



Commission on the  
Integration of  
Refugees

# A Broken System:

Asylum Reform Initiatives 1997-2022



**Good Faith  
Partnership**

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# Executive Summary

This report presents an overview of asylum reform initiatives in the UK from 1997-2022. Reviewing the last 25 years of changes to the asylum system reveals a number of key lessons for those interested in the cause of refugee integration. However, a key finding of the report is that successive British Governments have consistently seen integration as a secondary concern to the ‘primary’ task of sorting eligible asylum applications from ineligible ones.

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## New Labour

Inheriting an asylum system facing significant backlogs despite relatively low rates of applications, the New Labour Government made a series of key structural changes between 1997 and 2001. These included removing asylum seekers from the mainstream benefits system and dispersing them across the UK, expanding the use of detention and increasing the border control powers of Government and other public and private sector agencies.

Between 2001-2010 these same principles were extended with the removal of asylum seekers’ right to work, restrictions on appeal rights, and limits on the generosity and eligibility criteria of support.

At the same time, New Labour also introduced certain measures that attempted to enshrine migrants’ rights, such as introducing a Human Rights based approach to the legal process of claiming asylum and abolishing the Primary Purpose rule which restricted the right to family reunification. It also created the first attempt at a national strategy on refugee integration in 2000 and commissioned the Indicators of Integration report in 2004, which still shapes thinking on the topic to this day.<sup>1</sup> Under the framing of ‘firmer, fairer, and faster’, these measures succeeded in reducing the backlog in asylum applications, but overall asylum application numbers rose to a historic high in the late 1990’s and early 2000’s before then falling steadily to 2010.

## The Coalition and Conservative Governments

The trajectory of the Coalition Government of 2010-2015 was very much set by Prime Minister David Cameron’s promise to reduce net migration ‘from the hundreds of thousands to the tens of thousands’, and by the tough approach of the then Home Secretary, Theresa May. This period can be characterised as the high point of the ‘hostile environment’, including the deployment of ‘Go Home’ Vans in 2013 and the 2014 Immigration Act which extended responsibility for immigration control to businesses, landlords, and other non-governmental actors. But the drawbacks of this approach would be laid bare by the ‘Windrush Scandal’ which saw the Home Office heavily criticised for failing to protect large numbers of people despite them having a legal right to be in the UK.

The period since 2015 has arguably seen some of the most progressive developments towards refugee integration since 1997, particularly through the introduction of large-scale Resettlement Programmes triggered by the Syrian Civil War. The Vulnerable Persons Resettlement Scheme welcomed over 20,000 Syrians between 2015-2020, and along with the Community Sponsorship Programme set the template for more recent initiatives for people fleeing Afghanistan and Ukraine. This rise in resettlement programmes has undoubtedly begun to reshape Government thinking and commitment to refugee integration, as seen in the Integrated Communities Strategy, the updating of the Indicators of Integration Framework and the more recently instituted Refugee Transitions Outcomes Fund. Nevertheless, challenges remain in the successful

integration of resettled refugees, epitomised by the fact that many Afghan arrivals continue to reside in hotel accommodation without permanent lodgings. And the increasingly harsh rhetoric and policies in relation to channel crossings and asylum seekers more generally has created a starkly divided system which is now creaking under the weight of a historically large backlog of cases.

## Key Lessons Learned

Our analysis indicates a number of key lessons to be learned from this period. These include:

**The primacy of geopolitics** – Whether it’s the breakup of Yugoslavia and the War on Terror leading to the peak of asylum applications in the early 2000s, the Syrian Civil War leading to the rise of resettlement programmes, or the Ukraine War and Chinese action in Hong Kong leading to hundreds of thousands of arrivals via new bespoke routes, it is clear that the UK refugee and asylum system is impacted just as much by external events as by Government policy or civil society interventions.

**A story of continuity** – A clear pattern of the last 25 years is the startling continuity in language and approach in terms of national Government policy, regardless of which individual or party was in charge at any one time. The three principles of firmness, fairness and speed have been the hallmark of national government policy throughout the last two and a half decades, with almost every piece of major legislation in this period attempting to link different measures back to this overall framing.

**Tough enough?** – Efforts to ‘tighten up’ the asylum system have had a decidedly mixed record in terms of impact. Whilst it is possible to build a case that the Labour Government in the early 2000s was successful in driving down overall asylum claims, evidence for the success of later ‘hostile environment’ measures is hard to come by. And even when Governments could claim practical ‘success’ in this regard, it led to little if any political payoff, as tough rhetoric from politicians arguably served to stoke public opinion in ways that could not then be satisfied by workable policies.

**Integration for whom?** – 25 years of continuous ‘tough’ rhetoric and policies towards asylum seekers has created significant problems for refugee integration. In the New Labour years this was encapsulated in the paradox of investing in refugee integration work whilst at the same time placing ever increasing barriers in the way of asylum seekers integration while their claims were being processed. In recent years under the Conservative Government, the distinction between those seeking protection who are ‘worthy’ of integration support and those who are not has become ever starker. Resettled refugees are offered new kinds of funding and support whilst those claiming asylum in the UK are subject to ever greater restrictions. The impact of this ‘2 tier’ system on integration outcomes represents a significant challenge for those seeking policy reform.

**Not fit for purpose** – The extraordinary recent rise in the number of asylum claimants waiting over 6 months for an initial decision begs the question of whether the Home Office is, as the Labour Home Secretary John Reid memorably said, ‘not fit for purpose’. And the overall disjointed nature of refugee governance demands a strategic rethink in terms of where power and resource can be best located in order to generate meaningful progress on integration.

**Hospitality and Support** – The remarkable hospitality of the British people in opening their homes to hundreds of thousands of Ukrainian refugees, combined with consistent polling which shows a groundswell of support for integration, give cause for optimism for those with an interest in refugee integration. With the asylum system very obviously in need of significant reform, there is much that could be achieved by those with practical suggestions for how to better integrate newcomers into British society.

# Our Approach/Methodology

The core question guiding this report is ‘What has succeeded, and what has failed in previous efforts to reform the asylum system since 1997?’ Given the extent of the task, we have chosen to focus on those changes and initiatives that either attempted or resulted in a major systemic impact. We have primarily assessed the efforts of central Government, since so many aspects of UK asylum policy are controlled and directed from Westminster, but we have also paid attention to significant initiatives led by local or devolved government, and by the voluntary sector.

Since this report has been created as part of the Commission on the Integration of Refugees, we have paid particular attention to efforts throughout the last 25 years that had a direct bearing on the topic of integration. In doing so, we have been conscious of the complex and contested nature of this term, but also of the convergence of many contemporary definitions of integration in the refugee context, in particular:

- › That integration is ‘multi-dimensional’ - it depends on a number of factors, including access to material resources as well as social relationships, perceptions of welcome in a host society, and a sense of belonging.
- › That integration is ‘context-specific’ - it depends on the characteristics, capacity and opportunities of specific local areas, for example levels of cultural and ethnic homogeneity, job opportunities, and refugee support services.

In structuring this report, we have taken a chronological approach, dividing the period up largely on a parliament-by-parliament basis. We have done this because we believe that understanding the political context is key to understanding the policy development process, and also because this structure allows for a useful interpretation of change and continuity over time and between different governments. It also enables an analysis of the impact of particular geopolitical events on the development of the UK asylum system.

# Chapter One

## 1997 - 2001 – ‘New labour - New approach?’

The 1997 General Election was a huge turning point in British political history. The landslide electoral win for Tony Blair’s New Labour Party brought an end to almost two decades of Conservative rule, and was seen by many at the time as part of the UK’s embrace of a more modern and liberal future. The arrival of Labour into Government was also a momentous time for the immigration and asylum system in the UK. The period 1997-2001 eventually saw a number of highly significant Government-led changes to the asylum system, under an ideological and rhetorical frame that emphasised fairness, speed, and control as the key defining characteristics of a ‘modern approach’. This approach not only set the tone for the remainder of the New Labour period, but arguably also for the Coalition and Conservative governments that followed.

**Along with a rapidly changing environment that included more and cheaper ways to travel internationally, and the increasing development of computerised tools, modernisation became a key element of the policy proposals. The three underlying principles - fairer, faster and firmer - were built into the white paper as mechanisms to remedy backlogs and streamline procedures to facilitate settlement to genuine applications.**

Ahead of the 1997 election, the incoming Home Secretary Jack Straw, who would remain at the Home Office for the entirety of Labour’s first term in office, remarked that there shouldn’t be more than a ‘cigarette paper’ between the two major parties’ positions on immigration. The approach at the top was essentially to ‘neutralise’ the issue politically by not rocking the boat with major reforms early on. This explains why the 1996 Asylum & Immigration Act, the last piece of immigration legislation of the outgoing Conservative Government, remained a key part of the legal framework for the new Government’s immigration policy until it eventually passed the 1999 Immigration & Asylum Act.

### Firmer, Fairer, Faster

“The only way of addressing the problems which this Government inherited was to undertake a fundamental review of the whole system of immigration control from start to finish, from initial applications overseas through to permanent settlement, citizenship or removal abroad. That is what we have done.”<sup>2</sup>

The key document of the 1997-2001 period was the 1998 White Paper titled “Fairer, faster, and firmer - a modern approach to immigration and asylum”. In it, the New Labour Government highlighted its concerns about the degree of complexity and the length of time it took to process applications in the existing immigration system.

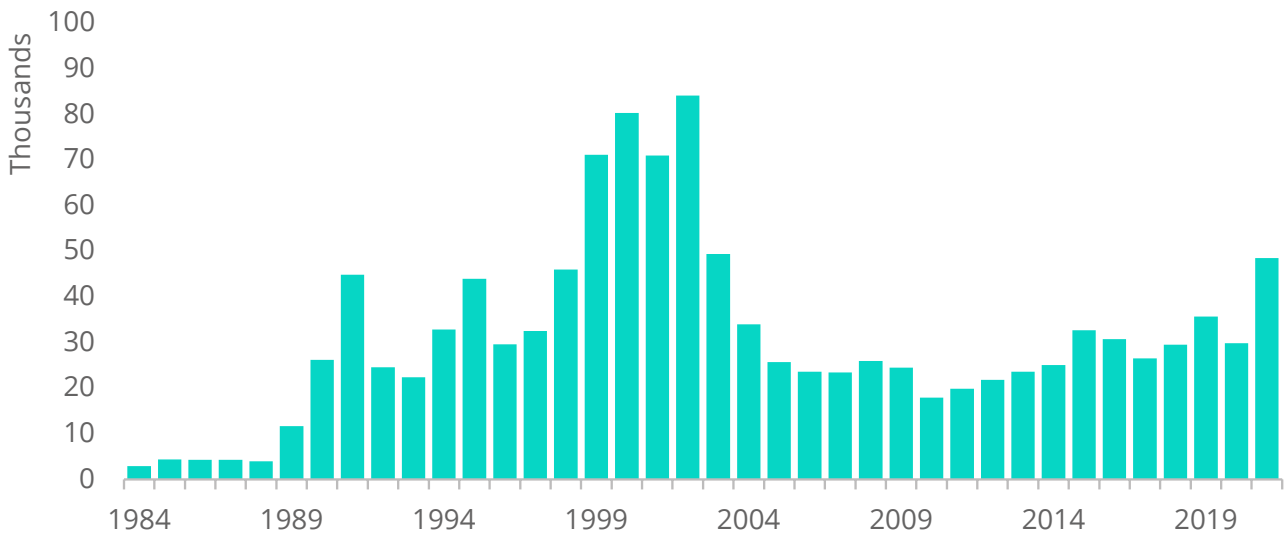
Along with a rapidly changing environment that included more and cheaper ways to travel internationally, and the increasing development of computerised tools, modernisation became a key element of the policy proposals. The three underlying principles - fairer, faster and firmer - were built into the white paper as mechanisms to remedy backlogs and streamline procedures to facilitate settlement to genuine applications.

Two major elements also influenced this set of policies. The first was the Human Rights Act<sup>3</sup>, which went through Parliament alongside the publication of the immigration white paper. This piece of legislation would fundamentally shape the asylum system, incorporating the European Convention of Human Rights into domestic law and entrenching a human rights legal and political culture in the UK. The second was a strong push to understand the asylum-



## Asylum applications in the UK

Annual figures for main applicants only



Source: Asylum Statistics, House of Commons Library, March 2022

seeking process as a bilateral relationship, where both government and applicants have duties<sup>4</sup> (the ‘rights and responsibilities’ agenda). The fundamental vision was now one of an asylum system that created mutual obligations – what the White Paper called a ‘new covenant’ – where the applicant was expected to recognise their obligations, which included obeying the law, keeping in regular contact with authorities, telling the truth about their circumstances, and leaving the country if their application was rejected.

The ‘faster’ principle was the intended outcome of reforming a system that was deemed to be failing due to its complexity. The backlog of asylum applications at the time exceeded 52,000 files, with a significant number that were over five years old. The New Labour Government wanted to address what seemed to be an already clogged system which, in short, was not working for anyone. In data released in 2002, we can see that the number of asylum applications from 1995-1998 had remained stable at below 10,000 applications per quarter, except for the period between the end of 1995 and the beginning of 1996. This means that while the system was being perceived and described as profoundly clogged, in hindsight, the volume of applications was relatively low compared to later periods – where applications occasionally rose up to over 20,000 per quarter (as they did in 1999 or 2001).<sup>5</sup>

One of the most notable changes in the immigration system around the time of the White Paper was the abolition of the much debated ‘Primary Purpose Rule’,

a framework that evaluated marriages between an immigrant and someone settled in the UK to identify whether its primary purpose was to obtain UK residence. Eliminating this rule was a strong political statement and an example of the Government’s commitment to build a ‘fairer’ system.

The desire to make the system simpler and faster was built on the notion that reducing strain on the immigration system and its staff would reduce delays, and delays were precisely the aspect that could easily be exploited by those who wished to abuse the system. This fed into the vision of a ‘firmer’ system, that, in conjunction with policies around frontier controls, appeals, and enforcement, would create a robust system with an ever-decreasing tolerance for applicants who did not meet the criteria to receive protection.

For example, one set of policies proposed by the White Paper were those around border controls. This stage of the migration process was deemed essential for the government to achieve two major outcomes: to speed the passage of British citizens and genuine travellers, and to target people prior to entry who did not have a legal right to enter or stay on British territory. The Government focused on securing borders through ‘greater operational flexibility’, which in the White Paper was proposed as enabling border control staff to respond to higher-risk situations by minimising time spent on lower risk situations or profiles, performing what seemed unnecessarily detailed routine controls.



Procedures with multiple stages that felt outdated were affecting staff capacity (and hence resources) and had a knock-on effect on genuine applicants, who faced longer waits and uncertainty. The Government was increasingly concerned that these long and complex mechanisms were in practice favouring individuals who had no right to enter or settle in the UK. Simplifying and integrating systems whenever possible was seen as the way forward to control and regulate the system as a whole, making it more efficient and more just. A number of policies were drafted to this end, including modernisation through computerisation (which would remove or reduce paper-based bureaucracy), and moving into simpler and shorter procedures instead of keeping multiple layers or steps. Computers were seen as a key instrument in providing staff with fast access to information (relevant legislation, etc.) to guide decision-making. The hopes around technology becoming the enabler of 'fast tracking' were fed by a growing alliance with the private sector<sup>6</sup> that had the intention of processing all casework into new IT systems for pre- and post-entry procedures.

While technology was rightly considered as helpful for increasing the efficiency of case management, it also had a wider, more structural impact. One example of this was the introduction of fingerprinting (Eurodac, a larger European-based initiative on fingerprinting asylum applicants, began in 2003). This more sophisticated identification system would significantly impact the data available to authorities and facilitate identification for communication and removals, as well as reference checks and other enquiries that could be performed by public agencies once this information was collected.

For the New Labour Government, a 'modern' policy was not only one that relied on new technologies, but also one that integrated as many aspects of the asylum system as possible. This meant pushing for the integration of different stages whenever possible, having different agencies to communicate and treat cases in a single file, and removing multiple-step mechanisms such as the 'White List', a rule that allowed a separate procedure if the applicant came from a listed country. The removal of such processes, alongside the abolition of qualifying periods for grants of settlement to successful applicants, was designed to speed up response rates and modernise the system. This framework influenced the system for

years to come. The asylum process in the UK came to prioritise the investigation of individual claimants over country-wide assessments, although this trend has been significantly bucked in recent years with the rise of resettlement programmes for specific countries such as Syria, Afghanistan, and Ukraine.

The intention of simplifying the system was also evident through two further structural decisions: creating a single budget for asylum seeker support that would be owned and administered by the Home Office, and pushing for a transformation of the appeal system into a single appeal right. The intended outcomes of these proposals were, as above, to streamline the system into one that could respond quickly, with fewer protocols and agencies to coordinate, on the one hand, and on the other, to rapidly determine whether to grant protection to or to remove the unsuccessful applicant.

Separating asylum seekers from the mainstream welfare state has had a significant impact on the process of seeking asylum. In this period, the Government had the stated intention of designing policies that ensured that no applicant would be condemned to destitution but, at the same time, minimising the potential of those interested in economic migration to manipulate the asylum application system. This precipitated a heated debate regarding the proper way to support applicants (which continued beyond this period)<sup>7</sup>, with the Government offering provision as a 'last resort' and pushing for a complete removal of direct financial support. This included minimising cash payments and separating asylum seekers from the main benefits systems, removing responsibility from social services departments, and making the support of national Government (in the form of accommodation and subsistence) a last resort for applicants.

This vision of 'last resort' would also resonate with a sense of scarcity and guarded support, as those safety net mechanisms did not extend to rejected applicants<sup>8</sup>. The 'no-cash' approach was maintained in the 1999 policies. Here, the overall policy was that government support should be for subsistence purposes and, as far as possible, given in kind, while opening a degree of flexibility for incidental expenses. Only once an applicant had been granted refugee status or leave to remain, would they become eligible for public funds and have access to the national benefits system.

The Government also proposed an overhaul of the appeals system to reduce the multiplicity of appeal rights. The Immigration & Asylum Act of 1999 introduced a one-stop appeal system while still protecting rights of appeal in different circumstances, but it would enact multiple limitations and conditions to limit those rights, including a duty to disclose the grounds for appeal. The Act was also notable for bringing in the new approach of ‘asylum dispersal’, moving asylum seekers en masse away from the South-East of England and London for the first time. This in turn had a knock-on effect on the third sector, with organisations growing in places such as Glasgow, Liverpool, and the North-East of England, which ended up with large numbers of dispersed asylum seekers.

## Integration Strategy

In 2000, the Government launched a first attempt at a national refugee integration plan, ‘Full and Equal Citizens — A Strategy for the Integration of Refugees into the United Kingdom’.<sup>9</sup> It was intended to help refugees (those with protected status) and not asylum seekers secure access to jobs, accommodation, welfare benefits, health, education and language services, and to encourage community participation. The Government said of the strategy:

‘[It] seeks to learn from the high level of activity and good practice already existing in many areas of the country and in the European Union and elsewhere. It seeks to establish what is effective in integration so that what works can be spread further to other areas and to other communities. Our aim is not to produce a package into which successful asylum seekers are pushed in at one end, and out, of which integrated refugees appear at the other. Communities are different. Refugees are different. Our aim is to help all refugees develop their potential and to contribute to the cultural and economic life of the country as equal members of society.’<sup>10</sup>

However, in a 2019 journal article, Dr Samuel Parker pointed out the internal contradictions apparent in this first attempt at a national refugee integration strategy, particularly in prioritising support for refugees but refusing to offer it to those still awaiting a decision on their claim. Parker stated that: ‘inconsistencies in category use are apparent throughout Full and Equal Citizens (Home Office 2000) and it becomes clear that rather than a fully formed policy document, in which the government is setting out its vision, the strategy is more a work in progress.’<sup>11</sup> So whilst this Strategy represents an important milestone in Government efforts on refugee integration, it should be seen as a fairly tentative first step rather than a fully thought-through and resourced intervention.

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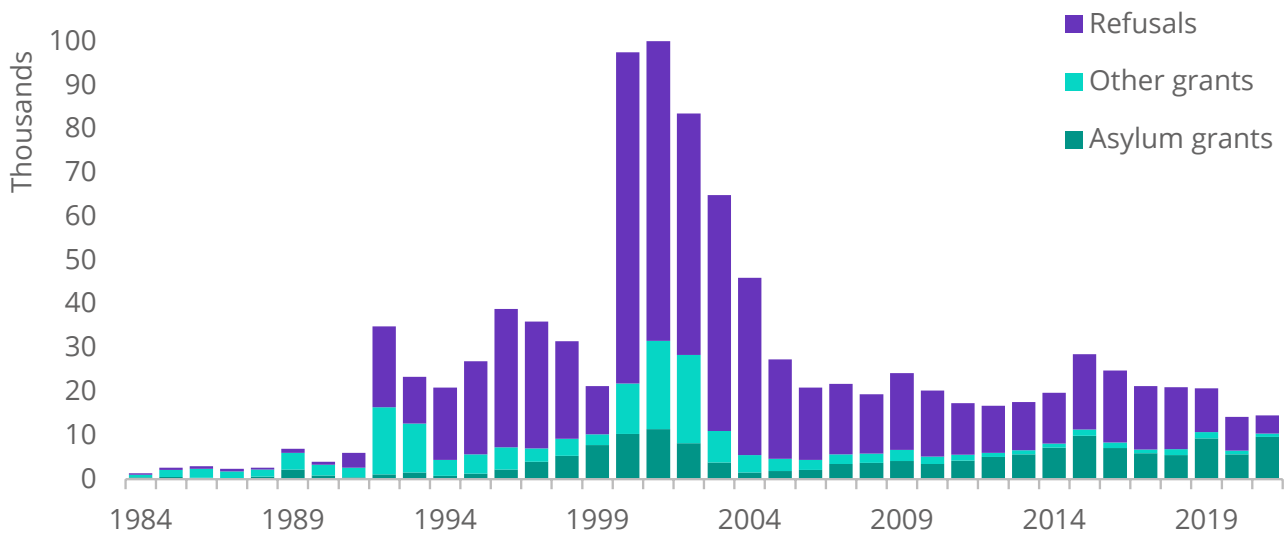
### Asylum Numbers in this Period

Despite the New Labour Government’s attempts to modernise and refine the asylum system, the number of asylum applications rose very sharply from 1997 to 2001, from just over 30,000 to more than 70,000. It is hard to attribute this rise directly to changes made by the New Labour Government to the asylum system - much more likely it was a result of major geopolitical

developments of the time, including the break-up of Yugoslavia, civil war in Somalia, and eventually the wars in Iraq and Afghanistan. What is clearer is that the rise in asylum application numbers encouraged an increased focus on the principle of ‘firmness’ in guiding the shape of the asylum system, as seen in the next chapter.

### Outcome of initial decisions on asylum applications

Annual figures for main applicants only



Source: Asylum Statistics, Commons Library Research Briefing, March 2022

# Chapter Two

## 2001 - 2005 – ‘New labour 2.0’

After a second landslide victory, Labour entered their second term of office in 2001. The moderate Home Secretary Jack Straw was replaced by the more conservative David Blunkett, who took a tougher approach on a whole host of Home Office issues, and especially immigration and asylum. The context for this approach was set by the wider domestic and international political context. In Spring/Summer 2001, a series of ‘race riots’ took place across the UK, including in Oldham, Bradford, and Burnley. This led to a Home Office review into community cohesion, led by academic Ted Cantle,<sup>12</sup> which warned that communities were in danger of living ‘parallel lives’ and called for a national cohesion and integration strategy. Then, the 9/11 terror attacks and ensuing invasion of Afghanistan resulted in an influx of Afghan asylum seekers to Europe and the UK. In 2002, annual asylum applications peaked at 84,132 (103,080, including dependants), the highest annual number to date. Indeed, this period was referred to colloquially by both politicians and journalists as ‘the asylum crisis’ (a phrase that became popular again following the mass movement of people out of Syria post-2015).

### Right to Work, Appeal Reforms

The main piece of Government legislation on immigration in the early 2000s was the Nationality, Immigration & Asylum Act 2002, which removed the right to work after 6 months of being in the asylum process. Given the record numbers of applications and the slow speed at which claims were being fully determined this led to a significant rise in material need for many asylum seekers, and resulted in a rise of grassroots civil society projects (many, but not all, faith-based) that sprang up to support people, particularly with food and accommodation. Although it was only later that the phrase ‘hostile environment’ gained prominence, it is arguable that it was in the early 2000s that destitution was first used as an implicit policy response to a system creaking under the strain of record asylum numbers.

The 2002 Act acknowledged a ‘one-stop’ approach as the most adequate principle for asylum appeals but the language, removing repetition of processes, and reviewing inconsistencies and omissions. More importantly, this Government would prioritise defining specific immigration decisions that attracted a right to appeal and setting deadlines for the submission of claims. Furthermore, the Immigration Appellate Authority would be superseded in 2005, making the First-Tier Tribunal the only stop to exhaust the right to appeal a refusal.

A key part of the policies of this period were the decisions made around enforcement and removals. With the intention of being fair and firm, the Government wanted to deal harshly with individuals who had no right to enter or stay in the UK, and this also meant putting pressure on those attempting to exploit vulnerable populations through criminal activities such as human trafficking and other ways to facilitate clandestine entry (for example, providing false documents or enabling fraudulent marriage arrangements).

While ‘illegal entry’ was a concern, the Government believed thinking about organisational actors was more effective than focusing solely on individual cases of illegal entry. Part of the vision of a firmer system was the introduction of more severe criminal offences, particularly for malicious actors that abused the system. Enforcing such offences required other policy changes such as cooperation, intelligence, and integration between agencies. Using deception to seek or obtain leave to enter or remain was already categorised as a criminal offence, but with this policy proposal such offences were extended and strengthened.

The multi-agency approach was designed to provide greater power to enforcement procedures. A clear example of an operational policy that put this into practice was the extension of powers of immigration officers, to allow them to make arrests in certain circumstances without the need for police forces. An additional example of this type of structural policy was with registrars, who were granted extended powers to assess the credibility of instruments and documents in the context of migration matters. While it's difficult to identify the impact these specific measures had on the number of removals, total figures of enforced removals and voluntary departures<sup>13</sup> increased over the years, from 11,345 in 1997 to 24,990 in 2004.<sup>14</sup>

While described as 'unfortunate', detention was an element of the enforcement process that was valued as necessary to prioritise and increase faster removal<sup>15</sup>. In this period, detention was justified in cases when removal was imminent, if there was a reasonable belief that the person would fail the terms of their temporary admission, or there was lack of clarity regarding identification. In 1997, there were around 900 detention 'places' in the UK and in the period between 1998 and 2001 this number increased to just under 2,800 places in the then-named 'Removal Centres', with a plan to increase capacity by a further 40% before 2003.<sup>16</sup> Detention would continue to be an important focus during the following years, with policies changing between expanding and reducing the detention infrastructure, always with the primary focus to support speedy removals. An example of this was the Detained Fast Track (DFT) policy introduced in 2003 (for male applicants only; in 2005 it was also introduced for females), where an asylum applicant identified by the UK Border Agency having the potential for a fast decision would be detained until a decision was made.

This management strategy was highly effective in terms of removals compared to cases managed outside detention; however, a 2011 inspection of this mechanism concluded that the DFT was 'not working as quickly as intended and has insufficient safeguards to prevent people being incorrectly allocated to it. On average, decisions are not being made until 13 days

after a person's arrival in the DFT, despite the Agency's published aim of three days.' It was challenged in 2011 by a third sector organisation, which led to the policy ending.

The next significant piece of legislation in this area was the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004, which made several important changes to the asylum system. It created a single tier of appeal for asylum seekers, the Asylum and Immigration Tribunal, to consider all appeals against immigration and asylum decisions. Further appeals to the high court could only be made on the grounds that the Tribunal made an error of law. The Act also created criminal sanctions to punish people who arrived in the UK without a valid travel document unless they had a reasonable excuse. It further limited eligibility for refugee support, with failed asylum seekers being refused child support if they were not deemed to be 'cooperating with the removals process'. It allowed the Government to tag, track, and use voice recognition technology to trace asylum seekers (a policy designed to be an alternative to detention). And it brought in a loans system to replace prior back payments of income support and related benefits to refugees.

## Integration Interventions

Perhaps as an attempt to balance these efforts at toughening the asylum system, this period also saw more concerted efforts to promote integration. In 2002 the Home Office commissioned academics Ager and Strang to develop a framework for understanding and evaluating efforts at integration which was published as the 'Indicator of Integration' report in 2004. The report identified 10 'domains' of integration related to four overall themes: achievement and access across the sectors of employment, housing, education and health; assumptions and practice regarding citizenship and rights; processes of social connection within and between groups within the community; and structural barriers to such connection related to language, culture and the local environment. This framework was subsequently used to evaluate projects funded from local, national, and European sources.

Alongside this more theoretical work, the 2002 White Paper ‘Secure Borders, Safe Haven: Integration with Diversity in Modern Britain’<sup>20</sup> attempted to frame immigration policies through issues of community cohesion and integration. One of the policy solutions presented was to develop a more meaningful concept of ‘citizenship’. The document stated:

*‘To ensure social integration and cohesion in the UK, we need to develop a stronger understanding of what citizenship really means...The acquisition of British nationality is a bureaucratic exercise, with almost no effort made to engage new members of the community with the fundamentals of our democracy and society.’<sup>21</sup>*

Under the subsequent Nationality, Immigration, and Asylum Act (2002), all local authorities were required to provide new ‘Citizenship Ceremonies’ for all successful applicants for naturalisation or registration as a British citizen, aged 18 or over, whose application was received and processed by the Home Office from 1 January 2004. Allied with this the ‘Life in the UK’ test was introduced in 2005 for citizenship applications and in 2007 for Indefinite Leave to Remain applications. The White Paper also promised to promote the importance of British citizenship by speeding up the process of citizenship acquisition, promoting language training and education, updating deprivation of citizenship procedures, and reforming nationality legislation.<sup>22</sup>

The Paper outlined the formation of a ‘National Refugee Integration Forum’ (NRIF), with oversight from a Home Office minister, which was to draw together local authorities, Government departments, and the voluntary and private sectors to monitor and steer the development of a strategy for integration. This was accompanied by the statement that: ‘the Government is committed to integration as a vital part of the whole asylum process and is determined to give those who qualify as refugees every possible opportunity to build their lives here as full and equal citizens.’<sup>23</sup>

The NRIF was eventually re-organised in 2005/2006 and abruptly abolished in Autumn 2006<sup>24</sup>. In July 2004, the Government published a consultation document entitled ‘Integration Matters: A National Strategy for Refugee Integration’. The Refugee Council responded with a critique of New Labour’s approach to refugee integration that was common to civil society actors of the time, on the basis that it deliberately ‘kicked in late’ by helping only those granted refugee status and not those in the process of having their claim determined. In their consultation response the Refugee Council stated that:

*‘We do not believe it is possible to promote positive images of refugees effectively without promoting positive images of asylum seekers, particularly when the terms ‘refugee’ and ‘asylum seeker’ are used interchangeably within negative media reporting.’<sup>25</sup>*

## The Kirkhope Review - The Conservatives in Opposition

In opposition, and in response to the ‘asylum crisis’ of the early 2000s, the Conservative Party tasked Timothy Kirkhope MEP, a former immigration minister at the tail end of the Major Government, to conduct a review of the UK’s immigration and asylum systems<sup>26</sup>. In September 2003, the ‘Kirkhope Commission on Asylum’ published a report entitled ‘Building a fairer asylum system’ to be followed the following year by a report into immigration policy more generally. The report made 20 specific recommendations to improve asylum procedures and outcomes. Some of these were designed to further ‘toughen’ the asylum process, such as removing the asylum decision process from normal UK judicial processes and reviews and only granting temporary status to successful asylum seekers. Others, however, were notable in their flexibility and pragmatism, including allowing people to apply for asylum in British Embassies and Consulates and creating asylum application centres in ‘safe’ neighbouring countries during times of crisis that are supported from the UK Overseas Aid Budget. The report, however, made no serious case for the importance of an integration strategy for refugees, beyond a cursory mention of a ‘one-way’ contract of obligations signed by a successful applicant in return for a temporary grant of protection.



## Immigration can't be Ignored

In late April 2005, Tony Blair made his first full policy speech on immigration and asylum as Prime Minister for several years. In it he used the framework of the Government's new five-year strategy to address the public's perceived concerns about asylum and immigration. In the speech, Blair notably placed greater emphasis on those measures focused on tightening and speeding up the asylum system than on those focused on integration. The former got an extensive airing, with references to asylum application numbers falling as a result of increasing the number of immigration officers, speeding up removals, making faster asylum decisions, reducing appeal rights, using technology to increase Channel Tunnel security,

Despite his own rhetoric, during the speech Blair attacked Michael Howard's Conservative Party for deliberately attempting to stoke people's fears about immigration with their slogan 'It's not racist to talk about immigration - are you thinking what I'm thinking?' But despite asylum applications falling away quite dramatically following the 2002 peak, this was an issue that Labour just couldn't get away from, with a sceptical and anxious public wanting to hear a credible plan for the future. Indeed, in his book, *Immigration under New Labour*, policy expert Will Somerville likened Labour's asylum policy approach to a 'vicious circle'.<sup>28</sup> Echoing this analysis, academic Sarah Spencer wrote:

**In the entire speech, there was a single sentence referencing attempts by David Blunkett to 'integrate successful asylum applicants better and more swiftly into British society with new language and citizenship requirements', before the Prime Minister returned to discussing further measures to prevent illegal immigration.**

tightening the rules on benefits and restricting the use of Legal Aid. In the entire speech, there was a single sentence referencing attempts by David Blunkett to 'integrate successful asylum applicants better and more swiftly into British society with new language and citizenship requirements', before the Prime Minister returned to discussing further measures to prevent illegal immigration.<sup>27</sup>

*'In the face of unprecedented numbers of asylum seekers in its early years in government, Labour went to extraordinary lengths to prevent them reaching Britain, to curtail safeguards in the refugee determination system, to detain adults and children and to remove them from the UK. True, the pressure from the tabloid press was extreme – Labour feared a surge in support for the extreme right and also inherited a backlog of 50,000 applications in a case management system unfit for the purpose – but in the overt use of destitution as a means to deter new arrivals and encourage refused asylum-seekers to leave, it crossed a line that some will not easily forgive or forget. In its rhetoric, moreover, Labour exacerbated its own predicament: with each new assurance that it would be 'tough on asylum' it reinforced the fears it hoped to assuage. Asylum numbers fell by some 70% from their peak in 2002, but the public was not reassured.'*<sup>29</sup>



# Chapter Three

## 2005 - 2010 – ‘New labour - A third (and final) chance’

Tony Blair’s Government continued with strict asylum and refugee policies after 2005. When Blair made way for Gordon Brown as prime minister in 2007, asylum policy - and immigration policy more broadly - had far lower prominence, possibly because Brown had seen the essential role of immigration to the economy during his decade in the Treasury. As a result, he did not introduce any immigration-related legislation in his three years in office, although it was an active period for NGO advocacy. Brown did make a keynote speech in 2009 promising to introduce a points-based system to control some aspects of immigration, but was voted out of Downing Street before he could introduce any changes.

The UK General Election was held on 12 May 2005 and resulted in the third consecutive victory for the Labour Party, albeit with its majority reduced from 167 to 66 seats. The following Parliament saw four different Home Secretaries - Charles Clarke (2004-2006), John Reid (2006-2007), Jacqui Smith (2007-2009), and Alan Johnson (2009-2010). The narrative that set the tone for immigration reform in 2005 centred on controlling the UK’s borders and preventing entry to those without a valid claim for protection.

**Indeed, it is notable that the only reference to integration in the ‘Controlling our Borders’ report is in relation to the decision to increase the number and complexity of requirements made of those who wish to apply for permanent settlement or become British citizens.**

### Controlling our Borders (2005)

The ‘Controlling our Borders: Making migration work for Britain’ report<sup>30</sup> set out a five-year strategy concentrating on immigration and reform of the asylum and appeals procedure. The Government focused on securing its borders through various strategies. It aimed to use new forms of technology to control individuals before arrival, at the borders and within the UK. The Government deployed airline liaison officers to ‘high-risk routes’ such as Northern France and Belgium to provide training to airline check-in staff for forged documents and take the fingerprints of particular ‘high-risk’ categories. The report revealed that by 2005, 33,000 individuals were denied entry to the UK in areas where airline liaison officers were deployed. This resulted in cuts to illegal entry through French ports including Calais and the Channel Tunnel. They also applied carrier’s liability to airlines, trains, ferry companies, and hauliers to ensure that individuals possessed the appropriate legal documents to enter the UK. In addition, the Government worked closely with airline companies to prevent asylum seekers from destroying documents pertaining to their true country of origin to prevent abuse of the asylum system. According to the report ‘Controlling our Borders’, this would be further enforced from June 2005 in collaboration with the airline industry.<sup>31</sup>

Those who entered the UK to apply for asylum would be subject to various forms of immigration control. Detention capacity was increased for some asylum seekers considered to be ‘high risk’ in addition to accelerating their applications. New procedures also meant that asylum seekers who were not in detention were required to remain in regular contact with the Home Office and immigration officers. This included contacting accommodation centres, regular reporting, arrangements for paying asylum support, attending appeals in person and electronic tagging. The Government aimed to reform the appeals process from April 2005. Successive governments had promised to replace the multi-tiered appeals system since 1999, and new legislation tried once more to create a streamlined single tier that would speed up the asylum process and removals.

The Government would also begin monitoring the prevailing situation in the country of origin and if the situation had not improved within five years, refugees would only then be granted permanent status to remain in the UK. Genuine refugees would be allowed to remain and the Government would help them find employment and participate in community life - although the report gave no indication on how this would be achieved. Indeed, it is notable that the only reference to integration in the 'Controlling our Borders' report is in relation to the decision to increase the number and complexity of requirements made of those who wish to apply for permanent settlement or become British citizens.

Applicants whose situations had improved would be expected to return to their home countries. This had further implications for those from 'safe countries'. Failed asylum seekers from designated 'safe countries' would be returned to those countries to process their asylum claims. According to the report, by 2005, the Government returned 200 asylum seekers a month to safe countries under the Dublin regulation, and the Right of Appeal was also removed for safe country applicants. In general, failed asylum seekers would not be entitled to Government support if they did not cooperate with their return.

This period also witnessed the outsourcing of migration control to third-party entities such as employers. According to the report, the Government conducted 1,600 operations against illegal work in 2004 and found 3,330 people working illegally. Employers were expected to conduct proper document checks and ensure that they were not employing illegal workers. The Government aimed to introduce on-the-spot fines of £2,000 for employers caught with illegal workers and greater stakeholder sharing information for workplace inspections.

### **Nationality and Asylum Act (2006)**

The Immigration, Nationality and Asylum Act (2006)<sup>32</sup> largely put into legislation the proposals set out in the 'Controlling Our Borders' report. It solidified the Government's aims to ensure greater control over the UK's borders and reconfigure a system criticised as 'not fit for purpose' by the then Home Secretary John Reid in May 2006.<sup>33</sup> The act was divided into appeals, employment, information, claimants and applicants, and miscellaneous and general.

The appeals process was categorically reformed and imposed various restrictions on the Right to Appeal for failed asylum seekers, refugees, and those with human rights claims. Amongst the most notable of these changes was the fact that individuals who were refused entry clearance at ports would no longer have the Right of Appeal, and failed asylum claims with no new evidence amounting to a fresh claim would not carry the Right of Appeal. The Act solidified its aim to outsource migration control to third parties as prescribed in the Controlling Our Borders' Report. The Secretary of State was awarded greater powers to impose civil penalties on employers who hired adults subject to immigration control. Immigration officers were given new powers to request a list of passengers from ships and aircrafts entering, leaving, or expected to leave the UK. They could request passengers' immigration status, retain identity documents, take biometric information including fingerprints and eye-scanning, and impose short detention periods for lack of cooperation.

Under Section 45 of the Act, the Government introduced integration loans for refugees.<sup>34</sup> This included those with humanitarian protection and a dependant of a person with refugee or humanitarian protection. Integration loans, managed by the Home Office, were introduced to facilitate access to private accommodation and so that refugees could buy necessities, education, and work training. The loans could not be used to pay off debts or for travel-related costs.<sup>35</sup> They were developed in the hope that protected persons would play their part in society through helping them find stable accommodation or investment in their health and education.<sup>36</sup>

However, according to the Refugee Council, delays in the administration of the loans made them virtually useless for securing move-on accommodation after a successful asylum claim, and even when the money was available, 'restrictive eligibility criteria for local authority rent deposit schemes' meant the loans failed in helping refugees get a foot on the housing ladder. As a result, 81 out of 100 newly-recognised refugees surveyed by the charity at the time were homeless or about to be homeless, and almost all relied on food banks, charities, and friends for access to food, money and accommodation.<sup>37</sup>

## UK Borders Act (2007) and the New Asylum Model

The UK Borders Bill Research Paper<sup>38</sup> discussed the UK's plans to adopt the UK Borders Act (2007). The bill had three main aims, which were to enable immigration officers to acquire police powers at ports to help in police operations and asylum support offences, to regulate foreign nationals through an identity cards scheme, and to facilitate the automatic deportation of foreign criminals with limited rights of appeal and increase detention capacity. As a result, many foreign nationals resident in the UK were required to hold identity documents, although the form of these documents has changed significantly in the intervening years. Biometric cards introduced as a result of the legislation have largely been replaced by biometric permits, while proof of settled or pre-settled status is now used for citizens of European Union countries since the UK left the EU.<sup>39</sup>

Additional provisions included necessitating residence and reporting conditions for foreign nationals such as those who could not be deported and those who had submitted human rights claims, looking beyond the UK's borders in tackling illegal immigration and human trafficking and finally, providing immigration officers with greater access to HM Revenue and Customs Information. The recommendations were eventually implemented through the UK Borders Act (2007) which received Royal Assent on 30 October 2007.<sup>40</sup> It was implemented against the backdrop of a change in leadership when Gordon Brown became the UK Prime Minister on 27 June 2007.

The Act was also implemented during the introduction of the 'New Asylum Model', which was launched to provide a faster and more streamlined asylum process. This included one case officer being responsible for a single case up until granting status or removal. The New Asylum model had gained praise from the Legal Services Commission which introduced a pilot scheme in Solihull in 2006. It resulted in greater transparency when a single case worker was responsible for the entire case. However, it caused some complexities in the asylum procedure. The asylum seeker was

expected to report daily to their case workers and if they lived within three miles of the reporting centre, they were not provided with funds for transport. This proved difficult for the elderly, pregnant women, and the disabled.<sup>41</sup> The Home Affairs Select Committee stated that 'the Act has met its intended effect'.<sup>42</sup> However, Shami Chakrabati, the director of the civil liberties organisation Liberty questioned the Government's commitment to human rights such as the right to liberty because methods of stopping individuals on the streets were racially divisive.<sup>43</sup>

## Gateway Protection Programme

As well as these efforts to continue to tighten the asylum system, it is important to note that it was during the same period that the Government began the first national refugee resettlement programme, known as the Gateway Protection Programme. It was a refugee resettlement scheme in partnership with the European Union and the United Nations High Commission for Refugees, and was also welcomed by the Conservative party. The contract for the programme was awarded to local NGOs including the British Red Cross, Refugee Action, the Refugee Council, and the Refugee Arrivals Project to build on existing relationships and expertise. Although the 'Controlling Our Borders' Report stated that the Government would not rely upon a fixed quota for refugee entry, the programme had an initial fixed quota of 500 refugees which was eventually increased to 750.<sup>44</sup>

Before arrival, recognised refugees participated in a four-day cultural orientation programme facilitated by the International Organisation for Migration. It consisted of information on finance, housing, education, healthcare and cultural readjustment. Upon arrival, refugees from countries including Iraq, The Democratic Republic of Congo, Somalia, Palestine, and Rohingya refugees were relocated to all parts of the UK with the assistance of NGOs responsible for particular areas. For example, refugees resettled in the North-West of England and Yorkshire were assisted by Refugee Action and the Refugee Council.

According to an evaluation report commissioned by the Home Office in 2011,<sup>45</sup> the success rate of the programme varied. On one hand, Gateway providers developed innovative responses which increased ESOL provision for individuals who previously had limited access to the programmes, by introducing women's groups and employing committed tutors. Refugees reported an increased sense of belonging to their local area beyond 18 months, and the majority of respondents to the survey had socialised with non-refugees. On the other hand, adaptability to UK life varied by nationality, providers did not offer support beyond the initial 12 months and the majority could still not speak English. Women faced more barriers to learning English in comparison with male refugees. In addition, a large minority of refugees reported being subject to verbal or physical attacks at least once. Half of those did not report the attacks to the police or a provider. The majority of refugees were registered with a doctor but 41% reported problems in accessing healthcare which was related to linguistic barriers. The programme came to an end on 1 April 2020<sup>46</sup> and was replaced by the UK Resettlement Scheme in February 2021.<sup>47</sup>

### **NGO Projects - The Independent Asylum Commission (2007)**

This period also witnessed an increased commitment to reform of the asylum system by civil society organisations. The Independent Asylum Commission<sup>48</sup> was set up in 2007 to conduct a wide-reaching review of the UK Asylum System. The Commission consisted of community groups from the London Citizens and Birmingham Citizens alliances, including local churches, mosques, trades union, schools and various other community groups. In addition, it received praise and support from UNISON Scotland who assisted in gathering information on the UK asylum system and encouraged an independent analysis of the quality of decision making and the removals process.<sup>49</sup>

The Commissioners expressed concern in various areas of the asylum system. Firstly, the asylum process was said to work against asylum seekers' access to a fair asylum procedure. Asylum seekers were penalised for their mode of arrival which is in direct contravention of Article 31 of the 1951 Refugee Convention, where parties are prohibited from penalising individuals based on their illegal entry, especially those hailing from countries 'where life or freedom was threatened'.<sup>50</sup> The limited access to legal

aid affected an applicant's Right of Appeal following a negative decision. According to Refugee Action, between 2005-2018, 54% of solicitor providers had been lost and only 45% had remained.<sup>51</sup> The increase in positive decisions after an appeal indicated that initial decisions were issued poorly. Reasons for this included the lack of implementation of gender-sensitive guidelines for traumatised women and the Border and Immigration Agency's inadequate access to up-to-date Country of Origin Information.

The Commissioners raised several concerns about the use of administrative detention. Detention was costly, and the Home Office often provided insufficient reasons for detainment. Levels of suicide and harm were alarmingly high, and asylum seekers lived in the same detention facilities as foreign criminals, which resulted in increased trauma. Detention staff received insufficient training in mental health, religion, and racism, and resident complaints were poorly investigated. Furthermore, detainees were moved between centres unnecessarily, which led to lost belongings and protracted communication with family and friends.

Secondly, the Commissioners found inconsistencies in access to healthcare entitlements for refugees. Upon receiving refugee status, disabled refugees were often denied disability benefits on top of the 28-week wait for a national insurance number required to access assistance.<sup>52</sup> Thirdly, the Border and Immigration Agency made it difficult for asylum seekers, legal representatives and other involved parties to seek clarity on the progress of asylum cases. As a result, some asylum seekers experienced destitution, homelessness and lack of food and necessities due to administrative errors.

Finally, the treatment of vulnerable groups was of concern to the Commissioners. They found that asylum-seeking children faced exclusion from ordinary activities, such as tertiary education and travel opportunities, and children who lived as part of communities for many years were forced to return to their countries without consideration for the emotional and psychological impact. For LGBT asylum claimants, there was condemnation for 'safe countries' that were not necessarily safe such as Jamaica, paired with a lack of compassion for those slow to reveal their sexual orientation to the Home Office.

Despite the findings of the Commission, the report achieved little influence on governance and suggested improvements were not implemented by the Home Office. Indeed, Dame Lin Homer, the former head of the Border and Immigration Agency, later renamed the UK Border Agency, criticised the report, saying ‘the claims made in this report are not based on any thorough knowledge’.<sup>53</sup> She affirmed that genuine refugees would be granted asylum, individuals who received negative decisions could seek a judicial review, and those eligible for deportation would be returned if it was safe to do so.

### **NGO Projects - The Centre for Social Justice (2008)**

Another significant piece of civil society advocacy came in the form of the Centre for Social Justice’s (CSJ) paper titled ‘Asylum Matters’ in 2008.<sup>54</sup> It was spearheaded by The Rt Hon Iain Duncan Smith MP, the leader of the Conservative Party between 2001-2003. It aimed to facilitate meaningful discussions on how the voluntary sector could assist in developing an independent asylum process. It was based on evidence from non-partisan members of voluntary sector workers including academics, practitioners and policymakers. The paper’s main aim was to provide policy recommendations for how asylum seekers should be treated after a decision had been made. These recommendations were designed to assist in putting an end to asylum seekers falling into the ‘black hole’ of destitution and illegal work and facilitate a truly independent asylum process.

The CSJ provided numerous recommendations. Firstly, it recommended that the role of the UK Border Agency (UKBA) be split into three separate bodies: UKBA for enforcement, an independent body for decision making, and a contracted support agency for support. Secondly, they recommended that the quality of asylum decisions should be reformed to award asylum to those most in need. This would include building an independent body of magistrates to make asylum decisions, giving judges greater powers to examine a case, increasing access to legal support services at the earliest possible stage and providing funding for expert Country of Origin information assessments, medical reports and other relevant information.

Thirdly, the report recommended that housing and financial support should be provided regardless of the outcome for a maximum of six months. Fourthly, it recommended working with rejected asylum seekers to encourage voluntary returns, while enforced returns and removals should be only a last resort. Finally, it recommended that the Government should only detain asylum seekers who are a threat to national security or those who pose a risk of absconding. Asylum seekers who cannot return should be issued with a temporary right to remain, which would facilitate paid employment licences and the ability to contribute to their support. In December 2008, the initiative was welcomed by the Refugee Council whilst affirming that poor decision-making prevented the issuing of good first decisions.<sup>55</sup>

The recommendations were not taken into account by the UK Government at the time, but by 2012 it announced its plans to split the UK Border Agency from the UKBA to ‘become a separate operational command, with its own ethos of law enforcement, led by its own director general and accountable directly to Ministers’.<sup>56</sup>



# Chapter Four

## 2010 - 2015 – The coalition years

The 2010 General Election saw the end of Labour's time in office and the start of the Coalition Government led by David Cameron. One of Cameron's central promises as Prime Minister was to bring annual net migration down to 'tens of thousands', and he appointed Theresa May as Home Secretary who introduced a series of changes known as 'the hostile environment'.

The focal point of this approach was the 2014 Immigration Act, which extended control of immigration beyond just the borders and placed greater responsibility on private employers and public bodies to check the immigration status of employees and service users. The Conservatives' coalition colleagues until 2015, the Liberal Democrats, blocked some aspects of the hostile environment, including tougher rules on checking the status of people renting homes. Those were introduced in legislation in 2016, after the Liberal Democrats had left government. 2010-15 was also a period when opportunities for the Government to work more closely with civil society emerged, only to be lost later.

### **Partnership Working on Legal Advice for Asylum Seekers**

The Early Legal Advice Project<sup>57</sup> (ELAP) was a pilot study introduced by the Home Office from November 2010 to December 2012. Launched in the Midlands and East of England regions, it aimed to help asylum seekers feel more supported and confident throughout the process, whilst increasing the quality of asylum decisions issued by the Home Office. The process involved investing more in paid work at the start of an asylum claim so that lawyers, decision-makers, and claimants could work together more closely before a decision was made.

Using a wide range of quantitative and qualitative data from the UKBA and the Legal Services Commission, the Home Office published a report in May 2013 evaluating the effectiveness of the project.<sup>58</sup> Firstly, positive results included the fact that caseworkers and legal representatives developed positive working relationships, particularly at the post-interview stage where the case was discussed in detail and recommendations shared.

The ELAP process permitted an increase in positive decisions and reduced the number of appeals. ELAP legal representatives assisted best on complicated cases by working collaboratively with applicants to draft witness statements. These were notably helpful for the credibility assessment. However, there were some drawbacks. The ELAP process resulted in lengthier decision waiting times and increased the average cost of a case receiving publicly funded legal aid. In addition, a review conducted of ELAP cases revealed no significant impact on the quality of interviews.

ELAP was an opportunity to test better ways of making asylum decisions, which would enhance the asylum system and improve the experiences of asylum seekers when they asked for help. Indirectly, but also importantly, it was a chance for government officials and civil society to work more closely together. But after the evaluation was published, the project was ended and the focus on closer working with civil society faded away.

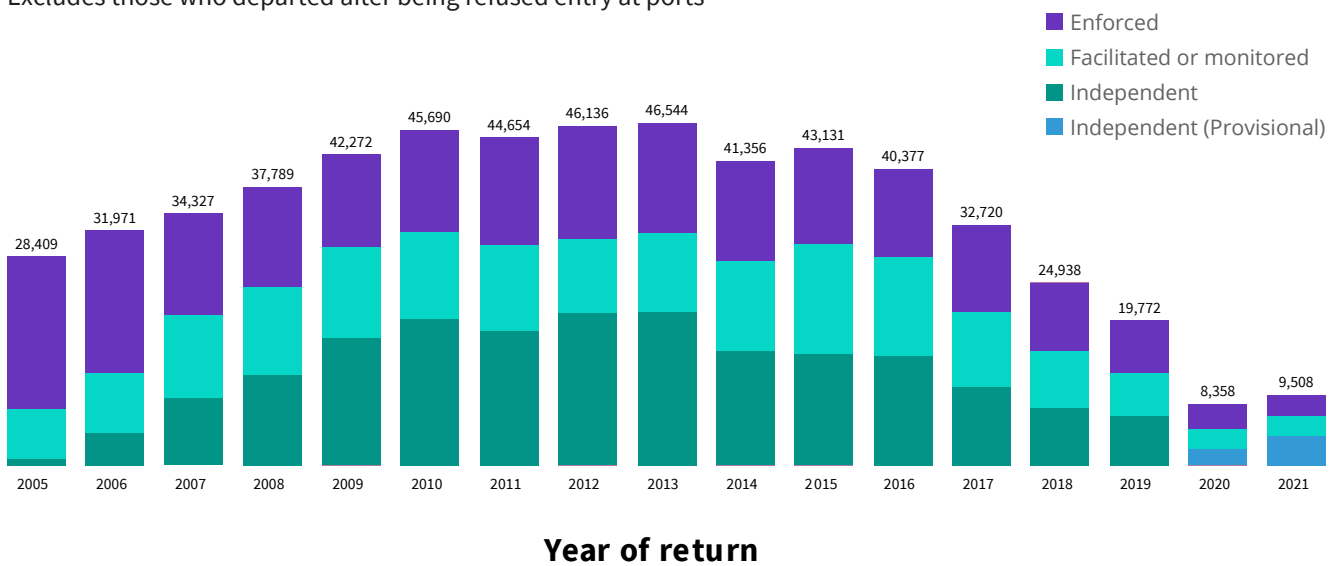
## The Hostile Environment

Whilst it is important to recognise these efforts at collaboration, there is no doubt that Theresa May’s signature policy on asylum was the ‘hostile environment’, a set of measures aimed at reducing the number of illegal immigrants in the UK and preventing them from utilising public services. It was first implemented in July 2013 under ‘Operation Vaken’,<sup>59</sup> which had three objectives. First, to encourage people to voluntarily depart by making them aware of the potential for imprisonment through ‘Ad-Vans’. The Ad-Vans were displayed in London boroughs with the highest percentages of Black and Asian minority ethnic individuals.<sup>60</sup> Second, to inform illegal immigrants of voluntary departure routes through media advertisements. Finally, to implement

safe routes to access Home Office assistance through advertising in local faith and charity groups, and a new dedicated helpline. The UK Home Office deemed the operation successful. By October 2013, 60 individuals had returned to their home countries. Half became aware of the operation through posters in immigration surgeries, and one-sixth had seen the Ad-Vans. Moreover, a further 65 individuals were in the process of voluntarily departing through the Operation Vaken team.<sup>61</sup> Looked at in the long view, however, Operation Vaken and the hostile environment more generally appear to have had an extremely limited impact on the number of voluntary returns, which in fact fell sharply from 2015 onwards.<sup>62</sup>

## Outcome of initial decisions on asylum applications

Excludes those who departed after being refused entry at ports



Source: Migration Observatory analysis of Home Office Immigration Statistics. Note from the authors: Enforced returns reflect a higher level of Home Office immigration enforcement activity. Voluntary returns are subject to a lower level of Home Office enforcement activity, or none at all. The 2020 and 2021 counts of voluntary returns are provisional because one of its subcategories, independent returns, was initially undercounted and later revised upwards.



## The Immigration Act (2014)

After Operation Vaken, legislative changes to implement the hostile environment were soon under way. The Immigration Act of 2014<sup>63</sup> brought forward measures which were described as intending ‘to reduce the number of illegal immigrants in the UK’.<sup>64</sup> The Act aimed to restrict access to renting in the private sector, driving, opening bank accounts, access to benefits and unrestricted healthcare.<sup>65</sup> Additional measures included data sharing between the UK Home Office, Government departments and external organisations. It also intended to prevent abuse of Article 8 of the ECHR (the right and respect for family life) and reform the appeals procedure to make it easier to remove those with no right to be in the UK.<sup>66</sup> Under Sections 38 and 39 of the 2014 Act, the Secretary of State was awarded powers to impose the ‘Immigration Health Charge’ on those not ‘ordinarily resident’ in the UK. This includes ‘persons who apply for immigration permission’ and ‘any description of such persons’.<sup>67</sup> Before administering treatment, NHS hospital staff were expected to assess a patients’ financial circumstances and migration status. Although being an ‘ordinary resident’ was not a requirement for registering with a general practitioner (GP), this was not always understood by GPs across England and resulted in many migrants and asylum seekers struggling to access basic medical care. Indeed, there has been some evidence of pregnant women feeling afraid of seeking treatment despite requiring urgent medical attention.<sup>68</sup> The various obstacles faced by all migrants were at the time described by some as ‘undermining the founding principles of the National Health Service’.<sup>69</sup>

Attempts to limit the Right to Work had severe implications not just for those without legal status but also for refugees with Leave to Remain. Those with Leave to Remain or no time limit were being impacted because contacting the Home Office’s Employee Checking Service was time-consuming, different answers were given on different occasions, and the Home Office often relied on outdated information about an individual’s employment status, resulting in loss of work for many refugees.<sup>70</sup> Those with Indefinite Leave to Remain were suspended from work because they were unable to prove their immigration status.<sup>71</sup>

The serious impact of this policy on the ‘Windrush generation’ will be discussed later in this report. Meanwhile, asylum seekers remained unable to enter the workforce due to the UK’s ‘opt out’ of the EU Reception Conditions Directive, which would have forced the Government to enable asylum seekers to work after 6 months.<sup>72</sup>

The Right to Rent also worked to the detriment of many refugees wishing to access private accommodation. The Right to Rent pilot study<sup>73</sup> was launched by the Home Office in Birmingham, Walsall, Sandwell, Dudley, and Wolverhampton in December 2014. Phase one required ‘mystery shoppers’ to disguise themselves as potential tenants in the stated areas. The Home Office evaluated ‘Phase one’ in a report published in October 2015.<sup>74</sup> They found that Black and minority ethnic shoppers were requested to provide more information during rental inquiries compared to their counterparts. Despite further information requests, they were more likely to be offered properties when compared to white British shoppers. However, there was evidence of discrimination, which was condemned by the House of Commons in the ‘Right to Rent: private landlords’ duty to carry out immigration status checks’ report. After the scheme was introduced, landlords and letting agents requested more documentation from potential tenants. There was evidence of discriminatory practices including preference for those with easier Right to Rent checks such as international students, ‘lower risk’ tenants and those with local accents. According to a report published by the Residential Landlords Association,<sup>76</sup> 44% of landlords were less likely to rent to individuals without a British passport, which impacted vulnerable individuals’ access to the private sector. They were also 53% less likely to rent to individuals with limited time to remain. They recommended that the Home Office review the consequences of the Right to Rent whilst affirming that landlords were property owners and not border agents. Landlords were subject to further outsourcing through the Immigration Act 2016 which extended ‘imprisonment for a term not exceeding five years, to a fine or to both’ to those who did not conduct ‘proper’ Right to Rent checks against potential occupants.

## Evaluating the Hostile Environment

The Home Office is yet to measure the effectiveness of the hostile environment policy to date. In fact, according to the National Audit Office (NAO), some progress has been made in improving individual aspects of immigration enforcement. However, no end-to-end system was adopted. According to the NAO, the Home Office 'does not yet have a full understanding of how its activities affect the progress those people take through each part of the system'. They continue to state that 'without looking at the system, and what is actually being achieved, as a whole, the Department will not be able to demonstrate it is delivering value for money'.<sup>77</sup> The Immigration Act 2016 exacerbated and enforced the above provisions and in later periods, the Home Office did try to rectify some of the shortcomings, for example, it suspended immigration checks on UK bank accounts after the Home Affairs Select Committee revealed that refugees were being incorrectly disqualified from opening bank accounts.<sup>78</sup>

Despite a 7% decline in negative public perception of migrants in the UK, 43% of the British public had strong views opposing migration in 2014.<sup>79</sup> The Home Affairs Select Committee urged the Government to increase its efforts to challenge the negative public perception of migrants and the exiguous understanding of the asylum system. But as her speech at the Conservative Party Conference on 6 October 2015 showed, Theresa May continued to believe in the importance of the hostile environment for securing Britain's borders, affirming that if the UK continued to face increasing levels of immigration, it would be impossible to 'build a cohesive society', and schools, hospitals, and core infrastructure such as housing and transport would not be able to cope.<sup>80</sup>

**Despite a 7% decline in negative public perception of migrants in the UK, 43% of the British public had strong views opposing migration in 2014. The Home Affairs Select Committee urged the Government to increase its efforts to challenge the negative public perception of migrants and the exiguous understanding of the asylum system. But as her speech at the Conservative Party Conference on 6 October 2015 showed, Theresa May continued to believe in the importance of the hostile environment for securing Britain's borders.**

# Chapter Five

## 2015 - 2019 – Syria and Windrush

This period of Conservative Government saw three Home Secretaries – Theresa May (2010-2016), Amber Rudd (2016-2018), and Sajid Javid (2018-2019) – and two Prime Ministers (David Cameron and Theresa May). In terms of asylum and refugee policy it was a period characterised by two crises: firstly, the Windrush Scandal; and secondly the mass movement of refugees across Europe due to the Syrian Civil War. The Home Office response to the Syrian refugee crisis resulted in a number of significant developments, including the expansion of the UK's commitment to refugee resettlement and the formation of refugee community sponsorship. On the other hand, the response to the Windrush Scandal demonstrated some of the limitations and drawbacks of the hostile environment policy, and its potential deleterious impact on integration not just of refugees and asylum seekers but of migrants more broadly.

### Vulnerable Persons Resettlement Scheme

The Syrian Civil War, which started in 2011, had by 2015 become a key event driving the migration of people to Europe. 2015 saw the violence at its peak, which in turn led to an increase in people fleeing the war zone to neighbouring countries. At the beginning of 2015 the number of asylum applications received in European countries had reached 1.3 million, nearly double the previous highest number noted following the collapse of the Soviet Union in 1992.<sup>81</sup> This enormous influx of people to Europe became known as the 'European migration crisis' and has arguably shaped the conversation on migration in Europe ever since.

In September 2015, the picture of the body of 2-year-old Syrian migrant Alan Kurdi washed up on a Turkish beach sparked public outcry and marked a turning point in the UK public's response to the migration crisis.<sup>82</sup> With an increase in public pressure on the Government to play a more proactive role,

David Cameron announced the Vulnerable Persons Resettlement Scheme (VPRS). The aim of the VPRS was to resettle 20,000 of the most vulnerable refugees by 2020.<sup>83</sup> The UNHCR would assess vulnerability, and those granted were given humanitarian protection for five years. In 2017 the government changed this to refugee status with the associated entitlements, including refugee family reunion, non-refoulement and a refugee travel document. In 2016, the Vulnerable Children Resettlement Scheme (VCRS) was launched. The aim was to resettle 3,000 at-risk children with their families from the Middle East and North Africa region.

These resettlement schemes marked an increase in ambition for refugee resettlement in the UK, which up until this time had been on a much smaller scale. It also signalled the onset of UK government policy to prioritise offering of protection to refugees remaining in the region rather than working with European partners to redistribute refugees who had reached Europe by irregular routes.

By the closure of the two schemes in February 2021, the VPRS had resettled 20,319 and the VCRS had resettled 1,838 vulnerable adults and children to the UK.<sup>84</sup> The schemes have mostly been considered successful. Although it was voluntary for local authorities, due to the public pressure and general shift in opinion, coupled with attractive financial packages, the Home Office received pledges to resettle a total of 22,716 refugees across 275 local authorities. It should be noted, however, that an Inspection of the VPRS by the Independent Chief Inspector of Borders and Immigration found a number of integration-specific challenges with the Scheme. The report noted that the UNHCR had 'highlighted the absence of a national integration strategy', and had 'identified the provision of English language tuition, support in finding employment, and further assistance with housing' as 'key areas for improvement'.<sup>85</sup> A full evaluation of the VPRS has been commissioned by the Home Office but has yet to be published.

Despite these issues, the Vulnerable Persons Resettlement Scheme undeniably transformed the role of Local Authorities in refugee resettlement and integration. Whereas their role had previously been limited to asylum dispersal, which was characterised by a lack of resourcing and antagonism between Councils, the Home Office, and private sector accommodation providers, Resettlement Schemes gave Local Authorities the opportunity to develop more proactive integration capacity. While some Councils sought to outsource support for resettled refugees, others took the opportunity to develop in-house Resettlement Teams, who have assumed the job of helping new arrivals to settle and become independent. In places like Bristol and Coventry, these Resettlement Teams have become the focal point for wider migrant inclusion efforts, and have given rise to more strategic local responses.<sup>86</sup>

As well as shifting Government policy, the Syrian crisis also ended up reshaping the UK asylum and refugee voluntary sector. The initial desire to help Syrian refugees fed into the greater movement of helping refugees and asylum seekers more generally – for example those trapped in the informal ‘Jungle’ refugee camp in Calais. This allowed for accelerated growth in the third sector, which saw increased funding and support allocated to those in need. In addition to government funding allocations, the public came together to raise money for the cause, with a survey by Populus for the Charities Aid Foundation finding that 31% of people in the UK had given money to a charity appeal for refugees.<sup>87</sup> In September 2015, the Refugees Welcome movement developed from the public desire to respond to the refugee crisis. This represented a collective of civil society, faith groups and individuals taking action to support refugees.

Many groups practically supported refugees in the Jungle camp in Calais but increasingly their focus became local advocacy to persuade local authorities to pledge to resettle families under VPRS. These groups then tended to work in partnership with local authorities to provide support for refugees arriving under VPRS.<sup>88</sup>

## Community Sponsorship

As well as generally boosting the capacity of the third sector, the Syrian crisis also led to a new prominence for civil society in the refugee resettlement process itself.

In 2016 the UK established the Community Sponsorship Scheme (“CSS”), part of the broader VPRS. The scheme was introduced following an increased eagerness for individuals to do more to offer support than just giving money. The development of the CSS was quite unusual in that it was created through strong collaboration between the Home Office, civil society and faith groups. The Scheme offered local groups the chance to welcome refugees into the community and support them through their resettlement.<sup>89</sup> Community sponsors would be responsible for supporting newly settled families for the first 12 months after their arrival and for providing accommodation for the first two years. Volunteer groups who wished to be community sponsors applies to the Home Office, who then assessed that the individual had the resources to support a family. Central government funded up to £4500 for children’s education, however groups needed to show that they had £9000 available and provide accommodation. The host also needed to have consent from their Local Authority before they were able to participate in the scheme.<sup>90</sup>

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The expectation was that community sponsorship would be beneficial for integration by allowing a more personal approach to the process. The hope was that by the end of the first 12 months, refugees would be largely integrated into UK society and be able to lead full and independent lives. Community sponsors were responsible for supporting English language learning, finding schools, accessing benefits, healthcare, or employment.<sup>91</sup> The scheme points to the increasing importance the UK government was ascribing to integration support into host communities. In 2019 the CSS was extended for another 5 years, to include a wider range of countries.<sup>92</sup> The impact of communities getting involved with refugee resettlement, often in rural areas, has meant there has been increased contact between UK nationals and refugees, resulting in wider awareness of challenges faced by refugees and asylum seekers. In some cases, this has contributed to wider support for asylum support and campaigns.

that learning English was taking refugees longer than expected, especially for older individuals. This, coupled with the failed assumption that all refugees were literate in their mother tongue, meant that ESOL provision was not accessible to every group of refugees.

The second barrier to integration was the lack of employment and financial independence.<sup>94</sup> Sponsor groups found that they were not equipped with sufficient knowledge to help refugees navigate the various processes needed to support their resettlement. They found they were often unsure of where to begin, and that optimism quickly faded when it became clear how hard and long things would take, such as finding a job.<sup>95</sup> The Job Centre Plus was a key provider of information and support, however due to having minimal training, individuals were at times met with a lack of cultural awareness

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The University of Birmingham and the Institute for Research into Superdiversity published a key report that evaluated community sponsorship in 2020.<sup>93</sup> The research was conducted by interviewing individuals that had been involved in the scheme between 2017 and 2020. Whilst the research is broadly positive in terms of evaluating the impact of community sponsorship, it did also highlight key shortfalls both with sponsorship and the UK asylum system more generally.

The report highlights four main barriers to integration after resettlement. The first mentioned is language barriers and the various issues linked with accessibility to language lessons. The report found that there was an obvious gap in the number of interpreters available compared to the families' needs. It also became clear

from those working there. Refugee groups stated that their priority was often to re-enter their previous profession, but translating qualifications to work in the UK was another hurdle that left many unable to progress. The report affirms that for groups that had resettled in the UK, specifically men, being able to work and provide for their family was closely linked to a person's self-esteem. When individuals could not find work, this directly affected their integration into the community. However, it should be noted that unlike the refugee population arriving via irregular routes, (the overwhelming majority of which are physically healthy men between the ages of 18 and 39),<sup>96</sup> resettled refugees often have additional barriers to employment (such as health and age) due to the fact 'vulnerability' was prioritised in the selection of resettled refugees on the VPRS scheme.



According to the report, the area where people were resettled had a direct impact on integration. Many refugees interviewed described feelings of loneliness when placed in rural and more isolated areas. Making friends and sustaining relationships was a key element of the process, and when placed in communities with less diversity, refugee groups struggled to find people who understood their situation and had similar experiences to themselves.<sup>97</sup> The report further states that ‘the lack of male volunteers to befriend refugee men and reluctance of some refugee men to make friends with women volunteers because of cultural norms meant it was difficult for volunteers to find ways forward in these situations.’<sup>98</sup>

The final area that the report highlighted was barriers to family reunion beyond the nuclear family. Many refugee groups hoped family reunion would be the eventual outcome of their resettlement. Volunteers noted that refugees frequently asked them to assist in resettling family members.<sup>99</sup> The findings suggest that more training for volunteers would have been useful to ensure they understood restrictions within the scheme and in turn, managed expectations of refugees resettling in the UK. The report highlights social interaction as a key component of successful integration. The three areas that refugee groups found most beneficial were education, health and social networks. Sponsors often took the time to explain the education system in depth and were able to dispel worries or concerns. This support was furthered in relation to accessing healthcare, however the amount of time these appointments took up left volunteers feeling stretched and under-resourced. Sponsors continued to provide emotional support throughout the program and made efforts to connect various refugee groups with each other. As time passed it became clear that refugees were becoming more self-sufficient in many aspects and did not require as much support in areas such as relationship building.<sup>100</sup>

## 2016 Immigration Act

Despite many new developments in relation to refugee resettlement and integration during this period, the general trend towards a more hostile environment for asylum seekers continued apace. The 2016 Immigration Act built on the earlier 2014 Act to bring more restrictions on asylum seekers and other migrants. The first section of the Act referred to the labour market, with new sanctions for illegal workers and criminal sanctions for employers that hired anyone without the right to be in the UK. The second section referred to a migrant’s ability to access services. This restricted a person’s ability to rent property or open a bank account, and brought new powers for licences to be revoked. Under the new legislation, it was illegal for a landlord to knowingly rent to a person who could not prove they had the right to remain in the UK. The penalty was up to 5 years in prison. The third section referred to enforcement and the Act brought new powers to enforce immigration rules more vigorously, for example by allowing the electronic tagging of people awaiting immigration removal.

The fourth section on appeals involved extending a ‘deport first, appeal later’ approach to all migrants, not just those with a criminal record. During the progress of this bill through parliament, Lord Dubs brought an amendment which would enable the relocation of some unaccompanied refugee children from France. This became section 67 of the act, ‘support for certain categories of migrant’, and committed the UK to relocating 480 unaccompanied migrant children to the UK from other European Countries. In 2017 the Home Office relocated 220 children from the Calais camp as it was closed down.<sup>101</sup> 2020 data later showed that a total of 478 children had been relocated under section 67.<sup>102</sup>

Section six of the bill focused on border security. A key change was the additional powers given to coastal border control to target people smugglers at sea. Under new rules, enforcement could stop, board, deter and detain boats. These added powers were aligned with the previous hostile environment policies in which border control was tightened and infiltrated into various areas of civil life. It further demonstrated the UK’s approach to the hostile environment and fulfilled its promise to make life increasingly difficult in the UK for those who didn’t have the right to be there.

## The Windrush Scandal

The Government's continued efforts to expand and strengthen the hostile environment faced an unexpected and extraordinary challenge when the Windrush Scandal entered public discourse in 2017. The scandal came to light when reports emerged that the Home Office had been removing the rights, detaining and attempting to deport members of the Windrush Generation, who came to the UK from Caribbean countries between 1948 and 1973. The Migration Observatory predicted that over 50,000 people could have been affected.<sup>103</sup>

Whilst the Scandal itself related to economic migrants rather than asylum seekers or refugees, the fallout had wider implications that were highly relevant to the asylum system. Many of these were contained in the Windrush Lessons Learned Review, which was commissioned by the newly appointed Home Secretary Sajid Javid and published in March 2020.<sup>104</sup> The role of the Home Office, although not held as solely responsible, was discussed at length in the review. It was stated that the Home Office developed policies quickly in response to political pressure to produce outcomes. Even when there had been reports predicting that there would be detrimental results they were not considered, and where the Home

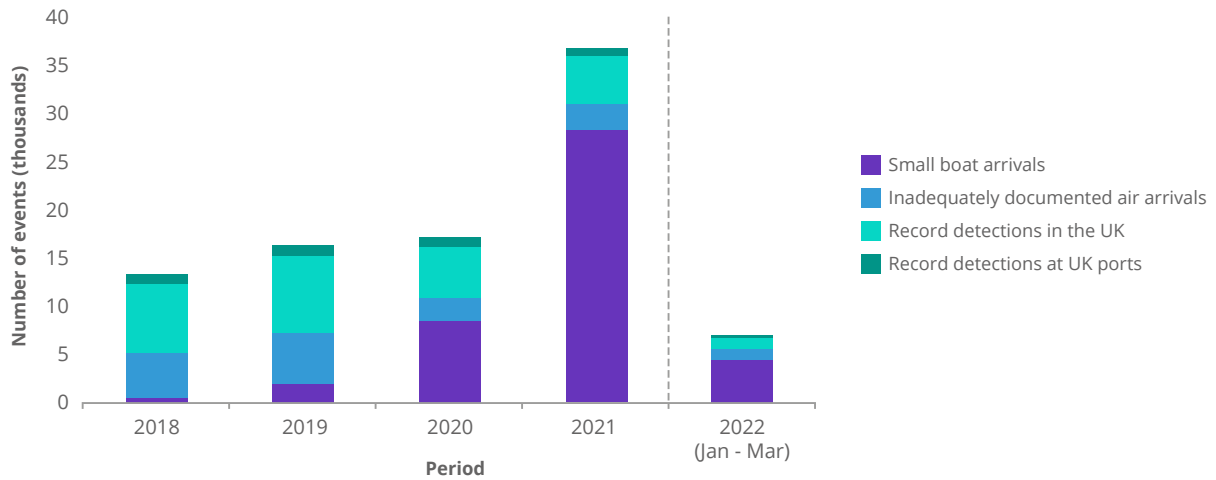
Office completed impact assessments, it was argued these did not go into enough detail.<sup>105</sup> Regarding the 2014 Immigration Bill the review highlighted that public sector equality duty was not covered.<sup>106</sup> Throughout the stages of the 2015 Immigration Bill the 'Equalities and Human Rights Commission (EHRC) raised numerous concerns about the lack of equalities considerations, particularly concerning the impact of Right to Rent provisions on non-British nationals and British people with ethnic minority backgrounds.'<sup>107</sup> Overall, the Lessons Learned Review was highly critical of the Home Office for developing policy with a limited understanding their implications. This, coupled with a lack of attention to the early warning signs, defensiveness, and an unwillingness to learn from mistakes, resulted in the detrimental events of the Windrush Scandal.

In March 2022 the Home Office released a progress update on the earlier Lessons Learned Review.<sup>108</sup> Despite the Home Office having announced the Comprehensive Improvement Plan in 2020, the progress update highlights that not enough change has been made, stating that there has been a theme of failing to 'implement changes promptly and consistently' and in some cases, not at all.<sup>109</sup>



# Chapter Six

## 2019 - 2022 – Boris and beyond



Source: State of Play: Irregular Migration to the UK, year ending March 2022, Home Office

After Theresa May's resignation, 2019 saw the rise of Boris Johnson to Prime Minister and his overwhelming victory in the snap election of December 2019. Despite having been seen as a moderate or even a liberal on migration issues during his time as Mayor of London, Johnson's decision to appoint Priti Patel as Home Secretary confirmed that he would largely continue the pattern set by his predecessors in focussing on measures in the asylum system that emphasised firmness and control. However, global events in this period also saw the continued rise and development of resettlement programmes, and with them a much greater focus on issues of integration for refugees.

### Small Boat Crossings

Through 2018, migrants arriving on small boats across the English Channel began to slowly increase to an annual total of 300. After 94 migrants made the crossing between 25-28 September, the Home Secretary Sajid Javid cut short his holiday, declaring a 'major incident.'<sup>110</sup>

This was one of the first times channel crossings became a major political issue, receiving coverage in the mainstream media. Numbers continued to

slowly increase to a total of 1,800 in 2019.<sup>111</sup> By this time Priti Patel had been appointed Home Secretary and channel crossings became one of her primary focuses. Her tenure was characterised by an emphasis on appearing strong and tough on border control ('without firmness, there can be no fairness').<sup>112</sup> The importance of Brexit to the Conservative's 2019 election campaign was strongly felt in the framing of the asylum and refugee policies in this period, with emphasis on 'taking back control of our borders' throughout. Patel's New Plan for Immigration was to be implemented in the Nationality and Borders Bill.

Priti Patel vowed to make migrant channel crossings an infrequent phenomenon and to make the route unviable. She characterised channel crossers as economic migrants rather than genuine asylum seekers.<sup>113</sup> Between 2019-2022, many measures of deterrent were introduced, including joint efforts with French authorities, new admissibility rules, and military involvement. Despite a dip in arrivals in 2020 largely due to the impact of Covid, the channel became the main route of entry to the UK for people claiming asylum with 28,500 people arriving in small boats in 2021, and an estimated 60,000 more expected in 2022, indicating the low impact of these measures.<sup>114</sup>

Joint action between British and French authorities on channel crossings has certainly been an area of significant investment. In 2018, Britain committed an additional £44.5 million to the £100 million already paid by Britain to France to stop migrants reaching British shores, as well as radar technology and military grade drones to support France's efforts to disrupt gangs.<sup>115</sup> The Home Office committed a further £54 million in July 2021, preventing an estimated 57% of crossings according to French authorities. However, of the 19,000 crossings prevented, it is thought that a large proportion constitutes the same people attempting to make the journey multiple times.

Military involvement started in April 2022, when the Home Secretary tasked the Ministry of Defence with operational control of the English Channel. This was known as Operation Isotrope, the aim of which was to use the Royal Navy to deter cross-channel routes so the Home Office could concentrate on identifying and allocating new arrivals.<sup>116</sup> In practice, however, as the Navy did not push small boats back towards the French coast and the size of the vessels made rescuing people from dinghies unworkable, their role was confined to helping secure people once they had already landed at Western Jetfoil and Manston in Kent. This led to the Defence Committee voicing a number of concerns on the operation: firstly, that there was an ongoing lack of clarity on the specifics of the military operation, and secondly, that it would be perceived as the Navy providing a 'taxi service' for these boats.

The Nationality and Borders Act was also framed as a solution to small boat crossings, by extending the definition of 'ship' to encompass dinghies and flotation devices, often used to cross the channel. The Act initially seemed to include a 'pushback policy', allowing small boats crossing the channel to be pushed back to a European port. However, after being met with heavy backlash in terms of safety and international human rights compliance, the policy was eventually ruled out.<sup>117</sup>

In 2021, the UK ceased to be a participant in the Dublin regulation (Dublin III), which sets out which EU country is responsible for considering an asylum claim. This is usually the country where the asylum seeker first arrives in the EU. It therefore provided a mechanism for some asylum seekers to be removed from the UK to the EU country where they were first identified to authorities. Despite the UK expressing its intention to reach bilateral agreements with relevant member

states on future asylum arrangements, no agreements with EU states have been reached, with France, Belgium, Germany, Sweden, and the Netherlands reporting they are not open to bilateral return deals with the UK. However, even when the UK was a Dublin Regulation participant, requests for return were only made for a quarter of people arriving cross-channel in small boats.<sup>118</sup>

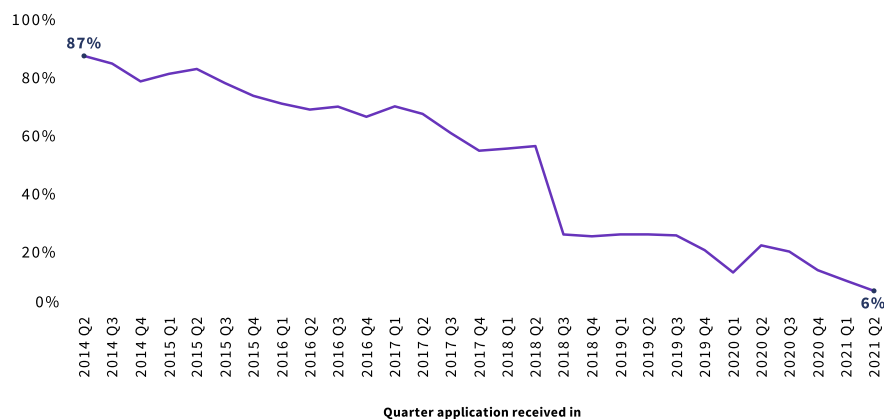
## Nationality and Borders Act 2022

The major piece of asylum legislation of this period was the Nationality and Borders Act, which began its journey through parliament in June 2021 and eventually came into force in June 2022. Although the full effect of the new policies is yet to be known, the Act represents a key systemic change to the asylum system in the UK. A clear broadening of previously implemented hostile environment policies, the Act was introduced with the aim of creating a fairer system that would discourage illegal migration and make it easier for UK powers to remove individuals they claim should not be here.<sup>119</sup> Key elements of the Act include the introduction of a two-tier system for protection, offshore processing, age assessments, and reception centres.

Section 10 of the Nationality & Borders Act concerns the differential treatment of refugees. Under the new rules, individuals can be classed as either a group 1 or a group 2 refugee. The Act asserts that a refugee must seek asylum in the 'first safe country' they arrive in after fleeing their home. In theory, if a person comes to the UK directly and presents themselves to the authorities without delay, they can be eligible for group one status. Group one refugees will be given an initial 5 years to stay, access to the labour market, recourse to public funds, full access to family reunion routes and access to further resettlement routes. However, due to the geography of the UK and the impossibility of claiming asylum from outside of the UK, most people arriving would be classified as group 2 refugees. Those who fall into group 2 and are successful with their asylum claim receive only 'temporary protection status', with the ability to work but no access to public funds and limited access to family reunion routes.<sup>120</sup>

### Share of asylum applications receiving an initial decision within the first six months, UK, Q2 2014 to Q2 2021

Adult main applicants



Source: Migration Observatory analysis of UK Visas and Immigration Transparency data, Immigration & Protection data

The second major change is the further development of accommodation centres. The Act proposes housing asylum seekers in large accommodation centres that would be out of towns and separate from support networks and civil society provision. The Act further amends previous legislation to allow the UK to process asylum claims made in the UK in offshore locations. This comes with the introduction of the concept of a ‘third safe country.’ Where an individual has travelled through a third safe country, where they claimed asylum or would have been able to do so, their claim may be considered inadmissible. Since 2020, the UK has had the power to determine someone’s claim inadmissible for this reason. The guidance was intended to replace the previous Dublin Regulations that allowed the relocation of migrants to different EU countries. In the Home Office guidance on inadmissible claims,<sup>121</sup> the terms removal and relocation are used interchangeably. This has made the development of schemes such as the Migration and Economic Development Partnership with Rwanda (MEDP) possible.

It is still too early to see the full effects of the inadmissible claims clause in the new legislation coupled with the advancement of offshore processing, but the MEDP has given us an indication of what these policies might entail. The MEDP is a 5-year partnership between the UK and Rwanda in which the UK will be able to relocate asylum seekers with inadmissible claims to Rwanda, for them to have their claims processed. If successful, the individual will be granted status in Rwanda and if the claim is unsuccessful, they will either be able to return to their home country or receive different status in Rwanda. There will be no eligibility to return to the UK.

The UK is to provide £120 million in funding for the scheme and there is as yet no agreed number of people that will be relocated. The first flight was due to leave on 14 June 2022, but was cancelled by the Home Office at the last minute due to injunctions granted by the European Court of Human Rights.<sup>122</sup> A Research Briefing from July 2022 draws attention to various concerns raised about the scheme. Ylva Johansson, the European Commissioner for Home Affairs, has called the scheme inhumane.<sup>123</sup> In April 2022, the Migration Policy think tank suggested that the UK was paying to discard its agreed responsibilities under the 1951 Geneva Convention,<sup>124</sup> and the UNHCR has on multiple occasions stated that the scheme threatens the long-established international refugee protection regime that many continue to rely on for safety.<sup>125</sup>

### Asylum Backlog and Accommodation Issues

Despite all of these efforts to make life harder for those claiming asylum in the UK, numbers of applications have continued to rise steadily in recent years. 35,737 asylum applications were made in 2019, rising to 48,540 in 2021, and reaching 63,089 in the year ending June 2022, the highest number since 2002.<sup>126</sup> Alongside this increase, the time it takes asylum seekers to receive an initial decision on their application has increased substantially in recent years. While the Home Office previously operated a ‘six month service standard’ for asylum claims, this was scrapped in 2019, with the backlog of asylum seekers waiting for more than six months for a decision trebling since then.<sup>127</sup> The proportion of applicants who receive an initial decision in six months has dropped from 87% in 2014, to just 6% in 2021, latest data showing

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there are now 109,735 people awaiting a decision.<sup>128</sup> While the pandemic undoubtedly contributed to this backlog, data suggests this trend actually began long before this.<sup>129</sup> The Home Affairs Select Committee has therefore argued that ‘reducing the outstanding caseload should be the Home Office’s highest asylum policy priority.’<sup>130</sup>

To cope with the number of asylum seekers, in recent years the Home Office has increasingly housed asylum seekers in what they have called ‘contingency accommodations’ including hotels, B&Bs, and disused military sites such as Napier Barracks and Penally Camp, first opened in 2020.<sup>131</sup> Military sites, with a maximum capacity of a combined 600+ asylum seekers, have been particularly controversial, with both public and groups such as the All-Party Parliamentary Group (APPG) on Immigration Detention (made up of Parliamentarians from across the political spectrum) and ‘Close The Camps UK’<sup>132</sup> campaigning for their closure. The main concerns surrounded their conditions, treatment of residents and safety, especially in terms of protecting residents from Covid outbreaks and fire hazards. An Inquiry conducted by the APPG in 2021 found the accommodation was “prison-like” with residents often accommodated in dormitories of 12-14 people with shared showers and toilets in extremely rundown and isolated buildings with inadequate safeguarding, no on-site medical care, and a complete lack of privacy.<sup>133</sup> In June 2021, following a case brought by 6 former detainees at Napier Barracks, the High Court ruled in June 2021 that the accommodation was ‘inadequate and unsafe.’<sup>134</sup> In March 2021, Penally camp was closed, with many believing this marked a step away from use of military sites as asylum accommodation. However less than 6 months later, the Government announced the extension of its use of Napier Barracks until 2025, confirming its potential use as a pilot for the new asylum centres proposed in the Nationality and Borders Bill. This has since been ruled as unlawful in a judgement handed down in June 2022.<sup>135</sup> More recently there have been a range of concerns highlighted with accommodation in Manston in Kent, with a number of legal challenges raised relating to safeguarding and health standards.<sup>136</sup>

Today, the backlog and associated accommodation issues remain one of the biggest issues facing the asylum system in terms of cost, conditions, and as a potential barrier to integration. As of February 2022, it was reported 25,000 asylum seekers and 12,500 Afghans were in hotels, costing a reported £4.7 million a day.<sup>137</sup> Further, despite assurances from the Home Secretary that measures had been taken to improve conditions in detention centres, following the High Court ruling on Napier Barrack,<sup>138</sup> a report published this year found many of the same problems persisted.<sup>139</sup>

### **A New Focus on Integration and Community-based Projects**

Despite the headline rhetoric and legislation continuing to emphasise strict control of the asylum system, the period of 2019-22 has also seen an increased emphasis on community-based initiatives aimed at increasing integration in areas most affected by rapid increases in migration. Initiatives include the ‘Integrated Communities Strategy’ and the ‘Indicators of Integration Framework’, the ‘New Scots integration Strategy’ and the implementation of Strategic Migration Partnerships.

Seen in part as a response to the Race Disparity Audit<sup>140</sup> and the 2016 Hate Crime Action Plan<sup>141</sup>, the ‘Integrated Communities Action Plan’ was introduced in England in early 2019, with a goal of creating socially and economically stronger, more confident and integrated communities.<sup>142</sup> It sets out different ways for local government, local businesses, schools and faith organisations to work together on a local level to best tackle barriers that undermine integration.<sup>143</sup> The plan was primarily funded by the Ministry of Housing, Communities and Local Government and covered funding for, amongst others, Strengthening Faith Institutions programmes, measures tackling hate crime, and the ‘Integrated Areas Programme’ which funded five Integration Areas (Blackburn, Bradford, Peterborough, Walsall and Waltham Forest) to deliver place-based integration interventions. Overall, the programme has been considered a success, but with recent changes in Government there has been a lack of ministerial leadership to take it forward and no public plans to extend the work to other areas.<sup>144</sup>

Complementing these efforts, the Home Office in 2019 published an Indicators of Integration Framework which sought to inform the planning, monitoring and evaluation of integration projects.<sup>145</sup> The Framework built on and brought together various previous efforts at defining integration (particularly the 2004 Framework developed by Ager and Strang), and created a structure of 14 ‘domains’ of integration to support organisations in building strategies and designing and evaluating interventions. The Framework has been widely welcomed and has since informed various initiatives such as the recent Refugee Transitions Outcomes Fund which is piloting outcomes-based funding for refugee integration projects in six pilot areas.

Although the long-term nature of the desired outcomes makes assessing the success of these strategies and funds difficult, a helpful comparison can be made with the similar ‘Controlling Migration Fund’, first included in the 2015 Conservative Manifesto which allocated £100 million to local authorities to run projects to help cope with rapid increases in migration in 2016-17 and 2019-20.<sup>146</sup> One of the projects to receive this funding was the UASC Training and Outcomes Star project in Brighton, aimed at better supporting Unaccompanied Asylum Seeking Children (UASC). Measures included a series of human rights training courses for social workers, covering topics such as supporting children with trauma, which was hugely successful, with the vast majority of practitioners stating participation had improved their knowledge, skills or confidence in supporting UASCs.<sup>147</sup> Further, the project improved coordination and cooperation between agencies and increased insight into local migration patterns, although there was limited success in terms of improving access to public services for UASC.

With the Integrated Communities Action Plan only applying to England, the ‘New Scots Integration Strategy’ is the Scottish equivalent to supporting refugee integration. Led by the Scottish Government, the Convention of Scottish Local Authorities, and the Scottish Refugee Council, the New Scots Integration Strategy similarly aims to support refugees and asylum seekers in Scotland’s communities to rebuild their lives.<sup>148</sup> Like the Integrated Communities Action Plan, the New Scots is centred on partnership and collaboration as well as building stronger, inclusive communities.<sup>149</sup> However, unlike the English Integrated Communities Action Plan, the New Scots Strategy is characterised by a strong ‘rights-based’ approach and involvement of refugees, with key priorities being to ensure refugees and asylum seekers know their rights and encourage them to help shape strategies and their delivery.<sup>150</sup> This focus on refugee involvement has been highly praised by the UNHRC, stating that the Scottish strategy ‘recognises that for approaches to integration to succeed, they must be about working in and with local communities, as well as with refugees and asylum seekers.’<sup>151</sup> In the same way the Controlling Migration and Integrated Communities Innovation Funds work, the New Scots Refugee Integration Delivery Project is a programme supported by the European Union Asylum, Migration and Integration Fund (AMIF), which delivers up to £2.8 million to fund new projects and support innovation. Examples of funded projects range from a learning module to help teachers and education staff improve their knowledge and confidence in supporting bilingual learners, to the annual Refugee Festival in Edinburgh.<sup>152</sup>

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Overall, Integration Strategies have been an encouraging step towards ensuring migrants get the support they need when settling in the UK. Nonetheless, the long-term nature of many integration outcomes mean it may be some years before we get the full picture of the impact.

Alongside the development of these strategies has come another innovation in migration governance in the form of Strategic Migration Partnerships. The idea is that each Partnership acts as the bridge between central and local Government, non-governmental organisations and the community sector to develop a strategic approach to promoting the benefits and minimising the adverse impacts of migration.<sup>153</sup> Each regional Partnership receives an annual grant from the Home Office to then work with voluntary, community and private sectors to develop and

## Refugee Resettlement

Along with these efforts to improve the integration of new arrivals in the UK, the period 2019-2022 has also seen the development of multiple new refugee resettlement routes. As discussed in the earlier (2015-2019) section, resettlement became a significant response to the refugee movement following the mass displacement caused by the Syrian Civil war. In preparation for the ending of the VPRS scheme, it was announced in June 2019 that the UK Resettlement Scheme (UKRS) would replace VPRS, VCRS and Gateway Protection Program (GPP) schemes, once the VPRS target of 20,000 resettled refugees had been reached. Although there was not a target, it was stated that the purpose of UKRS was to continue to resettle 5,000 vulnerable refugees over the course of 2020-2021 in need of protection from a range of

**With the most recent refugee crises in Afghanistan and Ukraine, the UK Government has sought to develop policy responses specifically for those countries. The outcomes and evaluation of these responses is to a large extent yet to be measured.**

support local migrant worker and asylum seekers and refugee networks, while raising awareness and helping facilitate Home Office priorities and feeding back on best delivery methods for migration policy moving forward. There are currently 12 Strategic Migration Partnerships supporting a wide range of different projects, including training provision, public awareness campaigns and resource development. Whilst some have developed a fairly 'light touch' role of facilitation and connection, others have developed more sophisticated programmes of activity, such as in Yorkshire and London.<sup>154</sup> Although there is yet to be a formal evaluation of the Partnerships, anecdotal evidence suggests that they have been a useful addition to the landscape of refugee integration in the UK, providing a focal point for regional efforts and bridging the gap between the Home Office, Local Authorities and civil society.

regions of conflict and instability across the globe.<sup>155</sup> Refugees arriving under the scheme receive refugee status, which entitles them to work and access public funds. They receive reception and integration support from local authorities and community sponsorship groups which includes English language learning and assistance in finding employment.<sup>156</sup>

Delays caused by the pandemic meant that the final refugees arrived under VPRS in February 2021. However, by June 2022 only 1,685 people have been resettled under UKRS.<sup>157</sup> This was at a time when these regular routes were being championed by the Government as the correct way to come to the UK for protection as opposed to irregular routes.

With the most recent refugee crises in Afghanistan and Ukraine, the UK Government has sought to develop policy responses specifically for those countries. The outcomes and evaluation of these responses is to a large extent yet to be measured, but here we can set out the response and some initial outcomes and indications.

## Afghanistan

In 2020, the United States signed a peace agreement with the Taliban that sought to withdraw its military presence from the country by May of 2021; most UK forces withdrew from the country in July 2021.<sup>158</sup> As NATO troops withdrew, attacks across the country intensified, culminating in an offensive by the Taliban which saw Kabul fall on 15 August.

The Afghan Relocations and Assistance Policy (ARAP) was launched in April 2021 and sought to relocate former ‘Locally Employed Staff’<sup>159</sup> to the UK. Eligible applicants could be granted indefinite leave to enter the UK and were able to bring certain family members with them. Resources were allocated for individuals evacuated under the scheme to be resettled in the UK. This included a local authority tariff of £20,520 per person over three years, funding for education, £10m for first year housing costs (followed by £5m in year 2 and £2m in year 3) and additional NHS funding to fund healthcare.<sup>160</sup>

Alongside this, in January 2022 the UK opened the Afghan Resettlement Scheme (ACRS). The government described the ACRS as a ‘bespoke’ scheme that would offer a new safe and legal route to the UK for the most vulnerable needing to leave Afghanistan. The scheme prioritised individuals and their families who had assisted UK efforts, as well as the most vulnerable groups, such as LGBTQ, women and girls and minority groups. Under the ACRS, the UK committed to resettling 20,000 Afghan refugees, with 5000 coming to the UK in the first year.

Numbers from the Home Office in August 2022 state that 21,450 people have been relocated to the UK through the ARAP and ACRS schemes since they began.<sup>161</sup> Of those who have been accommodated, 9667 (half of which are children) are living in hotel accommodation and 7385 are in settled accommodation (not including those who have made their own arrangements). With regards to the support offered upon resettlement in the UK, refugee organisations have criticised the Home Office for being slow to find appropriate housing for resettled Afghans. In February 2022, the Home Office revealed it was spending £1.2 million per day on housing 12,000 Afghans in hotels across the country. In December 2021, the Minister for Afghan resettlement stated that over 4,000 individuals had been ‘moved into a settled home, or are being matched’; two months later, in February, the Minister suggested this figure remained

at roughly the same level. Aside from this process being costly and slow, concerns have been raised about the suitability of bridging hotels for families.

While contingency hotels were an obvious solution due to the spare capacity caused by COVID-19, the emergency nature of the situation meant there was little planning and advance warning to local authorities on how to cope with increased pressure on local public services such as health services, schools and charities. Many of the hotels were located far from city centres, and lack of communication meant refugees sometimes got little information on the length of their stay and next steps forward. Further delays to the transition from hotels to permanent accommodation left over 3,000 people being housed for longer than six months at the end of 2021.<sup>162</sup> Being held in temporary, short-term accommodation has been shown to be detrimental to refugees’ mental health and well-being. Reports have shown that the longer refugee families spend in temporary accommodation, the more likely it is they will refuse permanent accommodation when offered.<sup>163</sup>

## Ukraine

In February 2022, Russia’s invasion of Ukraine saw enormous numbers of people migrating across Europe in search of protection. Just as with the Syrian crisis, public pressure increased dramatically for the UK government to expand support and develop new models of protection for those in need. In March 2022, the Homes for Ukraine Scheme was launched by the Department of Levelling up, Housing and Communities. Within the first 24 hours over 120,000 individuals and groups had registered their interest to support Ukrainian refugees and provide them with accommodation. Homes for Ukraine has been described as a ‘bespoke scheme [that] provides a route to those who want to come to the UK who have someone here willing to host them. It will enable individuals, charities, community groups and businesses to volunteer accommodation and provide a route to safety for Ukrainians and their family members.’<sup>164</sup> People who sign up must commit to hosting in accommodation for at least 6 months and then to continue support for a further 6 months, but this can be extended if both parties so wish. Refugee groups will be able to live and work in the UK for up to 3 years. People will be able to access benefits, education, employment support, healthcare, and English language classes.



Alongside Homes for Ukraine, the UK Government developed a Ukraine Family Scheme for those with relatives already in the UK. As of the 16 August, numbers presented by the Migration Observatory are as follows:<sup>165</sup> The Ukraine Family Scheme has had 57,000 applications and has issued 49,700 visas and the Homes for Ukraine Scheme has had 148,300 applications and has issued 127,300 visas.<sup>166</sup>

These numbers clearly dwarf previous UK resettlement efforts, suggesting a level of popularity both with the British public and with those fleeing Ukraine. However, there have been a number of issues raised with how the scheme has operated. The main concerns have been the lack of an official process for matching

## Hong Kong British National (Overseas) ‘BNO’ Citizens

After the passage of the controversial National Security Law in Hong Kong in 2020, pressure grew on the UK to offer those with British National (Overseas) status a safe route to leave the territory.<sup>169</sup> As a result, from January 2021, Hong Kong British National (Overseas) ‘BNO’ citizens and their close family members became eligible for a new visa route which would make 5.4 million Hong Kong residents eligible to move to the UK.<sup>170</sup> The visa is comparatively much cheaper than other visas, costing just £250 for a stay of five years, six times less than the cost of a standard UK work visa lasting more than three years.<sup>171</sup>

**These numbers clearly dwarf previous UK resettlement efforts, suggesting a level of popularity both with the British public and with those fleeing Ukraine. However, there have been a number of issues raised with how the scheme has operated.**

families, the drawn-out visa application process, and the process of rematching when a host/ family relationship breaks down. The UK has come under fire for being one of the more restrictive schemes as non-Ukrainian nationals who are fleeing Ukraine (including refugees) are not eligible. Families must either have a sponsor in the UK or be linked to a host that is willing to support and accommodate them. People must also be able to apply for a visa prior to coming to the UK.

The Office of National Statistics has noted some issues that have been experienced by sponsors taking part in the schemes, or issues that may arise in the coming months.<sup>167</sup> The cost of living crisis is going to have an effect on the number of people that are willing and able to support Refugees. The ONS reported that around 30% of current or previous sponsors interviewed stated the cost of living crisis affected their ability to provide support. Of the people who were providing accommodation, 70% stated that they would consider extending past the 12-month mark if the monthly payments continued, while 4 in 10 suggested that it would require more support.<sup>168</sup> Out of those interviewed, 99% stated they incurred extra costs as a result of hosting, in household utility bills as well as things such as food and toiletries. Most people thought that sponsors would benefit from additional support prior to and after people arrive. Issues that many reported were around accessing services and feeling unequipped to offer the best support to newly resettled refugees.

Two routes were introduced under this scheme, the BNO Holder route, open to ordinary residents of Hong Kong or UK and their dependent partners and relatives and household children and the BNO Household Member route, for adult children of a BNO citizen born on or after 1 July 1997. Once granted the visa, holders and their close family can reside in the UK together for five years, after which they become eligible to apply for indefinite leave to remain, and thereafter citizenship.<sup>172</sup> While BNO visa holders are able to work or study freely in the UK and use the NHS, they have No Recourse to Public Funds. The Government has made some efforts to support the integration of those arriving on the BNO Scheme, in particular through funding Strategic Migration Partnerships to establish ‘Welcome Hubs’ in order to offer language, employment, housing and enterprise support. Local Authorities have also been offered some funding to provide language and destitution support.<sup>173</sup>

According to Home Office figures, over 88,000 applied for the BNO visa in its first eight months, with 16,942 visas granted in the first quarter of 2022 and expectations that 300,000 people will use this route in the next five years.<sup>174</sup> One of the notable features of the Hong Kong BNO scheme has been its popularity with the British people, with only 1 in 10 people saying they are opposed to migration from Hong Kong and three quarters of people in the UK saying they support the scheme because it’s ‘the right thing to do’.<sup>175</sup>

**The growth of resettlement projects has led to an upsurge in efforts from the voluntary sector to bring community-level resources to play in supporting refugee welcome and integration. Many of these efforts are still emerging and evolving, such as the development of neighbourhood level ‘Welcome Hubs’ in connection with the Homes for Ukraine Scheme**

## The Voluntary Sector – Collaboration and Critique

As explored above, the growth of resettlement projects has led to an upsurge in efforts from the voluntary sector to bring community-level resources to play in supporting refugee welcome and integration. Many of these efforts are still emerging and evolving, such as the development of neighbourhood level ‘Welcome Hubs’ in connection with the Homes for Ukraine Scheme.<sup>176</sup> But as well as collaborating on resettlement schemes, the civil society organisations have already been increasingly vocal and organised in critiquing Government asylum policy and suggesting alternatives. A new vehicle for this has been the Asylum Reform Initiative (ARI) which was started in June 2020 to try to ‘generate more joint impact in asylum system reforms’ by ‘galvanis[ing] experienced and effective actors, through strategic co-ordination and collaboration, towards more ambitious, effective and impactful advocacy’.<sup>177</sup> Founder members of the ARI include Refugee Action, the British Red Cross, the Refugee Council and Asylum Matters. The main focus of the ARI to date has been the Together with Refugees Campaign, which has mobilised over 500 organisations in ‘calling for a better approach to supporting refugees that is more effective, fair and humane’, and has been particularly active in opposing various elements of the Nationality and Borders Act.<sup>178</sup>

In more recent months the continued high-profile nature of channel crossings, ever-growing backlog in cases and poor conditions in asylum accommodation have prompted a number of further interventions, most notably the Legatum Institute-led publication ‘A British National Refugee Policy’. This report strongly opposed the Rwanda partnership and instead argued for a ‘strategic framework for global, national and local engagement, working across the whole-of-government rather than being dominated by any one government department’.<sup>179</sup> Specific proposals included collaboration with France and the EU to create asylum assessment processes in relevant ‘hot spots’ outside the UK, establishing a dedicated backlog clearance team to deal with the backlog in outstanding asylum cases, giving asylum seekers the right to work (an ask which has galvanised much civil society support in recent years) and creating earmarked central government funding for refugee integration at a local level.<sup>180</sup> It is also worth noting that the Government’s own Migration Advisory Committee has criticised the Home Office for allowing the unprecedented backlog in asylum cases, and suggested relaxing the rules around asylum seekers working as a possible solution.<sup>181</sup> So although her description of an asylum ‘invasion’ of Britain was highly contentious, the Home Secretary’s assertion in the House of Commons on 31 October that ‘the asylum system is broken’ would likely have commanded agreement across the board.

# Conclusion

## Lesson learned

This paper has sought to give an overview of the major initiatives and interventions of the last 25 years in reforming the asylum system, with a particular focus on integration. Having done so, it is worth stepping back and assessing what lessons might be learned about what has and hasn't worked in recent decades.

### The Primacy of Geopolitics

One of the striking features of this exercise is the impact of geopolitical events in driving change in the UK asylum system. Whether it's the breakup of Yugoslavia and the War on Terror leading to the peak of asylum applications in the early 2000s, the Syrian Civil War leading to the rise of resettlement programmes or the Ukraine War, and Chinese action in Hong Kong leading to hundreds of thousands of arrivals via new bespoke routes, it is clear that the UK asylum and refugee system is impacted just as much by external events as by Government policy or civil society interventions. With climate change and conflicts around the globe predicted to force ever higher numbers of refugees worldwide, it is highly likely that the UK's protection system will be forced into further significant changes in the years to come. On the issue of refugee resettlement, this poses the question of whether it is better to follow the pattern of recent years and create bespoke schemes for each new crisis and nationality, or whether the UK would be better served by a single resettlement scheme which can be flexed according to a changing context.

### A Story of Continuity

Another clear pattern of the last 25 years is the startling continuity in language and approach in terms of national Government policy, regardless of which individual or party was in charge at any one time. When Priti Patel in 2020 argued that 'without firmness, there can be no fairness', she was perhaps unwittingly echoing the exact language used by numerous Labour politicians of the late 90's and

2000's. Although of course different Governments and Ministers have had their own particular approaches in some respects, the three principles of firmness, fairness and speed have undeniably been the hallmark of national government policy throughout the last two and a half decades, with almost every piece of major legislation in this period attempting to link different measures back to this overall framing. For those seeking to encourage change in the system, this should lead to careful reflection on how much can be achieved within this framing and for whom, and an acknowledgement that if more radical policies are to be proposed they will likely need to be accompanied by a pragmatic analysis of the likely political ramifications of a major change of discourse on this topic.

### Tough Enough?

One interesting and challenging question to pose of the last 25 years is the extent to which efforts to 'tighten up' the asylum system were successful. On the one hand, evidence for the success of the hostile environment is hard to come by. It is unclear whether the policy had any success in encouraging people living in the UK illegally to leave, or in deterring people considering coming in.

On the other hand, it is possible to build a fairly strong case that the measures taken by the Labour Government in the early to mid 2000s to make it more difficult to get to the UK by air or through the Channel Tunnel were successful in driving down the overall number of asylum claims. What that Government found, however, was that practical 'success' in this regard led to little if any political payoff, as tough rhetoric from politicians arguably served to stoke public opinion in ways that could not then be satisfied by workable policies. There are potential echoes of this dilemma in the current Government's struggles to curtail channel crossings whilst simultaneously battling a lack of appropriate accommodation and an enormous backlog of asylum casework.

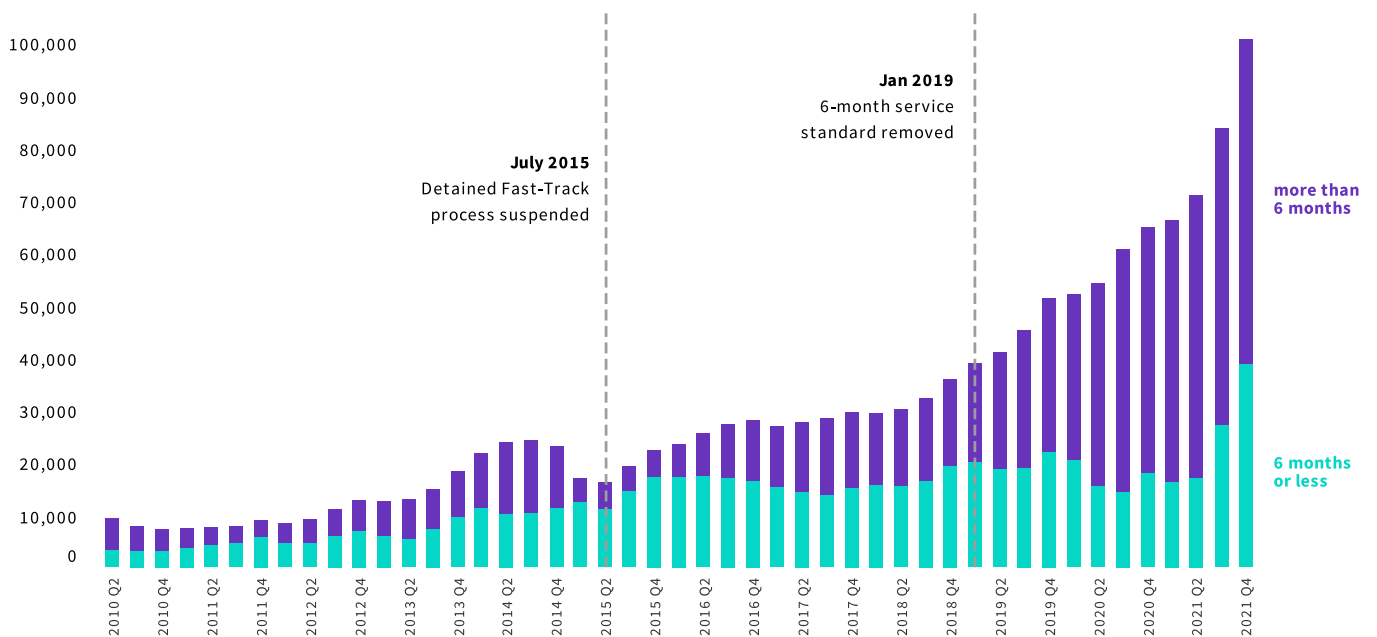
### Integration for Whom?

As well as causing potential political headaches, the continuous ‘tough’ rhetoric and policies of the last 25 years towards asylum seekers has created problems for refugee integration. In the New Labour years these were encapsulated in the responses to the 2000 strategy on integration and the Indicators of Integration work of Ager and Strang. Civil society voices pointed out the paradox of investing in refugee integration work whilst at the same time placing ever increasing barriers in the way of asylum seekers’ integration while their claims were being processed. It is clearly the case, for example, that Government policies in this period made it harder for asylum seekers to make progress across the four key priorities for integration identified by Ager and Strang, including access to employment, equal rights, social connections and language acquisition. These policies had a knock-on effect for those granted refugee status, making it harder for them to make progress across the 10 ‘domains’ of integration in the longer term.

In recent years under the Conservative Government the distinction between those seeking protection who are ‘worthy’ of integration support and those who are not has become ever more stark. Resettled refugees are offered new kinds of funding and support whilst those claiming asylum in the UK are subject to ever greater restrictions. Indeed, the provisions of the Nationality and Borders Act mean that even those found to have a genuine claim for protection who have arrived by irregular routes will now not be on a pathway towards integration but will instead be subject to No Recourse to Public Funds and given only limited rights to remain in the UK and connect with family overseas. The impact of the ‘2 tier’ system on integration outcomes represents a significant challenge for those seeking policy reform.

### Number of people awaiting an initial decision on their asylum claim, Q2 2010 to Q4 2021

Main applicants and dependants; counts taken on the last day of each quarter



Source: Migration Observatory analysis of Home Office Immigration Statistics. Note from the authors: Includes cases lodged since 1 April 2006.

## Not Fit for Purpose

The extraordinary recent rise in the number of asylum claimants waiting over 6 months for an initial decision begs the question of whether the Home Office is, as the Labour Home Secretary John Reid memorably said, ‘not fit for purpose’.

On the specific topic of the backlog, useful work could be done in assessing how progress in this area was made previously, for example in the early New Labour years and in the late 2000’s with the introduction of the New Asylum Model. But looked at more broadly, recent years have seen the Home Office juggling competing priorities around the issue of asylum and migration. On the one hand, the departmental response to the Windrush Scandal promised culture change and a fresh determination to ‘see the face behind the case’, whilst on the other, the drive to create an ever-more hostile environment for those seeking asylum continues apace. The widespread criticism of the department for its inability to process visa applications from Ukrainian refugees at the start of the war was another archetypal example of a system that seemed to have been designed to ‘say no’ suddenly being asked to adopt a radically different approach.

The fact that the Homes for Ukraine Scheme was given to the Department for Levelling Up was a further indicator of a lack of trust in the Home Office to create a process that prioritised integration. The resultant institutional set-up feels highly disjointed, with the Department for Levelling Up overseeing Homes for Ukraine but the Home Office in charge of visas and the Refugee Transitions Outcomes Fund. Meanwhile, the Department for Education is responsible for English language funding for newly arrived refugees. With devolution and the introduction of Strategic Migration Partnerships further complicating the question of who is responsible for refugee integration, it seems likely that any meaningful progress in this field is likely to involve significant change and more joined-up thinking within the machinery of Government.<sup>182</sup>

## The Possibilities for Integration

Whilst the last 25 years have served plenty of examples of failure and poor outcomes in the field of refugee and asylum policy, there is also cause for optimism for those with an interest in refugee integration. This optimism lies in the positive public reaction to several policy developments of recent years. The idea that the British public would offer overwhelming support for the resettlement of hundreds of thousands of refugees in the space of two years would have seemed laughable throughout much of the period covered by this study. Yet through the BNO route and the Homes for Ukraine Scheme this is exactly what transpired. Indeed, the fact that hundreds of thousands of Britons were willing to open up their homes to those fleeing violence is testimony to a strong groundswell of hospitality for refugees among the general public.

What is notable is that both qualitative and quantitative research has backed up the notion that Brits of all backgrounds are in favour of the proper, deep integration of newcomers. This was well summed up in the results of the British Future and Hope not Hate’s ‘National Conversation on Immigration’ in 2018 (the biggest ever public consultation on immigration and integration), which stated that:

‘Integration strengthens support for the principle of refugee protection. Those who know refugees, or know others who know them, are more likely to base their views on these local experiences rather than what they read in the media.’

Whilst there are of course plenty of nuances in terms of public opinion on refugee and asylum issues, the work of More in Common has found strong evidence to suggest that models such as community sponsorship have ‘the potential to radically shift the British public’s attitudes to the UK taking in refugees, particularly reducing opposition to refugees among more socially conservative groups.’

With the asylum system very obviously in need of significant reform, the stage is therefore set for those with practical ideas to tap into this widely held desire from the British public to integrate newcomers into their home and communities.

# Appendix

## Introduction

Since the initial publication of this report in 2022, a range of new asylum reform initiatives have been proposed and actioned. Many of these recent initiatives build on or have emerged out of those described above and reflect similar trends. Most notably, between 2022 to 2024, the British Government continued its trend of focusing on curbing “illegal migration”, sorting eligible from ineligible asylum claims, and seeking to remove ineligible individuals rather than prioritising integration.

## The New Plan for Immigration and Enhanced Integration

In 2021, Home Secretary Priti Patel published a New Plan for Immigration. This plan involved a series of measures aimed at reducing small boat crossings, “tough” border control, and deterrents to be implemented through the National Borders Act (which came into force in 2022). The plan also promised an “enhanced integration package” to be delivered through the refugee employability programme.<sup>183</sup> According to the Home Office, this enhanced integration programme was intended to “provide support for refugees and those granted protection who have arrived here through safe and legal routes,”<sup>184</sup> while the New Plan for Immigration aimed to “discourage irregular entry” and change the “government’s posture as we toughen [their] stance against illegal entry.”<sup>185</sup> (See Chapter Six above for more information on Home Secretary Patel’s initiatives).

The government paused these provisions in June 2023 as new plans for Immigration Rules emerged, namely in the newly introduced Illegal Migration Bill (introduced early that year in March 2023 and passed into law in July 2023).<sup>186</sup>

## The Illegal Migration Bill

The stated aim of the Illegal Immigration Bill, introduced to Parliament in March 2023, was to prevent people from crossing the English Channel in small boats. To this point, among the plans laid out in the Bill was a mechanism through which the asylum claims of any individuals who arrive in the UK via irregular routes will be deemed “inadmissible” and will not be considered. This includes individuals who have travelled through a safe third country before entering the UK (including those seeking to make a humanitarian claim). Note that this differs from UN guidance and international refugee law, which does not require asylum-seekers to make their claim in the first safe country they arrive in after leaving their country of origin, a point the UK acknowledges but with which it disagrees.<sup>187</sup> As a consequence of an “inadmissible” claim, that individual could be detained indefinitely, removed to their country of origin, or removed to a “safe third country”, depending on circumstances.<sup>188</sup>

Notably, the duty to remove people arriving via irregular means does not apply to unaccompanied minors except in very limited circumstances,<sup>189</sup> though the Home Secretary will have a duty to remove such individuals when they turn 18.

The Bill went through several rounds of debate and amendments. Key amendments included the prevention of judicial oversight, blocking judges from granting injunctions to prevent removals (limiting the scope of the European Convention on Human Rights as noted above).



## The Illegal Migration Act

Four months after it was proposed, the Illegal Migration Bill was agreed by both Houses and received Royal Assent on 20 July 2023, to become the Illegal Migration Act.

The aims of the Act in its final form are to prevent small boat crossings by “removing the incentive” to make such journeys, to speed up the removal of any individuals “with no right to be here,” to prevent the misuse of modern slavery safeguards, and to ensure that the UK supports those in “genuine need” by committing to receive a specific number of refugees every year.<sup>190</sup>

As of September 2023, some parts of the Act related to powers of detention came into force, giving the Home Secretary more power to decide what qualifies as a reasonable period of detention. Provisions related to seizing electronic information also came into force.

## The Rwanda Plan

In April 2022, the UK and Rwanda signed an agreement to remove people seeking asylum in the UK to Rwanda. This became known as the Rwanda Plan or the UK-Rwanda Migration and Economic Development Partnership. As outlined above, the initial plan included a five-year agreement between the UK and Rwanda in which asylum seekers to the UK could be removed to Rwanda to seek asylum. If successful, an individual could be granted status in Rwanda; if unsuccessful, they could return to their country of origin or seek alternative status in Rwanda. At no point could an individual return to the UK.

The UK Supreme Court found this plan did not align with the Refugee Convention, of which the UK is a signatory.<sup>192</sup> Specifically, it does not accord with the principle of non-refoulement (defined as a prohibition against “transferring or removing individuals from their jurisdiction or effective control when there are

**Since the initial publication of this report in 2022, a range of new asylum reform initiatives have been proposed and actioned. Many of these recent initiatives build on or have emerged out of those described above and reflect similar trends.**

However, as of October 2023, the duty to remove all individuals arriving by irregular means without considering their asylum claims has not yet come into force. The Institute for Public Policy Research argues that even when this provision does come into force, it is likely to present new challenges. The Illegal Migration Act prevents anyone from being removed back to their home country in nearly all cases.

According to the Bill, people instead must be removed to a safe third country, creating the additional stumbling block of trying to find a country that has the capacity and is willing to accept asylum seekers, process asylum claims, and resettle those who receive refugee status.<sup>191</sup> Finding such a country or countries has proven difficult. As the time of writing, the UK has reached an agreement with one country – Rwanda – which the Supreme Court subsequently has ruled does not meet the necessary criteria).

substantial grounds for believing that the person would be at risk of irreparable harm upon return, including persecution, torture, ill-treatment or other serious human rights violations”).<sup>193</sup> Indeed, Home Office statistics indicate that the majority of people arriving in this way (including in small boats) are ultimately recognised as refugees.<sup>194</sup>

The plan is also expensive. As of the end of 2023, the UK paid Rwanda £240m and anticipates spending an additional £50m in 2024.<sup>195</sup> This does not include £1.3 million spent on legal fees related to discussions around the permissibility of the Bill.<sup>196</sup>

Further, though Ministers initially anticipated spending upwards of £12,000 per person for removal,<sup>197</sup> a June 2023 Government report revealed that it would in fact cost £169,000 to remove each person seeking asylum from the UK under the Rwanda agreement (compared to £106,000 to process their application and keep them in the UK).<sup>198</sup> This includes a payment to Rwanda of £105,000 per individual plus £22,000 in escort and flight fees.

In addition, the Home Office admitted the Plan might not act as the intended deterrent.<sup>199</sup> The same June 2023 Home Office report highlighted that there are also practical barriers, including lack of capacity in detention facilities.<sup>200</sup> These limitations mean the Home Office is unable to assure that the Bill will deliver on its promises. It is also worth noting that the Rwandan government has indicated that it has capacity for only 200 asylum seekers.<sup>201</sup>

The first removal flight was scheduled for 14 June, 2022 (prior to the Illegal Migration Bill becoming ratified). However, the flight was blocked at the last minute due to injunctions by the European Court of Human Rights (ECHR). (See Chapter Six above for more information).

At the 2023 Council of Europe Summit, British Prime Minister Rishi Sunak called for cooperation amongst Council nations to take on what he called “illegal migration”.<sup>202</sup> Some Council members, including the host Iceland, rebuked Sunak, noting that the Council meeting would not become a platform for political gestures nor for attempting to reform the ECHR. Council members also took the opportunity to reaffirm their commitment to the protection of human rights and disavowed the Rwanda Plan.<sup>203</sup> On 15 November 2023, the UK Supreme Court unanimously ruled that the Rwanda Plan was unlawful.<sup>204</sup>

Another international agreement designed to remove asylum seekers from a European country was also signed at this time. In November 2023, Italy and Albania (both members of the Council) signed a Memorandum of Understanding under which the Italian government will establish, finance, and staff two processing centres in Albania for those rescued at sea while trying to reach Italy. Asylum seekers will be detained at the centres while their claims are processed. After processing, Italy will be responsible for resettling or removing migrants depending on how their claim has been decided.<sup>205</sup> Despite initial legal challenges, as of January 2024 the agreement is moving through the legal systems of both countries. The European Commission continues to analyse the legality and implications of the plan,<sup>206</sup> particularly whether or not it is in breach of international standards requiring disembarkation in the nearest safe port and the right to seek international protection.<sup>207</sup>

## The Safety of Rwanda (Asylum and Immigration) Bill

In the UK, in response to the Supreme Court ruling on the Rwanda Plan, a further Bill was introduced – the Safety of Rwanda (Asylum and Immigration) Bill, which intends to confirm that Rwanda is safe for the removal of individuals entering the UK via irregular routes. In an effort to avoid similar judgements from the Supreme Court, the Bill in effect orders the courts to overlook key sections of the Human Rights Act.<sup>208</sup> It also includes proposed safeguards, such as a provision that Rwanda cannot send a relocated individual to any other country besides the UK. It also calls for an independent monitoring committee, a joint committee on best practice, and a new appeals body.<sup>209</sup> The Bill passed the House of Commons on 17 January 2024,<sup>210</sup> and at the time of this report is continuing to progress through UK legislature.

## International Cooperation on Immigration

In 2023, Prime Minister Rishi Sunak renewed his call for European cooperation around migration and asylum seeking via irregular routes. In March 2023, the UK–France Joint Leaders’ Declaration included a recommitment to bilateral cooperation to fight “illegal migration” and a new joint multi-year operational plan and funding agreement to which the UK will contribute €141m in 2023-2024, €191m in 2024-2025, and a further €209m for 2025-2026. The goal is to reduce the rate of small boat crossings between France and the UK. Funding will support, among other things, increased policing and surveillance technology in France and cooperation between the National Crime Agency and its French counterpart.<sup>211</sup> Prime Minister Sunak also continues to pursue greater cooperation with the European Commission.

This agreement is the latest in a line of similar agreements made over the past decade, during which period overall numbers of small boat crossings have significantly increased (although recent data suggest that the peak in irregular arrivals may be declining).<sup>212</sup> It remains to be seen to what extent such legislation will address existing trends.

In December 2022, the Government released the UK-Albania Joint Communiqué, which increased cooperation around the return of Albanian citizens arriving in the UK via irregular means. Some have suggested that this agreement has helped to decrease the number of Albanians arriving in the UK,<sup>213</sup> but data collected by the Home Office show that there had already been a decline in the number of Albanians crossing via small boats.<sup>214</sup>

Finally, across 2023, the UK signed new agreements focused on or including enhanced cooperation regarding the “illegal” movement of migrants with several other countries such as Bulgaria,<sup>215</sup> Turkey,<sup>216</sup> and Ethiopia.<sup>217</sup>

## Asylum Backlog

From 2022 to 2024, the Home Office continued to grapple with unprocessed asylum claims.<sup>218</sup>

In December 2022, the Home Office revealed a fast-track process to clear so-called “legacy cases” (asylum claims made before 28 June 2022) that have not been deemed inadmissible. The process involved asking individuals to fill out a questionnaire (ahead of participating in a substantive interview) and required that all forms be completed within 20 days.<sup>219</sup>

In January 2024, the Home Office announced that it had cleared the backlog of cases, processing more than 112,000 asylum claims in 2023.<sup>220</sup> However, the statistics indicated that more than 4,500 difficult cases were still awaiting assessment and nearly 30% of the approximately 112,000 claims processed were not substantive decisions, meaning that they were withdrawn or paused.<sup>221</sup>

In the meantime, unprocessed claims continue to grow; at the end of December 2023, there were more than 94,000 cases (i.e., submitted after 28 June 2022 and labelled “flow backlog”). These cases will not be prioritised until later in 2024.<sup>222</sup> In total, including remaining backlog cases, more than 98,000 asylum claims remain awaiting initial decision.<sup>223</sup> Finally, as of September 2023, more than 40,000 individuals who have received a negative decision or whose claim has been deemed inadmissible are awaiting removal.<sup>224</sup>

The Institute for Public Policy Research (IPPR) suggests that if the key removal-related provisions of the Illegal Migration Act come into force, many of those denied status will be unlikely to be removed due to the inability of finding a suitable locale for removal, leading to a “perma-backlog” of individuals are not formally within the asylum system because their claims have been denied, but who are seeking refuge in the UK.<sup>225</sup>

## The Move-On Period and Refugee Homelessness

Prior to 1 August 2023, when individuals seeking asylum were granted refugee status, they had 28 days from the time they received the Biometric Residence Permit to move on from asylum housing and support and secure independent housing, benefits, and employment. This period often proved challenging for refugees with newly granted status. In almost all cases, while awaiting decision, asylum seekers are not able to work or open a bank account and are very unlikely to be able to accumulate savings. Many advocacy organisations, such as the British Red Cross, the refugee Council, and the No Accommodation Network, had previously argued for an increase in the move on period to 56 days (to match the length of time currently given to local authorities to work with local individuals and families at risk of homelessness).

However, on 1 August 2023, the Home Office changed the move-on period to 28 days from time individuals are notified of their asylum decision.<sup>226</sup> This change was part of the Government’s efforts to move people out of contingent housing and reduce the asylum backlog. This change is significant as the Biometric Residence Permit (BRP) can take weeks to be issued and there are often delays in delivery. Yet, the BRP is required to apply for Universal Credit, apply for employment, open a bank account, and enrol children in school; even with the BRP, it takes a minimum of 35 days to start receiving Universal Credit.

One result of this change to the move-on period, according to the British Red Cross, is that some individuals received only seven days’ notice to move on. The British Red Cross also reported a significant increase (140%) in destitution and homelessness amongst refugees following this change in policy.<sup>227</sup>

By December 2023, the Government was facing criticism from refugee support institutions<sup>228</sup> due to the increase in destitution amongst refugees.<sup>229</sup> During a debate in the Lord's Chamber on 18 December 2023, the Lord Bishop of London and several colleagues argued for a reversal of the change to the move-on period or, alternatively, to raise the move-on period to 56 days. Lord Sharpe of Epsom (a member of the House of Lords) seemed to backtrack from the government's earlier decision and emphasised that:

All individuals who receive a positive decision on their asylum claim can remain on support and in their accommodation for at least 28 days from when their decision is served. However, as I said in my earlier Answer, current practice is that individuals remain on that support and in accommodation for 28 days from the point of the biometric residence permit being issued.<sup>230</sup>

Nonetheless, various charities, NGOs, and other organisations continue to call for an increase to a 56 day move on period.<sup>231</sup>

## Conclusion

Between 2022-2024, several major legislative initiatives emerged that aimed to externalise asylum seeking responsibilities, whether through collaborations with other countries to prevent people from reaching the UK in the first place, or by removing asylum seekers to third countries. It is not yet clear whether these policies are likely to be successful in deterring asylum seekers who are considering to enter the UK (or who attempt to live here without documentation).

In the same period, the Government continued the trend of creating policies that make it more difficult for asylum seekers to access key areas for integration,

including secure housing, employment, language acquisition, social connections, and equal citizenship rights.

Finally, the Government has expanded pathways by which an asylum claim can be deemed inadmissible and potentially limited the kinds of claims that can be made. While these initiatives may have contributed to the relative speed with which the legacy cases backlog was cleared, a new backlog is building up and new challenges, such as an increase in destitution among refugees, are still to be faced.

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