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Home Secretary
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Dear Home Secretary

New Plan for Immigration

I am writing to you in response to the Home Office's consultation on the 'New Plan for Immigration'. The TUC has concerns that these proposals breach international human rights law, would significantly increase the risk of asylum seekers facing exploitation, poverty and detention, and would facilitate a race to the bottom on pay and conditions.

The TUC stands for workers from all countries, regardless of immigration status. TUC Congress 2015 asserted the need for the government to ensure there are safe, legal routes for people fleeing persecution to claim protection in the UK.¹ The TUC is part of the European Trade Union Confederation (ETUC) and echoes the ETUC's call for countries 'uphold their obligations under the 1951 UN Geneva convention and the 1967 protocol to provide legal protection to asylum seekers, and not to return asylum-seekers or refugees to a country where they face serious threats to their life or freedom.'²

The TUC is concerned that the government would breach international human rights law if it enacted the proposals in its 'New Plan for Immigration'. The UN High Commissioner for Refugees has said that the government's proposals to send asylum seekers who have travelled through so-called 'safe' countries back to these countries to claim asylum would breach the UN 1951 Refugee Convention which makes clear asylum seekers should be able to claim asylum in their intended destination.³ It is the government's obligation as a signatory to the 1951 UN refugee convention to admit those with a well-founded fear of persecution to claim asylum in the UK.

1 TUC General Council statement on refugees (2015), available online at:

<https://www.tuc.org.uk/research-analysis/reports/general-council-statement-refugees>

2 ETUC statement on the New Pact on Migration and Asylum (2021), available online at:

<https://www.etuc.org/en/document/etuc-statement-new-pact-migration-and-asylum>

3 <https://www.theguardian.com/uk-news/2021/mar/24/priti-patel-defends-inhumane-overhaul-of-uk-asylum-system>

The 'New Plan for Immigration' includes several measures which will increase the vulnerability of asylum seekers, including by denying permanent rights of residence to asylum seekers who have travelled to the UK independently.

Asylum seekers who are denied legal status in the UK have effectively no ability to claim employment rights and are actively disincentivised from reporting abuse to the authorities as – under the terms of the Immigration Act (2016) – they will face a criminal charge if they admit to working without legal status. It is well documented that the denial of asylum seekers' right to work in the UK has led to asylum seekers being exploited in jobs in the informal sector.⁴ These proposals are likely to increase this exploitation and the use of asylum seekers to undercut other workers - which could drive down pay and conditions for all.

To ensure all workers are treated decently, the TUC calls on the government to separate employment rights and immigration status and to ensure all asylum seekers have the right to work and claim employment rights – in line with International Labour Organisation guidance.⁵

Finally, the TUC is concerned that, by increasing the likelihood that asylum seekers will be refused legal status in the UK, these proposals will increase the number of asylum seekers facing detention and denied access to free healthcare. We are concerned asylum seekers whose applications are refused can be detained, often in very poor conditions, as has been revealed in the case of Napier barracks where 50% of residents have contracted Covid-19 due to the unsanitary crowded conditions. We are also concerned that asylum seekers whose applications are refused face charges when they use NHS services. This often disincentivises asylum seekers from accessing any kind of care, even exempt services such as maternity care and vaccinations. The TUC calls on the government to ensure asylum seekers are able to freely access all NHS services. This is vital not only for asylum seekers' welfare but also in the interests of public health to prevent the spread of Covid-19 as well as other communicable diseases.

I look forward to hearing how you plan to address our concerns and ensure the UK takes an approach towards immigration and asylum that is fully in line with the UN

4 Nuria Targarona Rifa and Giorgia Donà (2021) 'Forced unemployment or undocumented work: The burden of the prohibition to work for asylum seekers in the UK', available online at:

<https://academic.oup.com/jrs/advance-article/doi/10.1093/jrs/feaa090/6064839>

5 International Labour Organisation (2020), 'Protecting the rights at work of refugees and other forcibly displaced persons during the COVID-19 pandemic', available online at:

https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---migrant/documents/publication/wcms_748485.pdf

Convention on refugees and the 1967 protocol and International Labour Organisation standards.

Yours sincerely,

Frances O'Grady
General Secretary