



UK Government's New Plan for Immigration May 2021

About Together (Scottish Alliance for Children's Rights)

Together (Scottish Alliance for Children's Rights) is an alliance that works to improve the awareness, understanding and implementation of the UN Convention on the Rights of the Child (UNCRC) and other international human rights treaties across Scotland. We have over 450 members ranging from large international and national non-governmental organisations (NGOs) through to small volunteer-led after school clubs. Our activities include collating an annual *State of Children's Rights* report to set out the progress made to implement the UNCRC in Scotland. The views expressed in this submission are based on wide consultation with our members but may not necessarily reflect the specific views of every one of our member organisations.

Foreword

1. The foreword provides a high-level outline of the New Plan for Immigration, including reforms to make the system fair, but firm.

No response

Overall, how far do you support or oppose what is being said here?

Chapter 1: Overview of the Current System

2. The UK Government is committed to building an asylum system that is firm and fair, based on three major objectives:

- To increase the fairness and efficacy of our system so that we can better protect and support those in genuine need of asylum.
- To deter illegal entry into the UK, thereby breaking the business model of criminal trafficking networks and protecting the lives of those they endanger; and
- To remove more easily from the UK those with no right to be here.

How effective, if at all, do you think each of the following will be in helping the UK Government achieve this vision? Please select one response for each statement.

A. Strengthening safe and legal routes for those genuinely seeking protection in the UK

No response

B. Reforming legal processes to ensure improved access to justice

No response

C. Reforming legal processes to ensure speedier outcomes

No response

D. Requiring those who claim asylum and their legal representatives to act in 'good faith' by providing all relevant information in support of their claim at the earliest opportunity

No response

<p>E. Enforcing the swift removal of those found to have no right to be in the UK, including Foreign National Offenders</p>	<p>No response</p>
<p>F. Eliminating the ability for individuals to make repeated protection claims to stop their removal, when those follow-up claims could have been raised earlier in the process</p>	<p>No response</p>
<p>G. Preventing illegal entry at the border, for example, by making irregular channel crossings unviable for small boats or deterring other activities such as hiding in the back of lorries</p>	<p>No response</p>
<p>3. Please use the space below to give further detail for your answer. In particular, if there are any other objectives that the Government should consider as part of their plans to reform the asylum and illegal migration systems.</p>	<p>We have chosen not to answer the above questions as their format and framing inhibits our ability to offer meaningful feedback from a children’s rights perspective.</p> <p>A human rights-based approach must be at the core of the UK’s asylum system. All reforms must ensure children and families’ rights are respected, protected and fulfilled. This includes the rights set out in the UN Convention on the Rights of the Child (‘UNCRC’), 1951 Refugee Convention and other international instruments.</p> <p>The UNCRC applies to everyone under 18 years old. Article 22 recognises that refugee and asylum-seeking children require special protection. Governments must ensure children have effective access to asylum procedures that are fair, humane and efficient. They must also ensure children have protection and assistance in accessing all other rights under the UNCRC, including the right to life survival and development (Article 6); family life (Articles 9-10); to have their best interests at the centre of all decisions (Article 3); right to health (Article 24); right to an adequate standard of living (Article 27); and right to recovery from trauma (Article 39). All rights under the UNCRC are indivisible and interdependent.</p> <p>The UN Committee on the Rights of the Child (‘UN Committee’) has expressed numerous concerns about the UK’s asylum and immigration systems. In 2016, it made a range of recommendations relating to data collection, access to independent guardians, age assessments, child detention, reception conditions, family reunion, access to basic services, and return procedures. Many of these recommendations remain outstanding.</p>

	<p>To develop a rights-respecting system, the UK Government should conduct a Child Rights Impact Assessment (CRIA) of its proposals as a matter of urgency. This will enable any gaps or concerns to be identified and addressed. To be effective, this assessment must be subject to ongoing review.</p> <p>There is a wide range of international guidance which the UK Government should use to inform its approach. This includes:</p> <p>1. Guidance from the UN Committee:</p> <ul style="list-style-type: none"> • General Comment 6 on unaccompanied and separated children • General Comment 14 on the best interests of the child • General Comment 22 on children’s rights in the context of international migration • General Comment 23 on children’s rights in countries of transit and destination. <p>2. Council of Europe Guidelines on Child-Friendly Justice:</p> <p>These Guidelines apply in administrative, as well as civil and criminal settings. They are underpinned by fundamental principles of child participation, best interests, dignity and non-discrimination.</p> <p>3. UNHCR Guidelines on Assessing and Determining the Best Interests of the Child</p> <p>Contains guidance on a range of matters including age assessments and seeking the child’s views.</p>
<p>Chapter 2: Protecting those Fleeing Persecution, Oppression and Tyranny</p>	
<p>4. The intention of the UK Government is to maintain clear, well defined routes for refugees in need of protection, ensuring refugees have the freedom to succeed, ability to integrate and contribute fully to society when they arrive in the UK.</p> <p>In your view, how effective, if at all, do you feel each of the following proposals will be in ensuring the Government can provide safe and legal ways for refugees in genuine need of protection?</p>	
<p>Maintaining a long-term commitment to resettle refugees from around the globe to the UK, including ensuring a full range of persecuted minorities are represented</p>	<p>No response</p>

Granting resettled refugees immediate indefinite leave to remain on their arrival in the UK so that they benefit from full rights and entitlements when they arrive	No response
Reviewing the refugee family reunion routes available to refugees who have arrived through safe and legal routes	No response
Ensuring resettlement programmes are responsive to emerging international crises – so refugees at immediate risk can be resettled more quickly.	No response
Working to ensure more resettled refugees can enter the UK through community sponsorship, encouraging stronger partnerships between local government and community groups	No response
Introducing a new means for the Home Secretary to help people in extreme need of safety whilst still in their country of origin in life-threatening circumstances	No response
Enhancing support provided to refugees to help them integrate into UK society and become self-sufficient more quickly	No response
Reviewing support for refugees to access employment in the UK through our points-based immigration system where they qualify.	No response
5. In maintaining clearly-defined safe and legal routes, how important, if at all, are each of the following practical considerations? Please select one response for each statement.	
Linking the numbers of refugees the UK resettles to the capacity of local areas to provide help and support.	No response
Prioritising refugees on the basis of their vulnerability or risk.	No response
Prioritising refugees based on their potential to integrate in the UK (e.g. English proficiency, preexisting ties to the UK, or skills).	No response
• Prioritising refugees from persecuted minority groups.-	No response
• Prioritising the family members of refugees already in the UK.	No response
6. The intention is to continue to provide support to all those granted refugee status so that they are equipped to properly integrate and contribute to society when they arrive in the UK. How far do you agree or disagree that each of the following proposals will help to meet this aim of developing refugee support?	
An integration support package should focus on progress to employment (including self-employment)	No response

An integration support package should consider elements such as well-being, language, employment and social bonds	No response
An integration support package should be delivered at local level to national standards (to an agreed mandatory framework), so that all refugees receive the appropriate level of support, delivered in a way that is appropriate to where they live	No response
<p>7. Please use the space below to give further feedback on the proposals in chapter 2. In particular, the Government is keen to understand:</p> <p>(a) If there are any ways in which these proposals could be improved to make sure the objective of providing well maintained and defined safe and legal routes for refugees in genuine need of protection is achieved; and</p> <p>(b) Whether there are any potential challenges that you can foresee in the approach the Government is taking to help those in genuine need of protection.</p> <p>Please provide as much detail as you can.</p>	
Answer for b	Please see our answer to Question 3 which is equally applicable in this context.
Answer for a	Please see our answer to Question 3 which is equally applicable in this context.
<p>Safe and legal routes including family reunion for unaccompanied asylum-seeking children</p>	
<p>8. The Government recognises the importance of reuniting those who are in the UK who are in genuine need of protection, with their family members. How important, if at all, do you think each of the following proposals would be in meeting this objective? Please select one response for each statement.</p> <p>Reuniting an adult with refugee status in the UK with...</p>	
Their spouse or partner, wherever their spouse/partner may be in the world	No response
Their own child who is under the age of 18, wherever their child may be in the world	No response
Their own adult child who is over the age of 18, wherever their child may be in the world	No response
A close family member (e.g. sister, brother), wherever that family member may be in the world	No response
Another family member (e.g. uncle, aunt, nephew, niece), wherever that family member may be in the world	No response
9. Now that the UK has left the European Union (EU), protection claimants who have sought international protection in an EU member state can no longer join family members in the UK using EU law. This means those seeking international protection in the EU must apply to join family members in	No response

<p>the UK under the Immigration Rules like those from the 'rest of the world'.</p> <p>To what extent do you agree or disagree with this approach to apply the same policy to protection claimants seeking to join family members in the UK, regardless of where they are?</p>	
<p>10. Are there any other observations or views you would like to share relating to the UK Government's future policy on safe and legal routes for unaccompanied asylum-seeking children in the EU wanting to reunite with family members in the UK?</p>	<p>Please refer to Question 14.</p>
<p>11. Are there any other observations or views you would like to share relating to the UK Government's future policy on safe and legal routes for unaccompanied asylum-seeking children in the rest of the world (outside the EU) wanting to reunite with family members in the UK?</p>	<p>Please refer to Question 14.</p>
<p>12. Are there any other observations or views you would like to share relating to the UK Government's future policy on safe and legal routes to the UK for protection claimants in the EU?</p> <p>Please write in your answer and provide as much detail as you can.</p> <p>When you answer please indicate if your views relate to protection claimants who are unaccompanied asylum-seeking children, adults and/or families (adults and accompanied children) in the EU.</p>	<p>Please refer to Question 14.</p>
<p>13. Are there any other observations or views you would like to share relating to the UK Government's future policy on safe and legal routes for protection claimants who are adults and/or families (adults and accompanied children) wanting to reunite with family members in the UK?</p>	<p>Please refer to Question 14.</p>
<p>14. Are there any further observations or views you would like to share about safe and legal routes to the UK for family reunion or other purposes for protection claimants and/or refugees</p>	<p>The UN Committee is clear that all efforts should be made to reunite unaccompanied or separated children with their family, unless this is not in their best interests (General Comment 6; General Comment 23; Articles 9-10 UNCRC). Family</p>

<p>and/or their families that you have not expressed?</p> <p>Please write in your answer and provide as much detail as you can.</p> <p>When you answer please indicate if your views relate to protection claimants and/or refugees and/or their families in the EU and/or the rest of the world.</p>	<p>reunion supports children to recover from trauma by ensuring they are surrounded by their loved ones; it enables them to live safely and sustainably. Without it, the mental health issues many children develop when fleeing their home country may not be addressed and children may lack the support they need to thrive in a new environment.</p> <p>The UK Government’s proposals commit to reviewing family reunion rules for those who have arrived through <i>existing</i> “safe and legal routes”. However, the UN Committee has called for reform of these existing routes and development of new ones. In 2016, the UN Committee called on the UK to facilitate family reunion for unaccompanied and separated refugee children located both <i>within</i> and <i>outside of</i> the UK. It identified that both groups faced significant barriers to being reunited.</p> <p>At present, only adult refugees in the UK can sponsor a family member to join them. Unaccompanied children do not have an equivalent right. The UN Committee is clear that where a child has refugee status, it would be against their best interests to pursue family reunification in the country of origin (General Comment 6, Para 82). Accordingly, the UK Government should ensure all separated and unaccompanied refugee children in the UK can sponsor their parent or main carer to be reunited with them.</p> <p>Children outwith the UK also face considerable barriers to being reunited with parents who are within the UK. Current rules do not apply to children who are married or in a civil partnership or who are “leading an independent life” even if they are under 18. Nor do the rules allow children to join other family members in the UK such as aunts, uncles, older siblings or grandparents. Since 2012, legal aid has not been available in refugee family reunion cases creating additional barriers and delays, ultimately keeping families apart. The UK Government should make UK family reunion rules less restrictive to allow children at risk to join their extended family members.</p>
<p>Chapter 3: Ending Anomalies and Delivering Fairness in British Nationality Law</p>	
<p>15. How effective, if at all, do you feel the following changes will be in contributing to the objective of correcting historic anomalies in current British Nationality law? Please provide an answer for each statement.</p>	

Introducing new registration provisions for children of a British Overseas Territories Citizen (BOTC) to acquire citizenship more easily	No response
Fixing the injustice which prevents a child from acquiring their father's citizenship if their mother was married to someone else	No response
Introducing a new discretionary adult registration route to give the Home Secretary an ability to grant citizenship in compelling and exceptional circumstances where there has been historical unfairness beyond a person's control	No response
Creating further flexibility to waive residence requirements for naturalisation in exceptional cases. This will mean those impacted by Windrush are not prevented from qualifying for British Citizenship because they were not able to return to the UK to meet the residency requirements through no fault of their own.	No response
<p>16. The Government wants to change the registration route for stateless children, who were born in the UK and have lived here for five years. The Government wants to ensure that those who are genuinely stateless can benefit. People should not be able to acquire these benefits if they purposely fail to acquire their own nationality for their child.</p> <p>To what extent, if at all, do you agree that this is the right approach?</p>	
No response	
<p>17. The law currently allows some discretion around naturalisation, to account for exceptional circumstances. However, it is currently an un-waivable requirement that a person must have been in the UK on the first day of their 5 (or 3) year residential qualifying period. The Government is seeking to change the law so that discretion can be exercised when a person was not in the UK on that day in appropriate cases, whilst maintaining the principle that people should have completed a period of continuous residence. This might be used, for example, where a person was a long-term resident of the UK but had been prevented from returning to the UK after a trip overseas five years ago by mistake, as was the case for a number of the Windrush generation, or due to unforeseen compelling circumstances.</p> <p>To what extent, if at all, do you agree that this approach provides sufficient flexibility to allow people with a strong connection to the UK to qualify for naturalisation?</p>	
No response	
<p>18. Please use the space below to give further feedback on the proposals in chapter 3.</p> <p>The Government is keen to understand:</p>	
a) If there are any ways in which these proposals could be improved to make sure the objective of correcting historic anomalies in our nationality laws is achieved; and	Please see our answer to Question 3 which is equally applicable in this context.
b) Whether there are any potential challenges that you can foresee in the approach being taken to reform nationality laws.	Please see our answer to Question 3 which is equally applicable in this context.

Chapter 4: Disrupting Criminal Networks and Reforming the Asylum System

19. To protect life and ensure access to our asylum system is preserved for the most vulnerable, we must break the business model of criminal networks behind illegal immigration and overhaul the UK's decades-old domestic asylum framework. In your view, how effective, if at all, will the following proposals be in achieving this aim?

Ensuring that those who arrive in the UK, having passed through safe countries, or have a connection to a safe country where they could have claimed asylum will be considered inadmissible to the UK's asylum system.	No response
Seeking rapid removal of inadmissible cases to the safe country from which they embarked or to another third country.	No response
Introducing a new temporary protection status with less generous entitlements and limited family reunion rights for people who are inadmissible but cannot be returned to their country of origin (as it would breach international obligations) or to another safe country.	No response
Bringing forward plans to expand the Government's asylum estate. These plans will include proposals for reception centres to provide basic accommodation while processing the claims of inadmissible asylum seekers.	No response
Making it possible for asylum claims to be processed outside the UK and in another country.	No response

20. To protect the asylum system from abuse, the Government will seek to reduce attempts at illegal immigration and overhaul our domestic asylum framework.

In your view, how effective, if at all, will the following proposals be in achieving this aim?

Changing the rules so that people who have been convicted and sentenced to at least one-year imprisonment and constitute a danger to the community in the UK can have their refugee status revoked and can be considered for removal from the UK	No response
Supporting decision-making by setting a clearer and higher standard for testing whether an individual has a well-founded fear of persecution, consistent with the Refugee Convention.	No response
Creating a robust approach to age assessment to ensure the Government acts as swiftly as possible to safeguard against adults claiming to be children and can use new scientific methods to improve the Government's abilities to accurately assess age	No response

21. The UK Government intends to create a differentiated approach to asylum claims. For the first time *how* somebody arrives in the UK will matter for the purposes of their asylum claim.

As the Government seeks to implement this change, what, if any, practical considerations should be taken into account?

All children have the right to seek asylum (Article 22 UNCRC; General Comment 6, Para 66; General Comment 23, Paras 14-15). A child or family’s route of entry to the country has no bearing on their need for protection or their rights to fair treatment. Accordingly, we urge the UK Government not to take a differentiated approach to asylum claims based on how someone arrived in the UK..

Creating a two-tier system could risk children and families having to wait longer for a decision, whilst living in accommodation which is potentially harmful or inappropriate for their needs. It risks preventing people granted status from rebuilding their lives. Moreover, transfer or threat of transfer [may lead to children’s disappearance](#), placing them at risk of exploitative work, other forms of exploitation or trafficking. The UK Government is under a range of duties to protect children from exploitation under Articles 32-35 UNCRC.

22. The UK Government intends on introducing a more rigorous standard for testing the “well-founded fear of persecution” in the Refugee Convention. As the Government considers this change, what, if any, practical considerations should be taken into account?

Many unaccompanied and separated children will have experienced severe trauma. They may find it difficult to recount their story and/or need additional time and support to express themselves. It is crucial that the asylum system does not re-traumatise or further traumatise children when assessing their claim.

Any standards for testing must uphold children’s rights in line with the Council of Europe Guidelines on Child Friendly Justice. These Guidelines apply to administrative, as well as civil and criminal processes, and underline that systems and procedures must be designed to respect the child’s dignity and ensure their effective participation. This includes ensuring a child-friendly environment, information, advice and support, as well as questioning techniques. The UN Committee’s General Comment 6 is clear that child asylum seekers should be given the benefit of the doubt should there be credibility concerns relating to their story as well as a possibility to appeal any decision for a formal review (Para 71).

23. The Government is aware that currently it can take many months to consider asylum applications and intends to ensure that claims from those who enter the UK illegally are dealt with swiftly and efficiently.

To help achieve this, in your view, which of the following steps would be the most important? Please rank the following statements from most to least important.

1. To use asylum processing centres to accommodate those who enter the UK illegally, whilst they await the outcome of their claim and / or removal from the UK.
2. To have an expedited approach to appeals, particularly where further or repeat claims are made by the individual.
3. To ensure there are set timescales for considering claims and appeals made by people who are in immigration

No response

<p>detention, which will include safeguards to ensure procedural fairness. This will be set out in legislation.</p> <p>4. To ensure those who do not qualify for protection under the Refugee Convention, but who still face human rights risks, are covered in a way consistent with our new approach to asylum.</p>	
<p>24. The Government is committed to strengthening the framework for determining the age of people claiming asylum, where this is disputed. This will ensure the system cannot be misused by adults who are claiming to be children. In your view, how effective would each of the following reforms be in achieving this aim?</p>	
<p>Bring forward plans to introduce a new National Age Assessment Board (NAAB) to set out the criteria, process and requirements to be followed to assess age, including the most up to date scientific technology. NAAB functions may include acting as a first point of review for any Local Authority age assessment decision and carry out direct age assessments itself where required or where invited to do so by a Local Authority.</p>	<p>No response</p>
<p>Creating a requirement on Local Authorities to either undertake full age assessments or refer people to the NAAB for assessment where they have reason to believe that someone's age is being incorrectly given, in line with existing safeguarding obligations</p>	<p>No response</p>
<p>Legislating so that front-line immigration officers and other staff who are not social workers are able to make reasonable initial assessments of age. Currently, an individual will be treated as an adult where their physical appearance and demeanour strongly suggests they are 'over 25 years of age'. The UK Government is exploring changing this to 'significantly over 18 years of age'. Social workers will be able to make straightforward under/over 18 decisions with additional safeguards.</p>	<p>No response</p>
<p>Creating a statutory appeal right against age assessment decisions to avoid excessive judicial review litigation.</p>	<p>No response</p>
<p>25. Please use the space below to give further feedback on the proposals in chapter 4. In particular, the Government is keen to understand:</p> <p>(a) If there are any ways in which these proposals could be improved to make sure the objective of overhauling our domestic asylum framework is achieved; and</p>	

(b) Whether there are any potential challenges that you can foresee in the approach being taken around asylum reform.	
Answer for A	Please see our answer to Question 3 which is equally applicable in this context.
Answer for B	<p>The UN Committee is clear that age assessments should only be conducted in cases of “serious doubt” (CRC/C/GBR/CO/5, Para 77(b)). Age assessments are an inexact science with a wide margin of error, have the potential to be applied discriminatorily and have implications for a broad range of rights under the UNCRC.</p> <p>The use of age assessments can leave children feeling confused and angry having their credibility and identity questioned. This can negatively impact on their relationship with their social worker, and their ability to thrive in their new environment.</p> <p>The UK Government’s Plan also looks to ‘use new scientific methods to improve abilities to accurately assess age’. Cases that have previously relied upon scientific methods such as x-ray evidence have been found to breach Article 3, 6 and 12 of the UNCRC by the UN Committee on the Rights of the Child. Additionally, the Council of Europe has stated that the use of potentially harmful ionising radiation for the purpose of age assessment, involving exposure to radiation for non-medical purposes for no therapeutic benefit, is in conflict with medical ethics and potentially unlawful.</p>
Chapter 5: Streamlining Asylum Claims and Appeals	
26. The Government wants to ensure the asylum and appeals system is faster, fairer and concludes cases more effectively. The Government’s end-to-end reforms will aim to reduce the extent to which people can frustrate removals through sequential or unmeritorious claims, appeals or legal action, while maintaining fairness, ensuring access to justice and upholding the rule of law. In your view, how effective, if at all, will each of the following intended reforms be in achieving these aims?	
Developing a “Good Faith” requirement setting out principles for people and their representatives when dealing with public authorities and the courts, such as not providing misleading information or bringing evidence late where it was reasonable to do so earlier	No response
Introducing an expanded ‘one-stop’ process to ensure that asylum claims, human rights claims, referrals as a potential victim of modern slavery and any other protection matters are made and considered together,	No response

ahead of any appeal hearing. This would require people and their representatives to present their case honestly and comprehensively – setting out full details and evidence to the Home Office and not adding more claims later which could have been made at the start	
Considering introducing a ground of appeal to the First-Tier Tribunal for certain Modern Slavery cases within the ‘one-stop’ process	No response
<p>27. The Government wants to ensure the asylum and appeals system is faster, fairer and concludes cases more effectively. The Government’s end-to-end reforms will aim to reduce the extent to which people can frustrate removals through sequential or unmeritorious claims, appeals or legal action, while maintaining fairness, ensuring access to justice and upholding the rule of law.</p> <p>In your view, how effective, if at all, will each of the following intended reforms be in achieving these aims:</p>	
Providing more generous access to advice, including legal advice, to support people to raise issues, provide evidence as early as possible and avoid last minute claims	No response
Introducing an expedited process for claims and appeals made from detention, providing access to justice while quickly disposing any unmeritorious claims	No response
Providing a quicker process for Judges to take decisions on claims which the Home Office refuse without the right of appeal, reducing delays and costs from judicial reviews	No response
Introducing a new system for creating a panel of preapproved experts (e.g. medical experts) who report to the court or require experts to be jointly agreed by parties.	No response
Expanding the fixed recoverable costs regime to cover immigration judicial reviews (JRs) and encouraging the increased use of wasted costs orders in Asylum and Immigration matters	No response
Introducing a new fast-track appeal process. This will be for cases that are deemed to be manifestly unfounded or new claims, made late. This will include late referrals for modern slavery insofar as they prevent removal or deportation.	No response
<p>28. The Government believes that all those who are subject to the UK’s immigration laws, including those who have arrived here illegally or overstayed their visa, should be required to act in good faith at all times. Currently, the system is susceptible to being abused and there has to be an onus on individuals to act properly and take steps to return to their country of origin where they have no right to remain in the UK. This duty will apply to anyone engaging with the UK authorities on an immigration matter.</p>	

As a part this requirement, to what extent do you agree or disagree with each of the following principles:	
Individuals coming to the UK (as a visitor, student or other legal means) should leave the country on their own accord, by the time their visa expires	No response
Individuals seeking the protection of the UK Government should bring their claims as soon as possible	No response
Individuals seeking the protection of the UK Government should always tell the truth.	No response
Failure to act in good faith should be a factor that counts against the individual, when considered by the Home Office or judges as part of their decision making	No response
Where an individual has not acted in good faith, this will be a relevant and important factor which decision makers and judges should take into account when determining the credibility of the claimant.	No response
<p>29. The Government propose an amended ‘one-stop process’ for all protection claimants. This means supporting individuals to present all protection-related issues at the start of the process. The objective of this process is to avoid sequential and last-minute claims being made, resulting in quicker and more effective decision making for claimants.</p> <p>Are there other measures not set out in the proposals for a ‘one-stop process’ that the Government could take to speed up the immigration and asylum appeals process, while upholding access to justice?</p> <p>Please give data (where applicable) and detailed reasons.</p> <p>The UN Committee is clear that speedy proceedings should be encouraged <i>unless</i> this is contrary to the child’s best interests or restricts their due process rights (General Comment 23, Para 15).</p> <p>Many unaccompanied and separated children will have experienced severe trauma. They may be unable or find it difficult to immediately recount what has happened and/or need additional time or support to express themselves. It is crucial that the asylum system does not re-traumatise or further traumatise children as a result of prioritising speed over what is in the best interests of the child.</p> <p>Furthermore, children may not have access to relevant documents or records; face delays in accessing suitable legal advice; or experience language barriers.</p> <p>Any standards for testing must uphold children’s rights in line with the Council of Europe Guidelines on Child Friendly Justice. These Guidelines apply to administrative, as well as civil and criminal processes, and underline that systems and procedures must be designed to respect the child’s dignity and ensure their effective participation. This includes ensuring a child-friendly environment, information, advice and support, as well as questioning techniques. The UN Committee’s General Comment 6 is clear that child asylum seekers should be given the benefit of the doubt should there be credibility concerns relating to their story as well as a possibility to appeal any decision for a formal review (Para 71).</p>	

30. Please use the space below to give further feedback on the proposals in chapter 5. In particular, the Government is keen to understand:	
(a) If there are any ways in which these proposals could be improved to make sure the asylum and appeals system is faster, fairer, and concludes cases more effectively;	Please see our answer to Question 3 which is equally applicable in this context.
(b) Whether there are any potential challenges that you can foresee in the approach the Government are taking around streamlining appeals.	
Chapter 6: Supporting Victims of Modern Slavery	
31. The Government believes there is a need to act now to build a resilient system which identifies victims of modern slavery as quickly as possible, and ensures that support is provided to those who need it, distinguishing effectively between genuine and vexatious accounts of modern slavery.	
In your view, how effective, if at all, will each of the following intended reforms be in achieving these aims?	
• Improving First Responders' understanding of when to make a referral into the National Referral Mechanism (NRM) and when alternative support services may be more appropriate.	No response
• Clarifying the Reasonable Grounds threshold.	No response
• Legislating to clarify the basis on which confirmed victims of modern slavery may be eligible for a grant of temporary, modern slavery specific, leave to remain.	No response
• Clarifying the definition of "public order" to enable the UK to withhold protections afforded by the NRM where there is a link to serious criminality or risk to UK national security.	No response
• Bringing forward other future legislation to clarify international obligations to victims in UK law.	No response
• Continuing to strengthen the criminal justice system response to modern slavery, providing additional funding to increase prosecutions and build policing capability to investigate and respond to organised crime.	No response
• Introducing new initiatives (as set out in Chapter 6 of the New Plan for Immigration) to provide additional support to victims, improve the Government's ability to prevent modern slavery in the first place, and increase prosecutions of perpetrators.	No response
32. Please use the space below to give further feedback on the proposals in chapter 6. In particular, the Government is keen to understand:	

<p>(a) If there are any ways in which these proposals could be improved to make sure the objective of building a resilient system which accurately identifies possible victims of modern slavery as quickly as possible and ensures that support is provided to genuine victims who need it is achieved; and</p>	<p>Please see our answer to Question 3 which is equally applicable in this context.</p>
<p>(b) Whether there are any potential challenges that you can foresee in the approach the Government are taking around modern slavery.</p>	
<p>Chapter 7: Disrupting Criminal Networks Behind People Smuggling</p>	
<p>33. Illegal immigration can cause significant harm and can endanger the lives of those undertaking dangerous journeys. It can also endanger those emergency service workers and Border Force officers who respond to illegal journeys such as those made by small boat.</p> <p>The Government is determined to introduce tough new measures to deter illegal migration by strengthening the protection of the UK's borders. In your view, how effective, if at all, will each of the following intended reforms be in helping to meet this aim:</p>	
<p>Introducing tougher criminal offences for those attempting to illegally enter the UK, (including raising the penalty for illegal entry from 6 months to 2 – 5 years).</p>	<p>No response</p>
<p>Widening existing powers to tackle those promoting or facilitating illegal migration, including raising the maximum sentence for facilitation to life imprisonment.</p>	<p>No response</p>
<p>Giving additional powers to Border Force including searching freight containers for immigration purposes, seize and dispose of any vessels and the ability to stop and redirect vessels from the UK where persons being conveyed are suspected of seeking to enter the UK illegally.</p>	<p>No response</p>
<p>Increasing the penalty to a maximum of 5 years in prison for Foreign National Offenders who return to the UK in breach of a deportation order.</p>	<p>No response</p>
<p>Overhauling the Clandestine Civil Penalty Regime.</p>	<p>No response</p>
<p>Implementing an Electronic Travel Authorisation (ETA) scheme to identify and block the entry of those who present a threat to the UK.</p>	<p>No response</p>
<p>34. This question relates to the proposals to overhaul the Clandestine Civil Penalty Regime in chapter 7 of the New Plan for Immigration. The Government recognises that there is an ongoing threat posed to the haulage sector by those who view clandestine concealment in goods vehicles as a means to enter the UK illegally.</p> <p>Efforts to improve lorry security will assist in protecting the industry and borders, and yet the Government is still encountering large volumes of vehicles which do not meet the minimum-</p>	

security standards set out in the Civil Penalty: Prevention of Clandestine Entrants Code of Practice (which can be accessed on GOV.UK).	
How far do you agree or disagree that improving levels of goods vehicle security is an important step towards reducing illegal entry by clandestine migrants?	No response
35. This question relates to the proposals to overhaul the Clandestine Civil Penalty Regime in chapter 7 of the New Plan for Immigration.	
<ul style="list-style-type: none"> • The current maximum penalty (£2000 per clandestine migrant) • Other amount (please specify) • Don't know 	No response
<p>36. The Government proposes to legislate for and enforce an electronic travel authorisation (ETAs) scheme i.e., an application for permission to travel to the UK similar to the current process for countries like United States, Canada, Australia and New Zealand.</p> <p>If you have experience of applying for or engaging with travel authorisation schemes operated by other countries, what are your experiences of those schemes?</p> <p>Please give details to support your answer.</p>	
I have not had to experience of applying	
37. Please use the space below to give further feedback on the proposals in chapter 7. In particular, the Government is keen to understand:	
(a) If there are any ways in which these proposals could be improved to make sure the objective of defending the UK border and preventing illegal entry is achieved; and	Please see our answer to Question 3 which is equally applicable in this context.
(b) Whether there are any potential challenges that you can foresee in the approach the Government are taking to defend the border.	
Chapter 8: Enforcing Removals including Foreign National Offenders (FNOs)	
<p>38. It is an essential responsibility of any Government to enforce and promote compliance with immigration laws, ensuring the swift return of those not entitled to be in the UK. The Home Secretary is also under a duty to remove any foreign national offender who has been served a sentence for an offence in the UK of 12 months or more.</p> <p>In your view, how effective, if at all, will each of the following reforms be in helping us to build on these principles?</p>	
Consulting with Local Authority partners and stakeholders on implementing the provisions of the 2016 Act to remove support from failed asylum-seeking families who have no right to remain in the UK.	No response
Considering whether to more carefully control visa availability where a country does not co-operate with receiving their own nationals who have no right to be in the UK.	No response
Increasing the early removal provision for Foreign National Offenders who leave the UK from 9 months to 12 months to encourage	No response

departure and also add a new 'stop the clock' provision so that they must complete their sentence if they return. This would be in addition to any sentence for returning in breach of a deportation order.	
Amending the list of factors for consideration of granting immigration bail and the conditions of immigration bail.	No response
Placing in statute a single, standardised minimum notice period for migrants to access justice prior to enforced removal and confirm in statute that notice need not be re-issued following a previous failed removal, for example where the person has physically disrupted their removal.	No response
39. The Government intends on amending the list of factors for consideration of Immigration Bail in paragraph 3 of Schedule 10 to the Immigration Act 2016 (legislation.gov.uk), to include an individual's compliance with proper immigration process.	
To what extent, if at all, do you agree or disagree with this proposal?	No response
40. This question relates to the proposals around providing prior notice of a set period (known as the notice period) before the individual is removed. This notice period provides the opportunity to seek legal advice and bring legal challenges ahead of removal. In your view, should this notice period be:	
1. A minimum of 72 hours, as is currently the case 2. 5 working days 3. 7 calendar days 4. Other length of time (please specify and explain your answer)	No response
41. Please use the space below to give further feedback on the proposals in chapter 8. In particular, the Government is keen to understand:	
a) If there are any ways in which these proposals could be improved to make sure the objective of enforcing and promoting compliance with immigration laws, ensuring the swift return of those not entitled to be in the UK is achieved;	Please see our answer to Question 3 which is equally applicable in this context.
(b) Whether there are any potential challenges that you can foresee in the approach the Government is taking around removals.	
Public Sector Equality Duty (and other general questions)	
42. Below is a list of protected characteristics under the Equalities Act:	
<ul style="list-style-type: none"> • Age • Disability • Gender reassignment • Marriage and civil partnership • Pregnancy and maternity • Race • Religion or belief 	

- Sex
- Sexual orientation

From the list of areas below, please select any areas where you feel intended reforms present disproportionate impacts on individuals protected by the Equalities Act.
Please expand on your answer for any areas you have selected, providing data (where applicable), further information and detailed reasons.

Protecting those Fleeing Persecution, Oppression and Tyranny (Chapter 2)	<p>Together has serious concerns about impact of proposals on child refugees and asylum-seekers, but also children who have (or are in families with) other protected characteristics.</p> <p>Please see our response to Question 3 for more detail.</p>
Ending Anomalies and Delivering Fairness in British Nationality Law (Chapter 3)	<p>Together has serious concerns about impact of proposals on child refugees and asylum-seekers, but also children who have (or are in families with) other protected characteristics.</p> <p>Please see our response to Question 3 for more detail.</p>
Disrupting Criminal Networks and Reforming the Asylum System (Chapter 4)	<p>Together has serious concerns about impact of proposals on child refugees and asylum-seekers, but also children who have (or are in families with) other protected characteristics.</p> <p>Please see our response to Question 3 for more detail.</p>
Streamlining Asylum Claims and Appeals (Chapter 5)	<p>Together has serious concerns about impact of proposals on child refugees and asylum-seekers, but also children who have (or are in families with) other protected characteristics.</p> <p>Please see our response to Question 3 for more detail.</p>
Supporting Victims of Modern Slavery (Chapter 6)	<p>Together has serious concerns about impact of proposals on child refugees and asylum-seekers, but also children who have (or are in families with) other protected characteristics.</p> <p>Please see our response to Question 3 for more detail.</p>
Disrupting Criminal Networks Behind People Smuggling (Chapter 7)	<p>Together has serious concerns about impact of proposals on child refugees and asylum-seekers, but also children who have (or are in families with) other protected characteristics.</p> <p>Please see our response to Question 3 for more detail.</p>
Enforcing Removals including Foreign National Offenders (FNOs) (Chapter 8)	<p>Together has serious concerns about impact of proposals on child refugees and asylum-seekers,</p>

	<p>but also children who have (or are in families with) other protected characteristics.</p> <p>Please see our response to Question 3 for more detail.</p>
<p>43. And in which areas, if any, of the intended reforms do you feel there are likely to be the greatest potential equalities considerations against the listed protected characteristics?</p>	
Protecting those Fleeing Persecution, Oppression and Tyranny (Chapter 2)	Tick
Ending Anomalies and Delivering Fairness in British Nationality Law (Chapter 3)	Tick
Disrupting Criminal Networks and Reforming the Asylum System (Chapter 4)	Tick
Streamlining Asylum Claims and Appeals (Chapter 5)	Tick
Supporting Victims of Modern Slavery (Chapter 6)	Tick
Disrupting Criminal Networks Behind People Smuggling (Chapter 7)	Tick
Enforcing Removals including Foreign National Offenders (FNOs) (Chapter 8)	Tick
<p>44. Thinking about any potential equality considerations for the intended reforms in each of the areas, are there any mitigations you feel the Government should consider? Please give data (where applicable) and detailed reasons.</p> <p>To develop a rights-respecting system, the UK Government should conduct a Child Rights Impact Assessment (CRIA) of its proposals as a matter of urgency. This will enable any gaps or concerns to be identified and addressed. To be effective, this assessment must be subject to ongoing review.</p> <p>Please refer to Question 3 for more detail.</p>	
<p>45. Is there any other feedback on the New Plan for Immigration content that you would like to submit as part of this consultation?</p> <p>Children have a right to be heard in decisions that affect them and to have their views taken into account (Article 12 UNCRC). This requires that children have access to child-friendly information on the current proposals and an opportunity to express their views in a format which is accessible to them, including language, disability and other factors.</p> <p>We would welcome the UK Government's reflections on what consultation has taken place to ascertain the views of refugee and asylum-seeking children, and what more could be done to ensure their voices are heard and inform the proposed changes.</p>	

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