

Humanitarian Protection

The Minister for Citizenship and Immigration (Beverley Hughes): On 7 October 2002 my right hon. Friend the Home Secretary announced the ending of the routine granting of exceptional leave on a country basis and a review of its use and scope to focus it on those who really need special humanitarian protection but do not qualify as refugee.

In the past, exceptional leave has been used far too widely—it was only ever intended to be granted to those able to demonstrate compelling compassionate or humanitarian reasons for staying in the United Kingdom. Instead, the widespread use of exceptional leave has acted as a pull factor, encouraging economic migrants to apply for asylum in the United Kingdom in the belief that they will be given exceptional leave when their claim is rejected.

That is why we have decided to replace the exceptional leave system with a new Humanitarian Protection system. From now on the UK will only offer international protection to those who really need it.

From today Humanitarian Protection will be granted only to those who, though not refugees would, if removed, face in the country of return a serious risk to life or person arising from the death penalty, unlawful killing or torture, inhuman or degrading treatment or punishment.

Under the new system those who qualify for Humanitarian Protection will be granted leave for three years, at which point a person with a continuing need for protection will be eligible to apply for settlement in the United Kingdom. A person with no continuing need will not get any further leave.

The Secretary of State will also retain the discretion to grant limited leave to those who do not qualify for Humanitarian Protection or leave under the Immigration rules. The circumstances in which Discretionary Leave will be granted will be defined and tightly focused. This leave will normally be granted for two periods of three years, but there is scope to grant shorter periods depending on the individual circumstances. Again, it will not be renewed unless a person continues to qualify for such leave.

Both the Humanitarian Protection and Discretionary Leave systems will be far more focused and clearly defined than the exceptional leave system. Failed asylum seekers who do not fall into one of these categories will not be granted any leave and will be removed. We are determined that the asylum system will no longer be a short cut to work or settlement in the UK. I believe that these measures, when taken alongside the provisions in the Nationality Immigration and Asylum Act 2002, will take us even further forward in our efforts to reduce the number of unfounded asylum applicants seeking to abuse our immigration system.

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