



# Secure the UK border to save lives

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Asylum: 496

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## Written evidence on the government's asylum proposals

1. Along with a clear majority of the British public - see point 1(iv) below - we support proposals to deter illegal immigration, prevent asylum abuse and remove obstacles to enforcement. ***Stopping small boat crossings would save lives. It would deter people from leaving places of refuge on unsafe trips, disrupt criminal gangs who exploit so many and lessen the risk to public security that illegal entry presents.*** We welcome action on **4 issues**:

- i. **Illegal immigration** - Rising unauthorised Channel crossings in unsafe boats underline the wider problem of worsening illegal entry<sup>1</sup> (along with overstaying<sup>2</sup>) which are part of a larger European phenomenon<sup>3</sup>. This growing concern both risks safety and puts unwarranted pressure on communities and services while being a source of huge injustice to true refugees, legal migrants and law-abiding citizens. Illegal entry is connected with the serious problems afflicting our asylum system - see 1(ii) below. It is the *"most common method of entry for asylum seekers"*<sup>4</sup> (Independent Chief Inspector of Borders - ICIBI - [report](#), 2020)<sup>5</sup>. Most of those coming here via unauthorised routes - whether by lorry or boat - claim asylum<sup>6</sup>, with a number released despite risks that they are not being properly identified<sup>7</sup>, or housed/paid at taxpayer expense - many even after their asylum claim is rejected<sup>8</sup>.
- ii. **Asylum abuse** - Overall asylum claims have fallen slightly during the pandemic<sup>9</sup>. Yet the asylum system is afflicted with serious abuse. Thousands of claimants, including small boat arrivals, have previously applied for asylum in safe European states before coming here<sup>10</sup>. Many will already have been *rejected*. Such claimants should await the outcome of their case, or (if rejected) return to their place of origin, instead of attempting to access the UK's asylum scheme. Meanwhile, the former independent borders watchdog has said: *'There is... considerable evidence of individuals who have been issued with removal directions making "last minute" asylum claims... in order to frustrate planned removals'*<sup>11</sup>. Lady Justice Sharp and Mr Justice Green have referred to *misconduct* among some lawyers who pursue action through the courts to thwart attempts to remove failed asylum seekers<sup>12</sup>. Meanwhile, two-thirds of the concluded cases of 'child' claimants whose age was challenged were found to be 18 or older (Q2, 2021)<sup>13</sup>. This points to the need for major reform.

- iii. **Enforcement failure** - It is vital to remove proliferating obstacles to enforcement that have been coupled with an increasingly permissive approach by the government and judiciary towards this task since 2017<sup>14</sup>. This has led to a drop in the number of returns of foreign national offenders (FNOs), adding risk to public safety. The number of FNOs subject to deportation living amongst the public has more than doubled since 2012 to 10,800<sup>15</sup>. Asylum returns plunged from 17,000 in 2006 to just over 1,000<sup>16</sup>. There are tens of thousands of absconders among the reporting population<sup>17</sup>.
- i. **Most of the public back more action against unauthorised Channel crossings** -
  - a. **68%** support those crossing being sent back to France (R&WS poll, 2021).<sup>18</sup>
  - b. **64%** think it would be fair to remove people deemed inadmissible, with their asylum claim processed in another safe country (YouGov, 2021).
  - c. **63%** say those crossing should not be allowed to settle (R&WS poll, 2020).<sup>19</sup>

## Main content

2. There have been **7.2 asylum applications** in EU countries since 2008, while there have been more than **2.2 million** illegal crossings into the EU since the start of 2014<sup>20</sup>. UK statistics show that most of those entering via unauthorised routes claim asylum. This wider European crisis has a knock-on effect in the UK, with illegal Channel crossings skyrocketing and a rise in abuse of our asylum system by people who do not have a credible claim in the UK. There are now 125,000 cases in the asylum 'work in progress' pool, including nearly 40,000 failed claimants who are subject to removal<sup>21</sup>.

3. Our view is that the best way in which to stop unsafe boat trips is through more effective and better-resourced enforcement, in parallel with other measures such as greater willingness by the French in particular to accept back those who have set off from their shores. A number of proposals in the Bill are similar to policies previously suggested by us, including possible changes to visa rules for nations that refuse to take back illegal migrants (**Clause 59**)<sup>22</sup>, a new fast-track appeal process (**Clause 24**) and 'one-stop' asylum arrangements (**Clauses 18-21**)<sup>23</sup>. We welcome such proposals. We comment below on a number of specific measures.

### ***a) Inadmissibility of asylum claims for those who came via safe country (Clauses 13-15)***

4. Ensuring that those who come here to claim asylum via needless, deadly and illegal trips after spending time in safe countries are treated as 'inadmissible' may help to deter such crossings but such action needs to be followed-up with actual removal. Thousands of asylum seekers to the UK per year already made an asylum claim in Europe according to Home Office and Eurodac data<sup>24</sup>. A number of such claims in the EU may be outstanding but many will have already been rejected. **This means that the UK may be receiving, via illegal entry, a share of Europe's unknown but likely high number of failed asylum claimants**<sup>25</sup>.

5. It is also relevant that asylum grant rates at first instance are much higher here than in France. The share of applications granted at first instance in the UK has risen considerably from a third in 2018 to around half. 46% were accepted at initial consideration in 2020 (and over half in the year ending June 2021), compared to just 22% of initial claims accepted at first instance in France (Eurostat, 2020), and less than 30% after appeal<sup>26</sup>. It will be essential that those falling into the 'inadmissible' category (as identified by the HO) are

removed expeditiously. Inadmissibility must be more than simply a paper declaration.

**b) Removal to safe third country (Clause 26)**

6. The government says that Clause 26 creates a rebuttable presumption that certain specified countries are compliant with their obligations under the ECHR to the extent that an individual's rights under Article 3 (no torture or inhuman or degrading treatment or punishment) would be respected upon an individual's return to these specified countries. The list of safe countries to which removal is allowed should be updated, enshrined in law, and clearly published. This should help to guard against legal challenge. It may also be necessary to repeal Section 2 of the Asylum & Immigration Appeals Act 1993.

**c) Temporary protection status**

7. Under the framework created by this Bill, people who enter the UK and engage protection obligations under the Refugee Convention may be granted temporary protection status where they do not meet certain conditions. This includes circumstances where an individual does not come directly from a territory where their life or freedom was threatened, does not claim asylum without delay or, where relevant, does not show good cause for their illegal entry or presence. This would be a step in the right direction. However, we point to the risk that temporary admission simply becomes another stepping-stone to a permanent stay. For example, current ten-year routes to settlement provide unauthorised migrants the means by which they may secure a permanent stay<sup>27</sup>. It is likely that such routes just encourage dangerous illegal entry (they should be closed), and also that this problem, and the associated asylum backlog<sup>28</sup>, will continue to balloon unless the steady weakening of enforcement is reversed. If not, then, at the end of this, the government will have promised action and raised expectations, but the problems will not have been effectively addressed.

**d) Stronger powers for maritime enforcement (Clause 41 and Schedule 5)**

8. Australia faced a major rise in illegal maritime crossings up to 2013. Supporters of their largely successful policy to close down this route suggested the achievement of deterring crossings (and hence saving lives) was built on two pillars: 1) turning back boats 2) offshore asylum processing. The key message was (and remains) that if someone came in this manner they would not be able to settle. Although both policies had their limitations, it is right for the government to look into how lessons from the Australian experience might be adapted for the UK. Clause 41 and Schedule 5 would amend the 1971 Immigration Act so as to give immigration officers greater powers of enforcement. Such a change is reasonable, as well as in keeping with the spirit of changes already made by the Policing and Crime Act 2017 under which law enforcement officers (which the government says technically do not include immigration officers) are already able to intercept vessels for the purpose of preventing, detecting or prosecuting a criminal offence.

9. Evidence late last year to the Home Affairs Select Committee by international maritime law experts suggested that there is clear support in maritime law for states to be able to take '**necessary steps**' to prevent passage of boats that are, e.g. unloading people in violation of immigration laws (see articles 19(2)(g) and 25 of the United Nations Convention on the Law of the Sea - UNCLOS)<sup>29</sup>. The important proviso is that enforcement action should be done safely and without endangering lives at sea. Suggestions, for example most recently by French government ministers (and in 2020 by the ICIBI), that violence is increasingly involved in such crossings - and confirmation from the National Crime Agency (NCA) that these crossings are linked to organised crime<sup>30</sup> - add weight to the belief that the passage of such vessels does not meet the definition of 'innocent' as set out by UNCLOS.

#### **e) Changes to support rules for failed asylum claimants<sup>31</sup>**

10. A March 2021 government policy document acknowledged that **'individuals who have been found to have no basis to stay, [are] able to continue to stay in the UK, accessing support from the state while not co-operating with immigration directions'**<sup>32</sup>. The intention to tackle this anomaly is welcome. Previously published research by the government pointed out that providing support to failed asylum claimants who have no right to be in the UK sent a counter-productive message and should be curtailed<sup>33</sup>. Indeed, necessary statutory power to partially remedy this received Royal Assent in 2016. The question is - **why has this not yet been enacted?**<sup>34</sup>

#### **f) Tougher penalties for illegal immigration (Clause 37)**

11. We welcome proposals to toughen penalties for illegal entry, assisting illegal entry and for breaching a deportation order. However, although the statute book is replete with offences relating to immigration control, most are rarely prosecuted, with an average of just 625 prosecutions per year between 2017 and 2019 (in contrast, there were over 100,000 convictions of people in the UK for not having a television licence in 2019)<sup>35</sup>. The statement by the Crown Prosecution Service that they will not seek to prosecute those entering illegally in small boats (despite referring to it as 'illegal entry') is at odds with the government's stated aims of tougher action<sup>36</sup>. This would suggest that the law, assuming it makes it onto the statute book, will not be enforced. Some might justifiably argue that this, potentially, makes a mockery of the rule of law and will only encourage more dangerous and unnecessary trips, while ensuring a continuous, and growing, stream of profits for the people smugglers. The proposed increased penalties for breaking immigration law may make the transgressors more wary but legislative changes on their own are unlikely to stop such trips. To achieve the necessary deterrent effect, determined enforcement is absolutely necessary.

#### **g) The role of direct resettlement pathways and other legal routes to the UK**

12. The UK already has a number of safe and legal routes into the UK for those attempting to flee persecution, including two recent schemes for those from Hong Kong and Afghanistan that together are open to over five million people. Meanwhile, 90,000 people have come here via direct resettlement or family reunion routes since 2010<sup>37</sup>, while thousands more have claimed asylum after arriving via legal means<sup>38</sup>. The claim of some NGOs and commentators is that opening yet more such routes would likely divert people from crossing the Channel. However, there is no evidence that this will happen. On the contrary, in our judgment, the opposite is likely to be the case. The example of the United States points to a situation in which the re-opening of refugee resettlement routes in early 2021 was followed by a major increase in illegal immigration at the Southern border. It is much more likely that illegal migrants and people-smugglers would take the opening of routes as indication of a still-more lenient approach by the UK and be encouraged to get here by any means possible. Meanwhile, it is no surprise that Channel crossings rapidly increased between 2018 and 2021 - a period during which immigration enforcement was cut back sharply (see sub-section g, paragraph 13 below).

#### **h) Failures in enforcement have gathered pace**

13. We support the intention of the Bill to tackle obstacles that impede effective enforcement. The Home Office has said that there are eight legal avenues through which a person can seek to remain in the UK or challenge the decision to remove or detain them, while 5,000 people attempted to or succeeded in physically disrupting their removal from the country between 2017 and 2019<sup>39</sup>. Enforced removals of failed

asylum claimants have plunged to the lowest on record, while non-asylum related returns have also dropped since 2016<sup>40</sup>.

14. In the words of former Director General of Immigration Enforcement: ***“The number of removals is dropping through the floor... There is a whole system breakdown. The message to people here illegally is that there is no serious response by the authorities. From what I hear there is paralysis.”***<sup>41</sup> This is deeply concerning as another senior Home Office official has said some of those with no right to be in the UK ‘*may pose risk to the public*’<sup>42</sup>. In the government’s own words: ‘*Detention plays a key role in securing our borders and maintaining effective immigration control*’<sup>43</sup>.

15. Yet, despite the above statements, the HO has said that it is ‘*delivering a reduction... in the numbers of those detained*’<sup>44</sup>. The ICIBI reported in 2017 that there were over 50,000 absconders within a total reporting population of around 80,000 people. The changes contained in the Bill must be used to the full and built upon in order to ensure that the number of returns increases substantially. Meanwhile, detention should be employed more, not less.

#### ***j) The need for better resources and support for Border Force and enforcement personnel***

16. As a 2020 report by the ICIBI highlighted, cuts to Border Force and enforcement functions - along with paltry pay, a lack of training and serious morale problems among staff - have helped to undermine the efforts of hardworking and dedicated personnel to secure the UK border<sup>45</sup>. According to Lucy Moreton, General Secretary of the Immigration Services Union, illegal immigrants ‘***have very little chance of being caught***’ due to a lack of resources and workforce cuts<sup>46</sup>. Ms Moreton’s remark is completely justified. More work is reportedly being done by fewer people while enforcement action has declined. A 2020 National Audit Office report stated that Immigration Compliance and Enforcement [or ICE] teams, ‘*do not have the capacity to undertake all tasks requested of them*’<sup>47</sup>.

## Recommended action

17. As well as supporting measures in this Bill aimed at tackling illegal immigration, asylum abuse and obstacles to enforcement, we make the following recommendations:

- a. Inadmissibility must be more than just a status on paper** - Tougher enforcement action is needed to ensure that inadmissibility means more than just a status on paper. For example, it is concerning that there have been so few removals of those arriving in small boats during 2021. Despite 4,500 ‘*notices of intent*’ having been served to individuals suspected of being inadmissible, only seven people have been deemed as such and none have been reported as removed during 2021<sup>48</sup>. Such a failure of delivery does not bode well.
- b. Removal to safe countries must be protected from legal challenge** - The safe countries to which people can be removed should be enshrined in law, to protect Parliament’s will against legal challenge, and published.
- c. Temporary admission must not become a stepping-stone to settlement** - There is a strong risk these measures will be underwhelming in their effect unless supplemented by a much stronger enforcement regime and closure of regularisation routes which likely encourage illegal immigration.
- d. Tougher enforcement** - We acknowledge the measures in the Bill aimed at deterring repeated

vexatious legal claims and which have the purpose of ensuring more FNO returns via reform of the Early Removal System and new 'stop the clock' provisions. However, much more will need to be done, including a substantial boost in leadership by Ministers and senior civil servants to deliver more action to tackle unauthorised immigration and ensure more removals of those who have no right to be here, as well as prosecutions for illegal entry. The use of detention should be expanded to prevent absconding, aid the tasks of enforcement staff and to protect public safety<sup>49</sup>.

- e. **More investment and support needed at the border** - Despite continuous rhetoric about taking firm action to enforce immigration law on the part of the government, the number of Immigration Enforcement staff fell by 266 from 5,121 to 4,855, while gross expenditure on enforcement plunged by £42 million (from £462 million in 2018/19 to £420 million in 2020/21)<sup>50</sup>. The ICIBI has pointed to instances where resources are being stretched with a problematic impact on enforcement effectiveness<sup>51</sup>. In 2018, the ICIBI also revealed that port staff said the Border Force seemed to have been **'resourced to fail'**<sup>52</sup>. There should be a long-term increase in resources devoted to immigration enforcement (as Lucy Moreton has called for) in order to support dedicated and hard-working border personnel so they can do their job effectively. Morale problems identified by the ICIBI in his late 2020 report on small boat crossings must be swiftly remedied through better training and support, higher pay and much-improved working conditions.

27 September 2021

## Notes

1. There were between 30,000 and 80,000 attempts to illegally enter the UK from Northern Europe respectively for 2017 and 2015. More recently the government has said that the number of detected illegal entrants rose from 13,000 in 2018 to just under 17,000 in 2020. In 2020, 50% of detected illegal entrants were those who were reported arriving by small boat (about 8,500). Home Office, New Plan for Immigration, March 2021.
2. See our February 2021 paper, 'What action is the government taking to tackle overstaying?', URL: <https://www.migrationwatchuk.org/briefing-paper/488/what-action-is-the-government-taking-to-tackle-overstaying>
3. 2.2 million people have crossed irregularly into Europe since the start of 2014, either crossing the Mediterranean in boats or in land crossings in Spain or Greece, including 70,000 so far this year, URL: <https://data2.unhcr.org/en/situations/mediterranean>
4. Independent Chief Inspector of Borders and Immigration, 'An inspection of the Home Office's response to in-country clandestine arrivals ('lorry drops') and to irregular migrants arriving via small boats', November 2020, URL: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/933953/An\\_inspection\\_of\\_the\\_Home\\_Office\\_s\\_response\\_to\\_in-country\\_clandestine\\_arrivals\\_\\_lorry\\_drops\\_\\_and\\_to\\_irregular\\_migrants\\_arriving\\_via\\_small\\_boats\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/933953/An_inspection_of_the_Home_Office_s_response_to_in-country_clandestine_arrivals__lorry_drops__and_to_irregular_migrants_arriving_via_small_boats_.pdf)
5. Ibid.
6. 98% of Channel crossers in the first half of 2020, according to Home Office evidence to the House of Commons Home Affairs Select Committee, 3 September 2020, see transcript, URL: <https://committees.parliament.uk/oralevidence/793/default/>; 93% of a sample of those encountered having entered illegally in the backs of lorries did so, ICIBI report, A short notice inspection of the Home Office response to 'lorry drops', July 2016, URL: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/540577/ICIBI\\_inspection\\_of\\_lorry\\_drops\\_July\\_2016.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/540577/ICIBI_inspection_of_lorry_drops_July_2016.pdf)
7. The ICIBI report on small boats, November 2020, said that Kent Intake Unit staff told inspectors that they did not have access to Livescan equipment (a technology which should enables officers to carry out real time checking of fingerprints against local and national databases of prints already on file), so were unable to run fingerprints through the Home Office system. This risk is exacerbated by the fact that, as Channel Threat Commander Dan O'Mahoney told the Home Affairs Select Committee in September 2020, it is standard practice for many of those crossing in small boats to deliberately destroy their documentation. He said: *"Generally speaking, encouraged by the facilitators, they will get rid of any sort of documentation or pocket litter, as we call it in law enforcement—phones, SIM cards, anything—before they are intercepted by Border Force."* See transcript, URL: <https://committees.parliament.uk/oralevidence/793/default/>
8. See our piece for an estimate of the cost of this problem which was meant to have been addressed by the 2016 Immigration Act but which remains to be dealt with. URL: <https://www.migrationwatchuk.org/news/2020/10/03/cost-of-housing-and-payments-for-failed->

#### asylum-claimants-estimated-at-130-million-per-year

9. There were 31,115 asylum applications (relating to 37,235 people) in the UK in the year ending June 2021, 4% fewer than the previous year. The government has said that the 'decrease in applications is likely linked in part to the global travel restrictions implemented in response to the COVID-19 pandemic, which have impacted migrants' movements globally and arrivals into the UK'. The recent peak for asylum claims was about 35,000 in 2015/16. HO asylum statistics, year to June 2021, URL: <https://www.gov.uk/government/statistics/immigration-statistics-year-ending-june-2021/how-many-people-do-we-grant-asylum-or-protection-to>
10. Home Office, New Plan for Immigration, March 2021, p.5, [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/972517/CCS207\\_CCS0820091708-001\\_Sovereign\\_Borders\\_Web\\_Accessible.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/972517/CCS207_CCS0820091708-001_Sovereign_Borders_Web_Accessible.pdf). Additionally, the share of people claiming while in detention rose from 32% to 47% (2017-19). Even as most such applications are rejected, the government says claimants are 'almost always' released while their claim is processed, enabling absconding Home Office, 'Issues raised by people facing return in immigration detention', March 2021, URL: <https://www.gov.uk/government/publications/issues-raised-by-people-facing-return-in-immigration-detention>
11. ICIBI, 'An inspection of the Home Office's management of non-detained Foreign National Offenders', November 2017, URL: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/656584/An\\_inspection\\_of\\_non-detained\\_FNOs.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/656584/An_inspection_of_non-detained_FNOs.pdf)
12. Policy Exchange, 'Border Audit, 2018, URL: <https://policyexchange.org.uk/wp-content/uploads/2018/07/The-Border-Audit.pdf>
13. Home Office age assessment statistics.
14. For our summary of the increasingly weak and under-resourced approach of the government towards enforcement, see URL: <https://www.migrationwatchuk.org/news/2020/12/17/deficiencies-immigration-enforcement>
15. Home Office enforcement data, Q2 2021, URL: <https://www.gov.uk/government/publications/immigration-enforcement-data-q2-2021>
16. Home Office statistics on returns, August 2021. In the year ending March 2021, there were **1,019** asylum related returns. With regard to public safety risks, analysis by the Henry Jackson Society of convictions over the past 20 years identified 45 foreign nationals who served prison sentences for Islamist-inspired terrorist offences but were allowed to remain in the UK after completing their jail terms, with many of the convicted terrorists being given permission to stay after being granted asylum. Separately, as the ICIBI has noted there has also been a shortcoming on the part of the Home Office in reporting and recording the risk of FNO re-offending. ICIBI, 'A re-inspection of the Home Office's Reporting and Offender Management processes and of its management of non-detained Foreign National Offenders', 2019, URL: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/800638/A\\_re-inspection\\_of\\_the\\_Home\\_Office\\_s\\_Reporting\\_and\\_Offender\\_Management\\_processes\\_and\\_of\\_its\\_management\\_of\\_non-detained\\_Foreign\\_National\\_Offenders.PDF](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/800638/A_re-inspection_of_the_Home_Office_s_Reporting_and_Offender_Management_processes_and_of_its_management_of_non-detained_Foreign_National_Offenders.PDF)
17. The ICIBI put the number of absconders at between 50,000 and 60,000 in November 2017. Given the decline in enforcement action since then the number may well be higher but we await confirmation from the government on this point. ICIBI, 'An inspection of the Home Office's Reporting and Offender Management processes', November 2017, URL: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/656588/An\\_Inspection\\_of\\_Home\\_Office\\_s\\_ROM\\_processes.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/656588/An_Inspection_of_Home_Office_s_ROM_processes.pdf)
18. Redfield and Wilton Strategies poll, conducted July 2021, URL: <https://redfieldandwiltonstrategies.com/plurality-of-britons-believe-there-is-too-much-immigration-with-a-majority-supporting-new-border-measures/>
19. See poll result reported by *The Independent*, August 2020, URL: <https://inews.co.uk/news/politics/channel-migrants-asylum-seekers-channel-settle-uk-poll-580014>
20. Eurostat asylum statistics, 2008-2020, first-time applicants, URL: [https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Asylum\\_statistics](https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Asylum_statistics); 2.2 million people have crossed irregularly into Europe since the start of 2014, either by crossing the Mediterranean in boats or in land crossings in Spain or Greece, including 76,000 in 2021 so far. 2014-up to 19 September 2021, Mediterranean portal, UNCHR, URL: <https://data2.unhcr.org/en/situations/mediterranean>
21. The number of cases in the work in progress pool is more than triple the number (37,xxx) in 2011. Migration and protection transparency data, Home Office, URL: <https://www.gov.uk/government/publications/immigration-and-protection-data-q2-2021>
22. See paragraph 53(f) of our paper, 'Illegal immigration: What can be done?', August 2018, URL: <https://www.migrationwatchuk.org/briefing-paper/455/illegal-immigration-what-can-be-done>
23. See our paper, 'Lessons from Calais', August 2015, URL: <https://www.migrationwatchuk.org/briefing-paper/368/lessons-from-calais> and our paper, 'Illegal immigration: What can be done?', August 2018, URL: <https://www.migrationwatchuk.org/briefing-paper/455/illegal-immigration-what-can-be-done>
24. In 2019, around 1 in 6 asylum seekers to the UK had already made an asylum claim in another European country. Home Office, 'New Plan for Immigration', Spring 2021. There have been numerous anecdotal reports that those crossing the Channel were previously rejected for asylum in European countries. See our piece: 'How many of those crossing the Channel illegally previously claimed asylum in Europe?', September 2020, URL: <https://www.migrationwatchuk.org/news/2020/09/03/asylum-in-crisis-as-rocketing-costs-combine-with-rising-abuse>
25. Europe received just under five million applications (2015-2020) and at the end of 2020, 765 700 applications for international protection in the EU Member States were still under consideration by national authorities. Eurostat asylum statistics. [https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Asylum\\_statistics#Number\\_of\\_asylum\\_applicants:\\_decrease\\_in\\_2020](https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Asylum_statistics#Number_of_asylum_applicants:_decrease_in_2020) and [https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Asylum\\_quarterly\\_report#Decisions\\_on\\_asylum\\_applications](https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Asylum_quarterly_report#Decisions_on_asylum_applications)
26. 55% of the initial decisions in the year ending June 2021 were grants of asylum, humanitarian protection or alternative forms of leave, HO asylum data, URL: <https://www.gov.uk/government/statistics/immigration-statistics-year-ending-june-2021/how-many-people-do-we-grant-asylum-or-protection-to>; Eurostat figures on asylum recognition rates, URL: [https://ec.europa.eu/eurostat/statistics-explained/index.php/Asylum\\_quarterly\\_report#Decisions\\_on\\_asylum\\_applications](https://ec.europa.eu/eurostat/statistics-explained/index.php/Asylum_quarterly_report#Decisions_on_asylum_applications)
27. 'By the end of March 2021, the estimated number of people with status on... ten-year routes was approximately **170,000** (assuming no early switching into other statuses).' Migration Observatory, 'Migrants on ten-year routes to settlement in the UK', July 2021, URL: <https://migrationobservatory.ox.ac.uk/resources/briefings/migrants-on-ten-year-routes-to-settlement-in-the-uk/>
28. Home Office transparency statistics, 2021.
29. Evidence to Home Affairs Select Committee, November 2020, see Q413; URL: <https://committees.parliament.uk/oralevidence/1195/html/>
30. See for example, the NCA's 2021 strategic threat assessment in which the agency states: ""It is highly likely Organised Crime Groups

- and migrants are attracted to the high success rate and low cost-high profit nature of small boats compared to HGV facilitation." URL: <https://www.nationalcrimeagency.gov.uk/who-we-are/publications/533-national-strategic-assessment-of-serious-and-organised-crime-2021/file>
31. This is mentioned on pp.25-26 of the Explanatory note accompanying the Nationality and Borders Bill. URL: <https://publications.parliament.uk/pa/bills/cbill/58-02/0141/en/210141en.pdf>
  32. Home Office, New Plan for Immigration, March 2021.
  33. Migration Watch UK, 'Estimated cost of housing and payments for failed asylum claimants', October 2020, URL: <https://www.migrationwatchuk.org/news/2020/10/03/cost-of-housing-and-payments-for-failed-asylum-claimants-estimated-at-130-million-per-year>
  34. In 2015, the government said of the statutory requirement to provide support for failed asylum claimants. **"This is wrong in principle and sends entirely the wrong message to those migrants who do not require our protection but who may seek to exploit the system. It also undermines public confidence in our asylum system."** In 2020, the government answered a Parliamentary Question about this topic in the following way. "Implementation of the changes made by the Immigration Act 2016 to asylum support under the Immigration and Asylum Act 1999 and to local authority support for migrants without immigration status **requires engagement with local authorities, the devolved administrations and other partners on the preparation of the required regulations. The timing of this work is currently under review.**" We would be interested in obtaining more information from the government about the current status of the 'review' of this question. Parliamentary answer to Sir John Hayes MP, 10 September 2020, URL: <https://questions-statements.parliament.uk/written-questions/detail/2020-08-28/81517>
  35. See *Free Movement* blog, URL: <https://www.freemovement.org.uk/podcast-immigration-and-the-criminal-law/>
  36. See Daily Telegraph report, July 2021, URL: <https://www.telegraph.co.uk/news/2021/07/08/illegal-migrants-escape-prosecution-cps-targets-smugglers/>
  37. Home Office, resettlement and family reunion statistics, August 2021.
  38. Around two-fifths of asylum claims in the UK are by those who entered by legal means according to the Home Office. New Plan for Immigration, March 2021.
  39. Home Office, 'Issues raised by people facing return in immigration detention', March 2021,
  40. See for example HO returns statistics, August 2021.
  41. Quote in *The Times*, June 2019, URL: <https://www.thetimes.co.uk/edition/news/deportations-of-offenders-fall-after-windrush-fiasco-grhb2z285>
  42. Matthew Rycroft to Public Accounts Select Committee, March 2021, URL: <https://committees.parliament.uk/publications/5102/documents/50439/default/>
  43. Written parliamentary answer, April 2020, URL: <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-question/Lords/2020-04-23/HL3389/>
  44. Home Office annual report, 2019-20, URL: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/807126/6.5571\\_HO\\_Annual\\_Report\\_201920\\_WEB.PDF](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/807126/6.5571_HO_Annual_Report_201920_WEB.PDF)
  45. The former ICIBI highlights in his report a situation in which Border Force maritime staff believe they are under-resourced, under-paid and short-staffed. As he put it, *'crew members told inspectors that they had not been provided with the right equipment to do their jobs, including proper uniforms. This affected morale and retention... one group said morale was so bad that "everyone is actively looking for jobs elsewhere"....Crew members told inspectors that they did not have contracts [while]"management" had told them that Border Force "could not afford" to pay overtime'*, November 2020.
  46. *The Independent*, URL: [https://www.independent.co.uk/news/uk/crime/illegal-immigrants-government-cuts-resources-lucy-moreton-immigration-service-union-brexite-a8081511.html?fbclid=IwAR2qpGllun2w3vQJCU5MIQdvLSh\\_VnQ-zsRIAzvcGMBC9dv-6CaVgiVUt0U](https://www.independent.co.uk/news/uk/crime/illegal-immigrants-government-cuts-resources-lucy-moreton-immigration-service-union-brexite-a8081511.html?fbclid=IwAR2qpGllun2w3vQJCU5MIQdvLSh_VnQ-zsRIAzvcGMBC9dv-6CaVgiVUt0U)
  47. ICIBI, Nov. 2020, pp. 32-37.
  48. The Home Office revealed in March 2021 that, in Q1 (Jan-Mar) 2021, 1,503 'notices of intent' were served to individuals to inform them that their case was being reviewed in order to determine whether removal action on inadmissibility grounds was appropriate and possible. Over the quarter, there were **no returns** on inadmissibility grounds. See HO asylum statistics, year to March 2021, URL: <https://www.gov.uk/government/statistics/immigration-statistics-year-ending-march-2021/how-many-people-do-we-grant-asylum-or-protection-to>
  49. The ICIBI's November 2020 report on small boat crossings helped to underline what a huge mistake it has been for the government to cut back on detention facilities and spending over the past few years. The government spent £40 million (21%) less on detention in 2019-20 than in 2015-16 and the detention estate has been reduced by 40% since 2015 (NAO, 2020, p. 37). The ICIBI revealed that many illegal Channel arrivals are simply granted bail nearly immediately after being initially processed through Tug Haven and the Kent Intake Unit in Dover. According to Border Force managers, the ICIBI reported, this had led to absconding. Staff noted that once granted bail, "a large number" failed to comply with their reporting restrictions and became absconders. They believed this explained the low number of returns and felt that **more use could be made of detention for small boats migrants** who were considered to be removable'. ICIBI, November 2020.
  50. The number of Immigration Enforcement staff fell by 266 from 5,121 to 4,855, while gross expenditure fell by £42 million from £462 million in 2018/19 to £420 million in 2020/21, Home Office annual reports 2018/19 and 2020/21. See also NAO report on immigration enforcement, June 2020.
  51. ICIBI report on small boat crossings, 2020.
  52. ICIBI report, 'An inspection of Border Force operations at south coast seaports', November 2018, URL: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/755272/ICIBI\\_An\\_inspection\\_of\\_South\\_Coast\\_Ports.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/755272/ICIBI_An_inspection_of_South_Coast_Ports.pdf)