

**Home Office White Paper**  
***Secure Borders Safe Haven***  
(CM 5387 February 2002)

**Response on behalf of**  
**the Mayor of London**  
March 2002

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## **Home Office White Paper *Secure Borders Safe Haven* - February 2002 Response on behalf of the Mayor of London**

### **Introduction**

1. The issues of immigration, asylum and nationality raised by the White Paper *Secure Borders Safe Haven* (CM 5387) are crucial for the work of the Mayor of London and the Greater London Authority (GLA).
2. Today - as throughout its history - London is a city built on immigration. The rapid current net growth in its population is entirely due to immigration from abroad. Asylum seekers account for a sizeable proportion of this population growth (even if their share in it will have been reduced in 2001 by dispersal). A large majority of UK refugees and asylum seekers live in London and, on GLA estimates, one in 20 Londoners is a refugee or asylum seeker who arrived here within the past 15 years.
3. All this gives London a unique cultural and ethnic diversity. Not only do Black, Asian and other ethnic minorities make up one-third of London's population, but over 300 languages are spoken in its streets and homes, while it has resident communities of more than 10,000 people from each of 34 different countries.
4. As the Mayor made clear in his election manifesto, he aims to '*embrace London's diversity as a source of strength and opportunity for London and to address the issues of race and diversity in the mainstream of all [his] policies*'. But his concern with these issues goes beyond his electoral mandate. Immigration, asylum and nationality connect - directly or indirectly - with the GLA's statutory responsibilities for London's social development, economic development and wealth creation, equality of opportunity, cultural life, promoting health, and (for example through demographic effects) its spatial development.
5. The Mayor therefore welcomes the opportunity to respond to the White Paper. He hopes the Home Secretary, as he prepares subsequent legislation, will recognise that London and the GLA have a compelling interest in these issues and will be guided by the following comments.

### **General view of White Paper**

6. In several areas the Mayor warmly endorses what the White Paper is saying. He applauds the Home Office's recognition that migration brings 'huge benefits' (p.9), not least by stimulating growth and job creation, and that large-scale migration must be seen in the context of global economic change. The White Paper echoes his own analysis of London's diversity when it argues (p.10) '*our society is based on cultural difference .... This diversity is a source of pride and it helps to explain our cultural vitality, the strength of our economy and our strong international links*'. He is glad the

White Paper reaffirms the Government's commitment (p.48) to protection of refugees and to their full integration once their status is recognised.

7. Among its more specific proposals, the Mayor welcomes for example
  - moves to speed up citizenship procedures (p.31)
  - potential benefits to London from the Highly Skilled Migrant Programme (p.42)
  - extension of the period of notice for asylum seekers whose NASS support is being ended (p. 59), perhaps improving their chances of settling in the same locality, and
  - the overdue decision to scrap the deplorable voucher scheme (p.60).
8. But overall the Mayor finds the White Paper disappointing and potentially quite damaging. Generally, it shows signs of being written in haste. A striking feature is its *lack of evidence* for some controversial reforms – such as moves to curb marriages with partners from abroad, on which it cites no Home Office research, completed or planned (see Annex G, 'Supporting information and research requirements'). The White Paper assumes a variety of roles for local authorities and other partners but largely ignores *financial implications* of these duties for them. And it fails to address its *own contradictions*, for example
  - between its enthusiasm for graduate students who switch immigration category and hostility to marriage partners who have done the same thing; or
  - between the explicitly higher-level entry routes it offers to economic immigrants, and the claim that these options ought to cater for the kind of immigrant workers who have been arriving illegally.
9. Still more seriously - contrary to the ideals in its opening pages - the White Paper's response to the challenges of diversity and international migration is shot through with *short-term, negative and discriminatory attitudes*. Unless they are well-educated and ready to step into a relatively high-grade job, immigrants seem generally to be identified in it as a problem. This unbalanced, negative approach is clearest in its discussion of asylum. Its concern with *control*, with *cutting costs* and with being able to *remove* rejected asylum applicants still dominates the aims of integrating refugees and enabling London and the UK to take advantage of their potential contribution.

### **Immigration, asylum and development of EU policy**

10. The close link between UK policy on immigration and asylum and the development of EU policy and legislation is acknowledged at a few points in the White Paper, most clearly in its discussion of asylum policy where it asserts that the UK Government is 'working with European partners to address the issues on a much wider scale' (p.49). But, while welcoming this recognition of links with the European context so far as it goes, the Mayor is concerned that reference to EU policy is so meagre in most of the White Paper. Its chapter 3 about 'Working in the UK' for example, refers to EU policy on economic migration in just one cursory sentence.

11. The Mayor notes wide acceptance across the EU that member states face the reality of sustained immigration from beyond the Union for the foreseeable future. With the population ageing, indeed, this is expected to be a vital factor in maintaining the future prosperity and quality of life of EU citizens. In this context the UK must, in the Mayor's opinion, engage fully with EU policy development.
12. He would suggest three areas where the UK could play a more positive role:
- **Cities.** Europe's major cities will be both the principal drivers of its future prosperity, and the main focus of these international migratory flows. The Mayor therefore hopes that the Government would help promote greater participation by these cities' mayors and authorities in the development of EU policy.
  - **Humane policy.** The Mayor is keen to see the UK contribute towards effective and humane policy at EU level. In discussion of minimum EU wide standards for receiving and accommodating refugees and asylum seekers, the Mayor is determined that there should not be a "race to the bottom" whose implications would be felt most within cities like London.
  - **Opt-out.** Most fundamentally, the Mayor is disappointed that the Government has not yet moved to reverse the UK opt-out from EU measures on immigration. Given the international trends just indicated, he finds this narrow-minded and retrograde. One result for London is that third-country nationals (that is, from outside the EU) may lose the benefit of EU Directives establishing rights for them within the Union. As discussed below, this could have both personal and economic implications.

### **Specific points within the White Paper**

13. The rest of this note explains what specific changes to the White Paper are, in the Mayor's view, most urgently needed to meet the interests of all Londoners.

### **Citizenship and nationality (chapter 2)**

14. The White Paper sets out the Government's intention that, where people are seeking naturalisation, they should be more thoroughly 'prepared' for British citizenship. This preparatory process will involve two key elements – tuition and a test.
15. **Tuition.** Firstly naturalisation candidates will have to take a special course combining English (ESOL) tuition if needed, with a study of citizenship apparently focused on British democratic processes (pp.32-33). The White Paper also indicates that the Government will make ESOL courses more widely available to other categories of immigrant with limited English, and that it will '*try to ensure that inconsistencies in provision in different parts of the country are ironed out*'.
16. The Mayor of course agrees that immigrants need a command of English if they are to play their full part in London's society and economy, and notes that those with limited

English are almost always eager to improve it. He therefore fully supports moves to extend the availability of ESOL classes. He would however add that

- the goal must be not just a 'consistent' level but an adequate level of provision across the country – including London, where ESOL classes remain over-subscribed;
- fluent English is at least as important to children in school as to adults, but many London schools struggle on inadequate Government specific grant funding to meet the ESOL needs of refugee children and other pupils with limited English;
- formal ESOL classes of the kind apparently envisaged by the White Paper may fail to reach some particularly marginalised people – for example because they have limited mobility or are not accustomed to formal learning.

The Mayor, while welcoming the White Paper commitment to offer more ESOL tuition, urges the Government also to

- make available to LSCs, London boroughs and other providers enough resources for them to meet the demand for post-16 ESOL courses in London
- provide London LEAs with funding for ESOL teaching at a level – based on research evidence about necessary teaching time – which will cater fully for the needs of their pupils lacking fluency in English
- consider more informal methods of helping immigrants with limited English to develop their knowledge of the language, for example through mentoring and community volunteer schemes.

17. **Citizenship test:** After their language and citizenship course if needed, naturalisation candidates will have to pass a 'simple examination' in these subjects as a condition of getting British citizenship. The White Paper argues that this will help ensure they can '*engage actively in our democracy*' (p.11) and '*take their place fully in society*' (p.32).
18. In the Mayor's view, this proposal is misconceived. On the one hand it is irrelevant to the real task of enabling *all* British citizens, whatever their place of birth, to engage with community life and with political processes. Success in this task clearly depends far more on tackling (for example) the deep-rooted alienation, poverty and exclusion of the white working-class communities mentioned by the White Paper itself (p.10) – or on reviving the decimated structures of English local government - than on the vocabulary and constitutional awareness of people applying for naturalisation.
19. The citizenship test would on the other hand - contrary to the White Paper's earlier declaration that the Government does not seek cultural assimilation - send a dangerous signal that having a different mother tongue and different cultural background may be seen officially as a problem and a threat to the well-being of British society. This message comes through obliquely, for instance, in the White Paper's claim that overcoming fear and suspicion between communities will require '*those seeking to settle here to develop a sense of belonging, an identity and shared mutual understanding ...*' (p.27). The only sensible interpretation of these words is that immigrants must expect hostility if they do not show they now 'belong' in some degree to the host culture.
20. To the Home Office the citizenship test may seem like an interesting experiment. But if it legitimates - even a little - the idea that difference is a problem, it may have far-

reaching and painful consequences on the streets of London. The Mayor cannot accept that London should run this risk.

The Mayor urges the Government to abandon its proposal for a citizenship test.

### **Working in the UK (chapter 3)**

21. The Mayor is strongly committed to building London's links with the global economy, including the international labour market. He believes that these links ought to be open and non-discriminatory, responding to the spectrum of London's needs for labour and investment. The vision at the start of this White Paper implies that the Home Office would approach its promised reform of the economic immigration regime in a similarly open and positive way. What this chapter proposes is consequently disappointing. In particular, its proposals seem most unlikely to achieve the Government's stated aims of discouraging illegal employment and removing any incentive for would-be economic migrants to abuse the asylum process.
22. The White Paper confirms one new route to UK employment, the Highly Skilled Migrant Programme (p.42). This is explicitly for people 'at the top of their profession', with an assessment procedure to determine eligibility in which applicants will gain points for – among other attributes – past earned income and achievements in their chosen field. It is not clear whether such characteristics will be adjusted for differences between country of origin, to avoid indirect discrimination between people from countries at different levels of development. Those admitted via the Programme may bring dependants and apply for settlement after four years.
23. Such highly skilled and experienced workers are vital to London's economy and the GLA has welcomed the principle behind the Programme, that access to jobs here should be opened up. But by its nature it is very selective, presumably with a small annual intake.
24. Most of the other routes to UK employment presented by the White Paper are already well-established and would appear to cater primarily for those at relatively high skill levels. For the standard work permit scheme (p.39), the only proposed change is to start charging for it. The student switching scheme (p. 43) regularises the existing tacit agreement that foreign graduate students can take employment in the UK when they have finished their course, with the offer of UK settlement if they work for four years. The White Paper also confirms that the intention of switching into paid work after graduation will not be a barrier to entering the UK for studies at the appropriate level - in startling contrast with its view of people who decide to marry after gaining UK entry on other grounds (p.101, para.7.11). Finally the Government will consider developing the working holidaymaker scheme (p.45), at present almost entirely used by travellers from the old Commonwealth, to include a wider range of immigrants. But by its nature it is bound to be more readily accessible to younger people with fluent English and some family resources behind them.

25. The one proposal which may offer legal access to UK jobs for lower-skilled workers is the extension to other sectors of the existing Seasonal Agricultural Workers Scheme (p.44). This, the White Paper explains, is explicitly for casual labour with a maximum six-month stay, is subject to quotas, will be 'tightly managed', and debars workers from bringing dependants with them. It remains to be seen whether this casualised scheme – fairly clearly the steerage-class route to the UK labour market – could attract many of the lower-skilled foreign workers on which London relies.
26. Immigrants with lower skill levels, or with pre-immigration qualifications and experience not readily recognised in the UK labour market, are an important part of London's labour force carrying out low-profile but vital tasks. They make up a large proportion of those who enter the UK claiming asylum status, and probably the majority of the illegal workers whose plight the Government says it wants to tackle. Yet none of the schemes offered here – with the possible exception of the revamped seasonal workers scheme – is likely to cater on a significant scale for these potential workers. The White Paper has thus failed to offer them an identifiable legal route into jobs in London and the UK. A much bolder approach will be needed to fulfil the goals the Government has set itself.
27. Whatever measures are finally adopted to give non-EU nationals more access to UK labour markets, the Mayor shares the White Paper's concern (p.26) that this should not be '*at the expense of the growth and development of poor countries*'. Having launched partnerships between the GLA and capital cities in countries of origin of some of London's major immigrant communities, he is particularly keen to make sure such links with less-developed countries are in future complementary rather than exploitative. He welcomes the commitment (p.27) to seek safeguards for sectors in these countries that may be '*potentially vulnerable to a skills drain*'.

The Mayor welcomes the proposed Highly Skilled Migrant Programme and acknowledges the potential value to London of the other economic immigration routes set out in the White Paper chapter 3. He regrets however the Government's failure in this White Paper to recognise the full range of labour needs to be addressed by a modern immigration policy.

He urges the Government to join him, the LDA and other partners responsible for economic development strategy at regional level in taking a comprehensive look at

- the kinds of labour needed in London and the UK, across skill levels
- the supply of skills realistically available on the international labour market
- immigration schemes that might help London and employers to meet labour needs, without damaging development prospects of lower-GDP countries.

28. Lastly the Government's reluctance to end the UK opt-out from EU measures on immigration creates particular difficulties for London. One particularly urgent problem relates to the proposed EU Directive that set out rights to employment and movement for third-country nationals resident in the Union<sup>1</sup>. The UK opt-out means third-country

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<sup>1</sup> European Commission, *Proposal for a council directive concerning the status of third country nationals who are long term residents* (COM(2001)127)

nationals in London lose the protection of this Directive. For those resident in other EU member states, the prospective loss of such rights could deter them from taking up jobs in London. Emergence of a two-tier Europe where third-country nationals have less right to travel to and work in the UK than other member states, would not only be unjust for the thousands of Londoners concerned but could also undermine the competitiveness of London's economy. It may well make Paris and Berlin more attractive than London to skilled migrants.

29. The Mayor notes that the launch of new UK policy, following this White Paper, offers the Government an opportunity to re-consider its relationship with EU immigration policy. He hopes that its promised 'careful consideration' of the opt-out (p.26) will lead to an early decision to end it and engage fully with EU policy.

The Mayor calls on the Government to opt into EU measures on immigration, and in particular into the proposed Directive concerning the status of third country nationals which would allow Londoners in this category the same rights and opportunities as non-EU nationals who are long term resident in other EU member states.

#### **Asylum (chapter 4)**

30. The White Paper unveils what it describes as a seamless process 'ensuring end-to-end credibility', whose key features are as follows:
- resettlement: accepting direct from regions of origin a quota of refugees whose status has been validated by UNHCR
  - induction centres processing all asylum applicants within '1-7 days' of arrival
  - accommodation centres - for a minority of asylum seekers, initially as pilot
  - continued dispersal of most asylum seekers by NASS, with an obligation to report regularly and to notify current address even if not NASS-supported
  - Application Registration Card (ARC) for reporting and claiming support
  - audit of all existing asylum seekers to eliminate fraud, identify 'failed' applicants, and in valid cases issue ARCs with new reporting requirements
  - cash payments to replace vouchers, though still below income support level
  - unaccompanied minors: swifter processing, tighter checks, some dispersal out of London and south-east for those approaching 18
  - asylum appeals process: further 'streamlining' - eg. by imposing new time limits and eliminating right to judicial review - to 'cut down barriers to removal'
  - removal centres - for detention of asylum seekers prior to expulsion from UK, or of those charged with 'non-compliance' or thought likely to abscond
  - forced removal of failed asylum seekers: reaffirms target of 2,500 removals a month by special Immigration Service teams
  - voluntary returns: expansion of existing programme, with support for returnees
  - integration of refugees: existing work of National Refugee Integration Forum to be pursued, with some extra funding

31. Underlying the Mayor's comments on specific proposals in this sequence, below, is an overall concern about the Government's attempt at an 'end-to-end' process. The Mayor acknowledges that a system of international protection must involve criteria against which some applicants will be found to fail, and must then offer some way of ensuring their departure from UK. But the White Paper launches, with little prior research, a regime that steps up controls and surveillance throughout the process, cuts the scope for appeal, promises harsher detention and removal procedures when asylum claims are rejected – and offers no improvement in the quality of the asylum determination itself.
32. Many asylum seekers, having already endured grim conditions in a clandestine journey to this country, may readily accept a new spell of hardship to escape what they feel is oppressive or unjust treatment by the UK Government. Unless the new process guarantees fair, humane and consistent treatment at each stage, not least in the asylum decision itself, it may prompt growing numbers of asylum seekers simply to go 'on the run' – taking their chances in the most marginal and unprotected areas of British society, usually somewhere in London. This, in the Mayor's view, is the risk which runs through the 'end-to-end' process described by the White Paper.
33. **Induction:** The Mayor agrees that properly-resourced induction centres should in principle be an improvement on the inadequate arrangements adopted in recent years for the initial reception of asylum seekers. In particular he hopes that their introduction will put an end to the use by NASS of large quantities of emergency accommodation in London, which must tend to distort the city's temporary accommodation market.
34. The White Paper indicates however (p. 54) that asylum seekers will, if they say they need no support, have the option of avoiding dispersal and moving swiftly from the induction centre to an address they have identified for themselves. On past experience, it must be expected that many will take this option and that almost all who do so will head for a London address. The address has to be agreed by NASS, which will thus *de facto* have a say in the movement of substantial numbers of asylum seekers into London housing. Should the Government proceed with the White Paper's further suggestion of ending subsistence-only support for applicants like these who find their 'own' accommodation (below), many will be destitute and exceptionally vulnerable residents. This White Paper proposal raises questions about what criteria NASS will adopt in deciding whether to accept the accommodation identified, and how far it will accept responsibility for the consequences of such moves.

The Mayor asks for a commitment from the Home Office that it will, together with GLA and representatives of London housing providers, regularly review the implications of the NASS role in agreeing accommodation for unsupported asylum seekers.

35. **Accommodation centres:** The Mayor notes from the White Paper (pp.55-57) that
- these centres, supposedly offering all facilities for a stay of several months, are likely to be expensive to establish and maintain
  - they will probably be large with up to 750 bed-spaces each
  - they will be isolated from local communities, and in particular children housed in them will have classes on site

- though they can go off-site during the day, inmates are effectively detained in these centres since all state support is forfeited if they stop living there.

36. He also notes experience elsewhere in Europe which indicates that inmates, if left in such centres for more than a few months, can often suffer psychological ill-effects.
37. The Mayor concludes that the proposed accommodation centres are likely to be oppressive and detrimental to the well-being of many people in them; will weaken the prospects of successful integration for applicants eventually gaining the right to remain in the UK; and – not least – are likely to have a high absconding rate. Most abscondee can be expected to end up destitute and homeless in London.
38. The Mayor also objects to the plan to educate children in ‘school’ facilities within these centres, completely isolated from the rest of the school system. He notes that this is directly at odds with best practice in educating asylum seeker children – as developed by London schools and LEAs – and sets a dangerous precedent for future policy on refugee children’s education. It may create particularly serious barriers to the subsequent integration of youngsters whose asylum claim is later accepted. It will also entail relatively high unit costs.

The Mayor calls on the Government to drop its costly and damaging proposal for accommodation centres and to invest these resources instead in maintaining a high-quality national system for reception and settlement of asylum seekers.

39. **Other supported accommodation – special needs.** The Mayor notes that (apart from a fleeting mention in connection with accommodation centres, p.57) the White Paper hardly refers to the shortage of provision for asylum seekers with special needs. This includes London clients of the Medical Foundation for Care of Victims of Torture, many of whom have been placed by NASS in dwellings unsuited to their needs. The White Paper’s silence on this issue indicates a gap in its ‘seamless’ process which could put at risk the human rights of people with disabilities or other special needs, and also leave substantial costs to fall on local communities.
40. The Mayor believes local authorities should not be expected to bear costs of caring for asylum seekers who happen to have special needs sufficiently acute to bring them within the ambit of social services duties, for example under the National Assistance Act. Some London boroughs have been forced on these grounds to meet very large care bills for people who otherwise would be fully supported by NASS. Legislation to create an ‘end-to-end’ asylum process offers an opportunity to correct this anomaly.

The Mayor urges the Government to stipulate in forthcoming legislation that if an asylum applicant asks for NASS support and is deemed eligible for it, such support will include the cost of any social services care they may require on the grounds of statutory special needs, this cost to be reimbursed to the social services provider.

41. **Audit of existing asylum seekers:** The White Paper confirms the Government's intention of carrying out, jointly with local authorities, an audit of existing applicants (p.60). Clearly it is right to ensure support is not being claimed fraudulently, while NASS is entitled to check on the current status and whereabouts of people who have lodged an asylum claim.
42. The Mayor is however concerned that little thought appears so far to have been given to the possible social consequences of this exercise. It may well make considerable numbers of people homeless in London, for example, not just those found to be making false claims for local authority or NASS support but also friends or relatives whom they had allowed to lodge with them (for instance as voucher-only asylum seekers). The Mayor notes that together with the proposed audit, or soon afterwards, London asylum seeker and refugee communities could also experience
- the full deployment of Immigration Service teams to carry out forced removals
  - the withdrawal of subsistence-only (formerly voucher-only) support, on which many London asylum seekers have been relying.
43. The result could be a prolonged period of social dislocation in which many people in these communities – possibly thousands – face extra tension, insecurity, destitution and loss of their homes. The Mayor hopes the Government will agree that this should not be allowed to happen.

The Mayor asks the Home Secretary to open discussions with him and other key London agencies without delay, to agree ways of dealing with the possible social consequences of the audit of asylum seekers.

44. **Dispersal:** The White Paper reaffirms the Government's commitment to '*the principle of dispersal away from London and the South East*', and implies that for the foreseeable future most asylum seekers will continue to be dispersed through the NASS system. The Mayor welcomes the Government's intention of reorganising NASS to *ensure 'consultation with, and the involvement of, local authorities and others'*. He hopes this restructured NASS operation will be more successful in creating stable conditions for asylum seekers in dispersal areas, with adequate support services, so that more of them can settle there in dignity and safety while their claims are processed
45. But it does not help London, its local authorities, or its wider population to pretend that the city can be 'ring-fenced' to exclude all new applicants pending their asylum decision – and even if it could, there is no way this result could be engineered without gross breaches of their human rights. Experience since compulsory dispersal began – first under London boroughs' own transitional arrangements, then under NASS – makes it clear that a large proportion of asylum seekers will do without state-funded accommodation, and even without state support for subsistence, rather than leave London with its specialist legal and other services, its cultural diversity, and its community networks. The White Paper itself allows for the possibility that '*those who do not require support*' may opt to leave induction centres for '*an agreed address*' which, as already noted (para.34 above), will most likely be in London.

The Mayor urges the Government, in deciding the form and distribution of support for the reception and settlement of asylum seekers, to recognise the reality that a large proportion of them are likely to settle in London.

46. **Subsistence-only support.** The Mayor applauds the Government's overdue decision to replace vouchers with cash payments. He regrets however that the level of the adult support payment will remain well below income support levels, leaving most asylum seekers in desperate poverty. Above all, he is dismayed by the White Paper proposal (p.61) to make legal provision for the subsistence-only payment to be abolished.
47. Under the subsistence-only option, NASS will offer asylum seekers help with living costs if they can find accommodation with relatives or friends. It leaves people vulnerable and very poor, but is nevertheless there are at present nearly 20,000 people in London who have taken up this option. If the Government withdraws it, as the White Paper and press reports suggest it may, they will be forced to choose between compulsory dispersal by NASS (so they get the standard package of accommodation plus subsistence), and the loss of all state support. It is likely that the majority would refuse dispersal and thus be thrown into complete destitution with serious consequences for many of London's refugee and asylum seeker communities.

The Mayor urges the Government to retain the subsistence-only option for NASS support to asylum seekers.

48. **Removals.** The White Paper reaffirms the Government's intention of pressing ahead with mass forced removals of asylum seekers whose claims have been rejected, setting the target of 2,500 removals per month with 30,000 to be completed by spring 2003. It makes no reference to the kind of monitoring and external advisory mechanisms which the GLA, with MPA and MPS, have discussed with the Immigration Service.
49. So far from acknowledging concerns about the possible dangerous impact of these mass removals on community relations in London - repeatedly conveyed to the Home Secretary by the Mayor - the White Paper adds the new, highly inflammatory proposal that a confidential hotline be set up 'to enable members of the public to report immigration abuse'.

The Mayor again urges the Home Office to join him in reviewing its plans for mass forced removals, with a view to

- establishing mechanisms for monitoring the conduct of the removals operation, and for getting community stakeholder input to it
- identifying alternative approaches to securing the departure from the UK of failed asylum seekers.

The Mayor calls on the Government to abandon its proposal for an immigration hotline.

50. **Long-term integration:** The Mayor welcomes steps taken, since the Home Office published its strategy *Full and Equal Citizens* in 2000, to promote the long-term integration of people with recognised refugee status or exceptional leave to remain (ELR). The work of the National Refugee Integration Forum to date, outlined by the White Paper (p.71), seems a worthwhile first stage in developing coherent integration policy. The Mayor intends seeking a role for the GLA within the Forum, to reflect its interest in this issue as strategic authority for the city where most UK refugees live, and looks forward to contributing to the Forum's future work.
51. In three respects however the White Paper's discussion of long-term integration is disappointing. First and fundamentally it fails, like *Full and Equal Citizens*, to consider the needs of asylum seekers for community-based activity alongside those of refugees with status or ELR. Of course applicants whose right to remain is uncertain cannot be fully integrated into British society. But to divide their reception rigidly from the work of integrating refugees is in the Mayor's view a mistake. Long-term integration of people getting right to remain will be harder and more costly if they have been excluded for several months at least from training, meaningful work and community life. On the other hand there is evidence (albeit limited so far) that voluntary return of rejected applicants to countries of origin is more likely to happen - and to succeed - if their UK experience has been positive, enhancing their skills and confidence.
52. Secondly the Mayor believes the resources announced for funding work in this area are inadequate. Adding together sums offered (p.73) for the Refugee Challenge Fund and for the Refugee Community Fund, the White Paper indicates a total of £1.35 million in 2002/03 for direct support to refugee community development - across the whole country. This is unlikely, on GLA estimates, to represent more than about £4 per annum for each of the refugees and asylum seekers in the UK who made their application within the past decade, a large majority of them in London (and asylum applicants must, as we have argued, be part of this picture). The Mayor further notes that London alone has over 500 refugee community organisations. Even taking account of other sources like the European Refugee Fund, the funding offered by the White Paper is not a realistic basis for the necessary development of capacity among communities that are among the most deprived, marginalised and dislocated in the UK.

The Mayor urges the Government to re-examine its proposed input to the Refugee Community Fund and Challenge Fund, in consultation with stakeholders, with a view to increasing these sums to a level matching need for community-based services among UK refugee and asylum seekers as a whole.

53. Lastly the Mayor considers it a serious weakness of the White Paper that it wholly ignores the issue of access to employment for asylum applicants and their dependants. Despite Home Office plans to channel a minority of them into accommodation centres in future, this issue remains urgent in view of
- the value of paid employment in helping asylum seekers to become more independent and, if eventually granted right to remain, to achieve social and economic integration;

- the principle set out in the EC Draft Directive on minimum standards for reception of asylum applicants, now under discussion within EU institutions, that in general both applicants and working-age dependants should be able to work after six months;
- the benefit to London and UK economies of giving foreign nationals access to vacant jobs, as explained by Chapter 4 of this White Paper 'Working in the UK'.

54. Present policy, making such access discretionary, is in the Mayor's opinion unhelpful and invidious. By restricting the right to take paid work to principal applicants, moreover, it clearly discriminates against many women asylum seekers in households where the application has been lodged by a male partner.

The Mayor calls for a commitment from the Government that asylum seekers and working-age dependants who have been awaiting a decision on their claim for six months or more will (unless subject to removal proceedings) be entitled to take paid employment.

### **Tackling fraud - people trafficking, illegal entry and illegal working (Chapter 5)**

55. Fraud and the systematic abuse of immigration laws by criminal organizations are of course matters the UK Government must tackle. Much of this chapter the Mayor would strongly endorse, again recognising that the abuses it describes will in many cases be concentrated in London. For example he wishes speedy success to the proposed campaign (p.84) against criminals trafficking in immigrants destined for sexual or other forms of exploitation in this country.
56. But the Mayor finds the chapter seriously deficient, in several respects, as a response to the challenge of these complex and highly-charged issues.
57. **Legal migration routes – the missing link:** First, the White Paper itself makes clear that its programme of measures to tackle people trafficking and illegal working hinges on 'opening alternative, legal routes for those wishing to work in the UK', that is on 'managed migration' (pp.75,79). It also recognises that illegal employment on which it focuses will be particularly found in lower wage employment sectors like catering, cleaning and hospitality (p.78). Yet as this submission has shown (re chapter 3 above), the White Paper's only concrete, substantial new scheme to open up access to the UK labour market relates to highly-skilled and hence high-wage jobs. As for lower-wage occupations and sectors, it makes only a general reference to a possible regime offering explicitly casualised, heavily restricted employment (p.44) whose likely appeal to current illegal immigrants is unclear and could be quite limited
58. The White Paper in short does not add up. Its approach to tackling fraud, people trafficking and smuggling of illegal immigrants requires an objective and comprehensive review of the case for economic migration at all skill levels, which is missing from the White Paper as it stands. This is a further reason why the Mayor hopes the Government will join him in carrying out such a review.

The Mayor reiterates his call to the Government (above para.23) to join him, the LDA and other stakeholders in a comprehensive review of the case for economic migration at all skill levels, to help identify alternatives to illegal immigration that would be relevant to the workers concerned.

59. ***Drive against illegal employment.*** The Mayor has grave misgivings about the White Paper's approach to tackling illegal working at workplace level, mainly through 'joint operations' to enforce laws against such employment such as Section 8 of the Asylum & Immigration Act 1996 (p.80). Once again, most of the workplaces in question are probably in London.
60. The Mayor's key concern is that the proposed campaign against illegal working may well hit much the same areas of London, over much the same period, as two enforcement campaigns against possible abuse of the asylum system which could raise community tensions: the audit of existing asylum seekers and the full deployment of Immigration Service squads enforcing the removal of rejected asylum seekers (see above). The potential dangers of this threefold intervention set out in the White Paper should be apparent to the Home Office. As with the two campaigns relating to asylum issues, the Mayor hopes the Government will agree to discuss without delay what its drive against illegal employment may imply for London's community relations.
61. He also questions the logic of using enforcement action against employment of illegal migrants as the remedy for abuse of workers' rights. Such abuse is indeed, as the White Paper argues (p.77), a key reason for trying to curb illegal employment. But it is not confined to workplaces employing illegal immigrants. Employers with not a single illegal migrant employee may be paying under the national minimum wage, failing to make welfare provision, neglecting health and safety requirements or cheating on NI contributions. The Mayor believes the best way to save immigrant workers from such abuses is to protect all workers from them, by giving relevant agencies the capacity to enforce these well-established employment standards across all workplaces.

The Mayor asks the Government to

- review carefully with the GLA and other London stakeholders the possible social impact of its proposals for enforcement action to deal with illegal working, in the context of other widely-targeted enforcement action on asylum in London; and
- consider whether concerns about abuse of illegal migrant workers could alternatively be met by enhancing the capacity of agencies already charged with upholding employment standards.

62. ***Harbouring illegal immigrants - blanket treatment of offences.*** People trafficking, where clandestine movement of migrants is organised with the specific aim of exploiting these vulnerable people on arrival in the UK, is clearly a very serious crime and the Mayor would (as indicated) share the Government's determination to press for

heavy penalties against those who commit it. People smuggling, as the White Paper explains (p76), involves the organised movement of immigrants but does not aim at exploiting them on arrival. Offering some kind of support or accommodation to the illegal migrant after arrival, though it may frustrate the enforcement of UK law, may involve no exploitation at all and could indeed be quite altruistic. The Mayor notes with concern that, according to the White Paper, the Government intends lumping these offences together with similarly draconian penalties for all of them.

63. In particular he is disturbed at the suggestion (pp.78, 83) that merely '*harbouring*' someone who has gained entry illegally to the UK or '*helping immigration offenders to remain here unlawfully*' might be deemed an offence as serious as trafficking for sexual exploitation, punishable apparently by a 14-year term of imprisonment. This, as the White Paper boasts, would match the maximum jail term for many drug trafficking offences and greatly exceed the EU recommended maximum for people smuggling. The Mayor notes that the Government is talking here about a misdemeanour which many citizens of London and other UK cities may be drawn into from time to time, in some cases just by family loyalty, love or common humanity. To deal with it in the terms indicated by the White Paper would in his view be grossly excessive, unjust and unwise, posing yet another threat to the stability of community relations in London

The Mayor urges the Government to reconsider its approach to the offence of helping immigration offenders to remain unlawfully in the UK; to make clear that it recognises the variety of motives which may lead people to do this; and to undertake that any punishment imposed for harbouring illegal migrants will be proportionate, fairly reflecting the reality of social relationships in a city with global links.