

Humanity in the Home Office: Deconstructing the Politicisation of Asylum Policy and Recommendations for Reform

AUTHORS
Laidlaw Scholar- Mairéad Graham
Supervisor- Prof. Thom Brooks
Durham University Law School



Read the report!

INTRODUCTION

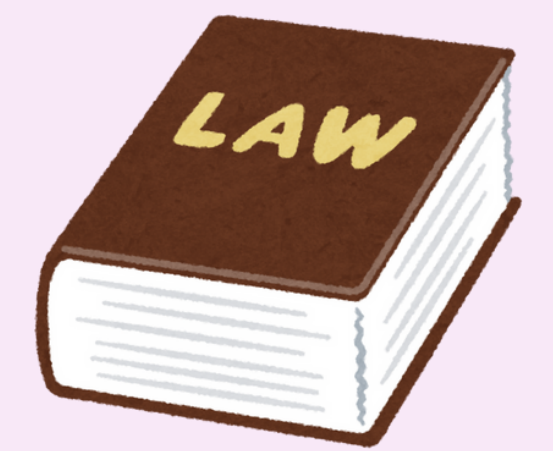
This report aims to provide a holistic evaluation of the UK's asylum system, going beyond the media's excessive politicisation of irregular immigration to understand what a fair, realistic system is and what measures should be taken to get there. The analysis ranges from legislation to refugee integration, with the intention of making the system more efficient and compassionate. The study is conducted in August and September of 2024, which coincides with the arrival of a change in government. Therefore, it targets areas that have yet to be addressed to the necessary extent by the new Labour plan. The policy analysis provides methods for increasing international solidarity in accepting refugees.

The study then moves on to look at actions that should be taken by the Home Office to tackle the backlog and improve its treatment of asylum seekers, ending by assessing refugee integration provision.



METHODOLOGY

This study is comprised of synthesising current literature on immigration policy and interviews. It consults a wide range of sources from different sides of the political spectrum, including different forms of media: news articles, publications from think tanks, political manifestos, academic publications, external investigations (predominantly conducted by the UNHCR or Migration Observatory), asylum statistics and databases, and advice from immigration barristers. Qualitative research was conducted in the form of interviews with a range of people from different areas of asylum: a former CEO of a refugee employment charity, an international human rights lawyer and UNHCR policy analyst, an interpreter, various grass-roots charities that support asylum seekers and a local government official. It was also done in regular conversation with an immigration policy specialist, Thom Brooks (supervisor).



THE POLITICAL CONTEXT AND LEGAL LANDSCAPE

Successive recent changes in domestic legislation have substantiated the hostile attitude towards those seeking asylum, in an attempt to deter people from arriving in the UK. This has mainly included the Nationality and Borders Act (NABA) 2020, the Illegal Migration Act 2023 and the Safety of Rwanda Act 2024. Not only has this been incredibly expensive, it also is in breach of international law, due to the principle of non-refoulement that underlines the Refugee Convention (of which the UK played a key role in formulating). There is little evidence to suggest that any of the 'hostile environment' legislation worked as a deterrent, and the MEDP with Rwanda was extremely expensive only to result in no involuntary removals. The study makes the case for the UK to admit more asylum seekers due to its relatively poor record. The UK ranks very low in Europe for the amount of refugees it accepts, particularly when considering its economic strength. The new government, though no formal legislation has been released yet, has announced its plan to focus its immigration policy on tackling criminal gangs, by setting up a new Border Security Command, and introducing counter-terror powers for officers to crack down on people smugglers. This study argues that this necessarily must come in tandem with an increased provision for legal asylum pathways, for the plan to be effective.

FINDINGS

UK-EU Solidarity:

The report finds that the only meaningful way to prevent more channel deaths is to have a formalised agreement with the EU. This is due to the ad-hoc nature of people smugglers; where there is an opportunity, there will be someone willing to exploit asylum seekers, therefore to truly undermine the business model of people smugglers, the UK must address the need of those who are trying to get there. That entails increasing the number and accessibility of humanitarian pathways as well as entering into the EU's approach to asylum. While the EU's new proposed Pact on Migration and Asylum is problematic in aspects, the UK needs to join an international effort. It would mean that those with strong ties to the UK could have their application heard here while simultaneously allowing for the returns of people who pass through another country such as France, preventing people from making the perilous journey in the first place. The spike in small boat crossings coincides with the UK's exit from the Dublin Regulation (under Brexit) as due to the lack of formal agreement, once people arrive in the UK, they cannot be sent back to France.



Humanitarian pathways:

The study evaluates different policy options for how to increase the accessibility of humanitarian asylum pathways, without overwhelming the system. It discusses humanitarian visa options though specifies it should be a joint project with the EU, to prevent an influx to any one country. It is guided by an in-depth study conducted by the European Parliamentary Research Service and concludes on the implementation of a Limited Territorial Visa. It recognises the importance of creating safety in the country of origin or near-by but understands that there should be a competent system in place when that is not possible.

System reform

Measures suggested in the policy recommendations arise predominantly from common themes from the interviews with advocates of asylum seekers, as well as the UNHCR audit into the system. They underline some of distressing aspects of the experience of seeking asylum, offering simple changes that could offer a world of relief. The report also highlights the most time- and resource-wasting practices, moving towards a more efficient system and preventing people from being stuck in limbo. Though the backlog is starting to come down, there are particular worries with some practices of which have not been rejected by the new government.



Integration, education and employment

The report provides the statistics for the nature of asylum and disproves the demonisation of asylum-seekers as 'economic migrants'. It argues for the importance of tackling misinformation, and how this could make the system more efficient. Moreover, it highlights the areas of UK asylum that should be better understood globally, as well as information that asylum seekers should have upon arrival, to prevent integration issues. It highlights problems with the current Refugee Employability Scheme, that allow businesses to exploit funding. The report argues in favour of permitting asylum seekers to work while waiting for a status, to reduce dependence on the state, address isolation, and improve efficiency, while addressing the problems asylum seekers have with employability and job irregularity, allowing for better integration long term. The study supports an increase in the devolution of power, arguing for the value of local authorities for efficiency and better-quality integration. Finally, the government should amalgamate the different actors of the integration process.

CONCLUSION: THE POLICY RECOMMENDATIONS

The study concludes that the following recommendations will improve the efficiency and humanity of the UK's response to asylum-seekers and refugees:

- Repeal the Illegal Migration Act 2023.
- Increase the number and accessibility of humanitarian pathways.
- Enter a formalised agreement with the EU to commit to ambitious resettlement targets and a European Asylum System.
- Implement a Limited Territorial Visa scheme with the EU to make asylum applications more accessible.
- Refrain from entering into any offshoring of asylum agreements.
- Where possible, increase efforts to create safe spaces in countries of origin, to prevent mass unnecessary movement to Europe.
- Streamline the application process.
- Update software and improve digitalisation.
- Increase funding to the First-Tier Tribunal Court and ensure adequate legal aid.
- Improve staff training.
- Make the legislation clearer to prevent incorrect decisions.
- Provide a preliminary timeline for applicants and renovate the Home Office administration.
- Stop the focus on self-reporting.
- End indefinite detention.
- Separate border security from asylum.
- Tackle misinformation about irregular immigration.
- Address safeguarding issues in hotels.
- Implement information booklets on arrival for asylum-seekers.
- Publicise the voluntary returns scheme better, though in a less hostile way.
- Devolve more power in resettlement programmes.
- Shorten the waiting period to work to 6 months or less, and accessible to all.
- Harmonise different departments that address refugee integration, under one roof.
- Ditch the two-tiered attitude towards refugees based on means of arrival.

REFERENCES

- European Parliamentary Research Service (2018). Humanitarian Visas. [online] Available at: <https://www.europarl.europa.eu/cmsdata/150782/eprs-study-humanitarian-visas.pdf>.
- UNHCR (2024). UNHCR's Recommendations to the Government of the United Kingdom. https://www.unhcr.org/uk/sites/uk/files/2024-07/unhcr_recommendation_to_uk.pdf.
- LEGISLATION:
 - Convention Relating to the Status of Refugees, 28 July 1951, UN Treaty Series, vol. 189, p. 137. Available at: <https://www.unhcr.org/3b66c2aa10> (Accessed: 01 September 2024).
 - Council of the European Union, 2008. European Pact on Immigration and Asylum. [online] Available at: <https://register.consilium.europa.eu/doc/srv?l=EN&f=57%2013440%202008%20INIT> [Accessed 19 Sep. 2024]
 - Illegal Migration Act 2023. London: The Stationery Office. Available at: <https://www.legislation.gov.uk/ukpga/2023/xx/contents/enacted> (Accessed: 01 September 2024).
 - Nationalities and Borders Act 2022. Chapter 36. London: The Stationery Office. Available at: <https://www.legislation.gov.uk/ukpga/2022/36/contents/enacted> (Accessed: 17 September 2024).
 - Safety of Rwanda (Asylum and Immigration) Act 2024. Available at: <https://www.legislation.gov.uk/ukpga/2024/8/enacted> (Accessed 30 August 2024)