UNHCR
United Nations High Commissioner for Refugees
Haut Commissariat des Nations Unies pour les réfugiés

United Nations High Commissioner for Refugees

IMMIGRATION BILL 2015

Parliamentary Briefing for House of Commons Committee Stage

UNHCR is entrusted by the United Nations General Assembly with the responsibility for providing international protection to refugees and other persons within its mandate, and for assisting governments in seeking permanent solutions to the problem of refugees.[1] As set forth in its Statute, UNHCR fulfils its international protection mandate by, inter alia, "[p]romoting the conclusion and ratification of international conventions for the protection of refugees, supervising their application and proposing amendments thereto."[2]

UNHCR's supervisory responsibility under its Statute is reiterated in Article 35 of the 1951 Convention relating to the Status of Refugees ("the 1951 Convention")[3] according to which State parties undertake to "co-operate with the Office of the United Nations High Commissioner for Refugees […] in the exercise of its functions, and shall in particular facilitate its duty of supervising the application of the provisions of the Convention." The same commitment is included in Article II of the 1967 Protocol relating to the Status of Refugees.[4]

The UN General Assembly has also entrusted UNHCR with a global mandate to provide protection to stateless persons worldwide and to engage in prevention and reduction of statelessness. UNHCR's Executive Committee has further requested UNHCR to undertake "targeted activities to support the identification, prevention and reduction of statelessness and to further the protection of stateless persons." The Executive Committee also requests the Office "to provide technical advice to States Parties on the implementation of the 1954 Convention so as to ensure consistent implementation of its provisions." UNHCR thus has a direct interest in national legislation that regulates the protection of stateless persons, including implementation of the 1954 Convention relating to the Status of Stateless Persons.

In line with the above mandate and insofar as they affect persons of concern to UNHCR, we welcome the opportunity to comment on the following provisions of the Immigration Bill 2015 (Bill):

Illegal Working (Clause 8, Schedule 1)

UNHCR is concerned that the criminal offence of illegal working under Clause 8 of the Bill may have a disproportionate impact upon victims of trafficking with international protection needs. By definition, the purpose of trafficking of persons is the exploitation of the victim including through forced labour or services.[5] Many victims of trafficking with international protection needs will be forced to act in contravention of the law and could, therefore, fall within the draft illegal working provision. In UNHCR's view the consequences of conviction

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[1] See Statute of the Office of the United Nations High Commissioner for Refugees, UN General Assembly Resolution 428(V), Annex, UN Doc. A/1775, para. 1, available at www.unhcr.org/ refworld/docid/3ae6b3628.html ("Statute").
[2] *Ibid.*, para. 8(a).
[3] UNTS No. 2545, Vol. 189, p. 137.
[4] UNTS No. 8791, Vol. 606, p. 267.
[5] UNHCR Guidelines on International Protection No 7: The application of Article 1A(2) of the 1951 Convention and/or 1967 Protocol relating to the Status of refugees to the Status of Refugees to victims of trafficking and persons at risk of being trafficked, para 9.

and imprisonment of a term up to 51 weeks could exacerbate any vulnerabilities and have a detrimental impact on the prospect of integration and/or eventual naturalisation for victims of trafficking who receive refugee status or humanitarian protection.[6] UNHCR fully supported the inclusion of non-penalisation for victims of trafficking in the Modern Slavery Act 2015[7] and strongly recommends that the defence outlined in Section 45 of that Act[8] be referenced within the provision on illegal working in order to avoid wrongful prosecutions and delays in naturalisation in these cases.

UNHCR notes that stateless persons may also fall within Clause 8 and be subject to the punitive elements of the provision. In contrast to the asylum procedure, which currently provides limited circumstances for asylum-seekers to undertake employment,[9] the Statelessness Determination Procedure (SDP) does not provide similar access. Applicants in the SDP can experience lengthy delays in receiving a decision, and with no clear support mechanism attached to the procedure, UNHCR is concerned that stateless persons may feel compelled to work in contravention of the proposed illegal working provision. In the long term, a conviction for working illegally is also likely to delay the prospect of stateless persons obtaining nationality through naturalisation. To address this, UNHCR recommends that individuals awaiting a determination of statelessness receive the same standards of treatment as asylum-seekers whose claims are being considered.[10] Allowing individuals awaiting statelessness determination to engage in wage-earning employment, even on a limited basis, may reduce the pressure on State resources and would contribute to the dignity and self-sufficiency of the individuals concerned.[11]

UNHCR recommends:

The defence outlined in Section 45 of the Modern Slavery Act 2015 is referenced within the provision on illegal working in order to avoid wrongful prosecutions of victims of trafficking.

Provision is made for individuals awaiting a determination of statelessness to receive at least the same standards of treatment as asylum-seekers whose claims are being considered, including access to employment in certain situations.

Access to Services (Clauses 12-18, Schedules 2 and 3)

The Bill extends the "right to rent" scheme across the UK alongside criminal sanctions for breaching the provisions; it brings in requirements on banks to check the immigration status of current account holders and facilitate the closure of those held by "illegal migrants"; further, it introduces a new offence for driving whilst not lawfully resident in the UK and related powers of search and seizure. These come as part of a package designed to make it "much harder for illegal immigrants to stay in the UK when they have no right to do so."[12] While UNHCR

[6] Annex D: The Good Character Requirement, Section 2.1 provides that a sentence of 12 months imprisonment will mean a nationality application will normally be refused unless 10 years have passed since the end of this sentence. Available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/406368/Chapter_18_Annex_D_v02.pdf.
[7] Draft Modern Slavery Bill: Written Evidence to the Parliamentary Joint Committee (February 2014) available at: http://www.unhcr.org.uk/fileadmin/user_upload/docs/Draft_Modern_Slavery_Bill_-_UNHCR_Written_Evidence_-_February_2014_01.pdf.
[8] Modern Slavery Act 2015, Section 45: Defence for slavery or trafficking victims who commit an offence.
[9] See Immigration Rules, para 360 and Asylum Policy Instruction, Permission to Work (April 2014) available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/299415/Permission_to_Work_Asy_v6_0.pdf.
[10] UNHCR Handbook on the Protection of Stateless Persons, para 145.
[11] UNHCR Handbook on the Protection of Stateless Persons, para 146.
[12] UK Home Office, Immigration Bill 2015/16, Factsheet –Banks (Clause 18), September 2015, available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/461702/Banks.pdf.

recognises the importance of maintaining immigration control, it is not aware of consideration being given by the Government to the direct or indirect impact these measures may have on persons of concern to UNHCR who are entitled under UK law to access services, particularly given the complex and often evolving legal status they can have in the UK. In UNHCR's view it is of critical importance that persons in need of international protection are given appropriate access to services and benefit from a welcoming environment so as to ensure their effective integration in the UK.

UNHCR is aware of the Joint Council for the Welfare of Immigrants' independent evaluation of the "right to rent" provisions which indicates that the scheme has contributed to discrimination; landlords are less likely to rent to those with foreign accents and names or those who do not possess a British passport, and checks are not being carried out uniformly but are directed at individuals who appear "foreign".[13] At the same time, the recently published Home Office Evaluation of the Right to Rent raises concerns regarding the potential for discrimination and that the scheme could present difficulties for British citizens with limited documentation.[14] The evaluation did not, however, consider the particular situation asylum-seekers, refugees and stateless persons with permission to be in the UK might face in accessing rental accommodation. Nonetheless, due to the findings of these evaluations, UNHCR is concerned that the "right to rent" provisions, and their extension under the Bill, may have a detrimental impact on the reception and integration of persons of concern to UNHCR given their background and, in many instances, their vulnerabilities.

UNHCR recommends:

The Home Office evaluates the impact of the Right to Rent scheme and other proposals related to access to services on asylum-seekers, refugees and stateless persons with permission to be in the UK to determine whether they give rise to discrimination. If it is not possible to protect such persons from discrimination related to these initiatives, UNHCR recommends that they be withdrawn.

Bail (Clause 29 and Schedule 5)

The Bill introduces a new "consolidated framework" for immigration bail and removes temporary admission, temporary release and release on restrictions as alternatives to detention. According to international law, the detention of asylum-seekers is justified only as far as it is determined to be necessary and proportionate for the pursuit of a legitimate purpose in each individual case. While liberty must always be considered, alternatives to detention are part of the necessity and proportionality assessment of the lawfulness of detention. UNHCR's own commissioned research had highlighted concerns that the alternatives currently offered in the UK - temporary admission, temporary release, release on restrictions and bail – have not always been effective or sufficiently accessible to asylum-seekers.[15] It is UNHCR's view that there is considerable scope for introducing effective alternatives to detention to complement, rather than diminish, what is currently in place in the UK. Many alternatives to detention used in

[13] Joint Council for the Welfare of Immigrants, "No Passport Equals No Home": An independent evaluation of the 'Right to Rent' scheme, 3 September 2015, available at http://www.jcwi.org.uk/sites/default/files/documets/No%20Passport%20Equals%20No%20Home%20Right%20to%20Rent%20Independent%20Evaluation_0.pdf.
[14] UK Home Office, Evaluation of the Right to Rent Scheme, October 2015 available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/468934/horr83.pdf.
[15] UNHCR, *United Nations High Commissioner for Refugees (UNHCR) Inquiry into the use of Immigration Detention Written evidence to the Parliamentary Joint Committee*, 1 October 2014.

other countries are relatively inexpensive and provide comprehensive services in the community to asylum-seekers, while supporting the efficient operation of the asylum system.[16]

In this context, UNHCR is anxious about the proposal to further restrict the categories of alternatives to detention available to persons of concern to UNHCR in the UK. UNHCR is particularly concerned about the potential removal of temporary admission, temporary release and release on restrictions which are frequently used for asylum-seekers and are capable of providing less onerous alternatives to detention than bail. UNHCR is concerned that the proposed bail regime comes with further limitations on judicial powers, including the ability of the Home Office to impose conditions that were not considered appropriate by the Tribunal in the initial grant of bail. Additionally, the draft provisions expand on the use of electronic monitoring measures, with no elaboration on what should be the exceptional circumstances in which they can be applied. Forms of electronic monitoring – such as wrist or ankle bracelets – are considered harsh, not least owing to the perceived criminal stigma attached to their use; and should as far as possible be avoided.[17]

UNHCR considers that, for bail to be genuinely available to asylum-seekers, bail hearings would preferably be automatic.[18] Despite seeking to expand the application of bail in the UK through Clause 29 and Schedule 5, the Bill misses the opportunity to introduce this important measure to ensure effective access to alternatives to detention.

UNHCR is also concerned that the limitations on the availability of bail accommodation previously provided under Section 4(1) of the Immigration and Asylum Act 1999, which is now proposed to be repealed and replaced with provisions where such accommodation is only provided in "exceptional circumstances," will impact negatively on persons of concern to UNHCR. It is UNHCR's view that the provision of bail accommodation under Section 4(1) and the relevant regulations[19] is an important element of the bail system for those who would otherwise not qualify due to lack of a bail address to which they could be released. Limiting this to exceptional circumstances and without clear guidance (as is currently the case) on what such circumstances are would, in UNHCR's view, further curtail opportunities for release on bail and could potentially lead to prolonged and/or unlawful detention.

UNHCR recommends that the Bill is used as an opportunity to address shortcomings identified in the use of the detention estate, including through the recent cross-party Parliamentary Inquiry into the use of Immigration Detention.[20] Provision should be made to introduce a time limit on the use of immigration detention, improve judicial oversight of detention, and scale back on the use of detention, including through the introduction of a wider range of community-based alternatives to detention.

[16] UNHCR, *Canada/USA Bi-National Roundtable on Alternatives to Detention of Asylum-Seekers, Refugees, Migrants and Stateless Persons*, February 2013, available at: http://www.refworld.org/docid/515178a12.html.

[17] UNHCR, Detention Guidelines on the Applicable Criteria and Standards relating to the Detention of Asylum-Seekers and Alternatives to Detention, 2012, available at: http://www.refworld.org/docid/503489533b8.html.

[18] *ibid.*

[19] The Immigration and Asylum (Provision of Accommodation to Failed Asylum-Seekers) Regulations 2005 available at: http://www.legislation.gov.uk/uksi/2005/930/contents/made.

[20] UK Parliament, *The Report of the Inquiry into the Use of Immigration Detention in the United Kingdom A Joint Inquiry by the All Party Parliamentary Group on Refugees & the All Party Parliamentary Group on Migration*, 3 March 2015.

UNHCR recommends:

The new "consolidated framework" for immigration bail and removal of temporary admission, temporary release and release on restrictions as alternatives to detention under Clause 29 and Schedule 5 are not introduced.

Not to repeal Section 4(1) of the Immigration and Asylum Act 1999 and to maintain the current regulations which provide a bail address to those who would otherwise not qualify for bail.

A maximum time limit on the length of time anyone can be detained in immigration detention is introduced. At the end of the maximum period, persons must be released automatically. UNHCR would support the 28 day time limit proposed in the report of the Parliamentary Inquiry into the use of Immigration Detention.

Automatic bail hearings for immigration detainees are introduced.

Appeals (Part 4, Clause 31)

Clause 31 would amend Section 94B of the Nationality, Immigration and Asylum Act 2002. UNHCR welcomes the fact that Refugee Convention and Article 3 ECHR appeals would not be affected by the proposed removal of appeal rights in Part 4 of the Bill. UNHCR is, however, concerned that Clause 31 of the Bill, which permits the Secretary of State to remove the right to an in country appeal on human rights grounds, save where removal or required departure from, or refusal of entry to, the UK would be unlawful under Article 6 of the Human Rights Act, including where certification would give rise to "serious irreversible harm", would negatively affect persons of concern to UNHCR.

Human rights appeals are complex and the proposed legislation would have particular consequences on persons of concern to UNHCR in Article 8 ECHR cases. Article 8 appeals can have a significant importance in assuring that fundamental family and private life rights are upheld in the UK, including for asylum-seekers, refugees and stateless persons. In such cases, the central question, defined in UK and European case law, is whether removal from (or refusal of entry to) the UK constitutes a disproportionate interference in a person's private or family life. Despite the Secretary of State's assertion (in the Home Office Memorandum of 17 September 2015, Para. 98) that requiring an appeal to be brought from abroad is not an assessment "that the human rights claim is bound to fail at appeal," to certify an Article 8 appeal on the basis that requiring an appellant to pursue his or her appeal from outside the UK would not cause "serious irreversible harm" appears to *presume* that removal would not constitute a disproportionate interference in a person's private or family life.

UNHCR is concerned that the requirement that certain human rights appeals be brought from outside the UK would adversely impact on the right to an effective remedy for persons of concern. Human rights appeals often require reports by medical, psychological, social work, or other experts which may be difficult or impossible to undertake if the appellant is required to pursue an appeal from outside the UK. In addition, the removal of in country appeal rights can adversely affect a person's access to quality legal advice and ability to participate fully in his or her own appeal, particularly for persons in areas where limited technological services are

available and for persons who have limited financial resources.[21] Notwithstanding the possibility of judicial review of certification under Section 94B of the Nationality, Immigration and Asylum Act 2002, particularly in view of the complexity of such cases and the difficulties that some appellants face in accessing appropriate legal advice for judicial review proceedings, UNHCR is concerned that Section 94B as amended would result in persons of concern to UNHCR being unjustly denied the right to pursue an appeal from within the UK. These concerns are compounded by the limited availability of legal aid funding for some human rights, including Article 8, cases. It is UNHCR's considered view that separation of families for an extended period of time while an initial appeal and any further appeals are being considered could negatively impact persons of concern to UNHCR.

UNHCR notes that the separation of families poses hardships for children in particular, and observes that the Secretary of State is required to consider the best interests of children when making any immigration decision affecting them.[22] UNHCR's own research conducted in 2013 found that not all children in the cases reviewed had their best interests determined and that, as a result, asylum and immigration decisions that affected the children were being taken without due consideration to the child's best interests.[23]

UNHCR also remains concerned that the proposed legislation would give significant discretion to the Secretary of State to assess what constitutes "serious irreversible harm" and observes that the threshold of this standard is high. It is UNHCR's view that the amendments in the Bill that are aimed at restricting the right to an in country human rights appeal should not be adopted.

UNHCR recommends: Not to introduce Clause 31, which serves to extend the "deport first/appeal later" provisions of the Immigration Act 2014.

Support for certain categories of migrants (Clause 34, Schedule 6)

UNHCR acknowledges the Government's intended objective to ensure that those without a legal basis to be in the UK should leave the country. However, UNHCR remains concerned about the Government's aims to reclassify refused asylum-seekers as illegal migrants in order to restrict their access to alternative support. The use of the term "illegal migrant" as a means of referring to a person who has had their asylum claim refused could be construed as associating those who have sought asylum with criminality, despite the fact that they may not have been involved in criminality and that the right to seek asylum is recognised in international human rights law.[24] Further, UNHCR is concerned that the use of such language risks contributing to an unwelcoming environment for those seeking asylum in the UK.

[21] UNHCR is aware, for example, that in a case involving the application of Section 94B (in its current form), an appellant requested to participate in a Tribunal hearing from abroad, but was told that he must cover the costs of all technological services, both outside the UK and at the Tribunal.

[22] See, for example, *R (on the application of RA) v Secretary of State for the Home Department IJR* [2015] UKUT 00292 (IAC). It was found that the Secretary of State was in breach of her duty under Section 55 of the Borders Act in not considering the best interests of the child and as such the removal to Nigeria had been unlawful. UNHCR has also observed in its own research that not all children in the sample audit had their best interests determined and that, as a result, asylum and immigration decisions that affected the children were being taken without due consideration to the child's best interests.

[23] UNHCR *Considering the Best Interests of a Child within a Family Seeking Asylum*, December 2013, pp. 8 and 27, available at: https://www.judiciary.gov.uk/wp-content/uploads/2015/04/ra-and-bf-v-sshd-1-2.pdf.

[24] Article 14, Universal Declaration of Human Rights.

UNHCR notes the intended aim of the policy is to encourage failed asylum-seeking families to return home voluntarily. UNHCR also recognises that the efficient return of persons found not to be in need of international protection is key to the effective functioning of the international protection system as a whole. However, evidence suggests that the removal of support does not necessarily contribute to increased returns. This was demonstrated through the UK's Section 9 Pilot of 2005. The evaluations of this pilot (including by the Home Office) demonstrated that removing support (which resulted in destitution) did not promote compliance, and instead many individuals felt compelled to disengage and disappear in order to avoid return. Only one of the 116 families subject to the pilot returned to their country of origin, while around a third disappeared.[25] UNHCR's own research has also suggested that the removal of social/material assistance from refused asylum-seekers can encourage them to go 'underground.'[26] The same study found that conversely, the provision of support, including counselling and competent legal advice, may encourage compliance and visibility, and therefore support returns in the long run.[27] It is crucial that these considerations, including the potential inter-relationship between support for rejected asylum-seekers and assisted voluntary return are taken into account by the Home Office to ensure that its proposals do not risk undermining effective return policies and practices.

UNHCR is also concerned that some families with dependent children will be left without support if it is considered that they do not fulfil the criteria of the proposed Clause 95A provision. Acknowledging, that children are children first and foremost, any development in asylum and support policy should ensure that their welfare is protected and the principle of the best interests of the child respected. Whilst a child's welfare is primarily a parental responsibility it does not absolve the State of its established duty to take appropriate measures to assist parents and others responsible for the child and in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.[28] The proposed amendments to the Bill risk the State falling short of this duty.

UNHCR is particularly concerned that the Bill proposes to restrict local authorities' obligations to assist refused asylum-seeking families. There is a risk that this will result in the destitution of children, who have little to no control over the governing and core decision making concerning their lives. The risk is that not only will children become cut off from services, but also from service providers. In addition to leaving families and children vulnerable to abuse and exploitation, such measures would be contrary to duties to safeguard children under Section 55 of the Borders, Citizenship and Immigration Act 2009, the Children's Act 1989 and national statutory guidance.[29]

UNHCR's 2013 audit of family asylum claims[30] observed that none of the dependent children in the cases reviewed had been interviewed at any stage of the asylum process. This was despite UNHCR's observation of instances where it would have been appropriate to interview a dependent child, not only due to their right to be heard, but also because the substance of the asylum claim suggested evidence from the child would be needed to facilitate a sufficiently

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[25] Barnardo's, 'The End of the Road,' the impact on families of Section 9 of the Asylum and Immigration (Treatment of Claimants) Act 2004 http://www.barnardos.org.uk/the_end_of_the_road_asylum_report_summary.pdf, and Refugee Council/Refugee Action, "Inhumane and Ineffective - Section 9 in Practice" A Joint Refugee Council and Refugee Action report on the Section 9 pilot, 2006 http://www.refugeecouncil.org.uk/assets/0001/7040/Section9_report_Feb06.pdf.

[26] Alternatives to Detention of Asylum Seekers and Refugees', Ophelia Field, 2006, para 147 & 156, available at http://www.unhcr.org/cgi-bin/texis/vtx/search?page=search&docid=4474140a2&query=ophelia%20field.

[27] *Ibid.*

[28] UN Convention on the Rights of the Child, Article 27- right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.

[29] https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/419595/Working_Together_to_Safeguard_Children.pdf.

[30] UNHCR, Untold Stories...Families in the Asylum Process, June 2013, available at: http://www.refworld.org/docid/51c027b84.html

comprehensive consideration of the family's application. This suggests that in some instances the international protection needs of children may not be fully explored or recognised and provides further support for the retention of assistance for refused asylum-seekers with children.

Provision of support to Stateless persons:

The Statelessnes Determination Procedure (SDP) does not provide applicants (and their dependants) with recourse to any form of accommodation or financial assistance.[31] In UNHCR's view, the status of those awaiting statelessness determination must also reflect applicable human rights such as assistance to meet basic needs.[32] Currently some applicants submitting claims under the SDP receive support through Section 4 of the Immigration and Asylum Act 1999. This provides a vital means of support from destitution as evidenced by the findings in UNHCR and Asylum Aid's joint research 'Mapping Statelessness in the United Kingdom.'[33]

Clause 95A in its current form does not take into account the predicament of applicants in the SDP. By definition stateless persons are not considered a national by any State under the operation of its law;[34] therefore, efforts made to leave the United Kingdom will remain limited. In the event that Clause 95A is introduced, it should be expressly recognised that applicants in the SDP and their dependants can benefit from the provision and that they are considered to "demonstrate a genuine obstacle to leaving the United Kingdom" for its purposes. It is UNHCR's recommendation, however, that the Bill instead be used as an opportunity to provide for the provision of support to statelessness applicants and their dependants akin to asylum support.

No right of appeal against a decision to refuse or discontinue support:

UNHCR notes that reports produced by the Asylum Support Appeals Project on the quality of asylum support decisions, evidences that in a high number of cases the Home Office decision to refuse asylum support is overturned or reconsidered at appeal.[35] According to their most recent briefing 64.5% (435 cases) that they represented were overturned at appeal last year.[36] These statistics underline the importance of the appeal procedure in ensuring that correct decisions are made with respect to support. UNHCR is, consequently, concerned that the proposed amendment provides no accompanying appeal right against a decision to refuse or discontinue support and is of the firm view that a right of appeal ought to be provided. In UNHCR's view the impact of this provision risks subjecting refused asylum-seekers and stateless persons to lengthy periods of destitution.

[31] Home Office Statelessness Guidance (April 2013), available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/258252/stateless-guide.pdf.
[32] UNHCR Handbook on the Protection of Stateless Persons, para 146.
[33] The study found that of the 37 participants interviewed, 28 had experienced destitution with 11 participants experiencing rough sleeping or homelessness following withdrawal of Section 4 support. See UNHCR and Asylum Aid 'Mapping Statelessness in the United Kingdom', page 101, available at http://www.unhcr.org.uk/fileadmin/user_upload/images/Updates/November_2011/UNHCR-Statelessness_in_UK-ENG-screen.pdf.
[34] Article 1(1) 1954 Convention on the Status of Stateless Persons.
[35] Asylum Support Appeals Project, The next reasonable step, recommended changes to Home Office policy and practice for Section 4 support granted under Reg 3(2)(a), September 2014, available at: http://www.asaproject.org/wp-content/uploads/2014/11/The-Next-Reasonable-Step-September-2014.pdf.
[36] Asylum Support Appeals Project, Briefing Note: Home Office Consultation on Reforming Support for Failed Asylum Seekers and other Illegal Migrants, 21 August 2015, available at: http://www.asaproject.org/wp-content/uploads/2015/08/ASAPs-consultation-response-briefing.pdf.

UNHCR recommends:

Not to repeal Section 94(5), which would cut off support to failed asylum seeking families with children.

Provision is made for individuals awaiting a determination of statelessness to receive at least the same standard of accommodation and financial support assistance as asylum-seekers whose claims are being considered.

UNHCR London
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