of intelligence, and its Organised Immigration Crime Section has been strengthened. It has produced a detailed threat assessment on organised immigration crime, identifying knowledge gaps to be filled; and a detailed analysis of trafficking routes and key 'nexus points' through which gangs recruit and transport migrants.

The Spedding review, carried out in autumn 2000, examined intelligence flows on serious and organised crime, including people trafficking. It endorsed a central role for NCIS, but identified a number of weaknesses in it, particularly in its ability to provide a strategic assessment of threats in order to shape operational response. NCIS has accepted the report's key recommendations, and has already implemented some of them. They include the appointment of a director of strategic intelligence – already appointed on secondment from the Security Service; development of the NCIS UK threat assessment; clarity of reporting arrangements between NCIS and other agencies; and changes to NCIS's structure and funding.

b) EU action

All EU Member States have agreed guidelines for the establishment of a formal network of Immigration Liaison Officers (ILOs) and these were adopted at the JHA Council on 29 May. The value of overseas liaison officers operating in the

drugs arena has long been recognised, and ILOs will work alongside other UK liaison officers as part of the NCIS overseas network. An ILO has recently been attached to the UK Europol National Unit in The Hague and Europol itself is gearing up its efforts on organised immigration crime, starting with an expert meeting in September.

The ILO network will have an important operational role, encouraging and supporting action to disrupt the activities of criminal gangs. It will also develop a joint intelligence structure, feeding into NCIS and Europol, drawing on various sources including the military.

Other EU action aside from ILOs includes a limited operation to reinforce border controls at future EU external borders, planned for October. One of its aims is to collate intelligence on organised crime groups involved in trafficking. The UK is supporting this initiative and will be contributing a team of border management experts.

c) Other international action

Two Balkans Stability Pact initiatives, the Migration and Asylum Initiative (MAI) and the Anti-trafficking Task Force (ATTF) are also aimed at promoting and co-ordinating efforts to combat human trafficking and smuggling. The UK has agreed to support the MAI as a partner to Bosnia and FCO is leading our involvement in the establishment of the ATTF. Independently of these initiatives, the UK contributed approximately £0.6 million to anti-trafficking projects in the Balkans last year.

4.2 Next steps

a) Target key transit countries.

We need to work more closely with the authorities in transit countries to improve their understanding of people trafficking, and to strengthen their border controls. This is partly a question of offering resources and expertise, as with the Prime Minister's initiative to send teams of EU experts to assist the authorities in Bosnia Herzegovina. But we may also need to use trade and aid as a lever.

It is important to target efforts on the key transit countries, such as Central Europe, Turkey and the Balkans. The recent extradition of ex-President Milosevic has opened the door to stronger co-operation with states in the former Yugoslavia. Turkey is a route for drugs, notably heroin, and illegal immigrants. Given their candidate status for EU membership, we need to put pressure on them both bilaterally and through the EU.

b) Expand and develop Project Reflex.

The next step in the development of Reflex will be the creation of a dedicated joint Immigration Service/National Crime Squad Unit to lead investigations into organised immigration crime. Funding has been agreed, and the unit should be operational by the Autumn. It will include two operational surveillance teams and an intelligence unit.

However, this will still leave Reflex under-resourced, given the scale of the problem. People trafficking receives less funding than the £200 million devoted to tobacco smuggling. A priority for further funding would be the creation of joint

operational teams and increased NCIS capacity in the UK regions. And more immigration officers need to be trained to carry out operational and investigative work, such as surveillance, financial investigation and informant handling.

Reflex already has links to other EU countries' enforcement effort through Europol. The EU Police Chiefs' Task Force could be a focus for more concerted EU action. We will consider proposing a UK-led Police Chiefs Task Force at the October EU Immigration Conference.

c) Expand the ILO network.

The UK will be sending ILOs to Zagreb, Budapest, Rome and Vienna within the next two to three months. In the next 12 months, we plan to post officers to Sofia, Istanbul, Kiev, Warsaw and Belgrade.

The ILO network could be expanded to some of the major source countries or nexus points such as Pakistan, Sri Lanka, Moscow and Beijing. We could also appoint more ILOs within the EU. There is currently only one, in Paris. He has proved very valuable in co-ordinating operational activity and ironing out problems between the different police and immigration authorities. ILOs in Germany, Belgium, Spain, Greece and The Netherlands could reap similar dividends.

d) Introduce tougher checks at all our points of entry.

We need to find ways of making checks tougher without impeding legal travellers or overburdening immigration and Customs and Excise staff. Technology can help: acoustic sensors and X-ray machines, which examine inside vehicles, are being introduced at Dover. There is also potential to use technology to tackle the problem of people destroying their documents en route, in order to claim they are from a different country (such as Pakistanis claiming they are from Afghanistan) or to make it more difficult to return them. For example, if passports were scanned or facial recognition techniques used at airports or other ports of embarkation, then the information transmitted in real time to the UK, it would enable us to prove where people came from. This would help to solve significant problems at ports currently under pressure such as Waterloo.

There is a risk that tougher controls at ports will cause traffickers to adopt other methods of entry, such as small boats or light planes. There is already some evidence of this happening, and NCIS are carrying out a study of displacement to identify vulnerable areas. We need to build greater capacity to counter the threat of coastal intrusion from small craft and larger scale people smuggling by sea. Customs, Coastguard, police and Immigration will all need to be involved in a co-ordinated way.

4.3 Longer term measures

a) Improve the capacity and strategic use of intelligence.

Good quality intelligence has to be key to effective enforcement action against organised immigration crime.

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- Use of informants is also underused in the area of illegal immigration. Police forces regularly task and reward informants for information on other forms of organised crime, but rarely on immigration crime.

We can also draw intelligence from a wider range of sources, especially from organisations which have staff on the ground.

- Through their work on the ground in many of the source countries, DfID staff have a great deal of information on those vulnerable to being targeted by traffickers and where they are being transported to. This information on the flows of people trafficking would be of great value to agencies attempting to disrupt the main trafficking routes.
- Another key agency in this regard is the International Organisation for Migration (IOM), which has an extensive network of offices in source and transit countries, and can work with authorities in some countries where UK Government agencies cannot, such as Afghanistan.
- The UN is developing a database on the world-wide flows of people being trafficked. It could add value to UK-based sources by drawing on data contributions from other member countries, but is currently due to report only in 2003. The Home Office could send an expert to help with this work, or alternatively assist with the funding of the project.

5. DETECTION AND ENFORCEMENT IN THE UK

Illegal working enables employers to undercut the minimum wage and flout other employment regulations, reduces the employment opportunities for legal low skilled workers and exploits the illegal workers themselves. This is why it is important to find illegal migrants, either in the workplace or elsewhere. We need to encourage employers not to take on illegal workers and sanction those who do. We need to enable enforcement agencies to tackle this issue. Once illegal migrants are found, they need to be dealt with appropriately.

5.1 Where are we now

Tackling illegal working is a way of disrupting organised crime. Effective partnerships between local police forces and immigration officials are vital so that the police gain a better understanding of the organised crime dimension of this problem and prioritise it accordingly. Several steps have been taken to develop these partnerships:

- A Memorandum of Understanding between IND and the police (through ACPO) is under development;
- A Chief Superintendent was appointed on 18 June 2001 to work under the Deputy Director (Special Operations) at IND;
- A Best Value Performance Indicator for the police on meeting Immigration Service requests is being developed;
- Shortly before the election, the previous Home Secretary agreed that IND could meet some of the costs of policing immigration crime.

Research on which sectors use illegal workers, including trafficked people, is needed. DTI is currently mapping the existing information sources on illegal working. This will be completed by September and will enable us to identify and prioritise further research on which sectors use illegal workers, including trafficked people. DTI also have in train 3 small projects researching illegal working in the clothing and restaurant sectors and surveying recruitment agents.

But this is an area where there is significant potential to step up activity:

- Activity to remove people from the country has concentrated mainly on asylum seekers whose claims have failed, rather than overstayers and illegal entrants who have not claimed asylum.
- Because business is lightly regulated in the UK, it is easy for illegal migrants to work undetected.
- Existing penalties for employers who use illegal workers are not easy to enforce.
- Some Government Departments are currently not required to pass on information when, during the course of normal duties, they encounter an individual whom they believe to be here unlawfully. Nor does IND have blanket access to employer records; they can only investigate individual cases of abuse.

5.2 Next steps

- a) **Support employers not to hire illegal workers, and prosecute those who do.** The Immigration and Asylum Act 1996 included an offence for employing illegal workers. However, few employers have been prosecuted to date. This is partly an issue of enforcement; we must enforce this more rigorously and increase IND capacity to do so.

It is also related to loopholes in the legislation itself. There is scope to tighten these, but any attempts to make the current legislation more rigorous will trigger very strong opposition from the Commission for Racial Equality and others on the grounds that it will increase discrimination. There would also be real difficulty in getting this through the House of Lords (the Labour Party opposed this when it was introduced in 1996).

Actively targeting employers who use illegal workers will also generate objections on the grounds that it will increase the regulatory burden. In part, this could be countered by improving support to employers to comply with the legislation. Following the introduction of the 1996 Act, IND ran an employer helpline for six months and produced a booklet on how to identify false papers. We could develop a new package of support measures. Once we have overcome the current restrictions on data sharing (see plans below), it may also be worth investigating whether we can use existing regulators, such as the HSE, to avoid imposing additional inspection regimes.

It will be important to focus effort on the main sectors using illegal workers. Once the current research is complete, we should be able to do this more effectively. We could also use information from legal employees. We can learn from the confidential hotline established for the minimum wage. A similar hotline could be set up for employees to phone if there is an illegal worker in their workplace.

Employing illegal workers is not simply an immigration crime problem. It is also about tackling unfair competition and loss of Government revenue, preventing employment regulations, such as the minimum wage and the working time directive being undermined, and securing employment opportunities for legal low skilled workers. DTI must also step up the action they take to identify and prosecute employers using illegal workers.

b) Require information exchange between IND and other Government Departments and local authorities.

There are statutory gateways between IND and the police, Customs and Excise, and with the Benefits Agency. There is a clear need to extend these arrangements to other Government Departments, particularly the Inland Revenue, and local authorities, so that IND can obtain information about illegal migrants held by other agencies.

The Criminal Justice and Police Act 2001 originally included statutory disclosure provisions for the Inland Revenue and Customs and Excise for the purposes of criminal investigations and proceedings. We are examining how to reintroduce these provisions in a forthcoming Bill this session, possibly in the Criminal Justice Bill. In addition the forthcoming PIU study on data sharing will provide an opportunity for more wide-ranging examination of information sharing across Government.

c) Increase removals.

Returning people swiftly to their country of origin acts as a powerful deterrent to other potential migrants. Repatriation is often beset by problems. The UK currently does not have diplomatic contact with some of the main source countries (notably Afghanistan, Iraq and Somalia). It is extremely difficult to repatriate immigrants to others (such as China, where the number of repatriation applications outstanding far exceeds the rate at which China is willing to process them).

However, by stepping up our effort to identify and remove illegal workers and overstayers as well as failed asylum claimants, we can make a significant impact⁵. IND is currently reviewing ways to secure mass removals, and will make proposals to the Home Secretary this month.

d) Increase IND enforcement capacity.

IND's enforcement capacity has already been increased significantly over the past 12 months in order to meet current targets. To deliver these measures, it is clear that we will need to further increase IND enforcement capacity. This will have resource implications.

5.3 Longer term measures

a) Improve partnership working between all agencies.

Good relationships between national agencies have quickly developed, particularly between NCS, NCIS and the Immigration Service. Significant progress is being made to develop police forces' role in combating immigration

⁵ The current target for removal of illegal workers and overstayers is 3,600 this year; for failed asylum seekers, it is 30,000.

crime. We must continue to explore ways of developing these relationships – possibly with the new Standards Unit and Inspectorate – drawing on best practice where it exists, such as the joint unit in Kent set up to tackle cross-channel crime, which has staff drawn from Kent Constabulary, Customs and Excise and IND.

b) Introduce identity cards.

One of the reasons the UK is attractive to illegal migrants is because they are unlikely to be detected either in the workplace or elsewhere. If other measures to detect illegal workers do not prove successful enough, we may want to think through the viability of introducing ID cards.

6. DEALING WITH VICTIMS

Measures to deal with trafficking victims in the UK should:

- offer victims care and support;
- encourage victims to act as witnesses against traffickers;
- gather intelligence from victims for use in disrupting and detecting organised criminals, and to inform prevention efforts in source countries;
- lead to successful repatriation and reintegration of victims wherever possible

We need to ensure that genuine trafficking victims receive appropriate care and support, but avoid encouraging customers of people smugglers. It is difficult, but necessary, to distinguish clearly between the two. In principle, a trafficking victim could be defined clearly as a victim of the new trafficking offence outlined above.

We have considered the possibility of giving victims a legal right to temporary leave to remain in the UK while they co-operate with law enforcement – an approach preferred in some other countries. However, powers already exist to allow trafficking victims exceptional leave to remain in the UK on a discretionary basis outside the immigration rules. Our current view is that a legal right could create perverse incentives and be open to abuse. There may be scope for more formal guidance on granting exceptional leave to remain, perhaps in the context of the best practice toolkit.

6.1 Where we are now

There is currently no provision specifically for trafficking victims. Trafficked women are sometimes referred to refuges for women suffering domestic violence, which may not have the relevant expertise, such as language skills. Other trafficking victims may also use voluntary sector provision, but little is known about their fate.

6.2 Next steps

a) NGO for trafficking victims

The Home Office has completed a feasibility study on the creation of an NGO for trafficking victims, drawing on experience in the Netherlands. Its function would be to provide genuine trafficking victims with:

- advice and information, emotional support, and help accessing others services such as health;
- safe housing and subsistence where necessary;
- support and access to legal advice if they act as witnesses against traffickers, working with police witness protection schemes where necessary;
- help preparing for repatriation, working with NGOs in source countries where possible and with the Immigration Service's Voluntary Assisted Returns Programme.

We now need to secure funding and design a pilot scheme in consultation with the voluntary sector. The pilot could be limited to victims of trafficking for sexual exploitation, who are arguably in most acute need and relatively easily identifiable as such. Provision for other trafficking victims would need to be expanded subsequently.

A government sponsored NGO would not satisfy need on its own, but could provide impetus for further voluntary sector provision. The NGO will need to be independent of the state in order to win the trust of victims, who might fear deportation or prosecution. However, we will need to ensure that it worked closely with the police and IND. In time, it will develop practical expertise which it would be expected to share with police, IND and policy makers.

6.3 Longer term measures

a) Introduce a 'toolkit' of best practice.

This 'toolkit', and associated training, would help police and immigration officials identify trafficking victims and treat them appropriately. It is important that officials can reliably recognise their special needs and do not unintentionally prevent them co-operating with law enforcement, for example by summarily deporting them.

It would take some time to develop a well-evidenced body of best practice. However, there is scope to draw on operational guidance designed in the Netherlands, and under development in the US.

The 'toolkit' could also be used as a basis for promoting awareness of trafficking in social and voluntary services staff, and possibly the general public, to bring more hidden cases to light.

7. DEALING WITH TRAFFICKERS AND SMUGGLERS

7.1 Where we are now

People smuggling is already a criminal offence under immigration law. However, there is no specific offence of trafficking. Some of the activities that accompany trafficking are already illegal. But existing provisions are disparate, so that it is complex and difficult to bring successful prosecutions, and sentences do not reflect the gravity of the offences or act as a deterrent.

7.2 Next steps

a) Strengthen legislation against people smuggling.

Facilitating illegal entry is a criminal offence within immigration law, and currently incurs a maximum sentence of 10 years. Home Office Ministers have agreed this should be increased. There is also some potential for strengthening the relevant laws. For example, conviction for facilitating illegal entry of asylum seekers currently requires proof that the offence was committed "for gain". The burden of proof could be reversed, so that the defence would need to prove it was not "for gain" to secure and acquittal.

b) Introduce new criminal offences for people trafficking.

There is a strong case for new legislation against people trafficking:

- to increase probability of conviction and sentences for traffickers;
- to implement the EU Framework Decisions against trafficking and facilitated illegal entry (now agreed except for the level of common penalties), and last year's UN Protocol;
- to implement the recommendations of last year's Sexual Offences Review to introduce an offence of trafficking for sexual exploitation.

A bid has been made for a slot in November 2002 for a bill on sex offences which is intended to include an offence of trafficking for sexual exploitation⁶. However, this would not cover trafficking for labour exploitation or forced labour. This may involve at least as many victims and some equally invidious behaviour, and is included in the UK's EU and UN obligations. An important next step is therefore to develop provisions against it, and to decide on a legislative vehicle for them.

8. TAKING THE WORK FORWARD

Taken together, this represents a significant programme of work to deliver. We propose that the Home Office should establish a steering group to do so, comprising all the key Home Office players, and pulling in expertise from across Government (including DfID, FCO, DTI and DWP). This group will take forward the strategy on tackling people trafficking and migrant smuggling, including the development of a performance management framework, ensure that action is co-ordinated effectively and oversee delivery.

⁶ Subject to wide consultation, as part of the review of sexual offences, *Setting the Boundaries*.



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JR O/R
OMC
JH O/R

Foreign Secretary

PRE-CLEARANCE AT PRAGUE AIRPORT

As you are aware a successful pre-clearance operation ran at Prague airport between 18 July and 9 August. The operation successfully prevented more than 200 passengers who were inadmissible to the UK from travelling here. The operation also had a significant impact on the number of Czech asylum seekers applying here. In the three weeks immediately before pre-clearance more than 200 Czechs applied for asylum here, in the three weeks pre-clearance was in operation just 23 applications were made.

Pre-clearance was suspended on 9 August on operational grounds, but on the clear understanding that it would be re-introduced if for operational reasons that became necessary. Yesterday a group of 32 Czechs arrived at Stansted airport and applied for asylum. Of the group 9 have previously applied for asylum here and it appears that 11 had been refused under the pre-clearance arrangements. This group are being fast tracked through the asylum system.

I consider that this group warrants the immediate return of the pre-clearance operation to Prague. As you will understand we need the agreement of the Czech government and, given his previous involvement and helpful role, I would be grateful if you could telephone Jan Kavan on Monday with a view to pre-clearance re-starting next week. I am sorry to have to ask you to do this on your return from holiday but given the climate in which we are operating at the moment (from your previous experience here you will be all too familiar with it), I think it is in the best interests of all of us to take decisive action.

I am copying this to the Prime Minister, Deputy Prime Minister and Sir Richard Wilson.

David Blunkett

DAVID BLUNKETT

17 August 2001



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Treasury Chambers, Parliament Street, London, SW1P 3AG

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OMC

The Rt Hon David Blunkett MP
Home Secretary
Home Office
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16 August 2001

David,

ASYLUM RESERVE CLAIM

Our officials are still finalising forecasts of asylum expenditure. I recognise that Home Office will need some access to the reserve. But lack of delivery in key areas of the asylum system have contributed substantially to the budgetary pressure. This is the latest in series of large asylum reserve claims. This underlines the reason for asylum spending to remain in DEL to provide clear incentives for improving delivery. As part of that, Home Office must share the cost of these asylum pressures up to 1% of total Home Office DEL. I will need to see convincing plans for addressing key areas of concern, and will take these into account in considering the level of access to the reserve. There may also be scope to explore additional mechanisms for incentivising and ensuring delivery in the asylum system.

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2. Our officials have been in close contact over the last few months about the bid for £517m from the reserve for asylum support costs and for related IT systems. I am sure you will be aware that the reserve is already exhausted for this year, and that bids will not be successful unless they are utmost priorities, largely unforeseen and cannot be met out of existing DELs.

3. I recognise that the Home Office will need some access to the reserve this year to help with asylum pressures. However, as I said when we discussed the asylum reserve claim on 19 July, sharing the cost of such claims is one of the essential disciplines we have to maintain on Departmental management of pressures. I think it would be worth my setting out in further detail the way forward as I see it in response to the asylum pressures.

4. Our officials have had constructive discussions about the assumptions underlying the IND resources position. It is important that we are able to arrive at a robust and final estimate for the year's resource requirement - for the 'whole system' costs including related costs in the Lord Chancellor's Department.

5. This is latest in a series of large reserve claims for asylum, including additional resources of £609m last year (and the asylum baseline was increased by more than £400m this year). The extra funding last year,

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alongside the hard work of case-working staff, helped secure a dramatic increase in the number of initial decisions. However it seems clear that shortfalls in delivery on key areas and targets has contributed substantially to the pressures on the asylum budget.

6. Despite the increase in decision-making, the 150,000 target for initial decisions was missed by 16,000. There was also a shortfall of 13,500 adjudicator appeal decisions from the original plans. Shortfalls such as these have obvious knock-on effects on asylum support costs. I was also very concerned to learn that there may be around 30,000 asylum-seekers currently receiving support to which they are no longer entitled. I estimate that the shortfalls in these areas alone could account for extra costs totalling up to half the £335m adult and family support unfunded pressures.

7. There are also other areas of concern.

8. The 12,000 removals target for last year was missed by 3000, and you have already indicated that you do not expect to meet this year's target. Increasing the chance of removal is a key part of the strategy for deterring unfounded asylum-seekers. It is worrying that the numbers of removals have barely begun to rise, and indeed fell after May this year. Families continue to be eligible for support until they are removed, so this is also likely to be another driver of support cost pressures this year.

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9. The PSA target this year for taking initial decisions in 2 months is not currently being met. In addition, if the asylum decision-making system is to be fast and effective, and thus help deter unfounded claims, then there needs to be a much greater emphasis on constructing an end-to-end system. While the elimination of the backlog of initial decisions is clearly a welcome step, to be effective this needs to be mirrored through the rest of the system. In particular it appears that there is now a large backlog of appeals (both in the appeals system and pending), again also pushing to asylum support costs.

10. The issues outlined above underline the reason for maintaining asylum spending in DEL - in order to provide clear incentives for improved delivery. As part of that, it follows that Home Office must contribute part of the cost of these asylum pressures. In my letter of 19 July 2000 to your predecessor, I said that expect Home Office to absorb additional asylum spending of up to 1% of total Home Office DEL.

11. Before I can reach an overall decision on the level of access, I would like to see plans, including cost-benefit analyses of options, for ensuring improved delivery in the areas I have identified, such that the cost-effectiveness of the whole system is maximised, and including a clear timetable. The plans should address the scope for savings this financial year, as well as demonstrating how delivery by the asylum system will no longer be a cause of any future reserve claims.

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12. In addition to the existing financial incentives, there may be scope to explore other mechanisms for incentivising and ensuring delivery on asylum. External scrutiny of processes may perhaps have a role. The extent to which I am convinced that the necessary plans, processes and incentives are in place will bear on my final decision on the level of access to the reserve.

13. I turn now to a number of specific elements of the reserve claim on which where I am able to say more.

14. Full baseline provision was not made available in SR2000 for Unaccompanied Asylum-Seeking Children (UASCs) support, because a robust cost model was not available. In previous years funding has largely been provided from the reserve for this area of spending. This year, once final cost forecasts can be agreed, and I am satisfied that an appropriate plan in place for achieving cost-effective support arrangements and for addressing the issue of better determining the age of UASCs, I will again make available appropriate funding from the reserve, taking into account the existing £3m baseline provision. In SR2002, I would expect to take the opportunity to make an appropriate increase in the Home Office baseline.

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15. The element of the reserve claim relating to roll-out of Sirius IT would appear to be funding which ought to have been bid for SR2000. I suggest that this ought to be addressed within Home Office budgets alongside other pressures on the Sirius budget.

16. On the Siemens IT pressures, I am aware of the offer that you have made as "line in the sand" payment to round off the current contract. Consideration of this issue was set aside in SR2000. I am sympathetic to, and will consider, this element of the claim once the likely outcome of negotiations is clearer.

17. As you may be aware, there are circumstances, where a Department is making resource payments to a private sector partner to undertake what would otherwise be classified as capital investment, which allow the Department to switch from its capital budget for this purpose. Since I understand that Home Office capital budgets are under less pressure than resource budgets, particularly following my agreement to full EYF of the over £200m capital underspend, you will want to look at the scope for dealing with relevant (Siemens and Sirius) pressures in this way.

18. I am copying this letter to the Prime Minister, Chancellor and Sir Richard Wilson.

Ben Mills,
Andrew Smith
ANDREW SMITH



Home Office

The Private Secretary to the Home Secretary

file

~~CCJR~~

Olivia McLeod
Policy Adviser
10 Downing Street
LONDON
SW1A 2AA

10 AUG 2001

Dear Olivia

ASYLUM APPEALS BACKLOG

You asked for a note about the Daily Express article which appeared in today's paper.

The figures quoted in the article are accurate; we have not been able to identify the "leaked memo" referred to but the information it is alleged to contain is all in the public domain.

SIZE AND COMPOSITION OF APPEALS BACKLOG

Figures from the IND and IAA indicate that at the end of June there were 55,500 asylum cases in the appeals system. Of these, 37,000 had been lodged with IND and not yet sent on to the IAA and a further 18,500 were with the IAA.

This increase in asylum appeals is the consequence of the huge increase in initial asylum decisions over the last year - 130,000 decisions were made in the year ending 31 March 2001. It was always inevitable that there would consequently be a "bulge" in asylum cases which would have to be fed through the appeals system.

REASON FOR BACKLOG

The main factor determining the speed at which appeals proceed through the system is the capacity of the different parts of the appeal system to deal with them, and the Home Office and the Lord Chancellors Department are working closely together to maximise this. The current agreed throughput from IND to the IAA is 4,000 cases a month. The difference between this and the number of appeals lodged each month, which was averaging 10,000 earlier in the year

and is now around 6,000, has resulted in the (continuing) build up of the backlog referred to in the article.

WHAT IS BEING DONE

The size of the appeals system has been more than doubled to cope with the increased volume of asylum appeals and record numbers of appeals are being processed.

LCD and IND are working on options to increase the flow of appeals. A short-term major increase in IAA capacity to match this peak of work would be very difficult, not least because it would require permanent judicial appointments. However, we are working together to identify the potential Spend to Save benefits of increasing the capacity of the appeals system in terms of reduction in asylum support costs.

CONTENT OF THE BACKLOG

Preliminary analysis of the 37000 appeal cases in the pre IAA backlog indicates that, as we expected, less than 1000 relate to applications made in 1999 or earlier. An exercise is about to begin which will identify and review these "old" cases with a view to resolving them or sending them on to the IAA over the next few months.

FURTHER EFFICIENCIES

IND sends detained cases, Oakington cases and appeals from applications made since 1 April 2001 to the IAA as a priority and is about to begin prioritising certain cases for onward transmission to make best use of IAA interpreter and courtroom availability. IAA is working to improve the disposal rate (the article quotes an adjournment rate of 27% for May: this is caused by a variety of factors including representatives for both sides, appellants and adjudicators) by streamlining its processes for listing and notification of hearings and reviewing bottlenecks within the system.

Please let me know if you require any further information.

I am copying this to Debora Matthews (LCD) and Richard Abel (Cabinet Office).

Yours ever
Jane

JANE FOWLER

RESTRICTED



CABINET OFFICE

70 Whitehall London SW1A 2AS
Telephone 020 7270 0177 Facsimile 020 7270 0112
e-mail: Martin.Donnelly@cabinet-office.x.gsi.gov.uk

Martin Donnelly
European Secretariat

Peter Wrench
Home Office

2 August, 2001

Dear Mr Wrench

**CROSS CHANNEL COMMISSION SUB-GROUP MEETING ON THE CIVIL
PENALTY**

Thanks to you and others for coming along yesterday to discuss next week's CCC sub-group on the civil penalty.

For those attending next week's meeting, I thought it might be useful to attach the main points we agreed on (under each of the key headings in Andreani's recent letter). Overall, we were clear that the French government should leave the meeting feeling the UK was being transparent, constructive, and reasonable: we should underline that we want to work positively with them and French hauliers to improve security and so minimise fines and illegal immigration. This is important both to minimise the likelihood of blockades and to keep the French government on side on both blockades and illegal immigration. In short, we should be as helpful as possible without undermining the civil penalty.

Best of luck for Tuesday. I am copying this to others who attended yesterday's meeting.

Yours sincerely

D. L. Chilcott
P.P MARTIN DONNELLY

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KEY POINTS FOR THE CCC SUB-GROUP ON THE CIVIL PENALTY

Item 1: That we approve the "check list" of security measures hauliers should take to exempt themselves from paying the civil penalty.

- we should tell the French that **we are happy with their check-list** and that if applied it would provide a valid defence from the civil penalty. We should also be willing to agree to a procedure for rapidly updating the check list (e.g. to allow for new CO₂ checks);
- we should offer the French more **training of hauliers on security measures** (e.g. offering to participate at quarterly events organised by the French?);
- we should express willingness to carry out a **joint information campaign** for hauliers. This could provide bilingual information on the whole civil penalty procedure: e.g. the importance of following the security measures in the checklist to obtain a defence from civil penalty; the steps the UK goes through if immigrants are found in the lorry; how to avoid being impounded, etc;

Item 2: That we examine the measures the French have taken to tighten controls around ports, the Channel Tunnel, and rail routes.

- we should **acknowledge French efforts tightening security in Calais**. We could express particular gratitude for improvements on ferry controls (which have allowed ferry companies to carry out their own effective checks);

Item 3: That given security improvements we reduce penalties or restrict fines. Alternatively, we improve judicial recourse for firms which have applied the "check-list" but still get fined.

- reducing penalties or restricting fines would undermine the civil penalty. We should therefore strongly major on the fact that **if French firms apply the "check-list" they should not face any fines**;
- on judicial recourse, we could underline the fact that the **ultimate arbiter on the civil penalty is the independent courts**;
- we should also underline how **we are willing to be helpful in the handling of cases**. We should express willingness to **review individual cases** where the French have concerns (the focus should be on **new cases or evidence** – further reviewing old cases is likely to offer little to either side). We should highlight the Fiolet case. The French brought this to our attention. A bilateral with the firm revealed evidence leading us to withdraw £22,000 of civil penalties. We should express the **willingness to have bilaterals with other hauliers**;

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we could stress how **impounding vehicles is an exceptional step** only taken where the haulier expresses unwillingness to pay the fine or has a track record of not paying. Hauliers do not have to express unwillingness to pay the fine to appeal against it. We could also explain some of the steps we take to protect perishable/urgent cargo. Impounding should form part of our information campaign;

Other issues

- we should inform the French that we have been **impressed with security measures introduced by SNCF and EWS since May** and (as far as is possible without prejudging ministers) hint that this should lead to a positive decision on exemption from the civil penalty. We should seek informal French views on how to handle the presentational read-across to hauliers;
- we should **take up the French offer of comparing immigration and asylum systems** (though there should not be substantive of this at Tuesday's meeting);
- we should pursue with the French what sort of **on-the-ground "renforcement"** they envisage in Calais, expressing a willingness to seriously look at any sensible ideas. Paris/Lille can also pursue this separate to the meeting.

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**CABINET
OFFICE**

CABINET SECRETARIAT

Economic and Domestic Affairs Secretariat

70 Whitehall ■ London SW1A 2AS

TELEPHONE: 020-7270 0189 ■ FAX: 020-7270 6636 ■ E-MAIL: lbell@cabinet-office.x.gsi.gov.uk

DATE ■ 1 August 2001

Jane Fowler
PS/Home Secretary

REVIEW OF DIRECT AIRSIDE TRANSIT VISAS – THE WAY FORWARD

You should have seen the correspondence over recent months responding to the Cabinet Office's review of Direct Airside Transit Visas (DATVs).

The DETR (prior to the election) and FCO agreed the review's conclusions and urged the departmental group to make speedy progress in setting up an interdepartmental group to take work forward. The DTI was content and gave a nil return.

You wrote to welcome the report and all the recommendations bar the one relating to admissibility sifts and (as a result of the inevitable delay caused by the election) suggested an amended timetable for reviewing the existing DATVs.

As a result you can take it that Ministers have agreed the report and recommendations within it (other than that on admissibility sifts). As agreed during the review process, there is no intention to publish the report.

The first step is for your department to set up an officials interdepartmental group on DATVs, and I would be grateful if you could do so as quickly as possible. Once established, the group will provide a forum for pushing the other recommendations forward.

At this point the Cabinet Office's role is complete, however, we remain happy to help in the future on this, or any related matter if needed.

I am copying this, along with a full set of the correspondence, to private secretaries to the Foreign Secretary, Secretary of State for Trade and Industry and the Secretary of State for Transport and Local Government. Also to Mark Twigg (DTI), Andrew Staunton (FCO), Brian Grant (HO) Tony Baker (DTLR), Sarah Tobin (Economic and Domestic Secretariat) and Justin Russell in Number 10.

Yours sincerely,

Lindsay Bell

PP **Lindsay Bell**
Economic and Domestic Secretariat



SKP 1/2/01



HOME OFFICE
QUEEN ANNE'S GATE
LONDON SW1H 9AT

Sarah Thomas
Economic and Domestic Affairs Secretariat
Cabinet Office
70 Whitehall
London
SW1A 2AA

18 JUL 2001

Dear Sarah

REVIEW OF DIRECT AIR-SIDE TRANSIT VISAS (DATVs)

Thank you for your letter of 8 May seeking views on the final report of the review of DATV policy and operation. I am sorry for the delay in replying.

The Home Secretary welcomes the report and the recommendations made within it. He particularly supports the report's conclusion that DATVs have an important role to play in support of immigration control and should continue to be used where appropriate. DATVs are a necessary tool to prevent the abuse of the transit without visa concession, which provides one of the simplest ways for those seeking to evade immigration control to come to the UK. He also agreed that the new interdepartmental group will provide a necessary mechanism to ensure that existing DATV regimes are kept under regular review and that their impact on genuine travellers is limited.

The Home Secretary has noted the recommendation that the new interdepartmental group consider the lessons to be learnt from the experiences of others in the use of admissibility sifts for asylum seekers. Admissibility sifts are just one of many measures being considered to deal with unfounded asylum applications, work on which is being taken forward by other groups including within the EU. He does not therefore believe that the new interdepartmental group is the right forum to consider that but should focus on ensuring that DATVs are used effectively.

The proposal that a review of all 21 existing DATV regimes, and a review of the possibility of introducing document-based exemptions, should be carried out before the summer recess, is not achievable. The Home Secretary's view is that

a thorough and considered review is needed and that this will take longer than is now available before the recess. He is content that the interdepartmental group should meet quickly and agree a plan for reviewing the existing DATV regimes, with an early focus on areas where change might be merited or where officials from other departments have concerns.

I am copying this letter to the private secretaries to the Deputy Prime Minister, Foreign Secretary, the Secretary of State for Trade and Industry, and to Justin Russell and Michael Tatham at No 10.

Yours ever

Jane

JANE FOWLER
Private Secretary to David Blunkett



Foreign &
Commonwealth
Office

21 May 2001

London SW1A 2AH

Dear Sarah,

Review of Direct Airside Transit Visas

Your letter of 8 May sought views on the report of the review of DATV policy and its operation.

The Foreign Secretary welcomes the report as a detailed examination of whether the operation of DATV regimes strikes the right balance between maintaining the integrity of the immigration control and minimising the impact on UK political and commercial interests. He supports the report's conclusion that the use of DATVs should not be abandoned and agrees with the need for urgent action to be taken to improve the way the system operates so as to minimise negative impact on business, airlines and wider relations.

The new interdepartmental group will provide a much-needed focal point for consultation on DATV policy. But the Foreign Secretary considers that we must give it teeth if it is to take forward the report's list of recommendations. He attaches particular importance to the group: (i) considering the introduction of exemptions on a case by case basis; (ii) carrying out a quick review of all existing DATV regimes; and (iii) considering the introduction of exemptions for certain types of Chinese passport-holders. The Foreign Secretary's view is that the report has clearly demonstrated the need for a more flexible approach in this area. He does not want the group to get bogged down and believes Ministers should receive a report of concrete progress before the summer recess.

On that basis, I can confirm that the Foreign Secretary is content for Departments to implement the recommendations contained in the report. He sees no need for Ministers to meet to discuss it.



I am copying this letter to the Private Secretaries of the Deputy Prime Minister, the Secretary of State for Trade and Industry and the Home Secretary, and to Liz Lloyd and Michael Tatham at No 10.

Yours age

(Mark Sedwill)
Private Secretary

Ms Sarah Thomas
Economic and Domestic Affairs Secretariat
Cabinet Office

CC

Steve Loach

From:

STEPHEN LYLE SMYTHE
Director
Strategy and Communications
British Trade International
Bay 966 Kingsgate House
+ 44 (020) 7215 4866
21 May 2001


















































DIRECT AIRSIDE TRANSIT VISAS








Thank you for sending us the copy of your advice of 17 May.



2 We have no comment on the substance, but paragraph 10 talks of the membership of the Cabinet Office working group including "DTI/TPUK". Please can we get this kind of thing right? British Trade International and its two arms, Trade Partners UK and Invest UK, are not simply DTI creations, any more than they are simply FCO creations. They are equally linked to both Departments. So BTI (TPUK) please. That is an important point to us and reflects the kind of relationship we want with our two parents. Sir David Wright, who was the first to see your note here, is especially hot on this.



Stephen L. Frost

STEPHEN LYLE SMYTHE

FAX  Emily Miles, Home Office
9-020-8760-8821 223/0761
 Alan Dancy, AMSED, PEO
DATUS
 23 105 01                                              



 Brenda Whitely, JECU
 7-238-3762  (01/01)


 Allen Chung, AM, RD, FCC
 JATV6


 23 / 05 / 01
 1000

FAX ➡  Paul Harrell, Cabinet Office
6636
 ➡ Allen Dancy, AMSRD
DATVS
23/05/01



 De
 Charles E. ...
 7-3533-2194
 2/10/01
 AMSD FCO
 DATV
 13/05/01

FROM THE OFFICE OF THE DEPUTY PRIME MINISTER
FROM THE PRIVATE SECRETARY



DEPARTMENT OF THE ENVIRONMENT
TRANSPORT AND THE REGIONS

ELAND HOUSE
BRESSENDEN PLACE
LONDON SW1E 5DU

TEL: 020 7944 3011
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Sarah Thomas
Economic and Domestic Secretariat
Cabinet Office
70 Whitehall
London
SW1A 2AS

OUR REF: P/012562/01

- 1 JUN 2001

Dear Sarah

REVIEW OF DIRECT AIRSIDE TRANSIT VISAS (DATVs)

Thank you for your letter of 8 May enclosing a copy of the final report of the working group of officials reviewing DATVS.

I can confirm that the Deputy Prime Minister is content for officials to implement the report's recommendations but is concerned that the work should continue in a timely fashion and that the timetable set out in the report should not slip.

- ✓ I am copying this letter to the private secretaries to the Home Secretary, Foreign Secretary and Trade and Industry Secretary, and to Liz Lloyd and Michael Tatham in the Prime Minister's office.

Yours

**DAVID HILL
PRIVATE SECRETARY**

25 July 2001

rec 26/7



Foreign &
Commonwealth
Office

JS
Tome
MT

London SW1A 2AH

Dear Hilary,

**Whether to opt in to a Council Directive concerning the Status
Of Third-Country Nationals who are long-term Residents**

The Home Secretary's minute of 17 July sought the agreement of EP colleagues for the UK not to opt in to the proposed Council Directive concerning the status of third-country nationals who are long-term residents. I am replying on behalf of the Foreign Secretary in his capacity as Chair of EP.

No Minister has objected. You may therefore take it that you have agreement that the UK should not opt in.

I am copying this letter to the Private Secretaries of the Prime Minister, members of EP, the Paymaster General, the Ministers for the Cabinet Office, Energy and Competitiveness in Europe, Sir Nigel Sheinwald (UKRep) and to Richard Abel and Sir Stephen Wall (Cabinet Office).

Yours aye,
Mark Sedwill

(Mark Sedwill)
Private Secretary

Ms Hilary Jackson
PS/Home Secretary

FCS/01/098

HOME SECRETARY



Top: FAPS
COS
FA/EPs
FA/WAPs
PD (JR)
PD (OM)
Press

New Extradition Treaty Between the United States
of America and the United Kingdom

1. Thank you for your letter of 19 July enclosing your letter to Mr John Ashcroft, the Attorney General of the United States of America, which proposes renegotiating our extradition treaty.
2. Having launched a review of UK extradition law earlier this year, I wholeheartedly support your proposed course of action. Please keep me informed of any progress.
3. I am copying this minute to the recipients of yours.

(JACK STRAW)

Foreign and Commonwealth Office
24 July 2001

SKP 24/7/01

CONFIDENTIAL - POLICY

From: Adam Bye
Date: 23 July 2001

1. Stephen Wall *lyre*
2. Justin Russell, No 10 *(P)*

cc

Martin Donnelly
Jeremy Heywood *rc*
Roger Liddle *ccmt*

Michael Roberts
Olivia McLeod

**WHETHER TO OPT INTO A DRAFT DIRECTIVE ON LONG TERM
RESIDENTS IN EU MEMBER STATES**

EU directive would mean UK has to allow third country nationals who are long-term residents of another Member State into the UK for short periods. While we should agree with Home Office not to opt into this particular measure, we should encourage them to re-evaluate our general policy on opt ins. Draft letter to Home Office attached.

2. Home Office wrote on 17 July on a draft EC directive which would harmonise the status of long-term residents across the EU. Among other things, it would allow third country nationals who were long-term residents in one EU Member State to enter another for short periods (up to three months), subject to having adequate financial resources. Home Office are recommending that we do not opt into the measure because, if we did so, it would impinge on the UK's right to determine who we admit to the UK.

3. In substantive terms, having to admit such third country nationals would probably not cause us major problems, especially given they would have to have adequate financial resources. Indeed, it would be beneficial to those without British nationality in this country, and could have modest economic benefits. The question then is whether agreeing to a measure like this would set a wider precedent damaging to our frontier controls.

4. Our current policy is based on just that fear. Advice from the Solicitor General has suggested that "the ECJ might in the future take the view that, because the United Kingdom had participated in co-operation on certain of these issues, we could no longer maintain our frontier controls on the current basis". For that reason, the UK's policy is to retain the right both to determine which third country nationals we admit and to exercise national frontier checks on those seeking to enter the UK. Opting into this proposal would not put in question national checks, but would mean having

CONFIDENTIAL - POLICY

CONFIDENTIAL - POLICY

to admit persons meeting the criteria in the EU directive. This would be the first time we had allowed EU legislation to determine which third-country nationals can enter the UK (though it is worth remembering that we already have to admit EU nationals - and their families - who come here to work).

5. Given our policy as it stands (and there is not time to change it by the deadline for this measure), we should agree with the Home Office not to opt in. However, it is now time for Home Office to revisit our overall policy for a number of reasons:

- **we need to check the legal advice is still right.** The legal advice mentioned above is now 4 years old. Since it was produced the Treaty of Amsterdam has come into effect, and the Treaty of Nice been agreed;
- **we need to reassure ourselves that our policy is not needlessly cautious.** Clearly we do not want to agree to measures that endanger necessary frontier controls. But at the same time, we do not want needlessly to opt out of measures which are harmless or beneficial. Doing so risks limiting our credibility as a key player on JHA matters (and more generally);

6. In addition to ensuring our policy is still relevant to our current needs we need to ensure we have a **credible basis on which to deal with future developments**. One area of rising importance is the security of the EU's external border. Making the external border more secure is very much in our interests - preventing crime, drugs, and illegal immigrants entering the Union, particularly with enlargement. France, Germany and Italy have already suggested some form of EU border police (or at least revised border arrangements). It would seem perverse for us not to take a lead role in shaping a policy so strongly in our interests, and just as perverse not to participate in any joint arrangements. Taking part in measures strengthening EU borders may also be the carrot we need to get other Member States to agree to constructive new arrangements on returning asylum seekers.

7. I therefore recommend you write to Home Office agreeing that we should not opt into this measure, but making clear we should revisit our general opt in policy to check it still serves our needs. A draft letter is attached. It would be good if you could aim to send it in the next day or so.



ADAM BYE

European Secretariat

CONFIDENTIAL - POLICY

CONFIDENTIAL - POLICY

Emily Miles
PS/David Blunkett
Home Office

**WHETHER TO OPT INTO A DRAFT DIRECTIVE HARMONISING
THE STATUS OF LONG-TERM RESIDENTS IN THE EU**

The Prime Minister has seen the Home Secretary's note of 17 July on the above issue.

The Prime Minister agrees that, given our current policy on the frontiers protocol, we should not opt into this measure.

However, the Prime Minister also believes that now is a good time to revisit our overall policy on opting into immigration measures and make sure it is still the right one. Clearly we should continue to ensure the UK retains its frontier controls. But subject to that, we need to consider whether, based on the latest legal analysis, we could participate in more measures such as this one (which in themselves would have little impact on the UK or might actually be beneficial).

The need to have a clear up-to-date policy also stems from likely pressures in coming months – e.g. for an EU frontier police (or at least revised frontier arrangements). Ensuring the EU's external border is as secure as possible is very much in our interests, particularly with enlargement. The Prime Minister is therefore keen we should be able to shape and participate in such measures as much as is possible without jeopardising national frontier controls.

I would therefore be grateful if, by the end of September, you could provide a substantial paper on our opt-in which sets out the possible options for developing our policy.

Justin Russell

CONFIDENTIAL - POLICY



Foreign Secretary

cc Stephen Wall

JJ
JJH
RL/FL
JR
ONE
POLL

WHETHER TO OPT INTO A DRAFT DIRECTIVE WHICH HARMONISES THE STATUS OF LONG-TERM RESIDENTS ACROSS THE EU

The European Commission has brought forward a proposal to harmonise the status of third-country nationals who are long-term residents. In this letter I recommend that we do not opt in to this proposal, because it will impact on the UK's ability to retain national control over entry to the UK. This fundamental policy objective outweighs the benefits the draft Directive would bring to third-country nationals resident in the UK, and the fact that the Directive would make it easier for long-term residents in other Member States to gain access to the UK labour market and contribute to the UK economy. I would welcome comments by 23 July.

2. The draft Directive would provide for a common long-term resident status, which all third-country nationals could acquire in any Member State, after five years' residence. Such long-term residents would benefit from many of the same rights as nationals. This would include access to employment, goods and services, including public housing, education and vocational training, study grants, social assistance and health care.

3. The draft Directive would also give long-term residents the right to (short-term) residence in a second Member State. Such third-country nationals would have to show that they had a job, were self-supporting students or had adequate resources to avoid becoming a burden on the second Member State.

4. The UK would not have any problems with most of these provisions. Our treatment of those with indefinite leave to remain in the UK is as good as, or more favourable than, the provisions in the draft Directive. Indeed, if the Directive did not include the right to residence in a second Member State, we would probably wish to opt in. We would only have one or two concerns, for example about the arrangements in the draft Directive for expulsion, family

reunification and the provision of equal treatment between nationals and third-country nationals in the field of study grants.

5. The key question is whether participation would be consistent with the operation of our frontiers and admissions policy. The previous Home Secretary said, in his statement in March 1999, that the UK is keen to engage in co-operation in all areas of present and future Justice and Home Affairs co-operation, including immigration policy, which do not conflict with our frontiers control.

6. In practice, the draft Directive would require us to grant leave to enter for at least three months to long-term residents from other Member States. This period would enable them to apply for their right of residence in the UK. And, while this right of residence would be conditional on the third-country national showing that he or she had adequate resources to avoid becoming a burden on the State, the UK would be obliged to grant this right where the conditions were met. I therefore consider that this Directive is not consistent with the policy objective of national control over admissions, which underlies our Protocol on the Position of the United Kingdom and Ireland in the Treaty of Amsterdam. The Protocol was secured with the express purpose of ensuring that we retained the right to determine our own immigration policies. My decision to recommend that we do not opt in is also taken in the light of our decision not to opt in, for the same reasons, to the Directive on family reunification.

7. The draft Directive is designed to meet the Tampere aim that the legal status of third-country nationals should be approximated to that of Member States' nationals. While I welcome the integration of third-country national long-term residents, including recognised refugees, in the UK, this should not imply freedom of movement, which should be limited to EU nationals exercising Treaty rights, and their family members.

8. I appreciate that there is likely to be some disappointment amongst long-term residents here who have not, for whatever reason, acquired British citizenship, that the wider benefits under the Directive will not be extended to them. I am also aware that this Directive would make it easier for long-term residents in other Member States to make a positive contribution to the UK economy. Nevertheless, I think that our policy on entry to the UK outweighs these concerns.

9. Deciding not to opt in at this stage would not prevent us from doing so later, if the Directive that is finally agreed is acceptable and we do not wish to be out of step with measures being operated in other Member States.

10. We will need to present this decision carefully, focusing on the fact that a decision not to opt into these proposals would be in line with the UK's overall approach to non-participation in a fully harmonised immigration policy.

11. I am copying this letter to the Prime Minister, EP Committee, the Paymaster General and to the Ministers for the Cabinet Office, Energy and Competitiveness in Europe, to Sir Nigel Sheinwald and to Sir Richard Wilson.

David Blunkett

DAVID BLUNKETT

17 July 2001



071 828 1558

LONDON SW1E 6JP

Solicitor General's Advice

The Rt Hon Robin Cook MP
Secretary of State for Foreign and Commonwealth Affairs
Foreign and Commonwealth Office
King Charles Street
LONDON SW1A 2AH

3 June 1997

Dear Robin

IGC: JUSTICE AND HOME AFFAIRS

I am grateful to you and Jack Straw for having copied to me your joint minute of 19 May, setting out your recommendations about how to proceed at the IGC in the field of justice and home affairs. I am writing, with the agreement of Colin Boyd, to set out some of the salient points in relation to the frontiers issue which emerged when Colin and I gave advice last week.

Officials have consulted us on the draft of a Protocol to the Treaties whose aim would be to secure legal certainty for the maintenance of our frontier controls on the current basis. Colin and I have looked carefully at the draft and made some further amendments to it. Whilst we cannot give any guarantees - it is not humanly possible to do so - we are satisfied that the draft is now as tight as we can make it in order to achieve the objectives laid down by the Prime Minister.

Your joint minute refers to the desirability of our retaining the right to participate at our own discretion, but not to be obliged to do so, in EU cooperation on immigration, asylum and visa issues. We understand that the latest preference is to press for such cooperation to be undertaken in a new inter-governmental Pillar, which would be governed by international law, rather than Community law, even though as you recognise in the joint minute there would be "heavy use of Community institutions".



We understand the political desirability of being able to opt into certain measures of cooperation in this field, not least for presentational reasons. We are, however, concerned that the ECJ might in the future take the view that, because the United Kingdom had participated in cooperation on certain of these issues, we could no longer maintain our frontier controls on the current basis. Thus, the more we cooperate in these measures the more vulnerable to attack our Protocol will become. In this respect, the adoption of measures in relation to immigration and asylum will pose a greater risk than those relating to police or judicial cooperation. These legal dangers are inherent in our desire to "blow hot and blow cold" in this field. Indeed, the underlying contradiction is well illustrated by the draft of a proposed Third Pillar Bis which your lawyers have produced, which begins with a reference to measures being taken to ensure the free movement of persons in accordance with Article 7a, albeit that there is a qualificatory reference to our Protocol on frontier controls. There are thus legal risks attached to your policy which you will need to weigh against the desirability of pursuing it.

Colin Boyd and I would be happy to look at any further drafts on this issue if the pressure of the negotiations permits. The texts will have to be considered in their overall context in the Treaties as a whole, and so it is important that officials are careful to ensure that changes in other parts of the Treaties will not blow on the construction, particularly, of the Protocol on frontiers controls.

I am copying this letter to the Prime Minister, to other members of E(DOP), to Colin Boyd and to Sir Robin Butler.

Y
aun

[Handwritten signature]

CHARLES FALCONER



From: THE PRIVATE SECRETARY

MATRIX

HOME OFFICE
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LONDON SW1H 9AT

file

MT

one

Sarah Thomas
Economic and Domestic Affairs Secretariat
Cabinet Office
70 Whitehall
London
SW1A 2AA

18 JUL 2001

Dear Sarah

REVIEW OF DIRECT AIR-SIDE TRANSIT VISAS (DATVs)

Thank you for your letter of 8 May seeking views on the final report of the review of DATV policy and operation. I am sorry for the delay in replying.

The Home Secretary welcomes the report and the recommendations made within it. He particularly supports the report's conclusion that DATVs have an important role to play in support of immigration control and should continue to be used where appropriate. DATVs are a necessary tool to prevent the abuse of the transit without visa concession, which provides one of the simplest ways for those seeking to evade immigration control to come to the UK. He also agreed that the new interdepartmental group will provide a necessary mechanism to ensure that existing DATV regimes are kept under regular review and that their impact on genuine travellers is limited.

The Home Secretary has noted the recommendation that the new interdepartmental group consider the lessons to be learnt from the experiences of others in the use of admissibility sifts for asylum seekers. Admissibility sifts are just one of many measures being considered to deal with unfounded asylum applications, work on which is being taken forward by other groups including within the EU. He does not therefore believe that the new interdepartmental group is the right forum to consider that but should focus on ensuring that DATVs are used effectively.

The proposal that a review of all 21 existing DATV regimes, and a review of the possibility of introducing document-based exemptions, should be carried out before the summer recess, is not achievable. The Home Secretary's view is that

a thorough and considered review is needed and that this will take longer than is now available before the recess. He is content that the interdepartmental group should meet quickly and agree a plan for reviewing the existing DATV regimes, with an early focus on areas where change might be merited or where officials from other departments have concerns.

I am copying this letter to the private secretaries to the Deputy Prime Minister, Foreign Secretary, the Secretary of State for Trade and Industry, and to Justin Russell and Michael Tatham at No 10.

Yours ever

Jane

JANE FOWLER
Private Secretary to David Blunkett



Prime Minister

IMMIGRATION AND ASYLUM

1. This note sketches out some steps I am taking to reinforce our existing immigration and asylum strategy and also to develop it in a number of directions. I am interested in developing a broader nationality and immigration policy, and what is outlined below is a contribution to this. I suggest we discuss it at the bilateral on 17 July.

The Front End

2. I am determined to bring down the number of asylum applications. Progress has been made, but not enough. We need to strengthen what we do at the border, take preventive action further down the supply line, reduce pull factors here and reassess the longer term balance between frontier and in country controls. In the short term:

- we must impose the civil penalty on Eurotunnel
- we may have to take more drastic action with Eurotunnel in the meantime if they do not prevent people getting on the Shuttle
- we will introduce x-ray equipment on the Dover crossing in September
- I will look at raising the civil penalty and/or carriers' liability
- we will look at our policies of giving leave to nationalities such as Somalis and Afghans.

I will continue to look for other measures of this kind.

The Back End

I also want to increase removals as fast as I can. I have committed us to achieving a monthly rate of 2,500 by early next year. Extra police support is a key, and I told Chief Constables on 12 July they must co-operate. We will bring the extra detention spaces on stream as soon as we can. If we conclude we need more, I will make the case for it. I am also looking at ways of increasing voluntary returns, including by offering a cash incentive.

The Middle

3. These are aspects of the front and the back end, where we press on and develop the existing strategy. I think we need to look more fundamentally at the middle, where we need to set our approach to long term managed migration, illegal working and asylum support. The package needs to balance, so we do not add to asylum pull factors; we tighten control on the asylum process; we meet the needs of the economy; and convince the public here that we are managing a coherent system in an effective way.

4. First, I will work up ideas to shift away from the present support system to one which makes much more use of reception centres. Those who did not take this package up might get nothing. It would enable us more tightly to control asylum seekers and to get away from some of the difficult aspects of vouchers and the present dispersal arrangements. Key elements might be:

- putting all applicants through a robust registration process at designated centres
- processing their claim through "Oakington-like" reception centres (some fully secure, some not) providing full board and lodging, without cash or vouchers, and also purposeful activity such as language classes and perhaps work (a separate note is attached in relation to Oakington and problems with the judiciary)
- enforcing termination of support for those who reach the end of the process and linking this as closely as we can to subsequent removals.
- we need to be very clear that we will have a continuing major problem with "illegals" who never seek asylum and disappear into the ether, unless we are prepared to take head on the issue of the sub-economy and the role that employers have. As I indicate, regulation is an issue they will throw at us, but there is no doubt whatsoever that one set of employers are undermining the competitiveness and well-being of others, as well as the broader community, by paying no National Insurance, no tax, and by undercutting the minimum wage.

5. This kind of approach, which would have to be evolved over a period from what we now have, would be firm but also humane and fair. I believe it would

RESTRICTED – POLICY

lead to fewer applications and more removals. It would give us fewer of the problems presently associated with dispersal and vouchers,.

6. The list Liz Lloyd prepared for you in February contained a number of ideas on how the 1951 Convention is applied, for example to those from apparently safe countries. They are not new proposals, and would require controversial legislation. There is some risk in departing from the Convention, and so from the common EU policy which is now being drawn up. But I will look at them all again in considering ideas for the legislation earmarked for later in the Parliament. We have rightly confirmed our commitment to the Convention while pressing for reform in the way that is operated. We need to develop our thinking in the context of work towards a common European asylum system and the development of a more rational international protection regime.

7. There are several more fundamental issues:

- We must be more robust on illegal working. It results in exploitation and in the undermining of legitimate jobs. The 1999 Act did not make any progress on that. The answers go much wider than immigration law, to some of the suggestions in Liz Lloyd's list – identity cards and other social controls. They raise questions over the regulatory burden on industry. I shall want to pursue these vigorously with our colleagues, including with Derry Irvine who is responsible for policy on identity cards. They are difficult and longer term, but should not be ducked.
- We should take forward, as I now think we can, the policy on managed migration first aired by Barbara Roche. I will be consulting colleagues about that shortly. This would be an important element of a balanced package.
- We must look again at the weight given to immigration issues in our relations with other countries, particularly in relation to returning failed asylum seekers. In a number of cases I am not persuaded that immigration has the priority it needs, though it is obviously now high up the agenda for some, such as France. In some instances we do not have relations with the very countries to which we want to return people.
- The question of returns links also to overseas aid. I want to explore whether we can facilitate returns to difficult countries by the targeted use of aid. Switzerland is successfully doing this; others will follow; and such is the importance of returns to our asylum strategy that we must not be left behind the game.

Conclusion

8. There are a range of things here – from short term practical measures within my responsibility to longer term and much more complex ones. There would be significant financial implications in some of this, none of which has

RESTRICTED – POLICY

there yet been time to examine. I will not compromise on the need to be firm in dealing with people who are exploiting the asylum system. Nor must we do anything to increase the pull factor to the UK – as you said, we must aim to reduce the intake. But overall, I want to keep a balance, and some of the longer term ideas mentioned above seek to do that.

David Blunkett

DAVID BLUNKETT

16 July 2001



B. n. Cox

Prime Minister**OAKINGTON : JUDICIAL REVIEW**

I am writing to alert you to the possibility of an adverse judgement in a judicial review challenge to the current fast-track decision process at Oakington.

The basis of the legal challenge is that it is contrary to the Human Rights Act 1998 to detain asylum applicants for the purpose of taking a rapid decision and that the use of nationality to help identify suitable cases is discriminatory. The challenge was initiated by the Refugee Legal Centre, one of the organisations we fund to provide on-site legal advice at Oakington.


Our Counsel, David Pannick QC, has advised that the current operation of Oakington is lawful and that the judicial review claim should fail. But the questioning by the judge, Mr Justice Collins who is also President of the Immigration Appeal Tribunal, at the recent oral hearings which have focussed on proportionality suggests that there is a very real prospect of an adverse ruling. Judgement is expected by the end of this month, but might be delayed until September.

We cannot, of course, be sure at this stage what the outcome will be. I have to say that, given the legal advice we have received, I am surprised and disturbed that there is apparently a possibility of a negative verdict. This could have significant implications for our asylum policies and our ability to achieve the targets and aims we have set for ourselves. In the short term, an adverse ruling would send a very bad signal about our ability to deal quickly and firmly with asylum applications. There might well be an increase in asylum applications. I am, of course, considering how our immediate response to an adverse ruling could help to minimise such risks. I am also urgently considering what other steps I can reasonably take in the light of such an adverse ruling to maintain the present fast-track function that Oakington fulfills. As a minimum I would want to implement contingency arrangements which would enable us to use Oakington as a normal, but lower security, detention centre pending an appeal. We would continue to take as many initial decisions as possible, but also use it for in-depth screening interviews and to support removals. Should the ruling go against us, I intend to lodge an immediate appeal and seek to have it expedited.

RESTRICTED - POLICY

In addition, an adverse ruling could seriously undermine some of my current planning for further strengthening of our handling of asylum claims. Much will depend on the precise terms of the judgement.

I am copying this minute to Derry Irvine.

A handwritten signature in black ink, reading "David Blunkett". The signature is written in a cursive, slightly slanted style.

DAVID BLUNKETT

16 July 2001

01303 283909

Top. JR

“COS
FAPS
FA/EAPS
Press
BLP
OM



MATRIX

Philippe Lazare
Chief Executive Officer

The Rt. Hon. Tony Blair
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Folkestone, 13 July 2001

Dear Prime Minister,

ILLEGAL IMMIGRANTS

We are aware that you will be meeting the French Prime Minister on Wednesday and that the subject of illegal immigration via the Channel Tunnel is bound to be raised. In view of the imminence of your meeting, I am writing directly to you (rather than to the Minister concerned) to re-emphasise the very grave concerns we have about this matter.

Every night, hundreds of would-be illegal immigrants to the UK invade our French terminal in Coquelles. On Tuesday of this week, for example, a stone-throwing mob attacked one of our trains. We managed to detain 380 individuals who were handed over to the French authorities. As is always the case, they were promptly released to try again to pierce our defences.

In our discussions with Home Office ministers and officials, we have made clear our determination to do everything within our power to deal with this menace. In addition to the security measures agreed with the governments in the early 1980s, and which proved wholly adequate for the first six years of our operation, we have now progressively reinforced our defences. Your colleagues will no doubt brief you on the CO₂, X-ray and thermal imaging checks carried out in Coquelles to detect stowaways in trucks. You will also be aware of the 10 kilometres of razor wire we have added to our perimeter fence and of our close mesh anti-climb fencing to provide an "inner cordon" round the platform area which we are now extending further. We have already doubled the number of our security guards we are required by the French authorities to deploy and from next week the number on duty each night will be around 100. What was once simply a transport facility has now been transformed and now has many of the characteristics of the Berlin Wall.

We are constantly looking for new ways to strengthen our defences but the rapidly growing numbers of highly organised trespassers repeatedly invading our terminals are putting the situation quite beyond the control of a private company acting alone. We are literally being overwhelmed.

We warned Home Office ministers last year that the effect of tightening security would make these people increasingly desperate and oblivious to danger. Sooner or later there would be fatalities. Sadly, that forecast proved to be correct and fatalities and serious injuries are now becoming commonplace. Furthermore, the events of Tuesday night make us very apprehensive about the safety of our own staff.

We simply cannot accept the assertion of the British government that the security of the Coquelles terminal is the sole responsibility of Eurotunnel. The massed hordes of economic

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migrants and the gangs that assist them recognise that Britain now has a land frontier with the rest of Europe: a frontier which is inadequately policed by the two governments. They understand only too well that if they try to enter the UK through the tunnel the only obstacle they have to overcome is Eurotunnel's unarmed personnel who do not even have the power of arrest.

We find the government's apparent indifference to these nightly invasions, which threaten the very existence of our company, inexplicable. The latest suggestions of imposing financial penalties on us, or even closing us down, defy belief. To penalise, and, possibly, bankrupt Eurotunnel for the failure of the two governments to act despite repeated requests for them to do so is grossly unfair and will be perceived as such should we be forced to defend our position in public. It contrasts with the help given to Eurostar by the deployment of UK immigration officers in Paris and Fréthun.

As we have said we are determined to do everything possible to deal with the problem. We have every incentive to do so, because the immigrant problem is destroying our business. (We are having to suspend our service for prolonged periods. Our customers are deserting us to the ferries. Our losses, as a result, are about £1m a month). But our efforts will be fruitless unless the governments take complementary action. As a first step, the following actions are, in our view, absolutely essential:

1. Closure of the Sangatte Red Cross Hostel (or, at least, the establishment of another hostel remote from Calais to which those arrested on our terminal would be removed);
2. Deployment of UK immigration staff to the Calais area to process applicants for admission to the UK;
3. Immediate return to France of stowaways found in Folkestone (as envisaged by the Sangatte Protocol and the Channel Tunnel (International Arrangements) Order 1993);
4. Much increased law enforcement presence on the Coquelles terminal;
5. Criminal proceedings against trespassers on the Coquelles terminal.

As a matter of some urgency, the British government also needs to address the "pull" factors which cause these people to go to such lengths to reach the UK. All of these matters should be co-ordinated by the Cross-Channel Commission, established at the Cahors Summit, but little or nothing has been done to date.

These matters are of such grave and pressing concern to our company that we ask for the opportunity to explain to you personally the very serious concerns of ourselves and the members of the Eurotunnel Board. We do find it very difficult to make the governments treat these problems with the seriousness they deserve.

We are copying this letter to the Deputy Prime Minister, the Home Secretary, the Foreign Secretary, the Secretary of State for Transport Local Government and the Regions and to Sir Stephen Wall.

Yours sincerely

Charles Mackay

Charles Mackay
Chairman



Philippe Lazare
Chief Executive Officer



*Rec'd by fax
- YL
file*
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LONDON SW1H 9AT

Justin Russell Esq
Senior Policy Adviser
10 Downing Street
LONDON
SW1A 2AA

09 JUL 2001

Dear Isti

I am writing to advise you of developments on the Eurotunnel freight services which are giving rising cause for concern.

For some time now there have been increasing numbers of clandestine entrants arriving at Cheriton, near Dover, on board Eurotunnel freight shuttles, having first gained access to the Eurotunnel complex in Coquelles, France, by breaching the perimeter fencing. Around 150 people per day unlawfully gain access to the site and, although many are apprehended, the number who succeed in reaching Cheriton is escalating. For example, whilst in December 2000, some 27 clandestine entrants were found to have travelled to Cheriton in this way, the figure rose to 515 in March, 553 in April, 563 in May, and 745 in June.

So far in July numbers have reached new levels. Between 1 and 8 July 284 clandestine entrants arrived at Cheriton, this includes 109 in a single 48 hour period. Clandestine entry on such a scale not only threatens the integrity of the immigration control but also poses a significant safety risk. In recent months there have been 4 fatalities and around 50 serious accidents, including the amputation of limbs. This cannot be allowed to continue.

We consider that it is the responsibility of Eurotunnel to ensure that the Channel Tunnel site is adequately protected and that would-be clandestine entrants cannot take advantage of lax security to board the freight shuttle. While Eurotunnel have begun erecting inner cordon fencing to protect vulnerable areas at the complex this is easily circumvented and is therefore ineffective in its current state. The Immigration Service at Coquelles has also increased the rate of freight searching and surveillance operations, but these measures are still not sufficient to deter those determined to reach the UK. If the situation is allowed

to continue unabated, then it can only be a matter of time before there is a serious incident in the Tunnel itself.

The Home Secretary has made a priority of getting policy clearance for the IS in relation to extending the civil penalty provisions of the Immigration and Asylum Act 1999 to Eurotunnel freight shuttle services – we expect DA clearance tomorrow. While this may solve the problem in the medium term, the situation needs to be addressed immediately.

Home Office Ministers are authorising officials in IND to make immediate contact with Eurotunnel. The Immigration Service is proposing to write to Eurotunnel putting them on notice under the Immigration Act that they must not allow physical access to the freight shuttle without persons passing through the UK control. If Eurotunnel fail to comply within a reasonable time we would have no option but to consider invoking Clause 25 of the Channel Tunnel Concession Agreement which would require Eurotunnel to suspend freight shuttle services completely pending the imposition of adequate and effective security arrangements. While this is no doubt an extreme measure it reflects the serious nature of the situation.

You asked on Friday whether it would help if the Prime Minister spoke to Jospin. We need to refine our thinking a little before directly involving the PM, and further advice, including handling, will be provided on this later in the week.

Yours ever
Jane

JANE FOWLER

cc: fsw

0171 270 0036

MD

MR

L2 Lloyd, No 10
David North, No 10*this is worrying - not so much the substance**(we probably do have to impose civil penalty if 563 clandestines are abusing the Euroshuttle) but the handling. I am concerned*

From: A J Staunton, AMED

Date: 22 June 2001

Reference: //2001

that if we

cc: PS

PS/Mr Hain

PS/PUS

Kim Darroch

Nicola Brewer

Christopher Segar

James Bevan, EUD(I)

Karen Pierce, EUD(B)

Paul Gaskell, EUD(I)

Philip Malone, EUD(B)

Claire Millington, News Dept

Adam Bye, Cabinet Office

Joe Griffin, BE Paris

*average this is a**cack-handed way (see x and y)**we risk losing gains or goodwill**in other areas (e.g. on the**Cabins stopper),*

To: Michael Arthur

SUBJECT: CHANNEL TUNNEL : EUROTUNNEL AND THE CIVIL PENALTY

1. Jim Munro (the Home Office representative on the Channel Tunnel Inter-Governmental Commission) told me on 21 June that the Home Secretary would be writing to Cabinet colleagues to seek agreement to the extension of the civil penalty to Eurotunnel freight services.
2. Munro said this step was necessary to counter the displacement effect away from Dover ferry services. Increasing numbers of clandestine entrants (from 27 in December last year to 563 in May this year) were now arriving at Cheriton on board Eurotunnel freight shuttle wagons, having gained access to the Eurotunnel complex in Coquelles by breaching the perimeter fencing. Munro noted that around 150 would-be clandestine entrants breached the perimeter fence daily. Despite the best efforts of the French authorities, around 15 people per day were managing to board the freight shuttle either at the platform or before the train reached the tunnel portal.
3. Munro acknowledged that the French authorities and Eurotunnel had taken a number of measures to combat the problem (e.g. more police resources, strengthening of the inner cordon, carbon dioxide checks on curtain-sided lorries/containers and potential use of a new passive scanner). The Home Office were, however, concerned that there were signs of slippage with implementation. They considered that the civil penalty was the instrument they needed to ensure that Eurotunnel adopted fully effective measures against clandestine immigration. Munro said that if the measures which Eurotunnel introduce proved to be effective, they would have a defence against liability under the civil penalty.

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4. Munro said that Home Office officials were writing in parallel to Eurotunnel to inform them that HMG intended to consider whether the current civil penalty Regulations should be extended to the freight shuttle. This would provoke a reaction from Eurotunnel and the French government at the next meeting of the IGC on 4 July. Home Office officials had met with DTLR counterparts (lead Department on Channel Tunnel issues). It was clear that DTLR would oppose the extension of the civil penalty. Munro hoped that the Home Secretary could count on the Foreign Secretary's support?

X | 5. In response, I was non-committal and said we would have to offer advice to Ministers when the Home Secretary's letter pitched up. We would have to factor in the bilateral dimension. The French Government had made it clear they were prepared for the IGC to consider the issue in the context of the security of the Eurotunnel concession area, but they had given no indication of a willingness to press Eurotunnel to introduce measures beyond those already put in place. They (and Eurotunnel) would say that it was difficult to envisage what other measures they could take which would not start to impinge in the operations of the Tunnel. The clandestines were a group of people who would stop at nothing to smuggle themselves through the Tunnel. On the other hand, the threat of the civil penalty would act as a big stick on Eurotunnel and should see them press on with implementing agreed measures. I did, however, question the tactics of informing Eurotunnel before the round of Ministerial correspondence had reached a conclusion. They would go straight to the French government and we could expect heavy political lobbying. Munro argued this was unavoidable as the Home Office was under a legal obligation to consult those that may be affected by the extension of the civil penalty.

COMMENT

6. The Home Office have been buoyed by the success of the civil penalty at getting transport operators and the French Government to take corrective measures (e.g. carbon dioxide checks on the P&O Stena Line and juxtaposed immigration controls). The big stick has worked and the Home Office have been lucky (so far) in that there has been no real industrial action in France against the civil penalty.

7. That said, this will require careful handling with the French authorities. They may question why the Home Office did not inform them of their intentions before writing to Eurotunnel. There is a danger the French might wonder about the utility of the Cross-Channel Commission (which was established to improve the handling of this sort of bilateral issue). You might wish to have a word with your colleagues on the Cross-Channel Commission?

A J Staunton
Head of Aviation Section

0171 270 0036

K224, FCO

Tel: 0207 270 2629

Fax: 0207270 3386

NO. OF ATTACHMENTS:



Faxed +

JR
E: OM
CS.

Prime Minister

IND/LCD MONTHLY REPORT ON ASYLUM

... I enclose the May monthly report on asylum that has been agreed jointly by LCD and the Home Office. The report is for internal information. Some of the data are provisional and some have not been published. As before, this report coincides with the publication of the monthly asylum statistics, but briefing and lines to take for public use on those statistics will be provided separately in the normal way.

The number of asylum applicants coming in from Afghanistan is affected directly by the loophole whereby the civil penalty does not apply to wagons forming part of the Eurotunnel freight shuttle. A letter seeking policy clearance has been issued today by my private secretary and I hope that we will be able to make rapid progress. I hadn't realised, when taking office, that we hadn't moved on this and I am keen to ensure that we make progress.

Jeff Rooker and I have been discussing with senior officials dramatic moves that should help in the future, but we need time to be able to get these together and to look at the viability of some of my more risky thinking at this stage.

I know it has been the pattern to send this update monthly. I am not sure that this is a helpful idea. I would prefer updates to be three-monthly, indicating real progress, what steps have been taken and what change has been effected, in those three months. Monthly updates do not allow the time for this, nor in my view do they allow me or my Ministers the opportunity to effect real change. I would be happy to talk to you about this next Tuesday.

I am copying this letter and enclosure to Derry Irvine, Andrew Smith and to Sir Richard Wilson.

Douglas Blunkett

21st June 2001

JOINT IND/LCD MONTHLY REPORT ON ASYLUM – MAY 2001

Key figures

- 9,645 initial asylum decisions made in May, 2% higher than April (9,455).
- The backlog continues to fall and at 27,325 is almost at frictional levels and the lowest for ten years.
- 5,290 applications in May – 6% higher than April (5,000).
- The port/in-country applications split was 42% port, 58% in-country for the second month. Postal applications decreased by 13%.
- The largest number of applications received in May was from nationals of Afghanistan (900), with an increase of 28% on April and the highest monthly level on record. Somalia is now in second place with 495 applications, followed by Sri Lanka (425). Iraqi applications rose to 340 – an increase of 14% compared to April (295) but 71% lower than its peak of 1,175 in October 2000.
- Proportion of decisions to recognise as a refugee rose from 9% in April to 10% in May. The rate to grant ELR was 16% and the refusal rate 74%.
- 984 failed asylum seekers removed, inclusive of 49 dependants. 912 removals inclusive of dependants in April.
- 97 civil penalty notices issued (compared to 52 in April) and 468 clandestine entrants found (255 found in April). [NB includes civil penalties on rail freight].
- The P & O Stena Line checks (begun in December) have so far resulted in 2,211 clandestines being detected and handed over to the French authorities.
- 3,234 cases promulgated by the IAA in May, a 28% increase on April (2,528). 79% of appeals dismissed by the adjudicator upholding the Home Office initial decision.

Main achievements

- Code of Practice on illegal working went live, 2 May.
- Programme of charter flights to remove failed asylum seekers. To date, 489 asylum removals of which 103 were dependants.
- Operation Achilles commenced in April to observe and guide the interception activities of Eurotunnel Security and the French authorities, resulting in about 125 undocumented passengers being removed from the Coquelles site per night.
- Oakington has so far delivered over 1000 returns.
- Pre-hearing correspondence has been moved from the Hearing Centres to the back office in Loughborough.

Forthcoming milestones

- Order to bring into effect the power for the Secretary of State to grant or refuse leave to enter to be tabled (June).
- Review of NASS voucher scheme – publication during summer.
- Dispersal from NASS emergency accommodation in London.
- Extra 1,800 detention places.
- Develop network of eleven reporting centres by end of 2001.
- Delivery of the IND target (2001/02) to make initial asylum decisions in 60% of new substantive cases within 2 months from April 2001.
- £9m secured for 5 X-ray scanners planned for deployment at UK ports, the UK control zone in Coquelles and, subject to French agreement, in French ports.
- The IAA is setting up Listing Centres within the major hearing centres to make better use of judicial time and to monitor and improve listing practices.

ASYLUM MONTHLY REPORT MAY 2001

	May Actual	Forecast	YTD Actual May	YTD Forecast May	2001-02 Forecast
APPLICATIONS (1)	5,290	6,820	10,290	13,670	79,300
DECISIONS (2)	9,645	11,075	19,100	22,344	99,825
ADJUDICATOR APPEALS					
Received by IAA (3)	4,095	4,406	7,859	7,605	48,000
Decided by IAA	3,234	3,840	5,762	6,614	46,500
TRIBUNAL APPEALS					
Substantive appeals	279	268	484	499	3,700
Appeals decided	216	277	431	509	3,700
NASS (4)					
Total Applications	4,670	4,300	8,640	8,500	*
Subsistence only	1,310	1,600	2,620	3,200	*
Accommodation & Support	2,830	2,700	5,200	5,300	*
REMOVALS (5)	984	1,400	1,896	2,500	30,000
of which: dependants	49	268	108	476	5,700
OUTSTANDING CASES					
Decisions	27,325	27,997	#	#	14,466
Appeals at IAA	17,316	16,215	#	#	18,000
Appeals at IAT	829	766	#	#	700
OAKINGTON					
Principal applicants	886	*	1,540	*	*
Refusals	729	*	1,280	*	*
Appeals lodged	549	*	991	*	*
Appeals decided	358	*	800	*	*
Removed	167	*	394	*	*
CIVIL PENALTY					
Road Freight					
Notices served	75	*	120	*	*
Clandestines found	375	*	597	*	*
Vehicles impounded	23	*	38	*	*
Rail Freight					
Notices served	22	*	29	*	*
Clandestines found	97	*	130	*	*
ASYLUM SUPPORT COSTS	(6) £23.4m	£24.4m	(6) £112.7m	£114.6m	(7) £403m

(1) Applications forecast being re-profiled by IRSS due to lower than anticipated application rate over the last quarter. This in turn may alter the decision forecast.

(2) The forecast of the number of initial decisions may alter when the applications forecast is revised.

(3) Each month cases received exceeds cases cleared to allow for appeals for the forthcoming months to be managed and planned.

(4) May figures provisional and subject to change. Forecast figures are nearly a year old and have been rounded to the nearest hundred.

(5) May figures provisional and subject to change.

(6) Actual expenditure to date. Contains grant payments to Local Authorities for unaccompanied asylum seeking children of £69m relating to 00/01 expenditure. Not in the public domain.


(7) This is the current budget for the year. It will not be sufficient and will be revised as available.

* Not available

Not relevant

Annex A - Home Affairs - Immigration & Asylum. Pt 1

Draft Nationality, Asylum & Immigration White Paper.

niceday by Guilbert 

CONTENTS

Foreword by the Home Secretary

Chapter 1: Overview

Chapter 2: Citizenship and Nationality

Chapter 3: Managed Migration

Chapter 4: Asylum

Chapter 5: Tackling Fraud – People Trafficking, Illegal Entry and Illegal Working

Chapter 6: Border Controls

Chapter 7: Closing the Gaps

Chapter 8: Implementation

RESTRICTED - POLICY

FOREWORD BY THE HOME SECRETARY

There is nothing more controversial and yet more natural, then men and women seeking a better life for themselves and their family across the world. Ease of communication of transportation have transformed the time it takes to talk or to move across the globe. Ease of movement has broken down traditional boundaries but modern war and conflict, have not removed traditional causes of homelessness, hunger or fear. That is why economic migration and the seeking of asylum, are as prevalent today as they have been at times of historic trauma in the past.

But the tensions as well as the enrichment which flow from the inward migration of people with the drive, the fervor and the diverse cultures of those arriving on our often wet and windy shores, need to be understood, debated, and addressed if we are to make this inevitable reality of modern times, a plus not a disaster for our social well-being.

Confidence, security and trust, make all the difference in enabling a welcome to be offered into this our national home, enabling integration to take place but providing the foundation on which diversity can be seen as a beneficial ingredient in what it means to be British.

To welcome others we need to be secure within our own culture, our sense of belonging and identity and therefore to be able to reach out and to embrace those who seek to make our country their home, to work, to contribute or to escape from persecution, torture or death.

Having a clear, workable and robust nationality and asylum system, is the prerequisite to building the trust needed to see off those who would seek to stir up hate, intolerance and prejudice. The Government and the Agencies and organisations working on behalf of the people, need to demonstrate that they know what they are doing, and that they are doing it well.

Only in this way will we be able to see off the nonsense which suggests that preventing people coming through the Channel Tunnel or crossing in containers or lorries, constitutes an invasion, when it patently demonstrates the difficulty people are having in reaching the country.

Nevertheless, the fact that they are so desperate to do so raises a number of critical issues which need to be addressed. One of these is clearly the perception for good or ill, that Britain is an attractive place in which to settle. Another, is that we are out of line with other European nations in the way in which we deal with asylum seekers in particular.

The first of these perceptions arises not simply because of the buoyant and successful economic record and with it, the chance of employment but also because the English language and therefore communication globally, is

RESTRICTED - POLICY

accessible to literally hundreds of millions of people who hear about and therefore aspire to come to, our country.

The second perception arises in part, because of the lack of identity cards and the perception that benefits are more generous here. To make sense of the system, we need, as the statement on 29 October to the House of Commons demonstrated, to offer a "safe haven but not a soft touch".

In essence, we need to avoid becoming a fortress Britain by opening up new opportunities for economic migration in an ordered and rational manner and at the same time to be able to welcome those who are refugees from war or despotic regimes.

It is possible to square the circle. To offer a genuine welcome, to treat people fairly and well but also to demand in return respect for those structures, acceptance and adherence to the rules laid down, and an appreciation by both asylum seekers and long term migrants alike, that this is a "two way street". We have obligations, which we are prepared to acknowledge, that those coming into our country have duties, which facilitate their acceptance and integration.

In addition, we expect something more than the free for all internationally, the so called "asylum shopping" throughout Europe, and the "it is not our problem" attitude which is too often displayed. We therefore expect Europe and the developed nations across the world, to respond through cooperation and reciprocation, in a way that makes it possible for a nation like Britain to accept its responsibilities gladly, and to be able to manage them effectively.

In setting out a policy on citizenship, asylum and immigration it is this recognition of global movement, mass communication and the changing international situation that has to inform our thinking if we are determined to develop the type of society we all want to be part of. It means ensuring we understand and apply our obligations under international law and that we have the systems in place to operate a modern, flexible and coherent immigration policy. This means welcoming those who have a contribution to make to our country; offering refuge to those who have a well-founded fear of persecution and engaging those who seek citizenship so they can enjoy the full benefits of this status and understand the obligations that go with it. We will need to be tough, in tackling Europe-wide, the people traffickers who use the misery of others for their own gain. It requires us to tackle illegal working, ending exploitation in the shadow economy, and dealing with gangmasters and corrupt businesses who evade taxes and undercut fairness and decency for the rest of society. We need radical changes to our asylum system to ensure its effectiveness, fairness and integrity.

This White Paper sets out how we propose to develop these principles to produce a policy that looks forward and is capable of meeting the needs of the country and the individuals who come here. A policy that recognises the need to change and develop. A citizenship, asylum and immigration policy that

RESTRICTED - POLICY

secures the sustainable growth and social inclusion that are an essential part of our core principles and the delivery targets of my Department.

DAVID BLUNKETT

CHAPTER 1: OVERVIEW [subject to further review]

The challenge of globalisation

1.1 Globalisation has transformed the world in which we live. Over the last quarter of the century, a series of economic, technological and social changes have increased the interdependence and interconnectedness of the modern world. International trade and transnational movements in capital have grown exponentially as transport and transaction costs have fallen, and barriers to mobility have come down. Advances in technology have revolutionised communications and the mass media, opening up instantaneous exchange of information and knowledge at the press of a button.

1.2 These changes have had profound consequences for the movement of people. They are now increasingly able to move around the world, whether to work, travel or seek refuge. Migration flows have accelerated and become more complex, whilst the expansion of leisure travel has vastly increased the numbers of people crossing national borders. New forms of migration have also emerged. Employees of transnationals move from country to country within a single corporation, often in highly skilled, highly paid work. At the other end of the spectrum, criminal gangs smuggle and traffic people across continents, exploiting their desperation to escape war, persecution or poverty.

*not just
spectacular*

1.3 Globally, the number of international migrants increased from 75 million to 120 million between 1965 and 1990. By 2000¹ 168 million people were living outside their country of birth, an increase in the proportion of migrants to 2.8%. Of these, the United Nations High Commissioner for Refugees estimates that 12 million are refugees, and a further 9 million are stateless or displaced persons, recent returnees and others of concern.

1.4 The expansion of migration is unlikely to diminish in the future. In the next 25 years, the world's population will grow by a further 2 billion, 97% of whom will be in developing countries. This growth will be accompanied by an ageing of the population in OECD countries, intensifying pressures to migrate from low-income countries experiencing increased competition for jobs and scarce resources to countries like the UK experiencing a shrinking in the number of people of working age. In 2000, foreign-born migrants constituted nearly 8 per cent of the total UK population. Our population is predicted to rise by 5.1 million between 2000 and 2025, and net inward migration is the biggest component of this change. **[subject to further clarification]**

1.5 Globalisation also means that issues previously considered "domestic" are now increasingly international. When people and ideas cross borders, Government policymaking must respond. This means that what happens in the UK must be considered in the wider European and international context, since no single country can frame its response to the global environment in

¹ 2000 estimates are derived assuming constant rates of growth during 1990 – 2000 (2.6%), with the addition of 10 million migrants resulting from the dissolution of the USSR.

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isolation from others. It also means that policies must be integrated. Migration and asylum issues cut across economic, social, foreign and international development policy boundaries. We need to bring order to the disparate flows of people by developing legal routes of entry for those who will benefit our economy and those who need our protection. The traffickers thrive on disorder and disharmony. Where there is a demand they will seek to meet it and where there are differences they will exploit them. It has never been more important for us to work in partnership with our European colleagues to secure a system which separates the initial flight from persecution from subsequent migratory movement. Minimum standards and common interpretations of the laws are crucial elements in bringing about this management of human flows. Our policy objectives for citizenship, asylum and immigration must be set within this wider context, and the challenges it poses.

1.6 However, if we are to maintain and develop social cohesion and harmony within the United Kingdom, it is crucial that we avoid the trap of waiting until more acceptable and rational processes exist to make sense of these global flows. Our domestic and social policies in relation to nationality, immigration and asylum applications must therefore respond both to the reality beyond our borders and the danger posed by well meaning but indecisive drift at home. That is why in the statement of 29 October last year a new framework and process was laid out to tackle immediate problems. This White Paper exemplifies those measures and picks up on the medium and long-term challenges that face us. If we are to overcome fear, suspicion and either misunderstanding or deliberate exaggeration of the facts, it is crucial that people feel secure within their own community, and that those seeking to settle here, develop a sense of belonging, an identity and shed mutuality, which can be passed from one generation to another. In this way we will break down the intolerance and prejudice which is so destructive to social cohesion.

Citizenship & Nationality

1.7 The first challenge is to our concepts of national identity and citizenship. Migration has increased the diversity of advanced democracies, leading to profound shifts in national cultures and identities. More than half of the countries of the world now accept dual citizenship. Political networks and party allegiances are spread across many parts of the globe in diaspora communities, whilst the dynamics of migration are such that overseas immigrant voting blocs have become major constituencies in national elections. **[subject to further clarification]**

1.8 At the same time, globalisation of communication media and information technology has opened up national cultures to diverse influences, and provided channels of mutual interaction between different parts of the world that literally know no boundaries. Social changes such as the decline of old certainties of class or place and the emergence of new political institutions

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alongside the nation state, have also contributed to this transformation of identity and political belonging.

1.9 All major democracies have had to face up to these changes in different ways in recent decades. In important respects, the UK has responded successfully to diversity. Unlike many other countries, British nationality has never been associated with membership of a particular ethnic group. We have always been a multi-ethnic nation and do not exclude people from citizenship on the basis of their race or ethnicity. Similarly, our society is based on cultural difference, rather than assimilation to a prevailing monoculture. This diversity is a source of pride, and it helps to explain our cultural vitality, the strength of our economy, and our strong international links.

1.10 But in other areas, we have failed. The disturbances in many of our towns and cities last Summer showed that many of our communities are deeply fractured. Community cohesion and commonality of citizenship is weak. Too many of our citizens are excluded from meaningful participation in society. This is true of those in white working class communities who feel alienated from the political process and whose physical living conditions and standards of living, leave them to feel excluded from the increased wealth and improved quality of life, which they see around them, just as much as those who have entered this country and joined friends, family or ethnic groupings, find themselves experiencing relative economic disadvantage.

1.10 In this White Paper, the Government sets out our key objectives for the development of citizenship and nationality policy. To ensure social integration and cohesion in the UK, we need to develop a stronger understanding of *political* citizenship. Historically, the UK has had a relatively weak sense of what political citizenship should entail. Our values of individual freedom, the protection of liberty and respect for difference, have not been accompanied by a strong, shared understanding of the civic realm. The acquisition of British nationality is a bureaucratic exercise, with almost no effort made to engage new members of the community with the fundamentals of our democracy and society.

1.11 In an increasingly diverse world, it is vital that we strengthen both our sense of community belonging and the civic and political dimensions of British citizenship. In particular, we intend to introduce language and citizenship education for those making a home in the UK, to strengthen the ability of new citizens to participate in society and to engage actively in our democracy. This will help people understand both their rights and their obligations as citizens of the UK, and strengthen the bonds of mutual understanding between people of diverse cultural backgrounds.

Managing Migration

1.12 The second challenge is economic: what does the UK need to do to ensure that it has the people it needs to prosper in the world economy?

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Alongside increasing flows of people, developed economies are becoming more knowledge based and more dependent on people with skills and ideas. Migrants bring new experiences and talents that can widen and enrich the knowledge base of the economy. Human skills and ambitions have become the building blocks of successful economies and the self-selection of migrants means they are likely to bring valuable ideas, entrepreneurship, ambition and energy. This is not an alternative to developing the skills base and productivity of those already resident. Quite the opposite. It is meeting particular needs within a particular sector or geographic region whilst at the same time engaging with the entrepreneurship, drive and enterprise of those who have sought their home here. It is however, in those communities least likely to have benefited from added-value economic activity and entrepreneurship, where the biggest challenge will lie. For even at a time of economic activity and buoyant employment, the low skill or no skill groupings fear the most from the low skill no skill entrant into the local economy.

1.13 The number of people coming to the UK each year has risen substantially over the past decade. In 1990, there were around 50 million arrivals at UK ports. By 2000 this had risen to almost 90 million. Some 86% of these were British citizens returning from abroad and European Economic Area (EEA) nationals, but there were also 13 million arrivals from outside the EEA. The vast majority of these were visitors coming to the UK on holiday or business and subsequently returning to their own country, but around 600,000 were people coming to the UK for other reasons (as students, to work or as family dependants). There have been increases in all routes since 1995, but particularly amongst students, longer-term work permit holders and family reunion and other dependents. 77,000 work permits were issued in 2000 – one of the highest numbers ever.– **figures for 2001 should be higher and can be included if they're ready in time]**

Table 1 Non-EEA nationals given entry to the UK

Purpose of journey	Number of journeys	
	1995	2000
Students	285,000	313,000
WP holders for more than 12 months	11,700	36,300
WP holders for less than 12 months	26,100	30,800
Agricultural Workers	4,660	10,100
Working Holiday makers	36,000	38,500
UK grandparent ancestry	6,620	11,000
Domestic employee	11,800	14,300
Au Pair	11,700	12,900
Investors	10	50
Family Reunion and other dependants	48,400	74,200
Accepted for settlement on arrival	2,400	2,290
Others	54,900	59,400
Total	499,290	602,000

Source: Home Office

1.14 The flow of people into the UK tells only part of the story. The number of people leaving the UK has also increased over the last few years.

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Estimates of international migration show that there was an outflow from the UK of almost 300,000 in 2000, compared to 210,000 in 1995. Some of these will be migrants returning home or moving to other countries. Others will be British citizens emigrating.

1.15. We have taken steps to ensure that people with the skills and talents we need are able to come into the UK on a sensible and managed basis. Migrants make a valuable contribution to our economy. The UK must ensure that we can continue to attract people with skills and talents, as well as driving down unemployment and economic inactivity amongst the existing population.

1.16 Unemployment is at its lowest level since 1970. However, there are still 1.5 million unemployed people in the UK (and over 13 million across the EU as a whole), and many more on inactive benefits. In order to deliver the Government's economic and social objectives our first priority must be to continue to provide the best possible opportunities for our existing population, including refugees and other migrants already here, and to ensure that everyone is included fully in the economy and society. The Government will continue our efforts to bring people into the labour market and help them find work as quickly as possible through our labour market and welfare to work policies, education and life-long learning policies. The European Commission is also working to improve the mobility of European labour and has established a Skills and Mobility Task Force to help achieve this aim. These work in tandem with our other policies to facilitate the active and productive participation of all people in society.

1.17 Migrants can help to achieve these aims and objectives by increasing economic growth, paying taxes, setting up new businesses, contributing to the expansion of new business sectors and creating more jobs. There are recruitment difficulties at both the high and low end of the skills spectrum which constrain our ability to produce goods and services. Migrants can help alleviate these, introducing new ideas and ways of working which can boost productivity and consumer choice, increasing opportunities for the existing population rather than competing with them for jobs. **[paras 1.15 –1.17 subject to further consideration]**

1.18 But migration flows need to be properly managed in order to achieve these benefits and to ensure that they are consistent with all our aims and objectives for individuals, businesses and the public sector. Migration poses challenges for the planning and delivery of services. Migrants are highly concentrated in London and the South East - nearly 55% of the foreign born population live in London alone. This reflects economic activity as well as historical patterns of migration. But it also has major consequences for education, health, housing and transport providers. These providers have experienced significant pressure on their services and faced often rapid changes in their local populations.

1.19 We must also ensure that our immigration policies are consistent with our fundamental commitment to tackle world poverty. Migration flows can be highly beneficial to developing countries: remittances from migrant workers

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make a major contribution to many economies; extensive trade links are forged; and skills and knowledge shared. But at the same time, developed economies must be sensitive to the danger of a skills drain out of poorer countries with consequent impacts on economic growth and poverty reduction. Our White Paper, *"Eliminating World Poverty: Making Globalisation Work for the Poor"*² committed the UK to ensuring that policies in this area do not worsen skills shortages in developing countries. We are taking action to meet this commitment. For example, the National Health Service has developed a set of guidelines which rule out recruitment from a particular country if this has a negative effect on that country's healthcare services.

1.20 We must also plan for the future. Failure to ensure the successful integration of those settling in the UK today will store up problems for future generations. Sharp differences in the relative prosperity of recently settled ethnic minority communities are already becoming apparent. Our objective is to plan effectively for social cohesion and equality of opportunity between communities.

Asylum Policy: Ensuring End-to-End Credibility

1.21 Ensuring that we have a rational, clear and managed system for economic migration will enable us to tackle many of the problems caused by unfounded applications for asylum. Applying for asylum should not be an alternative route to migration. It is therefore vital that we meet our fundamental moral obligation to offer refuge to those fleeing persecution, whilst ensuring that our asylum system is not open to abuse.

[further consideration being given to introduction and detail here]

1.22 We have made substantial improvements to our asylum system in recent years. As a result of our 1998 White Paper *"Fairer, Faster and Firmer – A Modern Approach to Immigration and Asylum"*³, and the Immigration and Asylum Act 1999 that followed it, the system has improved considerably:

- processes and management structures have improved
- a National Asylum Support Service has been introduced
- delay and backlogs in the asylum system have reduced
- immigration enforcement powers have been strengthened
- resources are better targeted through an intelligence led approach

1.23 However, the scale and pace of change in the external environment requires us to undertake further radical reform. And it is clear that many parts of the system are not working effectively. It must be quicker, less open to fraud and must command the confidence of asylum seekers and local communities. The key principles underpinning our reforms are that asylum

² Department for International Development, London: The Stationery Office, 2000

³ The Home Office, London: The Stationery Office 1998

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seekers are both supported and tracked through the system in a process of induction, accommodation and reporting and fast-track removal or integration.

1.24 We will expect a number of things from asylum seekers:

- that they apply on entry or very soon after
- that they co-operate fully with the assessment of their claim
- that they attend induction, accommodation and reporting centres as required
- that they do not discard documentation that identifies them
- that they give full and accurate information relevant to their claim

1.25 The Government will also deal with the backlogs which threaten the efficiency of the system. The appeals process will be streamlined and the capacity of the adjudication service increased. Those whose appeals fail must understand that they have no right to stay. Newly-designated secure removal centres will allow a greater number of failed asylum seekers to be detained and removed. For those who are granted asylum we will improve the integration procedures.

1.26 The government's policy of dispersing asylum seekers is designed to ensure that the burden on services is shared across the country, and not borne overwhelmingly in London and the South East. This principle will be upheld as new accommodation centres are developed. However, in developing the trial of accommodation centres, we have as set out in the report published on 29 October, acknowledged that the dispersal system is in need of substantial improvement. Accommodation centres providing facilities on site, will help to ensure that dispersal does not cause problems for the local neighbourhood, reduce pressure on essential services and help with the process of acceptance. But asylum seekers are only part of the equation: we must do more to understand overall migration patterns, and the impact they have on services in different parts of the country.

1.27 Ultimately, it is economic development, conflict prevention and the promotion of good government which will reduce pressures on asylum systems in advanced economies. The best asylum policy promotes international development, tackles persecution, corruption, and ineffective government, and raises living standards in the developing world. **[subject to clarification]**

People Trafficking

1.28 At the heart of our challenges lie those who will take advantage of global movements to traffic or smuggle migrants. Organised immigration crime is a growth industry, worth millions of pounds each year. It is, by its nature, an area where reliable information is scarce, but our research and intelligence on it have been improving. While some of it is perpetrated by

RESTRICTED - POLICY

small scale opportunists, there is evidence that it is becoming the preserve of increasingly sophisticated organised groups, some concentrating on either people smuggling or exploitation, others covering both. It appears that established criminal networks are moving in, including those already smuggling drugs. Their aim has been to cash in on global increases in migration flows. They hope to use the smuggling infrastructure and know-how they have developed, while avoiding the increasingly effective prosecution and tough penalties for drug trafficking. There is also increasing intelligence linking certain trafficking and smuggling groups with crimes of violence, highlighting the often brutal nature of the trade.

1.29 We need to strengthen the law by increasing penalties and taking advantage of new technology to identify illegal entrants before they establish themselves here. And we will continue to develop preventative projects to tackle the problem at source. Co-operation is the key both between agencies in the UK and within Europe. Immigration crime is international and we must think in these terms if we are to succeed.

1.30 A properly managed system needs to adopt a broad approach, recognising that the system works as a whole with movement and flexibility between routes. It has to close the gaps for illegal entry, illegal working and abuse of the system. Irregular migration undermines the integrity of the system. It profits traffickers, smugglers and unscrupulous employers, makes illegal migrant workers vulnerable to exploitation and social exclusion, and may be costly through lost revenue from taxation and National Insurance contributions.

1.31 To tackle illegal migrant working we must address the causes. Alongside our policies to improve the efficiency of the labour market, the development of managed migration schemes will help to ensure that, wherever possible, employers can fill vacancies with legal workers. We will take tough action on employers who employ illegal workers as well as people traffickers and smugglers. We will confiscate the proceeds of crime preventing traffickers and employers who break the law from benefiting from illegal migration. These measures will send out a clear message to illegal workers and their employers.

1.32 In tandem with an efficient, well-managed asylum system and sensible controlled avenues of legal employment we will reduce the opportunities and incentives for the criminals.

Border controls

1.33 The challenge here is to allow those who qualify for entry to pass through the controls as quickly as possible, maximising the time spent on identifying those who try to enter clandestinely or by presenting forged or stolen documents. The number of people detected trying to evade border controls rose eight-fold during the 1990s. Increasingly we are looking at new methods of detecting and deterring. We must continue to develop in response to the changing methods and routes of entry. Our network of Airline Liaison

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Officers enables practical support to be given to airlines to help them identify fraudulent documents. Pre-clearance in the Czech Republic and the juxtaposed controls with France offer further examples of the need to engage positively in the European and international arena to disrupt the flows of those who do not qualify. While the growth of telecommunications allows the traffickers to exchange information, technology offers us the chance to gain greater control through the use of scanners to detect those hidden in vehicles. **[subject to further review]**

1.34 We must continue to think flexibly to identify ways of speeding up the admission of frequent passengers and those who have already been accepted to travel here. The less time the Immigration Service needs to spend on clearing passengers, the more they can concentrate on those who seek to undermine our laws. The Government will look at how the process could be automated and whether an authority to travel could be granted at the time a person books their ticket.

Summary

1.35 This White Paper sets out a package of measures to meet the opportunities and challenges that face us now and will do so in the future. The objectives are clear. We will develop our citizenship and nationality policy to create a supportive, safe and cohesive community. We will manage flows through legitimate entry routes developing managed migration policies to attract the people we need to compete and prosper in the global economy. We will develop our methods to counteract organised immigration crime and illegal working and crack down on those who undermine and abuse our system. And fundamental to our moral and humanitarian objectives we will develop a seamless asylum process which is clear from induction through accommodation to removal or integration.

1.36 Together these measures will fundamentally reform our citizenship, asylum and immigration system presenting a rational approach to the global movements of the 21st century.

CHAPTER 2: CITIZENSHIP AND NATIONALITY

[additional work underway to reflect debate on public order and community cohesion and meaning of citizenship]

2.1 The Government attaches great importance to helping those who settle here gain a fuller appreciation of the civic and political dimensions of British citizenship and, in particular, to understand the rights and responsibilities that come with the acquisition of British citizenship. This will help to strengthen active participation in the democratic process and a sense of belonging to a wider community. We believe that one means of promoting this understanding is to place much greater emphasis than we do at present on the value and significance of becoming a British citizen.

2.2 This is not born of some narrow and out-dated view of what it means to be "British". The Government welcomes the richness of the cultural diversity which immigrants have brought to the UK. We want British citizenship positively to embrace the diversity of background, culture and faiths that is one of the hallmarks of Britain in the 21st Century.

2.3 The Government recognises too that, in an increasingly mobile world, more and more people will acquire more than one citizenship. The UK has long accepted the concept of dual nationality. People are not forced to give up their original citizenship in order to become British. We recognise that people will often retain a strong affinity with their country of origin. As the 1998 White Paper put it, "it is therefore possible to be a citizen of two countries and a good citizen of both". However, the country of main residence can and should expect every individual to be committed to accepting their responsibilities as well as embracing the rights which citizenship confers. We have introduced from this year compulsory teaching of citizenship and democracy in our schools and the promotion of active citizenship which reinforces the fact that our sense of identity, understanding of our mutuality and interdependence, comes as much from the contribution we make to the world around us as it does from any theoretical entitlements we possess.

2.4 The Government also recognises that some people who may want to acquire British citizenship may find it difficult to do so because the country from which they come has a different approach to dual nationality which may for example impact on their nationals' property rights if they acquire a second nationality.

2.5 So, the Government's view is that we must make everyone who is settled here feel welcome and valued irrespective of whether they have acquired British citizenship. But it also believes that becoming a British citizen is a significant step which should mean more than simply obtaining a British passport. Alongside full political rights - in particular, the right for those who do not already have it, to vote in national and European elections - British citizenship should bring with it a heightened commitment to full participation in British society and a recognition of the part which new citizens can play in contributing to social cohesion.

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2.6 The Government believes we should do much more to prepare people for British citizenship, to enhance its significance and to celebrate its acquisition. Prior to the conferring of false citizenship through naturalisation, we believe it is necessary for all those who are seeking long term resident status to be provided with the opportunity (where they don't already have the facility) to learn the English language and to receive an easy to understand and practical guide in the form of both print and video, about Britain and the institutions and history relevant to an understanding of the society they are entering. For those moving towards naturalisation, the facility would need to be more structured as laid out below but for those simply living in our country, it is important that in the early stages after taking up residence, such support is readily available, including the immediate period after the granting of refugee status, as laid out later in this chapter.

2.7 We will promote the importance of British citizenship by:

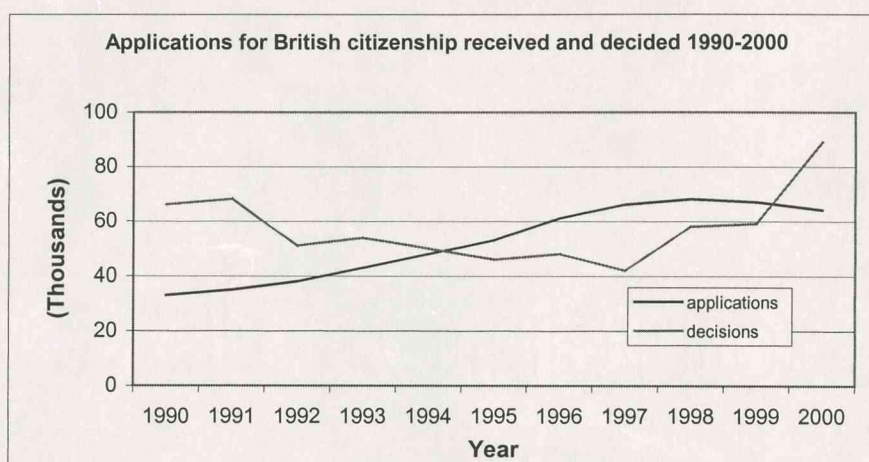
- speeding up the process
- preparing people for citizenship by introducing language testing and education for citizenship
- celebrating the acquisition of citizenship
- updating our deprivation of citizenship procedures
- reforming nationality legislation

Speeding up the process

2.8 The process of acquiring British citizenship has been taking far too long. At the end of December 1999 the average time for applicants to hear the results of their applications was nearly 20 months. The Government is committed to speeding up the process and this has already begun. By 31 March 2001 the waiting time had fallen to 11.6 months, within the target of 12 months, and by the end of September 2001 the average waiting time was 9.5 months. More resources are now dedicated to the work and the procedures involved have been reviewed to make them more efficient. More, and more up-to-date, technology has been introduced. Figure 1 demonstrates the increased efficiency of citizenship application processing.

Figure 1

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2.9 In particular, the former system of “queuing” has been changed and since April 2001 new applications have been started on receipt. Customers are also now asked to send with their applications the documents that are needed to support them, eliminating one of the causes of delay. All the applications that were in the queue when the new procedures began should have been completed by the end of December 2002. By April 2004 the average waiting time for citizenship applications should have been reduced to three months.

Preparing people for citizenship

2.10 Becoming British through registration or naturalisation is – or should be – a significant life event. It can be seen as an act of commitment to this country and an important step in the process of achieving integration into British society. Yet, in spite of this, some applicants for naturalisation speak little or no English and do not have much practical knowledge about British life, possibly leaving them vulnerable and ill-equipped to take an active role in society. This can lead to the existence of fragmented and polarised communities which was identified in the reports on the disturbances last Summer as a fundamental problem. We need to develop a sense of civic identity and shared values, and knowledge of the English language can undoubtedly support this objective.

2.11 It is not altogether surprising that many applicants do not appear to attach great importance to acquiring British citizenship, beyond the convenience of obtaining a British passport. We do not actively encourage people to become British citizens or prepare them in any way. Nor, unlike some other nations, do we celebrate the acquisition of citizenship. Instead, we treat it as essentially a bureaucratic process, with a certificate being sent through the post at the end of it.

2.12 The Government believes we should do much more to prepare people for British citizenship, to enhance its significance and to celebrate its acquisition.

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2.13 It is a fundamental objective of the Government that those living permanently in the UK should be able, through adequate command of the language and an appreciation of our democratic processes, to take their place fully in society. Evidence suggests that migrants who are fluent in English are, on average, 20 per cent more likely to be employed than those lacking fluency. There is already a requirement in the British Nationality Act 1981 that applicants for naturalisation should have a sufficient command of English (or Welsh or Scottish Gaelic) but this is not really enforced in practice; it is simply assumed, unless there is evidence to the contrary. The administration of language tests as part of the naturalisation process exists in a number of countries including France, Germany, Australia and Canada. A summary of naturalisation procedures in a selection of countries is provided in Annex A.

2.14 In order to promote both the importance of an adequate command of English and an understanding of British society, the Government intends to require applicants for naturalisation to demonstrate that they have achieved a certain standard. We envisage that, subject to certain limited exceptions, applicants would need to produce certificates showing that they had passed a test, if necessary after taking part in a suitable course.

2.15 Courses in English for speakers of other languages (ESOL courses) are already available, free of charge in most cases, to those whose command of English is non-existent or poor **[NB certain exemptions to be supplied]**. The Government will take steps to ensure that additional funds are made available to the Learning and Skills Council to reflect the additional numbers of people who might apply in the light of the proposed requirement. A national core curriculum for ESOL was published in December **[NB need to confirm that this takes place]**. On the basis of this curriculum we plan to develop learning programmes in a specific citizenship context so that a simple programme can be followed by those who need to develop an understanding in both language and citizenship. There will be consultation with interested bodies about the content of these new learning programmes. In the case of those who already have a good command of English, suitable materials will be available to provide information about British society and the rights and responsibilities of becoming a British citizen. **[subject to clarification]**

2.16 We envisage these requirements extending to the spouses of applicants who are married to British citizens and British [Dependent] [Overseas] Territories citizens who are not at present subject to the language requirement. The Government is concerned that everyone should be able to take a full and active part in British society. We do not think it is sufficient simply to rely on a spouse's knowledge of English.

Celebrating the acquisition of citizenship

2.17 It is symptomatic of the low-key and bureaucratic approach which the UK has adopted to the acquisition of British citizenship that, unlike the position in many other countries, there are no arrangements for any kind of public act to mark becoming a British citizen. The use of citizenship ceremonies is well

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established in Australia, Canada and the United States and is becoming increasingly common in European countries. There is evidence to suggest that these ceremonies can have an important impact on promoting the value of naturalisation and that immigrant groups welcome them.¹

2.18 The Government plans to address this by making provision in the forthcoming legislation for a citizenship ceremony to be held as an integral part of the naturalisation/registration process. This will give added significance to acquiring citizenship and provide an occasion at which individuals and their families and friends can mark the acquisition of citizenship. It may also offer an opportunity for the State, and the local community, to welcome formally its new citizens.

2.19 The precise form of the citizenship ceremony will be subject to further consultation. But we envisage that ceremonies will be conducted by registration officers in Register Offices and other suitable places. These might include venues associated with community activity such as schools. They could be held either on a group or individual basis. Group ceremonies may reinforce the collective and community nature of citizenship. The ceremony will have at its heart a modified oath to be sworn, or affirmed, by all adults, together with a speech of welcome. Taking the oath will be the point at which British citizenship will be conferred. Ceremonies will be mandatory for all adults becoming British citizens, including those who already hold some form of British nationality or those from Commonwealth countries who already bear allegiance to the Crown through their existing nationality. **[subject to further review]**

Updating our deprivation procedures

2.20 The Government believes that a corollary of attaching importance to British citizenship is that the UK should have the power to deprive someone of that citizenship where it has been acquired through some form of deception or concealment and where that individual would not have been granted citizenship had they disclosed information requested from them. There is already a power to do this in the British Nationality Act 1981, but it has not been used in recent years. The last time someone was deprived of British citizenship was in 1973 using a similar power in the previous Act.

2.21 The Government intends to update the deprivation procedure and ensure that the arrangements contain appropriate safeguards. Action to deprive someone of British citizenship is always likely to be a rare event but the Government will be willing to consider such action where it seems appropriate to do so. In particular, the Government will want to examine this option carefully in any case where someone has been granted British citizenship while concealing a material fact such as their involvement in war

¹ Simon Green, 'Citizenship for migrants', RDS (IRSS) commissioned research

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crimes. Although it is not always possible in such cases to take subsequent action to remove an individual from the UK, the Government considers that deprivation action would at least mark the UK's abhorrence of their crimes and make it clear that the UK is not prepared to welcome such people as its citizens (Chapter 7 provides further details of our proposals for war criminals).

Reforming nationality legislation

2.22 The Government intends to introduce a number of provisions in the forthcoming legislation in order to update the British Nationality Act 1981 and to reflect modern thinking about citizenship. Some of these provisions will be essentially technical, but others will make significant changes, enabling the UK to ratify the European Convention on Nationality. Among the more significant changes will be provisions: **[subject to policy clearance]**

- confirming, through repeal of the relevant provision, the Government's policy of giving reasons for refusal of nationality in all such cases;
- removing the present statutory distinctions between legitimate and illegitimate children.
- lowering from 10 years to 5 years the age at which certain children can be registered as British citizens under provisions for reducing statelessness;
- removing the provision which currently limits the court's jurisdiction in reviewing nationality decisions;
- removing the provisions in the amended Race Relations Act 1976 which permit discrimination where authorised by a Minister on the grounds of nationality, or ethnic or national origins, when carrying out nationality functions.

2.23 The Government is also considering how it might give effect to the suggestion in paragraph 10.7 of the previous White Paper that it might adopt a more flexible approach to the residence requirements in the 1981 Act. These require applicants for naturalisation to have been out of the UK for no more than 450 days during the 5 year qualifying period (270 days in the case of those with a 3 year qualifying period) and to have been absent for no more than 90 days in the year immediately preceding the date of application. Business applicants and others may spend substantial periods outside the UK. The Act allows flexibility over excess absences, so the real issue to be resolved is how far this should extend, and in what circumstances. Physical presence here is an important factor in measuring commitment to the UK and in facilitating integration. Accordingly, a substantial amount of residence ought normally to be expected of all applicants, but we would be prepared to accept minimal residence in cases where it would clearly and demonstrably be in the national interest to do so.

CHAPTER 3: MANAGED MIGRATION

3.1 One of the issues which troubles the public most in relation to nationality and immigration, is a belief that entry into this country and residence here is subject to abuse. The amount of column inches devoted to those trying to reach our shores through clandestine routes illustrates that the issue of asylum outweighs the much broader debate about migration, nationality and integration. To get the balance right, we therefore need to ensure that there are managed and credible routes for men and women to reach these shores and to have legitimate status as residents in our country, in a manner which builds confidence and reassurance. The word 'managed' should mean that there is an orderly, organised and enforceable system of entry. Where entry is not possible without taking clandestine action, there is clearly a problem created which then reinforces the perception of confusion or worse - that the system is out of control. Acceptable routes for entry and competently administered procedures, including monitoring and control, are therefore a prerequisite to getting the situation back into balance. So, if we are not to switch from formal to informal clandestine activity on a greater scale, is the issue of illegal presence and illegal working.

3.2 Migration can generate benefits by expanding the labour supply and increasing the size and diversity of the labour market. In the simplest terms, more people means an expansion of the economy's resources and thus an increase in our wealth-creating base. Expanding the numbers and range of people and skills in the labour market expands the opportunities for production, creation of new businesses and jobs and greater consumer choice.

3.3 Migrants are employed across the economy, helping to support a range of industries. For example, the Labour Force Survey reported that, in 2000, foreign-born migrants accounted for 15% of natural scientists, 13% of computer analysts and programmers, 9% of teaching professionals and 7% of domestic staff¹. Migrants at all skill levels can stimulate economic growth and job creation. It is estimated that each individual entering through the Innovator scheme will create an additional 10 jobs for UK workers and for every 3-4 casual agricultural workers a permanent post exists. Indeed, it is through the introduction of different skills, not necessarily high skills, that migration contributes to sustainable growth².

Skill shortage vacancies and recruitment difficulties

3.4 Migration can also boost output by filling skill shortage vacancies and easing recruitment difficulties. Employers can face difficulties recruiting domestic labour for a variety of reasons. It may be because of a time lag between training new or existing workers or because of factors preventing the efficient matching of potential employers and potential employees. Employers

¹ A detailed description of the flows of migration to the UK, and stock of the migrant population in the UK from existing data sources is provided in Salt et al, 'International migration in the UK: recent patterns and trends', forthcoming Home Office RDS Occasional Paper

² Smith (ed), 'The New Americans'

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may not be considering the full range of potential employees. Local jobseekers may not have enough information about new job opportunities. They may not be attracted to the vacancies that do exist because of the pay, conditions or status of the jobs. In some cases the jobs and the goods and services they provide will not exist without migrants to fill them.**[subject to review]**

3.5 Identifying where skills shortages and recruitment difficulties are in the labour market and what is causing them is difficult. There is much anecdotal evidence but few sources that robustly identify the scale of high and low skill labour needs. Annex B provides details. The 2001 Employers Skills Survey (ESS), provides the most comprehensive picture of recruitment difficulties and skill shortages based on interviews with 27, 000 employers in England. It shows:

- Of a total of 766,000 vacancies, 358, 000 or two-fifths were reported as being hard-to-fill vacancies
- 159,000 vacancies were reported as skill-related, representing a half of hard-to-fill vacancies or a fifth of all vacancies.

3.6 These figures are lower than at similar stages in previous economic cycles, reflecting improvements in labour market performance in recent years, but they are still damaging to the economy. They have the potential to constrain productivity and capacity for economic growth and have knock on impacts on other complementary workers and capital. For example, a shortage of agricultural workers harvesting crops will reduce the productivity, and possibly employment, of existing workers (such as managers) employed in the industry and in any associated industries, such as road haulage firms used to transport harvested crops. Unfilled vacancies may also increase incentives and opportunities for illegal working, irregular migration and abuse of the asylum system.

Impact on the existing population

3.7 Chapter 1 demonstrates the Government's commitment to achieving employment opportunities for all, including unemployed and inactive people and existing migrants and refugees. This involves continuing to promote our labour market and welfare to work policies, refugee and migrant integration policies and other policies to facilitate the active and productive participation of all people in our society. Alongside these policies, and consistent with them, managed migration can help to ease recruitment difficulties and contribute improving sustainable growth.

3.8 Migrants in the UK expand sectors, create new businesses and jobs, thereby increasing production and employment opportunities for existing workers. The notion that there are only a fixed number of jobs in the economy has been discredited. Although there may be some short-run adjustment, research suggests that in the longer term migrants are absorbed into the economy through changes to the industrial structure, expanding sectors and

creating new jobs rather than through competition with existing workers in fixed sectors.³

3.9 The Home Office has funded several studies on the impact and outcomes of migration in the UK over the last 12 months.⁴ The findings support the results of studies in other countries that find very little evidence that migration damages the job prospects and wages of the existing population. Conversely, at an aggregate level, migration appears to increase employment rates and wages for the existing population in the UK, although more detailed analysis suggests that migrants may not have a positive impact on employment for all groups of the existing population. These findings are heavily constrained by the limitations of the data on migrant outcomes in the UK, but are consistent with the view that migrants help ease recruitment difficulties and expand sectors, thereby increasing the productivity of the existing population.

Local level impacts

3.10 While the economic benefits take effect across the whole economy, migrants may also impose costs at a more local level. In the same way as the rest of the population, migrants need somewhere to live, they will make use of our health care system (as well as working in it as doctors and nurses), libraries and other local services. If they have children, they will use schools, and as adults may undertake further education. These costs are outweighed by all the benefits migrants bring - research last year by the Home Office estimates that migrants in the UK pay more in tax revenues than they consume in public services or welfare⁵. But these benefits may not be felt evenly across the country. Without good planning and management new migration routes could result in specific pressures in particular areas. **[subject to further clarification]**

3.11 Left unaddressed, these local level impacts may contribute to local community tensions. A crucial element of our vision for migration reform is the strengthening of community cohesion and social integration. Strong, cohesive and confident communities are the building blocks of a healthy society. We need to develop nationality, citizenship and integration policy, as set out in Chapter 2. We also need to ensure that we properly anticipate and plan for the consequences of migration for education, health, housing and transport providers.

3.12 The needs of new migrants will depend on factors such as age, language skills, qualifications, the number of dependents they bring with them, and how long they stay. In addition, the impacts may be very different in the short term, when people first arrive in a foreign country and need support in

³ Glover et al: 'Migration: an economic and social analysis', 2001, Home Office RDS Occasional Paper No 67; Gaston and Nelson

⁴ 'Migrants' labour market impacts and outcomes', Dustmann et al; Stephen Wheatley-Price and Michael Shields; forthcoming Home Office RDS publications

⁵ Ceri Gott and Karl Johnston, 'The migrant population in the UK: fiscal efforts', forthcoming Home Office RDS Occasional Paper

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establishing their new lives here, and in the longer term. We are working closely across all the different departments concerned, and in particular with DTLR, to ensure that these impacts are properly taken into account in planning ahead for local service provision

Source countries

3.13 The Government takes very seriously the need to ensure that the UK's managed migration policies are not at the expense of the requirements of developing countries. Chapter 1 set out our commitment to this aim and Departments will work closely to ensure our policies deliver an integrated package.

Current routes of entry

3.14 There are a range of different mechanisms for obtaining entry into the UK, each with its own eligibility criteria, conditions and restrictions. The categories are broadly for the purposes of visiting, study, economic activity, family reunion and humanitarian protection. Some categories are temporary; some lead to settlement⁶. Other foreign labour comes from the EU.⁷

Labour migration

3.15 At present, the main route of entry into the UK for economic purposes is the work permit system. In 2000 there were over 64, 000 new work permit issues (work permits and first permissions), in addition to over 13, 000 extensions of existing permits. The work permit system is primarily designed to address recruitment of people outside the EU with medium and high skill levels, and to fill specific "shortage occupations". There are a range of other entry routes for people primarily wanting to work in the UK, including the working holidaymakers scheme, and routes for specific types of occupation. In addition, EU residents can enter the UK without any form of permit. Of the 760, 000 non-visiting entrants to the UK in 2000, around 190, 000 of them came here primarily to work.⁸

3.16 Between 1995-99, two-thirds of all migrants entering the UK were young adults aged 15 -34. This has significant implications for the labour market. Those aged 15-24 include students and working holidaymakers filling jobs in the UK. Those aged 25-34 are likely to be qualified workers with professional experience.

3.17 The table below provides a summary of labour immigration to the UK for 2000. The categories listed are only those separately recorded for work related entry routes, and thus underestimate the total figure.

⁶ People who have been working here legally can apply for settlement after 4 years (or after 12 months by virtue of marriage) and for British citizenship after a further year free of conditions

⁷ More information about existing routes can be found at the IND website and in Glover et al, 'Migration: an economic and social analysis'; RDS Occasional Paper No 76

⁸ Salt et al, 'International migration in the UK: recent patterns and trends, forthcoming Home Office RDS Occasional Paper'

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UK Labour Immigration 2000: Routes of Entry

	Number	Per cent
Work Permits (1)	64,500	34.3
Working Holidaymakers	38,500	20.5
EU (2)	35,700	19.0
Domestic Employees	14,300	7.6
Au Pairs	12,900	6.9
UK Ancestry	11,000	5.8
Seasonal Agricultural Workers	10,100	5.4
Ministers of Religion	1,180	0.6
Total	188,180	100.0

Source: Home Office admissions data, International Passenger Service (IPS), Work Permits (UK)

1. Work permits and first permissions include group workers.

2. IPS.

3.18 People coming through other routes of entry (family reunion, for example, and those accepted as refugees) are also entitled to work, and contribute to the economic wealth of the country. The total of 188,000 does not include the economically active family members and dependants of primary migrants, students or refugees. Overall, in 2000, migrants made up 8% of the labour force.

New measures

3.19 We will enhance our current routes of entry by:

- introducing a Highly Skilled Migrant Programme to enable the most talented migrants to come to the UK
- considering further development of the work permit scheme
- making provisions in the Immigration Rules for certain post-graduate students to switch into employment
- considering ways to meet the demand for short-term casual labour
- reviewing the Working Holidaymaker scheme

Highly Skilled Migrant Programme

3.20 The UK is competing for highly skilled workers with other countries keen to strengthen and enrich their economies by attracting highly skilled migrants. Countries are developing new and better ways of bringing in these workers.

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3.21 The UK is a little ahead of the field in European terms, where much of the attention has focused on streamlining and speeding up work permit systems, a similar process to the work permit review already conducted and implemented in the UK. Other countries have eased access to their labour markets for dependents, increased the numbers of occupations which are exempt from labour market tests, have made it easier for migrants to switch between employers and to switch from student status to work permit holder.

3.22 However, some European countries (for example the Netherlands, and Denmark) also offer tax breaks to high skilled migrants. Germany is making a concerted effort to attract specific kinds of labour, in conjunction with development packages aimed at improving the skill base of its own population. Other countries, such as Australia and Canada, have well established 'point systems' allowing migrant workers who are sufficiently skilled to qualify to enter to find work. Some examples of recent measures taken by a selection of countries to attract highly skilled workers are included in Annex C.

3.23 The UK allows the entry of some highly skilled migrants through our existing entrepreneurial routes, such as Innovators, and our employment-driven work permit system. We have now launched the Highly Skilled Migrant Programme. This represents a further step in developing our immigration system to maximise the benefits to the UK of high human capital individuals, who have the qualifications and skills required by UK businesses to compete in the global marketplace. The programme will allow extremely highly skilled persons to migrate to the UK bringing with them new skills, talents and experiences. It will allow eminent scientists to base their research projects here, and encourage the movement of business and financial experts to our centres of commerce. It will also facilitate the entry of doctors to work as general practitioners in the UK.

3.24 We have designed a points-based system of assessment to provide a flexible, transparent approach. Individuals will be able to apply from overseas and will need to submit appropriate evidence of, amongst other things, educational qualifications, work experience, past earned income and their achievements in their chosen field. These conditions will ensure that successful applicants will make a significant contribution to the UK economy and society through employment, self-employment or engagement with business. The decision to develop a points-based system of assessment reflects the success of this approach in the Innovator pilot scheme.

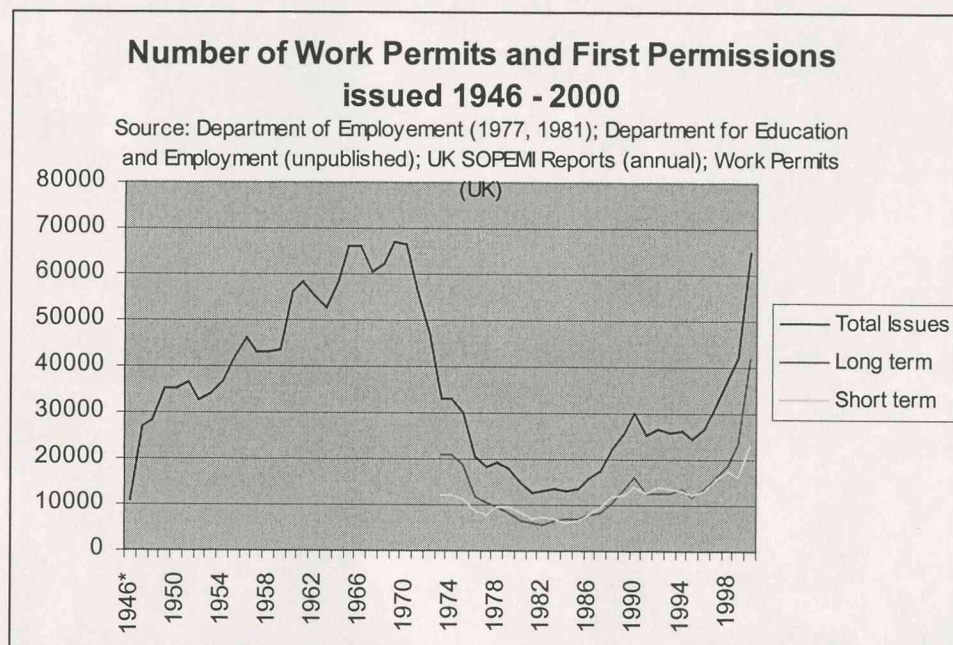
3.25 The programme will give those at the top of their chosen profession the choice of making the UK their home. Successful applicants will be granted leave to enter the UK for one year. Applicants who have been employed at a level warranted by their skill base will be granted further leave to remain after this period. As with existing non-temporary routes, migrants entering under this scheme will be able to apply for settlement after they have been in the UK as Highly Skilled Migrants for four years. Likewise, principal applicants may seek entry for their spouse and dependant children.

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Developing the work permit scheme

3.26 The work permit system already provides a fast, effective service for employers who need to recruit people from outside the EEA with high or intermediate level skills. Service levels are exceptional with 90% of complete applications decided within one day of receipt. The current policy reflects the outcome of a major review implemented in 2000 following extensive consultations.

3.27 The table below depicts work permit issues since 1946, and shows that the number of work permits has increased almost consistently since the 1980's. The rise in the numbers of work permits in the 1990's reflects increasing international movement, 'brain circulation' and greater reliance by employers on overseas workers to address skills gaps and recruitment difficulties.



3.28 An analysis of work permits and first permissions granted in 2000 by industry is presented in Home Office publication 'International migration in the UK: recent patterns and trends' (Salt et al).⁹ The figures show that 'computer services' and 'health and medical services' account for large proportions of the permits issued, 20% and 23% respectively. The high proportions of permits in these industries reflects the high growth of skill shortages in these areas.

Lower-skilled permits/posts

3.29 Work Permits (UK) will continue to work closely with their sectoral advisory bodies to ensure we can respond rapidly to changing labour market conditions. The Government is also consulting employers and trade unions on

⁹ Publication details when available – mid-January

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plans to extend the work permit scheme to enable employers to fill lower skilled posts for which they have significant recruitment difficulties. This scheme needs to be developed in close consultation across Government Departments.

3.30 We envisage a quota-based approach carefully targeted at specific sectors to control numbers and to provide balance with other government policies. Numbers and sectors will be determined in consultation across Government Departments to ensure the scheme is coherent with our labour market, industrial, education and skills, economic and social policies. We will also work closely with industry to ensure businesses get the right people into the jobs they need to fill and people from overseas are aware of the procedures. Individuals would apply from overseas. This avenue of migration could lead to settlement and applicants may accrue family reunion rights.
[paras 3.29-3.30 subject to review]

Charging for work permits

3.31 New powers to charge for work permits will also be introduced alongside provisions already existing to cover the cost of the service in respect of after- entry casework. This would bring in around £14m to the public purse in addition to the savings which can be derived from after- entry casework. Apart from financial benefits, a charging programme can provide a driver for business improvements.

Changing the Immigration Rules to let students switch into employment

3.32 Another valuable source of labour in the UK is foreign students. Research clearly indicates that migrants with degree level qualifications can make significant economic contributions. Graduate migrant workers are likely to earn high wages, reflecting the valuable contribution they make to the UK economy, and to the existing population through a positive fiscal contribution (i.e. they contribute more to Government revenue in taxes than they receive in benefits and public services).¹⁰ These contributions are enhanced by English language fluency and where qualifications are obtained in the UK.¹¹

3.33 In practice the Government already accepts applications from students who are in the UK for their studies to enable them to switch into work permit employment. But we will make explicit provision in the Immigration Rules for graduating degree-level students, student nurses, and post-graduate doctors and dentists to transfer into the work permit employment category.

¹⁰ Gott and Johnston, 'Migrants in the UK: fiscal effects', forthcoming Home Office RDS Occasional Paper

¹¹ Shields and Wheatley-Price, 'Migrants' labour market outcomes'. Forthcoming Home Office RDS Occasional Paper. For a summary see Glover et al. 'Migration: an economic and social analysis, RDS Occasional Paper No 67

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3.34 This will target those likely to make the greatest contribution to the United Kingdom and does not undermine other aspects of management of migration flows. To take advantage of this, students will need to obtain a work permit, have completed a degree at either a recognised UK further, or higher, education institution and have permission of any applicable international sponsor. Skilled, young people with close knowledge of United Kingdom economy and society will be able to stay in the UK to work where employment has been arranged.

Meeting the demand for short-term casual labour

Seasonal workers

3.35 There is a clear need for short-term casual labour. Although this comprises only a small proportion of all employment in the UK it is important in industries such as agriculture and construction. We will build on the principles of the long-standing Seasonal Agricultural Workers' Scheme (SAWS) to meet this demand in the United Kingdom economy. As with the SAWS, we envisage quotas will be a key feature of any similar schemes that would be carefully targeted at specific sectors and closely managed. Entry would be for a short period of up to six months and applicants would not acquire family reunion rights.

Reviewing the working holidaymaker scheme

3.36 We plan to review the long-established working holidaymakers scheme, where young Commonwealth citizens come to the UK for an extended two-year holiday. Participants take incidental part-time employment to fund their stay here. Around 40,000 come to the UK each year on the scheme. Some Commonwealth countries have reciprocal schemes with the UK. The UK also has a bilateral youth exchange scheme with Japan.

3.37 Apart from the perceived cultural exchange benefits, the Commonwealth scheme provides an additional, temporary, flexible workforce. Some working holidaymakers work as nurses and teachers. But the scheme has some weaknesses. It is not as inclusive as it could be, with the majority of successful applicants coming from certain countries and backgrounds. The purpose of reviewing the working holiday arrangements will be to ensure that the present scheme is as inclusive as possible and does not have unnecessary restrictions on working. We aim to publish a consultation paper in the Spring.

3.38 We will work closely across Government to consider the different routes and different mechanisms and restrictions that can be applied to entrants. We seek to achieve a balance between these mechanisms to ensure that new and revised schemes best meet our economic and social objectives for

CHAPTER 4: ASYLUM

[additional work underway for introductory paragraphs]

4.1 Under the 1951 UN Convention Relating to the Status of Refugees and its 1967 Protocol a refugee is defined as a person who:

“owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it”.

A person should not be removed from the UK in breach of that Convention.

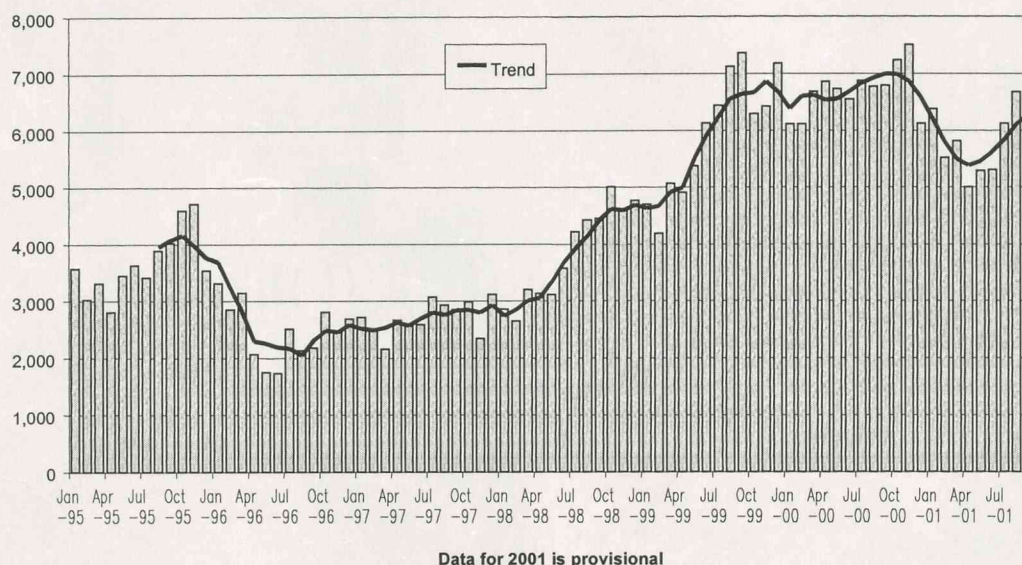
4.2 The Government remains firmly committed to its obligations under the Convention. We are proud to offer refuge to those fleeing persecution and to welcome them to our communities. But we will not accept those who use our asylum process as a smokescreen for their desire simply to work and those who clog up our appeals system through unmeritorious claims purely to frustrate removal. Our asylum system must have credibility and integrity so that it is clearly understood across the rest of the world and trusted by our own citizens. It is only on that basis that we can ensure that those who are fleeing persecution are given a safe haven in this country. The alternative routes to entry into the country providing legitimate status, which is spelt out in this policy paper, provide a basis on which we can justifiably take a firm stance in demanding that those who are not facing persecution, should not by their actions, undermine the credibility of the system itself.

Asylum applications in the UK

4.3 Like our European and other international partners we have seen an increase in the number of people coming to seek asylum on our shores. Figure 1 describes asylum applications between 1995 and 2001. Applications have been on a relatively steady upward trend over this period.

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Figure []: Monthly Asylum applications to the UK January 1995 to September 2001



4.4 The number of asylum applications received in 2000 was 80,315, excluding dependants, 9,155 (13 per cent) more than in 1999¹. But the increase in 2000 was the smallest percentage increase for three years (compared with year-on-year increases of 55 per cent in 1999 and 42 per cent in 1998). The main nationalities of applicants in 2000 were Iraqi (9 per cent), Sri Lankan (8 per cent), Federal Republic of Yugoslavia (FRY)² (8 per cent), Iranian (7 per cent) and Afghan (7 per cent)

Asylum applications in the EU

4.5 Asylum applications, including dependants, to the 15 countries of the European Union, rose in 2000 for the fourth consecutive year, although this increase was just 1% compared with an increase of 27% in 1999 (from 396,700 in 1999 to 401,900 in 2000).

4.6 The UK ranked 9th amongst EU countries in terms of asylum seekers per head of population - slightly below 8th position in 1999. This compares with the largest international host countries, in this case Armenia, Guinea and FRY who host 80, 59 and 46 refugees per 1,000 national population respectively³.

¹ Including dependents there were 98,900 applications in 2000 and 91,200 in 1999 (estimates rounded to nearest 100)

² FRY is comprised of Kosovo, Serbia and Montenegro but the majority of FRY applications are thought to be from Kosovars

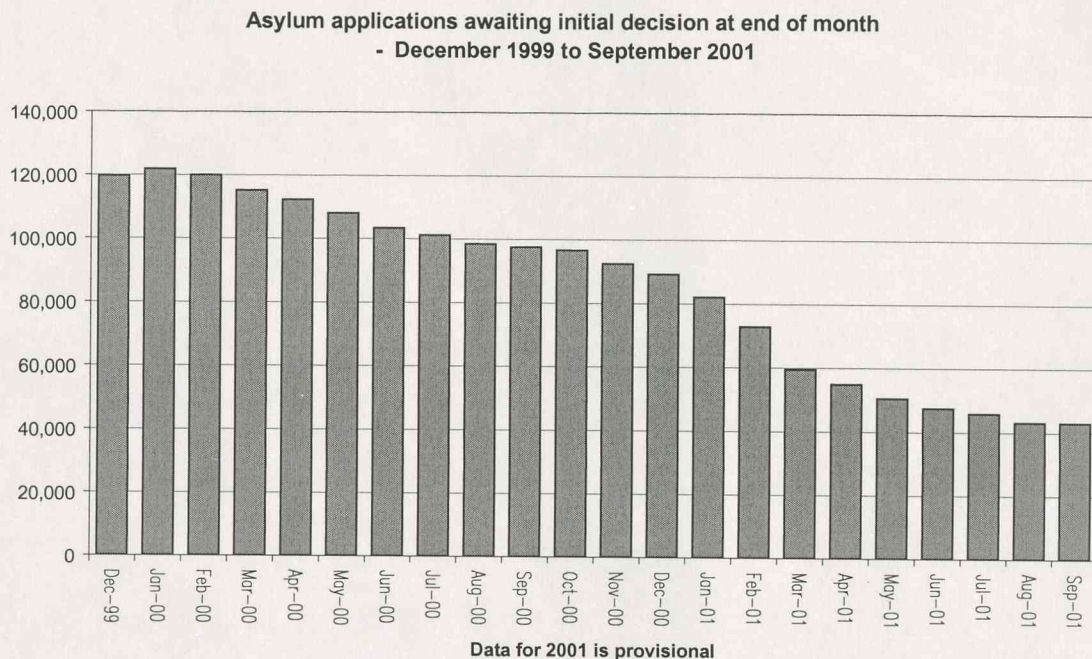
³ The statistics are from UNHCR and 2000 figures are provisional. UK figures are estimated by UNHCR on the basis of 10 years of refugee arrivals/asylum seeker recognition

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Improvements to the asylum system

4.7 We have made significant progress in recent years. 132,000 decisions were made in the last financial year compared with 79,000 applications received. Figure 2 demonstrates the considerable improvement in the speed of application processing. An estimated 43,000 asylum applications were awaiting an initial decision at 30 September 2001, just over a third of the level at its peak at the end of January 2000 (121,700).

Figure 2



4.8 Of the initial decisions made in 2000 under normal procedures, the Government granted refugee status to 10,375 applicants - 11 per cent of the total number of applications. Additionally, 11,495 applicants were granted exceptional leave to remain - 12 per cent of the total number of applications. But 75,680 applicants - 78 per cent - were refused asylum and did not qualify for exceptional leave. Of the 19,395 appeals determined in 2000, 3,340 - 17 per cent - were allowed, 15,580 - 80 per cent - were dismissed, and the remainder were withdrawn or abandoned.

The need for reform

4.9 Despite these achievements in decision-making and reduction in the backlog, we need to undertake further reform of the asylum system. Our reviews of the voucher and dispersal schemes showed that the systems were too slow and vulnerable to fraud and perceived to be unfair by both asylum seekers and local communities. The reviews also emphasised the importance

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of managing contact with asylum seekers from application to integration or removal.

4.10 A managed migration policy based on our economic needs will allow a flow of migrants to contribute to our society. But it will be undermined if we do not build on the improvements of the last few years to develop an asylum system that has end-to-end credibility.

4.11 This means looking for solutions at the global level to identify humanitarian gateways for those who do qualify as refugees so that they do not have to enter the UK illegally and to find the ways to prevent asylum seekers moving around to their country of preference. We need radical reform to improve our contact with asylum seekers so that our willingness to consider claims professionally and quickly is matched by a responsibility from the asylum seeker not to abuse our system by failing to keep in contact or pursuing unmeritorious claims through the appeals process. For those who do qualify for asylum we will make sure they are integrated fully into our society. **[further work underway on detail and structure]**

A common approach

4.12 The Government is playing a key role in discussions to establish sustainable solutions for global refugee issues. These include the UNHCR's Global Consultations on the operation of the 1951 Geneva Convention and the European Commission's feasibility study of both extending protection to refugees in their region of origin and the establishment of a Europe-wide resettlement programme.

4.13 The Treaty of Amsterdam committed the EU Member States to a broad range of measures designed to establish minimum standards for asylum procedures and policies across the Union. At the Tampere European Council in 1999 Member States agreed to look beyond these minimum standards towards the creation of a common European asylum system. The Council of Ministers has now received the legislative proposals necessary to establish common minimum standards or conditions for:

- a clear and workable definition of the State responsible for the examination of an asylum application
- a fair and efficient asylum procedure
- the reception of asylum seekers
- the approximation of rules on recognition and content of refugee status

4.14 Applicants with well founded reasons for seeking asylum will be assured that their cases will be considered with care in the EU State responsible for entry. This will reduce the perceived pull factors of one country over another. The Government will continue to press in negotiations for meaningful standards which reflect best practice in Europe and enable us to work in effective partnership with our European colleagues.

RESTRICTED - POLICY

4.15 As part of the package of measures on asylum, the Dublin Convention³ will be replaced with a mechanism reflecting the changed ways in which asylum seekers travel within Europe. It is important to uphold the principle of the Dublin Convention to avoid successive transfers of applicants without responsibility being taken to determine the claim. And it is equally important to prevent parallel or successive claims and the related secondary movements known as asylum shopping. A revised Dublin Convention mechanism will act quickly to transfer asylum applicants to the state where responsibility lies.

The key measures

4.16 The Government is determined that the UK should have a humanitarian asylum process which honours our obligations to those genuinely fleeing persecution while deterring those who have no right to asylum from travelling here. That is why we are proposing:

- preparing a resettlement programme to establish gateways for those most in need of protection to come here legally
- developing a system of induction, accommodation, reporting and removal centres to secure a seamless asylum process
- introducing an Application Registration Card to provide more secure and certain evidence of identity and nationality
- phasing out voucher support to produce a less socially divisive system of support
- better assisting Unaccompanied Asylum Seeking Children and sharing support for these children across a wider number of local authorities
- streamlining our appeals system to minimise delay and help to cut down barriers to removal
- expanding the programme which helps asylum seekers on a voluntary basis leave the UK before their claim is decided
- through our Refugee Integration Programme to enhance the opportunities for those who have been accepted as refugees to play a full role in society

Resettlement programme

³ The Dublin Convention came into force on 1 September 1997. The basic principle underlying it is that asylum claims should be examined just once in the EU and that the Member State responsible for the presence of the asylum seeker in the EU should be responsible for conducting that examination

RESTRICTED - POLICY

details including a photograph, fingerprints and employment status. They will contain modern physical security features giving much better protection against forgery and counterfeiting and allowing fast verification of identity. We will not replace lost ARCs unless a standard fingerprint check has been conducted at a reporting centre.

4.27 The ARC will be used in a number of situations:

- it will become a routine part of the reporting procedure and will contain details specifying the next date on which the holder must report
- those claiming NASS support will be expected to present an ARC at the Post Office at the time of payment
- they will be a much more reliable form of identification for use in everyday transactions such as registering with a doctor.
- they will assist Immigration Officers to establish identity during enforcement operations.

4.28 The Government proposes to carry out an audit of all known SAL holders and will replace their SAL with an ARC. On completion, the SAL will no longer be a valid document. We will require all asylum seekers claiming support to obtain and present an ARC.

Accommodation Centres

4.29 The Government is committed to ensuring that asylum seekers are properly supported and accommodated whilst their claims are being considered. This entails both rights and responsibilities for asylum seekers, who are expected to keep in touch with the relevant authorities and to provide all the necessary information for their claims to be considered. In return, asylum seekers can expect to be offered support and accommodation, where it is needed, and to be offered assistance with integration or return.

4.30 It is in the interests of all parties – the applicant, the local community and central and local government – that asylum applications are considered quickly and efficiently. For this reason, the Government has considered options for supporting asylum seekers which also contribute to the efficient management of the asylum system.

4.31 The Government will establish a number of new Accommodation Centres, with a total capacity of approximately 3,000, to accommodate a proportion of new asylum seekers from application through initial decision and any appeal on a trial basis.

4.32 The centres will provide full-board accommodation and a number of services, including health care, education, interpretation and opportunities for

RESTRICTED - POLICY

purposeful activities. The latter may include activities such as training in English language and IT skills, and volunteering in the local community.

4.33 The Government considers that the provision of a broad range of facilities within an Accommodation Centre will provide a more supportive environment for asylum seekers than is often available under the current dispersal arrangements. At the same time, it will reduce delays in the processing of cases and so facilitate more efficient decision-making.

4.34 Accommodation Centres are a new concept in the UK, but similar facilities are widely used across Europe. Our research has shown that **[possible addition of examples]**.

4.35 A proportion of new asylum seekers who are eligible for NASS support will be allocated places in Accommodation Centres, on a no-choice basis. This means that those who request support, are deemed to be in need of it, and meet the Accommodation Centre criteria, will be expected to accept the offer of a place. Those who refuse such an offer will not be offered any alternative forms of support. The option of receiving voucher-only or cash-only support will no longer be available.

4.36 For the trial period, there will be a number of criteria for the allocation of these places. These will include the following:

- The applicant's language. It will be important to ensure that the number of languages spoken in each centre is limited, in order that relevant interpreters can be provided and so that viable communities can develop within each centre. This is consistent with one of the findings of the dispersal review⁴, which proposed a return to clustering on the basis of language wherever possible.
- The applicant's family circumstances. Whether the applicant is single, has a partner and/or has dependent children will be important factors, because of the need to ensure that appropriate accommodation and services are available.
- The port of entry or Induction Centre. During the trial period, the limited number of places may necessitate additional selection criteria. As far as possible, this will be done in an open and objective way. Particularly in the early days of the trial, it may be helpful to limit the allocation of places to those arriving at certain ports, or those passing through certain Induction Centres. This would also enable direct links to be established between a particular port or Induction Centre and the nearest Accommodation Centre.

4.37 Allocation decisions will be taken on an individual basis. Those making the allocation decisions will have the discretion to make exemptions in

⁴ Report of the operational reviews of the voucher and dispersal schemes of the National Asylum Support Service, Home Office, October 2001

RESTRICTED - POLICY

exceptional circumstances, such as where the applicant has special needs which could not be catered for in an Accommodation Centre.

4.38 Those asylum seekers who stay in Accommodation Centres will not be detained. They will be able to come and go, and will receive a small cash allowance for incidental expenses. They will also be entitled to receive visitors. Accommodation Centre residents will have access to legal advice. Legal advisors may or may not be based on site, depending on the particular circumstances at each centre. Where it is not necessary for advisors to be based permanently on site, facilities will be provided for consultations with visiting advisors.

4.39 Residents will, however, be subject to a residence requirement. This means that they will be required to reside at the allotted centre throughout the processing of their application and will be required to report regularly to confirm that they are complying with this requirement.

4.40 Residents of Accommodation Centres who breach these requirements will forgo the right to support. Their actions may affect the outcome of their asylum claim, where the non-compliance damages their credibility.

4.41 The Government considers that Accommodation Centres will facilitate a number of improvements in the asylum process, including:

- closer contact between asylum seekers and the relevant authorities;
- reduced decision times by tighter management of the interview and decision-making process;
- fewer opportunities for illegal working during the application process;
- minimal opportunities for financial or housing fraud;
- reduced pressure on local services and consequential reductions in community tensions;
- facilitation of tailored integration packages for those granted a status in the UK and voluntary return packages for those who are refused.

4.42 The Government is committed to ensuring that the long-term mix of facilities for the support of asylum seekers and management of the asylum processes is based on evidence of what works. The operation of the trial Accommodation Centres will be thoroughly evaluated, taking account of a number of factors, including costs, processing times, ease of access to integration programmes for those granted refugee status and the rate of returns in cases which are refused. Decisions will be taken subsequently as to whether the network of Accommodation Centres should be expanded.

4.43 Initially, accommodation centres will only serve a proportion of asylum seekers. Apart from those selected for fast-track processing at Oakington Reception Centre or otherwise detained, other asylum seekers in need of support will be placed in dispersal accommodation. The Government will maintain the principle of dispersal away from London and the South East but develop consultation with, and the involvement of, local authorities and others.

RESTRICTED - POLICY

We need to manage the impact on local services and revert to a policy of dispersal to language cluster areas.

Reporting

4.44 Maintaining contact with asylum seekers is essential. Those in accommodation centres may be required to report on a daily basis within the accommodation centre. For those dispersed and those who do not require NASS accommodation, reporting will occur through contact at the NASS address, at reporting centres or at police stations attended by IND staff. During the induction process asylum seekers will be advised of their obligations to notify any change of address and to report as required. Entitlement to support will be conditional on asylum seekers reporting.

4.45 The reporting process will produce confirmation of the applicant's current address thereby validating other records such as National Insurance numbers. Support can be terminated if the asylum seeker fails to report. The ARC will play a fundamental part in the reporting and validation process (see paragraphs 4.26-4.28).

4.46 Decisions on asylum claims will be served by staff of the Immigration and Nationality Directorate at the time of reporting or during visits to NASS accommodation ensuring that the asylum seeker receives the relevant paperwork. The asylum seeker will have 15 days in which to submit an appeal against the decision and may be required to report at the end of this period. Appeal determinations will also be served in reporting centres, at police stations, at accommodation centres and at home addresses.

4.47 The Government recognises there are practical difficulties in requiring people to report to reporting centres some distance from their accommodation. This is particularly so in the regions. We currently require anyone who is within 90 minutes by public transport or 25 miles radius of a reporting centre to report to that reporting centre. This can be costly to the asylum seeker. We are reviewing the policy to try and identify suitable alternatives which would ease the financial pressure for asylum seekers.

4.48 These new practices will introduce more rigorous control into the asylum process and, will lead to improved contact with asylum seekers. The aim is to achieve stronger management of the asylum process, as well as affording asylum seekers further opportunities to monitor their cases.

Phasing out voucher support

4.49 The Government intends to phase out the voucher system during the latter part of 2002. Asylum seekers placed in accommodation centres will have no need for voucher support. We are pursuing mechanisms to provide

RESTRICTED - POLICY

4.17 The Government accepts that it is too difficult for those who do have a well-founded fear of persecution to arrive in the UK legally to seek our help. The absence of such provision provides succour to the traffickers and exposes the most vulnerable people to unacceptable risks. We propose to develop ways in which refugees, whose lives cannot be protected in their region of origin, may have their claim considered before they reach the UK, are able to travel here in safety and receive protection. A UK resettlement programme would sit at the heart of these gateways. Resettlement is a sustainable and long-term solution to the problems faced by refugees and has worked successfully in other countries.

4.18 The UK's resettlement programme would operate in addition to current asylum determination procedures, and would build on our partnerships with international and domestic refugee bodies, including the UNHCR, Red Cross, and the International Organisation for Migration (IOM).

4.19 In developing the detail of the programme's operation, we will look into its possible size, practical operation, and how best it may provide long term protection to those in need. One possibility is for the UK to set a quota each year based on the UNHCR's analysis of resettlement needs around the world. We would set eligibility criteria to be used by UNHCR field officers in identifying suitable candidates. We might then conduct missions to interview the candidates and to discuss the case with the field officers. We would then make a decision on the candidate's suitability, probably after a referral to our offices in the UK where security and other screening checks could be carried out.

4.20 We will take into account the work currently being done by the European Commission to establish the feasibility of a Europe-wide programme, as well as the excellent examples set by those of our European neighbours who operate similar schemes: Denmark, Finland, the Netherlands, and Sweden; and our colleagues further afield: Australia, Canada, New Zealand and the United States.

Induction Centres

4.21 Induction centres are the first stage in achieving a holistic approach to the handling of asylum-seekers' applications - from arrival to the removal of failed applicants, or the integration into the community of those recognized as refugees.

4.22 Induction Centres provide the opportunity for a comprehensive service to asylum seekers so that they are fully aware of how our procedures work and understand exactly what is expected of them. The Government intends to provide briefing explaining in detail the processes involved, including information about the area to which the asylum seeker will be dispersed and how to make a voluntary departure should they no longer wish to pursue an

RESTRICTED - POLICY

asylum claim. The briefing will be carried out both orally by staff and by video in the principal languages used by asylum seekers. We will also supply additional briefing literature. Before leaving the induction centre, there will be a requirement for all asylum seekers to sign a document confirming that they understand:

- the processes that accompany their claim for asylum and support
- their obligations to comply with temporary admission and reporting arrangements
- the requirement to leave the UK should their asylum claim fail
- how they can obtain assistance to return

4.23 Making sure asylum seekers understand what will happen to them is an essential part of our reforms. But the induction process is about more than explanations. Basic health screening will be available assisting in the early identification of special needs. An asylum interview will be booked and a letter of invitation to the interview, together with a travel warrant, will be handed to the asylum seeker.

4.24 Asylum seekers will be required to remain in the induction centres for a short period of time, approximately 1 - 7 days:

- those who do not require support will remain for 1 day after which they will be given temporary admission to an agreed address
- those who will be accommodated at an accommodation centre will remain for around 2 days whilst travel arrangements are made
- those seeking NASS support will remain for approximately 7 days during which time their application for support will be decided, taking into account personal means. Arrangements will be made for dispersal to accommodation throughout the UK.

4.25 The induction centres will house around 200 asylum seekers and their dependants, providing full-board accommodation. There will be smaller units of accommodation for single or pregnant women or special needs cases. The induction centres will be located close to (or within easy travelling distance of), major asylum intake areas such as Dover, Heathrow and Croydon with a small number in regional areas.

Application Registration Cards

4.26 On departure from the induction centres, we will give asylum seekers an Application Registration Card (ARC). These will replace the Standard Acknowledgement Letters (SALs) which are currently used for identification of asylum seekers. The ARCs will be biometric smart cards containing personal

RESTRICTED - POLICY

financial support for asylum seekers. The outcome will be a robust scheme less prone to fraud and which avoids the stigma felt by many asylum seekers under the voucher scheme. In the meantime we are committed to increasing the total value of voucher support in line with the most recent income support rises. The value of vouchers will increase by around 1.6%. The value of the voucher which is exchangeable for cash will rise from £10 to £14.

4.50 Asylum seekers who are able to support themselves will not be required to take up NASS support or live in accommodation centres. We envisage that there will be no "voucher only" option and will use forthcoming legislation to make this possible. **[awaiting Ministerial comment]**.

Unaccompanied Asylum Seeker Children

4.51 We will continue to offer protection and appropriate levels of care to children under the age of 18 who have been separated from their parents and other family and who are genuinely in need of protection. In pursuing this objective the Home Office will continue to work closely with the Department of Health and local authorities, as well as with NGOs and interested children's groups.

4.52 To do this effectively we need to identify children in genuine need at the earliest possible stage, to sift out adults posing as children and to deter those seeking to abuse the system.

4.53 Home Office staff are already taking steps to challenge older applicants and to divert them to the adult asylum process so that adults posing as children do not become a problem for local authorities. And specialist teams of caseworkers in the Immigration and Nationality Directorate are now making initial decisions on **[%age to be added]** of applications from unaccompanied children within 2 months.

4.54 We have also tightened up our exceptional leave policy in respect of unaccompanied children so that those who do not qualify for asylum or protection but for whom care in their own country cannot be arranged are given leave in the UK only until their 18th birthday.

4.55 We will also be amending the Immigration Rules to enable Immigration staff to interview children about their claims in a wider set of circumstances than is the case now. We believe that many children would welcome the opportunity to tell their story, and a better understanding of a child's background and experiences will enhance the ability of the Home Office and local authorities to offer appropriate levels of protection and care in each case. Home Office staff are being trained for this purpose, and no-one will be allowed to interview children about their claim unless they have received the necessary training.

RESTRICTED - POLICY

4.56 But we need to do more to support local authorities so they can meet their care responsibilities. The vast majority of asylum seeking children are supported by local authorities in London and the South East and they are finding it increasingly difficult to provide the levels of care to which they are committed.

4.57 Our aim is to increase opportunities for local authorities to place these children in a variety of settings, including placements outside London and the South East, where their particular needs can be met. We are working with the Department of Health and local authorities towards this, and the project will include consideration of whether the Home Office should provide hostel accommodation for 16/17 year olds to be made available to local authorities.

Asylum appeals [NB subject to on-going policy discussions and Ministerial clearance]

4.58 The effect of improved induction, accommodation and reporting will be limited if we do not address the opportunities for delay within the appeals system. The Immigration and Asylum Act 1999 introduced a one-stop appeal system requiring an adjudicator considering an asylum appeal also to deal with any other appealable matters raised by the applicant. The principle has worked well but the provisions of the Act have not always been as easy to understand.

4.59 The Government proposes to re-structure and re-word the legislation to simplify the one-stop appeal provisions. We will remove the unnecessary repetition of processes, lack of clarity, inconsistencies and omissions. We will make it clear that there will be a single right of appeal, triggered by the service of listed decisions, subject to exceptions on listed grounds.

4.60 We will:

- define the specific immigration decisions which attract a right of appeal on human rights grounds and make it clearer that no right of appeal exists until the would-be appellant raises the issue.
- make clear that Removal Directions which are an administrative decision flowing from an earlier refusal decision which is itself appealable, cannot trigger a fresh right of appeal.
- take steps to ensure that we can certify cases where a failed asylum seeker has been given an opportunity to appeal but has chosen not to do so.

4.61 Our proposals to track asylum seekers through the system will ensure that, for those who do not appeal or whose appeal has failed, we overcome the current problem of not being able to locate a failed asylum seeker. We are already implementing personal delivery of some asylum appeal

RESTRICTED - POLICY

determinations. Previously, the appellant has been notified at the same time as the Home Office allowing a high level of absconding on receipt of the determination. This is purely a method of communicating the decision and does not affect its independence or any rights of appeal. We have now **[dependent on an amendment to the Immigration and Asylum Appeals (Procedure) Rules 2000 passing the negative resolution procedure during December]** implemented this in a phased and managed way. The Immigration Service has delivered decisions in unsuccessful appeal cases where statutory rights of appeal have been exhausted. We will evaluate this method and consider using the forthcoming legislation to expand it to include all reporting centres and all appeal determinations.

4.62 We will also streamline further rights of appeal limited to a point of law. The Immigration Appeal Tribunal will become a Court of Record and will focus entirely on the lawfulness of adjudicators' decisions rather than their factual basis.

Judicial Review

4.63 Becoming a Court of Record will reduce the scope for judicial review of the Tribunal's decisions, particularly of refusals to grant leave to appeal that are made in an attempt to frustrate removal. We are exploring further ways to deter those who pursue unmeritorious cases and are looking to ensure that the funding arrangements with the Legal Services Commission are applied properly by representatives pursuing applications for permission to proceed to judicial review. We also want to seek ways to reduce the time taken for the permission stage in cases where removal directions have been set. These are all measures to tighten up existing procedures which will not reduce access to judicial review for deserving applicants.

Increasing the capacity of the adjudication service

4.64 The Government intends to increase capacity by 50 per cent from the current 4,000 to 6,000 cases a month. We will expand all the key elements in the process. Since early 2000, the number of courtrooms has risen from 35 to 103; adjudicator appointments from 285 to 399; interpreters have more than doubled from 600 to 1300; the number of solicitors' firms and not-for-profit agencies with immigration contracts with the Legal Services Commission has increased to 555. Similar increases will occur to manage the additional 2000 cases a month.

Removal centres

4.65 Detention has a key role to play in the removal of failed asylum seekers and other immigration offenders. To reinforce this we shall be redesignating existing detention centres, other than Oakington Reception Centre, as "Removal Centres". Detention remains an unfortunate but essential element in the effective enforcement of immigration control. The primary focus of detention will continue to be its use in support of our removals strategy. This

RESTRICTED - POLICY

includes the use of detention at Oakington Reception Centre to facilitate its fast-track asylum process of making initial decisions in about 7 to 10 days.

4.66 We have expanded the number of immigration detention places from about 900 in 1997 to just under 2,800 by the end of 2001. The new removal centres at Harmondsworth, Yarl's Wood and Dungavel which opened during 2001 accounted for 1,500 of these additional places. We have decided to increase detention capacity by a further 40%, to 4,000 places, in order to facilitate an increased rate of removals of failed asylum seekers and others with no basis of stay in the UK. Work to identify suitable sites is underway and we expect to have all the additional places in operation by Spring 2003.

Detention criteria

4.67 Although the main focus of detention will be on removals, there will continue to be a need to detain some people at other stages of the process. Our 1998 White Paper set out the criteria by which Immigration Act powers of detention were exercised and confirmed that the starting point in all cases was a presumption in favour of granting temporary admission or release. The criteria were modified in March 2000 to include detention at Oakington Reception Centre if it appeared that a claimant's asylum application could be decided quickly. The modified criteria and the general presumption remain in place. There has, however, been one change in terms of the detention criteria as they relate to families.

4.68 It was previously the case that families would, other than as part of the fast-track process at Oakington Reception Centre, normally be detained only in order to effect removal. Such detention would be planned to take place as close to removal as possible so as to ensure that families were not normally detained for more than a few days. This is no longer the case. Families, including those with children, can very often give rise to the same concerns and thus the need to detain as can be encountered with single adults. Accordingly, families may, where necessary, now be detained at other times and for longer periods than just immediately prior to removal. This could be whilst their identities and basis of claim is established, or because there is a reasonable belief that they would abscond. Where families are detained they are held in dedicated family accommodation in removal centres.

Prison Service accommodation

4.69 The use of Prison Service accommodation to hold immigration detainees has long been a matter of understandable concern and we have consistently pursued a strategy to reduce the reliance on this accommodation. Part of this strategy has centred on the opening of new Immigration Service Detention Centres. This has allowed us to withdraw from the small number of local prisons across the country which were used as a temporary measure to provide much needed detention places. This withdrawal will be completed at the end of January 2002. We will also cease to use the dedicated accommodation in part of HMP Rochester. In addition, the dedicated

RESTRICTED - POLICY

immigration detention facilities at HMP Haslar and HMP Lindholme, which will be joined by HMYOI Dover, will be redesignated formally as removal centres: this will require them to operate under the Detention Centre Rules and, together with other administrative changes will bring them fully into line with other removal centres .

4.70 There will continue to be a need to hold small numbers of detainees in prison for reasons of security, control and geography. This would include any detainees held under the provisions of the Anti-terrorism, Crime and Security Act 2001 .

Strengthening powers

4.71 We propose to extend the existing power of detainee escorts to search detained persons to allow their entry to private premises to conduct such searches. Searching people being taken into detention is necessary to ensure the safety and security of the detainees themselves as well as of those escorting them. Detainee escorts do not presently have an express right to enter private premises to search a detained person. In the case of a person being taken into detention from their home or other private premises the absence of this right of entry usually means that the person concerned has to be taken to a nearby police station before they can be searched by the escort. This causes unnecessary delay, unwanted burdens on the police and, potentially, needless distress to the detained persons. We propose to solve this problem by providing detainee escorts with a statutory right to enter private premises in order to search detained persons. This limited right would be exercisable only as part of an escort arrangement and only whilst accompanying a police or immigration officer.

4.72 We are continuing to look at ways of reducing delays to the process of removal. We want to eliminate procedural delays arising from the need to pass files between different parts of the organisation. We will use the forthcoming legislation to restore the former power allowing staff outside the Immigration Service to detain overstayers or to require them to report at regular intervals. They will also have a corresponding power in respect of illegal entrants. This will complement powers already available to set reporting conditions for certain categories of arriving passenger and the power to detain or release on conditions a person facing deportation.

Bail

4.73 Part III of the Immigration and Asylum Act 1999 created a complex system of automatic bail hearings at specified points in a person's detention. It has never been brought into force. As part of our revision of immigration and asylum processes we propose to repeal most of Part III. We will implement section 53, which allows for regulations to be made in respect of the existing arrangements for seeking bail, and section 54, which removes an anomaly from those arrangements that prevented certain people from applying for bail. The remainder of Part III is now inconsistent with the need to

RESTRICTED - POLICY

ensure that we can streamline the removals process in particular and immigration and asylum processes more generally. The significant and continuing expansion of the detention estate since the proposals were first put forward would make the system unworkable in practice. But the existing bail arrangements, which enable detainees to apply to an adjudicator or chief immigration officer for bail, will remain in place and will continue to ensure that asylum seekers and others who are detained have effective opportunities to seek and, where appropriate, be granted bail.

4.74 We propose to make one change to those existing arrangements. At present, other than where applications are made to Adjudicators, bail can be granted only by an immigration officer not below the rank of chief immigration officer. As part of ongoing organisational changes within IND and, in particular, the need to ensure that Immigration Service staff are deployed to best effect, bail applications will in future no longer be dealt with exclusively by Immigration Service staff. As a result, we propose to modify the statutory power to grant bail so that it may additionally be exercised by staff outside the Immigration Service.

[Additional section on Removals to be included]

Voluntary Assisted Returns [subject to review]

4.75 The voluntary assisted returns programme is a means by which we assist asylum seekers who wish to return home to do so. Asylum-seekers are eligible for the programme at any stage of their claim, unless they are to be deported, or have been granted indefinite leave to enter or remain.

4.76 The programme, which is operated for the Home Office by the IOM and Refugee Action, returns people in an orderly, sustainable, and cost effective manner. Through its non-political nature and extensive network of humanitarian NGOs, it has the ability to return people to nearly all countries where it is safe to do so. In the longer term, this establishment of routes to countries where, currently, few exist will assist in removal by the Home Office of those people who are not in need of protection.

4.77 We propose to build on the programme's success using forthcoming legislation to increase its return capability, and also to facilitate early access to the programme, through the new Induction and Accommodation Centres.

4.78 Currently, 43% of those returning home have done so, voluntarily, before their claim for asylum has been determined. We will enable those who would access it, to do so early in the asylum process, thereby further increasing its cost effectiveness.

4.79 We will also continue to work in close partnership with the NGO community, and IOM to ensure that the returns are sustainable. Reintegration assistance will be provided to returnees, in the form of skills training, employment advice, tools, or the availability of micro-credit schemes. Such

RESTRICTED - POLICY

assistance will enable our tracking of returnees to ensure their safety, and the integrity of the programme.

Refugee Integration

4.80 A key element of the United Kingdom's commitment as a safe haven for those fleeing persecution is how we help those who have the right to remain here to rebuild their lives and to fulfil their potential as full members of society. There is evidence to suggest that many refugees⁵ find it difficult to make the transition from support to independence. Access to services is often low and while new co-ordination measures are in place to improve refugees' access to education, healthcare and employment, difficulties remain.

Working in partnership

4.81 An integration strategy will only be successful if it is built on partnerships. The voluntary sector, central and local government, local service providers, the private sector, refugees and refugee community organisations all have important roles to play. We set out our strategy in November 2000 in *"Full and Equal Citizens – A strategy for the Integration of Refugees into the United Kingdom"*.

4.82 The strategy seeks to learn from the high level of activity and good practice already existing in many areas of the country and in the European Union and elsewhere. It seeks to establish what is effective in integration so that what works can be spread further to other areas and to other communities. Integration is not a mechanistic process. Our aim is not to produce a package into which successful asylum seekers are pushed in at one end and out of which integrated refugees appear at the other. Communities are different. Refugees are different. Our aim is to help all refugees develop their potential and to contribute to the cultural and economic life of the country as equal members of society.

National Refugee Integration Forum

4.83 We are taking forward the integration agenda through the National Refugee Integration Forum, led by Lord Rooker. It draws together local authorities, Government departments and the voluntary and private sectors to monitor and steer the development of a strategy for integration. The Forum will be responsible for developing an agreed framework of indicators to find the key elements in a successful integration package.

⁵ In this section, the term "refugee" are recognised refugees who are granted indefinite leave to remain within the terms of the 1951 Convention on the Status of refugees or those given four years exceptional leave to remain as persons in need of protection in accordance with obligations under ECHR and the Convention against Torture.

RESTRICTED - POLICY

4.84 The Government's commitment to the Forum is demonstrated through the leadership of Lord Rooker. But we are clear that we do not hold all the expertise. The Forum does much of its work through its 9 sub groups, each (except that on research) chaired by a person from outside of central Government who has particular knowledge and expertise of their area and who can, with the help of a very wide range of members, drive forward the agenda in their area.

The work of the Forum

4.85 The Forum contains a number of groups to cover the areas which are clearly recognised as those needing particular attention if barriers to integration are to be overcome:

- accommodation
- community development
- community safety and racial harassment
- education of children
- employment and training
- health and social care
- positive images
- research
- unaccompanied asylum seeking children.

4.86 In the first year of its operation, the Forum has identified the key barriers and established much of what needs to be done to remove those barriers. The stage is now set to move from discussion of what the problems are to putting in place the solutions.

Practical solutions

4.87 Some solutions will happen quickly. The Health and Social Care sub group has already established a website which will give healthcare professionals easy access to material about the special needs of refugees and also to material in a number of key languages. They will share information on how to make sure a refugee who doesn't speak much English can do a simple thing like understand the instructions on a bottle of prescription medicine. The Community Safety and Racial Harassment group will circulate some examples of best practice on helping to create safe communities

4.88 The Employment, Training and Adult Education sub group is looking at the particular difficulties faced by refugees trying to enter the job market. The group is considering data on the profile of refugee jobseekers, recognition of overseas qualifications, the promotion of employment amongst employers and consultation with the Department for Work and Pensions (DWP) to develop a policy on refugee employment. In the longer-term the development of the new ESOL curriculum by the Department for Education and Skills (DfES) is of great relevance in the teaching of English Language for refugees. The

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National Forum will take a particular interest in the development of this policy with a view to ensuring maximum benefit for refugees in the future.

4.89 The Government will publish a more detailed account of the Forum's work in April setting out the way forward in all these areas.

Funding

4.90 "*Full and Equal Citizens*" also established 3 wholly new streams of funding for integration issues. At the same time, additional funds to be administered by the United Kingdom through the European Refugee Fund became available.

- £650,000 has been given to voluntary sector agencies to support ongoing community development so that refugees, wherever they have been accommodated across the UK can have access to support from local community groups. This was an important element of the dispersal process and there are already many indicators of increased activity amongst community groups. The Government wants local communities to be strong and is keen to see this development continue.
- £350,000 is being made available each year through the Refugee Community Development Fund. This fund is providing small amounts of seed corn funding for small community groups who are making their first steps towards working with refugees. It enables translation of material to encourage refugee women to join local groups and the purchase of computers. Integration needs to have a strong base in local communities and this fund will provide some of that support.
- The key fund is the Challenge Fund. Originally established at £500,000 per year, the Government announced in November that this will be doubled to £1 million per year from April 2002. Together with the integration strand of the European Refugee Fund, the money is being used to fund projects in the main integration areas such as improving the access to the labour market and housing.

4.91 But it is not just funding projects alone. What the Fund is doing is testing and monitoring these projects to the full so that we can test to the limits what it is that really works in integration. We are setting out to compare what one English language course can deliver that another doesn't. We want to see if that was because other factors were involved. We want to know if there is a regional difference in what works. We want to know what refugees find most effective. This is a real opportunity not just for the Government but for those involved in delivering the projects on the ground. We are providing advice and technical support so that projects have the capacity to cope with this extensive monitoring and to help them build better projects for the future.

4.92 This is an important initiative which will for the first time provide a national base of properly evaluated, fully recorded best practice which we will be able to share across the UK.

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4.93 A national approach to integration is a new concept for the UK and we are at the beginning of the process. But the Government is committed to integration as a vital part of the whole asylum process and is determined to give those who qualify as refugees every possible opportunity to build their lives here as full and equal citizens.

CHAPTER 5: TACKLING FRAUD – PEOPLE TRAFFICKING, ILLEGAL ENTRY AND ILLEGAL WORKING

Organised immigration crime

5.1 The Government intends to allow controlled, orderly migration of people who can bring benefits to the UK. We will welcome those who qualify for asylum and help them to integrate to make a positive contribution to society. At the same time, we must prevent this system being undermined by people coming to the UK or working here in breach of the law. For this to be fully effective, we need to tackle the organised criminals who cynically and systematically attempt to evade the controls. And we must prevent, detect and deal with illegal working within the UK by those who slip through the net.

Nature and Scale of the Problem

5.2 Organised immigration crime includes both “people smuggling” – facilitating illegal entry into the UK – and “human trafficking”, which also involves an element of exploitation. It is best seen as a range of closely related phenomena, set out in more detail in the box and in the chart in Annex E.

People smuggling is helping people to enter the UK in breach of immigration law. This may be a simple business transaction between the criminal and the illegal entrant. But in other cases, the criminal deceives their customer by exaggerating their prospects in the UK, and demands a very high price. The customer may spend their life savings on a dangerous journey that merely leads to their immediate removal.

People trafficking is transporting people in order to exploit them, using deception, intimidation or coercion. The exploitation may take the form of employment in underpaid or unsafe conditions which violate their legal or human rights. It may be commercial sexual exploitation. In extreme cases, the criminals use violence, or threats of violence, against the victim or their family. More often, the victim initially agrees to a deal which includes entry into the UK and work on arrival. They then find that their wages are largely diverted to pay off “debts” to the criminals, and that they have been deceived as to the nature and conditions of the work. Trafficking usually involves a breach of immigration law – either illegal entry, or overstaying. When it does, it can make the victim more vulnerable because they are understandably reluctant to seek help.

Illegal working in this context is working by illegal immigrants, or by immigrants including asylum seekers who are legally in the UK but working in breach of their conditions of entry. Exploitation – whether of illegal or other workers - is harmful not only for the victim, but also undermines our National Minimum Wage and labour standards. Both people trafficking and smuggling usually involve illegal working, and trafficking always involves exploitation. So successful action against illegal working and

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exploitation is not only desirable in itself, but will also reduce incentives for organised criminals to bring people to the UK.

5.3 One indication of the scale of the problem is the number of people detected trying to evade border controls. This has risen by eighty-fold during the 1990s – although much of this must be put down to the increasing effectiveness of the Immigration Service. It is estimated that organised criminals were behind around 75% of these cases. It is unknown how many involved, or would have involved, exploitation. But Home Office research indicates that roughly between 150 and 1500 women annually are trafficked into the UK for sexual exploitation. Further research is in progress which may shed more light on the size and nature of irregular immigrant flows through Europe into the UK, and on the reasons why people decide to come illegally to the UK. A map of the main smuggling routes is in Annex F.

5.4 Organised immigration crime is a complex problem, and our response needs to address every aspect of it – in countries of origin, en route to the UK and on arrival. It requires co-ordination across Government Departments; partnership with business and voluntary sectors; and international co-operation. Our strategy has the following elements:

- prevention in source countries
- strengthening the law
- tackling the criminals: intelligence and enforcement operations
- EU co-operation
- dealing appropriately with victims of trafficking
- combating illegal working: greater enforcement action, less potential for fraud, effective gathering and sharing of information and working with business

Prevention in source and transit countries

5.5 A comprehensive approach to people trafficking and smuggling must include prevention in countries of origin. The primary aim is to stop organised illegal immigration into the UK. But most people trafficking takes place between other countries. The most abusive forms of it, in which the victims are often women and children, are more prevalent outside UK. It is right that many of our prevention activities also help to reduce trafficking outside the UK. Prevention has three elements:

- addressing undesirable causes of emigration.
- helping potential migrants avoid deception and coercion.
- technical assistance to governments to help prevent organised crime.

5.6 People decide to migrate for many reasons, and in most cases it would be neither possible nor desirable to influence their decision. But in some

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instances, such as flight from poverty, war and repression, there may be a case for addressing the root causes of migration, as far as we can. This can help prevent traffickers from taking advantage of others' desperation to move. Development assistance to poorer countries is therefore a significant element in the fight against organised immigration crime. It supports economic growth, giving alternatives to migration. It can also promote social justice, for example encouraging core labour standards banning forced and bonded labour or child labour; and creating opportunities for women, who are at far greater risk of being trafficked than men, particularly for sexual exploitation.

5.7 When people do consider migrating, they need as much information as possible. In order to influence migration decisions it is important to further develop our understanding of how potential migrants access information and decide on their country of destination. We are undertaking work to help develop approaches to managing information flows more effectively. In the first instance, the UK can help, both through its Embassies and Consulates, and by offering assistance to foreign governments with education initiatives. The aims are to inform potential victims about the dangers of being trafficked or smuggled and ensuring they have full, undistorted information on whether they can legally enter the UK, and what their employment and other prospects would be on arrival. We have to send the message loud and clear that we will no longer tolerate the flouting of our employment laws and we have to make clear to the traffickers that they face prosecution.

5.8 Governments in some source countries lack the resources, infrastructure or awareness to take effective preventative action against organised criminals. Transit countries, through which people are brought to the UK, can also face similar difficulties. The UK can offer both source and transit countries assistance by:

- ensuring their officials can recognise outgoing trafficking victims, especially at borders, and offer them help.
- developing an appropriate legal framework and enforcing the law to deal with organised criminals on their own soil.
- effective reintegration of returned migrants so they are not trafficked or smuggled again.
- helping to reduce corruption in other countries, which may hinder some source countries' attempts to deal with organised crime.

5.9 The UK, through DfID and FCO, already funds a range of projects in source and transit countries which offer assistance in all three of these areas. Some of these are collaborative ventures with other countries and with international organisations. A few examples are given in the box below. Some take the form of assistance in implementing the UN Protocol on Trafficking¹, which provides a template for co-ordinated international action but is dependent on source and transit countries signing up to and implementing it. The Government will be considering what scope there may

¹ Protocol to the Convention against Transnational Organised Crime on trafficking, especially of women and children, agreed in 2000

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be to develop this preventative work, and to co-ordinate it with other parts of our work against people trafficking and smuggling.

Example - preventative projects.

A project by the International Programme on the Elimination of Child Labour (IPEC), partly funded by DfID, combats the trafficking of children in the **Mekong** subregion. This has been expanded and now aims more broadly at reducing labour exploitation of women and children, through targeting trafficking.

Many illegal migrants and trafficking victims pass through the **Balkans** en route to the EU and the UK. A number of projects focus on this key transit region.

- The Prime Minister's Balkans initiative has sent teams of immigration experts from several EU Member States to work along the State Border Service in Bosnia-Herzegovina, training, advising and helping them to develop their legal and administrative infrastructure to deal with illegal entry.
- The Balkan Stability Pact's Migration and Asylum Initiative (MAI) and Anti-Trafficking Task Force (ATTF). The UK has agreed to support the MAI as a partner to Bosnia and is involved in the establishment of the ATTF. The objective of the initiative is to bring the asylum and migration systems of five Balkans countries (Yugoslavia, Croatia, Bosnia Herzegovina, Albania and Macedonia) as close as possible to EU standards.

Strengthening the law

5.10 People smuggling is already a criminal offence. While there is no specific offence of people trafficking, most aspects of trafficking and exploitation are also illegal. But there is scope for making prosecutions easier, and for strengthening the penalties to ensure they reflect the gravity of the offences and act as a deterrent. The Government intends to strengthen the law on:

- people smuggling
- trafficking for sexual exploitation
- trafficking for labour exploitation.

5.11 Effective action in all these areas requires that other countries also have adequate legal frameworks. The UK has contributed to international initiatives to develop common approaches, primarily the UN Protocol and a number of EU measures². The legislation we are planning is partly to implement these, where necessary, and but also goes beyond them.

² A Framework Decision on combating trafficking in human beings, which provides for a common set of penalties set a level of not less than 8 years' imprisonment for special offences, was agreed in principle by the Council in September 2001. A Directive and Framework Decision on facilitating unauthorised entry were also adopted by the Council in September 2001



People smuggling

5.12 We will use forthcoming legislation to strengthen the law on people smuggling. The offence of facilitating illegal entry currently carries a maximum penalty of 10 years' imprisonment. We propose to increase it to match the 14 year maximum for drug smuggling. We shall also ensure that the law allows adequate scope for penalising those who attempt to benefit from people smuggling, even if they have not been directly involved in it, or who help immigration offenders to remain here unlawfully.

5.13 We shall give the Immigration Service additional powers of investigation to combat immigration fraud and to make it an offence to possess counterfeit endorsing stamps of the kind used to grant leave to enter or remain.

5.14 We shall take powers to bring in to the immigration process at an earlier stage children born in the UK where both parents are illegal entrants or while the family is on temporary admission

5.15 We shall also ensure that the law enables the removal of people who arrive here legally but then try to rely on deception or forged documents in an attempt to obtain further leave

5.16 We will also use legislation to implement the European Council Decision and Framework Directive on facilitation. These measures will ensure that people smugglers can be prosecuted and adequately penalised wherever they are in the EU.

Trafficking for sexual exploitation

5.17 This aspect of trafficking was covered by a comprehensive review of the law on sex offences which the Government published in July 2000³. Amongst its recommendations were new offences of:

- Sexual exploitation. This would include recruiting people – either men or women - into prostitution; exploiting them by receiving money or reward from them; or managing them for reward.
- Commercial sexual exploitation of children under 18. This would cover a broad range of aspects of involvement in commercial sexual exploitation of children, including buying sexual services of a child, and would extend to the making of child pornography.
- Trafficking for sexual exploitation. This offence could involve bringing a person from one place to another, for reward, to enable them to work as a prostitute or to be subjected to commercial sexual exploitation.

5.18 We are considering the precise form the offences should take in the light of the review and responses to consultation on it.

³ 'Setting the Boundaries – reforming the law on sex offences', Home Office, July 2000

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Trafficking for labour exploitation

5.19 The Government will also consider the need for adequate legal provision against trafficking for the purposes of labour exploitation. There is already a wide range of legislation to protect workers, through laws and regulations on, for example, employment rights, health and safety standards, and through the National Minimum Wage. Employers found guilty of breaching these measures are subject to monetary fines or imprisonment or both. Provisions against trafficking for labour exploitation need to focus on the activity of transportation using coercion, threats or deceit.

Tackling the criminals: intelligence and enforcement operations

5.20 In 2000, the Government set up Project Reflex, a multi-agency task force chaired by the National Crime Squad (NCS). Its remit is to co-ordinate operations against trafficking and smuggling, and to develop the intelligence and strategic planning to underpin them. It brings together all the agencies involved in combating trafficking, such as the NCS, the National Criminal Intelligence Service (NCIS), the Immigration Service (IS), the Foreign & Commonwealth Office, the Intelligence and Security Agencies, the Metropolitan Police and the British Transport Police.

5.21 Under Reflex, a central tasking forum has been established to plan and co-ordinate multi-agency operations. It is now well established and has resulted in some major successes involving partners overseas:

Operation Franc targeted a major network smuggling Turkish nationals. Over a 2-year period, the Immigration Service, NCIS and the police built up a picture of an extensive, well-organised gang with contacts throughout Western Europe. Disruptive action, in highly effective co-operation with the French, disabled several small-time operatives and caught hundreds of illegal entrants on both sides of the Channel. In a final strike, both the leader of the gang and his lieutenant were arrested, together with five other gang members. They are now awaiting trial.

Operation Zephaniah broke up a racket which arranged the entry of hundreds of illegal entrants from Northern India over a 2-year period. It was run mainly through Dover, using hired vans and a pool of casual drivers. The enforcement operation was international, involving a number of UK agencies, including the Immigration Service, Customs and the police, and the German Border Police. It resulted in the arrest of the ringleaders both in Germany and the UK, and the seizure of false passports and documentation and a large quantity of "bootleg" alcohol and cigarettes. The main player was sentenced to 6 years imprisonment.

Operation Mullet was a major enquiry, conducted by the Immigration Service with Leicester Police, into a band of conspirators facilitating illegal entry using forged documentation. The main forger was so good that his services were in

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demand by other criminal gangs. ~~He had~~ UK passports stolen from the houses of Asian families in Leicester. Eight people were arrested, including the forger and the mainingleader, and all received long prison sentences.

5.22 We have also established a joint Immigration Service and National Crime Squad branch to lead investigations against those involved in serious organised immigration crime. It is expected to be fully operational by January 2002. Its intelligence capacity will include specialist financial investigators and a unit for handling informants. Surveillance teams will comprise both NCS and IS staff trained to the same standards. It will also provide legal assistance to investigations.

5.23 Effective operations depend on effective use of intelligence – gathering and analysing it, and sharing it between agencies. Within Reflex, the National Criminal Intelligence Service (NCIS) has lead responsibility for the collation of intelligence. Its Organised Immigration Crime Section and the IND Intelligence Section jointly produce detailed threat assessments on organised immigration crime, identifying knowledge gaps to be filled; and a detailed analysis of trafficking routes and key 'nexus points' through which gangs recruit and transport migrants.

5.24 Project Reflex will continue to develop. We are considering how best to do so, by embedding further and building on the successful joint working arrangements that have already been created.

EU co-operation

5.25 Organised criminal groups do not respect national boundaries, and immigration crime is international. Effective action against it therefore requires close co-operation with other countries, particularly with our EU partners. The European Council at Tampere set out an agenda for tackling illegal immigration, especially human trafficking. The UK welcomes the progress already made, including the Directive and Framework Decisions mentioned above. A recent European Commission Communication on a Common Policy on Illegal Immigration calls for increased co-operation with both source and transit countries, and practical implementation and efficient enforcement of existing rules aimed at preventing illegal immigration. It also proposes an Action Plan covering visa policy; information exchange; border management; police co-operation; legislative action; and returns policy.

5.26 The Government has welcomed the Communication. We are keen to see further EU initiatives in source and transit countries similar to the Prime Minister's Balkans initiative. Another main area where a co-operative approach is needed is on returning illegal immigrants once they are apprehended. The UK is already involved in some successful returns programmes covering a range of countries, and has been negotiating bilateral agreements with others. We will work to expand co-operation on returns, both bilaterally and by seeking to develop a joined up EU approach.

RESTRICTED POLICY



5.27 But co-operation on policy is only part of the story. Collaborative operations are equally important. This includes bilateral action like Operations Zephania and Franc, mentioned above. It also includes, where appropriate, multi-lateral operations such as the EU High Impact Operation in autumn 2001. This was a joint initiative with EU applicant countries to tackle illegal immigration across the future eastern borders of the EU. The UK would like to see a wider use of one-off, high impact operations targeting weak border points and key transit routes, creating a maximum deterrent effect. These will be most effective under a flexible multi-lateral approach, in which different groups of countries participate according to operational requirements. We will work with our EU partners to develop this approach.

5.28 The UK is also developing a network of Immigration Liaison Officers, working with other governments to encourage and support action to disrupt the activities of criminal gangs and create a joint intelligence structure. ILOs have recently started work in Zagreb, Rome, Vienna and Budapest. Five more are expected to be in place in Turkey, Belgrade, Sofia, Kiev and Warsaw by April 2002. ILOs within other EU countries have proved very valuable, and we are considering the case for more of them. All UK ILOs form part of the wider emerging EU ILO network, guidelines for which were adopted in May 2001. The guidelines will help co-ordination of activity and sharing of intelligence.

Victims

5.29 People smuggled to the UK form a disparate group. Some are willing customers; a few, particularly those working as prostitutes, are victims of serious crimes. Any of them may be able to help law enforcement against organised criminals.

5.30 The small group of genuine victims at serious risk needs and deserves particular support and protection, as is recognised in the UN Protocol and EU Framework Decision. If they co-operate with the authorities, they may risk reprisals against themselves or their loved ones in their own countries. If they are not entitled to remain in the UK, they must be returned to their own country wherever possible. To do otherwise would undermine the UK's immigration law, and open the door for traffickers to exploit more victims. But removal needs to be done sensitively, minimising the risk and taking into account that reintegration into their community may be difficult.

So our approach needs to:

- identify the victims of serious crimes, and offer them the care and support they need;
- facilitate the disruption and prosecution of organised crime, by making the most of information they can give us and allowing them to act as witnesses where appropriate;

RESTRICTED POLICY



- ensure that if not entitled to stay in the UK, they are successfully removed wherever possible;
- send out a clear message that illegal immigration to the UK does not pay.

5.31 The Government will develop this approach further. Parts of the Police and Immigration Service already apply it. We intend to build on their experience to develop a best practice "toolkit", to help those who deal with illegal immigrants to distinguish victims in genuine need, and to deal with them appropriately.

Illegal Working

5.32 It is clear that illegal migrant workers are vulnerable to exploitation both by the traffickers that use deception or intimidation to transport them and by unscrupulous employers who take advantage of their status, by making them work in poor conditions for unacceptably low wages. People in this situation are often too afraid to challenge their treatment, yet powerless to escape their exploiters. This also leads to social exclusion and makes it difficult for them to play a fuller part in the community.

5.33 However, the problems are far more wide-ranging than this. Employers paying their workers below the minimum wage may also avoid paying tax and National Insurance contributions, thereby defrauding the exchequer and consequently harming public services or where these deductions are made, the illegal workers themselves have no entitlement to use public services. Such employers are gaining an unfair advantage over legitimate businesses driving legitimate employers out of business.

5.34 The apparent availability of illicit work, even where it is at the expense of legitimate business, acts as a pull factor for more would-be migrants. Through our actions - Government, business and the public - we must ensure that illegal work is not readily available in the UK. And we must ensure that those who choose the UK as their destination of choice because work is available here, know that we are taking action. The managed migration scheme and our wider employment policies will help to ensure that labour market demands can be met through legal sources of migrant workers. But, without parallel action to tackle illegal working some employers will continue to employ cheap, illegal workers at the expense of their legal counterparts.

Scale of the problem

5.35 By its very nature, the scale of illegal employment is very difficult to measure. Illegal employment is also a very broad concept, though for the purposes of this paper the focus is on illegal migrant workers. This refers to migrants whose presence in this country is unlawful, and to migrants who are present lawfully but not permitted to work. While there are no accurate means of forecasting the numbers involved, the most reliable indicators suggest that the number could run into several hundreds of thousands.

RESTRICTED POLICY



5.36 The problem is particularly severe where the availability of work is greatest: geographically; because of the nature of the work; or in certain sectors of the labour market. It is therefore unsurprising that lower wage employment sectors, such as catering, cleaning and hospitality are particularly affected. Other sectors are also disproportionately affected, such as the construction industry and seasonal employment areas including agriculture. But the problem is not limited exclusively to these areas.

Current practice

5.37 Section 8 of the Asylum and Immigration Act 1996, made it an offence for employers to knowingly or negligently employ people who have no permission to work. The maximum penalty that can be imposed on an employer if the offence is proved is £5,000 for each illegal employee. Employers can establish a defence by proving that they were shown one of a number of documents showing identity and entitlement to work and that they believed this to be genuine.

5.38 These measures have not proved to be an effective deterrent⁴ The reasons for this are numerous, but include the fact that employers are often confused about their duties and unclear as to how to verify employment status, particularly as fraudulent documents are common. Traffickers and unscrupulous employers are adept at obfuscation, so gathering sufficient evidence to mount a prosecution can prove difficult. This problem is exaggerated by the fact that gathering information from other agencies may also be difficult. Although successful joint operations have been mounted, to date, this has not been an exemplar of 'joined up' government. However, possibly the main reason that the sanctions have not worked is that enforcement has been afforded low priority against other key targets set for the Immigration Service.

A new approach

5.39 The Government is determined to tackle the problem of illegal working in the UK. But this issue cannot be looked at in isolation. Tackling illegal working sits alongside the policies of managed migration, measures to tackle organised crime, wider labour market policies, and the issues of social exclusion, integration and citizenship. It is therefore necessary to take a holistic approach, ensuring that proposals benefit individuals, business and wider society.

5.40 There are many reasons why a person might emigrate to look for work, and other reasons influencing where that person may choose to go. A lack of opportunity in the source country coupled with a buoyant labour market and the prospect of economic gain in the destination country are key factors. The UK has a strong economy and a lightly regulated regime for business. These

⁴ The number of people prosecuted successfully under Section 8 of the Asylum and Immigration Act 1996 since 1997 are: 0 in 1997; 1 in 1998; 9 in 1999; 23 in 2000 (provisional)

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are our strengths but they also offer a wealth of opportunities for those looking for work, including those wanting to work illegally.

5.41 Managed migration can offer a number of long term economic and social benefits. But while unscrupulous employers believe that employing illegal migrants, rather than domestic workers or legal migrants, offers benefits that far outweigh the risks, they will continue to flout the law. And while these illegal work opportunities continue to exist, the phenomenon of people being trafficked to this country and exploited will continue.

5.42 There is no simple answer. Most immigrant nations across the world have put in place measures designed to prevent or limit illegal working. Few have significantly reduced the problem, and none has eliminated it. It is important to learn from the experience of others while remaining aware that each nation is unique. What the Government proposes are intended to address the situation here.

New measures [detail of precise action to be incorporated in light of PM response]

5.43 Reflecting the importance and cross-cutting nature of the issue, a Ministerial Working Group was established last year. Chaired by Lord Rooker, it includes representatives from a number of Government Departments.

5.44 To tackle the damaging consequences of illegal working, it is necessary to address the root of the problem. That is why there will be firm action on people traffickers and smugglers. It also means targeting the employers of illegal workers rather than the workers themselves who are often the victims. But where these workers have no right to be in the UK they can expect to be removed.

5.45 The Government intends to ensure that present enforcement arrangements are strengthened by:

- helping companies to comply with Section 8 of the 1996 Act by specifying clearly the documentation expected of them and providing easy means to report illegal working.
- reducing scope for fraud by limiting the range of identification acceptable as evidence of Section 8 compliance and for asylum seekers replacing the present paper based Standard Acknowledgement Letter with an Application Registration Card which will provide much better protection against forgery and counterfeiting and allow fast verification of identity.
- increasing the enforcement capacity of the Immigration Service, to make tackling illegal working a higher priority and developing joint Immigration

RESTRICTED POLICY



Service and police teams with  skills to target illegal working.

- using the forthcoming legislation to put beyond doubt the powers of Immigration Officers to examine records.
- using the Proceeds of Crime Bill to remove the profits of those who exploit illegal working for gain.
- introducing new penalties for those – including some employers – who facilitate the illegal entry of migrants and assist in hiding those who are here. [Subject to Ministerial views]

5.46 The Government is also determined to facilitate effective joint working across Government by:

- legislating to remove obstacles to data sharing.
- mounting joint operations to tackle illegal working and other workplace offences. Using the powers which will allow sharing of data, intelligence will be pooled and enforcement improved.

5.47 Finally, the Government intends to work with business and the trades unions to improve compliance by:

- producing and promoting guidance
- providing support
- developing industry codes of practice
- and, in the public sector, toughening the management of our contracts.

5.48 These measures will send a strong message of our determination to tackle illegal working to employers in the UK, the public and internationally as part of a coherent package alongside other proposed asylum and immigration measures. They are a starting point for tackling illegal working, not a panacea to what is a very difficult issue. They will be complemented by effective arrangements, including managed migration, to ensure that legal labour is available to satisfy UK business needs. The Government acknowledges that getting the balance right will not be easy. But through these measures, the Government is getting its own house in order by ensuring that enforcement is effective and simplifying compliance. Our message is clear – to those who come to the UK to exploit our prosperity – ‘don’t’ – and to those who exploit illegal workers for gain – ‘stop’.

[Need to add something on in-country regularisation – subject to MISC 16/Ministers].



CHAPTER 6: BORDER CONTROLS

6.1 The challenges posed by today's immigration control are immense, reflecting the UK's status as a major centre of international trade and travel. The Government's aim is to ensure that genuine visitors and others who have a right to be here pass as quickly as possible through the Immigration Control, whilst tackling the ever-present problem of individuals and organisations who seek to circumvent the control.

6.2 The number of people who travel internationally has increased over recent years, and so has the number of persons refused leave to enter and removed, from 19,180 in 1990 to 38,275 in 2000. We must ensure that passengers who have no claim to come here are prevented from doing so, and in order to achieve this goal, the Immigration and Nationality Directorate has implemented a number of successful initiatives. The Government intends to maintain the high standards achieved in these areas and to investigate new ways of tackling the problems caused by large numbers of unfounded claims and the use of forged and stolen documents. A firm approach will support the integrity of the immigration control whilst protecting vulnerable people from exploitation by unscrupulous criminal organisations.

6.3 The Government's aims for overcoming barriers to removal and reducing illegal working, people trafficking and people smuggling were set out in Chapter 5. We recognise that we must do more to target the problem of illegal migration at source and along the transit routes by assisting those countries wherever possible. Our emerging Immigration Liaison Officer network and the UK-led team of EU immigration experts providing assistance to the Bosnian State Border Service are both very important initiatives. But while we must endeavour to deal firmly with those who seek to circumvent the control, we must also look at ways of improving the flexibility, efficiency and effectiveness of the immigration control, so that people who have a legitimate reason for travelling here may pass through the control quickly and with a minimum of inconvenience.

6.4 The Government will build on our successes so far and develop new strategies to assist us further. We will:

- maintain our juxtaposed controls with France
- utilise scanners, CCTV and other technologies to help locate those seeking to enter illegally
- develop Mobile Task Forces as part of an intelligence-led control
- continue our network of Airline Liaison Officers

RESTRICTED POLICY



- use pre-clearance to increase the effectiveness and efficiency of our overseas control
- develop a new concept of authority to travel
- consider the use of biometric registration to improve security and facilitate the entry process of persons who pose no known risk

Juxtaposed Control

6.5 For more than two years, Eurostar services from France have been targeted by persons intending to arrive in the UK either without documents or with forged or stolen documents. We have been working in close co-operation with the French authorities to close off this loophole in the immigration control and have now established a system of juxtaposed immigration controls. This system enables each country to operate its controls in the territory of the other. Since 8 June UK Immigration Service has been operating juxtaposed controls at French stations serving the Eurostar, with considerable success: the numbers of inadequately documented passengers arriving by Eurostar from France have fallen by 75% on the same period in 2000.

Scanners

6.6 A modern and integrated immigration control that can withstand the depredations of organised criminal gangs must make the maximum use of technology. We have made a substantial investment in new equipment for surveillance purposes. In April 2001, the Government announced that funds had been made available for the purchase of up to 5 x/gamma ray scanners to detect people attempting to enter the UK clandestinely. The first Immigration Service scanners are due for delivery in Spring 2002 and will help tackle this systematic abuse of the immigration control. In addition, since October 2001 when the agreement came into force, the Immigration Service has been co-using HM Customs & Excise's scanners. The scanners will be used as a layered approach to searches alongside other technologies including CO2 sensors, acoustic sensors and millimetric wave technologies.

6.7 We have also introduced CCTV at Heathrow Airport to allow the Immigration Service to monitor passengers as they disembark from incoming flights. This will provide, in the medium term, the potential to phase in other imaging services which will be valuable in helping to combat terrorism and illegal entry

Airline Liaison Officers

6.8 The Airline Liaison Officer (ALO) network has continued to provide essential and invaluable support to the immigration control. Since 1993, when

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the UK posted its first ALO, the network has expanded to cover twenty locations around the world. ALOs offer advice and assistance to all airlines in preventing the travel of inadequately documented passengers. They do so by frequently attending flight departures to give on the spot advice, and through an extensive programme of formal training for airline staff in UK passport and visa requirements, as well as in forgery awareness. During 2000, some 15,000 inadequately documented passengers were denied boarding by airlines at ALO locations. This demonstrates the effectiveness of the ALO partnership with airlines, which we intend to support and maintain. The Government is committed to playing a full part in the EU's action to improve the co-ordination of European ALO activities and enhance their training programmes.

Pre-clearance

6.9 The Czech Republic and UK are close friends and NATO allies. Both Governments are strongly committed to the highest standards of human rights for all their citizens. We were both therefore concerned at the large numbers – more than 1,200 in the first half of 2001 – of inadmissible Czech citizens arriving in the UK, many of whom applied for asylum. On 9 February 2001, therefore, the Czech and British Governments entered into an agreement which allows Consular Officers attached to the British Embassy in Prague to pre-clear all passengers boarding flights to the UK. Since 18 July 2001, pre-clearance has been successfully carried out in short phases, varying from several days to weeks at a time. This has proved to be an effective way of tackling the problem of inadmissible passengers travelling direct from Prague airport. It sends a clear message that the UK is determined to increase the effectiveness of our overseas controls; and to disrupt the activities and travel of those involved in organised abuse of UK immigration laws. We shall continue to deploy the scheme flexibly, in co-operation with the Czech Government, in response to operational needs.

Visas and Authority to travel

6.10 The Government is committed to ensuring that all those who have a genuine reason to come to the UK are able to do so with as little inconvenience as possible. For this reason, the visa process has been developed so that the issue of a visa is combined with the grant of leave to enter before the passenger has travelled. Entry may still be refused in certain circumstances, but the vast majority of visa holders may pass swiftly through the immigration control after a brief check of their documents on arrival. We believe we should build on earlier work to strengthen the pre-entry control, so that those who are considered to pose a threat to security or the immigration control might be prevented from travelling.

6.11 The overall number of passengers travelling to the UK in the future is likely to increase. In order to meet the challenges of a modern immigration

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control, we wish to examine ways of improving our flexibility, efficiency and effectiveness still further. We have therefore been looking at the process that a would-be passenger follows when making arrangements for a journey to the UK. We believe that there is scope for creating a more efficient and flexible immigration control by developing relations with carriers and other stakeholders with a view to working together on a new concept.

6.12 The principle behind this concept is that "Authority to Travel" would be granted at the time that a person subject to immigration control books their ticket and/or at the point of departure. The system has advantages for all concerned. Information regarding the passenger would be relayed to the UK before departure so that any risk they may present is identified before they arrive here. An image of the document presented would be retained by the carrying company before the passenger is allowed on a UK-bound service. Passengers will be advised at an early stage of their likely admissibility to the UK, giving them the chance to obtain refunds or not book a ticket. Those travelling with legitimate aims will be doing so in the knowledge that they are likely to be facing much reduced processing times on arrival in the UK. Carriers and fellow-passengers alike will be reassured to know that those travelling with them will not pose any known threat to security. The system would enable the electronic matching of arrival and departure details, providing information against which risk assessments for the future might be carried out.

6.13 The Government believes that greater operational flexibility is essential in a modern immigration control and a crucial element in achieving this aim is the efficient use of intelligence. Resources must be able to be deployed rapidly to areas of greatest risk. By adopting a concept such as "Authority to Travel", based as it is on information gathered before the passenger arrives here, the risks to the immigration control and to the security of the UK will be identified in a far more efficient manner, producing much better targeting of resources. And as the demands of new airports and terminals continue to grow, it is essential that the Immigration Service is able to deliver the service standards that the general public, whether travelling for business or for pleasure, have come to demand. "Authority to travel" would give the Immigration Service greater flexibility.

Biometric registration

6.14 Passenger clearance is extremely staff intensive and the Government is committed to examining potential technological solutions to increase the effectiveness of the control and the speed at which certain passengers will be able to pass through on their arrival in the UK. In order to achieve this aim, we will explore the possibility of extending an additional service to those in possession of a valid visa or leave to remain here or those who, on the basis of advance information, therefore appear to present a low risk to the immigration control or the security of the UK.

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6.15 We will consider how entry to the UK can be facilitated by using biometrics technology, such as iris or facial recognition, to automate the process. The implementation of the scheme would provide benefits for frequent travellers and those whose applications to travel here have already been accepted by virtue of their visa or leave to remain. The use of a biometric measure would also reduce the incidence of fraud in that passports and/or UK visas which were improperly held could not be used to gain entry because of the significantly enhanced security provided by unique biometric identifiers.

Mobile Task Forces and an intelligence-led control

6.16 We live in an increasingly fast-paced world where we must act swiftly and flexibly, not only to provide the best possible service to our genuine customers but also to counter the actions of unscrupulous dealers in organised trafficking in humans. These criminal gangs have come to know and, as a result, exploit our immigration procedures. We are therefore committed to finding ways for the Immigration Service to operate less predictably, so that we might employ hard-hitting measures against these people. We believe that the efficient use of intelligence to target resources is fundamental to this approach. For this reason, the Immigration Service is forming specialist teams, consisting of highly trained officers. Acting on improved and more effective use of intelligence, these "Mobile Task Forces" will be sent to targeted locations anywhere in the United Kingdom. An integrated intelligence network that supports the Mobile Task Forces will enable the Immigration Service to increase resources, for limited periods of time, on identified areas of greatest risk. As the risk changes, the Mobile Task Forces will be redeployed to focus on the new area of concern. The ability to plan and allocate resources in this way is key for the Immigration Service to maximise delivery in all areas of their business.

CHAPTER 7: CLOSING THE GAPS [contents may be subsumed within earlier chapters]

7.1 A comprehensive migration strategy must identify and respond to different challenges. It must also recognise that where one avenue of abuse is closed off, the effect will be minimal if alternatives open up.

7.2 The Government proposes to strengthen our controls in the following ways:

- ensuring that the Immigration and Nationality Directorate plays a greater role in taking forward action against war criminals
- proposing new measures to combat bogus marriages
- considering how data can best be shared within Government and beyond to further our efforts to combat illegal working and other offences
- regulating advice and services in respect of work permit applications

War Criminals

7.3 War crimes and crimes against humanity are amongst the most serious crimes which can be committed. The Government is determined to ensure that those who are guilty of committing such atrocities are called to account for their actions wherever possible. In cases where criminal proceedings, either in the UK or abroad, are not practicable, the Government is intent on making more effective use of its immigration and nationality powers to prevent suspected war criminals from entering the country or from establishing themselves here.

7.4 Historically, the main focus in the UK has been the presence of alleged Nazi war criminals. These concerns led to the setting-up in 1988 of the War Crimes Inquiry and to the passing of the War Crimes Act 1991. This enabled the prosecution in UK courts of British citizens or those resident here who had committed acts of murder or manslaughter in German-occupied territory during the Second World War. The police continue to investigate allegations where there are sufficient grounds to do so, although with the passage of time the likelihood of further prosecutions is clearly becoming more remote.

7.5 In recent years, the international community has had to grapple with the consequences of new generations of war criminals, borne out of the conflicts in the former Yugoslavia, Rwanda and elsewhere. The Government has strongly supported international efforts to bring the perpetrators of war crimes to justice through the establishment of ad hoc criminal tribunals and the International Criminal Court.

7.6 The UK should not provide a safe haven for war criminals or those who commit crimes against humanity. Action should be taken to bring such

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individuals to justice wherever possible within the rule of law and depending on the sufficiency of the evidence available. However, our experience, and that of a number of other countries which have been very active in this field, is that an effective response cannot be founded solely on criminal prosecution. Frequently, evidence will be insufficient to meet the high standard of proof required to convict a particular individual. Governments must be prepared to use their full range of powers, including the selective use of immigration and nationality provisions, to make it clear that those who are suspected of involvement in atrocities are not welcome in a civilized society. All of this needs to be balanced against our obligations to individuals who are in genuine need of protection.

7.7 The Government intends to strengthen its ability to deal with war criminals by:

- up-dating relevant immigration and nationality legislation;
- taking steps to ensure better co-ordination amongst the various Departments and agencies;
- creating a new infrastructure so that information about suspected war criminals, including that from other countries, can be used to support decisions to refuse entry to the UK or to take other action.

Strengthening legislative powers

7.8 The Government intends to strengthen its ability to take action against suspected war criminals by amending the Immigration Rules to make it clear that suspected war criminals can be refused entry to the UK on the grounds of their conduct, character or associations

7.9 We will also expand the role of the Special Immigration Appeal Commissioners so that, in addition to dealing with cases of suspected terrorists, the Commissioners will also be able to hear any appeal against the refusal of leave in respect of alleged war criminals. This will ensure that, where a refusal is based on sensitive intelligence information which cannot be disclosed publicly, it can be suitably protected, while enabling the grounds of appeal to be fully considered;

7.10 The Government believes there should be a power to enable indefinite leave to remain (ILR) to be revoked in cases where a suspected war criminal has gained that status by concealing a relevant fact such as information about their activities.

7.11 We will also amend the British Nationality Act 1981 so that action can be taken in appropriate cases to deprive a suspected war criminal of British citizenship. The proposed changes are described in more detail in paragraphs 2.20-2.21.

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Improved co-ordination

7.12 Because the response to war criminals must take account of the full range of the Government's powers it is essential that the various departments and agencies involved act in a co-ordinated way. In the past, consideration of these issues has been somewhat fragmented. A framework for closer co-operation has now been established, improving communication amongst Departments when cases come to light. There has also been too great a focus on the use of criminal proceedings and too little attention paid to the contribution which the use of immigration and nationality powers might make. The Government is establishing an inter-Departmental group, whose task will be to build on progress made through closer co-operation, ensuring that there is an appreciation of the full range of possible responses, and to further develop a Government-wide strategy to support the "no safe haven" policy.

A new infrastructure

7.13 An effective response to the challenge presented by war criminals depends crucially on the ability to receive, obtain, analyse and use information. There is a great deal of information available internationally about suspected war criminals, much of it public. But it is of little use unless there is the capacity to process and deliver it in an appropriate form into the hands of those, such as entry clearance officers abroad or immigration officers at UK ports, who can use it.

7.14 The Government intends to establish the necessary infrastructure in the UK to enable these functions to be carried out effectively, building on the expertise which already exists in Canada in particular. This should make it easier to detect suspected war criminals before they enter the UK and to refuse them entry or, if they are already here, to take action against them wherever possible.

7.15 As other countries have found, dealing with war criminals is a highly complex and difficult business. Developing more effective arrangements here will involve time, expertise and substantial resources. The Government believes, however, that it is imperative that the UK should mark its abhorrence of war crimes by doing all it can to call the perpetrators to account, continuing to support the work of the international criminal tribunals and the International Criminal Court, and using its immigration and nationality powers where criminal proceedings are not possible.

Bogus Marriages [policy proposals awaiting Ministerial clearance]

7.16 With the increase in international trade and more UK citizens working abroad, it is not surprising that there is an increase in the numbers of British citizens marrying foreign nationals. In addition, there has been a tradition of families originating from the Indian sub-continent wanting to bring spouses

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from arranged marriages to live with them in the UK. In 2000, over 38,000 persons were granted settlement on the basis of marriage.

7.17 While embracing the diverse nature of our society, there are certain norms in relation to marriage in this country which we recognise as acceptable. For example, we will not tolerate forced marriages. A man or woman must be free to decide whether to enter into marriage. Neither will we recognise polygamous marriages. It is the norm for there to be one man and one woman in a marriage in this country.

7.18 Neither will the Immigration Rules permit a person under 16 years of age to be granted entry clearance or leave to enter or remain as a spouse. Sexual intercourse with a person under the age of 16 years is unlawful and it would be plainly wrong for the immigration rules to allow someone to come to this country and enter into a sexual relationship while still under 16 years of age. For this reason, we are going to extend the prohibition on entry clearance and leave to enter or remain to fiancé(e)s. Although a person under 16 years of age could not be married under UK law, it would still be possible for them to be married in a cultural ceremony not recognised as a valid marriage under UK law. This would expose an under age participant to a sexual relationship, which would be unlawful

7.19 The majority of those who seek leave to remain on the basis of marriage have entered into genuine relationships and intend to live permanently with their spouse. However, large profits and financial rewards can be obtained as a result of arranging bogus or sham marriages and there is a growing body of evidence that a significant portion of those seeking leave to remain on the basis of marriage are not in genuine relationships. In some cases, they will simply have "duped" a person resident here into marriage, with the intention of leaving that person as soon as they have obtained settlement status. They may often then try to bring their genuine long-term partner into the country to join them here. In other cases, the person may have paid someone to go through a marriage ceremony with them or used an organised crime group, a corrupt solicitor or immigration adviser to arrange a bogus marriage for them. In its first year of operation, there were 700 reports of suspicious marriages reported to the Immigration Service by Registrars. These are only the most obvious and blatant cases where the Registrar has strong evidence that the couple are not in a genuine relationship. There may be many other cases of bogus marriage not reported by Registrars. Reports of suspicious marriages can be followed up by an Immigration Service investigation or by interview. The number of interviews carried out by caseworkers is being increased.

7.20 The Government intends to make it more difficult for those who seek leave to remain on the basis of a bogus marriage, while at the same time recognising changes in marital trends. We propose to:

- increase the probationary period for leave to remain on the basis of marriage
- revise the Immigration Rules for unmarried partners

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- simplify the procedures for genuine applicants
- consider revising the Immigration Rules to prevent switching into marriage

Increasing the probationary period

7.21 We intend to increase the probationary period of leave for marriage from one year to two years. While it would not greatly inconvenience or penalise those in genuine relationships, it will provide a longer period to test the genuineness of the marriage, and increase the chance of exposing sham marriages.

7.22 It would be harder to sustain a relationship for this longer period with a duped partner and it is more likely that, when questioned or interviewed, the lack of a genuine and subsisting relationship will be more apparent.

Unmarried partners

7.23 With fewer people marrying and an increase in applications for unmarried partners, extending the probationary period on marriage to 2 years will also remove the current distinction between marriage cases and those of unmarried partners, in relationships akin to marriage, where the probationary period is already 2 years. We also intend to remove the requirement in the Immigration Rules that unmarried partners must be legally unable to marry before they can benefit from their relationship under the Rules.

Simplifying procedures

7.24 The guiding rule for granting leave to remain on the basis of either a marriage or partnership is that the relationship should be genuine and intended to be permanent. While concentrating effort on tackling bogus marriages, the Government is also considering whether there is scope for simplifying the current procedures where there is clear evidence that a genuine marriage exists. At present all those given entry clearance on the basis of marriage to a UK citizen or person settled in the UK, are given leave to enter for 12 months to serve a probationary period before settlement is granted. This is the same whether the couple are newly married or have been married for some years but living abroad.

7.25 In cases of existing long-term relationships, the scrutiny of the marriage or relationship for a further period seems to be unnecessary. We therefore propose to remove the 12-month probationary period in those cases where the couple have been married or can show evidence of a genuine and subsisting cohabitative relationship, akin to marriage, for 5 years or more. Provided that the Entry Clearance Officer is so satisfied, it is proposed that he will grant a settlement entry clearance at the outset. Such a provision would allow proper in-depth enquiries to be made at posts abroad. It would **only** be available to those seeking entry clearance from abroad and there would be no switching into this category after arrival in the UK. This should encourage those in a genuine long-term relationship to apply for entry clearance abroad. Applicants in the UK will have to serve the standard 2-year probationary

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period, along with those who are newly married and those whose unmarried partnership is of a shorter duration.

No switching

7.26 We will also consider the introduction of a "no switching" provision to prevent persons applying to remain on the basis of marriage after entering the UK in a different category. In 1999, 76% of those granted leave to remain on the basis of marriage had been admitted to the UK for another purpose and 50% of those who switched into the marriage category did so within 6 months of entry. As it seems unlikely that so many persons developed permanent relationships within such a short period of time, the indication is that many of these persons had intended to marry all along but had not obtained leave to enter on this basis and had therefore lied about their intentions to the entry clearance officer. Alternatively they may have entered a bogus marriage to obtain leave to remain after arrival.

7.27 Although entry clearance is mandatory for those seeking entry to the UK on the basis of marriage, in practice persons are presently allowed to switch into this category. This is unfair to those applicants who follow the correct procedures by applying for entry clearance overseas and pay for the appropriate visa.

7.28 In some cases there may be many compassionate factors which would need to be taken into account before enforcing a person's removal to seek a marriage entry clearance abroad. Such factors may be particularly strong where the person has been living in the UK for some time and has formed strong links with this country and with his or her new family. There are likely to be less factors when the person has been in this country for only a short time.

Data Sharing

7.29 No administrative system designed to assess whether people qualify for particular entitlements can operate effectively without information from a range of different sources. The immigration and nationality system is no exception. Both the Immigration and Nationality Directorate and the Joint Entry Clearance Unit need to be able to contact other bodies where appropriate to verify statements and claims made by applicants. In addition, in performing its law enforcement functions, IND requires information from various other sources to enable it to combat fraud, people trafficking and illegal employment and to locate immigration offenders. The Government is currently considering whether the powers currently enjoyed by IND and JECU in this important area are adequate to meet the challenges of the early 21st Century, with a view to deciding whether they should be strengthened in the forthcoming legislation.

7.30 We are examining the degree to which more information might be shared within Government, taking into account the work of the Cabinet Office Performance and Innovation Unit on data-sharing and Lord Grabiner's

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recommendations following his investigation into the informal economy, and the degree to which information might be required from a broader range of social actors. We are also examining whether legislative changes might be appropriate to address any current legal obstacles. There is clearly a vital balance to be struck here between the rights of individuals to privacy on the one hand and the wider needs of society on the other. In reaching decisions on these matters, we will take this fully into account. We will also be consulting the Information Commissioner with her expert knowledge of this field.

Regulation of advice and services regarding work permit applications

7.31 The Government is committed to raising the standard of immigration advice and to control unscrupulous advisers through the regulatory scheme administered by the Office of the Immigration Services Commissioner (OISC), which was established under Part V of the Immigration and Asylum Act 1999. Work permit advice is often indivisible from immigration advice and there is a need for it to be brought unequivocally within the regulatory scheme. We therefore propose to amend Part V accordingly.

7.32 This will mean that the provision of work permit advice or services in the course of a business (paid or unpaid) will be prohibited unless a person is qualified within the meaning of Part V or exempted under the terms of the scheme. Anyone contravening the statutory provision will commit a criminal offence.

Details of the regulatory scheme are available from:

Office of the Immigration Services Commissioner
6th Floor
Fleetbank House
2-6 Salisbury Square
London EC4Y 8JX
Tel 020 7211 1500
www.oisc.gov.uk

CHAPTER 8: IMPLEMENTATION [subject to further consideration as to structure]

8.1 The proposals in this White Paper will take time to implement. Many of them will need legislation which will be introduced at the earliest opportunity.

8.2 We will take forward implementation to give effect to the overall strategy set out in this White Paper. All aspects will be co-ordinated to ensure that we achieve the overall objective of streamlining the asylum process; removing those who have no right to remain; providing a managed migration route to boost the United Kingdom economy; ensuring those who do remain in this country are integrated fully and understand their rights and responsibilities in British society.

8.3 If we can secure a legislative slot in the first session of Parliament, implementation of the measures in this White Paper would be broadly as follows:

- the legislative provisions for improving asylum process and appeals will come into effect in [April 2003], but meanwhile further work in casework directorates in IND will ensure that we take maximum advantage of streamlining procedures to improve case throughput and reduce time both for initial decision and appeals
- the ARC will be introduced from [January 2002]
- induction centres will be set up early in 2002; initially we shall use existing emergency accommodation but will be looking to ensure that more of the preliminary work associated with an asylum claim is performed in that centre
- we hope to bring the four accommodation centres on stream and in use from the end of 2002. Initially they may be used for asylum seekers who have the highest likelihood of being refused so that the applicants can be tracked and moved to a removal centre if their claims are turned down
- we shall monitor carefully how these accommodation centres operate and develop further accommodation centres if they are shown to work successfully
- we have increased removal centre spaces from about 900 to just under 2800 and we shall increase this further to 4000 spaces by Spring 2003. The increased removal centre capacity will help us to deliver an increased rate of removals for failed asylum seekers
- the NASS voucher scheme will come to an end in [late 2002] to be replaced by a more robust but less socially divisive scheme. The plan is to implement automated credit transfer to enable asylum seekers to use limited cash. But accommodation will still be provided in kind

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the NASS dispersal scheme will continue but we are currently working with local authorities to ensure that there is even greater communication between NASS and the region.

- clampdowns on illegal working will begin immediately but will be further enhanced with the legislative increase in penalties and provisions for data sharing which will come into effect in [April 2003]
- the managed migration policy would be fully implemented by April 2003
- our enhanced approach to citizenship will take effect from [April 2003]

Ongoing research and development [to be developed]

8.4 This White Paper sets out policy proposals that are designed to achieve an immigration and asylum system that is carefully articulated to fulfil our objectives for increasing sustainable growth and social inclusion and to meet our delivery targets. Achievement of these objectives will be monitored through the statistics and through specific evaluations using research. But the effects of migration are not exclusive to Home Office policy areas. The impact that migration has on the economy, labour market, society and source countries touch on many areas relevant to other government departments and their objectives. It is our intention to develop evidence based migration policy to better achieve Home Office objectives and performance targets, whilst contributing to, and being consistent with, the objectives of other departments.

8.5 In order to achieve this, it is crucial that we have a sound understanding of the factors underlying migration and of the economic and social impacts of migration based on good quality research and statistics. Continuing to develop our knowledge base will improve our understanding of the contribution that existing policies affecting migration and migrants make to achieving Home Office, and other government departments', aims and targets. It is also vital that we put in place systems for monitoring and evaluating policy outcomes to ensure that our policies are performing effectively in meeting their objectives.

8.6 In January the Home Office published a research study, 'Migration: an economic and social analysis' (RDS Occasional Paper No 67), undertaken with the assistance of the Performance and Innovation Unit in the Cabinet Office and the Institute of Public Policy Research. This study attempted to pull together the existing theory and evidence on the economic and social impacts of migration supplementing it with some original analysis of existing data sources (in particular of the Labour Force Survey). Whilst other countries, such as Canada, Australia and the US have amassed a considerable body of research, this study represented the first such undertaking in the UK. It concluded that our knowledge of the effects of migration is incomplete and that there are a number of areas that would benefit from further research.

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8.7 These findings initiated an extensive cross-departmental work programme engaging expertise both within, and external to, Government. This has involved policy evaluation, including the (published) review of the dispersal and voucher system for asylum seekers, and research projects aimed at filling information gaps, including:

- Research into international policy approaches to migration, asylum and citizenship and nationality.
- Research supporting refugee and migrant integration.
- An analysis of the stock of migrants in the UK and flows into and out of the country.
- Research into the labour market effects of migration: migrants' labour market impacts (on the existing population) and outcomes.
- Analysis of the fiscal effect of migration.
- Research into the effects that migration has on source countries, in particular developing countries.
- Ongoing exploration into developing existing and new data sources.

8.8 This is an ongoing programme of research. We will continue to develop our knowledge base and policy evaluation in order to ensure that we have an effective, forward looking, asylum and immigration system.

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Annex A: Summary of naturalisation requirements and provisions in seven countries, November 2001

	AUSTRALIA	AUSTRIA	CANADA	FRANCE	GERMANY	NETHERLANDS	USA
1st Generation							
Min. Residence period?	Min. 1 of 2 years	6 years	3 of 4 years	5 years	8 years	5 years before applic.	5 years
Knowledge of society?	Yes	-	Yes	No, but integration must be demonstrated	-	Yes	Yes
Language skills?	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Good character?	Yes	-	-	Yes	-	-	Yes
Absence of Criminal Record?	Yes	Yes	Yes	Yes	Yes	Yes	Possibly
Dual Cit. formally accepted?	Yes	No	Yes	Yes	No	No	No
Oath?	Yes	No	Yes	No	Yes	No	Yes
Language Classes							
Classes?	Yes	No	Yes	Proposed	Proposed	Yes	Yes
Compulsory attendance?	No	Yes	No	n.a.	Yes	Yes	No
Citizenship Classes							
Separate from lang. classes?	No	No	No		Yes	No	n.a.
Compulsory classes?	No	Yes	No		Yes	Yes	n.a.
Areas covered?	History, culture, accessing public services	History, culture	History, culture, accessing public services		Legal order, culture and history	Culture and heritage, accessing public services	n.a.
Run by?	Local service providers – government funded	n.a.	Local service providers – government funded		n.a.	Local service providers – government funded	
Citizenship Ceremonies							
Provision?	Yes	Yes	Yes	Yes	No, but held in some towns	No	Yes
Compulsory Attendance?	Yes	No	Yes	No, but in practice, yes	No		Yes
Individual or group ceremony?	Group	Both	Group	Both	Group		Group
Certificate?	Yes	n.a.	Yes	Yes	Yes	Yes	Yes
Letter?	No	n.a.	No	Yes	No	No	No
Fees?	None	n.a.	None	None	None	None	None
Other form of recognition?	No	n.a.	No	n.a.	None	No	None

Source: Simon Green, 'Citizenship for migrants: a comparison of contexts and procedures in seven countries', report prepared for the Home Office (IRSS), November 2001

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ANNEX B

Recruitment difficulties

Hard-to-fill vacancies by sector, Employers Skills Survey (ESS) 2001

	Agriculture	Manufacturing	Construction	Wholesale & Retail	Hotels & Restaurants	Transport & Comms	Finance	Business Services	Public Admin	Education
Total vacancies	10,714	77,110	39,562	124,934	59,146	50,982	28,471	185,963	26,946	30,744
Total hard-to-fill vacancies	7,687	35,246	23,601	50,624	25,983	22,505	8,436	94,813	7,910	14,199
Total skills shortages vacancies	1,146	21,443	15,438	18,516	5,881	7,215	4,253	51,749	2,729	5,311
Hard-to-fill vacancies due to skill shortages	15%	72%	66%	37%	23%	32%	50%	55%	34%	37%
Hard-to-fill vacancies not due to skill shortages	85%	28%	34%	63%	77%	68%	50%	45%	66%	63%

Source: Employers Skill Survey 2001 (IER/IFF)

Base: All establishments

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Annex C - International entry routes for high skilled migrants : Examples of how other countries are developing their migration routes to attract high skilled workers

USA	In 1990 the H-1B Speciality (Professional) workers visa was launched enabling highly skilled foreign workers to fill labour market shortages. In 2000 to further enable employers to compete internationally the annual quota of H-1B visas was raised to from 65,000 per year in 1998 to 195,000 per year for 2000 to 2003. Other recent initiatives include enabling visa holders to switch employers as soon as a new employer files a petition on their behalf and 10,000 visas have been reserved to enable skilled foreign students to gain access to the labour market.
Canada	<p>The Canadian temporary worker program introduced a pilot project in 1997 to facilitate the processing of IT specialists, exempting applicants from a labour market test. In October 2001 it was announced that the program would be extended to other industries such as engineering and construction.</p> <p>In November 2001 the government announced that spouses of highly skilled temporary migrants would have immediate access to the labour market and would be issued an employment authorisation without a labour market test. The scheme aims to make Canada more attractive to foreign highly skilled workers and senior executives.</p>
Australia	<p>Australia has well established points tested permanent and temporary skilled migration programs. A Skill-Matching Program for potential migrants has been designed to help overcome regional skills shortages. Details are stored on a database and this information is made available to employers and state and territory governments who may then nominate an applicant for migration. The Business Skills Migration programme encourages successful business people to settle permanently in Australia and develop new business opportunities.</p> <p>The temporary residence program enables employers to sponsor and recruit staff from overseas for up to 4 years when they are unable to meet their skills need within the Australian labour market. Educational visas enable educational and research institutions to fill positions that cannot be filled and Medical Practitioner Visas meet labour market needs providing services to rural and remote communities.</p>
Denmark	Shortages in IT, biotechnology and medical occupations have resulted in a new fast-track work permit application scheme.
France	Due to a shortage of professionals working in science, research and IT, in 1998 a new fast-track work permit application process was introduced. Subject to certain criteria (evidence of qualification and an annual salary of over 180,000 Ffr), there is no economic needs test.
Germany	<p>The German government and the Information and Communications Industry have recently agreed on an 'IT Specialists Temporary Relief Program'. In August 2000 a so-called 'Green Card' scheme was introduced, making it possible for IT specialists to work in Germany for up to 5 years. The procedures are as unbureaucratic, rapid and transparent as possible. A quota was originally set at 10,000 and has been increased to 20,000. Foreign students graduating with a German IT degree have immediate access to a work and residence permit.</p> <p>The program is expected to provide an interim solution to IT skill shortages and it is anticipated that the domestic labour market will eventually meet labour demands. At the same time, a major vocational and continuing education initiative for German employees and young people has been introduced.</p> <p>In August 2001, the German government produced proposals for a new immigration Bill. The proposals have yet to be agreed, but raise the possibility of a major overhaul of the German immigration system - removing red tape,</p>

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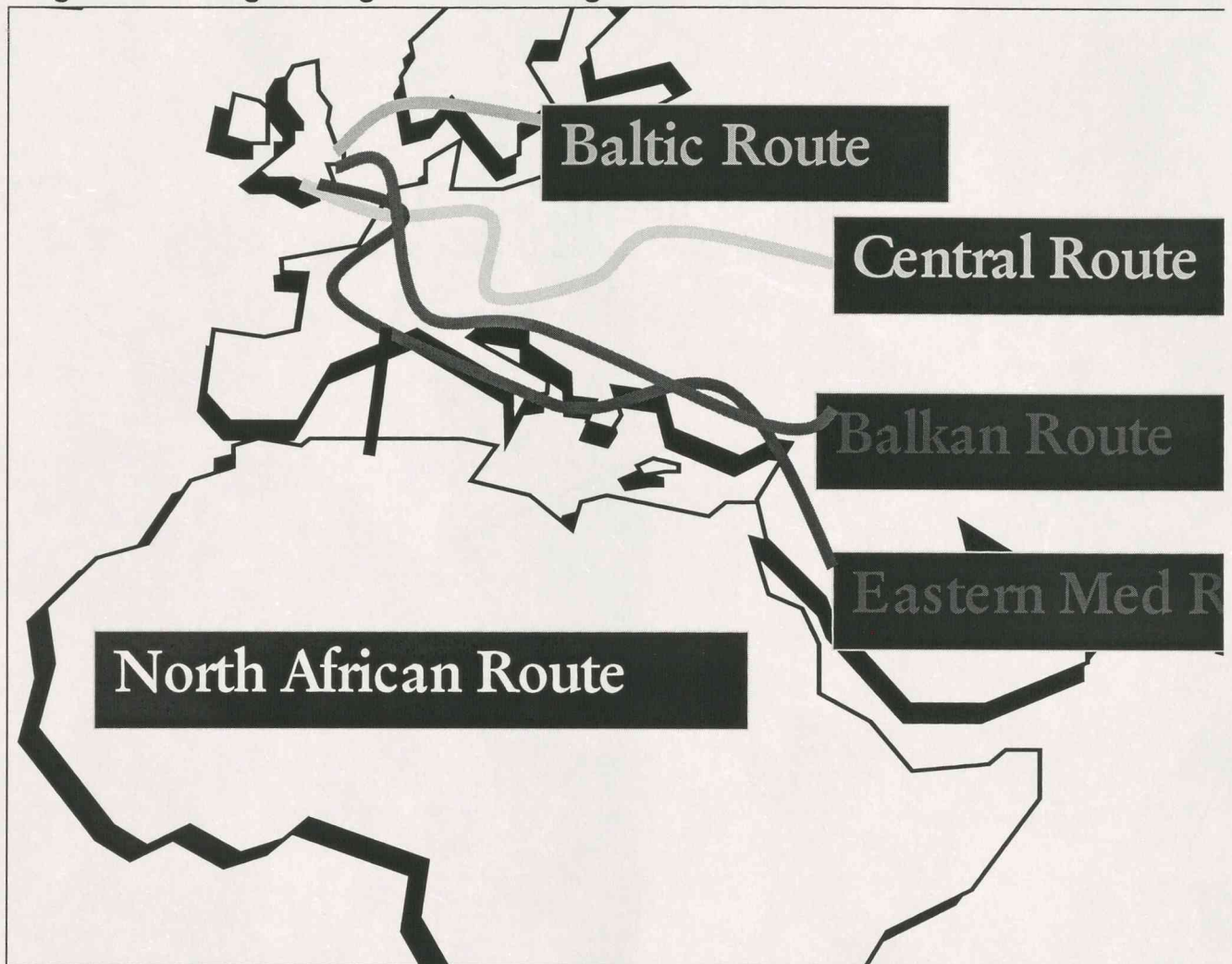
	making it easier for certain categories of worker to obtain permanent residency, removing restrictions on access to the labour market for dependents, basing inflows on regional labour market needs, developing a new quota based entry route, and easier switching for graduates.
Ireland	<p>In June 2000, the Irish government introduced a fast-track working visa/work authorisation scheme to serve designated sectors of the employment market where skills shortages are particularly acute. Industries covered by the scheme include IT, construction professionals, engineers and nurses.</p> <p>Since 1999 Inter-Company Transfers have been exempt from work permit requirements for a maximum period of 4 years. Also, students who complete a course of education and secure employment in a related field are encouraged to change their status and enter the work permit system without returning home.</p>
Netherlands	<p>Since 1995 a special tax allowance has been available to foreign workers posted with a domestic employer in the Netherlands, although in 2001 the tax-exempt allowance was reduced from 35 % to 30%.</p> <p>In 2001 a fast-track work permit procedure was introduced for applicants working in the IT sector. Employers can apply for a permit directly to the central office rather than to the regional office of the public employment service (this speeds up the procedure to about 2 weeks). Under pressure from the Ministry of Economic affairs it was decided to exempt key personnel of multinational companies from labour market testing to reduce the red tape for foreign investors in the Netherlands.</p>

Source : Based on work for the Home Office by the Migration Research Unit at University College London, examining the experiences of other countries in managing flows of migrants for employment purposes.

In addition to those listed, other countries such as Italy and Norway have initiated a review of their migration systems with the aim of bringing them more closely into line with the needs of local labour markets.

ANNEX D

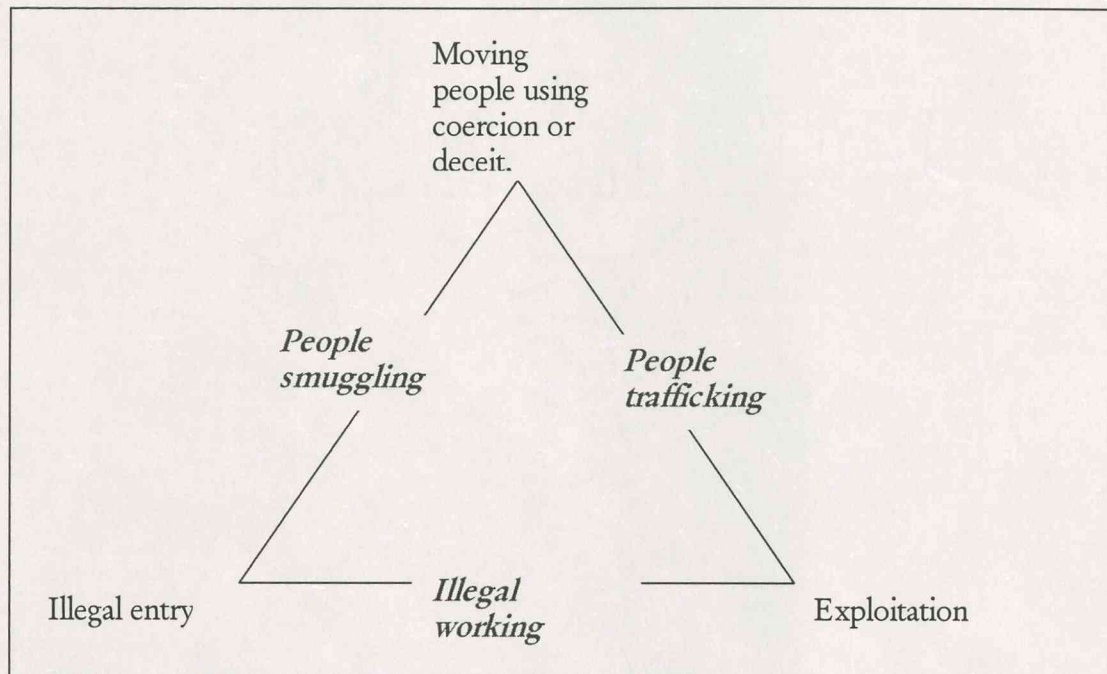
Organised illegal migration – migration routes to the UK



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ANNEX E

Relationship between people trafficking, people smuggling and illegal working



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migration, the labour market, social inclusion and enhancing the competitiveness and productivity of UK industry.

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