

## The UK Asylum System

I was persecuted in my country for my journalism and it was not safe for me there. But claiming asylum in the UK was like jumping out of the frying pan and into the fire.”

*Fit for Purpose Yet?, Independent Asylum Commission (IAC) interim findings, 2008*  
[www.independentasylumcommission.org.uk](http://www.independentasylumcommission.org.uk)

Asylum and immigration issues have risen on the political agenda in recent years, partly in response to concerns about pressures on local resources, but mostly because of a climate of political and media hysteria. Immigration and asylum are election issues, with both Conservative and Labour vying to have tougher policies. The press has helped to turn the words ‘asylum seeker’ into a term of abuse, but politicians have also not always been careful with their language. In 2006 the then House of Commons leader, Jack Straw, *was quoted* <http://www.dailymail.co.uk/news/article-387792/Straw-blames-dysfunctional-customers-Home-Office-woes.html> as claiming that the problems at the Home Office were less to do with the staff than the people they deal with, ‘dysfunctional individuals many of them: criminals, asylum seekers, people who do not wish to be subject to social control...’ The needs of vulnerable people become secondary in this emotionally charged climate. So, there have been many restrictive changes in the law in recent years. This, rather than the fact that the world is safer, accounts for a steep drop in applications. The United Nations High Commission for Refugees (UNHCR) reported in June 2007 that the numbers of refugees in the world had risen for the first time since 2002, yet, at the end of February 2008 the Home Office announced that asylum applications in 2007 were at their lowest level for 14 years, with a further 1% drop to 23,430. They were up slightly in 2008 with 25,930 applications but this still means that they have fallen by almost a half in 5 years. Applications fell again in 2009, to 24,250 and continued to decrease in the first half of 2010.

In *2009* <http://rds.homeoffice.gov.uk/rds/immigration-asylum-stats.html> 73% of initial decisions were refusals, 17% were granted asylum, and 10% **Humanitarian Protection** or **Discretionary Leave to Remain**, 28% of appeals were successful. Under the **Gateway Protection Programme**, 855 people came to the UK for settlement as refugees.

*Provisional figures* [www.homeoffice.gov.uk/rds/pdfs10/immig409.pdf](http://www.homeoffice.gov.uk/rds/pdfs10/immig409.pdf) indicate that 64,750 people were removed from the UK or left voluntarily in 2009, 10,815 of whom had claimed asylum.

### The New Asylum Model (NAM)

From March 2007 all new applicants fell within the Government’s **New Asylum Model (NAM)**. NAM is aimed at ensuring that asylum cases are concluded within 6 months. This is partly to be achieved by categorising applicants at initial screening in a process called Segmentation. The 5 segments include:

- Segment 1: People who could have claimed asylum in a third country
- Segment 2: Unaccompanied minors
- Segment 3: People from one of 16 ‘safe’ countries who may not be entitled to appeal in this country
- Segment 4: Applications that are regarded as ‘late and opportunistic’ (e.g. following arrest for working without documentation)
- Segment 5: All other cases

On the positive side, each applicant should now have a single **Case Owner**, a Home Office official who should be better trained than before. It is also supposed to be more flexibility in the time-scale for complex cases, so that people’s claims can be properly presented. In general, however, the Refugee Council feels that the timings are too short for proper evidence to be sought on behalf of applicants. Vulnerable people such as abused women, children, and victims of torture, may find it difficult to disclose sensitive information within the time allowed. Under NAM, people have no guarantee that they will see a legal representative before their substantive interview. There is also fear that segmentation may be arbitrary and difficult to challenge. Broader fears are that the longstanding culture of disbelief remains. The Evangelical Alliance *is concerned* <http://www.guardian.co.uk/uk/2010/mar/14/asylum-torture-evidence-ignored> **I HAVE BEEN UNABLE TO CHECK THIS REFERENCE** that evidence of torture is ignored and that the ignorance of interviewers about Christianity is putting the lives of genuine converts at risk, when they claim asylum on the grounds of persecution.

In the past it has been common for the application process to last for several years but with the introduction of the New Asylum Model the Government has made strenuous efforts at streamlining but the Independent Chief Inspector of the UK Border Agency, John Vine thinks that the target of concluding 90% of asylum cases within 6 months by 2011 is **'unachievable'** <http://www.ociukba.homeoffice.gov.uk/news/Asylum-inspection-report-news.asp>.

Applications made prior to 2007 are called **Legacy Cases** [www.ukba.homeoffice.gov.uk/asylum/oldercases/](http://www.ukba.homeoffice.gov.uk/asylum/oldercases/) and at one time totalled over 400,000 for the whole UK but the Home Office claims that this number included duplicates and errors and they hope to be up to date by 2011. This target seems equally impossible.

### **Monitoring the asylum system**

As asylum applications have decreased in recent years, the Home Office **Quality Initiative Project** has aimed to improve the way in which they are assessed and to expedite the process. It is hoped to get more decisions right at the first stage. The **United Nations High Commission for Refugees (UNHCR)** has been working with the Government and feels it is making genuine efforts, but that there is still a need for improvement. Their fourth report to the Home Office, in January 2007, continued to recommend improved training and accreditation for caseworkers. They also stressed the importance of improving the way in which facts are gathered and the need for good research and up-to-date information on the situation in countries of origin.

The use of **Country of Origin (COI)** information was **criticised by the UNHCR** [www.iasuk.org/media/16851/use\\_of\\_coi\\_in\\_uk\\_rsd\\_final\\_may%202009.pdf](http://www.iasuk.org/media/16851/use_of_coi_in_uk_rsd_final_may%202009.pdf) in May 2009 because of over reliance on Home Office information and the ignoring of additional sources in the public domain. They noted that the information often failed to take into account human rights violations such as prison conditions, forced labour (including children), and female genital mutilation. They suggest that an independent body should monitor the COI content.

The **Independent Asylum Commission (IAC)** was set up by the **Citizen Organising Foundation** and undertook a **comprehensive review** [www.independentasylumcommission.org.uk/](http://www.independentasylumcommission.org.uk/) of the UK asylum system between 2006 and 2008. The interim report, published in March 2008, found that the UK asylum system was improving, but not yet fit for purpose. It concluded that the system 'still denies sanctuary to some who genuinely need it and ought to be entitled to it; is not firm enough in returning those whose claims are refused; and is marred by inhumanity in its treatment of the vulnerable.' The Commission made over 180 recommendations about how applications are processed, how people are treated while they are here and what happens if they are refused sanctuary.

The IAC's critical findings have resulted in a campaign, **Citizens for Sanctuary** [www.citizensforsanctuary.org.uk](http://www.citizensforsanctuary.org.uk), which is trying to bring the recommendations about. One of their key aims is to re-establish public confidence in the system. They have found that people have extremely negative reactions to the term 'asylum', while the word 'sanctuary' produces positive responses. Citizens for Sanctuary have also produced the **Sanctuary Pledge**, [sanctuarypledge.org.uk/](http://sanctuarypledge.org.uk/) which has been backed by many religious groups in Great Britain.

A **Guardian article** in February 2010 [www.guardian.co.uk/uk/2010/feb/02/border-staff-asylum-seekers-whistleblower](http://www.guardian.co.uk/uk/2010/feb/02/border-staff-asylum-seekers-whistleblower) raised even greater worries about how cases are assessed. Whistleblower, Louise Perrett, who had worked as a case owner with UKBA spoke about indifference and rudeness to clients and that anyone who approved an asylum application had a stuffed gorilla put on their desk as a 'badge of shame'.

Read the reports of the Government's own watchdog, **Independent Chief Inspector of the UK Border Agency** [here](http://www.ociukba.homeoffice.gov.uk/news/Asylum-inspection-report-news.asp). <http://www.ociukba.homeoffice.gov.uk/news/Asylum-inspection-report-news.asp> The **Still Human Still Here** group's report, **At the End of the Line: Restoring Integrity of the UK's Asylum System** contains further disturbing material. <http://stillhumanstillhere.files.wordpress.com/2009/01/at-the-end-of-the-line-2010.pdf>