



Safety of Rwanda (Asylum and Immigration) Bill – House of Lords, Committee

This is the third asylum Bill¹ that the Government has presented to Parliament in three years, with each being more controversial than the last.

It is, therefore, urgent that its consideration is not divorced from the driving force that has brought forward this legislative agenda. That is, an underlying asylum policy, introduced on 31 December 2020, to refuse to process claims for asylum made by people in the UK, in the belief that this will deter other people coming. The policy has from the start been a disaster. However, the Government has repeatedly doubled down, including by each of these Bills, to ever more ruinous effect.

The Government has been warned from the start that its policy would be destined to fail – and so it has proved, with severe consequences. Administrative chaos, spiralling costs and human suffering are all direct results of a policy decision that has simply refused to process tens of thousands of people’s asylum claims.

While this deeply concerning Bill must be considered in its own right, **Amnesty International UK (AIUK) would greatly welcome the support of Peers over the remaining stages in exposing the costs – human, financial and to legal and constitutional principle – of the underlying asylum policy.**

It is crucial that the underlying policy, which has again brought the Government to present another reckless choice before Parliament – do nothing or make things even worse – must urgently be abandoned. At this time, Peers need to draw this out as well as reject a Bill that will only licence the exacerbation of the policy and the harms it is already doing.

This short briefing provides an overview as to what some of AIUK’s concerns are with the underlying policy.

An ever-growing backlog

At the heart of all of this is administrative chaos produced by a deliberate choice to persist with the underlying policy no matter how much damage is being done.

In an attempt to temporarily reduce the scale of the asylum backlog that this Government’s policy has caused, the Prime Minister announced in December 2022 that the backlog would be “*abolished*” by the end of 2023.² At the start of the year, the Home Office announced this pledge to have been met.³ However, this is more smoke and mirrors – and liable in the long run to add to the human and financial costs of the policy.

The asylum claims that are said to be cleared are only those made on or before 28 June 2022. Of these, more than 4,500 still have not received any decision.

¹ The first – the Nationality and Borders Act 2022 – also contained significant nationality and immigration measures.

² *Hansard* HC, 13 December 2022 : Col 887

³ <https://www.gov.uk/government/news/legacy-backlog-cleared-as-plan-to-stop-the-boats-delivers>

Of the remainder, more than 50,000 have received what is called a “non-substantive decision”. That basically means the claim is being treated as withdrawn – it is neither refused nor granted. But where are these 50,000 people? The Home Office has already confirmed that more than 5,500 of them are still here and will after all need a real decision to be made.

The huge and exponentially rising financial cost of the underlying policy

Asylum costs have doubled year on year since the first introduction of this policy at the end of 2020

Home Office annual accounts have detailed that asylum expenditure has doubled year on year over the last four years – from around £470 million in 2019-20 to over £3 billion in 2022-23. The Home Secretary has already indicated that parliamentary approval for a further £2.6 billion to cover overspending in 2023-24 is to be sought. While it is not clear how much of this relates to asylum, it is striking that in less than 10 years, asylum costs have risen from around 1.5% of the Home Office budget to around 12.5% of that budget last year.⁴

The alarming scale of human suffering

Continuing with this underlying policy is causing human suffering on a mass scale.

The immediate human cost of the policy this Bill pursues is an appalling limbo of dependency and uncertainty of an increasingly large number of people – many of whom refugees entitled to asylum⁵ – whose claims to asylum are simply placed indefinitely on hold.⁶ There has been scandal after scandal concerning the appalling conditions in which these people have been held – including shocking overcrowding at Manston barracks,⁷ a mass outbreak of Covid at Napier barracks,⁸ legionella on the Bibby Stockholm barge,⁹ an alarming rise in both recorded suicides and other recorded deaths in asylum accommodation over the period of this policy,¹⁰ and repeated concerns about the fate of people, particularly children, who have gone missing from what has been made an increasingly menacing asylum system.¹¹

What needs to be done?

The way ahead is clear: abandon the current policy and re-establish an effective asylum system.

An effective system needs to determine the asylum claims that people make in the UK. It must do so as efficiently and fairly as possible. And it must ensure that people identified as being in need of safety have their

⁴ Figures taken from Home Office annual report and accounts published for the relevant years. See also the Written Statement of the Home Secretary: Home Office Funding 2023-24, 1 February 2024 concerning the £2.6 billion overspend in 2023-24.

⁵ The immigration statistics (Table Asy_D04) have for some years included an assessment of the final outcome of asylum claims in the UK. For all years since 2012, for which such data is available, that shows more than 50% of people claiming each year are successful. The data is not available after 2021 (when that figure was 77%), which reflects the increasing hardening and application of the policy to simply refuse to process thousands of people's claims.

⁶ This policy has been ratcheted up over the period first by reducing the discretion available to the Home Secretary to not apply it in any particular person's case and then, by the Illegal Migration Act 2023 (if and when it is ever fully commenced), removing that discretion altogether. See: <https://www.amnesty.org.uk/resources/illegal-migration-act-2023-analysis-acts-structure-purpose-and-key-working-parts>

⁷ See, e.g., <https://www.theguardian.com/uk-news/2023/may/30/overcrowding-problems-could-return-at-manston-migrant-centre-staff-warn> and <https://www.bbc.co.uk/news/explainers-63456015>

⁸ See, e.g., <https://www.theguardian.com/uk-news/2021/jul/11/napier-barracks-staff-asylum-seekers-die-covid-health> and <https://www.bbc.co.uk/news/uk-england-kent-58186216>

⁹ See, e.g., <https://www.theguardian.com/uk-news/2023/sep/08/legionella-found-onboard-the-bibby-stockholm-is-most-deadly-strain> and <https://www.bbc.co.uk/news/uk-england-dorset-66476538>

¹⁰ See, e.g., <https://www.theguardian.com/uk-news/2023/dec/21/suicides-of-asylum-seekers-in-home-office-accommodation-double-in-last-four-years> and <https://libertyinvestigates.org.uk/articles/suicides-of-asylum-seekers-in-home-office-accommodation-double-in-last-four-years/>

¹¹ See, e.g., <https://www.theguardian.com/society/2023/jun/11/home-office-faces-legal-action-over-children-missing-from-uk-asylum-hotels> and <https://www.channel4.com/news/what-happened-to-200-missing-asylum-seeking-children>

claim recognised as quickly as possible, and in circumstances that will best enable them to get on with their lives and integrate well.

Co-operation with other countries will be vital in the longer term. Arrangements to return people safely to their countries of origin – if they are not at risk there – can be sought. So can arrangements to enable people to seek asylum in this country if they have significant family or other connections here.

Together, countries can undermine smuggling gangs and provide the safety that people fleeing persecution are entitled to – but only if they take and share responsibility. That starts with each country operating an effective asylum system.