What could fair and compassionate asylum reform look like?

Open Forum Events, December 2023

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Supporting refugees and people seeking asylum in December 2023

- Multiple challenges
  - Over 56,000 people living in hotels
  - 165,000 people waiting for a decision, 3 in 4 waiting for more than 6 months
  - Destitution for newly recognised refugees
  - Age assessments
- Uncertainty reigns
  - More legislation?

Channel Crossings

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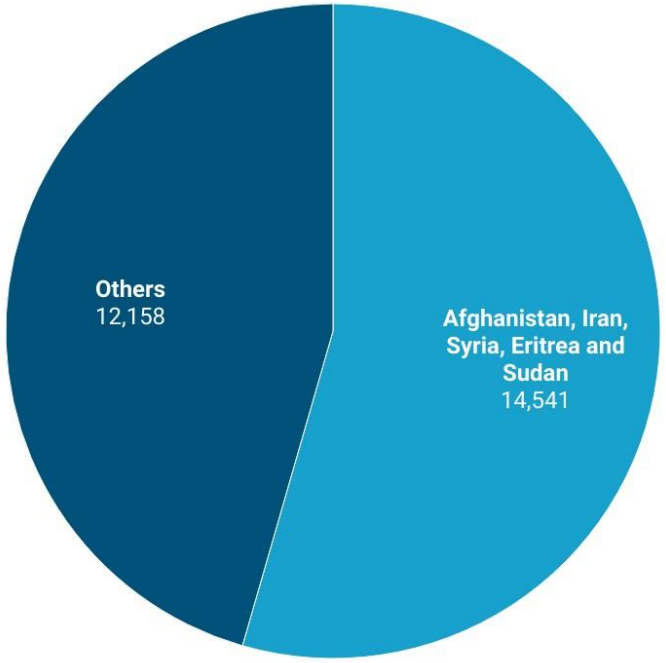
Top 10 Nationalities of people crossing the channel in 2023

	2023 to end of October	Asylum grant rate year to June 2023	Predicted grants
Afghanistan	5,317	97	5,157
Iran	2,962	74	2,192
Turkey	2,869	83	2,381
Eritrea	2,629	100	2,629
Iraq	2,333	47	1,097
Syria	1,976	99	1,956
Sudan	1,657	85	1,408
Vietnam	1,303	67	873
India	1,182	3	35
Albania	947	17	161
Egypt	793	43	341
Total	26,699	75	19,677

Chart: Refugee Council • Source: Refugee Council analysis of Home Office data. Channel crossings data from Statistics relating to the Illegal Migration Act, published 15 November 2023 and Irregular Migration Statistics, year ending June 2023. Asylum grant rate data from Home Office Quarterly Statistics year ending June 2023, Asylum and Resettlement - Applications, Initial Decisions and Resettlement. Total doesn't include where nationality is unknown, or where the grant rate information is unavailable. • Created with Datawrapper

Channel Crossings

Five high grant nationalities account for more than half of all those who have crossed the channel in 2023 up to the end of October



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Illegal Migration Act

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- Home Secretary under a **duty to remove** anyone who:
  a) Entered the UK irregularly
  b) Arrived on or after 20 July 2023
  c) Didn’t come directly from a country they were fleeing
  d) Requires leave to enter or remain, but doesn’t have it
- Limited exceptions
  I. Separated children (but still a power to remove)
  II. Some modern slavery survivors

Inadmissibility / Removal

- Any protection or human rights claim is **automatically and permanently inadmissible**
- Includes separated children
- Doesn't require another country to have agreed to return/removal
- If from EU member state, Iceland, Liechtenstein, Norway, Switzerland **or Albania**, can be removed to own country (and maybe India and Georgia).
- All others, only to a safe third country (bill contains a list of 57)

Detention / Asylum Support

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- Significant increase in detention powers
- **Existing time limits for separated children (24hrs) and families (72hrs) won't apply**
- If destitute, people will be eligible for support as if they'd be refused asylum – section 95 if a family with child under 18, or section 4
- Questions about how support will work in practice

Potential impact

- Refugee Council impact assessment found:
- In the first three years between 225,347 and 257,101 people will have their asylum claims deemed inadmissible. This includes between 39,500 and 45,066 children.
- At the end of the third year, between 161,147 and 192,670 people will have had their asylum claims deemed inadmissible but not have been removed.
- In total, between £8.7bn and £9.6bn will have been spent on detaining and accommodating people impacted by the bill in the first three years of its operation.

https://www.refugeecouncil.org.uk/information/resources/illegal-migration-bill-impact-assessment/

Impact on people seeking asylum

- Lack of clear information already leading to uncertainty, rumours and anxiety
- Stated intention is to “stop the boats” but it won’t significantly reduce arrivals
- People likely to use alternative routes, go underground and undocumented
- More dangerous journeys, increased risks of exploitation and modern slavery
- Significant increase in people in detention, difficulty accessing advice and support
- Increased risk of mental distress (particularly among LGBTQIA+ and children)
- Children left in limbo, risk they will ‘go missing’

Impact on asylum and refugee sector

- Most organisations are already at or over capacity
- Most expect to adapt services in response
- Over half expect to prioritise people whose asylum claims are deemed inadmissible – but unsure how
- Many expect to work with more clients in detention – but have concerns over access and complexity
- Unsure how to support those who go underground
- Most expect current lack of legal assistance to get worse due to tight timescales and poor funding
- Most expect it to become harder to gain client trust – but think trust will become more vital than ever

(Some of) The questions facing support organisations

- How can organisations plan their response when it is unclear when and how the Act will be implemented?
- What is the balance between preparing for the Act and responding to existing challenges?
- How can the sector prepare clients without scaring them into going underground, which is less safe?
- How can local services, connections and gaps be mapped to develop referral pathways?
- What new skills, systems and partnerships will be needed?
- What outcomes would be possible for people?

The Refugee Council's Alternative

- **Treating people who arrive in the UK fairly and with dignity,** including given them access to a fair and efficient asylum system.
- **An expansion of safe routes**, including the pilot of a refugee visa that allows people to safely travel to the UK for the purpose of claiming asylum.
- **A bespoke agreement between the UK and the EU,** that would include the ability for people currently in the EU to be transferred to the UK to join family members, and for people who arrive in the UK having previously made an asylum application in the EU to be returned.
- **An agreement between the Government's of the UK and France,** that allows for families to be reunited and joint work on expanding safe routes.