
Asylum in the UK

an ippr **FactFile**

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ippr **FactFiles** on Asylum & Migration

Asylum and immigration issues are high on the political and public agenda as reflected in recent opinion polls. Despite this, there is very little objective and easily accessible information about the key issues and facts informing these opinions. The information that exists is both very complex and difficult to disaggregate and usually provided by organisations with particular concerns or interests. In many ways the asylum and immigration debate has become polarised, between those who believe that the impact of immigration is overwhelmingly negative and should therefore be limited, and those who are concerned about the rights of migrants and with ensuring that the benefits of migration are understood and facilitated by Government policy. This debate is characterised by a tendency to use information about asylum and immigration in a selective and partial way or out of context.

One of the key objectives of ippr's Migration Programme is to engage the media and public in an informed and evidence-based debate about asylum and immigration to the UK. Migration is a complex and politically sensitive area but public understanding of the issues is not benefited by the limited objective information currently available. As part of this process we are consolidating the available evidence on asylum and immigration issues in the form of accessible **FactFiles**. **Asylum in the UK** was the first of these fact files. This is the second edition of the **Asylum in the UK FactFile** and updates the information on asylum. Two more **FactFiles** have been released on the ippr website covering **Labour migration** and **EU enlargement and labour migration**. We will shortly be releasing a **FactFile** covering **Migration and health in the UK**.

Another crucial part of this work will be led by our public involvement team. Politicians and policy makers are extremely sensitive to public opinion, yet this opinion is largely ill-informed, wary, defensive and based upon 'evidence' presented in crude polls or the tabloid press. In order to engage the public in a well-informed debate about asylum issues it is crucial to understand first how these views are formed and what concerns and fears underlie them. We are currently undertaking research with the public to gauge current levels of public understanding and identify whether, and if so how, this understanding is shaped by social and economic factors. We want to find out the terms in which people discuss the issues and what informs their attitudes. The results will be an invaluable resource for government, the media and other organisations working in the field.

For more information about the Migration Programme please visit our website at <http://www.ippr.org/migration> or contact:

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Executive summary

Who are asylum seekers?

The UK is a signatory of the 1951 Convention relating to the Status of Refugees (henceforth the 'Refugee Convention') and as a result has an obligation not to return a person who is a refugee to a country where they face persecution. According to the Refugee Convention, a refugee is someone who has a 'well founded' fear of persecution in their country of origin for 'reasons of race, religion, political opinion, nationality or membership of a particular social group'. The definition is narrow as it is not sufficient to show that your human rights have or will be violated or that the state has persecuted you. You also have to show that this has happened for a 'Convention reason'. If your fear of persecution is not for one of the Convention reasons you may be granted temporary protection in the form of discretionary leave or humanitarian protection. To qualify for these you have to show that there would be a serious breach of your human rights if you were removed from the UK. The European Convention on Human Rights details these rights. Asylum claims mainly rely on Article 3 which absolutely prohibits 'torture and inhuman and degrading treatment or punishment'. If you can show you would be subjected to such treatment if returned to your country of origin then you can be granted temporary protection in the UK. The threshold for what constitutes treatment contrary to Article 3 is high. An 'asylum seeker' is someone who is waiting for an application for recognition as a refugee or for temporary protection to be considered by the Government. The Government considers each application for asylum on its individual merits in order to determine whether the applicant demonstrates a well-founded fear of persecution in his or her country of nationality for one of the reasons set out in the Refugee Convention or whether there would be serious human rights violations in returning that person to their country of origin.

Where do asylum seekers come from?

The ten main countries of origin of asylum seekers to the UK in the third quarter of 2004 in descending order were Iran, China, Somalia, Zimbabwe, Iraq, Pakistan, Eritrea, India, Afghanistan and Sudan. These nationalities accounted for sixty per cent of all asylum seeker applications. The five main countries of origin of asylum seekers to the UK in 2003 in order of magnitude were Somalia, Iraq, China, Zimbabwe and Iran. These nationalities accounted for thirty-eight per cent of all asylum seeker applications. From 1999 to 2003 the ten main countries of origin for asylum seekers were Somalia, Iraq, Afghanistan, Serbia and Montenegro, China, Iran, Turkey, Zimbabwe, Pakistan and India. Over half (fifty-five per cent) of the total applications for asylum during that period came from those ten countries (Home Office, 2004:29).

Why do asylum seekers leave their countries of origin?

There is empirical evidence that repression of and discrimination against minorities, ethnic conflict and human rights abuse were factors present in all the top ten sending countries to the EU from 1990 to 2000. This evidence is in sharp contrast to the assumption that asylum seekers are in reality economic migrants, although it does not mean that all asylum seekers from these countries are in need of protection. The

reasons for an individual's decision to leave are more complex. It is this decision, rather than the underlying causes of forced migration flows, on which the asylum determination process is based.

Why do asylum seekers come to the UK?

Research, including that commissioned by the Home Office, suggests that individuals take account of a number of variables when deciding where to claim asylum. Some asylum seekers have little or no choice in their final destination. Others have the financial and social resources to exert a degree of choice. Democracy, opportunity and a better life chance for children are assumed to exist in all western countries with additional factors being the presence of family or friends in a country, language and cultural legacy of empire and images and preconceptions. There is little or no empirical evidence that welfare support is a principle motivation for choosing to come to the UK. Few asylum seekers are fully aware of what is available to them on their arrival, nor do they have a good knowledge of the differences between asylum determination processes in different countries.

How many asylum applications does the UK receive?

In the third quarter of 2004 there were 8,605 asylum applications, excluding dependants. This was an increase of nine per cent on the previous quarter but twenty-nine per cent lower than the same period of 2003. Including dependants, asylum applications increased by thirteen per cent, from 9,210 in the second quarter to 10,385 in the third quarter of 2004. In 2003 there were 60,045 asylum applications, including dependants - a decrease of forty-two per cent on 2002 when the comparable figure was 103,080. 3,180 unaccompanied children applied for asylum in 2003. The main countries of origin for unaccompanied children in 2003 were Somalia (nine per cent), Afghanistan (nine per cent), Iraq (eight per cent) and Serbia and Montenegro (seven per cent). Between 1994 and 2003 the UK received 543,060 asylum applications. In 2001 the UK had a total population of 58.8 million.

Does the UK receive more than its 'fair share' of asylum seekers?

The vast majority of refugees can be found in the developing world, which accounts for sixty-eight per cent of the world's refugee population in 2002. Comparing the proportions of refugees in different countries is difficult as each country has different wealth, population density and size and so different capacity to absorb refugees. In 2002 the UK was ranked seventy-fourth in the world in relation to GDP, fifty-sixth in relation to population and twenty-ninth in relation to territory. Amongst industrialised countries the UK ranked fourth in relation to GDP, tenth in relation to population and seventh in relation to territory in terms of the total number of persons of concern to the United Nations High Commissioner for Refugees (UNHCR) between 1998 and 2002.

What proportion of asylum seekers is granted refugee status?

In 2003, six per cent of asylum seekers were granted refugee status at the initial decision stage. In addition, eleven per cent were granted exceptional leave or humanitarian or discretionary protection¹. This represents a decrease in the total

proportion of applications given status at the initial decision stage from thirty-six per cent in 2002 to seventeen per cent in 2003. The proportion of appeals allowed by adjudicators of the Immigration Appellate Authority (IAA) also fell from twenty-two per cent to twenty per cent. Further appeals determined by the Immigration Appeals Tribunal increased in number from 5,565 in 2002 to 9,450 in 2003. Of those appeals to the Immigration Appeals Tribunal (IAT) the proportion of appeals allowed rose from eleven per cent in 2002 to fifteen per cent in 2003. The number of appeals remitted to adjudicators at the IAA for further consideration was 2,700 in 2002 and 4,220 in 2003. This was a decrease in the proportion of appeals remitted from forty-eight per cent in 2002 to forty-four per cent in 2003. Over a quarter (twenty-eight per cent) of asylum applicants who applied in 2003 were given some form of leave to remain in the UK either at Home Office decision stage or on appeal.

What happens to those people not granted any form of status?

There are no reliable statistics available on the number of failed asylum seekers who leave the UK as there is no way of knowing how many leave the UK of their own accord. The Home Office does record how many people leave due to removal, voluntary returns programmes or assisted return. This number has been rising from 3,170 in 1995 to 13,005 in 2003. There can be real practical difficulties in removing people who may have lived in the UK for years, whose country of origin may be unwilling to admit them or who may have children who may know no other life. There have also been categories of failed asylum seekers who cannot return to their country of origin due to the human rights situation there such as Somalis or Zimbabweans. The Home Office did have policies suspending the returns to people from some such countries but has now begun to enforce returns again.

Does the asylum determination process work?

Changes to the asylum determination process over recent years have resulted in a significant reduction in the backlog of claims awaiting a decision and in the length of time for a decision to be reached. Eighty-two per cent of applications received in 2003-4 had initial decisions made and served within two months compared with seventy-five per cent in 2002-3. But there remain significant concerns about the cost of the system and about the quality of initial decision-making. The fairness of decision-making in asylum cases is also subject to question with a high number of decisions being overturned on appeal or being remitted for further decision by the Immigration Appeals Tribunal. The opportunities to appeal have been increasingly restricted and the most recent legislation will amalgamate the two tier appeals system into one appeal body - the Asylum and Immigration Tribunal. Strict time limits for initial applications and for lodging appeals create problems for asylum seekers in accessing the system. There have also been changes made to the time available to legal representatives but the final effect of these changes on the availability of high quality legal representation remains to be seen.

Where do asylum seekers live?

There are no records to show where all asylum seekers live. The Government only keeps records centrally on those who receive government support through the

National Asylum Support Service (NASS)². At the end of September 2004, a total of 64,410 asylum seekers were in receipt of NASS support. Of these 22,935 were receiving subsistence-only support, while 41,475 were supported in NASS accommodation. At the end of September 2004, only four per cent of those in receipt of NASS accommodation but seventy per cent of those receiving subsistence-only support were located in London. The regions with the five highest numbers of asylum seekers in NASS accommodation were: Yorkshire and the Humber (twenty-two per cent), West Midlands (sixteen per cent), North West (sixteen per cent), Scotland (fourteen per cent) and the North East (ten per cent) (Home Office, 2004c:8). It has been estimated that the number of refugees and asylum seekers who have entered the country in the past fifteen years and who are now living in London is between 240,000 and 280,000. Many of these are now UK citizens.

How are asylum seekers supported?

The Immigration and Asylum Act (1999) established a new department within the Home Office, the National Asylum Support Service (NASS), which assumed responsibility on 3 April 2000 for providing support to destitute asylum seekers who applied for asylum on or after this date. As of 23 July 2002 permission to work is only granted in conjunction with refugee or humanitarian status. Under section 55 of the 2002 Nationality, Immigration and Asylum Act 2002, in-country applicants for asylum who cannot prove that they applied for asylum 'as soon as reasonably practicable' are no longer entitled to NASS support. There is no statistical basis to assume that in-country applicants are less credible than port applicants. Under NASS, cash weekly allowances paid to asylum seekers are set at a maximum of seventy per cent of basic Income Support rates for adults and at a hundred per cent for children under eighteen. Lower rates for asylum seekers are justified on the basis that those housed in NASS accommodation receive in-kind support. Those asylum seekers who choose to stay with friends or relatives receive no contributions towards rent, furnishings or household items.

Why are asylum seekers detained?

The Government maintains that there will always be a need to hold small numbers of immigration detainees, including asylum seekers for reasons of security and control. The power to detain immigrants is provided under the 1971 Immigration Act. The use of detention has been extended in subsequent legislation and practice. The practice of detention for fast-track determination of asylum claims started in March 2000. The lawfulness of detention for administrative purposes alone was challenged as in contravention of the European Convention of Human Rights. Detention was upheld as lawful by the House of Lords. The lawfulness of detention was determined by the conditions and the brevity of the period of detention. Detention is treated as an administrative process and is not a criminal sanction. Asylum seekers and migrants, including children, can be detained at any stage of their claim to remain in the UK, for any reason with no time limits. A UNHCR study suggests that the UK detains more people for longer periods and with less judicial supervision than any comparable country in Europe. The number of asylum seekers detained over the course of a year probably exceeds 5,000. At the end of September 2004, 1,105 persons who had sought

asylum at some stage were being detained in the UK solely under Immigration Act powers, with asylum detainees comprising 76 per cent of all Immigration Act detainees. The Government has estimated that detaining all asylum seekers on arrival could cost £2 billion in start-up costs, with annual running costs of over £1 billion.³

How much does the asylum system cost?

2003-4 sees the production of the first Single Asylum Budget. Previously the cost of the asylum system could only be estimated from collating the costs of different aspects. The Single Asylum Budget figures will be published in early 2005. Current estimates from the Home Office are that the Immigration and Nationality Directorate outruns are £0.9 billion, compared to £0.8 billion in 2002-3. Asylum support costs for 2003-4 are £1.0 billion, compared to £1.1 billion in 2002-3. The Single Asylum Budget figures for the Department of Constitutional Affairs are £0.2 billion for legal representation and £0.1 billion for other costs.

What is the public perception of asylum seekers?

Asylum and race is the fifth most important issue for the public, according to a MORI poll in October 2004. An earlier MORI poll in June 2003 found that fifty-eight per cent of fifteen to twenty-four year olds disagreed with the statement that 'asylum seekers and refugees make a positive contribution to life in this country', while twenty per cent agreed. According to a Populus poll for the *Times* in February 2003, nine out of ten voters believe that the number of asylum-seekers in Britain is a serious problem, with thirty-nine per cent of the public regarding the number of asylum seekers as 'the most serious problem in Britain at present'. However, seventy-eight per cent believe that 'it is right that Britain should continue to let in people seeking asylum if their claim is genuine'.

Key questions in the asylum debate

1 *Who are asylum seekers?*

The UK is a signatory of the 1951 Convention Relating to the Status of Refugees (henceforth the 'Refugee Convention') and, along with 130 other countries of the developed industrial world, is committed to the principles of the 1948 Universal Declaration of Human Rights which includes the right to seek asylum. Both documents form the basis of international refugee law and commit signatories to certain obligations. An 'asylum seeker' is someone who is waiting for an application for recognition as a refugee or human rights protection to be considered by the Government. The Government considers each application for asylum on its individual merits in order to determine whether the applicant has demonstrated that they are a refugee or qualify for any other form of protection.

In order to be recognised as a refugee within the meaning of the Refugee Convention an individual has to be able to demonstrate that they will be persecuted because of their 'race, religion, political opinion, nationality or membership of a particular social group'. In this sense the criteria for being granted refugee status is narrow as persecution per se is not sufficient. If they are not granted refugee status but do face serious human rights violations a claim may engage the Human Rights Act 1998. This Act incorporates the European Convention on Human Rights (ECHR). Asylum claims rely mainly on Article 3 of the ECHR which absolutely prohibits 'torture and inhuman and degrading treatment or punishment'. If an applicant can show they would be subjected to such treatment if returned to their country of origin, they can be granted temporary protection in the form of humanitarian protection or discretionary leave. The threshold for what constitutes treatment contrary to Article 3 is high. Protection is also available for other rights enshrined in the ECHR but only if the rights violation would occur in the UK.

Applicants who have been granted humanitarian protection or discretionary leave will have their status periodically reviewed and are not entitled to family reunion, that is the right to bring their spouses or children to join them in the UK. Humanitarian protection is normally granted for a period of three years after which it is reviewed. If the circumstances giving rise to the need for protection continue to exist after the three year period then claimant can apply for settlement (indefinite leave to remain). Discretionary leave is granted for a period of three years or less, after which it is to be reviewed. Discretionary leave is actively reviewed and can be extended if appropriate. A person with discretionary leave will only become eligible for settlement (ILR) after six years of leave. In some circumstances a person will never become eligible.

As a signatory of the Refugee Convention, the UK has a responsibility for guaranteeing that an asylum seeker who is recognised as a Convention refugee is entitled to the same rights as a UK citizen, can stay in the UK indefinitely and is entitled to a refugee travel document. Those granted temporary protection are given similar rights to work, education, housing and social services, but unlike Convention refugees they do

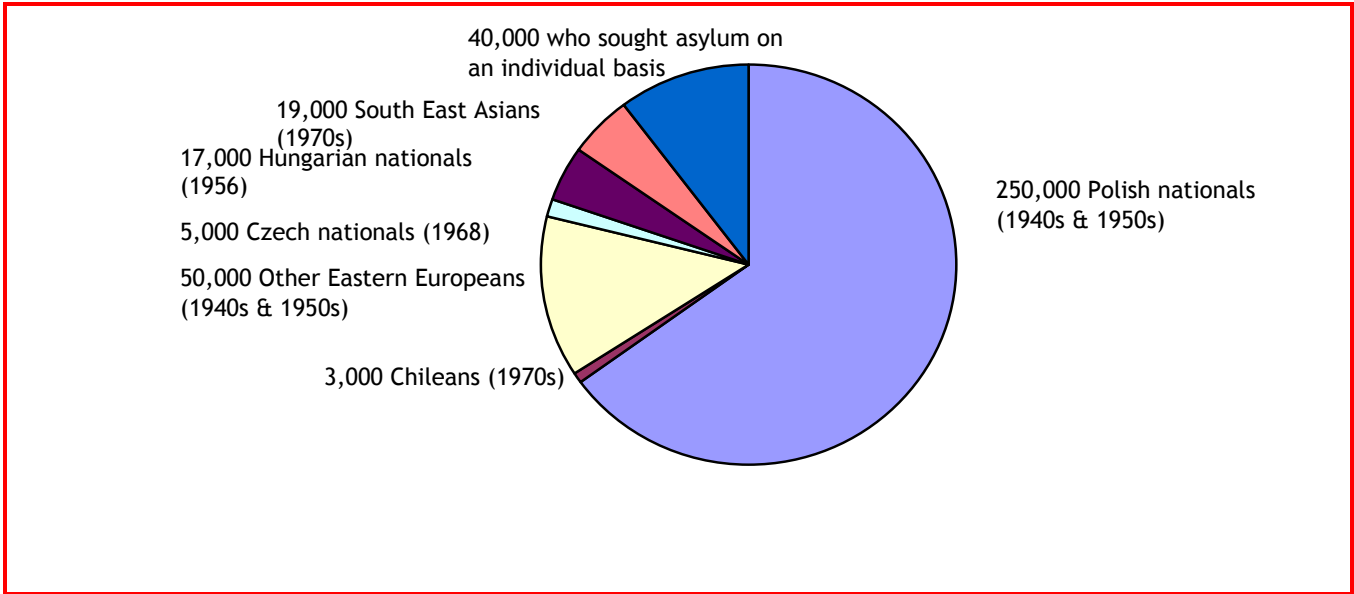
not have rights to family reunion and can only get travel documents in specific circumstances.

2 Where do asylum seekers come from?

UK

According to the Home Office estimates⁴, refugee groups coming to the UK between 1939 and 1980 included Polish, Czech, Hungarian and South East Asian nationals (see Figure 2.1).

Figure 2.1 Refugee groups coming to the UK, 1939-1980



Source: Home Office

Since the 1980s, the UK has also accepted the following refugee groups as part of Government programmes:

- 5,820 South East Asian (1985-1995)
- 15,500 Vietnamese (1975-1992)
- 2,500 Bosnian (1992-1997)
- 4,345 Kosovar (1999)

In March 2004 the Government started a new resettlement programme to take 500 refugees a year from candidates for resettlement selected by the UNHCR. At the time of writing, 81 refugees have been brought over on this scheme from refugee camps in west and central Africa.

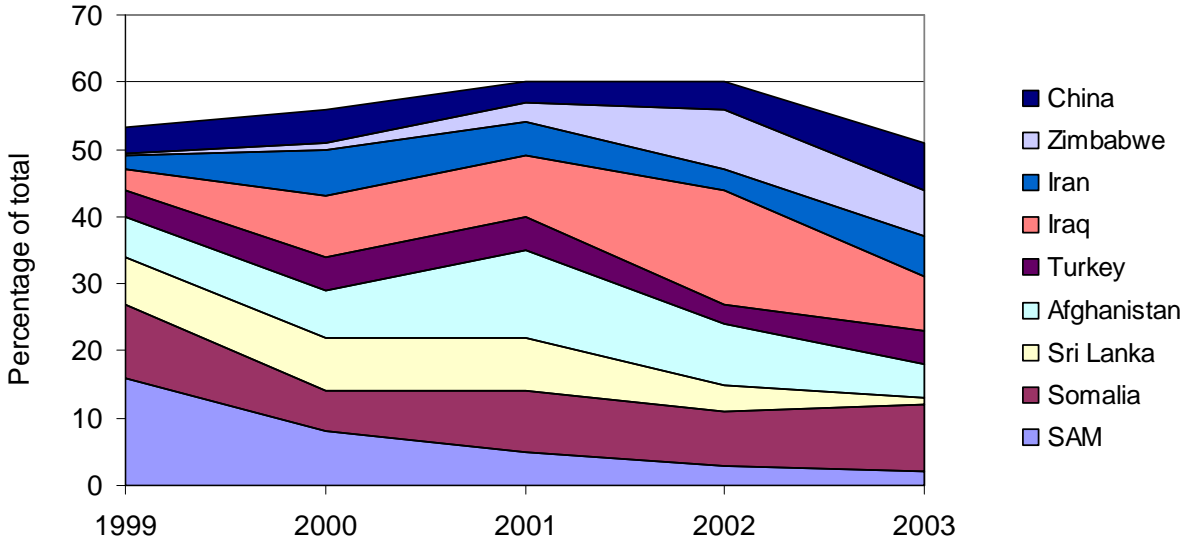
The total number of asylum applications in the UK from 1980 to 1984 was 17,165. The top three countries of origin of asylum seekers to the UK in descending order were Iran, Ghana and Iraq. From 1985 to 1989 the total number of asylum applications was 28,549. The top three countries of origin of asylum seekers coming to the UK in that

period were Sri Lanka, Iran and Turkey. The total number of asylum applications from 1990 to 1994 was 105,850 and the top three countries of origin were Sri Lanka, Democratic Republic of Congo and Pakistan. The total number of asylum applications from 1995 to 1999 was 223,280. The top three countries of origin of asylum seekers coming to the UK were the Former Republic of Yugoslavia, Sri Lanka and Somalia.

In the period 2000-3 the UK received 284,874 asylum applications. The three main countries of origin of asylum seekers were Iraq, Afghanistan and Somalia. In 2003, the five main countries of origin of asylum seekers to the UK in 2003 were Somalia, Iraq, China, Zimbabwe and Iran. These nationalities accounted for 38 per cent of all asylum seeker applications. From 1999 to 2003 the ten main countries of origin for asylum seekers were Somalia, Iraq, Afghanistan, Serbia and Montenegro, China, Iran, Turkey, Zimbabwe, Pakistan and India. Over half (fifty-five per cent) of the total applications for asylum during that period came from those ten countries (Home Office, 2004:29).

Figure 2.2 shows that in all, the five main countries of origin of asylum applications to the UK each year from 1999 to 2003 came from a pool of only nine countries. The combined asylum applications for these ten countries was consistently more than fifty per cent of all applications and has increased year on year to more than sixty per cent in 2002.

Figure 2.2 The main countries of origin of asylum applications to the UK, 1998-2003



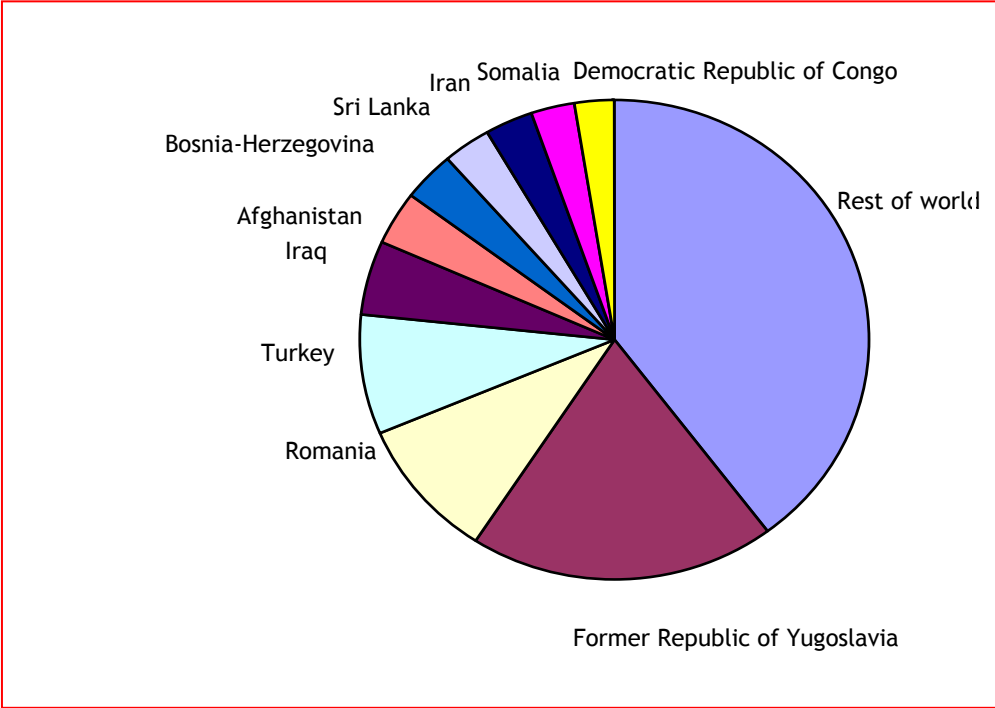
Source: Home Office (2004)

The ten main countries of origin of asylum seekers to the UK in the third quarter of 2004 in descending order of magnitude were Iran, China, Somalia, Zimbabwe, Iraq, Pakistan, Eritrea, India, Afghanistan and Sudan. These nationalities accounted for sixty per cent of all asylum seeker applications.

Europe

The top ten countries of origin to the EU for the period 1990-2000 were the Former Republic of Yugoslavia, Romania, Turkey, Iraq, Afghanistan, Bosnia-Herzegovina, Sri Lanka, Iran, Somalia and the Democratic Republic of the Congo. The ten main countries of origin of asylum applications to the Europe Union over the period 1990-2000 accounted for 2.5 million applications, fifty-nine per cent of the total 4.4 million applications (Figure 2.3).

Figure 2.3 The ten main countries of origin of asylum seekers to the EU, 1990-2000



Worldwide

By 2002 Afghanistan was by far the largest country of origin for refugees. The UNHCR estimated the global Afghan refugee population at 2.5 million. Burundi is the second largest (575,000), followed by Sudan (509,000), Angola (435,000) and Somalia (431,000).

In 2002, the last year for which there is a UNHCR statistical yearbook, the global population of persons of concern to the UNHCR was estimated at 20.7 million, including 10.6 million refugees, 941,000 asylum seekers, 2.4 million refugees who returned in 2002, 4.6 million internally displaced persons (IDPs), 1.1 million IDPs who returned in 2002, and 953,000 others. The global refugee population fell by thirteen per cent over 2002, while the asylum seeker population remained unchanged (UNHCR, 2004).

3 Why do asylum seekers leave their countries of origin?

There is empirical evidence that repression and discrimination of minorities, ethnic conflict and human rights abuse were factors common to all the top ten refugee-creating countries to the EU from 1990 to 2000. This suggests that conflict indicators are more relevant than indicators of development in explaining why asylum seekers come to the EU. This evidence strongly challenges the assumption that asylum seekers are in reality economic migrants, although it does not mean that all asylum seekers from refugee-creating countries are in genuine need of protection. However, the reasons for an individual asylum seeker's decision to leave are more complex. It is this decision, rather than the underlying causes of forced migration flows, on which the asylum determination process is based. There is little evidence that welfare support is a principle motivation for choosing to come to the UK.

A report published by ippr on the causes of forced migration to the European Union identified the following as possible key push factors (Castles et. al., 2003):

1. repression and/or discrimination of minorities, ethnic conflict and human rights abuse;
2. civil war;
3. numbers of IDPs relative to total population;
4. poverty as reflected in per capita income;
5. position on the Human Development Index (HDI⁵);
6. life expectancy;
7. population density and
8. adult illiteracy rate.

The report analyses the available statistical data in relation to each of the potential factors identified above in order to assess their relative importance in relation to the patterns of forced migration and flows of asylum seekers to the EU.

The evidence suggests that indicators of conflict are more significant than indicators of development as explanatory factors for flows of asylum seekers to the EU. Civil wars were a factor in seven countries of origin and a high number of IDPs in six countries. Low income was found in only half the countries, with low life expectancy only in three and high population density in only one. The only significant social indicator was that of high literacy levels (over seventy-five per cent of the population) found in six countries of origin with Iran a borderline case.

4 Why do asylum seekers come to the UK?

Asylum seekers are a heterogeneous group and as such they have many different reasons for their choice of destination. Little is known about the decision-making of asylum seekers. A report by Morrison (1998) highlighted the fact that many refugees have limited choice as to where they move to. Where the individual can play a part in determining migration decisions - for example, if they have financial resources - factors influencing the decision to come to the UK are the presence of family and

friends and the perception of the UK as a country that upholds human rights. Morrison found that many asylum seekers aim for Europe rather than a particular country within it and make decisions en route as they gather more information.

A report funded by the European Commission found that most asylum seekers do not choose their destination (Böcker and Havinga 1998). Of those who are able to choose, four main factors underpin why they prefer one destination over another:

- ties that exist between countries of origin and refuge;
- perceptions of a country's economy and society;
- the varying physical and legal accessibility of different countries; and
- chance events during the journey.

The relative importance of these factors is thought to depend upon the nature of the departure itself, but they rank the presence of friends, relatives or compatriots as being the most important factor.

When the Home Office reviewed the existing literature and interviewed 65 asylum seekers about their decision-making process it found that the degree of choice that individuals have about where they seek asylum is limited by four key constraints (Robinson and Seagrott 2002).

- Many people fleeing from persecution are forced to leave their country of origin at extremely short notice and have little time to plan journeys or destination.
- People's access to money and travel documents can determine how far they travel, to which countries, and by what means.
- The pattern of transport networks, of visa restrictions and other immigration controls creates a situation where some countries are accessible and others are not.
- Asylum seekers often need agents to help them get out of their country and reach a place of safety, but the decisions of agents might not reflect the choices of asylum seekers.

The Home Office research found that, if they can afford to, asylum-seekers contract an agent who offers them a range of possible destinations. The extent of the choice and the location of the countries offered depends upon the asylum seeker's economic status, the urgency of the departure and the prior decision-making of the agent. The agent's decision-making can be based on the ease of access to a country, demand for that destination, whether taking people there is profitable and whether the agent is already connected to migration networks.

The report concluded that asylum seekers are significantly guided by agents. Democracy, opportunity and better life chances for children are assumed to exist in all western countries. Additional influencing factors include the presence or absence of family and friends, language, and perceived cultural affinities than by scrutiny of asylum policies or rational evaluation of the welfare benefits on offer. There is little or no empirical evidence that welfare support is a principal motivation for choosing to come to the UK. Few asylum seekers are fully aware of what is available to them on their arrival, nor do they have a good knowledge of the differences between asylum determination processes in different countries. A further assessment of the impact of

asylum policies on the number and pattern of asylum applications also found that conditions in the asylum seekers country of origin may be more significant than the characteristics of the receiving state (Zetter *et. al.*, 2003).

The House of Commons Select Committee on Home Affairs (2001) examined the effectiveness of UK border controls. It identified the following 'pull factors' which may make the UK more attractive than other countries:

- family, cultural and historical links;
- English language;
- job prospects;
- availability and perception of social security benefits;
- more generous interpretation of asylum law;
- slow decision-making on asylum cases;
- lack of efficient removal system for people refused asylum;
- access to public services such as free health, education and housing;
- scope for living in the country without documentation; and
- general economic prosperity.

The report concluded that not all of these factors - such as the attractiveness of the English language and family links - can be influenced by public policy. It recommended that '...the Government should examine the "pull" factors (set out above) to see which ones they can legitimately influence'.

5 How many asylum applications does the UK receive?

In the third quarter of 2004 there were 8,605 asylum applications excluding dependants, an increase of nine per cent on the previous quarter but twenty-nine per cent lower than the same period in 2003 (Home Office, 2004c:2). Numbers may have been affected by increased immigration controls in France and the use of immigration officers in countries of origin such as Zimbabwe preventing people without the correct documentation from travelling to the UK. The denial of access to benefits to those who do not apply as soon as practicable is viewed by the Government as a deterrent as are the faster processing times and fewer in-country appeal opportunities. It is difficult to establish a direct causal link between any of these policy changes and the number of asylum applications for the following reasons:

- policy changes are usually introduced simultaneously making it difficult to isolate the effect of a particular change;
- time-lags between the implementation of a policy and any impact it may have makes it difficult to relate cause and effect; and
- the difficulty in distinguishing whether any measure stemmed or reinforced a prevailing trend as opposed to a change coming about due to external factors in major countries of origin (Zetter *et. al.*, 2003).

The number of asylum applications received in the UK was 71,025 in 2001, rising to 84,130 in 2002 and then dropping sharply to 49,405 in 2003 (Home Office, 2004). Over the past decade (1994-2003) the number of people claiming asylum in the UK has

increased in every year but three, with the total number of applications for asylum in the UK over this period totalling 543,060. With dependants this figure becomes 687,045. The decline in the number of asylum applications from 84,130 in 2002 to 49,405 in 2003 is dramatic. It is accompanied by a general fall in asylum applications in industrialised countries. Asylum applications lodged in the 38 industrialised countries fell by five per cent, from 595,300 in 2001 to 565,600 in 2002. The fifteen European Union (EU) member states received 377,000 asylum claims, three per cent fewer than in 2001 and the lowest level since 1998 (UNHCR 2004). 3,180 unaccompanied children applied for asylum in 2003. The main countries of origin for unaccompanied children in 2003 were Somalia (nine per cent), Afghanistan (nine per cent), Iraq (eight per cent) and Serbia and Montenegro (seven per cent).

6 Does the UK receive more than its 'fair share' of asylum seekers?

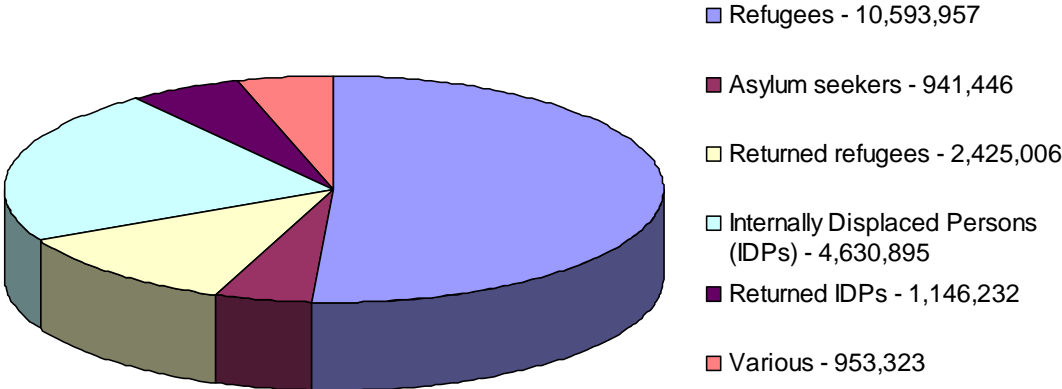
Sharing responsibility for refugees and other displaced persons is an important aspect of international refugee protection. However, it is difficult to get a clear or comparable picture of the relative burdens on different countries. Many countries receive international financial assistance in order to help them care for refugee populations but the various sources of such assistance makes it difficult to quantify. Furthermore the strain displaced populations make on a receiving country's economy may vary widely depending on the nature and duration of displacement and must be balanced against the benefit they may bring to an economy as workers and consumers. The statistics do not exist to allow these various factors to be measured.

Countries' capacities to host refugees also differ. For instance, a country with abundant resources will feel the burden less than one with few resources. Three different indicators are used to assess a country's capacity to accept refugees - wealth, population size and total land mass - but these also have their limitations. For example, displaced populations can be localised and so make a greater impact in a certain area, large portions of land may not be suitable for habitation and wealth measured by GDP does not include the informal economy. It is therefore difficult to quantify and compare what a 'fair share' of the global displaced population would be for any given country.

Worldwide

The population of concern to the UNHCR was estimated to be at 20.7 million at the end of 2002 (Figure 6.1). This figure has increased by four per cent from 2001 to 2002. However, this increase in the population of concern to the UNHCR was due to a rise in the return of global refugees and global IDPs. The asylum seeker population remained the same (UNHCR, 2004).

Figure 6.1 Refugees and others of concern to UNHCR, 31 December 2002



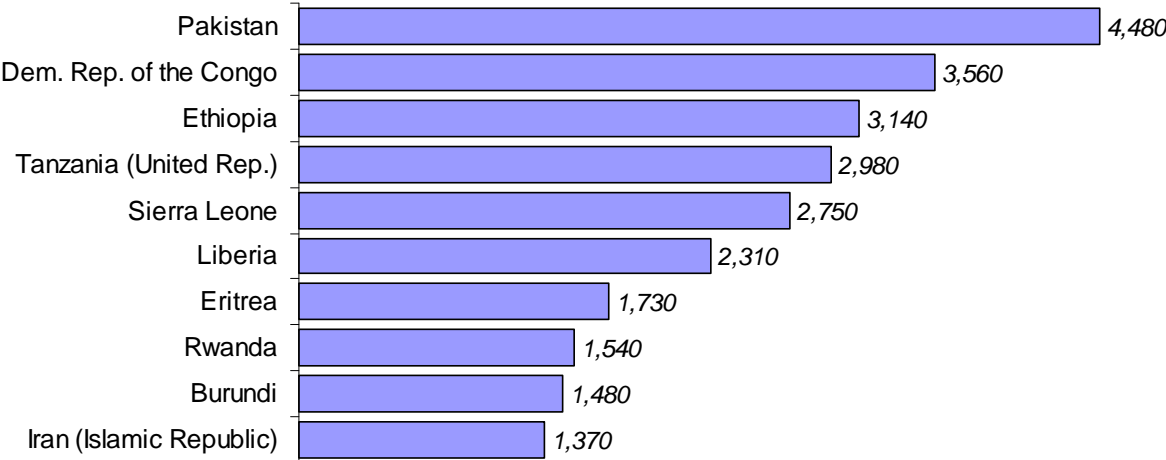
Source: UNHCR (2004)

Developing regions host the majority of the world’s refugees. In 2002 this amounted to sixty-eight per cent of the global refugee population, with the forty-nine least developed countries hosting twenty-six per cent of the world’s refugees (UNHCR, 2004:8).

GDP

The UK hosts eleven persons per \$1US GDP per capita. In terms of its burden by GDP per capita the UK ranks seventy-fourth out of 155 countries in the world. By comparison Pakistan hosts 4,480 persons per \$1US GDP per capita (Figure 6.2). Within the ten major recipient countries the burden varies considerably, Pakistan having a burden three times higher than Iran. The GDP of Afghanistan, which hosts one of the highest numbers of persons of concern, is not available. The burden in industrialised countries is significantly smaller.

Figure 6.2 Persons of concern to UNHCR per \$1US GDP per capita (1998-2002)

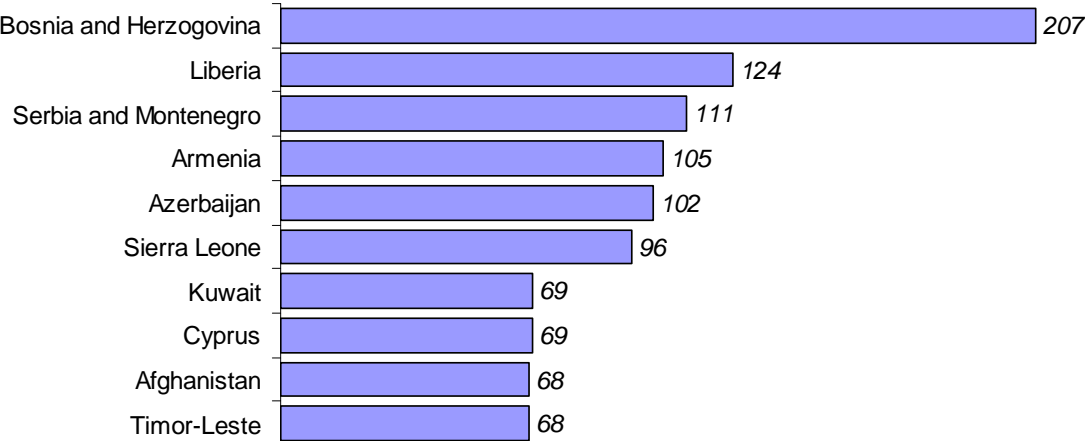


Source UNHCR (2004)

Population size

The UK has five persons of concern per 1,000 inhabitants, a ranking of fifty-sixth out of 163 globally. The highest ranking is Bosnia-Herzegovina which hosts 207 persons per 1,000 inhabitants. The picture in terms of the numbers hosted in relation to population size is significantly different to that in relation to GDP per capita in that there are relatively high levels of displacement in Central and Eastern Europe (Figure 6.3). However, these figures do not take into account those refugees falling under the United Nations Relief and Works Agency for Palestine refugees in the Near East mandate which would put a much higher figure on the number of refugees in Lebanon, Jordan and the Occupied Palestinian Territory.

Figure 6.3 Persons of concern to UNHCR per 1,000 inhabitants (1998-2002)

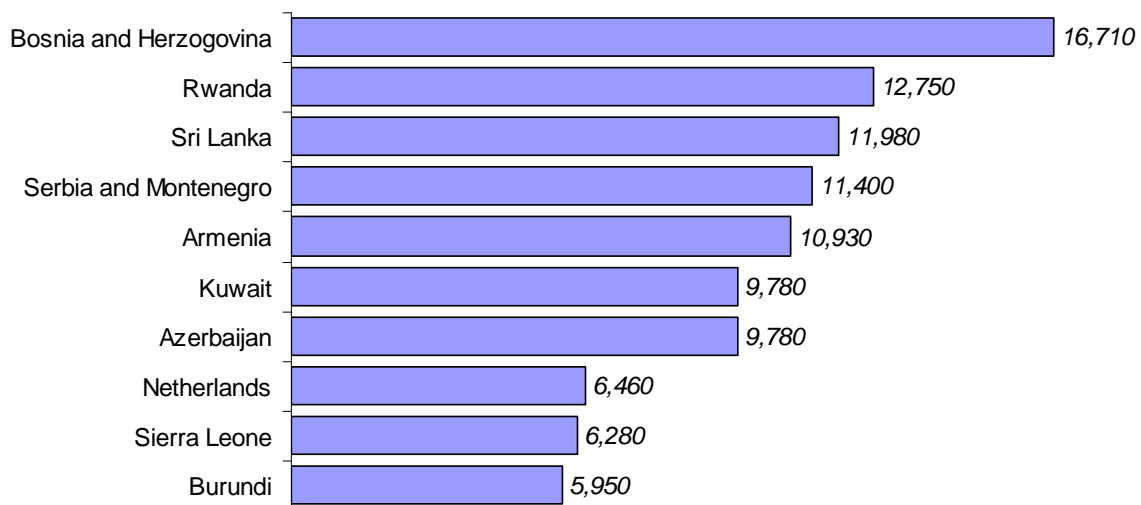


Source: UNHCR (2004)

Land area

In the UK the number of persons of concern per 1,000 sq. km. is 1,205, ranking twenty-ninth out of 161. Bosnia-Herzegovina is again ranked as the highest by this measurement with 16,710 persons of concern per 1,000 sq. km. Almost all countries with the highest refugee burden in relation to the total land area were also among those countries with high burdens in relation to their economy or population size. This measurement has the shortcoming in that significant portions of a country's territory may not be suitable for productive use.

Figure 6.4 Persons of concern to the UNHCR per 1,000 sq. km., (1998-2002)



Source: UNHCR (2004)

Europe and the industrialised world

In 2003 the UK had the highest number of asylum applications lodged in industrialised countries (60,045). The next highest were France (59,298), the US (54,250), Germany (50,445) and Austria (32,342) (UNHCR 2004b). By the second quarter of 2004 the picture had changed significantly. France had the highest number of asylum applications (14,049), followed by the US (9,660), the UK (9,210), Germany (8,519) and Austria (6,621) (UNHCR 2004b). More recent Home Office data paints a slightly different picture with France having the highest number of applications in the EU (62,000) followed by the UK (60,000), Germany (50,600) and Austria (32,400) (Home Office 2004c).

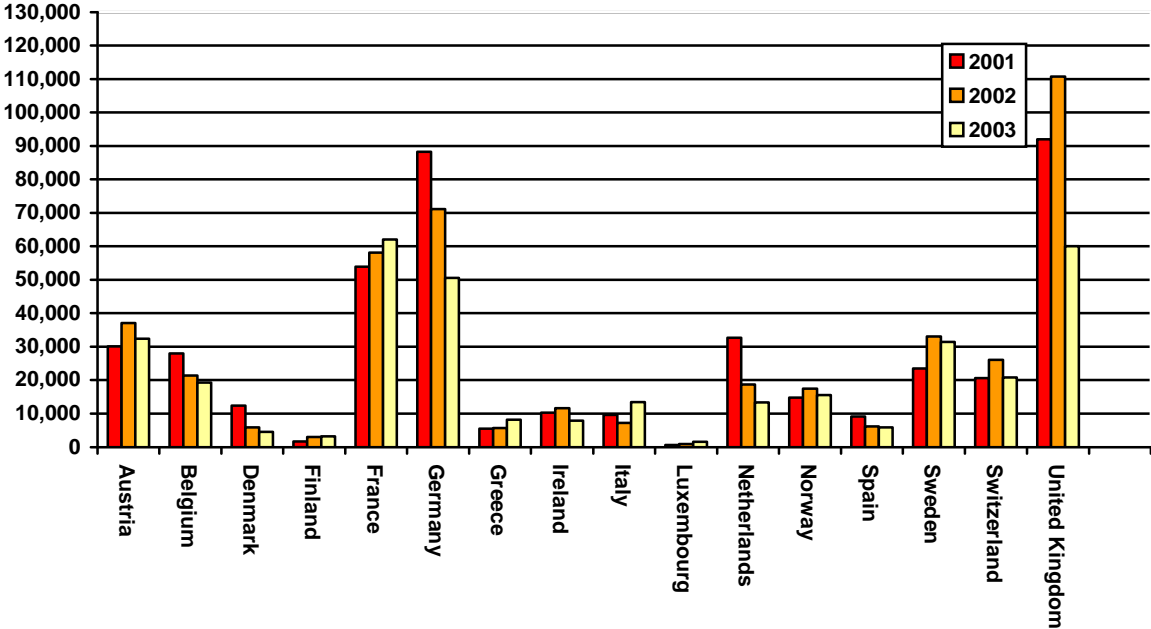
The table below shows the numbers of persons of concern in 30 industrialised countries in relation to population, GDP per capita and land size to give a more accurate reflection of the relative refugee burden of these countries. Out of the selected countries the UK ranks fourth in relation to GDP per capita, tenth in relation to population and seventh in relation to land size (Figure 6.5).

Figure 6.5 Total persons of concern in industrialised countries (1998-2002)

Country	Total persons of concern 1998-2002 to GDP per capita	Total persons of concern 1998-2002 to 1,000 inhabitants	Total persons of concern 1998-2002 to 1,000 sq. km.
Australia	4	5	11
Austria	3	9	901
Belgium	2	5	1,655
Bulgaria	2	0	33
Cyprus	5	69	5,879
Czech Rep.	2	1	137
Canada	9	6	20
Denmark	3	17	2,032
Finland	1	3	49
France	8	3	335
Germany	51	15	3,457
Greece	1	1	77
Hungary	1	1	92
Ireland	0	4	216
Italy	1	0	69
Japan	0	0	13
Lichtenstein	..	5	1,105
Luxembourg	0	2	403
Netherlands	9	14	6,463
New Zealand	0	2	27
Norway	1	13	178
Poland	0	0	6
Portugal	0	0	5
Romania	1	0	8
Russian Federation	616	10	88
Spain	1	0	17
Sweden	3	23	458
Switzerland	3	17	2,986
United Kingdom	11	5	1,205
United States	31	4	119

Source: UNHCR (2004)

Figure 6.6 Applications received for asylum in selected European Countries, 2001-2003
 Source: Home Office (2002, 2003, 2004)



7 What proportion of asylum seekers is granted refugee status?

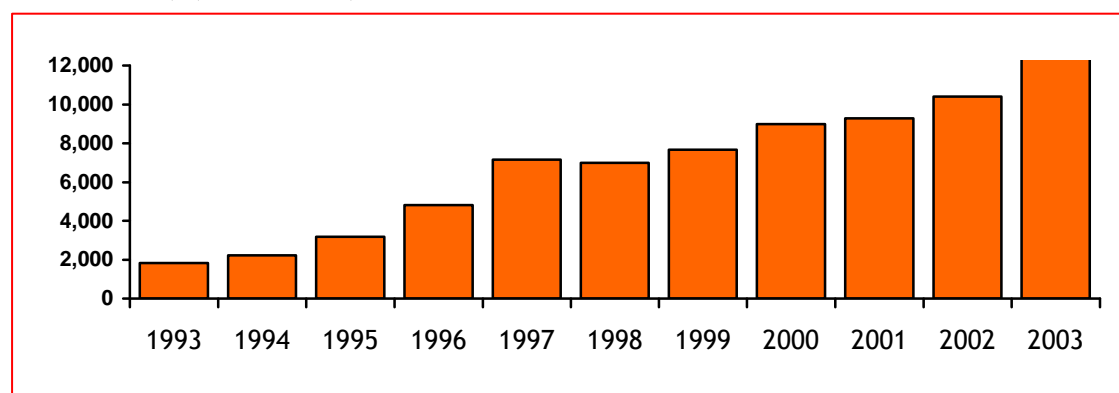
Refugee status means that an asylum seeker has been officially recognised as a refugee within the meaning of the Refugee Convention and is given indefinite leave to remain. People who are not found to be refugees within the terms of the Convention are refused refugee status. In some circumstances they may be granted temporary protection in the form of humanitarian protection or discretionary leave.

Over a quarter (twenty-eight per cent) of asylum applications made in 2003 were given some form of leave to remain in the UK either at the Home Office decision stage or on appeal. According to Home Office estimates the proportion granted refugee status at the Home Office decision stage fell from ten per cent in 2002 to six per cent in 2003. The proportion given temporary protection at the Home Office decision stage also fell from twenty-four per cent to eleven per cent in that time. Appeals allowed by the Immigration Adjudicators fell slightly from twenty-two per cent in 2002 to twenty per cent in 2003. The number of appeals made to the Immigration Appeal Tribunal (IAT) almost doubled between 2002 and 2003 from 6,920 to 11,845. Of these 9,450 were determined in 2003 and 5,565 were determined in 2002. In 2003, 1,490 appeals were allowed by the IAT and 4,220 were remitted to adjudicators for further consideration. Appeals made to the IAT could have been brought by either the Home Office or the asylum applicant.

8 What happens to those people not granted any form of status after the asylum determination process?

From the figures available the number of people who return to their country of origin appears to be rising. In 1995 the number of principal applicants leaving the UK due to removal, voluntary returns programmes or assisted return was 3,170. In 2003 the figure was 13,005 and with dependants this figure rises to 17,895 (Home Office, 2004:68) (Figure 8.1). These figures do not include those who leave the UK of their own accord. There are no reliable statistics available on people leaving the UK and no way of knowing how many failed asylum seekers have left the country voluntarily.

Figure 8.1 Removals and voluntary departures of asylum applicants (excluding dependants) (1993-2003)



Source: Home Office (2002, 2003, 2004)

The government has pledged to increase removals of failed asylum seekers until the numbers removed exceeded the number of unfounded applications. However, the Home Affairs Select Committee's report *Asylum Removals* (2003) recognised that there are practical difficulties in removing people who may have lived in this country for years, whose country of origin may be unwilling to re-admit them, whose national airline may not be willing to carry them and who, in the case of families, may have children (including some born here) who may know no other life. The report suggests that these barriers to removal are not widely understood by the public and that the '...failure to remove large numbers of people whose claims have been refused strikes at the credibility of the asylum system'. The Select Committee recommends that the Government should explore the most appropriate method for building a complete picture of net migration into the UK and should not set unrealistic removals targets. These recommendations were re-iterated in the Home Affairs Committee Report on *Asylum Applications* (2004:70-76).

There were also categories of people who were non-returnable such as Somalis and Zimbabweans. People from such countries were sometimes not given any leave to remain in the UK although there was no prospect of returning them to their countries due to the human rights situation there. Without status and without the option of return these people were left in limbo with no rights to support or work in the UK, simply waiting for the conditions in their home countries to change drastically to enable them to return. The Select Committee recommended that persons in this position be granted some form of temporary status to allow them to support themselves (2003:21). Instead the Home Office has begun to enforce returns to Somalia since 31 March 2004 and ended the suspension of returns to Zimbabwe on 16 November 2004.

9 Does the asylum determination process work?

The 2003 Joint Letter from the Home Office and Department for Constitutional Affairs that preceded the 2003 Asylum and Immigration (Treatment of Claimants) Bill stressed the need for an 'efficient and speedy system which provides an effective remedy'. The government has set out the key features of its immigration control as:

- integrated in order to maximise efficiency and minimise the scope for abuse;
- informed and more open; and
- fairer, faster and firmer.

The fairness, speed and efficiency of the asylum determination process are therefore appropriate criteria for determining whether it is working.

Fair

Arguably, a system for asylum determination is only fair if all asylum seekers have access to it and all cases are properly examined and justly determined. However, there are aspects of the asylum determination process that make it difficult for asylum applicants to get a full and fair hearing of their case. For instance, on making a claim an applicant has ten days in which to complete a Statement of Evidence Form

(SEF). This is a long and complicated form in which the asylum applicant has to give the full reasons why they fear return to their country of origin. It must be completed in English and the ten-day deadline represents a substantial difficulty for those who are unable to access interpreters or legal representation within that time. Failure to return the SEF on time results in a 'non-compliance' refusal. If refused on non-compliance then often the first opportunity an applicant has to put forward the details of their claim is on appeal. In 2003, fifteen per cent of initial applications were refused on grounds of non-compliance.

The quality of Home Office initial decision-making is also called into question by the number of successful appeals. Good decision-making should be upheld on appeal. However, a sizeable proportion of decisions are reversed or remitted for further consideration. The Immigration Adjudicator is the first tier of appeal. The appeal at this level is always brought by the asylum applicant as the Home Office is the initial decision maker. Of these appeals, nineteen per cent were allowed in 2001, twenty-two per cent in 2002 and twenty per cent in 2003. In 2003, twenty per cent of successful appeals amounted to 16,070 appeals, excluding dependants. That means that asylum applicants whom the Immigration Adjudicator found to be at risk of persecution or serious human rights violations on return to their country would have been sent back to face such treatment if the Home Office's decision had been final. The second tier of appeal is the Immigration Appeal Tribunal (IAT). The right to appeal at this level is restricted but an appeal can be brought by either the Home Office or the asylum applicant. If decision-making had been sound at lower levels one would expect the decisions to be confirmed on appeal. In 2003, 9,450 appeals were determined by the IAT, of these 1,490 were allowed, 3,330 were dismissed and 4,220 were remitted to the Immigration Adjudicator for further consideration. Therefore, in sixty per cent of the appeals determined in 2003 the IAT found there had been some error in the decision-making previously.

Concern about the quality of Home Office initial decision-making in asylum cases has been raised by Mary Coussey, the Independent Race Monitor. She notes that there are markedly higher allowed appeal rates for asylum seekers from certain countries. For instance, in the fourth quarter of 2003 thirty-eight per cent of Somalis, thirty-three per cent of Eritreans, thirty-one per cent of Ethiopians and twenty-nine per cent of Zimbabweans had their appeals allowed compared to an average of twenty per cent allowed appeals. Over familiarity with applications from certain countries had led to caseworkers becoming case-hardened. In addition, a House of Lords EU Select Committee report (2004) found a twenty per cent success rate on appeal to indicate a poor standard of initial decision-making and the National Audit Office has also reported on improving the speed and quality of asylum decisions (2004).

Despite this recognition of problems in the decision-making process the Government sees the two tier appeals system as too long and complicated. The 2004 Asylum and Immigration Act creates a single tier of appeal and the Immigration Adjudicator and the IAT will be replaced by an Asylum and Immigration Tribunal in April 2005. The draft procedure rules for the new tribunal are currently being consulted on.

A further component of fairness in a legal process must be the access to legal representation. In April 2004 the Legal Services Commission (LSC) implemented new regulations restricting the availability of legal help in asylum cases. There is a

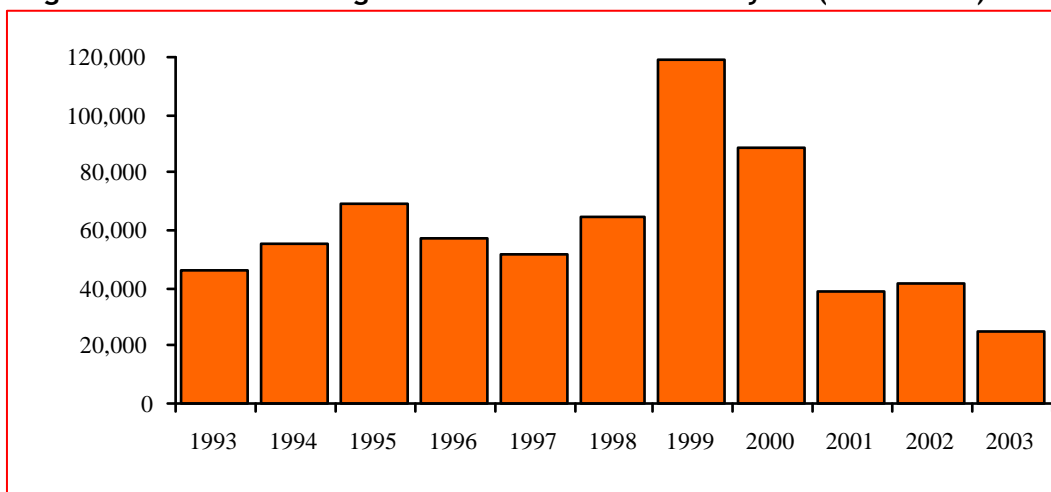
threshold of five hours placed on the initial preparation of cases, with extensions only to be granted in 'genuine and complex' cases. Funding for the attendance of a representative at the Home Office interview has been removed from most cases. The regulation of legal help is intended to improve the quality of legal advice in this area. However, there are reports that the restrictiveness of the funding has caused well-respected firms to cease working in asylum while others note that they are providing service of a lower standard due to the restrictions on funding. There is general concern about poor quality legal representation in asylum cases. Poor representation can seriously damage an asylum seeker's claim and protract the asylum process. The 1999 Immigration and Asylum Act set up the Offices of the Immigration Services Commissioner (OISC) to regulate immigration advice by requiring immigration advisors and service providers to be registered. The OISC was also able to audit the work of advisors and investigate complaints. To improve the standard of legal representatives the LSC is now implementing an accreditation scheme that will require all immigration service providers to be accredited before 1 April 2005.

Fast

The Immigration & Nationality Directorate (IND) of the Home Office have a Public Service Agreement (PSA) target for sixty per cent of new substantive asylum applications to receive an initial decision within two months for 2001-2 and for sixty-five per cent in 2002-3. In 2004, Home Office data showed that eighty-two per cent of new substantive applications received in 2003-4 had initial decisions served within two months, compared with the average time of an initial decision being twenty months in April 1997. This is a significant increase in the speed in which applications are determined.

Initial decisions reached 82,715 in 2002 (down by thirty per cent on 2001) and in 2003 this figure decreased again to 64,940. The number of applicants awaiting an initial decision at the end of June 2004 was 13,300. This is a dramatic improvement and significant achievement by the Government to reduce a massive backlog, as the number of cases awaiting an initial decision at the end of 1999 had been 119,200. The speed at which asylum appeals are heard has also increased. In 2003 a record 81,725 appeals were determined by adjudicators, twenty-seven per cent more than in 2002. In the period April to December 2003, sixty-three per cent of the applications received had a final decision, including appeal, within six months. The Government maintains that the higher rate of decisions has been achieved through employing record numbers of caseworkers and by radically improving working practices within the Immigration and Nationality Directorate (IND). However, there are concerns about the quality of decision-making.

Figure 9.1 Cases awaiting outcome at the end of the year (1993-2003)



Source: Home Office (2002, 2003, 2004)

Initial decisions were twenty per cent lower in the second quarter of 2004 (11,720) than in the first quarter of 2004 (14,640). However, the number of initial decisions remained higher than the level of applications, which stood at 13,750 in the second quarter.

Fast-tracking

Certain cases are dealt with under an expedited procedure providing for an even speedier processing of claims. The exact criteria by which cases are selected to be fast-tracked and what fast-tracking involves have undergone several changes. Currently those applicants who come from 'safe countries'⁶ and have their cases certified as 'clearly unfounded' have no in-country right of appeal. Instead they are removed from the UK as their cases are refused and then have to try to pursue their appeals from the countries in which they allege a fear of persecution. In April 2003 new fast-track procedure rules were introduced to enable a super fast-track process to be piloted at Harmondsworth. Under this procedure the Home Office makes a decision within three days and the applicant has two days to lodge an appeal. The entire process including all appeals should be completed within 28 days.

Firm

The government does not record UK departures and so there is no record of how many people who are refused refugee status or forms of temporary protection actually leave the UK. Those who are unsuccessful at appeal are not necessarily here illegally. They may, for example, be awaiting an outcome of a further appeal. The Government accepts that it is impossible to remove some people for a variety of reasons such as ill health, transport difficulties or their country of origin refusing to take them back. Some may remain illegally and are not entitled to work or to assistance from the Government.

10 Where do asylum seekers live?

There are no records that show where all asylum seekers live. This has significant implications for local authorities who have records of those they are supporting through NASS, but not the number of asylum seekers who support themselves or Convention refugees and others who have been allowed to stay. This means that it is very difficult to assess the impact on public services more generally.

Asylum seekers eligible for NASS support can either be supported in NASS accommodation or opt for subsistence-only support and arrange their own accommodation. Taking up NASS accommodation means the applicant is likely to be dispersed outside London and the South East. Of the 41,475 asylum applicants supported in NASS accommodation at the end of September 2004, eight-one per cent lived in England. The regions of the UK with the five highest populations of asylum seekers in NASS accommodation were: Yorkshire & the Humber (twenty-two per cent), West Midlands (sixteen per cent), North West (sixteen per cent), Scotland (fourteen per cent) and North East (ten per cent) (Figure 10.1). The Local Authorities with the ten highest populations of dispersed asylum seekers were: Glasgow, Birmingham, Leeds, Newcastle, Sheffield, Bradford, Manchester, Nottingham, Doncaster and Cardiff. The number of asylum seekers on NASS support has been falling. In December 2002 a total of 91,880 were in receipt of NASS support. By December 2003 this had fallen to 80,120 and by the end of September 2004 it was 64,410.

It has been estimated that the number of refugees and asylum seekers who have entered the country in the past fifteen years and who are now living in London is between 240,000 and 280,000 (Storkey & Bardlsey, 1999). Many of these are now UK citizens.

Figure 10.1 Asylum seekers supported by NASS in regions at the end of September 2004

Government Office Region	In receipt of subsistence-only support	Supported in NASS accommodation
Greater London	16,165	1,475
South East	1,465	720
West Midlands	1,265	6,800
North West	875	6,720
East of England	855	565
East Midlands	775	2,720
Yorkshire & the Humber	695	9,210
South West	315	1,060
North East	160	4,165

Total: England	22,570	33,430
Scotland	210	5,665
Wales	145	2,280
Northern Ireland	15	100
UK Total	22,935	41,475

Source: Home Office (2004c)

11 How are asylum seekers supported?

Who provides welfare support for asylum seekers?

The 1999 Act established a new department within the Home Office, the National Asylum Support Service (NASS), which assumed responsibility on 3 April 2000 for providing support to destitute asylum seekers who applied for asylum on or after this date. Interim Provisions came into force on 6 December 1999. All those who applied prior to this date and whose cases or appeals had not yet been fully determined by then continued to receive their support from the same source as before, that is, the Department of Social Security. Until Schedule 3 of the Nationality, Immigration and Asylum Act 2002 came into effect, local authorities continued to be able to provide support on grounds other than destitution, for example, age or disability. At the present time, local authorities only support unaccompanied children and new asylum seekers with special needs. The needs of unaccompanied children fall under the remit of the Children Act 1989 (in Scotland the Children (Scotland) Act 1995). In March 2003 it was estimated that there were 8,500 unaccompanied asylum-seeking minors (Save the Children, 2003). In the third quarter of 2004 there were 710 asylum applications from asylum-seeking children compared with 635 applications in the fourth quarter of 2003. Asylum-seeking children are supported by social services departments of local authorities through a special grant outside of the NASS system.

What form does support take?

Under the 1999 Act, asylum seekers' cash entitlement was limited to ten pounds a week. The remaining allowance was provided in vouchers which could be used at selected outlets, though no cash change could be tendered for an unused portion of a voucher. A Home Office report on asylum seekers' experiences of using vouchers pointed to difficulties in travelling to collection points as well as designated shops, the inadequacy of vouchers to pay for certain items, and the inability to save (Home Office, 2002b). Moreover, general misinformation caused embarrassment to asylum seekers when paying with vouchers and elicited hostility from other shoppers and shopkeepers. The voucher system was introduced on 3 April 2000 and abolished on 8 April 2002. Since that time, all entitlement has been provided in kind (housing, utility bills) or in cash.

Currently, asylum seekers who would otherwise be left destitute may receive one of two types of support packages:

-
- a cash-only weekly allowance if they arrange to stay with friends or relatives; or
 - a support package comprising accommodation in a designated dispersal area (including all utility bills, furniture and household equipment) and an allowance that is adjusted on a case-by-case basis taking into account the support received in kind. Facilities range from hostels offering full board to self-catering houses and flats.

Whilst permission to work was previously obtainable on a discretionary basis six months after the application was made, as of 23 July 2002 it is only granted in conjunction with refugee or other protection status. In other words, if they are refused NASS support, asylum seekers have no means of supporting themselves until their claim is determined.

Section 55 NIA Act 2002: no support for in-country applicants

Under section 55 of the Nationality, Immigration and Asylum Act 2002 in-country applicants who could not prove that they had applied ‘as soon as reasonably practicable’ after arrival in the UK were no longer entitled to NASS support even if that left them in danger of destitution (as they were not allowed to work). This legislative change assumed that those who apply for asylum in-country were in some way less credible than those who applied on entry. Yet there is no empirical evidence to indicate that in-country applicants are in any way less credible.

Section 55 was interpreted very strictly by the Home Office such that many who had claimed within two days of their arrival in the UK were held not to have claimed ‘as soon as reasonably practicable’ and refused NASS support. Of the 14,760 cases referred to NASS for a section 55 decision in 2003, 9,410 were ineligible for NASS support (sixty-four per cent), 1,415 were deemed eligible for support (ten per cent), and the rest were exempted from consideration because they had children or were particularly vulnerable. There was no right of appeal against the refusal of NASS which resulted in the administrative court having to make an exceptionally high number of orders for interim payment of benefit for asylum seekers claiming to be destitute following refusal of NASS support. This placed a high burden on the administrative court having to make about sixty orders a week on the refusal of NASS support (Sedley, 2004). A high burden has also fallen to the voluntary and charitable organisations who have sought in the absence of state support, a right to work and recourse to other funds to support and shelter those asylum seekers left with no means of supporting themselves.

The Court of Appeal in May 2004 found the operation of section 55 to be unlawful.⁷ The Court of Appeal held that the Home Office should provide support unless satisfied that the applicant has an alternative means of support. Since this judgement the Home Office has used a less restrictive interpretation of section 55.

How does NASS support compare to support for UK citizens?

Cash weekly allowances paid to asylum seekers are set at a maximum of seventy per cent of basic Income Support rates for adults and at a hundred per cent for children

under eighteen. No system of premium payments exists for asylum seekers. Lower rates for asylum seekers are justified on the basis that those housed in NASS accommodation receive in-kind support⁸. Those asylum seekers who choose to stay with friends or relatives receive no contributions towards rent, furnishings or household items.

By way of example, an asylum-seeking family comprising two adults and two children under 16 would receive £145.65 from NASS, £42.14 less than the support received by a UK family entitled to basic income support.⁹ A single person over 25 would receive £55.65 on income support compared with £38.96 on NASS.

Example for a typical family of four:

	NASS (rates from 12 April 2004)	Income support (rates from 1 April 2004)
Couple	£61.11	£87.30
Child 1	£42.27	£42.27
Child 2	£42.27	£42.27
Family premium		£15.95
Total	£145.65	£187.79

However, direct comparison between the NASS and the income support systems is not straightforward. Income support is a gateway to a complex system of support that includes premium payments, council tax and housing benefits, and emergency payments. By contrast, NASS offers flat rate benefits, only few and reduced special payments (£50 for clothing every six months and £300 maternity grant), passported benefits (free healthcare, prescriptions and school meals), but no emergency payments at all.

Asylum seekers are excluded from support such as the Sure Start maternity grant, the Social Fund, discretionary grants, loans, and benefits such as disability and pensioner benefits. Because there is no age premium for NASS support the difference between the amount of support received by elderly asylum seekers and the minimum income guarantee is marked.

Failed asylum seekers and ‘hard case’ support

Asylum seekers who are not granted refugee status but cannot be removed from the UK through no fault of their own, for instance due to health reasons or practical obstacles to return or the human rights situation in their country of origin, can apply for support under section 4 of the 1999 Immigration and Asylum Act. This is referred to as ‘hard case’ support. It is only available in the minority of cases and applies only to those asylum seekers who had been granted NASS support previously. ‘Hard case’ consists of board and lodging only. In a recent statement in the House of Commons, Des Browne declared that 869 unsuccessful asylum seekers were in receipt of section 4 support.¹⁰ Under the 2004 Act the Home Secretary now has the power to make the provision of section 4 support conditional on the person performing ‘community work’ in exchange. Section 9 of the 2004 Act introduces new powers enabling the Home

Office to withdraw support from families whose asylum applications have been refused and who are not cooperating with efforts to remove them. If support to a family is stopped then children may be taken into care. The Home Office has stated that the purpose of this power is not to separate children from their families, nor to make families destitute, but to ensure families comply with removal. Section 9 powers were piloted in Manchester, Leeds/Bradford and North London on 1 December 2004.

12 Why are asylum seekers detained?

The detention of asylum seekers is treated as an administrative process and not a criminal sanction. Asylum seekers and migrants can be detained at any stage of their claim to remain in the UK, for any reason, with no time limits. The majority of those who are detained have committed no crime. There is no automatic legal scrutiny of detention.¹¹ The Government maintains that there will always be a need to detain a small number of immigration detainees, including asylum seekers, for reasons of security and control. Asylum seekers are generally detained in order to check their identity and if they are believed likely to abscond.

The power to detain immigrants derives from the 1971 Immigration Act. The use of detention has increased exponentially since the mid-1990s. The detention estate has risen from about 250 spaces ten years ago to approximately 2,000 spaces at present. A UNHCR study (2000) suggests that the UK detains more people for longer periods and with less judicial supervision than any comparable country in Europe. The NIA Act 2002 has further extended powers to authorise and prolong detention by allowing Home Office caseworkers to decide to detain someone.

The statistics on detention are compiled in a way that provides only a snapshot of detention on a particular day. There are no figures for the total number of people detained in the course of a year. On 27 December 2003, 1,615 people were detained under the Immigration Act powers, of which 1,285 (eighty per cent) had claimed asylum at some stage. Of these seventy-seven per cent were held in Immigration Service Removal Centre, twelve per cent in prisons, ten per cent at Oakington Reception Centre and one per cent at Immigration Short Term Holding Facilities¹² (Home Office, 2004:19).

Excluding those detained in Oakington, twenty-three per cent of detainees had been in detention for less than two weeks, sixteen per cent for between fifteen and twenty-nine days, twenty-three per cent for between one and two months, sixteen per cent for between two and four months, and twenty-three per cent for more than four months. Children can be detained as well. On 27 December 200, ten people detained under immigration powers were recorded as aged under eighteen (Home Office, 2004:20). On 26 June 2004 this figure was sixty. (Home Office, 2004b:9)

The detention of asylum seekers has been challenged as infringing the right to liberty enshrined in article 5 of the European Convention on Human Rights. However, the practice of administrative detention for short periods of time (up to ten days) was upheld by the House of Lords in view of the need to facilitate the speedy processing of asylum claims and given the brevity and good conditions of detention.¹³

It has been argued by the Conservative Party that all asylum seekers should be detained while their applications are processed, to act as a deterrent to those who may not have grounds to claim asylum and because of concerns that terrorists may attempt to enter the country posing as asylum seekers. There is no empirical data that this is the case but anecdotal evidence suggests that it is unlikely that would-be terrorists are more likely to gain access to the UK through the asylum process than any other entry route given that this requires the applicant to make themselves known to the authorities and undergo in-depth security checks. In any case, the Anti-Terrorism, Crime and Security Act which was passed by Parliament in December 2001, provides for the detention of those the Home Secretary has certified as a threat to national security and who are suspected of being international terrorists, where their removal is not for the time being possible. The asylum process is speeded up for suspected terrorists, and their asylum claims are not substantively considered where the Home Secretary certifies that their removal would be conducive to the public good and not in breach of the Refugee Convention. The Government has estimated that detaining all asylum seekers on arrival could cost £2 billion in start-up costs, with annual running costs of over £1 billion.¹⁴ The detention of asylum seekers is becoming a feature of most European countries.

Conditions of detention

The conditions in which asylum seekers are detained are monitored by HM Inspectorate of Prisons (HMIP). In April 2003, an HMIP report strongly criticised the conditions of detention in five Immigration Removal Centres: Haslar, Tinsley House, Oakington, Campsfield and Lindholme. The inspectors apply four tests to see whether an immigration removal centre has a healthy custodial environment. These are safety (from both physical and psychological harm), respect, purposeful activity and preparation for release. The centres fared badly with the majority not making detainees feel safe, poor interpreting services, little welfare support or health services and little awareness among staff of the specific needs of immigration detainees. Lindholme and Haslar were performing particularly poorly while standards at Oakington were generally the highest. Inspections by HMIP since then have reported improvements in the culture and running of Haslar where staff detainee relations had improved, as had healthcare provision and routine strip-searching had been stopped (HM Chief Inspector of Prisons, 2004a). At Lindholme however the lack of improvements was such that the inspector recommended that the Immigration and Nationality Directorate 'should seriously examine whether Lindholme is, or can be, an appropriate place to hold immigration detainees' (HM Chief Inspector of Prisons, 2004b:7).

Detention of children and families

Following a policy change in October 2001 the long-term detention of families is part of Home Office practice. Prior to this, families were only detained for a few days. Concern over the welfare of children and families in detention has subsequently led to the announcement of measures to act as safeguards. From 16 December 2003 the Immigration Minister was required to give express authority for the detention of any child for more than twenty-eight days. A senior Home Office official will have oversight of all children in immigration detention to ensure there are no

administrative delays which might extend their detention. Those children detained in Dungavel will have an assessment to ensure their educational and welfare needs are being met after twenty-one days of detention. The HMIP report on Oakington also notes that in the last year children were held for more than ten days, with fifteen children held between one and four weeks and one child detained for twenty-one weeks. The report noted that the mechanisms for deciding to detain children and reviewing their detention and development were not robust enough. Under IND rules the detention of children should be authorised and reviewed at senior level taking into account human rights law. However, at Oakington it seems that not only was the detention of children not being appropriately reviewed, but there was also no awareness among staff of the need for such reviews (HM Chief Inspector of Prisons, 2004c).

New immigration offences

The Asylum and Immigration (Treatment of Claimants etc) Act 2004 creates two new criminal immigration offences. People who destroy travel documents or who do not co-operate with re-documentation during the removal process can be prosecuted and face up to two years' imprisonment. Many asylum seekers are forced to escape the country where they fear persecution without travel documents or with forged documents as they would be unable to escape or reach a safe country otherwise. These new documentation related offences came into force on 22 September 2004. The legislation allows for an asylum seeker to avoid prosecution if there is a 'reasonable excuse' for the absence or destruction of travel documents. It remains to be seen how the Home Office will implement this section of the Act and how 'reasonable excuse' will be interpreted.

13 How much does the asylum system cost?

This section specifically outlines evidence about the cost of the asylum determination process. It does not consider all the evidence which is available about the financial benefits of migration to the UK or about the skills which many refugees bring to the UK by virtue of the fact that they are often the most educated and resourceful in the countries from which they come. This information is presented and assessed in our recently published **FactFiles on Labour migration and EU enlargement and labour migration**. This is important because many of the costs outlined below relate to the whole immigration system (including work permits, tourist and student visas) and because the Home Office's own research on the fiscal impact of migration to the UK indicates that there is a net financial benefit. It should also be noted that the costs of the current asylum system do not only reflect increasing numbers of applications but also the characteristics of the process itself. In particular, the increasing costs of providing asylum seekers with support whilst their claims are decided reflects the fact that they are no longer allowed to work to support themselves.

2003-4 sees the publication of the first Single Asylum Budget. Previously, the cost of the asylum system could only be estimated from collating the costs of different aspects of the asylum system. The Single Asylum Budget figures will be published in early 2005. Current estimates of these figures from the Home Office are that the Immigration and Nationality Directorate outruns are £0.9 billion, compared to £0.8

billion in 2002-3. The Immigration and Nationality Directorate outrun costs cover both asylum and immigration and there is no separate figure for asylum costs only.

Asylum support costs

The Single Asylum Budget figures show asylum support costs for 2003-4 are £1.0 billion, compared to £1.1 billion in 2002-3. The amounts directly spent on providing asylum seekers with support were recently outlined by the Home Office Minister, Des Browne. They include payments made to local authorities and the private sector for accommodation (Figure 13.1).¹⁵ The Home Office assumed the responsibility for the direct costs of supporting asylum seekers from April 1999. Before this costs fell to the Department of Health and Social Security.

Figure 13.1 Expenditure on asylum support in £ million

Year	1996-97	1997-98	1998-99	1999-00	2000-01	2001-02	2002-03	2003-04
Expenditure £ million	413	375	475	590	747	1,046	1,070	n/a

Costs of asylum proceedings

Asylum seekers can get free legal representation. Legal representation is provided under Legal Help and Controlled Legal Representation schemes funded through the Legal Services Commission part of the Department of Constitutional Affairs. These services have replaced legal aid. The Single Asylum Budget figures for the Department of Constitutional Affairs are £0.2 billion legal representation and £0.1 billion for other costs. Again these figures cover the cost for both asylum and immigration cases. The total cost of legal representation in immigration and asylum cases has risen sharply (Figure 13.2). These costs cover legal representation before an Immigration Adjudicator, at the Immigration Appeals Tribunal, judicial review and work done at the initial stage of an application. In response to the rise in the cost of legal representation in asylum and immigration the Legal Services Commission (LSC) has implemented new regulations limiting early advice and putting a cap on fees. It was hoped that this would stop unmeritorious appeals being pursued. However, the restrictiveness of the funding may result in standards of legal representation being eroded. The LSC also introduced an accreditation scheme for immigration representatives with a view to reducing the number of poor legal advisors who waste public funds and jeopardise their clients' cases. The accreditation scheme will take effect on 1 April 2005.

Figure 13.2 Cost of legal services funded through the Legal Services Commission in immigration and asylum cases.

	2000-1	2001-2	2002-3
Cost of legal services	£81.3 million	£129.7 million	179.7 million

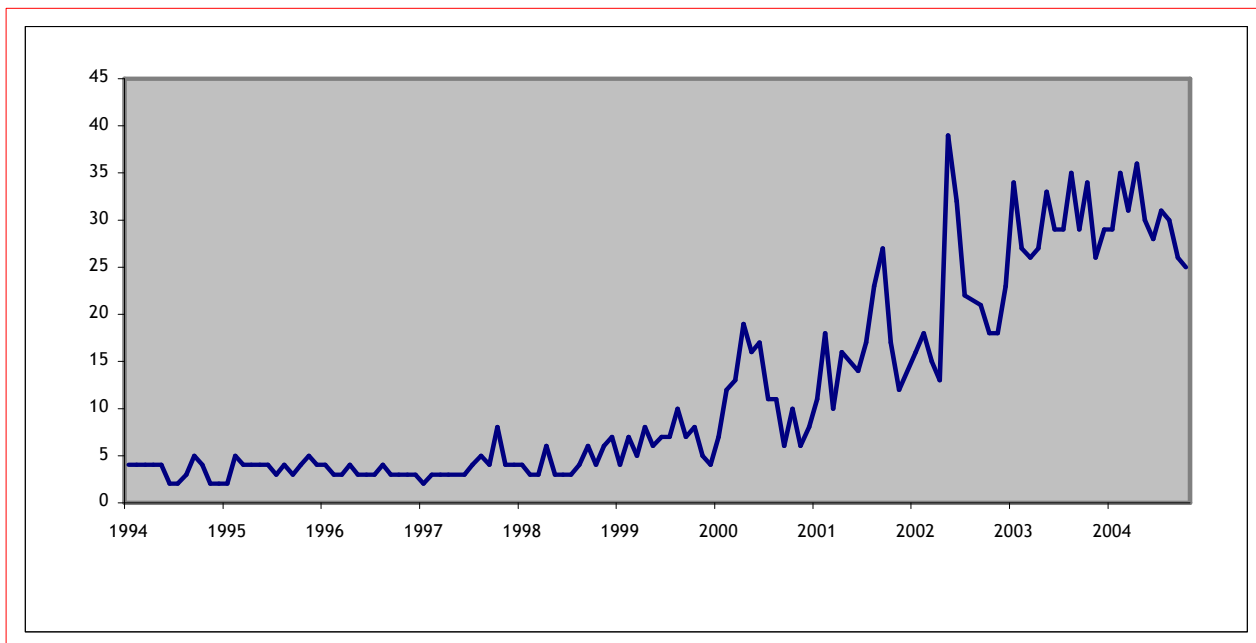
Source: Legal Services Commission (2001, 2002, 2003)

14 What is the public perception of asylum seekers?

Importance of the issue

According to surveys by the MORI Social Research Institute, the percentage of the British population who feel that race/immigration is the most important issue facing Britain, has increased from around five per cent in the 1990s peaking at thirty-nine per cent in May 2002. Since then the proportion of people who believe that race/immigration is the most important issue facing the UK has fallen to twenty-five per cent (October 2004). It ranks as the fifth most important issue after Defence, NHS/Hospitals, Crime/Law and Order and Education (MORI survey, October 2004).

Figure 14.1 Percentage of adults mentioning race/immigration as the most important issue facing Britain (1994-2004) in answer to the question: 'What are the most/other important issues facing Britain today?'



Source: MORI (2004)

According to a Populus poll for the *Times* also in February 2003, nine out of ten voters believe that the number of asylum-seekers in the UK is a serious problem, with thirty-nine per cent of the public regarding the number of asylum seekers as 'the most serious problem in Britain at present'. However, seventy-eight per cent think 'it is right that Britain should continue to let in people seeking asylum if their claim is genuine'. Seventy-one per cent of people said that asylum seekers who have arrived in this country from a safe country in Europe should be sent back (MORI, 2003).

It is worth noting that public hostility to immigrants and refugees is not new: past waves of refugees from particular countries (including Jews and the Ugandan Asians) were treated with hostility. By contrast, Kosovans arriving in the UK in 1999 were given a more welcome reception. This may reflect political and media representation

of their experiences and better public understanding of the issues which had driven them from their home country.

Young people

A MORI poll in June 2003 found that fifty-eight per cent of fifteen to twenty-four year olds disagreed with the statement that ‘asylum seekers and refugees make a positive contribution to life in this country’ while twenty per cent agreed. The same survey found forty-eight per cent believing that ‘few asylum seekers in the UK are genuine’, while thirty-three per cent disagreed. Fifty-six per cent said that ‘Britain should offer a safe haven to people fleeing war or persecution and fifty-one that ‘the rights to education, liberty and work should apply equally to asylum seekers as to British citizens’.

Regional and demographic differences

According to a recent MORI poll (2003), seventy-five per cent of people in London agree that it is a good thing that Britain is a multicultural society, compared to thirty-nine per cent in the North East and fifty per cent in Scotland. When asked why asylum seekers came to the UK, the top response from almost half the regions was that they come because they think the UK is a ‘soft touch’. For these regions, the view is held by about seven out of ten people. Less than half of Londoners say this and that asylum seekers come to this country for a ‘better life for themselves and their families’. London is the home of the great majority of asylum seekers and refugees and so these findings suggest that people who have more contact with them are likely to be more positive about their presence and less likely to have misconceptions. The ippr has recently conducted extensive research into public attitudes to asylum across the UK. The findings of this research will be published in early 2005.

Political differences

According to a Populus poll (February 2003), sixty-five per cent of the population think that ‘it is right in principle to accept genuine asylum seekers, we have now accepted our fair share, and cannot accept any more’. This rises to seventy-six per cent among Conservative supporters and falls to forty-seven per cent among Liberal Democrats. The poll also showed that sixty-seven per cent of Conservatives believe that the number of asylum seekers in Britain is a major reason why public services such as health and education are over-burdened, but only forty-three per cent of Liberal Democrats. A later Populus poll (January 2004) shows that twenty-eight per cent of Labour voters believe that asylum and immigration is the most important issue in Britain. This compares to fifty-one per cent of Conservative Voters, twenty-nine per cent of Liberal Democrat voters and thirty-four per cent of swing voters.

Misconceptions

According to a *Reader’s Digest* poll in November 2000, respondents overestimate the financial aid asylum seekers receive. They believed on average that an asylum seeker was given £113 per week at a time when a single adult seeking asylum was actually entitled to £36.54 a week. The poll also revealed a significant overestimation of

asylum immigrant numbers with respondents believing on average that twenty per cent of the population were immigrants, when the real figure is just four per cent. They also believed on average that twenty-six per cent of the population belong to an ethnic minority at a time when the actual figure was seven per cent (Reader's Digest, 2001).

15. What have the main legal changes been?

Five new pieces of legislation on asylum and immigration have come into force since 1993: the Asylum and Immigration Appeals Act (1993); Asylum and Immigration Act (1996); Immigration and Asylum Act (1999); Nationality, Immigration and Asylum Act (2002) and Asylum and Immigration (Treatment of Claimants etc.) Act (2004).

Asylum and Immigration Appeals Act (1993)

The Asylum and Immigration Appeals Act made provision for people who claim asylum in the UK and their dependants; amended the law with respect to certain rights of appeal under the Immigration Act 1971; extended the provisions of the Immigration (Carriers' Liability) Act 1987 to transit passengers;¹⁶ and allowed for the fingerprinting of asylum seekers and their dependants.

Asylum and Immigration Act (1996)

This Act removed benefit entitlements from in-country asylum applicants, removed the entitlement of asylum seekers to child benefit and restricted access to local authority housing. It introduced a 'white list' of countries, which the Home Office considered did not pose serious risks of persecution. Time limits for appeals were introduced for asylum applicants who came from these countries and for asylum applicants whose claims the Home Office considered as lacking credibility. Exemptions from this were made for asylum seekers who could establish a reasonable likelihood that they had been tortured. The Act also introduced restrictions on employment and made it an offence for employers knowingly to employ someone using false or no documentation. A new offence was created of knowingly assisting someone to gain entry or leave to remain in the UK using deception and the powers of the police and immigration officers in relation to immigration offences were increased.

Immigration and Asylum Act (1999)

This Act extended carriers' liability to lorries and ships and introduced the regulation of immigration advice setting up the Office of the Immigration Services Commissioner. It restored parity in benefit rights to all asylum seekers regardless of whether they claimed asylum at port or in country, set up a separate asylum support system at seventy per cent of income support and established the National Asylum Support Service to administer that support. New policy was introduced to disperse asylum seekers to accommodation across the UK and the Government was given the power to set removal directions and deportation orders in advance of a decision on a claim. The Act introduced a 'safe third country' list that includes all EU countries, Canada,

the US, Switzerland and Norway - any asylum seeker who has travelled to the UK via one of these countries will no longer be able to challenge decisions to be removed to that country. It also abolished the list of designated countries (the 'white list') whose nationals are refused asylum straight away, but retained a wide range of other reasons under which any asylum claims can be 'certified' following an initial decision and allowed only limited appeal rights. Fast-track schemes (such as at Oakington) were established to process asylum applications and the concept of the 'one stop appeal' introduced, where asylum seekers are expected to raise all asylum, human rights and humanitarian issues which might be relevant to their application at the same time.

Nationality, Immigration and Asylum Act (2002)

Under this Act, applicants from 'safe countries' could have their applications certified as 'clearly unfounded' and have no in-country right of appeal. This list of safe countries is again known as the 'white list'. Applicants from these countries no longer have an in-country right of appeal but have to appeal from abroad once they have been removed from the UK.¹⁷ The Act reintroduced a distinction between in-country and port applicants, where in-country applicants can be refused NASS support if they do not make their application 'as soon as reasonably practicable' and allowed for the setting up of accommodation centres in which asylum seekers can be housed for up to six months with health and education facilities available on site. The Act also expedited the process of removing failed asylum seekers and replaced *judicial* review of the refusal to allow appeal to the Immigration Appeals Tribunal with *statutory* review which does not allow for oral arguments to be made before a judge.

Asylum and Immigration (Treatment of Claimants etc.) Act 2004

This Act built on the power of the Home Secretary to remove asylum seekers to designated 'safe third countries' with the presumption that their claims are clearly unfounded. The Act replaced the two-tier appeals system with a single appellate body: the Asylum and Immigration Tribunal. Appeals to the High Court were restricted to errors of law. The Act specified behaviours to be taken into account when assessing the credibility of asylum applicants. The Act creates new criminal offences subjecting asylum seekers to the possibility of criminal prosecution and detention if they do not have travel documents or have destroyed travel documents. The powers of police and immigration officers in relation to asylum seekers were extended to a range of offences other than immigration offences. The Act allowed for access to hard case support for failed asylum seekers to be made conditional on participation in 'community activities'. Families whose asylum claims had failed and who failed to cooperate with removal would no longer have recourse to support. The back-dating of benefits to refugees was stopped and refugee integration loans are now to be introduced.

Additional significant changes

- Since 23 July 2002 asylum applicants are no longer allowed to work or undertake vocational training until they are given a positive decision on their asylum application.

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- September 2004 the Prime Minister pledged to double the number of failed asylum seekers removed from the UK by the end of 2005.
 - Proposals to build transit processing centres for asylum seekers in countries bordering the EU re-entered the debate at the EU Summit in November 2004. Proposed by Germany and Italy the proposal was rebuffed by France and Spain who argued that these camps could not provide adequate humanitarian guarantees. Britain supported the proposals which are similar to plans for regional processing centres proposed by Britain at an EU summit in 2003 but ruled out by other Member State governments as unworkable. The Government is still intending to establish pilot schemes that would enable would-be asylum seekers to be protected in regions of origin.

Appendix 1 Data on applications received for asylum in the UK (1993-2003)

		1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
Total applications		28,000	42,200	55,000	37,000	41,500	58,500	91,200	98,900	92,000	110,700	60,045
Applications (excluding dependants)		22,370	32,830	43,965	29,640	32,500	46,015	71,160	80,315	71,365	85,865	49,405
Applied (excluding dependants)	at port	7,320	10,230	14,410	12,440	16,590	23,345	29,455	25,935	25,210	27,255	13,833
	in country	15,050	22,600	29,555	17,205	15,915	22,670	41,700	54,380	46,160	58,610	35,572
Initial decisions		23,405	20,990	27,005	38,960	36,045	31,570	33,720	109,205	119,015	82,715	64,940
Granted refugee status		1,590	825	1,295	2,240	3,985	5,345	7,815	10,605	12,610	8,100	3,865
Granted refugee status %		7%	4%	5%	6%	11%	17%	36%	12%	10%	10%	6%
Granted ELR		11,125	3,660	4,410	5,055	3,115	3,910	2,465	11,475	21,755	19,965	7,210
Granted ELR %		48%	17%	16%	13%	9%	12%	12%	13%	17%	24%	11%
Refused asylum and ELR (initial decision)		10,690	16,500	21,300	31,670	28,945	22,315	11,025	67,910	92,420	54,650	53,865
		46%	79%	79%	81%	80%	71%	52%	75%	73%	66%	83%
Appeals determined		N/a	2,440	7,035	13,790	21,090	25,320	19,460	19,395	43,415	64,405	81,725
Appeals allowed		N/a	95	230	515	1,180	2,355	5,280	3,340	8,155	13,875	16,070
As % of total determined		N/a	4%	3%	4%	6%	9%	27%	17%	19%	22%	20%

Removals and voluntary departures	1,820	2,220	3,170	4,820	7,165	6,990	7,665	8,980	9,285	10,410	13,005
Cases awaiting outcome (at end of year) initial decision ¹⁸	45,805	55,255	69,650	57,450	51,795	64,770	119,200	88,600	38,800	40,800	23,900
Applicants to EU ¹⁹ UK % of EU applicants	25,200	315,300	279,600	238,200	255,800	312,300	396,700	402,000	397,600	386,100	313,900
UK rank in EU for applicants per head	10 th	8 th	8 th	9 th	10 th	10 th	8 th	9 th	10 th	8 th	9th

Source: Home Office (2002, 2003, 2004)

Appendix 2 Sources of additional information

WEBSITES

Amnesty International www.amnesty.org
AsylumSupport.info www.asylumsupport.info
British Institute of Human Rights www.bihhr.org
Centre for European Migration and Ethnic Studies www.cemes.org
Centre for Immigration Studies www.cis.org
Centre on Migration Policy and Society (COMPAS) www.compas.ox.ac.uk
Commission for Racial Equality www.cre.gov.uk
Electronic Immigration Network www.ein.org.uk
European Convention on Human Rights www.echr.info
European Council on Refugees and Exiles www.ecre.org
European Court of Human Rights www.echr.coe.int
Forced Migration Online www.forcedmigration.org
Home Office Immigration and Nationality Directorate www.ind.homeoffice.gov.uk
Home Office Research Development Statistics www.homeoffice.gov.uk/rds
Human Rights Watch www.hrw.org
Immigration Advisory Service www.iasuk.org
Immigration Appellate Authority www.iaa.gov.uk
Immigration Watch www.immigrationwatch.info
Information Centre about Asylum and Refugees www.icar.org
Institute for the Study of International Migration
www.georgetown.edu/sfs/programs/isim
International Organisation for Migration www.iom.int
Joint Committee on Human Rights www.jchr.info
Joint Council for the Welfare of Immigrants www.jcwi.org.uk
Legal Services Commission www.legalservices.gov.uk
Migration Dialogue www.migration.ucdavis.edu/
Migration Information Source www.migrationinformation.org
Migration Research Unit (UCL) www.geog.ucl.ac.uk/mru
Refugee Action www.refugee-action.org.uk
Refugee Council www.refugeecouncil.org.uk
Refugee Net www.refugeenet.org
Refugee Studies Centre www.rsc.ox.ac.uk
Student Action for Refugees www.star-network.org.uk
United Nations Convention on the Rights of the Child www.uncrc.info
United Nations High Commissioner for Refugees www.unhcr.ch
World Refugee www.worldrefugee.com

JOURNALS

Human Rights Quarterly muse.jhu.edu/journals/human_rights_quarterly/
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Georgetown Journal of International Affairs journal.georgetown.edu/

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www.wileyurope.com/WileyCDA/WileyTitle/productCd-IJPG.html
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Journal of International Migration and Integration
jimi.metropolis.net/frameset_e.html
Journal of Refugee Studies www3.oup.co.uk/jnls/list/refuge/
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Population and Development Review www.jstor.org/journals/00987921.html
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Third World Quarterly www.tandf.co.uk/journals/carfax/01436597.html

Appendix 3 Glossary and acronyms

Asylum seeker An ‘asylum seeker’ is someone who is waiting for an application for recognition as a Convention refugee to be considered by the Government.

Discretionary leave to remain Since 1 April 2003, the Home Office has replaced exceptional leave to remain by two new forms of leave: humanitarian protection and discretionary leave. Discretionary leave may be granted to asylum applicants who are considered not to be in need of international protection or excluded from such protection but are allowed to remain for other reasons, for example because they have children or relationships in the UK.

DRC Democratic Republic of the Congo (previously Zaire)

ECHR European Convention on Human Rights

FRY Former Republic of Yugoslavia

GDP Gross Domestic Product

Human Development Index The Human Development Index is an indicator used by the United Nations Development Programme to measure a country’s achievements in terms of life expectancy, educational attainment and adjusted real income.

Humanitarian protection Since 1 April 2003, the Home Office has replaced exceptional leave to remain by two new forms of leave: humanitarian protection and discretionary leave. Humanitarian protection is granted to anyone who would, if removed, face in the country of return a serious risk to life or person arising from the death penalty or unlawful killing or torture, inhuman or degrading treatment or punishment.

IAT Immigration Appeal Tribunal

IDP Internally displaced persons are people uprooted within their own countries.

ILR Indefinite leave to remain.

IND Immigration and Nationality Directorate

LSC Legal Services Commission

NASS The National Asylum Support Service began supporting asylum seekers in April 2000. NASS was set up to provide accommodation or subsistence payments to asylum seekers so that they could support themselves whilst awaiting a decision on asylum applications. Prior to NASS, asylum seekers could apply for support from the Department for Social Security or local authorities.

NIA Act 2002 Nationality, Immigration and Asylum Act 2002.

OECD Organisation for Economic Co-operation and Development.

Refugee A refugee has a specific meaning set out in the 1951 United Nations Convention Relating to the Status of Refugees. The Convention defines a refugee as someone who: has a well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group, or political opinion; is outside the country they belong to or normally reside in, and is unable or unwilling to return home for fear of persecution.

Refugee Convention 1951 Convention Relating to the Status of Refugees

UNHCR United Nations High Commissioner for Refugees

UNRWA United Nations Relief and Works Agency for Palestine refugees in the Near East

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Endnotes

¹ Humanitarian protection and discretionary leave replaced exceptional leave to remain on 1 April 2003.

² The National Asylum Support Service began supporting asylum seekers in April 2000. NASS was set up to provide accommodation and/or subsistence payments to asylum seekers so that they can support themselves whilst awaiting a decision on asylum applications. Prior to NASS, asylum seekers could apply for support from the Department for Social Security or local authorities.

³ Commons Hansard, 16 March 2002, c767W

⁴ Home Office data compiled by the Refugee Council
<http://www.refugeecouncil.org.uk/infocentre/stats/stats001.html>

⁵ The Human Development Index is an indicator used by the United Nations Development Programme to measure a country's achievement in terms of life expectancy, educational achievement and adjusted real income.

⁶ Safe countries listed in the Act are: Cyprus, Latvia, Lithuania, Estonia, Czech Republic, Slovak Republic., Slovenia, Poland, Malta and Hungary. In February 2003, Albania, Bulgaria, Jamaica, Macedonia, Moldova, Romania and Serbia-Montenegro were added, followed by Brazil, Ecuador, Bolivia, South Africa, Ukraine, Sri Lanka and Bangladesh in June 2003.

⁷ Secretary of State for the Home Dept. v. Limbuela and others [2004] EWCA Civ 540

⁸ UK citizens on council housing lists cannot be disadvantaged by the housing of asylum seekers as the two systems are completely separate.

⁹ Applicable income support rates can be obtained at <http://www.jobcentreplus.gov.uk> and those for NASS at <http://www.ind.homeoffice.gov.uk>

¹⁰ Commons Hansard, 16 November 2004, c424w

¹¹ Part III of the 1999 Act provided for legal safeguards in the form of automatic bail hearings after eight days of detention and further hearings thereafter should detention continue. However, this section of the Act never came into force and was eventually repealed under the 2002 Act.

¹² Detention (removal) centres are: Campsfield House (Oxfordshire), Dover (Kent), Dungavel House (Scotland), Harmondsworth (near Heathrow), Haslar (Gosport), Lindholme (Doncaster), Tinsley House (near Gatwick) and Yarl's Wood (Bedfordshire). There are short term holding facilities in Manchester, Dover, Felixstowe, Cheriton and Harwich).

¹³ R (Saadi and Others) v Secretary of State for the Home Department [2002]UKHL 41)

¹⁴ Commons Hansard, 16 March 2002, c767w

¹⁵ Commons Hansard, 16 November 2004, c407w

¹⁶ Carriers' liability fines an airline or other carrier £2,000 per passenger travelling without correct travel documentation and visa. This effectively externalises immigration controls to some extent.

¹⁷ Cyprus, Latvia, Lithuania, Estonia, the Czech Republic, the Slovak Republic, Slovenia, Poland, Malta and Hungary were the countries deemed 'safe' through the Act. Using his powers to add more countries to the list, the Home Secretary announced in February 2003 the addition of Albania, Bulgaria, Jamaica, Macedonia, Moldova, Romania and Serbia and Montenegro to the list of 'safe countries'. In June 2003, a further number of countries were added to the 'white list'. The addition of Brazil, Ecuador, Bolivia, South Africa, Ukraine, Sri Lanka and Bangladesh brings the total number of countries on the 'white list' to 24.

¹⁸ Data for 1998 and earlier years are not directly comparable with figures for later years.

¹⁹ UNHCR, 31 May 2002. See <http://www.unhcr.ch> Number of asylum applications in 30 industrialised countries 1992-2001