



## Liberal Democrats for Seekers of Sanctuary

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President Lord Roger Roberts of Llandudno

# **F16 A Fair Deal for Everyone: Prosperity and Dignity in Migration (Immigration and Identity Policy Paper) – after being passed with all amendments at the Federal Conference in September 2018**

## *Federal Policy Committee*

Mover: Rt Hon Sir Ed Davey MP (Spokesperson on Home Affairs).

Summation: Thais Portilho (Vice Chair, Policy Working Group).

Conference celebrates the positive impact migration has had on the United Kingdom – its culture, economy and standing in the world – throughout history.

Conference rejects the Government's hostile language and policies towards migrants that have demonised them and have wrongly portrayed them as responsible for problems caused by the failure of successive Governments like the housing crisis, low wages and the lack of social cohesion in too many communities.

Conference notes with concern: the number of LGBT+ asylum claims failing at first stage due in part to less than adequate legal advice in the preparation of the initial claims; the large number of legal practices advertising immigration specialism with no expertise in relation to sexual orientation or gender identity grounds.

Conference believes that:

- I. Liberal Democrats should continue to champion migration policies that put our national interest first, treat migrants and seekers of asylum with dignity and courtesy and expose the flawed arguments of people seeking to exploit concerns that people do have about immigration.
- II. Our goal should be a positive, liberal consensus on immigration, by introducing better, fairer policies and rebuilding people's trust in the system, and that this requires us to propose workable solutions to the very real social, infrastructure, and financial problems caused by economic change, government indifference, and underfunding, which are currently being widely blamed on immigration and on immigrants, and to reject the argument that merely labels such people as racist.

Conference further believes that Conservative immigration policies have failed even in their own terms and have broken the Home Office and the UK's immigration system by:

- A. Pursuing their ill-conceived target of reducing net migration to the "tens of thousands", which has simultaneously eroded public faith in the UK's immigration system and damaged the country by preventing people with valuable skills, like doctors and nurses, coming to work here.
- B. Making a "hostile environment" for migrants, resulting in severe hardship for many people and targeting people who have every right to be in the UK, including British citizens.
- C. Developing a visa system that is bureaucratic, costly to administer and expensive for employers, universities and applicants to use.

- D. Increasing hostility in their rhetoric on immigration that has polluted public dialogue and made it harder for communities to integrate.
- E. Compromising, through their harsh and ineffective management of the asylum system, the UK's moral and legal obligation to help those seeking sanctuary from persecution and conflict.
- F. Failing to offer asylum to people fleeing countries where their sexual orientation or gender identification means that they risk domestic abuse, honour-based violence, imprisonment, torture or execution, and worse still removing people at risk of persecution to such countries."
- G. The system is riddled with humiliating, unfairly intrusive elements that Conservative Ministers continue to defend despite the evidence being they are not necessary. For LGBT+ applicants, there is a culture of disbelief about their sexuality, requiring applicants to make public social media postings of a personal sexual nature, screen capture dating apps, and produce submissions by sexual partners. There is also evidence that highly traumatised individuals, including survivors of child sexual abuse, have been refused due to suppressed emotional responses, with no reference to any of the extensive knowledge base in the area."

Conference regrets the result of the European referendum and reaffirms the Liberal Democrats' commitment to give the British people the final say on the Brexit deal, with the option of remaining in the EU and preserving the freedom of movement of goods, people, services and capital.

Conference endorses policy paper 131, *A Fair Deal for Everyone: Prosperity and Dignity in Migration*, as a statement of Liberal Democrat policy to meet these challenges.

Conference particularly calls for:

- i) The abolition of the net migration target, [NB the original 'and' after 'target' is not removed by their drafting amendment] the hostile environment policy and using civil society as border guards.
- ii) A root and branch reform of the Home Office, including the transfer of policy-making on work permits and student visas to the Department for Business, Energy and Industrial Strategy and the Department of Education respectively.
- iii) A new right to work for seekers of sanctuary while their case is being considered, in order both to treat them more humanely and save the taxpayer tens of millions.
- iv) A new policy for irregular migrants of 'detention as last resort', using community alternatives to detention such as more case-work in the community, thus allowing the closure of eight of the UK's ten immigration detention centres; using the estimated £100m per year saved to invest in an accountable Border Force and to reduce fees for visa and nationality applications to the cost of administration.
- v) Major investment into a new more effective approach to tackling illegal immigration, including a focus on organised crime gangs and human traffickers, through a new intelligence-led unit using data on overstayers from exit checks at the border, and a significant strengthening of the UK Border Force.
- vi) The government to offer asylum to people fleeing countries where their sexual orientation or gender identification means that they risk family-based hate-related domestic abuse, honour-based violence, imprisonment, torture or execution, and stop removing people at risk of any of these to such countries."

- vii) Eradication of the presumption of disbelief about the sexuality or gender identity of LGBT+ applicants. specifically ending the practice in which officials appear to habitually state that an applicant is not LGBT+ merely to justify an initial refusal; or refuse an LGBT+ applicant on the basis that they could be discreet.”

Conference further calls for the following measures:

1. To promote social cohesion:

- a) Establish a national strategy in England to promote the teaching of English as a second language (ESOL) and develop a migrants’ languages strategy to reap economic benefits from the diasporas living in the UK.
- b) Make funds available to local authorities to reward community groups who develop innovative and successful ways of promoting social cohesion, including in rural areas.
- c) Support the Schools for Sanctuary programme, and projects in schools that educate students about the history of migration into the UK.

2. To make family migration more humane and efficient:

- a) For spouse and legal partner settlements, replace the crude and arbitrary income threshold with the pre-2012 rules and, for a time-limited period of not more than two years and subject to individual assessment, the ‘no recourse to public funds’ test.
- b) For dependent adult relatives, amend rules to make them less restrictive for elderly parents living with their British children.
- c) For registering a child, reduce the fee so it only covers the cost of administration, with a fee waiver for those who prove they cannot afford any fee.

3. To support people coming to the UK to work:

- a) Replace caps on work-related visas with a Department of Business-led policy of identifying sectors with serious skill shortages for the economy and public sector.
- b) Replace the Tier-based system with a merit-based system and a temporary workers scheme, along the lines of Canada’s system, to provide a more flexible and higher quality work permit system.
- c) Establish a ‘Training up Britain’ programme – a mentorship scheme to enable British workers to develop their skills under the guidance of highly skilled migrants.

4. To make student migration work for the UK’s economy and education sector:

- a) Make the Department of Education the lead department, with a policy objective of encouraging foreign academics, researchers and students to come to the UK, reporting the number of people coming to the UK to study separately.
- b) Introduce a new Student and College Compliance and Liaison Team in the DfE, aimed at reducing bureaucracy and costs for the sector, and to improve compliance with the rules.
- c) Enable graduates to stay and work in the UK for two years after their course.

5. To improve Britain’s record on assisting people seeking sanctuary:

- a) Retain, alongside refugee status, subsidiary protection status, and reiterate our commitment to the principle of *non-refoulement* as applied in international and European human rights law.
- b) Establish a dedicated unit for asylum applications to improve speed and quality of decision-making that will work with local authorities on dispersal and settlement issues.

- c) Provide free basic English lessons to any seeker of sanctuary and scrap the 16 hours-per-week rule with respect to financial support for asylum-seekers and refugees unable to work due to insufficient English.
- d) Review and reform all aspects of current asylum rules and operations that offend basic fairness and justice, doing away with the culture of disbelief, with an initial focus on how the rules affect Christian converts, LGBT+ applicants and child-led family reunification applications, and those who fled because of their religious or non-religious beliefs, or who are at risk if returned because they have since converted to another faith or belief.
- e) Ensure an effective review and arbitration process to allow any decision apparently taken outside the rules to be rectified before reaching appeal.
- f) Improve the appeals process by transferring the cost from the Ministry of Justice to the new dedicated unit for asylum applications, thereby incentivising getting it 'right first time'.
- g) Endorse *The Refugees (Family Reunion) Bill* and support restoring the arrangements for legal aid for seekers of sanctuary that existed before *The Legal Aid, Sentencing and Punishment of Offenders (LASPO) Act 2012*.
- i) Offer safe and legal routes to the UK for at least 10,000 refugees each year by expanding the Syrian Vulnerable Persons Resettlement Scheme, both to help a greater number of people from that region and to cover other conflict zones such as Myanmar.
- j) Provide an effective mechanism to implement in full Section 67 of the Immigration Act 2016 that commits the UK to welcoming unaccompanied refugee children, this scheme to be expanded to welcome 10,000 such children over a period of 10 years.
- d) [now m)] The extension of the definition of a refugee in Article 1 of the Geneva Convention to include persecution or oppression on the grounds of "sex, sexuality or gender", and in the meantime to extend the Liberal Democrats definition of refugee in this way for all our policies.

#### 6. To tackle illegal immigration :

- a) Invest in accountable Border Force and Immigration Enforcement agencies, ensuring that they have appropriate training and information systems in place to enable a compassionate and intelligence-led approach.
- b) Ensure vulnerable people, such as pregnant women and those who have mental health problems or been subject to torture, are not detained, that no one is detained more than 72 hours without judicial oversight, and that no one is detained longer than 28 days in any circumstances.
- c) Introduce a UK equivalent of the US DREAM Act, by which individuals can apply for conditional resident status in the UK.
- d) Ensure that victims of trafficking are supported so that they can give evidence against their traffickers and never be returned against their will to their country of origin where their traffickers would have access to them all over again.

#### 7. To improve the machinery of government:

- a) Take political influence out of decision-making on applications for visas and sanctuary and move towards a caseworker-model of support for applicants.
- b) Provide training for staff and ensure that all civil servants working in this role are Executive Officer grade by 2022.
- c) Hold an annual parliamentary debate on migration at which the Chief Inspector of Borders and Immigration and ministers from BEIS, DfE, DfID and the Home Office report on migration.