

**Need to urgently focus on the real crisis in asylum system: (a) chronic delays in decisions and inadmissibility procedure, resulting in (b) limbo for refugees and (c) grossly wasteful accommodation costs to private interests making major profits and dividends, with part of solution (d) a simpler refugee status determination procedure for swifter refugee status grants for manifestly well-founded claims from high recognition nationalities.**

1. Over the past year alone, the Chief Inspector of Borders and Immigration has published at least five highly critical reports into the Home office's management of the asylum system<sup>1</sup>. The "oldest" of these reports - on asylum casework – still sadly applies and even more so now. Our response is here. The other four reports exposed continuing neglect and state failures of vulnerable people seeking protection, including unaccompanied children. These reports are forensic evidenced interventions that reveal the widespread dysfunctionality of the asylum system, stemming from neglect or worse by recent Home secretaries, no one else. To be clear, it is the Home office "led" by recent and current politicians that have wilfully ran the asylum system "into the ground". The inspection reports were published over a period of impracticable, irresponsible policy and legislation, such as threatened forced removal to Rwanda, the Nationality and Borders Act 2022 and actual and performative cruelty at Manston. Of course there is also the far-Right terrorist attack at the Western Jet Foil refugee processing centre in Dover. It is imperative that this irresponsibility ends, as does the inflammatory language by UK ministers.

2. The asylum casework report in particular, laid out in understated language where the actual asylum crisis is. These include a decisions system riven by delays; (ii) with staff morale low, attrition high and incompetent, and insensitive interviews too frequent; and (iii) with limbo for refugees waiting, unable to move on. This dysfunction costs eye-watering and unsustainable public monies all channelled into private not public sectors<sup>2</sup>. To pause here and emphasise the appalling levels of private profit and dividends<sup>3</sup> being taken from this public service of asylum accommodation. All these monies should urgently be invested in swifter and cogent decisions. The Home Office know this but its action at Ministerial level is wilfully insufficient, albeit officials may get it. The need for the Home Office to start to seriously address the chronic slowness in its protection decisions is especially vital, as the Nationality and Borders Act 2022 further increases not reduces the backlog of pending cases. The one silver lining in this storm of toxic political rhetoric, chronic slowness in decisions and mal-distribution of public monies to private interests in asylum accommodation; is the recent high initial protection grant rate<sup>4</sup>. It is perverse, cruel and traumatising that those who would be recognised as refugees pre-2022 Act, will if applying for protection now get - at best - a lesser form of protection in the 2022 Act regime, or be threatened with forcible removal to Rwanda, and suffer severe poverty in institutional accommodation. It need not be like this.

3. Senselessly in terms of policy; cruelly in its impact on people seeking protection and certainty to rebuild their lives; and at needless expense to the Exchequer, the Home Secretary ploughs on with the New Plan for Immigration and now, Nationality and Borders Act 2022. The formal commencement of the 2022 Act's refugee punishment regime, took effect on 28 June 2022. All of this is worsening not remedying the endemic problems in asylum decisions. In particular, via application of rules to consider or deem new asylum applications inadmissible to the UK system. From January 2021 to June 2022, the

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<sup>1</sup> These are: (a) [An inspection of asylum casework \(November 2021\)](#); (b) [An inspection of contingency asylum accommodation \(May 2022\)](#); (c) [A re-inspection of Napier Barracks \(June 2022\)](#); (d) [An inspection of the initial processing of migrants arriving via small boats at Tug Haven and Western Jet Foil \(July 2022\)](#); and (e) [An inspection of the use of hotels for housing unaccompanied asylum-seeking children \(October 2022\)](#).

<sup>2</sup> pp2-5 and pp13-15: Official Report of Social Justice and Social Security Committee on 10 February 2022.

<sup>3</sup> [Home Office housing provider to make urgent repairs to asylum seeker flats](#), 11 January 2022; [Mears CEO pay rises to over £800,000, 50 times care workers](#), 9 August 2022; and [Serco Group PLC raises full-year profit forecast again after better-than-expected first half](#), 4 August 2022; and [Firm managing hotels for UK asylum seekers posts bumper profits](#), 31 October 2022.

<sup>4</sup> Please find at 3.1 [here](#): "Just over three quarters (76%) of the initial decisions in the year ending June 2022 were grants (of asylum, humanitarian protection or alternative forms of leave), which is a substantially higher grant rate than much of the past decade, when around a third of initial decisions were grants."

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Home Secretary has subjected people seeking safety to a senseless and cruel inadmissibility procedure. Via service of Notices of intent asylum claims are “parked” for at least 6months, at the end of which most move into a bulging decisions backlog. By June 2022, 15,898 notices had been issued, leading to a mere 83 (0.5%) inadmissibility decisions, with only 21 (0.13%) removals, with 7,971 (50%) ultimately admitted to the asylum procedure, in effect adding months of human suffering, exorbitant costs and more people and delays to the backlog. To put it bluntly: the inadmissibility rule serve no effective purpose and they make the chronic slowness in asylum decisions even worse. To compound this, there is also now a bulging backlog at pre-asylum stage: we understand over 5,000 in-country applicants are rendered unable by Home office intake practices to register claims at a screening appointment, with delays at approx. 20weeks from getting to attending appointments. The Home office refuse to say how many are caught in this limbo or and how many are in Home office temporary accommodation or are likely street homeless. Again, this is clearly inhumane, ineffective and it may well be unlawful, too.

4. This rest of this note focuses on *two* aspects of a dysfunctional asylum decisions system. The Home Secretary should be made more accountable to deal with these, especially in scrutinising and challenging the attempted implementation of the Nationality and Borders Act 2022 that is already worsening the delays in decisions, with all the harm on people and *dysfunction distribution* of billions of public monies to private interests, which ensues. The *first* part is *system-wide chronic slowness in asylum decisions*. The present backlog, at end June 2022, is the highest on record: 122,213 people are waiting for an initial decision with 89,231 in that predicament for at least 6months. *The longer people are in such limbo equals more mental health suffering for them, a denial of the right to work, and more costs for the Exchequer in accommodation and support costs passed to private interests, with next to nothing for local communities and services.*

5. These delays have worsened, drastically over the past 5years: in June 2018 there were 14,528 people waiting at least 6months for an initial decision, and then each June since, the 6month delay cohort was 22,187 (2019), 38,756 (2020), and 54,040 (2021), and as said, rising again to 89,231 in June this year. The endemic delays *are not well explained* by asylum applications. From 2017 to 2021, the number of applications were 26,547 (2017), 29,504 (2018), 35,737 (2019), 29,815 (2020), 50,042 (2021). The endemic delays *are well explained* by a worsening low rate of decisions. From 2017 to 2021, the number of decisions and as a percentage of applications per year, were 21,827 as 82% (2017), 22,423 as 76% (2018), 21,828 as 61% (2019), 12,300 as 41% (2020) and a mere 1,430 as 3% (2021). Straightforwardly, this is a tale of spiralling falls in decisions as a proportion of applications lodged. *That is the real problem.*

6. The table immediately below sets out the *breadth* of the chronic slowness in the asylum decision system. These delays appear systemic, in the sense they affect people apparently irrespective of refugee recognition rates. For example, there are relatively high numbers of individuals waiting 18months or more for just an initial asylum decision across the refugee recognition spectrum. Significant numbers of the applicants caught in the *6months+ cohort* of 72,597<sup>5</sup>

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<sup>5</sup> Using the main applicant figure, and as at June 2022, for consistent analysis with the 6-12m, 12-18m and 18m+ cohorts, which are also by main applicant and as at June 2022.

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are, however, from high to medium refugee recognition<sup>6</sup> countries, as measured by Home Office refugee grant rates in 2019<sup>7</sup>. The top ten refugee recognition nationalities account for 27,355<sup>8</sup> (31%) in the current 6months+ group of 89,231<sup>9</sup>. *That means almost one-third of those caught in the delays backlog are actually from high refugee recognition countries e.g. a rate from 75% to 99%*. This is a ridiculous state of affairs. *The Home office should make expedited grants of refugee leave in the vast majority of these claims, as the applicants are fleeing regimes in Afghanistan, Eritrea, Iran, Syria and Sudan etc.*

7. When adding to these top ten “high” refugee recognition nationalities, the eight “medium” recognition countries, *then these 18 nationalities account for almost half of the 6months+ cohort that are left mired in this chronically slow decisions backlog, affecting 39,597 (44%) asylum seekers*. The endemic and perverse depth of these delays are magnified by the fact that 40,115 (55%) of the above 72,597 6-months+ group, are main applicants who have been waiting for just an initial decision, for at least *one year*. It gets worse when noting at 27,431 (37%) of this 6-months+ main applicant cohort have been waiting *at least 18months*. As noted earlier, many from high refugee recognition nationalities are in this 6-months+ group, such that the *top ten recognition countries, account for 27,685 (38%) of main applicants in this 6-months cohort*. It is absurd and dysfunctional that people from such countries and regimes, to which the UK should never contemplate returning them to, are suffering in this chronic slowness malaise also. Swifter decisions in these cohorts engenders multiple benefits: for those refugees able to move on and be independent in their new lives here and the Exchequer not doling out huge public monies to the private sector for accommodation; much of these monies ending up out the system altogether through gross levels of profits and dividends.

Nationality	Grant rate (2019)	Nos., wait 6m-plus (June19)	% change	Nos., wait 6m-plus (June20)	% change	Nos., wait 6m-plus (June21)	% change	Nos., wait 6m-plus (June22) <sup>10</sup>	Inadmissible notice of intent <sup>11</sup>	Nos., wait 6-12m <sup>12</sup> for initial dec.	Nos., wait 12-18m <sup>13</sup> for initial dec.	Nos., wait 18m+ <sup>14</sup> for initial dec.
1.Libya	95%	525	-9%	476	17%	557	22%	678	83	173	105`	141
2.Saudi Arabia	93%	45	131%	104	15%	120	35%	162	0	62	22	46
3.Syria	92%	342	136%	807	96%	1,583	154%	4,027	1,524	2,318	716	362
4.Yemen	91%	68	171%	184	128%	420	32%	553	153	245	90	100

<sup>6</sup> “High” here means a recognition rate in the range of 75% to 99%, “medium” is from 60% to 75%; and “low” anything below that.

<sup>7</sup> Used the estimated final grant rate official figures for 2019. This was to strike a balance between a sufficiently recent but still decent-sized dataset on final decisions, by nationalities.

However, one should note that in 2021, there were often higher refugee recognition rates than in 2019, notably: Afghanistan (97%), Eritrea (99%), Iran (86%), Sudan (89%) and Syria (99%).

<sup>8</sup> Please note I have substituted Afghanistan for Uganda as since 2019, the former has replaced the latter with a far higher refugee recognition rate. This is main applicants and dependents.

<sup>9</sup> Please note this figure is main applicants and dependents – so to convey the full range of those affected – whereas the 72,597 figure is main applicants only to enable comparison with the FOI data disaggregating by length of delays experienced in this 6months+ cohort e.g. those waiting for at least 6, 12 and 18months+, respectively.

<sup>10</sup> Using figures for main applicant and dependent to convey *the total number of people affected* by a chronically slow decision system, and left in a preventable and costly limbo predicament.

<sup>11</sup> Main applicants and dependents, Home Office FOI 71562 (attached), for period 1 January to 30 June 2022.

<sup>12</sup> Main applicants only, Home Office FOI 71561 (attached), as at end of June 2022.

<sup>13</sup> Ibid.

<sup>14</sup> Ibid.

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5.Eritrea	90%	795	30%	1,030	116%	2,228	134%	5,213	2,143	2,987	1,072	719
6.Sudan	89%	772	13%	875	87%	1,634	94%	3,170	1,058	1,393	761	886
7.Turkey	87%	364	130%	838	50%	1,256	20%	1,505	90	286	217	474
8.Russia	86%	119	141%	287	72%	493	15%	568	12	84	59	152
9.Uganda*	77%	132	52%	201	9%	219	-5%	209	0	24	36	127
10.Iran	74%	1,309	138%	3,116	44%	4,484	162%	11,768	1,833	7,867	1,529	1,571
11.Somalia	73%	218	72%	376	31%	493	78%	877	298	504	76	205
12.El Salvador	72%	74	690%	584	100%	1,167	59%	1,853	1,275	415	178	342
13.Occ.Pal.Ter.*	71%	154	34%	206	57%	323	33%	429	132	146	47	159
14.Vietnam	70%	1,148	84%	2,117	15%	2,427	32%	3,206	653	529	967	1,533
15.Kuwait	70%	176	31%	230	53%	352	159%	911	157	402	96	85
16.Afghanistan	69%	1,245	52%	1,892	24%	2,354	62%	3,819	1,040	1,916	523	809
17.Cameroon	67%	123	113%	262	14%	298	-5%	282	0	67	48	144
18.Malaysia	61%	139	90%	264	13%	298	23%	367	0	50	46	221
19.Egypt	54%	166	81%	300	58%	474	79%	849	137	351	137	244
20.DRC*	51%	109	26%	137	17%	160	11%	177	0	20	10	111
21.Ethiopia	49%	276	26%	348	36%	472	134%	1,106	217	472	195	235
22.Iraq	47%	1,876	67%	3,131	36%	4,272	147%	10,536	1,434	4,945	962	2,068
23.Pakistan	46%	1,675	67%	2,804	21%	3,391	10%	3,723	89	518	464	1,955
24.Morocco*	43%	78	97%	154	65%	254	17%	298	25	64	41	156
25.Kenya*	41%	130	41%	183	54%	282	8%	304	0	29	37	193
26.The Gambia°	35%	73	36%	99	83%	181	36%	246	5	44	38	122
27.Nigeria	32%	1,109	26%	1,395	35%	1,884	34%	2,522	21	323	304	855
28.Sri Lanka	32%	644	66%	1,068	14%	1,220	4%	1,269	42	170	107	737
29.Zimbabwe	28%	126	101%	253	26%	318	1%	321	0	20	31	221
30.Namibia	27%	153	197%	454	30%	592	14%	672	90	83	36	383
								<b>Total = 61,620</b>	<b>Total = 12,511</b>	= 26,507	= 8,950	= 15,356
										<b>Total = 50,813</b>		

8. The *second* part of this chronic slowness in asylum decisions is the *lack of priority given by Ministers to practical solutions*, such as consideration for a simplified procedure that is *within not outside* the asylum procedure, for protection applicants from countries that the Home Office commonly recognise anyway as refugees; albeit too often it takes years not months. Instituting a simplified procedure, but only if there is no loss of substantive or procedural safeguards, alongside scrapping the use of Inadmissibility notices of intent, can start to make overdue and sustained inroads into the bulging backlog. For people desperate to get on and rebuild their lives in the UK. For the Exchequer, in not passing millions of pounds to private companies. For the public to help restore credibility to asylum decisions, via swifter grants of leave. *Such practical solutions can be effective where the 2022 Act regime is not.* This is why

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it is particularly senseless, perverse and cruel that just when initial asylum grant rates are relatively high, reflecting that many seeking protection are, rightly, being recognised as refugees – the new 2022 Act and its inadmissibility rules plus the Rwanda deal, all threaten systemic denial of such recognition.

9. A simplified, swifter decision procedure for manifestly well-founded applications is not a substitute for each person having their claim considered on its own basis. But, it may help to triage, streamline and reduce delays. So long as key safeguards are not removed, it starts to enable progress, *via refugee leave grants*, into this backlog in a manner that maintains the integrity of decisions whilst recognising patterns of persecution in certain countries. To be clear, the chronic slowness in Home Office decisions *is the real-world crisis* in the asylum system. The rate of new asylum applications over the past decade is relatively stable, in UK terms and with comparable European nations. It is manageable if the political will was there. There is no credible reason why the Home Office have let matters slip so badly, especially since 2014, such that 122,213<sup>15</sup> wait for an initial decision with 89,231<sup>16</sup> stuck for at least 6months. Why on earth are 3,248 Afghans, 3,396 Syrians, 4,778 Eritreans or 10,967 folk fleeing Iran in limbo? Why are they waiting at least 6months for a decision?

10. Earlier, when detailing the actual crisis in asylum, namely the Home office's chronic slowness in making initial decisions, we noted the Home Secretary is ploughing on with the New Plan for Immigration and now, Nationality and Borders Act 2022. The formal commencement of the 2022 Act's refugee punishment regime, arrived on 28 June 2022. All of this is worsening not remedying the endemic problems in asylum decisions. In particular, via application of rules to consider or deem new asylum applications inadmissible to the UK system. From January 2021 to June 2022, the Home Secretary has subjected people seeking safety to a senseless and cruel inadmissibility procedure. Via Notices of intent asylum claims are “parked” for circa. 6months, at the end of which, nearly all pass into a bulging decisions backlog. It is ridiculous, expensive and cruel with some 16,000 people subjected to it for no good purpose.

11. The table in the following page is structured by the 16 highest refugee recognition nationalities, as at 2019 grant rates. It covers the *Inadmissibility procedure from January 2021 to June 2022*. This analysis draws on Home office FOIs. That data *disaggregates published statistics*, as at end of June 2022 on Inadmissibility - by nationality, sex, and age - for main applicants plus dependents. It reflects an unworkable procedure, as prior evidenced here and here. It reconfirms that in these 18months, it is refugees from the 16 highest recognition countries that are *most subject* to this Inadmissibility procedure, at rates from 65% to 67%, only to end up being admitted to the asylum procedure for substantive consideration of their protection claim, after at least 6months of needless limbo uncertainty. Far from helping deal with the chronic slowness in asylum decisions, this procedure compounds the fundamental problem, and costs the Exchequer exorbitant monies in the process. We estimate these costs could be near £750million per annum for accommodating people from high refugee recognition countries for periods of 6months before such persons with a Notice of intent are admitted to the chronically slow asylum process. Only 21 people have been removed from the UK via the Inadmissibility procedure, so there was never any prospect of removing those receiving a Notice of intent. This procedure worsens delays in decisions, costs a preventable fortune, and most of those affected are refugees. It is senseless, wasteful and cruel.

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<sup>15</sup> Main applicants and dependents.

<sup>16</sup> Ibid.

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Nationality	Grant rate (2019)	1. Considered for Inadmissibility	2. Notice of intent to investigate	3. Inadmissibility decision <sup>17</sup>	4a. Removed <sup>18</sup>	4b. Moved onto asylum procedure	Already waiting for an initial asylum decision <sup>19</sup>	Have been waiting 6months or more for an initial decision <sup>20</sup>
1. Libya	95%	84 <i>of which</i>	83	None	None	55	960 <i>of which</i>	678
2. Saudi Arabia	93%	0	N/A	N/A	N/A	N/A	255 “	162
3. Syria	92%	1,628 “	1,524	13	None	644	5,824 “	4,027
4. Yemen	91%	164 “	153	None	None	76	866 “	553
5. Eritrea	90%	2,173 “	2,143	35	None	1,241	6,835 “	5,213
6. Sudan	89%	1,107 “	1,058	None	None	656	4,392 “	3,170
7. Turkey	87%	118 “	90	None	None	42	2,149 “	1,505
8. Russia	86%	19 “	12	None	None	12	771 “	568
9. Uganda*	77%	0	N/A	N/A	N/A	N/A	300 “	209
10. Iran	74%	2,028 “	1,833	None	None	1,025	14,783 “	11,768
11. Somalia	73%	326 “	298	None	None	72	1,227 “	877
12. El Salvador	72%	1,384 “	1,275	None	None	500	3,030 “	1,853
13. Occ.Pal.Ter.*	71%	137 “	132	None	None	57	556 “	429
14. Vietnam	70%	683 “	653	None	None	570	3,697 “	3,206
15. Kuwait	70%	172 “	157	None	None	64	1,280 “	911
16. Afghanistan <sup>21</sup>	69%	1,141 “ = 11,164 (65% of 17,222)	1,040 = 10,451 (66% of 15898)	None	None	327 = 5,341 (67% of 7,971)	6,999 “	3,819

\* Grant rate (2018) and ° Grant rate (2017) – as equivalent % figures not available for these countries for 2019 – for both tables in this note

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7 November 2022**

<sup>17</sup> There were only 83 decisions to render persons inadmissible to the UK asylum procedure, 35 of which were served on Eritrean nationals, the rest being across approximately ten states.

<sup>18</sup> There were only 21 removals through this Inadmissibility procedure, affecting nationals from approximately six countries – all from Home Office FOI data 71562, as at June 2022.

<sup>19</sup> Asylum applications awaiting an initial decision dataset (using statistics as at end of June 2022) including main applicants and dependents to include all those affected.

<sup>20</sup> Ibid.

<sup>21</sup> Please note the refugee recognition rate for Afghanistan is now 97%, as noted in FN7 earlier.