

Rescue, Recovery and Reform: towards an effective asylum system

October 2024

When the new Government came into power following the general election, they inherited an asylum system in meltdown. The Illegal Migration Act 2023 and the Rwanda Plan had brought the system to a near-standstill, as the number of people waiting for an initial decision once more started to rise.

This paper sets out the state of the asylum system that new ministers faced, and the early steps that have been taken to address the resulting cost, chaos and human misery. It presents key recommendations for the next steps the new Government should take to ensure the asylum system is fair and effective and to make it safer for people to seek protection in the UK.

Executive Summary

Analysing official data, the Refugee Council has found that:

- **DECISION-MAKING COLLAPSED:** Due to the previous Government's Illegal Migration Act 2023, in the months leading up to the general election the productivity of the asylum system was at its lowest since the height of the Covid pandemic. In June 2024, only 2,990 decisions were taken and 1,150 interviews held, compared to 14,148 decisions and 3,523 interviews in April 2024.
- **BACKLOG HAD BEEN HEADING FOR RECORD HIGH:** As result, the work undertaken by the previous Government to reduce the backlog had stalled with numbers waiting for a decision increasing. Without intervention, they are projected to have reached record levels in January 2025 with a projected 177,063 people waiting for an initial decision.
- **NEW POLICY WILL CUT PROJECTED BACKLOG AND COSTS:** Removing the blockages created by the Illegal Migration Act 2023, there would be an estimated 59,000 fewer people waiting for a decision by the end of January 2025 compared to if no action had been taken, saving between £151 million and £240.7 million as a result.

- **BACKLOG COUNTRIES:** A third of the people waiting for a decision at the time of the election were from five countries with very high rates of positive initial asylum decisions – Afghanistan, Iran, Eritrea, Sudan and Syria.
- **BACKLOG DECISION OUTCOMES:** Based on initial decision grant rates in the year before the election, just over half of the people in the backlog at the time of the election may be expected to be granted refugee status now that their claims can be processed.
- **IMPACT ON HOMELESSNESS:** As a result of the backlog clearance that took place under the previous government, between July 2023 and March 2024 there was a 253 per cent increase in the number of refugee households facing homelessness after being evicted from Home Office accommodation following a positive asylum decision.
- **IMPACT ON ASYLUM APPEALS:** Following the previous backlog clearance, the number of asylum appeals waiting to be process increased substantially, from 7,601 at the end of June 2023 to 33,227 a year later due to four times as many appeals being lodged at the first-tier tribunal following the increase in initial decisions.
- **FALL IN JULY-SEPT CHANNEL CROSSING NUMBERS:** The number of people crossing the Channel in the first three months of the new Government was lower during the same periods in either 2022 or 2023.
- **2024 DEADLIEST YEAR FOR CHANNEL CROSSINGS:** However, there are also now more people crossing per boat and 52 people have died so far this year, making 2024 the deadliest year for Channel crossings already.
- **CHANNEL CROSSINGS, 96% WERE STILL WAITING FOR A DECISION:** Seven in ten of the people who have crossed the Channel in the twelve months to June 2024 would be expected to be recognised as refugees if their asylum claims were processed – but 96 per cent of those claims were still outstanding at the time of the election.
- **CHANNEL CROSSINGS – 3 IN 10 ASYLUM CLAIMS:** Channel crossings are accounting for a declining proportion of asylum claims – only three in 10 asylum claims in the year before the election on 4 July 2024 were made by someone who had arrived in the UK on a small boat compared to four in 10 the year before.
- **LIMITED SAFE ROUTES:** Safe routes continue to be extremely limited – only 1,492 people came to the UK through refugee resettlement schemes in the 12 months before the election.

The new Government has made several positive announcements during their first two months in power, including:

- **RWANDA:** Scrapping the Rwanda Plan.

- **UNBLOCKING PROCESSING:** Unblocking the asylum process by amending the Illegal Migration Act 2023.
- **AFGHAN FAMILY REUNION ROUTE:** Allowing people who were separated from their families during the evacuation of Kabul in August 2021 to be safely reunited.
- **BIBBY STOCKHOLM:** Ending the use of the Bibby Stockholm barge and abandoning plans to use the former RAF Scampton site as asylum accommodation.

These are all positive and significant first steps to undoing the mess, but more needs to be done to move from rescue, to recovery and long term reform in order to put in place a fair and efficient asylum system that allows people to live in dignity. There are immediate challenges, including preventing homelessness among newly recognised refugees as a result of resuming the processing of asylum claims, managing the transition to eVisas and taking steps to address the growing backlog of asylum appeals.

There is also a need to set out how the asylum system should function going forward, removing the blockages to efficient decision making that have been created by previous legislation, rethinking the accommodation and support contracts that are up for renewal in 2026, setting out the role for safe routes in providing access to the UK's asylum system and how refugees can be supported to successfully integrate in the UK.

All of this should be set out in a National Refugee Strategy, setting a clear vision for refugee protection in the UK that avoids the chaos caused by past governments and is in line with our international obligations under the UN Convention on Refugees.

Crucially, the new Government also needs to avoid the mistakes of past governments that focused solely on enforcement at the expense of efficiency, fairness and treating people humanely.

Recommendations for the new Government

Decision making

- There should be an immediate repeal of the Illegal Migrant Act and the Safety of Rwanda Act, and as part of putting a strategy in place with a clear vision for a fair, humane refugee protection system in the UK that complies with international law, there should be a review to simplify the legislative framework and remove anything that is not in keeping with that vision.
- Set out a clear and transparent plan for how the backlog of claims will be processed, including which claims will be prioritised and ensuring people are able to access legal advice throughout the asylum journey.

- Ensure that decisions are right first time and that a new backlog doesn't grow by continuing to also process claims made after 23 July 2024 and addressing the legislative issues that cause unnecessary delays, with an aim to return to a six-month service standard for making initial decisions.
- Ensure that the future asylum system is meaningfully developed based on the experience and knowledge of people going through the asylum system and that they are informed about the process and the status of their claim, including through an accessible digital platform.
- Ensure that people seeking asylum have access to effective legal representation and advice, including by increasing the rates paid to legal aid providers to reflect the time and expertise necessary.

Accommodation

- Move away from the current system of contracts primarily operated by private contractors and instead give local councils the powers and resources they need to safely and humanely provide people seeking asylum with housing and support while also providing value for money to the taxpayer.

Support for newly recognised refugees

- Extend the move-on period from 28 days to 56 days after someone receives a decision on their asylum claim. For newly recognised refugees, this should start from when they are able to access their eVisa. This would bring it in line with the period given to local authorities in the Homelessness Reduction Act 2017 to work with other individuals and families at risk of homelessness.
- Ensure newly recognised refugees receive all the documentation relating to the decision on their claim and the ending of their Home Office support at the same time. This must include a clear and transparent process in place for refugees to access their eVisa.
- Provide local authorities and voluntary sector organisations with the data and resources required to help people successfully navigate the transition out of Home Office support into housing, education and employment.
- Grant Indefinite Leave to Remain to all refugees, no matter how they arrived in the UK.
- Publish a UK-wide, cross-government refugee integration plan that includes monitoring and evaluation.

Appeals

- To reduce delays and costs, put in place a team within the Home Office to review all asylum refusals that have been appealed to ensure the correct decision was made first time. If the claim should have been granted, then that team should have the power to make that decision.
- Recruit judges to the first-tier tribunal to increase capacity, and work with the Legal Aid Agency and legal aid providers to ensure appellants are represented and have access to legal advice and support.

Children

- Limiting the conduct of age determinations to staff with relevant training and only treating someone claiming to be a child as an adult in exceptional circumstances, i.e. if there is evidence that they are in their late 20s or older.
- Publishing full statistics on the number of people claiming to be children whom the Home Office has treated as adults and put in place monitoring processes so it can track the outcomes for those who are later determined to be children.
- Notifying local authorities about potential children who have been determined to be adults by the Home Office before their move into adult accommodation. And, if an individual later presents as a child in adult accommodation, an immediate referral should be made to the Local Authority regardless of whether an assessment was made at port.
- Abandoning the implementation of the provisions that pave the way for the use of unreliable scientific (biological) methods to determine age as well as provisions in the IMA 2023 that would leave children at risk, for example, of being removed from the UK even if they are challenging a decision on their age.
- Establishing an independent body to oversee age determinations and ensure children have access to independent support from their port of entry until their age is finally determined.

Safe routes

- Reviewing and expanding safe routes by, including making a clear commitment on refugee resettlement to return, at a minimum, to the levels of arrivals pre-Covid and maximising the potential for more community sponsorship pathways.
- Ensure family reunion applications are decided within the existing 12-week service standard by the end of 2024.
- Expand eligibility for refugee family reunion by changing the immigration rules to allow child refugees in the UK to sponsor close family members to join them.
- Pilot a refugee visa that would allow 10,000 people from high grant countries to travel to the UK to have their asylum claims processed.

Returns and detention

- Implement a more effective voluntary returns programme that provides independent advice and support to individuals, especially those with complex needs.
- Take forward the recommendations from previous Home Office work on community-based alternatives to detention to allow people to remain in their communities while their immigration status is resolved.

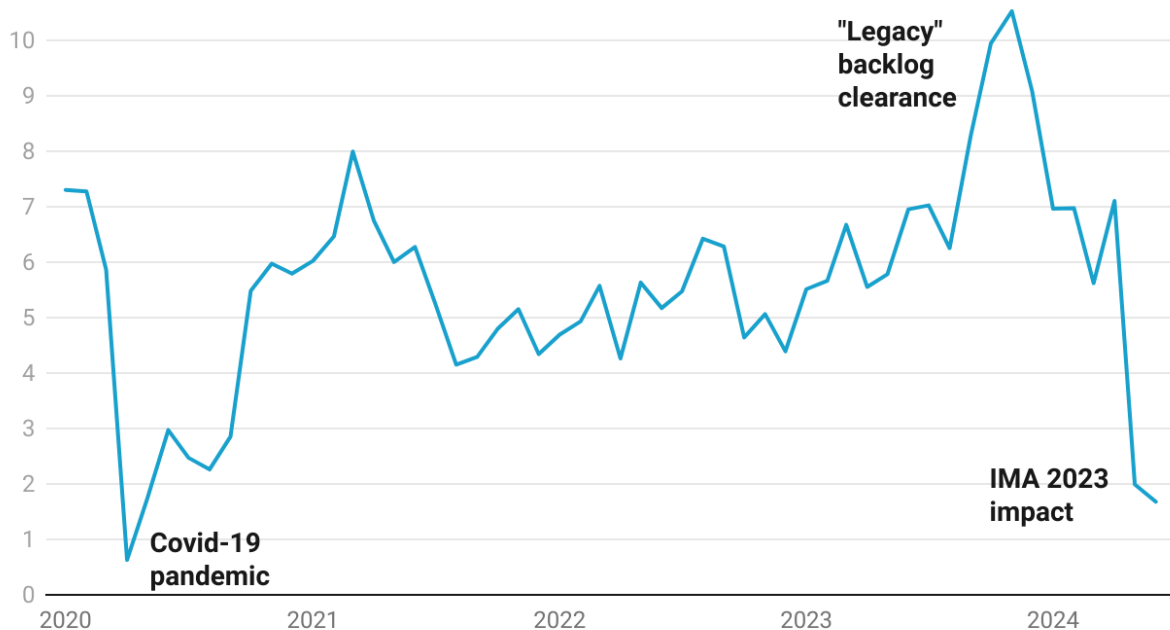
1. Rescue: The asylum system at the time of the election

In the months leading up to the general election, the UK's asylum system had slowed almost to a standstill. Whereas between September and December 2023 there had been an average of nearly 16,000 decisions being made on claims each month, in June 2024 there were only 2,990. In the month before the election, the Home Office only carried out 1,150 asylum interviews – the lowest in a month since December 2021, despite there being more than four times as many asylum caseworkers being employed by the department.

The slowdown had been caused by the Illegal Migration Act 2023 (IMA 2023). While some of the key elements of the IMA 2023 had not been commenced prior to the election, the section of the Act that banned anyone who arrived irregularly into the UK after 7 March 2023 from being granted leave had been in force since the legislation gained Royal Assent on 20 July 2023.ⁱ In order to be able to comply with the legislation Home Office decision makers would need to consider whether someone had or had not arrived irregularly in every asylum claim made by someone who arrived in the UK after 7 March 2023. This could also have meant that a decision maker could decide that someone was a refugee but have been unable to grant them leave because they had arrived irregularly.

While the IMA 2023 did give the Home Secretary some discretion to grant leave even where someone had arrived irregularly, prior to the election no guidance had been issued on how the ban on leave should be implemented. **As a result, decision makers were unable to process any of those claims made by people who arrived after 7 March 2023, whether or not they arrived irregularly.**

Productivity of the asylum system since January 2020



Source: Refugee Council analysis of Home Office Immigration and Protection UK Visa & Immigration Transparency Data Q2 2024, table ASY-05(M). Productivity is measured by dividing the sum of the number of interviews and decisions taken by the number of asylum caseworkers in post. • Created with Datawrapper

The new Government inherited an asylum system with the lowest productivity levels since the height of the Covid pandemic in Spring 2020.ⁱⁱ Of claims that had been made in the last three months of 2023, only seven per cent received a decision within six months – the lowest levels in two years and far behind the situation in 2015 when eight in 10 applications were decided within six months.ⁱⁱⁱ

As a consequence, in the days before the general election there were 85,839 cases relating to 118,882 people waiting for an initial decision. This was more or less the same as the situation three months previously, as the previous work carried out throughout 2023 to clear the asylum backlog came to a grinding halt.^{iv}

Enacting the IMA 2023 in full would not have allowed the asylum system to function fully as the majority of claims in the backlog would have become immediately inadmissible. The result would have been tens of thousands of men, women and children in the UK being permanently shut out from the asylum system with their claim never being determined. Previous analysis by the Refugee Council forecasted that by the end of 2024 more than 115,000 people would be left stranded, with their asylum claim not being processed and also not being removed from the UK.^v

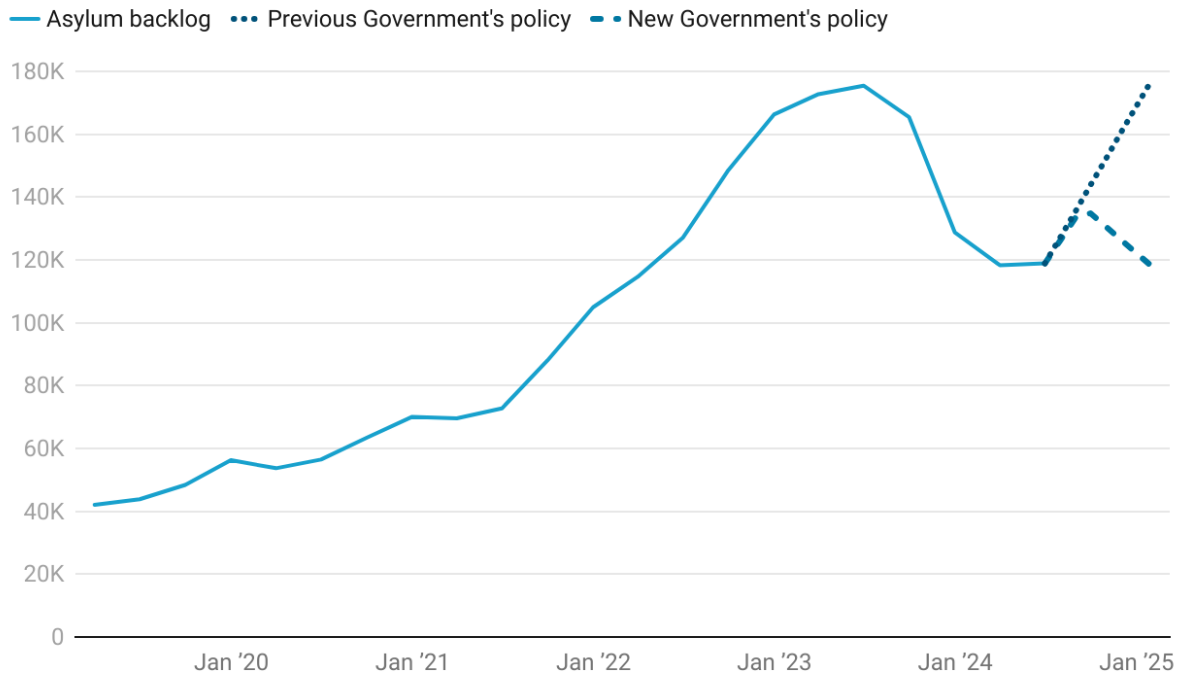
The new Government also inherited the Rwanda plan, which was unworkable, exceptionally expensive and widely criticised as inhumane. Scrapping the Rwanda Plan was rightly one of the first acts of the new Government.

Additionally, in order to undo the damage to the asylum system caused by the IMA 2023, the new Government used powers contained in the legislation to remove the retrospective application of the ban on granting leave and the duty to remove.^{vi} As a result of the changes, both provisions will apply to someone arriving in the UK from the day the duty to remove comes into force.^{vii} **These changes mean the Home Office can begin processing asylum decisions and making decisions again.**

The House of Lords Secondary Legislation Scrutiny Committee, chaired by former Conservative Cabinet Member Lord Hunt of Wirral, welcomed the regulations in their report on the changes, but said that the problems caused by the IMA 2023 “should not have arisen in the first place”. The committee stated: “it is lamentable that the Home Office put forward an Act of Parliament that it has simply not been able to implement. We also wonder how much public money has been wasted on efforts to implement the Act to date.”^{viii}

The explanatory memorandum said that as of 16 July 2024, there had been 89,985 asylum claims waiting for an initial decision, relating to 125,385 people. Without the intervention by the new Government, these numbers would have risen. **If the IMA 2023 had continued to prevent asylum claims from being processed, we project that by the end of January 2025 there would have been 177,063 people waiting for an initial decision, eclipsing the record high of 175,457 people in June 2023.**^{ix}

Future impact of IMA 2023 on the asylum backlog



Source: Home Office Asylum and Resettlement - Asylum applications awaiting a decision year ending June 2024, table Asy_D03. Future projections based on Refugee Council analysis of average people applying for asylum in previous years. • Created with Datawrapper

Instead, thanks to the new Government's action, the backlog will start to come down in the coming months. We project that by the end of January 2025 118,063 people would be waiting for an initial decision on their claim – 59,000 fewer than if the Government hadn't acted and fewer than at time of the election on 4 July 2024.

The reduction in the backlog by January 2025 would result in an estimated saving of between £151 million and £240.6 million, compared to if no intervention had been made (see Appendix 1 for the assumptions used).

Based on the grant rates at initial decision in the year to June 2024, over half of the people whose asylum claims can now be processed may be recognised as refugees (62,801). One in ten of those who were waiting for an initial decision on 30 June 2024 were Afghan nationals, and a third of the people came from either Afghanistan, Iran, Syria, Eritrea or Syria – all countries whose nationals have very high likelihood of being recognised as a refugee.^x

Nationality	People waiting for an initial decision	Grant rate at initial decision	Percentage of backlog
Afghanistan	11,709	96%	10%
Iran	9,767	82%	8%
Syria	5,691	99%	5%
Eritrea	5,379	99%	5%
Sudan	5,293	99%	4%

Source: Refugee Council analysis of Home Office Immigration System Statistics, year ending June 2024, Asylum and Resettlement - Applications, Initial decisions, and Resettlement, table Asy_D02 and Asylum applications awaiting a decision, table Asy_D03 • Created with Datawrapper

2. Recover: Next steps

Following the steps taken to unblock the asylum system, it is important that the new Government sets out the detail for how claims that had been stuck will be processed, as well as how the system will function to prevent future delays.

UNHCR has previously set out how the asylum system could ensure claims are dealt with effectively and efficiently through triaging at the front-end of the asylum process. As recommended in their submission to the UK Government in 2021^{xi} on how to reform the asylum process, this would allow for targeted and differentiated approaches depending on the particular circumstances of someone who has applied for asylum.

In particular, this would allow for specific processes for claims that are clearly either manifestly founded – i.e. where a full asylum process isn't necessary and a grant of asylum can be made quickly; or manifestly unfounded – i.e. the person's asylum claim is not evidently related to criteria under the 1951 Refugee Convention and doesn't give rise to a protection claim, and so a quick decision can be made. It would also allow for resources to be better managed for other claims which are either complex or less-complex.

These recommendations have never been implemented. Instead, legislative changes have made the asylum process more complicated and bureaucratic. A key example is the current third-country inadmissibility process, introduced in the immigration rules in December 2020 and then included in the Nationality and Borders Act 2022.^{xii}

The current third country inadmissibility rules were created after the UK left the European Union and were broadly intended to be a replacement for the Dublin system that the UK was a party to prior to that. In short, they set out when a claim

can be deemed inadmissible because the person has, or should have, applied for asylum in another safe country.

However, without the wider infrastructure and state-to-state agreements that accompanied the Dublin system, the UK's inadmissibility regime has been largely unworkable. Without agreements with countries to take people back, very few claims have been able to be determined inadmissible and even fewer people have been removed.

From when the new regime was put in place at the start of 2021 to the end of 2023, 77,304 claims have been identified as potentially inadmissible. Of those, 34,113 applicants have been issued with a notice of intent that their claim may be inadmissible. 84 inadmissibility decisions have subsequently been made, and 25 people removed. **47,993 have been admitted to the UK's asylum system for substantive consideration.**^{xiii}

Instead of fulfilling their initial purpose, the inadmissibility process has instead added more delay to the asylum system. This is because the Home Office's guidance gives caseworkers a rough guideline of six months from the notice of intent being issued to getting an agreement with a third country for the transfer of the claimant.^{xiv} Only after that time should the claim be admitted into the UK's asylum system. As nearly every claim that goes through the inadmissibility process ultimately ends up being admitted into the UK's system, all that has happened is that decisions have been delayed.

During an inspection of asylum caseworking by the Chief Inspector of Borders and Immigration, one Home Office official was reported as describing the process as "pointless".^{xv} If the new Government wants to run an asylum process that is not beset by delays, addressing procedural issues caused by the inadmissibility system and other aspects of recent legislation needs to be a priority. Furthermore, while the steps taken in relation to the IMA 2023 and the Rwanda plan are welcome, the IMA 2023 and the Safety of Rwanda Act 2024 remain on the statute book. Both should be repealed at the earliest opportunity.

Alongside the problems caused by the IMA 2023 and other legislation, the digital systems used by the Home Office to process cases and maintain up-to-date and accurate data are beset by problems. Different parts of the Home Office use different systems and they often don't interact with each other. This has a significant negative impact on the efficiency of the system as well as the ability for people in the system to know what's happening with their claim.

This is borne out by the experiences of many people with whom the Refugee Council works. The Home Office too often has incorrect or out-of-date addresses for people, including those in asylum accommodation. This leads to important information, such as interview invitations and decision notices, being sent to the wrong place. With no digital way for people to access up-to-date information about the status of their claim, there is no simple way for applicants to know what stage of the process they are at or to ensure that the information the Home Office holds is correct.

As well as the number of asylum applications waiting for an initial decision, the Home Office also publishes a "total work in progress" figure. This covers cases at various

points of the asylum process. At the end of June 2024 the total asylum work in progress stood at 224,742 cases (there is no statistic given for the number of people). The total work in progress divides cases into five broad stages:

- Awaiting an initial decision
- Post-decision (where an initial decision has been made but an appeal hasn't been lodged and the claimant is not appeal rights exhausted)
- Asylum appeal outstanding
- Subject to removal action
- On hold (cases where the Home Office believes the applicant has absconded, including where the case has been implicitly withdrawn as the applicant didn't attend an asylum interview or return an asylum questionnaire)

Usually, the Home Office provides a breakdown of the total work in progress against all five stages. However, for the most recent publication it is only divided into 87,217 cases waiting for an initial decision and 137,525 cases under "post-decision".^{xvi} A note on the publication explains that "due to a technical issue, it is not possible to differentiate the post-decision [Work in Progress] categories for Q2 2024." A further note adds "the asylum [Work in Progress] figures for Q2 2024 have a number of additional cases in the post-decision [Work in Progress]. A number of these cases have been served decisions, however due to a technical issue the system is not showing that decisions have been served." This limits the understanding of the asylum Work in Progress beyond those claims awaiting an initial decision. The separate appeals statistics published by the Ministry of Justice are discussed later in this report.

Recommendations

The Government should build on the decisions to scrap the Rwanda Plan and remove the retrospective application of the IMA 2023 by:

- Immediately repealing the IMA 2023 and the Safety of Rwanda Act 2024, and as part of putting a strategy in place with a clear vision for a fair, humane refugee protection system in the UK that complies with international law, there should be a review to simplify the legislative framework and remove anything that is not in keeping with that vision.
- Setting out a clear and transparent plan for how the backlog of claims will be processed, including which claims will be prioritised, and ensuring people are able to access legal advice throughout the asylum journey.
- Taking steps to ensure that decisions are right first time and that a new backlog doesn't grow by continuing to also process claims made after 23 July 2024 and addressing the legislative issues that cause unnecessary delays, with an aim to return to a six-month service standard for making initial decisions.
- Ensuring that the future asylum system is meaningfully developed based on the experience and knowledge of people going through the asylum system and that they are informed about the process and the status of their claim, including through an accessible digital platform.

- Ensure that people seeking asylum have access to effective legal representation and advice, including by increasing the rates paid to legal aid providers to reflect the time and expertise necessary.

3. Asylum Accommodation

Making decisions on pending claims is also the most effective way of reducing the cost of the system. One of the consequences of the long waits for asylum decisions has been the increase in the use of hotels to accommodate people. At the start of 2020, fewer than 1,600 were being accommodated in hotels.^{xvii} By the end of September 2023 that number had grown to 56,042.

At the end of June 2024, days before the election, there were 29,585 people being accommodated by the Home Office in hotels at a cost of over £3 million per day. Over 15,000 of them were from just six countries – Iran, Afghanistan, Iraq, Eritrea, Syria and Sudan.^{xviii} Accommodating those 15,000 people costs around £1.6 million pounds a day.^{xix}

The Government has also announced that it will not be renewing the contract for the Bibby Stockholm barge^{xx} or going ahead with the previous Government’s plan to use the former RAF base at Scampton.^{xxi} These are both welcome decisions, as neither site was suitable for accommodating people seeking asylum and they were also hugely expensive.

Recommendation

Reducing the asylum backlog should remove the need to use hotels to accommodate people. Ministers have an opportunity to be bold, utilising the opportunity of the 2026 renewal points for the asylum accommodation and support contracts. The Government should:

- Move away from the current system of contracts primarily operated by private contractors and instead give local councils the powers and resources they need to safely and humanely provide people seeking asylum with housing and adequate support while also providing value for money to the taxpayer.

4. Refugee Homelessness

After receiving a decision on their asylum claim, newly recognised refugees are given only 28 days before they are evicted from their Home Office accommodation and their financial support ends. For many years, the short “move-on” period, lack of support and failure of coordination between statutory services has led to newly recognised refugees struggling to find housing, secure a job or apply for welfare benefits in time, and the pressures are exacerbated when the Home Office makes a high volume of decisions, as it is planning to do in the coming months.

Statistics published in August by the Ministry for Housing, Communities and Local Government highlighted how the lack of a plan for supporting people who received a

decision on their asylum claim during the previous backlog clearance led to increasing numbers of refugees facing homelessness after leaving their Home Office accommodation.^{xxii}

6,110 refugee households in England were owed a prevention or relief duty between January and March 2024 after leaving asylum accommodation, up from 1,690 in the same quarter last year. In total, from July 2023 (when the previous work to reduce the asylum backlog began) to March 2024, there were 16,690 households in need of homelessness assistance. That compares to 4,730 households over the same period a year earlier (253 per cent increase). During those nine months, seven per cent of all households owed a homelessness duty had just left asylum accommodation.

Far too many refugees face homelessness just weeks after getting a positive asylum decision, and there will be many more not captured by the official statistics. This has long-term negative mental and physical health impacts, as well as hindering successful integration. It also places significant financial pressures on local authorities and other statutory and non-statutory services.

The move-on process for refugees granted asylum in autumn and winter 2024 will be additionally complicated by the switch from Biometric Residence Permits (BRPs) to eVisas. From 31 October 2024, it is expected that anyone with a positive asylum decision will need to access a digital eVisa to prove their status in the UK rather than having a physical BRP. Proof of immigration status is crucial to be able to complete several vital steps during the move-on period, including opening a bank account, securing housing or applying for welfare benefits. However, in order to access their eVisa, a refugee will need to have a UKVI account, which can only be created using a passport or existing BRP. The vast majority of newly recognised refugees will either not have a passport or the Home Office will be holding it.

Given refugees only have 28 days between the decision on their asylum claim and their entitlement to Home Office accommodation and financial support ending, any delay caused by problems accessing an eVisa could have severe consequences. At the time of writing, there is no publicly available information about any plans the Home Office has in place to mitigate these risks.

The switch to eVisas will further complicate an already overly complicated process. Newly recognised refugees currently receive four different types of documentation following their asylum decision:

- (1) An asylum decision letter telling them their claim has been successful
- (2) Their BRP, proving their immigration status in the UK
- (3) An asylum support cessation letter, containing the date when their entitlement to Home Office accommodation and financial support ends
- (4) A “Notice to Quit” (an eviction notice) their Home Office accommodation.

There are all sent out separately and by different parts of the Home Office, or in the case of the Notice to Quit by the relevant accommodation provider. They often arrive at various points of the move-on period, and the Notice to Quit can be received with as few as seven days of the 28 remaining. This causes confusion for the refugee,

especially if some documents are sent to the wrong address, while some local authorities require sight of the Notice to Quit before providing homelessness prevention support even if the refugee has their asylum support cessation letter.

There is no reason why the Home Office cannot ensure that all these documents are provided at the same time, with the same notice periods contained in each one. Given the issues creating a UKVI account, the documentation could also provide details of a Home Office generated account that the refugee can use to access their eVisa.

The Home Office can also extend the move-on period through secondary legislation. The Refugee Council and other charities have previously called on the Home Office to extend the move-on period to a minimum of 56 days, the length of time local authorities have to provide homelessness support when someone is threatened with homelessness under the Homelessness Reduction Act 2017. In September this year, a snapshot survey published by the Local Government Association reported that 84 per cent of local authorities who responded said that extending the move-on period to 56 days would be the most effective way of reducing the impact and costs of clearing the asylum backlog.^{xxiii} Without taking steps to improve the move-on process, there is a very high likelihood that the new Government's plans to reduce the asylum backlog will lead to more refugees facing homelessness.

In addition to the problems caused by the move-on period, under the previous Government there was a lack of political leadership at a UK level to ensure that refugees can successfully integrate, whether through employment, education or social connections. While there are integration strategies in Scotland, Wales and Northern Ireland, there is not one for England or a UK-wide strategy.

One of the issues that can impact the ability for a refugee to integrate is the nature of the leave granted. Refugees resettled to the UK through the UK Resettlement Scheme or Community Sponsorship Scheme are granted Indefinite Leave to Remain as well as refugee status. However, someone recognised as a refugee through the asylum process instead gets limited leave to remain for five years, as which point they need to apply for further leave to stay in the UK. This not only reduces the security felt by refugees who have been through the asylum process, it creates large amounts of work for the Home Office in terms of processing those further claims.

Previous Labour governments produced detailed integration strategies and established the National Refugee Integration Forum, which was led by a Home Office minister.^{xxiv} Along with the strategies produced by the devolved governments, those strategies should provide the blueprint for a new UK-wide refugee integration strategy.

Recommendations

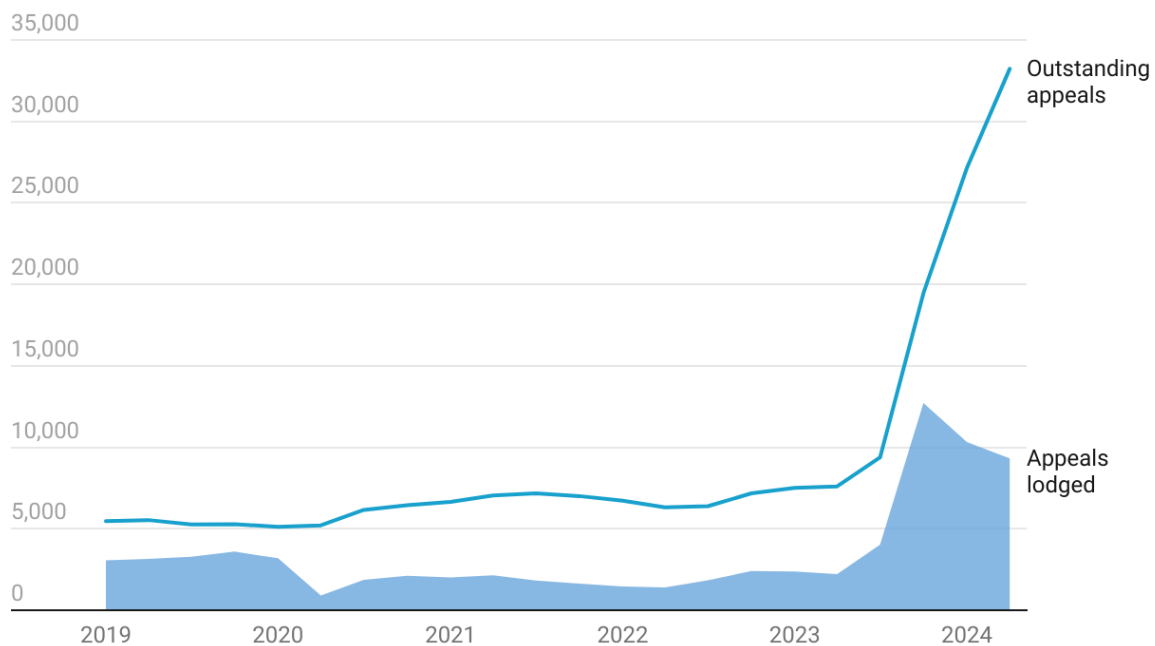
Alongside reducing the backlog of asylum claims, the Government must have plans in place to ensure refugees are able to successfully transition to mainstream services and build their lives in the UK. At a minimum, this should include:

- Extending the move-on period from 28 days to 56 days after someone receives a decision on their asylum claim. For newly recognised refugees, this should start from when they are able to access their eVisa. This would bring it in line with the period given to local authorities in the Homelessness Reduction Act 2017 to work with other individuals and families at risk of homelessness.
- Ensuring that newly recognised refugees receive all the documentation relating to the decision on their claim and the ending of their Home Office support at the same time. There must also be a clear and transparent process in place for refugees to access their eVisa.
- Providing local authorities and voluntary sector organisations with the data and resources required to help people successfully navigate the transition out of Home Office support into housing, education and employment.
- Granting Indefinite Leave to Remain to all refugees, no matter how they arrived in the UK.
- The publication of a UK-wide refugee integration plan that includes monitoring and evaluation.

5. Appeals

The increase in asylum decisions in 2023 and the first four months of 2024 has also led to a sharp rise in the number of asylum appeals being lodged. In the twelve months leading up to the general election there were 36,394 asylum appeals lodged at the first-tier tribunal—more than four times as many appeals as during the previous 12 months.^{xxv} Without a plan in place to increase the capacity of the tribunal to hear appeals, the number of appeals outstanding has also increased substantially, from 7,601 at the end of June 2023 to 33,227 a year later.^{xxvi}

Asylum appeals lodged and outstanding



Source: Tribunals Statistics Quarterly, April to June 2024 - tables FIA_01 and FIA_04 • Created with Datawrapper

As asylum decisions once again start being made at high volume, unless there are urgent steps taken by the Government, the number of outstanding appeals will continue to grow. There are also long standing issues with asylum applicants being able to find legal representation, especially legally aided, to support appeals. It is highly likely that there will be a growing number of people who will either be unrepresented at appeal or will be unable to exercise their appeal rights.

While waiting for an appeal to be determined, applicants may be eligible for Home Office accommodation and financial support if they would otherwise be destitute. In the year to June 2024, 48 per cent of appeals that were determined were granted.^{xxvii}

Recommendations

The Home Office and the Ministry of Justice should work together to prevent further cost and chaos being created by the growing backlog of asylum appeals by:

- Putting in place a team within the Home Office to review all asylum refusals that have been appealed, to ensure the correct decision was made first time. If the claim should have been granted, then that team should have the power to make that decision.
- Recruiting judges to the first-tier tribunal to increase capacity, and working with the Legal Aid Agency and legal aid providers to ensure appellants are represented.

6. Age assessments

In the year to June 2024, there were 4,727 age disputes resolved by the Home Office. In 2,854 cases the Home Office found that the person was a child. However, these statistics do not tell the full story as many of people who are assessed as adults by Home Office staff following quick determinations at the border will later be found to be children when fully assessed by suitable professionals from local authorities.

Previous research by the Refugee Council, Helen Bamber Foundation and Humans for Rights Network found that each year hundreds of children end up sharing rooms with unrelated adults and are locked up in detention centres or adult prisons as a result of flawed, age determinations. The research showed that over an 18-month period (January 2022 to June 2023), more than 1,300 children were wrongly assessed to be adults by the Home Office – these are not captured by the published Home Office data.

Recommendations

A new government must urgently address this safeguarding crisis by:

- Limiting the conduct of age determinations to staff with relevant training and only treating someone claiming to be a child as an adult in exceptional circumstances, i.e. if there is evidence that they are in their late 20s or older.

- Publishing full statistics on the number of people claiming to be children whom the Home Office has treated as adults and put in place monitoring processes so it can track the outcomes for those who are later determined to be children.
- Notifying local authorities about potential children who have been determined to be adults by the Home Office before their move into adult accommodation. And, if an individual later presents as a child in adult accommodation, an immediate referral should be made to the Local Authority regardless of whether an assessment was made at port.
- Abandoning the implementation of the provisions that pave the way for the use of unreliable scientific (biological) methods to determine age, as well as provisions in the IMA 2023 that would leave children at risk, for example, of being removed from the UK even if they are challenging a decision on their age.
- Establishing an independent body to oversee age determinations and ensure children have access to independent support from their port of entry until their age is finally determined.

7. Channel crossings

In the first three months of the new Government, 12,065 people crossed the Channel in a small boat – 13 per cent fewer people compared to the same period in 2023 and 42 per cent lower than in 2022.

Between 5 July and 4 October....	2022	2023	2024
Number of people who have crossed in a small boat	20,673	13,897	12,065
Number of boats	460	261	214
Average number of people per boat	45	53	56

Source: Refugee Council analysis of Home Office Small boat activity in the English Channel transparency data <https://www.gov.uk/government/publications/migrants-detected-crossing-the-english-channel-in-small-boats> • Created with Datawrapper

For the year so far, as of 4 October 25,639 people had made the journey, slightly more than by the same point in 2023 (25,330), but significantly fewer than in 2022 (33,630).^{xxviii} Channel crossings are also accounting for a small proportion of asylum claims. In the year to June 2022, four in 10 asylum claims were made by someone who arrived in the UK by small boat. In the year to June 2024, it was three in 10.^{xxix}

Channel crossing numbers can fluctuate for a number of reasons, including the weather, global events leading to increase displacement, enforcement activity in other countries diverting the routes people are taking and displacement to other clandestine means of arrival such as in lorries. However, what is clear is that the crossings are becoming more deadly. **Nearly half of all recorded deaths of people crossing the Channel in a small boat since the start of 2019 have happened in 2024.**

Deaths of people crossing the Channel in a small boat

Year	Confirmed fatalities
2024 (to 7/10/24)	52
2023	12
2022	4
2021	34
2020	6
2019	4
TOTAL	112

Source: Figures for 2019-2023 from answer to House of Commons written question, 9 September 2024 <https://questions-statements.parliament.uk/written-questions/detail/2024-09-04/4165>. 2024 figure from the International for Migration <https://www.bbc.co.uk/news/articles/cj9j8r8z90wo> • Created with Datawrapper

The number of people being crossing on each boat is also increasing. In the first three months of the new Government there were an average of 56 people on each boat. That compares to 53 a year earlier and 45 in 2022.

Those crossing the Channel continue to predominantly come from countries with high grant rates. Nearly six in 10 of those who crossed in the year before the general election came from either Afghanistan, Iran, Eritrea, Syria or Sudan. Nationals of those five countries account for 54 per cent of all crossings since the start of 2018, and have consistently been among the top nationalities crossing, while others have varied more (most notably Albanian nationals in 2022).

Based on the grant rates in the year prior to the general election, an estimated 71 per cent of people who crossed the Channel in that time would be recognised as a refugee if their claim was processed. However, only 179 of them had received a decision as of 30 June 2024.^{xxx}

The new Government has focused on targeting the gangs facilitating the Channel crossings, rather than seeking to address the underlying reasons why people are taking dangerous journeys, even as that journey becomes more deadly. While there have been announcements on wanting to increase the number of removals and the expansion of the immigration detention estate, with the exception of family reunion for a small number of Afghan families, there has been nothing on steps to enable people to seek asylum safely.

8. Safe routes

Currently, the number of refugees that the UK resettles each year is still much lower than in the previous years.

There were 1,492 people granted protection through resettlement schemes in the year ending June 2024.^{xxxii} By comparison, this is almost five times less than in the years prior to the Covid pandemic – there were 5,806 and 5,612 arrivals in 2018 and 2019.^{xxxii} Many people who have been accepted onto one of the resettlement schemes have been in extremely precarious situations waiting for years to be able to travel to the UK.

There has been a welcome increase in the number of refugee family reunion visas being granted. In the year ending June 2024, 16,244 family reunion visas were issued to partners and children of those granted asylum or humanitarian protection in the UK, compared to 4,521 during the preceding 12 months.

The increase is a result of the Home Office both working through the backlog of family reunion claims that had been growing since the start of 2022 as well as the increase in applications for family reunion resulting from the rise in the number of people granted refugee status. The Home Office doesn't routinely publish data on how long it takes to process family reunion claims, but it is likely to still be significantly beyond the previous service standard of 12 weeks.

While the increase in visas being granted is welcome, the family reunion rules continue to be incredibly restrictive. Eligibility for refugee family reunion is restricted to partners and children being able to join adult refugees in the UK, with other family members only considered in exceptional circumstances. Children who have been recognised as refugees by the UK Government have no right to be joined in their new home by family members.

There is also no way for someone to apply for asylum without being physically present in the UK. While targeting the criminal gangs profiting from people putting their lives at risk to cross the Channel is a vital part of a strategy to reduce the crossings, it will never be enough. It needs to be done alongside ensuring there is a functioning domestic asylum system, serious and pragmatic international cooperation, and safe alternatives. The new Government has made some promising starts on the first two of those, but so far have offered very little on safe alternatives.

Recommendations

The Government should set out its plans for increasing the number of people who are able to access a safe route to reach the UK, including:

- Putting in place a safe routes strategy, including making a clear commitment on refugee resettlement to return, at a minimum, to the levels of arrivals pre-Covid and maximising the potential for community sponsorship pathways.
- Ensuring that family reunion applications are decided within the existing 12-week service standard by the end of 2024.
- Expanding eligibility for refugee family reunion by changing the immigration rules to allow child refugees in the UK to sponsor close family members to join them.
- Piloting a refugee visa that would allow 10,000 people from high grant countries to travel to the UK to have their asylum claims processed.

9>Returns and detention

As part of the focus on enforcement, the Government has announced plans to increase the number of people who have had their asylum claims refused removed from the UK and to expand the immigration detention estate. A result of operating a functioning asylum system is that there will be a proportion of people who are found not to be in need of international protection. The exact proportion will fluctuate based on the nationalities of people applying for asylum in the UK and timelines for appeals. Where someone has exhausted their legal options having had the opportunity to put forward their case in full^{xxxiii} and it is safe for them to be returned to their own country, then removals will be the next part of the process for them.

In the first half of 2024, 15,036 people were removed from the UK. It is important to note that three quarters of those removals were voluntary, rather than enforced. Voluntary removals have made up the majority of all removals in every year since 2007. Voluntary removals are less expensive than enforced removals as they do not require periods of immigration detention – in the second quarter of 2024 it cost £121.58 on average to detain someone for one day.^{xxxiv}

It is disappointing that the Government has announced it will expand the immigration detention estate by reopening Campsfield and Haslar immigration removal centres. Numerous reports have documented the harm caused by immigration detention, as well as the lack of value for the taxpayer.^{xxxv}

It is also not the case that increasing the use of detention leads to increased removals, or is the most effective way to remove people. The majority of people who leave immigration detention leave not because they've been removed, but because they've been granted bail or leave to remain. In the year to June 2024, only 42 per cent of people who left detention had been removed from the UK. Detention should only ever be used as an absolute last resort – it's not clear that happens in the majority of cases.

Previous pilots of alternatives to detention, commissioned by the Home Office, that allowed people to stay in their communities have been found to be better for individuals while not reducing compliance with the immigration system.^{xxxvi} Only two of the four pilots originally announced by the then Home Secretary Sajid Javid in 2018 were ever carried out.

Recommendations

Instead of focusing and relying on heavy-handed enforcement approaches, the Government should:

- Develop a more effective voluntary returns programme that provides independent advice and support to individuals, especially those with complex needs.
- Take forward the recommendations from the Home Office's previous work on community based alternatives to detention to allow people to remain in their communities while their immigration status is resolved.

10. Conclusion

The new Government inherited an asylum system in meltdown when it came into power on 5 July. There have been a number of positive steps taken in the three months since the general election, including scrapping the unworkable and unprincipled Rwanda Plan and getting the asylum system doing what it should be doing and processing people's claims.

As the new Government beds in and some of the initial challenges are overcome, there needs to be a coherent plan in place underpinned by a clear vision for refugee protection in the UK. Ministers must avoid the mistakes of their predecessors, who introduced successive pieces of legislation and policies that were unworkable and undermined the UK's international responsibilities. A new National Refugee Strategy is needed that gives people a fair hearing in the UK and delivers order and compassion. That new strategy should include:

- How the asylum system can give people a fair hearing in the UK, processing claims in a timely manner where decisions are right first time.
- The repeal of the Illegal Migrant Act and the Safety of Rwanda Act, and a review to simplify the legislative framework and remove anything that is not in keeping with that vision.
- A focus on the experience of people going through the asylum system, ensuring they are informed about the process and the status of their claim, including through an accessible digital platform.
- How people can be supported and housed while they're waiting for a decision on their asylum claim, including moving away from the current model outsourcing accommodation provision to private contracts and instead giving local authorities the power and resources they need to house people appropriately and provide the support they need ensuring value for money to the taxpayer.

- An integration plan, that sets out a clear approach, including outcomes, for improving refugee integration.
- A bold and ambitious plan for providing safe routes for refugees to reach the UK, improving the existing resettlement and refugee family reunion schemes, maximising the potential of community sponsorship, and piloting new routes such as a refugee visa.

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Appendix 1

Assumptions for calculating impact of changes to the retrospective application of the Illegal Migration Act 2023:

- There would have been no asylum decisions taken between July 2024 and January 2025 without changes to the Illegal Migration Act 2023.
- As a result of the changes, there have been/will be 1,000 decisions in July and August 2024, 7,000 decisions in September 2024, and 12,500 in each month between October 2024 and January 2025 (numbers include dependants).
- The average cost of accommodating someone in asylum accommodation is £105 per night.^{xxxvii}
- A lower estimate of 50% and an upper estimate of 70% of applicants who receive decisions would otherwise have been in asylum accommodation.
- 53 per cent of people who receive asylum decisions are granted status to remain in the UK.
- Granting someone status to remain in the UK costs an average of £11,912 per person annually.^{xxxviii}

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- ⁱ See Section 30 of the IMA 2023, which inserts section 8AA into the Immigration Act 1971.
- ⁱⁱ Productivity of the asylum system is measured by adding the number of asylum decisions taken and substantive interviews taken during a month and dividing that number by how many asylum decision makers were in post.
- ⁱⁱⁱ Home Office Immigration and Protection, UK Visa and Immigration Transparency Data Q2 2024 table ASY_01
- ^{iv} At the end of March 2024 there had been 86,460 cases relating to 118,329 people waiting for an initial decision.
- ^v See [Cost, chaos and human misery – the impact of the Illegal Migration Act 2023 and the Rwanda Plan](#)
- ^{vi} The Illegal Migration Act 2023 (Amendment) Regulations 2024
<https://www.legislation.gov.uk/uksi/2024/815/introduction/made>
- ^{vii} Previously, the duty to remove would have applied to anyone arriving irregularly on or after 20 July 2023 – the date the IMA 2023 gained Royal Assent.
- ^{viii} House of Lords Secondary Legislation Scrutiny Committee, 2nd Report of Session 2024-25 - published 5 September 2024 - HL Paper 4 <https://publications.parliament.uk/pa/ld5901/ldselect/ldsecleg/4/4.pdf>
- ^{ix} This is based on the average number of people applying for asylum in the UK per month between July 2022 and June 2024.
- ^x Refugee Council analysis of Home Office Immigration System Statistics, year ending June 2024, Asylum and Resettlement - Applications, Initial decisions, and Resettlement, table Asy_D02 and Asylum applications awaiting a decision, table Asy_D03
- ^{xi} UNHCR's Guide to Asylum Reform in the United Kingdom <https://www.unhcr.org/uk/media/unhcrs-guide-asylum-reform-united-kingdom-0>
- ^{xii} For a full discussion of the third country inadmissible rules, see Amnesty International's briefing 'Gambling with lives: How a bad policy wrecked the UK asylum system' - <https://www.amnesty.org.uk/resources/gambling-lives-how-bad-policy-wrecked-uk-asylum-system>
- ^{xiii} Home Office Immigration System Statistics, year ending June 2024, Asylum and Resettlement – Summary tables, table Asy_09a
- ^{xiv} See Inadmissibility – third country cases: caseworker guidance <https://www.gov.uk/government/publications/inadmissibility-third-country-cases>
- ^{xv} Independent Chief Inspector of Borders and Immigration, An inspection of asylum casework (June - October 2023), published 29 February 2024 <https://www.gov.uk/government/publications/an-inspection-of-asylum-casework-june-october-2023>
- ^{xvi} Home Office Immigration and Protection, UK Visa and Immigration Transparency Data Q2 2024 table ASY_03
- ^{xvii} National Audit Office, Asylum Support and Accommodation, published 3 July 2020
<https://www.nao.org.uk/wp-content/uploads/2020/07/Asylum-accommodation-and-support.pdf>
- ^{xviii} Home Office Immigration System Statistics, year ending June 2024, Asylum and Resettlement - Asylum seekers in receipt of support, table Asy_D09
- ^{xix} Based on an average cost of £105 per night, see The Illegal Migration Act 2023 (Amendment) Regulations 2024 impact assessment https://www.legislation.gov.uk/ukia/2024/119/pdfs/ukia_20240119_en.pdf
- ^{xx} <https://www.gov.uk/government/news/contract-for-bibby-stockholm-not-renewed-past-january-2025>
- ^{xxi} <https://www.gov.uk/government/news/home-office-will-not-use-raf-scampton-for-asylum-accommodation>
- ^{xxii} Statutory homelessness in England: January to March 2024
<https://www.gov.uk/government/statistics/statutory-homelessness-in-england-january-to-march-2024>
- ^{xxiii} Councils call for more time for people moving on from asylum accommodation - LGA snapshot survey
<https://www.local.gov.uk/about/news/councils-call-more-time-people-moving-asylum-accommodation-lga-snapshot-survey#:~:text=A%20new%20'snapshot'%20survey%20by%20the%20LGA%20reveals%20that%20councils>
- ^{xxiv} See Integration Matters: A National Strategy for Refugee Integration, Home Office, 2005.
- ^{xxv} Tribunals Statistics Quarterly, April to June 2024 - table FIA_01
- ^{xxvi} Tribunals Statistics Quarterly, April to June 2024 - table FIA_04
- ^{xxvii} Tribunals Statistics Quarterly, April to June 2024 - table FIA_03
- ^{xxviii} Refugee Council analysis of Home Office Small boat activity in the English Channel transparency data
<https://www.gov.uk/government/publications/migrants-detected-crossing-the-english-channel-in-small-boats>

^{xxix} For all the focus on channel crossings, the highest proportion of asylum claims made by people who arrived in the UK by small boat in any given quarter was 57 per cent in Q3 2022. The rolling 12 months ratio has never been higher than 43 per cent.

^{xxx} Home Office, Irregular Migration Statistics year ending June 2024, detailed datasets, table Irr_D03

^{xxxi} For the purpose of this report, we classify refugee resettlement schemes as those that require the beneficiary to have protection needs. These schemes currently include the UK Resettlement Scheme, the Afghan Citizens Resettlement Scheme – pathway 2, the mandate scheme, and community sponsorship.

^{xxxii} Refugee Council analysis of Home Office Immigration System Statistics, year ending June 2024, Asylum and Resettlement - Applications, Initial decisions, and Resettlement, table Asy_D02

^{xxxiii} This includes having had access to legal advice and representation. Without this, there is an increased risk of *refoulement* if someone is returned having not had their asylum claim fully explored. Research by Dr Jo Wilding has highlighted the existing legal advice “deserts” that leave many people unable to access the proper support and representation. See, for example, No access to justice: How legal advice deserts fail refugees, migrants and our communities <https://www.refugee-action.org.uk/no-access-to-justice-how-legal-advice-deserts-fail-refugees-migrants-and-our-communities/>

^{xxxiv} Home Office Immigration Enforcement Transparency Data Q2 2024 table DT_02

^{xxxv} See, in particular, the two reports by Stephen Shaw that were commissioned by the Home Office.

^{xxxvi} See the evaluations carried out by NatCen <https://natcen.ac.uk/publications/alternatives-detention> and <https://natcen.ac.uk/publications/alternatives-detention-evaluation-second-pilot>

^{xxxvii} Central estimate from Home Office management information of per night accommodation cost. See the Illegal Migration Act 2023 (Amendment) Regulations 2024 impact assessment https://www.legislation.gov.uk/ukia/2024/119/pdfs/ukia_20240119_en.pdf

^{xxxviii} See the Illegal Migration Act 2023 (Amendment) Regulations 2024 impact assessment https://www.legislation.gov.uk/ukia/2024/119/pdfs/ukia_20240119_en.pdf