

Asylum: Day one challenges for the next government

June 2024

The new government will need to take decisive action to address the cost, chaos and human misery that result from the existing state of the asylum system.

- There were nearly 120,000 men, women and children waiting for an initial decision on their asylum claim at the end of March 2024.
- The Illegal Migration Act 2023 (IMA 2023) is already slowing down decisions, and if fully enacted would lead to the asylum system being effectively shut down. By the end of 2024, this would result in more than 115,000 people who are in the UK being left permanently stranded with their claims deemed inadmissible.
- In the last year, 99 per cent of people who crossed the Channel in a small boat went on to apply for asylum. Almost all of them (96 per cent) are still waiting for a decision on their claim. If they had been processed, nearly three quarters (73 per cent) would be expected to be granted asylum based on recent decisions.
- The months following the General Election are highly likely to see an increase in Channel crossings. Nearly four in 10 of arrivals in 2022 occurred in August and September. In 2023, those months accounted for a third of crossings. If the distribution of arrivals throughout 2024 reflects 2022 and 2023, then around 40,300 people might be expected to have made the crossing by the end of the year.
- At the end of March, 35,686 people who had applied for asylum in the UK were being accommodated in hotels. Over half (19,550) of those being housed in hotels were from countries with initial asylum decision grant rates of at least 80 per cent, with a daily cost of around £2.9 million.
- The government will face a growing backlog of asylum appeals. At the end of March, there were over 27,000 appeals waiting to be heard. The backlog has almost quadrupled from only 7,500 a year earlier.
- While thousands of people continue to take dangerous journeys to reach the UK, the safe routes available to people are extremely limited and beset by delays. There is no way for someone to apply for asylum in the UK without being in the country already. Across all the existing resettlement schemes, only 1,212 refugees came to the UK in the year to March 2023 – almost five times less than prior to the Covid pandemic – and refugee families looking to safely reunite face severe delays and restricted eligibility.
- The number of removals has increased in recent years and three in four are voluntary. However, the number of returns is lower than previously: in the year to March 2017, 39,163 people were removed, compared to 28,187 in the year to March 2024.

From day one of the new government, urgent steps should be taken to put in place plans to:

- Reform the asylum legal framework and improve the decision making process by:
 1. Bring forward legislation to repeal the Illegal Migration Act 2023 and restore the right to asylum.
 2. Publishing guidance under section 30 of the Illegal Migration Act 2023 to make clear that leave can be granted to people who are found to be refugees if they arrived irregularly after 7 March 2023.
 3. Utilising the learning from the Streamlined Asylum Process to quickly grant refugee status to people from high grant countries.
 4. Immediately processing all the asylum claims that had been paused due to the applicants being in the cohort of people targeted for removal to Rwanda.
 5. Working with local authorities and the voluntary sector so that newly recognised refugees do not face homelessness and destitution in the weeks after being granted status, including by extending the move-on period for newly recognised refugees to 56 days.
 6. Developing a more effective voluntary returns programme that provides independent advice and support to individuals, especially those with complex needs.

- Prevent further cost and chaos being created by the growing backlog of asylum appeals by:
 1. Putting in place a team within the Home Office to review all asylum refusals that have been appealed to ensure the correct decision was made first time. If the claim should have been granted, then that team should have the power to make that decision.
 2. Recruiting judges to the first-tier tribunal to increase capacity.
 3. Working with the Legal Aid Agency and legal aid providers to ensure appellants are represented, which helps appeals to be processed fairly and in a timely manner.

- Expand safe routes for refugees to reach the UK by:
 1. Putting in place a safe routes strategy, including making a clear commitment on refugee resettlement to return, at a minimum, to the levels of arrivals pre-Covid.
 2. Ensuring that family reunion applications are decided within the existing 12-week service standard by the end of 2024.
 3. Expanding eligibility for refugee family reunion by changing the immigration rules to allow child refugees in the UK to sponsor close family members to join them.

The asylum backlog

Despite the work undertaken to address the asylum backlog last year, and the increase in the number of asylum decision makers to more than 2,500, as of 31 March 2024 there were 118,329 people waiting for an initial decision on their application.ⁱ A quarter of claims were more than a year old, with two in three having been in the system for at least six months.ⁱⁱ

One in 10 of the people waiting for a decision were from Afghanistan, with a third of all applicants (38,002 people) coming from just five countries – Afghanistan, Iran, Syria, Eritrea

and Sudan. The grant rate over the last year was 99 per cent for Syrians, Eritreans and Sudanese nationals, 98 percent for Afghans, and 83 per cent for Iranians.

The number of people waiting for a decision will only have grown leading up to the general election, as the IMA 2023 will have led to a slowdown in decision making. While the key elements of the Act weren't commenced prior to the dissolution of Parliament, the ban on granting leave to those who arrived irregularly after 7 March 2023 has been in force since the Act gained Royal Assent on 20 July 2023.ⁱⁱⁱ This potentially impacts every asylum claim made after 7 March 2023, even if the applicant didn't arrive irregularly, as there still needs to be a process for determining that.

In practice, this could mean that someone who arrived on 7 March 2023 and applied for asylum could have that claim processed and accepted – they could be found to be a refugee – but then be prevented from being given any form of immigration leave. The IMA 2023 does give the Home Secretary discretion to grant leave in cases like this and in other situations. **However, prior to the election no guidance was issued on how decision makers are supposed to implement the ban, meaning no applications can be processed.**

Statistics released by the Home Office show that as of 14 April 2024, nearly nine in 10 (88 per cent) of claims in the asylum backlog had been made after the IMA 2023 was first introduced in Parliament on 7 March 2023.^{iv} The asylum backlog in April 2024 can be broken down into four cohorts of cases:

- Legacy cases – applications made before 28 June 2022 when the main provisions of the Nationality and Borders Act came into force
- Flow cases – applications made between 28 June 2022 and 6 March 2023
- Illegal Migration Bill cases – applications made between 7 March 2023, when the IMA 2023 was introduced in Parliament, and 20 July 2023, when it gained Royal Assent
- Illegal Migration Act cases – applications made on or after 20 July 2023

Cohort	Cases waiting for an initial decision as of 14 April 2024	People waiting for an initial decision as of 14 April 2024
Legacy cases	2,377	2,947
Flow cases	7,358	9,124
Illegal Migration Bill cases	21,313	26,428
Illegal Migration Act cases	51,926	64,388
Total	82,974	102,888

Source: Refugee Council analysis of Home Office Statistics relating to the Illegal Migration Act, published 22 April 2024, table IMB_02. In the Home Office publication, the total number of cases waiting for an initial decision is given as 83,154. However, that isn't the total of the sum of the cases by cohort as published. The number of people awaiting an initial decision is an estimate based on the average number of people per asylum claim during 2022 and 2023. During these two years, there was an average of 1.24 applicants per asylum application. • Created with Datawrapper

If the IMA 2023 were enacted in full, then the majority of claims in the backlog would become inadmissible. This would leave tens of thousands of men, women and children who are in the UK permanently shut out from the system, condemned to live in limbo. Even allowing for 2,000 removals to Rwanda and, where allowed by the legislation, to countries of origin, the Refugee Council's analysis has forecasted that by the end of 2024, more than 115,000 people would be left stranded, with their asylum claim not being processed and also not being removed from the UK.^v

There were also 5,700 people who had been identified as being among the initial cohort of people to be sent to Rwanda under the Migration and Economic Development Partnership. All the people in that cohort had arrived in the UK at some point between 1 January 2022 and 29 June 2023. While being considered for removal to Rwanda, all of those individuals' asylum claims were paused while going through the inadmissibility process, as in order to be removed to Rwanda their applications would have needed to be declared inadmissible to the UK's asylum system.

There are potentially some people in that cohort who have been waiting for a decision on their claim for two and a half years, despite there being very little realistic prospect of them being removed to Rwanda during that time.

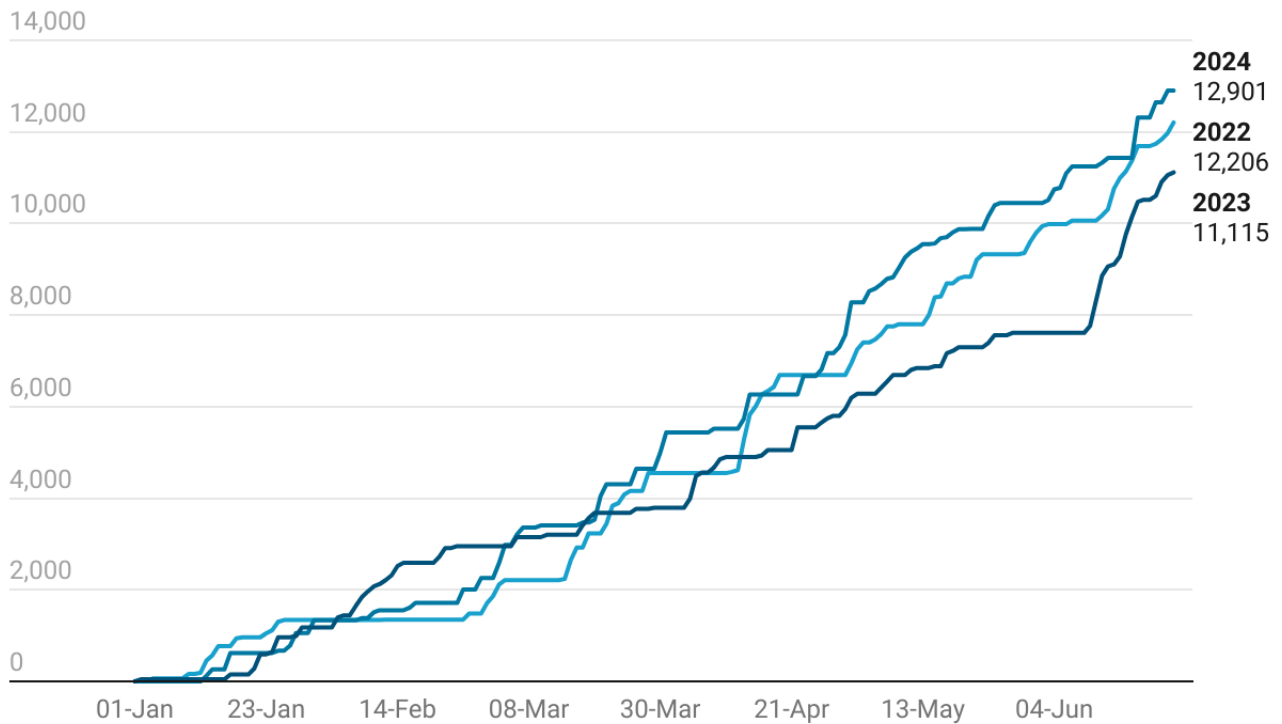
Hotel accommodation

At the end of March, 35,686 people who had applied for asylum in the UK were being accommodated in hotels, with a further 59,040 people in dispersal accommodation and 2,548 in contingency accommodation.^{vi} **Over half (19,550) of those being housed in hotels were from countries with initial decision grant rates of at least 80 per cent, with a daily cost of around £2.9 million.**^{vii}

The top six nationalities being accommodated in hotels were Iranians, Afghans, Iraqis, Eritreans, Syrians and Sudanese. **The easiest way to reduce the number of people being accommodated in hotels is to make quick decisions on their claims, focusing on those from high grant rate countries.**

Small boat arrivals

Arrivals by small boat up to 24 June

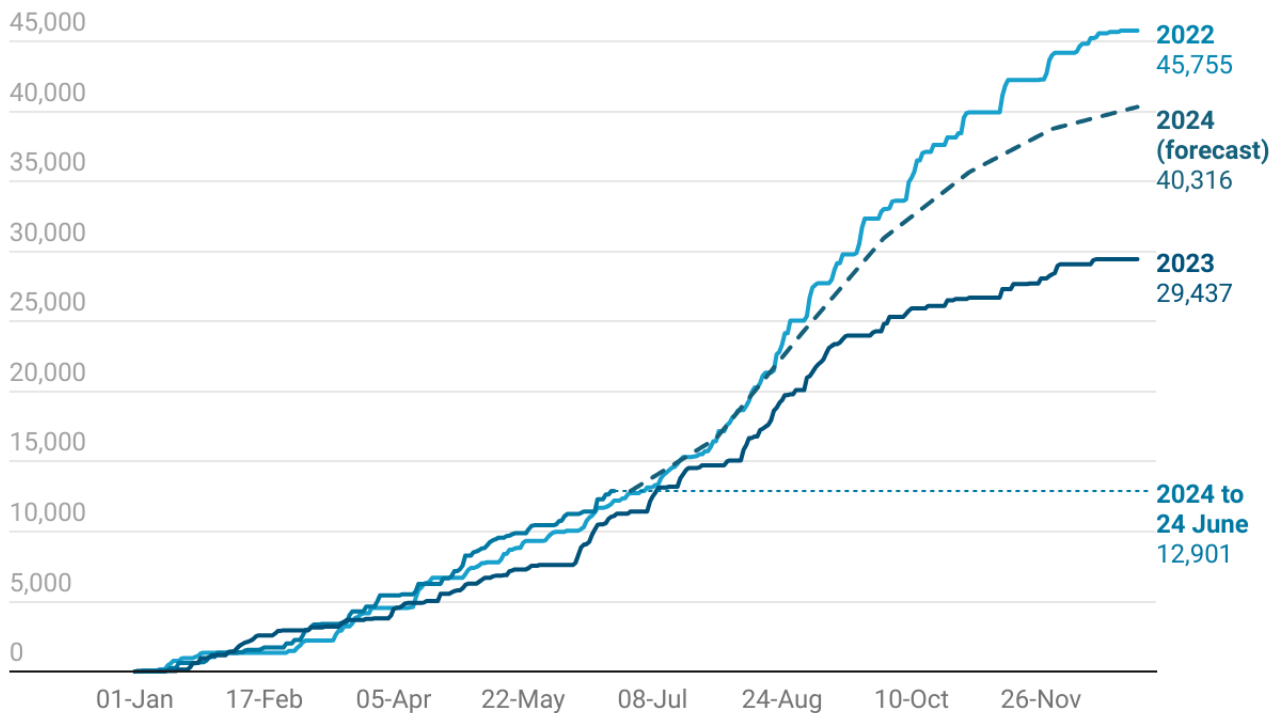


Source: Home Office Small boat activity in the English Channel transparency data • Created with Datawrapper

As of 24 June 2024, 12,901 people had crossed the channel in a small boat since the turn of the year. This was higher than the comparative number in 2022 (12,206) and 2023 (11,115).

The months following the General Election are highly likely to see an increase in arrivals. **Nearly four in 10 of arrivals in 2022 occurred in August and September. In 2023, those two months accounted for a third (34 per cent) of crossings.** The number of arrivals depends on a range of variables, including the weather and global events, making accurate forecasts very difficult. If the distribution of arrivals throughout 2024 reflects 2022 and 2023, then around 40,300 people might be expected to have made the crossing by the end of the year.^{viii}

Forecasted small boat crossings in 2024



Source: Refugee Council analysis of Home Office Small boat activity in the English Channel transparency data. 2024 forecast based on 2022-23 monthly arrivals as percentage of annual totals. • Created with Datawrapper

Just over a third of those who were waiting for an initial decision on their asylum claim, 41,823 people, had arrived by small boat. **In the last year, 99 per cent of people who crossed the Channel in a small boat went on to apply for asylum. 96 per cent of them are still waiting for a decision on their claim.**^{ix}

Of those who applied for asylum having arrived by small boat since the start of 2022, more than half are still waiting for a decision (40,142 people out of 74,306). When a decision has been made in that time, nearly three quarters (73 per cent) have been grants.^x

That grant rate reflects the nationalities of people making the crossing. Between May 2023 and April 2024, the nationality of people crossing was recorded for 28,529 people. **Based on the asylum grant rates over the last year, 20,884 (73 per cent) would be expected to be recognised as refugees if their asylum claims were processed.**

Top 10 nationalities of people crossing the channel by small boat May 2023 - April 2024

Nationality	Number of arrivals	Expected grant rate
Afghanistan	5,591	98
Iran	3,523	83
Turkey	3,134	59
Eritrea	2,719	99
Syria	2,534	99
Iraq	2,465	37
Vietnam	2,430	48
Sudan	1,782	99
Albania	855	4
Egypt	601	17
Total	28,529	73

Source: Refugee Council analysis of Home Office data. Number of arrivals from Statistics relating to the Illegal Migration Act, table IMB_01b, published 21 April 2024. Total excludes where nationality is 'unknown' or 'not recorded'. Expected grant rate from Immigration System Statistics, year ending March 2024, Asylum and Resettlement - Applications, Initial decisions, and Resettlement, table Asy_D02. Grant rates do not include withdrawn applications. • Created with Datawrapper

Refugee Homelessness

Another impact of the work to clear the asylum backlog has been an increase in homelessness faced by refugees in the weeks after they get a positive decision. Between 2022 and 2023, there was a 604% increase in the number of households requiring homelessness support from local authorities after being evicted from Home Office asylum accommodation.^{xi}

After receiving a positive decision, refugees are given 28 days before they lose their entitlement to Home Office accommodation and financial support. During that period – referred to as the move-on period – refugees are expected to source other accommodation and find employment or apply for (and receive) welfare payments. The Refugee Council and other organisations have called for this period to be extended to at least 56 days, to bring it in line with the period given to local authorities in the Homelessness Reduction Act 2017 to work with other individuals and families at risk of homelessness.^{xii}

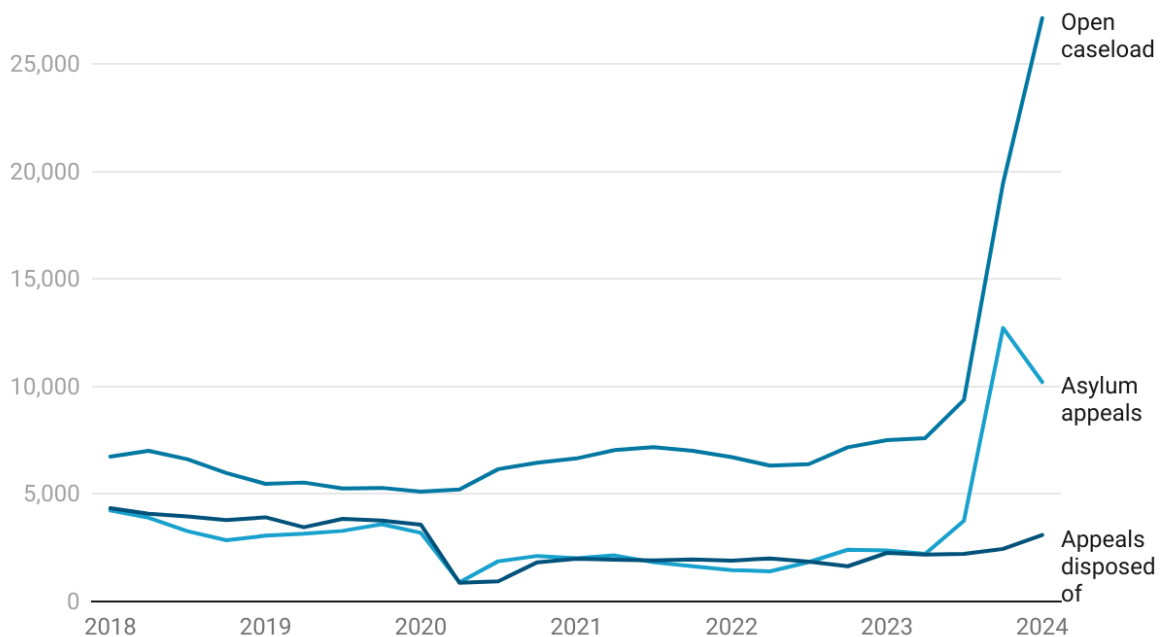
Asylum appeals backlog

Whoever is in government after the general election will face a large and growing backlog of appeals against decisions to refuse asylum claims. One of the consequences of the work to reduce the asylum backlog in 2023 has been a significant increase in the number of refusals. Nearly 20,000 asylum claims were refused between 1 October and 31 December 2023, and a further 13,253 in the first three months of 2024. There were more refusals in those six months than in total between January 2020 and October 2023 (31,749).^{xiii}

As a result, **between October 2023 and March 2024, 22,928 appeals were received by the first-tier tribunal** – a 379 per cent increase on the same period a year earlier.^{xiv}

By contrast, in the year to March 2024 the first-tier tribunal disposed of 9,943 appeals.^{xv} As a result, **the backlog in asylum appeals almost quadrupled from 7,510 at the end of March 2023 to 27,133 a year later**. Appeals that were disposed of in the last three months of 2023 had been outstanding for an average of 39 weeks.^{xvi} Without action, that period will only get longer.

Asylum Appeals to the First Tier Tribunal by quarter



Source: Tribunal Statistics Quarterly: January to March 2024, tables FIA_1, FIA_2 and FIA_4 • Created with Datawrapper

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

Few and narrow safe routes

There are too few safe routes available for people to reach safety in the UK without needing to undertake a dangerous journey, and those that do exist are beset with delays and have restrictive eligibility criteria.

What was supposed to be the UK's flagship global resettlement scheme, the UK Resettlement Scheme (UKRS) has led to only 2,645 refugees coming to the UK since it was opened at the beginning of 2021. **Across all the existing resettlement schemes, 1,212 refugees came to the UK in the year to March 2024** By comparison, this is almost five times less than in the years prior to the pandemic – there were 5,806 and 5,612 arrivals in 2018 and 2019.^{xviii} Many people who have been accepted onto one of the resettlement schemes have been in extremely precarious situations waiting for years to then be able to travel to the UK.

There has been an increase in the number of refugee family reunion visas granted – 12,378 in the year ending March 2024 compared to only 4,346 the year before.^{xix} The increase is in large part due to increased capacity in the decision-making team to tackle the backlog that had been created over a number of years, including when decision making was almost entirely paused when caseworkers were moved onto the Ukraine visa schemes.

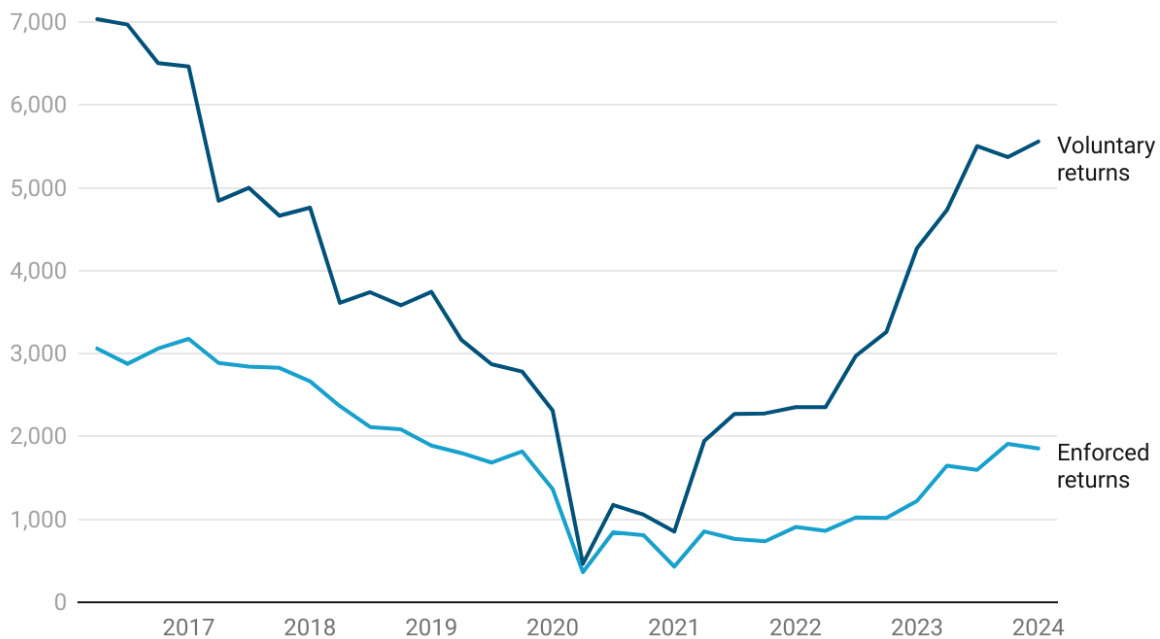
However, **refugee families have been facing ever growing delays waiting for decisions on their claims.** Figures obtained by the Independent from July 2023 showed that the backlog stood at more than 11,000 cases, the majority of which had been waiting for more than six months, and 1,800 of which had been going on for over a year.^{xx} The increase in asylum grants from the work to clear the asylum backlog will result in increased delays unless there is intervention.

There is also no way for someone to apply for asylum in the UK unless they are physically present in the country. As a result, unless someone qualifies for one of the few safe routes available, and can survive the impact of the delays, the only way to reach the UK is to take a dangerous journey.

Returns and removals

In the first three months of 2024 there were a total of 7,418 removals – this includes all immigration related removals, not just those where the person had made an asylum application. **While there has been an increase in returns in the last year, the numbers remain below 2017 levels, after which there was a significant fall in returns.** In the year to March 2017, 39,163 people were removed, compared to 28,187 in the year to March 2024.^{xxi} It is important to note that voluntary returns are three times higher than enforced removals.

Voluntary and enforced returns



Source: Home Office Immigration System Statistics, year ending March 2024, Returns - detailed datasets, table Ret_D01 • Created with Datawrapper

Conclusion

The Home Secretary in the new government will have responsibility for fixing an asylum system that faces a myriad of challenges caused by unworkable legislation that has only served to make the process more complex and unwieldy. The immediate focus for the next government must be on getting to grips with the asylum decision making system to tackle the backlog in initial decisions.

The next government must not repeat the mistakes of recent years. A new National Refugee Strategy is needed that gives people a fair hearing in the UK and delivers order and compassion.^{xxii}

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granted status, including by extending the move-on period for newly recognised refugees to 56 days.

- Prevent further cost and chaos being created by the growing backlog of asylum appeals by:
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 2. Recruiting judges to the first-tier tribunal to increase capacity, and working with the Legal Aid Agency and legal aid providers to ensure appellants are represented.
- Expand safe routes for refugees to reach the UK by:
 1. Putting in place a safe routes strategy, including making a bold commitment on refugee resettlement to return, at a minimum, to the levels of arrivals pre-Covid.
 2. Ensuring that family reunion applications are decided within the existing 12-week service standard by the end of 2024.
 3. Expanding eligibility for refugee family reunion by changing the immigration rules to allow child refugees in the UK to sponsor close family members to join them.

ⁱ Home Office Immigration System Statistics, year ending March 2024, Asylum and Resettlement - Asylum applications awaiting a decision, table Asy_D03

ⁱⁱ UK Visa & Immigration Transparency Data Q1 2024, Immigration and Protection, table ASY_02

ⁱⁱⁱ Section 30 of the IMA 2023, which inserts a new section 8AA into the Immigration Act 1971

^{iv} Home Office Statistics relating to the Illegal Migration Act, published 22 April 2024, table IMB_02

^v See [Cost, chaos and human misery – the impact of the Illegal Migration Act 2023 and the Rwanda Plan](#)

^{vi} Home Office Immigration System Statistics, year ending March 2024, Asylum and Resettlement - Asylum seekers in receipt of support, table Asy_D09

^{vii} Based on the cost of accommodating someone in a hotel in January 2024. See National Audit Office (2024), [Investigation into asylum accommodation](#), page 29

^{viii} Across 2022 and 2023, 32 per cent of small boat crossings occurred between January and June. If the 12,901 arrivals to 24 June 2024 account for 32 per cent of crossings throughout the year, by 31 December 40,316 people would have arrived.

^{ix} Refugee Council analysis of Home Office Irregular Migration Statistics, year ending March 2024, tables Irr_D02 and Irr_D03

^x Refugee Council analysis of Home Office Irregular Migration Statistics, year ending March 2024, table Irr_D03

^{xi} Department for Levelling-Up, Housing and Communities, [Statutory Homelessness live tables, October – December 2023](#)

^{xii} For more information about the move-on period, and the barriers refugees face, see Refugee Council's report [Keys to the City 2024: Ending Refugee Homelessness in London](#)

^{xiii} Home Office Immigration System Statistics, year ending March 2024, Asylum and Resettlement - Applications, Initial decisions, and Resettlement, table Asy_D02

^{xiv} Tribunal Statistics Quarterly: January to March 2024, table FIA_1

^{xv} Tribunal Statistics Quarterly: January to March 2024, table FIA_2

^{xvi} Tribunal Statistics Quarterly: January to March 2024, table T_3

^{xvii} Tribunal Statistics Quarterly: January to March 2024, table FIA_3

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

^{xix} Home Office Immigration System Statistics, year ending March 2024, Asylum and Resettlement – Family Reunion Visa Grants, table Asy_D09

^{xx} The Refugee Council submitted Freedom of Information requests about the size of the family reunion backlog in November 2023 and January 2024. Both requests were rejected.

^{xxi} Home Office Immigration System Statistics, year ending March 2024, Returns – detailed datasets, table Ret_01

^{xxii} For the Refugee Council's blueprint on how this can be achieved see [*Towards a National Refugee Strategy: Our Vision for a Fair and Humane Asylum System*](#)