

Immigration and Nationality Directorate (IND), Home Office

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Address by Bemma Donkoh

UNHCR Representative to the United Kingdom

Introduction

Thank you. I'm very glad to be here amongst our key working partners and several amongst you that UNHCR would consider to be our fellow practitioners in the field of refugee protection.

I take this opportunity to let you know that the UN refugee agency very much appreciates the excellent working relationship it enjoys with its partners throughout the UK. One of the most important of the institutions and persons we deal with on a daily basis is, of course, the Immigration and Nationality Directorate of the Home Office.

Only yesterday, I met with Minister Andy Burnham, who is scheduled to travel tonight to Zambia, Lusaka where he will visit one of UNHCR's refugee camps in northern Zambia and be briefed on the refugee situation in that country.

My office is in regular contact with Minister Tony McNulty, who has been cited in the Hansard referring with great fondness to the 'hugs and kisses' UNHCR has reportedly bestowed upon him; I do worry that my office and your own may even be seen as being on too familiar terms!

Indeed, UNHCR occupies a unique position with the governments that we work with. Given a mandate by the Member States of the United Nations in the early aftermath of the Second World War to ensure that the means of protection and lasting solutions are afforded to the world's refugees, our agency represents both the best will and demonstration of human solidarity that governments have to offer to victims of persecution and human rights abuses, forced to move across borders in search of refuge. This will is expressed within the provisions of the 1951 Refugee Convention, whose Article 35 recognizes the duty of UNHCR to supervise the application of that Convention and calls on States to cooperate with our agency in fulfilling that function. The United Kingdom is a signatory to the 1951 Refugee Convention, along with 142 other countries that have assumed obligations under this important agreement.

Today, UNHCR's protection and solutions mandate extends to a population of 19.2 million persons, comprising refugees, people seeking asylum, stateless individuals and a portion of the world's internally displaced persons. In ensuring protection for refugees, we monitor how effectively those who seek asylum are able to access asylum procedures and how refugees' rights are implemented. We also coordinate assistance to countries with scarce resources into whose territories the majority of asylum seekers seek entry when they first leave their own countries – countries such as Zambia, as Minister Burnham will find out tomorrow. Our work would be impossible without the cooperation, physical and financial resources and legal protection that governments place at the disposal of refugees and UNHCR. Thus, UNHCR places enormous value on its work with government partners such as yourselves.

Earlier this week, a Commons committee expressed itself very critically about the asylum issue, and the efficiency of the IND. Some media outlets focused on reports that unsuccessful asylum claimants might have to wait years before the "system" returns them to their home countries.

There was no mention in the media then about the countries you are meant to return failed asylum seekers back to: states like Iran, Eritrea, Afghanistan, China, Somalia, Zimbabwe, Nigeria, Pakistan, DR Congo, and Iraq – the states that, for the UK, make up the top ten countries of origin of unsuccessful asylum claimants.

These states are frequently cited by your Foreign and Commonwealth Office for recurrent abuses of human rights. Mostly they are run by misgoverning and unelected governments. Several are experiencing widespread civil war or unrest.

Even if their asylum claims are not manifestly well-founded, returning individuals to countries such as some of these, if their governments are willing to take them back, is not an easy task, as I'm sure you would know.

UNHCR is gravely concerned with regard to some of the thousands of unsuccessful asylum claimants. Based on what we know about some of the countries they come from, the initial refugee status determination practice here in the UK appears somewhat restrictive.

In the final quarter of 2005 out of 215 Iraqi asylum applications, 205 were subject to first instance refusal, a rejection level that some of you, and we, question. UNHCR's global asylum statistics being released tomorrow will indicate that claims by Iraqis seeking asylum have risen by 27 percent in a year, pointing to the mounting instability in that country.

There is no doubt that states have a legitimate interest in controlling irregular and illegal migration. They do have a responsibility in this regard, as they are expected by their citizens to control these better. Unfortunately, the range of

border control measures often does not distinguish migrants from refugees, and this impacts negatively on access to asylum.

The problems raised by today's movements of migrants, refugees, people seeking asylum and displaced persons are international issues requiring a balancing act. The interests of States must obviously be reconciled with their obligations to implement international standards and their responsibilities under international law.

Concerns about migration are legitimate but cannot outweigh the fundamental importance of States honouring their international obligations under Article 33 of the 1951 Refugee Convention not to return or not to *refouler* a refugee.

As Minister Tony McNulty said late last week, the time has come for a mature and reflective debate about asylum.

Interestingly, Mr McNulty's counterpart, Shadow Minister Damien Green, recently pointed out that only 7 percent of the United Kingdom's arrivals claim asylum.

According to UNHCR's own overview of asylum applications in Europe and other industrialised countries being released tomorrow, the number of asylum applications in the UK is back down to levels not seen since 1993/94.

And, the numbers of people seeking asylum are not only down in the UK.

In the 25 EU countries, the numbers of asylum applications are now at their lowest level since 1988, with those in Germany and Denmark at their lowest levels since 1983. Whereas the UK received 16 percent of the world's asylum seekers in 2001, last year that figure was only nine percent and dropping.

But do let us remember that refugees don't always arrive on the shores of the industrialised world.

So far this year, 7,000 refugees from the Central African Republic have arrived in southern Chad, bringing to 46,000 the number of CAR refugees who have so far fled horrific violence. You'll recall that Chad also hosts more than 210,000 refugees from Sudan's Darfur province. UNHCR has, over the last several years, erected 16 refugee camps in Chad's remotest border regions to care for these people. There has been no outcry from that poor country despite this influx of more than a quarter of a million desperate souls in a country whose own population is less than ten million.

Tomorrow, Mr Burnham will arrive in Zambia, which has 153,000 refugees, many of them in exile since they first fled Angola decades ago. Tens of thousands more arrived over recent years from neighbouring DR Congo as well as Burundi, Rwanda, and even Somalia. These are not bordering states, but in their effort to

seek protection, these refugees turned to countries willing to provide them shelter.

I do not need to describe for you the daily poverty experienced by the people of Chad and Zambia. But I do want to recall that it is countries exactly like these that host the majority of the world's dispossessed, not the UK with its scant two percent of the world's forced exiles.

The UN refugee agency supports efforts to raise asylum standards across the European Union. We believe it is important that states do not lessen the protections they grant to refugees, and that Europe's growing union maintains protection for asylum seekers and refugees and does not create higher barriers to entry nor lower levels of protection.

UNHCR believes that managers like yourselves and, in particular, politicians in the UK must also strive to promote positive images and empathy for people seeking asylum and refugees.

As Minister Tony McNulty and Mr Damian Green suggest, we need to create a more positive dialogue so that communities may discuss openly their feelings about asylum and immigration and so find it possible to become more receptive to refugees' needs and supportive to their efforts to integrate locally. We need to promote development and stability in countries and regions of origin - including also those countries expected to provide refuge and to sustain large populations of refugees with extremely limited capacities – as a way to ease unnecessary migration. Above all, we need to let our voices be heard when talking about refugees' ability to return home in safety and with dignity.

So there is a good deal of progress to be made with regard to improving standards in the UK asylum policy and I am confident that UNHCR can continue to work with IND to further the protection of vulnerable people.

We are very proud and gratified that the United Kingdom has chosen to join the rank of states actively promoting durable solutions through resettlement from other countries.

Under the UK's 2-year old resettlement scheme, the Gateway Protection Programme, which began in late 2004, small groups of Congolese, Liberians, Sudanese and exiles from Myanmar have so far arrived. The numbers remain below the yearly quota of 500, but Minister Burnham assured me yesterday that this should change by next year.

We will be working closely with you on the Gateway initiative, and we hope that the Government, with the cooperation of local authorities, will be able to expand the numbers in the years to come, so as to meet its yearly goal and move towards the target of 1,000 a year.

The refugees who have so far arrived under the Gateway Programme are involved in their communities, enrolled in schools; with some of them now active in choirs and working on building lives as new Britons. This, despite their extreme vulnerability, those same conditions that necessitated their resettlement from precarious first asylum situations - which means that they bring with them an enormous will to survive and to contribute to their adopted country.

Resettlement is a concrete demonstration of burden and responsibility sharing by the mainly industrialised states with the countries of first asylum that shelter the vast majority of the world's refugees. We are pleased that with this week's ministerial and media visit to Zambia, this story will start to get told and we are keen to support your efforts. We are aware that you must address public concerns and doubts about the value of the asylum system and the profile of those it benefits, and we believe that such outreach and exposure will help to address some of those concerns.

Beyond our cooperation on the Gateway Protection Programme, we are also jointly implementing the Quality Initiative.

A particular concern for UNHCR in Europe is, as I mentioned earlier, is ensuring the quality of refugee status determination (RSD); let me make it clear that in the scores of developing countries where UNHCR itself undertakes RSD, we face the same challenges and dilemmas that you face here.

We are very happy that the UK government has acknowledged that there is scope for improving the quality of decision making when it comes to recognising people seeking asylum. We believe that States' fears of asylum system abuse can be properly addressed through expeditious and fair consideration of asylum claims by trained and qualified caseworkers, along with coordinated and effective measures of return of those determined not to be in need of international protection.

Here, we see our Quality Initiative, overseen with the close cooperation of Minister Tony McNulty, as a very important element in the quest for a fair and effective asylum system across industrialised countries. We congratulate the Immigration and Nationality Directorate and the Government for opening itself up to this kind of unprecedented scrutiny and we are very pleased to be your partner in this effort.

The Quality Initiative, now running for two years, aims to assist the UK by improving the quality of the refugee status determination process through systematic monitoring of a sample of decisions and advising on both procedures and an application of the refugee criteria. We are sampling approximately 2 percent of initial decisions in asylum applications and last July started to sample asylum interviews. We have submitted two confidential reports to the Minister

setting out findings, with appropriate recommendations. The third report is due out shortly.

As a result of these recommendations, much work is currently underway both in the Asylum Casework Directorate and in the context of the New Asylum Model to implement UNHCR's suggested improvements. Through the introduction of some of the proposed changes, such as accreditation and more rigorous training UNHCR, is confident that the quality of first instance asylum decision making will further improve, helping to raise public confidence and to save taxpayers money.

The success of this project to date has only been possible because of the strong relationship of trust, openness and goodwill between our respective organisations. UNHCR remains very grateful for the opportunity to advance its protection mandate through this constructive partnership. It is encouraging to report that already the governments of several states party to the Refugee Convention have expressed an interest in exploring similar ventures.

Detention is a major concern, as we are tasked with monitoring the policies and practice with respect to the detention of asylum seekers. Knowing as UNHCR does the painful experiences that most genuine asylum seekers have encountered before reaching the shores of asylum countries, we view detention as inherently undesirable.

We are concerned that current immigration detention practice operates in contravention of UNHCR recommendations. This is the case with respect to the reasons for detention, the length of detention, and some types of individuals detained.

UNHCR is particularly concerned about the detention of children and families and believes that children should not be detained. Alternatives to detention, we believe, should be explored, and detention should be used exceptionally as a last resort. We do realise the difficulties that states have in their need to establish matters like personal identity, and the UNHCR Guidelines recognise the challenges behind this.

One alternative to detention receiving a lot of media attention this week is the idea of tagging asylum seekers. While UNHCR believes that the mass tagging of people seeking asylum would probably add to public associations with criminality, tagging is a recognized alternative to detention. Our wish would be for efforts to be continued to explore other options that would also uphold the dignity of those we are dealing with.

In closing, I would like to come back to an issue I raised earlier. If, as partners and asylum practitioners, IND and UNHCR can stand up and jointly harness the sea change in the reporting of asylum issues that we have seen in newspapers

and TV reports in the last year, we may be able to provide the public with a more nuanced understanding of the needs of refugees and people seeking asylum and the motivations and factors that forced them to flee in the first place.

Thanks to the declining numbers of asylum seekers, most industrialised countries now do have the time and the space to take a more rational approach to the management of asylum, and do make a concerted effort to dispel some of the hysteria surrounding the issue.

Our efforts to combat the intolerant attitudes that threaten asylum – and I recognize that you have many such efforts underway, such as the Home Office's recent Positive Images initiative, and other efforts at the grassroots level – we feel, have been too hesitant and fragmented.

Rather than bow to populist opinion, the challenge we face together is to hold fast to universal values and principles – including protecting those people in need. This is the reason the UK's diplomats and those of 14 other countries gathered 56 years ago in Geneva to draft the 1951 Refugee Convention and to bring UNHCR to life.

I hope this historic working relationship will continue, so that we can face down those who question the right to asylum, and my colleagues and I look forward to working closely with you all in the years to come.

Thank you.