



COUNTRY OPERATIONS PLAN

OVERVIEW

Country: United Kingdom

Planning Year: 2006

2006 COUNTRY OPERATIONS PLAN FOR THE UNITED KINGDOM

Part I: OVERVIEW

1. Protection and socio-economic operational environment

In 2004 the cooperation between the UK and UNHCR on refugee protection expanded significantly. The BO has established an excellent working relationship with the Home Office in progressing improvements in refugee status determination and relevant areas of asylum and refugee policy. The BO's 'Quality Initiative' Programme was well received by the Home Office signaling a willingness to improve the quality of refugee status determination in the UK. The achievement of durable solutions through the establishment of a UK resettlement quota and the implementation of voluntary repatriation programs indicated progress. Positive developments continued to be overshadowed however by the Home Office's restrictive approach to asylum issues, and by the introduction of a variety of policies and measures that impede access to asylum and deviate from international protection standards. The advocacy of such policies in the domestic arena is increasingly reflected in the restrictive bargaining positions adopted by the UK for the purposes of EU harmonization. Civil society has become increasingly impatient with the government and discussions have, on occasion, been polarized.

Incorporated into the three thematic goals of the Office designed around the strategic objectives of the Europe Bureau during 2005-2010 are: 1) to strengthen asylum in the UK; 2) promoting stability and solutions; 3) ensure Europe's support to UNHCR and refugees world-wide. The framework for the COP 2006 is the Bureau Strategy including the Agenda for Protection. This is a dynamic framework which adapts to developments within UNHCR, interrelated with developments in Europe and internationally. In 2006 and beyond, UNHCR will actively assist states to resist pressure on the Convention and the international protection regime and thus preserve asylum. It will do this, inter alia, through acting as an honest broker with member states, to achieve burden sharing, responsibility, sharing and solutions.

The main recent trend has been the dramatic fall (by 61 percent) in the number of asylum seekers coming to the UK in the last two years to reach the level witnessed in the mid-1990s. The BO is working closely with the government to ensure the protection of refugees with particular reference to the interpretation of the Refugee Convention in relation to individuals who qualify for refugee status. Work has progressed through fruitful discussions with the Government and the Office continues to intervene actively at all appellate and judicial levels in order to ensure that UNHCR's views on both country of origin information and legal interpretation issues are reflected in the jurisprudence of the UK.

The last year witnessed the introduction of restrictive legislation in the shape of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004. The Government mainly focused its efforts on the effective removal of failed asylum seekers and on speeding up the Refugee Status Determination process. Key changes contained in the above mentioned Act include: an amalgamation of the two tiers of the asylum adjudication process into one; an extension of safe third country provisions; a list of behavior that can damage an applicant's credibility; and changes to asylum support, including removing support from individuals with families whose asylum claim has been unsuccessful. Additionally, Section 2 of the Act has made it a criminal offense for a person not to possess, without a 'reasonable excuse', a valid travel document with penalties including up to two years imprisonment. The BO is particularly concerned at the classification of certain 'serious' crimes which may ultimately be used to refoule refugees.

The impact of the reductions in the legal aid budget for immigration and asylum work also caused much concern during 2004. From May onwards, a five hour limit on work for an initial asylum claim was introduced. Appeals will also only be publicly funded if they are judged to have merit by the government funding body, the Legal Services Commission. In addition, the cuts meant that it was no longer possible for lawyers to claim money for attending substantive initial interviews with their clients and errors arising from this have led to refusals on strict non-compliance with formal requirements grounds. BO London has already noticed a worrying upsurge in the number of enquiries from individuals unable to access representation.

During 2004, the UK continued to exhibit a considerable amount of interest in endeavours aimed at managing the secondary movement of asylum seekers onto its shores. The past year has witnessed the operation of the UK's formalized 'Gateway' resettlement programme, with 150 refugees from Liberia, Sierra Leone and Democratic Republic of Congo being received in the UK. Further missions were conducted in Uganda (for Sudanese and Congolese refugees) and Thailand (for Myanmar refugees) towards the end of 2004. The development of a Europe-wide resettlement scheme will be crucial to ensuring Europe shares its responsibility towards refugees around the world. The BO anticipates fine-tuning of the resettlement programme in 2006 in the UK context.

The BO supports the UK in its efforts to devise policies and operationalise the durable solution of voluntary repatriation. The comprehensive voluntary repatriation scheme to Afghanistan is now well established and some 230-plus Afghans returned in 2004. The UK is actively seeking to increase numbers who opt for voluntary repatriation and BO London aims to ensure voluntariness and protection concerns are prioritised. The development of such Convention Plus-related programs required intimate cooperation between BO London and the UK Government. We anticipate a continuation of the cooperation at a more intensive level in 2006 as the security situation improves in the main potential voluntary repatriation countries such as Afghanistan and Iraq, and the UK develops and increases its capacity to facilitate voluntary repatriation of refugees.

January 1st 2006 sees the UK hand over the EU Presidency to its Austrian counterparts. The BO will build on co-ordination during the Presidency to promote protection-oriented refugee policies in the UK and throughout Europe. The BO aims to increase the knowledge of the impact of initiatives at the European level in the domestic context, including facilitating UK input into the European debate. BO London envisages that its 'Quality Initiative' project which has been well-received by the UK to improve the quality of first instance decision making may be promoted in 2005/6 as a model throughout Europe, strengthening asylum both in fledgling asylum systems of newer member states on Europe's borders and upholding standards of older member states.

In terms of EU asylum and immigration policy, the UK agreed to incorporate into its domestic legislation the Directives on reception of asylum seekers and the refugee definition. It has however decided to opt out of the EU Directive relating to family reunification.

Some of the protection-led activities the BO plans for 2006 towards its objectives include: a programme of training and briefings to government officials, NGOs and media; participation in the main national party conferences, briefing lawmakers, parliamentarians, party members, local authorities, statutory service providers and the news media; capacity building of youth and student advocacy and support networks; submissions to government consultants and parliamentary inquiries; the provision of prompt and accurate advice on refugee law, policy, and country-of-origin positions to solicitors, NGOs and the Home Office; the preparation of briefings and statements on the new legislation; interventions before the superior courts in cases impacting the global interpretation of and application of the 1951 Convention regime; consultations with senior policy

makers to inform, lobby and promote UNHCR's position on EU issues; active participation in thematic NGO-led meetings; and inter-agency (government, NGO, community) networks; supporting and directing implementation of national refugee integration strategy; maintaining contacts with and supporting the activities of academic institutions with expertise in refugee and related migration issues and development of courses at other institutions; and developing the implementation modalities regarding voluntary repatriation.

2. Operational goals and potential for durable solutions

Derived from UNHCR's Global strategic objectives as well as the Bureau for Europe's strategic framework, the following are the overall strategic goals of the 2006 United Kingdom refugee programme:

- **Strengthening asylum in the UK by ensuring that persons who arriving in the UK in need of international protection have access to the UK asylum procedure, including ensuring the UK adopt and implements its asylum laws and policies in accordance with international standards.** The BO will continue to ensure the quality of the asylum system is improved and the UK upholds its obligations under the 1951 CSR as well as international instruments. BO London will work with the government in its commitment to build in gender and age considerations in the asylum process. The BO will advise on the interpretation of the Convention whilst supporting the government to ensure that misuse of asylum procedures is avoided.
- **Maintaining the prominence of refugee and asylum issues amongst the UK media and general public.** The Branch Office will strive to ensure that understanding of the abuses of human rights and persecution that drive people to seek asylum outside their regions of origin are well-recognised amongst the population and will work to ensure that UNHCR is a sought-after commentator on such issues in the media, parliamentary debates and other fora.
- **Ensuring that UNHCR's global refugee assistance and protection activities are well-understood by the international and national news media.** In order to ensure that the government and general public are well-acquainted with UNHCR's work, the Branch Office will ensure that information about UNHCR's work is widely disseminated and that every opportunity is taken to ensure that UK-based media are informed regarding the agency's global mission.
- **Assisting the UK Government and strengthening partnerships to develop programs which operationalise the elements of the Agenda for Protection and Convention Plus.** In 2006 the BO will continue to develop these approaches through an integrated strategy of policy development, political and financial resource mobilization and providing a co-ordination role at the operational level with NGOs and other partners. In 2003-05 this work was reflected in the implementation of the agreement on programs for returns to Afghanistan, and the training, support and operational backup provided in order to develop the capacity of the Home Office on resettlement-related matters.
- **Continued implementation of the voluntary repatriation program.** The operational capacity developed during 2004-5 to monitor the voluntary nature of returns will be maintained in 2006. This may increase should further Tripartite agreements be reached. It is anticipated that some of the operational capacity will be utilized to develop solutions for separated children in the UK, as well as best practice guidelines.

- **Continuing to work with DIP, as part of Convention Plus, on Rescue at Sea.** BO London works in tandem with DIP through attending meetings, reporting on developments and assisting to formulate and disseminate UNHCR's views at the headquarters of the International Maritime Organization (IMO) located in London.
- **Building on lobbying work on EU harmonization after the UK's term as president of the EU.** The UK is a key country in setting the agenda for EU harmonization. BO London will work very closely with the Home Office and NGOs to lobby for the inclusion of higher and "sensible" standards in the UK's negotiating positions. 2006 is likely to require a substantial amount of building on and implementing policies progressed during the presidency.
- **Continuing its critical work on addressing gaps in the existing UK protection regime – the Quality Initiative project.** While UNHCR generally supports the new single tier appeal structure in the UK, it is based on the premise that the initial asylum decisions are of a high quality. In late 2003, UNHCR offered its good offices to the UK Government to help improve the overall quality of its refugee status determination structure. The Quality Initiative (QI) pilot program was launched during 2004 and is now fully operational; the progress that has been achieved will continue in 2006.
- **Supporting practitioners in the field of asylum law.** The BO ensures active support to members of the UK legal profession—a large number who, in order to defend their clients against refoulement, rely on the legal positions provided by the Office regarding the interpretation of the Geneva Convention, as well as COI.
- **Supporting the UK post G8 presidency.** The UK's Presidency of the G8 in the latter half of 2005 will provide a particular opportunity for UNHCR to follow through in 2006 by promoting the visibility of durable solutions in Africa. The UK government co-founded the Commission for Africa in 2004, which published a 400 + page report in March 2005 recommending a number of areas where policy changes should be made provides ample opportunities for UNHCR to work to ensure that refugees and returnees are included in development programmes.
- **Promoting UNHCR work and effectiveness through private sector visibility and fundraising opportunities.** The office will build upon work done through UK for UNHCR, visibility activities such as those created by the Dec. 2004 Refugee Voices for Darfur concert and fundraising opportunities like those provided by the Tsunami appeal to further boost awareness about UNHCR and its need to raise funds through voluntary contributions. In conjunction with increased support from HQ's PSFR Section, outreach to these private sector donors will be expanded and the Office will strive to ensure that new corporate and individual sponsors receive adequate information about UNHCR's work.