

Living in Limbo:

A decade of delays in the UK asylum system

JULY 2021



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REFUGEES

The Refugee Council

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

We work directly with thousands of refugees each year, supporting them from the moment they arrive in the UK.

We provide crisis advice and practical support, help them to integrate into their new communities and offer mental health counselling to help them come to terms with the trauma so many of them have experienced.

We also speak up for refugees using our direct work as an evidence base, and ensure refugees have a stronger and more influential voice in decisions that will affect them.

Acknowledgements

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Executive Summary

There has been increasing concern over recent years about the rise in the number of people waiting for long periods for an initial decision on their asylum claim. The Home Affairs Select Committee, the Independent Chief Inspector of Borders and Immigration, the National Audit Office and the All Party Parliamentary Group for Refugees have raised concerns over the rise in the backlog of cases over recent years, yet the actions taken by the Home Office to date have failed to address the issue over the long term. The government's 'New Plan for Immigration' contains no proposals to address the backlog, and will likely exacerbate and add further delays to the asylum process.

This report is based on data obtained from Freedom of Information (FOI) requests from the Home Office to explore the growth of the backlog of cases awaiting an initial decision over the last decade (2010-2020), as well as published data from the Home Office for the year ending March 2021.

Key findings

- At the end of March 2021 there were **66,185** people awaiting an initial decision from the Home Office, the highest number for over a decade.¹
- Of these, three quarters, over **50,000 people** had been waiting for an initial decision for more than 6 months, again, the highest for over a decade.
- The number of people awaiting an initial decision for more than a year **increased almost tenfold** from 3,588 people in 2010 to 33,016 in 2020.²
- The number of children awaiting an initial decision for more than a year **increased more than twelve fold** from 563 children in 2010 to 6,887 in 2020.³
- At the end of December 2020, **7 out of 10** of people who had been waiting for more than six-months for a decision have actually been **waiting for more than a year** and almost 5% have been waiting for more than 3 years.
- At the end of December 2020, **2,284** people had been waiting **3 years of more** for an initial decision, of which, **253 people** had been **waiting for 5 years or more**, 55 of whom were children.
- The backlog in initial decisions is primarily driven by the number of initial decisions failing to keep pace with the number of asylum applications being made.
- The percentage of cases that had an initial decision within 6 months fell from **87% in 2014 to just 20% in 2020**.
- Whilst the number of caseworkers at the Home Office has increased over the last decade, the average number of interviews and decisions carried out each month (their productivity) has decreased.
- The backlog has an appalling impact on the mental health and wellbeing of people who are effectively living in limbo with incredibly high levels of anxiety and uncertainty for months or years on end whilst they await a decision on their case.
- For every year of delay, the additional accommodation and support costs to the Home Office are estimated to be at least **£8,765 per person**.
- The total cost per year of the backlog of people awaiting an initial decision for more than 6 months is estimated to be approximately **£220 million**.

¹ Home Office Quarterly Immigration Statistics – Year ending March 2021

² FOI data showing the number of applicants (including dependents) waiting more than a year for an initial decision at the end of December 2020

³ FOI data showing the number of children (this includes separated children and children who are a dependent), waiting more than a year for an initial decision at the end of December 2020

Recommendations

The Home Office need to take urgent action to address the backlog going forward by:

- Implementing the proposals set out by the UNHCR to reform the registration, screening and decision making process, including:
 - Introducing an effective triaging and prioritisation system.
 - Introducing simplified asylum case processing.
 - Frontloading the asylum system to enable more information to be gathered earlier in the process.
- Undertake and publish a review to determine the reasons for the backlog and put in place an action plan to address it by a published deadline.
- Establish a dedicated backlog clearance team utilising the learning from the work of the Case Resolution Directorate. Introduce an online system to allow applicants to find out which team is dealing with their case and to check the status of their case.
- Increase the number of caseworkers to ensure the system is properly resourced over the long term, and invest in them to improve staff retention.
- Review the previous recommendations from the Home Affairs Select Committee and Independent Chief Inspector of Borders & Immigration and report on how the recommendations were taken forward, and why the actions taken to date have failed to address the backlog.
- Amend the quarterly Immigration Statistics to include a more detailed breakdown of the length of time people have been waiting for an initial decision to improve transparency.

Introduction

When a person makes a claim for asylum in the UK, they are initially required to attend a screening interview (where their claim is registered). Following the screening interview, they are then invited to a substantive interview where the detail of their case is examined. Following the substantive interview, a Home Office caseworker makes a decision on the case. This is known as the 'Initial Decision'.

The backlog of asylum cases is not a new phenomenon, having been a constant feature of the asylum system for at least the last 20 years. There have been a succession of changes to the way in which asylum cases are processed, along with a number of initiatives aimed at addressing the backlog.

In July 1998 the Home Office published a White Paper 'Fairer, Faster and Firmer - A Modern Approach to Immigration and Asylum' setting out the government's policy in relation to the processing of asylum and immigration applications. There was a large backlog of asylum applications at the time, with the result that applicants were being 'condemned to a cruel limbo of worry and uncertainty over their future'. The White Paper set out the objective of ensuring that most initial decisions will be made within 2 months of the initial application.

In January 2001, the then Home Secretary set a target requiring 60% of asylum applications lodged on or after 1 January 2001 to be decided within 60 days. This led to the Home Office prioritising new cases over old cases. As a result a backlog of over 400,000 unresolved asylum cases developed.

In February 2005, the UK Government published a five-year strategy for immigration and asylum. The strategy announced the development of the New Asylum Model (NAM). The main objective of the NAM was to conclude an increasing proportion of asylum cases within six months. The Home Office sought to achieve this through faster processing and the adoption of a case ownership approach (where a single case owner would deal with all aspects of the case, from interview to grant or removal).

In July 2006, the then Home Secretary published a report on the Immigration and Nationality Directorate (IND). One of the key highlights was the large number of unresolved asylum cases, totalling around 500,000. The Case Resolution Directorate (CRD) was established to process the backlog. The CRD was tasked with resolving the backlog of cases made prior to March 2007 whilst the NAM processed cases made after that date. Under the CRD 190,000 people received a decision on their case, with 172,000 people receiving a grant of status before it closed in 2011. Following the closure of the CRD, the Home Office created a new Case Assurance and Audit Unit (CAAU) to manage those legacy cases, which it had been unable to conclude. This was later renamed as the Older Live Cases Unit (OLCU).

Since 2011, the asylum 'operating model' has undergone a series of changes and 'transformations'. The single caseworker model was abandoned and several pilots were undertaken to prioritise cases and route them to specific teams.

In 2014, the Home Office introduced a new service standard, which stated that 98% of initial decisions on straightforward asylum claims should be made within six months. Asylum cases were thereafter categorised as either 'straightforward' or 'non-straightforward'. This led to straightforward cases being prioritised, at the expense of non-straightforward cases.

The target to deal with 'straightforward' applications within 6 months was subsequently abandoned in February 2019, and the Home Office confirmed that they would no longer be categorising cases as 'straightforward' or 'non-straightforward'. To date, there has not been an announcement on any replacement service standard and as such, there is no longer a scrutinised target.

The impact of the Covid-19 pandemic led to a number of changes in Home Office practice, which essentially slowed down the decisions making process as interviews were suspended during the first lockdown and then recommenced via video conferencing, leading to a 31% reduction in the number of decisions made from 20,766 in 2019 to 14,365 in 2020.

In March 2021, the government published their 'New Plan for Immigration (NPI)' opening up a six week period of public consultation on proposals to make wide-ranging changes to the asylum system. None of the proposals outlined in the policy paper were aimed at addressing the backlog of asylum cases, instead the inadmissibility proposals within the NPI will result in more people having to wait for 6 months before their claim is even looked at. This represents a huge missed opportunity given that the backlog is clearly a major systemic issue within the asylum system.

The Home Affairs Select Committee⁴, the Independent Chief Inspector of Borders and Immigration⁵, the All Party Parliamentary Group for Refugees⁶ and the National Audit Office⁷ have raised concerns over the rise in the backlog of cases over the last decade, yet the actions taken by the Home Office to date have failed to address the issue over the long term.

⁴ Home Affairs Committee Report on Asylum October 2013

⁵ Inspection report of legacy asylum and migration cases, November 2012, Inspection report on the progress made on legacy asylum and migration cases, June 2013, Inspection report on asylum intake and casework, November 2017

⁶ Refugees Welcome? –APPG Report April 2017

⁷ National Audit Office Report - Management of Asylum Applications by the UK Border Agency January 2009

What does the backlog of asylum cases actually comprise of?

The backlog is comprised of cases at different stages in the asylum decision-making and appeals process. For the purposes of this report, we will focus on the backlog of cases awaiting an initial decision, as this has increased significantly over the last decade and requires urgent attention.

Is the backlog of initial decisions caused by an increase in the number of asylum applications?

As a starting point, it is useful to explore whether there is any relationship between the size of the backlog and the number of asylum applications made each year. Whilst there will always be a relationship between the number of application and the number of cases awaiting an initial decision, the graph below compares the number of asylum applicants (including dependents) with the number of initial decisions made and the number of people waiting for an initial decision for more than six months.

Figure 1: Comparison of asylum applications, initial decisions & the backlog

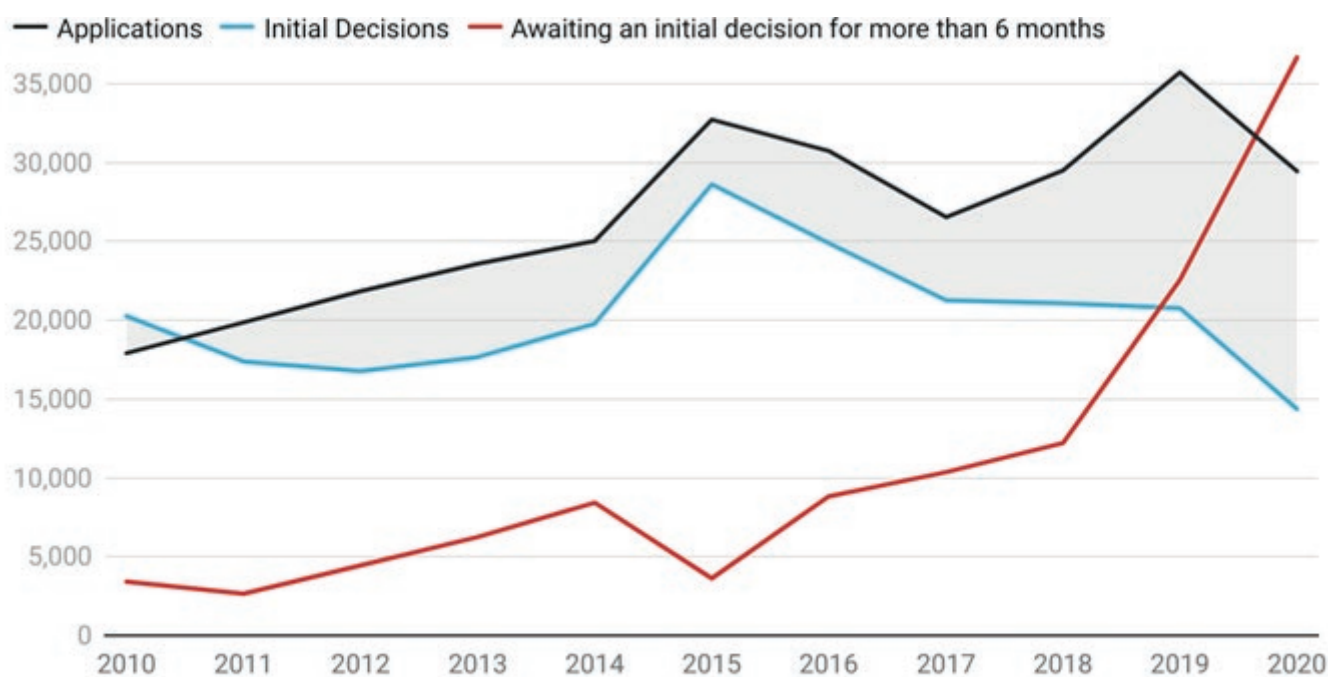


Chart: Data shows Main applicants only • Source: Home Office Quarterly Immigration Stats • Created with Datawrapper

The graph above shows that the size of the backlog is most evidently influenced by the difference between the number of applications and the number of initial decisions being made each year. Where the number of initial decisions decreases we see a corresponding rise in the backlog, and where the number of initial decisions increases, we see the backlog decrease.

In 2010, more initial decisions were being made than new applications, leading to a reduction in the backlog. From 2011 onwards, the number of asylum applications started to outstrip the number of

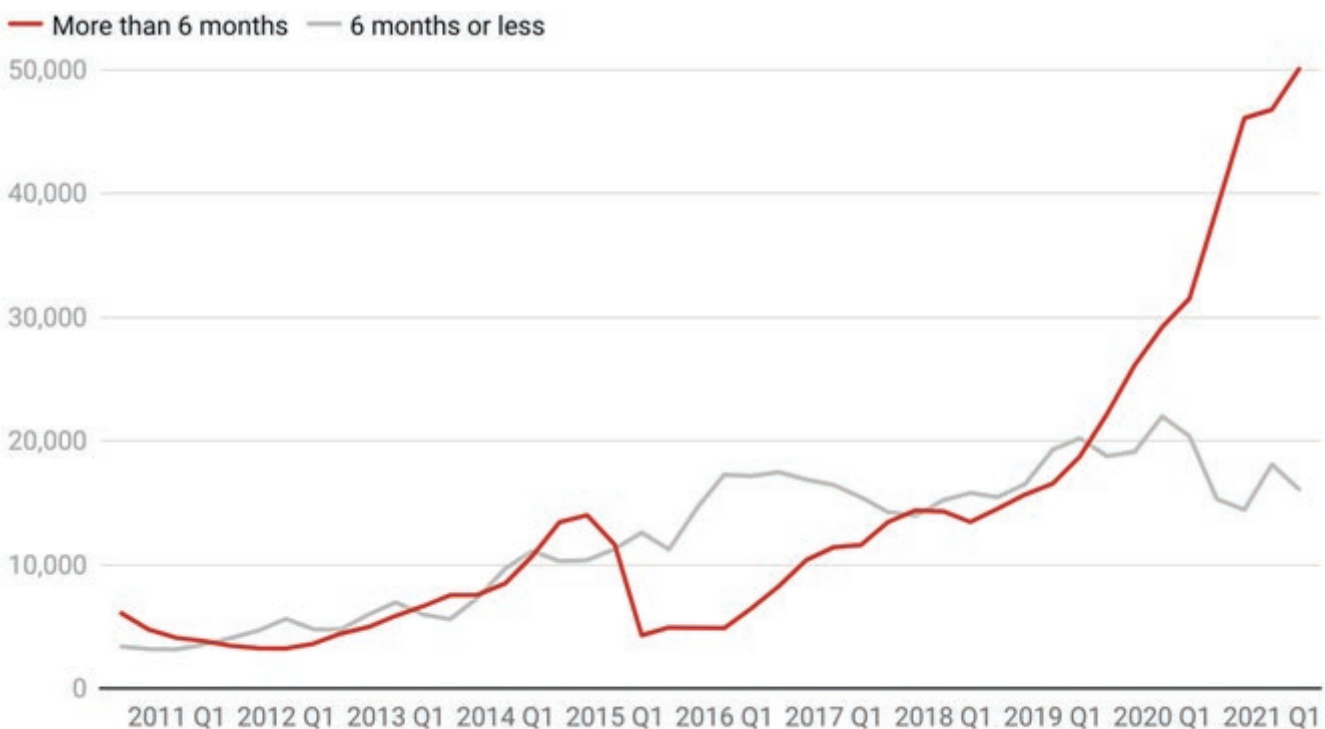
initial decisions made each year, contributing to an increase in the backlog. This trend continued until 2015 when the Home Office managed to increase the number of initial decisions, to the extent that it led to a significant decrease in the backlog. From 2017 onwards, the gap between the number of applications and the number of initial decisions began to widen, resulting in a sharp increase in the backlog from 2018.

It is clear that the backlog fell in 2015 due to an increase in the number of initial decisions being made, even though this was also at a time when the number of applications had also reached a peak for this period.

The backlog in cases awaiting an initial decision from the Home Office

As outlined earlier, the Home Office does not currently have a published service standard or target timeframe for making initial decisions. The latest Home Office data⁸ shows that at the end of March 2021 there were 66,185 people awaiting an initial decision from the Home Office, the highest number for over a decade. Of this, 76% (50,084 people) had been waiting for more than six months. The graph below shows the alarming rate of increase in the number of people awaiting an initial decision for more than 6 months.

Figure 2: Asylum applicants awaiting an initial decision

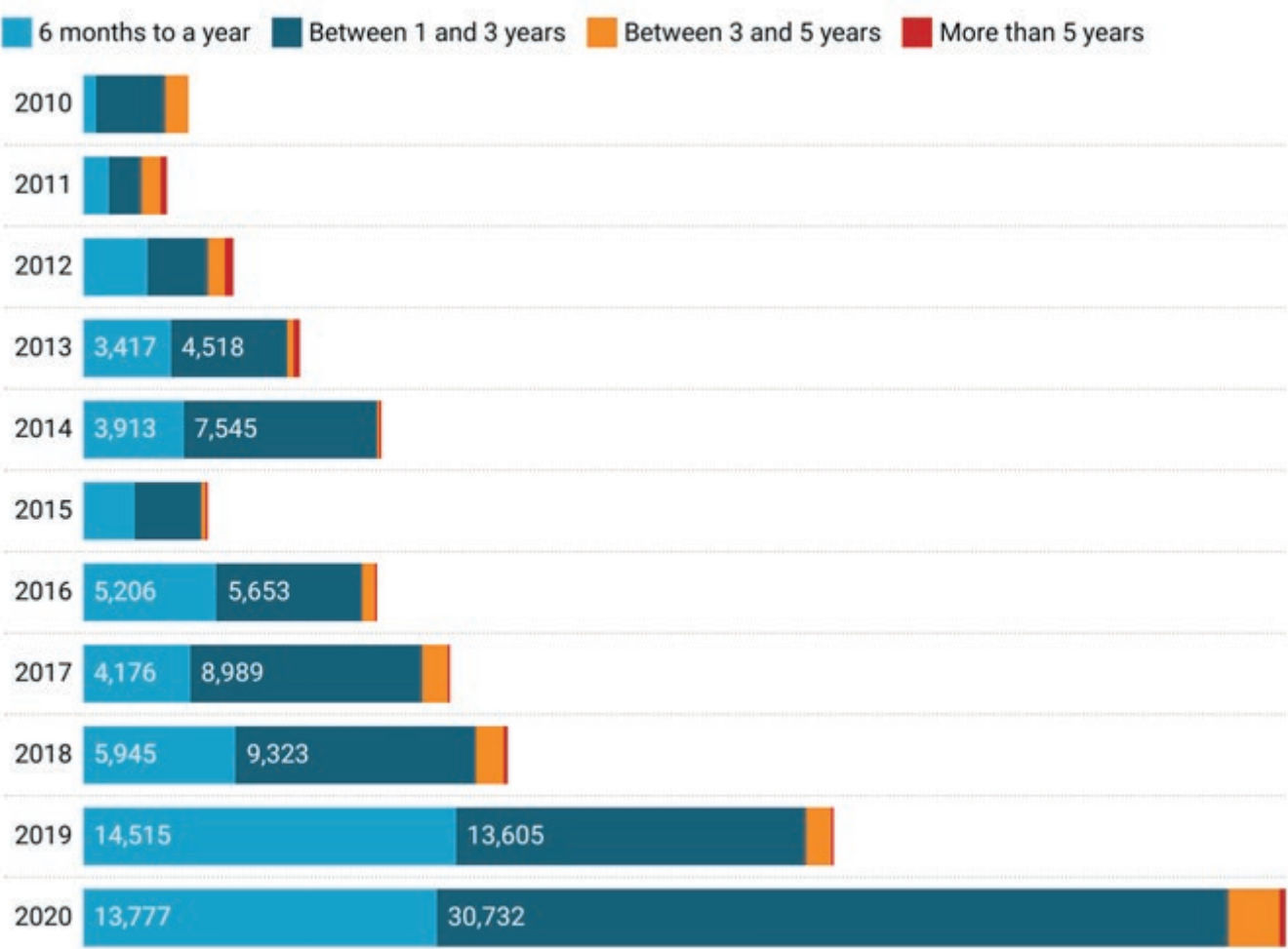


Source: Home Office Quarterly Immigration Stats • Created with Datawrapper

However, the graph above does not provide the complete picture as the data published by the Home Office puts everyone who has been waiting for more than six-months into a single category and does not provide a breakdown of the actual length of time people have been waiting. The Refugee Council submitted a Freedom of Information (FOI) request to obtain a further breakdown of these cases over the last decade.

The FOI data paints an even more disturbing picture of the scale of the backlog and the length of time people have been left living in limbo whilst they await an initial decision on their asylum case. The table below shows the number of people (main applicants and dependents) where the applicant was over 18 years of age at the time of the application.

Figure 3: Break down of the number of people waiting for more than six months for an initial decision



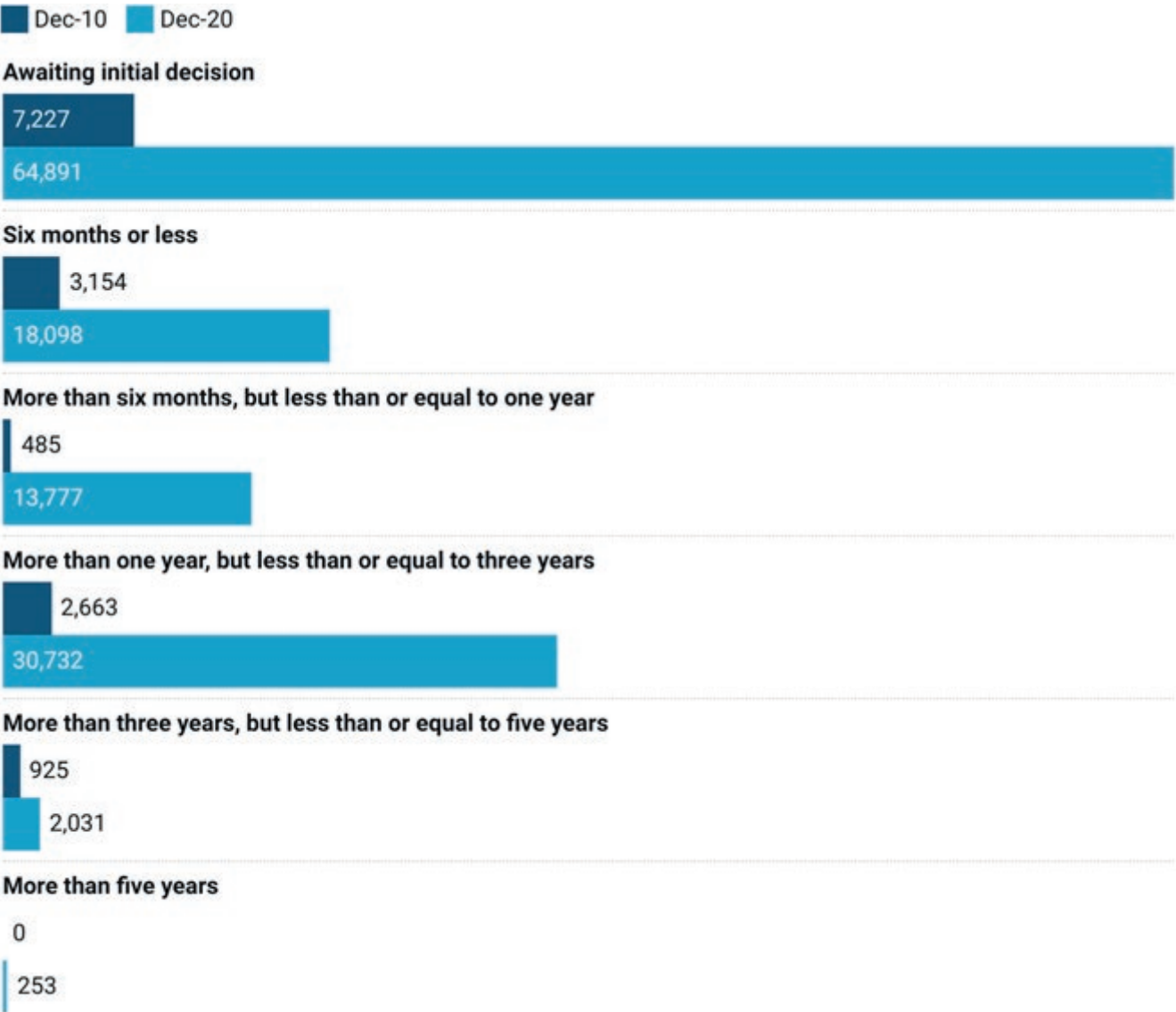
Source: Home Office FOI data • Created with Datawrapper

It is clear from the data above that the majority of people who have been waiting for an initial decision for more than six months have actually been waiting for considerably longer. At the end of December 2020, 7 in 10 people (33,016 people), who had been waiting for more than six-months for a decision have actually been waiting for more than a year and almost 5% (253 people) have been waiting for more than 3 years. The data also shows that 253 people have been awaiting for an initial decision for more than five years since their claim for asylum was registered. Some of the delays in all categories arise from the applicant being simultaneously involved in other processes including the National Referral Mechanism for potential victims of modern slavery. People in this system should not have to wait for longer than necessary so the Home Office must ensure it is addressing delays which then compound asylum decision delays. A number of people may also be subject to criminal justice proceedings but we do not know how many people this applies to.

The Home Office made a concerted effort to reduce the backlog of cases in 2015. This was done by focussing on cases that had been waiting for more than six months, largely as a result of an increase in the number of casework staff in 2015. This initiative proved to be successful in that it reduced the number of people that had been waiting for a decision for more than six months by 69% from 13,997 people in Q3 2014 to 4,293 in Q1 2015.

The increased in the backlog is even starker when we compare the size of the backlog in 2010, to the 2020. The graph below shows this in more detail.

Figure 4: Initial decision backlog 2010 compared to 2020

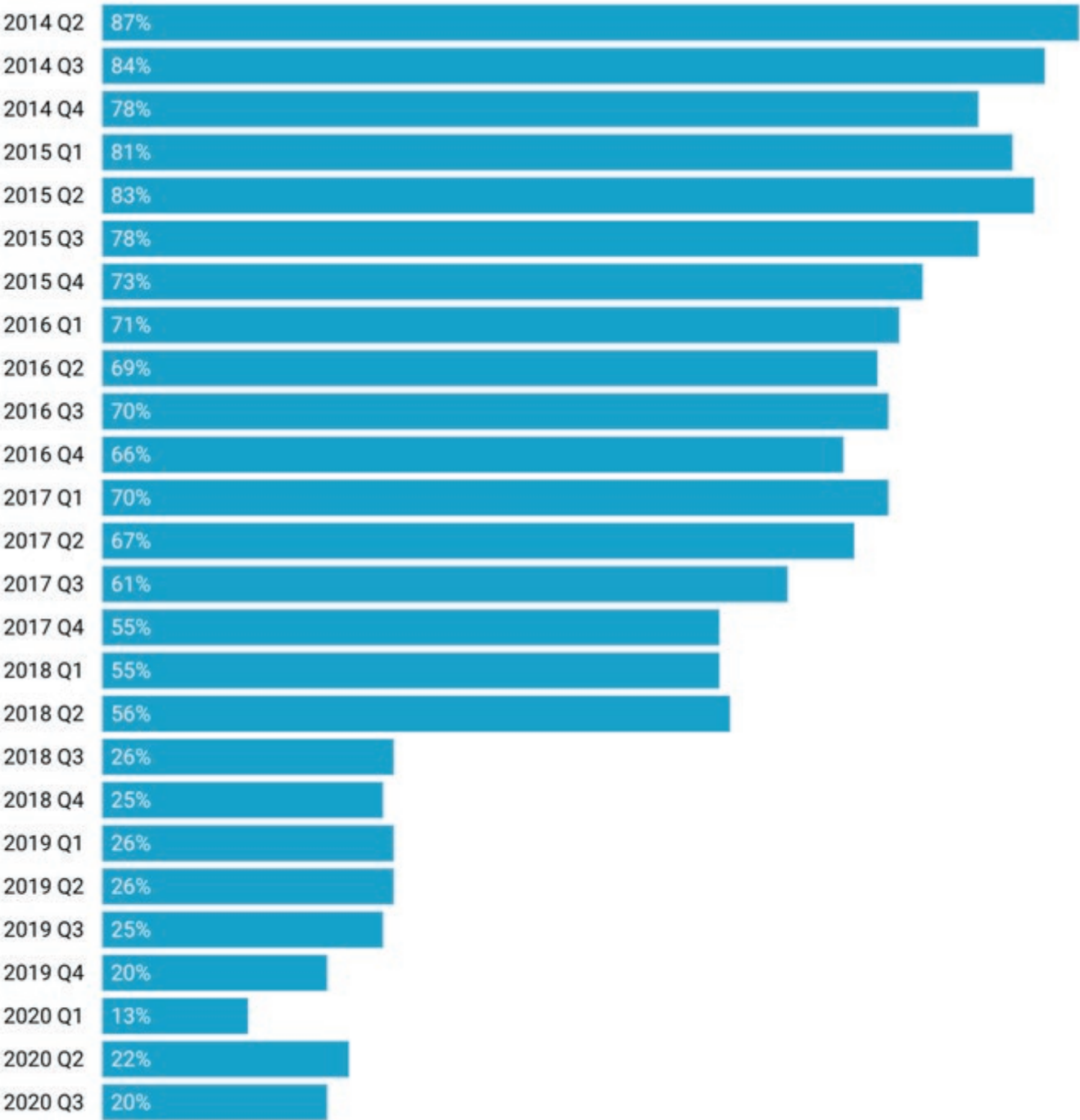


Source: Home Office FOI data • Created with Datawrapper

The data above shows an almost tenfold increase in the size of the backlog of cases awaiting an initial decision from 2010 compared to 2020 and a more than tenfold increase in the number of people waiting for more than a year (but less than three years), from 2,663 people in 2010 to 30,732 in 2020.

One of the reasons behind the marked increased in the backlog is the reduction in the percentage of cases where the Home Office made an initial decision within six months of the application being made. Figures from the Home Office Transparency Data shows the extent of this decline as shown in the graph below.

Figure 5: Percentage of cases with an initial decision within six months



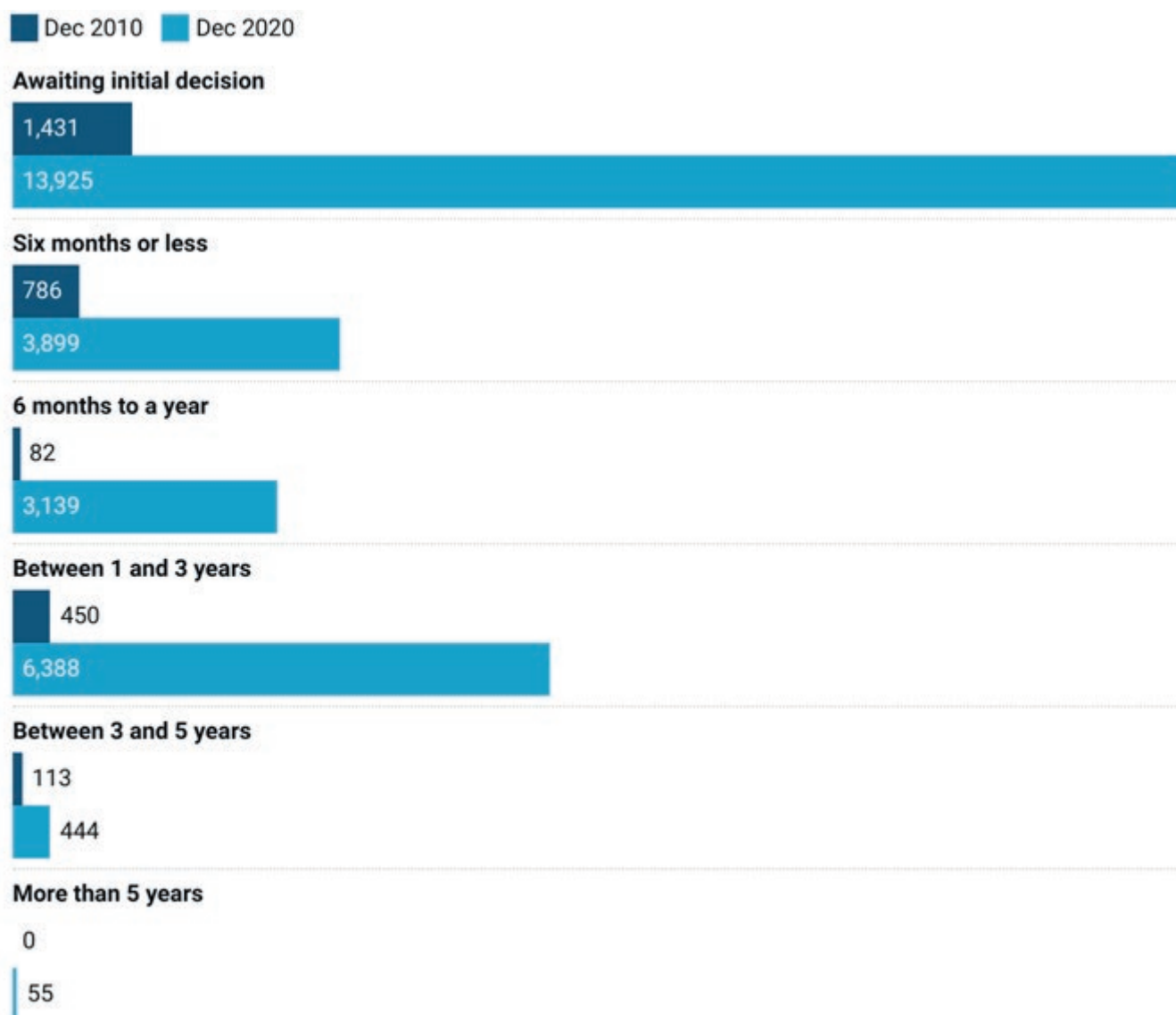
Source: Home Office Transparency Data • Created with Datawrapper

The data above shows that of the applications made in Q2 (April- June) 2014, 87% had an initial decision within six months. This figure then started to steadily decline, before dropping sharply in 2018, with the most recent data showing that only 20% of applications made in Q3 2020 were given an initial decision within six months. Whilst we would expect this figure to drop in 2020 as a result of the global pandemic, it is clear that the percentage of applications that had an initial decision within six months has been in decline for some time and actually halved during the course of 2018.

Children awaiting an initial decision

When data relating to children is reviewed, it shows that the growth in the backlog of children awaiting an initial decision is even greater. The graph below shows the increase in the size of the backlog from 2010 to 2020. The data includes separated children (children that arrive in the UK unaccompanied and make their own claim for asylum), as well as child applicants living with family members.

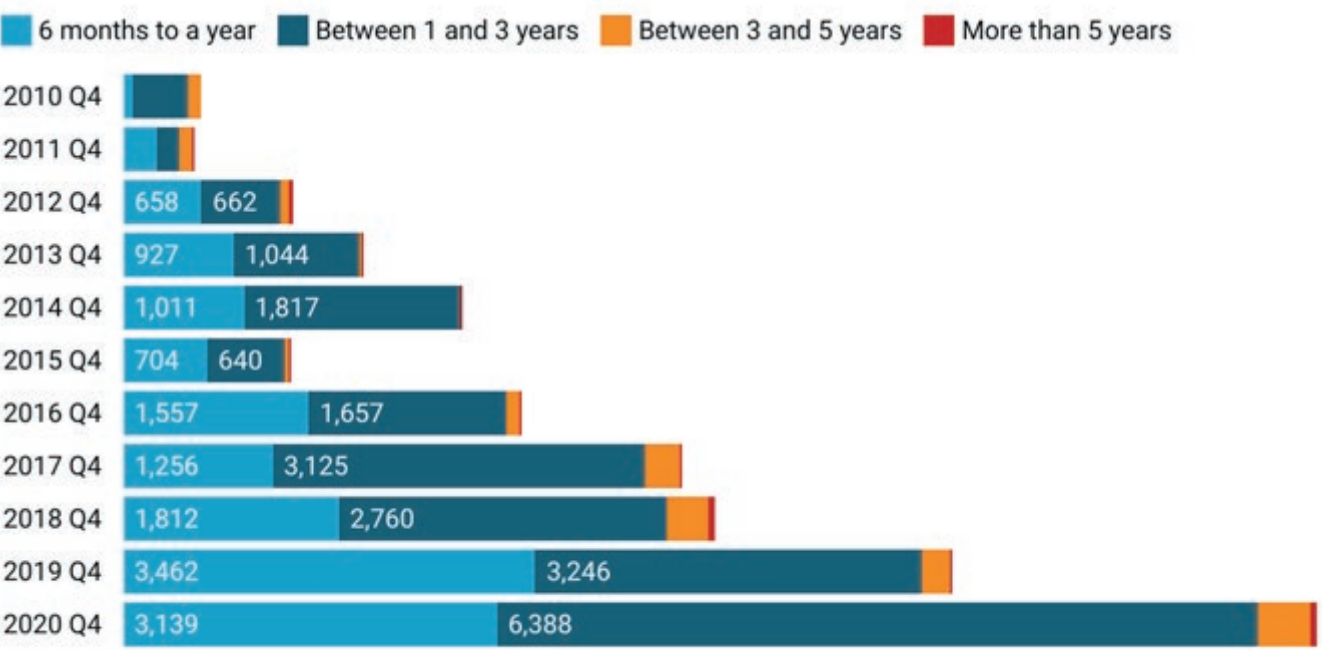
Figure 6: Initial decision backlog for children in 2020 compared to 2010



The number of children awaiting an initial decision for more than a year (but less than three years) increased fourteen fold from 450 children in 2010 to 6,388 in 2020. It is particularly concerning to see that almost 500 children had been waiting for more than three years for an initial decision at the end of December 2020, and 55 of these had been waiting for more than five years. This represents a significant proportion of the child's life.

The graph below shows a breakdown of the number of children awaiting an initial decision for more than six months over the last decade.

Figure 7: Number of children waiting an initial decision for more than six months



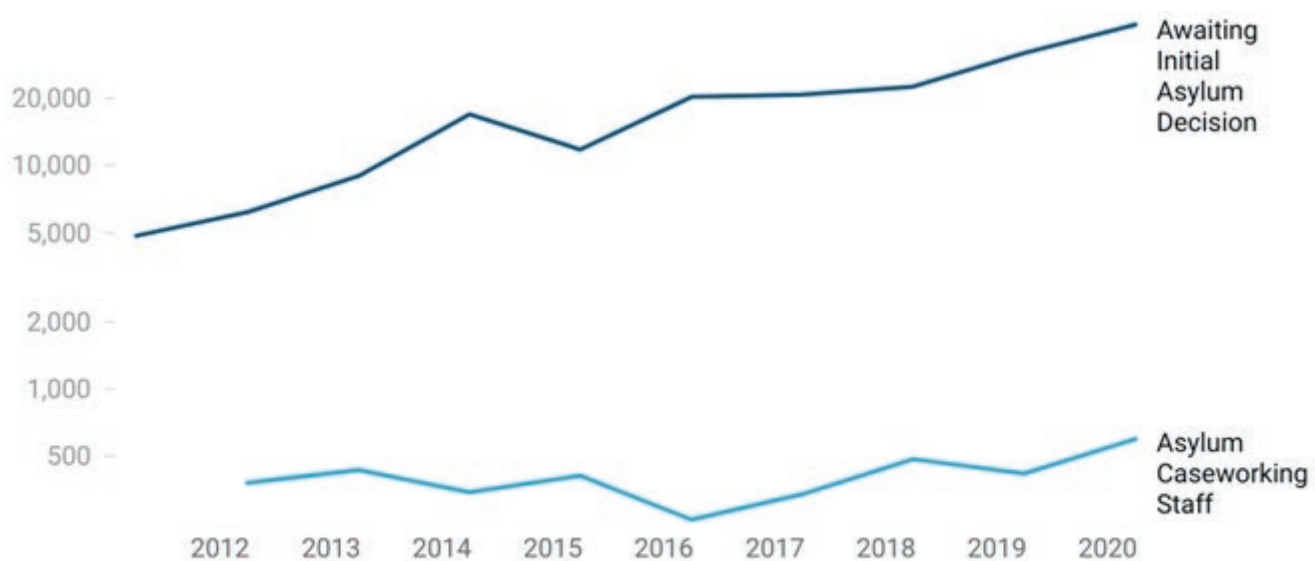
Source: Home Office FOI data • Created with Datawrapper

The data illustrates that the Home Office managed to reduce the backlog of cases involving children in 2015, though since then the backlog has continued to grow at a concerning pace.

Resourcing of Asylum Case load

One of the key contributing factors to the increasing backlog is the level of resourcing available to the Home Office in terms of the number of casework staff available to work on asylum cases. The Home Office Transparency Data⁹ provides an annual figure for the number of asylum caseworkers (defined as staff trained to conduct asylum interviews and make a decision on a case). The graph below compares the number of caseworkers each year with the size of the backlog of cases awaiting an initial decision.

Figure 8: Relationship between number of caseworkers and backlog



Source: Home Office Transparency Data • Created with Datawrapper

The data shows that whenever there has been a reduction in the number of casework staff, we see a corresponding peak or increase in the size of the backlog of people awaiting an initial decision. Conversely, where we see an increase in the number of casework staff, we ordinarily see a decrease or at least a flattening of the backlog. The exception to this appears to be in 2019/20, where the number of casework staff increased to a record level of 597, yet the backlog continued to rise. As noted earlier, that backlog of cases (particularly those waiting more than six-months) decreased substantially in 2015 as a result of an increase in the number of casework staff.

The Home Office Transparency Data also provides data on the number of 'principle stages' (defined as the number of interviews or decisions carried out) each year along with a 'productivity' score calculated by dividing the number of principle stages carried out in an average month by the number of caseworkers. The table below summarises the productivity data:

Figure 9: Caseworker Productivity



Source: Home Office Transparency Data • Created with Datawrapper

We can see from the graph above that whilst the number of casework staff has fluctuated over the last decade, rising to a high of 597 in 2019/20, the productivity has generally been on a downward trajectory since 2015/16, and has almost halved over the course of the decade. It is not clear whether the Home Office have a productivity target for caseworkers, but the figures suggest that individual caseworkers are carrying out fewer interviews and decisions than was previously the case.

It is difficult to extrapolate the reasons behind this as it may well be due to staff turnover and the recruitment of new caseworkers who would quite rightly have lower productivity than experienced caseworkers. The decrease in productivity could also be due to a shift towards focussing on more complex cases, which would be expected to take longer to determine. It is notable that a single caseworker was on average carrying out 18 interviews/decisions each month in 2015/16 and that this had fallen to an average of 7 interviews/decisions in 2019/20. Further work needs to be undertaken to understand why this is the case, which would need to take into account the quality of decisions, as well as other initiatives and influencing factors.

How can the backlog be reduced?

It is clear that urgent work is needed to address the significant backlog in cases awaiting an initial decision, the backlog in cases will continue to be an issue unless concerted action is taken to address it. The Home Office has successfully managed to reduce the backlog in the past, most recently in 2015, when an increase in the number of caseworkers led to the number of initial decisions exceeding the number of asylum applications. Previous initiatives such as the Case Resolution Directorate (CRD) also demonstrated how a dedicated case clearance team could systematically work through a substantial backlog when resourced to do so. The CRD was successful in resolving 190,000 cases over the course of five years, though it was heavily criticised for the number of cases it was unable to resolve, where the Home Office had lost contact with the applicant and the high number of duplicate files. However, it included a number of positive features, including a published deadline (although this was set at five years from the start of the process). In addition, the Home Office wrote to applicants informing them that their case was now being considered under the CRD. The Home Office also set up a page on the Home Office website¹⁰ whereby an applicant could enter their Home Office reference number to see which team was dealing with their case (this provided many people with a level of assurance that their case was progressing and had not been lost in the system).

¹⁰ Refugee Council Case Resolution Update – September 2009

In order to achieve lasting change, the Home Office need to resource and reform the decision-making process to enable caseworkers to make the right decisions more quickly.

In February 2021, the UN Refugee Agency (UNHCR) published a paper¹¹ outlining a number of proposed reforms to the decision-making process to address the backlog and to prevent future backlogs from building up. The UNHCR proposals include the following:

- **Introduce an effective triaging and prioritization system**

This would enable cases to be triaged according to the details recorded through an improved screening process, and allow cases that can be quickly and easily determined to be prioritised.

- **Introducing simplified asylum case processing procedures**

This would include introducing pre-filled caseload specific templates for interviews and decisions that focus on core elements of the claim. This should also mean that where there is an intention to recognise the claim, the decision could be made on the papers alone, without the need for a substantive interview.

- **Frontload the asylum system**

This would require changes to the registration and screening process to enable more information regarding the protection needs of the individual to be gathered. This should provide information crucial to identifying and referring individuals to appropriate protection interventions. This will require the investment of resources at the point of registration and screening (the so called 'frontloading') of the UK asylum system, to prevent delays and unnecessary challenges arising further down the line – be it through appeals, fresh asylum claims, human rights challenges or otherwise.

There are opportunities too for the Home Office to learn from previous initiatives to avoid repeating the mistakes of the past and to ensure that the measures that prove to be effective are fully embedded in the asylum system going forward.



The human impact of the backlog

The backlog has a devastating impact on the mental health and wellbeing of people who are forced to live in limbo not knowing when their asylum case will be decided. During this time, most people seeking asylum live on just over £5 a day, are not permitted to work, and are accommodated and supported in a system that was never designed to be used over the long term. The Refugee Council sees this first hand through our frontline advice and therapeutic services for adults and children. It is common for us to see people become increasingly unwell as the years of uncertainty, poverty, and de-skilling erodes their mental and physical health due to the delays to their case. In some cases it leads to self-harm and suicidal thoughts.

People seeking asylum are not allowed to work and can only apply for permission to work if they have been waiting for an initial decision for more than 12 months, and would then only be allowed to work in an occupation listed in the 'Shortage Occupation List', which is comprised of highly skilled occupations. This effectively means that the vast majority of people seeking asylum cannot enter employment to support themselves.

The impact can be particularly damaging for individuals who have additional vulnerabilities, including victims of torture whose mental health deteriorates further through years of uncertainty, and women stuck in abusive marriages, unable to leave their husbands because they were the principal asylum applicants and the women would not have had status or support alone. The delays also have a knock on effect in terms of prolonging the separation of families torn apart by conflict, with family members left behind often living in insecure circumstances, unable to join their loved ones who have no family reunion rights for the years that they are stuck in the asylum application system.

In recent years, specific research has been conducted on the impact of delays on separated children, including by legal and children's organisations. The GMAIU report 'Wasted Childhoods'¹² includes concerns raised by social workers of the damage to mental and physical health and deterioration in engagement with professionals and education provision. Similar concerns relating to mental health have been raised by the Children's Society in their report 'Distress Signals'.¹³

People who are caught up in the asylum backlog for months or years on end inevitably lose work-based skills that they arrived with, damaging their integration and employment prospects for the majority of cases who will go on to be granted status.

Delays in the decision-making process also prolong the separation of refugees from their family members, who would be eligible to apply for family reunion once they have been granted status.

The toll of living in a protracted state of limbo is extremely damaging, cruel and unjust.

¹² GMAIU Report – 'Wasted Childhoods' March 2021

¹³ Children's Society Report – 'Distress Signals' June 2018

Case Study: Ahmad

Ahmad* came to the UK with his wife and two children in 2018. Government forces in his home country attempted to kidnap him, and several of Ahmad's relatives and friends were taken by the government and to this day he does not know what has happened to them. Ahmad felt he had no choice but to flee to find safety for himself and his family.

When he arrived in the UK in February 2018, he immediately asked for asylum and is still waiting for a decision over three years later. His initial relief at having found safety in a new country, and enthusiasm to rebuild his life here, gradually subsided as the wait for even an initial decision on his claim got longer. Ahmad describes the impact of waiting for so long in fear and uncertainty, and what everyday life is like living in the asylum system for so long.

"I was lost when I first came here, and did not know what to do. It was a chance to get a decent life without fear, persecution. Not to always be on the run from someone. I was nervous, I did not know if I will get a positive outcome. It is very stressful, and for the kids, they can't understand it."

"I still feel like my journey is carrying on - I am here but I cannot relax, cannot feel that I am in a safe place."

Sometimes the Home Office write to us to say that we'll have our interview in 6 months, but they have so many times, I can no longer rely on their word. In the first year, first two years, I was so tense, always waiting for letters. Your day starts waiting for a letter and ends like this, every day is like this."

People seeking asylum are not permitted to work, which was very challenging for Ahmad who wanted to be busy and occupied.

"I wanted to occupy my mind so I bought the Highway Code to learn the rules, thinking that once I get the status I'll get my driver's licence. I learnt it once, then after 3/4 months, I forgot it, so I revised it again. Then another 3 or 4 months would go by and I would revise it again, only to forget it again. I think I have learnt it 3 or 4 times altogether and I have given up trying to learn it now, what's the point? I still have the book; maybe one day I'll open it and be able to use it."

"I cannot work here. I have two degrees, one in Economics and one in Law, but it means nothing here. I love studying and learning. I was planning on going to university here, do a short-term course here, but time is running out. I am 35 already; maybe I won't get my status until I am 40 and there'll be no point to get an education, and I will be thinking about my children's education. Maybe my kids will need more money by then and there won't be time for my education."

"I also feel out of society. When I meet people, and we introduce ourselves and they ask me, what's your job, and I don't want to explain each time that I am a person seeking asylum. These are my issues you don't want to start close relationships with people."

*The name has been changed to protect anonymity.

Case Study: Kemal

The risk of arrest and imprisonment at the hands of an authoritarian dictatorship forced Kemal* to leave his home country. Despite living and working safely in another country for several years, the threat of kidnap and extradition forced him on the move again, and in 2019 Kemal came to the UK to claim asylum. He was not able to bring his wife and children who remain overseas. He worries intensely about them, as well as friends and colleagues who have been tortured and imprisoned by his home country's government.

Nearly two years after claiming asylum here, Kemal is still waiting to have his substantive interview. He says though he is grateful to be safe, he finds the waiting almost unbearable.

"I have just had one interview with the Home Office in the airport. There has been nothing since that. The thing is, I am just living. I am a qualified person. I want to integrate. I am a Maths teacher and I need to integrate and do something worthwhile here. I don't want help here, but at least give me a chance. It's been nearly two years and all I do is wait, wait, wait."

"We don't know what will happen to me. When will I be interviewed, will it be positive? Negative? It's like I am sitting in a car, being told to drive but I have no idea where to go. Every day it hurts. Being apart from my family for so long – nearly two years - and I don't know how much longer it will be. I am just waiting, waiting in limbo. I can't sleep at night. I used to have panic attacks which have required treatment from the doctor."

Kemal is desperate to be reunited with his family here in safety. People are eligible to apply for family reunion once they are recognised as refugees but there are restrictions in place, including the age of the dependent children they would like to be reunited with. Given the time Kemal has been waiting for his asylum claim to progress, his oldest child is now too old to be reunited with her father here, meaning even if he is recognised as a refugee, current rules mean that they will be forced to remain separate. Still, being granted refugee status remains his dearest wish.

"If I get my refugee status, I can see my way. At the moment I cannot plan anything, not for the next 6 months, next 12 months. I want to integrate quickly and construct a better life, work normally and bring my family here. If I had my refugee status, I could see my future."

*The name has been changed to protect anonymity.



Conclusions & Recommendations

The backlog of asylum cases has been a systemic issue for successive governments over many years. Despite numerous attempts to reduce the backlog, none of the initiatives undertaken to date have successfully addressed the backlog over the long term. It is deeply concerning that the government's 'New Plan for Immigration' contains no new measures to address the backlog, and the inadmissibility proposals will exacerbate delays and lead to even more people living in a state of limbo for months or years on end.

The cost and human impact of the backlog cannot be understated. Delays for months or years on end have an appalling impact on the physical and mental of people who are effectively living in limbo with high levels of anxiety caused by delays to their asylum case. Subjecting people to such delays of years on end for news of their fate is cruel, unjust and inhumane.

The backlog substantially adds to the overall cost of the asylum system, given the fact that many people arrive destitute and will need to be accommodated and supported by the Home Office whilst they await a decision on their case. A recent National Audit Office report found that the average cost of the asylum accommodation contracts was £560 per month per person.¹⁴ If we add the standard rate of Section 95 support to this (currently £39.63 per person week) we get a total cost of £730.41 per person per month. For every month of delay, the additional cost to the Home Office per person is at least £730.41, equating to £8,765 per year. The total cost per year of the current backlog of people awaiting an initial decision for more than 6 months is estimated to be approximately £220 million.¹⁵

Other countries that receive a much higher number of asylum applications are able to make initial decisions in a more timely manner. In 2020, over 122,000 people claimed asylum in Germany (compared to 36,000 people in the UK), yet the average waiting time for an initial decision was 8 months. By comparison, the average waiting time for the UK is likely to be between somewhere between one and three years, though it has not been possible to make an accurate calculation using the FOI data.¹⁶

The government needs to take urgent action to address the current backlog and ensure the asylum system is fair, humane, efficient and effective going forward. The 'New Plan for Immigration' falls short of delivering these outcomes.

The Home Office need to take urgent action to address the backlog going forward by:

- Implementing the proposals set out by the UNHCR to reform the registration, screening and decision-making process, including:
 - Introducing an effective triaging and prioritisation system.
 - Introducing simplified asylum case processing.
 - Frontloading the asylum system to enable more information to be gathered earlier in the process.
- Undertake and publish a review to determine the reasons for the backlog and put in place an action plan to address it by a published deadline.
- Establish a dedicated backlog clearance team utilising the learning from the work of the Case Resolution Directorate.
- Introduce an online system to allow applicants to find out which team is dealing with their case and to check the status of their case.

¹⁴ National Audit Office Report - Asylum Accommodation & Support – July 2020

¹⁵ Based on the assumption that 50% of the 50,000 people awaiting an initial decision for more than 6 months will be in receipt of asylum support (25,000 people x £8,795 cost per annum)

¹⁶ It is not possible to calculate an accurate average waiting time for initial decisions in the UK due to large data ranges within the FOI data.

- Increase the number of caseworkers to ensure the system is properly resourced over the long term, and invest in them to improve staff retention.
- Review the previous recommendations from the Home Affairs Select Committee and Independent Chief Inspector of Borders & Immigration and report on how the recommendations were taken forward, and why the actions taken to date have failed to address the backlog.
- Amend the quarterly Immigration Statistics to include a more detailed breakdown of the length of time people have been waiting for an initial decision.



Appendix 1: Number of people awaiting an initial decision

As at end of...	Awaiting initial decision	Six months or less	More than six months, but less than or equal to one year	More than one year, but less than or equal to three years	More than three years, but less than or equal to five years	More than five years
Dec, 2010	7,227	3,154	485	2,663	925	0
Dec, 2011	8,852	5,625	1,000	1,232	792	203
Dec, 2012	12,808	6,944	2,486	2,365	682	331
Dec, 2013	18,162	9,686	3,417	4,518	253	288
Dec, 2014	22,890	11,263	3,913	7,545	58	111
Dec, 2015	22,143	17,283	2,050	2,523	230	57
Dec, 2016	27,853	16,433	5,206	5,653	499	62
Dec, 2017	29,522	15,216	4,176	8,989	1,030	111
Dec, 2018	35,854	19,299	5,945	9,323	1,128	159
Dec, 2019	51,225	21,992	14,515	13,605	964	149
Dec, 2020	64,891	18,098	13,777	30,732	2,031	253

Data shows both main applicants and dependents

Source: Home Office FOI • Created with Datawrapper

Appendix 2: Number of children awaiting an initial decision

As at end of...	Awaiting initial decision	Six months or less	More than six months, but less than or equal to one year	More than one year, but less than or equal to three years	More than three years, but less than or equal to five years	More than five years
Dec, 2010	1,431	786	82	450	113	0
Dec, 2011	2,100	1,499	277	184	115	25
Dec, 2012	3,069	1,649	658	662	73	27
Dec, 2013	4,293	2,275	927	1,044	22	25
Dec, 2014	5,673	2,830	1,011	1,817	7	8
Dec, 2015	5,420	4,017	704	640	54	5
Dec, 2016	8,073	4,732	1,557	1,657	120	7
Dec, 2017	8,364	3,669	1,256	3,125	293	21
Dec, 2018	9,808	4,842	1,812	2,760	348	46
Dec, 2019	12,194	5,228	3,462	3,246	230	28
Dec, 2020	13,925	3,899	3,139	6,388	444	55

Data shows both main applicants and dependents

Source: Home Office FOI • Created with Datawrapper

Appendix 3: Asylum casework resourcing

Financial Year	Total Principal Stages Completed	Average Principal Stages Completed Per Month	Asylum Caseworking Staff	Productivity
2011/12	62,382	5,199	380	14
2012/13	65,495	5,458	434	13
2013/14	64,865	5,405	345	16
2014/15	81,813	6,818	409	17
2015/16	56,672	4,723	260	18
2016/17	51,570	4,298	338	13
2017/18	46,622	3,885	485	8
2018/19	43,972	3,664	418	9
2019/20	48,948	4,079	597	7

Source: Home Office Transparency Data • Created with Datawrapper



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