



22 April 2021

Chris Philp MP
Parliamentary Under Secretary of State
Minister for Immigration Compliance and the Courts
Home Office
2 Marsham Street
London

Dear Minister

Re: Home Office Consultation on New Plan for Immigration

We are grateful to your officials for their letter of 19 April 2021 to the Home Office NASF Strategic Engagement Group (SEG) responding to minimum shared concerns of NGO members of this group, of which we are one, regarding this consultation.

Amnesty International UK has reflected on the consultation in the light of your response. We regret that we have, nonetheless, concluded that the consultation is so lacking in transparency, accessibility and impartiality that we must place on record that we cannot have faith in the process or outcome. We are also concerned, for reasons explained below, at specific consultation questions concerning the Government's equalities duties.

We intend to make our position publicly available on our website by publication of the statement appended to this letter on Wednesday, 28 April 2021. We would wish, however, to give you the opportunity to respond, should you wish to do so, before we make that statement public.

We have given careful thought to whether, in the light of our concerns, we ought to participate in the consultation. We have decided to do so because we have such serious reservations about many of the proposals being advanced and have, accordingly, concluded that we must take any opportunity presented to persuade the Government against pursuing them.

Transparency

Several of the proposals are not presented with sufficient detail to fully or sufficiently understand what is being proposed or what the effect of the proposal would be if implemented.

Moreover, we are aware that, alongside the public consultation, there are a series of events upon various of the proposals on which that consultation is taking place. It has not been made public:

- which of the proposals are the subject of such events;

- whom has been invited to these events; or
- by what process or criteria it has been decided to make such invitations.

We are also aware that for at least some of these events there is material that has been provided on proposals that is not in the public domain.

Accessibility

The consultation is open to responses via an online portal containing, for members of the public, two distinct online surveys. This complication is made worse by the fact that the downloadable documents containing the questions in these respective surveys do not share the numbering or formatting of the questions in the online surveys.

Impartiality

The design and presentation of the consultation and several of the specific questions lacks impartiality. There are many assertions of fact the accuracy of which we would contest. It is not possible, by several questions, to fully, clearly or adequately present certain opinions upon the particular question's subject matter – particularly, opinions that dispute the merits of the proposals, the merits of the stated aims of the proposals or the stated connection between the two.

Several questions, for example, invite respondents to assess proposals by reference to 'effectiveness'. One respondent may consider a response that the proposal would be 'effective' is indication of support for the proposal. Another respondent may oppose the proposal but nonetheless consider the proposal would be 'effective'.

One question invites respondents to rank four proposals. Two respondents who respond in precisely the same way may nonetheless radically differ in their opinion of the proposals. One respondent may think all the proposals will be ineffective or have no merit whereas the other may consider each to be effective or with merit.

Equalities duties

We do not consider the questions inviting opinions as to the equalities impacts of the various proposals are appropriate. Clearly, it is not possible for the department to delegate its responsibility to assess impacts out by consultation. Moreover, neither members of the public nor other respondents will be in a position to make such assessments both because the proposals are not all sufficiently clear and because the information necessary to do so is not available to them.

Consulting on equalities impacts, if it is to be done, ought to be done by publishing an impact assessment and inviting responses to that assessment.



Conclusion

We regret, therefore, that we are forced to the conclusion that the consultation is defective and the reliability of any results will be materially impaired.

Sincerely,



Kate Allen
Director, Amnesty International UK

Encl. proposed Amnesty UK public statement on consultation