

IAS has joined other organisations in a joint letter to Ruud Lubbers, United Nations High Commissioner for Refugees, expressing concern at the British proposals for overseas processing of asylum claims

Dear High Commissioner RE: UK Government Proposals On Regional Protection

We are writing to follow up the discussions we had with you and Erika Feller in February regarding the UK Government's proposals on Regional Protection Zones (RPZ) and, more latterly, Transit Processing Centres (TPC). When we met we agreed that it was important that we responded constructively to these proposals and were part of the solution. Further we all recognised and supported the need to improve protection in the regions and address the root causes of refugee flows. Over the last few weeks we have seen a number of versions of the proposals. We have been concerned that the latter versions appear to be less focused on addressing root causes and improving protection than the proposals contained in earlier versions. We are also concerned that, despite the increasingly wide circulation of these proposals, there has not been any discussion with the relevant NGOs in the UK. The purpose of writing to you is to start to raise some of the issues of concern which need to be addressed if these proposals are to be developed. We recognise that these are difficult and complex issues. We want to be able to work with UNHCR and the UK Government to develop a solution. Areas of concern

We have two broad areas of concerns about the core proposal: issues of principle and the practical difficulties which arise from eroding those principles. These are summarised below:

1. There is an explicit intention to reduce the number of spontaneous arrivals coming to the UK and possibly end processing those claims in the UK. To a large extent, this is a reaction to poor management of the existing system and the very virulent media coverage of the area. We consider that a ban on spontaneous arrivals would be wrong in principle as it totally undermines the Geneva Convention. Further we believe it may be contrary to international law. We are currently seeking a legal opinion on this which we would be very happy to share with you.
2. More critically, this is a very worrying stance for one of the richest countries in the world to take when so many much poorer countries take far larger numbers. It gives out a message that the UK government is trying to withdraw from its international obligations. It should be encouraged to improve its existing systems rather than try to shift the problem to other developing countries. We would be interested in learning from UNHCR's experience of other countries of where systems are working more effectively.
3. We have major concerns about the standard of protection in many refugee camps across the world. There have been far more examples of tragic failures than reasonable successes. In order for the RPZs to gain the confidence of refugees as well as the international community and the courts it needs to be clear how these will differ from existing camps. We would be interested to know if UNHCR is aware of areas where there is evidence that it has been made to work and what were the key factors which enabled that to happen. It would be unacceptable to engage in such a scheme unless the standard of protection was assured from the outset and there were adequate processes in place to monitor this.
4. The zones have to be able to

offer standards of protection which are acceptable to UK courts and to meet the requirements of the ECHR. This will almost certainly mean that in many places they are providing a higher standard of living than in the surrounding area. The impact that regional protection zones will have on the surrounding area needs to be thought through to avoid destabilising the host country and creating perverse incentives. As similar situation would almost certainly apply for TPCs 5. There have been suggestions that the asylum seekers held in the transit processing centres will be detained, for at least six months and probably longer. This is unacceptable in principle, will be difficult to manage in practice and very costly. It is unclear whether or asylum seekers will be detained in the RPZs although the papers imply that movement around the area would be difficult. 6. The transit processing centres seem to be intended for asylum seekers whose claims are deemed manifestly unfounded. This raises a number of issues as to how such cases would be identified in the UK and how the host country and the organisations involved in the determination will deal with returns. This is a very challenging and complex issue which will need considerable thought. 7. The papers raised worrying issues about the quality of asylum determination and, in particular, the lack of the right of appeal in the UK. Many of the countries which are being suggested for RPZs or TPCs do not yet have the infrastructure to be able to provide the quality of legal advice and independent appeal system which is so critical to assuring protection. Is the UNHCR satisfied with the arrangements which are being proposed? There may be areas which we can work together on to develop alternative models although clearly these would take some time to establish. 8. Following on from that it is unclear to us precisely what the UK see as being the role of the UNHCR. The somewhat cynical references to the ECHR in the document suggests that the Government may wish to circumvent its responsibilities under the ECHR by delegating refugee determination to the UNHCR in a place outside the UK. How acceptable is it to UNHCR for it take on state responsibility for refugee determination and returns? 9. This enterprise could only succeed if substantial financial and human resources were made available and also it was seen as long term strategy which needed to be worked through. The disparity of funding between the west and the developing countries (in the south and the east) is such that it is difficult to imagine that the resources would be made available, particularly if it was unlikely to achieve short term results. Has UNHCR been given any sense of the resources which might be directed towards this project and over what period? 10. The hasty implementation of these proposals could give rise to perverse consequences, for instance, an increase in illegal immigration. There are alternative approaches which NGOs, collectively and individually, have or are developing to improve the international protection regime. These, of course, include the UNHCR's own Agenda for Protection. In particular more focus needs to be given to enhanced resettlement programmes and promoting European harmonisation. We are very conscious of the difficult position the UNHCR is in respect of the renewal of its mandate. We would want to be able to support UNHCR to resist any attempts to pressurise it to be involved in this scheme without the issues we have raised above having been adequately and fully

addressed. We would welcome the opportunity to meet with you to discuss this further. Many agencies in the Sector share these concerns. The ones listed below have specifically asked to be associated with this letter. We are also copying this letter to the IOM and to the Home Office. Yours sincerely Margaret Lally Refugee Council - Acting Chief Executive And also on behalf of:
Immigration Advisory Service International Rescue Committee Liberty Refugee Legal Centre