‘SECURE BORDERS, SAFE HAVEN – Integration with Diversity in Modern Britain’

A response by Amnesty International UK

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Introduction

Amnesty International UK is the United Kingdom section of the worldwide Amnesty International human rights campaigning movement. We represent the views of approximately 200,000 members and other supporters from across the United Kingdom.

In the view of Amnesty International, the *Secure Borders, Safe Haven* White Paper contains a number of encouraging proposals. The establishment of a UK resettlement programme, for example, represents an important step towards a more holistic approach to providing protection to the world’s refugees. The promise of a further increase in the funding available for providing legal services to asylum seekers will help to address the continuing desperate shortfall in good quality provision. And the decision to phase out the discredited voucher scheme will be welcomed by all those with an interest in the welfare of asylum seekers in the UK.

At a more general level, the recognition of the need to formulate asylum policy in the context of a coherent migration policy represents a significant advance on previous analyses. The aspiration to a more ‘research-based’ approach to the development of asylum (and migration) policy – set out in Annex G – is a significant element of this more enlightened vision.

On balance, however, Amnesty International believes that these progressive features are outweighed by an underlying thrust which will have the effect of diminishing the quality of protection afforded by the UK to the victims of human rights violations. Much of the White Paper is driven by the Government’s objective of hugely increasing the proportion of rejected asylum seekers who are subsequently removed from the UK. Amnesty International is not opposed to the removal of people who have no genuine reason for seeking sanctuary here (and who have no other legitimate reason for being allowed to stay). However, we believe that the severe short-comings of the UK asylum determination process mean that a massive increase in removals is bound to result in people being returned to countries where they will be at risk of human rights violations.

On these grounds, we believe that the absence of any concrete proposals to restore the credibility of the asylum determination process is a major flaw in the analysis put forward in the White Paper. Instead, *Secure Borders, Safe Haven* endorses the ‘fast-track’ approach to decision-making that is embodied in the Oakington Reception Centre project, and extends this approach through proposals to “streamline” the appeals process. Amnesty International believes that this continuation of a ‘quantity-before-quality’ approach to decision-making perpetuates the errors of the past decade of asylum policy, by failing to recognise that good quality initial decisions are the cornerstone of a fair – and efficient – process.

This response also deals with Amnesty International's comments in respect of the White Paper's proposals on asylum seeker support provisions, detention, resettlement and border controls.

A fair decision for all asylum seekers – the key to a credible asylum system

The Bill to take forward the *Secure Borders, Safe Haven* proposals will be the fourth major piece of asylum-related legislation in ten years. On each occasion, the motivation for the legislation has been laudable – to address the evident short-comings in the existing system. On each occasion, however, it has quickly become clear that the new system is as flawed as its predecessor.

Amnesty International believes that the explanation of this pattern is straightforward. Successive Government's have predicated their asylum policies on the perception of asylum seekers as a "problem". As a result, deterrence and administrative expediency have become the guiding principles of policy and practice, with a consequent erosion of the quality of our procedures for identifying and protecting people in genuine need of protection.

It would be possible to cite many examples. One would be the 'White List' introduced by the last Conservative Government, whereby asylum seekers from certain countries had their claims pre-judged as being unlikely to have any justification. More recently, we have had the massive increase in the number of people whose claims are rejected on administrative grounds, without consideration of the merits of the claim – over 45,000 in the last two years (2000 and 2001), compared to 4,080 in the previous 24 months.

And it isn't just that asylum seekers have not been receiving a fair hearing. The successive overhauls of the system have also failed in their own terms, because we still have a system which leaves many asylum seekers waiting years for a decision on their claim, and we still have a massive backlog of undermined claims – the difference being that much of the backlog has been transferred from the Immigration and Nationality Directorate to the Immigration Appellate Authority.

Amnesty International urges the Government to take this opportunity to reverse this trend, and to establish a truly fair and efficient determination process. We believe that there are four components to such a system:

- A commitment to the quality of the initial decision, ensuring that every claim is considered fully on its individual merits;
- Early provision of good quality legal advice;
- Objective and comprehensive country of origin information;
- An effective asylum appeals system as a safeguard against erroneous refusals of asylum claims.

1. A commitment to the quality of the initial decision, ensuring that every claim is considered fully on its individual merits.

The basis for a fair and efficient asylum system is a credible determination process – one which can be relied upon to accurately distinguish between those applicants who have legitimate reasons for seeking protection in the UK and those who have no

such protection needs. Fair initial decisions mean security for those at risk of human rights violations. They cut the cost to the taxpayer by avoiding unnecessary expenditure on appeals against unsustainable refusals. A credible determination process also makes it easier to tackle misuse of the system, because the appellate authority (and detention centres) are not clogged up with genuine refugees who have received poor quality initial decisions.

The first prerequisite for a fair process is to ensure that the initial decision is based on a full consideration of the merits of the claim. This means giving the asylum seeker enough time to present their case fully – as opposed to interviewing them within hours of completing an often traumatic journey to the UK, or expecting them to submit complex application forms in an unfamiliar language within unnecessarily tight timescales.

On these grounds, Amnesty International does not share the Government's enthusiasm for the Oakington Reception Centre model for fast-track decision-making. We believe that pre-judging applications as being likely to be without foundation is contrary to the governing principle of the UN Refugee Convention – that every claim should be considered fully on its individual merits. The combination of pre-judgement and accelerated procedures precludes proper consideration of the claim.

2. Early provision of good quality legal advice

The determination of whether someone is entitled to protection under the UN Refugee Convention will be governed by 50 years' worth of international caselaw - and that is before other international standards (such as the European Convention on Human Rights) come into play. This means that in order to make a full statement of all the relevant elements of their claim, asylum seekers need good quality legal advice.

It is therefore encouraging that the White Paper contains the commitment "to ensuring access to quality legal advice" at the initial decision-making stage of the process, as well as at all subsequent stages (paragraph 4.36). As noted above, this endorsement is accompanied by an undertaking to continue to expand the availability of good quality legal advisers. Amnesty International recognises the important steps that the Government has taken to support and encourage the development of legal services, particularly outside London. Yet it is clear from our regular contacts with asylum seekers and representatives that there are still substantial shortfalls in many of the dispersal areas. We therefore hope that, in addition to these increased resources, the new, more coherent approach to dispersal envisaged by the Home Secretary will include a greater emphasis on ensuring effective access to good quality legal services in the dispersal areas.

Turning to the proposed 'Induction-Accommodation-Removal Centre' proposal, there are two distinct concerns regarding access to legal advice. The first is that *Secure Borders, Safe Haven* makes no mention of provision of legal advice at the induction centre stage of the process. Instead, there is simply an undertaking that asylum seekers will be given "information about access to legal advice" (paragraph 4.21). There are (at least) three reasons why asylum seekers need some level of legal advice at the induction centre phase:

- It is likely that a proportion of asylum seekers attending Induction Centres will already have been required to provide details of their asylum claim. This is because the process of 'screening' asylum seekers when they first make their claim can include questions about the substance of their claim. The information provided at this stage can have significant implications for the outcome of the

claim, and it is therefore vital that applicants get legal advice at the earliest opportunity.

- During the induction phase, asylum seekers will be given information about "how to make a voluntary departure should they know longer wish to pursue an asylum claim" (paragraph 4.21). It is difficult to see how an asylum seeker could be expected make an informed decision about withdrawing their claim without legal advice about the likelihood of the claim being successful.

- Paragraph 4.21 also states that before leaving the induction centres, asylum seekers will be required sign a document confirming that they understand a number of things that will have been explained to them, including "the requirement to leave the UK should their asylum claim fail". The legal implications of this requirement are unclear, as are the implications of a refusal to sign. It would therefore not be appropriate to place this requirement upon asylum seekers without providing access to legal advice about the implications of complying or failing to comply.

The second area of concern regarding access to legal advice under the new process relates to the accommodation centre stage. The White Paper envisages different approaches to the provision of legal advice to asylum seekers who are allocated places in accommodation centres. It states that

> "Accommodation Centre residents will have access to legal advice either on site or by co-ordinated local advice services. Legal advisors may or may not be based on site, depending on the particular circumstances at each centre. Where advisors are not based permanently on site, facilities will be provided for consultations with visiting advisors." (Paragraph 4.36)

This proposal gives rise to concern – especially given the fact that the candidate sites for the accommodation centres are in relatively rural areas which do not have established ethnic minority/migrant communities, and which are therefore highly unlikely to have pre-existing capacity to provide high quality legal advice to several hundred asylum seekers. The paragraph quoted above is couched in similar terms to the assurances given four years ago that asylum seekers would only be dispersed to locations which could provide the essential support services. This has not proved to be the case. Amnesty International urges the Government to learn from that experience, and to devote adequate financial and administrative resources to ensure that the provision of legal services to accommodation centre residents lives up to the progressive aspirations set out in the White Paper.

3. Objective and comprehensive country of origin information

In order to make an accurate assessment of an asylum claim, it is essential to have reliable, up-to-date information about the human rights situation in the country where the asylum seeker claims to be at risk of persecution. At the moment, the responsibility of providing these assessments rests with the Home Office 'Country Information & Policy Unit' (CIPU).

The question of the quality of CIPU reports attained an unaccustomed prominence earlier this year, when it emerged that the Home Office's attitude towards applications from Zimbabwean asylum seekers conflicted with the Foreign and Commonwealth Office's assessment of the situation in Zimbabwe. In the experience of asylum practitioners, these concerns about the accuracy of CIPU reports are all-too-familiar. On the basis of such concerns, agencies including Amnesty International had participated enthusiastically in the Home Office consultation

exercise initiated in 1997, regarding the possibility of establishing an 'Independent Documentation Centre' (IDC) with responsibility for producing country assessments. It was disappointing that despite general support – from Home Office officials as well as agencies from the 'asylum sector' – the proposal was not taken forward at that time.

Annex F of the White Paper revisits the possibility of establishing an IDC, in the context of a current Home Office evaluation of the content and use of the CIPU reports. Amnesty International welcomes this recognition of the need to reconsider setting up an IDC. And, as mentioned above, we are wholly supportive of the Home Office's endeavours to develop a more research-based approach to its asylum policy – including the evaluation of existing elements of the process. However, we do not agree that it is necessary to delay consideration of the merits of establishing an IDC until the findings of the Home Office evaluation are published. This is because the Home Office project has not been designed to address the crucial question of the quality – in terms of objectivity and comprehensiveness – of the CIPU reports. Rather, the focus of the report is to examine the use that is made of the CIPU reports by IND caseworkers, and to evaluate the content from the perspective of the information needs of those caseworkers.

This is clearly a valuable exercise, and one which will inevitably shed some light on wider issues about 'quality'. But the basic fact is that enough is already known about the short-comings of the CIPU reports to mean that is not necessary to delay consideration of the merits of an IDC. Moreover, concern about the quality of CIPU reports is only one element of the case for an IDC. The consensus that developed during the earlier consultation was based on the recognition that this approach would aid the efficiency of the determination system, by ensuring that comprehensive, up-to-date information was readily available to both the IND and the legal representatives of asylum seekers. This would result is savings in the cost and time involved in preparing, deciding and hearing cases. Amnesty International therefore recommends that the Home Office begin the process of establishing an Independent Documentation Centre now, rather than delaying until the publication of the Home Office evaluation of CIPU reports.

Ensuring an objective approach to asylum determination – 'taking the politics out of the system'

Before moving on to the fourth cornerstone of a fair and efficient asylum determination system, it is appropriate at this point to pursue the preceding analysis to its logical conclusion. Amnesty International believes that there is a fundamental explanation for the failure of successive governments to establish a credible asylum determination system – the politically charged nature of the public debate about immigration and (increasingly) asylum policy, which has simultaneously fostered and fed-off widespread public hostility towards refugees and asylum seekers.

This public context has meant that decisions about asylum policy and practice have primarily been determined by wider political considerations, rather than by an objective analysis of the most efficient and effective way to identify people who need our protection from human rights violations.

On even the most optimistic analysis, the unfavourable climate in which asylum policy is formulated is unlikely to improve substantially for some time. For this reason, Amnesty International believes that the best way to restore integrity to the asylum determination system would be to allocate responsibility for designing and implementing that system to an independent body.

This would not be an unprecedented approach. In Canada, asylum applications are assessed by an independent refugee board. A response to the *Secure Borders, Safe Haven* White Paper is not the place for a detailed consideration of the merits and demerits of the Canadian model – which, in any event, is just one possible approach to ensuring truly objective asylum decision-making. The relevant point in the current context is that the longer-term solution to the historic fallibility of UK asylum determination practice is to ensure that decisions about that practice are based on practical and principled considerations, and not on political ones.

4. An effective asylum appeals system as a safeguard against erroneous refusals of asylum claims

The White Paper includes among its proposed key reforms "streamlining our appeals system to minimise delay and cut down barriers to removal" (paragraph 4.15). The justification for these reforms is that measures to improve the asylum process will be undermined if the Government "does not address delays within the appeals system" (paragraph 4.61).

Before considering the measures put forward to streamline the appeals system it is worth stressing one fundamental point – that delays in the appeals system are the direct result of the quantity of initial decisions that are appealed against, and that the most effective solution to the problem of delays is therefore to improve the quality of the initial decision. The statistic cited above – over 45,000 applications refused on non-compliance grounds in the past two years – is just one illustration of this point.

Secure Borders, Safe Haven contains a series of proposals for reform of the appeals system. Detailed analyses of the implications of these proposals have been developed by asylum agencies with substantial experience of the day-to-day workings of the appeals system, and it is not our intention to duplicate those analyses here. That said, Amnesty International is concerned that taken as a whole the 'package' of proposals relating to the appeals system could have the effect of undermining the safeguards that exist against removing genuine refugees from the UK. It appears that many of the proposals have the same underlying motivation as much of the rest of the White Paper – to enable the Government to meet its targets for the removal of rejected asylum seekers. Yet it is precisely that objective that makes it essential to ensure that the system retains effective safeguards against erroneous refusals.

One of the main examples of this approach are the measures proposed in Paragraph 4.66 to reduce delays caused by adjournments. The existing rules governing the adjournment of appeals already specify that hearings should not be adjourned unless the appellate authority is "satisfied that refusing the adjournment would prevent the just disposal of the appeal" (Immigration and Asylum Appeals (Procedure) Rules 2000, paragraph 31). Amnesty International considers that this power is both appropriate and adequate. Moreover, we believe that a statutory closure date (to prevent multiple adjournments) would be contrary to the interests of justice.

The justification for these measures to tackle the 'problem' of appeals is that "in many cases we believe that requests are made which are little more than a tactic to delay the outcome and therefore the removal of failed asylum seekers" (paragraph 4.66). As stated previously, Amnesty International has been encouraged by the Home Office's commitment to adopting a more research-based approach to the development of asylum policy. It is regrettable, therefore, that this potentially significant proposal is based on a subjective contention for which the Home Office does not claim to have evidence. It is also regrettable that there are no proposals in the White Paper to address what, in the experience of asylum practitioners, is a

frequent cause of avoidable adjournments – inefficiency on the part of the Home Office in preparing for appeal hearings.

The implications of the proposal to end the procedure for certification of certain cases (paragraph 4.65) are less straightforward. In itself, this is a welcome measure, as it removes one of the iniquities of the existing appeals system. However, taken in conjunction with the proposal to make the Immigration Appeal Tribunal a Superior Court of Record, the withdrawal of this form of certification could have quite different consequences. As the White Paper notes, this new status would mean that there should be no scope for judicial review of the decisions taken by the IAT, particularly decisions to refuse to grant leave to appeal "that are made in an attempt to frustrate removal" (paragraph 4.66).

This rationale provides another example of the underlying assumption that the legal safeguards provided by the appeals and judicial review systems are being abused by asylum seekers and their legal representatives. In fact, the possibility of challenging erroneous decisions by the IAT is a key element in safeguarding against the removal of people who are genuinely in need of our protection. Amnesty International therefore recommends that provision is made to enable applicants to challenge decisions to refuse leave to appeal to the IAT.

Asylum seeker support provisions

Amnesty International's primary interest in UK asylum policy and practice is the quality of our 'protection regime' – the reliably of our procedures for identifying (and giving sanctuary to) people who need our protection against human rights violations. Nevertheless, we have in recent years become increasingly concerned about the deterioration in the provision of welfare support to asylum seekers.

The UK has a long-standing practice of expecting asylum seekers to survive on less than the minimum subsistence payment made to UK citizens who are judged to be in need of state support. Up until 1996, this meant paying asylum seekers 90% of basic income support. The 1996 *Asylum and Immigration Act* represented a radical departure from that approach.

The 1996 Act withdrew entitlement to welfare support (through the social security system) from asylum seekers who failed to claim asylum on arrival in the UK. In the event, the Conservative Government's attempt to make thousands of asylum seekers destitute was (partially) unsuccessful, because the courts decided that local authorities had a responsibility to support those asylum seekers who had been disqualified from 'traditional' state support. Instead, the outcome of the policy was to place a significant financial burden on local authorities, and to reduce the asylum seeker support framework to a state of disarray.

The newly-elected Labour Government pledged themselves to rectifying the "shambles" of the asylum seeker support policy that they had inherited (*Fairer, Faster, Firmer – A Modern Approach to Immigration and Asylum,* 1998, preface). The Home Office sought to achieve this goal by separating support for asylum seekers from the welfare benefit system. This meant establishing a new Home Office agency, the 'National Asylum Support Service', to administer the provision of support and accommodation to asylum seekers. And it meant introducing two key elements into the support provisions. Asylum seekers would be accommodated in dispersal locations around the UK; and they would receive support payments in the form of vouchers which would be worth just 70% of basic income support, which

could only be spent in certain shops, and for which asylum seekers would not receive any change.

The *Fairer, Faster, Firmer* White Paper set out the following rationale for this new policy:

> "Cash based support is administratively convenient, and usually though not inevitably less expensive in terms of unit cost. Provision in kind is more cumbersome to administer, but experience has shown that this is less attractive and provides less of a financial inducement for those who would be drawn by a cash scheme." (*Fairer, Faster, And Firmer*, paragraph 8.20)

In other words, the new system would probably be more expensive and difficult to administer, but this was a 'price worth paying' because it would make life uncomfortable for asylum seekers.

The Home Office's recognition that the voucher policy was misconceived is indeed welcome. (In passing, it is worth noting that this recent history provides another compelling example of the need to ensure that asylum policy is determined by objective considerations of fairness and efficiency, rather than wider political factors.) However, welcome as it is, the withdrawal of the voucher scheme will only address one element of the iniquity of asylum seeker support policy. The basic premise of that policy remains in place – the requirement that asylum seekers should survive on a level of income that is significantly lower than the basic subsistence payment received by UK citizens who are dependent on state support.

Amnesty International believes that it is time to abandon this discriminatory practice. The level of support for asylum seekers should be determined on the basis of their subsistence needs, and not on the basis of deterring refugees from seeking asylum in the UK. Amnesty International therefore urges the Government to raise support payments to asylum seekers to the same levels as those received by UK nationals.

We also urge the Government to reconsider their intention to withdraw the 'voucher-only or cash-only' support option (or to introduce the power to withdraw this option). The rationale for this proposal is that it will contribute to the objective of dispersing significant numbers of asylum seekers away from London and the South East of England (and thereby ease the 'burden' on local authorities and other support agencies in those areas).

However, agencies (and politicians) from areas with large asylum seeker populations believe that the measure will have the opposite effect. Significant numbers of asylum seekers will still be unwilling to abandon the family, community and other support networks that exist in London and the South East. They will therefore choose the 'no support' option rather than be dispersed to a location where those networks are absent. Not only will this have profound implications for the welfare of the individuals concerned – but it will also place additional pressures on the services provided by the very local authorities that the Government is attempting to assist.

Detention

In June 2001 the Home Secretary set a target to remove 2,500 rejected asylum applicants per month leading to the removal of 30,000 by Spring 2003. The White Paper states that to facilitate an increased rate of removals of rejected asylum applicants it is projected that the capacity for immigration detainees will be increased

from 2,800 places by the end of 2001, by a further 40% to 4,000 places by Spring 2003.

Amnesty International has long been concerned with the policy and practice of detaining asylum seekers in the UK and believes that detention for those who have committed no criminal offence is an extreme sanction. In accordance with international standards asylum seekers should only be detained in exceptional circumstances, for example where the detaining authorities can demonstrate that there is a real risk that the asylum seeker would otherwise abscond and that other measures short of detention, such as reporting requirements would not be sufficient. Amnesty International is therefore concerned that the number of asylum seekers to be detained is escalating and according to the White Paper this includes an increasing number of families.

In July 2000 the UNHCR noted that the UK detains more people for longer periods and with less judicial supervision than any comparable country in Europe. The Home Office detention statistics show that on 29 December 2001 of the 1,410 asylum seekers held in detention under Immigration Act powers, 130 asylum seekers had been detained for between 6 months and 1 year and a further 65 had been detained for more than a year.

The White Paper states that detention has a key role to play in the removal of failed asylum seekers and that to reinforce this role, existing detention centres will be redesignated as Removal Centres. It further states that the increase in the detention capacity is necessary to facilitate the removal of refused asylum applicants and that although the main focus of detention will be on removals, there will continue to be a need to detain some people at other stages of the process.

The exception to the redesignation of detention centres is the fast track detention centre at Oakington. This is referred to in the White Paper as “Oakington Reception Centre” but is designated as a place of detention.

Amnesty International is concerned about the redesignation of detention centres to removal centres as not all those held in detention are failed asylum seekers pending removal. While it is true that the majority of asylum seekers are temporarily admitted to the UK pending determination of their application, a significant number are detained under Immigration Act powers before the merits of their claim have been assessed.

Amnesty International has repeatedly asked the Home Office for a breakdown of the stage at which the asylum applicant is detained to no avail. The most recent comprehensive data that has been released shows that the majority of asylum seekers are detained in the initial stages of the process. That was so in February 1998 (51% of asylum seekers in detention were awaiting an initial decision on their application), in January 1999 (57%) and March 1999 (60%).

New Removal Centres have been opened at Harmondsworth (550 places), Dungavel (100 places) and Yarl’s Wood (900 places), although due to the fire at Yarl’s Wood on the evening of 14 February 2002, much of this centre is now not operative. The dedicated immigration facilities at HMPs Haslar and Lindholme will shortly be redesignated formally as Removal Centres, as will HMYOI Dover and will operate under the Detention Centre Rules.

Amnesty International welcomed the commitment to end detention in prisons for most asylum seekers, but notes that since the Yarl’s Wood fire, some asylum seekers

have been transferred to prisons. The Government should publish the criteria and safeguards for those to be held in prisons.

Amnesty International is deeply alarmed that Part III of the Immigration and Asylum Act 1999, which provided for two automatic bail hearings but was never implemented, is now to be repealed (with the exception of two sections). The White Paper states that most of Part III is inconsistent with the need to ensure the streamlining of the removals process.

Amnesty International believes that asylum seekers detained under Immigration Act powers should have the right to challenge the lawfulness of the deprivation of liberty, promptly before a competent, independent and impartial authority in accordance with international law. In October 2000, the Human Rights Act 1998 came into force incorporating the European Convention on Human Rights into UK law. Article 5(4) of the ECHR states: "Everyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings by which the lawfulness of his detention shall be decided speedily by a court and his release ordered if the detention is not lawful". Amnesty International does not believe that the bail provisions in the White Paper comply with this requirement.

Amnesty International urges the Government to review its policy and practice regarding the detention of asylum seekers to comply with international standards.

Resettlement Programme

As referred to in the White Paper, the European Commission is conducting a feasibility study of an EU wide resettlement programme. Such a proposal was first outlined by former the Home Secretary in his speech to the EU Conference on Asylum held in Lisbon in June 2000. The Government accepts that it is often difficult for those who have a well-founded fear of persecution to arrive in the UK legally.

Amnesty International welcomes the government's proposal to establish a resettlement programme so that those whose lives cannot be protected in their region of origin can have their claim considered before they reach the UK and are able to travel in safety and receive protection. The Government proposes that one possibility for developing the operation of the programme would be to set a quota each year working closely with the UNHCR to identify resettlement needs. The programme will start modestly with 500 refugees a year being resettled (quoted by Lord Rooker in the House of Lords on 7 February 2002).

The White Paper says that the Government would set the eligibility criteria to be used by UNHCR field officers in identifying suitable candidates and Amnesty International urges that these be based on international refugee protection criteria.

This organisation is pleased to note that the UK's resettlement programme would operate in addition to current asylum determination procedures. The resettlement programme should not prejudice asylum seekers who arrive spontaneously and should not be established to deter unselected arrivals. Amnesty International views a resettlement programme as an addition to and not a replacement for a properly resourced, fair and satisfactory asylum procedure where each case is examined on its merits.

Eighteen countries world-wide operate proactive refugee programmes based on bilateral quota arrangements with the UNHCR In some countries where

resettlement programmes operate, there is the perception that resettled refugees are more deserving than those who arrive spontaneously. The Government should seek to avoid such a system.

Amnesty International hopes that the resettlement programme will be developed to provide protection to many more than the initial 500 refugees a year and that the UK will fully participate in any EU resettlement programme.

Border controls

The White Paper states that the nationals of 110 countries or territories must have a visa if they wish to visit the UK. It is not possible to quantify the number of refugees who are unable to escape from persecution and who are denied access to protection because the UK, along with its EU partners, have made it more difficult for refugees to access their territory and therefore their asylum procedures by developing an extensive framework of pre-entry controls.

Such measures include the imposition of visa requirements on nationals of refugee producing countries, the posting of Airline Liaison Officers in selected locations and pre-clearance schemes. Visa requirements and other pre-entry controls often force those fleeing human rights violations into the hands of smugglers to arrange their documents and passage.

A tougher approach by the Government to deter and prevent the arrival of those with invalid travel documents does not discriminate between people attempting to flee persecution and others.

Airline Liaison Officers
There are currently ALO's in twenty locations around the world. The White Paper confirms that 22,515 inadequately documented passengers en route to the UK and elsewhere were denied boarding by carriers at ALO locations and claims that this represents a significant success for the network in stemming the flow of improperly documented passengers to the UK. Of those denied boarding there is little doubt that a considerable number would be fleeing persecution and were therefore denied access to protection.

Pre-Clearance
The White Paper gives the example of a pre-clearance initiative that allowed UK officials to carry out immigration checks at airports abroad on passengers seeking to come to the UK from the Czech Republic.

In February last year the Czech and UK Governments concluded an agreement to allow for Immigration Officers attached to the British Embassy to conduct examinations on passengers boarding flights from Prague airport to the UK. The pre-clearance scheme was introduced on 18 July 2001 in response to an increase in the number of Czech nationals, all believed to be Roma, who had applied for asylum in the UK in the first half of 2001.

At the end of July the Home Office confirmed to Amnesty International that individual passengers from the Czech Republic who indicated that they intended to seek asylum in the UK would not normally be allowed to proceed to board flights to the UK. It is not known how many of those who were at risk of human rights violations were barred from boarding planes to the UK.

The pre-clearance scheme ran initially for three weeks. Since then checks at Prague airport have been imposed on those travelling to the UK at intermittent periods. Amnesty International hopes that pre-clearance schemes will not be operated in other countries.

At the European Council in Tampere in October 1999, the UK and other Member States of the European Union, reaffirmed the importance that they attach to the absolute respect of the right to seek asylum. They agreed that common asylum policies "must be based on principles which offer guarantees to those who seek protection in or access to the European Union". Amnesty International asks the Government to adhere to these principles.