

# *15. Country Profile: United Kingdom*

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## **15.1. Introduction**

PLS RAMBOLL Management has yet to receive the answers to its questionnaire to respondents in the United Kingdom. Therefore the country profile is based on interviews carried out during the visit as well as on written documents and reports.

Reports of specific interest have been:

- The Audit Commission's national report "Another Country", 2000
- The Asylum Support Regulations 2000
- Home Office, "A brief guide to procedures in the United Kingdom for applications made after entry into the United Kingdom"
- Refugee Council, "Briefing on the Immigration and Asylum Act 1999"
- UNHCR, "Country profile United Kingdom", 1999
- U.S. Committee, "Country Conditions for United Kingdom", 1999
- Danish Refugee Council, "Legal and social conditions for asylum seekers and refugees in Western European Countries", 1997
- Madeleine Watson and Rod MacGregor, "Asylum statistics United Kingdom" 1996-1998

During the visit to the United Kingdom June 26th and 27th 2000 - the following were visited and interviewed:

### **Local Government Association**

Mike Boyle

### **Danish Embassy**

Dorthe Neimann

Political trainee

### **Oakington Reception Centre**

Andrew Curtis

Managing director of Group 4

### **National Asylum Support Service**

Deputy Director Gillian Smith

## Department of Social Security

Christine Friar

## British Refugee Council

Alison Fenney

## 15.2. Background information on the United Kingdom

### 15.2.1. Type of statuses:

In the United Kingdom two kinds of permission to enter the country may be granted in the asylum procedure:

#### Refugee Status:

United Kingdom grants refugee status according to the 1951 Geneva Convention and the 1967 Protocol relating to the Status of Refugees.

#### Exceptional Leave to Remain (ELR) or Exceptional Leave to Enter (ELE):

ELR or ELE is granted asylum seekers who, despite failing to meet the strict definition of refugees, are allowed to stay temporarily in the country for a definitive period due to compassionate or humanitarian reasons. Those with ELR or ELE status may apply for settlement after four years.

### 15.2.2. Trends in the number of applicants

**Table 15.1: Trends in the number of applicants**

Number of applicants	1992	1993	1994	1995	1996	1997	1998	1999
	24605	22370	32830	43965	29650	32495	46010	71160

(Source: The Refugee Council, *Statistical analysis, January to December 1998 + Asylum Statistics, 1999*)

Note that the figures do not include dependants.

In the United Kingdom an application may relate to more than one person. In cases of families, the 'head of household' applies on behalf of his/her dependents, who can be included in the application, and may comprise a spouse plus minors accompanying the applicant in the United Kingdom. If the applicant is granted refugee status, the dependents will normally be allowed to remain in the country. Other relatives may also be included in the application, but they may not always be allowed to remain in the

country as dependants even if the application is successful<sup>1</sup> . In the United Kingdom asylum seekers are divided into two categories:

**Port of entry** for asylum seekers who claimed asylum immediately upon entry to the United Kingdom.

**In-country** applicants who sought asylum only after arriving in the United Kingdom.

**Table 15.2: Percentages of in-country and port of entry applications**

	In country applications	Port of entry applications
<b>1999</b>		
<b>1998</b>	<b>49%</b>	<b>51%</b>
<b>1997</b>	<b>49%</b>	<b>51%</b>
<b>1996</b>	<b>57%</b>	<b>43%</b>
<b>1995</b>	<b>67%</b>	<b>33%</b>
<b>1994</b>	<b>69%</b>	<b>31%</b>
<b>1993</b>	<b>67%</b>	<b>33%</b>
<b>1992</b>	<b>69%</b>	<b>31%</b>

*(Source: The Refugee Council, Statistical analysis, January to December 1998)*

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<sup>1</sup> *(Source: Home Office, "A brief guide to procedures in the United Kingdom for applications made after entry into United Kingdom)"*

### 15.2.3. Number of asylum statuses granted

The table below illustrates the number of asylum statuses and refusals in the period 1992-1999

**Table 15.3: Number of asylum statuses and refusals in the period 1992-1999**

	Refugee status (convention)	Exceptional Leave to Remain or Enter (ELR) (ELE)	Refusals
1999	7080 (42%)	2110 (12%)	7730 (46%)
1998	5345 (20%)	3910 (15%)	17465 (65%)
1997	3985 (13%)	3115 (11%)	22780 (76%)
1996	2240	5055	31670
1995	1295	4410	21300
1994	825	3660	16500
1993	1590	11125	10690
1992	1115	15325	18465

*(Source: The Refugee Council, Asylum Statistics, March 2000)*

*In March 2000 the positive decision rate (i.e. grants of refugee status or ELR) was 19%.*

### 15.2.4. Main countries of origin

In March 2000 the former USSR and former Yugoslavia comprised the largest groups of asylum seekers to the United Kingdom, followed by applicants from Sri Lanka, China, Afghanistan and Somalia.

In 1999, asylum seekers from the former Yugoslavia, Somalia, Sri Lanka, the former USSR and Afghanistan were the largest groups of applicants.<sup>2</sup>

### 15.2.5. Costs

For the time being information as to the costs associated with persons seeking protection in the United Kingdom is not available to us.

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<sup>2</sup> *(Source: The Refugee Council, Asylum Statistics, March 2000).*

**Table 15.4: Costs**

BENEFITS	COSTS
Accommodation	
Means of subsistence	
Education	
Labour market related activities	
Health care	
Total cost	

### 15.3. Organisation of the asylum procedure

The reception procedure in the United Kingdom is divided into the asylum system and the support system, which both administratively and practically function independently of each other.

The Home Office (Asylum Division) is responsible for all decisions relating to claims for asylum. The Immigration Service carries out the first brief interview with port applicants. The Integrated Casework Directorate (ICD), which is part of the Immigration and Nationality Directorate of the Home Office, considers asylum applications.

The National Asylum Support Service (NASS) was established in April 3rd 2000 with the purpose of assuming responsibility for supporting destitute asylum seekers. The NASS is a directorate within the Home Office and began providing support initially for new asylum seekers who made claims in ports, and after 17 April others too. NASS is supported by voluntary sector organisations, including Migrant Help line and the Refugee Council, who provide reception assistance support. Support to asylum seekers is given in the form of vouchers, £10 of which is redeemable for cash and accommodation. NASS considers this to be an appropriate amount on a no-choice basis.

Since the coming into force of the 1999 Act, the Refugee Council plays a more formal role in the support system, offering direct services to asylum seekers. The Refugee Council receives funds from NASS and participates in Reception Assistance together with other NGOs. Reception Assistance helps asylum seekers with such things as accommodation immediately on arrival and assistance in the submission of applications for support.

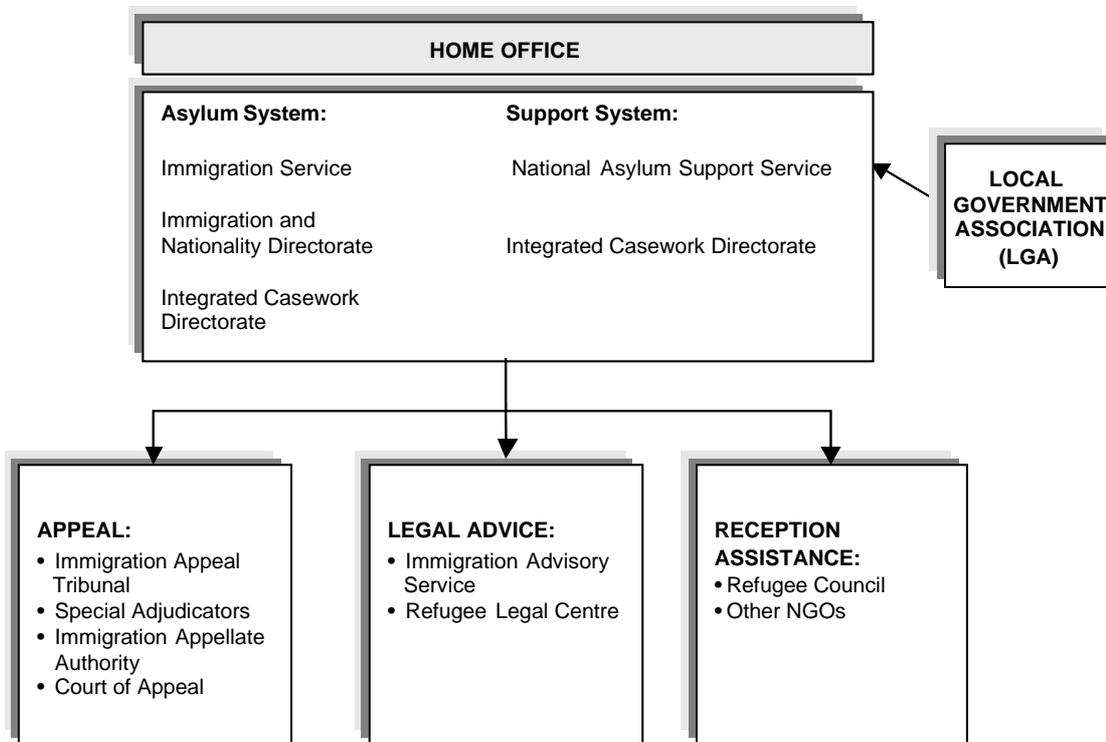
Local authorities support unaccompanied minors under the age of 18. Until the Immigration and Asylum Act 1999 is implemented in full, local authorities have the addi-

tional responsibility of supporting in-country asylum seekers and others pending the outcome of an appeal.

The Immigration Advisory Service (IAS) and the Refugee Legal Centre (RLC) are both voluntary organisations independent of the Government which provide free legal advice. Other agencies also provide free advice to asylum seekers, including Law Centres and the Joint Council for the Welfare of Immigrants.

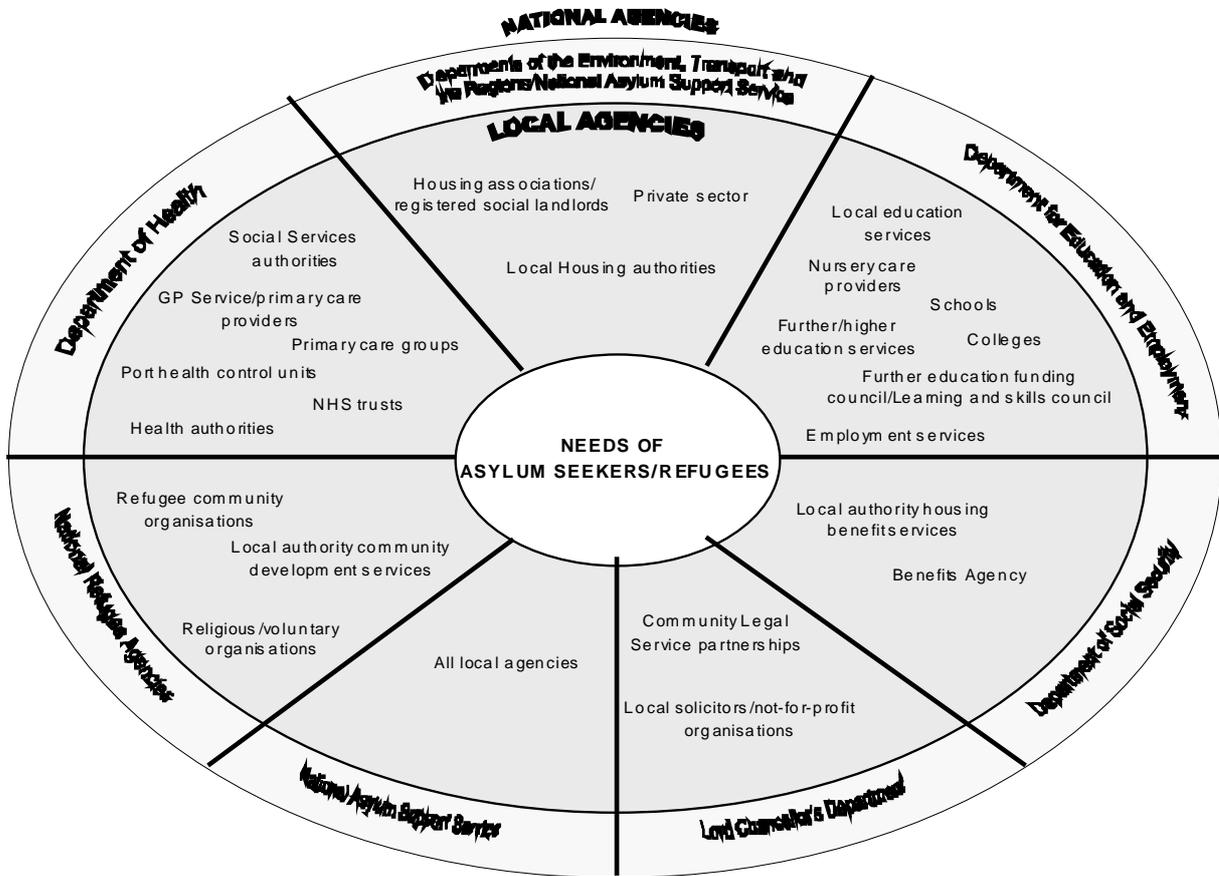
The agencies involved in the asylum and reception procedure are illustrated the figure below:

**Figure 15.1: Agencies involved in the asylum procedure and the support system.**



The agencies involved in the support system are illustrated in figure 15.2.

Figure 15.2: Agencies involved in the support system



### 15.3.1. Co-operation between the bodies involved

Recently, an interdepartmental policy forum has been established, involving relevant government departments. The purpose of the forum is to establish protocols for information sharing and notification procedures between government and local agencies.

### 15.4. Legal basis

The United Kingdom is a signatory to the 1951 Geneva Convention relating to the Status of Refugees, and considers all applications against the criteria set up in the 1951 Convention with the 1957 Protocol extension. Applicants granted asylum are given indefinite leave to remain, i.e. settlement.

Applicants who are found not to be refugees within the terms of the Convention will be refused asylum. In certain circumstances applicants may be granted exceptional leave to remain (ELR) or exceptional leave to enter (ELE) for an appropriate period. There is no prescribed provision for the granting of ELR or ELE. Instead it is a discretionary decision taken by the Secretary of State on behalf of the Home Office.

In 1999, a new Immigration and Asylum Act came into force which replaced the Asylum and Immigration Act of 1996.

Those denied asylum may appeal under the Asylum and Immigration Appeals Act 1993 on the grounds that their removal or forced departure would be contrary to the United Kingdom's obligations under the 1951 UN Convention relating to the Status of Refugees.

The 1971 Immigration Act governs the detention of asylum seekers.

The Dublin Convention came into force in the United Kingdom on September 1997.

#### **15.4.1. Main changes**

The Immigration and Asylum Act 1999 introduces fundamental changes to the asylum and support system and includes measures to discourage unfounded applicants. The Act removes all social security benefits for asylum seekers, but establishes a coherent support system, run by NASS, responsible for meeting accommodation and essential living needs for asylum seekers. Furthermore, the Act is designed to control the number of asylum seekers entering the country and to speed up the decisionmaking procedure.

Key measures in the Act include:

- Creating a single, comprehensive right of appeal to speed up the system and by April 2001 assist in determining most initial asylum decisions within two months and most appeals within a further four months. An additional £120 million over the next three years and the recruitment of more staff will support this commitment.
- Home Office-led support arrangements to meet essential living needs either in kind or by the provision of vouchers, with limited cash payments intended to reduce the incentive for economic migrants.

- Dispersal of destitute asylum seekers around the United Kingdom, allocating accommodation on a no-choice basis.
- Tough new measures to combat clandestine immigration, with a new civil penalty for drivers of vehicles found to contain clandestine entrants of £2,000 for each illegal entrant found.
- Improving the quality of advice available to applicants by regulating immigration advisers.

The 1999 Act is being phased in. As of April 3rd, NASS deals with all port applicants while in-country applicants remain the responsibility of local government. It is the intention that NASS will cover the whole of the United Kingdom by September 2000.

The 1999 Act is inspired by the White Paper entitled “Fairer, Faster and Firmer – A Modern Approach to Immigration and Asylum”. In this white paper the Government proposes to establish new arrangements for the accommodation and support for asylum seekers.

The 1999 Act replaces the 1996 Act, which was mainly founded on provisions contained in the Asylum and Immigration Appeals Act of 1993. The main purpose of the 1996 Act was to speed up the processing of asylum appeal.

### **15.5. Arrangements immediately upon arrival**

The first step for port applicants is an initial interview with an immigration officer. For those claiming asylum at the port of entry, the interview is carried out by an officer from the Immigration Service. If needed the interview is carried out through an interpreter. The interview is carried out only if the Port Health Inspector states that the asylum seeker is fit for the interview. For those claiming asylum in-country applications are made to the Home Office Immigration and Nationality Directorate (IND) based in Croydon. The purpose of the interview is to allow the Home Office to establish the identity and nationality of the applicant(s) and to confirm the method of entry into the United Kingdom. This happens at the Asylum Screening Unit (ASU) in Croydon. Any dependants included in the application must also attend the interview.

A number of cases may be certified and heard under the fast-track procedure:

- Where the asylum seeker arrives from a safe third country or a designated safe third country

- Where the asylum seeker's application is manifestly unfounded or where the circumstances giving rise to the fear of persecution no longer exist
- Where a claim for asylum is made for the first time after a refusal to enter, a court recommendation of deportation, a notification of a decision to make a deportation order, or a notice of illegal entry
- Where the evidence adduced in support of an application is manifestly false
- Where the application is frivolous

Applications cannot be certified if the evidence indicates a reasonable likelihood that the applicant has been tortured.

As part of the process of confirming identity, applicants and dependants will be required to have their fingerprints taken. Fingerprinting is a routine procedure to guard against fraudulent applications. All asylum seekers are required to have their fingerprints taken before a letter acknowledging the application can be issued. The fingerprints will be used only for asylum purposes and will not be distributed among other Government Departments, the Police or to the country of origin. They may, however, be disclosed in confidence to the asylum authorities of other countries with potential responsibility for considering the claim.

Following the interview applicants are either granted temporary admission to the United Kingdom or taken into detention. Those granted temporary admissions are normally provided with a standard acknowledgement letter including a photograph confirming that they have applied for asylum.

A full asylum interview is carried out later by an Immigration Officer in the case of port applicants, or by an asylum caseworker from the Asylum Division in in-country cases.

Since 1995, a short procedure has been used as the standard procedure for most new applications. The short procedure aims to reduce the asylum procedure and accordingly, the asylum interview is given as soon as possible upon receipt of application. After the interview, the applicant is given 5 days to submit further information if he/she is detained, and 28 days if he/she is granted temporary admission. Many decisions are taken within four weeks of the asylum interview.

#### **Refusals and appeals:**

There are two kinds of refusals. In case of an outright refusal, applicants will be expected to make arrangements to leave the country as quickly as possible. In some

cases the Secretary of State may also "certify" an application if it is decided that it should be refused. Certified applications may be appealed against to the Immigration Appellate Authority. The consequence of certification is that the appeal against the refusal of the application will be dealt with more quickly. In addition, if the adjudicator agrees that the claim should be certified, there will be no further avenues of appeal to the Immigration Appeal Tribunal

If an application has been refused, the applicant will be able to appeal to a Special Adjudicator. Adjudicators are totally independent of the Home Office. If the appeal is successful, the Home Office will confirm the applicant's position in the United Kingdom, unless the Secretary of State decides to seek leave to appeal to the Tribunal.

In the appeal to the Special Adjudicator the applicant may, in certain circumstances, apply to the Tribunal for leave to appeal against the Adjudicator's determination. If the circumstances of the case permit the applicant to do so, he/she will be notified of how to appeal to the Tribunal when receiving the adjudicator's determination.

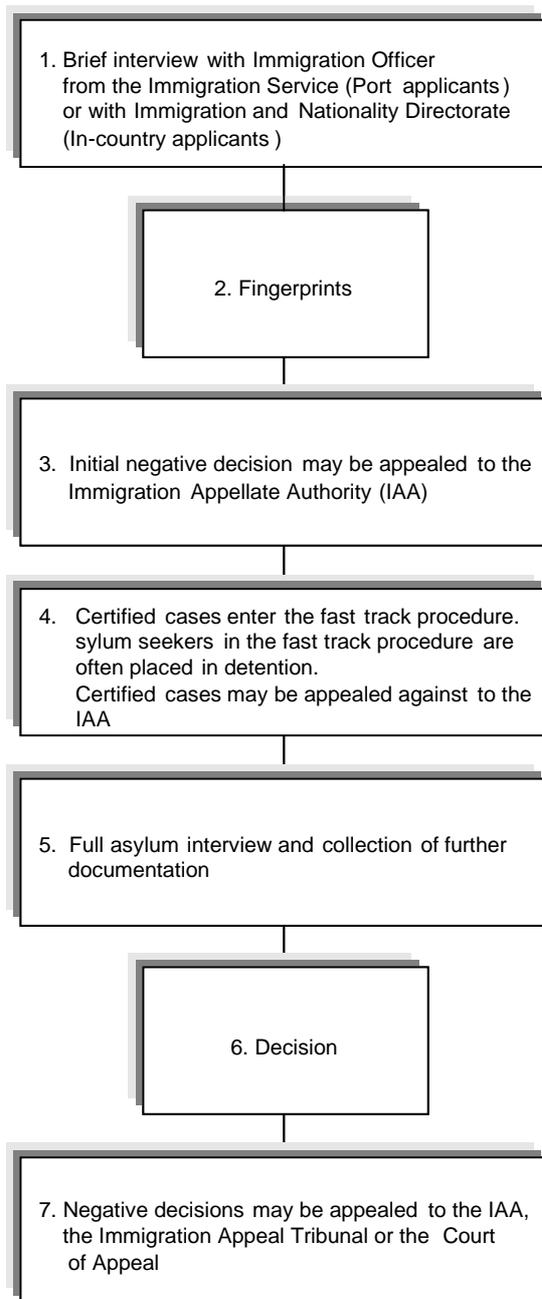
At the end of March 2000 the backlog of asylum applications awaiting initial decision stood at 98,365 compared to 103,070 in February. At the beginning of 1999, the backlog was 64,770<sup>3</sup>.

The figure below illustrates the main steps in the asylum procedure.

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<sup>3</sup> (Source: *The Refugee Council, Asylum Statistics, March 2000*)

**Figure 15.3: The asylum procedure.**



Applicants may be entitled to housing and financial support while their asylum application is being processed. Under the new 1999 Act, applicants granted temporary admission are referred to a voluntary sector reception assistant funded by the NASS who establishes whether the applicant is able to support him/herself. If not, the reception assistant will arrange for emergency housing until an application to the NASS has been processed. NASS determines eligibility for housing and for financial support.

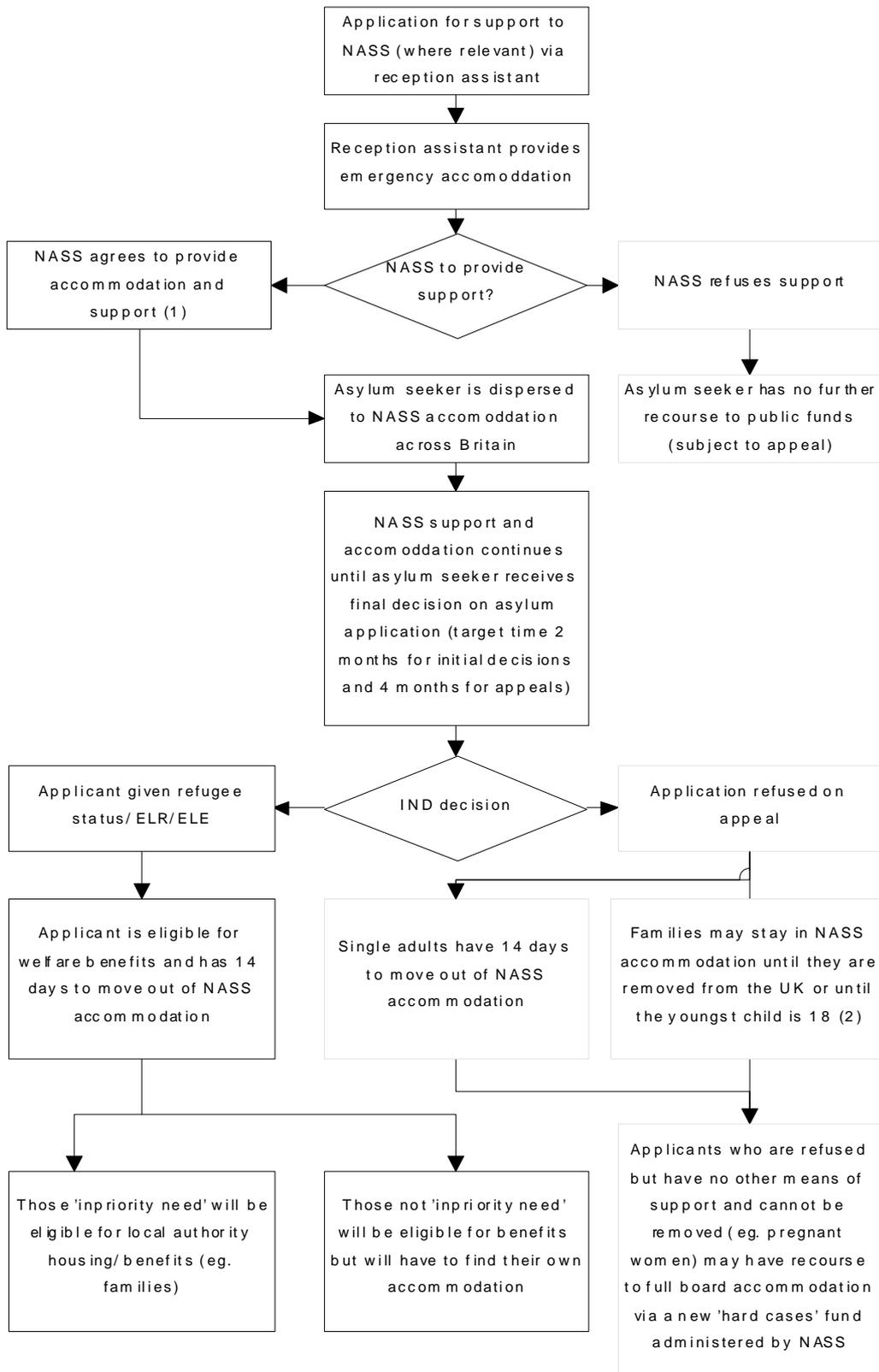
Those refused any form of support can appeal against the decision but will not receive any support from public funds while doing so<sup>4</sup>.

Figure 15.4 illustrates the support system procedure.

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<sup>4</sup> (Source: The Audit Commission)

**Figure 15.4: Support arrangements for asylum seekers.**



## **15.6. Accommodation**

With the coming into force of the 1999 Act the National Asylum Support System will have full responsibility for accommodation and support of asylum seekers in the United Kingdom. Port applicants who claimed asylum before April 3rd 2000 are still entitled to claim social benefits. All applicants who applied after April 3rd will go through the NASS

After the first asylum interview, the asylum seeker fills out an application form with help from Reception Assistance. Until the application has been processed the applicant is the responsibility of Reception Assistance. The application gets processed and checked in the ACID database, which contains data from the asylum process, including prior applications. After determining eligibility, the application is passed on to the allocation unit that determines what kind of accommodation will be most suitable. The allocation unit makes the necessary practical arrangements.

Dispersal is a central plank of accommodation policy. The Government strives to spread asylum seekers throughout the country. The reason behind the dispersal policy was that too many asylum seekers were staying in London and the South East, making it very hard to supply further accommodation. The dispersal is made on the basis of cluster areas, which presently comprise mainly language clusters. As the system develops, NASS will take ethnic affinity and the availability of support into consideration. NASS strives not to disperse conflicting ethnic groups to the same cluster. A negative effect of the dispersion policy is, that some asylum seekers may be isolated from their ethnic communities. Another problem is that most of the good asylum solicitors live in the London area. This may result in different outcomes of the asylum applications depending on the geographical location of the asylum seeker.

Within each cluster different kinds of accommodation are offered. NASS inspects the properties and withdraws contracts in case of neglect.

The Home Office is seeking to secure 50% of accommodation through direct contracts with private contractors. Local authorities provide the remainder, either through housing associations or through small local landlords.

The United Kingdom only has one reception centre – The Oakington Reception Centre in Cambridgeshire. It was set up in order to speed up the procedure for those cases, which are found to be manifestly unfounded and accommodates applicants

mainly from the manifestly unfounded procedure. The local Port Immigration Officer makes this decision, but he does not process the case. For logistical reasons concerned with interpretation, Oakington accepts only a limited number of nationalities at present.

The applicants stay for an average period of 8 days in which they go through medical screening, 2 asylum interviews and an interview concerning eligibility for support. After the collection of additional information the IND makes a decision. If the case is complicated and the decision cannot be made at the time, the applicant is removed from the Oakington system.

Oakington is run by a private company, Group 4.

Asylum seekers have to prove that they are eligible for accommodation in the State system – they don't have automatically access to a council flat. The asylum seekers who can stay with friends or family may do so, but their financial support from the state will be reduced with the costs of accommodation.

#### **15.6.1. Special treatment**

In general, there are no special policies for individual groups. However, victims of torture or rape may not be dispersed since the only centres for treatment are located in London. Women-only accommodation does exist. People with HIV/AIDS are dispersed to certain clusters where treatment is available. Whenever possible, family members are kept together.

No distinctions are made on the basis of the type of status sought or the stage of asylum procedure. Following the 1999 Act, no distinction will be made with respect to port applications and in-country applications.

#### **15.6.2. Standard and facilities of accommodation**

The general standard of the accommodation varies, as do the types of accommodation.

No information about general standards is available. However, NASS states that its representatives do inspect accommodation.

**Oakington:**

The asylum seekers staying at Oakington have access to a wide range of facilities.

Oakington is fenced off and the asylum seekers are not allowed to leave the premises. It is, however, stressed by Group 4 and the Home Office that there is a big contrast with real detention centres or prisons. Asylum seekers are free to move around within the centre premises, and the attitude of the staff is very friendly and helpful. The staff is there primarily to assist the asylum seekers.

At Oakington Reception Centre, asylum seekers have access to prayer rooms, a shop, a cafeteria, a gymnasium, a library and playgrounds. There are special wings for women and for families.

**15.6.3. Possible changes and developments**

Until 1996, all asylum seekers were entitled to social security benefits, including accommodation and income support at a slightly lower rate than the normal rate for British Citizens. This was changed in 1995 when the Conservative government removed the right to accommodation and support for in-country asylum seekers. The argument was that in-country applicants were bogus and therefore should not be entitled to support and accommodation. This was taken to court in 1996 on the basis of the National Act, arguing to the effect that local authorities have a duty to support the asylum seekers. The verdict was that port applicants were the responsibility of the national support system, while local authorities must support in-country applicants.

During the 90s there has been a relative increase in in-country applicants, resulting in economic pressures on the local authorities.

Since 1997 the Local Government Association has lobbied to return the responsibility for in-country applicants to the national government.

It seems probable that there will be more centres like Oakington in the future.

**15.7. Means of subsistence**

As described earlier, the Immigration and Asylum Act 1999 changes the whole support system dramatically. The Act stipulates that the NASS must cover the essential

living needs of eligible asylum seekers. Eligibility covers persons who appear to be or are likely to become destitute within 14 days.

Unaccompanied children are not included in Immigration and Asylum Act, and are supported under the Children Act 1989. The level of support for unaccompanied children is the same as for British citizens.

The application process regarding means of subsistence is identical to the accommodation procedure.

The general level of support of asylum seekers is 70% of the income support level.

**Table 15.5: General level of support of asylum seekers**

	Support in kind in Euros per week	Kind in £ per week (vouchers)
Qualifying couple		£57.37
Lone parent aged 18 or over		£36.54
Single person aged 25 or over		£36.54
Single person aged at least 18 but under 25		£28.95
Person aged at least 16 but under 18		£31.75
Person aged under 16		£26.60

Asylum seekers are allowed to cash £10 of the vouchers, which can be redeemed each week for goods and services. The vouchers can be used in many retailers throughout the United Kingdom. Asylum seekers are not allowed to receive change when using the vouchers.

No additional support for disability is given, but local governments have some responsibility for caring for special needs. Many questions and practical arrangements are still unclear, as the legislation is so new.

Where accommodation is provided in a form, which also meets other essential living needs (such as bed and breakfast or half or full board), amounts will be reduced accordingly.

If asylum seekers remain in the process for longer than 6 months they are given an additional £50.

### **15.7.1. Developments**

The main purpose of the new support system is to ensure a greater level of consistency in the support and treatment of asylum seekers. In addition it reduces costs and brings together information in under a single system.

Furthermore, the system makes it possible to identify multiple claims, and therefore makes it easier to combat fraud.

The Refugee Council, the Local Government Association and other NGOs have been opposed to the support system. In general, the points of criticism regarding the support system are:

- That asylum seekers are not allowed to receive change for their vouchers and that they are only allowed £10 in cash per week
- That asylum seekers only get 70% of the income support level.
- That the reception and asylum procedure take no account of settlement issues.
- That asylum seekers are dispersed to areas of despair.

For further information about developments in policies regarding support, see the chapter on accommodation.

### **15.8. Access to education**

In the United Kingdom school is compulsory from ages 5 to 16. Thus all asylum seekers in that age group have the right to primary and secondary education. NASS notifies the local authorities about children arriving but it is not NASS's responsibility to ensure that the children are offered education. The education continues to be free for asylum seekers until the age of 18. The asylum seekers over 18 years old who wish to pursue a further education are treated as overseas students and are charged the same fees. An exception exists for asylum seekers or their children who have been resident in the UK for more than three years. They are entitled to State funding.

Local authorities decide whether language tuition is offered.

There are no standard offers of language tuition, vocational training or induction courses into British society. If such courses are offered, it is on the basis of local initiatives.



**Table 15.6: Access to Education**

	Children	Adults
Mother tongue tuition	-	-
Language tuition	Decided by the Local Authorities	Decided by the Local Authorities
Access to primary school	Compulsory	-
Access to secondary school	Compulsory between ages 5-16. After the age of 16 there is no entitlement to education.	-
Access to vocational training	-	Decided by the Local Authorities
Access to further education	-	Decided by the Local Authorities

### 15.9. Access to the labour market

Asylum seekers are not allowed to work for six months after having applied for asylum. After six months asylum seekers may apply for permission to work, which is usually granted. The permission to work is granted on an individual assessment of each case. In some cases, based on humanitarian concerns, The Home Office gives asylum seekers a permission to work before the six months.

With this permission, asylum seekers are allowed to work in a paid or voluntary capacity. They also have the right to participate in vocational training schemes if they meet the requirements for these. It should be noted that the permission only applies to the principal applicant, meaning that dependants are not allowed to work.

Asylum seekers face many obstacles to work due to language barriers, lack of information, lack of work experience, employers' lack of information about entitlements to work, problems with getting qualifications recognized and outright discrimination.

It should also be mentioned, that the Government hopes that under the new regulations no determination of an asylum application will take more than six months.

### 15.10. Access to health care

Asylum seekers have full access to National Health Service health care in the United Kingdom. This includes the right to a local General Practitioner (GP) without paying a

visitor fee. Asylum seekers without benefit can apply for an exemption certificate from the standard fees for prescriptions and dental treatment. The exemption certificate is granted on the basis of low income and must be renewed every six months. To obtain baby milk and vitamins without charge, the certificate is necessary.

Health care is not accessible to those who have exhausted the procedure. They are, however, still entitled to emergency care.

According to the Refugee Council asylum seekers have some difficulties in accessing health care. The main problems involve:

- Inadequate health screening at the port of entry. However, there is a Port Health Inspector at the Port of entry who assures that all asylum seekers are well enough to proceed with the asylum procedure. In addition there are doctors and nurses at the Port of entry.
- Lack of knowledge among asylum seekers regarding health care services
- Lack of knowledge among practitioners concerning the rights to health care for asylum seekers.
- Language barriers
- Dispersal to areas where treatment is not available. However, UK National Health System is present in all UK cities.

**Table 15.7: Access to Health Care**

	<b>Children</b>	<b>Pregnant women</b>	<b>Adults</b>	<b>Victims of torture or rape</b>
*Health screening on arrival	Yes, in principle. In practice health needs are not assessed in a systematic way.	Yes, in principle. In practice health needs are not assessed in a systematic way.	Yes, in principle. In practice health needs are not assessed in a systematic way.	Yes, in principle. In practice health needs are not assessed in a systematic way.
*Psychological assistance	No information available	No information available	No information available	No information available
*Enrolment in health care programme	Yes	Yes	Yes	Yes

### **15.11. Rules on detention and other restrictions on free movement**

Immigration officers have the power to detain persons arriving at ports of entry under the provisions of the Immigration Act 1971. No judicial review of detention takes place. Port applicants may be detained pending an interview or a decision on their asylum application.

As at 29 January 1999, 766 asylum seekers were detained<sup>5</sup>. The number of asylum seekers in detention has risen during the last couple of years due to the rise in port applicants. The average period of detention was about 65 days in 1998. In some cases the detention has stretched beyond two years<sup>6</sup>.

An asylum seeker may be released and temporarily admitted into the United Kingdom if the Immigration Service is satisfied that accommodation is available and that the asylum seeker will not abscond. Temporary admission is not likely to be granted if the asylum seekers do not possess documents or where there is trouble establishing identity.

The Immigration and Asylum Act 1999 allows access to bail hearings 5 to 9 days after initial detention, plus a further hearing 33-37 days following initial detention.

The Chief Inspector of Prisons has made some recommendations for improving the practices and conditions of detention, published in a report in 1998<sup>7</sup>.

The Oakington Reception Centre mentioned earlier is a hybrid between a reception centre and a detention centre. Throughout the country there is a wide number of real detention centres where security is stricter. In these detention centres access to legal advice is limited.

### **15.12. Differences in treatment according to the stage of the asylum procedure and the type of status sought.**

There are no differences in the treatment of asylum seekers depending on the type of asylum sought.

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<sup>5</sup> (Source: *Asylum Statistics United Kingdom 1998* by Madeleine Watson and Rod McGregor).

<sup>6</sup> (Source: *U.S. Committee for refugees, Country Conditions for United Kingdom 1998*)

There are a few differences in the treatment of asylum seekers depending on the stage of the asylum procedure: Some asylum seekers are accommodated in detention or reception centres if they are in the manifestly unfounded procedure. Another difference is, that many asylum seekers who have been in the UK for more than six months are granted a permission to work.

**Table 15.8: Differences in treatment**

Differences in treatment due to:			
	Stage of asylum procedure	Type of status sought	Vulnerable groups
Accommodation	Yes. Some asylum seekers in the manifestly unfounded procedure are accommodated in detention or reception centres.	No	No special policies for individual groups. However, victims of torture may not be dispersed since the only centres for treatment are located in London. Women-only accommodation does exist but there is no official policy in this area. Unaccompanied children receive the same treatment as British citizens.
Means of subsistence	No	No	No.
Education	No	No	No.
Labour market related activities	Yes. Access to labour market only after 6 months' residence	No	No.
Health care	No	No	Special mental health care is provided for victims of torture and other organised violence, the mentally ill and for persons suffering from post-traumatic stress. Special health care is provided for minors. The disabled receive no additional financial support but local governments have some responsibility for caring for special needs.

<sup>7</sup> (Source: UNHCR Country Profiles – United Kingdom 1999)

## **15.13. Political atmosphere surrounding refugees and immigrants**

### **15.13.1. The public debate**

With the passing of the new Immigration and Asylum Act 1999 there has been active public as well as political debate concerning the asylum and reception procedure and refugees and immigrants in general.

The public and the political atmosphere are closely intertwined. Issues concerning refugees and immigrants concern the public for periods of a couple of months and then die out. Issues concerning immigrants and refugees do not attract a consistently high level of public attention, but do seem to concern the public for a while.

In general the public are not concerned with the humanitarian issues.

There has been virtually no criticism of the backlog of asylum cases in the system.

### **15.13.2. The political debate**

The overall signal in the political debate is a push for a tightening of the procedures in order to make it harder for bogus applicants to exploit the United Kingdom's asylum and reception system.

In the local elections in Spring 2000, asylum seekers became an important issue. The opposition used asylum seekers as one of their main points of criticism in the campaign. Labour were critical towards the hardening of the tone towards asylum seekers but nevertheless they joined in adopting a stricter position towards asylum seekers.

The tone of the debate became so vitriolic that the Liberal Democrats reported both Labour and the Conservatives to the Commission for Racial Equality for their rhetoric towards asylum seekers.

William Hague continued his hard line all the way through and did very well in the election. This result suggests that public support for hardline measures against asylum seekers has been increasing.

Arguments presented by both Labour and the Conservatives emphasize that "real" asylum seekers should be entitled to asylum and support. The focus is on bogus or economical asylum seekers towards whom the line should be stricter. The main rheto-

ric from the opposition, personified in William Hague, has been that United Kingdom is a European soft spot attracting large numbers of asylum seekers. The Labour government has also produced similar rhetoric.

Until summer 2000, Hague did not represent a credible alternative to Blair, but according to sources at the Danish Embassy this has changed over the past months as Hague has found his stride. They do not, however, believe that the Conservatives can win an election.

Issues of major political concerns are:

- Detention. The Conservatives have proposed that all asylum seekers should be detained while their applications are being processed.
- A general toughening of the asylum procedure, for example by using standard procedures instead of individual assessments.
- A stronger line against trafficking following the fatal incident in Dover, where 58 Chinese illegal immigrants died, in summer 2000. There is a push for a heavier use of supervision at the borders.

### **15.13.3. International co-operation**

In general, the attitude towards further EU integration is at best sceptical. However, the opinion towards common policy in the asylum area is positive. Secretary Jack Straw has recently advocated common policies in this field. It is a general opinion that the United Kingdom takes in a large number of asylum seekers compared to the rest of Europe, and this has given impetus to a desire for common rules on burden sharing.

Public opinion is quite negative towards further integration. A recent opinion poll showed that 72% of the citizens were against EMU. This causes even pro EU-politicians to tread water with respect to EU questions. Politicians do not actively promote further EU cooperation or integration. The Blair government, which at the start of its term actively advocated EU integration, is now much more reluctant to do so.

The United Kingdom does not wish to participate in all part of the Schengen Agreements, for instance the mutual visa rules.