

DEMOS

SANCTUARY UK

REFORMING OUR BROKEN
ASYLUM SYSTEM

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EXECUTIVE SUMMARY

The current asylum system is built on a culture of disbelief that inherently lacks compassion, is not competent and therefore does not control immigration in the way the government aspires to. We have, as a nation, lost confidence in it. Recent experiments in different systems responding to the geopolitical events in Ukraine, Afghanistan and Hong Kong have started to develop new models we can all be more proud of. This paper argues that the Home Office should lose its responsibility for immigration, with a new arm's-length body named Sanctuary UK set up to overhaul the system and create a new more humane system, learning from the best of the recent innovations.

INTRODUCTION

In early March this year, Ukrainian refugees arriving in Calais to travel to the UK were greeted with a sign telling them to travel back to Paris, because no visas were available. Staff in a temporary office handed out water, crisps and Kit Kats but were unable to do anything but direct people to onward travel. Confronted with this reality by the BBC's Mark Easton, the Home Secretary Priti Patel seemed infuriated. She had promised Parliament that a Visa Application Centre had been set up "en route" to the port, though the Home Office later clarified they were still in the process of setting it up. "I apologise with frustration," the Home Secretary said.

Patel is the ninth Home Secretary to have held the office in the 18 years I've been working in and around Parliament. Those words could have come from any of them. The scandals, controversies and bureaucratic calamities emerge like clockwork from this supposed 'great office'. In many ways, the Home Office is as chaotic, dysfunctional and culturally problematic as it was when John Reid told Parliament it was "not fit for purpose" back in 2006. The government's only response to its failings is to promise tougher rules, greater enforcement, and more aggressive punishments, all of which eat up resources and undermine basic administration even more. The worse it gets, the more impossible promises they make to cover up their embarrassment, and the gap between rhetoric and reality grows ever wider.

And, as the Ukrainian families in Calais, or the Syrian exiles threatened with a one-way ticket to Rwanda, remind us, refugees end up the repeated victims of this cycle of incompetence despite being some of the world's most vulnerable people.

The current debate about our asylum system focuses on the small boats that cross the British channel, the Nationality and Borders' Act and the government's plan to process illegal immigrants and asylum seekers in Rwanda. This paper sets aside the current short term debate and makes the case for a complete rethink of how we run our asylum system. I am convinced it will never be compassionate and never be competent while it remains a function

of the Home Office. The department is neither culturally nor administratively the right fit for this work, and no amount of tinkering with the structures or the processes can address that. Nine Home Secretaries have tried. It's time to turn the job over to someone else.

An asylum system has four functions. First, to judge applications for refugee status on their merits. Second, to support those waiting for a decision. Third, to help people who are granted refugee status to settle and integrate into the United Kingdom. Fourth, to ensure those who are not granted refugee status leave the country. A new non-departmental public body should take on these functions, reporting jointly to the Ministry of Justice and the Department for Levelling Up, Housing and Communities.

Starting from scratch would enable this new organisation to build the right culture from day one: a culture of compassion, confidence, competence - while retaining the necessary control we need to manage the impact of immigration. At the moment the focus on control overrides the compassion necessary for a humane approach, and ultimately undermines both competence and confidence in the system.

A highly functioning asylum system is something we will all benefit from. I believe structural reform would improve the lives of refugees, and of those who claim asylum but are not granted refugee status. But that is not all. A better asylum system would improve integration, and reduce trauma, enabling refugees to contribute more fully to our shared society. It could expand safe routes to the United Kingdom, helping reduce demand for trafficking and illegal border crossings. And it could provide clarity and a measure of national pride to all citizens about the UK's role in supporting our appropriate share of the world's refugees.

FAILURES OF THE SYSTEM

In 2006, I sat in John Reid's Parliamentary office with my then boss, Nick Clegg. The Home Secretary took us through a powerpoint presentation that started - if I remember correctly - with a picture of a collapsing iceberg. It was after his infamous announcement that the Home Office was "not fit for purpose" and this particular slide show was reeled out for almost everyone. It explained that the Home Office had failed to adapt to the end of the cold war and the great unfreezing (hence the iceberg) of global migration that had followed.

In the light of a series of scandals Reid proposed a series of structural changes that he believed would enable the department to finally catch up with modernity. He took forward Liberal Democrat recommendations for splitting the Home Office, creating the Ministry of Justice with responsibility for the courts, prisons and constitutional affairs. He separated out the Immigration and Nationality Directorate to create the Border and Immigration Agency. A year later the BIA took on the responsibilities of UK Visas - previously a function shared between the Home Office and the Foreign and Commonwealth Office - and became the UK Border Agency.

But Reid's reforms neither solved the problems nor endured. Theresa May demerged the Border Agency in 2012, citing four key problems: its size, its lack of transparency, its IT systems and its policy and legal framework. She might as well have said "everything". Like Reid before her, she said the system was not able to deal with "the levels of mass immigration we saw." May ended the Border Agency's arms length status and created three directorates: UK Visas and Immigration, the Border Force and Immigration Enforcement. She said the new system would put us in a "much better position".

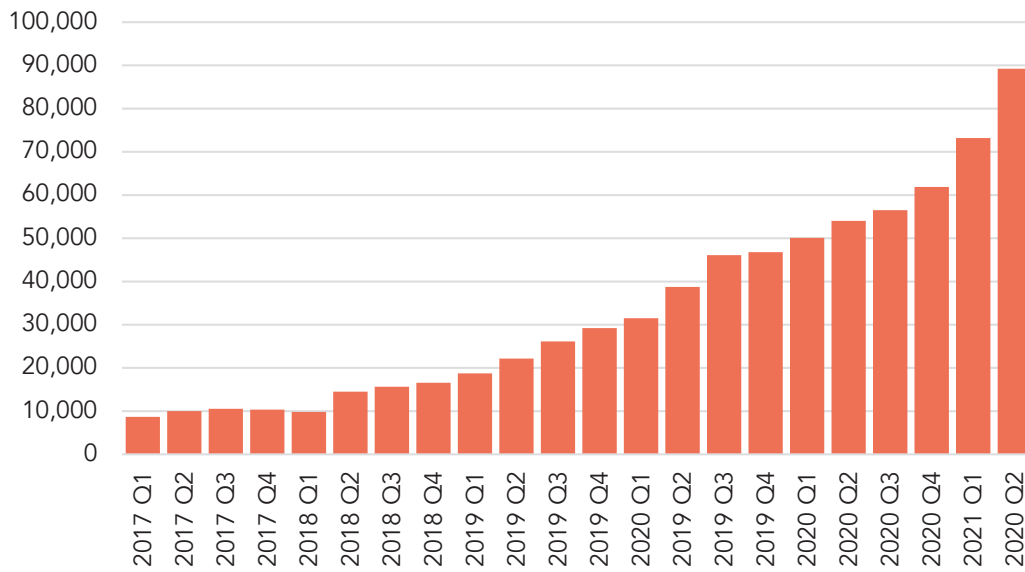
But a decade on, our current Home Secretary, Priti Patel, still finds herself apologising "with frustration" about her department's apparent failure to deliver what she has promised Parliament. She has found herself embroiled in briefing wars with her own officials; in November she was reported to have drafted a letter to the Cabinet Secretary declaring the department "not fit for purpose" once more, and officials were reported to have made stinging criticisms of her approach.

Huge numbers of people are affected by the seemingly perpetual dysfunction of our immigration system: from families trying to get visas for relatives to visit to businesses waiting for work visas for essential employees. But the impact is most sharply felt by refugees and asylum seekers, some of the world's most vulnerable people. Their experience is increasingly of delays, bad decisions, and life on the brink of destitution.

THE STATE OF OUR ASYLUM SYSTEM

At the end of 2021 there was a backlog of 83,535 cases awaiting an initial decision for asylum claims made since 2006. That number has quadrupled since the end of 2016. The number of asylum seekers waiting more than six months for a decision to be made on their case has trebled since Priti Patel took over as Home Secretary in 2019.

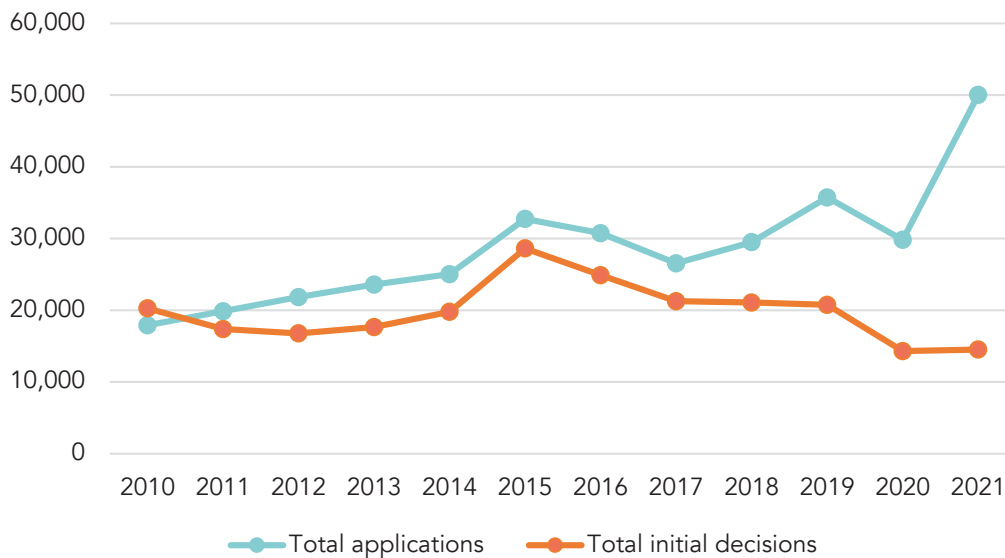
FIGURE 1
LONG WAITS FOR AN INITIAL ASYLUM DECISION



Source: Home Office, immigration statistics year to December 2021, table Asy_D03

Despite increasing numbers of staff, the number of decisions has fallen steadily since 2015, while the number of applications has continued to rise.

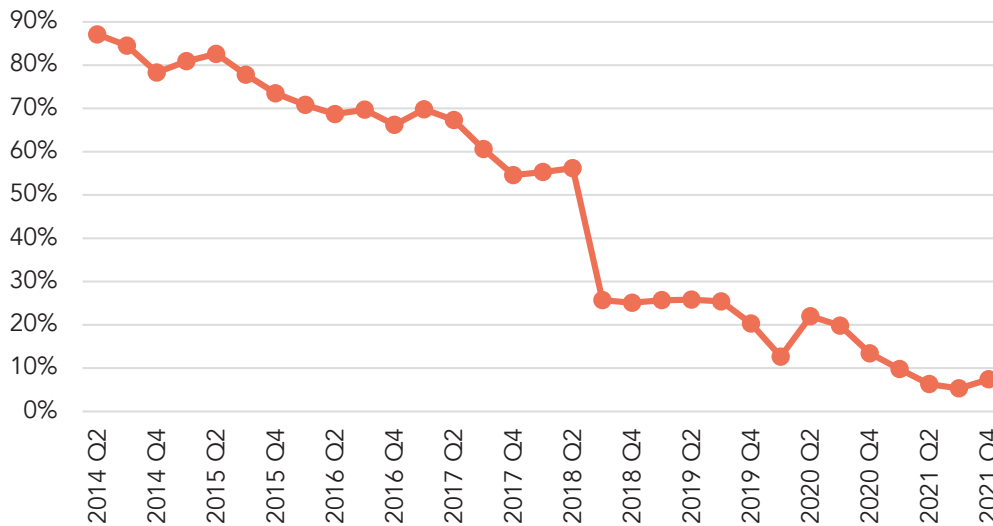
FIGURE 2
ASYLUM APPLICATIONS VS DECISIONS



Source: Home Office, immigration statistics year to December 2021, table ASY_01a and ASY-02s. Excludes dependents.

The percentage of cases on which a decision is being made within 6 months has declined drastically since 2014. This is backlog Britain.

FIGURE 3
PERCENTAGE OF ASYLUM CASES DECIDED WITHIN SIX MONTHS



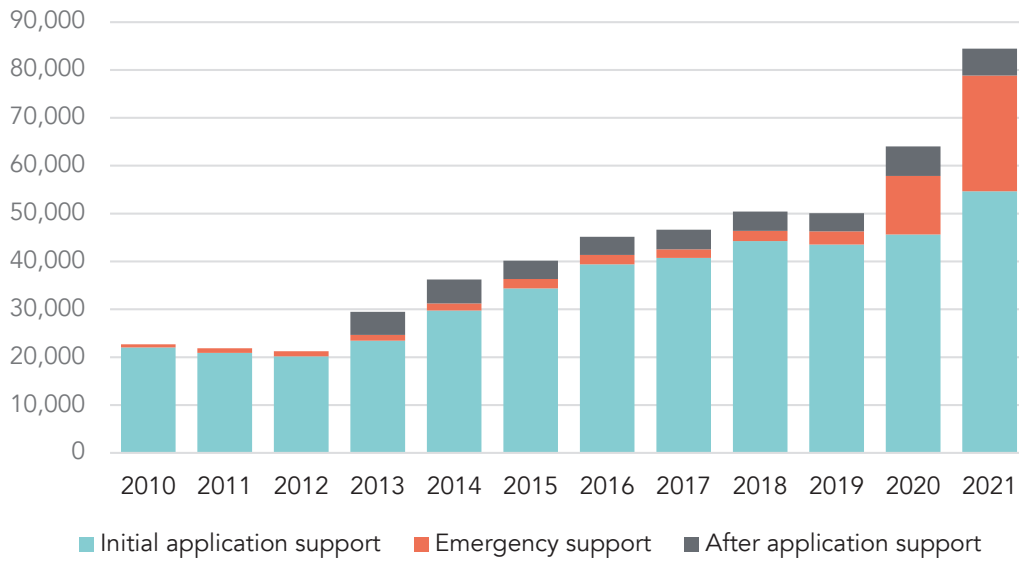
Source: Home Office, transparency data year to December 2021, table Asy_01

At the time of publication it's worth stating that the latest snapshot data now shows this has grown even more.¹ The backlog has increased to (the scarcely believable) number of 110,000 people. The backlog has grown with 73,000 have been waiting longer than 6 months. One in four people crossing the channel in 2022 are Afghans.

This is driving up the costs of supporting asylum seekers, as so many more are receiving financial aid.

¹ Home Office. *Immigration statistics, year ending March 2022*. GOV.UK, May 2022. Available at <https://www.gov.uk/government/statistics/immigration-statistics-year-ending-march-2022> [accessed 04/11/2022]

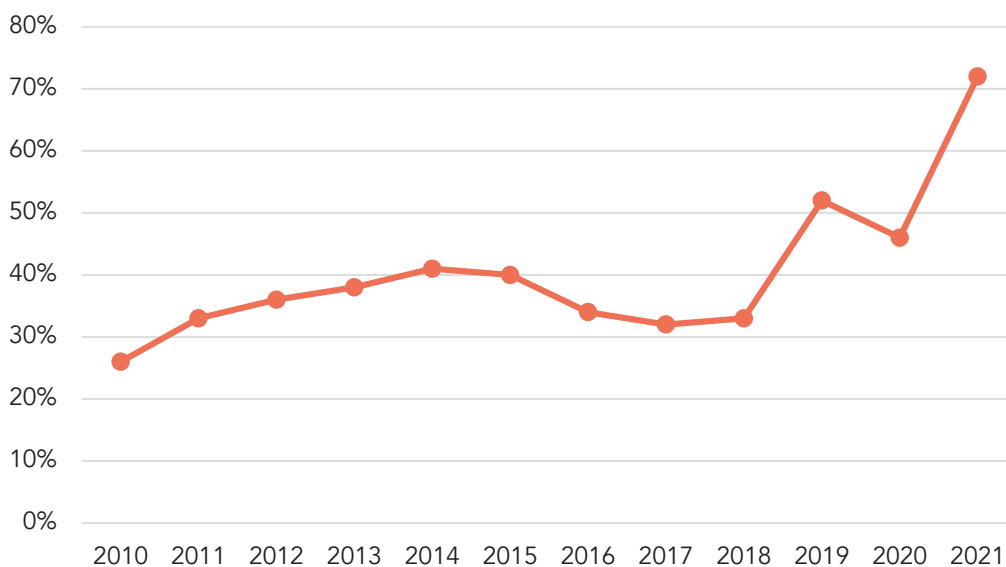
FIGURE 4
NUMBERS IN RECEIPT OF ASYLUM SUPPORT BY TYPE



Source: Home Office, immigration statistics year to December 2021, table Asy_07b

This is an asylum system creaking at the seams. Caseloads that staff cannot process. Decisions that take months or even years to arrive. And crucially: it's not because huge numbers of asylum seekers are, as some fear, trying to defraud our system and don't have a legitimate claim to protection. An increasing proportion are, indeed, found to be refugees and granted leave to remain.

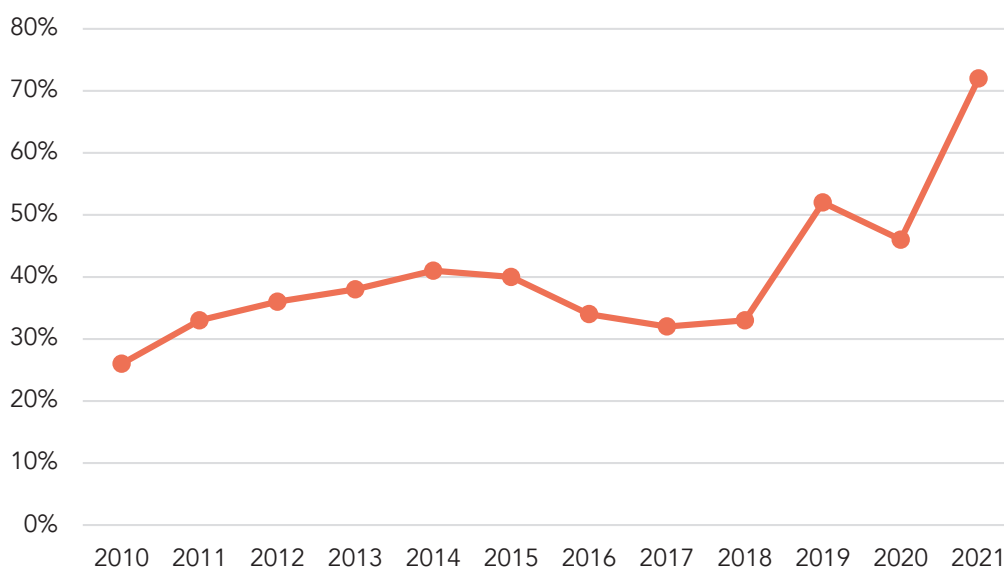
FIGURE 5
GRANT RATE FOR ASYLUM APPEALS (%)



Source: Home Office, immigration statistics year ending December 2021, table ASY_02a

Despite these high rates of approval, many of those asylum seekers refused protection by the Home Office will appeal and go on to win. About 50% of appeals are now granted, up from just over 25% in 2010.

FIGURE 6
GRANT RATE FOR ASYLUM APPEALS (%)



Source: Home Office, immigration statistics year ending December 2021, table ASY_05

Nevertheless, those who are refused asylum and appeal this decision are waiting longer and longer, too. The average time it takes for the First-tier Tribunal to decide an asylum case was 48 weeks in the period July to September 2021.² This is up from 29 weeks prior to the pandemic.

This story of administrative failure is an old and tired one. Home Secretaries, Parliamentarians, the National Audit Office and the public alike are all tired of seeing these bureaucratic failures, none of which seem to be resolved by new structures, new management or new ministers. Having experienced the Home Office from inside government, I believe there are cultural reasons why the administrative reforms never seem to make much of a difference.

CULTURE

In 2010, the coalition agreement included a commitment copied from the Liberal Democrat manifesto to end the detention of children for immigration purposes. Working with the Deputy Prime Minister I had some involvement in efforts to

implement this commitment. It was remarkable how many times the Home Office put forward versions of reform to the family asylum process that didn't meet this quite simple test. Quite senior people couldn't seem to get their heads around the idea that we meant "end" rather than "reduce a little bit". In the end we had to settle for reforms that permitted the use of one secure accommodation site - Cedars - for up to a week before a planned departure. It was a substantial improvement though it fell short of what we'd hoped for. But my overwhelming impression of conversations with the Home Office during this period was of a deep cultural conflict about the values that should underpin an asylum process.

Former Permanent Secretary David Normington has observed that the department's focus on crime, terrorism and illegal immigration "can mean it seems like a constant battle in the Home Office against the bad guys". This means, by default, they treat refugees as bad guys - even the children.

This is one of the reasons why the Home Office has become increasingly sceptical about so-called "in

² Ministry of Justice. *Tribunal Statistics Quarterly: July to September 2021*. GOV.UK, December 2021, table T_3 available at <https://www.gov.uk/government/statistics/tribunal-statistics-quarterly-july-to-september-2021> [accessed 04/11/2022]

country claims” - asylum claims made by people who have already travelled to the UK, despite the fact that the majority of those claims turn out to be valid. For many officials I’ve spoken to, getting to the UK on a visa for another purpose - like study, tourism or a family visit - only to make an asylum claim is a form of deceit that makes it reasonable to put you into the “bad guy” category. Those who travel here illegally, aided by people-smugglers, are not treated as desperate victims but almost as co-conspirators in an effort to exploit the UK’s generosity.

Speaking to Civil Service World in 2018, Normington said staff had a responsibility to “engage [their] judgement and [their] heart” in dealing with the needs of refugees. But the stories of those who have experienced the asylum system confirm that this happens far less often than it should.

The Home Office starts from a position of doubt and scepticism about every claim that isn’t part of an approved “safe route” from a global danger zone. Whether it is disputing the ages of children, requiring proof of parental DNA, or asking people to prove their sexuality, their approach is effectively to assume people are lying until proven legitimate. This is a remarkably cruel way to treat people fleeing persecution, who have often experienced huge personal trauma, lost loved ones, or left their home with nothing. The Home Office would argue that this sceptical position is necessary to avoid our processes being exploited by smugglers or economic migrants making false claims. Of course, claims do need to be formally assessed and tested to protect the integrity of our refugee programme. However, when three quarters of claimants are being granted refugee status, the default assumption that they need to be doubted and detained is at best misguided.

The Home Office’s determination to doubt isn’t just slowing the process down and creating administrative costs. It also risks re-traumatising vulnerable people. First - the length of the process is incredibly destabilising to those in need of security above all. Second - the quality of the support offered while a claim is being processed can be incredibly poor. While asylum seekers are housed by the Home Office, they are entitled to just over £39 a week per person to meet their living costs, keeping them below the poverty line and reliant on charity in many cases. Some of the accommodation is of incredibly low quality, too: many resettled Afghans are still being housed in hotels months after arriving. Hundreds of asylum seekers are housed each year in asylum facilities including Napier Barracks, described by independent inspectors as “decrepit” and “unsuitable”. There are currently 30,000 people

in the asylum system living in hotels in inadequate conditions.³

The Home Office and the Ministers who lead it consider these facilities acceptable, and destitution levels of income for months on end to be reasonable, because of a set of cultural beliefs about who asylum seekers are. Despite all the evidence they do not seem to believe they are mostly traumatised refugees in need of care, compassion and kindness. They appear to believe they are mostly people trying to exploit the generosity of the UK, who probably ought to have claimed asylum somewhere else. They fear that kindness will simply act as a ‘pull factor’ to encourage more people to follow them.

Some of this is driven by an entirely legitimate desire to protect taxpayers’ money, but in the long run those savings are ephemeral because they do so much long term damage.

HARMING INTEGRATION

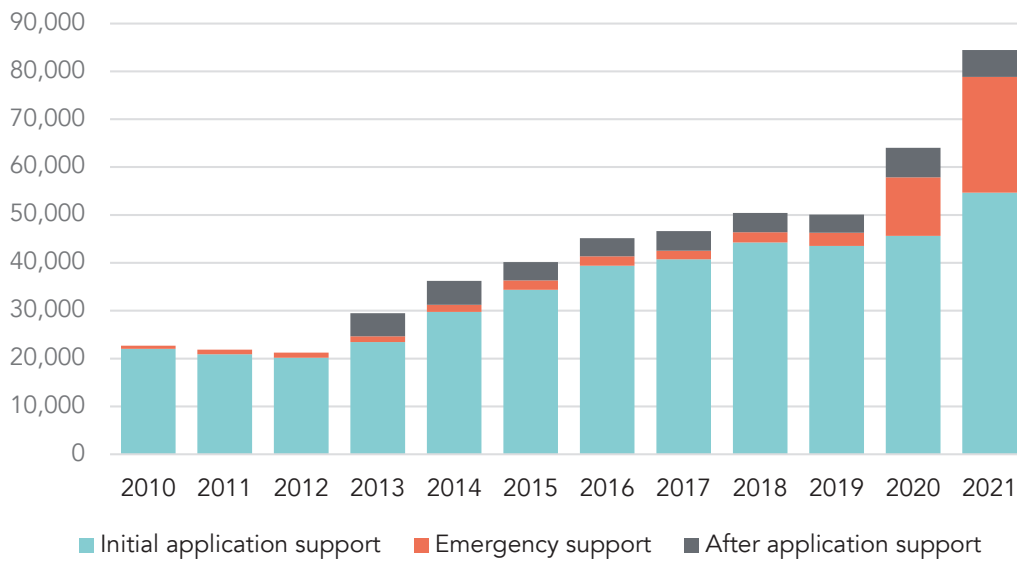
The approach the Home Office takes harms the long term integration of refugees. Given the high proportion offered refugee status, the large numbers of successful appeals, and the tiny numbers of successful removals each year, the reality is that most people who claim asylum in the United Kingdom will end up staying here for a number of years, if not decades. It is in all our interests for them to become an integrated part of our communities and society as quickly as possible.

The Home Office’s approach prevents this.

First, they prevent people from working for at least a year, increasing the costs to the taxpayer of supporting asylum seekers. With the huge backlogs mentioned above, this means large numbers of people - most of whom will get refugee status soon - dependent on benefits.

3 Refugee Council. Refugee Council deeply concerned by dehumanising treatment of people seeking asylum during pandemic. Refugee Council, April 2021. Available at: <https://www.refugeecouncil.org.uk/latest/news/refugee-council-deeply-concerned-by-dehumanising-treatment-of-people-seeking-asylum-during-pandemic/> [accessed 03/11/ 2022]

FIGURE 7
NUMBERS IN RECEIPT OF ASYLUM SUPPORT BY TYPE



Source: Home Office, immigration statistics year to December 2021, table Asy_07b

The longer people spend out of work, the greater the 'scarring' effects on their long term earnings ability. These backlogs will have a lingering effect on the integration and financial wellbeing of many people who are granted the right to stay in the UK.

Second, dispersing people around the country to a largely random choice of towns where they can be placed in managed accommodation denies any agency or control to refugees. It places them in impersonal, often temporary housing, which they can do nothing to make their own. It cuts them off from communities who are best placed to support them, who are often people who have come to the UK from the same country or region. In some circumstances it can expose them to intimidation and prejudice, where local people are angry about hosting refugees.

Overall, the approach we take to most asylum claims is expensive, inefficient and needlessly unkind. However, in the last 18 months three programmes have been launched to enable people to seek refuge in the United Kingdom that may offer an opportunity to rethink our approach. These programmes - for Ukrainians, Afghans and Hong Kongers - are explored in the next chapter.

RECENT ALTERNATIVES

This section of the paper sets out the details of three different approaches to offering people faced with danger or persecution in their homeland a route to safety in the United Kingdom. Each has its own features, as set out below, but four are common to them all:

- None were run solely by the Home Office
- Each required participants to secure paperwork of some sort before travelling
- Each offers participants the immediate right to work and study
- Each was framed politically as a positive welcome to new arrivals

None of these schemes is perfect, and no scheme will ever be able to eradicate the need for some people to make asylum claims after arriving in the United Kingdom. Nevertheless, they offer some insight into the potential to rethink our approach to the asylum system as a whole, building better approaches to integration and a new political story about the United Kingdom's role in welcoming refugees.

We know ministers are already thinking about whether to apply the lessons of these schemes more broadly; former Refugees Minister Richard Harrington said that he wanted the Homes for Ukraine system to be "a permanent part of how this country deals with refugees." Demos would strongly support learning from these reactive approaches to events, and extending the different ways of working to the rest of the asylum system.

What other lessons can we learn? First, let's set out the details of the three schemes put in place to help people from Ukraine, Afghanistan and Hong Kong come to the UK.

UKRAINE

Ukraine is on the UK's list of visa national countries, meaning all Ukrainians must apply for a visa before travelling to the UK for any purpose. The government introduced changes to the visa rules to enable more Ukrainians to travel to the United Kingdom, and for longer periods of time, as a result of the invasion by Russia. These two visas are:

- Ukraine Family Scheme. This allows applicants to join family members, or extend their stay, in the UK.
- Ukraine Sponsorship Scheme. This allows Ukrainian nationals and their family members to come to the UK if they have a named sponsor who can provide accommodation for a minimum of 6 months.

Both visas are free and applicants are not required to pay the NHS surcharge or biometric enrolment fee. At the moment, those granted either visa are entitled to stay in the UK for up to three years.

In addition the Home Office opened an additional visa application centre in Lille, and allowed Ukrainians to use Visa Application Centres in neighbouring countries. This is notable primarily because these are safe countries and under the Home Office's normal assessment criteria, a refugee should make any asylum application in the first safe country they reach. The difference, of course, is that this Ukrainian scheme is not a formal asylum application; the United Kingdom has also been more strict about visas than most other European countries. Nevertheless it is worth noting the fundamental difference in the approach taken for these visas.

The Ukraine Sponsorship Scheme is linked to the UK programme Homes for Ukraine. This allows individuals, charities, community groups and businesses in the UK to bring Ukrainians to safety by offering accommodation. Run by the Department for Levelling Up, Housing and Communities, it

offers a 'thank you' payment to those providing accommodation - whether in a spare room or a vacant property, as well as funding for councils to check properties are up to scratch, and provide any wider local support. More than 200,000 UK residents came forward to offer accommodation though most of these offers have not yet been taken up, in part due to visa delays. The government is not actively matching Ukrainians to sponsors but encouraging civil society organisations to do so.

Some concerns have been raised over safeguarding and the possibility that relationships between sponsors and the Ukrainians they host may break down, leaving the Ukrainians homeless. It is clear some state support and supervision is needed to make a community-led scheme like Homes for Ukraine work in a safe and appropriate way.

HONG KONG

In June 2020, the Standing Committee of the National People's Congress of China passed a new National Security Law for Hong Kong. The UK government took the view that this violated a number of agreements made between the UK and China when sovereignty over Hong Kong was transferred in 1997. They launched a new Hong Kong British National (Overseas) visa on 31 January 2021. It is a new visa route available to people from Hong Kong who have British National (Overseas) – 'BN(O)' – status and their close family members.

BN(O) status was offered to people who, before the 1997 Hong Kong handover, had British Dependent Territories Citizenship (BDTC) through a connection with Hong Kong. They lost their BDTC status on 1 July 1997 but could apply for BN(O) status in the ten years before the handover.

The visa enables BN(O)s and their dependent family members to come to live in the UK for up to five years. They will then be able to apply for permanent settlement and, in turn, British citizenship.

There are two broad application categories ('routes') within the visa. They cater for different groups of people but have the same general conditions.

BN(O) Status Holder route – for BN(O)s and their dependent partners or minor children. Other adult family members with a high degree of dependency may also apply under this route.

BN(O) Household Member route – for BN(O) citizens' adult children (born on or after 1 July 1997) and the adult child's dependent partner and minor children. All applicants must form part of the same household as the BN(O) citizen (i.e. normally live together) and be applying alongside the BN(O) family member.

Adults born after the 1997 cut-off date for acquiring BN(O) status are not independently eligible for the visa. They can only apply if they have a BN(O) parent in their household who also wishes to move to the UK at the same time.

Applicants do not need to have a BN(O) passport or a specified level of English. However, they do need to show an ability to accommodate and maintain themselves for their first six months in the UK. Successful applicants are able to work and study but are not automatically eligible for taxpayer funded benefits, and are not classed as home students for tuition fee purposes if they choose to study at university.

To support new arrivals, the Department for Levelling Up, Communities and Local Government worked with the Home Office to launch a programme known as Hong Kong Welcome. This includes welcome hubs across the country, a welcome pack, and £43m of funding for advice and support organisations at a national and local level.

This scheme is notable for two things. First: its scale - more than five million Hong Kongers are potentially eligible, though the government estimates around 300,000 are likely to come to the UK in the first five years of the programme. Second: it offers a clear pathway to both settlement and citizenship.

AFGHANISTAN

The government has introduced bespoke arrangements for people affected by the situation in Afghanistan who had particular links to the United Kingdom as a result of our military and diplomatic engagement in the country over the past decades. Only certain categories of Afghans that the government has identified as at particular risk from the Taliban regime are entitled to apply for these schemes.

Operation Pitting was a military evacuation conducted in August 2021. It evacuated British citizens and some Afghan nationals to the UK: broadly, family members of British or Afghan nationals living in the UK, people eligible under the relocation schemes for UK Government employees, and other particularly vulnerable cases. The Government intends to grant all evacuees indefinite leave to remain in an appropriate immigration category, such as under the resettlement or relocation schemes set out below, or as a family member of a UK-based sponsor.

The Afghan Citizens' Resettlement Scheme (ACRS) launched in January 2022. Its model is similar to a previous resettlement scheme to bring vulnerable

refugees from Syria to the UK: the Syria Vulnerable Persons Resettlement Scheme (VPRS). VPRS took referrals through the UN High Commission for Refugees and offered them asylum in the United Kingdom. ACRS is currently focusing on granting status to people who have already arrived in the UK, primarily through Operation Pitting. However, the government aims to open the scheme to refugees in countries near Afghanistan soon, taking referrals from UNHCR.

In addition, there are two programmes for former employees of the UK mission in Afghanistan who fear reprisals from the Taliban. The Ministry of Defence has led these programmes and been the one commissioning community support for those arriving here. There are two schemes currently in use:

- The **ex-gratia redundancy and resettlement scheme**, which will run until November 2022. It caters for people who worked directly for HMG on 1 May 2006 and had served for more than 12 months.
- The **Afghan Relocations and Assistance Policy (ARAP)** is open to any current or former staff employed by HMG in Afghanistan since 2001, who are assessed to be at serious risk of threat to life. Eligibility is regardless of employment status, rank or role, or length of time served. The scheme is open-ended and there is no limit or quota on the number of people eligible.

There have been real challenges in offering accommodation, advice, training and employment support for Afghans who have arrived through these schemes. Separate work by Demos has made recommendations for how to ensure Afghans and their families are settled into appropriate homes, and helped to fully integrate into life in the UK - with jobs, training and opportunities.

Nevertheless, this programme is significant for a number of reasons:

- The involvement of the Ministry of Defence to support integration
- The active evacuation of those eligible for support in the face of a crisis
- Immediate rights to work and certainty about the right to remain in the United Kingdom rather than a lengthy asylum process

LESSONS

We strongly recommend the government collects evidence about the outcomes for refugees of these different schemes for Ukrainians, Hong Kongers and Afghans, to compare against the outcomes for refugees who go through the normal, protracted refugee system. The seeds of a whole new approach to asylum can be found in these schemes and we would support calls to expand these approaches.

Our belief is that integration and economic outcomes will be improved, thanks to the certainty offered to applicants that they will be able to stay for a relatively long period in the UK, and their immediate entitlement to work and provide for their families.

The Homes for Ukraine scheme is particularly interesting because it seeks to leverage the goodwill of the whole nation, instead of assuming that all provision needs to be provided, run and managed by state agencies. It has achieved an unprecedented number of people seeking asylum - there are now 70,000 Ukrainians in the UK as a result. This is a source of national pride. This is in line with Demos' broader approach to public services, set out in *The Social State*⁴ and elsewhere. We believe public service professionals need to work far more closely with volunteers, community groups and service users, blurring the boundary between the formal state and the everyday acts of compassion and altruism that hold a society together.

Clearly, Homes for Ukraine is imperfect, but it offers the beginning of a model that asks all of us to contribute to meeting our obligations to our fellow humans, instead of letting us outsource them to the state.

⁴ Mackenzie, P. *The Social State: From Transactional to Relational Public Services*. Demos, 28 July 2021. Available at <https://demos.co.uk/project/the-social-state-from-transactional-to-relational-public-services/> [accessed 03/11/2022]

GLOBAL LEADERSHIP

I want to touch briefly on Britain's global role when it comes to refugees. Given the prevalence of human trafficking and other forms of illegal immigration, many people instinctively understand why the Home Office has a preference for resettlement schemes that allow them to control who comes to the United Kingdom. There is something inherently unsatisfactory about a refugee system that is reliant on vulnerable people crossing borders illegally or under false pretences; this is however, what the system requires of people unless and until we create an "asylum visa" that permits people to travel in order to claim refugee status.

Of course, most refugees travel to the nearest safe country and stay there. We see this with Ukrainian refugees, most of whom are currently in Poland, with another million in other neighbouring countries. It is always the same: Turkey, Lebanon and Jordan host most of the international refugees from Syria; Colombia is supporting 1.7 million displaced Venezuelans; 1.4 million Afghan refugees are living in Pakistan. These countries may be the preferred destination for many refugees; they may be culturally similar, and close to home for those who wish to return once their country is safe again. Nevertheless, it remains clear that the great burden of financial and practical support for refugees falls on poorer countries. The huge challenges of supporting and integrating refugees in the developing world also create opportunities for traffickers to find customers.

This is the context in which the Home Office talks about its preference for resettlement schemes, and its objections to any form of illegal or undocumented travel. They claim this is a fairer and more compassionate approach. But the truth is, it's a pipe dream if the UK is alone in wanting to make this shift, and it's a pipe dream unless the UK is willing to step up and take a fair share of the global burden of supporting refugees.

Globally, our approach to supporting refugees could be far better: far more coordinated, far more generous, and far more fairly distributed between the rich and poor nations of the world. "Global Britain" could choose to lead a campaign for change: massively extending resettlement schemes to richer countries and extending development aid to improve conditions for refugees who want to stay closer to their country of origin. Doing so would help undermine the market of the traffickers who succeed because they are the only option; their offer would have far less appeal if there really were safe routes out of danger zones managed by the UNHCR, or a way to claim asylum before travelling.

It is currently incredibly difficult to seek asylum without breaking some rules along the way. That's the system we have created. We need a new system that is fair and compassionate to all those who claim asylum in the UK, regardless of how they got here. I set out my proposals for that system in the section below.

STARTING AGAIN

Our asylum system wasn't fit for purpose when John Reid showed us that picture of a melting iceberg. It wasn't fit for purpose when we launched our visa scheme for Ukraine and discovered we couldn't even open Visa Application Centres at the weekends because they weren't based in our embassy buildings any more. If we want it to ever become fit for purpose - well-managed, compassionate, and efficient - it needs to be redesigned from scratch.

Here I set out five principles for reform:

- Transferring responsibility to a new arms-length body, to be known as Sanctuary UK
- Culture change: shifting our defaults to welcome from the current "culture of disbelief" that has been identified in the system⁵
- Insourcing, in collaboration with local government
- A whole-society approach
- A new focus on what works when it comes to integration, learning from the Ukraine, Afghan and Hong Kong schemes to normalise these approaches and making the asylum system something we can all be proud of

Coupled with long term work to improve the global approach to supporting refugees, this could be the start of an asylum system we are proud of.

ANYONE BUT THE HOME OFFICE

In the introduction to this paper, I made the observation that a high quality asylum system has four functions:

- To judge applications for refugee status on their merits.
- To support those waiting for a decision.
- To help people who are granted refugee status to settle and integrate into the United Kingdom.

- To ensure those who are not granted refugee status leave the country.

Most people take it for granted that the Home Office should be in charge of our asylum system. But think about those functions and ask whether they belong in the Home Office, a department whose culture, as its former Permanent Secretary admitted, is built around a narrative of a "battle" against "bad guys."

- The assessment of applications against the rules - largely set out in international law - is a quasi-legal function; the department with the most expertise on this is the Ministry of Justice.
- The provision of financial and accommodation support for those unable to work (due to their legal status as asylum seekers) is a welfare function; the department with the most expertise on this is the Department for Work and Pensions.
- Support for integration, employment and skills are also welfare functions, though expertise is spread across DWP, the Department for Business, Energy and Industrial Strategy (BEIS) and the Department for Levelling Up, Housing and Communities (DLUHC).
- The enforcement of returns of those denied the right to remain in the United Kingdom is an enforcement function; both the Home Office and the Ministry of Justice have expertise in enforcement.

Looking at it this way, there is no particular reason for the Home Office to be involved in asylum decisions or support. It is striking that when the government really wanted to step up in a new way - to support Ukrainians, or Afghan veterans - it was other departments who leapt into action. Officials and ministers at DLUHC and the Ministry of Defence knew that they didn't want to leave this in the hands of the Home Office: their culture and incompetence would have been a disaster. The Home Office, if reports in the newspapers can be believed, has had

⁵ Anderson, J et al. The culture of disbelief An ethnographic approach to understanding an under-theorised concept in the UK asylum system. Refugees Studies Centre. Available at: <https://www.rsc.ox.ac.uk/files/files-1/wp102-culture-of-disbelief-2014.pdf> [accessed 03/11/2022]

to be dragged kicking and screaming into most of the concessions on both of these emergency schemes.

If we want to reset our approach to asylum in any kind of fundamental way, the most important change is to get it out of the Home Office. My preference would be a new non-departmental public body (NDPB) to take on these functions, set up on a statutory basis and reporting jointly to the Ministry of Justice and the Department for Levelling Up, Housing and Communities.

A good model to build on would be the Youth Justice Board, set up in 1998 and jointly funded by the Ministry of Justice,⁶ Home Office and the Department for Education. It takes end-to-end responsibility for dealing with young offenders, including education, training alongside justice and crime prevention. It is responsible to the government, with a board appointed by the Secretary of State, but its arms-length status gives it the freedom to follow the evidence and an obligation to be held to account for its performance.

Of course, the Border Agency was set up with some similar ambitions; its agency status was then criticised by then Home Secretary Theresa May as a source of its failings, leading to “secretive” behaviour and insufficient control for Ministers. The case for putting the asylum system at arms length is far stronger: it is far smaller in its scale and it is a system in which our obligations are predominantly shaped by international law. Nevertheless, in order to avoid the risks of secrecy and lack of accountability, the new NDPB’s functions and responsibilities would need to be strictly defined, with appropriate scrutiny by Parliament.

SANCTUARY UK

Starting from scratch would enable this new organisation to build the right culture from day one: a culture of compassion, confidence and competence.

Names matter when it comes to culture. The names of organisations communicate clearly to their staff and their customers - or service users - what they stand for. Recognising that nearly three quarters of asylum claims are valid, we need to shift our language away from words designed to intimidate and enforce. Instead we should name this new organisation with language that focuses us on its welcoming function.

If we want British people to be proud of our role in supporting and accommodating refugees, the

government needs to be proud of it too. That pride should beam from the branding of our asylum agency: I would call it Sanctuary UK.

The Home Office tends to assume that it would be dangerous to send a message about how well we treat refugees because this will act as a “pull factor” encouraging more people to risk the journey to the United Kingdom. They worry that messages like this will be exploited by people-traffickers to help drum up custom. They prefer to send messages of threat: the promise that you will be sent back to the first safe country through which you travelled, or, in the latest development to Rwanda to claim asylum there. They want to communicate how strict our rules are and how bad a traveller’s chances are. These messages may be abhorrent to many who campaign for refugees’ rights, but we must recognise that they are, at least in part, driven by an ambition to suppress trafficking.

They need to accept it isn’t working. This alternative approach, which starts with welcome instead of threat, does come with risks. However it also offers the opportunity for Britain to step into a leadership role and influence other countries to reset our collective response to refugee migration - which can only be expected to grow in the face of climate change. Trafficking can only be dealt with through a collective and coordinated response between nations; they will only cooperate to do so once the burdens are shared in a fair way between us. Until then, it is easier for too many countries to turn a blind eye to illegal border crossings by refugees they would otherwise have to support financially themselves.

Britain is among the richest countries in the world, with an open travel regime and an easily accessible coastline. Refugees will always travel here, legally and illegally. There is no way for us to threaten our way out of these basic facts. But just as we showed leadership on international aid with the establishment of the Department for International Aid, and the commitment to spend 0.7% of GDP on development assistance,⁷ we can show leadership on a new approach to refugees.

PRESSING RESET

Sanctuary UK would need to take a new approach to managing its functions in order to step up the quality and speed of decision-making, and improve the support asylum seekers and refugees receive.

Backlogs have always made it particularly difficult to reset the administration of our immigration system, in particular with respect to refugees. As former

⁶ Originally the Home Office
⁷ Both now sadly abandoned.

Border Agency chief executive Rob Whiteman explained to Civil Service World, "The Home Office's inability to become an effective operational department in the way that DWP has become is because of the weight of old work which needs to be closed down." It is therefore vital that we take a new approach to dealing with the backlog of cases. Applications that predate the announcement of this new organisation should be dealt with under a new expedited process; this will not be an amnesty that sharpens incentives to travel to the UK because it will not apply to applications after the cut-off date.

The new expedited process should include granting leave to remain to all asylum applicants from countries from which more than 90% of applicants are granted refugee status, subject only to security checks; refugee status should also be granted to those who have already been waiting for more than a year for their claim to be processed, again subject to security checks. A review of all outstanding appeals should also be conducted with a view to accepting a substantial number of appeals immediately.

If we want to be able to return claimants to safe countries through which they have travelled, we need to rejoin the Dublin Agreement with the European Union. We should also establish safe routes from other EU countries for those with a particularly strong tie to the United Kingdom - such as family settled here. This isn't just a matter of compassion: refugees will have a far better chance of integrating into society, finding work and contributing to the economy if they are rooted with people they know and love. This should be part of a wider approach to really identifying what works for integration and refugee outcomes (including both economic and health outcomes).

WHAT WORKS

For years, the Home Office's approach to managing asylum support has been about efficiency and cost management. Sanctuary UK - like the Youth Justice Board - should be statutorily required to build and follow the evidence base about what works for supporting refugees.

We start with several assumptions, which should be continually tested and evaluated against outcomes for refugees in the short, medium and long term. This could include their economic activity, their health and wellbeing and their community involvement. These assumptions are:

- Refugee support is a whole-of-society job that cannot and should not be delivered solely by state agencies. Homes for Ukraine, along with initiatives like Hong Kong Welcome and Afghan Welcome, demonstrate that there is widespread

community and civil society capacity to be leveraged in support of refugees. While state agencies have a vital role to play in safeguarding and supervision, a state-only response will be more expensive, and less effective at bringing settled and refugee populations together.

- We should adopt a presumption against outsourcing to private providers.
- Sanctuary UK should work closely with local government on the provision of services, advice, welfare, and housing to refugees within a council's area.
- We should give refugees choice about where they are accommodated, wherever possible, considering options like a personal budget to spend on housing instead of an allocated property.
- We should obviously give people in the asylum system the right to work, to use their skills to contribute to society and the economy, and to live with the dignity that they deserve.

Fundamentally, we have to measure not just the immediate costs but the social value of procuring support for refugees.

ENDING THE CYCLE

Dangerous journeys across the English Channel have become the totemic image of refugee policy in the last two years. No-one thinks this is a sign of a well-managed asylum system. Those journeys don't just put vulnerable people's lives at risk, they undermine public confidence in the security of our borders and the justice of our system for helping refugees. We need change.

The Home Office's plan is always to push harder: to be stricter, to trust less, to deter more, to throw more resources at legal challenges, gun ships, security guards and inspections. They turn the ratchet of policy and rhetoric time and again. But they have been trying this for twenty years and the chaos has only ever got worse. Other countries are trapped in the same cycle. They tighten the rules, they limit the options refugees have to travel safely, and they create a bigger market for the people-traffickers. Then when trafficking rises, they tighten the rules another notch. It is a never ending escalation of arms and we need to try a new approach. The Home Office will never be able to do this.

A new agency can start afresh, with an approach built for simplicity, compassion and care. Perhaps we may end up with more refugees in the UK - a more appropriate share of the world's refugees for a country of our size and wealth. But if we focus on

integration and kindness those refugees will be far better equipped to become thriving members of our community than those who have been repeatedly re-traumatised by an abusive process, substandard housing, and the constant fear of a knock on the door from the authorities.

British people deserve an asylum system they can be proud of: welcoming, fair, and able to complete basic tasks on time. The current approach is also failing in the government's aim to tackle people trafficking and deter people from crossing the channel illegally. We will only achieve that and build pride and confidence in the system if we focus on compassion and competence, as well as control. We must stop over-promising about what can be done with barbed wire and deportation flights, and tell the truth about what's possible, what's affordable, and what works.

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Polly started her career as a business journalist. In 2004, she became a Policy Adviser on housing and local government for Edward Davey MP. She then worked for Nick Clegg from 2006 to 2015, helping to write the 2010 Coalition Agreement, and serving as Director of Policy to the Deputy Prime Minister from 2010-15.

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