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**Parliamentary Briefing – Channel Crossings and the UK asylum system**

**About the Refugee Council**

The Refugee Council is the largest organisation devoted to supporting refugees and people seeking asylum in the UK.

We provide a broad range of services across the country for both children and adults, including the Children’s Advice Project across England, to which every child who claims asylum in England is referred by the Government.

**Introduction and current trends in the UK asylum system**

As highlighted by UNHCR’s most recent annual Global Trends[[1]](#footnote-1) report, the number of people who are displaced around the world is increasing, now amounting to 1% of the world’s population (79.5 million people), including 26 million refugees.

The vast majority of these people stay in countries adjacent or close to the country they have fled, meaning they are hosted by poorer, less developed countries.

Increased displacement is a result of more protracted conflicts across the globe, leading to increasing numbers of people coming to Europe, fleeing countries with poor human rights records, and those suffering ongoing war and insurgency.

Even amongst refugees arriving in Europe, though, most do not claim asylum in the UK. The overall number of asylum claims made in the UK year on year is significantly lower than in similarly-sized countries.

In the calendar year 2019, while the UK received 35,566 asylum applications, while three times that amount were made in France (119, 900 claims). Furthermore, the UK’s figure was much lower, even as a proportion of the population, than in a larger country like Germany, which had the most claims in the EU (142, 400 claims).

Even much smaller countries like Spain (115,200 claims) and Greece (74,900 claims) saw more than double or triple the number of asylum claims that were made in the UK.[[2]](#footnote-2) These figures show that the UK actually takes relatively few refugees, and should not be worried about the current arrivals.

**Why are increasing numbers of people seeking to cross the English Channel by boat?**

Latest estimates suggest that by September 2020, over 5000 people had attempted to cross the Channel by small boat this year,[[3]](#footnote-3) a significant increase when compared to recent years.

The most recent evidence we have, as set out by the Home Office’s Clandestine Channel Threat Commander, suggests that 100% of the people crossing the English Channel in small boats are doing so to claim asylum – that is, to seek international protection. None are trying to enter the country unobserved, or for criminal reasons.[[4]](#footnote-4)

According to the most recent immigration statistics, published in August 2020 (but giving figures for the quarter April-June 2020), the overall number of people making an asylum claim in the UK in the last quarter fell by 40% when compared to the same quarter in 2019, even though more people are crossing by boat.[[5]](#footnote-5)

The number of claims dropped in that period because the routes to arrive in the UK have been reduced or paused as a result of national and international COVID-19 measures.

During the first wave of COVID-19, there were far fewer lorries travelling from mainland Europe to the UK, significantly reducing the opportunities for people to travel that way. Moreover, even for those lorries still making the journey, it is likely that fewer were left unattended by their drivers (during breaks, for example) because of social distancing measures.

This has meant people have been diverted into travelling by boat instead, but clearly many thousands have still not been able to travel at all. Indeed, even before the onset of the pandemic, it had become more difficult to make the journey via road or ferry.

In recent years, increased security has been implemented at other departure points, including ferry terminals and the Channel Tunnel. Where it is difficult to access other forms of transport from France to arrive in the UK, more people are likely to cross via a dinghy.

This displacement phenomenon has been confirmed by reports in recent years by the Independent Chief Inspector of Borders and Immigration (ICIBI). For example, *An inspection of Border Force operations at south coast seaports* (January-May 2018) suggested that increased security in Calais, Coquelles, and Dunkirk, led to more people crossing into Portsmouth and Poole from Normandy and Spain.[[6]](#footnote-6)

**What is the legal position for people seeking asylum in the UK after arriving from France?**

Those who arrive in the UK and make a claim for asylum are subject to international refugee law in terms of their right to claim asylum, which is not affected by their mode of arrival or means of entry. The UK is a signatory to the 1951 Convention relating to the status of Refugees and the 1967 Protocol.[[7]](#footnote-7)

By virtue of its previous membership of the EU (and the current terms of the transition period), the UK is also subject to the Dublin Regulation,[[8]](#footnote-8) an administrative system which is used to determine which EU (or EEA) member state is responsible for the examination of an asylum application within the European Union.

In practice, this means that if a person has made an asylum claim in another EU country, and then makes a subsequent claim in the UK, they can be returned to that first state without any examination of their claim. The UK will cease to be part of this system from 1 January 2021, and to date, no replacement system or mechanism has been established.

For those who don’t make an asylum claim and enter the UK in a clandestine manner, they are subject to the ‘Gentleman’s Agreement’[[9]](#footnote-9) between the UK and France, which allows for the return within 24 hours of anyone who is refused entry by either state.

In this context, it is vital that those arriving in the UK are fully appraised of their right to make an asylum claim, and that is facilitated promptly and clearly.

Any attempt to stop people making an asylum claim, either by pushing back their vessels while in UK waters without understanding their individual circumstances, or by not obliging their right to claim asylum once on land, could be violating the principle under international human rights law of non-refoulement, that forbids a country from returning people seeking asylum to a country where they could be subject to persecution.[[10]](#footnote-10)

In addition to the current arrangements through the Dublin Regulation, the UK has domestic legislation and guidance in place that allows the UK government to return people to countries in which they have received protection, or if the country in question has a functioning asylum system and ‘it could be expected to make a valid decision regarding protection status in reasonable timescales, and if it applies the principle of *non-refoulement’*.[[11]](#footnote-11) This again means that the application is not considered in any detail in the UK as it is considered to be the responsibility of another country.

**How does the legal system intervene to prevent people from being removed?**

It has been claimed that the legal system sometimes unfairly prevents people from being removed from the UK, when their asylum claim should be heard by another European state, or has been refused by the UK.

In fact, this misrepresents how asylum and human rights law functions, and its purpose. As set out above, there are established processes for the removal of people in certain circumstances where their asylum has been fully heard by the UK, or should be heard elsewhere.

Removals may be stopped for a wide range of reasons, such as on health grounds or due to trafficking concerns, and appeals protect the rights of individuals. Where removals are halted, it is because the Home Office and Home Secretary are not adhering to the law. Removals cannot be prevented by lawyers themselves; legal assistance is provided to ensure that the law is upheld, if necessary by a court. Such processes have to be undertaken quickly as applicants will not usually be given much notice of removal proceedings.

**What are the safe and regular routes by which refugees can arrive in the UK?**

The UK has historically participated in a number of schemes to resettle refugees from specific conflicts and regions (such as the Vietnam and Balkans wars), taking a specified number of people, based on certain criteria from refugee camps and other situations to rebuild their lives here.

Since 2015 the UK has been resettling approximately 5,000 people per year via its Vulnerable Persons’ Resettlement Scheme (VPRS, Vulnerable Children’s Resettlement Scheme (VCRS), and its longer-standing Gateway Programme.

The VCRS had almost reached its target of resettling 20,000 people from the Syrian conflict by 2020, before flights were paused in response to COVID-19. Once that target is reached, the UK is committed to resettling 5,000 more people from 2020-21 through its new UK Resettlement Scheme, a single consolidated programme.

Refugee resettlement is a vital humanitarian approach, but it should in no way be seen as an alternative to, or instead of, the asylum system, which takes many more people and is an international legal obligation.

People can also safely come to the UK under refugee family reunion laid out in the UK’s immigration rules. This means that adult refugees in the UK can bring their spouse or minor children to live with them, whether those family members are refugees or not.

However, this policy excludes all other family members and also does not allow refugee children to bring even their closest family members. Not only do these restrictions undermine integration and mean that children grow up alone, but they also increase the likelihood of dangerous journeys. In the context of routes to the UK, we know of cases of young people who cannot be reunited with family members and whose siblings are therefore looking to make journeys to the UK.

While other European countries allow child refugees to sponsor family members to join them, our rules make it more likely that a child’s brother or sister will have to make the dangerous journey all the way to the UK, if they want to live with and grow up with them.

The context in which unaccompanied children arrive in the UK, as well as how the UK’s immigration rules relate to other countries and how this sits within the context of international law is analysed in the report *Without My Family*,[[12]](#footnote-12) produced by Refugee Council, Amnesty, and Save the Children.

Relatedly, for several years, a range of organisations have been calling for reforms to the UK’s refugee family reunion rules, so that adult and child refugees can be reunited with their parents and siblings, and adult refugees can be reunited with their adult children.[[13]](#footnote-13)

**Conclusion**

Concerns about the number of people arriving to claim asylum in the UK are misplaced. The numbers must be understood within the wider context of global displacement, and asylum claims across Europe. Doing that shows that the UK takes a low and manageable number of refugees, and continuing to do so is the compassionate and achievable approach.

Claims that reform is needed to make it harder to claim asylum, or to remove people more easily, are not grounded in an understanding of the current asylum and legal system, and ignore powers that already exist.

The UK is one of the world’s richest countries and can afford to protect the world’s most vulnerable people. It should be proud to do so, rather than trying to exclude those who seek our protection.

**For more information, please contact:**

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1. <https://www.unhcr.org/uk/statistics/unhcrstats/5ee200e37/unhcr-global-trends-2019.html> [↑](#footnote-ref-1)
2. These figures are for the calendar year 2019, the latest time period for which figures are publically available for Europe: <https://ec.europa.eu/eurostat/statistics-explained/index.php/Asylum_statistics#Main_countries_of_destination:_Germany.2C_France_and_Spain> [↑](#footnote-ref-2)
3. <https://news.sky.com/story/revealed-channel-migrant-crossings-five-times-higher-than-last-year-12047812> [↑](#footnote-ref-3)
4. See Q1, <https://committees.parliament.uk/oralevidence/793/default/>. [↑](#footnote-ref-4)
5. <https://www.refugeecouncil.org.uk/latest/news/asylum-applications-fell-by-40-during-lockdown/> [↑](#footnote-ref-5)
6. See paragraph 3.12, <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/755272/ICIBI_An_inspection_of_South_Coast_Ports.pdf> [↑](#footnote-ref-6)
7. <https://www.unhcr.org/uk/3b66c2aa10> [↑](#footnote-ref-7)
8. <https://ec.europa.eu/home-affairs/what-we-do/policies/asylum/examination-of-applicants_en> [↑](#footnote-ref-8)
9. See <https://www.gov.uk/government/publications/gentleman-s-agreement> [↑](#footnote-ref-9)
10. See <https://www.ohchr.org/Documents/Issues/Migration/GlobalCompactMigration/ThePrincipleNon-RefoulementUnderInternationalHumanRightsLaw.pdf> [↑](#footnote-ref-10)
11. Home Office, *Inadmissibility; EU grants of asylum, first country of asylum and safe third country concepts*, October 2018. [↑](#footnote-ref-11)
12. <https://www.refugeecouncil.org.uk/information/resources/without-my-family-january-2020/> [↑](#footnote-ref-12)
13. For full details, see <https://familiestogether.uk/>. [↑](#footnote-ref-13)