

Institute for Public Policy Research



THE ASYLUM IN-TRAY IN 2025

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ABOUT THIS PAPER

This paper advances IPPR's charitable objective to promote research into and public education in the economic, social and political sciences and in public services – in particular, the UK asylum system.

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SUMMARY

With a general election expected in the next 12-18 months, the UK’s asylum system is in crisis. The backlog is at over 130,000 cases, the system is costing around £3.6 billion a year in asylum support costs, and the Home Office is gripped by institutional challenges. At the same time, the number of people arriving in small boats has escalated rapidly from the hundreds to the tens of thousands in the past five years.

The prime minister has pledged to ‘stop the boats’ as one of his five priorities for government. Central to the government’s plan is its flagship Illegal Migration Act – which will place a duty on the home secretary to remove irregular arrivals and not consider their asylum claims – as well as the agreement to relocate asylum seekers to Rwanda. Currently the key provisions of the act are not in force, because the Rwanda plan is being disputed in the courts. But even if the deal is ultimately judged as lawful, the government’s proposals are unlikely to succeed on their own terms and could further exacerbate the current crisis.

This briefing sets out the in-tray for the UK government in 2025 – after the next general election – across the main parts of the asylum system. The below chart explores the challenges the government after the election could inherit, based on our analysis of the current system and how it might change if the Illegal Migration Act fully enters into force.

Area of policy	The in-tray in 2025	The in-tray if the Illegal Migration Act is fully in force
Arrivals	There has been a sharp increase in arrivals by small boat – from 299 in 2018 to 45,755 in 2022, with 2023 numbers tracking 2022. While hard to predict with certainty, no reason to expect a significant decline by the next election.	Illegal Migration Act and Rwanda plan are unlikely to have a major deterrent effect on arrivals. But migration patterns may shift, leading to more undetected arrivals who do not make asylum claims and a growing undocumented population.
Processing of asylum claims	Current asylum backlog roughly stable at more than 130,000 cases. ‘Legacy backlog’ of claims made before 28 June 2022 is falling, though pace of decision-making would need to treble to meet government target to clear it by end of year. Fall in legacy backlog offset by increase in ‘flow backlog’ of new cases, meaning that overall backlog could still be significant by next election.	Illegal Migration Act risks creating a ‘perma-backlog’ of people with cases deemed permanently inadmissible to the asylum system. This ‘perma-backlog’ could grow indefinitely given arrivals likely to outpace removals, even if Rwanda plan is deemed lawful.

Detention	At the end of March 2023, 1,591 people were in immigration detention. There are government plans to expand the detention estate by the next election. This will come with a considerable price tag: average cost of detention is around £113 per day and there are additional refurbishment and new build costs associated with expansion.	Illegal Migration Act expands detention powers and imposes strict limits on the ability to be granted bail in the first 28 days of detention. But given removals at scale are unlikely, scaling up of detention could simply mean a more costly, harmful and ineffectual system.
Asylum accommodation and support	The large backlog has placed pressures on Home Office asylum accommodation. At the end of June 2023, more than 50,000 people were in hotels and other contingency accommodation. In 2022-23 around £2.3 bn was being spent on hotels. Progress on expanding the number of dispersal bed spaces has been slow, and so unless there is major progress on the backlog contingency accommodation is likely to still be in use at scale by the next election.	Illegal Migration Act could create a 'perma-backlog' of asylum applicants. This could mean that accommodation costs escalate further as this group is accommodated indefinitely. Alternatively, people may avoid asylum accommodation and enter into the undocumented population, increasing the risk of destitution and exploitation.
Unaccompanied asylum-seeking children	There are rising numbers of unaccompanied asylum-seeking children being looked after by local authorities. This has led to significant pressures on local children's services. The government has mandated all local authorities to take in unaccompanied children to relieve pressures on councils such as Kent, but there are concerns this is not working effectively. By the next election, the government is likely to need to respond to a series of logistical, financial and safeguarding concerns from local councils.	Illegal Migration Act allows for temporary leave for unaccompanied children until they turn 18. At this point the act's duty to remove will apply. Given unaccompanied children can only stay in the UK temporarily under the act, this could make it particularly challenging for local authorities to provide practical and emotional support.
Removals	Asylum returns have fallen sharply over the past decade. Much of the focus until recently has been on returns home, but the government now seeks to implement removals to safe third	Illegal Migration Act prevents people who arrive irregularly and claim asylum from being removed to their home country in most cases (with the exception of a list of safe countries including EU/EEA

	<p>countries. This is very challenging in practice – only 12 people were removed to a third country after entering the inadmissibility process in 2022. Even if the Rwanda plan is ruled lawful, removals are likely to be on a small scale. By the next election, the returns system is therefore likely to be in a state of dysfunction.</p>	<p>states, Switzerland and Albania). They therefore need to be removed to a safe third country under the act. This will create a particularly challenging and convoluted approach to removals.</p>
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It is of course impossible to predict the outlook for asylum policy in 2025 with any certainty: the next 12-18 months are likely to involve a series of developments as the government works to address the main challenges facing the current system. In particular, the 2025 in-tray will be shaped by a number of ‘known unknowns’ – including the outcome of the Supreme Court judgment on the Rwanda plan and the approach to implementing the Illegal Migration Act – as well as ‘unknown unknowns’. The briefing therefore explores a number of stylised scenarios and their implications.

- **Scenario 1: Pyrrhic victory (likelihood: very low)**

Rwanda plan is ruled lawful and government introduces key provisions of Illegal Migration Act. Home Office radically expands detention. New deals are secured with other countries. Numbers fall sharply and government claims success, though unclear whether fall is due to deterrence effect or other factors. Detention and removals costs make the policy highly expensive. Build-up of ‘limbo’ asylum population in Home Office accommodation. But undocumented population grows more quickly, with many avoiding Home Office contact due to fear of removal to Rwanda.

- **Scenario 2: Marginal impact (likelihood: moderate to likely)**

Rwanda plan is ruled lawful and government introduces key provisions of Illegal Migration Act. However, logistical barriers make removals challenging. Number of arrivals slows a little though unclear why. There is a build-up of the ‘limbo’ asylum population, as well as a growing undocumented population outside Home Office accommodation.

- **Scenario 3: Status quo (likelihood: moderate to likely)**

Rwanda plan is ruled unlawful and so the government holds off introducing the key provisions of Illegal Migration Act, while searching for new deals and seeking to improve the agreement with Rwanda. Number of arrivals continues at similar pace. There are calls for the UK to withdraw from the ECHR but the government faces paralysis.

- **Scenario 4: Steamrolling ahead (likelihood: low to moderate)**

Rwanda plan is ruled unlawful so the government seeks to renegotiate Rwanda and secure alternative deals. There are calls for the UK to withdraw from the ECHR to deliver on the Rwanda plan. Under pressure from backbenchers as the general election approaches, the government introduces the key provisions of Illegal Migration Act despite no lawful agreement in place with a safe third country. Numbers of arrivals continues at pace and there is a growing build-up of the 'limbo' asylum population, although the issue is clouded by the ensuing election campaign.

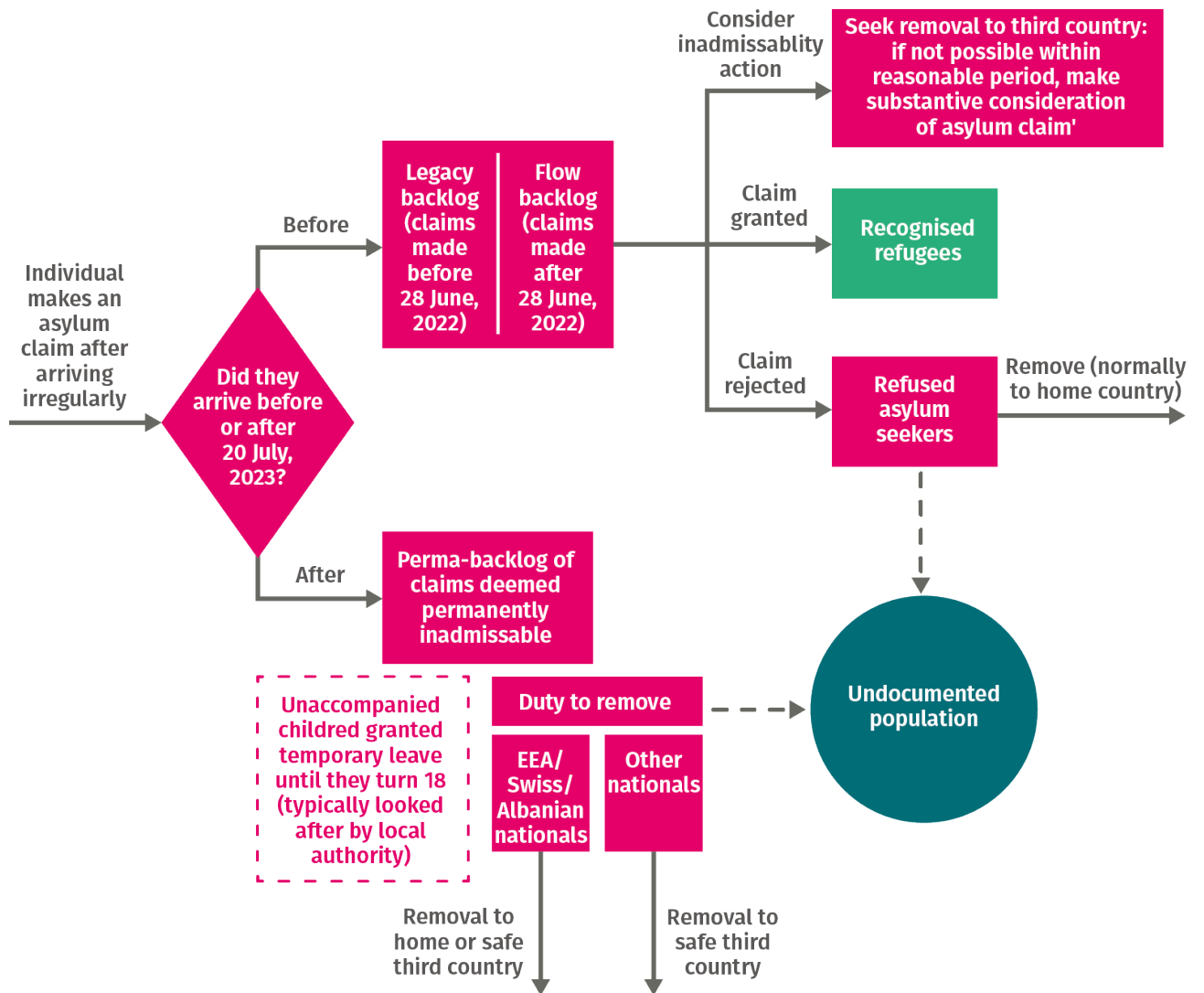
- **Scenario 5: Spiralling disaster (likelihood: low)**

Rwanda plan is ruled unlawful but the government introduces the key provisions of Illegal Migration Act regardless, stating that it will rework the plan and negotiate new deals shortly. A new humanitarian crisis leads to a surge in arrivals to Europe and escalating numbers of people crossing the Channel in small boats. With an unsustainable number of people in the 'limbo' asylum population, there is widespread overcrowding and major cost pressures. At the same time, there is a swiftly growing undocumented population outside Home Office accommodation.

While there are a range of possibilities for the next 12-18 months, the analysis highlights the narrow window for success for the government: under most scenarios where the government fully introduces the new Illegal Migration Act, arrivals will outpace removals and – due to the policy of permanent inadmissibility – this will lead to a growing population of people in limbo. This could lead to a combination of escalating asylum accommodation costs and/or an expanding undocumented population vulnerable to destitution and exploitation.

This briefing makes clear is that there is no scope for asylum policy to be side-lined after the next election. While it may be tempting for the government to focus on other priorities, given the multiple challenges facing the UK, without urgent action the asylum system will be fall into a still deeper crisis. Whoever forms the next government, asylum will have to be a priority in the early days of the new parliament.

Figure S.1: Simplified illustration of asylum system once Illegal Migration Act is fully in force



Source: Author's analysis

1.

INTRODUCTION

The asylum system is at crisis point. The backlog of applicants awaiting an initial decision has more than tripled in the past three years, reaching over 172,000 people at the end of March 2023. With increasing numbers of people awaiting their claims, the Home Office has resorted to the use of hotels and other contingency accommodation – including army barracks and barges – to house those eligible for government support. The costs of the system have been mounting, currently totalling around £3.6 billion annually in asylum support alone (NAO 2023). Reports suggest that these failings are in part driven by Home Office dysfunction, including poor training, outdated IT systems and low morale and high turnover among asylum decision-makers.

Parliament has now passed the Illegal Migration Act, which aims to stop people from crossing the Channel in small boats to claim asylum in the UK. Most of its provisions are not yet in force. But when they are, they will place a duty on the home secretary to remove everyone who arrives in the UK without permission and to permanently declare their asylum claims as inadmissible.¹ The legislation intends to deter people from arriving in the UK irregularly.

At the same time, the government has signed a memorandum of understanding with Rwanda on asylum transfers. Under the terms of the deal, asylum seekers are to be relocated from the UK to Rwanda, where their claims would be processed and where they would be granted refugee status if successful. This plan to relocate asylum seekers to Rwanda is currently the subject of ongoing legal action. The Court of Appeal ruled in June 2023 that the policy is unlawful because Rwanda was not deemed a safe third country, though the government is now appealing this at the Supreme Court. It has indicated that it will implement the key provisions of the Illegal Migration Act once the Rwanda case has concluded. Together, the Illegal Migration Act and the Rwanda agreement present a major break with the UK's long-standing policy on asylum seekers and refugees and its international human rights commitments.

A general election is expected in 2024. Regardless of the outcome, it is likely that the election and the new parliamentary session will be a crucial 'reset' moment for asylum policy. If the election results in a change of government, then the asylum system will be the responsibility of a new home secretary. They will be in charge of managing a swathe of complex and sensitive issues relating to both asylum and immigration, including small boat crossings, the points-based system and skills shortages, settlement and citizenship, and Home Office reform in light of the Windrush scandal. Understanding the expected

¹ Some of the provisions of the act are in force – in particular, there are restrictions on grants of leave and citizenship for people who arrive in the UK irregularly on or after 7 March 2023. However, given for the time being people who have arrived on or after 7 March 2023 will be able to have their asylum claim considered (because the permanent inadmissibility provisions do not yet apply), it is expected that they will be granted leave under new Section 8AA(4) of the Immigration Act 1971, whereby the home secretary can grant leave to remain if not doing so would breach the European Convention on Human Rights (Lenegan 2023).

state of play for asylum at the start of the new parliament is therefore important for thinking about the context for future policy reform.

This briefing sets out what the asylum system may look like by the time of the next general election and, if it does lead to a new government, what that government might inherit. While there are a number of possibilities for asylum policy by the general election, there are some common threads we expect to emerge by 2025 in each of the most likely potential scenarios. The briefing first explores the potential in-tray across each of the main parts of the asylum system, followed by summarising the main potential scenarios for asylum policy post-election.

2.

THE ASYLUM IN-TRAY

It is of course impossible to predict the outlook for asylum policy in 2025 with any certainty: the next 12-18 months are likely to involve a series of developments as the government works to address the main challenges facing the current system. In particular, the 2025 in-tray will be shaped by a number of ‘known unknowns’ – including the outcome of the Supreme Court judgment on the Rwanda plan and the approach to implementing the Illegal Migration Act – as well as ‘unknown unknowns’.

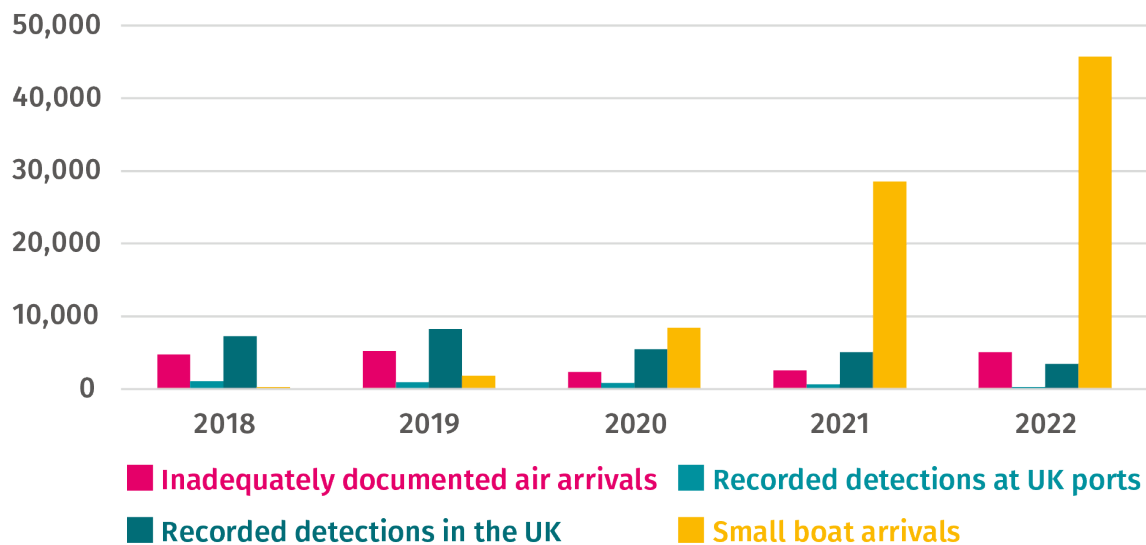
However, despite these limitations, we have a number of central expectations about how policy may unfold by 2025, given the current state of the asylum system and the most plausible effects of the Illegal Migration Act. We explore this further below across some of the core areas of the asylum system – including asylum processing, detention, accommodation and support, arrangements for unaccompanied asylum-seeking children, and removals – as well as the functioning of the Home Office itself.

Arrivals

The number of people coming to the UK across the English Channel in small boats has risen steeply in the past five years. Detected small boat arrivals have increased from 299 in 2018 to 45,755 in 2022 (figure 1). In general, people are arriving from encampments in and around Calais and Grand Synthe in northern France. The vast majority of those arriving seek to claim asylum in the UK.

Figure 2.1: The number of people arriving by small boat across the Channel has surged since 2018

Number of arrivals by different irregular routes (2018-2022)



Source: Home Office 2023a

Stopping the boat crossings is one of the prime minister's five priorities for 2023. Yet so far the government's plans to reduce the number of people crossing the Channel have failed.

The centrepiece of the strategy is the Illegal Migration Act, which aims to deter arrivals by not processing their asylum claims and removing them from the UK. At the heart of the act is a duty for the home secretary to remove people who arrive irregularly and deem their asylum claim permanently inadmissible.²

However, most people arriving by small boat (or by some other irregular means) cannot be returned to their home country, because it is not safe to do so. The most common nationalities of those crossing the Channel include Afghans, Syrians, Eritreans, Iraqis and Iranians – returning asylum seekers to these countries would be manifestly unethical, impractical and a breach of the core international law principle of 'non-refoulement'.³ It is also in most cases impossible under the new act, as discussed further in the 'removals' section below.

The alternative is therefore to relocate people to a 'safe third country'. But this requires finding a country which will agree to process asylum claims and resettle those who are granted refugee status. This country needs to have a well-functioning asylum system and both the willingness and capacity to process and resettle large numbers of people.

Given the challenges involved in finding a suitable candidate, it is unsurprising that at the time of writing the UK had made a relocation agreement with only one third country: Rwanda. Yet the Court of Appeal has recently ruled that Rwanda is not a safe third country, because its asylum system is not robust enough to protect against the risk of refoulement. Notably, the judgment pointed to evidence from the UNHCR of an overall 77 per cent rejection rate for a sample of 156 cases processed by Rwanda's Refugee Status Determination Committee (RSDC) during 2020-2022, including rejections of all nationals from Afghanistan, Syria and Yemen (R (AAA) v SSHD 2023).

Although this ruling may be overturned by the Supreme Court, even if the agreement becomes operational it is unlikely that Rwanda will have the capacity to process significant numbers of asylum applicants. According to the UNHCR, in 2021 Rwanda received a total of 408 asylum applications and made a total of 487 asylum decisions (UNHCR 2021). Its ability to scale this up to the tens of thousands appears far-fetched.

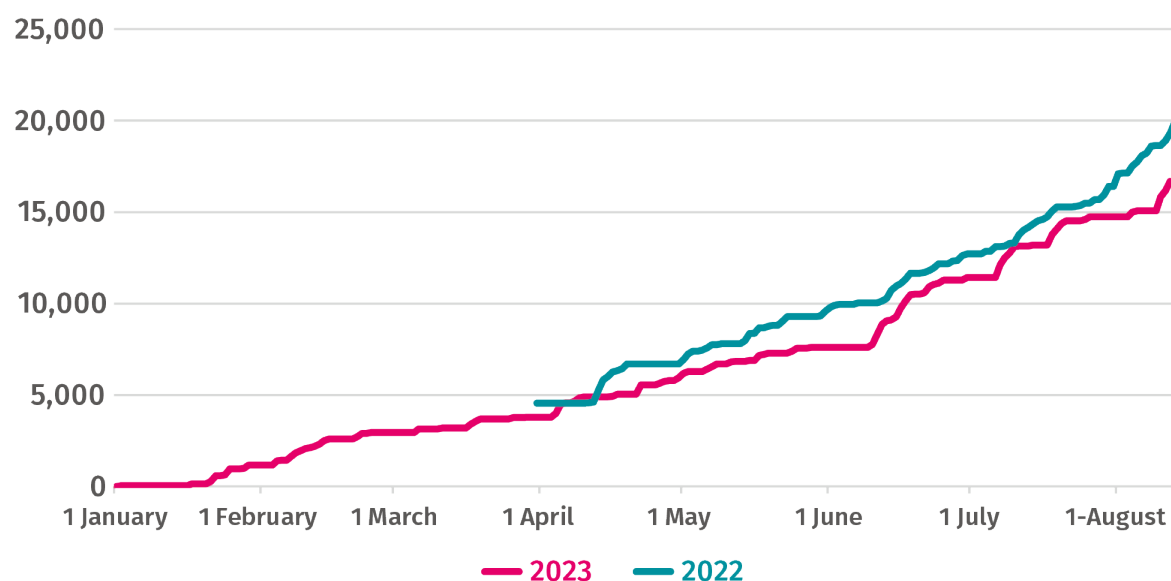
For these reasons, whether or not they are implemented in full, it appears unlikely that the Illegal Migration Act and the Rwanda deal will have a meaningful deterrent effect in the coming 12-18 months before the general election. Indeed, there is so far little evidence that the Rwanda plans or the government's legislative efforts have made any real impact on arrivals. The number of small boat arrivals in 2023 is so far similar to the number in 2022 (figure 2.2).

² While current rules allow for some claims to be deemed inadmissible, they are ultimately admitted into the system if no arrangements for removal can be agreed within a reasonable period.

³ The principle of non-refoulement states that countries must not return refugees to countries where their life or freedom would be threatened on the basis of their race, religion, nationality, membership of a social group, or political opinion (Article 33 of the Refugee Convention)

Figure 2.2: Detected arrivals in small boats has followed a similar trajectory in 2023 compared with 2022 so far this year

Cumulative number of people detected crossing in small boats (2022 vs 2023)



Source: IPPR analysis of Home Office and Border Force 2023, MoD 2023, Home Office 2023a, and Migration Watch 2023

Note: daily figures for 2022 unavailable before 14 April. Cumulative figures calculated using total figure for 2022 Q1 and Migration Watch collated data from media between 1 April and 13 April 2022.

However, the new act may shift the decision-making behaviour of people currently crossing the Channel in small boats in other ways. Currently, people arriving by small boat are willingly intercepted by Border Force after making it to UK waters, given they are for the most part looking to make an asylum claim. But if the asylum system is closed to them, then they may instead try to come to the UK without being detected (eg through lorry drops or by making more dangerous boat crossings). Alternatively, once arriving in the UK they may disappear from Home Office accommodation and enter the informal economy, given there is little incentive to stay visible to the Home Office if there is no prospect of their asylum claim being processed. This may lead to a superficial reduction in asylum applications, even if arrivals continue, alongside an expansion in the undocumented population.

But what about the government's other efforts to reduce numbers? The UK recently announced a new agreement with France focused on extending enforcement efforts to stop small boats, including deploying new technology and personnel to intercept attempted crossings (PMO 2023). Yet this follows very similar agreements made on a regular basis since 2014, at the same time as overall numbers have sharply increased (House of Commons Library 2023). We therefore expect that this measure alone will not reverse the current trend.

Some have suggested that the December 2022 UK-Albania Joint Communiqué – which agreed enhanced cooperation on returns – has contributed to the fall in Albanians arriving in the UK via small boat in recent months. However, there was a significant fall Albanian

arrivals in November 2022, before the communique was signed, which suggests that other factors may be more relevant (Home Office 2023b).

Yet even if this measure did have an impact, it would not be possible to replicate the approach for most of the other main nationality groups crossing the Channel. This is because in most other cases the countries are manifestly unsafe or geopolitical ties are not strong enough to negotiate a returns agreement (or both).

We therefore expect that the government's measures to stop small boat arrivals will be unsuccessful. While it is hard to forecast migration patterns with any certainty – given the multiple factors at play, independent of government policy – there is no reason to assume that small boat arrivals will end or significantly reduce over the coming year. The government after the next election is therefore likely to continue to need to respond to large numbers of arrivals crossing the Channel.

Key points

- Small boat arrivals in the UK significantly increased from 299 in 2018 to 45,755 in 2022.
- The government's plan to reduce crossings through the Illegal Migration Act and a relocation agreement with Rwanda is expected to have little deterrent effect.
- It has been claimed that the December 2022 UK-Albania Joint Communique – which enhanced cooperation on returns – may have contributed to a decline in Albanians arriving in the UK, but the decline in fact began before it was signed. Moreover, an equivalent approach on returns will not work for most of the other main nationality groups crossing the Channel.
- There is no reason to think that the government's approach will lead to a significant decline in small boat arrivals, so we expect that the government will need to address continued arrivals after the next election.

Processing of asylum claims

There has been a growing backlog of pending asylum claims in the past few years. The backlog of asylum claims awaiting an initial decision at the end of March 2023 stood at more than 133,000 cases, compared with just under 10,000 10 years earlier (Home Office 2023c).

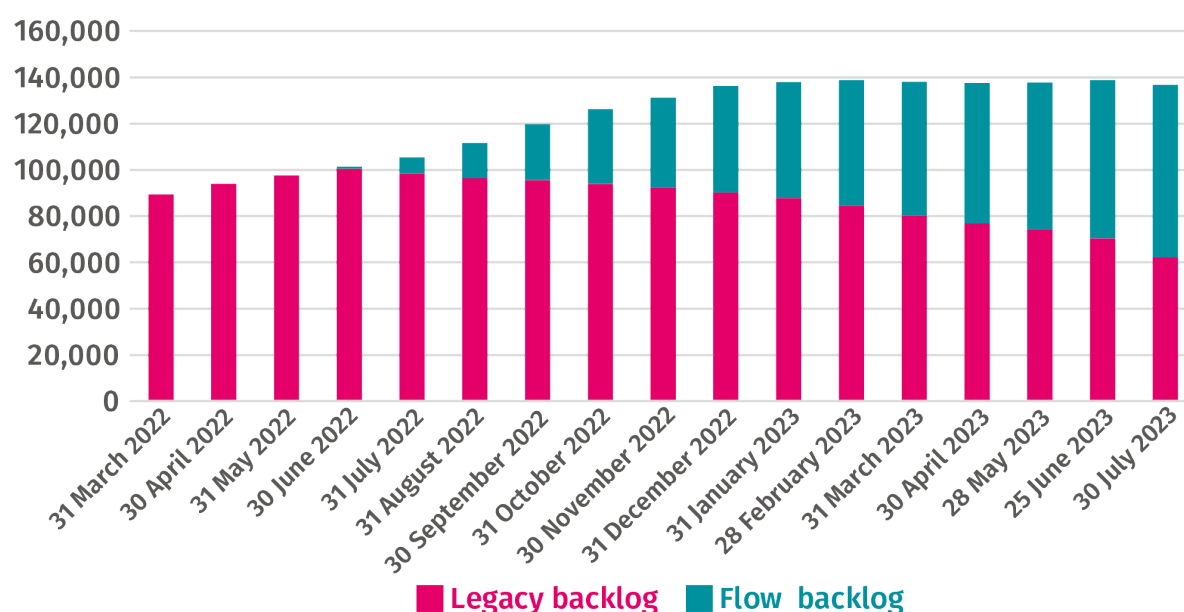
This has been driven primarily by a slowdown in the processing of claims: the share of applications completed within six months fell from around 78 per cent in 2015 to around 7 per cent in 2021 (UKVI 2023). (It has since increased to 21 per cent in the third quarter of 2022.) In particular, productivity peaked at around seven conclusions made per caseworker per month in 2015/16 and was at only three conclusions per caseworker per month in 2021/22 (ibid). The recent rise in asylum applications from small boat arrivals has also contributed to the overall caseload, though it is important to note that the backlog grew significantly in 2018 and 2019, when small boat arrivals were still low in number.

In December 2022, the prime minister committed to eliminating the backlog by the end of 2023. This referred to the 'legacy backlog' of around 100,000 claims made before the

Nationality and Borders Act came into effect on 28 June 2022. Action has been taken to try to streamline processing and hire more decision-makers. But progress so far on clearing the legacy backlog has been slow and largely counteracted by the entry of new claims into the system since June 2022 – meaning that the current total backlog is relatively stable (figure 2.3).

Figure 2.3: Progress on clearing the asylum backlog has been slow

Number of cases in asylum backlog (March 2022 - July 2023)



Source: Home Office 2023d

Note: data for April-July 2023 is provisional and subject to change.

Based on the current trend, the government will need to ramp up decisions significantly in order to meet its target of clearing the legacy backlog by the end of the year. To meet this pledge, the Home Office would have to make initial decisions at a rate of around 12,400 per month between August and December 2023. This would be around three times the rate of the monthly initial decisions figure for the first quarter of 2023 (around 4,000 per month) (Home Office 2023c).

The latest figure on initial decisions is itself inflated due to the high number of withdrawals (particularly of Albanian nationals) in the first quarter of 2023, which appears to be down to applications being ‘implicitly withdrawn’ because people failed to physically report to the Home Office (NAO 2023). This is unlikely to be a sustainable solution to the backlog, particularly if there is no effective follow-up and resolution of the status of those individuals whose applications are considered withdrawn.

The number of asylum decision-makers is on an upward trend – the FTE (full-time equivalent) headcount was 1,729 in July 2023, compared with 865 in July 2022 (Home Office 2023d). But even with further recruitment it is likely to take time (around 12-18 months) to train staff up to perform at full proficiency (ICIBI 2021).

Moreover, even if the government does eliminate the legacy backlog, there is expected to be a large ‘flow backlog’ to manage, consisting of applications made after June 2022 (but before the key provisions of the Illegal Migration Act apply). By 30 July 2023, a further 74,622 applications were in the flow backlog. It is therefore likely that by the next election there will continue to be large numbers of people awaiting the conclusion of their asylum claim. This will be a major delivery challenge for the government after the election.

At the same time, if the key provisions of the Illegal Migration Act come into force, they will prevent people who arrived in the country irregularly after the act received royal assent (on 20 July 2023) from having their asylum claims processed. Some may choose to avoid engagement with the Home Office altogether and enter clandestinely. But assuming that significant numbers of people continue to arrive and apply for asylum, the home secretary will be duty-bound to deem their claims permanently inadmissible and so they will not be granted refugee status. The vast majority are also unlikely to be removed, for the reasons explained above. The end result will therefore be a growing ‘perma-backlog’ of people who are not formally within the asylum system – because their claims will be deemed inadmissible – but who are seeking refuge in the UK.⁴

The growing ‘perma-backlog’ may prove both legally and practically unsustainable. Permanently rendering asylum claims inadmissible could amount to a human rights breach. Other parts of the act may also constitute a breach. The UK courts may therefore issue a declaration of incompatibility, which means that the legislation is incompatible with the European Convention on Human Rights. Ultimately, the European Court of Human Rights could make a ruling that permanent inadmissibility – as well as other aspects of the act – contravenes the ECHR. However, the legal process is slow – it could take around five years to conclude and the policy could continue to be in place during this period (Kavanagh 2023).

Moreover, the ‘perma-backlog’ is likely to pose a significant policy challenge for any future government. This is because it cannot simply be resolved by processing claims faster: the Illegal Migration Act bars this group from entering the asylum system and (other than in very limited circumstances) receiving any form of leave to remain. Without legislative action, the risk is that the ‘perma-backlog’ grows indefinitely and the government has few tools to manage it effectively.

Key points

- The asylum backlog reached more than 133,000 cases at the end of March 2023.
- To meet the its commitment to clear the ‘legacy backlog’ of 100,000 claims made before 28 June 2022, there will need to be a significant ramping up of asylum decisions.
- Even if the legacy backlog is resolved, a large ‘flow backlog’ of applications made after June 2022 presents a significant challenge.

⁴ Under the Illegal Migration Act, as soon as the key provisions are in force, anyone arriving irregularly since the act received royal assent (on 20 July 2023) will be subject to the removal duty and deemed permanently inadmissible to the asylum system. However, to avoid an in-built backlog on day one it is possible that the government will adjust this timing such that the key provisions apply to anyone who arrived on the date they come into force, rather than the date of royal assent (Lenegan 2023).

- Once the key provisions of Illegal Migration Act are in force, they will prevent irregular arrivals from making asylum claims, creating a ‘perma-backlog’, posing legal and practical difficulties for the future government.

Detention

According to the latest available data, 1,591 people were in immigration detention at the end of March 2023. This is lower than for most of the 2010s, where numbers tended to range between 2,000 and 3,500 (Home Office 2023e).

However, as part of implementing the Illegal Migration Act the government intends to significantly increase detention places. The act gives the government new powers to detain people who arrive irregularly in the UK for their removal and imposes strict limits on the ability to be granted bail in the first 28 days of detention. There are concurrent plans to expand the detention estate to allow for more people to be detained prior to removal. This is a reversal of efforts over the last decade to limit the use of detention, particularly for vulnerable groups.

Detention is highly expensive: the average cost per day of holding someone in detention as of the first quarter of 2023 was around £113 (Home Office and Immigration Enforcement 2023). The cost of detaining someone for 40 days – including shelter, food and associated services – is estimated at around £7,000 per person, according to the Home Office’s economic impact assessment of the Illegal Migration Act (Home Office 2023f). Based on the number of detected irregular arrivals in 2022 and assuming they were all detained for around 40 days, this equates to an annual cost of around £382 million.

There will also be significant costs and complexities involved in expanding the detention estate. Plans to redevelop and reopen Campsfield House and Haslar Immigration Removal Centres are expected to come at large costs and have faced local opposition from campaigners. The costs related to refurbishment and new build of the two sites are expected to come in at around £240-260 million (Murray 2022).

Moreover, it is unclear what the benefit of expanding detention would be in practice, given it is unlikely that removals to safe third countries could take place at scale (see below for further details). In reality, due to the difficulties of removal, individuals are unlikely to be able to be detained for the long term, given the costs and logistical, legal and ethical implications.

Detention policy is therefore likely to be another area of challenge and contention by the time of the next election. It is possible that the use of detention will have ramped up in line with the government’s intentions in the Illegal Migration Act, putting further strain on the Home Office budget. But given the difficulties involved in organising removals, detaining irregular arrivals in large numbers is unlikely to have any clear purpose, and in practice many people are likely to be in alternative forms of accommodation, as discussed in the following section. After the next election, the government could be left with a costly, harmful and ineffectual system of detention.

Key points

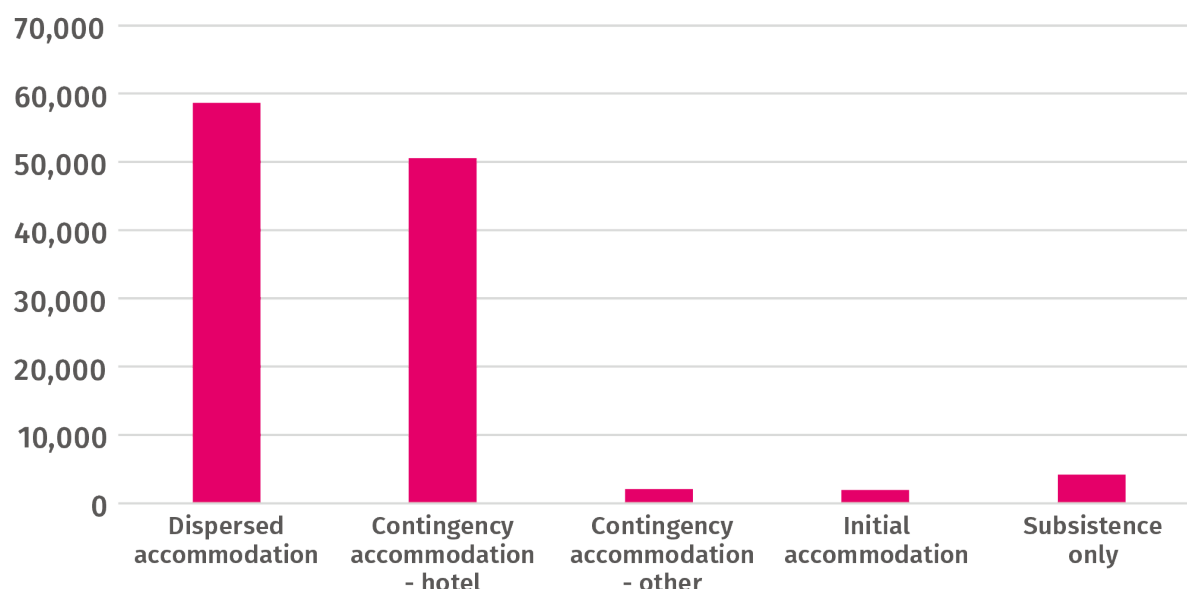
- The government plans to increase detention places under the Illegal Migration Act, imposing strict limits on the ability to be granted bail in the first 28 days of detention.
- Immigration detention is highly expensive, costing around £113 per day per person. There are further refurbishment and new build costs involved in expanding the detention estate.
- Expanding detention lacks a clear purpose due to challenges with removals, potentially leaving the future government with a costly, harmful and ineffectual detention system.

Asylum accommodation and support

The rise in people awaiting their asylum decision has placed growing pressure on the asylum accommodation and support system. In principle, asylum seekers are meant to be housed in hostel-like initial accommodation on a short-term basis before they are moved to longer-term dispersal accommodation (typically shared flats or houses) while their claims are being processed. However, there has been a recent increase in the use of 'contingency accommodation' – largely hotels, as well as former military sites – to accommodate arrivals (figure 2.4).

Figure 2.4: Large numbers of asylum seekers are currently being housed in contingency accommodation

Number of people with asylum support by type as of 30 June 2023



Source: Home Office 2023d

This has proved to be very expensive – around £3.6 billion was spent on asylum support in 2022-23, including around £2.3 billion on hotels (NAO 2023). The cost of accommodating asylum seekers has increased from an average of £14 per person per night in 2018 to an average of £90 per person per night in May 2023 (Home Office 2023f). Significant amounts

of this spending are now reported as Official Development Assistance (ODA): in 2022, around 29 per cent of ODA was made up of refugee costs within the UK (FCDO 2023).

As part of its asylum and protection transformation programme, the Home Office is trying to expand the number of available dispersal spaces, but progress is slow: in the year ending April 2023, the department had found on average 48 additional dispersal beds each week, compared to an earlier target of 500 per week by October 2022 (NAO 2023). The government is looking to identify new contingency accommodation – including barges and military sites – to make savings by reducing the reliance on hotels. But as discussed above, we expect the government will struggle to eliminate the large asylum backlog by next year, which would ultimately mean that the large-scale use of contingency accommodation will continue to be a significant budgetary and logistical challenge after the next election.

Moreover, the Illegal Migration Act could worsen the situation further. As already noted, if it comes fully into force it is set to create a ‘perma-backlog’ of people whose asylum claims cannot be processed and who cannot be removed. The act provides for this group to be accommodated and supported by the Home Office through ‘section 4’ support. The conditions on accessing section 4 support are tightly restricted – it can only be provided where either:

- (i) the individual is taking all reasonable steps to leave the UK (or to place themselves in a position where they can leave the UK);
- (ii) they are unable to leave the UK due to a physical impediment to travel or some other medical reason;
- (iii) the home secretary deems there is no viable route of return;
- (iv) they have made an application for judicial review in relation to their asylum claim and been granted permission to proceed;⁵
- (v) or where accommodation is needed to avoid a breach of their human rights.⁶

In practice, the Home Office is likely to be required to provide support because withholding it may constitute a breach of people’s ECHR rights (specifically Article 3 on prohibition of torture or inhuman or degrading treatment or punishment).

As noted above, the new Act may incentivise some people to avoid detection and enter the informal economy. This could lead to a growing undocumented population and a high risk of irregular working, destitution, and exploitation. However, others may continue to enter Home Office systems – eg because they would prefer to access asylum support or because they are unaware of alternative options.

If people are mostly accommodated by the Home Office, then in many cases this will need to be done indefinitely, given the intention of the act is to deem them permanently inadmissible to the asylum system and their prospects of removal are low.

The costs of this are likely to be significant. This is demonstrated through the simple illustrative model below, which assumes ongoing monthly arrivals of approximately 4,500

⁵ This is relevant for England and Wales; slightly different rules apply in Scotland and Northern Ireland.

⁶ See <https://www.legislation.gov.uk/ukxi/2005/930/regulation/3/made>.

(ie in line with 2022 levels). We follow the assumptions in the Illegal Migration Act economic impact assessment – 85 per cent of irregular arrivals will require accommodation support at an estimated cost of £85 per night. We also estimate that around 50-500 people will exit asylum accommodation each month, because they are either returned or removed to a third country. (We test a range given the uncertainties involved.)⁷ The table highlights how the cost of accommodation would continue to mount under these assumptions as the ‘perma-backlog’ grows, resulting in annual accommodation costs of over £5bn after five years of the key provisions of the act being in force.⁸

Table 2.1: Illustration of accommodation costs under Illegal Migration Act over five-year period

	Cumulative number of irregular arrivals in accommodation at year end (low removals)	Cumulative number of irregular arrivals in accommodation at year end (high removals)	Annual cost of accommodation (£bn) (low removals)	Annual cost of accommodation (£bn) (high removals)
Year 1	45,400	40,400	0.76	0.69
Year 2	90,700	80,300	2.17	1.92
Year 3	136,000	120,200	3.57	3.16
Year 4	181,300	160,100	4.98	4.40
Year 5	226,600	200,000	6.38	5.64

Source: Authors’ analysis

Note: Figures are at current prices without adjusting for inflation

The table therefore illustrates that the accommodation and support costs of the proposed approach under the Illegal Migration Act will be hard to sustain.⁹ By the next election, assuming the legislation is implemented as planned, the government may need to take urgent action to get costs under control – by addressing the use of contingency accommodation while tackling both the asylum backlog and ‘perma-backlog’ driving the cost pressures.

⁷ We do not factor in people absconding or otherwise finding alternative accommodation due to the uncertainties involved, though in practice this is likely to be a further factor in the overall costings.

⁸ Note that this estimate only includes the cost of accommodation and does not factor in asylum seekers who arrive before they are subjected to the permanent inadmissibility rules, so it is not an estimate of total costs.

⁹ Moreover, it appears it will be difficult to report these costs as Official Development Assistance, because this can only be done for asylum seekers and under the act the asylum claims of irregular arrivals will be treated as inadmissible.

Key points

- The large asylum backlog has strained the accommodation and support system, leading to the use of expensive ‘contingency accommodation’ such as hotels, barges and former military sites.
- The government’s asylum transformation programme to expand the number of available dispersal spaces has been slow, and the Illegal Migration Act may worsen the situation by creating a ‘perma-backlog’ of people who cannot have their claims considered or be removed.
- Based on ongoing monthly arrivals in line with 2022, our illustrative model suggests that under the Illegal Migration Act there is a risk that annual accommodation costs could rapidly increase, costing billions of pounds for the Home Office.
- Accommodation costs on this scale will prove hard to sustain. By the next election, urgent action may be required to address the backlog and cost pressures.

Unaccompanied asylum-seeking children

As the asylum backlog has expanded and more people have arrived in the UK by small boat, this has led to a rise in unaccompanied children entering the asylum system. In England, the number of looked-after unaccompanied asylum-seeking children was 34 per cent higher at the end of March 2022 compared with a year earlier, reaching a total of 5,570 (DfE 2022). Numbers are likely to have increased further since then.

The process for unaccompanied asylum-seeking children in the UK is different for adults and families: local authorities are typically responsible for accommodating and supporting unaccompanied children (and for providing aftercare), in line with their statutory duties to safeguard and promote the welfare of children in need in their local areas.

As arrivals have increased, concerns have been raised about pressures on councils in the south east of England and the use of inappropriate hotel accommodation for unaccompanied children.¹⁰ The government has mandated local authorities to participate in the National Transfer Scheme for distributing unaccompanied asylum-seeking children across the country, in order to allow for a fairer share. This has led to a sharp rise in the number of transfers into local authorities (Home Office and UKVI 2023). Nevertheless, Kent Council has recently started a legal challenge against the Home Office, arguing that the scheme’s operation is ‘inadequate’ and that the number of transfers is not sufficient to avoid a ‘wholly disproportionate strain’ on the council’s children services (LGL 2023).

The Illegal Migration Act exempts unaccompanied children from the duty to remove people who arrive irregularly (though there is still a power to do so in certain circumstances). Under the legislation, unaccompanied children can be granted temporary

¹⁰ A recent court ruling found that Home Office arrangements to routinely place thousands of unaccompanied asylum seeking children arriving in Kent in hotels after Kent Council was unable to accommodate them were unlawful (Revill 2023).

leave until they turn 18, at which point the duty to remove once again applies.¹¹ Local authorities will therefore continue to take primary responsibility for unaccompanied children, with the expectation that in principle they will not have long-term settlement rights in the UK.

The situation for unaccompanied children after the next election is therefore likely to be complex. The mandated National Transfer Scheme will mean that increasingly local authority children's services which previously had little or no experience of unaccompanied asylum-seeking children will be providing support. This combined with the rise in numbers will place growing resource pressures on local services. In Kent, ongoing strains will continue unless the number of transfers increases. Moreover, if the Illegal Migration Act is fully in force, the difficulties of looking after children on a temporary basis – with the expectation that they will be removed at the age of 18 – are likely to pose a series of challenges for local authorities providing practical and emotional support for young people. While the government may not be primarily responsible for unaccompanied children, we expect that it will be under pressure to urgently respond to a series of sensitive safeguarding, budgetary, logistical and legal concerns from local councils.

Key points

- The rise in the asylum backlog and small boat arrivals has led to an increase in unaccompanied asylum-seeking children arriving in the UK.
- Local authorities face resource pressures in supporting unaccompanied children.
- The government's National Transfer Scheme aims for a fair distribution of unaccompanied asylum-seeking children between local authorities, but concerns have been raised to the Home Office that the number of transfers is inadequate to avoid ongoing pressures on local authorities at ports of entry.
- After the next election, the Home Office is likely to encounter sensitive safeguarding, budgetary, logistical and legal concerns from local councils regarding unaccompanied children.

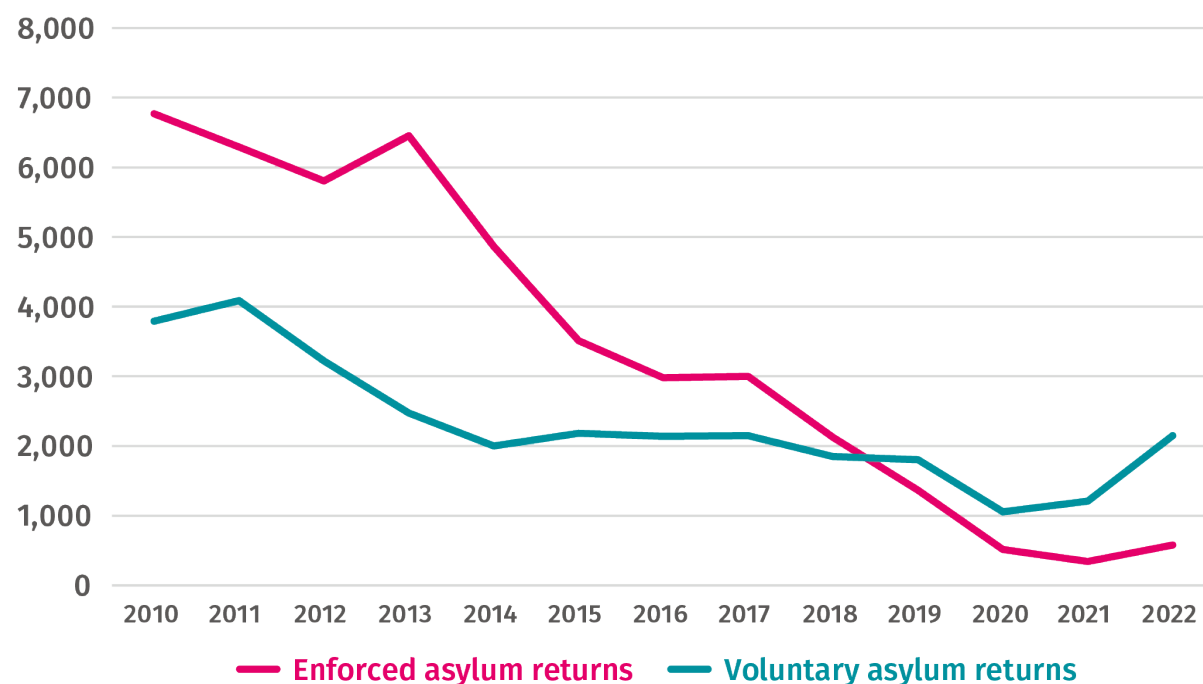
Removals

The number of removals of asylum seekers – including both voluntary and enforced returns – has fallen considerably over the past decade. The reasons behind this fall are likely to involve a number of interlocking factors, including Home Office operational failures, fewer numbers of asylum refusals, and the impacts of the Covid-19 pandemic.

¹¹ The act also provides for new powers for the Home Office to provide accommodation and other support for unaccompanied children and to transfer unaccompanied children between local authority and Home Office accommodation.

Figure 5: Asylum returns have fallen sharply over the past decade

Number of asylum returns (2010-2022)



Source: Home Office 2023g

Note: Data for asylum-related returns are not comparable before and after October 2020, due to changes in methodology which mean that post-Oct 2020 figures are higher than they would have been with the previous methodology. This suggests that the fall in returns since 2020 may be larger than the chart suggests.

Up until recently, the focus of government policy has been on asylum returns to people's home countries: since 2010, between 78 and 87 per cent of returns of asylum seekers each year (from 2010 to year ending Sep 2022) were to people's country of nationality (Walsh 2023).

However, once the main provisions of the Illegal Migration Act are in force, there will be a significant policy shift. The legislation prevents people who arrive irregularly and make asylum claims from being returned home in most cases, with the exception of a list of specific safe countries comprising EU/EEA member states, Switzerland and Albania. Most individuals are therefore expected to be removed to a safe third country such as Rwanda, rather than be returned to their own countries. The vast majority of small boat arrivals this year (99 per cent in the first quarter) were not from countries listed as safe for returns (Home Office 2023a). This means that (assuming they make an asylum claim) it will not be possible to return individuals to these countries, even where – for instance, in the case of India – asylum success rates are generally quite low. Indeed, this could create a perverse incentive for people from countries with low asylum success rates who have arrived irregularly to make an asylum claim, given under the new law this will prevent them from being returned to their home country.

Moreover, it has proved to be extremely challenging to remove asylum seekers to third countries. Under the existing rules for inadmissibility – whereby claims can be deemed inadmissible if individuals have an earlier presence in or a connection to a safe third country – only 12 people were removed to a third country after entering the inadmissibility process in 2022 (Home Office 2023h).¹² As discussed earlier, even if the arrangement to relocate asylum seekers to Rwanda is found to be lawful, it is expected that only relatively small numbers will be removed in practice.

Removals to safe third countries are also expected to be especially costly. According to the Home Office’s economic impact assessment, the estimated payment to third countries would be £105,000 per person (modelled on the estimated costs of the government’s Syrian Vulnerable Persons Resettlement Scheme), alongside flight and escorting costs of £22,000 per person, detention costs of £7,000 per person, Home Office resourcing costs of £18,000 per person, and legal aid costs of £1,000 per person. Factoring in optimism bias, this gives an overall relocation cost of £169,000 for each person removed (Home Office 2023f).¹³

In practice, these changes mean that the government will need to operate multiple removals systems in parallel. First, people who have been refused asylum before the new provisions of the Illegal Migration Act apply will be subject to the ‘old’ system of removals, where for the most part the priority is likely to be to return people to their home countries.

Second, people who arrived after the Illegal Migration Act received royal assent (ie 20 July 2023) and who are subject to the duty to remove will be prioritised for removal to Rwanda, if this is possible. Other options for this group are likely to be limited, given for the most part (with the principal exception of Albanians) they cannot be returned to their home country and the government has so far struggled to secure deals with other third countries.

Finally, there will also be people who claim asylum after the Illegal Migration Act received royal assent, but who are nevertheless not subject to the duty to remove (eg people who claim asylum after arriving on student visas). Their claims will still be processed and they could be removed to their home country if refused. After the next election, the government could therefore be faced with a highly convoluted and dysfunctional system for asylum removals.

Key points

- The number of asylum seeker removals has significantly decreased over the past decade.
- The Illegal Migration Act’s main provisions will change the government’s approach to asylum returns, making it difficult to return many people to their home countries.

¹² All of these countries were in Europe.

¹³ It is worth noting, however, that experts have queried whether the economic impact assessment’s use of the costs of the Syrian Vulnerable Persons Resettlement Scheme is appropriate, and it is possible that it overstates the cost of third country removals (Walsh and Sumption 2023).

- While the government is attempting to relocate people to safe third countries, such as Rwanda, this process is so far proving to be extremely costly and challenging.
- The government after the next election could be faced with a highly convoluted and dysfunctional system for asylum removals.

The Home Office

The previous sections have highlighted the key challenges facing the government in delivering an effective asylum system. But in order to respond to these challenges, it will also be necessary to consider the functioning of the Home Office, the government department responsible for asylum policy.

The Home Office has a number of core responsibilities, including tackling crime, preventing terrorism, managing immigration and borders, and issuing visas and passports. Within the Home Office, the Asylum, Protection and Enforcement Directorate is responsible for asylum policy. It contains key policy units such as the Asylum and Protection Unit; the Human Rights and Family Unit; the Refugee Resettlement Unit; the Removals, Criminality and Detention Unit; and the Compliant Environment and Enforcement Unit. There are a number of other units in the Home Office responsible for operational and project delivery relating to asylum claims, including Asylum and Human Rights Operations, Asylum Support and Dispersal, and Accommodation Centres. The Home Office also has a Clandestine Threat Command, which leads on the operational response to small boat arrivals (Home Office 2023i).

The Home Office has for many years faced institutional challenges with delivering on its immigration priorities – nearly two decades ago, then home secretary John Reid described the immigration system as ‘not fit for purpose’. In particular, the Home Office has a longstanding morale issue: it has consistently had some of the lowest levels of workforce engagement across main government departments (Clyne and Savur 2023).

Within Asylum Operations, a 2021 survey by the Independent Chief Inspector of Borders and Immigration (ICIBI) found evidence of a highly pressured workplace culture with unrealistic targets – nearly half of decision makers surveyed responded that they wanted to quit the job ‘as soon as possible’ (ICIBI 2021). There are ongoing challenges with high attrition rates among decision-makers. Possible reasons for this include the setting of unattainable targets by senior managers and the lack of opportunities for career progression (ibid).

Moreover, recent developments – including the Windrush scandal, the Rwanda plan, and the rushing through of new legislation in successive years – appear to have further damaged morale in the department. Reports suggest frustration in response to the Rwanda deal and the failed attempt at a first flight, particularly due to the lack of civil servant involvement in the plan and ‘minimal communication’ between senior leaders and operational staff (Bulman 2022).

In 2020, the Wendy Williams Windrush Review – commissioned in response to the Windrush scandal – found evidence of ‘institutional ignorance and thoughtlessness’ towards race within the Home Office and urged 30 different recommendations to

acknowledge its mistakes, ensure more external scrutiny, and change its working culture (Home Office 2020). The department developed a comprehensive improvement plan in response, but in Wendy Williams' 2022 progress review she found that many of the recommendations had not been fully met and suggested that more was needed to embed new practices to deliver the change required (Home Office 2022). Since then, the home secretary has scrapped some of the key recommendations from the Wendy Williams review and disbanded the transformation directorate responsible for post-Windrush reforms (Gentleman 2023).

There are also serious logistical and budgetary pressures facing the Home Office in its asylum work. The 2020-2021 ICIBI report highlighted the heavy dependence on Excel spreadsheets for managing asylum workflow and case progression at the time of the inspection (ICIBI 2021). The department is transitioning to a new immigration caseworking system called Atlas, which has faced delays and created operational challenges for asylum caseworkers (who until recently have had to 'double key' data into both the old and new systems) (NAO 2023). As discussed above, the costs for asylum accommodation have inflated rapidly over the past few years as the backlog has grown. Moreover, reporting has suggested that the Home Office is engaged in major departmental reforms to operationalise the Illegal Migration Act – including creating a new Illegal Migration Operations Command – which could derail progress on delivering on its core asylum functions (Dearden 2023).

The Home Office is currently implementing an asylum and protection transformation programme, focused on addressing some of the challenges discussed in this briefing, including speeding up asylum processing, expanding dispersed accommodation, and improving staff training and motivation (NAO 2023). There are four broad objectives for the programme:

1. A flexible, sustainable, efficient system
2. Customer journey optimisation
3. Strong partner and public trust
4. Improved colleague experience

By the time of the next election, there may therefore be some progress made on improving some internal Home Office processes – for instance, through the greater use of digital tools. However, the broader headwinds discussed in the rest of this briefing and the challenges in implementing the Illegal Migration Act will make it difficult to make meaningful progress on the deeper issues of staff retention and Home Office culture. We therefore expect that after the next election the home secretary will need to grapple with these longstanding institutional questions as part of any concerted effort to fix the asylum system.

Key points

- Within the Home Office, the Asylum, Protection and Enforcement Directorate is responsible for asylum policy.
- The Home Office has a long-standing morale problem, consistently having some of the lowest levels of workforce engagement across government departments.

- The 2020 Wendy Williams Review, commissioned in response to the Windrush scandal, found evidence of ‘institutional ignorance and thoughtlessness’ towards race within the Home Office.
- Serious logistical and budgetary pressures exist in the Home Office. Moreover, departmental reforms to operationalise the Illegal Migration Act could derail Home Office progress on delivering on its core asylum functions.
- While the asylum and protection transformation programme is attempting to address some of these problems, the next home secretary will likely need to tackle deeper and longstanding institutional challenges on staff retention and Home Office culture to fix the asylum system.

3.

SCENARIOS FOR 2025

In this section, we try to set out some of the potential scenarios for asylum policy over the next 12-18 months and therefore the likely in-tray for the home secretary after the next election. The scenarios set out here are meant to be illustrative: they do not necessarily reflect the most likely possible outcomes and they do not include all potential eventualities. For each of these stylised scenarios, we consider its likelihood and what it might mean for arrivals, removals, and the asylum backlog.

Table 3.1: Scenarios for asylum policy for next 12-18 months

Scenario	Likelihood	Arrivals	Removals	Backlog
<p>Scenario 1: Pyrrhic victory</p> <p>Rwanda plan is ruled lawful and government introduces key provisions of Illegal Migration Act. Home Office radically expands detention. New deals are secured with other countries. Numbers fall sharply and government claims success, though unclear whether fall is due to deterrence effect or other factors. Detention and removals costs make the policy highly expensive. Build-up of 'limbo' asylum population in Home Office accommodation. But undocumented population grows more quickly, with many avoiding Home Office contact due to fear of removal to Rwanda.</p>	Very low	Small boat arrivals reduced to under 10,000 per annum, though fall may be offset by other irregular arrivals.	Once declared lawful, removals to Rwanda are ramped up to maximum capacity and further deals are agreed with other countries – leading to approximately 100 removals per month	Backlog of asylum claims falls but 'perma-backlog' slowly grows due to removals not keeping up with new arrivals. This places growing pressure on detention estate and asylum accommodation.
<p>Scenario 2: Marginal impact</p> <p>Rwanda plan is ruled lawful and government introduces key provisions of Illegal Migration Act. However, logistical barriers make removals challenging. Number of arrivals slows a little though unclear why. Build-up of 'limbo' asylum population, as well as a growing undocumented population outside Home Office accommodation.</p>	Moderate to likely	Small boat arrivals reduced to under 40,000 per annum	Once declared lawful, removals to Rwanda begin but are beset by logistical difficulties, meaning only 150-250 removals by the time of the next election.	Backlog of asylum claims falls a little but growing 'perma-backlog' of people in limbo due to arrivals significantly outpacing removals. This places strains on Home Office accommodation.

<p>Scenario 3: Status quo</p> <p>Rwanda plan is ruled unlawful and so the government holds off introducing the key provisions of Illegal Migration Act, while searching for new deals and seeking to improve the plan with Rwanda. Number of arrivals continues at similar pace. There are calls for the UK to withdraw from the ECHR but the government faces paralysis.</p>	<p>Moderate to likely</p>	<p>Small boat arrivals continue at around 40,000-50,000 per annum</p>	<p>No removals to Rwanda take place by the time of the next election and no other deals are secured – beyond returns to Albania, removals are negligible.</p>	<p>Backlog of asylum claims remains high as efforts to reduce are countered by new arrivals. However, no ‘perma-backlog’ as Illegal Migration Act not fully in force.</p>
<p>Scenario 4: Steamrolling ahead</p> <p>Rwanda plan is ruled unlawful so the government seeks to renegotiate Rwanda and secure alternative deals. There are calls for the UK to withdraw from the ECHR to deliver on the Rwanda plan. Under pressure from backbenchers as the general election approaches, the government introduces the key provisions of Illegal Migration Act despite no lawful agreement in place with a safe third country. Numbers of arrivals continues at pace and there is a growing build-up of the ‘limbo’ asylum population, although the issue is clouded by the ensuing election campaign.</p>	<p>Low to moderate</p>	<p>Small boat arrivals continue at around 40,000-50,000 per annum</p>	<p>No removals to Rwanda take place by the time of the next election and no other deals are secured – beyond returns to Albania, removals are negligible.</p>	<p>Backlog of asylum claims falls a little but growing ‘perma-backlog’ of people in limbo due to arrivals significantly outpacing removals. By the time of the election this begins to become unsustainable.</p>
<p>Scenario 5: Spiralling disaster</p> <p>Rwanda plan is ruled unlawful but the government introduces the key provisions of Illegal Migration Act regardless, stating that it will rework the plan and negotiate new deals shortly. A new humanitarian crisis leads to a surge in arrivals to Europe and escalating numbers of people crossing the Channel in small boats. With an unsustainable number of people in the ‘limbo’ asylum population, there is widespread overcrowding and major cost pressures. At the same time, there is a swiftly growing undocumented population outside Home Office accommodation.</p>	<p>Low</p>	<p>Small boat arrivals surge to more than 70,000</p>	<p>No removals to Rwanda take place by the time of the next election and no other deals are secured – beyond returns to Albania, removals are negligible.</p>	<p>Backlog of asylum claims remains high as Home Office distracted by other crises. Rapidly expanding ‘perma-backlog’ of people in limbo due to surge in arrivals, which quickly become unsustainable.</p>

The above table highlights how a number of the potential scenarios for the asylum system in 2025 feature key commonalities. Under most plausible scenarios – even those most advantageous from the government’s perspective – the likelihood of small boat arrivals falling to zero or negligible amounts is very low. At the same time, there is little chance of the UK ramping up large-scale removals to safe third countries (even the 100 per month in scenario 1 is highly ambitious in the context of past levels of returns).

Ultimately, this means that the window for government success on asylum is remarkably narrow: under most scenarios where the government fully introduces the new Illegal Migration Act, arrivals will outpace removals and – due to the policy of permanent inadmissibility – this will lead to a growing population of people in limbo. This in turn will place renewed pressure on Home Office accommodation and support systems and/or a large undocumented population vulnerable to destitution and exploitation. The scenario analysis therefore illustrates the immense task facing the government in implementing the Illegal Migration Act effectively – and its likely legacy after the next general election.

4.

CONCLUSION

There will be an overflowing in-tray on asylum for the home secretary after the next election. A series of interlocking challenges for asylum policy are set to be exacerbated by the implementation of the Illegal Migration Act. While it is impossible to be able to predict with certainty, we can expect the home secretary to need to grapple with a number of the following issues:

1. **Continuing high levels of irregular or clandestine arrivals** – though it is possible that, if it is implemented in full, the act may encourage more people to try to arrive undetected and instead take more dangerous routes.
2. **A large backlog of asylum claims** – which will pose a major operational challenge. In addition to this, if fully implemented the Illegal Migration Act could create a growing ‘perma-backlog’ of arrivals whose asylum claims cannot be considered.
3. **Ongoing accommodation pressures** – large-scale contingency accommodation in the form of hotels, former military sites, and/or barges will likely be in use, at significant expense for the government. If the Illegal Migration Act is implemented in full, the growing ‘perma-backlog’ could make such an approach to Home Office accommodation ultimately unsustainable.
4. **An expanded detention estate** – at considerable cost but without a clear purpose.
5. **Local resourcing pressures over supporting unaccompanied children** – with councils pushing the Home Office for additional funding and reforms to the National Transfer Scheme.
6. **A convoluted and dysfunctional removals system** – with different processes in place for people depending on their circumstances and when they arrived. If the Illegal Migration Act is implemented in full, then the main option for new irregular arrivals will be removal to Rwanda, while returns will in many cases become impossible.

These challenges will require a multi-pronged response:

- First, renewed efforts will need to be made on Home Office delivery in order to address current operational weaknesses and streamline processes – notably in relation to administering asylum claims.
- Second, improved delivery will need to be underpinned by effective governance arrangements. This may require institutional reform – for instance, by considering how to reorganise Home Office structures to maximise effectiveness at delivering on asylum processing and returns (eg by making parts of the asylum function operationally independent).
- Third, creative thinking and close working with local government will be necessary to effectively manage budgetary pressures in relation to the costs of asylum accommodation and expand the use of dispersal spaces.
- Fourth, developing an effective response to the high numbers of small boat arrivals will require skilful international diplomacy – particularly with France and the EU.

- Fifth, if the Illegal Migration Act is fully in force by the time of the next election, dealing with these challenges will be all but impossible without legislative action, because the act places a duty on the home secretary to remove irregular arrivals and deem their asylum claims permanently inadmissible, stymieing meaningful reform.

How precisely the government should deal with these questions is something IPPR will return to in future work. But what this briefing makes clear is that there is no scope for asylum policy to be side-lined after the next election. While it may be tempting for the government to focus on other priorities, given the multiple challenges facing the UK, without urgent action the asylum system will be fall into a still deeper crisis. Whoever forms the next government, asylum will have to be a priority in the early days of the new parliament.

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