



HOUSE OF LORDS

European Union Committee

House of Lords
London
SW1A 0PW

Tel: 020 7219 6083
Fax: 020 7219 6715
euclords@parliament.uk
www.parliament.uk/lords

Rt Hon Priti Patel MP
Secretary of State for the Home Department
Home Office
2 Marsham Street
London SW1P 4DF

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EU Home Affairs Sub-Committee report: Brexit: refugee protection and asylum policy

Dear Home Secretary,

I am writing to you as the Chair of the Lords EU Security and Justice Sub-Committee. The Committee has inherited parts of the remit of the former Home Affairs Sub-Committee, including migration and asylum matters. I am therefore responding to your Department's reply to the above report received by our predecessor Committee on 16 March 2020.¹

We are grateful for the details provided in the response. We note the Government's readiness, as previously stated in its Command Paper of February 2020, to negotiate a reciprocal agreement for family reunion of unaccompanied children seeking asylum in either the EU or the UK. Supporting the needs of separated families and unaccompanied migrant children was a key concern of the inquiry.² We also welcome the Government's commitment in its response to "seeking a close partnership with the EU on matters of asylum and immigration",³ given that the need for continued, and effective cooperation on these issues was a key finding of the report.

The Committee is now seeking clarification about certain elements of your Department's response. Please note these include reference to the operation of the proposed Global resettlement Scheme, about which the Home Affairs Committee wrote to you on 18 February 2020, but to which you, regrettably, have not yet answered. We ask that you now address the specific points set out in that letter as part of your reply.

In addition to these clarifications, the Committee would also welcome your view on how the measures in the current Immigration Bill will affect the issues addressed in the report, and what the effect of the SARS-CoV-2 pandemic is likely to be on those issues?

¹ [European Union Committee, *Brexit: refugee protection and asylum policy* \(48th Report, Session 2017-19, HL Paper 428\)](#)

² HM Government, *The Future Relationship with the EU: The UK's Approach to Negotiations* (February 2020) para 54, p.28: http://www.disputeresolutiongermany.com/wp-content/uploads/2020/02/The_Future_Relationship_with_the_EU.pdf

³ *Ibid.*, para 20, p.68

Refugee family reunion

The Home Affairs Committee's report recommended that all routes to family reunion available under the Dublin System be maintained in the new legal framework for asylum and refugee cooperation, together with robust procedural safeguards, to minimise delays in reuniting separated refugee families.⁴ It also urged the Government "to honour their commitment to the right of refugee family reunion by negotiating an interim agreement to maintain this right in a 'no deal' scenario. A temporary extension of current arrangements would be the most feasible option."⁵

The Government's response to the report states it "does not intend to replicate Dublin; instead the Government is seeking an ambitious new partnership on asylum and immigration". However, it does not clarify whether an "ambitious" agreement would include maintaining all routes to refugee family reunion currently available under the Dublin System. It also makes no reference to reaching interim agreements to support refugee family reunion in the event of no deal being reached by the end of the transition period.

If the UK does not conclude a deal with its EU partners on asylum and migration matters by the end of the transition period, will the Government seek to negotiate an interim agreement to support refugee family reunion?

Is the Government seeking to maintain all routes to family reunion currently available under the Dublin System in a new legal framework for asylum and refugee cooperation?

Minimum standards for refugee protection

The report concluded that the central element of future UK-EU cooperation on asylum and migration should be a "shared agreement on, and commitment to uphold, minimum standards for refugee protection, asylum procedures, qualification, and reception conditions. Additional agreements on data protection and the respective jurisdiction of EU and UK courts will be needed to facilitate these arrangements."⁶ However, your Department's response makes no reference to whether the UK Government is committed to including such minimum standards in a future agreement.

Is the Government committed to ensuring minimum standards for refugee protection in a future agreement with the EU on asylum and immigration? If so, can you give details of the minimum standards you are seeking; how the Parties' adherence to these minimum standards would be supervised; and, how and by whom they would be enforced?

Arrangements to replace the EU Asylum, Migration and Integration Fund

The inquiry heard evidence of the importance played by the EU Asylum, Migration and Integration Fund and that the UK had been the largest recipient of funding, having been

⁴ *Ibid.*, para 164, p.49

⁵ *Ibid.*, para 112, p.37

⁶ *Ibid.*, para 162, p.49

allocated €370 million to spend on national priorities such as improving Home Office processes and the returns programme, and in support of refugee resettlement programmes and integration measures. The report sought assurances from the Government about future support for vital refugee resettlement and integration projects in the UK following the loss of access to this funding. Your Department's response to the report made no reference to this issue, however.

Does the Government plan to replace the support provided by the EU Asylum, Migration and Integration Fund?

New Global Resettlement Scheme

The report welcomed the Government's proposal to establish, this year, a single, global refugee resettlement programme, consolidating the Vulnerable Persons Resettlement Scheme (VPRS,) the Vulnerable Children's Resettlement Scheme (VCRS) and Gateway schemes, and this Committee would like to echo that endorsement. We are also grateful for the information provided in your Department's response about the global scheme. We now ask, as referred to above, that you also respond to the Home Affairs Committee's request for specific information about the proposed new scheme, as set out in its letter to you of 18 February 2020. These questions were not addressed in your Department's response.

Can the Government indicate when it will be providing a detailed summary to local authorities of how the new global resettlement scheme will operate and what that information will include?

How will the new global resettlement scheme promote the benefits to communities of participation by their local authorities in the scheme?

How will the new scheme support local authorities to undertake effective communications to explain the operation and benefits of the scheme to their local populations?

How will the new scheme encourage and promote the sharing of learning and best practice between agencies participating in the new global resettlement scheme, specifically what mechanism(s) it will employ to achieve this?

What learning and best practice was identified by agencies involved in the VPRS and VCRS, and how has that learning influenced the development of the new scheme?

Will the new global scheme facilitate learning not just between agencies local to each other but, where necessary, between authorities and partnerships that are geographically diverse? If so, how will this be accomplished?

Will the new global resettlement scheme include any provision to support local authorities to meet the housing needs of the refugees they resettle?

Does the Government plan to address the question of the recognition of resettled refugees' academic and professional qualifications?

What were the factors that led many local authorities not to participate in the previous resettlement schemes and how will the Government encourage more authorities to participate in the global resettlement scheme?

Equality of support for recognised refugees

The report endorsed the approach of Norway in offering the same package of financial and other integration support to all recognised refugees in the UK, regardless of whether they arrived through a resettlement programme or by their own efforts as an asylum seeker.⁷ It then urged the Government to follow this example. As your Department's reply did not reference this recommendation we ask for clarification on this point.

Will the Government take steps to ensure that all recognised refugees in the UK will receive equality of support, no matter how they arrive in country?

UK asylum policy

The report concluded that human rights considerations must be at the heart of any future agreements with third countries on readmission or cooperation to tackle the root causes of migration. It recommended that all such agreements should be subject to formal human rights assessments, which satisfy widely held international standards.⁸ The Government's response did not reply to this specific point.

Will the Government ensure that agreements with third countries on readmission or cooperation are subject to formal human rights assessments? If so, which human rights standards will you apply? And will the Government's assessment be subject to independent verification, if so, by which body?

I look forward to receiving your response within 10 working days.

I am copying this letter to Lord Kinnoull Chair Lords EU Select Committee and Mark Leslie, Home Office.

Yours sincerely



Lord Ricketts

Chair of the EU Security and Justice Sub-Committee

⁷ *Ibid.*, para 246, p.64

⁸ *Ibid.*, para 250, p.65