

The Refugee Council submission to the House of Commons Home Affairs Select Committee

The Work of the Immigration Directorates (Q1 2016)

June 2016

About the Refugee Council

The Refugee Council is a human rights charity, independent of government, working to ensure refugees are given the protection that they need, are treated with the respect and understanding that they are entitled to, and that they are assured the same rights, opportunities and responsibilities as other members of society.

Contact information

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1. The Refugee Council welcomes the ongoing scrutiny of the work of the Immigration Directorates and brings to the Committee's attention the following matters in regard to Q1 of 2016.

Asylum applications

2. In the year to March 2016, 34,687 asylum applications were made¹ which, while an increase of over 9,000 applications compared to the twelve months previous, must be seen in the context of the greatest refugee crisis since the end of the Second World War. According to the UNHCR, 65.3 million people are forcibly displaced from their homes worldwide, and at the end of 2015 there were 21.3 million refugees across the globe.²
3. Furthermore, Britain is far from being Europe's top recipient of asylum applications. In the year to March 2016, 1,094,200 applications for asylum were made across the EU. The UK received just 4% of these applications. Germany (562,000), Sweden

¹ Immigration Statistics, January to March 2016, Asylum tables, as_01_q

² UNHCR, Global Trends: Forced Displacement in 2015

<http://www.unhcr.org/statistics/country/576408cd7/unhcr-global-trends-2015.html>

(159,000) and Hungary (142,000) were the three EU countries that received the highest number of asylum applications, together accounting for 62% of asylum applications in the EU in that period. Austria, Italy, France, the Netherlands and Belgium also received more applications than the UK. When considering asylum applications per head of population, the UK ranked 17th in Europe in the year to March 2016.³

Asylum applications by Eritrean nationals

4. We welcome the Committee's recommendations in their reports *The Work of the Immigration Directorates (Q3 2015)* and *The Work of the Immigration Directorates (Q4 2015)* that the Government should reconsider "as a matter of urgency" its country guidance on Eritrea.⁴ We are alarmed at the dramatic fall in the proportion of Eritreans being granted refugee status following an application for asylum in the United Kingdom. While there was an increase in the proportion of applications resulting in some form of protection during Q1 2016, we note that the percentage of applications resulting in a grant of asylum remains low. In Q1 2016, whilst 69% of decisions resulted in protection, only 37% of grants were grants of asylum. This was a fall from 39% in the previous quarter. The factor behind the increase in the overall grant rate was the increase in "other grants".⁵
5. There was also a considerable fall in the number of decisions taken on applications for asylum made by Eritreans during Q1 2016. After an average of 804 decisions being made in each quarter during 2015, only 270 were taken during the first quarter of 2016. As a result, the number of Eritrean asylum applicants who have been waiting for longer than six months for an initial decision on their claim was 865 at the end of Q1 2016, an increase of 883% from the same time in 2015.⁶
6. We have shared the concerns raised by others regarding the Government's country guidance and the reliance on information from a discredited Danish report.⁷ We draw to the attention of the Committee the recent report from the UN Commission of Enquiry into Eritrea, which accused the Eritrean Government of committing crimes against humanity. The Commission has recommended that the UN Security Council refers the situation in Eritrea to the International Criminal Court and urged the international community to offer protection to Eritrean nationals seeking asylum. The report highlights that "Eritreans also continue to be subjected to indefinite national service, arbitrary detention, reprisals for the alleged conduct of family members, discrimination on religious or ethnic grounds, sexual and gender-based violence and killings."⁸

³ Immigration Statistics, January to March 2016, Asylum tables, as_07_q

⁴ Home Affairs Select Committee, Sixth Report of the Session 2015-16, *The Work of the Immigration Directorates (Q3 2015)*, HC772; Home Affairs Select Committee, Second Report of the Session 2016-17, *The Work of the Immigration Directorates (Q4 2015)*, HC22

⁵ Immigration Statistics, January to March 2016, Asylum Tables, as_02_q

⁶ Immigration Statistics, January to March 2016, Asylum Tables, as_02_q

⁷ The Danish Immigration Service 2014 Fact-Finding Mission Report

⁸ UN Inquiry finds crimes against humanity in Eritrea:

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20067&LangID=E#sthash.parxdaOI.dpuf>

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7. On 20 May 2016, the country guidance on 'illegal exit' and 'national (including military) service' for Eritrea was removed from the gov.uk website⁹ and updated guidance has yet to be published. We are aware of no reason having been given for the removal of this guidance and are concerned that without the relevant guidance, Home Office caseworkers will be unable to take decisions on asylum claims, leaving applicants in a state of limbo.
8. The courts continue to overturn the decisions made by the Home Office on Eritrean applications. In Q1 2016, 86% of appeals made by Eritreans were allowed, compared to 43% for all nationalities.¹⁰ We believe it is unacceptable that the Government is getting so many decisions wrong and taking longer to make initial decisions on applications made by Eritreans. Not only does this cost the taxpayer money in defending indefensible decisions in the courts and providing asylum support to applicants unable to work whilst awaiting a decision, but it also has an immeasurable impact on those who have come to the UK to seek protection from a regime the UN has said is guilty of "systematic, widespread and gross human rights violations".¹¹
9. **We recommend that the Government urgently publish updated country guidance on Eritrea, reflecting the findings of the UN Commission of Enquiry and recognising that the information in the Danish report cannot be relied upon. Furthermore, the Home Office should withdraw any refusals made under the former guidance that have not yet had the appeal heard and a new decision should be made.**

Visa applications made by Syrian nationals

10. According to the UNHCR, there were 4.9 million Syrian refugees at the end of 2015, making Syria the largest refugee producing country.¹² Since March 2011 when the war in Syria began, the UK has granted asylum or provided resettlement to just 0.17% of those who have had to flee Syria.¹³ While we welcome the Government's commitment to resettle 20,000 vulnerable Syrians by the end of the current Parliament, we are very concerned that at the same time Syrians are being denied access to other routes to enter the UK. In particular, since the start of the Syrian conflict, the acceptance rate for visa applications made by Syrian nationals has dropped significantly. Before the conflict started, over 70% of visa applications made by Syrians were successful. In the year to March 2016, just 56% of visas were

⁹ See <https://www.gov.uk/government/publications/eritrea-country-information-and-guidance>

¹⁰ Immigration Statistics, January to March 2016, Asylum Tables, as_14_q

¹¹ United Nations Human Rights Office of the High Commissioner, *UN Inquiry reports gross human rights violations in Eritrea*

<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16054&LangID=E#sthash.p0zEWVnI.dpuf>

¹² UNHCR, Global Trends: Forced Displacement in 2015

<http://www.unhcr.org/statistics/country/576408cd7/unhcr-global-trends-2015.html>

¹³ Since March 2011, 6,369 Syrians have been granted asylum in the UK and 1,854 Syrian refugees have been resettled to the UK: Immigration Statistics, January to March 2016, Asylum Tables, as_02_q and as_19_q
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successful,¹⁴ which includes a sharp rise in the approval rate to 72% in Q4 2015, which was almost certainly due to the Supporting Syria conference held in London in February 2016, co-hosted by the UK, Germany, Kuwait, Norway and the United Nations.¹⁵

11. It is also of note that since March 2012, Syrian nationals transiting the UK en route to another destination have been required to apply for a transit visa.¹⁶ In March 2015 further changes to the immigration rules were made to remove the transit without visa exemption for Syrians with a visa for entry to the USA. This change took effect without the usual 21 days notice "in order to prevent the potential for a significant influx of citizens and nationals of Syria travelling to the United Kingdom during the notice period to claim asylum."¹⁷ An answer to a Written Question indicated that in the first six months of 2015, only 17% of transit visa applications by Syrians were successful.¹⁸ **The commitment to resettle 20,000 Syrians by the end of the parliament, while welcome, must be seen alongside the additional barriers the Government is introducing to other routes that Syrians might take, preventing them from seeking asylum in the UK.**

Family Reunion

12. We welcome the Committee's call made in the report *The Work of the Immigration Directorates (Q4 2015)*¹⁹ for UKVI to explain why a large number of family reunion applications are not being progressed within the customer service standards. Family reunion is an important safe and legal route for refugees to be reunited with their loved ones. Without access to safe and legal routes, families can be split across continents and forced to take dangerous journeys if they want to be together. However, an increasing number of applications for family reunion are being refused. In the year to March 2012, 78% of family reunion applications were successful, but in the year to March 2016, only 58% of applications were approved.²⁰ The Home Office does not publish the statistics in such a way as to show the success rates for family reunion by nationality, but in response to a written question by Stuart McDonald MP, it was revealed that for Syrian refugees in the UK the approval rate has dropped from 86% in the year to March 2014 to just 66% in the year to March 2016.²¹
13. The Refugee Council remains concerned by the restrictive nature of the family reunion rules for refugees. For adult refugees in the UK, only partners and

¹⁴ Immigration Statistics, January to March 2016, Visa tables, vi_o2_q

¹⁵ Discarding the statistics for Q4 2015, during the other three quarters of the year to March 2016 48% of visa applications made by Syrians were successful.

¹⁶ House of Commons Hansard Ministerial statements by the Home Department for 13 March 2012, [Transit Visa Requirements \(Syrian, Libyan and Egyptian Nationals\)](#)

¹⁷ [Statement of changes in immigration rules](#), 16 March 2015. See paragraph 3.2 of the explanatory notes.

¹⁸ House of Commons, Written Question 11527

¹⁹ Home Affairs Select Committee, Second Report of the Session 2016-17, The Work of the Immigration Directorates (Q4 2015), HC22

²⁰ Immigration Statistics, January to March 2016, Visa tables, vi_01_q

²¹ House of Commons, Written Question 39817

dependent children under the age of 18 will usually come under the definition of "family". As a result, families can be left with the invidious choice of whether to leave some members behind. For example, the rules mean that a Syrian father granted asylum in the UK would be allowed to bring his wife and younger children to join him. Yet his eldest child, a 19 year old daughter, would not ordinarily be able to also come. Her parents would be faced with the choice of either leaving her behind or seeking to pay smugglers to bring her to the UK. In either scenario, she is at grave risk. Furthermore, unlike the majority of EU countries the UK does not allow children who have travelled alone to the UK and who have refugee status or humanitarian protection to bring even their very closest family members to join them. This is despite child refugees having been through the asylum system in the same way as an adult. As a result of this rule, children granted protection in the UK are denied the right to live in safety with their family here. There is no justification for this.

14. The Government's response to calls to expand the definition of family for the purpose of refugee family reunion has frequently been that there is scope for family reunion to be granted outside of the rules in exceptional circumstances.²² However, the immigration statistics do not indicate how many family reunion grants are made outside of the rules. This information has only been made available via answers to written questions. Those answers indicate that the trend in recent years has been for fewer and fewer family reunion visas to be granted outside the rules. In 2011, 77 visas were granted outside the rules; by 2014 this had fallen to 12.²³ Indeed, in the last three years only 65 applications for refugee family reunion were granted outside of the rules.²⁴ During those three years, over 20,000 family reunion applications were made.²⁵ **We recommend that the Immigration Rules should be amended to expand the criteria of who qualifies as a "family member" for the purposes of refugee family reunion, and to also allow unaccompanied refugee children to act as sponsors for their parents/carers.**

Resettlement

15. In the six months to March 2013, 1,602 Syrians were resettled to the UK under the Vulnerable Persons Relocation Scheme. However, fewer than half that number (774) of non-Syrian refugees were resettled in the UK either via the Gateway Protection Programme or the Mandate Scheme *in the year* to March 2016.²⁶ Given that the UNHCR have identified over 1 million refugees worldwide in need of resettlement,²⁷ **we recommend that the Government uses its various resettlement programmes to their full potential.**

²² See, for example, the contribution of James Brokenshire MP, HC Deb 1 December 2015, c229 and the contribution of Lord Bates, HL Deb 3 February 2016, c1881

²³ House of Lords Written Question 3957, 2 December 2015

²⁴ House of Commons Written Question 32719, 8 April 2016

²⁵ Home Office Immigration Statistics, January to March 2016, Visa tables, table v1_01q

²⁶ Immigration Statistics, January to March 2016, Asylum tables, as_19_q

²⁷ UNHCR, UNHCR Refugee Resettlement Trends 2015, <http://www.unhcr.org/559e43ac9.html>

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