

UCL SOCIAL RESEARCH INSTITUTE

# **United Kingdom country report**

## **Government responses to increased influxes of protection seekers in 2015/16 and 2022/23**

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Abstract: This country report describes asylum, immigration and integration governance and policy changes from 2015-June 2023 in the United Kingdom. It particularly focus on developments in the periods of high influxes of protection seekers to Europe in 2015/16 and 2022/23.

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# 1 Background

## 1.1 United Kingdom's welfare, immigration and integration history

The UK has been ethnically and culturally diverse and religiously plural for centuries (Vertovec 2007). The country has a centuries-long history of migration, but has only been a country of net *immigration* since 1994 (Somerville and Walsh 2021). The country's migration history is intimately linked with its history of Empire and colonialism, as illustrated e.g., in a number of different citizenship statuses, with rights stratified along racialised lines.

The post-WWII period ushered in decolonisation and a transition from Empire to a postcolonial state. The country's welfare system was developed in this period and has been classified as a liberal regime of welfare, with low levels of state intervention (Esping-Andersen 1990), and high levels of economic inequality compared to other developed countries.<sup>1</sup> Since the 1990s, migration to the country has been characterised by increasing diversity in countries of origin of migrants, as well as along other axes of difference, as summed up in the term super-diversity (Vertovec 2007). A succession of austerity and social disinvestment policies have since 2010 led to a gradual decline in the UK's welfare spending and has undermined the country's ability to protect those who are most vulnerable and, in some cases, being itself a contributing factor to high levels of poverty, inequality, indebtedness, and destitution (Lowndes and Gardner 2016).

The UK has only ever had a short-lived national strategy for integration (2005-11). Policies related to integration are developed and implemented by a range of central and devolved governmental departments, private contractors, and third sector organisations.

The UK's immigration policies, since the 1905 Aliens Act have been characterised by a desire to limit and restrict migration to the country (Patel 2021). Since the start of the millennium, a number of new laws regulating immigration and asylum have been introduced that have made it harder to apply for asylum, and governments are increasingly relying on a number of ad hoc schemes to deal with particular crises and events rather than an overall holistic policy approach. We detail the schemes in section 5 of this report.

## 1.2 Political situation and main policy processes in 2015/16 and 2022/23

- 2010-15 Centre-right-oriented coalition government (Conservative and Liberal Democrat)
- 2015- Right-oriented Conservative government (several changes of Prime Minister and governments)

The main policies regulating immigration and integration in the two periods of interest are the Immigration Acts 2014 and 2016, known as the 'hostile environment' policies (section 3.2)

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<sup>1</sup> <https://equalitytrust.org.uk/scale-economic-inequality-uk>, accessed 23/08-2023.

with further developments enshrined in the recent Nationality and Borders Act 2022 and Illegal Immigration Act 2023 (section 3.3.1).<sup>2345</sup>

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<sup>2</sup> The primary legislation that regulates asylum applications, and more generally immigration, includes the following key documents: Asylum and Immigration Appeals Act 1993, the Asylum and Immigration Act 1996, the Immigration and Asylum Act 1999, the Nationality, Immigration and Asylum Act 2002, the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004, the Immigration, Asylum and Nationality Act 2006, the Borders, Citizenship and Immigration Act 2009, the Immigration Act 2014 and Immigration Act 2016, and the Nationality and Borders Act 2022. At the time of writing (August 2023), the Illegal Immigration Bill 2023 has passed all stages of parliamentary approval and is awaiting royal assent.

<sup>3</sup> The Immigration Rules (IR) direct the implementation of government legislation and are supplemented by multilevel guidance issued by the UK Home Office. Rather than a coherent body of work, asylum policy is made up of numerous regulations, guidelines and advice documents which constitute a labyrinthine system of ever-changing procedures.

<sup>4</sup> The key international Conventions that grant asylum protection are the 1951 Refugee Convention (RC), which was ratified by the UK in 1954 and enshrined in UK law through Section 2 of the 1993 Act, and the European Convention on Human Rights (ECHR). The Convention on the Rights of the Child (CRC) was also ratified by the UK to safeguard the best interests of children, and this commitment was incorporated in Section 55 of the Borders, Citizenship and Immigration Act 2009, which mandates the safeguarding and welfare of children by immigration officials in the UK.

<sup>5</sup> Prior to the UK's exit from the European Union (prompted by the Brexit vote in 2016 and concluded with the Withdrawal Agreement on 31<sup>st</sup> December 2020), the Qualification Directive of the Common European Asylum System (QD 2004) was part of the UK regulatory framework for granting international protection.

## 2 Asylum flows to the UK, 2012-July 2023

The UK was among the largest receiving countries of protection seekers during the 2015/2016 influx to Europe, and after this major influx of protection seekers, the numbers of lodged applications and granted permits have increased – especially due to the plethora of resettlement schemes that the UK has had over time. There is also demographic variation within cohorts from different sending countries. Here we present an empirical background to asylum flows and permits, which provide context for the government response to the situation in 2015/16 and 2022/23, respectively.

### 2.1 Arrivals and permits from 2012-July 2023

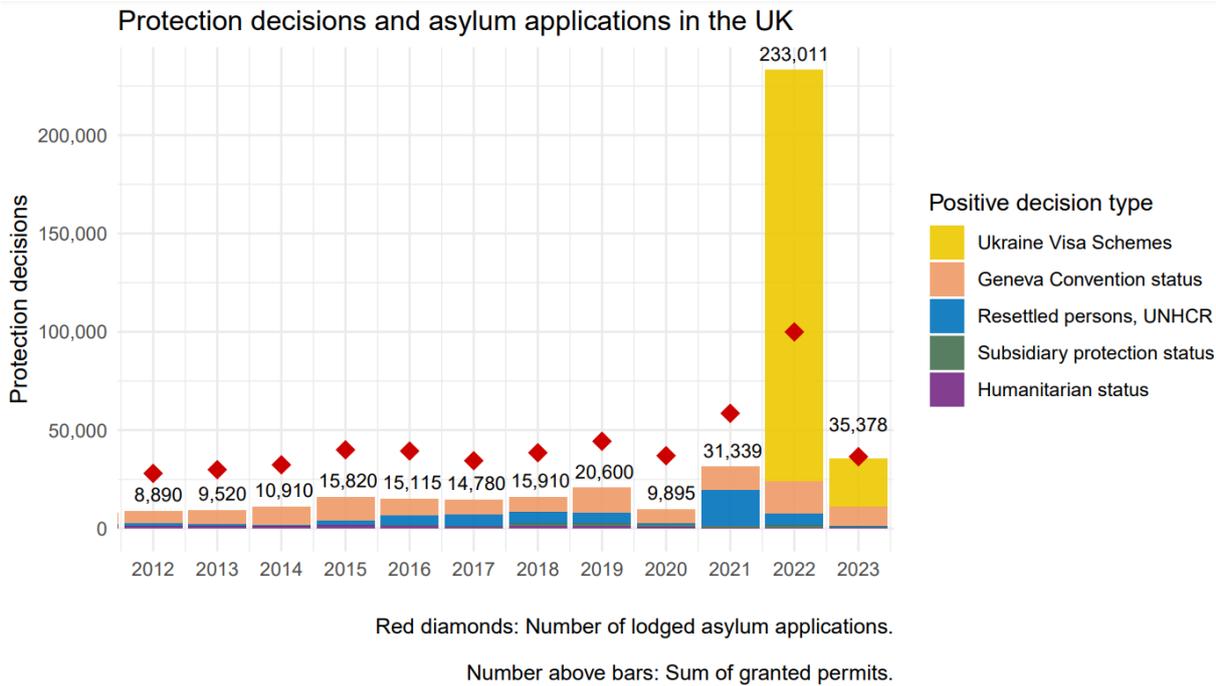
Though the flows of protection seekers to the UK increased in 2015, the relative increase was smaller than for the rest of Europe, where the average increase doubled from 2014. From 2014 to 2015, arrivals to the UK increased from about 32,000 to ~40,000 (Fig. 1, red diamonds). The flow of asylum seekers remained high in the following years, and the number of arrivals in 2019 was over 44,000, surpassing the levels in 2015 and 2016 (Fig 1, red diamonds). Asylum arrivals in 2022 were at a near-record high (81,000 applications for main applicants and dependents, a total of 99,000 people), only eclipsed by 3000 more applications in 2002 (Sturge 2023). The impact of COVID-19 can be discerned in 2020, with an apparent drop in lodged applications and application decisions. The resettlement of refugees contributed to a ten-year high of granted permits in 2021. In 2022, the Ukraine visa schemes (as detailed in subsequent chapters), when added to protection grants, constituted a tenfold increase in grants in 2022. Importantly, the schemes for those fleeing the war in Ukraine are visa schemes, and people displaced from the war in Ukraine do not enter the UK asylum system. The UK introduced three Ukraine visa schemes: the Ukraine Family Scheme (UFS), the Ukraine Sponsorship scheme or Homes for Ukraine (HfU) and the Ukraine Extension scheme (UES), two of which established new routes for protection seekers to come to the UK: the Ukraine Family Scheme (UFS) and the Ukraine Sponsorship scheme or Homes for Ukraine (HfU). The Ukraine Extension Scheme (UES) which allows those already in the UK on student, seasonal work, or other temporary visas to extend their stay is not included in the data in this chapter, as persons under this scheme would not count as additional protection seekers.

#### Data on asylum flows

In the UK case, data on asylum flows are sourced from Eurostat Asylum Statistics, until data cutoff at the end of 2019. These data are based on **administrative sources**, supplied to Eurostat by statistical authorities, interior ministries or related immigration agencies. The data presented in this chapter is a combination of five different datasets provided by Eurostat: decisions on and beneficiaries of temporary protection, first-time asylum applications, resettlement refugees, and first-instance decisions on asylum applications.

Source pre-2020: [Information on data - Migration and asylum - Eurostat \(europa.eu\)](#)

Figure 2.1: Persons granted protection in the UK by protection decision vs. lodged asylum applications 2012–2019.



Data pre-2020: Eurostat (*migr\_asydcfsta*, *migr\_asytpfm*, *tps00195*, *migr\_asyappctza*); data from 2020: [UK Home Office 2023](#). To meet the UK Directive on ‘subsidiary protection’, the UK uses the legal term ‘humanitarian protection’. Humanitarian status includes UASC Leave, Discretionary Leave, plus other not internationally recognized protection statuses.

## 2.2 Situation in 2015/16

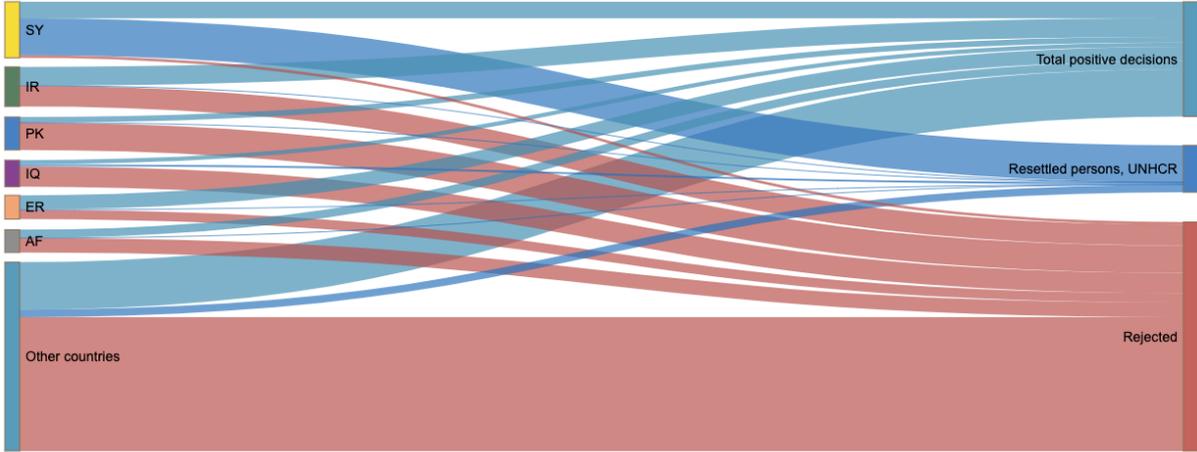
In 2015, the number of asylum seekers to the EU soared to 1.25 million, up from 560,000 the year before. Another 1.2 million arrived in 2016. In both years, half of the ~1.2 million were Syrians, Afghans and Iraqis (Eurostat 2016). The increase in 2015 was substantial in the UK as well, but the UK had a substantially lower ratio of arrivals (591 applicants per million inhabitants) than the EU average (2470). In 2016, the UK population constituted 12.9 % of the EU population, but the country only received 3 % of all protection seekers in the EU (Eurostat 2016; Eurostat 2017).

Overall, among asylum applicants who had their applications processed in 2015–17, 22 % were minors and 29 % of the adults were women. There were small demographic variations between applicants who were denied and granted protection. Of those granted permits, 26 % were minors and 29 % of adults were women, while rejected protection seekers had the same share of women but somewhat fewer children (19 %). There was a considerable share of unaccompanied minors (unaccompanied and separated children, UASC) among the asylum applicants. The annual arrivals of UASC climbed from 2000 (6 %) in 2014 to 3000 (8 %) in 2015, and remained at 3000 in the following years, except for 2017 (2200) (Eurostat 2023).

Among refugees granted protection in 2015–2017, the dependency ratio, defined as the ratio between young (below 14 years of age) and old (65 +) divided by the working age population, was very low for refugees from Eritrea (3 %), Sudan (5 %), Iran (10 %) and Syria (10 %), meaning that at least 90 % of them were of working age. There was a larger share of

young children below 14 years of age among Afghans (34 %), Pakistanis (32 %) and Iraqis (27 %).

Figure 2.2: Relative shares of asylum seekers from the five largest sending countries to the UK, by asylum grants (blue) and rejections (red) in the period 2015–2017.



Data: Eurostat (*migr\_asydcfst*, *migr\_asytpfm*, *tps00195*, *migr\_asyappctza*).

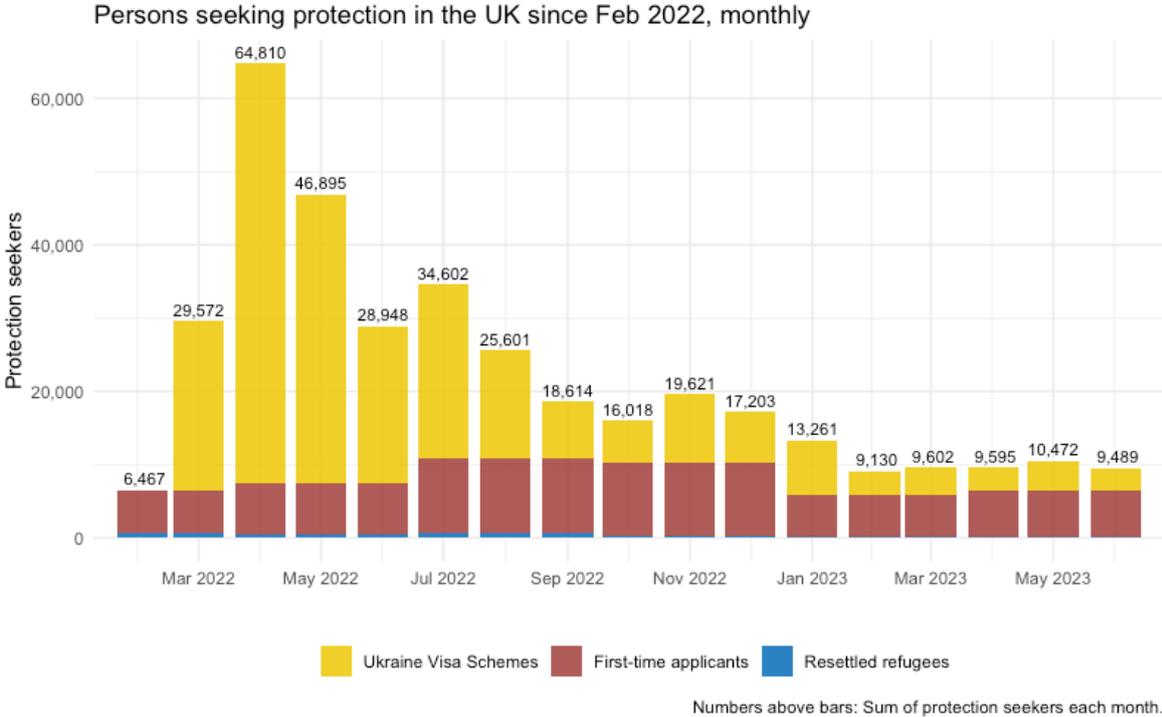
Since 2017, the UK has granted protection to a relatively large proportion of resettlement refugees compared to other European countries, and this was the primary mechanism for providing protection to most Syrians in the UK. As resettled refugees are transferred from the state where they originally applied for asylum to third countries like the UK, they are not applying in the UK and therefore cannot be rejected by the UK, so approval rates do not apply to these refugees. Among Syrians who did lodge asylum claims in the UK, 86 % received positive decisions. For the top five sending countries, approval rates were lower: Iran (47 %), Pakistan (17 %), Iraq (17 %), Eritrea (60 %) and Afghanistan (36 %).

### 2.3 Situation in 2022/23

Following the Russian invasion of Ukraine in February 2022, the UK granted 3-year visas to about 80,000 displaced persons in March and April (Fig 3). However, the number of arrivals was considerably smaller (36,000 as of May 2<sup>nd</sup>, 2022), as there were instances where only some members of families were granted protection, and they were thus unable to come to the UK. Visas granted under the two Ukraine schemes (the Ukraine Family Scheme and Ukraine Sponsorship Scheme) fell over time, both in 2022 and 2023. At the end of 2022, the share of regular asylum applicants was higher than that of displaced persons from Ukraine. Since the start of 2022, at least 233,000 visas have been granted under these two Ukraine Schemes (fig 3). This is a relatively high number compared to most EU countries; apart from Poland and Germany, which have granted temporary protection to more than a million displaced persons from Ukraine, the Czech Republic (365,000) is the only EU country to have over 200,000 temporary protection holders by August 2023 ([Eurostat 2023](#)).

Regarding regular asylum applications, 136,000 applications have been lodged since January 2022, the highest number of applications in any single year in the period since 2012. The largest countries of origin in 2022 were Albania (17,000), Afghanistan (11,000), and Iran (10,000).

Figure 2.3: Asylum applicants, visas granted through two of the Ukraine schemes (UFS and HfU), and resettled persons in the UK since February 2022.



Data: [UK Home Office 2023a](#) and [UK Home Office 2023b](#). Note: Data on resettled refugees and lodged asylum applications is reported quarterly but is spread out monthly in this plot.

From March 2022 to the end of June 2023, 300,000 had applied for visas under the Ukraine Family Scheme (UFS) or Homes for Ukraine Scheme (HfU), and 234,000 visas were granted under these two Ukraine visa schemes in the UK (Fig 3). 180,000 Ukraine visa holders had arrived at that time. Regarding the composition, 28 % are minors (under 18 years of age) and among the adults, 72 % are women. The dependency ratio is relatively low among this group, as a large share is of working age. The dependency ratio is defined as the combined share of younger children (below 15 years) and elders (65+), but the demographic data on Ukraine visa scheme holders in the UK allows only for dividing by the share of minors (below 18). Many of them may be between 15–18 years and thus of working age, and the real dependency ratio may be lower. The rate of minors and elders is 28 %. This is far lower than in e.g. Germany, where 44 % are outside working age (15–64).

### **3 Organisational structure and funding: dispersed policies, change, and fragmentation**

The UK does not have a single government department dedicated to asylum, migration, and integration, rather responsibilities are dispersed among several departments. During the periods of interest for this report, the country's organisational and financial response to major events related to these policy areas have changed considerably, including through re-naming and mergers of departments, but not always in direct or clear response to the events or timelines of specific interest for the report.

Official information on the UK's funding structure for attending to its obligations and commitments towards asylum seekers and refugees is far from straightforward, with information spread across a patchwork of policy notes, evaluation reports, and guidance documents.

As for integration policy, the Labour government (1997-2010) put in place temporary structures: the Strategic Upgrade of National Refugee Integration (Sunrise), which started in 2005 and was replaced in 2008 by the Refugee Integration and Employment Service (RIES), had as their remit to support access to employment and social services for those who had recently been granted refugee status. However, RIES was discontinued in 2011 and there is currently no formal national integration strategy in the UK.

Processes and spending are scrutinised by the National Audit Office (NAO; independent public spending watchdog), the House of Commons Public Accounts Committee (PAC; examines the value for money of Government projects, programmes and service delivery), the Independent Chief Inspector of Borders and Immigration (ICIBI; monitors and reports on the efficiency and effectiveness of the immigration, asylum, nationality and customs functions), and the Independent Commission for Aid Impact (ICAI; scrutinises aid spending).

The EU Asylum, Migration and Integration Fund (AMIF) has been a major source of funding for regional and local projects. AMIF funding is managed by the Home Office European Funding Team.<sup>6</sup> After the UK's exit from the European Union, UK entities are no longer able to apply for this funding stream, but funding continues for ongoing projects until the planned end date (UK Home Office, 2022).

Another, rapidly expanding, key source of funding has been the UK's Official Development Assistance (ODA). This refers to aid intended to promote the economic welfare and development of developing countries. UK ODA is reported under international rules set by the Organisation for Economic Co-operation and Development (OECD), of which the UK is a member. This funding is subject to a '12-month rule': i.e., no costs beyond 12 months after an asylum seeker arriving in the UK are deemed ODA-eligible (House of Commons Library, research briefing no.9663, 2023; ICAI 2023). Under international aid rules, some of the costs of hosting refugees can count towards the aid budget for the first 12 months of their stay in the UK. This also includes basic subsistence costs, such as food and accommodation (ICAI, 2023).

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<sup>6</sup> <https://www.gov.uk/government/publications/asylum-migration-and-integration-fund-programme/model-national-programme-amif-accessible-version>, accessed 02/09-2023.

In 2020, the Foreign and Commonwealth Office (FCO) was merged with the Department for International Development (DfID) to create the Foreign, Commonwealth and Development Office (FCDO). Since then, a growing amount of UK aid, previously directed towards overseas development aid, has been diverted towards 'in-donor' expenses and spent on UK-based asylum seekers and refugees, with spending increasing from 3.2% of the aid budget to 28.9% (House of Commons Library, research briefing no.9663, 2023). The ICAI has found this represents poor value for money for taxpayers, that there is no effective oversight of the spending, that it has 'had a severely negative impact on the UK's aid budget,' and that it has taken support away from populations in developing countries (ICAI 2023).

## 3.1 Public organisation and funding prior to 2015

### 3.1.1 National organisational structure

The UK Government's Home Office was responsible for asylum policy (incl. asylum application decision making, the provision of support and accommodation for asylum seekers, and the operation of refugee resettlement schemes). The Home Office also had broader responsibilities for immigration, nationality laws and border control, and for overseeing their implementation.

The main actors involved in policy development and its enactment at national level were the Home Secretary, the Home Office (ministerial department), and the Treasury. Since 2014, the Minister of State for Immigration has been accountable for resettlement policy, implementation of the Immigration Act 2014, as well as oversight of the UK Visas and Immigration (UKVI), Immigration Enforcement, Border Force, His Majesty's Passport Office, Independent Chief Inspector of Borders and Immigration (ICIBI), Home Office immigration transparency data, and net migration statistics. Asylum tribunals fell under the mandate of the Ministry of Justice. Other government departments indirectly involved in implementation included the Department for Health & Social Care and its devolved counterparts, the Department for Education, the Department for Work and Pensions, and HM Revenue and Customs.

The national actors responsible for integration-related policies were the Home Office, the Department for Communities and Local Government (DCLG; now: Department for Levelling Up, Housing and Communities (DLUHC)), the Foreign & Commonwealth Office (FCO), and the Department for International Development (DfID) (the latter two departments were merged in 2020).

The main agencies with *specialised* responsibility for policy development and implementation for immigration were the Home Office, the UK Border Force, and UKVI. Three Home Office units were responsible for reviewing cases: Criminal Casework for foreign national offenders, the Special Cases Unit for persons posing a threat to national security, and the Status Review Unit for anyone else with indefinite leave to remain in the UK, refugee status, or British nationality.

### 3.1.2 Multilevel governance

While immigration is primarily governed by Home Office structures, policies related to integration are implemented through multilevel governance, which places some responsibilities under the remit of the four constitutive nations of the UK (England, Wales, Scotland, and Northern Ireland), accountable for devolved matters such as access to

services that are meant to enable the integration of asylum seekers and refugees in local communities. Other multilevel governance bodies involved in policy implementation in this period included the DCLG, which worked in conjunction with the Home Office, Treasury, and DfID.

At regional level, twelve Regional Strategic Migration Partnerships (RSMPs)<sup>7</sup> were established following the introduction of a regional dispersal policy in 1999 for people seeking asylum. These are Local Authority-led partnerships funded by, but independent of, the Home Office, and whose role is to coordinate and support delivery of national asylum and refugee policies as well as agreed regional and devolved migration priorities. At local level, responsibilities for integration measures lie with Local Authorities (LA), who can decide whether to opt-in to central government resettlement schemes and whether to take part in the asylum dispersal system (see Section 4 for details).

### 3.1.3 Non-public actors: departmental changes, privatisation, and the importance of the third sector

Until 2012, the UK government had contracted the provision of asylum seeker accommodation to a mixture of consortia of Local Authorities, social housing associations, and private providers. From 2012, this changed to just three private contractors: the multinational security services company G4S, the international services company Serco, and the accommodation partnership Clearel (later renamed Clearsprings Ready Homes). The contracts, collectively known as COMPASS (Commercial and Operating Managers Procuring Asylum Support), marked a significant shift in the landscape of asylum support in the United Kingdom and were rolled out in a broader context of austerity measures, including cuts to the then UK Border Agency (Darling 2022, 64ff).

Many issues were reported early on in the contracts, including poor housing conditions, lack of clear communication with those in asylum support, complex systems of subcontracting, and moves at short notice (National Audit Office 2014a). The Public Accounts Committee also raised concerns about the Home Office's failure to ensure the safety and security of 'vulnerable people' in the asylum system (Public Accounts Committee 2020, 7).

(Berg and Dickson 2022, 8)

The UK has an active civil society and charity sector and the asylum accommodation and support system has for decades relied heavily on organisations and individuals to support refugees and people seeking asylum (Griffiths, Sigona, and Zetter 2005), but these were not officially part of the UK government's policy implementation structure. This was also the case for the involvement of private individuals and households prior to the refugee crises responses of 2015-16 and 2022-23.

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<sup>7</sup> RSMPs include the following regions: Wales, Scotland, Northern Ireland, East of England, East Midlands, West Midlands, London, North East, North West, South East, South West, and Yorkshire & Humberside.

### 3.2 Organisational and financial response in 2015/16

Since 2014, the Minister of State for Immigration has been responsible for: resettlement policy, including the operation of Home Office resettlement programmes (including: the Syrian Vulnerable Persons Resettlement Scheme; the Gateway Protection Programme; the Mandate Resettlement Scheme; and the Vulnerable Children's Resettlement Scheme; see sections 3 and 5 for details of these schemes); implementation of the Immigration Act 2016; UKVI; Immigration Enforcement; Border Force; His Majesty's Passport Office; ICIBI; Home Office immigration transparency data; net migration statistics.

### 3.3 Organisational and financial response in 2022/23

As well as responsibilities outlined above, the Minister of State for Immigration is currently also responsible for Windrush (see section 3.2.1); Future Borders and Immigration System (FBIS) and Border Strategy 2025; Border Force operations; Home Office interests in free trade agreements; illegal migration and asylum, including: small boats policy (operations with the Ministry of Defence); asylum decision making and accommodation; returns and removals, including third country agreements; detention estate.

The Minister of State for Refugees is currently responsible for: Safe and legal routes and resettlement, including: Ukraine Family Scheme; Homes for Ukraine; Afghan Citizens Resettlement Scheme; Afghan Relocation and Assistance Policy; Hong Kong BN(O) visa route (not discussed in this report); please see section 5 for details on these schemes.

## 4 Permits and connected rights

### 4.1 Protection statuses and connected rights before 2015

#### 4.1.1 Protection statuses and connected rights

The four main statuses issued in the UK, which were already in place in the pre-2015 period, are: Refugee, Humanitarian protection, Discretionary leave to remain, and Indefinite leave to remain.

**'Refugee permission'** is granted to people who meet the 1951 Convention's legal definition of a refugee. The Refugee Convention (Article 1A(2)) defines refugees as any person who, 'owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country' (UN General Assembly, 1951). The UK Government retains the power to refuse refugee status if exclusion clauses apply, e.g. with relation to security or criminal issues (Immigration Rules paragraphs 334, 339AA-AC). Individuals with refugee status receive a 5-year residence permit after which they can apply for 'Indefinite leave to remain' (UK Home Office, 2023).

**Subsidiary protection** can be given to people who do not meet the 1951 Convention's legal definition of a refugee but are still in need of international protection. Across the EU, the Qualification Directive provides subsidiary protection for those facing the following threats if returned to their country: (1) the death penalty or execution; (2) torture, inhuman or degrading treatment or punishment; or (3) threats from an international or internal armed conflict. The UK uses the legal term 'Humanitarian Protection' to meet this Directive (UNHCR, 2023).

Specifically, **'Humanitarian Protection'** (2003-present) is granted to a person who does not require protection for reasons covered by the Refugee Convention but who would, if removed, face a real risk to life or person in the country of origin or country of former habitual residence. These risks include a threat to life (for example from the death penalty, unlawful killing), torture, inhuman or degrading treatment; or serious threat by reason of indiscriminate violence in situations of international or internal armed conflict. Where humanitarian protection is granted, leave to remain is usually granted for a period of five years (where exceptional circumstances exist, indefinite leave to remain may be granted). After five years, the claimant can apply for settlement protection (indefinite leave to remain). Individuals who are granted HP are allowed to work and study, and have access to public funds (e.g. health care, benefits). If they were in receipt of asylum support, cash payments will stop 28 days after the decision, and they will also have to move out of any asylum support housing (UK Home Office, 2023).

In addition to Refugee and Humanitarian Protection, temporary protection can also be granted under **'Discretionary leave to remain'** (2003-present; preceded by 'Exceptional leave to remain', discontinued in 2003). 'Discretionary leave to remain' is granted to individuals who do not qualify for international protection (asylum or Humanitarian Protection) but who are able to demonstrate particularly compelling reasons why removal would not be appropriate. The period of leave granted is determined on a case-by-case basis but would not normally be for more than 30 months (two and a half years) at a time. Prior to July 2012, an individual would have been granted a leave period of 3 years. An initial grant of

Discretionary leave does not mean that the claimant will be entitled to further leave or settlement; this is subject to a review of the claimants' circumstances. Individuals granted discretionary leave are allowed to work and study (some conditions apply), and have access to public funds (e.g. health care, benefits) (UK Home Office, 2023 and UNHCR, 2023).

Later introductions include 'Leave to remain under family or private life rules' (July 2012-present), and 'Leave outside the rules' (April 2013-present), with different sets of rights.

**'Leave to remain under family or private life rules'** grants leave to remain in the UK on the basis that the applicant has established a private life in the UK. In order to be eligible to apply for leave to remain on the basis of private life in the UK, they must have resided continuously in the UK for at least 20 years or be able to demonstrate that there are very significant obstacles to their integration in the country to which they would return. For young people aged between 18 and 24, the applicant must have resided continuously in the UK for at least half of their life, and for children aged under 18, the applicant must have resided continuously in the UK for at least 7 years and show that it would not be reasonable to expect them to leave the UK. Applicants can only apply for this route from within the UK. Applicants are granted leave to remain for a period of 30 months, on a 10-year route to settlement. This grant of leave is normally subject to a condition of no recourse to public funds, unless there are exceptional circumstances (e.g., the applicant is destitute, or compelling reasons relating to the welfare of a child) (UK Home Office, 2023).

**'Leave outside the rules'** is granted in exceptional circumstances, on compelling compassionate grounds, which mean that a refusal would result in unjustifiably harsh consequences for the applicant or their family, but which do not render refusal a breach of ECHR Article 8, Article 3, the Refugee Convention, or other obligations. The period of leave granted depends on the case, that is, it will be of a duration that is suitable to accommodate or overcome the compassionate compelling grounds raised. Most successful applicants would require leave for a specific, often short, one-off period; indefinite leave to enter or remain can be granted where circumstances warrant it, but such cases are rare. Applicants who are granted leave outside the rules are not considered to be on a route to settlement (indefinite leave to remain) unless leave is granted in a specific concessionary route to settlement (UK Home Office, 2023).

**'Indefinite leave to remain'** accords the same rights as settled citizens and, in theory, there is no time limitation to a person's length of stay in the UK. This could either be granted immediately or after satisfaction of a continuous residence requirement.

#### 4.1.2 Unaccompanied asylum-seeking children

Grant of protection for unaccompanied children was introduced in 2013. An Unaccompanied Asylum Seeking Child (UASC) is a person under 18, or who, in the absence of documentary evidence establishing age, appears to be under that age, is applying for asylum in their own right, is separated from both parents, and is not being cared for by an adult who in law or by custom has responsibility to do so. UASC Leave (2013-present) is granted to UASCs who do not qualify for refugee status or humanitarian protection, if they are under 17.5 years old and cannot be returned because there are no adequate reception arrangements in the country to which they would be returned. Prior to April 2013, a UASC may have been granted 'discretionary leave'. UASC leave is granted for a period of 30 months or until the child turns 17.5 years old, whichever is shorter (UK Home Office 2023).

### 4.1.3 Voluntary and temporary returns

Protection beneficiaries were allowed to travel outside the UK using a 'convention travel document' until 2014. However, changes made to the Immigration Act of 2014 expand the scope for migrants, including refugees, to lose their settlement status. Even after a refugee's application for Indefinite Leave to Remain in the UK is approved, rights of residence may be revoked, not only for reasons related to criminality or deception, but also based on the refugee's own acts indicating that they have re-availed themselves of another country's protection (Schultz and Kaytaz, 2021, 20). This implies that people who actively maintain transnational ties, and by extension their dependents, risk losing the right to remain in the UK (Schultz and Kaytaz, 2021, 24).

## 4.2 Developments in protection statuses and connected rights in 2015/16: Vulnerable Persons Resettlement Scheme (VPRS), the 'hostile environment', and the Brexit vote

### 4.2.1 Protection statuses and connected rights

Higher influxes of protection seekers into Europe prompted changes in the form of UK policy adjustments that targeted specific groups. This resulted in the introduction of the **Vulnerable Persons Resettlement Scheme (VPRS)** (2014-2021), initially aiming to specifically provide protection for vulnerable individuals and families from Syria. In 2017, the scheme was extended to neighbouring Middle East and Northern Africa (MENA) countries affected by the conflict. In addition, the **Vulnerable Children Resettlement Scheme (VCRS)** (2016-2021) aimed to grant protection to refugee children from MENA countries and their family members [see Section 5 for details and analysis].

In the same period, a series of restrictive measures were introduced. These had been part of government discussions as early as 2012 and were therefore not a direct result of the 2015-16 refugee crisis. The Immigration Acts of 2014 and 2016 targeted irregular immigrants through a complex set of policy measures collectively called the '**hostile environment**', which aimed at making the life of 'illegal immigrants' so difficult that they would be incentivised to leave the UK of their own volition. At the same time, they were intended to serve as a deterrent for those considering migrating to the UK (Oliver 2014, Somerville and Walsh 2021).

Crucially, these policies include obligations – and attach penalties for non-compliance – on public and private individuals, businesses, and service providers (e.g., banks, landlords, employers, car rental companies, GP receptionists and healthcare workers, education institutions, social workers, and other service providers) to only provide services to individuals who are able to demonstrate their legal status. The immigration enforcement regime thus extends into everyday social life (Yuval-Davis, Wemyss, and Cassidy 2017). The hostile environment policies were introduced in a context of austerity measures that saw Local Authority budgets cut by up to 37% from 2010-11 to 2015-16 (National Audit Office 2014b, 4); taken together, the hostile environment and austerity created a complex landscape of mutually compounding policies (Berg 2019, 185), which have disproportionately

and negatively affected racialised and ethnic minorities, including refugees and those seeking asylum (Jones et al. 2017).<sup>8</sup>

The background to the hostile environment policies was a government pledge to drastically reduce immigration to the UK including restrictions on the free movement of EU citizens. The policies led directly to the 2018 Windrush scandal, whereby British citizens predominantly from the Caribbean (referred to as the Windrush generation), who lacked paperwork to prove their citizenship, were treated as irregular migrants and sanctioned with impositions that resulted in homelessness, denied access to health care, poverty and indebtedness, and cases of wrongful deportation (Gentleman 2019). In response to the scandal, the government renamed the policy approach as 'the compliant environment' but did not change the substance of policies.

Following the 2016 Brexit vote and **2020 Withdrawal Agreement**, EU citizens' free movement and exemption from UK immigration control ended. The UK is no longer part of the Common European Asylum System, so is no longer eligible for 'Dublin Regulations' schemes involving the transfer of asylum seekers between EU member states or access to the fingerprint database of people who have illegally entered or made an asylum application in other EU countries (Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020).

A temporary measure in the same time-period, specifically in the first two quarters of 2019, was the so-called **Calais Leave**. This was granted to individuals who, as part of the clearance of the Calais camp in October 2016, were transferred to the UK to reunite with family but did not qualify for international protection (such as refugee status or humanitarian protection). Those granted Calais leave, and their dependants who received leave in line, received a residence permit with a validity of 5 years. Calais leave is a separate form of leave to Section 67 of the Immigration Act 2016 leave as described in section 3.2.2) (UK Home Office, 2023).

#### 4.2.2 Unaccompanied asylum-seeking children (UASC) and the Dubs amendment

The increase in arrivals of UASC in 2016 led to considerable media attention (Rosen and Crafter 2018) and calls to ease 'the burden' on Local Authorities where most migrants, including UASC, arrived. Section 67 of the Immigration Act 2016, known as the 'Dubs amendment', after Lord Dubs, committed the government to transfer unaccompanied UASC from Europe to the UK to be reunited with family members in the UK (IRC 2020). Those transferred under section 67 claimed asylum on arrival in the UK. If their claim was successful, they received refugee status, if it was unsuccessful, they received **Section 67 leave**. UASC transferred after October 2019 were all granted Section 67 leave and were eligible to claim asylum (UKVI 2020). The scheme terminated in July 2020 after 480 children had been transferred to the UK (UKVI 2020).

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<sup>8</sup> The policies have been widely criticised, see, e.g., End of Mission Statement of the United Nations Special Rapporteur, E. Tendayi Achiume, at the conclusion of her visit to the UK in May 2018: <https://www.ohchr.org/en/statements/2018/05/end-mission-statement-special-rapporteur-contemporary-forms-racism-racial?LangID=E&NewsID=23073>, paragraphs 28 and 29, consulted 29/08-2023.

### 4.2.3 Voluntary and temporary returns

As specified above, a travel document (i.e. a document which is not a passport, allowing a person to travel outside the United Kingdom) is issued by the Home Office to a person who is a refugee, stateless, or cannot obtain or use a passport issued by their own country (Immigration and Nationality (Fees) Regulations 2015). However, individuals risk losing their protection status if they return to their own country following a further reinforcement of restrictive measures, including safe return reviews. These provide the basis for the cessation of refugee status under the 1951 Refugee Convention (Immigration Rules, paragraph 339A), when it is deemed safe to return protection holders to their home country, rather than offer settlement in the UK. According to the Home Office, active safe return reviews were introduced in February 2016 (Schultz and Kaytaz 2021, 20).

## 4.3 Developments in protection statuses and connected rights in 2022/23: new restrictions, outsourcing and unequal treatment, and erosion of the right to asylum

### 4.3.1 Protection statuses and connected rights

#### **The Nationality and Borders Act (2022) and the Illegal Immigration Act (2023)**

Recent developments have introduced differential treatment of people fleeing similar conditions, and potentially being from the same country or even the same town on the basis of how they reach the UK, rather than in consideration of the reasons which have prompted their departure, placing the emphasis strictly on procedures and away from underlying motivations and conditions. This major change in legislation is enshrined in the recent Nationality and Borders Act 2022, which came into force on 28 June 2022.

At present, refugee status (previously known as ‘asylum’) is granted to asylum applicants to recognise that they have a well-founded fear of persecution in their country of origin or country of former habitual residence for reasons of race, religion, nationality, political opinion or membership in a particular social group,<sup>9</sup> while, in addition to refugee status, refugee permission to stay is granted where the asylum applicant meets the requirements of Section 12(2) and (3) of the Nationality and Borders Act 2022. Although where refugee status is granted, permission to stay in the UK is normally granted concurrently (UK Home Office, 2023), this differentiation has opened up new pathways for legalised unequal treatment.

For asylum applications made before 28 June 2022, permission to stay is usually granted for a period of five years. However, for those who applied on or after this date, Section 12 of the Act contains the power to differentiate between two groups of refugees and to treat each group differently by offering different entitlements. Such entitlements include length of permission to stay, route to settlement, access to family reunion, and recourse to public funds. Individuals who come to the UK directly, claim asylum without delay, and are able to show good cause for any illegal entry or presence, will be recognised as Group 1 refugees ('Refugee Permission') (under paragraph 339QA of the Immigration Rules). Those who fail to

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<sup>9</sup> Under paragraph 334, Part 11 of the Immigration Rules, in line with 1951 Convention rules.

meet one or more of these requirements will be Group 2 refugees ('Temporary Refugee Permission') and will be given lesser entitlements as a result (UK Home Office, 2023).

**Group 1 refugees** are granted asylum with a minimum of five years' leave (permission to stay in the UK) after which they may apply for permanent residence. **Group 2 refugees** by comparison, are granted a minimum of 30 months (2.5 years) leave (under paragraph 339QB of the Immigration Rules) but are only able to apply for permanent residence after 10 years under the Long Residency Rules (Section 12(2) and (3) of the Nationality and Borders Act 2022).

Both Group 1 and Group 2 refugees are allowed to work and study. However, only Group 1 refugees have secure access to family reunion. Group 2 refugees are only eligible to sponsor under refugee Family Reunion if they meet the requirements in the Rules, there are insurmountable obstacles to the family living together anywhere other than in the UK, and a refusal of their application would breach the UK's obligations under Article 8 of the ECHR. For both Groups, if they were in receipt of asylum support, cash payments will stop 28 days after the decision is taken and they will also have to move out of any asylum support housing.

A fundamental node in the erosion of the right to claim asylum is the lowering of the threshold by which such right can be legally withdrawn by the UK Government. Under international refugee law, refugees with a criminal conviction may lose the benefits of status under limited circumstances (serious offences or threats to national security). The Nationality and Borders Act lowered the threshold for revocation of refugee status, so that refugees who have been convicted and sentenced to 12 months' imprisonment may be removed, compared to the existing requirement that the crime is punishable by a sentence of two years (Schultz and Kaytaz 2021, 22). Crucially, illegal entry itself can result in a serious crime conviction and a 12-month sentence, which gives the Government legal justification for deportation on the grounds of illegal entry alone (Schultz and Kaytaz 2021, 8, Somerville and Walsh 2021).

### **The impact of Brexit and new plans to outsource asylum processing to Rwanda**

Following the Brexit Withdrawal Agreement (31<sup>st</sup> December 2020), the UK government immediately (January 2021) set to replace the Dublin Regulations pertaining to transfers of asylum seekers between EU member countries. New rules provided scope for removals to safe third countries, in those cases in which an asylum seeker has arrived in the UK via a safe third country where they could reasonably have applied for asylum (NAO 2023, 21). As a result, removal of asylum seekers, either 'to the safe country of most recent embarkation', or 'to alternative safe third countries' that will admit them, is permitted (Immigration Rules, paragraphs 345A-345D). This set the basis for further legislation on removal to a safe third country, which resulted in the controversial UK-Rwanda partnership agreement (NAO 2023, 7). The UNHCR has raised serious concerns about the agreement and declared it 'incompatible with the letter and spirit of the 1951 Convention'.<sup>10</sup>

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<sup>10</sup> <https://www.unhcr.org/uk/media/unhcr-analysis-legality-and-appropriateness-transfer-asylum-seekers-under-uk-rwanda>, section 26, accessed 29/08-2023.

## **Support for Ukrainians through bespoke schemes outside the asylum system**

Meanwhile, in response to Russia's full-scale invasion of Ukraine in February 2022, the UK government introduced three visa-based schemes which allow Ukrainians and certain family members to come to the UK: through joining family in the UK via the Ukraine Family Scheme (UFS), launched on 4 March 2022; or to live with independent UK sponsors via the Ukraine Sponsorship Scheme also known as Homes for Ukraine (HfU) with an expected sponsorship commitment of at least six months, launched on 18 March 2022; and for those already in the UK on student, seasonal work, or other temporary visas to extend their stay via the Ukraine Extension Scheme (UES), launched on 3 May 2022 [see Section 5 for details and analysis].

These new immigration routes provide the right to stay in the UK for an initial three-year period, including the right to work and study, recourse to public funds and means-tested benefits. Unlike the swift activation of the EU Temporary Protection Directive, the UK's multi-scheme response took two months to be pieced together and included various iterations of the schemes to make them gradually more inclusive following criticism and pressure from the public, charities, journalists, and individual MPs (Vicol and Sehic 2022, 11). The Ukraine-specific schemes do *not* confer refugee status on protection seekers, and anyone entering or remaining in the UK under the three schemes, will *not* enter the asylum or dispersal system.

The HfU scheme allows applications of Ukrainian children and minors under the age of 18 not travelling with or joining a legal guardian in the UK subject to a notarised parental consent and strict sponsor checks. Except in exceptional circumstances, there should have been a suitable, pre-existing relationship between the sponsor and the parent or legal guardian before the start of the conflict, i.e. the sponsor should be personally known. Sponsors are required to commit to hosting the minor for the entire period of three years of their permission to stay in the UK or until they turn 18 and the sponsorship has lasted for a minimum of six months, as per the expected sponsor commitment under HfU. Sponsors are expected to provide support for the transition into adult life when the sponsorship arrangement comes to an end (UK Department for Levelling Up, Housing and Communities 2022).

### **4.3.2 Voluntary and temporary returns: stark differences between statuses**

Rules about travelling outside the UK depend on whether those granted protection have Humanitarian Protection or Refugee status, with completely separate rules for those on the Ukraine visa schemes.

Humanitarian Protection status holders can travel on their valid national passport and must bring their British Residence Permit (BRP) or apply for a Home Office Travel Document if not in possession of a valid passport. Those with Refugee status cannot travel on their national passport (even if still valid), as this may impact their refugee status, so they need to apply for a Home Office Travel Document. However, the Home Office Travel Document is not valid for travel back to the home country. Those with Discretionary Leave to Remain are allowed to leave the UK and re-enter freely at any time in most cases. The exception to this rule is where Discretionary Leave to Remain is only granted for 6 months or less. In this case, if the individual travels outside the UK, their period of limited leave may lapse (UK Home Office and UK Visas and Immigration 2019).

Those on Refugee, Humanitarian Protection or Discretionary Leave protection status who apply for Indefinite Leave to remain must not travel outside the UK, Ireland, the Channel Islands or the Isle of Man until they get a decision. Their application will be withdrawn if they do (UK Government 2023a).

Those previously on Refugee, Humanitarian Protection, or Discretionary Leave protection status whose Indefinite Leave to remain is approved, can travel outside the UK with a Home Office Travel Document, but can lose their Indefinite Leave if they: a) travel back to the country they sought asylum from, or b) stay outside the UK for more than 2 years (they may need to apply before they can return to the UK) (UK Government 2023a).

Those who have arrived in the UK under any of the schemes for Ukrainians can leave the UK on their national passports and return as many times as they like, generally up to one month each time (with exceptions made for death of a close family member or medical treatment), within the 3-year visa period (Ukrainian Refugee Help 2023). If they are in receipt of welfare benefits, rules apply, e.g. Universal Credit or Pension Credit: up to 4 weeks at a time without losing benefits but they must notify the Job Centre/Pension Credit helpline about departure and return, to avoid risk of committing benefit fraud. If travels abroad last longer than 4 weeks, Universal Credit claims may stop, but it is possible to submit a new claim on return, and in some circumstances, claimants may receive some money for the time spent abroad. If a visa-holder is only claiming Child Benefit, up to 8 weeks without losing benefits are permitted.<sup>11</sup> Evidence from interviews with third sector providers and Ukrainian visa-holders in a qualitative study by Berg, Zschomler, and Billings, suggests that Ukrainians are travelling back and forth to visit and care for family members, to look after property, and to gauge the possibility of permanent return. Third sector organisations have expressed concern that some Ukrainians who arrived on the HfU scheme are being pushed to return because they are unable to find affordable accommodation in the UK after the end of the hosting period.<sup>12</sup>

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<sup>11</sup> <https://ukrainianrefugeehelp.co.uk/going-back-to-ukraine/#benefits-limit>, accessed 30/08-2023.

<sup>12</sup> <https://solidarities.net/ukrainian-refugees-project/>

## 5 Registration and accommodation during the application process

### 5.1 Procedures and accommodation before 2015: Privatised asylum dispersal accommodation provision and Home Office delays

Prior to 2015, applications for asylum could be made at a point of entry (seaport or airport) and inside the UK at the asylum screening unit of the UK Border Agency in London. Asylum claims at diplomatic missions were not accepted and there was no basis in the Immigration Rules for giving entry clearance to individuals to come into the UK to claim asylum, and until the 2020 Withdrawal Agreement, the UK was part of the Dublin Procedures. In other words, the rules made it difficult to reach the UK to apply for asylum via safe and legal routes.

Once an application had been submitted, a caseworker would conduct a screening interview and consider whether the asylum seeker met the criteria for Convention refugee status, Humanitarian Protection, or Discretionary Leave, in that order. Upon completion of the screening process, which included the collection of biometric data, the asylum seeker would be routed into the Detained Fast-Track procedure (when following screening an application appeared to be one that may be decided quickly), referred to a regional team at the UK Border Agency for substantive consideration of the asylum claim, or routed through the Third Country (Dublin) procedures. Fast-track procedures could result in a decision within seven to fourteen days after entry, or the transferring of the application to the normal procedure if it was no longer deemed suitable for the fast-track process. If the claim resulted in a negative decision, it could be followed by assisted voluntary return/removal, or suspensive appeal to the Immigration and Asylum Tribunal. Asylum applicants could also apply for reconsideration of the determination via a 'High Court opt-in'. However, in most cases where the appeal was dismissed, the applicant's appeal rights were exhausted within 28 days of the decision being served. If there had been an error of law, there was the possibility to appeal against a Tribunal decision. In exceptional cases, the appeal would reach the Court of Appeal (IGC 2012).

The UK's policy of dispersal was introduced by the *Immigration and Asylum Act 1999*. Support can be for accommodation and/or subsistence. This is means-tested and based on a destitution assessment (UK Home Office 2022, 2023 and 2023e, 2023g, 2023h). The national government makes provisions for initial accommodation, dispersal accommodation, and contingency accommodation under the following rules: **Section 95** provides support for asylum seekers who have an asylum claim or appeal outstanding, and failed asylum seekers who had children in their household when their appeal rights were exhausted. **Section 98** is the temporary provision of accommodation for asylum seekers who would otherwise be destitute and who are: a) awaiting a verdict on their section 95 support application; b) receiving section 95 support but are waiting to be allocated their dispersal accommodation. **Section 4** support is available when an asylum application has been finally determined as refused but the asylum seeker is destitute and there are reasons that temporarily prevent them from leaving the UK (UK Home Office 2023e, Right to Remain 2023). Asylum seekers can apply for support while waiting for their claim (or appeal) to be considered. If provided, accommodation is offered on a 'no choice' basis in a dispersal area, i.e. away from London and the South East (Politowski and McGuinness, House of Commons Library 2016).

## 5.2 Policy response in 2015/16: Shortcomings in the COMPASS contracts and delivery

Under the VPRS resettlement scheme introduced in 2014 (see section 3.2.1), screening of refugees from Syria and MENA countries was carried out by the International Organisation for Migration (IOM). The UK retained the right to set the criteria to be considered by the UNHCR to identify and submit potential cases for consideration, as well as the right to reject claims on security, war crimes, or other grounds. Upon completion of the screening process, a full medical assessment was conducted by IOM in the host country. Full details of the case and medical history were then sent to a Local Authority that was part of the dispersal system for assessment of need, including whether suitable accommodation and care were available locally. Eligibility was then confirmed, and IOM started the visa application process. UKVI issued the visas (3 months Leave Outside of the Rules), and on arrival, arrangements were made for Biometric Residence Permits to be issued with 5 years' Humanitarian Protection (changed to Refugee Leave in 2017) (UK Home Office 2017).

With regards to accommodation, the COMPASS contracts were still active in this period. The procurement of a replacement began formally in November 2017, following inspections that highlighted the failure to deal with properties in substandard, unsanitary, or unsafe conditions. This also coincided with calls for a fairer and more equitable dispersal system, due to issues of clustering and uneven dispersal that were placing pressure on those local authorities and communities which had volunteered to support asylum seekers. In a 2018 report, the House of Commons Home Affairs Committee found deepening mistrust of the Home Office by Local Authorities due to pressures on dispersal areas and the Home Office's lack of consultation and collaboration with Local Authorities (House of Commons Home Affairs Committee 2018, 3).

Less than half of all local authorities in the UK, 180 of 382, have agreed to become 'dispersal areas' and the policy is interpreted differently in different local areas [...] Dispersal areas are places where 'there is a greater supply of suitable accommodation,'<sup>13</sup> which in practice means cheap or hard-to-let housing, often in deprived small towns and rural areas in decline, with few services and poor public transport. The quality of accommodation has been repeatedly criticised (House of Commons Home Affairs Committee 2018; Public Accounts Committee 2020; British Red Cross 2021). Concerns have been raised about the policy potentially 'undermining the support and consent of local communities' (House of Commons Home Affairs Committee 2018, 3-4). (Berg and Dickson 2022, 7)

## 5.3 Policy response in 2022/2023: New contracts and a patchwork approach<sup>14</sup>

Legislative changes and the new special schemes for Ukrainians have further entrenched the differentiated processes and access to support for different groups of protection seekers. It is

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<sup>13</sup> Memorandum of Understanding between Local Government and the Home Office as of October 2019: <https://www.local.gov.uk/sites/default/files/documents/MOU%20between%20Local%20Government%20and%20Home%20Office%20October%202019%20WEB.pdf>.

<sup>14</sup> Parts of this section are based on Berg and Dickson (2022). See also, [https://solidarities.net/wp-content/uploads/2022/06/Report\\_Online.pdf](https://solidarities.net/wp-content/uploads/2022/06/Report_Online.pdf)

important to emphasise that Ukrainians do *not* enter the asylum system at any point (see section 3.3.1).

The UNHCR screening carried out by the IOM for refugees on resettlement schemes, and the regular in-country asylum procedure conducted by the Home Office are still in place. The COMPASS contracts have been replaced with new 'Asylum Accommodation and Support Contracts' (AASC) and 'Advice, Issue Reporting and Eligibility' (AIRE) services contracts, which run until 31 August 2029 (UK Home Office 2019a). The AASC was divided into seven regional contracts and awarded to Serco, Clearsprings Ready Homes, and Mears, a housing and social care provider. Following the introduction of the new contracts, there was a significant increase in the use of 'contingency accommodation', such as hotels and hostels, to accommodate people (Asylum Matters and Refugee Action 2020; Public Accounts Committee 2020).

The AIRE contract was awarded to the third sector organisation Migrant Help. The stated aim of the AIRE contract is to 'provide impartial and independent information, advice, guidance and assistance to help Service Users to understand and navigate the Asylum Support System effectively' (UK Home Office 2019). Research and evidence from third sector organisations has shown that people in the asylum system find it difficult to access advice and support via the helpline, and instead seek support from locally-based third sector organisations (Berg and Dickson 2022) who are stepping in to 'fill the gaps' (Mayblin and James 2019).

Both AASC and AIRE are ODA-funded. As in previous periods, in less frequent cases where an asylum seeker can independently secure accommodation (e.g. via a connection in the UK), they can apply for a subsistence-only entitlement.

Following new legislation (see section 3.3.1), decisions on asylum claims are now directly linked with mode of entry with important implications for subsequent stages. Applications can be made at a port (to UK Border Force), on territory (to UKVI), or from Detention (to the Home Office). The process entails a screening interview (Home Office gathers personal information and decides whether to detain), a substantive asylum interview (fully detailed interview that can last several hours), and a decision, which the Home Office aims to send by post within 6 months, but in reality waiting times for asylum decisions are long. The share of asylum applications that received an initial decision within six months fell from 87% in the second quarter of 2014 to 6% in the second quarter of 2021.<sup>15</sup> This means that many people spend months and even years in dispersal accommodation in enforced destitution, barred from work and with very limited opportunities to rebuild their lives (Hewett and The Refugee Council 2021).

Complex sub-contracting arrangements are still being used, and reports of poor housing conditions have continued (Asylum Matters and Refugee Action 2020). The Public Accounts Committee has found the Home Office to be 'unacceptably vague about its plans to improve services' and that it 'lacks an effective line of sight into how services are delivered locally' (2020, 3).

A positive outcome results in grant of protection (refugee status, humanitarian protection, or discretionary leave). A negative outcome can result in either voluntary return/removal, or judicial review within 14 days. Policy changes with regards to removal to safe third countries

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<sup>15</sup> <https://migrationobservatory.ox.ac.uk/resources/briefings/migration-to-the-uk-asylum/>.

are ongoing. The Appeal Tribunals include: the Judicial Review Upper Tribunal (if refused and certified clearly unfounded /or/ safe third country decision); First Tier Tribunal (if refused /or/ refused but treated as fresh claim following subsequent application to UKVI); Upper Tribunal (point of law only); Court of Appeal (point of law on restricted grounds); and Supreme Court (point of law public importance) (IGC 2012, ICIBI 2016, Asylum Link 2022). When considering an application for asylum support, the Home Office can refuse the application if asylum was not claimed 'as soon as reasonably practical' after entering the UK. This period is usually considered to be three days (Section 55 of the Nationality, Immigration and Asylum Act 2002), unless the applicant would be made street homeless without asylum support (Asylum Link 2022).

Other notable changes in this period regard the types of accommodation provided in support of asylum seekers. These include initial accommodation, dispersal accommodation, and contingency accommodation. Based on UK government guidance, the following rules apply: **Initial accommodation** is provided to asylum seekers who have indicated that they are unable to support themselves or their families and are therefore at risk of destitution. It is made available in order to provide shelter while a request for Asylum Support is being assessed. Occupants of Initial Accommodation who receive a positive outcome to their support request generally move to **Dispersal accommodation** (longer term) when suitable property becomes available. Dispersal accommodation is provided on a no-choice basis to asylum seekers whose claim for Asylum Support has been agreed. Occupants of Dispersal Accommodation are permitted to stay there whilst they remain eligible for Asylum Support. **Contingency accommodation** is temporary accommodation (including hotels) used when there is insufficient Initial or Dispersal accommodation available (UK Home Office 2023e, 2023g, 2023h). A considerable backlog of applications and delays in processing asylum applications have translated into prolonged stays in substandard initial or contingency accommodation. All three types of accommodation are provided by the AASC contractors, who often procure via sub-contractors.

Ukrainians who enter the UK through the newly introduced **visa schemes set up specifically for Ukrainians**, have the right to rent property in the UK from the date of arrival. However, the schemes were set up as hosting schemes, thus further entrenching the privatisation of the responsibility for the support of protection seekers. A range of 'new actors' has also emerged in response to the arrival of Ukrainians, including community groups, charities, faith groups, and other entities that have been set up to support Ukrainians and to provide 'matching' between private hosts and Ukrainians seeking to enter the UK. Existing Ukrainian support and community organisations have also stepped in to help and upscaled their work.

In contrast to what has happened with the asylum system, Local Authorities have been more involved in the response to Ukrainians arriving, and have received central government funding, e.g. to enable inspections of private homes before the arrival of Ukrainian protection seekers. The Home for Ukraine scheme is funded via ODA sources (ICAI 2023).

## 6 Settlement after granted protection

### 6.1 Policies before 2015

Beyond those beneficiaries for whom differential treatment is specified below, the general rule has been that, after having been granted protection, refugees can no longer stay in asylum accommodation and, while they can choose where to live, they have to pay for their rent or apply for government welfare support, in line with the rights of UK citizens.

It is important to note that, while Home Office documents point to the right to work or rent and access to welfare benefits as a clear extension of rights to those who have been granted refugee status, the lack of support in transitioning from the asylum application stage to settlement after being granted protection often creates considerable difficulties. After being granted protection, refugees have only 28 days to move on, despite numerous reports, including by oversight bodies, calling for an extension of this time period so that it is realistically feasible (APPGR 2017).

Additionally, this concession of rights is to be viewed in the context of austerity measures since 2010, which have gradually eroded the capacity of Local Authorities to deal not only with refugee settlement, but also with the provision of services for settled citizens, as well as with an increasingly inequitable commodification of public goods.

Prior to 2015, a number of settlement schemes were implemented for granting protection to specific groups of people, regardless of nationality. These include the following:

**The Mandate Resettlement Scheme (1995-present)** resettles UNHCR-recognised refugees from anywhere in the world who have a close family member in the UK, who is willing and able to accommodate them. The UK relative does not need to hold refugee status. Individuals who are resettled are granted Indefinite Leave to Remain and are to be supported by their family sponsors. They have an immediate right to work and have full entitlement to mainstream benefits (if they meet the relevant eligibility criteria for said benefits) [UK Home Office, 2023].

**The Gateway Protection Programme (2004-March 2020)** aimed to resettle 750 refugees per (financial) year who had been living in a protracted refugee situation for over five years and offered support to those with an urgent need for resettlement. This scheme was later replaced by the UK Resettlement Scheme (February 2021-present). Individuals who were resettled through this scheme were granted refugee status and provided with a twelve-month package of housing and integration support. After 5 years of continuous residency, refugees are eligible for Indefinite Leave to Remain [Home Office, 2023].

Source: UK Home Office, 2023.

### 6.2 Response and policy changes in 2015/16

A defining feature of the UK's response to refugee arrivals has been the differential treatment of protection seekers from different groups for whom distinct resettlement schemes were put in place, and protection seekers from other countries.

**The Vulnerable Persons Resettlement Scheme (January 2014-February 2021)** was launched with the aim of resettling Syrians fleeing the conflict in their country. It was expanded in September 2015 with a target to resettle 20,000 Syrians in need of protection (in addition to those already settled by the scheme up until that point). In July 2017, the scope was extended to include refugees of other nationalities, who lived in the Middle East and North Africa (MENA) region (specifically: Egypt, Iraq, Jordan, Lebanon and Turkey), and who also fled the conflict in Syria (i.e., after March 2011).

In parallel, and with similar rights specifications, the **Children's Resettlement Scheme** (April 2016-February 2021) aimed to resettle up to 3,000 'at-risk' refugee children and their family members from the MENA region. Prior to July 2017, those arriving under these two schemes were granted five years' Humanitarian Protection. From July 2017, new arrivals were granted five years' refugee leave, which affords individuals more entitlements under the law. Those resettled prior to July 2017 may request to change their status from Humanitarian Protection to refugee status. Upon arrival, the family or individual was assigned a caseworker by the local authority, who maintained close contact for the first 12 months to support their well-being and integration. After 5 years of continuous residency, refugees are eligible for Indefinite Leave to Remain [UK Home Office, 2023]. When the scheme was terminated, 20,319 had settled in the UK under the scheme.<sup>16</sup>

**The Community Sponsorship Scheme** (2016-present) enables community groups, charities, and faith groups to support resettled refugees directly. Individuals resettled under this scheme are granted Indefinite Leave to Remain. Community sponsors under this scheme are responsible for providing practical and emotional integration support in order to enable families to rebuild their lives in safety, and to become self-sufficient members of their new community. Resettled refugees have immediate right to work and access to mainstream welfare benefits (if they meet the relevant eligibility criteria for said benefits) [UK Home Office, 2023]. In August 2023, 'over 1,000 refugees' had been resettled under this scheme<sup>17</sup>

Source: UK Home Office, 2023.

Local Authorities decide if they want to participate in the dispersal system and resettlement schemes. In theory, it is at the discretion of the local authority to decide how many, when, and how asylum seekers and refugees in its locality will be resettled. However, the extent to which this is applied in practice is contested by evidence that local authorities are often overruled by Home Office decisions and mistrust of the Home Office by Local Authorities (House of Commons Home Affairs Committee 2018, 3, 8).

For the resettlement schemes, the Home Office minimum requirements include the availability of suitable accommodation for at least twelve months and ideally two years, arrangements for greeting refugees as they arrive at the airport and transfer to the chosen accommodation, integration caseworker support for twelve months, access to English for Speakers of Other Languages (ESOL) courses from accredited providers for up to twelve months and, if necessary, translation services, as well as assistance in accessing health services, including appropriate mental health support. Funding was made available to cover

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<sup>16</sup> <https://www.gov.uk/government/publications/uk-resettlement-schemes-factsheet-march-2021/vulnerable-persons-and-vulnerable-childrens-resettlement-schemes-factsheet-march-2021>, accessed 30/08-2023.

<sup>17</sup> <https://www.gov.uk/government/news/local-communities-welcome-hundreds-of-refugee-families#:~:text=Over%201%2C000%20vulnerable%20refugees%2C%20fleeing,through%20the%20community%20sponsorship%20scheme>, accessed 30/08-2023.

these costs for Local Authorities, whereas the funding for people who have gone through the asylum system ends when status is granted, although Local Authorities have continuing responsibilities thereafter (House of Commons Home Affairs Committee 2018, 26).

There is no centralised delivery strategy, therefore different actors are involved across localities depending on local delivery models. For instance, depending on what is available in the region, some local authorities might choose to deliver all services in-house, subcontract delivery of the whole programme to third sector partners, or commission only certain elements (e.g. housing, English language classes, or integration support) to third sector organisations. With regards specifically to housing support, local authorities might use existing social housing or housing association arrangements, contract third sector organisations experienced in managing tenancies for vulnerable clients, or combine housing support with integration casework support (Local Government Association 2016, APPGR 2017).

### 6.3 Response and changes in 2022/23

The differential treatment of different protection seekers, which was a key feature of the UK's policy response to the previous refugee crisis, has been retained in the current response in the context of a tightening of the UK borders enshrined in newly developed legislation and policy, which apply more generally to all asylum seekers and refugees.

In this period, a number of existing schemes were adapted and new schemes introduced. The existing Community Sponsorship Scheme was made applicable to the case of citizens from Ukraine in need of protection, the newly introduced UK Resettlement Scheme (which replaced the older VPRS and VCRS) expanded eligibility from MENA to countries across the world. A number of Settlement Schemes specifically targeting Afghan citizens who were evacuated following the collapse of the Afghan government in 2021 and people who worked for the UK government, were created and collectively referred to as **Operation Warm Welcome**.

Community Sponsorship Scheme (ongoing, 2016 - present) [as above]  
**UK Resettlement Scheme (February 2021 – present)**. This scheme commenced on 25th February 2021, replacing the VPRS, VCRS and Gateway Protection Programme. The UKRS aims to broaden its geographical focus beyond the MENA region to expand resettlement to vulnerable refugees across the world. Individuals resettled under this scheme are granted Indefinite Leave to Remain. Resettled refugees have immediate right to work and access to mainstream welfare benefits (if they meet the relevant eligibility criteria for said benefits).

Schemes under Operation Warm Welcome:

**Afghan Citizens Resettlement Scheme Pathway 1 (January 2022 – present)**. Under Pathway 1, vulnerable and at-risk individuals who arrived in the UK under the Operation Pitting evacuation programme have been the first to be settled under the ACRS. Eligible people who were notified by the UK government that they had been called forward or specifically authorised for evacuation, but were not able to board flights, will also be offered a place under the scheme if they subsequently come to the UK. Individuals resettled under this scheme are granted Indefinite Leave to Remain but are not granted refugee status. Resettled individuals have immediate right to work and access to mainstream welfare benefits (if they meet the relevant eligibility criteria for said benefits). Those resettled under this scheme will also be able to apply for British citizenship after 5 years in the UK under existing rules.

**Afghan Citizens Resettlement Scheme Pathway 2 (June 2022 – present).** Under Pathway 2, the United Nations High Commissioner for Refugees (UNHCR) will refer vulnerable refugees who have fled Afghanistan for resettlement to the UK. UNHCR will refer individuals in accordance with their standard resettlement submission criteria, which are based on an assessment of protection needs and vulnerabilities. Individuals resettled under this scheme are granted Indefinite Leave to Remain and refugee status. Resettled refugees have immediate right to work and access to mainstream welfare benefits (if they meet the relevant eligibility criteria for said benefits) as well as access to refugee family reunion. Those resettled under this scheme will also be able to apply for British citizenship after 5 years in the UK under existing rules.

**Afghan Citizens Resettlement Scheme Pathway 3 (June 2022 – present).** Pathway 3 was designed to offer a route to resettlement for those at risk who supported the UK and international community effort in Afghanistan, as well as those who are particularly vulnerable, such as women and girls at risk and members of minority groups. In the first year of this pathway, the government is considering eligible, at-risk people for resettlement from 3 groups: British Council contractors, GardaWorld contractors, and Chevening alumni. There are 1,500 places available in the first year under Pathway 3. This number includes the principal applicants and their eligible family members. Individuals resettled under this scheme are granted Indefinite Leave to Remain but are not granted refugee status. Resettled individuals have immediate right to work and access to mainstream welfare benefits (if they meet the relevant eligibility criteria for said benefits). Those resettled under this scheme will also be able to apply for British citizenship after 5 years in the UK under existing rules.

**Afghan Relocations and Assistance Policy (April 2021 – present).** The ARAP provides for Afghan citizens who worked for, or with the UK Government in Afghanistan and their family members, and can include an offer of relocation to the UK for those who are eligible. Applicants who meet the eligibility criteria for relocation under the ARAP will have an application to the Home Office made on their behalf and will be granted entry clearance or settlement subject to biometric enrolment and security checks. Applicants already in the UK with temporary status under the ARAP can apply to convert their status to settlement. Eligible applicants will be able to bring certain family members with them to the UK.

Source: UK Home Office, 2023.

Recent policy changes have retracted some of the concessions made under the special immigration routes for Afghan citizens and family members affected by the conflict in Afghanistan (Refugee Council 2023).

People resettled who are given indefinite leave to remain under one of these schemes are likely to be eligible for housing assistance or social housing allocation, as well as being entitled to work and claim benefits. However, many people who were resettled from Afghanistan have been temporarily accommodated by the Home Office in bridging accommodation (i.e., hotels or other short-term accommodation often in out-of-the-way locations). In March 2023, the UK government announced the ending of such bridging accommodation. Following this declaration, a three months' notice will be given to beneficiaries (starting from April 2023). Government guidance states that most households in bridging hotels will not be offered accommodation, some households will receive one offer of housing (while previous rules issued in May 2022 entailed two offers and allowed for appropriate reasons for refusal). Under these new rules, other households can look for their own housing through the 'Find Your Own Accommodation Scheme' (run by the Home Office and the Department for Levelling Up, Housing and Communities) or, if unable to find accommodation, apply as homeless to a local authority. The guidance has been described as 'unclear' and the process 'unwieldy' (Earnshaw 2023). The local authority can use funding

by the Home Office to help with accessing accommodation (e.g. pay a deposit and rent in advance, help with costs of furniture, or top up the rent for a period, for instance in the case in which a person is anticipated to start working shortly), and can act as a guarantor or negotiate the waiving of some bureaucratic requirements with a prospective landlord or agency. The policy changes in a context of a lack of affordable housing nationally, has put thousands of people, including families and children, at risk of homelessness (Earnshaw 2023).

Those who were granted protection under these schemes do not lose their right to additional support provided under the resettlement scheme beyond accommodation. Nevertheless, this shows a concerning shift. Namely, while the differential treatment between people along nationality lines, which has characterised the UK response to both the 2015-16 and the subsequent 2022-23 refugee crises is maintained, there is a clear trend of gradually eroding the rights of protection seekers and recognised refugees, which is now being extended to those who were initially accorded preferential treatment.

Operation Warm Welcome has been roundly critiqued. For example, in a report by the Refugee Council, it was pointed out that in the year ending March 2023, 8429 Afghans crossed the English Channel while only 96 had been newly resettled to the UK through the resettlement schemes. Meanwhile, the Illegal Immigration Act prohibits all Afghans crossing in small boats from ever claiming asylum in the UK and earmarks them for detention and removal (Refugee Council 2023, 1).

In addition to the resettlement schemes, the UK government created three **visa schemes for people fleeing the war in Ukraine**. Unlike most other visas, the visas are free to apply for, and applicants do not have to pay the Immigration Health Surcharge to access NHS services.

**The Ukraine Family Scheme (4 March 2022-present).** This visa scheme targets those people fleeing Ukraine who are the family members of either British citizens or people with settlement in the UK. Ukrainians on temporary visas are not eligible to bring family members under the Ukraine Family Scheme. This policy requires people to apply for a visa from outside of the UK. Beneficiaries of this scheme have the right to rent property in the UK from the date of arrival.

**The Ukraine Sponsorship Scheme, also known as Homes for Ukraine (18 March 2022-present).** This scheme allows any Ukrainian citizen fleeing the conflict, or the immediate family members of a Ukrainian citizen, to come to the UK if they can find a sponsor within the community. Beneficiaries of this scheme also have the right to rent property in the UK from the date of arrival. The Homes for Ukraine visa lasts for three years.

**The Ukraine Extension Scheme (3 May 2022-present)** allows Ukrainians (or their close family members), who were in the UK on temporary visas on or before 18 March 2022 to apply to extend their stay for three years. The visa permits access to benefits, work, and study, as well as a right to rent property in the UK from the date of arrival.

People fleeing Ukraine may apply for asylum in the UK if they are not eligible for the Ukraine schemes, for example, if they do not have qualifying family members in the UK or cannot find a sponsor. However, to apply for asylum in the UK, a person must be in the UK; it is not possible to apply from outside the country.

Source: UK Home Office, 2023 and Walsh and Sumption, 2023b.

UK policy has changed several times since the invasion of Ukraine. For all three schemes, it is not clear whether visa holders will be able to extend their stay beyond three years or whether the visa will ever provide a pathway to settlement (permanent residence). Unlike in EU countries, where visa requirements for Ukrainian citizens were waived to respond to the humanitarian crisis, the UK's approach is thus more restrictive in that not all Ukrainians are automatically eligible; they need either UK family connections or sponsorship, and they must apply for a visa before arrival (Walsh and Sumption, 2023b).

The Sponsorship scheme has different arrangements in Wales, Northern Ireland, and Scotland. Wales and Scotland introduced 'super sponsor' schemes, where the governments of these nations act directly as sponsors, with local authorities finding accommodation rather than it being provided by individual sponsors. However, these super sponsor schemes have been temporarily paused (UK Home Office, 2023, Walsh and Sumption, 2023b).

According to the Home Office (UK Home Office 2023i), from 2015 to June 2023:

- 28,643 people have been admitted under the UK Resettlement Scheme, Community Sponsorship Scheme, Mandate Scheme, Gateway Protection Programme, Vulnerable Children Resettlement Scheme, and Vulnerable Persons Resettlement Scheme (not all schemes have been active throughout the entire period).
- 21,562 people have been admitted under the Afghan Relocations and Assistance Policy and Afghan Citizens Resettlement Scheme Pathways 1, 2, 3.
- 260,362 visas have been granted under the newly introduced bespoke visa schemes for Ukrainians (26,591 under the Ukraine Extension Scheme; 233,771 under the Ukraine Family Scheme and Homes for Ukraine Scheme – of whom at least 179,500 are known to have arrived in the UK).

## 7 Permanent residency and family reunification

Routes to permanent residency and family reunification allowances are complex and vary across different schemes and types of protection. We have specified the rules for each scheme (grey boxes).

Family reunification is generally granted to close family members who had a connection with the applicant before coming to the UK (UK Home Office 2023f). Prior to 2015, the Mandate Resettlement Scheme, which resettled refugees from around the world who had a close family tie in the UK who could accommodate them, described the refugee as usually the spouse, minor child, parents, or grandparents over the age of 65 of someone who was settled permanently (or had limited leave that was on a potential route to settlement) in the UK (UK Home Office 2021).

Under the Immigration Rules, eligibility for family reunion is applicable to spouses, civil partners, unmarried/same sex partners and biological children under 18 years of age, who formed part of the family unit at the time the sponsor fled their country to seek asylum (ICIBI 2016, UK Home Office 2023f).

Inspections conducted by the ICIBI show that most of the cases sampled received a decision within the published service delivery targets of 95% of decisions within 60 days. However, the ICIBI also found that bureaucratic procedures referred to as ‘complexing’ (i.e. recording cases as ‘complex’ and therefore outside the 60 day service standard) were being used even when the delay was caused by other inefficiencies within the Home Office and therefore masked poor procedural practices. However, delays have worsened, with 24 weeks being reported as the average waiting time for family reunification for both refugees and humanitarian protection status holders. The ICIBI also found that the Home Office’s withdrawal of commissioned and funded DNA testing in 2014 appears to have been a major cause of the increase in first-time refusals for certain nationalities (ICIBI 2016).

Applications under the refugee family reunification route can be made both from within the UK and overseas (UK Home Office 2023k). Applicants do not have to satisfy preconditions such as financial, accommodation, English language, or civics knowledge requirements. Additional requirements, however, do apply to reunification with *other* family members (e.g. ‘post-flight’ partners, adult dependents, or adult relatives of minors holding refugee or humanitarian protection status) (Borelli et al. 2021). Such conditions include the sponsor’s ability to support the family member until they find work or become eligible for access to public funds. These financial barriers contribute to a situation where families remain separated (Borelli et al. 2021, Schultz and Kaytaz, 2021). In those cases where reunification is granted, family members do not receive refugee status. Instead, leave to remain is given in line with the sponsor and are subject to the same expiry date as that granted to their sponsor (UK Home Office 2023, 2023f).

## 8 Integration measures

### 8.1 Policies before 2015

At UK-wide level, there was some focus on refugee integration under Labour governments (1997-2010). *Full and Equal Citizens*, launched in 2000, was the government's first UK refugee integration strategy (Somerville and Walsh 2021). Formal government support to refugee integration was provided under the Strategic Upgrade of National Refugee Integration (Sunrise), started in 2005, and the Refugee Integration and Employment Service (RIES), which replaced Sunrise in 2008.

The Sunrise programme provided individual casework support to newly recognised refugees in relation to housing, employment, benefits and financial advice, access to English language tuition, and information on the process of family reunion. Support was intensive and lasted twenty-eight days. RIES had a narrower but longer-term focus. It maintained the caseworker approach but was more limited in that it only provided support in employment and education, and was offered to all newly recognised refugees for a year. Both of these programmes were contracted out to third-sector organisations. Support was delivered through regional contracts and included a mentoring service through which newly recognised refugees were matched with a mentor from the receiving community (Mulvey 2015, APPGR 2017). Within a few days of receiving their positive decision, refugees were offered the advice and support of a personal case manager, who developed a personal integration plan and could help the newly recognised refugee meet their urgent needs.

The organisations who delivered RIES, such as the Refugee Council and Refugee Action, were paid on a per person basis (APPGR 2017). During the three years RIES ran, 12,464 refugees were helped by the service (APPGR 2017). However, funding for the programme was ended in September 2011. Since then, there has been no government-provided support service for refugees who have been through the asylum system. Some authors note that the level of support provided in each of these programmes was never enough to address the disproportionate disadvantage faced by refugees, with refugee integration accounting for less than 1 percent of the overall spend on asylum and refugees (Mulvey 2015).

Even when government support for refugee integration was available, other aspects of government policy actively inhibited that integration. Anti-integration measures, or at least measures which had discernible negative impacts on integration, have been numerous under Labour, Coalition, and Conservative governments. A key measure which made things particularly difficult for refugees was that adopted by the Labour government in 2002, which removed the 'employment concession', or right to work, for asylum seekers (IGC 2012, Somerville and Walsh 2021). While waiting for a decision on their application, most asylum seekers are therefore reliant on the accommodation and financial support provided by the Home Office. A wide coalition of third sector organisations have long campaigned to 'lift the ban'.<sup>18</sup>

The short move-on period (28 days) in the transition between asylum seeker and protection holder status leaves many newly recognised refugees homeless, and the lack of support to navigate the housing and job markets and the welfare system often results in destitution.

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<sup>18</sup> See <https://www.refugee-action.org.uk/wp-content/uploads/2018/10/Lift-the-Ban-report.pdf>, accessed 03/09-2023.

Crucially, the difficulties faced by refugees are not merely exacerbated, but often caused, by delays in receiving the documents they need to be able to register for welfare and other support. There are reports of being given wrong or incomplete advice in government agencies (e.g., JobCentre), which leads to further delays (APPGR 2017). Thus, even when support is supposed to be available based on policies, the real situation on the ground as depicted in reports based on accounts by frontline workers, describes a system severely affected and limited by a combination of austerity measures, funding cuts, unclear lines of accountability, and lack of reliable guidance and support by, and to, government agencies involved in service delivery. Funding cuts and lack of legal aid support have also meant that unmet entitlements of refugees are not redressed through adequate accountability measures.

More recently, the approach adopted by the coalition government (Conservative and Liberal Democrats, 2010-2015) was to explicitly treat integration as a transition that does not require central government support. Instead, the onus for integration is placed on refugees and civil society (Mulvey 2015). Subsequent Conservative governments (2015-present) have adopted increasingly restrictive policies which have actively hindered integration.

## 8.2 Policy response in 2015/16

Following the end of the national integration strategy, the promulgation of the Immigration Acts of 2014 and 2016, and the introduction of settlement schemes targeting specific groups along nationality lines, the experiences of newly recognised refugees in accessing housing, employment, education, social security and other integration support have been very different and comparably more challenging, in terms of access, than those of protection holders who have come to the UK under resettlement schemes.

A 'two-tiered system' has been developed for refugees. Refugees in the UK will either have gone through the asylum process having arrived in the UK and then submitted an application, or they will have been brought to the UK directly from another country through one of the government-led resettlement schemes. Those refugees who arrive through a resettlement route are provided with accommodation and receive support to access services and find employment. For refugees who have gone through the asylum system, there is no such support (APPGR 2017).

The lack of a national integration strategy has been a substantial hindrance both to the successful integration of refugees and to the welcome that refugees experience. While there are strategies in Scotland and Northern Ireland, and the resettlement programmes recognise the areas that are key to integration, a UK-wide strategy no longer exists (APPGR 2017).

Refugees who come to the UK through one of the resettlement programmes were provided with housing and caseworker support. Syrian refugees arriving through the Vulnerable Persons Resettlement programme received a pre-departure cultural orientation carried out by the International Organisation for Migration (IOM) before they left for the UK. On arrival, refugees were met at the airport and then taken to the accommodation that had been secured by the local authority. Local authorities were responsible for registering resettled refugees for health and education services, welfare benefits, and providing English language classes. Resettled refugees also received a welcome pack of groceries on arrival, as well as an allowance of £200 per person from the local authorities to cover the period before welfare benefits were paid (Local Government Association 2016). Despite specific funding allocated by the government for English for Speakers of Other Languages (ESOL) classes for resettled Syrian refugees, the drastic reduction in overall ESOL funding (e.g. a 55% fall between 2008-

09 and 2014-15 in England) has led to longer waiting lists, a decline in teaching hours and a lack of classes that meet the actual needs of refugees (APPGR 2017).

For refugees who have gone through the asylum process, none of this support was available. Those granted refugee status were given access to the labour market and benefits and encouraged to access organisations that could assist with integration, but were not provided tailored, individual guidance. This approach failed to provide newly recognised refugees with the support they needed (Mulvey 2015, Glorius et al. 2016, APPGR 2017). In addition, the highly uneven nature of the dispersal system with different levels of local support makes integration a highly inequitable process. The shortage of ESOL classes prevented refugees from being able to access other areas of support and taking part in community activities (APPGR 2017). Importantly for the fostering of integration and independence, support with writing CVs, converting qualifications awarded in other countries, the translation of acquired skills, and training to help refugees to update or add to their existing skills has been provided by civil society organisations ‘filling the gaps’ (Mayblin and James 2019) if these services were available. Moreover, mismatches between individual competences and employment opportunities in dispersal communities, de-skilling due to lack of the right to work for long stretches of time, and lower confidence in one’s proficiencies as a result of imposed idleness, are issues that frustrate integration attempts. For those refugees who do not have access to support, navigating an unfamiliar system was a daunting task (Glorius et al. 2016, APPGR 2017).

A shifting of responsibility from central government onto civil society is visible in the involvement of local communities in resettlement (e.g. Community Sponsorship Scheme) for offering assistance with numerous aspects of integration, legal aid, information and support with documentation, ESOL, NHS registration, and so on (see also Berg 2019, Berg and Dickson 2022). The increased reliance on voluntary work by civil society for filling the gaps in the delivery of refugee rights and entitlements by the UK government also contributes to a continued lack of accountability (Mayblin and James 2019).

### 8.3 Policy response in 2022/23

The 2022-23 response is consistent with the pattern described in previous sections. Moreover, new legislation and attached policies have undermined the credibility of the narrative often adopted by the UK government of having a proud history of welcoming and supporting those in need of protection.

The approach to the recent influx of protection seekers fleeing the war in Ukraine has been more restrictive than that of countries in the European Union. Two key differences are the UK’s visa requirement and its eligibility criteria. Unlike in EU countries, Ukrainian citizens seeking to enter the UK need to apply for a visa in advance and, importantly, not all Ukrainians are automatically eligible, but they need either a UK family connection, i.e. family members who are either British citizens or settled residents, or a sponsorship, i.e. they need a resident in the UK to act as a sponsor. UK residents can register as sponsors for Ukrainian refugees wishing to come to the UK. They agree to provide free accommodation to a Ukrainian individual or family for at least six months and in return receive a monthly thank you payment which increases if hosting is continued after 12 months (Haddon and Nice 2022, Walsh and Sumption 2023b). The government initially provided £10,500 to local authorities per person settled through the Homes for Ukraine Scheme in the first year to enable them to support refugees and help them integrate into the community (£200 of this funding is designated as a welcome payment for newly arrived Ukrainians) (Haddon and Nice, 2022); from 1 January 2023, the amount was lowered to £5,900 for each new arrival.

The financial assistance for local authorities, hosts, and newly arrived Ukrainians is only available under the Homes for Ukraine Scheme, which is an important limitation as the needs of those on the other Ukraine schemes are similar, and often even more acute (Vicol and Sehic 2022, 3). UK national policy has changed several times since the invasion of Ukraine. Overall, the UK government's response to the crisis has been deemed as reactive and piecemeal and lacking a long-term strategy for refugee integration (Vicol and Sehic 2022,3).

Outside of entry issues, most factors which enable integration (such as housing, social support, health, language learning support, and education) are devolved. Within devolved policy, the Scottish Government has been leading not only in its approach to supporting refugees, but has committed to use its powers to facilitate integration as soon as a protection seeker arrives in Scotland, meaning that integration is offered to both refugees and asylum seekers (Mulvey 2015). In parallel with what was observed during the previous refugee crisis, the lack of national coordination mechanisms to ensure that all protection seekers are treated equally have resulted in highly variable experiences of integration.

## 9 Financial assistance

### 9.1 Policies before 2015

Asylum support is provided under Section 95 and Section 4 of the Immigration and Asylum Act 1999. When asylum support payments were introduced in 2000, asylum seekers were entitled to one of a variety of payments, depending on their age and whether they were a lone parent or in a couple that shared parenting responsibilities. Following a judicial review in 2014 that found some shortcomings in the way the level of the allowance was previously set, a new assessment methodology was introduced for making yearly adjustments to the allowance (UK Government 2015).

Under the Gateway Protection Programme (2004-March 2020), the government covered all costs for resettlement during the first 12 months in the UK, in which refugees were supported through a tailored integration package with the aim of accessing mainstream services after this transition period. Under the Mandate Resettlement Scheme, there was no integration package. UNHCR refugees who were settled and granted Indefinite Leave to Remain were entitled to apply for mainstream welfare benefits under the same conditions as UK citizens. Similarly, temporary protection holders who were granted discretionary leave also had access to mainstream public funds. Refugees from Syria and neighbouring countries who were granted protection under the Vulnerable Persons Resettlement Scheme introduced in 2014, were entitled to an initial cash allowance of £200 to ensure that they had sufficient funds to live on while their claim for welfare benefits was being processed. In addition, the local authority could provide an additional one-off payment of up to £100 for each refugee, if required (Local Government Association 2016). Differential treatment accorded to refugees from specific nationalities who have been granted protection under ad-hoc resettlement schemes, is therefore also reflected in the level of financial assistance. More generally, financial assistance is set lower than mainstream social benefits for those seeking asylum, and the same as mainstream social benefits (if they met eligibility) for those refugees who were granted access.

### 9.2 Policy response in 2015/16

In 2015, the government replaced different payments (previously made depending on characteristics such as age or household type) with a single flat rate payment for all destitute asylum seekers (UK Government 2015), set considerably lower than mainstream welfare benefits. The level of financial allowance has been reviewed each year to cover 'essential living needs' for every person in the household (i.e. each family member would receive the same amount), subject to some small additions for very young children and a small pocket money allowance for those living in full-board accommodation (Walsh 2022). Similarly to the previous period, under the Vulnerable Children Resettlement Scheme introduced in 2016 targeting refugee children from the MENA region and their families, the Local Authority provided an initial cash allowance for each Refugee of £200 while their claim for welfare benefits was being processed and could make an additional one-off payment of up to £100 for each refugee, if required (Local Government Association 2016). Those resettled under the existing Mandate Resettlement Scheme, the newly launched Community Sponsorship Scheme, and those granted temporary protection were entitled to claim mainstream welfare benefits, and therefore to the same level of assistance as settled citizens, provided that they met eligibility criteria (UK Home Office 2023). As for the previous period, financial assistance for refugees is at the same level as that available to settled citizens.

### 9.3 Policy response in 2022/23

There is continuity with the previous periods in that the level of financial assistance available to refugees (conditional on eligibility) is the same as for settled citizens. Access to mainstream benefits applies to the existing Mandate Resettlement Scheme and Community Sponsorship Scheme (extended to welcome Ukraine citizens, which also includes cash payments to hosts), and the newly introduced UK Resettlement Scheme and bespoke schemes for Afghan citizens, namely the Afghan Relocations and Assistance Policy and the Afghan Citizens Resettlement Scheme (Pathways 1-2-3) (section 5.3). It also applies to those with Group 2 temporary refugee permission following the 2022 legislative changes of Immigration Rules based on mode of entry (UK Government 2023, Right to Remain 2023). However, this is in the context of continued austerity measures as well as severe cuts to funding for the provision of basic services, meaning that access to welfare benefits does not necessarily provide adequate financial support to meet the needs of refugees. As before, the level of cash support for asylum seekers is below mainstream welfare benefits, and well below the minimum income standard. Financial assistance in general terms has continued to decrease, which, coupled with the 'cost of living crisis', has caused concerns over the lived experiences of asylum seekers and refugees, who often find themselves in situations of state-enforced poverty (Dickson 2021).

It is important to note that, while allowances are increased year on year, they are not keeping up with the rate of inflation. There are additional challenges relating to the mode of payment. The asylum allowance is loaded onto a pre-paid debit card (Asylum Support Enablement/ASPEN card) each week with some differences depending on protection status (Refugee Council 2018, UK Government 2023, Asylum Matters 2021, PAH 2021). This means people on asylum support are immediately identifiable as such when they use their cards, e.g. to buy goods in shops (see also Berg and Dickson 2022).

## 10 Access to other public services

### 10.1 Health

In all four nations of the UK, refugees and asylum seekers with an active application or appeal are fully entitled to free National Health Service (NHS) care. The four nations have slightly different health systems, but, overall, the entitlement to health services is a reserved rather than devolved matter and quite standardised across the UK, albeit with some exclusions for those who have been refused asylum (EHRC 2018, BMA 2022, UK Office for Health Improvement and Disparities 2023). Some charges for some specialist services apply but, overall, NHS access is not denied. Generally, everyone has a right to access emergency and primary care, and to register with and consult GPs to receive specialist healthcare. The idea is that GP practices are not expected to act as immigration officials. Nevertheless, administrative procedures at many GP practices mean that many refugees struggled to access the healthcare services they needed when GP practices asked for documentation that they were unable to provide, including documents which are not a requirement set by legislation, government, or NHS policy (APPGR 2017). Obstacles are still encountered in the relations between refugees or asylum seekers and frontline staff, especially where there is no caseworker support to facilitate these interactions with the health system. Reported difficulties in the lived experiences of NHS service access include lack of accessible information, language issues, failure to refer beneficiaries to appropriate health services, and lack of uptake even when services are freely available (APPGR 2017). Other issues particularly relevant for refugees and asylum seekers fleeing difficult situations include reports that protection holders with mental health needs, including those who had been victims of torture, were not always referred to specialist treatment providers. For those who have arrived under humanitarian resettlement schemes (e.g. UKRS, and discontinued VPRS, VCRS, and GPP), arrangements are facilitated by Regional Strategic Migration Partnerships and Local Authorities. However, even in this case, an acknowledgement of reduced health system capacities is reflected in Home Office guidance. Specifically, the Home Office Instructions to Local Authorities indicate that numbers resettled under this instruction will be based on Local Authority capacity and recovery from the Covid-19 pandemic (UK Home Office 2023l).

### 10.2 Pre-school and pre-university education

The right to access education is also streamlined in the UK. Under the 2010 Equality Act, asylum seeking and refugee children have equal rights to other children in the UK during the period of compulsory education. Children have a right to Early Childhood Education and Care (ECEC) regardless of status, although asylum-seeking and refugee children are under-represented in ECEC settings (Poulter et al. 2018). Children must attend school if they are aged 5-17 (UK Government 2023). Unaccompanied children resettled under the UKRS are treated in the same way as Unaccompanied Asylum-Seeking Children (UASC) for funding purposes, and local authorities who accept unaccompanied children under the Scheme are reimbursed in accordance with the relevant year's UASC Funding Instruction (UK Home Office 2023l).

Funding for refugees aged between 3 and 18 years (including those brought in under the Community Sponsorship Scheme) is provided to local authorities to meet the provision of education in state-funded establishments, and statutory obligations regarding the

assessment of Special Educational Needs & Disabilities (SEND), for which costs are met on a case-by-case basis (UK Home Office 2023l).

Although refugee and asylum-seeking pupils of compulsory school age are entitled to full-time education, from age 16 their continued access to education is impacted by complex criteria and rules, particularly in Further Education (FE) study which generally comes after compulsory secondary education ends and is accessed by 16+ students but is not university education:

Immigration status and age both affect eligibility to access state funding from the Education and Skills Funding Agency (ESFA) for FE study (Coram Children's Legal Centre 2019). In order to access funding for FE study, a student "must have the legal right to be resident in the United Kingdom at the start of their programme" (ESFA 2020, 14). Additionally, institutions are directed to ensure that "there is a reasonable likelihood that the student will be able to complete their study programme before seeking funding for the student" (ibid.). Many students – including those with refugee status, humanitarian protection, asylum-seekers and Unaccompanied Asylum-Seeking Children (UASC) – are eligible to access state funding and, despite misconceptions, those eligible for funding do not have to have been ordinarily resident in the preceding three years (Coram Children's Legal Centre 2019). However, having timelimited immigration status can still be problematic. Some institutions may restrict access to students who are awaiting a decision on an asylum claim from the Home Office or who have limited leave to remain (LLR) that is due to expire before the course finishes (ibid.). Age is a significant determining factor in refugee and asylum-seeking young people's access to FE. The ESFA is responsible for funding tuition fees for all students in full or part-time education between the ages of 16 and 18 and students must be under the age of 19 at the start of the teaching year in order to access this funding at any time in that year (ibid.) For those who are over 19, the funding available is "more restrictive and [...] focused on making students ready for either advanced learning and HE, or work" (ibid, 5). (UNICEF 2020, 5)

## 11 Overall analysis

The UK's asylum and refugee policies are restrictive, fragmented, and selective. The country's response to the arrival of protection seekers has been marked by under-funding and an ad hoc approach, driven more by political expediency and electoral cycles, than on supporting people seeking sanctuary or upholding international commitments. Successive policies have increasingly restricted the right to asylum, and introduced differential treatment of different groups of people, including in some cases from the same country, depending on their mode of arrival.

Policies are characterised by complexity and outsourcing, poor oversight, and poor value for the taxpayer. The trend has been toward a short-term perspective and decreasing government support and involvement as illustrated by the lack of a national integration strategy. In practice, much integration work is left to the third sector and volunteers.

The entrenchment of continued hostile environment legislation to deter asylum seekers in the first place have led to *systematic* difficulties. In addition, *systemic* problems in implementation have had serious consequences for the lived experiences of asylum seekers and refugees alike.

This has led to destitution among refugees and people in the asylum system, place-based inequalities, and inequities between groups. Legally embedded differential treatment based on means of arrival is not compliant with the UK's international legal obligations and standards and contradicts oft-stated claims by government ministers that the UK has a 'long and proud history of welcome' (cf. Berg 2022).

The proliferation of ad hoc schemes for particular groups is gradually leading to a residualisation such that only those people *not* included in schemes go through the asylum system, which provides less support (financial and otherwise) and more restrictions (e.g., no right to work except in certain specific circumstances) than the bespoke schemes.

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- Detention Service Orders
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- Statement of changes to Immigration Rules March 2022 (including 3 Ukraine schemes)
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