



Rt Hon Robert Jenrick MP
Minister of State for Immigration
Home Office
Direct Communications Unit
2 Marsham Street
London SW1P 4DF

1 November 2022

Dear Minister,

Re: UK asylum system

I am writing to welcome you to your role as Minister of State for Immigration. I hope to meet with you in your new role to discuss pressing human rights issues of mutual concern.

I would welcome the opportunity to discuss your department's approach to immigration and asylum. With particular regard to asylum, I note the current state of the asylum system as highlighted in recent days by, among others, the Independent Chief Inspector of Borders and Immigration in his evidence to the Home Affairs Select Committee; and that system's dreadful impact upon people who seek asylum in the UK.

The backlog of asylum claims awaiting decision for more than 6 months rose from around 46,000 at the end of December 2020 to over 89,000 by end June 2022. We now learn from evidence presented to the Home Affairs Select Committee last Wednesday that the department has failed to process 96% of the claims it received during 2021.

As we warned in December 2020,¹ this was a predictable result of a policy that has since been given legislative sanction under section 16 of the Nationality and Borders Act 2022; and which is doing terrible harm to people seeking asylum in this country, who under it are forced into circumstances of indefinite limbo with all the risks of mental distress, loss of confidence or hope and vulnerability to exploitation that this entails. It has quite evidently collapsed the UK's asylum system at great human and financial cost.

Moreover, asylum provisions of the Nationality and Borders Act 2022 are set to make this even worse by creating new causes of delay and increased workload. While the relevant provisions of the Act have since been commenced, they have had little time to take real effect because they relate only to claims made from 28 June 2022. Among the measures that pose most risk are refusing people's claims by applying tests that unlawfully conflict with the international law definition of 'refugee' and requiring people recognised as refugees to make frequent and repeated applications to show their continuing entitlement to asylum.

Recognising a refugee's entitlement to stay as quickly as possible reduces Home Office workload while better enabling that person's successful integration. However, wrongly refusing or delaying that recognition only adds to Home Office workload while undermining everyone's confidence in decision-making and the system more generally. None of that can assist the Home Office with any of its responsibilities, including its objective to return people to their own countries if they are not at risk there and have no other good claim to remain here.

¹ <https://www.amnesty.org.uk/resources/amnesty-uk-letter-immigration-minister-ministers-reply-regarding-immigration-rules>



I would therefore strongly urge that you take immediate steps to make deep and fundamental changes to policy with a view to instituting an asylum system that fairly and efficiently addresses the claims for asylum it receives in accordance with the UK's international obligations.

We would, of course, welcome the opportunity to discuss any of these or related matters with you including matters concerning the need for safe and managed routes into the UK's asylum system as an alternative to the unsafe routes exploited by criminal gangs, which current policy compels so many refugees to undertake.

Finally, in the light of the recent petrol bomb attack on people seeking asylum and the reported stabbing of a child asylum seeker, we must urge that ministers refrain from hostile language that can only risk inflaming hateful and potentially violent attitudes towards people seeking asylum while exacerbating the traumatic impact of such attacks upon these people, many of whom already carrying traumas from the situations they have fled (all too frequently ones in which significant human rights abuses are prevalent) and the journeys they have been compelled to undertake.

I look forward to your response.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Sacha Deshmukh', written over a horizontal line.

Sacha Deshmukh
CEO