

Institute for Public Policy Research



CHARTING NEW WATERS

**A PROGRESSIVE POLICY RESPONSE
TO THE CHANNEL CROSSINGS**

**Marley Morris and
Amreen Qureshi**

October 2023

ABOUT IPPR

IPPR, the Institute for Public Policy Research, is an independent charity working towards a fairer, greener, and more prosperous society. We are researchers, communicators, and policy experts creating tangible progressive change, and turning bold ideas into common sense realities. Working across the UK, IPPR, IPPR North, and IPPR Scotland are deeply connected to the people of our nations and regions, and the issues our communities face.

We have helped shape national conversations and progressive policy change for more than 30 years. From making the early case for the minimum wage and tackling regional inequality, to proposing a windfall tax on energy companies, IPPR's research and policy work has put forward practical solutions for the crises facing society.

IPPR
8 Storey's Gate
London
SW1P 3AY
E: info@ippr.org
www.ippr.org
Registered charity no: 800065 (England and Wales),
SC046557 (Scotland)

This paper was first published in October 2023. © IPPR 2023

The contents and opinions expressed in this paper are those of the authors only.



CONTENTS

Summary	5
1. Safe and accessible routes	6
2. Renewed cooperation with our neighbours	6
3. Fixing the asylum system	7
1. Introduction	9
2. The current picture	11
Why people cross the Channel.....	11
The government’s response.....	12
3. Principles for a progressive policy response	19
Policies should promote a well-managed and fair asylum system	19
Policies should be evidence based and demonstrate value for money....	20
Policies should respect the dignity of people crossing the Channel	20
Policies should respect the rule of law	21
Policies must not foster racial discrimination	21
Policies should promote international cooperation	22
4. The Channel crossings: A progressive and pragmatic policy agenda	23
1. Safe and accessible routes	23
2. Renewed cooperation with our neighbours	27
3. Fixing the UK asylum system	30
5. Conclusion	35
References	36

ABOUT THE AUTHORS

Marley Morris is associate director for migration, trade and communities at IPPR.

Amreen Qureshi is a research fellow at IPPR.

ACKNOWLEDGEMENTS

This report would not have been possible without the generous support of the Barrow Cadbury Trust and This Day. We would in particular like to thank Ayesha Saran and Dan Berelowitz for their support over the course of the project. We are grateful to everyone who participated in interviews and to all those who joined the virtual policy workshop. Our thanks also go to Will Somerville, Sunder Katwala, Beth Gardiner-Smith, and Jon Featonby for their invaluable comments on earlier drafts of the report, as well as to Peter Walsh for his advice on the data analysis. Within IPPR, we would like to thank Lucy Mort and Harry Quilter-Pinner for their advice and feedback at various stages of the project. All errors and omissions are our own.

ABOUT THIS REPORT

The purpose of this paper is to promote research on humane and effective policy responses to the rise in small boat crossings.

Download

This document is available to download as a free PDF and in other formats at:

<http://www.ippr.org/publications/charting-new-waters>

Citation

If you are using this document in your own writing, our preferred citation is:

Morris M and Qureshi A (2023) *Charting new waters: A progressive policy response to the Channel crossings*, IPPR. <http://www.ippr.org/publications/charting-new-waters>

Permission to share

This document is published under a creative commons licence:

Attribution-NonCommercial-NoDerivs 2.0 UK

<http://creativecommons.org/licenses/by-nc-nd/2.0/uk/>

For commercial use, please contact info@ippr.org



SUMMARY

The surge in arrivals from people crossing the Channel in small boats has become an increasingly charged issue for government. The number of detected arrivals rose sharply from 299 in 2018 to 45,744 in 2022, and there have been more than 20,000 detected arrivals so far this year. After a period of very low salience, immigration has begun to rise up the public agenda, and the issue has become a subject of intense debate in the national media.

In response, there has been a flurry of government activity in an effort to ‘stop the boats’. This has included successive deals to increase enforcement with France; an agreement to enhance returns with Albania; new measures intensifying the ‘compliant environment’ to deter arrivals; and a proposal to relocate asylum seekers who arrive in the UK to Rwanda, where they would be processed and settled if granted refugee status. Most recently, the government has swiftly pushed through parliament a new Illegal Migration Act, which places a duty on the home secretary to remove irregular arrivals and refuse to consider their asylum claims.

But so far nothing seems to have worked. While arrivals are slightly down on last year, tens of thousands of people have still made the journey across the Channel. The government’s hopes are now pinned on the outcome of the Supreme Court case on its Rwanda plan, which is expected by the end of the year. But as IPPR argued in our recent briefing, *The asylum in-tray in 2025*, regardless of the Supreme Court’s decision, the Rwanda plan is likely to face major cost and operational challenges. Perhaps most fundamentally, in recent years Rwanda has made asylum decisions in the hundreds, not the thousands. There is little basis that it will be able to accept asylum seekers on the scale necessary for the plan to work.

The government has challenged those opposed to the Rwanda plan to propose a credible alternative. In this report, we try to do this by setting out a progressive and pragmatic approach to the Channel crossings. We put forward a set of proposals which aim to reduce small boat arrivals and uphold the UK’s moral and legal responsibilities to people seeking refuge.

This is of course a highly complex issue and there is no silver bullet for stopping the Channel crossings overnight. But there are concrete steps which the government can take to mount a progressive and pragmatic response. In contrast to the current agenda – driven by hostile rhetoric and impractical solutions designed to deter new arrivals – our plan focusses on measures which are humane, evidence-based and deliverable.

Our proposals to respond to the Channel crossings are underpinned by six key principles.

- **Policies should support a fair and well-managed asylum system.** They should seek to build a public consensus around the idea of a system which is both orderly and compassionate.
- **Policies should be evidence based and value for money.** They should be underpinned by the best available evidence on asylum decision-making.
- **Policies should respect the dignity of people crossing the Channel.** They should reflect the fact that the majority of arrivals are fleeing conflict and persecution. Special attention should be placed on the most vulnerable, such as unaccompanied asylum-seeking children.

- **Policies should respect the rule of law.** In particular, they should be designed to be compatible with the UK's international legal obligations, including the Refugee Convention and the European Convention on Human Rights.
- **Policies must not foster racial discrimination.** Any policies for addressing Channel crossings should require a consultation and a meaningful impact assessment addressing discrimination, alongside ongoing risk monitoring.
- **Policies should promote international cooperation.** This should involve collaboration with neighbouring countries, the EU, countries hosting refugees, and international institutions such as the UNHCR and the IOM.

Our policy agenda is divided into three pillars: safe and accessible routes; renewed cooperation with our neighbours; and fixing the asylum system at home.

1. SAFE AND ACCESSIBLE ROUTES

The government should reform its policy on safe and accessible routes, which are currently too narrowly defined to provide a meaningful alternative to small boat crossings. In particular, we propose the following.

- **Widening refugee family reunion rules** to allow refugees to bring siblings alongside other close family members to the UK and to allow unaccompanied children to sponsor parents. The requirement for a family member to be part of the family unit before fleeing the country of residence should also be dropped. Given family ties are one of the main reasons people come to the UK to seek asylum, these easements would provide an important alternative route for people who might otherwise make dangerous crossings to come to the UK.
- **Piloting a refugee visa scheme** to allow asylum seekers to make an application for temporary leave to enter the UK, where they would then be able to apply for asylum. The pilot would be for Afghans given that they are the one largest groups crossing the Channel and have a very high asylum grant rate. Applicants could apply at embassies in countries neighbouring or near Afghanistan. The pilot would initially be limited to 5,000–10,000 visas, with the potential for this to be scaled up. The aim of the pilot would be to direct people away from small boat crossings, following a similar approach taken in the US under their humanitarian parole scheme.
- **Expanding the UK Resettlement Scheme** to around 10,000 people annually. While this may not have a direct impact on Channel crossings, it would aim to support the most vulnerable refugees in cooperation with the UNHCR and would complement the other safe routes available.

2. RENEWED COOPERATION WITH OUR NEIGHBOURS

The government should seek deeper cooperation with France and the EU on asylum. In particular, we propose that the UK seeks a deal with France, drawing on the lessons from the previous agreement by former home secretary David Blunkett and interior minister Nicolas Sarkozy, to close the Sangatte refugee camp in 2002. A deal with France should go beyond simply enforcement and focus on some of the root causes of the current challenges, by addressing the immigration status of people currently based in the Calais area. It could include the following elements.

- Extending multi-agency cooperation on tackling people smuggling between the UK's National Crime Agency (NCA) and France's OLTIM – for instance, by expanding the Anglo-French Joint Intelligence Cell set up in 2020 to target people smuggling gangs.
- Redirecting some of the funding provided by the UK for enforcement in France towards supporting the French government to receive and process the asylum

claims of people living in the Calais area, with involvement from the UNHCR where appropriate.

- In return, the UK government agreeing a one-off arrangement to accept a share of people seeking asylum in Calais who are identified by the UNHCR as having family ties in the UK.

In the longer run, we recommend that the UK negotiate an agreement with the EU on asylum. The arrangement could be based on the new asylum rules currently being negotiated within the EU to replace the Dublin Regulation. In broad terms, according to the proposal currently under consideration, it would mean that the UK would accept transfers of people for family reunion purposes and would otherwise relocate asylum seekers who had arrived in the UK from across the Channel to the first member state of irregular entry. The UK would also participate in a 'solidarity mechanism' by making some form of contribution – either in the form of accepting a share of relocations, making financial transfers, or providing alternative support.

The view of expert stakeholders was that a deal with the EU is a vital component of an effective response to the Channel crossings. Our proposal would aim to reduce the demand for irregular journeys across Europe, and in particular small boat crossings, and would create a pragmatic, managed approach to determining how asylum applicants should be treated if they do arrive in the UK. While a deal with the EU is likely to be hard to negotiate – and is not expected to be forthcoming in the short term – we expect that more scope for negotiations could open up if and when the EU comes to an agreement internally on its own reforms to the common asylum system.

3. FIXING THE ASYLUM SYSTEM

The final part of our plan involves getting the UK's own asylum system in order. Many of the recent pressures on the asylum system in fact stem from wider Home Office failures, which would have caused significant problems regardless of the recent increase in small boat arrivals. The full set of policies necessary to fix the asylum system extend beyond the scope of this report, but we focus on three urgent areas of reform.

- **Reducing the asylum backlog through fast and fair decisions on asylum claims.** While the government has recently made progress in speeding up decision-making, we are concerned that this may come at the expense of decision quality and could ultimately cost the Home Office in the longer run through appeals and fresh claims. We therefore propose a number of steps to ensure an efficient, orderly and accurate system of asylum processing, including enhanced triaging of cases, targets for manifestly well-founded and unfounded claims, and a review of the new asylum questionnaire to ensure it is fit for purpose.
- **Introducing a new, more humane and effective approach to asylum returns.** In particular, we propose that the Home Office funds an external partner to deliver an assisted returns service, rather than running it in-house. The partner would be responsible for providing practical advice and support to people in cases where an assisted return may be an appropriate and feasible option. An external partner would be far better placed to provide trusted, impartial advice on returns, allowing for a more effective and compassionate system. We also propose additional safeguards to ensure independence from the government – for example, including a provision in the partnership contract barring the inappropriate sharing of data with the Home Office for enforcement purposes.
- **Reforming the current model of asylum accommodation to reduce the reliance on costly hotels.** Efforts are already underway to move to a model of 'full dispersal' – where the Home Office and its private

contractors procure dispersal accommodation for asylum seekers across all local authorities, rather than only in specific 'dispersal areas'. For this model to work effectively, it should be matched with broader plans to expand the stock of available dispersal accommodation. IPPR will be carrying out further work developing our proposals for asylum accommodation in the coming months.

Finally, there is a risk that this reform programme could be fatally undermined by the Illegal Migration Act, which when in force will prevent the asylum claims of irregular arrivals from being considered in the UK altogether. The government should therefore, as part of any legislative programme on asylum, amend or repeal those provisions of the Illegal Migration Act which would otherwise threaten the effective functioning of the asylum system.

1. INTRODUCTION

It has been five years since the numbers crossing the English Channel in small boats started to rise. In December 2018, the then home secretary Sajid Javid broke off his holiday and declared a ‘major incident’ in the Channel after a surge in arrivals in the final weeks of the year (Home Office 2018). Since then, detected small boat arrivals increased from 299 in 2018 to 45,774 in 2022, and numbers for 2023 are again in the tens of thousands (Home Office 2023a).

As the numbers have grown, the political debate has become increasingly intense. After a period of low political salience, immigration has again started to rise up the agenda – becoming the fourth most important issue for the public by the summer of 2023 (Ipsos 2023). The crossings have grabbed the media’s attention. In response, the prime minister has pledged to ‘stop the boats’ as one of his top five priorities in office.

However, the government has so far struggled to grapple with the challenge. Successive plans to deter arrivals have made life tougher for asylum seekers, but otherwise appear to have had little impact on the numbers arriving. At the same time, the costs of the asylum system have mounted, largely down to the spending on hotel accommodation for people awaiting the outcome of their claims. Public satisfaction in the government’s management of immigration is at rock bottom – only 8 per cent think it is handling immigration well (YouGov 2023).

The government’s most recent effort is based on the new Illegal Migration Act which, when fully in force, will place a duty on the home secretary to remove irregular arrivals and disregard their asylum claims. The UK has negotiated an arrangement to relocate asylum seekers to Rwanda, where their claims would be processed and they would be resettled if successful. The government envisages detaining and removing people en masse as a means of halting the crossings.

These proposals represent a major breach with the UK’s longstanding humanitarian and legal obligations to people seeking asylum – in effect ending the right to asylum in the UK for anyone who arrives irregularly, while offering few safe and accessible alternatives. At the same time, the plan seems largely impractical. No flights to Rwanda have departed as the proposal works its way through the UK courts; the Court of Appeal judged it to be unlawful and a final ruling by the Supreme Court is expected later this year. Moreover, even if the plan is deemed lawful, the logistical difficulties involved are likely to make it hard for removals to Rwanda to be operationalised at scale.

Proponents of the Illegal Migration Act and the Rwanda scheme contend that critics of their plans have offered no credible alternatives to responding to the rise in small boats. But there are other policy approaches which both recognise the need to prevent the highly dangerous crossings – at least 64 people have drowned or gone missing in the Channel since 2018¹ – while respecting the core rights and protections of people seeking refuge from persecution and conflict (IOM 2023).

1 This figure is calculated from the IOM’s ‘missing migrants project’ database by totalling all those who have been reported as dead or missing from drowning along the English Channel migration route from the start of 2018 to August 2023. The true number may be higher given deaths may have gone unrecorded.

This report aims to meet this challenge head on and set out an alternative approach to managing the Channel crossings. The report draws on IPPR's previous briefing, *Understanding the Channel Crossings*, and our engagement with a range of experts to define a progressive agenda for responding to the rise in small boats, including an online workshop in early 2023 to test and discuss different policy options. We build on the work of a number of others – including British Future, Safe Passage and the Refugee Council – to set out a credible alternative to the government's Rwanda plan.

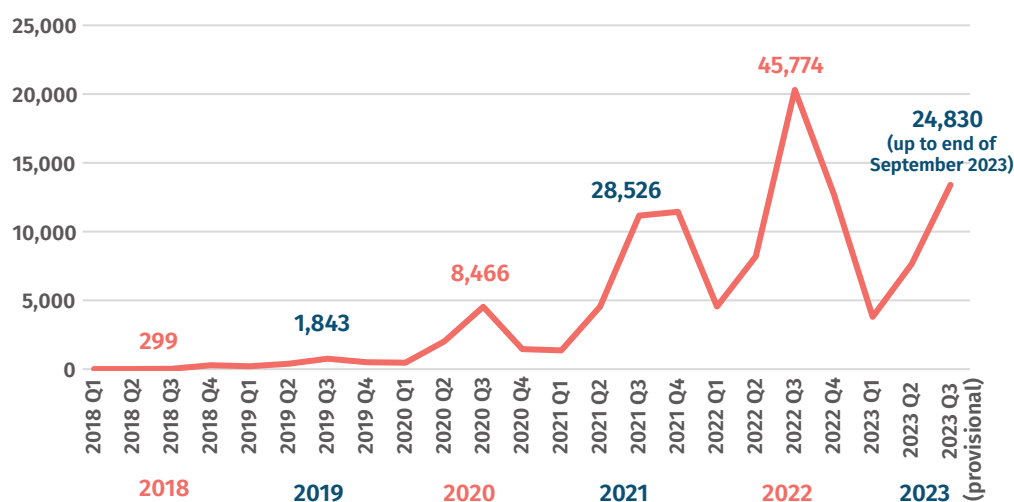
The report is structured in three parts. First, we explore the overarching policy context and the government's current plans to deter people arriving in the UK in small boats. Second, we set out the core principles behind a progressive approach to responding to the Channel crossings. Finally, we outline our proposed plan, based on three core pillars of reform: reforming safe and accessible routes; engaging with international partners; and fixing the UK's asylum system.

2. THE CURRENT PICTURE

Over the past five years, the government has grappled with a sharp growth in people crossing the English Channel from France in small, unseaworthy boats. People making dangerous journeys to the UK is not a new phenomenon: in previous years, especially the early 2000s, many travelled from Calais in France through clandestine means, such as by stowing themselves on lorries going through the Channel Tunnel. But now people are arriving at scale by crossing on boats, with the vast majority claiming asylum on arrival. Numbers rose sharply between 2018 and 2022, and so far there have been 24,830 detected arrivals in 2023 (up until the end of September), around 25 per cent lower than the same point last year but still far higher than previously (figure 2.1). Indeed, analysis by the Refugee Council has demonstrated that, after excluding Albanians – who have tended to follow a different trend compared to other nationalities – the number of detected small boat arrivals in the first eight months of 2023 exceeded the equivalent number at the same point in 2022 (Refugee Council 2023).

FIGURE 2.1: NUMBERS CROSSING THE CHANNEL IN SMALL BOATS HAVE RISEN SHARPLY SINCE 2018

People detected crossing the Channel in small boats (2018–23)



Source: IPPR analysis of Home Office 2023a and Home Office and Border Force 2023

WHY PEOPLE CROSS THE CHANNEL

In IPPR's previous 2022 briefing, *Understanding the Channel crossings*, we explored some of the reasons behind the recent rise, drawing on interviews with expert stakeholders and analysis of Home Office data (Morris and Qureshi 2022). Our research suggested that people cross the Channel to seek asylum in the UK for a number of different reasons including: family and friendship ties; the English

language and other cultural links; the UK's longstanding reputation as a protector of human rights and fairness; and the experience of restrictive asylum policies in other parts of Europe. There were also factors which were simply out of individuals' control: some people may have been cajoled or coerced into making the journey by people smugglers who stood to make a profit.

The briefing identified three main potential reasons for the uptick in small boat crossings since 2018.

1. Tighter security measures have made it harder for people to travel from France to the UK via the Channel Tunnel. Combined with the reduction in air, ferry and tunnel traffic during the Covid-19 pandemic, this may have created a behaviour shift, prompting people to pursue alternative ways of crossing the Channel.
2. There has been a reduction in safe routes to the UK from the rest of Europe in recent years – notably due to the UK's withdrawal from the Dublin arrangements as a result of Brexit. This has made it harder for asylum seekers in France (and other EU member states) to reunite with family members in the UK. There has also been an end to the Dubs scheme, which helped to relocate unaccompanied child refugees from other parts of Europe to the UK. Together, this may have encouraged people to take more dangerous routes, given the lack of safe alternatives.
3. The relative success of early attempts to cross the Channel by small boat may have created a 'snowball effect', whereby increasing numbers of people took a similar route. It also appears to have led to the growth of a major people smuggling operation to facilitate the journey across the Channel.

THE GOVERNMENT'S RESPONSE

Since 2018, the government has explored a range of measures aimed at preventing people from crossing the Channel in small boats. In the last year, these efforts have ramped up, as prime minister Rishi Sunak pledged to 'stop the boats' as one of his five priorities for government. The overarching focus of the government's approach has been deterrence: it hopes that it can discourage people from making the journey through a series of policy initiatives aimed at making life difficult for those who arrive in the UK and preventing them from staying. Below are some of the main strategies the government has tested.

Enforcement cooperation with France and Europe

Since 2014, the UK and France have agreed successive deals to strengthen enforcement cooperation across the Channel. This has built on past cooperation such as the 2003 Le Touquet treaty, which allowed for the introduction of juxtaposed controls at UK and French seaports (House of Commons Library 2023).² Each agreement has typically involved a UK funding settlement in aid of border security and enforcement in northern France.

The latest agreement was reached in March 2023 as part of the UK-France Joint Leaders' Declaration (PMO 2023a). The leaders negotiated a joint multi-year operational plan involving the UK offering a total contribution of €541 million (approximately £468 million) over 2023–26. The plan involves:

- funding an additional 500 officers in law enforcement and human resources in France, as well as infrastructure and surveillance equipment (such as drones and aircraft) to help with the detection of people crossing the Channel. This also includes the development of a new immigration retention centre in France

2 Juxtaposed controls involve UK and French authorities carrying out border checks in each other's territories, preventing passengers without the right documentation from travelling before embarkation.

- a new ‘zonal coordination initiative’ in France to help coordinate French law enforcement’s operational response, involving a permanently embedded UK officer
- cooperation on pursuing organised crime groups involved in the Channel crossings, including sharing of intelligence, joint investigations, and deploying of a UK liaison officer in OLTIM, the French agency responsible for immigration crime
- co-leading of an initiative aimed at targeting the supply chains of equipment used to facilitate Channel crossings via small boats
- joint activities aimed at addressing irregular migration ‘upstream’ in source and transit states.

While there have been continual UK-France agreements over the past decade, it is unclear how much impact this cooperation has had in practice. The UK government has reported that around 50 per cent of people attempting to cross in small boats were intercepted by French authorities in 2021, while the share of people intercepted in 2022 was an estimated 42.5 per cent (House of Commons Library 2023). However, many individuals who were intercepted are likely to have then gone on to attempt another journey at a future date. Interceptions may therefore have hampered efforts to cross the Channel, but not necessarily prevented them over the long term. Moreover, as noted above, despite increasing efforts to cooperate on monitoring and law enforcement activities, the number of people arriving in the UK on small boats has sharply increased in recent years.

In recent weeks, the government has also stepped up its engagement with the rest of Europe. In October 2023, prime minister Rishi Sunak led a meeting with Italian prime minister Giorgia Meloni at the European Political Community Summit, committing the UK, Italy, the Netherlands, France, Albania and the European Commission to an eight-point plan on tackling irregular migration. This included joint work on tackling people smuggler gangs, partnerships with other countries to deal with the ‘root causes’ of migration, and support for partner countries to tighten border security (PMO 2023b). There were parallel bilateral initiatives on organised immigration crime agreed with Belgium, Bulgaria and Serbia. A deal is also expected to be announced on UK cooperation with Frontex, the EU’s border agency, including on access to border surveillance and migration mapping data. The impact of these measures is yet to be felt, but in and of themselves they are not expected to be targeted enough to have a decisive effect on the small boat crossings.

New agreements to expand returns

The UK has also sought new agreements to facilitate the return of people to their home countries. The most prominent and recent deal was the joint communique with Albania in December 2022, following a returns agreement in 2021 (PMO 2022). The joint communique committed to a joint taskforce between the UK Home Office and Albanian Ministry of Interior, aimed at ‘deterring and disrupting illegal migration’ and ‘penetrating criminal networks’. A key part of the communique involved building on the previous UK-Albania readmissions agreement to increase returns, including for adults “identified by UK competent authorities as victims of modern slavery (as defined in the UK legislation) and as victims of human trafficking (as defined in the Albanian legislation)”, with assurances that the Albanian authorities would provide them with the necessary support upon their return. The UK government hoped this would be a means of ramping up returns to Albania.

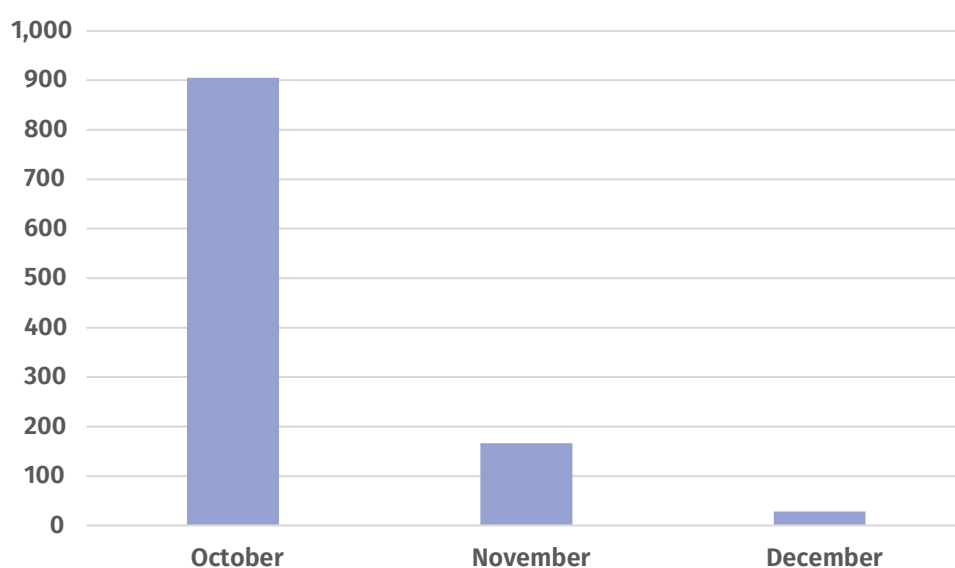
Alongside the signing of the joint communique, there has been a parallel and related effort to declare more Albanian asylum claims as unfounded and scale up returns (HC Deb 2022). The number of (voluntary and enforced) returns of

Albanians in the first half of 2023 was 2,385, nearly three times as high as the 824 in the first half of 2022 (Home Office 2023b).³

There have been claims that the joint communique has played a role in reducing the number of small boat arrivals from Albania. However, a close look at the data suggests that there was a sharp fall in Albanian arrivals in November 2022, before the joint communique was signed (figure 2.2). It is therefore not clear how important the new agreement has been in reducing Albanian arrivals.

FIGURE 2.2: THE NUMBER OF ALBANIAN NATIONALS ARRIVING BY SMALL BOAT FELL CONSIDERABLY TOWARDS THE END OF 2022, STARTING IN NOVEMBER

Albanian nationals detected crossing the Channel in the final quarter of 2022



Source: IPPR analysis of Home Office 2023c

There are also challenges for the government in expanding returns to other countries outside of Europe and Albania. This is because the new Illegal Migration Act will prevent irregular arrivals who make an asylum or human rights claim from being returned to their home country, unless they are from a specified list of safe countries (see further discussion below.)

The compliant environment

The government has also increased its efforts to deter people from crossing in small boats by re-scaling up the 'compliant environment' (formerly known as the 'hostile environment'). This is a suite of policies focussed on making life difficult for people living in the UK without permission, with the intention that this will stop people from arriving through irregular routes (or it will encourage them to leave voluntarily once in the UK).

Some aspects of the compliant environment were paused or scaled down in the aftermath of the Windrush scandal, in which members of the Windrush generation and their children were wrongly affected by the policies because the government mistakenly believed they had no permission to stay.

³ This figure does not only relate to refused asylum seekers, however; it also includes, for instance, returns of foreign national offenders.

However, in December 2022, the prime minister announced a ramping up of the compliant environment in response to small boat crossings, including a 50 per cent increase in raids on illegal working and a restarting of data sharing to prevent people living in the UK without permission from accessing bank accounts (HC Deb 2022). Subsequently, the number of illegal working enforcement visits increased by 50 per cent to 2,884 in the first half of 2023, compared with the first half of 2022 (Home Office 2023b). More recently, in August 2023 the government announced that it would significantly increase fines for employers and landlords who employ or rent out properties to people without the correct immigration permission.

The government has also sought to reduce the use of hotels and instead move asylum seekers into alternative contingency accommodation, including military sites, former student halls and barges. This is in part to bring down costs, but it is also motivated by the belief that hotel accommodation may be an incentive for people to come to the UK and so poorer quality accommodation will be a deterrent for future arrivals. Notably, the government has chartered the Bibby Stockholm, a 222-room barge moored at Portland Port in Dorset, to accommodate around 500 people (Home Office 2023d).⁴ A number of health and safety concerns have been raised about the Bibby Stockholm - shortly after asylum seekers were first housed on the vessel, it had to be evacuated when the bacteria that causes Legionnaires' disease was discovered on board. At the time of writing, the Home Office had begun to return asylum seekers to the barge.

However, there is little evidence that the compliant environment and other similar deterrent measures have a meaningful impact on the decision-making of asylum seekers. A report from the Home Office Analysis and Insight team, published after a freedom of information request, drew on research literature to find that welfare policies and labour market access are unlikely to play a significant role in the decision-making of asylum seekers. This is because asylum seekers are often unaware of the details of the support available in the UK before they arrive and are in any case primarily focussed on finding safety and security (Home Office 2020a). Moreover, as argued in IPPR's previous report on the Channel crossings, often the attempt to come to the UK is not the result of a deliberate choice; it may be due to a range of different factors, including the role of people smugglers who profit from encouraging people to make the journey (ibid; Morris and Qureshi 2022).

Inadmissibility rules

In 2021, the UK government introduced new inadmissibility rules, which were written into primary legislation through the 2022 Nationality and Borders Act. These rules allow the Home Office to deem asylum applications 'inadmissible' and thereby not make a consideration of the substance of their claim, provided the applicant has a connection with a safe third country. This connection can include any of the following.

- They have been granted refugee status or another form of protection in that country.
- They have made an asylum claim in that country which is pending or has been refused.
- They were formerly present in that country, were eligible to make an asylum claim, and would have been reasonably expected to make a claim, but they did not do so.
- They would be reasonably expected to claim asylum in that country, given their circumstances (because they have close family members there and could make an application, for example).

⁴ More recently, the government has reduced the maximum number of people the Bibby Stockholm will accommodate from 506 to 464 (Dathan 2023).

Once asylum claims are deemed inadmissible, individuals are expected to be removed to a safe third country within a reasonable time period. This safe third country does not have to be the same country with which they have a connection; it can be anywhere, provided it is considered safe.

Under current guidelines, new asylum claims are initially assessed for their suitability for inadmissibility action. If suitable, they are then referred for greater consideration and, where the relevant conditions appear to be satisfied, a 'notice of intent' is sent to the claimant. The notice of intent explains the status of the claimant's application and details how they can make representations to challenge inadmissibility action. Generally, an inadmissibility decision is only actually issued once there is a removal agreement in place with a safe third country. If the prospect of removal within a reasonable time period is not likely – typically meaning that no country has agreed to accept the person within six months – then the claim must be admitted for substantive consideration after all (Home Office 2022a).

Given the lack of removal agreements in place with safe third countries, in practice there have been very few inadmissibility decisions since the new rules came into effect. The latest statistics reveal that between 1 January 2021 (when the rules were changed) and 30 June 2023, 60,595 applicants were identified for consideration on inadmissibility grounds and 29,258 notices of intent were issued, but only 83 inadmissibility decisions were in fact served and there were only 23 enforced removals. Instead, a total of 38,238 people were ultimately entered into the asylum system for their claims to be substantively considered (Home Office 2023e).

The inadmissibility process is therefore currently not working, because there is no safe third country to which people can be removed at scale. But as part of its inadmissibility plans, the government has in parallel sought new relocation agreements with third countries. Most notably, the government has agreed a memorandum of understanding with Rwanda, discussed below.

The Rwanda plan

In April 2022, the UK announced a memorandum of understanding (MoU) with Rwanda on an 'asylum partnership arrangement' (otherwise known as the Migration and Economic Development Partnership or MEDP) (Home Office 2022b). The two governments agreed a plan for the UK to relocate asylum seekers to Rwanda, where their claims would then be processed and where they would be settled if granted asylum. Under the plan, where the Rwandan government refuses an asylum applicant and they have no other humanitarian protection need or route to remain in Rwanda, Rwanda can remove them to a country where they have a right to reside. In April 2023, an addendum was made to the MoU, with the intention of expanding the relocation agreement to individuals who arrive irregularly in the UK without making an asylum application, reflecting the broader approach taken by the government in its Illegal Migration Act (discussed below).

The Rwanda MoU is currently in the middle of judicial review proceedings. Just before the first flight to Rwanda was expected to take off, it was stopped by an urgent interim measure from the European Court of Human Rights (ECHR), after a request was made to the court from an Iraqi asylum seeker who was due to be removed (ECHR 2022). The ECHR indicated that removals could only take place three weeks after the UK's domestic courts made their final decision. Therefore, no flight to Rwanda has taken off while the judicial review proceedings are ongoing.

At the time of writing, the final outcome of the Rwanda judicial review is uncertain. In June 2023, the Court of Appeal found that Rwanda was not a ‘safe third country’, on the basis that its asylum system was not sufficiently fair and effective to prevent claimants from being wrongly returned to a country where they have a well-founded fear of persecution, which would be a breach of Article 3 of the European Convention on Human Rights (*R (AAA) v SSHD* 2023). The government has challenged the ruling and the case is now being considered by the Supreme Court, where a decision is expected by the end of the year.

However, even if the Rwanda plan is ruled lawful, there are major practical and operational barriers to implementing it at scale. In principle, there is no formal cap on the number of people Rwanda can receive under the agreement, but in practice it is likely to have limited capacity. According to the UNHCR, in 2021 only 487 asylum decisions were made by the Rwandan government, while in 2022, 96 decisions were made (with a further 577 decisions made by the UNHCR in Rwanda) (UNHCR 2023a).⁵

At the same time, the UK’s capacity to remove people in large numbers is likely to be limited. Enforced returns have fallen considerably in recent years: in 2022, the total number of enforced asylum returns (that is, returns where there was an asylum application at some point beforehand) was only 586 (Home Office 2023e). Third country removals are also likely to be very costly: according to the Home Office’s impact assessment of the Illegal Migration Act, the estimated unit cost of relocation is £169,000 per person, including flight and escorting costs of £22,000 per person and payment costs of £105,000 per person to third countries such as Rwanda (Home Office 2023f).⁶

The Rwanda plan is therefore likely to be difficult to deliver at scale in practice, even if it is deemed lawful. In turn, this diminishes the prospects of it having a meaningful deterrent effect, because most people arriving by small boat may continue to make the journey and take their chances in the UK if only small proportions are actually removed. Indeed, there appears to have been little impact on the number of arrivals since the plan was first announced in April 2022.

The Illegal Migration Act

On 20 July 2023, the Illegal Migration Act received Royal Assent and became law. This legislation aims to deter small boat crossings by creating a legal duty for the home secretary to remove all irregular arrivals (excepting unaccompanied children). There is a corresponding duty to deem all asylum and human rights claims of irregular arrivals inadmissible – that is, to refuse to process them. The legislation succeeds and in a number of respects makes redundant the 2022 Nationality and Borders Act, which was discussed in some detail in IPPR’s previous report on the Channel crossings (Morris and Qureshi 2022).

The Illegal Migration Act is now on the statute book, but most of the key provisions are not yet in force because the government is awaiting the outcome of the legal proceedings over its Rwanda plan. Once they are implemented, the home secretary will have a duty to remove all people who arrive irregularly on or after the date of Royal Assent (20 July 2023). Where this duty applies, people arriving irregularly who make an asylum or human rights claim can only be removed to a safe third country

5 There are also large numbers of refugees in Rwanda who have fled from neighbouring countries, who until recently were generally registered as refugees on a ‘prima facie’ basis and were not considered individually.

6 The estimated payments to third countries are based on the costs under the Syrian Vulnerable Persons Resettlement Scheme (VPRS), because the actual costs for the Rwanda plan are commercially sensitive. The Migration Observatory has noted that the VPRS figure is ‘largely irrelevant’ for the purposes of estimating third country payments, but it may be that the figure has been chosen deliberately because it is similar to the undisclosed per person costs of the Rwanda plan (Walsh and Sumption 2023).

– with the exception of people from the EU/EEA, Switzerland and Albania, who can be returned home (Illegal Migration Act 2023).

The duty does not apply to unaccompanied children (though there is still a power to remove them in certain circumstances). Generally, the act foresees that unaccompanied children will be granted temporary leave to remain until they turn 18, at which point the duty will once again apply.

The act also gives the government new wide-ranging powers of detention in order to fulfil the duty to remove people who arrive irregularly. As part of these powers, there are restrictions on the ability to be granted bail for the first 28 days of detention (ibid).

Unlike the inadmissibility measures discussed above – where people are meant to be deemed inadmissible only temporarily – under the Illegal Migration Act, irregular arrivals will be deemed permanently inadmissible, even when there is no prospect of removal within a reasonable period. It will be impossible for people to be granted any form of leave in future, other than under very limited circumstances (for example, where there would otherwise be a breach of the ECHR). The act therefore intends to cut off most of the ways in which people arriving irregularly might hope to get permission to stay in the UK.

As recently argued in IPPR’s report, *The asylum in-tray in 2025*, the Illegal Migration Act is unlikely to work in practice (Morris 2023). Under most likely scenarios, even if the Rwanda agreement is deemed lawful by the Supreme Court, the number of irregular arrivals will probably outpace the number of removals. This is because the UK currently only has one relocation agreement with a third country – Rwanda – and it is unlikely to have the capacity to receive people at scale (given that currently there are tens of thousands of irregular arrivals in the UK each year). Moreover, further agreements with other safe third countries are likely to be difficult to achieve.

With arrivals outpacing removals, the end result is expected to be a rising ‘perma-backlog’ of people trapped in limbo in the UK: the government will not be able to remove most of them, nor will it be able to process their asylum claims. This could lead to exorbitant costs for the Home Office in accommodating and supporting people in the ‘perma-backlog’ indefinitely. Equally, it could also mean that large numbers eschew the Home Office, arriving through alternative clandestine routes or disappearing from government accommodation. This would mean a growing undocumented population at high risk of destitution and exploitation (ibid).

The government’s overarching approach since the rise in small boats crossing the Channel has been driven by deterrence. The intention is to make the route ‘unviable’ by increasing interceptions, penalising arrivals, and attempting to ensure no-one has the right to stay. But this approach so far has failed. The government’s measures do not appear to have had any meaningful impact on small boat arrivals, and there is little evidence that they will do so in future. Moreover, this approach appears to be running out of road: the Rwanda plan may be ruled unlawful by the Supreme Court and, even if it is not, the government’s ability to operationalise its plans to remove all irregular arrivals is in serious doubt.

Proponents of the Rwanda plan attest that those who oppose it offer no credible alternative. In this report, we tackle this challenge head on and argue that there are other options to deal with the recent rise in small boat arrivals. In the following chapters, we set out a framework of principles for how to respond to the Channel crossings, and we outline three sets of proposals for a progressive and pragmatic policy agenda.

3.

PRINCIPLES FOR A PROGRESSIVE POLICY RESPONSE

The rise in Channel crossings poses a complex and highly contentious policy challenge for government. In this report, we try to chart a course which builds a foundation for a mainstream consensus around a well-functioning and fair asylum system. The core aim of our approach is to reduce the number of people taking dangerous and unmanaged journeys to come to the UK alongside upholding the UK's moral and legal responsibilities to people seeking refuge.

This chapter provides a set of principles to anchor a progressive approach to responding to the Channel crossings. It proposes a framework that stresses the need for workable solutions to address the challenge of small boat crossings and which reflects the current nuances in public opinion towards immigration.

Regardless of which party is in government, these principles can provide the foundations for a new, distinctly progressive approach to Home Office decision-making on the Channel crossings. In contrast to the current agenda – driven by hostile rhetoric and impractical solutions designed to deter new arrivals – this approach focusses on measures which are enforceable in practice, which recognise the nature of migration patterns in response to global humanitarian crises, and which safeguard human rights and the rule of law. Solutions based on these principles also feed into a broader set of comprehensive reforms that should be made within the UK's asylum system, and which we will explore further in future IPPR reports.

The core principles behind our approach are as follows:

POLICIES SHOULD PROMOTE A WELL-MANAGED AND FAIR ASYLUM SYSTEM

In IPPR's recent report with Professor Rob Ford, *A new consensus?*, we found considerable nuance in public attitudes to asylum (Ford and Morris 2022). The principle of accepting refugees fleeing conflict has strong public support, even if this is tempered by concerns about the asylum system being exploited. Research by British Future has found that the greatest factor behind public dissatisfaction with the government's approach to immigration is the fact that it is not doing enough to stop the Channel crossings. Yet at the same time, more than half of the public (53 per cent) expresses sympathy for people crossing the Channel, and there is more support for a fair system (46 per cent) – even if that means allowing in more asylum seekers – than one focussed on deterrence (32 per cent) (British Future 2023; Ford and Morris 2022).⁷

Our report argued that a public consensus could be built around the principle of 'rules-based openness': provided the public are reassured that the immigration and asylum system is orderly and controlled, there is broad support for a just

⁷ Note that the latter statistic comes from an older poll by the British Future/Ipsos immigration tracker, conducted in February 2022; the question is not included in the latest release.

and compassionate approach. In the context of the Channel crossings, this means that the policy response should be designed to support a well-managed and fair asylum system.

A well-managed system, however, is not simply about deterring people from arriving in the country or adhering to crude caps. Instead, it means the government proposing policies grounded in well-defined rules and administering these rules quickly and effectively. This is particularly true for the asylum decision-making process, where fast and accurate decisions are vital for ensuring people are treated with dignity and limiting Home Office costs. A focus on effectively managing the asylum system could help to inspire public confidence and unlock greater scope for a fair and compassionate approach.

POLICIES SHOULD BE EVIDENCE BASED AND DEMONSTRATE VALUE FOR MONEY

The Home Office has faced critique for promoting policy ideas and measures motivated by ideological positions rather than those grounded in evidence of the reality of people in the asylum and immigration system. As noted earlier, many of the government's measures – for instance, intensifying the 'compliant environment' to deter asylum seekers from coming to the UK – lack a solid evidence base.

Moreover, the government's plans for reducing small boat crossings – in particular the Rwanda deal and the Illegal Migration Act – are expected to incur significant costs, due to the expansion of the detention estate, the arrangement for large-scale removals to Rwanda, and the risk of escalating accommodation costs because of a growing 'perma-backlog' of asylum applicants. Concerns have been raised about the effectiveness of these measures in relation to their cost. Most notably, in the case of the Rwanda plan, Matthew Rycroft, the permanent secretary at the Home Office, required a ministerial direction to proceed given the lack of evidence that it would produce a sufficient deterrent effect to be value for money (Home Office 2022c).

By contrast, our proposed approach to the Channel crossings would be underpinned by the available evidence and research on asylum decision-making. Of course, we recognise that not every policy impact can be known in advance, and this means that sometimes decisions must be taken with only limited knowledge available. But where novel policies are developed, they should be piloted, continuously monitored, and thoroughly evaluated to determine their success – and where they are not working, they should be adapted as appropriate. By taking an approach to the Channel crossings which is grounded in the highest quality evidence and which prioritises value for money, the Home Office should be better placed to deliver a cost-effective response and restore public confidence in the government's ability to address this complex issue.

POLICIES SHOULD RESPECT THE DIGNITY OF PEOPLE CROSSING THE CHANNEL

The Channel crossings are fundamentally a humanitarian issue – at their centre is a highly vulnerable group of people risking their lives on unsafe boats, the majority of whom have fled conflict and persecution. Any progressive policy response to the Channel crossings must uphold the dignity and human rights of those people making the crossing. The majority of the public agree: according to the latest polling by British Future and Ipsos, 53 per cent have a great deal or a fair amount of sympathy for migrants attempting to cross the English Channel by boat (British Future 2023). In particular, there are some groups whose welfare

and safety need particular consideration because they are at higher risk, such as unaccompanied asylum-seeking children and adults with care needs.

To uphold this principle, underpinning our approach is a commitment to the right of asylum. The proposals we set out aim to reduce and more effectively manage small boat arrivals, but it is likely that, regardless of any policy agenda, some people will continue to make dangerous journeys across the Channel. In these circumstances the right of a person to seek asylum and have their claim processed should be protected.

POLICIES SHOULD RESPECT THE RULE OF LAW

The UK continues to be a signatory to various international conventions that oblige the government to uphold fundamental rights for refugees and asylum seekers. These include the 1951 Refugee Convention (and the 1967 Protocol) and the European Convention on Human Rights (ECHR).

The current approach to small boat crossings threatens to seriously undermine the UK's longstanding tradition of upholding the rule of law. The Illegal Migration Act was passed through parliament at speed, with little time given to scrutinise the text (JUSTICE 2023). The act appears to be in conflict with both the letter and spirit of the Refugee Convention. A number of provisions are also at risk of breaching the ECHR, and when the legislation was first published, the government was not able to confirm that the provisions were compatible with Convention rights. Moreover, there have been a number of legal challenges to the government's proposals to stop small boat crossings, including in relation to the current Rwanda plan (see above). And in recent months, there have been growing calls for the UK to withdraw from the ECHR in order to deliver on the government's agenda.

The approach to the Channel crossings we set out in this report would seek to uphold the rule of law. In particular, our proposals are designed to be compatible with the UK's international law obligations. This is not only important in principle but also for practical reasons: a commitment to the rule of law ensures that policies will be properly scrutinised and will make for better quality legislation. It will also avoid the risk of creating a breach with the ECHR, which could have major consequences for the UK's trading relationship with the EU and its broader standing on the global stage.

POLICIES MUST NOT FOSTER RACIAL DISCRIMINATION

The Home Office has long been criticised for failing to properly account for the impacts of its policies and practices on racial discrimination. In 2020, the Windrush Review – conducted by HM inspector of constabulary Wendy Williams in response to the Windrush scandal – raised concerns of 'institutional ignorance and thoughtlessness' towards race within the Home Office. The review put forward 30 recommendations to acknowledge the wrongs of the Windrush scandal, reform Home Office culture, and ensure further external scrutiny (Home Office 2020b).

However, since the review, many of the recommendations have not been fully implemented or have been scrapped. Wendy Williams in her progress update stated that the Home Office is at a 'tipping point', and if systemic change doesn't occur, the department could lose 'impetus, direction and focus', therefore running the risk of facing another 'difficult outcome' following the earlier Windrush scandal (Home Office 2022d).

Our proposed approach would reflect a commitment to tackling racial injustice. This means attempting to restore confidence and trust among people who have faced discrimination in the UK's immigration system and demonstrating

proactive action to change Home Office culture. In particular, any policies aimed at addressing small boat crossings should allow for a full consultation and a meaningful equality impact assessment – based on comprehensive scenario analysis and data collection, including with respect to ethnicity – and a detailed plan for monitoring the potential impacts on racial discrimination on an ongoing basis.

POLICIES SHOULD PROMOTE INTERNATIONAL COOPERATION

Migration is a global phenomenon, and so any credible plan for the Channel crossings requires effective policies at both the domestic and international level. The limits of working unilaterally on tackling small boat arrivals are clear: without cooperation with France, little can be done to prevent people crossing until they arrive in UK waters; without cooperation with countries of origin, it can be harder to return people if their asylum applications are refused; and without cooperation with the EU, there can be no collective approach with Europe to managing irregular migration and asylum.

The best strategy for preventing small boat crossings must therefore be grounded in multilateralism. This includes cooperation with neighbouring countries, the EU, countries hosting refugees, and international institutions such as the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IOM).

Building on these six principles, the following chapter sets out three sets of proposals to address the rise in small boats crossing the Channel.

4.

THE CHANNEL CROSSINGS: A PROGRESSIVE AND PRAGMATIC POLICY AGENDA

There is no simple solution to the Channel crossings. While some politicians may argue that they will ‘stop the boats’ completely, the reality is likely to be more complex. The drivers of people crossing the Channel are multi-layered – there are multiple factors motivating people to leave their home countries, such as conflict, persecution, instability and hardship, and there are also multiple factors attracting people to the UK, such as family connections, cultural and language links, and the UK’s reputation as an upholder of human rights. Moreover, the number of forcibly displaced people globally is on the increase, reaching more than 100 million for the first time recorded in 2022 (UNHCR 2023b). In other parts of the world – the Mediterranean and the US-Mexico border – despite longstanding efforts, large numbers of people continue to make crossings. Bold promises to end irregular arrivals of this type altogether are therefore at high risk of backfiring.

Yet there are alternative approaches which can help to control and manage the issue more effectively, with the aim of reducing the numbers of people making this dangerous crossing alongside upholding the UK’s moral and legal responsibilities to refugees. In this chapter we explore three sets of proposals in greater depth, drawing on interviews and an online policy workshop with experts and stakeholders.

1. SAFE AND ACCESSIBLE ROUTES

As we found in our previous report, the vast majority of people crossing the Channel claim asylum upon arrival, and most are likely to have a well-founded asylum claim. But outside of bespoke routes for Ukrainians and Hong Kongers, there are currently very limited safe and accessible routes for people seeking asylum in the UK.⁸ People therefore make the journey because they need to be physically present in the UK to claim asylum and because traditional routes – such as by ferry or plane – are largely unavailable due to hefty carrier sanctions for operators found transporting those without the right documentation (Morris and Qureshi 2022).

This raises the possibility of an alternative response to the Channel crossings: opening up new safe and accessible routes for individuals who would otherwise make the dangerous journey via small boat. If alternative ways of reaching the UK are easily available, then people are likely to favour these routes over more dangerous options. For instance, the Ukraine routes opened since the Russian invasion mean that virtually zero Ukrainians have been detected crossing the Channel in small boats in the past year.

8 There are also some bespoke schemes for Afghans, including the Afghan Relocations and Assistance Policy (ARAP) and the Afghan Citizens Resettlement Scheme (ACRS), but these are very limited (see Morris and Qureshi 2022).

The design of safe and accessible routes is, however, highly contentious. There are a number of complex considerations.

- Should safe routes be capped or uncapped? If uncapped, then the number of arrivals is highly uncertain and, if demand is high, it may be at too great a scale to secure public consent. If capped, then the question of whether it can make a meaningful difference to the number of Channel crossings is likely to depend on exactly how high the cap is set.
- How should people be selected? If people are selected on the basis of vulnerability, this may not target the people who are most likely to cross the Channel (who may be more likely to be younger and fitter). But if people are selected on some other basis, this may be deemed unfair or arbitrary.
- Where should people be relocated from? If from France or other parts of Europe, then this could create a ‘pull factor’, encouraging more people to make the journey across the Mediterranean. If from countries neighbouring conflict zones, then this could make it harder to focus on helping people who would otherwise make the journey through France to the UK.

Developing these routes therefore poses some difficult trade-offs and the policy design should be subject to ongoing research and evaluation. We propose three main reforms, each with differing aims.

Ease refugee family reunion rules

First, the rules for refugee family reunion should be eased. In our previous report, we found that one of the main factors behind people travelling to the UK from France to seek asylum was family ties (Morris and Qureshi 2022). One study of around 400 people in the ‘Jungle’ refugee camp in Calais in 2015 found that, of those who wanted to travel to England, half had family members there (Bouhenia et al 2017).

But the UK’s current routes for refugees who want to reunite with family members are limited. The withdrawal from the Dublin arrangements due to Brexit has meant that there are fewer options available for family reunion. Expanding these routes could therefore help to redirect people in Calais away from dangerous boat crossings and towards safe routes to gaining entry to the UK.

Under the current rules, the partners and dependent children of refugees can apply for refugee family reunion, provided they were part of the family unit before the refugee fled their country of residence (House of Commons Library 2020).⁹ We propose that these criteria are expanded to include siblings and that the requirement to be part of the family unit before fleeing their country of residence is dropped.

We also recommend that unaccompanied children are allowed to sponsor applications from close family members. Currently, the UK is an outlier in Europe: in the EU, the parents of unaccompanied children are eligible for family reunion. Research by the Refugee Council, Save the Children and Amnesty International, based on interviews with 12 children and young people and 31 practitioners and professionals,¹⁰ suggests that reuniting unaccompanied children with their families can support their management of past trauma and their psychological wellbeing, as well as addressing their broader developmental needs (Connolly 2019).

9 Other family members may be eligible under the UK’s standard family immigration routes, but these involve large fees and additional requirements (such as language and financial requirements).

10 The research also involved interviews with seven stakeholders from other European countries.

The government has previously argued that opening up family reunion rights for children would create a ‘perverse incentive’ for children to be sent to make dangerous journeys to the UK, in order for them later to bring their families over. However, there is a lack of data to substantiate these concerns, and previously the House of Lords EU Committee found no evidence that the EU Family Reunification Directive – which introduced family reunion rights for children – had led to such an impact when member states had implemented changes (European Union Committee 2016).¹¹

Expanding family reunion through these measures would offer a number of clear benefits. First, they would promote the integration of refugees currently in the UK by building their support networks. Second, they could help to support unaccompanied children in particular by creating pathways for their parents and/or siblings to settle in the UK. Third, they could alleviate pressures on local authorities, who are primarily responsible for unaccompanied young people, given adult parents would now have a route to come to the UK to look after their children. Finally, they would provide an alternative route for people crossing the Channel, helping to direct people away from dangerous and unmanaged journeys.

Pilot a refugee visa scheme

Alongside reforms to the UK’s refugee family reunion rules, we also propose that the government pilots a ‘refugee visa’ scheme (also known as a humanitarian visa). Under this scheme, individuals would be able to make an application for temporary leave to enter the UK, where they would then be able to apply for asylum. The scheme should complement existing refugee resettlement programmes (see below) and be designed to shift behaviour, so that people who would otherwise make the journey across the Channel instead apply for a refugee visa.

For the initial pilot, we propose that the refugee visa scheme is available to Afghans, who are one of the largest nationality groups currently arriving in small boats and who the UK has special obligations to as a result of the Afghan war and the hasty withdrawal in 2021. Afghans also have an extremely high grant rate (98 per cent in the year ending June 2023), so the vast majority who receive a refugee visa are likely to be granted asylum in the UK (Home Office 2023e). This would allow for a straightforward visa application process, requiring only proof of identity/nationality and health and security checks; a full asylum application would then be processed from within the UK.

An initial total number of around 5,000 to 10,000 visas should be available, with the potential for this to be scaled up further if the pilot scheme is successful.¹² The total should be split into weekly or monthly quotas in order to manage demand for the visa over time.

Individuals should be able to submit applications at certain embassies. We suggest that the pilot focusses on embassies in countries neighbouring or near Afghanistan – for instance, in Islamabad, Tehran, and Ankara. There may also be a short-term case for initially allowing applications at embassies in some European countries, in order to target people who have already made the journey to Europe and otherwise may cross the Channel. However, beyond the short term, applications at embassies in Europe should not be possible: we consider that there is too great a risk of

11 In 2017, a request was made about the risk of such perverse incentives by the Belgian Immigration Office to other EU member states via the European Migration Network. The majority of responses indicated this was not a significant issue in their country. Some member states, particularly in northern Europe, did recognise the issue, but were generally unable to quantify the scale (EMN 2017).

12 This is roughly in line with the number of Afghans known to have arrived by small boat in 2022 (9,088) (Home Office 2023a).

creating an incentive for more people to make the journey to France in order to apply for a refugee visa.

Sceptics of this approach might argue that it will have little impact on numbers crossing the Channel. However, there are precedents for similar schemes effectively reducing migrant crossings. Notably, in recent years the US has introduced new humanitarian parole sponsorship programmes, allowing some citizens to legally travel to the US and stay for a two-year period (with the possibility of extension), provided they have a US-based financial sponsor. In 2022, a ‘uniting for Ukraine’ parole process was introduced to divert Ukrainians from making (mostly legal) crossings on the US-Mexico border. The scheme was highly successful, reducing crossings at the southwest border by 99.9 per cent between April 2022 and June 2023 (Bier 2023).

More recently, the Biden administration has introduced a similar programme of humanitarian parole for up to 30,000 people each month from countries including Cuba, Haiti, Nicaragua, and Venezuela, aimed at reducing irregular crossings. In the six months since the introduction of the humanitarian parole policy, there was an overall 89 per cent fall in ‘unlawful encounters’ of people from these countries at the southwest border (DHS 2023). While the programme was introduced alongside a new repatriation arrangement with Mexico, the latest figures indicate that most people crossing have not been returned, suggesting that it is the parole policy which is primarily responsible for the fall in crossings (Bier 2023).

There are, however, differences in the experiences between different nationalities. As of July 2023, numbers of Haitians, Cubans and Nicaraguans had stayed low since the policy began, but there had been a renewed surge in Venezuelans crossing the border; an expert interview for this project indicated that the scheme may not be as effective for Venezuelans, because many do not have passports or struggle to find sponsorship in the US. Concerns have also been raised about the large backlogs in the parole system due to the monthly 30,000 cap, which could undermine the effectiveness of the programme (ibid).

The US experience therefore suggests that introducing new legal pathways can play a significant role in diverting people away from irregular routes, provided these pathways are well designed and accessible.

Expand the UK Resettlement Scheme

Finally, there should be an expansion of the UK Resettlement Scheme (UKRS), in order to directly resettle some of the world’s most vulnerable refugees. The UKRS is the UK’s flagship resettlement scheme, operated in conjunction with the UNHCR, the UN refugee agency. The UNHCR identifies and considers refugees for resettlement according to a number of submission categories, including (UNHCR, no date):

- ‘legal and/or physical protection needs’
- ‘survivors of violence and/or torture’
- ‘medical needs’
- ‘women and girls at risk’
- ‘restoring family unity’
- ‘children and adolescents at risk’
- ‘lack of foreseeable alternative durable solutions.’

The UKRS was originally intended to resettle around 5,000 people in its first year. However, so far the scheme is operating at a much smaller scale: 1,136 people were resettled in 2021 (the year it began) and 887 people were resettled in 2022. Numbers this year are on track to be even lower: only 284 people were resettled under the UKRS in the first half of 2023 (Home Office 2023e). The government

appears to have scaled down the UKRS while focussing its attention on a number of bespoke routes – most notably, the new Ukraine schemes developed in response to the Russian invasion.

To make good on its commitment to open up safe routes globally, the government should now seek to expand the UKRS to meet a target of resettling around 10,000 refugees each year. It is unlikely this would have a direct impact on Channel crossings, given the characteristics of the cohort resettled under the UKRS are largely different to those crossing the Channel. But supporting the most vulnerable should be a vital priority for the government's resettlement schemes, complementing the other safe and accessible routes discussed above.

It is important, however, that these safe and accessible routes do not come at the expense of the UK's international obligations to uphold the right of asylum. As we outlined in the previous chapter, central to a progressive approach to the Channel crossings is a commitment to the core international instruments of refugee protection, in particular the 1951 Refugee Convention.

2. RENEWED COOPERATION WITH OUR NEIGHBOURS

A key plank of an effective response to the rise in Channel crossings must involve renewed cooperation with the UK's European neighbours – principally, France and the EU. While the UK has negotiated successive deals with France in recent years to address migration across the Channel, these have primarily focussed on agreeing additional funds to intensify enforcement efforts and increase interceptions. Yet often interceptions only delay efforts to reach the UK, given people make multiple attempts to cross the Channel in small boats. In order to deliver a more sustainable, holistic approach to the Channel crossings, the UK needs to work with France and the EU on arrangements for determining how and where people's asylum claims should be considered.

Negotiate a new small boats agreement with France

This approach could draw on a previous agreement between France and the UK negotiated around two decades ago. In 2002, the then UK home secretary David Blunkett and French interior minister Nicolas Sarkozy agreed a deal to close the Sangatte Red Cross Centre, close to Calais. By late 2002, Sangatte accommodated an average of 1,700 people at any one time, many of them from Afghanistan, Iraq and Sudan, and concerns had grown about nightly attempts to clandestinely enter the UK via the nearby Channel Tunnel (UNHCR 2002).

Blunkett and Sarkozy struck a deal to close Sangatte, which involved the UNHCR establishing a permanent presence and supporting a process of registering and interviewing people at the centre (ibid). Of the camp's residents, it was agreed that the UK would admit around 1,000 Iraqis on four-year work visas, while a further 200 Afghans would be able to reunite with family members in the UK. For its part, France would take responsibility for the remaining 3,600 people who were registered at the camp. There were also parallel arrangements to expand security measures and extend juxtaposed controls to prevent further crossings (HC Deb 2002; Penman and agencies 2002; Pearce 2015).

After the end of 2002, when the deal to close Sangatte was negotiated, the number of asylum applications fell sharply – from 84,132 cases in 2002 to 49,407 cases in 2003 and 33,960 cases in 2004 (Home Office 2023e). There may be a number of factors behind this fall, including the extension of juxtaposed controls and the new measures in the Nationality, Immigration and Asylum Act passed by parliament in 2002, as well as other considerations unrelated to policy. But it is likely that the clearing of the Sangatte camp and the resolution of claims of thousands of people

in the area had an impact on arrivals in at least the short term, given it meant that in the immediate aftermath there were fewer people in the Calais area seeking to travel across the Channel. In an interview for this project, Lord Blunkett said that he believed that the deal he negotiated contributed to a an ‘immediate and sustained drop’ in people seeking dangerous routes to come to the UK.

There are lessons from this negotiation which can be applied to the current response to the rise in small boat crossings. The 2002 deal combined cooperation on security with an agreement to resolve the immigration status of many of those congregated in the Calais area. While there is no equivalent to the Sangatte centre today, any meaningful response to small boat crossings should similarly involve a process for resolving the status of people in northern France. A long-term solution is likely to require a more comprehensive agreement with the EU, but in the short to medium term a Sangatte-style approach is needed.

We therefore propose that the UK and France negotiate a new small boats agreement, building on their previous deals. This should include the following elements.

- Extending multi-agency cooperation on tackling people smuggling between the UK’s National Crime Agency (NCA) and France’s OLTIM – for instance, by expanding the Anglo-French Joint Intelligence Cell set up in 2020 to target people smuggling gangs. One further idea proposed by Lord Blunkett is for negotiations to explore whether France could introduce a boat licensing scheme, barring anyone from buying, selling or transporting a boat unless they have the correct licence (HL Deb 2023).
- Redirecting some of the funding provided by the UK for enforcement in France towards supporting the French government to receive and process the asylum claims of people living in the Calais area, with involvement from the UNHCR where appropriate.
- In return, the UK government agreeing a one-off arrangement to accept a share of those seeking asylum in Calais who are identified by the UNHCR as having family ties in the UK.

This proposal would represent a temporary way of managing the current numbers of people crossing the Channel and reducing demand for people to make the journey by small boat, in lieu of a longer-term multilateral agreement.

Negotiate an agreement on asylum with the EU

However, in the longer term we ultimately expect that an agreement with the EU will be necessary to develop a more sustainable model for managing irregular crossings. This is because the rise in small boats crossing the Channel is directly linked to the wider movement of people across the Mediterranean and through parts of Europe. Many of those attempting to make the journey across the Channel have travelled through multiple European countries before arriving in northern France. An arrangement with the EU to manage asylum claims should therefore be a pivotal component of an effective response to the Channel crossings.

The starting point to such a deal is likely to be Dublin, the EU’s framework for allocating responsibility for asylum claims among member states. Under the current Dublin III Regulation, there is a hierarchy of rules for determining who should consider an asylum claim lodged in a participating country (an EU/EEA member state or Switzerland). In broad terms, the rules in descending order of priority are as follows (European Parliament and Council Regulation (EU) No 604/2013).

- The member state responsible is where the applicant has family members who have been granted or applied for asylum (articles 8–11).
- If this does not apply, the member state responsible is the one which has issued the applicant a residence document or visa (article 12).

- If this does not apply, the member state responsible is the one which the applicant entered irregularly from a third country (within the first 12 months of making the crossing) (article 13(1)).
- Where the applicant has entered irregularly and more than 12 months have passed, then responsibility falls to the member state where the applicant has resided continuously for more than five months (article 13(2)).
- If this does not apply, the member state responsible is the one which the applicant entered on the basis of visa waived entry (article 14).
- Finally, if none of the above apply, the member state responsible is the first one in which the asylum claim was lodged (article 3(2)).

The Council of the EU recently agreed a negotiating position to reform the EU's asylum rules. This included replacing the Dublin Regulation with a new asylum and migration management regulation (AMMR). Under the AMMR, processes for transferring asylum seekers back to the member state responsible for their application will be simplified and streamlined. A new 'solidarity mechanism' has also been proposed, which would require member states to make a contribution to support the management of asylum claims, with flexibility on how this can be delivered: either through accepting asylum seekers to be relocated, offering a financial contribution, or providing alternative support (such as capacity building or additional staff). There is a proposed minimum number of relocations of 30,000 EU-wide per year. If the number of pledged relocations by member states falls short, then the proposal includes an alternative measure described as 'responsibility offsets', where those member states who have not made sufficient contributions are in turn not able to make transfers to member states who would normally be responsible for processing an asylum claim (Council of the EU 2023).

The solidarity mechanism has long been a contentious area for the EU – Poland and Hungary opposed the proposal, while Malta, Bulgaria, Lithuania and Slovakia all abstained. However, the EU is forging ahead with the plans and trilogue negotiations between the council, the commission and the European parliament are intended to conclude by spring 2024. Next year could therefore potentially see a new approach by the EU to managing asylum claims among member states (Neidhardt 2023).

In the long run, we recommend that the UK negotiate with the EU an agreement on asylum. This would allow for a fairer and more orderly way to manage asylum claims. The arrangement could be based on the new AMMR currently being negotiated: in broad terms, it would mean that the UK would accept transfers of people for family reunion purposes and would otherwise relocate asylum seekers who had arrived in the UK from across the Channel to the first member state of irregular entry (provided entry had taken place within the last two years). The UK would also participate in the 'solidarity mechanism' by making some form of contribution – either in the form of relocations, financial transfers, or alternative support.¹³ Together, these measures would aim to reduce the demand for irregular journeys across Europe, and in particular small boat crossings, and would create a pragmatic, managed approach to determining how asylum applicants should be treated if they do arrive in the UK.

Some have argued that seeking such an arrangement is pointless because the Dublin Regulation never worked especially effectively while the UK was an EU member. It is true that the Dublin mechanism has faced serious pressures in recent years, and in particular there are longstanding challenges with Dublin

13 This is based on the Council proposal. As noted, the AMMR is currently being negotiated and so the precise details of how the regulation would work are still in flux.

transfers to Greece. Moreover, the number of Dublin transfers from the UK to other member states was generally very low – in 2019, there were 3,258 requests for transfers out of the UK, but only 263 transfers in fact took place (Home Office 2023e). But the number of outward transfers from other comparable European countries was significantly higher over the 2010s, suggesting this is in part a UK-specific issue (Yeo 2021). Moreover, as noted above, the EU’s current asylum reforms and newly proposed AMMR intend to address some of the weaknesses with the Dublin model and streamline asylum transfers. It would therefore be a mistake to dismiss a potential deal with the EU on the basis of a critique of a policy which the EU is itself actively seeking to improve.

Negotiations with the EU are likely to be challenging and a deal is not expected to be forthcoming in the short term. There have been reports that the EU has rebuffed UK efforts to seek a ‘UK-EU readmissions agreement’ on asylum (Dathan and Waterfield 2023). However, the EU has contested these reports and it is premature to assume that no deal is possible (Quinn 2023). A concerted effort to ‘reset’ negotiations with the EU on a number of fronts – building on the success of the Windsor Framework in early 2023, which has helped to resolve the dispute over the Northern Ireland Protocol – could open up scope for a deal on asylum. Moreover, if and when the EU has negotiated the proposed AMMR, this may well unlock new space for negotiation with the UK. In particular, the UK could secure goodwill with the EU by engaging constructively on how it can contribute to wider cooperation on security and migration; this could prove more beneficial for negotiations than a blunt attempt to push for more returns to other EU countries.

There have been recent claims in the media and by some politicians that a deal with the EU would require the UK accepting a quota of around 120,000 asylum seekers from the EU. The figure appears to be roughly based on taking the ratio of the UK’s population to the EU27 and applying this to the number of asylum applications in the EU in 2022 (Smith 2023). This figure is entirely spurious for a number of reasons. First, as outlined above, there is currently no mandatory asylum quota system within the EU. The system is a matter of negotiation, but given the controversial nature of the scheme among member states, there are no plans to make relocations mandatory, even when the system is up and running: member states will have a choice as to how they can contribute. Second, relocations are not expected to take place on anything like the scale suggested by the 120,000 figure; the current figure referenced in the EU proposal is 30,000 on an EU-wide basis (Council of the EU 2023). Third, given the UK is not part of the EU, any agreement on asylum would in any case be subject to a separate set of negotiations.

Ultimately, the view of expert stakeholders we spoke to for this report was that a deal with the EU was a vital component of an effective response to the Channel crossings. Any serious attempt to address this issue must therefore have such a deal at front and centre of a long-term strategy.

3. FIXING THE UK ASYLUM SYSTEM

An effective response to the Channel crossings must also involve getting the UK’s own asylum system in order. The rise in arrivals by small boat has placed pressure on different aspects of the asylum system – in terms of asylum processing, accommodation, and returns. But these pressures have arisen in large part because the asylum system was not working effectively before the recent rise in small boats, and would be struggling independently of the Channel crossings. As IPPR’s recent briefing on the asylum system found, in recent years the asylum system has faced pressures on a number of fronts.

- A rising asylum backlog – at just under 140,000 cases as of the end of August 2023 – driven in large part by a significant slowdown in processing (Home Office 2023b).
- A growing asylum bill, reaching nearly £4 billion in the year 2022/23, in large part driven by the widespread use of hotels for asylum accommodation (UKVI 2023; NAO 2023).
- Falling numbers of returns – there were only 586 enforced asylum returns and 2,173 voluntary asylum returns in 2022 – an overall fall of nearly 70 per cent since 2012 (Home Office 2023e).¹⁴

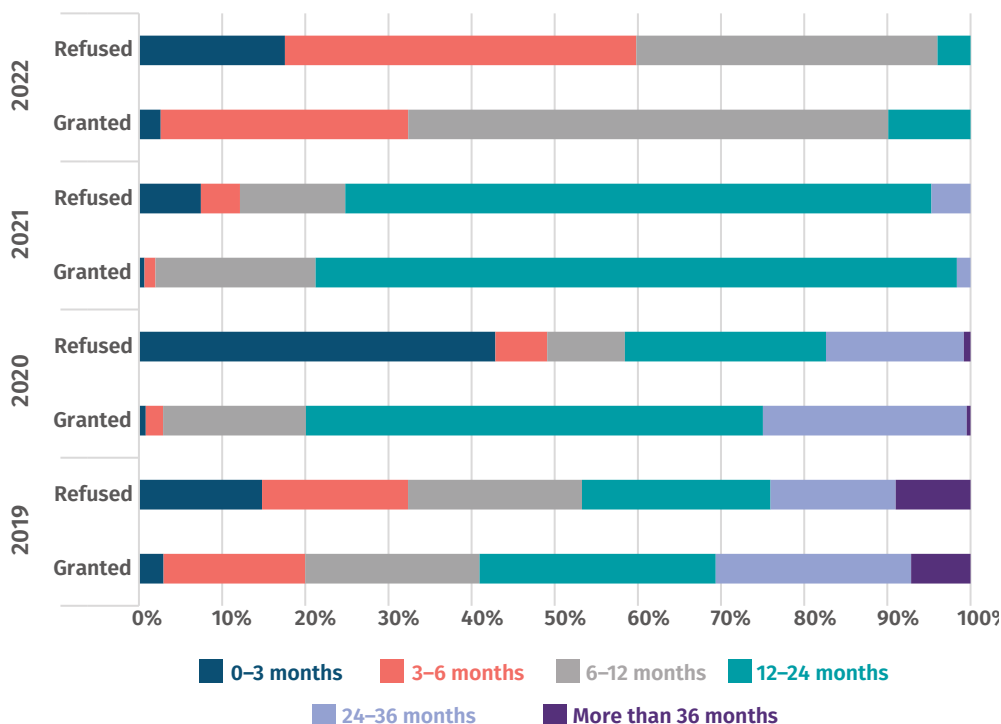
Urgent action is therefore required to fix and reform the asylum system. This would in turn help to reduce the current pressures arising from the increase in small boat arrivals. While a full review of asylum policy is beyond the scope of this report – and further work by IPPR is planned in the coming months – we propose the following priority actions.

Reduce the asylum backlog through fast and fair decisions

First, the government should prioritise fast and fair decision-making on asylum claims, in order to clear the backlog and reduce the costs of hotel accommodation. In recent years, the growing asylum backlog has placed significant strain on the asylum system.

FIGURE 4.1: ASYLUM APPLICATIONS WHICH RESULT IN GRANTS OF LEAVE TEND TO TAKE LONGER TO CONCLUDE THAN APPLICATIONS WHICH RESULT IN REFUSALS

Length of time an asylum application was outstanding from the date the application was received until the date the initial decision was made, broken down by outcome of the decision (refusals vs grants) and calendar year of application



Source: IPPR analysis of Home Office 2023g

Notes: Data extracted on 28 July 2023 from a live operational database. Data relates to main applicants who applied for asylum between 2019 and 2022 inclusive. Decision data relates to initial decisions up to and including 31 March 2023.

¹⁴ Returns have started to climb again in 2013, but are still much lower than they were a decade ago.

Figures gathered by IPPR through a recent freedom of information (FoI) request to the Home Office indicate that there is a particular challenge with delays with grants of status, as opposed to refusals: for applications received in each of the years 2019–22, of those which have been given an initial decision, grants of leave are significantly more likely than refusals to take longer than six months (see figure 4.1).

The government has started to make progress on the asylum backlog by hiring more asylum decision-makers: the number of decision-makers (full-time equivalent) nearly tripled from 892 in August 2022 to 2,445 in August 2023 (Home Office 2023b). It has also taken steps to streamline the process by introducing a questionnaire to replace the substantive asylum interview for some groups, including where possible people from Afghanistan, Eritrea, Libya, Syria and Yemen (all of which have very high grant rates) who arrived before 7 March 2023 (Home Office 2023h).¹⁵ The ‘legacy backlog’ of applications made before the Nationality and Borders Act came into force on 28 June 2022 is now starting to fall at a faster rate (Home Office 2023b).

However, there is a risk that an acceleration in processing comes at the expense of the quality of decisions being made. A range of concerns have been raised about the asylum questionnaire, including the complexity of the language and the need for legal knowledge to fill it in correctly (York 2023). There has also been a sharp rise in withdrawals from the asylum process in 2023, particularly in the case of Albanians, in part due to the Home Office implicitly withdrawing claims (because, for example, applicants do not turn up for their interview or do not complete their questionnaire) (Home Office 2023e; NAO 2023). There is a risk that the tactics taken by the Home Office to reduce the backlog could ultimately backfire due to applicants making appeals or fresh claims as a result of rushed decisions.

We therefore propose some practical steps to ensure an efficient, orderly and accurate approach to asylum processing.

- There should be an enhanced approach to triaging asylum claims into different processes based on an initial assessment of the case profile (in particular if it is manifestly well founded or unfounded).
- Targets should be reintroduced for manifestly well-founded and unfounded claims in order to speed up processing of these claims, while at the same time allowing for more time to properly consider more complex cases.
- The impact of the asylum questionnaire should be reviewed and, if it is found to be ineffective, the Home Office should consider alternatives such as shorter substantive asylum interviews for manifestly well-founded claims.

In the longer term, the government should also consider alternative institutional models to the current approach to assessing asylum claims. In other countries, it is not uncommon for asylum decision-making to be the responsibility of a separate agency or body. For instance, in Canada, asylum claims are decided by the Immigration and Refugee Board of Canada (IRB); in France, claims are the responsibility of the French Office for the Protection of Refugees and Stateless Persons (OFPRA); and in Sweden, they are handled by the Swedish Migration Agency.

There are potential merits in following a similar approach in the UK. Developing a new agency for asylum processing could help to provide a break with the ongoing morale issues among decision-makers in the Home Office and would enable ministers to focus on policy priorities while operational matters are dealt with more independently (see Owen et al 2019 for a further discussion). We therefore

¹⁵ People from Sudan are also eligible for the streamlined asylum process if they made a claim on or after 28 June 2022.

suggest that the government investigates creating a separate agency for asylum processing – and potentially other operational immigration and asylum matters – as part of long-term efforts to manage a fast and fair asylum system.

Introduce a more humane and effective approach to asylum returns

Second, we propose a new, more humane and more effective approach to asylum returns. It is likely that any government will have as part of its asylum system a process for returning people whose applications are refused. Given such a system exists, a progressive approach should ensure that people are returned in a responsible and dignified way.

In recent years (since 2019), the bulk of asylum returns have been voluntary rather than enforced (Home Office 2023e). A significant share of voluntary returns are known as ‘assisted returns’, which include returns for those who are supported to leave the UK through the government’s voluntary returns service with a reintegration package or those whose departure flights are paid for by the Home Office. As has been argued by the Social Market Foundation, there are clear advantages to prioritising this type of return over enforced removals: they are centred on the experiences of people in the immigration system and so allow for a more humane and holistic approach to returns, based on a more sophisticated understanding of migration choices and motivations. They are also significantly less costly for the Home Office (Thomas 2019).

Under the current system, the Home Office has an in-house voluntary returns service which provides practical and financial support to help people return to their home country. This can include paying for travel costs, as well as financing a reintegration package of up to £3,000 to help support people once they arrive home. The service was brought in-house by the Home Office at the end of 2015 after previously being run externally by the International Organization of Migration (IOM) until 2011 and the charity Refugee Action from 2011 to 2015.

However, there are important advantages to the external delivery of a returns service. Independent NGOs from the third sector are often better placed than central government to build connections and trust with people in the immigration and asylum system and to provide practical advice in an ethical way on the options available to them. This is particularly true in recent years given the broader reputation of the Home Office since the scaling up of the hostile environment and the Windrush scandal. One recent study suggested that an external partner can provide a confidential ‘buffer’ between individuals and government and can be a valuable source of impartial, trusted information when people would otherwise fear approaching the Home Office (Schweitzer 2022).

We therefore recommend that the Home Office ends its in-house voluntary returns service and once again seeks to work with an external partner to help facilitate assisted returns. The partner should be responsible for providing practical advice and support to people in cases where an assisted return may be an appropriate and feasible option, including payment for flights and a financial reintegration package for those who do make the return journey.

We recognise there are a number of complexities and challenges involved in delivering an assisted voluntary returns service. One common concern is the extent to which returns can be considered genuinely voluntary given the lack of alternative options available. A further related issue is the degree to which the delivery partner is independent of the Home Office and the potential risk of the partnership undermining the external organisation’s advocacy work (McGhee and Bennett 2014).

To safeguard against these risks, we propose the following additional measures. First, following previous approaches, the partnership contract should be arranged as a grant as opposed to a contract for services, in order to allow for maximal flexibility and independence for the organisation chosen to deliver the assisted voluntary returns service. Second, there should be clear provisions in the contract to prevent the inappropriate sharing of data with the Home Office for enforcement purposes. Third, there should be ongoing monitoring and evaluation of the service to ensure it is working humanely and effectively. Finally, we recommend that the service is implemented alongside our wider proposals on addressing the ‘hostile environment’ in IPPR’s previous report on the subject, in order to ensure this is part of a holistic effort of Home Office reform (Qureshi et al 2021).

Reform the current model of asylum accommodation

Third, the government should reform the existing model of asylum accommodation in order to reduce the current reliance on hotels and other types of contingency accommodation, such as former military sites and the Bibby Stockholm barge. The aim should be to facilitate a shift to a more suitable system of accommodation and support, bringing down costs for the Home Office in the process. Efforts are already underway to move to a model of ‘full dispersal’ – where the Home Office and its private contractors procure dispersal accommodation for asylum seekers across all local authorities, rather than only in specific ‘dispersal areas’ on a voluntary basis. For this model to work effectively, it should be matched with broader plans to expand the stock of available dispersal accommodation (as well as efforts to reduce the current backlog, as discussed above). IPPR will develop further detailed work setting out analysis and proposals on how to improve the quality of asylum accommodation in the coming months.

Finally, it is vital that any package of reforms is not undermined by the provisions in the Illegal Migration Act which place a duty on the home secretary to remove people who arrive irregularly and deem their asylum claims inadmissible. These provisions are not yet in force, but as detailed in the second chapter of this report – and IPPR’s early briefing on the 2025 asylum in-tray – they risk exacerbating the current challenges in the asylum system (Morris 2023). Moreover, many of the reforms proposed here could be fatally undermined by these provisions. For instance, a more effective approach to asylum processing could be rendered largely pointless if the Home Office were to deem a very large share of asylum claims inadmissible and refuse to process them, while a reformed approach to asylum accommodation may nevertheless not be able to withstand the prospect of a ‘perma-backlog’ of asylum claims. The government should therefore, as part of any legislative programme designed to implement asylum reform, amend or repeal those provisions of the Illegal Migration Act which would otherwise threaten the effective functioning of the asylum system.

5. CONCLUSION

The rise in small boat arrivals via the Channel has become an increasingly prominent political issue over the past few years. It is now the focus of one of the prime minister's five priorities in office. But so far – despite a range of measures by the government – there appears to have been little impact on crossings. This should serve as a cautionary warning to all policymakers considering this issue: there is no silver bullet which will 'stop the boats' overnight. Promises to offer a simple solution to small boat arrivals are therefore a hostage to fortune.

But there are concrete steps which the government can take to mount a progressive and pragmatic response to the rise in small boat arrivals. In this report, we propose a series of measures, grounded in core progressive principles: the UK's policy response should promote a well-managed and fair asylum system; it should be evidence based and demonstrate value for money; it should respect the rights and dignity of people crossing the Channel; it should guard against racial discrimination; and it should uphold the rule of law and foster international cooperation.

Our proposals are split into three different pillars of reform. First, we propose new safe and accessible routes for people seeking asylum to allow for meaningful alternatives for those currently crossing the Channel by small boat. Second, we urge a more ambitious approach to negotiations with France and the EU, with the ultimate aim of securing a fair framework for determining who is responsible for processing individual asylum claims. Finally, we recommend a package of reforms aimed at fixing the central weaknesses in the UK's existing asylum system, including the large backlog of claims, the ineffective system of returns, and the costly use of hotels to accommodate asylum seekers. Combined, these are a set of practical, feasible measures to manage the surge in recent small boat arrivals and address the multiple pressures facing the government on asylum. This would represent a major step towards a fairer, more orderly asylum system.

REFERENCES

- Bier D J (2023) 'Parole sponsorship is a revolution in immigration policy', briefing paper number 165, Cato institute. <https://www.cato.org/briefing-paper/parole-sponsorship-revolution-immigration-policy>
- Bouhenia M, Farhat J B, Coldiron M E, Abdallah S, Visentin D, Neuman M, Berthelot M, Porten K and Cohuet S (2017) 'Quantitative survey on health and violence endured by refugees during their journey and in Calais, France', *International Health*, 9(6). <https://academic.oup.com/inthealth/article/9/6/335/4791936>
- British Future (2023) *Dilemmas of control: What does the public think about immigration and how should politicians respond?* Findings from the Ipsos/British Future immigration attitudes tracker [based on research by Ipsos]. <https://www.britishfuture.org/publication/dilemmas-of-control-findings-of-the-immigration-attitudes-tracker-2023>
- Connolly H (2019) *Without my Family: The impact of family separation on child refugees in the UK*, Refugee Council, Save the Children and Amnesty International. <https://resourcecentre.savethechildren.net/document/without-my-family-impact-family-separation-child-refugees-uk>
- Council of the EU (2023) 'Migration policy: Council reaches agreement on key asylum and migration laws', press release. <https://www.consilium.europa.eu/en/press/press-releases/2023/06/08/migration-policy-council-reaches-agreement-on-key-asylum-and-migration-laws>
- Dathan M (2023) 'Home Office cuts number of migrants to be housed on Bibby Stockholm barge', *Times*, 12 September 2023. <https://www.thetimes.co.uk/article/bibby-stockholm-migrants-housing-cost-safety-lm3tgng6j>
- Dathan M and Waterfield B (2023) 'EU rejects new deal for return of migrants', *Times*, 15 August 2023. <https://www.thetimes.co.uk/article/eu-rejects-new-deal-for-return-of-migrants-7scbvsrw7>
- Department of Homeland Security [DHS] (2023) 'Data From First Six Months of Parole Processes for Cubans, Haitians, Nicaraguans, and Venezuelans Shows That Lawful Pathways Work', fact sheet. <https://www.dhs.gov/news/2023/07/25/fact-sheet-data-first-six-months-parole-processes-cubans-haitians-nicaraguans-and>
- European Court of Human Rights [ECHR] (2022) 'The European Court grants urgent interim measure in case concerning asylum seeker's imminent removal from the UK to Rwanda', press release. <https://hudoc.echr.coe.int/eng-press#%7B%22sort%22:%5B%22kupdate%20Descending%22%22itemid%22:%5B%22003-7359967-10054452%22%7D>
- European Migration Network [EMN] (2017) 'EMN Ad-Hoc Query on Unaccompanied asylum-seeking children followed by family members under Dublin Regulation', query requested by Alexandra Lainé on 8 June 2017. https://www.emnetherlands.nl/sites/default/files/2018-03/2017%20-%20UAMs%20followed%20by%20family%20members%20dublin_0.pdf
- European Parliament and Council Regulation (EU) No 604/2013 of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast). <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02013R0604-20130629>
- European Union Committee (2016) *Children in crisis: unaccompanied migrant children in the EU*, House of Lords, second report of session 2016–17, HL paper 34. <https://publications.parliament.uk/pa/ld201617/ldselect/ldeucom/34/3402.htm>
- Ford R and Morris M (2022) *A new consensus? How public opinion has warmed to immigration*, IPPR. <http://www.ippr.org/publications/a-new-consensus>
- HC Deb (2002) 'Northern France', volume 395, debated on Monday 2 December 2002. <https://hansard.parliament.uk/Commons/2002-12-02/debates/ed5495b9-1628-455f-9823-431d66c12524/NorthernFrance>

- HC Deb (2022) 'Illegal immigration', volume 724, debated on Tuesday 13 December 2022. <https://hansard.parliament.uk/commons/2022-12-13/debates/DB61C374-16B5-411C-9A29-CC3DCA119EB3/IllegalImmigration>
- HL Deb (2023) 'Illegal Migration Bill', volume 831, debated on Wednesday 12 July 2023. <https://hansard.parliament.uk/lords/2023-07-12/debates/459FB3DF-B741-4489-AD22-B8B6994FFA6A/IllegalMigrationBill>
- Home Office (2018) 'Home Secretary sets out action on migrant crossings', blog post, Home Office in the media. <https://homeofficemedia.blog.gov.uk/2018/12/31/home-secretary-sets-out-action-on-migrant-crossings>
- Home Office (2020a) *Sovereign Borders: International Asylum Comparisons Report. Section 1: Drivers and impact on asylum migration journeys*, Home Office Analysis and Insight [accessed via Free Movement website]. <https://freemovement.org.uk/wp-content/uploads/2022/11/Annex-A-Sovereign-Borders-International-Asylum-Comparisons-Report-Section-1-Drivers-and-impact-on-asylum-migration-journeys.pdf>
- Home Office (2020b) *Windrush Lessons Learned Review: independent review by Wendy Williams*. <https://www.gov.uk/government/publications/windrush-lessons-learned-review>
- Home Office (2022a) 'Inadmissibility: safe third country cases', guidance. <https://www.gov.uk/government/publications/inadmissibility-third-country-cases>
- Home Office (2022b) 'Memorandum of understanding between the UK and Rwanda', policy paper. <https://www.gov.uk/government/publications/memorandum-of-understanding-mou-between-the-uk-and-rwanda>
- Home Office (2022c) 'Migration and economic development partnership: ministerial direction', correspondence. <https://www.gov.uk/government/publications/migration-and-economic-development-partnership-ministerial-direction>
- Home Office (2022d) *Windrush Lessons Learned Review: progress update*. <https://www.gov.uk/government/publications/windrush-lessons-learned-review-progress-update>
- Home Office (2023a) 'Irregular migration to the UK, year ending June 2023', statistical data set [Table Irr_D01]. <https://www.gov.uk/government/statistics/irregular-migration-to-the-uk-year-ending-june-2023>
- Home Office (2023b) 'Statistics relating to the Illegal Migration Act: data tables to August 2023', statistical data set [Tables IMB_01a, IMB_02, IMB_04, IMB_05, IMB_06]. <https://www.gov.uk/government/statistics/statistics-relating-to-the-illegal-migration-bill>
- Home Office (2023c) 'Irregular migration to the UK, year ending December 2022', official statistics. <https://www.gov.uk/government/statistics/irregular-migration-to-the-uk-year-ending-december-2022/irregular-migration-to-the-uk-year-ending-december-2022>
- Home Office (2023d) 'Factsheet: Asylum accommodation on a vessel in Portland Port', promotional material. <https://www.gov.uk/government/publications/asylum-accommodation-factsheets/factsheet-asylum-accommodation-on-a-vessel-in-portland-port>
- Home Office (2023e) 'Immigration system statistics data tables', statistical data set [Tables Asy_09a, Ret_05, Asy_D01, Asy_D02, Dub_D01]. <https://www.gov.uk/government/statistical-data-sets/immigration-system-statistics-data-tables>
- Home Office (2023f) 'Illegal Migration Bill: IA No: HO 0438', impact assessment. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1165397/Illegal_Migration_Bill_IA_-_LM_Signed-final.pdf
- Home Office (2023g) 'Annex 1', data tables, FOI number 76892, data unpublished but available on request
- Home Office (2023h) 'Streamlined asylum processing', guidance. <https://www.gov.uk/government/publications/streamlined-asylum-processing>
- Home Office and Border Force (2023) 'Migrants detected crossing the English Channel in small boats', transparency data. <https://www.gov.uk/government/publications/migrants-detected-crossing-the-english-channel-in-small-boats>

- House of Commons Library (2020) 'The UK's refugee family reunion rules: a "comprehensive framework"?', research briefing 7511. <https://commonslibrary.parliament.uk/research-briefings/cbp-7511>
- House of Commons Library (2023) 'Irregular migration: A timeline of UK-French cooperation', research briefing 9681. <https://commonslibrary.parliament.uk/research-briefings/cbp-9681>
- Illegal Migration Act (2023) <https://www.legislation.gov.uk/ukpga/2023/37/enacted>
- International Organization of Migration [IOM] (2023) 'Missing migrants global figures', dataset. <https://missingmigrants.iom.int/downloads>
- Ipsos (2023) 'Concern about the NHS rises while inflation remains the biggest national worry', July 2023 Ipsos Issues index. <https://www.ipsos.com/en-uk/concern-about-nhs-rises-while-inflation-remains-biggest-national-worry>
- JUSTICE (2023) *The state we're in: addressing threats and challenges to the rule of law*. <https://justice.org.uk/the-uks-longstanding-commitment-to-the-rule-of-law-is-under-grave-threat-according-to-landmark-report-from-justice>
- McGhee D and Bennett C (2014) 'The Assisted Voluntary Return Programme in UK: How does the receipt of government funding impact on the relationship, advocacy and independence of the refugee sector?', COMPAS breakfast briefing (with Anderson B and Walker S). https://www.compas.ox.ac.uk/wp-content/uploads/BB-2014-Tried_Trusted_Voluntary_Returns_PowerPoint.pdf
- Morris M (2023) *The asylum in-tray in 2025*, IPPR. <http://www.ippr.org/publications/the-asylum-in-tray-in-2025>
- Morris M and Qureshi A (2022) *Understanding the rise in Channel crossings*, IPPR. <http://www.ippr.org/publications/understanding-the-rise-in-channel-crossings>
- National Audit Office [NAO] (2023) The asylum and protection transformation programme. <https://www.nao.org.uk/reports/the-asylum-and-protection-transformation-programme>
- Neidhardt A-H (2023) 'One step closer to getting the EU Migration Pact done. One step closer to ambitious change?', discussion paper, European Policy Centre. <https://www.epc.eu/en/publications/One-step-closer-to-getting-the-EU-Migration-Pact-done-One-step-closer-51796c>
- Owen J, Thimont Jack M, Iacobov A and Christensen E (2019) *Managing migration after Brexit*, Institute for Government. <https://www.instituteforgovernment.org.uk/publication/report/managing-migration-after-brexit>
- Pearce N (2015) 'Dusting off the Sangatte playbook: A humane, practical course of action in Calais', blog post, IPPR. <https://www.ippr.org/blog/dusting-off-the-sangatte-playbook-a-humane-practical-course-of-action-in-calais>
- Penman D and agencies (2002) 'Blunkett secures early Sangatte closure', *Guardian*, 2 December 2002. <https://www.theguardian.com/politics/2002/dec/02/immigrationpolicy.immigration>
- Prime Minister's Office [PMO] (2022) 'UK-Albania Joint Communiqué: Enhancing bilateral Cooperation in areas of common interest', policy paper. <https://www.gov.uk/government/publications/uk-albania-joint-communique-enhancing-bilateral-cooperation-in-areas-of-common-interest>
- Prime Minister's Office [PMO] (2023a) 'UK-France Joint Leaders' Declaration', policy paper. <https://www.gov.uk/government/publications/uk-france-joint-leaders-declaration>
- Prime Minister's Office [PMO] (2023b) 'Joint statement following the PM's meeting on migration: 05 October 2023', press release. <https://www.gov.uk/government/news/joint-statement-following-the-pms-meeting-on-migration-05-october-2023>
- Qureshi A, Morris M and Mort L (2021) *Beyond the hostile environment*, IPPR. <https://www.ippr.org/research/publications/beyond-the-hostile-environment>
- Quinn B (2023) 'EU denies reports it has rejected UK deal to return people who cross Channel', *The Guardian*. <https://www.theguardian.com/uk-news/2023/aug/15/eu-denies-reports-rejected-uk-deal-return-cross-channel>

- R (AAA) v. SSHD (2022) EWCA Civ 745. <https://www.judiciary.uk/wp-content/uploads/2023/06/AAA-v-SSHD-judgment-290623.pdf>
- Refugee Council (2023) *The truth about Channel crossings and the impact of the Illegal Migration Act*. <https://www.refugeecouncil.org.uk/information/resources/the-truth-about-channel-crossings-and-the-impact-of-the-illegal-migration-act>
- Schweitzer R (2022) “Voluntary return” without civil society? How the exclusion of nongovernment actors from the Austrian and British return regimes affects the quality of voluntariness’, *Migration and Society: Advances in Research*, 5. <https://doi.org/10.3167/arms.2022.050104>
- Smith H (2023) ‘Conservative estimate that UK would take 100,000 migrants a year under Labour plan is not reliable’, fact check, Full Fact. <https://fullfact.org/immigration/labour-forced-to-accept-100000-migrants>
- Thomas J (2019) *Between a rock and a hard place. AVR 2.0: the case for rebooting Assisted Voluntary Return in the UK’s immigration control regime*, Social Market Foundation. <https://www.smf.co.uk/publications/rock-hard-place>
- UK Visas and Immigration [UKVI] (2023) ‘Immigration and protection data: Q2 2023’, transparency data [Table ASY_04]. <https://www.gov.uk/government/publications/immigration-and-protection-data-q2-2023>
- United Nations High Commissioner for Refugees [UNHCR] (2002) ‘Sangatte: UNHCR establishes permanent presence’, briefing note. <https://www.unhcr.org/news/briefing-notes/sangatte-unhcr-establishes-permanent-presence>
- United Nations High Commissioner for Refugees [UNHCR] (2023a) Refugee data finder. <https://www.unhcr.org/refugee-statistics>
- United Nations High Commissioner for Refugees [UNHCR] (2023b) *Global trends report 2022*. <https://www.unhcr.org/global-trends-report-2022>
- United Nations High Commissioner for Refugees [UNHCR] (no date) *UNHCR Resettlement Handbook*. <https://www.unhcr.org/resettlement-handbook>
- Walsh PW and Sumption M (2023) ‘Why the government’s economic Impact Assessment of the Illegal Migration Act tells us little about the Act’s economic impact’, commentary, Migration Observatory. <https://migrationobservatory.ox.ac.uk/resources/commentaries/why-the-governments-economic-impact-assessment-of-the-illegal-migration-act-tells-us-little-about-the-acts-economic-impact>
- Yeo C (2021) ‘It is time to think about rejoining the EU’s Dublin asylum system’, blog post, Free Movement. <https://freemovement.org.uk/rejoining-dublin-asylum-system>
- York S (2023) ‘Are the new asylum questionnaires fit for purpose?’, blog post, Free Movement. <https://freemovement.org.uk/questionnaires>
- YouGov (2023) ‘How the government is handling the issue of immigration in the UK’, tracker [accessed 11 September 2023]. <https://yougov.co.uk/topics/politics/trackers/how-the-government-is-handling-the-issue-of-immigration-in-the-uk>

GET IN TOUCH

For more information about the Institute for Public Policy Research, please go to www.ippr.org

You can also call us on +44 (0)20 7470 6100, e-mail info@ippr.org or tweet us @ippr

Institute for Public Policy Research

Registered Charity no. 800065 (England & Wales), SC046557 (Scotland), Company no, 2292601 (England & Wales)