



Refugee Support Group: Advocating for Refugees and Asylum Seekers in Berkshire

Introduction

The right to seek and claim asylum is enshrined in the 1951 UN Refugee Convention and the 1967 Protocol.¹ In the UK, these fundamental legal principles that underpin the international refugee regime have become endangered. The Nationality and Borders Act, passed in March 2022, undermines both the letter and the spirit of the Refugee Convention:² for the first time, people who arrive in the UK via unsafe routes will no longer be entitled to full refugee status.

The United Nations High Commission for Refugees (UNHCR), guardians of the Refugee Convention, have said, in no uncertain terms, that the Nationality and Borders Act violates the Refugee Convention. Not only does it fail in its aims to 'reduce dangerous journeys, tackle human trafficking or fix a "broken" asylum system,' but it criminalises the act of seeking asylum, denies refugees the 'rights that are guaranteed to them under the Refugee Convention and international law,' and 'impermissibly externalise[s] the UK's obligations to refugees and asylum seekers within its jurisdiction.'³

The legal landscape for refugees in Britain is becoming increasingly hostile, as successive governments usher in more expansive deterrence policies, generating new challenges for frontline organisations like RSG. We affirm, above all, that refugees should not be returned to their country of origin or any other country to face persecution, danger or abuse, and that refugees should be protected without discrimination of any kind that is based on their characteristics, beliefs or origin.

Advocacy at RSG

RSG is a frontline service helping refugees and asylum seekers to become settled and integrated in their new communities with advice, training, and general support. We seek to raise awareness of the needs of refugees and asylum seekers locally and nationally, based on our experience of working with them and of the impact of legislation on refugees and asylum seekers. We are aware of and fully accept the *Campaigning and Political Activity Guidance for Charities* issued by the Charity Commission.⁴ We are an independent organisation and do not exist for a political purpose; we recognise the Commission's statement that 'campaigning and political activity can be legitimate and valuable activities for charities to undertake' so long as they are undertaken in pursuit of the charity's purposes.

We seek to influence government policy and legislation when it is clear that it is in the interests of our beneficiaries. We support national organisations, including the Refugee Council and Refugee Action, which campaign for changes that will assist our main purpose of meeting the needs of refugees and asylum seekers. We believe there are a variety of factors within the UK system of support for refugees and asylum seekers which hinder their successful integration and have harmful effects on their welfare and that of their families.

As a medium-sized organisation, RSG is flexible enough to contribute locally to a diverse range of campaigns organised by national organisations concerning issues that impact our client group. The table below details some of the key issues for our clients, the problems they face, and the current activities designed to raise awareness of and contribute to ameliorating those problems. Activities undertaken in support of these broader campaigns can vary in frequency and focus, depending upon the work of the lead organisation. We believe that,

¹ <https://www.unhcr.org/uk/1951-refugee-convention.html>

² <https://www.legislation.gov.uk/ukpga/2022/36/contents>

³ <https://www.unhcr.org/uk/615ff04d4.pdf>

⁴ <https://www.gov.uk/government/publications/speaking-out-guidance-on-campaigning-and-political-activity-by-charities-cc9>



as the refugee sector faces increasing pressure in the UK, it has never been more important to show solidarity with other groups and pool resources when campaigning for change. The large number of issues addressed below reflects the diversity of barriers faced by our client group. It is important to acknowledge here that the category of 'asylum seekers and refugees' belies the diversity of situations and experiences our clients face: those who have arrived in the UK under a resettlement scheme have an entirely different experience and set of challenges than those who cross the Channel by boat, for example.

Key Issues and Campaigns

<i>Differential Treatment of Refugees</i>	
<p>The Nationality and Borders Act, known by campaigners as the 'Anti-Refugee Laws', has created two tiers of asylum seekers: those who enter the UK through limited resettlement routes, and those who take unsafe routes, including crossing the channel by boat.</p> <p>As the UNHCR attests, 'the attempt to create two different classes of recognised refugees is inconsistent with the Refugee Convention and has no basis in international law.' In fact, 'There is nothing in the Refugee Convention that defines a refugee or their entitlements under it according to their route of travel, choice of country of asylum, or the timing of their asylum claim.'⁵</p>	<p>Campaign: Fight the Anti Refugee Laws Organiser: Refugee Action</p> <p>As a member of the 400-strong Together with Refugees coalition, and signatory of the 'Fight the Anti Refugee Laws' pledge, we continue to demand a kind, fair and humane asylum system for people fleeing war, violence, and persecution.</p>
<i>Asylum Backlog and Culture of Disbelief</i>	
<p>Making an asylum application is a highly complex and traumatic process. Long delays are common: the Home Office currently faces a backlog of more than 90,000 outstanding asylum applications. Less than 10% of people who claimed asylum in 2021 have received a decision on their claim. More than 60% of appeals against refused asylum applications are successful, showing the poor quality of decision-making in the first instance.</p> <p>The Borders Act has made the asylum application process even more punitive, by raising the threshold of evidence and treating unfavourably the failure to communicate all aspects of the claim in the first instance. This disproportionately affects women who struggle with shame and re-traumatisation when disclosing details of sexual and other violence.</p>	<p>RSG believes that the Home Office must improve the quality of its decision making and information provision to people seeking asylum. The Government must ensure a comprehensive and public review of current legal aid provision.</p> <p>The Government should make decisions far more quickly. If people have to wait more than 12 months for a decision, they should be granted Discretionary Leave to Remain.</p> <p>The Home Office should listen to people seeking asylum and act upon their feedback.</p>

⁵ <https://www.unhcr.org/uk/615ff04d4.pdf>



<p>There is a well-documented 'culture of disbelief' at the Home Office: a baseline assumption that all asylum applicants are lying until proven otherwise. This hostile culture increases the barriers to a fair and humane asylum consideration process.</p>	
<p><i>Offshore Detention</i></p>	
<p>The passage of the Nationality and Borders Act in April 2022 paved the way for the use of offshore detention. On 13th April 2022, the UK struck a deal with the Rwandan authorities to begin plans for removing people to Rwanda before hearing their asylum claims.⁶ UK taxpayers have already handed over £120 million to the Rwandan authorities under the 'UK-Rwanda Migration and Economic Development Partnership.'⁷</p> <p>The first flight was set to take off on 14th June but was cancelled before following an intervention from the European Court of Human Rights.</p> <p>PCS, Detention Action, Care4Calais and Asylum Aid have challenged the flights to Rwanda in court, yet the Government remains steadfast in their plans to remove people to Rwanda.</p>	<p>Campaign: Stop Rwanda Organiser: Together with Refugees; Freedom from Torture</p> <p>RSG has participated in Together with Refugees' "Fill the Skies with Hope" campaign action. We have amplified Freedom From Torture's successful #StoptheFlights campaign which targets the airlines contracted to fly people to Rwanda. We have attended protests in London linked to the court case opposing the flights.</p>
<p><i>Damaging and Dehumanising Narratives</i></p>	
<p>That the tabloid press continues to demonise and scapegoat refugees and asylum seekers should not come as a surprise; this has been a staple of mainstream media for over 30 years. That top government officials are echoing and endorsing this inflammatory, dehumanising language is cause for great concern.</p> <p>As MRN recognise, 'language forms the foundation of how people navigate global immigration systems and how they are treated.'</p>	<p>Campaign: Words Matter Organiser: Migrants' Rights Network</p> <p>In recognition that the language we use to describe refugees is directly related to perceptions of, and thus experiences of, refugees in the UK, RSG have signed the 'Words Matter' pledge, to challenge harmful and divisive language where and when we see it. We have pledged to call out the use of words that alienate and demean migrants and refugees, and to stand up and challenge language which encourages division and harms refugees.</p>
<p><i>Afghan Refugees in 'Transition' Hotels</i></p>	
<p>Since August 2021, more than 20,000 Afghans who arrived in Britain under the ARAP and ACRS schemes have been living in so-called 'transition' hotels. More</p>	<p>RSG argues that Afghan the resettlement schemes have been slow and ineffective: only <i>four</i> Afghans</p>

⁶ <https://www.gov.uk/government/publications/memorandum-of-understanding-mou-between-the-uk-and-rwanda/memorandum-of-understanding-between-the-government-of-the-united-kingdom-of-great-britain-and-northern-ireland-and-the-government-of-the-republic-of-r>

⁷ <https://commonslibrary.parliament.uk/research-briefings/cbp-9568/>



<p>than half are still living in temporary hotel accommodation, unable to fully settle and begin to rebuild their lives. According to the Home Office, there are currently 25,000 asylum seekers and 12,000 Afghan refugees in transition hotels, a total of 37,000 people.</p> <p>At the end of 2021, RSG was supporting two transition hotels in Berkshire. These have since condensed into one. We are currently working with around 43 families, a number which remains relatively consistent, as when one family moves out into private accommodation, another quickly moves in.</p>	<p>have so far been resettled under the second phase of the ACRS scheme.⁸</p> <p>Some of those evacuated last year left behind spouses and young children. There is no route for them to be reunited with their family members still stuck in Afghanistan. We continue to call on the Government to create a route to resettlement for direct family members of those who have been resettled from Afghanistan. Otherwise, the number of Afghans crossing the Channel will continue to increase.</p> <p>A solution must be found to this accommodation crisis for Afghan families.</p>
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Contingency Hotels

<p>After an individual is 'intercepted' in the channel, they are brought to Dover for identity checks, security checks, and initial asylum screening. They are then 'securely moved to suitable accommodation locations as quickly as possible.' Increasingly, this means being moved into temporary hotel accommodation anywhere in the UK. Despite the Government's promised to end the use of hotels, the Refugee Council found that 'the hotel population of people seeking asylum almost tripled over the course of 2021, with a staggering 26,380 people being accommodated in hotels across the UK at the end of 2021.⁹ The Refugee Council have reported on the impact of prolonged hotel stays on child development, and the damage caused to people's health and wellbeing, including depression and suicidal ideation. There has also been a rise in deaths in asylum accommodation over the last two years,¹⁰ as well as reports that children are knowingly being placed in hotel accommodation with adults.¹¹</p> <p>It currently costs taxpayers around £5 million a day to accommodate over 37,000 asylum claimants and Afghan refugees in hotels. As a result, the Government has also announced they will be using repurposed military facilities the accommodate</p>	<p>Campaign: Communities not Camps Organiser: Asylum Matters</p> <p>We continue to support and endorse Asylum Matters' #CommunitiesNotCamps campaign.¹⁴</p> <p>We urge the Home Office to work collaboratively with local authorities and refugee charities when standing up hotel accommodation to ensure that the basic needs of newly arrived asylum seekers are met and that there are no unaccompanied children wrongly placed in adult accommodation. This communication is also important to reduce tensions between hotel residents and the local population.</p> <p>We are strongly opposed to the use of repurposed military facilities, which are often in inappropriate, isolated locations.</p>
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⁸ <https://www.gov.uk/government/statistical-data-sets/asylum-and-resettlement-datasets#asylum-applications-decisions-and-resettlement>

⁹ <https://www.refugeecouncil.org.uk/information/resources/lives-on-hold-the-experiences-of-people-in-hotel-asylum-accommodation/>

¹⁰ <https://www.theguardian.com/uk-news/2022/jun/25/asylum-seekers-deaths-home-office-housing-data>

¹¹ <https://www.theguardian.com/uk-news/2022/nov/27/child-asylum-seekers-detained-as-adults-after-uk-home-office-alters-birth-dates>

¹⁴ <https://asylumatters.org/wp-content/uploads/sites/24/2022/11/Asylum-Matters-Asylum-Accommodation-Briefing-November-2022-1.pdf>



<p>asylum claimants as a cheaper alternative to hotel accommodation.¹² Despite the concerns raised about the use of Napier Barracks as an accommodation facility, six further ex-military bases have been earmarked to accommodate 30,000 asylum claimants.¹³ These will be semi-closed facilities, with residents expected to be onsite overnight. They will feature daily ID check, external and internal CCTV, a controlled access point and security perimeter patrols.</p>	
<p><i>Resisting the Hostile Environment</i></p>	
<p>The UK Home Office introduced its Hostile Environment policy in the 2014 Immigration Act. The policy's stated aim is to create such difficulties for individuals without leave to remain in simply living their everyday lives and accessing social services that they 'voluntarily' choose to leave.</p> <p>The immigration controls that make up the Hostile Environment are designed to prevent individuals without leave to remain from accessing healthcare, housing, education, work, and benefits by requiring the NHS, landlords, charities, and banks to check a person's immigration status before offering them a job, housing, or support.¹⁵</p> <p>The hostile environment aims to criminalise the everyday activities of undocumented migrants, including working, driving, or renting, and disincentivise people from accessing these services for fear of being identified as 'irregular', detained, and deported.¹⁶</p>	<p>Campaign: Ending the Hostile Environment Organisation: Joint Council for the Welfare of Immigrants (JCWI)¹⁷</p> <p>The Hostile Environment affects many of our clients in multiple, often hidden ways. We endorse JCWI's campaign to resist the administrative injustices of the Hostile Environment and continue to raise awareness of its pernicious effects.</p>
<p><i>Right to Work</i></p>	
<p>Asylum seekers are not permitted to work whilst their asylum claim is being considered, a process that can take years. The ban on working reduces morale and resilience amongst our client population, and heightens risks to mental health caused by isolation and mundanity. It affects later effective integration into the workforce and community.</p>	<p>Campaign: Lift the Ban Organiser: Refugee Action et al.</p> <p>RSG is a member of the Lift the Ban campaign,²¹ which has now been running for four years. YouGov</p>

¹² <https://asylumatters.org/wp-content/uploads/sites/24/2022/05/Asylum-accommodation-centres-FAQs-May-2022.pdf>

¹³ <https://www.telegraph.co.uk/news/2022/07/27/ex-military-sites-could-house-30000-channel-migrants-asylum/>

¹⁵ https://www.libertyhumanrights.org.uk/wp-content/uploads/2020/02/Hostile-Environment-Guide—update-May-2019_0.pdf

¹⁶ <https://www.jcwi.org.uk/passport-please>

¹⁷ <https://www.jcwi.org.uk/Pages/Category/ending-the-hostile-environment>

²¹ <https://www.refugee-action.org.uk/wp-content/uploads/2020/08/Lift-the-Ban-Activism-Pack.pdf>



<p>There is a rational, moral, and financial case for the right to work, which Conservative politicians should be inclined to endorse:¹⁸ the Treasury could make £333 million per year savings by giving asylum claimants the right to work after six months.¹⁹</p> <p>A Home Office research report from 2020 reveals that the evidence is not there to back up the oft-cited argument that giving asylum claimants the right to work will act as a 'pull factor' to encourage more people to take the dangerous journey to the UK.²⁰</p>	<p>polling shows that 81% of the public support giving people seeking asylum the right to work.</p> <p>The most recent campaign action we are exploring is the 'High Street Challenge,'²² encouraging local businesses to become Lift the Ban business allies.</p> <p>We contest that people seeking asylum, and their adult dependants, should be given the right to work after 6 months of having lodged an asylum claim or further submission, unconstrained by the shortage occupation list. They should have access to education – including free ESOL classes – from application.</p>
<p><i>Immigration Detention</i></p>	
<p>Immigration detention centres exist all over the UK. Many individuals are locked up in prison-like conditions with no recourse to legal oversight and no indication of how long they will be locked up. The UK remains the only country in Europe without a time limit on detention. Detention is intended as a resource for those awaiting deportation, but its use in the UK includes detention of people later released back into the community.</p> <p>Despite the Government's commitment in 2016 to shrink the British detention estate,²³ the Home Office announced on 28th June 2022 that Campsfield House detention centre in Oxfordshire, which closed in 2018, will reopen in late 2023.²⁴ A mixture of refurbished and new-build accommodation, the centre will be designed for around 400 men: foreign national offenders and so-called 'immigration offenders' set to be removed from the UK.</p>	<p>Campaign: Keep Campsfield Closed Organiser: Coalition to Keep Campsfield Closed</p> <p>A 28-day time limit on detention must be imposed and enforced across the UK, in line with other European countries.</p> <p>We reject the use of detention for those seeking asylum and support the use of alternative community-based models.²⁵</p> <p>RSG is an active member of the Coalition to Keep Campsfield Closed.²⁶</p>

¹⁸ <https://www.refugee-action.org.uk/wp-content/uploads/2020/07/Lift-The-Ban-Common-Sense.pdf>

¹⁹ <https://www.gov.uk/government/statistics/immigration-statistics-year-ending-september-2022>

²⁰ <https://freemovement.org.uk/wp-content/uploads/2022/11/Annex-A-Sovereign-Borders-International-Asylum-Comparisons-Report-Section-1-Drivers-and-impact-on-asylum-migration-journeys.pdf>

²² https://lifttheban.co.uk/wp-content/uploads/2022/11/LTB_HighStreetChallenge_A4_Booklet_TP_WEB_SINGLES.pdf

²³ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/490782/52532_Shaw_Review_Accessible.pdf

²⁴ <https://www.gov.uk/government/news/blueprint-for-new-immigration-removal-centre>

²⁵ <https://atdnetwork.org/alternatives-to-detention/>

²⁶ <https://keepcampsfieldclosed.uk/members/>