House of Commons

Home Affairs Committee

Government Response to the Committee's Fourth Report: Asylum Removals

Second Special Report of Session 2002–03

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Home Affairs Committee

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Second Special Report

On 8 May 2003 the Home Affairs Committee published its Fourth Report[1] of Session 2002–03 on Asylum Removals. On 8 July we received a memorandum from the Government in response to the Report. The memorandum is published without comment as an appendix to this Report.

Appendix

Letter to the Committee from Beverley Hughes MP, Minister of State, Home Office

The Government welcomes the Committee's report as a useful and constructive contribution to the debate. In particular, the Government is pleased to note that the Committee has recognised the difficulties in seeking to operate a humane yet effective immigration control, as well as the improvements that have been to the removals' process in recent months.

The Committee's recommendations have been considered carefully and the Government's response is contained in the attached Memorandum. I trust that the Committee will, in turn, appreciate that this is a studied response that has sought to learn lesions from your report and to build upon the improvements that we have made recently in the field of asylum removals.

Memorandum

Introduction

1. The Government welcomes this report and its acknowledgement of the improvements to the removals process that have occurred in recent months. It recognises the practical difficulties in removing humanely from the United Kingdom people who may, for example, have lived here for many years, whose country of origin may not be willing to re-admit them or have children who have known no other home.

2. This memorandum responds to each of the Home Affairs Committee report recommendations individually and in chronological order.

[1] Fourth Report from the Home Affairs Committee, Session 2002-03, *Asylum Removals*, HC 654-I

SUMMARY OF CONCLUSIONS AND RECOMMENDATIONS

a) It is very difficult to address the problem of over-staying failed asylum seekers effectively in the absence of reliable statistics. It is not satisfactory that the Government is unable to offer even a rough estimate of the number of failed asylum seekers remaining in the UK (paragraph 27).

The Government is already working towards the development of methods to estimate numbers of illegal residents in the UK. We have commissioned research into the methods used in other countries. On the basis of this information and likely sources of UK information we will consider the next steps. The work is very complex and challenging because, by definition, illegal migrants fall outside of official statistics and are therefore difficult to measure; and illegal migrants are motivated to ensure they remain hidden.

A number of approaches have been tried in other countries with varying success. One approach has been via the numbers coming to light through enforcement action or schemes to regularise undocumented workers. Other approaches have used immigration control data linked to such sources as population censuses and surveys. Another approach has been focused on business sectors but only where it has been possible for the researchers to gain the confidence of employers and employees. We will assess the merits of these various approaches along with any others which are identified by research to ensure any commitments that might be made to undertaking significant primary data collection work are appropriate.

b) We recommend that, subject to proper evaluation and costing, embarkation controls should be reinstated at UK borders, to enable credible estimates to be made of the number of failed asylum seekers who remain in this country (paragraph 27).

The Government is considering carefully the Committee's recommendation. I will respond to the Committee about this issue separately in due course.

c) We believe that the Government should explore the most appropriate method for building a complete picture of net migration into the UK (paragraph 27).

The Government agrees that it is important to provide improved information about net migration into the United Kingdom and its social and economic impacts, including on workforce size and composition, the demand for housing, education and the provision of social services. Statistics on international migration produced by the Office of National Statistics and control of immigration and asylum statistics produced by the Home Office need to be accurate and comprehensive to inform policy and decision-making, as well as the general public.

International migration is the most difficult component of population change to estimate. Since the early 1960s, the main source of statistics on migration flows in and out of the United Kingdom has been the International Passenger Survey (IPS), supplemented by administrative data from the Home Office. ONS and the Home Office continue to work together to ensure that the best use is made of all the available data in the compilation of estimates of international migration.

The Office for National Statistics is currently undertaking a National Statistics Quality Review on International Migration in conjunction with the Home Office and other Government departments. The main aim of the review is to make recommendations for continuation and changes to the current data, methods and outputs of United Kingdom International Migration statistics. A number of options are being considered, including the use of other sources of information. The final report, including recommendations, was sent to the National Statistician in the middle of July. The report will be published, together with the National Statistician's response, once he has had an opportunity to consider.

Further work is currently ongoing by ONS in consultation with the Home Office, looking at a number of International Migration issues in the light of the results of the 2001 Census and in due course the findings of the National Statistics Quality Review on International Migration. This work will include looking at all the available information, including that on dependants of asylum seekers to ensure that the best possible estimates of international migration are produced.

A second National Statistics review will shortly commence, which covers the compilation and analysis of existing sources of statistical information and research on immigration to present a more comprehensive picture of migration and migrants in the United Kingdom and abroad. The review is expected to realise the following benefits:

- a comprehensive publication of immigration statistics in the United Kingdom and abroad;
- improved presentation of Control of Immigration statistics; and
- improved understanding and presentation of the relationships between different immigration data sources and research.

Statistics on migration produced by the Office of National Statistics and the Research and Statistics Directorate of the Home Office are part of the National Statistics, and are covered by the National Statistics Code of Practice.

d) We deprecate the setting of wholly unrealistic targets which serve only to arouse false expectations and which can only prove demoralising for all concerned. We are at a loss to understand the basis for the belief that a target of 30,000 removals a year was achievable and ministerial pronouncements on the subject are obscure. It is surely not too much to expect that, if it is thought necessary to set targets for removals, they should be rational and achievable (paragraph 32).

The Government recognises that the 30,000 target was too challenging and beyond the capability of IND to deliver. A revised target has now been set "Enforcing the immigration laws more effectively by removing a greater proportion of failed asylum seekers". The Government considers this to be a more realistic target, and one which will enable performance to be measured more effectively, since it makes no assumption about numbers of applications.

e) We are concerned at the number of initial decisions which are not sustained, and this is an issue to which we shall return in our forthcoming inquiry into Asylum Applications (paragraph 36).

The Government notes that the Committee will be looking at these issues and we look forward to receiving their recommendations in the next report.

f) We recommend that—

i. if the Secretary of State wishes to add further countries to the list in Section 94 of the Nationality, Immigration and Asylum Act, he should append a written memorandum to the relevant Statutory Instrument, explaining the rationale for believing those countries to be safe;

The Government does not agree that this is necessary. Before laying a draft order to add to the list of countries in Section 94 the Secretary of State will need to satisfy himself that for a particular country:

(a) there is in general in that State or part no serious risk of persecution of persons entitled to reside in that State or part; and

(b) removal to that State or part of persons entitled to reside there will not in general contravene the United Kingdom's obligations under the Human Rights Convention.

In reaching a decision whether or not a country satisfies this test, the Government would take into account only information which is publicly disclosable, together with any relevant appeal decisions from the Courts or Immigration Appellate Authorities. The Government does not think that a summary of the already publicly disclosable country information would add value. Any specific concerns that might exist in relation to the designation of a particular country can be raised during the debates on the draft order.

ii. if grounds other than nationality for considering a claim "clearly unfounded" are developed by the Home Office, an explanation of those grounds should be made available to this Committee; and

The Government broadly agrees with this recommendation. No claim is refused simply because an applicant resides in a State listed in Section 94: each case is considered on its individual merits to determine whether or not it is clearly unfounded. The power to certify is applicable to any clearly unfounded asylum or human rights claim and not limited to claims from residents of particular countries, but as a matter of policy we have, until recently, exercised the power only in relation to listed countries. As from the 8th June, however, we have started to apply the power to individuals from non-listed countries in some cases.

Policy instructions are provided to caseworkers to assist them in considering whether claims are or are not clearly unfounded. These instructions are updated as necessary. It is planned to update them again shortly. The Government would be happy to make these updated instructions available to the Committee.

It should be noted, however, that the term "clearly unfounded" has the same meaning whether the applicant is from a designated country or not. Where there is a difference is that a clearly unfounded claim made by a resident of a designated country must be certified but it is discretionary whether a claim from a resident of a non-designated country is certified. It follows that applying the clearly unfounded provisions in Section 94 of the Act

does not involve the creation of additional definitions of what is meant by "clearly unfounded" claims.

I will write to the Committee with further information about this issue in the near future.

iii. a review of the practicality and effects of non-suspensive appeals should be carried out after they have been in operation for 12 months (paragraph 42).

The Nationality, Immigration and Asylum Act 2002 provided that a monitor should be appointed to review the use of the power to refuse with a non suspensive right of appeal in the case of clearly unfounded human rights and asylum claims. The monitor is to make a report once a year and on any other occasions when asked to do so by the Secretary of State. Careful consideration will be given to the monitor's reports and to any recommendations that might be made in these. The Government believes that these arrangements provide the best way of meeting the spirit of the Committee's recommendation for a review.

g) We recommend that the Voluntary Assisted Returns Programme is opened up to detainees in Removal Centres, advertised in the Centres and otherwise brought to the attention of detainees. We further recommend that the Immigration Service advises asylum seekers of the option of voluntary return from the beginning of the asylum process (paragraph 48).

The Voluntary Assisted Return Programme (VARP) is available to asylum seekers from the moment their asylum application is made, and is widely advertised. The Government accepts, however, that more could be done in contacts with failed asylum seekers to encourage the voluntary option, at all stages of the asylum process and will be pursuing this.

h) We believe that, where the removal of a failed asylum seeker is delayed through no fault of his own, it is morally unacceptable for him to be rendered destitute. We recommend that during any such delay the individuals concerned should be provided either with adequate support (including sufficient cash to allow for reasonable minimum living expenses) or a temporary status which will allow them to work to support themselves (paragraph 55).

Where an unsuccessful asylum seeker is willing to return abroad but is, for some practical reason, unable to do so, he can apply to NASS for support under Section 4 of the Immigration and Asylum Act 1999. This provision was subsequently amended by Section 49 of the Nationality, Immigration and Asylum Act 2002, so that such support may be provided to any unsuccessful asylum seeker who meets the Secretary of State's criteria. There is no need for him to be left homeless or destitute. Where an unsuccessful asylum seeker is able but unwilling to return abroad and has no legal basis of stay in the United Kingdom, the provision of support would encourage him to remain.

The Government does not believe that it is right to permit failed asylum seekers to work as this would put them in a more favourable position than those awaiting asylum decisions who cannot work.

i) **We recognise the difficulties posed by the absence of proper travel documents to co operate with the return of their citizens. We welcome the establishment by IND of a dedicated Documentation Unit and assurances that the Immigration Service now seeks to tackle this problem at an early stage in the proceedings and look forward to seeing these changes reflected in the figures for removals (paragraph 58).**

The Government is pleased to note the Committee's recognition of the significant problems resulting from the difficulties in securing appropriate travel documentation to support removals. The provision of appropriate documentation is recognised as one of the most crucial factors in the removals process, and we are working hard across Government to clear these blockages and to negotiate practicable agreements with the receiving countries. The development of the Immigration Service Documentation Unit is central to this work and the Unit is part way through a further planned expansion in response to the increasing demands upon its services. The Unit's success is in part reflected by the fact that it has influenced the development of processes across IND aimed at addressing documentation issues at the earliest stage possible.

j) **We consider that the negotiation of Readmission Agreements with countries currently reluctant to accept the return of their nationals should be a diplomatic priority (paragraph 60).**

The Government agrees with the Committee's conclusion. We attach a high priority to the prompt removal from the United Kingdom of those who have no legal basis to enter or remain here. Co-operation on the management of migratory flows and returns and readmission is an important element of our wider dialogue with countries of origin and transit, both at UK and EU level. The Seville European Council called for increased activity on the negotiation of readmission agreements at EU level and the Thessaloniki Council in June 2003 further reaffirmed the importance of effective co-operation at EU level on returns. The UK is committed to the negotiation of EC readmission agreements and to taking forward bilateral agreements where these are judged to be beneficial.

k) **We believe it is absurd to refuse leave to remain to people who, for whatever reason cannot be removed. We recommend that such people be granted a temporary status which will allow them to support themselves. If the numbers are as small as the Minister suggests, this should not pose any great difficulty (paragraph 63).**

The Government refers the Committee to its response to recommendation (h).

l) **In the absence of adequate statistics, it is difficult to know the extent of the problems caused by absconding. The current situation, in which the Home Office simply does not know—even in broad outline—what proportion of failed asylum seekers abscond is unacceptable. It ought to be possible to obtain at least a snapshot of the scale of the problem and we recommend that steps are taken to do this without delay (paragraph 65).**

The Government agrees with this recommendation. Systems are currently being developed to collect consistently and collate such data. When this work is complete we will analyse the data it produces and if the data quality is satisfactory, we will consider the most appropriate method for publishing this information.

m) We recommend that the refusal notice, prior to appeal, should give some indication of the length of time the appeal process is likely to take, and should advise the claimant that the delivery of an adverse appeal decision may be expected to be followed immediately by removal. If removal does not occur immediately the failed asylum seeker should then be advised at six-monthly intervals of the progress of his case (paragraph 70).

The Government does not agree with this recommendation. The circumstances of individual cases may affect the speed with which they proceed through the appeals' process and as such it would be difficult to pre-judge any indication of the timescales involved. Any information provided would need to be updated frequently and it would, for instance, be misleading for people going through the fast track. More generally, it could lead to appellants having an expectation about the length of appeal which might not apply in their case.

The Government does not accept the Committee's assertion that it should not enforce removals without prior indication of the likely timeframe or that the removal process does not allow individuals to prepare themselves. The Home Office would only serve written determination and seek to enforce removal at the same time when all appeal rights have been exhausted. This process, which applies only after Statutory Review at the end of the asylum appeals system, was introduced for appeals determined after 9 June 2003 to prevent unsuccessful appellants from absconding before removal. This is necessary for an efficient enforced removals' process: as the Committee has recognised there is a genuine risk that forewarning of removal will lead to individuals absconding.

It is not the case that appellants will be unaware of the possible consequences of an adverse decision at appeal, not least because of the availability of legal advice and because refusal notices make it clear that unsuccessful applicants must leave and that removal will follow if they do not (unless an appeal is lodged). The Government does not therefore accept the need to deploy further resources in the manner suggested by the Committee.

n) We recommend that a welfare officer ought to be attached to each Removal Centre with a remit that includes ensuring that those detained have had an opportunity to alert friends, family and legal representatives to their impending removal. We also recommend that Home Office guidelines should make clear that failed asylum seekers in detention should not be removed without having been given a reasonable opportunity to wind up their affairs (paragraph 75).

The Government disagrees with this recommendation. Reasonable opportunity is already given for a detainee to alert friends, family and legal representatives and thereby to wind up their affairs. Staff at removal centres assist detainees in making contact with outside organisations where necessary. However, we are not complacent about this issue and will remain alert to any future need to revisit this matter. The Government does not support the issue of guidelines which may be abused to delay and frustrate removal of those with no right to remain in the UK.

o) We recommend that the Immigration and Nationality Directorate should provide quarterly figures on total numbers detained during the period with lengths of detention (paragraph 82).

The Government is currently assessing the quality of data available from local management systems. Once this work is completed and if the data quality is sufficient, we will consider the most appropriate method of publishing this information.

p) We believe that detention can be justified especially prior to removal in cases where the individual has a history of evading the Immigration Service, or where there are reasonable grounds to suspect that the individual will abscond or pose a security threat or engage in criminal activities if allowed to remain at liberty (paragraph 83).

The Government is pleased that the Committee recognises the need to detain certain categories of persons prior to removal.

q) We reject the suggestion that provision should be made for automatic bail hearings at the point of detention on the grounds that this would only present yet another opportunity to string out a process that already takes too long. There may be a case, however, for giving anyone detained longer than, say, three months an automatic bail hearing at that point (paragraph 84).

The Government disagrees with this recommendation. The provision in Part III of the Immigration and Asylum Act 1999, which would have allowed for automatic bail hearings at specified points in a person's detention, has now been repealed. There seems little point in returning once again to issues that were debated in full during the passage through Parliament of the Nationality, Immigration and Asylum Act 2002. The majority of detainees are able to apply to be released on bail at any time to a Chief Immigration Officer, the Secretary of State, or an Adjudicator.

r) We believe that, under current practice, children should only be detained prior to removal when the planned period of detention is very short or where there are reasonable grounds to suppose that the family is likely to abscond (paragraph 86).

The Government agrees with this recommendation. In most cases where families with children are detained other than as part of a fast-track asylum process, this is prior to removal. However, it must be recognised that it will sometimes be necessary to detain families with children at other stages in the asylum process and for longer periods. Whereas, therefore, the majority of family detention cases will be for a short time there will always be exceptions to this where longer term detention of a family may exceptionally be justified.

s) We recommend that after 12 months detention, another bail hearing should be automatically held, with the presumption that the individual should be released unless there are compelling reasons why his continued detention is in the public interest or the detainee is considered to have prolonged his own detention by failure to co-operate with inquiries or to provide accurate information. Similar reviews should be held, if applicable, every 6 months thereafter. The Home Secretary should also be obliged to lay before the House, on a quarterly basis, a publication listing the names of all detainees who have been in detention for 12 months or longer and the reasons, in each case, for their continued detention (paragraph 90).

The Government disagrees with this recommendation. Very few individuals are detained for such a lengthy period. Moreover, we do not accept that there is a need for an automatic

bail hearing at any point in a person's detention. Detainees are able to apply at any time to a Chief Immigration Officer, the Secretary of State or an Adjudicator to be released on bail. In addition, every person's detention is subject to administrative review by the Immigration Service at regular intervals and at progressively more senior levels as detention continues. The Government does not accept that it would be appropriate or necessary to publish details of individual detainees.

t) **We believe that strip-searches of detainees should only be carried out where justified by reasonable suspicion and not as a matter of routine. We recommend that the practice of conducting random strip-searches after visits should be abandoned forthwith (paragraph 93).**

The Government agrees with this recommendation. The practice of routine strip searches at Haslar and Lindholme removal centres has now ended. In future, strip searching at any immigration removal centre will be intelligence or evidence-led.

u) **We regret the delay in publishing a full set of detailed Operating Standards for Removal Centres. As the Centres have now been operating for some time, the inevitable consequence of this delay has been the emergence of undesirable disparities in standards and conditions between different Centres. We urge that remaining Operating Standards should be published as soon as possible. Standards governing visiting hours and legal access are particularly needed. We further recommend that standards should be raised in those Removal Centres run in former Prison Service accommodation, to match the best practice of privately-contracted Centres, and that a target date should be set by which consistency of standards across private and public Removal Centres is to be achieved. If, after a reasonable time, the public sector is unable to achieve an acceptable standard, the contract should be put out to tender (paragraph 96).**

The Government agrees with this recommendation. Operating Standards are being developed and will be published as soon as practicable. This exercise involves extensive consultation. The Government agrees that standards should be more consistent across the removal centre estate and work is in hard to achieve this. All removal centres should be operating within the provision of the Detention Centre Rules and where Operating Standards have been put in place these provide the minimum standard of operation or service provision. There is no reason why directly managed centres should not achieve similar standards to contracted out centres. Instances of best practice are found in both contracted-out and directly managed removal centres, and the Government is keen to ensure that it is shared across the removal estate as a whole. However, we do not favour complete uniformity as there should always be scope for imaginative service providers to exceed the minimum standards.

v) **We accept that current arrangements for access to legal advice are inadequate. It may be that the matter can be resolved by appointment of a welfare officer, as we have recommended at paragraph 75 above, who can either put detainees in touch with their own legal representatives or who can provide access to emergency legal advice. Failing that, however, consideration should be given to providing detainees with access to a duty solicitor (paragraph 99).**

The Government agrees that all detainees should have access to competent legal advice. All detainees are told how to contact the IAS and RLC for advice and assistance, and they have access in removal centres to the free telephone lines operated by those two organisations. Information about finding a legal representative is displayed in removal centres. Furthermore, much work has been done recently by the Office of the Immigration Services Commissioner (OISC) to raise the profile of its registration and complaints scheme among those in detention. Separately, the Legal Services Commission is currently considering letting contracts to solicitors local to removal centres in order to enhance access to legal representation.

w) We welcome the Minister's undertaking to develop better statistical information about instances of self-harm in Removal Centres (paragraph 102).

The Government is pleased that the Committee welcomes this initiative.

x) We recommend that the booking of seats on scheduled flights for the purpose of removal is centrally co-ordinated in the Immigration and Nationality Directorate to avoid over-booking the number of allocated immigration seats (paragraph 106).

The Government agrees with this recommendation. Seats booked on scheduled services, for removals at public expense, are already centrally co-ordinated through an Immigration Service Unit in Croydon. The Unit works with the booking contractor in a bid to ensure the most efficient use of available seats.

y) We are anxious that nothing be done to inject any more delay into the proceedings than is absolutely necessary. We agree, however, that when removal is imminent, notice of removal and information as to the whereabouts of those to be removed should be given as a matter of course to legal representatives in good time for them to make representations (paragraph 110).

The Government does not agree with this recommendation as it does not believe that this is a realistic proposition. People in this category, i.e. who have been refused asylum prior to 2/10/2000, have had the opportunity to raise the issue of human rights (HR) at any stage during the asylum/appeals process, a period of several years in some cases. Whilst it is accepted that an individual's circumstances can change at any time, raising HR issues immediately prior to removal may only be a delaying tactic in order to frustrate removal.

It is not practical or resource efficient to insist that each legal representative is personally contacted in order that they may make further representations on their client's behalf. The onus should remain with the failed asylum seeker to make representations; it is not the duty of the Secretary of State to solicit representations at the removal stage. The Government's objective is to process asylum applications and appeals speedily and to remove failed asylum seekers as soon as no barrier to removal remains. It would make little sense to go through the effort of disposing of barriers to removal only to delay to allow representatives yet more time to consult with their clients.

z) We believe that the welfare of the child should be paramount, and that separation of a child of an asylum seeker from both parents by removal is nearly always unjustified (paragraph 114).

The Government agrees that the separation of a child of an asylum seeker from both parents should happen in only the most exceptional of circumstances.

In instances whereby one parent had deliberately chosen to leave the family home in an attempt to frustrate the removal of a full family unit, the Government does not consider it acceptable that the whole family should remain in the United Kingdom while one parent remains in hiding.

It would be most unusual for a child of an asylum seeker to become separated from its parent(s) during the removal process. If this did occur, social services would be asked to intervene to take responsibility for the welfare of the child until it could be reunited with its parent(s). The removal of an unaccompanied child would only be effected under escort and only if suitable reception arrangements were in place in the home country.

If an older child became deliberately separated from their family unit immediately prior to removal, social services would be notified and every effort would be made to ensure the safety of that child. In such circumstances, the removal of the remaining family members would only take place if authorised at Assistant Director level or above.

aa) We recommend that mistaken removals are recorded, audited and the number of cases published each year. We further recommend that the Immigration and Nationality Directorate operate checking mechanisms to ensure that, as far as humanly possible, this does not happen. In particular we suggest that it should be made clear to the companies responsible for removals that if their staff are concerned about a particular case they should clear the matter with higher management and the Immigration Service before proceeding (paragraph 119).

The Government agrees that there is a need to ensure records of mistaken removals are maintained. IND is looking at data held on the new database (CID) which is currently being implemented across IND. IND will assess whether the information held is of sufficient quality to enable figures to be published in the future.

IND has systems in place to ensure that people are not removed incorrectly. Nonetheless it is acknowledged that occasional mistakes have occurred. The recent implementation of a new IT system will ensure that all IND staff will have access to the same information thereby reducing the difficulties associated with a manual system. A rolling programme of training in the use of this new IT system is underway.

Companies contracted by the IS to assist in the removal process are able to contact the local enforcement office (LEO) who have instigated the removal at any point during the detention/removal process if they have concerns regarding the suitability of the removal. LEOs are staffed outside of office hours and at weekends. They may also contact IS staff at the port of removal or at IS removal centres if they wish to raise concerns about a particular case.

bb) We recommend that consideration be given to extending the role of Visiting Committees to cover removals (paragraph 124).

The Government does not agree with this recommendation. There already exists complaints' mechanism that all removed persons have access to, as well as a number of NGOs that are able to assist.

cc) We recommend that the Home Office, through the Advisory Panel on Country Information, commissions research into the reception of failed asylum seekers by the authorities in their source countries, after removal (paragraph 130).

The function of the Advisory Panel on Country Information is to consider and make recommendations on the content of country information produced by the Home Office. The role of the Panel is advisory.

In making decisions about removing failed asylum seekers, the Home Office takes account of up to date information from a wide range of sources about the situation in the country of origin. These sources include UNHCR, Amnesty International, Human Rights Watch and other human rights organisations, as well as reports from the Foreign and Commonwealth Office. If there was clear evidence that asylum seekers would be persecuted upon return to a particular country (whether for having sought asylum or any other reason), such cases would not be removed.

The Government is already looking at the sustainability of returns to country of origin made under voluntary return schemes. This includes failed asylum seekers. This work has been commissioned by the Home Office's Research and Statistics Directorate. The need for further research on this topic is being considered.

dd) In order to avoid people returning to destitution, we recommend that formal provision should be made for payment, at the point of departure, of a modest allowance to asylum seekers who otherwise are likely to be destitute or impoverished on arrival in their country of origin. We accept, given that there is a wide variation in the circumstances of failed asylum seekers, that this payment should not be universal (paragraph 132).

The Government does not agree that this would be a realistic proposition. It would be extremely difficult to means test each failed asylum seeker immediately prior to removal to ascertain whether or not they would be considered destitute upon arrival in their home country. Any system set up specifically for this task would be open to abuse and criticism and may even delay removal if the Government had to defend a decision to deny financial assistance.

All asylum seekers, at any stage in the process, have the option to return home on a voluntary basis. Those returning on a voluntary basis will have their return journey arranged and paid for and may apply for assistance from the International Organization for Migration (IOM). The IOM are keen to offer reintegration support by way of financial assistance, training or other methods to ensure a sustainable return. A one-off cash payment would not necessarily assist the individual in the longer term.

Assisted voluntary returns are available to asylum seekers from the time an asylum application is made. Access to information about assisted voluntary return is being reviewed at present to pro-actively highlight the option of assisted voluntary return throughout the asylum process.

ee) We believe it is self evident that the efficient removal of asylum seekers whose claims have failed is a precondition for the credibility of the entire asylum process (paragraph 133).

The Government agrees and has made substantial progress. The Nationality, Immigration Asylum Act 2002 included provisions designed to ensure an effective end-to-end asylum system and tackle abuse. The Government has made clear its determination to increase the removal of asylum seekers whose claims have failed.

ff) We recognise, however, that the removals' process is a great deal more complicated than most people appreciate. Part of our purpose has been to set out the practical difficulties surrounding removal in the hope that they will be better understood and addressed (paragraph 134).

The Government thanks the Committee for their recognition of the complexities surrounding delivery of asylum removals. The Immigration Service is continuing to concentrate efforts on addressing the various barriers and obstacles to successful removals.

gg) We also reach a number of conclusions and make recommendations about how to make the system quicker and more efficient. There is a pressing need for more accurate statistics. Improvements are essential to the process of initial decision-making. Enforced removals need to be carried out more rapidly, effectively and humanely (paragraph 135).

Voluntary departure is more humane and dignified than enforced removals, and for this reason the Government is promoting this option vigorously throughout the asylum process. The Government aims to expand activities in this area and ensure that information about the voluntary return options are made more widely available, for example by explaining the process as part of the asylum induction programme and reminding those applicants whose applications are refused that this option is available. But for those who do not leave voluntarily, enforced removal is necessary. The Government seeks to effect all removals with humanity, reflecting that each removal involves an individual.

jj) Finally, we acknowledge the improvements to the removals process that have occurred in recent months and trust that they will continue. While the Government should do its utmost to remove failed asylum seekers, the targets it sets must be realistic. However the greatest scope for improving the credibility of the asylum system lies with reducing the number of applicants and more efficient processing of new applications and it is to these that we will return in our next inquiry (paragraph 138).

The Government considers its targets as redefined, whilst challenging, to be realistic. As the Committee will be aware, substantial improvement has been made in reducing the number of applicants, speeding up processing and removals.

Beverley Hughes MP
Minister of State, Home Office
8 July 2003