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Fixing the Asylum System: A Workable Plan

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Our Future of Britain initiative seeks to reinvigorate progressive politics to meet the challenges the country faces in the decades ahead. Our experts and thought leaders will set out a bold, optimistic policy agenda across six pillars: Prosperity, Transformative Technology, Net Zero, Community, Public Services and Britain in the World.

Executive Summary

Since 2020, there has been a sharp increase in the number of people trying to reach the UK by crossing the English Channel in small boats, driving up the volume of asylum applications to Britain (now at their highest level since 2003). The exceptionally dangerous nature of these journeys was underscored in November 2021 when 27 people tragically died while attempting a crossing, leading to a series of policy pledges from the government designed to demonstrate a plan for controlling the border. This included the highly contentious policy of flying some asylum seekers to Rwanda – regardless of whether they had a valid claim – to deter others from seeking to arrive in Britain.

The government is right to prioritise policies that aim to deter asylum seekers from making such journeys. Not only are the journeys themselves extremely dangerous for the individuals concerned, but such patterns of migration are likely to undermine public confidence in the security of the border, which could fuel further division and polarisation.

However, there is little evidence that the government’s current plans will deter irregular migration. Indeed, if anything, the government’s policies are likely to further incentivise asylum seekers to attempt dangerous irregular routes because the lack of meaningful viable ones means there is nothing to lose. Meanwhile, the lack of an identity-verification scheme and the diminished capacity to return those with invalid cases to other countries means there remains a strong incentive for asylum seekers to try their luck in order to then “disappear” into the black economy.

In this paper we set out an alternative plan for fixing the asylum system. This consists of:

- Dealing with the demand side of irregular migration with a system of digital identification for all citizens, ensuring that those who want to work and access benefits will need to be able to demonstrate they have a legal right to reside.
- Opening up a targeted and limited legal asylum route, with a new humanitarian visa granting asylum seekers the right to have their claims properly considered in British embassies abroad, pending a full resolution of their claim in the UK. Those seeking to arrive outside the new legal route would be

deemed inadmissible.

- Deterring dangerous boat journeys by negotiating an agreement with the EU (or selected EU countries) covering safe returns and joint operational enforcement against smugglers and traffickers.
- A systematic focus on clearing asylum-case backlogs and speeding up processing, learning lessons from reforms adopted in the 2000s.

Such an approach would go with the grain of majority public opinion, rather than deepening polarisation. New polling conducted for this report demonstrates that when asked to choose between the principles of “fairness” and “deterrence”, a majority prioritise an asylum system that is fair, even if that means allowing more people to arrive and stay in the UK than is the case now. It also reveals majority support for workable alternatives to the government’s plan, including the introduction of a system of digital identity verification and the opening up of safe and viable routes for asylum claims.

Current State of Play

Since 2020, there has been a sharp increase in the number of individuals trying to reach the UK by crossing the English Channel in small boats. The scale and nature of this phenomenon and the drivers behind it have been the subject of considerable public discussion. In this chapter, we set out the facts of the situation.

Definition and Legal Framework

As defined by international law, an asylum seeker (or asylum applicant) is a person who has applied for recognition as a refugee under the 1951 United Nations (UN) Refugee Convention. By definition, therefore, an asylum seeker is somebody waiting to receive a decision on their claim. The UN Refugee Agency (UNHCR) estimates that around 4 million people seek asylum every year.

There is no law that says asylum seekers must make their asylum claim in the first safe country they arrive in after leaving their country of origin. However, under an EU law called the Dublin III Regulation, asylum seekers could in theory be transferred to the first EU member state in which they arrived after leaving their origin country, with this state assuming responsibility for examining their claim. (Indeed, during the 2000s, 200 asylum seekers were safely returned from Britain to other EU countries every month under this regulation.¹) Because of Brexit, the UK is no longer part of the Dublin arrangements and, without new agreements with either the EU as a whole or with individual member states, is curtailed in its ability to safely return asylum seekers to transit countries.

To claim asylum in the UK, a person *must be in the UK*.² It is not possible to apply from outside the country, and there is no asylum visa. Therefore, to claim asylum in the UK a person must enter either irregularly, such as by small boat or lorry or by using false documents; or for another purpose, such as tourism or study. Others could arrive without a required visa. Applicants will not be granted asylum if the government believes they represent a danger to the UK.

There are three possible outcomes of an asylum application:

- First, an applicant can be recognised as a refugee and granted asylum with five years' leave (that is, permission to stay in the UK), after which they may apply, free of charge, for permanent settlement.
- Second, the applicant can be granted another form of leave: humanitarian protection; discretionary leave; leave under family or private-life rules; unaccompanied asylum-seeking child leave; leave outside the rules; Calais leave (for those transferred to the UK to reunite with family following the

clearance of the Calais camp in 2017); or exceptional leave to remain.

- Third, the asylum claim can be refused. If this happens, the applicant can appeal against the initial decision. All applications request protection for a “main applicant”, and some include requests for protection for the main applicant’s dependant family members as well, specifically their spouse, civil partner or unmarried partner and any children under 18, but not dependant parents.³ The Home Office states that asylum in the UK should be sought at the first available opportunity on arrival at a port of entry.

The UK’s obligations in international law are rooted in various international treaties, including the 1951 Refugee Convention, the 1967 Protocol relating to the Status of Refugees, the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. Broader human-rights obligations are also stipulated in the 1998 Human Rights Act and the 1953 European Convention on Human Rights which prevent the UK from sending someone to a country where there is a real risk they may be exposed to torture or inhuman or degrading treatment or punishment.

The Asylum Process

Individuals seeking asylum in the UK must apply upon arrival, meet an immigration officer and undergo an interview with a caseworker. The National Asylum Intake Unit is responsible for initially screening asylum seekers and registering their application for refugee status. This involves capturing basic information about the claimant and details about their family and identifying any safeguarding concerns.

Once an asylum claim is registered, the National Asylum Allocation Unit then determines where the claim should be sent based on whether the claimant could be considered by another safe third country, if they are in immigration detention or if the claimant is from a designated non-suspensive appeal state.⁴

Asylum seekers are typically not eligible for employment or benefits while awaiting a decision on their application, but can apply for housing and a small weekly cash allowance (roughly £41 per person). Decisions on asylum applications usually take longer than six months and can take more than a year if documents need to be verified or further interviews are required, leaving many reliant on charity for survival.

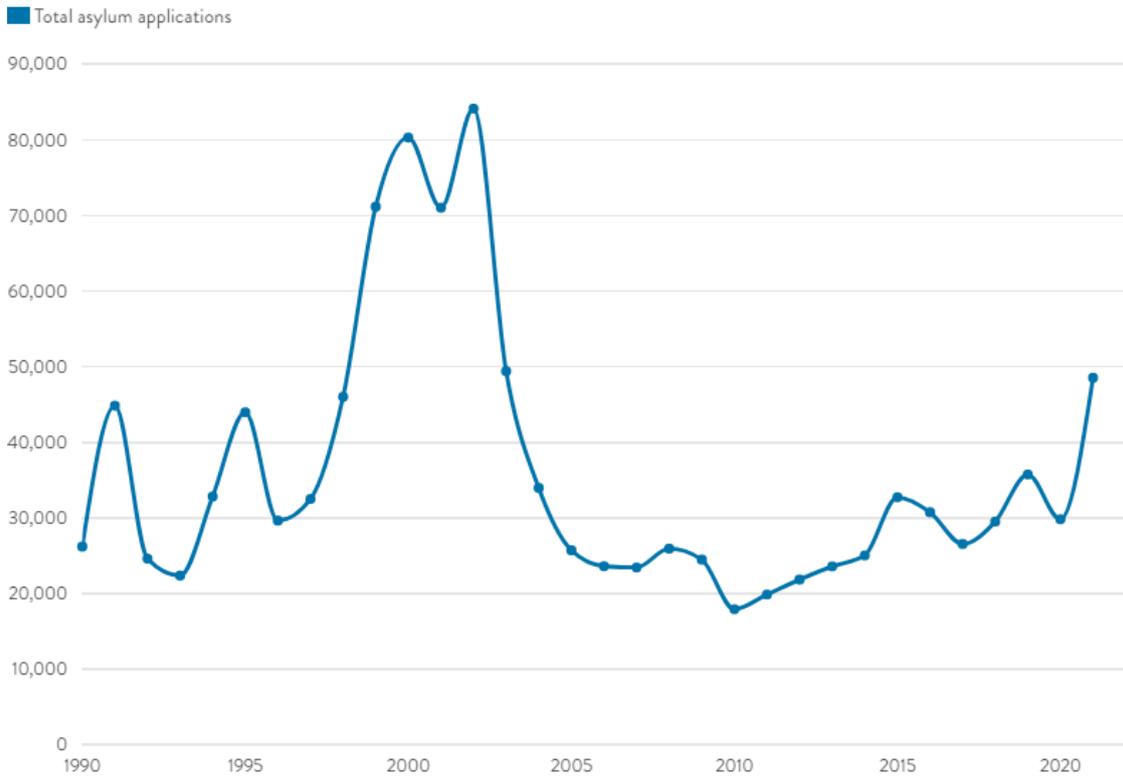
Once people have had their refugee status confirmed, refugees who settle in the UK are entitled to receive welfare benefits, access health and education services and have a right to work. Local authorities must assign a caseworker to every resettled individual to provide them with advice and assistance in these matters.

Small Boats: A New Manifestation of an Old Problem

Trends in Asylum Flows

Trends in overall asylum applications have been rising steadily since 2010 (see Figure 1). In 2021, the number of applications reached 48,540 – the highest number since 2003, though still just over half the peak of 2002.

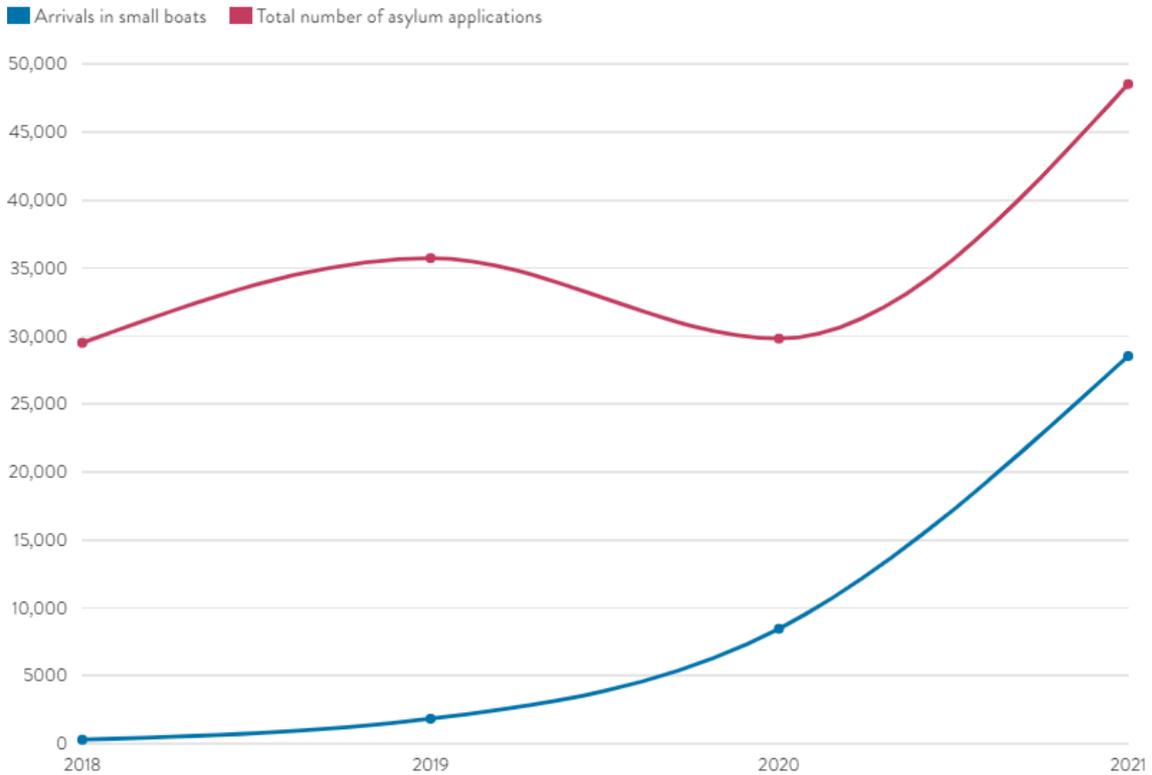
Figure 1 – Number of asylum applications in the UK, 1990–2021



Source: Home Office Asylum and resettlement datasets⁵

Since April 2020, there has been a sharp rise in the number of people entering the UK by crossing the English Channel in small boats, which has pushed up overall asylum numbers. As the following figure indicates, applications from those arriving in small boats account for a growing share of total asylum applications (58 per cent in 2021) and there is no sign that the trend is slowing down. From January to March 2022, 4,540 people were recorded arriving in small boats. This is more than three times higher than the same three months in 2021 (1,363).⁶

Figure 2 – Arrivals in small boats compared to total number of asylum applications



Source: Home Office: *Irregular migration to the UK, year ending March 2022*

The exceptionally dangerous nature of these journeys was underscored in November 2021 when an inflatable boat containing 34 migrants capsized off the coast of Calais, causing 27 people to drown.

Drivers

The causes of the recent upsurge in crossings made in small boats are heavily contested. Home Secretary Priti Patel has blamed the EU’s open borders, arguing that the Schengen Agreement (which enables free movement within the EU) has left France “overwhelmed”. This seems implausible as an explanation, however, given that the agreement had been in existence for several decades prior to the recent trends in small-boat crossings.

Alternatively, it has been argued that the rise in crossings is an indirect effect of Brexit, which has weakened both the legal and operational levers available for dealing with irregular migration. For example, the UK is no longer a signatory to the Dublin III agreement, which allows EU countries to transfer asylum seekers back to the first member state they were proven to have entered. It is notable that two years on from leaving the EU, the UK still has no return arrangements with any EU country. More

broadly, it seems likely that the UK's increasingly strained political relations with France have undermined operational cooperation between UK and French authorities in seeking to prevent Channel crossings.

However, it appears Brexit is more likely to be a barrier to forming an effective response to the crossings, rather than the primary causal factor behind the crossings themselves. More likely, the upsurge in Channel crossings is a function of three principal factors:

- The closure of legal and legitimate asylum routes, partly as a result of the Covid pandemic, alongside the hardening of physical security at the major ports and Channel Tunnel,⁷ which has compelled asylum seekers to attempt more dangerous journeys.
- Burgeoning smuggling rings (linked to organised criminal groups), operating in northern France and extending across Europe and parts of northern Africa, that are facilitating boat crossings.⁸
- Wider geopolitical factors, such as the continuing instability in the Middle East and Africa.

Legal Versus Illegal Migration

The home secretary has claimed publicly that the vast majority of those attempting these journeys are “single men who are effectively economic migrants and not genuine asylum seekers”, pointing to figures showing that more than 70 per cent are men.⁹ She has also argued that the current widespread use of hotels to house asylum seekers has acted as a “pull factor” for people to enter Britain illegally.

However, these claims are heavily disputed. According to the government's own figures, almost three-quarters (75 per cent) of initial decisions made in 2021 granted asylum, humanitarian protection or alternative forms of leave – and this is likely to rise further once successful appeals are taken into account.¹⁰ This would suggest that the majority of those arriving by boat are genuine asylum seekers who would be likely to receive refugee status, were they allowed to process their claim.

The evidence for “pull factors” is particularly weak. In 2002 the Home Office published a report¹¹ on the decision-making of asylum seekers in general, based on 65 interviews (though there was no way of knowing how representative the sample was). The report found little evidence that asylum seekers had knowledge of asylum procedures, benefits or work availability. Instead it suggested that seven main factors led individuals to seek asylum in the UK:

1. The desire to reach a safe place, with the UK perceived as safe
2. Ability to pay for long-distance travel
3. The presence of friends or relatives in the UK
4. The selection of the UK by the agent i.e. a smuggler

5. Belief that the UK is a tolerant and democratic country
6. Established links between country of origin and the UK e.g. family-settlement patterns
7. Ability to speak English or a desire to learn it

The Sangatte crisis

In 1999 the Sangatte refugee camp was set up less than a mile from the entrance to the Channel Tunnel to deal with the influx of migrants. Mainly from Afghanistan, Iraq and Kosovo, they were attempting to travel illegally to the UK, often stowed away in vehicles and passenger ferries or seeking entry via the Channel Tunnel.

It led to a spike in the number of asylum claims to the UK, reaching a record level of 84,132 at its peak in 2002. In the end, the crisis only eased when then Home Secretary David Blunkett travelled to France to negotiate a deal directly with the French government. This involved a number of components, most notably inviting the UNHCR to Sangatte to register migrants and offering those in the camp a proper process for applying either in France or the UK (though in practice, most of them ended up in the UK).

Political Framing

While the overall salience of immigration issues has fallen considerably since the EU referendum in 2016, public concern about “illegal migration” has remained high, particularly among certain groups of Leave voters. Ordinarily one might expect this to hurt the government, particularly one that has been in power for over a decade. But there are two saving graces for the Conservatives. First, while the public do not believe the government has performed well on immigration, there is scepticism about whether Labour offers a credible alternative. Second, when it comes to immigration, voters tend to judge parties as much on their intention as on their performance. In recent general elections (2017 and 2019) the Conservatives scored very poorly on delivery, but this was partially offset by perceptions about their intentions (which were perceived to prioritise control), particularly when compared to Labour under its previous leadership, whose intentions were viewed with suspicion.

That said, public attitudes are not binary – and there is evidence that Britons are not universally hostile when it comes to the specific issue of crossings made by small boats. For example, recent polling by Ipsos found that concern at the lack of action to stop Channel crossings (52 per cent) ¹² is combined with compassion for those making perilous journeys (56 per cent). And nearly half the public (47 per cent)

would support efforts to reduce boat crossings by allowing asylum claims to be made from outside the UK.¹³ The implication is clear: any political party seeking to build public consent on immigration and asylum must be able to offer policies that are credible and that balance the principles of compassion and control. Public attitudes are examined in more depth in the polling chapter, “What the Public Think”. In the next chapter, we look at the government’s performance in more depth.

Government Performance

In 2019 the Conservative manifesto stated that, post-Brexit, the government would have “real control over who is coming in and out”. Three years on, this remains a distant dream. The border has become arguably less secure since Brexit and on the questions of asylum and irregular migration, there is a vacuum in place of a serious strategy.

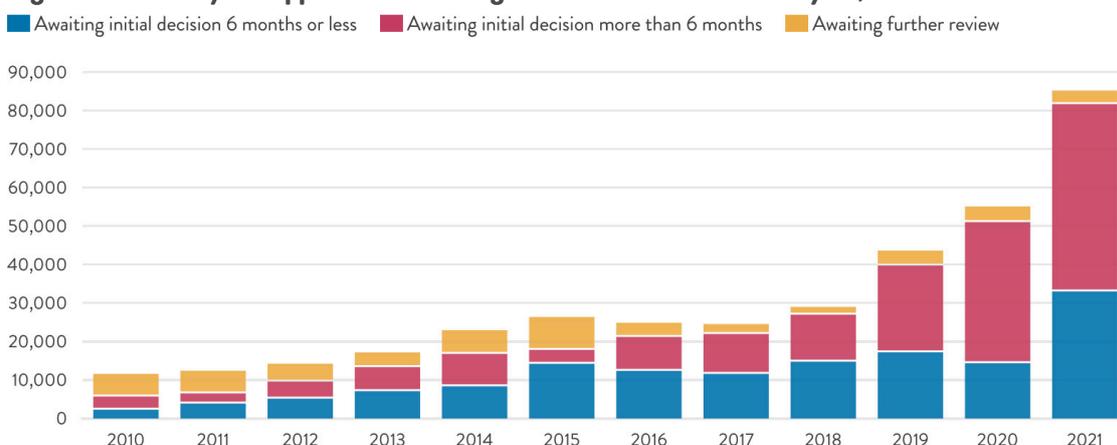
A Failing Asylum System

Asylum applications are growing, driven by the rise in Channel crossings. In 2021, there were 48,540 asylum applications in the UK – a 63 per cent increase on the previous year. This is higher than at the peak of the European migration crisis in 2015-2016 and the highest number of applications for almost two decades (since 2003). ^{14, 15}

Slower Processing Times

With a growing volume of cases, it is critical that the system is able to process them swiftly and effectively. Sadly, the opposite is true. David Neal, the independent chief inspector of borders and immigration, reported in November 2021 that the Home Office had “failed to keep on top of the volume of claims it receives” and that “the length of time asylum claimants wait for an initial decision has increased year-on-year since 2011”, with 85,257 people awaiting a decision as of 31 December 2021 (see Figure 3). ¹⁶

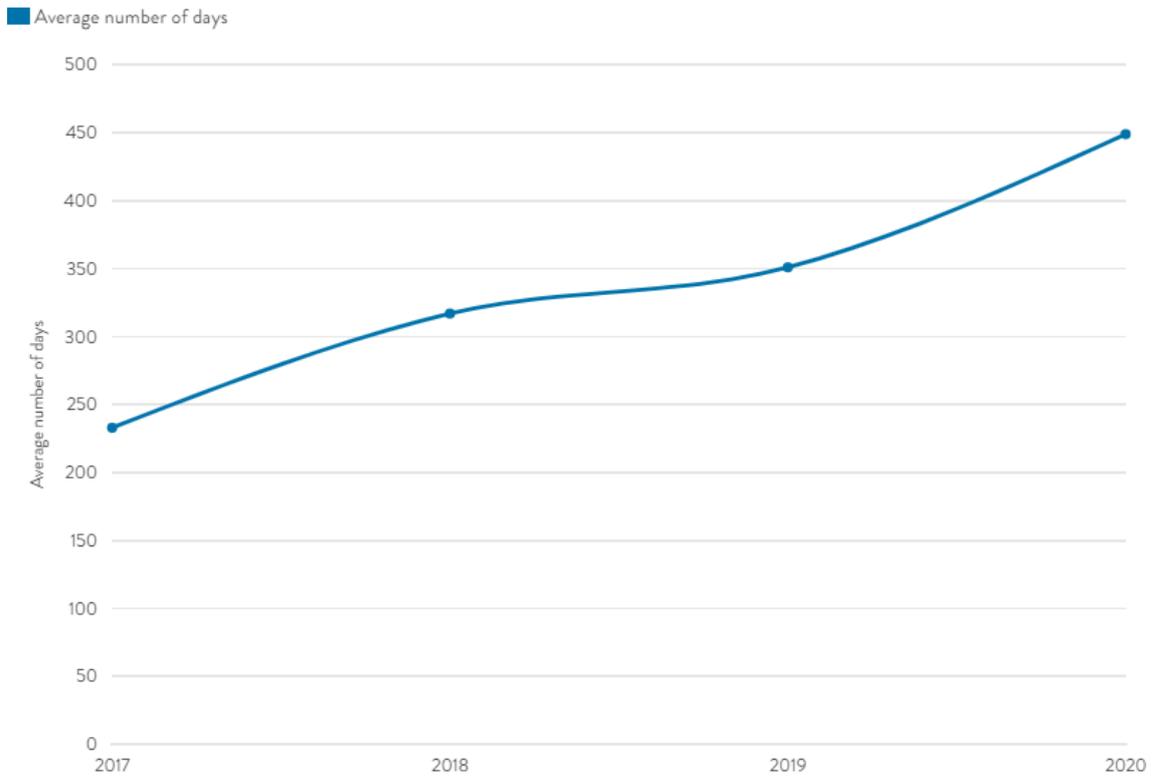
Figure 3 – Total asylum applications awaiting decision at the end of each year, 2010–2020



Source: Asylum applications awaiting decision datasets – March 2022

On average asylum-seeking adults waited 449 days for a decision, an increase from 233 in 2017. During the 2000s, 80 per cent of cases reached an initial decision within two months.¹⁷

Figure 4 – Average number of days waiting for an initial decision on asylum application

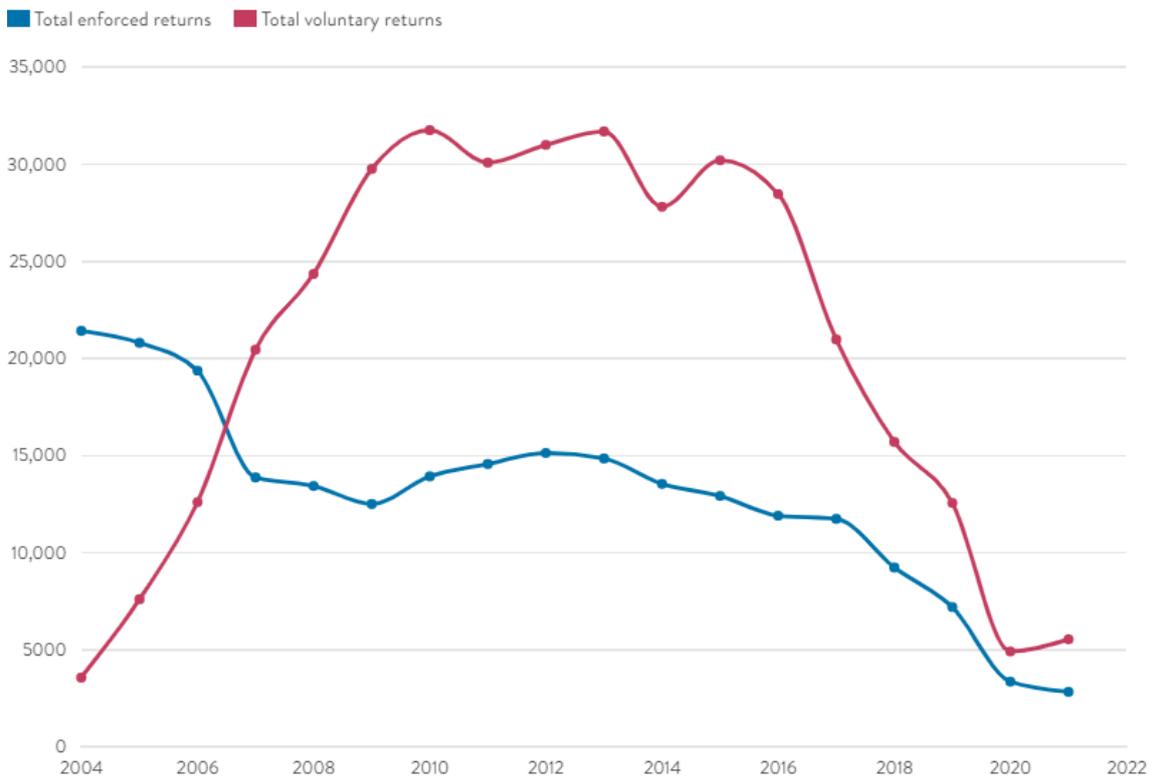


Source: *Independent Chief Inspector of Borders and Immigration*

Fewer Returns

The growing asylum caseload (up to 125,000 in 2021) has been driven both by applicants waiting longer for an initial decision (see Figure 4) and a growth in the number of people subject to removal action following a negative decision (in June 2021 approximately 39,500 cases were subject to removal action).¹⁸ However, since 2010, the number of returns has fallen significantly. In 2021, there were 2,830 enforced returns – compared to 13,928 in 2010. Similarly, there were 5,537 voluntary returns, compared to 31,762 in 2010.¹⁹

Figure 5 – Total number of people returned per year, 2004–2021



Source: Immigration statistics data tables, year ending March 2022. Returns summary tables, year ending March 2022.

In 2021, there were 806 returns of people who had previously claimed asylum in the UK (known as asylum-related returns), around half the number of the previous year (1,587). This continues a downward trend seen since 2010, when there were 10,663 asylum-related returns.²⁰

Illegal Migration

The scale of illegal migration is, by definition, difficult to quantify. The latest official assessments (which are now more than 20 years old) of the size of the illegal migrant population within the UK range from 310,000 to half a million. In 2017, a Civitas paper claimed that illegal migration was likely to be much higher than previously acknowledged, in the region of between 150,000 and 250,000 migrants a year.²¹ However, it is worth noting that there is evidence pointing in the other direction. For example, Jonathan Portes has suggested that illegal migration is likely to be much lower than official estimates indicate, based on an evaluation in London (when the Met Police checked the immigration status of everyone arrested, they found immigration irregularities accounted for a much smaller proportion than expected: perhaps 1 per cent).²²

A significant proportion of the illegal migrant population are likely to be people who have overstayed their visas. Around 1.6 million visas are issued to foreign nationals to visit, study, work or live in Britain every year. But there is currently no routine attempt to check whether an individual has left by the time their visa expires and exit checks are not properly enforced.

An increase in voluntary returns was a key objective of the government’s “hostile environment” policy, introduced in 2014 and now officially known as the “compliant environment” policy, which was designed to make remaining in the UK difficult for those without legal authorisation. However, it is unclear what impact the policy has had on voluntary returns: a 2020 [report](#) by the National Audit Office on the effectiveness of the hostile environment stated that the Home Office is “currently unable to measure whether these activities have the desired effect of encouraging people to leave voluntarily”.²³

The Government’s Plan for Fixing the Asylum System

In March 2021 the government published its “New Plan for Immigration” (subsequently enshrined in the Nationality and Borders Bill) in response to the upsurge in journeys made via small boat. The headline policy is a change to the rules that allows the government to class someone’s asylum claim as inadmissible if they have travelled through, or have a connection to, what is deemed a safe third country. In addition, as a result of measures contained in the plan, people who have travelled through a safe third country will receive a new “temporary protection status” if they cannot be removed from the UK when their claim is found to be inadmissible. This will mean they do not have an automatic right to settle, with leave granted for a maximum time period of 30 months, and individuals will be regularly reassessed for removal from the UK. They will also have limited family-reunion rights and possibly more limited access to financial support.

The plan has been criticised for effectively creating a two-tier system of protection and for contravening the 1951 Refugee Convention, which states that someone’s mode of arrival should have no influence on whether they have a right to make an asylum claim or whether they are recognised as a refugee.²⁴

It is notable that evidence around the deterrence impact of asylum policies is extremely limited. Recent reports suggest that, on average, people spend four years trying to get to Britain.²⁵ Many have already faced huge risks to get to northern France and are willing to risk their lives crossing the Channel by irregular means. They are attracted by a number of factors, including the presence of family members, the UK’s reputation as a safe and tolerant country, and the English language. The extent to which the government’s plan will have the deterrence impact that ministers desire is therefore unclear.

The Rwanda Proposal

In April 2022, the government announced an additional plank to their asylum plan: a UK-Rwanda Migration and Economic Development Partnership, signed by the UK's Home Secretary Priti Patel and Rwandan Minister of Foreign Affairs and International Cooperation Vincent Biruta. Under the partnership, those who journey to the UK via small boat or hidden in lorries could be relocated to Rwanda, where they will be allowed to apply for asylum protection under the Rwandan refugee system.

The plan, which has been heavily criticised by NGOs, has largely been misunderstood as a form of off-shoring, similar to methods used by the Australian government. In fact, this is not an off-shoring plan. Under the home secretary's proposal, the UK's legal responsibilities end when the plane lands in Rwanda. While those deported are invited to try their luck in the Rwandan asylum system, the UK proposes to wash its hands of them entirely. Those with a valid claim will stay in Rwanda.

As such, the plan effectively represents an offloading of the UK's international obligations. More to the point, the government will be deporting people who would (mostly) be likely to have a valid asylum claim in the UK if that claim were to be assessed on its merits. More than 70 per cent of claims were accepted in 2021 (before appeals). Rather than distinguishing between economic migrants and genuine asylum seekers, the UK will be deporting both together without seeking to differentiate them at all.

Leaving aside issues of legality, there are also reasons to think the plan is unworkable in practice. First, as outlined above, the deterrence impact is dubious. The central public-policy case for the scheme is the possibility that some deportations will lead to a strong deterrent effect so that most people change their mind about their journey to the UK and the boats stop arriving. But the capacity of the scheme weakens its potential deterrence effect. Rwanda have said its anticipated capacity is "hundreds of people, or a few thousand across the five-year period". We can extrapolate from this that, based on current asylum numbers, if the scheme was up and running it would be likely to take around 1 per cent of asylum seekers to the UK and certainly less than 5 per cent.

Second, the costs are likely to be significant and certainly much higher than presented. The quoted £120m cost is simply an upfront sweetener to Rwanda to agree to start the scheme. It would likely cost billions to run the scheme at any meaningful scale. Australia implemented a similar scheme that applied to 3000 asylum seekers - at an average cost of £1.4 million per asylum seeker.²⁶

Third, it is very difficult to see how the government would be able to prevent asylum seekers from gaming the system, for example by claiming that they fall within the category of individuals likely to have their human rights abused by the Rwandan government.

Dealing with Demand

Arguably the weakest link in the government's approach to irregular migration is the continuing failure to stem the demand for workers fuelled by the capacity of unscrupulous employers to avoid compliance with employment standards, meaning undocumented migrants are able to "disappear" into the informal economy where they are often paid below minimum agreed levels. In particular, there is currently no way for employers to know whether an individual is entitled to work and to check without discriminating on any grounds, since there is no legal requirement that prospective employees must have reliable documentation and no standardised means of verifying people's identity.

In the next chapter, we outline polling that demonstrates the public's position on the issue of asylum and illegal migration.

What the Public Think

An important element of any durable asylum policy is majority public consent. To inform our findings, we commissioned polling by J.L. Partners to test the principles and policies that might be able to command majority public support.

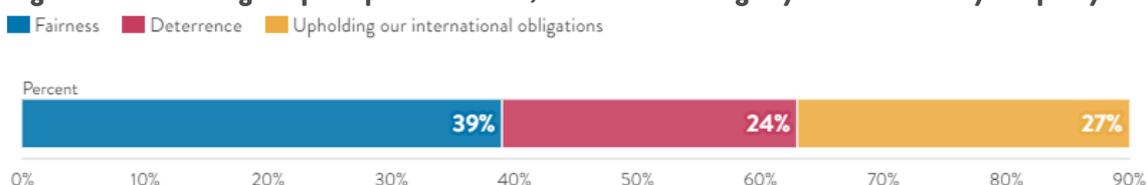
A majority of the public prioritise “fairness” as a core principle in determining asylum policy

We asked the public to prioritise the principles of fairness, deterrence and legality by choosing between the following three statements:

- It is important to deter people from seeking asylum in the UK, even those fleeing war or persecution.
- It is important to ensure the UK’s asylum system is fair, even if that means allowing more people with legitimate claims to stay and live in the UK than we do at the moment.
- It is important to uphold the UK’s international obligations to offer protection to those fleeing war and persecution.

The polling shows a clear majority of the public favour the principle of “fairness”, with 4 in 10 (39 per cent) choosing it over meeting international obligations (27 per cent) and deterring asylum seekers (24 per cent).

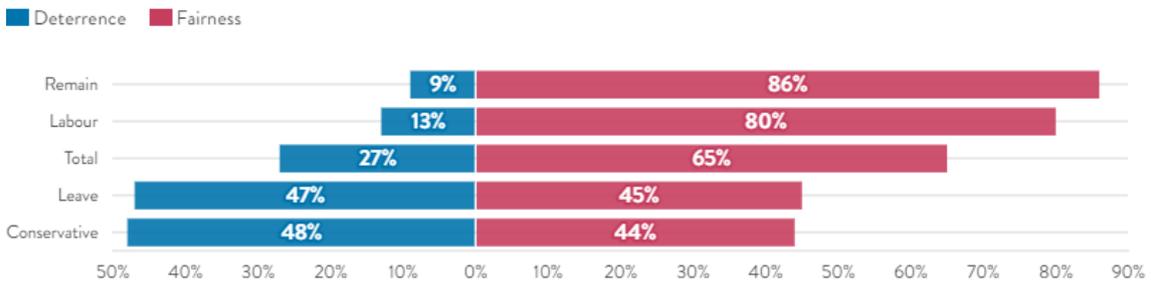
Figure 6 – Prioritising the principles of fairness, deterrence and legality to determine asylum policy



Source: J.L. Partners

In a forced choice between fairness and deterrence as the most important feature of the asylum system, fairness attracts 65 per cent and deterrence 27 per cent. Inevitably, these findings are impacted by partisan polarisation. For example, current Conservative voters are split, with 48 per cent for deterrence and 44 per cent for fairness as the most important feature of the asylum system. Interestingly, Leave voters are more evenly split between fairness (45 per cent) and deterrence (47 per cent).

Figure 7 – Forced choice between fairness and deterrence as the most important feature of the asylum system



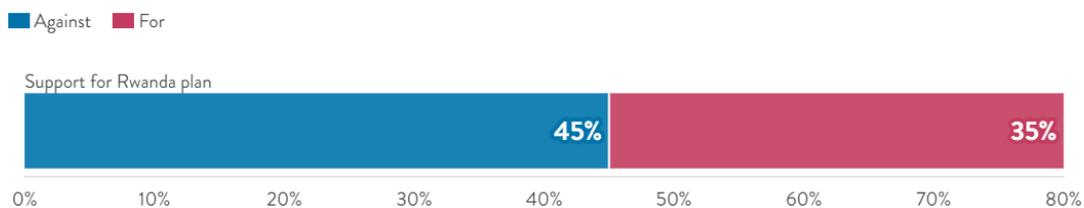
Source: J.L. Partners

The public are sceptical of the government’s current policies to fix the problem, including the Rwanda plan

We asked the public their level of support for the government’s current approach – in particular, the idea that it will be impossible for asylum seekers to claim asylum from abroad and the government’s flagship policy (deporting asylum seekers to Rwanda).

Only 17 per cent of people support the idea that it should be illegal to claim asylum from abroad with 45 per cent opposing that idea. Similarly, the government’s policy of deporting asylum seekers to Rwanda is supported by 35 per cent of the public with 45 per cent opposing. Again these findings are split heavily across party lines. Among Conservative voters it gets 71 per cent support and 11 per cent opposition. With Leave voters, 57 per cent support and 23 per cent oppose.

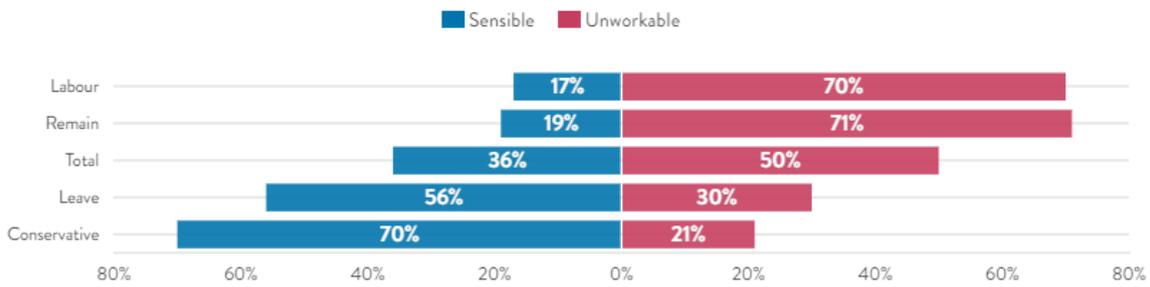
Figure 8 – Support for the government’s plan to send asylum seekers to Rwanda



Source: J.L. Partners

It is notable that a majority of the public believe the Rwanda scheme is unworkable (50 per cent), unlikely to succeed in deterring Channel crossings (52 per cent) and unprincipled (45 per cent). Among Leave voters, 30 per cent think the scheme is unworkable and 40 per cent think it is unlikely to deter Channel crossings.

Figure 9 – Belief that the government’s plan to send asylum seekers to refugees is sensible or unworkable



Source: J.L. Partners

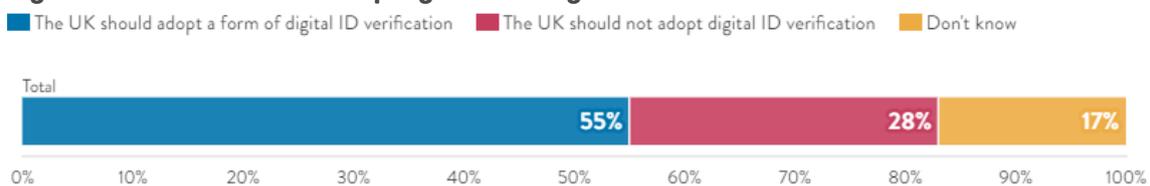
By contrast, the public are supportive of alternative workable solutions, such as opening up safe and viable routes for asylum applications and introducing a system of digital ID verification

When asked to rank their support for a series of policies, by far the most popular was making arrangements with EU countries to ensure the safe return of asylum seekers whose claims were rejected in the UK (77 per cent). Unfortunately, this is one of the areas in which performance has fallen off a cliff since 2010.

The public also demonstrated high levels of support (61 per cent) for the opening of safe and viable routes as an alternative to dangerous boat journeys – enabling them to apply from abroad, for example, at British embassies.

Finally, a significant majority of the population were in favour of introducing a form of digital ID verification to make it harder for asylum seekers whose claims had been rejected to work and settle, with 55 per cent in favour and only 28 per cent opposed.

Figure 10 – Views on the UK adopting a form of digital ID verification



Source: J.L. Partners

These findings demonstrate that there is potential support for an approach on asylum that combines the principles of control and compassion, rather than forcing people to choose between one or the other; and that most of all, the public want policies which will work, rather than unravel. The next chapter will set out what such a plan would look like in practice.

Polling: Sample Details

Polling conducted by J.L. Partners for the Tony Blair Institute looked at which principles the public prioritise in determining asylum policy, levels of support for the government's current approach and support for alternative policies. The polling was conducted among an online panel sample of 1,055 adults from 14 June 2022 and weighted to be representative of the UK on gender, age and region.

The Way Forward

The purpose of the asylum system should be to find a balance between two principles: control and compassion.²⁷

The former is important in order to reassure British citizens that the border is secure and that the rules are not being exploited. Public consent rests on this. The latter is critical so that the UK is able to uphold its international obligations and reputation as a country that offers sanctuary to those fleeing persecution.

The government's current approach delivers neither. The changes introduced leave asylum seekers in a Catch-22 situation: the rules say claims can only be made by people in Britain – but that claims will be inadmissible if people arrive in Britain without permission to make those claims having been granted. Not only is this unfair to those with genuine asylum claims, it is unlikely to deter illegal migration. If anything, it will further incentivise people to attempt dangerous, irregular journeys because the lack of meaningful viable routes mean there is nothing to lose. At the same time, the lack of an identity-verification scheme and the diminished capacity to return those with invalid cases to safe countries means there remains a strong incentive for asylum seekers to travel to the UK and then try to “disappear” into the black economy.

No control, no compassion.

However, it is not sufficient to simply critique existing policy. The home secretary is right to point out that the status quo – with growing numbers of asylum seekers seeking to cross the Channel – is clearly unsustainable. As an alternative to the government's current approach, we therefore suggest the following four-point-plan.

1. Opening Up a Safe and Legal Asylum Route

The government ought to explore the creation of a new humanitarian visa, which would grant asylum seekers the right to have their claims properly considered in British embassies abroad. In exceptional circumstances, it might be possible for embassy staff to resolve the claim in its entirety. In most cases, the embassy would be given the tools to initially assess an individual's claim by determining whether, on a prima facie basis, it was deemed to have a reasonable chance of succeeding. If embassy staff concluded the claim was likely to meet that threshold the individual in question would be granted a permit to travel to the UK and have their claim resolved.

The scheme would be specifically targeted at those currently making Channel crossings – providing an incentive to seek asylum in Britain via a managed (and legal) route, rather than resorting to dangerous journeys facilitated by criminal gangs.

In order to avoid creating an additional pull factor and to manage flows, the government should:

- set an annual cap on the number of such visas issued – potentially at the level of current acceptances – to be reviewed by Parliament on an annual basis.
- establish clear prioritisation criteria: for example, to prioritise applications from the top ten countries of origin for people arriving by boat, and/or those most likely to have their claims accepted.

At least to begin with, the government should ask the independent chief inspector of borders and immigration to oversee and review the process to ensure procedures are tightly managed.

2. Detering Asylum Seekers From Seeking to Arrive Outside Managed Routes

The quid pro quo for a humanitarian visa scheme should be a tough approach towards spontaneous arrivals, which would mean – consistent with the new rules – that anyone seeking to arrive in Britain without having applied through a managed route would be automatically deemed inadmissible.

To enforce these rules credibly, the government needs to urgently negotiate a new agreement with the EU (or selected EU countries) covering the safe returns of those who have had their asylum claims rejected or been deemed inadmissible, for example because they arrived in a safe EU country first. Any such agreement also needs to include greater cooperation regarding enforcement against people traffickers and smugglers.

3. Getting the Basics Right on Asylum Processing

During the 2000s the government demonstrated that it is possible to improve the speed and efficiency of the asylum system through a combination of the following factors.

- International cooperation – the number of cases fell significantly in the wake of the closure of the Sangatte refugee camp in 2002, which in turn made it easier to clear backlogs and focus on speeding up processing. (The camp's closure was negotiated directly with the French government by then Home Secretary David Blunkett and involved offering those in the camp a proper process for applying either in France or the UK.)
- A strong push from the top of government – including the re-introduction of clear national targets to speed up processing times and increase the number of returns.

- Smarter case management – adopting a segmented approach, with differentiated processes for different types of claims, enabling greater efficiency (rather than treating all asylum seekers as if they were the same).

We recommend that the government establishes a taskforce to examine the drivers behind slower processing times and falling returns – looking at in detail at a range of factors, including the quality of training, use of technology, incentives facing case workers and government guidance.

4. Dealing With the Demand Side of Irregular Migration With a System of Digital ID Verification for All Citizens

The UK is an attractive destination partly because parts of our labour market are under-regulated, which means it is easier to work in the informal economy (and therefore disappear off the radar) than in countries where you must prove your right to work and reside. Common sense would suggest that this continues to represent a significant pull factor for those seeking to attempt dangerous journeys to the UK.

We recommend that the government takes advantage of new technologies to introduce a digital identity-verification system. This would combine some aspects of a traditional physical identity card with the functionality to digitally authenticate users with employers and government services, and issue digital signatures on necessary documents. To work and/or access benefits, individuals would be required to produce a claim that they have a legal right to reside, digitally signed by a recognised authority. To obtain such a claim, individuals would first need to establish their status with a recognised authority (likely to be a government department, other public-sector body or designated partner) by generating their own public or private key pair, and by providing their passport or equivalent documentation for verification. In return, they would receive one or more digitally signed claims that would be unique to them and credible when shared with third parties.

While such a system would represent a shift from the status quo, it is less of a leap in a world where citizens are increasingly used to verifying their status, particularly post-pandemic (with millions having already been required to demonstrate proof of vaccination in order to travel).

In conclusion, the public are ahead of the political class on the issue of asylum. They understand that the choice facing Britain is not whether or not people will seek to come, but whether the flow of asylum seekers will be unmanaged, illegal and dangerous or managed, coordinated and legal. They do not want to be forced to choose between the principles of control and compassion, but want a workable solution that balances both. It is time our politicians caught up.

Footnotes

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