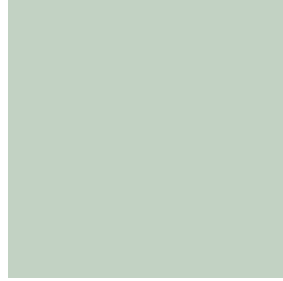


2024 UPDATE

UNITED KINGDOM



# COUNTRY REPORT

## Acknowledgements & Methodology

The 2023 and 2024 update were prepared by Sonia Lenegan, independent expert, and edited by ECRE. The preparation of the first report and subsequent four updates were prepared by Gina Clayton on a consultancy basis, under the coordination of Asylum Aid. The 2016-2021 updates were prepared by Judith Dennis of the Refugee Council and edited by ECRE. The 2022 update was prepared by Judith Dennis and Jon Featonby of the Refugee Council and edited by ECRE.

Information was obtained through a combination of desk-based research and consultation with relevant stakeholders. The author relied heavily on information and analysis provided by a variety of sources, in particular the Immigration Law Practitioners' Association (ILPA), Association of Visitors to Immigration Detainees (AVID), Free Movement and Migration Observatory.

The information in this report is up to date as of 31 December 2024 unless otherwise stated.

All conversions from pounds to EUR on based on the exchange rate of the European Commission as of December 2024.

## The Asylum Information Database (AIDA)

The Asylum Information Database (AIDA) is managed by the European Council on Refugees and Exiles (ECRE). It aims to provide up-to date information which is accessible to researchers, advocates, legal practitioners and the general public through the dedicated website [www.asylumineurope.org](http://www.asylumineurope.org) It covers 23 countries, including 19 EU Member States (AT, BE, BG, CY, DE, ES, FR, GR, HR, HU, IE, IT, MT, NL, PL, PT, RO, SE, and SI) and 5 non-EU countries (Serbia, Switzerland, Türkiye, Ukraine and the United Kingdom). The database also seeks to promote the implementation and transposition of EU asylum legislation reflecting the highest possible standards of protection in line with international refugee and human rights law and based on best practice.



This report is part of the Asylum Information Database (AIDA), funded by the European Union's Asylum, Migration and Integration Fund (AMIF) and ECRE. The contents of this report are the sole responsibility of ECRE and can in no way be taken to reflect the views of the European Commission.



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## Glossary

<b>Country guidance case</b>	Decision by the Upper Tribunal (Immigration and Asylum Chamber) on a specific country, with binding effect on other cases
<b>Discretionary leave to enter/remain</b>	Residence granted on humanitarian grounds
<b>Humanitarian Protection</b>	Subsidiary protection in the meaning of the <a href="#">Qualification Directive 2011/95/EU</a> .
<b>Immigration Bail</b>	An alternative to detention granted to people who are in the UK without permission, i.e. who do not hold leave to remain, including people seeking asylum. It replaced the previous term of 'temporary admission' as well as Immigration Bail which was previously only applied to those people who had been detained.
<b>Judicial Review</b>	A specific legal challenge to the legality of a decision, act or failure to act made by a statutory authority. This process is separate for the appeal process. Judicial review proceedings do not consider the merits of a decision, but only whether the decision maker has approached the matter in the correct way. A request to have a decision judicially reviewed will be made to the High Court (England and Wales), the Court of Session (Scotland) and High Court (Northern Ireland). If the decision challenged was immigration related the case may be heard in the Tribunal but the process is the same as if it were heard in the High Court or Court of Session.
<b>Leave to remain</b>	A temporary grant of permission to stay in the UK, for recognised refugees this is granted for five years.
<b>Legal representative</b>	Legal representative in this report means a lawyer or another person who is providing legal assistance.
<b>Rule 35 report</b>	Relevant to <a href="#">Detention</a> . Rule 35 of the Detention Centre Rules provides that, where there is evidence that a detainee has been tortured, or for any other reason their health would be injuriously affected by detention, a report should be made to the caseworker for release to be considered.
<b>Section 4 support</b>	Relevant to <a href="#">Reception Conditions</a> . Section 4 of the Immigration and Asylum Act 1999 provides support to a former asylum applicant, now appeal rights exhausted, on the basis that the individual (and their dependants) have a temporary legal or medical reason for being unable to return to their country of origin. Conditions are set out in regulations (secondary legislation).
<b>Section 95 support</b>	Relevant to <a href="#">Reception Conditions</a> . Section 95 of the Immigration and Asylum Act 1999 provides that support is given to adults and their dependants with an outstanding asylum claim or appeal and who are accepted to be destitute or will be destitute within the next 14 days.

**Section 98 support**

Relevant to [Reception Conditions](#). Section 98 of the Immigration and Asylum Act 1999 provides mainly for non-cash assistance to applicants during the asylum procedure.

## List of Abbreviations

<b>ACRS</b>	Afghan Citizens Resettlement Scheme
<b>APPG</b>	All Party Parliamentary Group/s
<b>ARAP</b>	Afghan Relocations and Assistance Policy
<b>ARE</b>	Appeal Rights Exhausted
<b>ASAP</b>	Asylum Support Appeals Project
<b>AIU</b>	Asylum Intake Unit
<b>ASU</b>	Asylum Screening Unit
<b>AVID</b>	Association of Visitors to Immigration Detainees
<b>BID</b>	Bail for Immigration Detainees
<b>BRP</b>	Biometric Residence Permit
<b>CIO</b>	Chief Immigration Officer
<b>CJEU</b>	Court of Justice of the European Union
<b>DFT</b>	Detained Fast Track System
<b>ECHR</b>	European Convention on Human Rights
<b>ECtHR</b>	European Court of Human Rights
<b>EWCA</b>	England and Wales Court of Appeal
<b>EWHC</b>	England and Wales High Court
<b>FOI</b>	Freedom of Information
<b>FFT</b>	Freedom From Torture
<b>FTT (IAC)</b>	First-Tier Tribunal Immigration and Asylum Chamber
<b>HMIP</b>	His Majesty's Inspectorate of Prisons
<b>ICIBI</b>	Independent Chief Inspector of Borders and Immigration
<b>IMB</b>	Independent Monitoring Board
<b>ILR</b>	Indefinite Leave to Remain
<b>IRC</b>	Immigration Removal Centre
<b>MEDP</b>	Migration and Economic Development Partnership (Rwanda agreement)
<b>NAAU</b>	National Asylum Allocation Unit
<b>NGO</b>	Non-Governmental Organisation
<b>NHS</b>	National Health Service
<b>NSA</b>	Non-Suspensive Appeal
<b>NTS</b>	National Transfer Scheme (for unaccompanied children)
<b>OSS</b>	One Stop Services
<b>STHF</b>	Short-Term Holding Facility
<b>UKBF</b>	United Kingdom Border Force
<b>UKCISA</b>	United Kingdom Council for International Student Affairs
<b>UKHL</b>	United Kingdom House of Lords (highest appellate court, now UKSC)
<b>UKSC</b>	United Kingdom Supreme Court
<b>UKVI</b>	United Kingdom Visas and Immigration
<b>UT (IAC)</b>	Upper Tribunal Immigration and Asylum Chamber



**VPR/VPRS**

Vulnerable Person Resettlement Scheme (previously known as Vulnerable Persons Relocation Scheme)

## Statistics

### Overview of statistical practice

Statistics on asylum are published as part of a package of immigration statistics on a quarterly basis by the National Statistics authority,<sup>1</sup> using Home Office administrative sources. Where statistics are not made available, they are requested directly from the Home Office. Difficulties have also been encountered with regard to Home Office responses to freedom of information (FOI) requests.<sup>2</sup> The numbers include dependants.

### Applications and granting of protection status at first instance: figures for 2024

	Applicants in 2024 (1)	Pending at end of 2024	Total decisions in 2024 (2)	Total rejection	Refugee status	Subsidiary protection (3)	Humanitarian protection (4)
<b>Total</b>	108,138	124,802	84,049	44,433	35,559	711	3,346
Breakdown by countries of origin of the total numbers							
<b>Afghanistan</b>	8,508	10,999	7,011	2,864	3,938	111	98
<b>Iran</b>	8,099	8,952	10,678	3,559	7,029	56	34
<b>India</b>	5,312	5,379	2,471	2,420	24	13	14
<b>Pakistan</b>	10,542	11,637	5,650	2,746	2,871	21	12
<b>Türkiye</b>	3,019	5,194	2,560	2,158	386	13	3
<b>Eritrea</b>	5,053	3,930	4,895	623	4,234	3	32
<b>Bangladesh</b>	7,225	8,023	5,303	4,360	902	39	2
<b>Albania</b>	2,752	3,765	3,795	3,654	69	72	0
<b>Syria</b>	6,680	7,029	3,367	59	3,227	1	80
<b>Sudan</b>	4,833	4,416	3,968	38	3,110	2	818

Source: Home Office, *Immigration Statistics*, tables Asy\_D01 Asy\_D02 and Asy\_D03, available at: <https://tinyurl.com/bdhnwfr>. Number of decisions excludes withdrawn claims, administrative outcomes and resettlement.

Note 1: “Applicants in year” refers to the total number of applicants, including dependants.

Note 2: Statistics on decisions cover the decisions taken throughout the year, regardless of whether they concern applications lodged that year or in previous years.

Note 3: The figures here are described as “other grants” in the Home Office statistics and include grants made under family and private rules where there would be a breach of Article 8 ECHR, as well as where there are other exceptional and compassionate circumstances.

Note 4: As noted in the glossary, this is referred to as humanitarian protection at the national level, and is equivalent to subsidiary protection under EU law.

<sup>1</sup> National Statistics Authority, available [here](#). See also Home Office, *Immigration Statistics*, available [here](#).

<sup>2</sup> See e.g. Information Commissioner’s Office, *Decision notices where a complaint has been upheld against the Home Office*, available [here](#).

**Applications and granting of protection status at first instance: rates for 2024**

	Overall rejection rate	Overall protection rate	Refugee rate	Subsidiary protection rate	Humanitarian protection rate
<b>Total</b>	53%	47%	42%	1%	4%
Breakdown by countries of origin of the total numbers					
<b>Afghanistan</b>	41%	59%	56%	2%	1%
<b>Iran</b>	33%	67%	66%	1%	0%
<b>India</b>	98%	2%	1%	1%	1%
<b>Pakistan</b>	49%	51%	51%	0%	0%
<b>Türkiye</b>	84%	16%	15%	1%	0%
<b>Eritrea</b>	13%	87%	86%	0%	1%
<b>Bangladesh</b>	82%	18%	17%	1%	0%
<b>Albania</b>	96%	4%	2%	2%	0%
<b>Syria</b>	2%	98%	96%	0%	2%
<b>Sudan</b>	1%	99%	78%	0%	21%

Source of the percentages: calculated by the author using data in the table above, as a percentage of decisions that have been made.

### Gender/age breakdown of the total number of applicants: 2024

	Men	Women	Adults	Children	
				Accompanied	Unaccompanied
<b>Number</b>	76,457	31,616	87,238	16,795	4,104
<b>Percentage</b>	71%	29%	81%	16%	4%

Source: Home Office, *Immigration system statistics data tables, Asylum applications, initial decisions and resettlement detailed datasets, year ending December 2024*, table Asy\_D01, available at: <https://tinyurl.com/bdhnwfr>.

Note: The gender breakdown (Men/Women) applies to all applicants, not only adults.

### First instance and appeal decision rates: 2024

It should be noted that, during the same year, the first instance and appeal authorities handle different caseloads. Thus, the decisions below do not concern the same applicants.

	First instance		Appeal	
	Number	Percentage	Number (1)	Percentage (2)
<b>Total number of decisions</b>	84,049		10,476	
Positive decisions	39,616	47%		47%
Negative decisions	44,433	53%		53%

Source: Home Office, *Immigration Statistics*, tables Asy\_D01 Asy\_D02 and Asy\_D03, available at: <https://tinyurl.com/bdhnwfr>. Number of decisions excludes withdrawn claims, administrative outcomes and resettlement. Ministry of Justice, *Tribunal statistics quarterly: October to December 2024*, table FIA\_3, 13 March 2025, available [here](#).

Note 1: number of appeals determined at a hearing or on the papers.

Note 2: the Tribunal's data on appeals allowed and dismissed is provided as a percentage only.

## Overview of the legal framework

### Main legislative acts relevant to asylum procedures, reception conditions, detention and content of protection

Title (EN)	Abbreviation	Web Link
Immigration Act 1971	IA 1971	<a href="http://bit.ly/1JKaigx">http://bit.ly/1JKaigx</a>
Immigration and Asylum Act 1999	IAA 1999	<a href="http://bit.ly/1C2MkVQ">http://bit.ly/1C2MkVQ</a>
Nationality Immigration and Asylum Act 2002	NIAA 2002	<a href="http://bit.ly/1Sat0PR">http://bit.ly/1Sat0PR</a>
Asylum and Immigration (Treatment of Claimants etc.) Act 2004	AITOCA 2004	<a href="http://bit.ly/1Sat3Lt">http://bit.ly/1Sat3Lt</a>
Borders Citizenship and Immigration Act 2009	BCIA 2009	<a href="http://bit.ly/1L4XIOC">http://bit.ly/1L4XIOC</a>
Immigration Act 2014	IA 2014	<a href="http://bit.ly/1cPORMc">http://bit.ly/1cPORMc</a>
Immigration Act 2016	IA 2016	<a href="http://bit.ly/2jqhiEv">http://bit.ly/2jqhiEv</a>
Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020		<a href="https://bit.ly/2M7jiFO">https://bit.ly/2M7jiFO</a>
Nationality and Borders Act 2022	NABA 2022	<a href="https://bit.ly/3tzLjl">https://bit.ly/3tzLjl</a>
Illegal Migration Act 2023	IMA 2023	<a href="https://bit.ly/3uK4T8Y">https://bit.ly/3uK4T8Y</a>

### Main implementing decrees and administrative guidelines and regulations relevant to asylum procedures, reception conditions, detention and content of protection

Title (EN)	Abbreviation	Web Link
Immigration Rules HC 395 Part 11	Immigration Rules	<a href="http://bit.ly/1FY1JYi">http://bit.ly/1FY1JYi</a>
Immigration Rules HC 395 Part 11B	Immigration Rules	<a href="http://bit.ly/1KKr1zi">http://bit.ly/1KKr1zi</a>
Immigration Rules HC 395 Part 12	Immigration Rules	<a href="http://bit.ly/1MOpgjX">http://bit.ly/1MOpgjX</a>
Asylum Seekers (Reception Conditions) Regulations 2005 SI 7	Reception Conditions Regs 2005	<a href="http://bit.ly/1L52LsU">http://bit.ly/1L52LsU</a>
Asylum Support Regulations 2000 SI 704	Asylum Support Regs 2000	<a href="http://bit.ly/1C2R7GQ">http://bit.ly/1C2R7GQ</a>
Asylum Support (Amendment) Regulations 2005 SI 11	Asylum Support Regs 2005	<a href="http://bit.ly/1Fd2wUj">http://bit.ly/1Fd2wUj</a>
Transfer for Determination of an Application for International Protection (Detention) (Significant Risk of Absconding Criteria) Regulations 2017	Dublin Retention Regs 2017	<a href="http://bit.ly/2jTZ6lr">http://bit.ly/2jTZ6lr</a>
The Detention Centre Rules 2001 SI 238	Detention Centre Rules	<a href="http://bit.ly/1GBXGY2">http://bit.ly/1GBXGY2</a>
Detention Service Orders	DSOs	<a href="http://bit.ly/1MOpyr7">http://bit.ly/1MOpyr7</a>
Asylum Process Guidance and Asylum Policy Instructions	APG/API	<a href="http://bit.ly/1BaVlvv">http://bit.ly/1BaVlvv</a>

The Tribunal Procedure (First-tier Tribunal) (Immigration and Asylum) Asylum Chamber) Rules 2014 (S.I. 2014 No.2604 (L.31))	Procedural Rules	<a href="http://bit.ly/1eawcw7">http://bit.ly/1eawcw7</a>
Statement of changes to the Immigration Rules 2018	Immigration Rules	<a href="https://bit.ly/2weGiYf">https://bit.ly/2weGiYf</a>
Statement of changes to the Immigration Rules 2019	Immigration Rules	<a href="https://bit.ly/2tkZNQL">https://bit.ly/2tkZNQL</a>
Statement of changes to the Immigration Rules October 2020	Immigration Rules	<a href="https://bit.ly/3iCSM2P">https://bit.ly/3iCSM2P</a>
Statement of changes to the Immigration Rules December 2020	Immigration Rules	<a href="https://bit.ly/2LVidRp">https://bit.ly/2LVidRp</a>
Statement of changes to the Immigration Rules September 2021	Immigration Rules	<a href="https://bit.ly/33KzyF2">https://bit.ly/33KzyF2</a>
Statement of changes to the Immigration Rules December 2021	Immigration Rules	<a href="https://bit.ly/3tBK1NX">https://bit.ly/3tBK1NX</a>
Asylum Support (Amendment) Regulations 2022	Regulations	<a href="https://bit.ly/3LSiFd5">https://bit.ly/3LSiFd5</a>
Statement of changes to the Immigration Rules	Immigration Rules (shortage occupation list)	<a href="https://bit.ly/3h4sFSw">https://bit.ly/3h4sFSw</a>
Statement of changes to the Immigration Rules	Immigration Rules (settlement protection)	<a href="https://bit.ly/3viR5jk">https://bit.ly/3viR5jk</a>
Statement of changes to the Immigration Rules March 2022	Immigration Rules (including 3 Ukraine schemes)	<a href="https://bit.ly/3EFVCWZ">https://bit.ly/3EFVCWZ</a>
Statement of changes to the Immigration Rules May 2022	Immigration Rules (including implementation of NAB Act and amendments to Ukraine sponsor scheme)	<a href="https://bit.ly/3Gkx5T3">https://bit.ly/3Gkx5T3</a>
Statement of changes to the Immigration Rules July 2022	Immigration Rules (extension of Ukraine sponsor scheme to unaccompanied children)	<a href="https://bit.ly/3UIhVLU">https://bit.ly/3UIhVLU</a>
Statement of changes to the Immigration Rules October 2022	Immigration Rules (including amendments to Afghan relocation scheme eligibility and amendment to Ukraine extension scheme eligibility)	<a href="https://bit.ly/3hFh2ox">https://bit.ly/3hFh2ox</a>
Statement of changes to the Immigration Rules: HC 1160, 9 March 2023	Immigration Rules (including changes to interviews for child asylum seekers and refugee family reunion)	<a href="https://bit.ly/4bIDC7p">https://bit.ly/4bIDC7p</a>
Statement of changes to the Immigration Rules: HC 1496, 17 July 2023	Immigration Rules (including the end of differentiation treatment in grants of leave for asylum seekers, and expansion of grounds for withdrawal of asylum claims)	<a href="https://bit.ly/4bPfc2n">https://bit.ly/4bPfc2n</a>
Statement of changes to the Immigration Rules: HC 1715, 19 July 2023	Immigration Rules (including addition of Honduras and Namibia to the list of countries whose nationals must apply for a visa in advance of coming to the UK due to the number of asylum claims from these countries)	<a href="https://bit.ly/4bL8Avw">https://bit.ly/4bL8Avw</a>
Statement of changes to the Immigration Rules: HC 246, 7 December 2023	Immigration Rules (including changes to statelessness applications)	<a href="https://bit.ly/3wqDSYU">https://bit.ly/3wqDSYU</a>
The Illegal Migration Act 2023 (Commencement No. 1) Regulations 2023	Regulations	<a href="https://bit.ly/49DwS9D">https://bit.ly/49DwS9D</a>
The Asylum Support (Amendment) Regulations 2023	Regulations	<a href="https://bit.ly/42O27fg">https://bit.ly/42O27fg</a>

Statement of changes to the Immigration Rules: HC 556, 19 February 2024	Immigration Rules (closure of Ukraine schemes)	<a href="https://tinyurl.com/87skjyv">https://tinyurl.com/87skjyv</a>
Statement of changes to the Immigration Rules: HC 590, 14 March 2024	Immigration Rules (Appendix Salary List)	<a href="https://tinyurl.com/33vbcjk7">https://tinyurl.com/33vbcjk7</a>
Safety of Rwanda (Asylum and Immigration) Act 2024	Safety of Rwanda Act	<a href="https://tinyurl.com/6mw7kmym">https://tinyurl.com/6mw7kmym</a>
The Illegal Migration Act 2023 (Amendment) Regulations 2024	Regulations	<a href="https://tinyurl.com/8whut89v">https://tinyurl.com/8whut89v</a>
Statement of changes to the Immigration Rules: HC 217, 10 September 2024	Immigration Rules (visa regime on Jordan)	<a href="https://tinyurl.com/yv3nahw3">https://tinyurl.com/yv3nahw3</a>
Statement of changes to the Immigration Rules: HC 334, 26 November 2024	Immigration Rules (visa regime on Colombia, changes to Ukraine schemes)	<a href="https://tinyurl.com/mry72xpn">https://tinyurl.com/mry72xpn</a>
Statement of changes to the Immigration Rules: HC 733, 12 March 2025	Immigration Rules (visa regime on Trinidad & Tobago, changes to Ukraine schemes)	<a href="https://tinyurl.com/6y33s2hf">https://tinyurl.com/6y33s2hf</a>

## Overview of the main changes since the previous update

This report was last published in **April 2024**.

### National context

On 4 July 2024 the UK held a general election and the Labour party was elected, replacing the previous Conservative government. Shortly after the election, UNHCR made several recommendations to the new government, including restoring access to the asylum system, reforming the asylum system, scaling up resettlement and investing in refugee integration.<sup>3</sup>

### International protection

- ❖ **Key asylum statistics:** 108,138 people applied for asylum in the UK in 2024 (main applicants and their dependants), including 8,508 from Afghanistan and 8,099 from Iran. 19% of applicants were children (both accompanied and unaccompanied) and 71% were men and boys. Recognition rate at first instance was 47%, a large drop from 67% in 2023. There were 124,802 people still waiting for a decision at the end of 2024. (see [Statistics](#)).
- ❖ **Asylum processing restarts for all cases:** processing of asylum claims had almost completely stalled under the previous government because of the applicability of the inadmissibility procedure set out in the Illegal Migration Act 2023, which prohibited many people from being granted leave. The Home Office did not have an effective triage system in place to determine who may still be entitled to a grant of leave, and so the backlog of claims was growing at a high rate. The new government laid regulations<sup>4</sup> on 23 July 2024 that came into force with immediate effect that removed the ban on granting leave and meant that claims started being processed again.
- ❖ **The end of the Rwanda plan:** a legal challenge to the Rwanda plan was due to start on the Tuesday after the general election. The new government's lawyers confirmed to the court that they did not intend to send any flights to Rwanda and they settled the three individual cases.<sup>5</sup> A further challenge to the Safety of Rwanda Act continued, and was finally settled in January 2025 after the government confirmed its intention to repeal the Safety of Rwanda Act.<sup>6</sup>
- ❖ **The Safety of Rwanda (Asylum and Immigration) Act 2024 to be repealed:** on 30 January 2025 the Border Security, Asylum and Immigration Bill was introduced to parliament. This Bill will repeal the Safety of Rwanda Act as well as some sections of the Illegal Migration Act 2023.

### Asylum procedure

- ❖ **Access to the procedure:** In 2024 36,816 people arrived in the UK by small boat which was an increase from 29,437 people in 2023. In 2023 it was estimated that 19 people died trying to cross the Channel to the UK<sup>7</sup> and in 2024 at least 82 deaths were reported, including a record number of children.<sup>8</sup> The number of deaths has increased proportionately substantially more than the number of arrivals, as journeys become more dangerous. (see [Access to the procedure](#)).

<sup>3</sup> UNHCR, 'UNHCR's recommendations to the government of the United Kingdom', July 2024, available [here](#).

<sup>4</sup> The Illegal Migration Act 2023 (Amendment) Regulations 2024.

<sup>5</sup> Jed Pennington, 'The Rwanda policy is in its death throes', Free Movement, 9 July 2024, available [here](#).

<sup>6</sup> Asylum Aid, 'Press release: Home Secretary informs Asylum Aid about her intentions to repeal the Safety of Rwanda Act 2024 in the parliamentary session', 29 January 2025, available [here](#).

<sup>7</sup> Missing Migrants Project, accessed 24 March 2024, available [here](#).

<sup>8</sup> Diane Taylor, 'Record number of children died crossing Channel last year, says UN', *The Guardian*, 25 February 2025, available [here](#).



- ❖ **Increase in rejections of Afghan claims:** In 2024 the protection grant rate for Afghan nationals fell to 59% at first instance, down from 99% in 2023. (see [Statistics](#)).

#### *Reception conditions*

- ❖ **Use of alternative accommodation sites:** in July 2024 the new government announced that the Bibby Stockholm, a barge being used as asylum accommodation, would be closed. This took place in January 2025. In March it was announced that the repurposed military barracks at Napier would no longer be used as asylum accommodation from September 2025 (see [Types of accommodation](#)).
- ❖ **Unaccompanied children in short-term holding facilities in northern France:** In 2024, it was reported that from January 2022 to October 2023 there were 369 unaccompanied children held in the UK run facilities in France. An inspection in November 2024 found that some of the facilities were in poor condition, there were safeguarding issues and that two children had been re-trafficked from the centres.
- ❖ **Detention conditions:** reports by the HM Inspectorate of Prisons in 2024 overall described a trend of a “worrying deterioration in safety” across all of the immigration removal centres. The Jesuit Refugee Service also express serious concerns in a 2024 report, reporting inappropriate segregation, large deficiencies in healthcare provision and safeguards for vulnerable people, excessive and inappropriate use of force and a staffing culture of abuse and humiliation.

#### *Detention of asylum seekers*

- ❖ **Number of people detained continues to rise:** In 2024, 20,604 people were detained under immigration powers, an increase from 15,864 in 2023. These were not all people who were claiming or had previously claimed asylum (see [Detention](#)).

#### *Content of international protection*

- ❖ **Pause on consideration of Syrian applications for settlement:** in December 2024 following the collapse of the Assad regime in Syria, the Home Office paused consideration of applications for settlement from Syrian refugees reaching the end of their five years of refugee leave<sup>9</sup> (see [Cessation and review](#)).
- ❖ **Improvements in exiting asylum accommodation:** in August 2023, non-public change in policy regarding the timeline for beneficiaries of protection to exit asylum accommodation led to a 223% increase in people sleeping rough after leaving asylum housing. This policy change was later reversed. The period July to September 2024 showed huge decreases in people being put at risk of homelessness because of being required to leave asylum accommodation, compared with the same period the previous year. In November 2024 a pilot scheme was announced to temporarily extend the move on period to 56 days (as opposed to 28) starting on 9 December 2024 and due to end in June 2025.

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<sup>9</sup> Hansard, House of Lords debate: Syrian Asylum Applications, 29 January 2025, available [here](#).

## UK Ukraine Visa Support

The information given hereafter constitute a short summary of the 2024 Report on UK Ukraine visa support, for further information, see Annex on [UK Ukraine visa support](#).

### *Eligibility and procedure*

- ❖ **Ukraine Family Scheme:** persons eligible under this scheme had to be joining a family member or an extended family member who had to be a UK citizen or have settled, EEA pre-settled status or beneficiary of refugee status/humanitarian protection. Non-Ukrainians could only benefit from this scheme insofar as they were immediate family members for another applicant who is Ukrainian. There was no fee for the visa. The scheme was closed without advance notice on 19 February 2024.
- ❖ **Homes for Ukraine:** this programme aims to match Ukrainian applicants and their immediate family (who may be Ukrainian or of another nationality) with UK based individual sponsors who, since 19 February 2024, must be British citizens or have permanent residence in the UK. On 31 January 2025 it was announced that a parent (or legal guardian) who has been granted leave under any of the Ukrainian schemes is eligible to sponsor their child under the Home for Ukraine scheme.<sup>10</sup> The visa does not entail a fee. People have to apply from outside the UK.
- ❖ **Ukraine Extension Scheme:** This scheme was available to Ukrainians who previously held permission to be in the UK and that permission expired on or after 1 January 2022 or who held permission to be in the UK on or between 18 March 2022 and 16 November 2023 – the permission does not need to cover the whole period. The scheme closed to new applications on 16 May 2024, with the exception of children born in the UK to parents with leave granted under Appendix Ukraine. The scheme closed in its entirety on 4 February 2025 and was replaced with the Ukraine Permission Extension Scheme.
- ❖ **Ukraine Permission Extension Scheme:** From 4 February 2025, those with leave granted under any of the Ukraine schemes can apply to extend their leave for a further 18 months when they are within the last 28 days of their leave. This is a free application.<sup>11</sup>

### *Rights associated with status*

- ❖ **Residence permit:** upon arrival in the UK, persons receive a biometric residence permit or an eVisa. All schemes initially offered three-year visas. As of 19 February 2024, this was reduced to 18 months for successful applicants to the Homes for Ukraine scheme.
- ❖ **Labour market, social welfare and health care:** all beneficiaries have access to work and all public funds, as they are exempt from the habitual residence test which usually restricts access in the first months after arrival. They are not required to pay the surcharge usually applied to visa beneficiaries to access healthcare via the NHS.
- ❖ **Housing:** The government surveyed sponsors in August 2023 and published experimental statistics which showed that around half (48%) of hosts had provided accommodation for 12 months or more. Almost all (99%) believed that their guests needed help to access private rental

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<sup>10</sup> Ministry of Housing, Communities and Local Government, 'Children being sponsored by a parent or legal guardian: Home for Ukraine', 31 January 2025, available [here](#).

<sup>11</sup> Home Office, 'Applying to the Ukraine Permission Extension scheme', last updated 10 March 2025, available [here](#).

accommodation or to make other independent living arrangements. 31% of hosts reported bias or discrimination against Ukrainians by landlord or estate agencies.<sup>12</sup>

- ❖ **Financial support for hosts:** Hosts in the Homes for Ukraine receive £350 per week as a ‘thank you’ payment for the first 12 months, increased to £500 after the first year, up to a maximum of two years. The local authority also receives funding for each arrival.

The information given hereafter constitute a short summary of the 2024 Report on UK Ukraine visa support, for further information, see Annex on [UK Ukraine visa support](#).

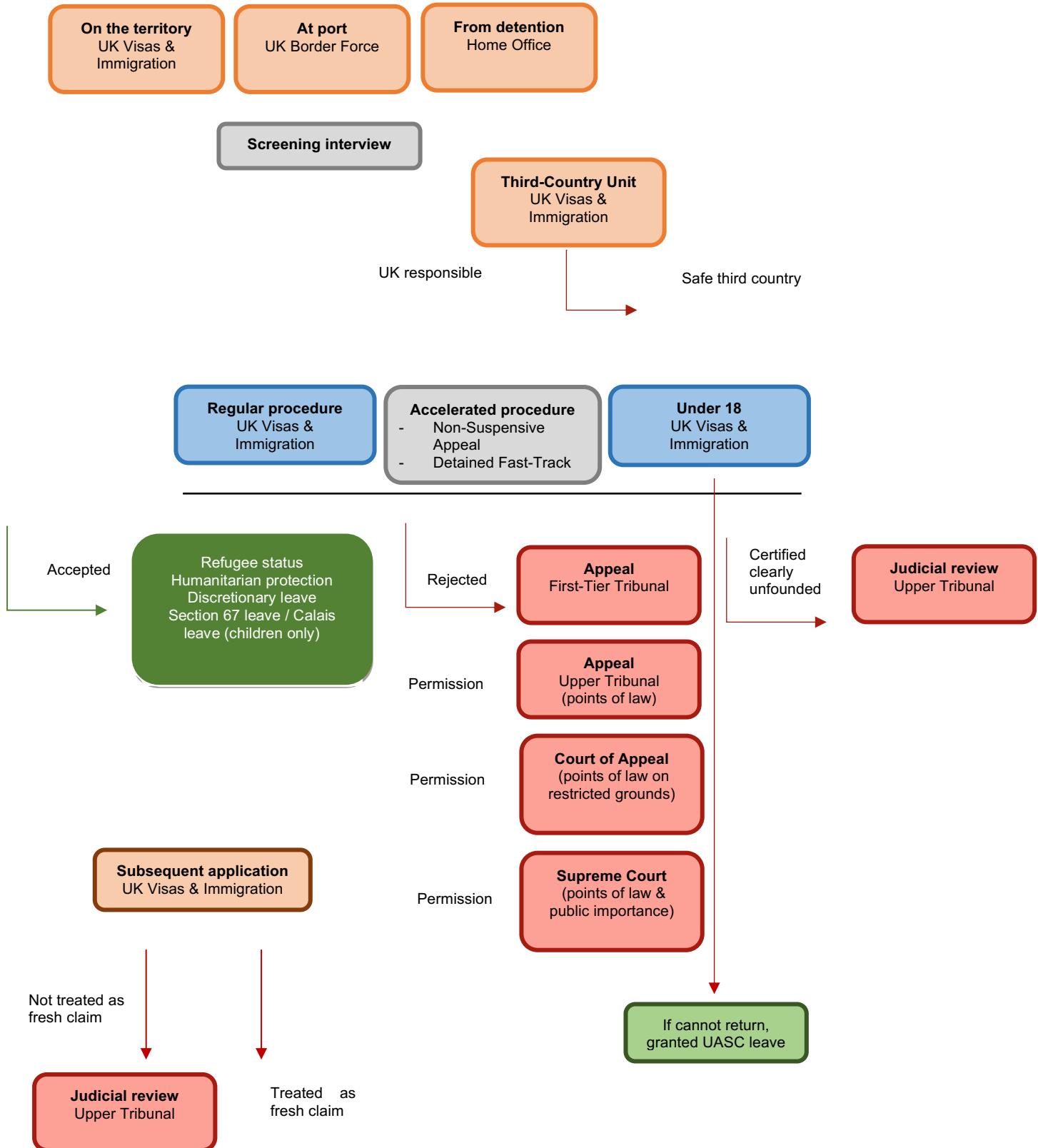
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<sup>12</sup> Office for National Statistics, ‘Experiences of Homes for Ukraine scheme sponsors, UK: 10 to 21 August 2023’, 4 October 2023, available at: <https://tinyurl.com/27v2ax7n>.

# Asylum Procedure

## A. General

### 1. Flow chart



## 2. Types of procedures

### Indicators: Types of Procedures

Which types of procedures exist in your country?

- |  |   |  |
|--|---|--|
| ❖ Regular procedure:                     | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| ▪ Prioritised examination: <sup>13</sup> | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| ▪ Fast-track processing: <sup>14</sup>   | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| ❖ Dublin procedure:                      | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| ❖ Admissibility procedure:               | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| ❖ Border procedure:                      | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |
| ❖ Accelerated procedure: <sup>15</sup>   | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| ❖ Other:                                 | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |

Are any of the procedures that are foreseen in the law, not being applied in practice?  Yes  No

## 3. List of authorities intervening in each stage of the procedure

Stage of the procedure	Competent authority (EN)
Application at the border ❖ At the border ❖ On the territory	Home Office UK Border Force (UKBF) Home Office UK Visas and Immigration (UKVI)
Safe third country (responsibility assessment under inadmissibility policy)	Home Office UK Visas and Immigration (UKVI), Third Country Unit (TCU)
Refugee status determination	Home Office UK Visas and Immigration (UKVI)
Appeal procedures ❖ First appeal ❖ Second (onward) appeal	First Tier Tribunal, Immigration and Asylum Chamber (FTT (IAC)) Upper Tribunal, Immigration and Asylum Chamber (UT (IAC))
Subsequent application (admissibility)	Home Office UK Visas and Immigration (UKVI)

## 4. Number of staff and nature of the determining authority

Name	Number of staff	Ministry responsible	Is there any political interference possible by the responsible Minister with the decision making in individual cases by the determining authority?
Home Office Visas and Immigration (UKVI), Asylum Casework Directorate	2,057	Home Office	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Responsibility for the asylum process rests with the Secretary of State for the Home Department, who is a government minister (the Home Secretary). Within the Home Office, asylum decision-making is allocated to a department called UK Visas and Immigration (UKVI) and within this to the Asylum and Protection Directorate, with 2,057 staff at the end of December 2024.<sup>16</sup> The Home Office is responsible

<sup>13</sup> For applications likely to be well-founded or made by vulnerable applicants.

<sup>14</sup> Accelerating the processing of specific caseloads as part of the regular procedure.

<sup>15</sup> Labelled as “accelerated procedure” in national law.

<sup>16</sup> UK Visas and Immigration, ‘Immigration and protection data: Q4 2024’, 27 February 2025, table ASY\_05(M), available [here](#).

for all aspects of immigration and asylum: entry, in-country applications for leave to remain, monitoring compliance with immigration conditions, and enforcement including detention and removal.

Within the Home Office, entry is managed by Border Force,<sup>17</sup> registration of asylum claims is done by the Asylum Intake Unit,<sup>18</sup> the inadmissibility process is handled within the Third Country Unit,<sup>19</sup> and the asylum decision making process is dealt with by Asylum Operations.<sup>20</sup>

The operational guidance of the UKVI is available online. It includes *inter alia* asylum instructions on the decision-making process, on screening asylum applicants and routing them to regional asylum teams; as well as on asylum applications involving children or how to make decisions about detention of asylum applicants. Moreover, country of origin information (COI) reports are also made available online<sup>21</sup> and are frequently quoted by other countries' authorities.<sup>22</sup>

Quality monitoring in the form of checks carried out by specially trained decision makers (referred to as 'Second Pair of Eyes' or SPOE) is carried out for certain kinds of decisions, for example where a medico-legal report is provided as supporting evidence.<sup>23</sup> This process was previously in place in relation to claims that are certified as bound to fail under section 94 of the Nationality Immigration and Asylum Act 2002 (NIAA), but these checks were stopped in April 2023.<sup>24</sup> There is no public data on how many decisions are overturned at the SPOE stage.

## 5. Short overview of the asylum procedure

A first application for asylum in the UK can be made either on arrival at the border, or at the Asylum Screening Unit (ASU) in **Croydon** (South of London), or, where a person is already detained it may be made from the detention centre. The ASU has been renamed the Asylum Intake Unit (AIU), but this name is not yet used in all guidance. In certain circumstances,<sup>25</sup> usually due to inability to travel, arrangements can be made to register a claim at a regional centre. Claims made at the port of Dover result in screening at a short-term holding facility at former military site Manston unless the person is identified as an unaccompanied minor, in which case the process takes place within the port.

### First instance procedure

In most cases the application is first screened, which involves an interview in which biometric data is taken, health and family information, details of the route of travel, and the broad outline of the reasons for claiming asylum. Children making a claim in their own right are not screened; if they are already in the care of the local authority their claim is registered with the Home Office at a scheduled interview. If the Home Office encounters them first, the child will be subject to a 'welfare interview'.

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<sup>17</sup> Border Force, 'About us', accessed 24 March 2024, available [here](#).

<sup>18</sup> UK government, 'Asylum intake unit', accessed 24 March 2024, available [here](#).

<sup>19</sup> Home Office, *Inadmissibility – third country cases: caseworker guidance*, 14 February 2024, available [here](#).

<sup>20</sup> Independent Chief Inspector of Borders and Immigration, *Inspection of asylum casework (August 2020 – May 2021)*, 18 November 2021, available [here](#).

<sup>21</sup> Home Office, *Country policy and information notes*, 19 March 2024, available [here](#).

<sup>22</sup> Practice based observation by the expert, January 2024.

<sup>23</sup> Home Office, *Medical evidence in asylum claims version 2*, 26 August 2022, available [here](#).

<sup>24</sup> Immigration Minister, *Reforms to the Process of Certifying Claims as Clearly Unfounded statement UIN HCWS716*, 17 April 2023, available [here](#).

<sup>25</sup> Home Office, *Asylum Screening and routing – Version 8.0*, 3 February 2023, available [here](#).

On the basis of the screening interview the National Asylum Allocation Unit (NAAU) of the Home Office decides which route the application will follow. The alternatives are:

- ❖ unaccompanied children – referred to a specially trained decision maker;
- ❖ accelerated procedure (Detained Fast Track<sup>26</sup> or clearly unfounded with Non-Suspensive Appeal);
- ❖ safe third country procedure (inadmissibility);
- ❖ the regular procedure.

In all cases the procedure deals with both refugee status and subsidiary protection.

Potential safe third country cases are referred to the third country unit of the Home Office, which decides whether to refuse to consider the claim on the basis that the person can be removed to another country, including EU Member states<sup>27</sup> (this policy does not apply to claims made from EEA nationals; separate guidance applies to such claims).<sup>28</sup> The decisions to declare an asylum claim as inadmissible or to certify the substantive claim as clearly unfounded may be challenged in the UK only through judicial review. An application made to the Upper Tribunal can only be made with permission of that tribunal.<sup>29</sup> Judicial review proceedings do not consider the merits of a decision, but only whether the decision maker approached the matter in the correct way.

The guidance for applications considered whilst the applicant is detained was revised in December 2024.<sup>30</sup> Casework on the asylum claim is separated from the management of the decision to continue detention; decisions in each are handled by different sections of the Home Office.

In the regular procedure, decisions are made by a regional office of the Home Office. There is no time limit for making a first decision and a previous policy to apply service standards in terms of specific lengths of time has now been abandoned.<sup>31</sup> A replacement standard has not been announced. Information for applicants still states that decisions will usually be made within six months.<sup>32</sup> Reasoned decisions are normally sent by post, although they may be delivered to the asylum applicant in person when they attend the Home Office reporting centre. Removal notices are not usually issued at the same time as refusals.

Section 12 of the Nationality and Borders Act 2022 permits differential treatment of recognised refugees, depending upon the mode of arrival. The test applied to distinguish is whether or not the refugee is considered to have ‘come directly’ to the UK; this includes those resettled and those who came by an authorised route and claimed asylum as soon as they were able. Refugees were designated ‘group 1’ (those who arrived directly) or ‘group 2’ status (everyone else). On 8 June 2023 the government announced that they would no longer be using this differentiated treatment process and anyone who had been granted ‘group 2’ status would have their status upgraded.<sup>33</sup> Since introduction of the process, 105 people had been granted group 2 status and so benefitted from this change.<sup>34</sup>

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<sup>26</sup> Currently suspended but remains in the description of the procedure.

<sup>27</sup> UK Government, ‘Inadmissibility -; third country cases: caseworker guidance’, last updated 15 August 2024, available [here](#).

<sup>28</sup> UK government, ‘EEA and EU asylum claims: caseworker guidance’, last updated 25 July 2024, available [here](#).

<sup>29</sup> Section 16 Tribunals Courts and Enforcement Act 2007.

<sup>30</sup> Home Office, *Detained Asylum Casework- asylum casework version 6.0*, 20 December 2024, available [here](#).

<sup>31</sup> Clarified in parliament in response to a Parliamentary Question, ‘Asylum: Applications’, 18 February 2019, available [here](#).

<sup>32</sup> UK Government, ‘Claim asylum in the UK’, available [here](#).

<sup>33</sup> Immigration Minister, *Illegal migration update Statement UIN HCWS837*, 8 June 2023, available [here](#).

<sup>34</sup> Home Office, *Immigration system statistics data tables, Asylum applications, initial decisions and resettlement detailed datasets, year ending September 2023*, table Asy\_10a, available [here](#).

## Appeal

Appeal is to the First-tier Tribunal (Immigration and Asylum Chamber), an independent judicial body which is part of the unified tribunal structure in the Ministry of Justice. The appeal is suspensive unless certified otherwise and must be lodged within 14 days of the date of the asylum refusal letter.<sup>35</sup> The tribunal proceedings are broadly adversarial, with the Home Office represented by a presenting officer.

A further appeal on a point of law may be made to the Upper Tribunal with permission of the First Tier Tribunal, or, if refused, of the Upper Tribunal. Application for permission to appeal must be made within 14 days of deemed receipt of the First Tier Tribunal decision. Asylum appeals before the First Tier and Upper Tribunals are heard by a specialist Immigration and Asylum Chamber.

Appeal from the Upper Tribunal to the Court of Appeal on a point of law may only be made with permission of the Upper Tribunal or the Court of Appeal. Where permission to appeal is refused by the Upper Tribunal, it is possible to apply for judicial review of that decision.<sup>36</sup> This has since been heavily restricted through the introduction of the Judicial Review and Courts Act 2022.<sup>37</sup> A legal challenge to this restriction was unsuccessful.<sup>38</sup>

A final appeal to the Supreme Court may only be made on a point of law of public importance, certified by the Court of Appeal or Supreme Court. The Court of Appeal and Supreme Court are superior courts with a general jurisdiction.

## Rules and guidance

Immigration Rules<sup>39</sup> and guidance govern the day-to-day operation of immigration and asylum decision-making. Immigration Rules are made by the Home Secretary and are laid before Parliament in a procedure that does not routinely involve scrutiny. In relation to asylum most of the rules are concerned with the process rather than the substance of the decision, but they do include, for instance, factors relevant to credibility. Interpretation of the Refugee Convention including a two-stage process for establishing that someone is a refugee, is now in primary legislation through implementation of the Nationality and Borders Act 2022.

The Home Office also issues detailed practical guidance<sup>40</sup> for asylum decision-making. Guidance deals with a wide range of issues including how to conduct interviews, how to apply some legal rules, country of origin information, and detailed procedural and administrative matters. Guidance is not directly binding, but should be followed, and failure to do so can be grounds for an application for [judicial review](#).

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<sup>35</sup> UK government, 'Appeal a decision by the immigration and asylum tribunal', accessed 24 March 2024, available [here](#).

<sup>36</sup> Supreme Court, *R (on the application of Cart) (Appellant) v The Upper Tribunal (Respondent)* [2011] UKSC 28, available [here](#).

<sup>37</sup> Section 2, Judicial Review and Courts Act 2022, available [here](#).

<sup>38</sup> *Mary Jane Baluden Oceana, R (on the application of) v Upper Tribunal (Immigration and Asylum Chamber)* [2023] EWHC 791 (Admin), available [here](#).

<sup>39</sup> Immigration Rules, available [here](#).

<sup>40</sup> Home Office, *Asylum decision making guidance (asylum instructions)*, 2 October 2023, available [here](#).



## B. Access to the procedure and registration

### 1. Access to the territory and push backs

#### Indicators: Access to the Territory

1. Are there any reports (NGO reports, media, testimonies, etc.) of people refused entry at the border and returned without examination of their protection needs?  Yes  No
2. Is there a border monitoring system in place?  Yes  No
3. Who is responsible for border monitoring?  National authorities  NGOs  Other
4. How often is border monitoring carried out?  Frequently  Rarely  Never

Juxtaposed border controls in France and Belgium allow the UK to limit access to the territory. On 18 January 2018 the two governments reiterated their commitment to juxtaposed controls in the Sandhurst Agreement, although no new measures were introduced relating to the operation of those controls.<sup>41</sup> A report by the Independent Chief Inspector of Borders and Immigration into the juxtaposed controls has little mention of asylum claimants, although it does mention 'ethical decision making' through the use of discretion for Ukrainians without visas.<sup>42</sup>

The Equality Act 2010 permits immigration officers to discriminate on grounds of nationality if they do so in accordance with the authorisation of a minister.<sup>43</sup> This discrimination may include subjecting certain groups of passengers to a more rigorous examination. Ministerial authorisations are made on the basis of statistical information of a higher number of breaches of immigration law or of adverse decisions in relation to people of that nationality. The statistical basis is not published.

Immigration officers have the power to refuse entry at the border unless the passenger has a valid entry clearance or claims asylum. It is not known whether, and if so, how many people sent back from the border wished to claim asylum but did not say so to immigration officers or were *de facto* not given an opportunity to do so. UNHCR published a report in May 2023 of an audit they carried out on the UK's asylum intake, registration and screening procedures.<sup>44</sup> Concerns were raised about the use of informal barriers to asylum claims, one airport was described as having a senior manager who advocated for his staff to try to persuade asylum applicants to withdraw their claims and noted particular success in this with young people.<sup>45</sup>

In 2024, 23,844 people were refused entry at the UK port of whom 8,930 were at the juxtaposed controls (see below) and were denied access to the UK.<sup>46</sup> The information states that these are non-asylum cases, although it is not known how many wished to claim asylum. The information also states that a proportion of those initially refused and detained at the border may subsequently be admitted although no figures are given for this category.

In the control zones in France and Belgium, no asylum claim can be made to UK authorities,<sup>47</sup> and the acknowledged purpose of these agreements with France and Belgium was to stop people travelling to the

<sup>41</sup> Secretary of State for the Home Department, 'Update on the Levelling Up Bill - Statement made on 6 December 2022', HCWS415, 19 January 2018, available [here](#).

<sup>42</sup> ICIBI, *An inspection of juxtaposed controls – April-May 2022*, October 2022, available [here](#).

<sup>43</sup> Section 29 and Schedule 3, Part 4 Equality Act 2010.

<sup>44</sup> UNHCR, *Asylum screening in the UK*, 26 May 2023, available [here](#).

<sup>45</sup> UNHCR, *Asylum screening in the UK*, 26 May 2023, available [here](#), 26.

<sup>46</sup> Home Office, *Immigration system statistics data tables, Passengers refused entry at the border detailed datasets, year ending December 2024*, table Stp\_D01, 27 February 2025, available [here](#).

<sup>47</sup> In the case of France, this is stated in Article 4 of the Additional Protocol CM 5015 to the Protocol between the United Kingdom of Great Britain and Northern Ireland and the French Republic concerning Frontier

UK to claim asylum.<sup>48</sup> Of the 8,930 people turned back in control zones in 2024,<sup>49</sup> it is not known how many wished to claim asylum. There is little or no information about any attempted claims, and whether those who attempt to claim are referred to the authorities of the state of departure, as the regulations require.

During an investigation by the Children's Commissioner for England in 2012, Home Office officials disclosed the 'Gentleman's Agreement'.<sup>50</sup> This operates in relation to people intercepted on landing in the UK who are considered to have made an illegal entry and who do not say that they wish to claim asylum. The agreement is between the UK and France and obliges France to accept the return of such passengers if this can be effected within 24 hours. Returns under the Gentleman's Agreement are carried out without a formal refusal of leave to enter. Following the Commissioner's discovery that this was being applied to young people, the practice was stopped in relation to acknowledged children. This agreement still applies to adults and those who appear to be adults. The 2003 Le Touquet Treaty, which is still applicable, states that anyone claiming asylum at the juxtaposed controls will be dealt with by the French authorities.<sup>51</sup>

The ministerial authorisation to discriminate in refusing leave to enter also takes effect in control zones.<sup>52</sup>

Therefore, although there is little or no substantiated evidence of *refoulement* taking place at the border, current UK policy and practice creates a risk of this occurring. Reports of Albanians held in the short-term holding facility at Manston and quickly removed to Albania raised questions about the lack of access to legal advice to allow people held there to realistically consider making an asylum claim.<sup>53</sup>

A new joint statement between the two countries related to Channel crossings was signed in November 2022.<sup>54</sup> Between 2014 and 2022, the UK committed approx. £232 million to border security in northern France (approx. EUR 279 million as of 12/24) and is expected to commit more than £476 million just over the next three years (approx. EUR 572 million as of 12/24).<sup>55</sup> Following a new three year agreement in March 2023, the UK will notably fund 500 additional officers in France, new infrastructure and surveillance equipment (such as drones, helicopters) and a new French immigration detention centre.<sup>56</sup> There is however no readmission agreement between the two countries.<sup>57</sup>

Discussions have taken place between the two states regarding responsibility for search and rescue as well as preventative measures. In January 2022 the UK government announced that the military would play a role in what appeared to be pushbacks, not search and rescue. During an urgent parliamentary debate, the Defence Minister stated that the Royal Navy would play a deterrent rather than a pushbacks role (including the use of Sonic booms) but was not speaking on behalf of the entire government.<sup>58</sup> A

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Controls and Policing, Co-operation in Criminal Justice, Public Safety and Mutual Assistance relating to the Channel Fixed Link, Cm 2366, signed at Sangatte on 25 November 1991. It is not explicit in the Belgian agreement.

<sup>48</sup> ICIBI, *An Inspection of Juxtaposed Controls*, 2013, available [here](#).

<sup>49</sup> Home Office, *Immigration Statistics*, Passengers refused entry at the border, year ending September 2023, available [here](#).

<sup>50</sup> Article 9 Le Touquet Treaty, available [here](#).

<sup>51</sup> Article 9 Le Touquet Treaty, available [here](#).

<sup>52</sup> Para 17(4)(A) Ministerial Authorisation, para 4; Schedule 3, Part 4 Equality Act 2010.

<sup>53</sup> Diane Taylor, 'Concerns raised over due process in case of 11 Albanians flown out of UK', *The Guardian*, 18 October 2022, available [here](#).

<sup>54</sup> Al Jazeera, 'France, UK sign deal to stop asylum seekers crossing Channel', 14 November 2022, available [here](#).

<sup>55</sup> Melanie Gower for the House of Commons Library, *Unauthorised migration: Timeline and overview of UK-French cooperation*, 6 December 2024, available [here](#).

<sup>56</sup> 10 Downing Street, 'UK-France Joint Leaders' Declaration', 10 March 2023, available [here](#).

<sup>57</sup> Ibid.

<sup>58</sup> Hansard parliamentary record 'Migrant Crossings: Role of the Military', 18 January 2022, available [here](#).

challenge to the policy and practice of pushbacks resulted in a consent order whereby all relevant policies were withdrawn.<sup>59</sup>

The UK government continues to blame ‘criminal smuggling gangs’ and individuals themselves for the danger to life - condemning the actions of both and prosecuting those who arrive across the Channel through the criminal justice system. This has led to an increase in the criminalisation of those who arrive via this route. The Nationality and Borders Act 2022 introduced a new offence of “illegal arrival” which applies to a person who requires permission to enter the UK but arrives in the UK without it.<sup>60</sup> The maximum sentence for the offence is four years. For “facilitating” irregular migration the maximum sentence is life imprisonment. Freedom of Information requests have disclosed that from the introduction of the offence of illegal arrival in June 2022 to the end of that year, 162 people were charged with “illegal arrival”, 79 of those were identified as steering the boat. In 2023 244 people were charged, 88 identified as steering, and in the first six months of 2024 64 people were charged with “illegal arrival” and 38 of those identified as steering.<sup>61</sup>

The UK government has also made agreements with the French government to prevent people from leaving France to cross the Channel to the UK. In March 2025 the two countries signed the ‘Upstream Working Group Roadmap’ which aimed to deepen cooperation on stemming irregular migration flows into France and the UK.<sup>62</sup>

The Home Secretary appointed a Clandestine Channel Threat Commander in August 2020.<sup>63</sup> In September 2020 a parliamentary committee opened a new inquiry on the issue of Channel crossings and asylum-seeking routes throughout the EU and following written and oral evidence published its report in July 2022.<sup>64</sup> The government responded in October 2022. The response indicated that its recent reforms (including the 2022 NABA and Rwanda plan) were aimed at deterrence and shortly afterwards a new announcement was made outlining cooperation with the French authorities including monitoring the French coastline, investment in reception and removal centres in France and more funding for surveillance and detection technology.<sup>65</sup>

In 2022 there were 1,381 attempted Channel crossings that were prevented, carrying 33,788 people.<sup>66</sup> In 2024 36,816 people arrived in the UK by small boat. In 2023 there were 29,437 people who arrived in the UK by small boat across the Channel. This was 36% lower than in 2022 and the reduction is explained partly by poor weather conditions as well as a 93% reduction in Albanians arriving via this route.<sup>67</sup> In 2021 it is estimated that 41 people died while trying to cross the Channel, in 2022 this was 13 people. In 2023 it is estimated that 19 people died trying to make the crossing of the Channel to the UK.<sup>68</sup> In 2024 at least 82 deaths were reported, including a record number of children.<sup>69</sup>

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<sup>59</sup> High Court, *R (on the application of (1) PUBLIC AND COMMERCIAL SERVICES UNION (2) CARE 4 CALAIS and Secretary of State for the Home Department, Consent Order, CO/4338/2021*, 25 April 2022, available [here](#).

<sup>60</sup> Section 24(D1) of the Immigration Act 1971, as amended by the Nationality and Borders Act 2022, available [here](#).

<sup>61</sup> Victoria Taylor and Catriona Götz, “Security at the heart”: Criminalisation and Labour’s Border Security, Asylum and Immigration Bill 2025”, *Border Criminologies*, 6 February 2025, available [here](#).

<sup>62</sup> Home Office, ‘The UK deepens cooperation with France on people smuggling’, 7 March 2025, available [here](#).

<sup>63</sup> Government, ‘Home Secretary appoints small boats commander’, August 2020, available [here](#).

<sup>64</sup> Home Affairs Select Committee, available [here](#), including first report and government response. Case note and link to judgment Da and Ors, available [here](#).

<sup>65</sup> UK Government, ‘UK-France joint statement: enhancing co-operation against illegal migration’, 14 November 2022, available [here](#).

<sup>66</sup> Home Office, *Policy paper: UK-France Joint Leaders’ Declaration*, 10 March 2023, available [here](#).

<sup>67</sup> Home Office, *Official Statistics: Irregular migration to the UK, year endings December 2024*, 27 February 2025, available [here](#).

<sup>68</sup> Missing Migrants Project, accessed 24 March 2024, available [here](#).

<sup>69</sup> Diane Taylor, ‘Record number of children died crossing Channel last year, says UN’, *The Guardian*, 25 February 2025, available [here](#).

In one incident on 24 November 2021, it is estimated that at least 27 people died trying to cross the Channel. The Marine Accident Investigation Branch published an Accident Investigation Report on 8 November 2023.<sup>70</sup> Documents disclosed under a Freedom of Information request showed that just prior to this incident the UK coastguard downgraded emergency calls from as many as four boats, meaning that they were treated as not in need of urgent rescue.<sup>71</sup> On 9 November 2023 the government announced an independent, non-statutory inquiry into the incident.<sup>72</sup> Full hearings for the inquiry started in March 2025.<sup>73</sup>

An interim report was published by the Marine Accident Investigation Branch in December 2023 in relation to another incident on 14 December 2022 where at least 8 people died.<sup>74</sup> The full report was published in August 2024 and found that “the inflatable boat was wholly unsuitable and ill-equipped for the crossing attempt and the occupants’ only method of raising the alarm was via mobile phone”.<sup>75</sup> A Senegalese national who was 20 years old at the date of the incident was convicted of several offences including gross negligence manslaughter and was sentenced to 9 years 6 months’ imprisonment and was refused permission to appeal against the conviction and sentence.<sup>76</sup>

In July 2024 a family was separated when attempting to cross the Channel from France. The children, aged six and nine at the time, made it to the UK without their parents, who were left in France. In February 2025 a court ruling said that the children could be sent back to their parents in France, even though they had an outstanding asylum claim in the UK.<sup>77</sup>

## 1.1. Border monitoring

The only land border in the UK is between Ireland and Northern Ireland, and passport checks are not in routine operation.<sup>78</sup>

## 1.2. Legal access to the territory

For information about family reunification, please see the specific [Family reunification](#) section.

There is no humanitarian visa available for people to apply for outside the UK, so that they can enter to claim asylum. Resettlement schemes are available, these are the UK Resettlement Scheme, Community Sponsorship Scheme and Mandate Resettlement Scheme, all of these schemes take refugees identified by UNHCR.<sup>79</sup> People arriving under these resettlement schemes are granted the standard five years’ refugee leave once they arrive in the UK.

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<sup>70</sup> Marine Accident Investigation Branch, ‘Flooding and partial sinking of an inflatable migrant boat with at least 27 lives lost’, 8 November 2023, available [here](#).

<sup>71</sup> Aaron Walawalkar, Harriet Clugston and Mark Townsend, ‘Revealed: UK coastguard downgraded 999 calls from refugees in days before mass drowning’, *The Observer*, 4 November 2023, available [here](#).

<sup>72</sup> Department for Transport and Marine Accident Investigation Branch, ‘Inquiry into Channel incident of 24 November 2021’, 9 November 2023, available [here](#).

<sup>73</sup> The Cranston Inquiry, ‘Cranston Inquiry Full Hearings to begin’, 24 February 2025, available [here](#).

<sup>74</sup> Marine Accident Investigation Branch, *Interim report on the investigation of the foundering of an inflatable migrant boat, resulting in the loss of at least 8 lives in the English Channel on 14 December 2022*, December 2023, available [here](#).

<sup>75</sup> Marine Accident Investigation Branch, ‘Flooding and partial sinking of an inflatable migrant boat with the loss of at least 8 lives’, 15 August 2024, available [here](#).

<sup>76</sup> *Bah v Rex* [2024] EWCA Crim 1499, 11 December 2024, available [here](#).

<sup>77</sup> *K (Children) (Application for return orders: Concurrent asylum claims)* [2025] EWHC 450 (Fam), 28 February 2025, available [here](#).

<sup>78</sup> House of Commons Library, *Research briefing: The Common Travel Area and the special status of Irish citizens in UK law*, 16 August 2023, available [here](#).

<sup>79</sup> Home Office, *UK Refugee Resettlement: Policy Guidance*, August 2021, available [here](#).

The government launched a Community Sponsorship scheme as part of the VPRS programme in 2022. There are strict criteria for becoming a sponsor, including the type of organisation that can apply and the need to be approved by the local authority before applying to the Home Office. Guidance was issued at the same time as the scheme was launched.<sup>80</sup>

The UK Resettlement Scheme brought 678 people to the UK in 2024, a further 33 people came via the Community Sponsorship Scheme and 23 via the Mandate Scheme.<sup>81</sup>

Since 1 July 2017, people who have been resettled are granted Refugee Status and those already here under a resettlement programme were allowed to convert their status to recognise them as refugees.<sup>82</sup>

Separate schemes are in place for a very limited number of Afghans, it is not possible to apply and the most recent request for expressions of interest closed in 2022.<sup>83</sup> The Afghan Relocation and Assistance Policy resettled 2,904 people to the UK in 2023. An Afghan resettlement scheme (ACRS) was also announced, firstly in August 2021 but with details in January 2022. Of the three identified pathways only one grants refugee status (pathway 2), taking referrals from UNHCR in line with the usual resettlement pathway. In 2023, 104 people had been resettled through this pathway and 688 under pathway 3.<sup>84</sup> Others who were evacuated in 2021 or are to be brought directly with the assistance of the Foreign, Commonwealth and Development Office, were to be given indefinite leave to remain outside of the Immigration Rules.<sup>85</sup> This makes applying for family reunion more difficult.<sup>86</sup> A report by Safe Passage found that some of the most at-risk Afghans were finding it difficult to access the existing resettlement programmes because of the inflexible eligibility criteria.<sup>87</sup>

Despite being entitled to access public funds, many Afghan families have had difficulties in moving to long term accommodation.<sup>88</sup> Information about the funding to local authorities to enable them to support resettled refugees is publicly available.<sup>89</sup> However, at the end of 2022 9,483 people, around half of whom were children, were still being housed in hotels or similar accommodation.<sup>90</sup> Under 'Operation Lazurite', more than 5,000 Afghan families were moved into Ministry of Defence service families accommodation instead of hotels.<sup>91</sup>

Section 61 of the Illegal Migration Act 2023 required the government to publish a report on safe and legal routes to the UK, to include details of any proposed additional safe and legal routes which were not yet operational.<sup>92</sup> The only proposed change in the published report was to place a cap on the number of

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<sup>80</sup> Home Office, *Community sponsorship*, September 2022, available at: <http://bit.ly/29VQxZI>.

<sup>81</sup> Home Office, *Immigration system statistics data tables, Asylum applications, initial decisions and resettlement detailed datasets, year ending December 2023*, table Asy\_D01, available [here](#).

<sup>82</sup> Secretary of State for the Home Department, 'Statement to Parliament', 22 March 2017, available [here](#).

<sup>83</sup> UK government, *Afghan Citizens Resettlement Scheme Pathway 3: eligibility for British Council and GardaWorld contractors and Chevening Alumni*, 21 August 2024, available [here](#).

<sup>84</sup> Home Office, *Immigration system statistics data tables, Asylum applications, initial decisions and resettlement detailed datasets, year ending December 2023*, table Asy\_D02, 29 February 2024, available [here](#).

<sup>85</sup> Home Office, 'Afghan Resettlement Programme: operational data, 28 November 2024, available [here](#).

<sup>86</sup> As the applicable Immigration Rules are at Appendix FM available [here](#), not Appendix Family Reunion, available [here](#).

<sup>87</sup> Safe Passage, 'Still Waiting: the Afghans Abandoned by the UK', 30 October 2024, available [here](#).

<sup>88</sup> Immigration Rules, Appendix Family Reunion, available [here](#).

<sup>89</sup> UK Visas and Immigration, 'Guidance – Funding Instruction for local authorities in the support of the Afghan Citizens Resettlement Scheme and Afghan relocation and Assistance Policy', last updated 10 January 2023, available [here](#).

<sup>90</sup> Home Office, 'Transparency data – Afghan Resettlement Programme: operational data', 23 February 2023, available [here](#).

<sup>91</sup> Holly Bancroft, '5,000 Afghans moved into MoD bases in secretive evacuation mission', *Independent*, 1 August 2024, available [here](#).

<sup>92</sup> Section 61 of the Illegal Migration Act 2023, available [here](#).

refugees accepted by the UK.<sup>93</sup> The new government has repeatedly made clear that they do not intend to open any resettlement routes.<sup>94</sup>

## 2. Preliminary checks of third country nationals upon arrival

### Indicators: Preliminary checks at the arrival point

1. Are there any checks that are applied systematically or regularly at the point of entry when a person enters the territory?  Yes  No
2. Is the person considered under law to have entered the territory during these checks?  Yes  No

All arrivals to the UK are subject to identity checks carried out by the Home Office, usually the person's passport. For those who arrive in the UK irregularly, a distinction is drawn between "arriving passengers" which includes those who have been rescued at sea (for example by Border Force or the Royal National Lifeboat Institution) and who do not attempt to abscond when brought to shore, and illegal entrants<sup>95</sup> to the UK.<sup>96</sup>

Illegal entrants will not be granted leave to enter the UK and those detained on arrival or granted immigration bail are not considered to have entered the UK.<sup>97</sup> Small boat arrivals deemed "arriving passengers" will also be detained pending the immigration examination.<sup>98</sup>

Welfare and safety checks are completed first and Home Office guidance acknowledges that for those rescued at sea that may mean that it is not possible to immediately carry out the immigration examination. Welfare checks include consideration of whether there are any indicators of trafficking. Where the person is identified as a vulnerable adult or an unaccompanied child, a detailed welfare assessment will be carried out. After those checks the migrant will be administratively arrested and transported to the place of detention such as a police station or immigration short term holding facility where the immigration examination will be carried out.<sup>99</sup>

After arrest, officers can carry out a body search where they have reasonable grounds to believe the person has documents related to their identity, nationality or journey on them. Those who arrive irregularly are subject to initial identity checks and checks against immigration and police databases.<sup>100</sup> This includes the taking of fingerprints.<sup>101</sup> Illegal entrants can be photographed once served with a notice of liability to removal.<sup>102</sup> The person can claim asylum at any point in this process, it does not affect the need to carry out the checks, and they will be given their screening interview shortly afterwards.

<sup>93</sup> Safe and legal routes, available [here](#).

<sup>94</sup> See e.g. Lizzie Dearden, Labour bid to 'smash the gangs' could add to death risk for Channel migrants, The Observer, 7 September 2024, available [here](#) and Home Affairs Committee, 'Oral evidence: The work of the Home Office, HC 505', 17 December 2024, Q20 and Q21 available [here](#).

<sup>95</sup> Section 33(1) of the Immigration Act 1971, available [here](#).

<sup>96</sup> Home Office guidance, 'Irregular or unlawful entry and arrival' updated 14 November 2024, available [here](#).

<sup>97</sup> Section 11(1) of the Immigration Act 1971, available [here](#).

<sup>98</sup> Paragraph 16(1) of schedule 2 to the Immigration Act 1971, available [here](#).

<sup>99</sup> Home Office guidance, 'Irregular or unlawful entry and arrival' updated 14 November 2024, available [here](#).

<sup>100</sup> Ibid.

<sup>101</sup> Section 141 of the Immigration and Asylum Act 1999, available [here](#).

<sup>102</sup> Section 2(7)(d) of the Immigration (Collection, Use and Retention of Biometric Information and Related Amendments) Regulations 2021, available [here](#).

### 3. Registration of the asylum application

#### Indicators: Registration

1. Are specific time limits laid down in law for making an application?  Yes  No  
❖ If so, what is the time limit for making an application?
2. Are specific time limits laid down in law for lodging an application?  Yes  No  
❖ If so, what is the time limit for lodging an application?
3. Are registration and lodging distinct stages in the law or in practice?  Yes  No
4. Is the authority with which the application is lodged also the authority responsible for its examination?  Yes  No
5. Can an application be lodged at embassies, consulates or other external representations?  Yes  No

The Secretary of State for the Home Department is responsible in law for registering asylum applications.<sup>103</sup> This responsibility is carried out by civil servants in the UK Visas and Immigration section (UKVI) of the Home Office. If a person claims asylum on entry to the UK, immigration officers at the port have no power to take a decision on the claim and must refer it to UKVI.<sup>104</sup>

Where a couple or family claim asylum, the children normally apply as dependants on the claim of one of their parents. Also, one partner may apply as the dependant of the other. This means that the outcome of their claim will depend upon that of the main applicant. It is policy to inform women separately that they may claim separately from their partner,<sup>105</sup> although there is no recent research or regular auditing to check that this is routinely done.

Following a judgment in the Supreme Court, known as ‘G v G’<sup>106</sup> which found that a child named as a dependant on an asylum claim should generally be considered to have made a claim in their own right, policy guidance<sup>107</sup> was introduced to comply; namely that children’s protection needs must be considered and if necessary, determined separately from the parents, where they are different. The questionnaire given to adult applicants has been amended to reflect the need to identify any protection needs specific to the child.<sup>108</sup> Where the child has protection needs that are the same as the main claimant, all the claims will be dealt with together under the Family Asylum Claim process.<sup>109</sup> This does not apply where the child has no protection needs, and new guidance has been issued for those in this situation.<sup>110</sup>

There is no specific time limit for asylum applicants to lodge their application. A claim may be refused if the applicant ‘fails, without reasonable explanation, to make a prompt and full disclosure of material facts.’<sup>111</sup> However, ‘applications for asylum shall be neither rejected nor excluded from examination on the sole ground that they have not been made as soon as possible’.<sup>112</sup> In practice, where someone is present in the UK in another capacity, e.g. as a student or worker, and then claims asylum after some years, whether or not they have overstayed their immigration leave, this may be treated as evidence that

<sup>103</sup> Section 113 Nationality, Immigration and Asylum Act (NIAA) 2002.

<sup>104</sup> Para 328 Immigration Rules, Part 11.

<sup>105</sup> Home Office, *Gender issues in the asylum claim*, September 2010, available [here](#), para 7.1; Home Office, *Dependants and former Dependants*, May 2014, available [here](#).

<sup>106</sup> Supreme Court, *G (Appellant) v G (Respondent)*, Judgment, [2021] UKSC 9, 19 March 2021, available [here](#).

<sup>107</sup> Home Office, ‘Operational note: considering children’s protection needs’, July 2021, available [here](#).

<sup>108</sup> Home Office, ‘Preliminary information questionnaire for asylum claims’, last updated 2 August 2021, available [here](#).

<sup>109</sup> Home Office, *Operational note: considering children’s individual protection needs*, 30 July 2021, available [here](#).

<sup>110</sup> Home Office, *Dependants and former dependants: caseworker guidance*, 26 July 2023, available [here](#).

<sup>111</sup> Para 339M Immigration Rules, Part 11.

<sup>112</sup> Para 339MA Immigration Rules, Part 11.

they are not in fear. Financial support and accommodation can be refused if the person did not claim 'as soon as reasonably practicable',<sup>113</sup> but not if this would entail a breach of human rights (see [Reception Conditions](#)).<sup>114</sup>

First applications made from inside the UK must be registered by appointment at the Asylum Intake Unit (AIU) – formerly Asylum Screening Unit (ASU) – in **Croydon** in the South East of England unless the asylum applicant is in detention or unless an applicant successfully argues that they cannot be expected to travel to the AIU.<sup>115</sup> This includes all applications not made at the port of entry, even if only hours after arrival and where the asylum applicant has left the port. The Nationality and Borders Act 2022 enshrines in law the requirement to make an asylum claim at a 'designated place'. It has been explained that this is to make clear that claims cannot be made in territorial waters and that anyone attempting to do so will be brought to the UK to make their claim.<sup>116</sup>

There is no government funding for fares to the AIU. Particularly where asylum applicants are newly arrived in the UK, and may be confused, disoriented and understanding little English, making this journey successfully is very problematic.

Applicants are required to telephone the AIU before they can apply in person, and give some basic personal details over the phone, but not details of their asylum claim. They are then given an appointment to attend and register their claim. In the meantime, they are unable to access financial support or government-provided accommodation. In exceptional circumstances – destitution or extreme vulnerability – the Home Office can accept walk-in applications or offer a same or next-day appointment. In practice, it is hard to prove that the applicant is destitute or sufficiently vulnerable and applicants are advised that they may need to advocate for their need to be seen without an appointment.<sup>117</sup>

There is no rule laying down a maximum period within which an asylum claim must be registered, after the authority has first been notified of the claim. Anecdotal evidence of long delays to obtain appointments was confirmed in a response to a Freedom of Information Act request<sup>118</sup> showing that the average waiting time in the first quarter of 2022 was 67 days, up from an average of 20 for the same period in 2021.<sup>119</sup> Practitioners report that in 2024 these delays are no longer happening.

A person who claims asylum on being arrested or detained or during detention is not taken to the AIU but may be screened in detention or at a regional office or even in a police station. The screening interview in such a case is carried out by an immigration official, not a police officer, but information disclosed during a police interview under caution may be disclosed to the asylum authorities.

At the screening interview, fingerprints are taken and the route of travel is inquired into. The asylum applicant is asked basic details of their claim. Although confidential space is now provided for interviewing at the **Croydon** screening unit, there is no supervised childcare for this first stage of the process.<sup>120</sup> The lack of childcare provision at the AIU remains an obstacle to disclosure of sensitive information such as an experience of torture or rape since children may be in the same room as the parent while information on the basis of the claim is taken.

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<sup>113</sup> Section 55 NIAA 2002.

<sup>114</sup> House of Lords, *Limbuella v Secretary of State for the Home Department* [2005] UKHL 66, available [here](#).

<sup>115</sup> Home Office, *Asylum Process Guidance: Registering an asylum application in the UK*, available [here](#), para 7.1.

<sup>116</sup> Statement of changes to Immigration rules December 2020, available [here](#).

<sup>117</sup> Right to Remain, Toolkit (information for people making an asylum claim), available [here](#).

<sup>118</sup> Home Office, *Freedom of Information request (our ref: 68213): internal review*, 8 July 2022, available [here](#).

<sup>119</sup> In February 2024 the Home Office refused a Freedom of Information request for updated data on the grounds that it is no longer held on a central database, in a reportable format.

<sup>120</sup> See Joint Committee on Human Rights, *Violence against Women and Girls Sixth report of session 2014-15*, HL Paper 106 HC 594, recommendation 37, available [here](#).



The government published new guidance relating to this stage of the process in 2018 which has been revised on several occasions to reflect current law and policy.<sup>121</sup> Although details of the asylum claim should not be required at this stage, a decision will be made as to which kind of procedure the application will be routed through, including inadmissibility (on [Safe Third Country](#) grounds) and suitability for detention.

There is no provision for publicly funded legal assistance to attend the screening interview except for unaccompanied children. Applicants who have applied from within the UK may have had legal advice prior to screening, but those applying at a port will not have had that opportunity. The Screening Unit does not have direct access to appointments for legal representatives, but officers can use a public access part of the government website called '[Find a Legal Adviser](#)' which enables a search for contact details of legal representatives listed by subject matter and by region. The officer can search in the region where the asylum applicant is going to be sent for initial accommodation (see [Reception Conditions](#)). There is no obligation on screening officers to help in finding legal representation and in practice this is unlikely to happen.

### **Registration of unaccompanied children**

The policy is to treat unaccompanied children differently and this system is now the norm.<sup>122</sup> The policy guidance, first issued in July 2016 and updated most recently in June 2022 reflects the practice that had emerged following a report by the Office of the Children's Commissioner for England,<sup>123</sup> and a judgment of the Court of Appeal.<sup>124</sup>

When a child claims asylum the Home Office will consider whether there are any immediate safeguarding concerns, for example if the child may have been a victim of trafficking, and action those as needed. After that a welfare form is completed and a copy will be given to the social worker. The case is then transferred to the asylum decision making team for processing. The child will also be given a statement of evidence form to be completed within 60 days of the welfare form. The Home Office will then consider whether an interview is needed in order to decide the claim.<sup>125</sup>

Where a person has claimed asylum and there is uncertainty about whether or not they are a child following an initial age assessment, they will be given the benefit of the doubt. Where a full age assessment has been carried out, or two Home Office staff have assessed the applicant as significantly over 18 or there is clear and credible documentary evidence that they are over 18, the person will be treated as an adult.<sup>126</sup> For children arriving across the Channel, there have been reports of poor practice in carrying out initial age assessments on arrival.<sup>127</sup> Research by the Refugee Council published in 2022 including its own statistics shows that many of these decisions made at the border are later overturned.<sup>128</sup>

For those accepted to be a child or where the benefit of the doubt has been given, if they are encountered before being cared for by a local authority are interviewed by an immigration officer in a 'welfare interview' which is designed to elicit information about the safety of the child and enable a referral to be made. If the

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<sup>121</sup> Home Office, *Asylum Screening and Routing*, June 2022 available [here](#).

<sup>122</sup> Home Office, *Processing children's asylum claims*, June 2022, available [here](#).

<sup>123</sup> Adrian Matthews, Office of the Children's Commissioner, *Landing in Dover: The Immigration process undergone by unaccompanied children arriving in Kent*, 2012, available [here](#).

<sup>124</sup> Court of Appeal, *R (AN and FA) v Secretary of State for the Home Department* [2012] EWCA Civ 1636.

<sup>125</sup> Home Office, *Processing children's asylum claims*, 31 December 2020, available [here](#).

<sup>126</sup> Home Office, *Assessing age for asylum applicants: caseworker guidance*, 31 March 2023, available [here](#).

<sup>127</sup> Independent Chief Inspector of Borders and Immigration, *An inspection of the initial processing of migrants arriving via small boats at Tug Haven and Western Jet Foil December 2021 – January 2022*, 21 July 2022, paragraph 6.31 available [here](#).

<sup>128</sup> Refugee Council, *Identity Crisis: How the age dispute process puts refugee children at risk*, September 2022, available [here](#).

child is already in the care of the local authority the appointment with an immigration officer is to register the claim. At both types of interview the child’s biometrics are taken. If under 16, the process requires a responsible adult (independent of the Home Office) to be present for the biometrics. There is no requirement for a responsible adult to be present at the welfare interview, however if one is available, including a legal representative, then they may attend.<sup>129</sup>

## C. Procedures

### 1. Regular procedure

#### 1.1. General (scope, time limits)

##### Indicators: Regular Procedure: General

- |  |   |
|--|---|
| 1. Time limit set in law for the determining authority to make a decision on the asylum application at first instance:     | None  |
| 2. Are detailed reasons for the rejection at first instance of an asylum application shared with the applicant in writing? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 3. Backlog of pending cases at first instance as of 31 December 2024:  | 124,082 <sup>130</sup>  |

The legal provisions that regulate the asylum procedure are set out in primary legislation and the Immigration Rules (set out in full in the [Overview of the legal framework](#)), with guidance explaining how these should be implemented.

As mentioned in above (see [Number of staff and nature of the determining authority](#)), the Home Office has responsibility for all aspects of immigration, and is directly responsible for policy development. The department dealing with the processing of asylum claims is the UK Visas and Immigration (UKVI). Within the UKVI the directorate dealing with asylum claims is known as the Immigration and Protection Directorate; Asylum Intake and Casework is within that directorate. Responsibility for border control lies with the UK Border Force, an executive agency of the Home Office which combines immigration, policing and customs functions. Subjects covered by the publicly available guidance for case workers include making an asylum decision.<sup>131</sup>

A 2019 report entitled ‘Lessons not Learned: the failures of asylum decision-making in the UK’ documents flawed credibility assessments and finds that the current system places an unrealistic and unlawful evidential burden on asylum applicants. It compiles findings from over 50 publications issued over the last fifteen years on the quality of decision-making processes in the UK Home Office. Built on an analysis of over 1,800 asylum cases and 140 interviews, the report charts the consistent failure of the Home Office to implement recommendations to improve procedures.<sup>132</sup>

The quality of asylum decisions remained an issue in 2024 as Home Office internal quality checks showed that only 52% of decisions were meeting the Home Office’s own standards.<sup>133</sup>

<sup>129</sup> Home Office, *Processing children’s asylum claims: caseworker guidance*, 28 June 2022, available [here](#).

<sup>130</sup> Home Office, *Immigration system statistics data tables, Asylum applications awaiting a decision detailed datasets, year ending December 2024*, table Asy\_D03, 27 February 2025, available [here](#).

<sup>131</sup> Home Office, *Asylum decision making guidance (asylum instructions)*, available [here](#).

<sup>132</sup> FFT, *Lessons not Learned; The failures of asylum decision-making in the UK*, September 2019, available [here](#).

<sup>133</sup> Lizzie Dearden, ‘Home Office says only half of UK asylum decisions meet its quality standards’, *The Observer*, 8 December 2024, available [here](#).

There is no enforceable time limit for deciding asylum applications, but the immigration rules say that the decision must be taken ‘as soon as possible’.<sup>134</sup>

If a decision is not taken within six months, a caseworker should inform the applicant of the delay. This is common in cases designated as ‘non-straightforward’. Most legal challenges relating to delays, even of unaccompanied minors,<sup>135</sup> do not succeed.<sup>136</sup>

An inspection by the ICIBI identified and detailed challenges to the UKVI casework progression and looked at the length of time taken to make a decision, on average for each quarter between January 2017 and May 2021. The first quarter of 2021 was found to be the longest, at an average of 473 days.<sup>137</sup> Statistics have been regularly published as to the performance of the UKVI against the six-month target and how many cases were pending after being in the system for more than six months.

Updated statistics were released for 2024 showing the backlog for initial decisions was 124,802 and 73,866 of those had been waiting for over six months.<sup>138</sup>

Of the 113,050 decisions made in 2024, 17,810 of these were withdrawn claims and 11,191 described as “administrative outcome”. The large majority of withdrawn claims were “implicit” withdrawals (14,108) which is when the Home Office has withdrawn the claim and not the applicant. A large majority of “administrative outcome” cases have been recorded as either “suspended” (4,836) or “void” (6,168), with no further explanation provided by the Home Office.<sup>139</sup> Concerns about claims being wrongfully withdrawn in order to meet the target for clearing the backlog have been raised by the Public Accounts Committee<sup>140</sup> and the Home Affairs Select Committee.<sup>141</sup> Data on the reasons for the claim being withdrawn is not disclosed by the Home Office.<sup>142</sup>

## 1.2. Prioritised examination and fast-track processing

There is no established system in the UK for prioritising the cases of people who are particularly vulnerable or whose case appears at first sight well-founded, although since the abandonment of the six-month target the Home Office claims that vulnerable clients (undefined publicly) are prioritised.<sup>143</sup> The only system for expediting decisions was the [Detained Fast Track](#), which has been suspended since 2015.

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<sup>134</sup> Para 333A Immigration Rules Part 11.

<sup>135</sup> Including in December 2019, see for example: England and Wales High Court (Administrative Court) Decisions, [2019] EWHC 3573 (Admin), Case No: CO/3942/2018, 20 December 2019 available [here](#).

<sup>136</sup> Upper Tribunal, *TM v Secretary of State for Home Department* [2018] UKUT 299 (IAC), 23 August 2018, available [here](#).

<sup>137</sup> ICIBI, *An inspection of asylum casework (August 2020 – May 2021)*, November 2021, available [here](#).

<sup>138</sup> Refugee Council, ‘New figures reveal scale of asylum backlog crisis’, November 2022, available [here](#).

<sup>139</sup> Home Office, *Immigration system statistics data tables, Asylum applications, initial decisions and resettlement detailed datasets, year ending December 2024*, table Asy\_D02, available [here](#).

<sup>140</sup> Public Accounts Committee, *Asylum system: Doubts and concerns raised around Government’s approach to backlogs*, 27 October 2023, available [here](#).

<sup>141</sup> Home Affairs Committee, *Oral evidence: Work of the Home Office*, HC 356, 29 November 2023, available [here](#).

<sup>142</sup> Letter from the Permanent Secretary at the Home Office to the Public Accounts Committee, 9 January 2024, available [here](#).

<sup>143</sup> UK Parliament, ‘Answer to written parliamentary question’, February 2019, available [here](#).

### 1.3. Personal interview

#### Indicators: Regular Procedure: Personal Interview

1. Is a personal interview of the asylum applicant in most cases conducted in practice in the regular procedure?  Yes  No
  - ❖ If so, are interpreters available in practice, for interviews?  Yes  No
2. In the regular procedure, is the interview conducted by the authority responsible for taking the decision?  Yes  No
3. Are interviews conducted through video conferencing?  Frequently  Rarely  Never
4. Can the asylum applicant request the interviewer and the interpreter to be of a specific gender?  Yes  No
  - ❖ If so, is this applied in practice, for interviews?  Yes  No

Applicants are entitled to a personal interview,<sup>144</sup> and this is standard practice. There is an initial screening interview before the substantive interview.

Interviews may be dispensed with in defined circumstances including where:

- ❖ a positive decision can be taken on the basis of the evidence available;
- ❖ the facts given in the application only raise issues of minimal relevance or which are clearly improbable or insufficient or designed to frustrate removal;
- ❖ or the applicant is unfit or unable to be interviewed owing to enduring circumstances beyond his control.

As part of the asylum backlog clearance process announced in December 2022 a 'streamlined asylum process' was introduced in February 2023. Specific nationalities were targeted for fast decisions, potentially without the need for a substantive interview. This is applied to nationals of high grant countries, namely Afghanistan, Eritrea, Libya, Sudan, Syria and Yemen.<sup>145</sup> A streamlined process for children was also introduced in March 2023, originally for children who are nationals of Afghanistan, Eritrea, Sudan, South Sudan and Vietnam, although Vietnam has since been removed.<sup>146</sup> A questionnaire process was introduced for Iranians and Iraqis although as this group has a lower grant rate it is not expected that as many decisions would be taken without an interview as the first cohort.<sup>147</sup>

It was previously very rare for an asylum applicant over 12 years of age on their first application in the regular procedure not to have an interview. However, following the introduction of the streamlined process there appears to have been a large increase in positive decisions being taken without a substantive interview.<sup>148</sup>

Personal interviews are usually conducted by the authority responsible for taking the decisions, i.e. by the Home Office caseworkers, although it will not always be the same individual. Asylum applicants are entitled to have a legal representative with them at the personal interview, but there is no public funding for this for adult claimants, save in the case of lack of mental capacity,<sup>149</sup> and so few are able to do so in practice as they are unlikely to be able to pay for their legal representative's attendance themselves. Where there is a legal representative present, their role is not to put the asylum applicant's case, but to ensure that their client is able to participate fully and properly in the interview. New guidance on

<sup>144</sup> Para 339NA Immigration Rules Part 11.

<sup>145</sup> Home Office, *Streamlined asylum processing*, updated 2 May 2024, available [here](#).

<sup>146</sup> Home Office, *Streamlined asylum processing for children*, updated 20 December 2024, available [here](#).

<sup>147</sup> Home Office, *Asylum decision making prioritisation: caseworker guidance*, 2 October 2023, available [here](#).

<sup>148</sup> Home Office statistics, available [here](#).

<sup>149</sup> The Civil Legal Aid (Immigration Interviews) (Exceptions) Regulations 2012, available [here](#).

interviewing applicants was published in 2021;<sup>150</sup> changes include up to date information on childcare, specific guidance on interviewing unaccompanied children now over 18, videoconferencing, advice on inadmissibility and the recording of interviews.

Where a refused asylum applicant returns to the UK and wishes to claim asylum again, guidance to Home Office officers is that this should be treated as a further submission (a 'fresh' or 'subsequent' claim for asylum).<sup>151</sup> In this case they may be refused an interview. Applicants under 12 years old are not normally interviewed, though they can be if they are willing, and it is deemed appropriate.<sup>152</sup>

Decision makers are told that they must refer to the guidance on victims of trafficking (which sets out indicators of trafficking) as well as the country information on the role, status and treatment of women before conducting an asylum interview. Applicants should be asked if they have a preferred gender of their interviewer, and this request should be accommodated. Applicants are generally interviewed alone.

Parents are not expected to give an account of their persecution in front of their child, and interviews should be rescheduled as necessary so that childcare can be arranged, including at Home Office premises where available.<sup>153</sup> The guidelines on asylum interviews require provision of childcare so that parents do not have to have their children present while being interviewed.<sup>154</sup> This is now formally in place in every location (other than offices with no interview facility) although different arrangements are in place at each venue.<sup>155</sup>

If a child has the same protection needs as their applicant parent then the Home Office will assess the claim based on the parent's interview.<sup>156</sup> If the child's protection needs are different then the child will have their own asylum claim and a decision on whether or not they will be interviewed, with a responsible adult, will be taken in line with the guidance.<sup>157</sup>

All staff who deal with asylum claims from children must have completed training on keeping children safe and interviewers must have received training in interviewing children. The guidance to decision makers covers trafficking and the 1989 Convention on the Rights of the Child in addition to the Refugee Convention and the ECHR, as well as child specific provisions in domestic legislation.<sup>158</sup> Regarding unaccompanied minors, see [Legal representation of unaccompanied minors](#).

## Videoconferencing

Increasingly, substantive interviews may take place through video conferencing facilities, to accommodate an interviewing officer or interpreter being located in a different area from the applicant. The guidance has been revised to reflect this in 2022.<sup>159</sup> Substantive interviews can take place via video link; the asylum applicant is invited to the usual Home Office premises but the interviewing officer may be working from home or in a different office. The interpreter may also join by video, although the guidance also provides for them to join by audio only. Casework specialisms meaning it is increasingly likely that the interviewing officer and decision maker will be located in a different region from the applicant. Concerns have been

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<sup>150</sup> Home Office, *Asylum Interviews*, June 2022, available [here](#).

<sup>151</sup> Home Office, *Asylum Screening and Routing version 10.0*, December 2023, available [here](#), 25.

<sup>152</sup> Home Office, *Processing children's asylum claims*, 22 January 2025, available [here](#).

<sup>153</sup> Home Office, *Gender issues in asylum claims: caseworker guidance*, 13 April 2018, available [here](#).

<sup>154</sup> Home Office, *Asylum Interviews*, June 2022, available [here](#), 17.

<sup>155</sup> Ibid.

<sup>156</sup> Home Office, *Family asylum claims*, 22 September 2021, available [here](#).

<sup>157</sup> Home Office, *Processing children's asylum claims*, 22 January 2025, available [here](#).

<sup>158</sup> Ibid.

<sup>159</sup> Home Office, *Asylum Interviews*, 2022, available [here](#).

raised about the use of video conferencing interviews, these include IT issues, inconsistent information about how the remote interviews work, issues with safeguarding procedures and a lack of transparency.<sup>160</sup>

### 1.3.1. Interpretation

Interpreters are required by the Immigration Rules and are provided by the Home Office. Cultural mediators are not provided in interviews. There is a code of conduct for these interpreters, which was revised in 2024,<sup>161</sup> but in practice asylum applicants are unaware of it and of what to expect from their interpreter unless they have a legal adviser who has informed them about this beforehand. Since inconsistencies on matters of detail in the asylum interview are a common reason for refusing asylum, problems with interpreting can have a significant impact.

If the asylum applicant has a representative present, in the case of interpreting problems best practice and guidance issued to Home Office caseworkers suggests that the representative is permitted to interrupt the interview to raise the problem.<sup>162</sup> Home Office caseworkers are not always familiar with this, and it can be difficult for problems of interpretation to be raised and rectified at the time they occur. Asylum applicants are allowed to take an interpreter of their own choosing to the interview, but there is no public funding for this in most adult cases, so taking one's own interpreter is unusual.

The Independent Chief Inspector of Borders and Immigration published its report into the use of language services, including interpreters, in 2020.<sup>163</sup> It recommended that the Home Office should:

- ❖ Appoint a Borders, Immigration and Citizenship System (BICS) 'owner' for language services, with accountability across BICS for the formulation and implementation of policies and processes, collection of data and performance monitoring, planning and delivery of the required resources and capabilities, risk management, internal and external communications, monitoring and management of contracted out services, and stakeholder engagement.
- ❖ Create, publish and resource a comprehensive programme of improvements to the provision and use of language services, with clear timelines and deliverables. This should include the identification of urgent tasks and 'easy wins' as well as longer-term projects.
- ❖ Ensure that the risks and issues in relation to language services are fully and accurately reflected in the Risk Registers, and that mitigations and actions are regularly reviewed.<sup>164</sup>

All three of the recommendations were accepted by the Home Office but has given no update on implementation of them or any other progress or changes made since 2020.<sup>165</sup>

Normal good practice is that asylum applicants are asked at the screening interview whether they wish to be interviewed by a man or a woman, and the policy and practice is to respect this preference, subject to availability of staff.<sup>166</sup> This policy also applies to interpreters although no monitoring is conducted relating to adherence to this policy.

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<sup>160</sup> Helen Bamber Foundation, *Remote Home Office Substantive Asylum Interviews*, 14 April 2022, available [here](#).

<sup>161</sup> Home Office, *Interpreters' code of conduct*, 25 March 2024, available [here](#).

<sup>162</sup> Home Office, *Asylum Interviews*, available [here](#).

<sup>163</sup> ICIBI, *An inspection of the Home Office's use of language services in the asylum process*, November 2020, available [here](#).

<sup>164</sup> ICIBI, *An inspection of the Home Office's use of language services in the asylum process*, November 2020, available [here](#).

<sup>165</sup> Home Office, *Response to the ICIBI Inspection on the use of language services in the asylum process*, 2020, available [here](#).

<sup>166</sup> Home Office, *Gender issues in the asylum claim*, available [here](#), para 7.1.

### 1.3.2. Recording and transcript

Audio-recording of interviews is permitted and should be arranged as a matter of routine where the equipment is available unless a request has been made in advance by the asylum applicant for the interview not to be recorded. The recording must be provided to the applicant after the interview. This will be done via the use of an online portal called MOVEit where the person has a legal representative with access to the portal. Otherwise, it will be sent by email or post.

In 2020 the NGO Freedom From Torture published research based on interview transcripts and testimonies from survivors of torture and their experiences of being interviewed in relation to their asylum claim. The criticisms and recommendations have wider applicability than the subject of the research.<sup>167</sup> These include the use of poor questioning techniques, failure to identify experiences of torture and people being prevented from giving a full account of their experiences.

The ICIBI inspection of asylum casework details inconsistencies in caseworker's preparation for interview, the level to which they probe material issues, the use of video conference for interviews and quality assurance measures.<sup>168</sup> The government's response was to accept the recommendations, although one relating to quality assurance was accepted only in part. However, it remains to be seen what improvements are made in practice, given the government's wholesale reform of the system.

## 1.4. Appeal

### Indicators: Regular Procedure: Appeal

1. Does the law provide for an appeal against the first instance decision in the regular procedure?  
  - ❖ If yes, is it  Yes  No
  - ❖ If yes, is it suspensive  Judicial  Administrative
  - Yes  Some grounds  No
2. Average processing time for the appeal body to make a decision in 2024: 48 weeks<sup>169</sup>

### 1.4.1. Appeal to the First Tier Tribunal

There is a right to appeal against an initial asylum decision under the regular procedure. Appeals are made to the Immigration and Asylum Chamber of the First Tier Tribunal (FTT (IAC)) on both facts and law. This is a judicial body, composed of immigration judges and sometimes non-legal members. The Tribunal can assess and make findings of fact on the basis of the evidence presented including evidence, which was not before the Home Office decision-maker. The time limit for appealing is 14 days from the date of the Home Office decision.<sup>170</sup> Lodging an appeal suspends removal from the UK, unless the case is certified as 'clearly unfounded'. Cases certified as 'clearly unfounded' on or after 28 June do not have a right of appeal at all, due to the implementation of the NABA.

Given the limited availability of publicly funded representation in practice (see [Legal assistance](#)), these time limits are short and asylum applicants may resort to sending in the appeal forms without legal representation. Administrative mistakes made by an unrepresented asylum applicant in lodging an appeal can result in the appeal not being accepted by the Tribunal office.

<sup>167</sup> Freedom from Torture, *Beyond Belief; How the Home Office fails survivors of torture at the asylum interview*, 16 June 2020, available [here](#).

<sup>168</sup> Home Office, 'The Home Office response to the ICIBI's report: An inspection of asylum casework (August 2020 to May 2021)', 18 November 2021, available [here](#).

<sup>169</sup> Ministry of Justice, 'Tribunal Statistics Quarterly: October to December 2024', 13 March 2025, available [here](#).

<sup>170</sup> The Tribunal Procedure (First-tier Tribunal) (Immigration and Asylum Chamber) Rules 2014, rule 19.

A fee of £140 (€ 168) is required for an oral hearing of an asylum appeal in the regular procedure. Applicants do not need to pay if they are receiving asylum support (see [Reception Conditions](#)) or if they have public funding to be represented.<sup>171</sup> It is also possible to apply to have the fee waived, and destitute asylum applicants without asylum support would qualify for this, but may not have the advice or information to make the application. In practice most asylum applicants are not liable to pay the fee because most are receiving asylum support and/or public funding for their legal representation at this stage of the process.

The complexity of the law and procedure and the barrier of language make it extremely difficult for asylum applicants to represent themselves. Several research reports refer to the variance in quality and availability of legal advice and this area.<sup>172</sup> Tribunal rules require all evidence to be translated into English where relevant and sent to all parties in advance of the hearing.<sup>173</sup> It is difficult for an unrepresented asylum applicant to know what is required, or to get access to resources and advice to prepare papers for a hearing.

In 2020 a report was published following a research project involving observations and interviews with appellants, representatives and staff. It concluded that asylum applicants at their appeal hearings are hampered by six factors; confusion, anxiety, mistrust, disrespect, communication difficulties and distraction and 34 recommendations are made.<sup>174</sup>

Asylum applicants give evidence in person at the appeal hearing, and the Tribunal provides interpreters on request. Hearings are public. Decisions are in theory public documents, but decisions of the FTT (IAC) are not usually published.

The number of appeals has increased substantially in 2024 as a result of the backlog clearance exercise that took place in 2023. The increase in the number of asylum decision was a contributing factor to the increase but concerns have been raised that poor quality decisions have also been a factor in the increased number of appeals.<sup>175</sup>

#### 1.4.2. Onward appeal to the Upper Tribunal

There is an onward appeal to the Immigration and Asylum Chamber of the Upper Tribunal (UT) (IAC) on a point of law. This is with permission of the FTT (IAC). Application must be made within 14 days of receiving the refusal.<sup>176</sup> If the FTT (IAC) refuses permission, an application for permission may be made to the UT (IAC) within 14 days of the notice of the FTT (IAC)'s decision being sent to the applicant.<sup>177</sup> If this is refused, there is no appeal, but application may be made to the High Court, or in Scotland the Court of Session, for permission to apply for [judicial review](#) within a specially shortened time limit of 16 calendar days (as compared with three months for a usual judicial review application). The ability to use this process has since been heavily restricted through the introduction of the Judicial Review and Courts Act 2022.<sup>178</sup> A legal challenge to this restriction was unsuccessful.<sup>179</sup>

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<sup>171</sup> HM Courts and Tribunals Service, 'Immigration and Appeals Tribunal Fees Guidance', available [here](#).

<sup>172</sup> Refugee Action and NACCOM, *Tipping the Scales*, 2018, available [here](#); Dr Jo Wilding, *Droughts and Deserts*, 2019, available [here](#).

<sup>173</sup> Rule 12 The Tribunal Procedure (First-tier Tribunal) (Immigration and Asylum Chamber) Rules 2014.

<sup>174</sup> Experiencing Asylum Appeal Hearings: 34 ways to improve access to justice at the First Tier Tribunal, *University of Exeter and Public Law Project 2020*, available [here](#).

<sup>175</sup> See e.g. Lizzie Dearden, 'Home Office says only half of UK asylum decisions meet its quality standards', *The Observer*, 8 December 2024 available [here](#) and Lizzie Dearden, 'Thousands of cleared asylum claims to be returned to Home Office after errors', *The Observer*, 22 June 2024, available [here](#).

<sup>176</sup> Rule 33 Procedure Rules.

<sup>177</sup> Rule 21 The Tribunal Procedure (Upper Tribunal) Rules 2008, available [here](#).

<sup>178</sup> Section 2, Judicial Review and Courts Act 2022, available [here](#).

<sup>179</sup> *Mary Jane Baluden Oceana, R (on the application of) v Upper Tribunal (Immigration and Asylum Chamber)* [2023] EWHC 791 (Admin), available [here](#).



An application for judicial review of a refusal by the UT (IAC) to grant permission to appeal can now only be made except whether the question is:

- a. whether the application for permission to appeal was validly made to the Upper Tribunal;
- b. whether the Upper Tribunal when refusing permission to appeal was properly constituted; or
- c. whether the Upper Tribunal is acting or has acted in bad faith or in such a procedurally defective way as amounts to a fundamental breach of the principles of natural justice.

Lodging an appeal or an application for permission to appeal against an asylum refusal suspends removal from the UK, unless the case has been certified under Section 94 NIAA as clearly unfounded.<sup>180</sup>

If permission is granted to appeal to the UT (IAC), the UT (IAC)'s decision may be appealed again with permission on the same limited grounds on a point of law only to the Court of Appeal. In rare cases permission may be given for a final appeal to the Supreme Court where the Court of Appeal or Supreme Court certifies that the case concerns a question of law, which is of public importance.

Although the asylum decision is appealable in the regular procedure, there are many decisions affecting asylum applicants against which there is no right of appeal: e.g. a decision to detain, or giving directions for removal, or the refusal to treat further submissions as a fresh claim (subsequent asylum application), or a decision to remove to a safe third country. Where there is no right to appeal the only recourse is to [judicial review](#). This is a procedure which does not examine the merits of the complaint, but only whether the decision maker has acted correctly, for instance by taking into account relevant considerations and not being influenced by irrelevant considerations.

Where the only remedy is judicial review, this is only available with the permission of the reviewing court. judicial review is now in the Upper Tribunal's jurisdiction.

### 1.5. Legal assistance

#### Indicators: Regular Procedure: Legal Assistance

1. Do asylum applicants have access to free legal assistance at first instance in practice?  
 Yes       With difficulty       No  
❖ Does free legal assistance cover:  
 Representation in interview  
 Legal advice
2. Do asylum applicants have access to free legal assistance on appeal against a negative decision in practice?  
 Yes       With difficulty       No  
❖ Does free legal assistance cover  
 Representation in courts  
 Legal advice

### Regulation and accreditation

The provision of legal assistance on asylum is regulated and it is a criminal offence for a person who is not appropriately regulated to give advice.<sup>181</sup> Lawyers who provide assistance under legal aid must be accredited under the Law Society's Immigration and Asylum Accreditation Scheme.<sup>182</sup> NGOs who wish to give legal advice register with the Immigration Advice Authority (formerly known as OISC).<sup>183</sup>

<sup>180</sup> Home Office, *Certification of protection and human rights claims under section 94 of the Nationality, Immigration and Asylum Act 2002 (clearly unfounded claims)*, 12 December 2023, available [here](#).

<sup>181</sup> section 91 Immigration and Asylum Act 1999, available [here](#).

<sup>182</sup> Law Society, Immigration and Asylum Accreditation, available [here](#).

<sup>183</sup> Colin Yeo, 'What is the Immigration Advice Authority', *Free Movement*, 16 January 2025, available [here](#).

## First instance

Free legal assistance is available to asylum applicants as part of the state funded scheme of free legal aid in certain, restricted areas of legal practice for people who do not have sufficient resources. Although the Immigration Rules provide that asylum applicants shall be allowed ‘an effective opportunity’ to obtain legal advice,<sup>184</sup> access to this is not guaranteed.

Statistics on applications for legal aid at first instance were not made available by the Home Office in response to parliamentary questions.<sup>185</sup> A noted academic who has reported on this issue for several years revealed statistics obtained through a Freedom of Information Act request, that showed in the year ending March 2024 at least 57% of main applicants (over 54,000 people) claiming asylum or appealing a refusal in the First-tier Tribunal were unable to access a legal aid representative in England and Wales, did not have a legal aid representative.<sup>186</sup>

Few asylum applicants obtain advice before their screening interview.

Legal aid is available for appeals, subject to a means test and in England and Wales a merits test, and availability of a representative. This means some appellants appear unrepresented.<sup>187</sup>

In **England and Wales**, legal aid for legal advice and representation for the initial stage of an asylum case is called “Legal Help”. The work from claim, through interview up to decision, is paid as a fixed fee of £413 (€ 496).<sup>188</sup> Exceptions include unaccompanied child applicants, and where the representative can evidence that they have undertaken work that equates to over 2 times the value of the fixed fee. An hourly rate can then be paid if the Legal Aid Agency, which assesses the claim for costs, accepts that 2 times the level of work was done and warranted.<sup>189</sup> Note that before April 2023 work at 3 times the value of the fixed fee was required in order to be paid at hourly rates.

The low fixed fee and the significant jump to achieve an hourly rate both put pressure on conscientious representatives. The low fixed fee at these pre-appeal stages also makes it difficult to conduct a thorough examination of a complex case. The grant of legal aid for appeal depends on this assessment by the lawyer, and the award of legal aid contracts by the Legal Aid Agency depends on performance indicators including success at appeals. The system makes it difficult for representatives to stay in business.<sup>190</sup>

Delays in Home Office decision making have also made claiming fees more difficult, despite guidance being issued in 2022 aimed at easing this pressure.<sup>191</sup> Some practitioners report that they do not use the interim claim process because of the difficulties in using the Legal Aid Agency’s billing process, whereby claims are often rejected. The agency has been described as having a “culture of refusal”.<sup>192</sup>

Following a legal challenge to the ongoing failure to increase legal aid rates, the Lord Chancellor agreed to make a decision on whether or not to increase the fees.<sup>193</sup> On 24 January 2025 a consultation was

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<sup>184</sup> Para 333B Immigration Rules Part 11.

<sup>185</sup> James Cartlidge, ‘Answer to written question on Legal Aid Scheme’, 10 February 2022, available [here](#).

<sup>186</sup> Dr Jo Wilding, ‘Stemming the Tide: The Case for Demarketising the Legal Aid Sector’, *ILPA blog*, 6 November 2024, available [here](#).

<sup>187</sup> UK government, ‘Guidance Unrepresented appellants - Immigration and Asylum Tribunal’, available [here](#).

<sup>188</sup> Schedule 1, Table 4(a) Civil Legal Aid (Remuneration) Regulations 2013, available [here](#).

<sup>189</sup> Paragraph 8.98 Immigration Specification to the 2013 Standard Civil Contract, available [here](#).

<sup>190</sup> Law Society, ‘A decade of cuts: Legal aid in tatters’, 31 March 2023, available [here](#).

<sup>191</sup> UK Government, ‘Civil news: early billing for asylum matters’, 1 September 2022, available [here](#).

<sup>192</sup> See e.g. Justice Committee report ‘The Future of Legal Aid’, 27 July 2021, paragraph 141, available [here](#).

<sup>193</sup> Sonia Lenegan, ‘Lord Chancellor settles challenge to immigration and asylum legal aid rates’, *Free Movement*, 27 September 2024, available [here](#).

opened asking for feedback on proposals to increase immigration fees by around 30% for both first instance and appeal work.<sup>194</sup>

Legal assistance is not provided at the AIU or at the port of entry. Free legal assistance (funded as described above) is limited to advising the asylum applicant before and immediately after their asylum interview. This may include making additional written representations to the Home Office, which as a matter of usual policy are only allowed within five days after the interview. With some exceptions (including unaccompanied children and people who lack capacity), there is no public funding for a legal representative to attend the asylum interview.<sup>195</sup>

## Appeal

The legal aid fixed fee for appeals was changed in 2020 following the rolling out of a new online appeals process.<sup>196</sup> The new process required lawyers to conduct more work and the new fee structure meant that in fact lawyers would be worse off.<sup>197</sup> Following a successful challenge,<sup>198</sup> the new regulations were revoked and the rates were amended pending further consultation.<sup>199</sup> New rates were proposed by the government in 2025 and are currently under consultation.<sup>200</sup>

New legal procedures arising from the Nationality and Borders Act prompted another consultation on remuneration for legal advice and representation under the Act; these include Priority Removal Notices (a truncated system of appealing removal) and appeals against decisions made by the National Age Assessment Board. Neither of these processes are in force yet.

Following these consultations, new increased fixed fees were introduced for online appeals lodged after 1 April 2023.<sup>201</sup> Also in April 2023 a change was made meaning that once the value of the work on a case reached twice the value of the fixed fee, the work would all be paid at hourly rates.<sup>202</sup>

The pressures described above do not apply in **Scotland**, where fees are not fixed, and there is no merits test for representing at a first appeal. For an appeal to the UT (IAC) where the FTT (IAC) has not given permission to appeal, a lawyer in Scotland must assess the merits of the case, and payment may be disallowed if the Scottish Legal Aid Board takes a different view.

The amount that is payable per case in **England and Wales** was reduced in 2012 and has not been increased since. The Legal Aid, Sentencing and Punishment of Offenders Act (LASPO) 2012 took immigration advice out of scope for all except asylum and trafficking. A legal challenge in regulation to children in immigration proceedings was settled before it reached the court and the law in relation to this was changed as a consequence; the Immigration Rules were changed to this effect on 25<sup>th</sup> October 2019.<sup>203</sup> The difficulties and constrictions applied by the system of contracted providers by region, based on historical data, result there being insufficient supply to meet the demand. The 'market' approach to the provision of legally aided immigration advice has been criticised in a key academic study.<sup>204</sup>

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<sup>194</sup> Ministry of Justice, 'Civil legal aid: Towards a sustainable future', 24 January 2025, available [here](#).

<sup>195</sup> Legal Aid, Sentencing and Punishment of Offenders Act 2012, Schedule 1 Part 1 (30), available [here](#).

<sup>196</sup> Civil Legal Aid (Remuneration) (Amendment) (Coronavirus) regulations 2020, available [here](#).

<sup>197</sup> Monidipa Fouzder, 'Government criticised over new fixed fee', *Law Society Gazette*, May 2020, available [here](#).

<sup>198</sup> Statement by legal team following consent order between the parties.

<sup>199</sup> Government, 'Changes to fee payments for immigration work', 7 October 2020, available [here](#).

<sup>200</sup> Ministry of Justice, 'Civil legal aid: towards a sustainable future', last updated 13 March 2025, available [here](#).

<sup>201</sup> Civil Legal Aid (Immigration Interviews (Exceptions) and Remuneration) (Amendment) Regulations 2022, available [here](#).

<sup>202</sup> Paragraph 8.98 Immigration Specification to the 2013 Standard Civil Contract, available [here](#).

<sup>203</sup> UK Government, 'Separated children given better access to legal aid', 25 October 2019, available [here](#).

<sup>204</sup> Dr Jo Wilding, *Droughts and deserts; a report on the immigration legal aid market*, June 2019, available [here](#).

## Judicial review

However, the government announced further reform/ limitations on judicial review in 2021 and introduced a new Bill which became the Judicial Review and Courts Act 2022.<sup>205</sup> The reforms include restrictions on judicial reviews for decisions made by the Immigration and Asylum Chamber of the Upper Tribunal and wider options for courts regarding remedies for successful appellants. Critics point out that whilst the government's focus is on the low success rate of some types of judicial review, the impact on the people affected should not be minimised.<sup>206</sup>

## 2. Dublin

The UK left the EU on 31 January 2020 but remained subject to the Dublin Regulation during the transition period, i.e. for requests made until 23h00 on 31 December 2020 (UK time). For information about the Dublin procedure in the UK while it was still subject to the Dublin Regulation, see [previous updates to this country report](#).

Cases introduced after the transition period can be treated under the new inadmissibility rules on safe third countries. "The rules allow an inadmissibility decision to be taken on the basis of a person's earlier presence in or connection to a safe third country, even if that particular country will not immediately agree to the persons return." The guidance on inadmissibility of asylum claims explains that: "the safe countries most likely to be identified in asylum claims will be the UK's near neighbours in the EU. Other EU member states, the wider EEA countries (**Iceland, Liechtenstein and Norway**) and **Switzerland** may also be identified, as may countries such as the **United States of America, Canada, Australia and New Zealand**" (see further under [Admissibility procedure](#)).

The UK has indicated it would attempt to negotiate returns agreements with individual EU member states,<sup>207</sup> as of the time of this update, without success.

During the passage of the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020, the government agreed to publish the existing routes for family reunification in the UK. This was fulfilled on 31 December with a document outlining existing routes to family reunification in the UK (most not specific to refugee or people seeking asylum).<sup>208</sup> This document was archived as out of date in 2023, by which time legislation had changed the validity of the contents. The government also committed to a review of safe and legal routes to the UK and in February 2021 it fulfilled its obligation to update parliament with routes available to reunite families, which was a reiteration of the December 2020 document.<sup>209</sup>

## 3. Admissibility procedure

### 3.1. General (scope, criteria, time limits)

The inadmissibility grounds in the UK revolve around the question of safe countries, namely whether the person is from a safe country they can be returned to, or whether a person could have claimed asylum in a safe third country on the way to the UK, and then whether it is possible to send them to a safe third country (this does not need to be the one they passed through).

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<sup>205</sup> See the Judicial Review and Courts Act 2022 [here](#).

<sup>206</sup> ILPA's response to the government's consultation on judicial review reform, available [here](#).

<sup>207</sup> Hansard, *House of Lords: Immigration, Nationality and Asylum (EU Exit) Regulations 2019*, 18 March 2019, available [here](#).

<sup>208</sup> Overview of family reunion options in the Immigration Rules: available [here](#).

<sup>209</sup> Home Office, 'Statement in relation to legal routes from the EU for protection claimants including family reunion of unaccompanied children (accessible version)', 8 February 2021, available [here](#).

In December 2020 Immigration Rules were changed so that from 1 January 2021 the applicant, if there is evidence that they have a connection with or travelled through another 'safe' country prior to their claim in the UK, may be transferred to any 'safe' country that will accept the applicant. This was removed from the Immigration Rules on 28 June 2022,<sup>210</sup> when it was replaced by similar provisions by section 16 of the Nationality and Borders Act 2022 which inserted new sections 80B and 80C to the NIAA 2002.

This inadmissibility process at section 80B of NIAA 2002 applies to claims made on or after 28 June 2022. This says that the Secretary of State 'may' declare an asylum claim inadmissible where a person has a connection to a safe third country. Safe third country is defined as a state where the person's life and liberty would not be threatened for a Refugee Convention reason and where their Article 3 ECHR rights would not be breached, and where the person may apply for and receive refugee status.

A decision that a claim is inadmissible is not an appealable decision. If a case is deemed inadmissible it can still be considered and decided where the Secretary of State considers that there are exceptional circumstances, or as may be provided in the Immigration Rules (but is not at present).<sup>211</sup> Connection is defined at section 80C of the NIAA as where the applicant:

- ❖ has been recognised as a refugee in the safe third country and is still able to access that protection (following Brexit the UK no longer has access to Eurodac, but the guidance refers to the use of historic Eurodac data)
- ❖ has been granted another form of protection in the safe third state which means they would not be sent from there in breach of the Refugee Convention or Article 3 ECHR and is still able to access that protection
- ❖ has made a protection claim in the safe third country that has not been determined or has been refused
- ❖ was previously present in a safe third country where it was reasonable for them to make a protection claim but they did not do so
- ❖ due to their personal circumstances would have been reasonably expected to make a relevant claim in the safe third country.<sup>212</sup>

The inadmissibility process is set out in the guidance.<sup>213</sup> The first stage is that the Home Office will make a preliminary assessment of whether it appears the case is suitable for the inadmissibility process (i.e. where a person has travelled through Europe to get to the UK). Enquiries as to the route of travel are also a routine part of the screening process in all cases. The asylum applicant's account of their route of travel and other evidence of the person having lived in or travelled through a country will influence whether the application is referred to the Third Country Unit.<sup>214</sup> If it is deemed suitable, then the case will be sent to the Third Country Unit. If it is not deemed suitable by that Unit, they will return the case to the asylum team.

If the Third Country Unit does consider that the claim may be considered inadmissible, they will issue a 'notice of intent' which states the country of possible return. The final stage is a decision on whether or not the claim will be admitted to the asylum system in the UK.

On 20 July 2023, the Illegal Migration Act 2023 introduced a new section 8AA to the Immigration Act 1971. This says that where a person has ever met the four conditions set out at section 2 of the Illegal Migration Act 2023, then they 'must not' be given leave to remain in the UK. This prohibition on a grant of leave was

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<sup>210</sup> Statement of changes to the Immigration Rules: HC17, 11 May 2022, available [here](#).

<sup>211</sup> Section 80B Nationality, Immigration and Asylum Act 2002, as amended by the Nationality and Borders Act 2023, available [here](#).

<sup>212</sup> Section 80C Nationality, Immigration and Asylum Act 2002, as amended by the Nationality and Borders Act 2023, available [here](#).

<sup>213</sup> Home Office, *Inadmissibility – third country cases: caseworker guidance*, 14 February 2024, available [here](#).

<sup>214</sup> Home Office, *Inadmissibility: safe third country cases – Version 7.0*, June 2022, available [here](#).

to apply where a person has arrived on or after 7 March 2023, had entered unlawfully, had not travelled directly to the UK and did not have permission to be in the UK.<sup>215</sup> The stated intention of the previous government was that people whose asylum claims were deemed inadmissible would be sent to Rwanda. Following the Supreme Court’s decision that Rwanda is not a safe country,<sup>216</sup> the previous government passed the Safety of Rwanda (Asylum and Immigration) Act 2024.<sup>217</sup> That Act was passed on 25 April 2024 and a general election was called less than a month later.

Shortly after the change of government in July 2024, the new Prime Minister confirmed that the Rwanda scheme was “dead and buried”.<sup>218</sup> Regulations were laid to change the date the inadmissibility power comes into force from the date that the Illegal Migration Act 2023 was passed (20 July 2023) to an unspecified date in the future: “the day on which this section came into force in relation to the person”.<sup>219</sup> These provisions are therefore no longer currently in force.

On 30 January 2025 the Border Security, Asylum and Immigration Bill was introduced to Parliament. The Bill, when passed, will repeal several provisions of the Illegal Migration Act (including many which were never brought into force) and provides that section 8AA of the Immigration Act 1971 is to be treated as though it was never in force.<sup>220</sup>

When an inadmissibility or removal decision is made and it is proposed to send the person to one of 31 European countries (all EU countries plus Iceland, Norway, Switzerland and Liechtenstein), the decision will be certified to remove any right of appeal based on a claim that removal to that country would be in breach of the Refugee Convention.<sup>221</sup> In practice, very few of these decisions are made.

The Home Office made 83 inadmissibility decisions in 2021 and 2022, having served ‘notices of intent’ to 21,532 claimants. By the end of 2022, 23 people had subsequently been removed. In 2022, 68 claimants were refused on safe third country grounds following full examination of their claims. In 2023, 31,537 cases were identified for consideration of inadmissibility, 12,581 notices of intent were issued, and one claim was deemed inadmissible. There were two removals, so a total of 25 removals have now taken place under the process since 1 January 2021.<sup>222</sup> Those were to Belgium, Bulgaria, Denmark, France, Germany, Ireland, Italy, Slovenia, Spain, Sweden and Switzerland.<sup>223</sup> It is understood that the few applicants returned were beneficiaries of international protection in Dublin states to which they were returned. The Home Office has not provided inadmissibility data for 2024 due to ongoing work on a new case working system.<sup>224</sup>

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<sup>215</sup> Section 2, Illegal Migration Act 2023, available [here](#).

<sup>216</sup> Supreme Court, *AAA v Secretary of State for the Home Department* [2023] UKSC 42, 15 November 2023, available [here](#).

<sup>217</sup> Home Office, *Policy paper: Safety of Rwanda (Asylum and Immigration) Bill: factsheet*, 26 January 2024, available [here](#).

<sup>218</sup> BBC News, ‘Starmer confirms Rwanda deportation plan ‘dead’’, 6 July 2024, available [here](#).

<sup>219</sup> The Illegal Migration Act 2023 (Amendment) Regulations 2024, available [here](#).

<sup>220</sup> See clause 38 of the Bill as presented at 1st reading, available [here](#).

<sup>221</sup> Schedule 3 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004, available [here](#) and [here](#).

<sup>222</sup> Home Office, *Immigration system statistics data tables, Asylum and resettlement summary, year ending December 2023*, table Asy\_09a, available [here](#).

<sup>223</sup> Home Office, *National statistics: How many people do we Grant protection to?*, 29 February 2024, available [here](#).

<sup>224</sup> Home Office, *Immigration system statistics data tables, Asylum and resettlement summary, year ending December 2024*, table Asy\_09a, available [here](#).

### 3.2. Personal interview

#### Indicators: Admissibility Procedure: Personal Interview

Same as regular procedure

1. Is a personal interview of the asylum applicant in most cases conducted in practice in the admissibility procedure?  Yes  No

There is no provision for a specific, separate personal interview in safe third country cases; information is taken from the screening interview.

Applicants for whom the UKVI is considering inadmissibility are issued with a 'Notice of Intent' of this fact and can make written representations within strict time limits as to why they should not be considered for removal to a safe third country at all or to a specific country or countries which are named in the Notice of Intent. If UKVI later identifies a different country of possible return, then a further Notice of Intent should be issued inviting representations regarding that country. This is considered before the inadmissibility decision is made and issued.<sup>225</sup>

### 3.3. Appeal

#### Indicators: Admissibility Procedure: Appeal

Same as regular procedure

1. Does the law provide for an appeal against the decision in the admissibility procedure?  Yes  No

When an inadmissibility decision is made that the person can be returned to a safe third country, a certificate is issued to that effect, and the decision can only be challenged by [judicial review](#). The scope of judicial review is described above in relation to the regular procedure, but in the case of a judicial review based on human rights, the court looks more closely at the substance of the decision.<sup>226</sup>

### 3.4. Legal assistance

#### Indicators: Admissibility Procedure: Legal Assistance

Same as regular procedure

1. Do asylum applicants have access to free legal assistance at first instance in practice?  
 Yes  With difficulty  No  
❖ Does free legal assistance cover:  
 Representation in interview  
 Legal advice
2. Do asylum applicants have access to free legal assistance on appeal against an inadmissibility decision in practice?  
 Yes  With difficulty  No  
❖ Does free legal assistance cover  
 Representation in courts  
 Legal advice

There are no special rules or restrictions applying to legal assistance in the safe third country procedure. In principle an asylum applicant subject to a third country decision has the same opportunity as any other asylum applicant to obtain access to free legal representation (see [Normal procedure – legal assistance](#)).

<sup>225</sup> Home Office guidance, Inadmissibility: safe third country cases, available [here](#).

<sup>226</sup> House of Lords, *R v Secretary of State for the Home Department ex p Daly* [2001] UKHL 26, available [here](#).

Judicial review is funded by legal aid, subject to the means of the asylum applicant and the merits of the case. However, as in all judicial reviews, this is broadly speaking only if the court grants permission for the judicial review.

#### 4. Border procedure (border and transit zones)

In the UK there is no provision for asylum decisions to be taken at the border. An application for asylum may be made at the border, and immigration officers from the UK Border Force may carry out the screening interview, but then always refer the claim to UKVI (see [Regular Procedure](#)).<sup>227</sup> The substance of the claim is not examined at the border.

If a person claims asylum, immigration officers grant immigration bail<sup>228</sup> to enable the applicant to live in the community, subject to conditions, whilst the claim is considered. It is not an immigration status and therefore there are no rights attached to the admission. It is analogous to release from detention on licence. Detention at a port is limited to relatively short periods (less than 24 hours). Short-term holding facilities (STHF) at ports are not subject to the usual rules which govern immigration detention but are inspected by the government's Prison Inspectorate.<sup>229</sup>

#### 5. Accelerated procedure

##### 5.1. General (scope, grounds for accelerated procedures, time limits)

There are no accelerated procedures in use. The detained fast track process was suspended in 2015 and as a result of the Nationality and Borders Act, cases certified as clearly unfounded on or after 28 June 2022 have no right of appeal at all. There are provisions in the Nationality and Borders Act 2022 for "accelerated detained appeals" but these are not in force.<sup>230</sup>

##### 5.2. Personal interview

###### Indicators: Accelerated Procedure: Personal Interview

Same as regular procedure

1. Is a personal interview of the asylum applicant in most cases conducted in practice in the accelerated procedure?  Yes  No
  - ❖ If so, are questions limited to nationality, identity, travel route?  Yes  No
  - ❖ If so, are interpreters available in practice, for interviews?  Yes  No
2. Are interviews conducted through video conferencing?  Frequently  Rarely  Never

Not applicable as there are no accelerated procedures in use.

<sup>227</sup> UK government, 'Claim asylum in the UK', accessed 24 March 2024, available [here](#).

<sup>228</sup> Immigration Bail replaced temporary admission on 15 January 2018 (see Home Office guidance document, available [here](#)). Many guidance and policy documents still refer to Temporary Admission.

<sup>229</sup> See reports from the HM Inspectorate of Prisons on the Ministry of Justice, available [here](#).

<sup>230</sup> Nationality and Borders Act 2022, s 27, available [here](#).



### 5.3. Appeal

#### Indicators: Accelerated Procedure: Appeal

Same as regular procedure

1. Does the law provide for an appeal against the decision in the accelerated procedure?
- |                                   |                                   |   |
|-----------------------------------|-----------------------------------|---|
|                                   | <input type="checkbox"/> Yes      | <input type="checkbox"/> No             |
| ❖ If yes, is it                   | <input type="checkbox"/> Judicial | <input type="checkbox"/> Administrative |
| ❖ If yes, is it suspensive<br>NSA | <input type="checkbox"/> Yes      | <input checked="" type="checkbox"/> No  |

Not applicable as there are no accelerated procedures in use.

### 5.4. Legal assistance

#### Indicators: Accelerated Procedure: Legal Assistance

Same as regular procedure

1. Do asylum applicants have access to free legal assistance at first instance in practice?
- |                                     |  |  |                             |
|-------------------------------------|--|--|-----------------------------|
|                                     | <input type="checkbox"/> Yes   | <input type="checkbox"/> With difficulty | <input type="checkbox"/> No |
| ❖ Does free legal assistance cover: | <input type="checkbox"/> Representation in interview (in the DFT only) |  |                             |
|                                     | <input type="checkbox"/> Legal advice                                  |  |                             |
2. Do asylum applicants have access to free legal assistance on appeal against a negative decision in practice?
- |                                    |   |  |                             |
|------------------------------------|---|--|-----------------------------|
|                                    | <input type="checkbox"/> Yes                      | <input type="checkbox"/> With difficulty | <input type="checkbox"/> No |
| ❖ Does free legal assistance cover | <input type="checkbox"/> Representation in courts |  |                             |
|                                    | <input type="checkbox"/> Legal advice             |  |                             |

Not applicable as there are no accelerated procedures in use.

## 6. National protection statuses and return procedure

### 6.1. National forms of protection

When an asylum application is rejected, the Home Office will also consider whether the applicant should be granted leave on other human rights grounds under article 3 or article 8, as provided for under the Immigration Rules. Leave granted on article 8 ECHR grounds will generally be granted under Appendix Private Life<sup>231</sup> or Appendix FM<sup>232</sup> of the Immigration Rules and provides for a grant of leave lasting two and a half years. Leave must be renewed every two and a half years by making a paid application unless a fee waiver is obtained, until the applicant has accrued ten years of lawful residence, at which point they are eligible to apply for settlement under Appendix Long Residence.<sup>233</sup> In addition to the longer period before settlement, those granted leave under these routes will not automatically be entitled to access public funds.

### 6.2. Return procedure

The returns process operates separately to the asylum process and there does not appear to be any structure as to how and when people are targeted for removal. It is common for people to have their asylum claims refused and to remain in the UK long after rejection of their appeal.

<sup>231</sup> Immigration Rules, Appendix Private Life, available [here](#).

<sup>232</sup> Immigration Rules, Appendix FM, available [here](#).

<sup>233</sup> Immigration Rules, Appendix Long Residence, available [here](#).

## D. Guarantees for vulnerable groups

### 1. Identification

#### Indicators: Identification

1. Is there a specific identification mechanism in place to systematically identify vulnerable asylum applicants?  
 Yes     For certain categories     No  
❖ If for certain categories, specify which: Unaccompanied children
2. Does the law provide for an identification mechanism for unaccompanied children?  
 Yes     No

#### 1.1. Screening of vulnerability

There is no specific mechanism to identify adult asylum applicants who need specific procedural guarantees. The screening interview process is inadequate in identifying such vulnerabilities due to a lack of training and guidance for staff.<sup>234</sup> The standard questions include only basic questions about health, such as whether the person has any medical conditions or medication that they are or should be taking.

The concern remains regarding the use of detention, albeit not in an accelerated procedure, and the lack of safeguards. The Adults at Risk policy was amended in May 2021 to bring victims of modern slavery into the remit of immigration detention policy.

The guidance was further amended in November 2021<sup>235</sup> to include the new Competent Authority – the Immigration Enforcement Competent Authority. The creation of a second Competent Authority was criticised by a group of NGOs<sup>236</sup> and concerns raised by the Independent Anti-Slavery Commissioner.<sup>237</sup> In 2024, only 34% of cases decided by the Immigration Enforcement Competent Authority were confirmed as victims of trafficking, as opposed to 67% of cases considered by the Single Competent Authority.<sup>238</sup>

Concerns have been raised about the quality of decision making by the Immigration Enforcement Competent Authority, with an ICIBI report saying that speed had been prioritised over attention to detail.<sup>239</sup>

#### 1.2. Age assessment of unaccompanied children

The procedure for identifying unaccompanied children is governed by guidance and case law. At the screening stage, where a person appears to an Immigration Officer or the Home Office caseworker to be under 18, policy guidance is that they are to be treated as a child. Details of this process are set out at [Registration of unaccompanied children](#).

In case of doubt, the person should be treated as though they are under 18 until there is sufficient evidence to the contrary.<sup>240</sup> Where their appearance strongly suggests to the officer that they are significantly over 18, the asylum applicant is treated as an adult. In this case, an age assessment can be triggered by the young person or any third party referring to the local authority for an age assessment. However, the result

<sup>234</sup> At e.g. paragraph 100, available [here](#).

<sup>235</sup> Home Office, *Adults at Risk; the detention of potential or confirmed victims of modern slavery*, 2021, available [here](#).

<sup>236</sup> Statement from The Detention Taskforce, available [here](#).

<sup>237</sup> Correspondence to the Home Secretary from the Independent Anti-Slavery Commissioner, available [here](#).

<sup>238</sup> Home Office statistics, 'Modern slavery: National Referral Mechanism and Duty to Notify statistics UK, quarter 4 2024 – October to December', 6 March 2025, available [here](#).

<sup>239</sup> ICIBI, 'Inspection report published: An inspection of the Immigration Enforcement Competent Authority (January to June 2024)', available [here](#).

<sup>240</sup> Home Office, *Processing children's asylum claims*, 31 December 2020, available [here](#).

of immediate treatment as an adult while this process is ongoing means that people who are in fact under 18 will be treated as adult in the asylum and support processes.

The guidance has been amended several times in recent years to reflect various judicial challenges, including to the practice of the social work age assessments at the Kent Intake Unit on the grounds that the procedural safeguards required of social work assessments applied equally to the Home Office employed social workers.<sup>241</sup> This followed a series of challenges to the interpretation of the 'significantly over 18' policy, ultimately in favour of the Home Office, retaining the right to make those decisions at the border. In addition to the criticism by the Refugee Council, a report from the Independent Chief Inspector of Borders and Immigration drew attention to the practice of making these initial decisions, including the lack of interpreters used.<sup>242</sup> In 2023, The UN Committee on the Rights of the Child (UNCRC) also raised concerns about the persistent use of unreliable methods for age assessments, as well as the high number of age disputed children, meaning some children have been detained, and the lack of data on age assessments.<sup>243</sup>

If the Home Office has referred to a local authority because they felt there was doubt about the claimed age, the social worker responsible for an assessment must assure the Home Office that they have considered the age and this would usually be communicated to a child through an agreed template.<sup>244</sup> A stand-alone assessment is not necessary but the Home Office must be satisfied that the areas listed on the template have been considered by the social worker. The Home Office must also be satisfied that any assessment complies with case law – often referred to as '*Merton* compliant' as *Merton* was the first piece of case law dealing with the lawful procedure for age assessments. It would then be usual for the Home Office to adopt the age decided by the social worker but more detail is given in guidance.<sup>245</sup>

Social workers conducting age assessments must comply with all case law which includes the need to be registered social workers, trained in conducting age assessments, adhere to correct procedures including taking into account all relevant information. Assessments must be conducted in the presence of an 'appropriate adult' and a written record made. Guidance issued by the Association of Directors of Children's Services (ADCS) in October 2015 gives more detail about lawful procedure and good practice.<sup>246</sup>

As of 10 January 2024, the use of scientific tests in the age assessment process has become law, this provides for the use of x-rays and magnetic resonance imaging.<sup>247</sup> The use of these tests has not yet been adopted in practice.<sup>248</sup>

Concerns about over-use and inaccuracy of the age assessment process have been raised.<sup>249</sup> The UNCRC expressed deep concern about the "persistent use of unreliable methods for determining a child's age, the large number of children whose age has been disputed and the lack of data on the number of

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<sup>241</sup> *MA & Anor, R (On the Application Of) v Coventry City Council & Anor* [2022] EWHC 98 (Admin) (19 January 2022), available [here](#).

<sup>242</sup> ICIBI, *An inspection of the initial processing of migrants arriving via small boats at Tug Haven and Western Jet Foil, December 2021 – January 2022*, July 2022, available [here](#).

<sup>243</sup> UN Committee on the Rights of the Child, 'Concluding observations on the combined sixth and seventh periodic reports of the United Kingdom of Great Britain and Northern Ireland', 22 June 2023, page 18, available [here](#).

<sup>244</sup> ADCS, *Age assessment guidance and information sharing guidance*, available [here](#).

<sup>245</sup> Home Office and ADCS, *Age assessment: Joint working guidance*, June 2015, available [here](#).

<sup>246</sup> ADCS, *Age assessment guidance*, October 2015, available [here](#).

<sup>247</sup> The Immigration (Age Assessment) Regulations 2024, available [here](#).

<sup>248</sup> Landmark Chambers, 'Age assessment of asylum seekers: where have we got to', 26 September 2024, available [here](#).

<sup>249</sup> See e.g. Refugee Council, "'It's not my real age": Hundreds of refugee children put at risk', 22 April 2024, available [here](#) and The New Humanitarian, 'How European countries wrongfully classify children seeking asylum as adults', 10 April 2024, available [here](#).

asylum-seekers claiming to be children who have been assessed and sometimes detained as adults by immigration officials”.<sup>250</sup>

Judicial review is the sole remedy to resolve a complaint that the age assessment was conducted unlawfully or failed to reach the correct conclusion.<sup>251</sup> The Nationality and Borders Act 2022 contains provisions for these decisions to be appealed instead, but this has not yet been brought into force.<sup>252</sup> The quality of age assessments has been heavily criticised for several years.<sup>253</sup>

In **Scotland** an unaccompanied asylum seeking child will be appointed an independent guardian to support them through the asylum process.<sup>254</sup> A similar system is available in **Northern Ireland** where the child has or is suspected to have been trafficked and for migrant children and young people arriving in Northern Ireland who are separated from an adult who has parental responsibility for them.<sup>255</sup> This is not available in **England** and **Wales**.

Greater Manchester Immigration Aid Unit assisted some young people affected by age assessments to issue guidance to social workers undertaking the process and young people affected.<sup>256</sup>

The government in **Wales** has published its own age assessment guidance.<sup>257</sup> In **Scotland**, guidance is published by the Scottish government on behalf of a multi-agency collaboration.<sup>258</sup>

A tribunal is also entitled to decide a person's age as a question of fact in the context of an asylum claim, where age is relevant to the claim, for instance because it has a bearing on other findings such as the credibility of the asylum applicant. A Supreme Court decision held that a finding of fact from the court on age will also be binding on the local authority.<sup>259</sup> This is important because previously a young person could be in the position where the tribunal, and thus the Home Office, accepted that they were under 18, but the local authority did not. This judicial review power transferred to the Upper Tribunal.<sup>260</sup>

Statistics are available for age assessments ordered by the Home Office, which do not include age assessments ordered by local authorities. In 2023 there were 4,500 of these and in 2024 to the end of June there were 3,567.<sup>261</sup> Of the 2023 decisions, it was concluded that the applicant was a child in 2,721 cases, and to June 2024 it was concluded that 1,419 age disputed applicants were children. Some of these decisions will be subject to challenge and no information is given on the final resolution of these.

The Nationality and Borders Act 2022 proposed changes to the system which have not been fully implemented. The definition of an age disputed applicant is now in legislation and includes anyone that a public body such as the Home Office or local authority cannot be sure of their age. This definition is in force; the remainder of the changes under the NABA have yet to be enacted but will allow scientific

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<sup>250</sup> UN Committee on the Rights of the Child, ‘Concluding observations on the combined sixth and seventh periodic reports of the United Kingdom of Great Britain and Northern Ireland\*’, 22 June 2023, available [here](#).

<sup>251</sup> Supreme Court, *R (on the application of A) v London Borough of Croydon* and *R (on the application of M) v London Borough of Lambeth* [2009] UKSC 8, 26 November 2009, available [here](#).

<sup>252</sup> Section 54 Nationality and Borders Act 2022, available [here](#).

<sup>253</sup> Refugee Council, *Forced Adulthood: the Home Office’s incorrect determination of age and how this puts child asylum seekers at risk*, January 2024, available [here](#).

<sup>254</sup> Scottish government, ‘Refugees and asylum seekers’, accessed 24 March 2024, available [here](#).

<sup>255</sup> Department of Health, *IGS Guidance – Section 21 of Modern Trafficking and Exploitation Act 2015*, 16 August 2023, available [here](#).

<sup>256</sup> Age Assessments, GMAIU 2020, available [here](#).

<sup>257</sup> Welsh government, *Age assessment toolkit*, available [here](#).

<sup>258</sup> Scottish government, ‘Age assessment: practice guidance’, 22 March 2018, available [here](#).

<sup>259</sup> Supreme Court, *R (on the application of A) v London Borough of Croydon* and *R (on the application of M) v London Borough of Lambeth* [2009] UKSC 8, 26 November 2009, available [here](#).

<sup>260</sup> First Tier Tribunal and Upper Tribunal (Chambers) Order 2010, section 11, available [here](#).

<sup>261</sup> Home Office, *Immigration system statistics data tables, Age disputes detailed datasets, year ending June 2024*, table Asy\_D05, 27 February 2025, available [here](#).

methods to be used in an age assessment, introduces a National Age Assessment Board, part of the Home Office, to conduct age assessments that will be binding on local authorities, and an appeal mechanism to replace the Judicial Review currently in the process.

### UASC leave

Unaccompanied children seeking asylum whose claims are refused are very rarely returned to their country of origin unless they are believed to be over 18. It is standard practice to grant periods of limited leave. This leave is referred to as 'UASC leave' – this is granted for 30 months or until the age of 17.5, whichever is shorter.<sup>262</sup> Leave can be renewed up to age 17.5, but if a further application is made at this stage, then there must be an active review in which their need for protection is considered again, and if this is turned down they may be faced with removal.

### Discretionary leave

Where asylum claims fail, sometimes a family is given discretionary leave on the basis of Article 8 ECHR. The High Court has held that the practice of giving children this limited leave (3 years was the normal policy at the time of the case) conflicts with the duty in Section 55 of the Borders Citizenship and Immigration Act 2009 to have regard to the welfare of children.<sup>263</sup> This does not have a direct impact on the normal practice in the case of unaccompanied children, which is to grant leave until they are 17.5 years, but is an important statement of the impact on children of insecurity of status.

Two new forms of leave were introduced in 2018 relating solely to specific groups of unaccompanied children transferred to the UK from elsewhere in Europe. Those children transferred under section 67 (Dubs' amendment)<sup>264</sup> who did not qualify for leave as a refugee or subsidiary protection were granted 'section 67 leave',<sup>265</sup> initially for five years. A change to the Immigration Rules was made in October 2019 so that these children were granted section 67 leave automatically although they are able to apply for asylum in the usual way.<sup>266</sup> It is described as non-protection based leave but beneficiary are entitled to settlement after five years.<sup>267</sup> All of the children the government agreed to transfer arrived in the UK by the end of 2020.

Children transferred to the UK from **Calais** to join family members under the Dublin III Regulation, if the transfer took place between 17 October 2016 and 13 July 2017, have similarly been provided with non-protection-based leave if they did not qualify for leave as a refugee or for subsidiary protection. Beneficiaries will be entitled to apply for settlement after ten years.<sup>268</sup>

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<sup>262</sup> Para 352ZE Immigration Rules.

<sup>263</sup> *R (SM, TM JD and others) v Secretary of State for the Home Department* [2013] EWHC 1144 (Admin), 8 May 2013, available [here](#).

<sup>264</sup> Section 67 of the Immigration Act 2016 introduced obligations on the Secretary of State for the Home Department to make arrangements to relocate a specified number of unaccompanied children to the UK from other European countries. Named after a peer, Lord Dubs, who first introduced the amendment to the then Immigration Bill.

<sup>265</sup> Home Office, *Section 67 of the Immigration Act 2016 leave*, July 2018, available [here](#).

<sup>266</sup> *Statement of change of Immigration Rules*, September 2019, available [here](#).

<sup>267</sup> Home Office, 'Indefinite leave to remain (permission to stay as a refugee, humanitarian protection, Discretionary of Section 67 Leave', accessed on 16 March 2025, available [here](#).

<sup>268</sup> Home Office, *Calais Leave*, November 2018, available [here](#).

## 2. Special procedural guarantees

### Indicators: Special Procedural Guarantees

1. Are there special procedural arrangements/guarantees for vulnerable people?  
 Yes     For certain categories     No
- ❖ If for certain categories, specify which: People for whom detention is accepted to be damaging; unaccompanied children, torture survivors

The Home Office has introduced the notion of “safeguarding leads”, supervised by a senior official as head of the “safeguarding hub”. There is limited information on the work of these hubs, however, as the safeguarding policy is an internal document, although limited detail is available through the funding document.<sup>269</sup> More information about the safeguarding hubs and the Home Office’s approach to vulnerable adults can be found in the 2019 inspection report from the Independent Chief Inspector of Borders and Immigration.<sup>270</sup>

Guidance on gender issues in the asylum claim sets out good practice in recognising gender-specific forms of persecution and the difficulties that women may face in accessing protection.<sup>271</sup> The guidance recognises that discrimination may amount to persecution in countries where serious legal, cultural or social restrictions are placed upon women, and the need to be rigorous in understanding country of origin information when deciding women’s claims.

Guidance on the substantive interview was revised in 2022 and addresses issues of disclosure, gender-based violence as well as experiences of torture.<sup>272</sup> For victims of gender-based persecution the guidance states that it would be inappropriate for the interviewer to question the applicant about the act itself, but that information about the events leading up to and after the act should be obtained. On disclosure, the guidance states that this may not happen during the interview and that applicants may be more comfortable with disclosing highly sensitive information to their legal representative, clinician or support worker. Applicants may also specify the gender of their interviewing officer in advance, or request that the interview is omitted. For victims of torture, the guidance provides a list of questions that may be used, and instructs those interviewing that they should stop this line of questioning as soon as they think it is likely that the torture has taken place, to avoid unnecessary distress.

There are limited concessions to the requirement to make an asylum claim in person. Discretion is afforded to UKVI staff to allow someone to register a claim more locally if they are unable to travel to the Asylum Intake Unit due to severe health or disability issues or, with the agreement of an NGO in Scotland. Previous guidance to this effect appears to have been withdrawn.

People with mental illness severe enough to affect their mental capacity may have a publicly funded representative at their asylum interview.<sup>273</sup>

Additional training is required for Home Office decision makers handling asylum claims from children.<sup>274</sup>

<sup>269</sup> Home Office, *Asylum, Migration and Integration Fund: List of Actions allocated funding*, July 2018, available [here](#).

<sup>270</sup> ICIBI, *An inspection of the Home Office’s approach to the identification and safeguarding of vulnerable adults*, January 2019, available [here](#).

<sup>271</sup> Home Office, *Gender Issues in the Asylum Claim: process*, 2018, available [here](#).

<sup>272</sup> Home Office, *Asylum interviews*, 28 June 2022, available [here](#).

<sup>273</sup> The Civil Legal Aid (Immigration Interviews) (Exceptions) Regulations 2012, available [here](#).

<sup>274</sup> Home Office guidance, *Processing children’s asylum claims*, 22 January 2025, available [here](#).

## Exemption from detention and special procedures

There are no other procedural guarantees in law for vulnerable adult applicants relating to decision-making or application process, except that they should not, according to policy, be detained. See [Detention of Vulnerable Applicants](#).

However, the detention of people with mental illness remains a major source of concern and is covered further in the section on [Detention of Vulnerable Applicants](#). A case in 2019 confirmed that the Home Office need not introduce a process equivalent to Rule 35 for immigration detainees held in prisons<sup>275</sup> The Court of Appeal ruled in 2021 that this constituted an irrational failure on behalf of the Home Office.<sup>276</sup> and an action plan was published in 2022 indicating that the development of this was under way.<sup>277</sup>

There are no other published criteria which would prevent someone who had suffered torture or other extreme violence from being routed into the NSA procedure. The policies about vulnerable applicants, although they are unevenly applied, concern suitability for detention, not for a non-suspensive appeal.

Guidance to officers making a decision after the screening interview also advises that where a person through illness has a need for care and attention over and above destitution, they should be referred to a Local Authority for a needs assessment.<sup>278</sup> In practice, local authority support is difficult to obtain, and policies vary in different local authority areas.

### 3. Use of medical reports

#### Indicators: Use of Medical Reports

1. Does the law provide for the possibility of a medical report in support of the applicant's statements regarding past persecution or serious harm?  
 Yes       In some cases       No
2. Are medical reports taken into account when assessing the credibility of the applicant's statements?  
 Yes       No

Medical evidence may be submitted but the initiative for obtaining a report comes from the applicant or their lawyer. There is no legal provision which requires the provision of a report for the purposes of the asylum claim.

Asylum Policy Guidance on medical evidence provides for the possibility of delaying an asylum decision pending receipt of a medical report from the NGOs Helen Bamber Foundation (HBF) or Freedom from Torture (FTT) or other reputable provider using rigorous methodology in preparation of its reports.<sup>279</sup> FTT and the Helen Bamber Foundation are the most established organisations which prepare medico-legal reports, and their work is widely respected. Referral to obtain an appointment for a Medico-Legal report from specialist providers can normally only be made by a lawyer, and referrals may be accepted if the providers consider that a medico-legal report has the potential to make a material difference to the outcome of the claim.<sup>280</sup> If a report is received after a refusal of asylum the case must be reviewed.

<sup>275</sup> *MR (Pakistan) and AO (Nigeria)*, EWHC 3567 (Admin), 20 December 2019, available [here](#).

<sup>276</sup> *MR (Pakistan) & Anor v Secretary of State for Justice & Ors* [2021] EWCA Civ 541, 14 April 2021, available [here](#).

<sup>277</sup> HM Prisons and Probation Service, Action plan – A Response to: Thematic Report: The experience of immigration detainees in prisons, 13 October 2022, available [here](#).

<sup>278</sup> Home Office, *Guidance: Asylum seekers with care needs*, August 2018, available [here](#).

<sup>279</sup> Home Office, *Medical evidence in asylum claims*, 2022, available [here](#).

<sup>280</sup> Freedom from Torture, 'Make a referral for therapy and practical help (Referrals to The Medical Foundation Medico Legal Report Service)', available [here](#).

Home Office caseworkers make this decision and should act reasonably. They are required to take into account whether the applicant declared a medical condition at the screening interview, whether there is written evidence of an appointment with a medical professional, and the length of time the applicant has been in the country and so had the opportunity to consult a medical practitioner. The guidance advises on timescales for delaying interviews and/or decisions following consideration of the relevance of a report e.g. decision makers are not required to delay if the person is to be granted protection anyway, or the medical evidence is not considered material to the claim. All such decisions must be discussed with another decision maker (second pair of eyes process).

Where a solicitor is funded by legal aid they can request authority from the Legal Aid Agency for payment for medical reports, and this may be granted depending on the relevance and importance of the report to the claim. The solicitor has authority to spend £400 (approx. €481) on an expert report without involving the Legal Aid Agency, but this is often not adequate to fund a full expert report.<sup>281</sup>

The Detention Centre rules require that a medical examination should be conducted within 24 hours of arrival in a detention centre, but this must not be used in determining the asylum claim; its purpose is to ascertain fitness for detention.<sup>282</sup>

Medical reports may be prepared based on the Istanbul Protocol, and this is regarded as best practice and is standard for experienced practitioners.<sup>283</sup> The NGO Freedom From Torture has addressed the issue of decision making for torture survivors in several reports; a specific one that focused on decision making involving Medico Legal Reports,<sup>284</sup> an issue also raised in a critique of the standard of proof applied in asylum decisions,<sup>285</sup> and an analysis of the way torture is dealt with in asylum interviews.<sup>286</sup>

The long running case of *KV (Sri Lanka)* progressed to the Supreme Court and judgment was handed down in March 2019.<sup>287</sup> The case concerned the question of the extent to which a medical expert could comment on the likelihood of torture being self-inflicted by proxy, that is, by another person at their invitation. The Supreme Court said that very considerable weight should be given to the fact that injuries which are self-inflicted by proxy are likely to be extremely rare.

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<sup>281</sup> Helen Bamber Foundation, 'Medico-Legal Reports' accessed 24 March 2024, available [here](#).

<sup>282</sup> Rule 34 Detention Centre Rules.

<sup>283</sup> Office of the United Nations High Commissioner for Human Rights, *Manual on the effective investigation and documentation of torture and other cruel, inhuman or degrading treatment or punishment, 'Istanbul Protocol'*, 2004, available [here](#).

<sup>284</sup> Freedom from Torture, *Proving torture: Demanding the Impossible*, November 2016, available [here](#).

<sup>285</sup> Freedom from Torture, *Lessons not Learned; The failures of asylum decision-making in the UK*, September 2019, available [here](#).

<sup>286</sup> Freedom from Torture, *Beyond Belief; how the Home Office fails survivors of torture at the asylum interview*, 16 June 2020, available [here](#).

<sup>287</sup> Supreme Court, *KB (Sri Lanka) v Secretary of State for the Home Department* [2019] UKSC 10, 6 March 2019, available [here](#).



#### 4. Legal representation of unaccompanied children

##### Indicators: Unaccompanied Children

1. Does the law provide for an identification mechanism for unaccompanied children?  
 Yes  No
2. Does the law provide for the appointment of a representative to all unaccompanied children?  
 Yes  No

In addition to the social work duty, the Immigration Rules require that the Home Office caseworker takes steps to ensure that an unaccompanied child has a legal representative.<sup>288</sup> The Refugee Council should be notified within 24 hours.

This duty applies to a person who is under 18 or who is being given the benefit of the doubt for the time being. There is no stated exception, and the duty accrues as soon as an asylum application has been made.

Unlike the case of adults, the legal representative is a lawyer who is publicly funded to be present in the asylum interview, and the asylum interview of a child may not take place without a responsible adult present who is not representing the Home Office.

The Home Office has a statutory duty to safeguard and promote the welfare of children in the UK who are subject to its procedures.<sup>289</sup> The duty of a representative of a child includes ensuring that this duty is complied with at all stages of the asylum process and to challenge where it is not. The code of practice for implementing Section 55 of the Borders Citizenship and Immigration Act 2009, 'Every Child Matters', which is binding on Home Office officers, requires that the voice of the child is heard in the proceedings, and this was reiterated by the Supreme Court, affirming that the wishes and feelings of the child must be taken properly into account by decision makers.<sup>290</sup> The representative accordingly has a duty to ensure that they take the child's own independent instructions and that these form the basis of their representations.

In order to receive public funding for representing a refugee child, a solicitor must be accredited at Level 2 of the Immigration and Asylum Accreditation Scheme. The Legal Aid Agency framework for authorising legal aid payment requires that work with refugee children is carried out by a senior caseworker at level 2 or above, who has had an Enhanced Disclosure and Barring Service (often referred to as DBS) check in the previous two years. A publicly funded immigration adviser of a child asylum applicant is under an obligation to refer the child for public law advice where the child has difficulties with the local authority carrying out its duties towards them under the Children Act 1989.<sup>291</sup> A child is entitled to have a publicly funded legal representative at their initial asylum interview, but only where the Home Office does not dispute that the claimant is a child.<sup>292</sup>

Difficulties obtaining good quality legal advice (see [Regular Procedure: Legal Assistance](#)) also apply to unaccompanied children.

In **Scotland** an unaccompanied asylum-seeking child will be appointed an independent guardian to support them through the asylum process.<sup>293</sup> Guardianship Scotland is provided through two charities,

<sup>288</sup> Para 352ZA Immigration Rules, Part 11.

<sup>289</sup> Section 55 BCIA 2009, available [here](#).

<sup>290</sup> Supreme Court, *ZH (Tanzania) v Secretary of State for the Home Department* [2011] UKSC 4, 1 February 2011, available [here](#).

<sup>291</sup> The Civil Specification 2010, section 8, Immigration, paragraph 8.

<sup>292</sup> The Civil Legal Aid (Immigration Interviews) (Exceptions) Regulations 2012 SI No. 2683, available [here](#).

<sup>293</sup> Scottish government, 'Refugees and asylum seekers', accessed 24 March 2024, available [here](#).

Aberlour Children’s Charity and Scottish Refugee Council.<sup>294</sup> These guardians are not legal representatives as the term is understood in the UK, i.e. they do not provide legal representation and/or advice to the children in their care.

A similar system is available in **Northern Ireland** where the child has or is suspected to have been trafficked and for migrant children and young people arriving in Northern Ireland who are separated from an adult who has parental responsibility for them.<sup>295</sup> Under the Northern Irish system, independent guardians must be registered as a social worker and have a minimum of five years’ post qualification experience of working with children and families, including court related experience. Support and supervision must also be provided, as well as training that will enable the guardian to meet the requirements of the Northern Ireland Social Care Council as well as to become a regulated adviser under the Immigration Advice Authority at level 2.<sup>296</sup>

There is no independent guardian system in **England** and **Wales**.

## E. Subsequent applications

### Indicators: Subsequent Applications

1. Does the law provide for a specific procedure for subsequent applications?  Yes  No
2. Is a removal order suspended during the examination of a first subsequent application?
  - ❖ At first instance  Yes  No
  - ❖ At the appeal stage  Yes  No
3. Is a removal order suspended during the examination of a second, third, subsequent application?
  - ❖ At first instance  Yes  No
  - ❖ At the appeal stage  Yes  No

Provision for a subsequent claim is made in the Immigration Rules.<sup>297</sup> Where an asylum applicant makes further representations that are sufficiently different from previous submissions in that the content has not previously been considered, and which, taken together with previously submitted material create a realistic prospect of success, these submissions can be treated as a ‘fresh claim’. If they are treated as a fresh claim then a refusal attracts a right of appeal to the FTT (IAC), and all provisions are the same as for an appeal regarding a first asylum application (see section on [Regular Procedure: Appeal](#)).

Case law provides that the threshold to be passed for submissions to be treated as a fresh claim is a ‘relatively modest’ one.<sup>298</sup> In practice, lawyers and NGOs say that the threshold employed is very high.

There is no opportunity to appeal. [Judicial review](#) is the only means to challenge refusal to treat submissions as a fresh claim, and it is only available with the permission of the tribunal. In such a challenge the Court must consider whether the Home Office considered the right question, namely, not whether the caseworker thinks it is a strong case, but whether there is a realistic prospect of an immigration judge, applying ‘anxious scrutiny’ (i.e. a “heightened degree” of scrutiny),<sup>299</sup> thinking that the applicant will be

<sup>294</sup> Scottish Refugee Council, ‘Guardianship Scotland: National Child Trafficking Support Service’, available [here](#).  
<sup>295</sup> Department of Health, *IGS Guidance – Section 21 of Modern Trafficking and Exploitation Act 2015*, 16 August 2023, available [here](#).

<sup>296</sup> The Human Trafficking and Exploitation (Criminal Justice and Support for Victims) (Independent Guardian) Regulations (Northern Ireland) 2016, available [here](#).

<sup>297</sup> Para 353 Immigration Rules Part 12.

<sup>298</sup> Court of Appeal, *WM (DRC) v Secretary of State for the Home Department* [2006] EWCA Civ 1495, 9 November 2006, available [here](#).

<sup>299</sup> Court of Appeal, *Sivakumar v Secretary Of State For Home Department* [2001] EWCA Civ 1196 at paragraph 30, available [here](#).

exposed to a real risk of persecution or serious harm on return. In so doing, Home Office caseworkers themselves must also use 'anxious scrutiny'. Whether this has been done is a question the court can consider for itself on the basis of the evidence that the Home Office caseworker had.<sup>300</sup>

In practice, the shortage of publicly funded legal advice<sup>301</sup> means that poorly reasoned refusals may go unchallenged, with the asylum applicant often resorting instead to making another set of further submissions. The Home Office does not publish the number of fresh claims but in answer to a parliamentary question the Minister stated that in 2021, 6,760 further submissions were made in support of fresh claims.<sup>302</sup> Statistics are not routinely published as to what proportion of further submissions are considered to amount to a fresh claim, although a response to a Freedom of Information Request highlights that a significant number of those making further submissions are granted a form of leave.<sup>303</sup>

Further representations must be made to the Home Office in **Liverpool or Glasgow**. Where the claimant is over 18, this must be done in person unless there are exceptional circumstances such as disability or severe illness or the best interests of a child require an exception to be made.<sup>304</sup> There is no fixed limit to the number of further submissions that can be made. The response to further submissions is decided on the basis of written submissions and without an interview, but the submissions must be delivered in person at an appointment.

Once they have an appointment (usually 3 to 10 days after it is arranged by calling the booking line),<sup>305</sup> applicants need to have the means to travel to lodge their further submissions. This is problematic as the Home Office will not pay travel expenses, and most refused asylum applicants who have further submissions to make are destitute. **Liverpool** is more than a day's round trip by cheapest transport methods (usually bus) from many parts of the UK. Although destitute applicants should be eligible for Section 4 support (see section on [Reception Conditions: Criteria and Restrictions](#)) as soon as they have alerted the Home Office to the existence of further submissions,<sup>306</sup> in practice, it is extremely difficult to access support while waiting for an appointment, and any support is unlikely to materialise before the appointment. It may also be difficult to access Section 4 support while waiting for a decision on whether those further submissions constitute a fresh claim.<sup>307</sup> In effect, this means that people with further submissions may be left destitute.

A person may not be removed before a decision is taken on any submissions they have outstanding.<sup>308</sup> Removal directions (the order to a carrier to take the person on a particular flight or crossing) may remain in place while further submissions are being considered, only to be cancelled if the claimant is successful or if the Home Office decides they need more time to decide. Further submissions may be allowed or refused at any time until the asylum applicant is actually removed. A last-minute refusal may leave no time for any further legal challenge, and there is no obligation for the Home Office to respond in time for the asylum applicant to take advice or challenge a refusal.

Preparation of further submissions is funded under Legal Help in the same way as initial claims are (see [Legal Assistance](#)). This puts additional pressure on lawyers, challenging conscientious representatives to maintain quality work. Funding for expert reports can be obtained from the Legal Aid Agency, though

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<sup>300</sup> Court of Appeal, *R (on the application of YH) v Secretary of State for the Home Department* [2010] EWCA Civ 116, available [here](#).

<sup>301</sup> Available [here](#).

<sup>302</sup> Kevin Foster, 'Response to written question', answered 28 February 2022, available [here](#).

<sup>303</sup> Home Office, Response to FOI request made on 2 October 2023, 27 February 2024, available [here](#). In 2025 the Home Office refused a Freedom of Information request for updated data.

<sup>304</sup> Home Office, *Further Submissions*, June 2022, available [here](#).

<sup>305</sup> Available [here](#).

<sup>306</sup> High Court, *MK and AH v Secretary of State for the Home Department* [2012] EWHC 1896 (Admin), available [here](#).

<sup>307</sup> ASAP, Section 4 Support – Factsheet 2 (Breach of Human Rights), October 2018, available [here](#).

<sup>308</sup> Para 353A Immigration Rules.

the agency is generally reluctant to grant any additional funding and it is normal for legal representatives to have to argue for this.

The procedure for further submissions is different for unaccompanied children who are still under the age of 18 when any leave they have expires. The decision maker must make enquiries as to the situation of the child to ascertain if it has changed since the original grant of leave and conduct a best interest assessment.<sup>309</sup>

UNHCR carried out an audit of the further submissions process in 2023 and 2024. It found that 5,917 further submissions were made in 2022 and 6,699 were made in 2023. The top five nationalities in both years were Iraq, Albania, China, Afghanistan and Pakistan. The report noted issues with the in person process such as administrative failings at the service centres, as well as the fear of detention experienced by those attending appointments at the Home Office. A recommendation was made for further submissions to be made electronically, as well as several recommendations for improving the quality of decisions.<sup>310</sup>

## F. The safe country concepts

### Indicators: Safe Country Concepts

- |  |   |                             |
|--|---|-----------------------------|
| 3. Does national legislation allow for the use of “safe country of origin” concept?  | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| ❖ Is there a national list of safe countries of origin?                              | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| ❖ Is the safe country of origin concept used in practice?                            | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| 4. Does national legislation allow for the use of “safe third country” concept?      | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| ❖ Is the safe third country concept used in practice?                                | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| 5. Does national legislation allow for the use of “first country of asylum” concept? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |

### 1. Safe country of origin

Legislation allows for a safe country of origin concept.<sup>311</sup> States are designated safe by order of the Secretary of State for the Home Office. The Secretary of State may make such an order where they are satisfied that ‘there is in general in that State or part no serious risk of persecution of persons entitled to reside’ there, and that removal there ‘will not in general contravene’ the European Convention on Human Rights. In making the order, the statute requires the Home Secretary to have regard to information ‘from any appropriate source (including other member states and international organisations.’

Orders are in force in relation to: Albania, Macedonia, Moldova, Bolivia, Brazil, Ecuador, South Africa, Ukraine, Kosovo, India, Mongolia, Bosnia-Herzegovina, Mauritius, Montenegro, Peru, South Korea and Serbia. The section also allows partial designation, and countries currently designated as safe for men are: Ghana, Nigeria, Gambia, Kenya, Liberia, Malawi, Mali and Sierra Leone.<sup>312</sup> There is no appeal against designations. Designation may be challenged by [judicial review](#).<sup>313</sup> Designation is not reviewed routinely and there is no automatic review in response to changes in country conditions.

<sup>309</sup> Home Office, *Processing children’s asylum claims*, June 2022, available [here](#).

<sup>310</sup> UNHCR, ‘Further submissions: An audit of the UK’s Further Submissions procedures and decision-making, and recommendations for change’, 27 January 2025, available [here](#).

<sup>311</sup> Section 94 NIAA.

<sup>312</sup> Section 94 NIAA.

<sup>313</sup> Supreme Court, *Brown (Jamaica), R (on the applications of) v Secretary of State for the Home Department* [2015] UKSC 8, available [here](#).

Where an asylum claimant comes from a designated country, the UKVI caseworker is obliged to certify the case as clearly unfounded unless satisfied that the individual case is not clearly unfounded. The consequence of the certificate is that an appeal against refusal may only be made from outside the UK (see [Accelerated Procedure: Appeal](#)).

Challenges by judicial review to safe country of origin decisions are also difficult to establish on a case by case basis, but some do succeed. For instance, in a case in which the Court of Appeal held that it was not irrational to treat Gambia as safe in general, the court still held that the applicant's asylum claim was not bound to fail. He had already been ill-treated in detention because of his politics, and faced a possible trial for sedition.<sup>314</sup>

The general designation as safe is often perceived to be very risky for particular groups who have not been taken into account in the assessment of the country as safe, as illustrated in the Supreme Court case of *Brown* mentioned above.<sup>315</sup> LGBTQI+ people, trafficked women, single women who are outside the accepted family structure may all be at risk in some countries designated as safe. Designation is also not reviewed routinely and there is no automatic review in response to changes in country conditions.

Asylum applicants in 2024 from countries designated as safe were as follows:<sup>316</sup>

Country of origin	Asylum applicants
Albania	2,752
India	5,312
Brazil	2,669
Nigeria (men)	1,518 (men)
Ukraine	891
Ghana (men)	281 (men)
Peru	177
Mauritius	77
Sierra Leone (men)	134 (men)
Gambia (men)	80 (men)
Bolivia	93
Kenya (men)	179
Kosovo	32
South Africa	86
Mali (men)	8 (men)
Ecuador	112
Mongolia	28
South Korea	10
Malawi (men)	5 (men)

<sup>314</sup> Court of Appeal, *MD (Gambia) v Secretary of State for the Home Department* [2011] EWCA Civ 121, available [here](#).

<sup>315</sup> Supreme Court, *Brown (Jamaica), R (on the applications of) v Secretary of State for the Home Department* [2015] UKSC 8, available [here](#).

<sup>316</sup> Home Office, *Immigration system statistics data tables, Asylum applications, initial decisions and resettlement detailed datasets, year ending December 2024*, table Asy\_D01, available [here](#).

Liberia (men)	9 (men)
Serbia	6

No applications were received in respect of Bosnia-Herzegovina.

It appears from this that there is no consistent pattern in terms of the relevance of designation to the numbers of asylum applicants coming from these countries to the UK.

## 2. Safe third country

The Asylum and Immigration (Treatment of Claimants etc.) Act 2004 (AITOCA) provided for the use of a safe third country concept, i.e. that a person could be removed from the UK to a country they are not a national of. All EU Member states (except Croatia) as well as Norway, Iceland and Switzerland are listed in the AITOCA. There is a power to add further countries by order of the Secretary of State.<sup>317</sup> The only one to have been added is Switzerland. There is no obligation to review the lists, and there is no appeal against the inclusion of a country on the list.

Section 59 of the Illegal Migration 2023 is not currently in force, but if it is brought into force then it provides for asylum and human rights claims made by people from certain countries to be deemed inadmissible. The list includes EU Member states, Norway, Iceland and Switzerland, and Albania has been added. Regulations that came into force on 17 April 2024 added India and Georgia to the list.<sup>318</sup> Concerns have been raised about the inclusion of Georgia because of the evidence that it is not a safe country for LGBTQI+ people.<sup>319</sup>

Where the Third Country Unit has decided that a person has a connection to a safe third country then the claim may be deemed inadmissible. For detailed explanations on the different kinds of safe third country decisions, and for challenges to them by judicial review see section on [Admissibility Procedure](#). The concept is used widely in practice.

Safe third country removals may take place on an individual basis to other countries.

### 2.1. Safety criteria

States listed as safe third countries are treated as a place where a person's life and liberty are not threatened for a Convention reason and where they will not be subject to refoulement.<sup>320</sup> As regards the required level of protection available in a third country, the High Court assessed the ratification of the 1951 Refugee Convention in *Ibrahimi and Abasi*, although the case concerned a Dublin transfer to Hungary. The applicants complained that their transfer to Hungary would subject them to "chain refoulement" as the applicants would risk removal to Iran along a chain of unsafe States, including Serbia, Macedonia, Greece and Türkiye. The Court found that Türkiye 'is considered to be an unsafe country', *inter alia* since it retains discretion to provide asylum applicants with 'limited residence but with a status short of refugee status.'<sup>321</sup>

<sup>317</sup> Asylum and Immigration (Treatment of Claimants etc.) Act 2004 (AITOCA).

<sup>318</sup> The Nationality, Immigration and Asylum Act 2002 (Amendment of List of Safe States) Regulations 2024.

<sup>319</sup> Asylos commentary and research report, available [here](#) and Free Movement, 'Concerns raised about Home Office use of country information in new report on LGBTQI+ people in Georgia', available [here](#).

<sup>320</sup> Asylum and Immigration (Treatment of Claimants etc.) Act 2004 (AITOCA), sch 3 part 1 s 13 (2).

<sup>321</sup> High Court, *Ibrahimi and Abasi v Secretary of State for the Home Department* [2016] EWHC 2049 (Admin), paras 136-137 and 176, available [here](#).

## 2.2. Requirement for a connection

Since the change in rules at the end of 2020 it is clear that a case may be considered under the inadmissibility policy if there is evidence that an applicant has spent time in or travelled through a country where it is deemed they could have made a protection claim and benefitted from the principle of non-refoulement. However, the instruction goes on to state that removal can be to any country that will accept them.

The introduction into policy of the MEPD (Rwanda agreement) to inadmissibility procedures means that it is intended to remove people to a country that is willing to take them, regardless of the lack of connection to Rwanda. This is despite the government's own evidence indicating that the impact on people with protected characteristics under the Equality Act 2010 could be adversely affected by the policy<sup>322</sup> and strong criticism from the UNHCR.<sup>323</sup>

## 3. First country of asylum

The "first country of asylum" concept, as expanded by the Nationality and Borders Act 2022 is defined as a country where:

- (a) the claimant's life and liberty are not threatened in that State by reason of their race, religion, nationality, membership of a particular social group or political opinion,
- (b) the State is one from which a person will not be sent to another State—
  - (i) otherwise than in accordance with the Refugee Convention, or
  - (ii) in contravention of their rights under Article 3 of the Human Rights Convention (freedom from torture or inhuman or degrading treatment), and
- (c) a person may apply to be recognised as a refugee and (if so recognised) receive protection in accordance with the Refugee Convention, in that State.<sup>324</sup>

The guidance reflects the change in rules and advises decision makers to consider any relevant criteria that apply:

- (i) the applicant has been recognised as a refugee in a safe third country and can still avail themselves of that protection; or
- (ii) the applicant otherwise enjoys sufficient protection in a safe third country, including benefiting from the principle of non-refoulement; or
- (iii) the applicant could enjoy sufficient protection in a safe third country, including benefiting from the principle of non-refoulement because: (a) they have already made an application for protection in that country; or (b) they could have made an application for protection to that country but did not do so and there were no exceptional circumstances preventing such an application being made; or (c) they have a connection to that country, such that it would be reasonable for them to go there to obtain protection.<sup>325</sup>

For more see: [Admissibility procedure](#).

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<sup>322</sup> UK government, 'MEPD Equality Impact Assessment', last updated 4 July 2022, available [here](#).

<sup>323</sup> UNHCR, *UNHCR Analysis of the Legality and Appropriateness of the Transfer of Asylum- Seekers under the UK-Rwanda arrangement*, 8 June 2022, available [here](#).

<sup>324</sup> Section 80 of the Nationality, Immigration and Asylum Act 2002 as amended by section 16 of the Nationality and Borders Act 2022.

<sup>325</sup> Home Office, *Inadmissibility: safe third country cases – Version 7.0*, June 2022, available [here](#).

## G. Information for asylum applicants and access to NGOs and UNHCR

### Indicators: Information and Access to NGOs and UNHCR

1. Is sufficient information provided to asylum applicants on the procedures, their rights and obligations in practice?  Yes  With difficulty  No
  - ❖ Is tailored information provided to unaccompanied children?  Yes  No
2. Do asylum applicants located at the border have effective access to NGOs and UNHCR if they wish so in practice?  Yes  With difficulty  No
3. Do asylum applicants in detention centres have effective access to NGOs and UNHCR if they wish so in practice?  Yes  With difficulty  No
4. Do asylum applicants accommodated in remote locations on the territory (excluding borders) have effective access to NGOs and UNHCR if they wish so in practice?  Yes  With difficulty  No

The Immigration Rules provide that asylum applicants should be informed 'in a language they may reasonably be supposed to understand and within a reasonable time after their claim for asylum has been recorded of the procedure to be followed, their rights and obligations during the procedure, and the possible consequences of non-compliance and non-co-operation. They shall be informed of the likely timeframe for consideration of the application and the means at their disposal for submitting all relevant information'.<sup>326</sup>

Further, they shall be informed in writing and in a language they may reasonably be supposed to understand 'within a reasonable time not exceeding fifteen days after their claim for asylum has been recorded of the benefits and services that they may be eligible to receive and of the rules and procedures with which they must comply relating to them.'

The Home Office is also required to provide information on non-governmental organisations and persons that provide legal assistance to asylum applicants and which may be able to help or provide information on available benefits and services.<sup>327</sup> The Home Office has contracted with charity Migrant Help to provide those services to everyone in the asylum system, mainly via a free telephone helpline, as well as some face to face services.<sup>328</sup> This contract was renewed in January 2019, until 31 August 2029.<sup>329</sup>

Information on the asylum process is given by Migrant Help in the initial accommodation centres, both in person and by video presentation. Information is also available about the asylum process on the Migrant Help website.<sup>330</sup> One-to-one appointments are offered in initial accommodation centres, and at some outreach locations, at which applications for support can be made, and asylum applicants can make appointments with legal representatives. However, these are limited;<sup>331</sup> the service is resourced to provide advice primarily through a phone line and web-chat and specifically mentions on its website that it is unable to provide legal advice but would provide a list of legal representatives on request.

At the AIU an information booklet is provided,<sup>332</sup> which explains the next steps if the case is put into the regular procedure, and what it means to be granted or refused asylum. The booklet was updated in

<sup>326</sup> Para 357A Immigration Rules Part 11B.

<sup>327</sup> Para 358 Immigration Rules Part 11B.

<sup>328</sup> Migrant Help, 'Asylum services', accessed 24 March 2024, available [here](#).

<sup>329</sup> GOV.UK Contracts Finder, 6 February 2019, available [here](#).

<sup>330</sup> Migrant Help, 'Advice and guidance', available [here](#).

<sup>331</sup> Practice based observation by the expert, January 2024.

<sup>332</sup> Home Office, *Information booklet about your asylum application*, 30 January 2025, available [here](#) (English Version; also available in 14 other languages).



January 2025 and contains information specific for children and young people, victims of trafficking and torture, gender-based violence and abuse, and LGBT+ people.

Unaccompanied children are also given a leaflet about the Refugee Council Independent Unaccompanied Asylum Seeking Children Support Service.<sup>333</sup>

A letter prior to the screening appointment also gives information and the Home Office website explains what documents the asylum applicant needs to bring to the screening interview, and rights and responsibilities throughout the asylum process in English only.<sup>334</sup> If the Third Country Unit considers that the claim may be considered inadmissible, they will issue the applicant with a 'notice of intent' which states the country of possible return.

## H. Differential treatment of specific nationalities in the procedure

### Indicators: Treatment of Specific Nationalities

1. Are applications from specific nationalities considered manifestly well-founded?  Yes  No  
❖ If yes, specify which:
2. Are applications from specific nationalities considered manifestly unfounded?<sup>335</sup>  Yes  No  
❖ If yes, specify which: Albania, India, Ukraine, South Africa, Mauritius, Mongolia, Brazil, Bolivia, Ecuador, Bosnia- Herzegovina, Macedonia, Moldova, Peru, Serbia, Montenegro.  
For men only: Ghana, Nigeria, Gambia, Kenya, Liberia, Malawi, Mali and Sierra Leone.

From time to time the Home Office announces that removals of refused asylum applicants to particular countries are suspended. This is rare and there are no such concessions currently in force. The only one in the last ten years was in relation to **Zimbabwe**,<sup>336</sup> but this is no longer in force.<sup>337</sup> When there is such a concession in force, refused asylum applicants from that country become eligible to apply for a specific form of support, known as "Section 4 support" and which covers accommodation and non-cash support (see section on [Reception Conditions](#)).<sup>338</sup>

The response to a political / humanitarian crisis can also be through immigration routes. Immigration visa concessions have been authorised by Ministers on an annual basis; the latest one relating to Afghans was introduced in January 2022.<sup>339</sup> The concession applies to those nationals already in the UK with valid visas who may be able to avoid the usual conditions when extending or switching to another category. In addition to visa schemes aimed at Ukrainians seeking to leave Ukraine for the UK, to join a family or sponsor, those living lawfully in the UK those who had a valid visa could apply to extend that for a period of three years under the Ukraine visa extension scheme.<sup>340</sup>

The Upper Tribunal (IAC) has the power to make findings of fact which constitute binding 'country guidance' regarding the risk of return for people seeking asylum. Depending on whether these issues are

<sup>333</sup> The leaflet is not available online but contains contact details, amongst other information.

<sup>334</sup> Home Office, *How to claim asylum*, available [here](#).

<sup>335</sup> Section 94 NIAA.

<sup>336</sup> Court of Appeal, *The Secretary of State for the Home Department v JM (Zimbabwe)* [2017] EWCA Civ 1669, available [here](#).

<sup>337</sup> The Guardian 'Home Office criticised for accelerating removals to Zimbabwe', 12 February 2019, available [here](#).

<sup>338</sup> Home Office, *Asylum support under section 4(2) policy: caseworker guidance*, available [here](#).

<sup>339</sup> Home Office, *Concessions to the Immigration Rules for Afghan nationals for work and study routes*, January 2022, available [here](#).

<sup>340</sup> UK Government, 'Apply to stay in the UK under the Ukraine Extension Scheme', last updated 18 May 2023, available [here](#).

brought before the tribunal in a particular case, there may from time to time be binding country guidance about the impact of a crisis, for example Syria<sup>341</sup> and Libya.<sup>342</sup>

Although data on disputed nationality are not published, we understand that a proportion of refused applicants from countries with very high refugee recognition rates will include those whose claimed nationality is disputed.<sup>343</sup>

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<sup>341</sup> Upper Tribunal, *KB (Failed asylum seekers and forced returnees) Syria* CG [2012] UKUT 426 (IAC), available [here](#).

<sup>342</sup> Upper Tribunal, *ZMM (Article 15(c)) Libya* CG [2017] UKUT 263 (IAC), available [here](#).

<sup>343</sup> Practice based observation by the expert, January 2024.

## Reception Conditions

### Short overview of the reception system

First time applicants, that prove to be destitute, are entitled to accommodation and/or a weekly sum of money, the Home Office is responsible for providing this.

Most asylum applicants are provided with initial accommodation (reception centres) designed for two or three weeks, and then further accommodation, if assessed as eligible for longer term support – usually self-contained for families and shared housing for other adults.

This further accommodation consists of hotels, privately-owned flats and houses, managed by the companies contracted to the Home Office, or by their sub-contractors. Those on longer term support are also eligible for a weekly cash allowance. Asylum applicants choosing to live with friends or family are eligible for the cash support but not any contribution to the accommodation costs. Those refused asylum but supported to avoid a breach of their human rights can be moved to specific accommodation.

Those awaiting a decision on the longer-term support are not given any cash. As the use of full board accommodation for those on longer term support increased from 2020 (e.g. hotels, repurposed military barracks and the Bibby Stockholm barge) a small amount of cash is now given in addition to the full board.

### A. Access and forms of reception conditions

#### 1. Criteria and restrictions to access reception conditions

##### Indicators: Criteria and Restrictions to Reception Conditions

- Does the law allow access to material reception conditions for asylum applicants in the following stages of the asylum procedure?

❖ Regular procedure	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Reduced material conditions	<input type="checkbox"/> No
❖ Dublin procedure:	N/A		
❖ Admissibility procedure	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Reduced material conditions	<input type="checkbox"/> No
❖ Accelerated procedure	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Reduced material conditions	<input type="checkbox"/> No
❖ First appeal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Reduced material conditions	<input type="checkbox"/> No
❖ Onward appeal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Reduced material conditions	<input type="checkbox"/> No
❖ Subsequent application	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Reduced material conditions	<input type="checkbox"/> No
- Is there a requirement in the law that only asylum applicants who lack resources are entitled to material reception conditions?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
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In all procedures for determining a first claim, asylum applicants who can show that otherwise they would be destitute, are entitled to accommodation and/or a weekly sum of money.<sup>344</sup> This is usually applied for when a person has their screening interview, and granted shortly after. It is also available to people who are in the inadmissibility process.

Most asylum applicants are provided with initial accommodation, and then further accommodation. This may be at a considerable distance from where they made their initial claim.

Following a tender process new contracts to provide accommodation were announced in January 2019.<sup>345</sup> One of the previous providers did not receive a contract this time. In March 2019 the government

<sup>344</sup> Section 95 Immigration and Asylum Act 1995, available [here](#).

<sup>345</sup> Home Office, 'New asylum accommodation contracts awarded', 8 January 2019, available [here](#).

responded to the Parliamentary Committee's report about this process and its recommendations for smooth transition.<sup>346</sup> The transition was heavily criticised as it resulted in delays in people being provided with housing and financial support, and the service provided under the new contracts continue to receive attention including in a joint report in July 2020.<sup>347</sup>

The accommodation and support contracts were also investigated by the National Audit Office which has a responsibility to audit the use of public funds.<sup>348</sup> Its report, in July 2020, was then, as a matter of protocol, discussed by the parliamentary committee the Public Accounts Committee.<sup>349</sup> The theme of all the criticism is that the contractors are not meeting the needs of people in the asylum system. By the time of the Public Accounts Committee inquiry the focus had moved to the increased use of 'contingency accommodation'; the use of which increased from the beginning of the Covid-19 pandemic although had begun before that time.

The Home Affairs Select Committee conducted an inquiry specifically into the use of contingency institutional accommodation with a focus on the response the pandemic.<sup>350</sup> Its key recommendation to the Home Office was to work on a strategy to end the use of this type of accommodation. The government's response largely repeated its position in the support and advice provided.<sup>351</sup> However it did publish a new safeguarding framework, signed by all the accommodation providers, in May 2022.<sup>352</sup>

### **The assessment of destitution**

In practice asylum applicants are required to prove that they are destitute<sup>353</sup> and this is strictly enforced. All assets which are available to them are taken into account, whether in the UK or elsewhere, if they consist of cash, savings, investments, land, cars or other vehicles, and goods held for the purpose of a trade or other business.<sup>354</sup> If relevant assets come to light which were not declared, support can be stopped and payments made can be recovered, although it appears that recovery happens infrequently in practice.<sup>355</sup> Asylum applicants are expected to use the assets they have before being granted asylum support, but once they are assessed as destitute there is no requirement for contributions from them.

In order to assess destitution, the Home Office will consider whether the person is able to meet their essential living needs (if they are asking for financial support only) or whether they are able to secure adequate accommodation and also meet their essential living needs (if they are asking for accommodation).<sup>356</sup> They are considered destitute if they meet this test at the time of applying or else they will be in this position within 14 calendar days.<sup>357</sup>

At the point at which an asylum support application is made, the applicant completes the form ASF1; they can get help from the voluntary sector to do this. Applicants have to state that they understand the following as part of the form:

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<sup>346</sup> Government, 'Asylum accommodation: replacing COMPASS: Government Response to the Committee's Thirteenth Report of Session 2017–19', 8 March 2019, available [here](#).

<sup>347</sup> Asylum matters, Wake-up call; how government contracts fail people seeking asylum, July 2020, available [here](#).

<sup>348</sup> National Audit Office, 'Asylum accommodation and support', July 2020, available [here](#).

<sup>349</sup> Public Accounts Committee, 'Asylum support and accommodation transition programme', November 2020, available [here](#).

<sup>350</sup> Home Affairs Select Committee, 'Home Office preparedness for coronavirus (Covid 19) institutional accommodation', July 2020, available [here](#).

<sup>351</sup> Ibid.

<sup>352</sup> Home Office, 'Asylum support contracts safeguarding framework', 9 May 2022, available [here](#).

<sup>353</sup> Section 95 Immigration and Asylum Act 1995, available [here](#).

<sup>354</sup> Reg. 6 Asylum Support Regulations 2000, available [here](#).

<sup>355</sup> Reg. 20 Asylum Support Regulations 2000; practice-based observation by the expert, January 2024.

<sup>356</sup> Home Office guidance, 'Assessing destitution', available [here](#).

<sup>357</sup> Section 95 Immigration and Asylum Act 1995, available [here](#).

“Failure to disclose all necessary information or to provide false information regarding myself or any of my dependants may lead to information being passed to the police or other agencies for investigation. Note that failure to supply the required information may result in your application for support being refused.”

Specific questions are asked about financial resources available to the applicant on this form.

Quality of decision making on support applications has been a significant obstacle, particularly in relation to the destitution test. Between 1 April 2020 and 31 March 2021 the Asylum Support Tribunal allowed 66% of the appeal cases where the client was represented by lawyers from the Asylum Support Appeals Project (ASAP) and remitted a further 2% back to the Home Office to retake the decision.<sup>358</sup>

### 1.1. Emergency support: Section 98 Support

During the assessment of a person’s eligibility for Section 95 support (the main form of support), asylum applicants may receive support on a temporary basis (“Section 98 support”).<sup>359</sup> This is mainly non-cash assistance. People seeking to claim section 98 support will usually request this at their screening interview where they are asked about their accommodation,<sup>360</sup> but outside of this should contact Migrant Help to help them apply. The Home Office will make the decision based on whether it appears that the person ‘may’ be destitute. This is a lower test than for full support provided under section 95.

There was previously a policy that a destitute asylum applicant should have their screening interview the same day they first contact the Home Office so that they can register their asylum claim and claim Section 98 support at that interview. However due to delays in screening interviews taking place provision was made for people to access asylum support before they had formally registered their claim at the screening interview.<sup>361</sup> Support is granted first on an emergency basis, pending a decision on whether to grant full support, which must be applied for.<sup>362</sup> There is no maximum amount of time a person can be in receipt of this support, although after delays had reached several months, a recent case indicated that a decision on section 95 support should be taken within 10 days.<sup>363</sup>

Home Office guidance provides that asylum applicants may stay in initial accommodation for a short time after their initial support under Section 98 has ended.<sup>364</sup> Where further support has been refused this can be up to 7 days. If support under Section 95 is granted then the person will start receiving that and will be moved to their new accommodation if applicable. Where leave has been granted people can stay in initial accommodation for up to 28 days and where leave has been refused this is 21 days. If there are children, support can continue.<sup>365</sup>

### 1.2. Section 95 Support

Once the destitution assessment is complete, an asylum applicant who is accepted to be destitute receives what is commonly referred as Section 95 support. They are considered destitute if they do not have adequate accommodation or any means of obtaining it, or else they do have adequate accommodation but no means of meeting their other essential needs, or else they will be in this position

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<sup>358</sup> Not available online - personal communication with Asylum Support Appeals Project.

<sup>359</sup> Section 98 IAA 1999.

<sup>360</sup> Home Office guidance, ‘Asylum screening and routing’, available [here](#).

<sup>361</sup> UNHCR, ‘Asylum screening in the UK’, available [here](#), para. 75.

<sup>362</sup> Section 98 Immigration and Asylum Act 1999, available [here](#).

<sup>363</sup> *HA & Ors v Secretary of State for the Home Department* [2023] EWHC 1876 (Admin), available [here](#).

<sup>364</sup> Para 1.1.2, Asylum Support Policy Bulletins Instructions, available [here](#).

<sup>365</sup> Home Office, *Asylum Support Bulletin 73: Access to Support*.

within 14 calendar days.<sup>366</sup> The entitlement to Section 95 support covers the asylum procedure and continues until 28 calendar days after a form of leave is granted or, if the claim is refused, until 21 calendar days after a non-appealable decision or the expiry of the time allowed to appeal the most recent decision (this is called Appeal Rights Exhausted, ARE). Support is provided using a card (ASPEN) which works on the visa platform; it can be used as a debit card or to withdraw cash from an ATM (cash is available for s95 beneficiaries only).

Once an asylum claim is refused and appeal rights exhausted, Section 95 support stops, except for families with children.<sup>367</sup> Asylum applicants then become absolutely destitute, with no entitlement to accommodation or money. People in this position may be reliant on friends, who may themselves be in asylum support accommodation which prohibits guests, and who thus risk losing their support by hosting a friend. Many destitute refused asylum applicants rely on charities for food vouchers, food parcels, sometimes accommodation (mainly through voluntary hosting schemes) or small amounts of money.

Obstacles to claiming support include that the application form is 33 pages long,<sup>368</sup> is in English only and is only available online. A 17-page guidance document gives advice on how to complete it. Telephone advice is also available from the charity Migrant Help under a government contract. The Migrant Help website also has multilingual guides to claiming asylum support, amongst other issues. Any supporting documentation is also handled by Migrant Help; documents can be scanned and communicated to the Home Office via Migrant Help, avoiding the need to submit original documents. Asylum applicants in initial accommodation centres are assisted to make this application and face to face advice is available there. However, since the increased use of contingency accommodation, face-to-face advice is not available to many and Migrant Help has acknowledged that here are shortcomings in its ability to respond to all queries.<sup>369</sup>

Where asylum claimants have been in the UK for some time without government assistance, it may be difficult for them, especially without advice, to gather the right evidence for support claims. They may need to get letters from friends / acquaintances they have lost touch with for example, to show what support they have and why this is no longer available to them. Information on Migrant Help's website informs applicants that all information and supporting documents must be provided before the application is submitted to the Home Office. If applicants do not have this information they will experience a delay in their application for support being processed.<sup>370</sup>

The policy of dispersing asylum applicants round the UK<sup>371</sup> as discussed in [Freedom of movement](#), and usually away from south east England may also provide a disincentive to ask for accommodation from the Home Office. Where a person has family and friends with whom they can live they can still claim cash support. There are reports that some asylum applicants take only cash support and continue to 'sofa-hop' i.e. move from one person to another, staying on floors and in shelters, because they do not want to leave **London**. The Home Office may consider a request to be accommodated in **London** or south east England if the applicant is in receipt of therapeutic services from the Helen Bamber Foundation or the NGO Freedom from Torture.

Support may be available (accommodation and subsistence payments, the level determined by need) from local authorities where the person is destitute and in need of care and attention because of physical or mental ill health, but recognition of this statutory provision is very uneven around the country and some local authorities simply do not assess refused asylum applicants, or delay for lengthy periods, despite the

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<sup>366</sup> Section 95 IAA 1999.

<sup>367</sup> Home Office guidance, 'Ceasing Section 95 Support instruction' July 2023, available [here](#), 13.

<sup>368</sup> Home Office, *Application for asylum support: form ASF1*, updated 2022, available [here](#).

<sup>369</sup> Migrant Help, 'Asylum services update', November 2022, available [here](#).

<sup>370</sup> Migrant Help advice, available [here](#).

<sup>371</sup> House of Commons Library, Policy on the dispersal of asylum seekers, April 2016, available [here](#).

statutory duty to do so.<sup>372</sup> Recent litigation may have resolved this matter, confirming that local authorities have a duty to provide asylum accommodation where a person has accommodation related care needs.<sup>373</sup>

Where ill health results from destitution, and not from another condition, local authority support is not available. Thus, it does not present any solution for the people whose health is ruined by years in destitution. Revised guidance was published in 2018 reflecting the provisions in the Care Act (applying to England) and similar provisions in devolved administrations and the relationship between local authority duties and Home Office asylum support provision.<sup>374</sup>

There is a provision for support to be refused if asylum has not been claimed as soon as reasonably practicable, unless to do so would breach the person's human rights.<sup>375</sup> This is rarely used for claims made soon after arriving in the UK, but may be used where a person claims asylum after a period of residence in the UK. Human rights protection, following the House of Lords case of *Limbuela*,<sup>376</sup> means that a person will not be made street homeless as a result of this provision, but may be denied cash support if they have somewhere to stay.

The levels of asylum support are reviewed on an annual basis. In January 2024 the rate was raised to £49.18 (€ 59).<sup>377</sup> Following litigation,<sup>378</sup> the rates for pregnant women and children under 4 were increased and they receive an additional weekly amount of £5.25 (€ 6.31) and babies under one year receive an additional weekly payment of £9.50 (€ 11.41). These rates also apply to those on section 4 support.

Those asylum applicants supported in full board accommodation under section 95 and section 4 receive £8.86 (€ 10.64) in cash per week to allow them to pay for essential toiletries and travel.<sup>379</sup> The levels of support are regularly criticised by NGOs following research with their beneficiaries.<sup>380</sup>

### 1.3. Additional support: Section 96(2) Support

There is also provision for additional support to be provided on an exceptional basis where deemed necessary by the Home Office to ensure that applicants and/or their dependants in particular circumstances would have their needs met. In 2017 the Home Office published guidance on how to make applications under Section 96(2) Immigration and Asylum Act 1999.<sup>381</sup> Examples of such circumstances given in the guidance include a person whose medical needs result in higher costs or has their belongings destroyed in a fire.

### 1.4. Section 4 Support for rejected asylum applicants

A minority of refused asylum applicants qualify for no-choice accommodation and a form of non-cash support from the Home Office ("Section 4 support") if they meet one of the qualifying conditions set out in the next paragraph.<sup>382</sup> During 2017 the delivery of Section 4 support changed to the ASPEN card; whilst

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<sup>372</sup> Section 9 Care Act 2014.

<sup>373</sup> High Court, *TMX, R (On the Application Of) v London Borough of Croydon & Anor* [2024] EWHC 129 (Admin), available [here](#).

<sup>374</sup> Home Office, *Asylum Seekers with Care Needs*, August 2018, available [here](#).

<sup>375</sup> Section 55 NIAA 2002; House of Lords, *Limbuela v Secretary of State for the Home Department* [2005] UKHL 66.

<sup>376</sup> House of Lords, *Limbuela* [2005] UKHL 66.

<sup>377</sup> The Asylum Support (Amendment) Regulations 2023, available [here](#).

<sup>378</sup> High Court, *HA & Ors v Secretary of State for the Home Department* [2023] EWHC 1876 (Admin), available [here](#).

<sup>379</sup> Home Office, 'Asylum support', accessed 25 January 2025, available [here](#).

<sup>380</sup> Asylum Matters, *Surviving in Poverty: a report documenting life on asylum support*, 2023, available [here](#).

<sup>381</sup> Home Office, *Applications for additional support*, March 2017, available [here](#).

<sup>382</sup> The numbers of refused asylum seekers in the UK are unknown, but the proportion on Section 4 is small.

cash may not be withdrawn recipients of Section 4 support may now use the card as a debit card at any retailer accepting Visa. In 2020 the rate was made equivalent to that received by people on section 95 support. In January 2024 the rate was raised to £49.18 (€ 59).<sup>383</sup> Pregnant women and children under 4 receive an additional weekly amount of £5.25 (€ 6.31) and babies under one year receive an additional weekly payment of £9.50 (€ 11.41). Those in full board accommodation receive £8.86 (€ 10.64) in cash per week to allow them to pay for essential toiletries and travel.<sup>384</sup>

Section 4 support is available only if refused asylum applicants can show either that they are not fit to travel, that they have a pending judicial review, that there is no safe and viable route of return, that they are taking all reasonable steps to return to their home country, or that it would be a breach of their human rights not to give this support.<sup>385</sup> In practice this latter category is used mostly where the asylum applicant has further representations outstanding. The principle underlying this is that if a person does not meet one of the other conditions, and does not have further representations outstanding, it is not considered a breach of their human rights to leave them destitute; because it is considered that they can return to their home country. The period of Section 4 support is tied to meeting the condition. So people may submit further representations; obtain Section 4 support, move, and a few weeks later receive a refusal of their further representations and so return to destitution. This process may be repeated.

The absence of a safe and viable route of return is rarely accepted unless there is a Home Office policy of non-return in relation to the country in question. Attempting to prove that they have taken all reasonable steps to return is problematic for those who come from countries with which diplomatic relations are suspended, or whose embassies have complex requirements which are difficult to fulfil, or who belong to a group which is denied documents by their country of origin. There are also practical problems, given that they are destitute, in obtaining the fare to visit their embassy, the resources to send faxes, make phone calls, and so on.

Applications for Section 4 support for refused asylum applicants must be made through the online and telephone service,<sup>386</sup> except for vulnerable applicants who can have a face to face appointment at the initial accommodation centres or at an outreach centre where these exist.

For all refused asylum applicants who cannot fulfil the conditions for Section 4 support, with the exception of families who have retained Section 95 support, (see below) there is no support available. If, for whatever reason, they are unable to return to their country of origin, these asylum applicants are left destitute and homeless.

The numbers of refused asylum applicants who are absolutely destitute in the UK is unknown.

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<sup>383</sup> The Asylum Support (Amendment) Regulations 2023, available [here](#).

<sup>384</sup> Home Office, 'Asylum support', available [here](#).

<sup>385</sup> Immigration and Asylum (Provision of Accommodation to Failed Asylum Seekers) Regulations 2005.

<sup>386</sup> UK government, 'Apply for asylum support: form ASF1', 16 October 2023, available [here](#).



## 2. Forms and levels of material reception conditions

### Indicators: Forms and Levels of Material Reception Conditions

1. Amount of the monthly financial allowance/vouchers granted to asylum applicants as of 31 January 2025 (in £ and in €):
  - ❖ Section 95 support per person: £213.11 / € 256.05
  - ❖ Section 4 (non-cash) support per person: £213.11 / € 256.05
  - ❖ Those in full board accommodation, if supported under section 95 or section 4 receive £8.66 (€ 10.40) per week only.

Section 95 cash support amounts to £49.18 (EUR 59.09) per week per person. There are no different rates, depending on the claimants' ages and household compositions.

The amounts of Section 95 support are set by regulations, while Section 4 rates are a matter of policy, but they are the same amount.<sup>387</sup> Small additional payments are available for pregnant women (£5.25 or € 6.31 per week) if they claim this. They may also claim a maternity allowance of £300 (€ 360). Home Office guidance makes it explicit that pregnant women can be provided with the cost of a taxi journey when they are or may be in labour.<sup>388</sup> Parents may claim an additional £9.50 (€ 11.41) on the card per week for children under 12 months, £5.25 (€ 6.31) per week for children from 1 up to and including 3 years, and a clothing allowance for children under 16. In practice, families who have dependent children before they have exhausted all appeal rights normally stay on cash support (Section 95) after their claim has been refused for as long as they remain in the UK or until the youngest child turns 18, although this can be removed if they do not abide by conditions.<sup>389</sup>

The amount of support is not adequate to meet basic living needs. Asylum support is now 58% of the rate of welfare benefit for a UK national aged 25 or over.<sup>390</sup> Children of families on asylum support receive free school meals.<sup>391</sup>

Further problems come from faults in the operation of the system, particularly when changes occur, such as moving from Section 95 to Section 4, or getting refugee status (see [Housing](#) for more information on those granted protection).

## 3. Reduction or withdrawal of reception conditions

### Indicators: Reduction or Withdrawal of Reception Conditions

1. Does the law provide for the possibility to reduce material reception conditions?  
 Yes  No
2. Does the legislation provide for the possibility to withdraw material reception conditions?  
 Yes  No

Legislation does not permit the amount received to be reduced, but support (including accommodation) can be withdrawn if the Home Office has reasonable grounds to believe that the supported person or their dependant has:

- a. Committed a serious breach of the rules of their collective accommodation;
- b. Committed an act of seriously violent behaviour whether at the accommodation provided or elsewhere;
- c. Committed an offence relating to obtaining support;
- d. Abandoned the authorised address without first informing the Home Office;

<sup>387</sup> The Asylum Support (Amendment) Regulations 2023, available [here](#).

<sup>388</sup> Home Office, *Asylum Process Guidance – additional services or facilities under the 2007 Regulations*.

<sup>389</sup> Home Office guidance, 'Ceasing Section 95 Support instruction' July 2023, page 13, available [here](#).

<sup>390</sup> UK government, 'Universal Credit', accessed 24 March 2024, available [here](#).

<sup>391</sup> For more information, available [here](#).

- e. Not complied with requests for information relating to their eligibility for asylum support;
- f. Failed, without reasonable excuse, to attend an interview relating to their eligibility for asylum support;
- g. Not complied within a reasonable period, (no less than 10 working days) with a request for information relating to their claim for asylum;
- h. Concealed financial resources and therefore unduly benefited from the receipt of asylum support;
- i. Not complied with a reporting requirement;
- j. Made or sought to make a further different claim for asylum before their first claim is determined, in the same or a different name; or
- k. Failed without reasonable excuse to comply with a relevant condition of support.<sup>392</sup>

The credit checks and requirement to show documentary evidence of any other possible forms of financial or in-kind support prior to receiving asylum support means it is not common for support to be withdrawn in practice. Where it does happen, the most common reason is as a sanction for breach of conditions of support, for instance being absent from the accommodation or allowing others to stay in it.<sup>393</sup> Revised guidance for caseworkers on assessing destitution was published in 2021.<sup>394</sup>

Asylum applicants can appeal to the First Tier Tribunal (Asylum Support) in **London** against a decision to withdraw their support.<sup>395</sup> On application the Home Office sends travel tickets to attend the hearing.<sup>396</sup>

No emergency measures have been applied in reception centres due to large numbers of arrivals, though as mentioned in the section on [Types of Accommodation](#), there has been some overcrowding and use of hotels to deal with the oversubscription.

#### 4. Freedom of movement

##### Indicators: Freedom of Movement

1. Is there a mechanism for the dispersal of applicants across the territory of the country?  Yes  No
2. Does the law provide for restrictions on freedom of movement?  Yes  No

Movement is not restricted to defined areas, but temporary admission or bail, which is the usual status of asylum applicants, is usually conditional on residence at a particular address, and there is a requirement to keep the Home Office informed of any change of address.

Asylum applicants accommodated by the Home Office are not permitted to stay away from their accommodation, and the Home Office will cease providing accommodation in practice if an asylum applicant stays elsewhere for more than a few days.<sup>397</sup>

Allocation to accommodation is done by the private company, which manages property in the relevant region on the basis of the availability of housing.<sup>398</sup> The initial allocation to a region and to an initial accommodation centre is arranged after the screening interview. The availability of housing in a region depends on procurement by the private company, which is affected by local housing markets, and local

<sup>392</sup> Reg. 20 Asylum Support Regulations 2000, available [here](#).

<sup>393</sup> ASAP, *Factsheet 1: Section 95*, available [here](#).

<sup>394</sup> Home Office Assessing Destitution, November 2019, available [here](#).

<sup>395</sup> Section 103 IAA 1999.

<sup>396</sup> ASAP, *Factsheet 3: Appealing to the Support Tribunal*, available [here](#).

<sup>397</sup> Practice based observation by the expert, January 2024.

<sup>398</sup> Home Office, *Living in dispersal accommodation*, 25 May 2023, available [here](#).

authority policy. There has been an increase in the use of institutional accommodation including repurposed military barracks, which has resulted in media attention.<sup>399</sup>

Asylum applicants are provided with accommodation on a no choice basis and this may be at a considerable distance from where they made their initial claim.<sup>400</sup> If a person can establish that there are exceptional circumstances then they may be able to request a specific location.<sup>401</sup> There is no appeal against the location allocated but decisions can be challenged by judicial review.<sup>402</sup>

Asylum applicants live among the rest of the population and have no restrictions on their freedom of movement except that imposed by lack of resources and the requirement to stay at the allocated address. That they stay at the address is monitored by routine visits by the housing providers, and for some by the requirement to report regularly (anything from twice weekly to every six months) at a regional Home Office reporting centre although the requirement for most new asylum applicants, if recently arrived in the country, has been reduced as a matter of policy (the powers remain unchanged).<sup>403</sup> Privacy International has worked on the issue of surveillance using the ASPEN payment card and reported on its campaigning correspondence in May 2021.<sup>404</sup>

In **Scotland**, plans to introduce free bus travel for asylum applicants were dropped in 2024,<sup>405</sup> however the government committed, via a non-binding vote, to introduce this in 2026 instead.<sup>406</sup>

## B. Housing

### 1. Types of accommodation

#### Indicators: Types of Accommodation

1. Number of reception centres: N/A
2. Total number of places in the reception centres in 2024: 1,753<sup>407</sup>
3. Total number of persons in dispersed accommodation in 2024: 65,707<sup>408</sup>
4. Type of accommodation most frequently used in a regular procedure:  
 Reception centre  Hotel or hostel  Emergency shelter  Private housing  Other
5. Type of accommodation most frequently used in an accelerated procedure: N/A<sup>409</sup>

#### 1.1. Initial accommodation centres

Initial accommodation for asylum applicants can be in reception centres (called initial accommodation centres), or hotels or other accommodation (used as contingency, or emergency accommodation when

<sup>399</sup> The Guardian, 'Asylum seeker housing conditions under scrutiny at third ex-military site', 14 January 2021, available [here](#). This report includes links to others and summarises concerns.

<sup>400</sup> Section 97, Immigration and Asylum Act 1999, available [here](#).

<sup>401</sup> Home Office guidance, 'Allocation of accommodation', available [here](#).

<sup>402</sup> See e.g. Garden Court Chambers, 'Permission granted for judicial review in relation to student asylum seeker's forced relocation', 13 March 2024, available [here](#).

<sup>403</sup> Home Office, *Reporting and offender management – Version 6.0*, 19 January 2023, available [here](#).

<sup>404</sup> Privacy International, 'the UK Home Office still has questions to answer about the Aspen Card', 12 May 2021, available [here](#).

<sup>405</sup> BBC News, 'Scotland scraps free bus travel for asylum seekers', 19 August 2024, available [here](#).

<sup>406</sup> BBC News, 'Free asylum seeker bus travel scheme back by 2026 – Hyslop', 9 October 2024, available [here](#).

<sup>407</sup> This figure is for initial accommodation and at the end of December 2024, Home Office statistics 'Asylum seekers in receipt of support detailed datasets, year ending December 2024', table Asy\_D09, 27 February 2025, available [here](#).

<sup>408</sup> At the end of December 2024, Home Office statistics 'Asylum seekers in receipt of support detailed datasets, year ending December 2024', table Asy\_D09, 27 February 2025, available [here](#).

<sup>409</sup> Accelerated procedure is not currently in use.

the centres are full). Details of asylum accommodation is generally not disclosed because of the danger from far-right activists.

The use of hotels as asylum accommodation has increased considerably in the past few years. The government is trying to reduce the number of hotels in use.<sup>410</sup> The Home Office is not transparent about the number of hotels in use,<sup>411</sup> but a Home Office minister said in November 2024 that there were 220 hotels in use,<sup>412</sup> this is down from a reported 395 in March 2023.<sup>413</sup>

People accommodated in a hotel, even if only for one or two nights, have limited or no access to many of the reception-related rights granted to asylum applicants (e.g. legal advice, healthcare, etc), with reported cases of persons having only restricted access to accommodation. The consequence of such temporary 'emergency' accommodation is that it additionally delays their access to the support system and other welfare services to which they are entitled, as it may take a couple of days before they access advice and complete an application for asylum support.<sup>414</sup>

Asylum applicants should not stay in initial accommodation for any longer than 3-4 weeks<sup>415</sup> but there can be dispersal backlogs and it is common to find asylum applicants stuck in initial accommodation for many months due to a lack of dispersal accommodation.<sup>416</sup> There was a huge increase in the use of hotel and other full-board accommodation during 2020 and 2021, this has continued since. The Home Office issued a statement about the use of hotels and other temporary accommodation.<sup>417</sup> The use of hotels for anything other than a very short period continues to be criticised, including in a report from the Refugee Council in July 2022.<sup>418</sup>

If the asylum applicant qualifies for Section 95 support they are moved into smaller units, mainly flats and shared houses, in the same region, but as regions are large this may not be within travelling distance of their legal representative if they have one. Dispersal Accommodation is in the **North**, **Midlands** and **South West** of England and in **Wales** and **Scotland**, very limited numbers are housed in the South of England or in **London**. Asylum applicants have no choice of location. If asylum applicants are not detained after screening there is no distinction in the initial accommodation based on the claim or its route.

Initial accommodation centres, hotels and former military barracks are used to accommodate people receiving section 98 support and some receiving section 95 support. The number of people supported under section 98 at the end of 2024 was 42,831.<sup>419</sup>

Kent County Council is seeking to increase the use of reception centres for unaccompanied asylum seeking children in its care.<sup>420</sup>

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<sup>410</sup> Hansard, 'Asylum Seekers: Hotel Accommodation', 20 November 2024, available [here](#).

<sup>411</sup> Written response, 'Asylum: Hotels Question for Home Office UIN 10598', 24 January 2024, available [here](#).

<sup>412</sup> Hansard, 'Asylum Seekers: Hotel Accommodation', 20 November 2024, available [here](#).

<sup>413</sup> BBC News, 'Where are asylum seekers being housed in hotels in the UK?', 25 October 2023, available [here](#).

<sup>414</sup> Information provided by Refugee Action.

<sup>415</sup> Home Office, A guide to living in asylum accommodation, available [here](#).

<sup>416</sup> Home Affairs Select Committee, *Asylum Accommodation*, January 2017, available [here](#).

<sup>417</sup> Home Office media blog, 'The use of temporary hotels to house asylum seekers during Covid-19', 8 August 2020, available [here](#).

<sup>418</sup> Refugee Council, *Lives on Hold: Experiences of people living in hotel asylum accommodation*, July 2022, available [here](#).

<sup>419</sup> Home Office, *Immigration system statistics data tables, Asylum seekers in receipt of support detailed datasets, year ending December 2024*, table Asy\_D09 initial and contingency accommodation, 27 February 2025, available [here](#).

<sup>420</sup> Kent County Council, 'Reception centres for unaccompanied asylum-seeking children', accessed 16 March 2025, available [here](#).

A court ruled that the provision from local authorities to house people otherwise at risk of street homelessness can include those with no recourse to public funds, including people refused asylum and appeal rights exhausted.<sup>421</sup>

## 1.2. Dispersed accommodation

All accommodation for asylum applicants is managed by three large private companies under contract to the Home Office, much of which is provided through sub-contracts to smaller companies.<sup>422</sup> The assessment process for eligibility for the accommodation remains with the Home Office, which is ultimately responsible in law for the provision of accommodation. The companies remain responsible to the Home Office under the terms of their contracts to provide and manage the accommodation. New contracts were approved in January 2019 for a ten-year period.<sup>423</sup>

A UK charity has written a guide to the 2019 contracts and has details about all types of accommodation and services covered.<sup>424</sup>

The contract between the Home Office and the private companies requires that families shall be housed in self-contained accommodation.<sup>425</sup> In practice there is some use of hostel-type accommodation for families with small children, and some lone parent families are housed with unrelated families, though nuclear families are normally kept together.<sup>426</sup> Accommodation frequently fails to meet the needs of supported persons, particularly those with children or mobility and health needs. Asylum accommodation has been repeatedly criticised for failing to provide security, respect for privacy and basic levels of hygiene and safety, particularly for women; in the media and in the House of Commons Home Affairs Select Committee report published in December 2018.<sup>427</sup>

The most common form of accommodation after the initial period in the initial accommodation centres is in privately owned flats and houses, managed by the companies contracted to the Home Office, or by their sub-contractors.

## 2. Conditions in reception facilities

### Indicators: Conditions in Reception Facilities

1. Are there instances of asylum applicants not having access to reception accommodation because of a shortage of places?  Yes  No
2. What is the average length of stay of asylum applicants in the reception centres? Not available
3. Are unaccompanied children ever accommodated with adults in practice?<sup>428</sup>  Yes  No
4. Are single women and men accommodated separately?  Yes  No

The most common form of accommodation is the initial accommodation centres and then privately owned flats and houses.

<sup>421</sup> Shelter, 'High Court rules councils can lawfully accommodate street homeless people with 'No Recourse to Public Funds' – will the government now provide proper guidance?', 10 March 2021, available [here](#).

<sup>422</sup> Home Office, *Living in dispersal accommodation*, 25 May 2023, available [here](#).

<sup>423</sup> Home Office, 'New asylum accommodation contracts awarded', 8 January 2019, available [here](#).

<sup>424</sup> Asylum Matters; *The Asylum Accommodation and Support Contracts – a guide*, 2019, available [here](#).

<sup>425</sup> Home Office, *Compass Project: Schedule 2, Accommodation and Transport, Statement of Requirements*, B.8. Evidence given to the Parliamentary Enquiry on Asylum Support for Children and Young People.

<sup>426</sup> House of Commons, *Asylum accommodation: Replacing COMPASS*, December 2018, available [here](#).

<sup>427</sup> If the Home Office makes an initial assessment that the unaccompanied child is an adult.

## 2.1. Conditions in initial accommodation centres

The vast majority of initial accommodation is provided as “contingency accommodation” in hotels throughout the UK.<sup>429</sup> The locations and quality of these varies. At the end of January there were around 340 hotels in use after the Home Office stopped using around 60 hotels.<sup>430</sup> A room sharing policy means that people have to share a room and concerns have been raised about the effect on children<sup>431</sup> and LGBT+ people<sup>432</sup> in particular. Rooms are generally lockable, but the fact of sharing with a stranger removes some of the benefit and practicality of this.<sup>433</sup>

There is no guarantee that single people will be accommodated on single sex corridors; this is the practice in some centres but not in others. The Home Affairs Select Committee received several reports of women feeling unsafe and made strong recommendations in this regard. It was also critical of the conditions for pregnant women and new-born babies.<sup>434</sup>

The initial accommodation is supposed to be for a short stay (government advice is that it should usually be for 3-4 weeks) but in practice is for much longer than this. Asylum applicants staying at hotels are able to go outside at any time. If they are absent from their accommodation for 7 nights then their support may be stopped.<sup>435</sup>

There has been an increase in the use of institutional accommodation including repurposed military barracks, which has resulted in media attention.<sup>436</sup> The former Ministry of Defence sites are Napier barracks, Wethersfield,<sup>437</sup> Scampton,<sup>438</sup> and then at Portland Port there is the Bibby Stockholm which is a barge.<sup>439</sup>

The Independent Chief Inspector of Borders and Immigration published a report into the use of contingency accommodation in July 2021, with the assistance of Her Majesty’s Inspectorate of Prisons.<sup>440</sup> The Inspector raised four main issues: Failure to adequately consult local stakeholders, the inadequate health screening of those to be placed in the accommodation, communication with residents of the camps and poor employment and data protection practice. The government’s response<sup>441</sup> focused mainly on the need to set up the accommodation in haste and the improvements made since the sites were established.

Criticism of large-scale contingency accommodation continued, including from the NGO sector<sup>442</sup> and with the publicising of a visit by parliamentarians comprising the All-Party Parliamentary Group on detention.<sup>443</sup>

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<sup>429</sup> Home Office, *Immigration system statistics data tables, Asylum seekers in receipt of support detailed datasets, year ending December 2023*, table Asy\_D09, 29 February 2024, available [here](#).

<sup>430</sup> National Audit Office, *Investigation into asylum accommodation*, 20 March 2024, available [here](#).

<sup>431</sup> Amelia Gentleman, *The Guardian*, ‘Child asylum seekers in UK forced to share hotel rooms with adults’, 30 October 2023, available [here](#).

<sup>432</sup> Diane Taylor, ‘Fears rise for LGBTQ asylum seekers over Home Office hotel room-sharing push’, *The Guardian*, 1 December 2023, available [here](#).

<sup>433</sup> Practice based observation by the expert, January 2024.

<sup>434</sup> Home Affairs Select Committee, *Asylum Accommodation*, January 2017, available [here](#).

<sup>435</sup> Home Office, *Conditions of support*, 7 March 2023, available [here](#).

<sup>436</sup> *The Guardian*, ‘Asylum seeker housing conditions under scrutiny at third ex-military site’, 14 January 2021, available [here](#). This report includes links to others and summarises concerns.

<sup>437</sup> Home Office, ‘Promotional material: Wethersfield: factsheet’, updated 29 February 2024, available [here](#).

<sup>438</sup> Home Office, ‘Promotional material: Scampton factsheet’, updated 1 March 2024, available [here](#).

<sup>439</sup> Home Office, ‘Promotional material: Portland Port: factsheet’, updated 29 December 2023, available [here](#).

<sup>440</sup> ICIBI and HMIP, *An inspection of contingency accommodation*, July 2021, available [here](#).

<sup>441</sup> Home Office, ‘The Home Office response to the ICIBI report on contingency accommodation and HMIP inspection of Penally and Napier barracks’, available [here](#).

<sup>442</sup> In a place like prison, *Asylum Matters and partners 2021*, available [here](#).

<sup>443</sup> APPG on Immigration Detention, *Report of Visit to Napier Barracks on 2 February 2022, 7 April 2022*, available [here](#).

The Bibby Stockholm was a barge that was used as asylum accommodation for 15 months until its closure in November 2024.<sup>444</sup> It had capacity for around 500 people and the maximum length of stay is expected to be 9 months. The rooms had ensuite bathrooms, communal spaces, a canteen and a laundry.<sup>445</sup> The use of the Bibby Stockholm barge led to concerns being raised about the conditions the men are living in.<sup>446</sup> A man who was being accommodated on the barge died in December 2023.<sup>447</sup> An inquest into his death is due to begin in September 2025.<sup>448</sup>

Scampton was intended to have capacity for 800 people<sup>449</sup> But in 2024 it was announced that plans to use this site had been dropped.<sup>450</sup> Wethersfield was initially intended to accommodate 1,700 men for between six and nine months but in 2024 this was reduced to a maximum of 800 people, with the ability to increase this to 1,245 for short and defined periods of time if needed to deal with higher than forecast arrivals via small boat.<sup>451</sup> It is also now expected that the length of stay will be around nine months.<sup>452</sup> Concerns have been raised about the isolated location, detention-like setting, lack of privacy and shared facilities, and inadequate healthcare.<sup>453</sup>

In January 2024 Médecins Sans Frontières / Doctors without Borders reported that they had started providing primary healthcare to men being accommodated at the RAF Wethersfield site, as there were concerns that the existing provision was inadequate.<sup>454</sup> In June 2024 they published a report asking for the site to be closed as a matter of urgency because of the severe mental health crises experienced by those at Wethersfield. The report said that over 74% of men accessing medical services at Wethersfield were presenting with severe psychological distress and 42% experienced suicidal ideation. The conditions at the site were said to be exacerbating these conditions. The healthcare provided on site does not appear to have experience or expertise in refugee healthcare.<sup>455</sup>

In October 2024 the ICIBI published another report on the use of contingency asylum accommodation. The Home Office was criticised for its lack of engagement with NGO stakeholders and those who live within the accommodation sites. In particular, it was highlighted that a lack of communication about the length of their stay has a negative impact on the mental health of those in large scale accommodation.<sup>456</sup>

In 2024 NGOs published reports on the use of hotels, including the negative mental health impact<sup>457</sup> and the impact on women specifically.<sup>458</sup> In summer 2024 29 anti-immigration riots took place<sup>459</sup>, and these included

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<sup>444</sup> Jessica Elgot and Peter Walker, 'Final asylum seekers have now left the Bibby Stockholm', *The Guardian*, 26 November 2024, available [here](#).

<sup>445</sup> Home Office, 'Promotional material: Portland Port: factsheet', updated 29 December 2023, available [here](#).

<sup>446</sup> Home Affairs Select Committee, 'Questions for Home Office on conditions at Bibby Stockholm', 2 February 2024, available [here](#).

<sup>447</sup> Diane Taylor, 'Bibby Stockholm asylum seeker who died in suspected suicide is named', *The Guardian*, 18 December 2023, available [here](#).

<sup>448</sup> Diane Taylor, 'Home Office threatened to deport man likely to be key witness in Bibby Stockholm inquest', *The Guardian*, 2 August 2024, available [here](#).

<sup>449</sup> BBC News, 'Scampton asylum seekers to be capped by Home Office', 18 March 2024, available [here](#).

<sup>450</sup> Home Office, 'Promotional material: Scampton: factsheet', updated 10 September 2024, available [here](#).

<sup>451</sup> Home Office, 'Promotional material: Wethersfield: factsheet', updated 28 March 2024, available [here](#).

<sup>452</sup> Home Office, 'Promotional material: Wethersfield: factsheet', updated 16 October 2024, available [here](#).

<sup>453</sup> Helen Bamber Foundation, *Ghettoised and traumatised: the experiences of men held in quasi-detention in Wethersfield*, 15 December 2023, available [here](#).

<sup>454</sup> Médecins Sans Frontières, 'MSF launches UK operations to treat people seeking asylum', 9 January 2024, available [here](#).

<sup>455</sup> MSF/DWB, 'Mental health crisis unfolds at RAF Wethersfield Mass Containment Site: Doctors of the World and MSF call for urgent site closure', 26 June 2024, available [here](#).

<sup>456</sup> ICIBI, 'An inspection of contingency asylum accommodation: November 2023 – June 2024', 24 October 2024, available [here](#).

<sup>457</sup> Helen Bamber Foundation and Asylum Aid, 'Suffering and squalor: the mental health impact of living in hotel asylum accommodation', 20 June 2024, available [here](#).

<sup>458</sup> Women for Refugee Women, 'Coercion and control: The treatment of women seeking asylum in hotel accommodation', 3 September 2024, available [here](#).

<sup>459</sup> Full Fact, 'UK riots fact checked: latest updates and key questions answered', 12 August 2024, available [here](#).

the targeting of an asylum hotel with an arson attempt.<sup>460</sup> It has been reported that 51 people died in Home Office asylum accommodation in 2024.<sup>461</sup>

The Institute for Public Policy Research also published a report on asylum accommodation comparing the cost of hotels at £145 (EUR 174) per person per night to that of dispersal accommodation estimated at an average of £14 (17) per person per night. Despite costs going up, the report noted that quality had not improved, and people had spoken of unsanitary living conditions that compromised their health and well-being.<sup>462</sup>

There have been hundreds of complaints lodged about staff behaviour, the food and a lack of milk for children.<sup>463</sup> Over the period January to June 2024, 28 people died in asylum accommodation, including two babies and a 15-year-old boy.<sup>464</sup>

The matter of conditions in hotels continues to be raised in Parliament, with a debate taking place in January 2025 in the House of Lords.<sup>465</sup> The Joint Committee on Human Rights wrote to the Home Secretary in January 2025 asking for an update on the asylum seeking children who had gone missing from asylum hotels.<sup>466</sup>

In March 2025 the High Court held that several asylum applicants had been unlawfully accommodated at Wethersfield because of their particular vulnerabilities which included being a victim of trafficking and torture. It was also found that there had been no attempt to carry out a Public Sector Equality Duty assessment of the equalities implications of the Allocation of Asylum Accommodation Policy and whether barracks accommodation was suitable for people who were disabled or had serious mental health issues.<sup>467</sup>

Also in March 2025 it was announced that Napier barracks would no longer be used as asylum accommodation from September 2025.<sup>468</sup>

No information is provided by the government about the length of time people stay in accommodation centres.

## Diego Garcia

Diego Garcia is part of the Chagos Islands, which the UK considers as the British Indian Ocean Territory, despite international law considering that the UK does not have sovereignty over the islands.<sup>469</sup> In 2021 and 2022 a small number of people from Sri Lanka arrived on Diego Garcia and sought asylum. Following litigation, processes were set up on the island to allow for this.<sup>470</sup>

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<sup>460</sup> The Guardian, 'They thought they were going to die': the asylum seekers who survived rioters trying to burn down their accommodation', 29 December 2024, available [here](#).

<sup>461</sup> The Guardian, 'Record number of asylum seekers died in 2024 while in care of Home Office', 10 February 2025, available [here](#).

<sup>462</sup> IPPR, 'Transforming asylum accommodation', 24 October 2024, available [here](#).

<sup>463</sup> Diane Taylor, 'Asylum seekers report widespread abuse in Home Office accommodation', *The Guardian*, 3 June 2024, available [here](#).

<sup>464</sup> Diane Taylor, 'Number of UK asylum seekers who died in Home Office care doubles in a year', *The Guardian*, 19 August 2024, available [here](#).

<sup>465</sup> Hansard, House of Lords, 'Asylum Seekers: Hotels Volume 842: debated on Monday 20 January 2025', available [here](#).

<sup>466</sup> Joint Committee on Human Rights, Letter to the Home Secretary, 22 January 2025, available [here](#).

<sup>467</sup> *TG & Ors v Secretary of State for the Home Department* [2025] EWHC 596 (Admin), 14 March 2025, available [here](#).

<sup>468</sup> Diane Taylor, 'Mass asylum seeker accommodation at Napier barracks to close', *The Guardian*, 19 March 2025, available [here](#).

<sup>469</sup> BBC News, 'UN court rules UK has no sovereignty over Chagos islands', 28 January 2021, available [here](#).

<sup>470</sup> Ben Nelson, 'New asylum processes set up on disputed territory of Diego Garcia', *Free Movement*, 23 October 2023, available [here](#).



Extensive litigation took place concerning those processes as well as the conditions on the island and in December 2024 most of the people on the island were transferred to the UK and granted six months leave to enter. Three people with criminal convictions remain on Diego Garcia. The future situation for all of this group remains unclear and there is still ongoing litigation, so further developments are anticipated in 2025.<sup>471</sup>

A judge has held that the people were unlawfully detained on the island.<sup>472</sup> Following the agreement that the UK will return the islands to Mauritius, an agreement was made with the government of St Helens for any future arrivals to be transferred there, the announcement notes that there have been no arrivals in Diego Garcia since 2022.<sup>473</sup>

## 2.2. Conditions in dispersed accommodation

Dispersed accommodation, in flats and houses among the general population, is where asylum applicants stay for most of the time while their claim is being decided. Basic furniture and cooking equipment is provided.<sup>474</sup> The BBC and Refugee Action worked together to bring attention to the poor housing conditions in dispersed accommodation, culminating in a piece released in January 2022. As highlighted in the article, this issue extends across all asylum accommodation providers, and properties are being kept in a poor state of repair.<sup>475</sup>

A report published in January 2025 found that issues with dispersal accommodation included that it was poor in quality and badly maintained, isolated, lacked transport provisions, and there were negative experiences with staff and difficulty in getting issues addressed.<sup>476</sup>

No data is available on how long individuals spend in dispersal accommodation. Any issues are generally reported to Migrant Help in the first instance.

The impact of living on Section 4 support is discussed in the section [Forms and Levels of Material Reception Conditions](#).

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<sup>471</sup> Ben Nelson, 'Most Diego Garcia migrants finally transferred to the UK, but what happens next?', *Free Movement*, 6 December 2024, available [here](#).

<sup>472</sup> BBC News, 'UK unlawfully detained migrants on Diego Garcia, judge finds', 17 December 2024, available [here](#).

<sup>473</sup> Government of St Helens, 'Partnership Between UK Government and St Helena Government Regarding Future British Indian Ocean Territory Migrants', 16 October 2024, available [here](#).

<sup>474</sup> Practice based observation by the expert, January 2024.

<sup>475</sup> BBC, 'Asylum accommodation; the homes where ceilings have fallen in', 9 January 2022, available [here](#).

<sup>476</sup> NACCOM, "Treat Us Like Humans: A Report on the Lived Experience of the Asylum System", December 2024, available [here](#).

## C. Employment and education

### 1. Access to the labour market

#### Indicators: Access to the Labour Market

1. Does the law allow for access to the labour market for asylum applicants?  Yes  No  
❖ If yes, when do asylum applicants have access the labour market? 1 year
2. Does the law allow access to employment only following a labour market test?  Yes  No
3. Does the law only allow asylum applicants to work in specific sectors?  Yes  No  
❖ If yes, specify which sectors: listed shortage occupations<sup>477</sup>
4. Does the law limit asylum applicants' employment to a maximum working time?  Yes  No  
❖ If yes, specify the number of days per year
5. Are there restrictions to accessing employment in practice?  Yes  No

Asylum applicants are not generally allowed to do paid work. The limited exception is that they may apply to the Home Office to be given permission to enter employment when their asylum claim has been outstanding for a year since the date the claim was lodged.<sup>478</sup> The same applies when further submissions have been outstanding for a year, whether or not they have been recognised as a fresh claim.<sup>479</sup> Applications are very straightforward, they must be made in writing giving the applicant's personal and contact details and a statement requesting permission to work.<sup>480</sup> There is no time limit for the Home Office to make a decision and this can take months.

If permission is granted it is limited to applying for vacancies in listed shortage occupations. These are specialist trades and professions which are in short supply in the UK and are defined very specifically although many medical and teaching occupations have recently been included.<sup>481</sup> Self-employment is prohibited.<sup>482</sup> The lack of discretion in the policy allowing the Home Office to grant permission to take up employment not on the shortage occupation list was challenged successfully at the end of 2020. Two cases, one specifically relating to a refugee who was also a victim of trafficking<sup>483</sup> and a refugee who was not<sup>484</sup> successfully challenged the fact that discretion to grant such permission had never been used; therefore, the policy was declared unlawful. Revised policy guidance was published and includes provision for the application of discretion to be used, although it states that these grants are expected to be 'rare'.<sup>485</sup>

A campaign was launched in 2018 to Lift the Ban<sup>486</sup> which refers to the above policy; the main campaign aims are for the government to reduce the waiting time to get permission to work to six months and to allow access to all vacancies, not those on the shortage occupation list. The campaign has many members from refugee and other sectors and has some parliamentary support, leading to debates, a short Bill and an amendment to the Immigration and Social Security Co-ordination (EU Withdrawal) Bill

<sup>477</sup> Immigration Rules, Appendix Immigration Salary List, available [here](#).

<sup>478</sup> Para 360 Immigration Rules Part 11 B.

<sup>479</sup> Supreme Court, *ZO (Somalia) v Secretary of State for the Home Department* [2010] UKSC 36.

<sup>480</sup> Home Office, *Permission to work: caseworker guidance*, 26 January 2024, available [here](#).

<sup>481</sup> Immigration Rules, Appendix Immigration Salary List, available [here](#).

<sup>482</sup> Para 360D Immigration Rules Part 11 B.

<sup>483</sup> High Court, *LJ (Kosovo), R (On the Application Of) v Secretary of State for the Home Department* [2020] EWHC 3487 (Admin) (18 December 2020), available [here](#).

<sup>484</sup> Upper Tribunal, *R(C6) v Secretary of State for the Home Department (asylum seekers' permission to work)* [2021] UKUT 94 (13 January 2021), available [here](#).

<sup>485</sup> Home Office, *Permission to work and volunteering for asylum seekers*, October 2022, available [here](#).

<sup>486</sup> See: Refugee Action website, available [here](#).

during 2019.<sup>487</sup> At the end of 2021 the Migration Advisory Committee, in its annual report, questioned the need for the policy restricting asylum applicants to the Shortage Occupation list.<sup>488</sup> No changes have been made to that policy, but the Shortage Occupation List<sup>489</sup> was replaced with the Immigration Salary List in 2024, and reduced the number of roles that asylum applicants were permitted to work in.<sup>490</sup>

The main obstacle is that since these occupations are so narrowly defined, the chances that an asylum applicant will qualify are quite low, although the government has now added care workers to the list.<sup>491</sup> The asylum applicant's residence status does not change as a result of obtaining permission to work. They remain on bail and subject to conditions which may include residing at an address that they give. There is no special access to re-training to enable access to the labour market. Any vocational training is subject to the conditions for education set out in the section on [Access to Education](#).

## 2. Access to education

### Indicators: Access to Education

1. Does the law provide for access to education for asylum-seeking children?  Yes  No
2. Are children able to access education in practice?  Yes  No

Education is compulsory for children from 5 to 16. This includes children seeking asylum, who attend mainstream schools local to where they live under the same conditions, formally, as other children in their area. However, destitution may affect their access to education. For instance, children on Section 4 support are not entitled to free school meals or other benefits and yet have no cash to pay for school meals. There are not generally preparatory classes to facilitate access. If children seeking asylum have special educational needs these may be assessed and met as for other children.

The first major national research into the educational outcomes of children who are asylum applicants was published in 2021; one of its findings was that unaccompanied children lag about 3 years on average behind their UK counterparts.<sup>492</sup>

There is no bar on asylum applicants entering into education.<sup>493</sup> In 2019 the Home Office conceded a judicial challenge establishing that there should not be a general bar on refused asylum applicants accessing education.<sup>494</sup> The guidance was updated to reflect this, and provides for a condition prohibiting study to be placed on a refused asylum applicant only where considered necessary in an individual case.<sup>495</sup>

There are no accelerated education programmes for out of school youth. In **England** 15 hours per week of free childcare are available for children aged from two to four, where the parent is in receipt of asylum support.<sup>496</sup> **Scotland** offers 30 hours per week early learning and childcare for two to four year olds.<sup>497</sup> **Wales** offers 12.5 hours per week of childcare to two and three year olds who live in disadvantaged

<sup>487</sup> Lift the ban coalition website, available [here](#).

<sup>488</sup> Migration Advisory Committee, *Second annual report*, December 2021, available [here](#).

<sup>489</sup> Archived version of Appendix Shortage Occupation List, available [here](#).

<sup>490</sup> Available [here](#).

<sup>491</sup> Government, 'Biggest visa boost for social care as Health and Care Visa scheme expanded' December 2021, available [here](#).

<sup>492</sup> Education Policy Institute, *The educational outcomes of refugee and asylum-seeking children in England*, 2 December 2021, available [here](#).

<sup>493</sup> Home Office, *Immigration Bail*, November 2023, available [here](#).

<sup>494</sup> Duncan Lewis Solicitors, 'Home Office concedes unlawful imposition of study restriction as a bail condition on individuals who are 'appeals rights exhausted'', November 2019, available [here](#).

<sup>495</sup> Home Office, *Immigration Bail*, November 2023, available [here](#).

<sup>496</sup> Maternity Action, 'No recourse to public funds – money for parents and babies, August 2023, available [here](#).

<sup>497</sup> Working Families, 'Scotland – Free childcare for childcare aged 2, 3 & 4', accessed 24 March 2024, available [here](#).

areas.<sup>498</sup> In **Northern Ireland** there is some practical support available to children under four living in disadvantaged areas and 12.5 hours weekly free childcare for three and four year olds.<sup>499</sup>

## Higher and further education

Whilst children are entitled to access free school education, the barriers for adults in further and higher education are financial since (other than in **Scotland**) in addition to the high fees and lack of access to loans they also have no access to mainstream benefits or work. Indeed, the UK maintains different provisions for 'home' students and 'overseas' students for further and higher education. Regulations permit universities to charge higher fees to overseas students than to home students.<sup>500</sup> The regulations do not compel universities to charge these higher fees, but a government subsidy is only paid for home students, and so for economic reasons universities charge the higher fees. Asylum applicants are routinely classed as overseas students and are thus liable to pay overseas student fees for university education of £11,400 to £38,000 per year (approx. between € 13,700 - € 45,660).<sup>501</sup> This is prohibitive generally for someone seeking asylum.

In **Scotland**, the child of an asylum applicant or a young asylum applicant (under 25) is treated as a home student if they meet a set of residence conditions including 3 years residence in Scotland.<sup>502</sup>

In **England, Wales** and **Northern Ireland** some universities have agreed to treat asylum applicants (generally on a limited individual basis) as home students. If a person is eligible under the regulations to pay 'home' fees, it is worth checking the relevant student support regulations. Student support is governed by ordinary residence in the country where they have been living, not where the educational institution is. So someone could be a 'home' fee payer if studying in Wales, Northern Ireland or Scotland, but if ordinarily resident in England before moving to undertake their course, they would not be eligible for any student support at all when they claim it (from Student Finance England) in England.<sup>503</sup> Even where a university agrees to treat an asylum applicant as a home student, that person may still need finances to pay the fees. The United Kingdom Council for International Student Affairs (UKCISA) gives advice and information on student finance and fee status.<sup>504</sup>

Under certain conditions asylum applicants are treated as home students for the purposes of further education. In **England**, this is the case for those aged 16 to 18, or who have been waiting for a Home Office decision for more than six months, or who are on Section 4 support or other statutory assistance.<sup>505</sup> In **Wales** those on asylum support are treated as home students. In **Northern Ireland** asylum applicants and their families are treated as home students.<sup>506</sup> In **Scotland**, the conditions are as for higher education,<sup>507</sup> and in addition full-time English courses for speakers of other languages (ESOL) and other

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<sup>498</sup> Welsh government, 'Get help from Flying Start', accessed 24 March 2024, available [here](#).

<sup>499</sup> Day Nurseries, 'A guide to free childcare in Northern Ireland for 2, 3 and 4-year-olds', 9 January 2024, available [here](#).

<sup>500</sup> Reg. 4 Education (Fees and Awards) (England) Regulations 2007 SI 779; Reg. 4 Education (Fees and Awards) (Wales) Regulations 2007 SI 2310. The residence requirements in England are mitigated by Supreme Court judgment in *R (on the application of Tigere) v Secretary of State for Business, Innovation and Skills* UKSC [2015] 57 which held that the English requirement for the applicant to be settled (i.e. have indefinite leave to remain) was discriminatory and unlawful. Other residence requirements remain in place.

<sup>501</sup> British Council, 'Cost of studying and living in the UK', accessed 19 January 2025, available [here](#).

<sup>502</sup> Reg. 4 Schedule 1 Higher Education (Fees) (Scotland) Regulations 2011 SI 389.

<sup>503</sup> The residence requirements for access to student loans in England are mitigated by Supreme Court judgment in *R (on the application of Tigere) v Secretary of State for Business, Innovation and Skills* [2015] UKSC 57 which held that the English requirement for the applicant to be settled (i.e. have indefinite leave to remain) was discriminatory and unlawful. Other residence requirements remain in place.

<sup>504</sup> UKCISA, Home or overseas fees: the basics, last modified 13 May 2022, available [here](#).

<sup>505</sup> UKCISA, 'England: HE fee status', 20 February 2024, available [here](#).

<sup>506</sup> Circular FE 15/12 of the Department of Employment and Learning.

<sup>507</sup> Scottish government, 'Further and higher education – residency criteria for access to financial support: consultation analysis', 12 May 2023, available [here](#).

part-time courses may be taken by asylum applicants as home students. One effect is that in England there is a six month wait for eligibility for free English classes. Research reported upon the practical barriers and provides a summary of the changes in ESOL (English for speakers of other languages) provision in recent years.<sup>508</sup>

As explained in [Identification](#), young people whose asylum claim is refused are commonly given ‘UASC leave’ which is not refugee status. They may apply to extend this before their 18<sup>th</sup> birthday, and so may be applying to higher education while still on UASC leave. Young people in this position are also treated as overseas students. This can impose obstacles on young people who have sought asylum and are leaving local authority care.

Some financial support is provided to those who are over 18 but were formerly an unaccompanied asylum seeking child until they are 21 or 25 if still in education.<sup>509</sup>

In addition to financial difficulties, language, interrupted education due to experiences as a refugee, and incompatibility of educational systems and qualifications may all be barriers to access to further and higher education.<sup>510</sup>

## D. Health care

**Indicators: Health Care**

2. Is access to emergency healthcare for asylum applicants guaranteed in national legislation?  
 Yes                       No

3. Do asylum applicants have adequate access to health care in practice?  
 Yes                       Limited                       No

4. Is specialised treatment for victims of torture or traumatised asylum applicants available in practice?  
 Yes                       Limited                       No

5. If material conditions are reduced or withdrawn, are asylum applicants still given access to health care?  
 Yes                       Limited                       No

In **England**, there is free hospital treatment to asylum applicants with a current claim on Section 95 or Section 4 support, those refused asylum applicants who are receiving Section 95 or Section 4 support and unaccompanied children in the care of the local authority.<sup>511</sup> Free hospital treatment is not generally available to asylum applicants who are not on Section 95 or Section 4 support. Hospital doctors should not refuse treatment that is urgently needed for refused asylum applicants who are not receiving Section 95 or Section 4 support, but the hospital is required to charge for it. The hospital also has discretion to write off the charges. Any course of treatment should be continued if it is under way at the time when asylum is refused, and thus when Section 95 support stops for single people.<sup>512</sup> Accident and emergency services (but not follow-up in-patient care) and treatment for listed diseases are free to all including refused asylum applicants who are not on asylum support.

Moreover, current asylum applicants, regardless of the support they receive, are entitled to register with a general doctor although in practice many face barriers in registering. General doctors (GPs) have the

<sup>508</sup> Left out, left behind: A study on the barriers to ESOL in the London Borough of Waltham Forest, March 2020, available [here](#). ESOL in the East Midlands, September 2024, available [here](#). Holly Dono, Female Asylum Seekers and Refugees’ Experiences of ESOL, August 2023, available [here](#).

<sup>509</sup> Home Office, *Leaving care funding instructions to local authorities 2023 to 2024*, 22 September 2023, available [here](#).

<sup>510</sup> Refugee Support Network, *“I just want to study”: Access to Higher Education for Young Refugees and Asylum Seekers*, February 2012, available [here](#).

<sup>511</sup> Part 4 HM Government National Health Service (Charges to Overseas Visitors) Regulations 2015 No. 238.

<sup>512</sup> Department for Health, *Guidance on implementing the Hospital Charging Regulations 2015*, para 7.51.

same discretion to register refused and unsupported asylum applicants that they have for any person living in their area.<sup>513</sup> Resources to assist people to register with a GP remain an important practical and advocacy tool as, for example, GPs will often ask for ID documents that asylum applicants will not have, even though this is not a legal requirement. Doctors of the World have produced a card that can be used to successfully challenge those requests.<sup>514</sup>

In **Scotland** all asylum applicants are entitled to full free health care (including GP practices, mental health treatment, hospitals, emergency services, eye examinations, dental examinations),<sup>515</sup> including those refused asylum applicants not on Section 4 support and including the spouse/civil partner and any dependent children of any of these people.<sup>516</sup>

In **Northern Ireland**, exemptions for refugees and asylum applicants are similar to those in England except that refused asylum applicants are able to obtain free health care (including GP practices, mental health treatment, hospitals, emergency services, eye examinations, some dental services)<sup>517</sup> while they remain in Northern Ireland.<sup>518</sup>

Access to mental health services is not guaranteed anywhere in the UK, and is often lacking.<sup>519</sup>

Specialised treatment for victims of torture and traumatised asylum applicants is available but is in short supply. It is provided by a number of independent charities, the largest being Freedom from Torture, the Helen Bamber Foundation, and the Refugee Therapy Centre. Specialist trauma practitioners, including psychiatrists, psychologists and trauma counsellors and therapists, also work in health authorities and trusts around the country, but they are few and access is extremely limited.<sup>520</sup> Language and cultural barriers also hinder appropriate referrals from workers with initial contact and impede asylum applicants' own awareness of what is available.<sup>521</sup> Smaller NGOs also specialise in counselling for refugees.<sup>522</sup>

In practice, inadequate levels of financial asylum support, destitution, and the charging regime<sup>523</sup> impede and discourage access to healthcare.<sup>524</sup>

Mothers on asylum support who are required to move during pregnancy usually lose continuity of antenatal care. Moves during pregnancy may take place including at very late stages of pregnancy, even when doctors and midwives advise against a move, and are thought to contribute to the far higher infant and mother mortality rate which there is among asylum applicants.<sup>525</sup> Moves sometimes entail a break of several weeks in antenatal care including monitoring and treatment of conditions such as diabetes or hepatitis, which need to be sustained during pregnancy.<sup>526</sup> Moves are not frequent once accommodation

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<sup>513</sup> British Medical Association, *Refugees and asylum seekers' entitlement to NHS care*, 4 September 2023, available [here](#).

<sup>514</sup> Doctors of the World GP access cards available [here](#); Refugee Council guides to therapeutic services and maternity care, available [here](#).

<sup>515</sup> NHS inform, 'Accessing and using the NHS in Scotland', accessed 24 March 2024, available [here](#).

<sup>516</sup> NHS inform, 'Healthcare for refugees and asylum', accessed 24 March 2024, available [here](#).

<sup>517</sup> NI Direct, 'Help with health costs', accessed 24 March 2024, available [here](#).

<sup>518</sup> Provision of Health Services to Persons Not Ordinarily Resident Regulations (Northern Ireland) 2015 SI No. 27 reg. 9, available [here](#).

<sup>519</sup> Johannes Fassil and Angela Burnett, *Commissioning mental health services for vulnerable adult migrants* August, 2014, available [here](#).

<sup>520</sup> Practice based observation by the expert, January 2024.

<sup>521</sup> Practice based observation by the expert, January 2024.

<sup>522</sup> Some, such as Nasfiyat intercultural Therapy centre, are long established, see [here](#) and some specialise in particular groups e.g. Vietnamese Mental Health Service, see [here](#).

<sup>523</sup> Department of Health & Social Care, guidance 'Charging overseas visitors in England: guidance for providers of NHS services', updated 24 December 2024, available [here](#).

<sup>524</sup> Practice based observation by the expert, January 2024.

<sup>525</sup> Refugee Council and Maternity Action, *When Maternity Doesn't Matter*, 2013 available [here](#) and [here](#).

<sup>526</sup> *Ibid.*

is allocated, but can happen for instance when an asylum applicant is allocated Section 95 or Section 4 housing away from the area where they had been previously living.

Charges for those with no leave to remain in the UK and who are not entitled to healthcare as described above were introduced in April 2015.<sup>527</sup> Guidance was issued by the Government (Department of Health) in April 2016.<sup>528</sup>

In 2017 the government announced its intention to extend charging for many more frontline services (except GPs) and to introduce a duty for health services in **England** to check a person's immigration status before treating. To enable this to happen regulations were introduced to Parliament; some changes were made in August 2017 and others in October 2017.<sup>529</sup> During a parliamentary debate the government agreed to review the impact of the regulations. There has been a lot of lobbying on the issue.<sup>530</sup> A report by Doctors of the World in 2017 concluded that people were being deterred from seeking medical care as a result of the charges.<sup>531</sup> A scoping study of the impact on maternity services conducted in 2017 showed similar findings.<sup>532</sup> A 2023 paper also suggested that fears of charging can deter people from accessing healthcare, although it noted that the quality of the evidence was 'poor'.<sup>533</sup>

The Refugee Council developed a range of health-related guides for refugees, asylum applicants and health practitioners including guides to maternity rights and therapeutic services.<sup>534</sup>

Notably the government made those arriving on the new Ukraine visa schemes exempt from NHS charges as soon as March 2022<sup>535</sup> (see [Ukraine Visa Support](#)).

## E. Special reception needs of vulnerable groups

### Indicators: Special Reception Needs

1. Is there an assessment of special reception needs of vulnerable persons in practice?  
 Yes  No

There is no mechanism laid down by law to identify vulnerable groups or persons with special reception needs, although there is policy that instructs caseworkers to assess whether the asylum applicants have any special medical needs that will affect dispersal.<sup>536</sup> This policy was revised in 2016, adding specific instructions to safeguard the continuity of care for pregnant women. A separate policy on allocating asylum accommodation says that "regard" should be had to the particular vulnerabilities of people with disabilities or serious health problems. There is no guarantee that any requests will be accommodated.<sup>537</sup>

<sup>527</sup> Section 38 Immigration Act 2014 and National Health Service (Charges to Overseas Visitors) Regulations 2015 No. 238.

<sup>528</sup> Department of Health, *Guidance on overseas visitors hospital charging regulations*, 6 April 2016, available [here](#).

<sup>529</sup> The National Health Service (Charges to Overseas Visitors) (Amendment) Regulations 2017, available [here](#).

<sup>530</sup> See e.g. Health Stream of Sanctuary, 'Changes to Accessing Healthcare – Impact on Refugees & Asylum-Seekers – Take Action Now!', 31 August 2017, available [here](#).

<sup>531</sup> Doctors of the World, *Deterrence, delay and distress*, 2017, available [here](#).

<sup>532</sup> Maternity Action et al, *The impact on health inequalities of charging migrant women for maternity care*, 2017, available [here](#).

<sup>533</sup> BMC Public Health, 'The impact of NHS charging regulations on healthcare access and utilisation among migrants in England: a systematic review', 28 February 2023, available [here](#).

<sup>534</sup> Refugee Council, 'Guides for refugees and practitioners', accessed 24 March 2023, available [here](#).

<sup>535</sup> Response to a parliamentary question, 'Outcome of the review of the NHS Charging Regulations exemption for Ukrainians', 24 October 2022, available [here](#).

<sup>536</sup> Home Office, *Healthcare needs and pregnancy dispersal policy*, available [here](#).

<sup>537</sup> Home Office, *Allocation of asylum accommodation policy version 11.0*, 12 February 2024, available [here](#).

Even where disabilities have been identified, there are reports of inadequate accommodation being provided.<sup>538</sup> Challenges to the suitability of accommodation can be made by judicial review.<sup>539</sup>

If the asylum applicant has e.g. a medical report, which already shows that they are vulnerable, or has some other individual assessment showing this, the accommodation provider is required to take their vulnerability into account in providing accommodation.<sup>540</sup> Aside from this the law provides no specific measures to address the reception needs of vulnerable groups. In 2023 a challenge to the use of hotel accommodation for families unless exceptional circumstances could be established was dismissed.<sup>541</sup> However individual challenges to the suitability of hotel accommodation for families can still succeed.<sup>542</sup>

If an asylum applicant discloses a health need during screening (i.e. before dispersal) the Home Office must provide sufficient information to the accommodation provider to ensure that necessary arrangements for dispersal are put in place i.e. appropriate travel, accommodation and location. The accommodation provider is contractually obliged to take an asylum applicant to a General Practitioner within 5 days of dispersal if they have a pre-existing condition or are in need of an urgent General Practitioner review.<sup>543</sup>

Whether needs are addressed in fact is variable according to local practice. Initial accommodation centres are run by private companies under contract to the Home Office. The Initial Accommodation includes a healthcare team who offer a basic screening of the health needs of all residents. There have previously been issues with the health screening not taking place (at Penally barracks, since closed).<sup>544</sup> In practice, unless vulnerability is identified at one of the initial accommodation centres by a healthcare provider, it is unlikely to be identified until the asylum applicant discloses a problem to a voluntary, community or community advice organisation. The provision of suitable accommodation to people with disabilities, in particular the delays in providing such accommodation was found to be unlawful in a case in December 2020.<sup>545</sup>

Room sharing is same sex only, but accommodation (e.g. the hotel) will be mixed.<sup>546</sup> Self-contained accommodation is usually only for families and is a flat or house with their own kitchen and bathroom. Share houses must have at least one bathroom and kitchen per five people.<sup>547</sup> There is a lack of safeguarding in hotels which has resulted in children going missing<sup>548</sup> and being sexually assaulted.<sup>549</sup> Access to assistance such as interpreters is through calling Migrant Help. Access to services such as police and social workers is not on site. There is a safeguarding framework but this does not go into detail about measures put in place to protect women and children.<sup>550</sup> In practice, raising and escalating issues is difficult due to the lack of transparency about how to make complaints and who is responsible for resolving them.

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<sup>538</sup> Diane Taylor, 'Asylum seekers with disabilities 'abandoned' in former Essex care home', *The Guardian*, 23 June 2023, available [here](#).

<sup>539</sup> see e.g. High Court, *NS, R (on the application of) v Secretary of State for the Home Department* [2023] EWHC 2675 (Admin), available [here](#).

<sup>540</sup> Asylum Seeker (Reception Conditions) Regulations SI 2005/7.

<sup>541</sup> High Court, *R (MQ) v The Secretary of State for the Home Department* [2023] EWHC 205 (Admin), available [here](#).

<sup>542</sup> High Court, *R (SA) v Secretary of State for the Home Department* [2023] EWHC 1787 (Admin), available [here](#).

<sup>543</sup> *Ibid*, Home Office Asylum Process Guidance.

<sup>544</sup> Doctors of the World, "They just left me" *Asylum seekers health and access to healthcare in initial and contingency accommodation*, April 2022, available [here](#).

<sup>545</sup> *AA v Home Office* [2020] EWHC 3416 (Admin), 14 December 2020, available [here](#).

<sup>546</sup> Home Office, *Asylum hotel summary and FAQ*, 7 March 2024, available [here](#).

<sup>547</sup> Home Office, *Living in dispersal accommodation*, 25 May 2023, available [here](#).

<sup>548</sup> Rajeev Syal and Diane Taylor, 'UK minister admits 200 asylum-seeking children have gone missing', 24 January 2024, available [here](#).

<sup>549</sup> BBC News, 'Two children sexually assaulted at migrant hotel', 3 November 2022, available [here](#).

<sup>550</sup> Home Office, *Asylum support contracts safeguarding framework*, 9 May 2022, available [here](#).



The Home Office has a 'protected period' where women should not be moved for six weeks before and after giving birth.<sup>551</sup> Families with babies and small children have been left in unsuitable asylum accommodation for lengthy periods of time.<sup>552</sup> In 2024 the High Court held that the failure of the Home Office to monitor delays in the allocation of dispersal accommodation for pregnant women and new mother asylum seekers and refused asylum seekers was unlawful.<sup>553</sup>

Research from the Asylum Support Appeals Project, Scottish Refugee Council and Refugee Council revealed the lack of attention to women's safety in asylum support accommodation.<sup>554</sup> The government has issued guidance on responding to reports of domestic violence from asylum seekers, which includes provision for refuge spaces to be funded in cases where that is deemed necessary.<sup>555</sup>

If it comes to light that an asylum applicant has been trafficked, they may be referred to special accommodation run by the Salvation Army where specific support is given and the trafficking case considered. If they are not in receipt of asylum support, they will be entitled to a weekly payment of £49.18 (€ 59.09) per week, or £15.30 (€ 18.38) if they are also being provided with accommodation. The same is payable for child dependents where asylum support is not being paid, as well as an additional payment of £9.50 (€ 11.41) per week for a baby under one, and then £5.25 (€ 6.31) per week from one until they turn four. If the person receives a positive reasonable grounds decision (the first decision in a two stage process) then they will receive an additional payment of £26.47 (€ 31.24) per week in addition to their asylum support or trafficking support payments.<sup>556</sup>

## Reception and care of unaccompanied children

Where a person has claimed asylum and there is uncertainty about whether or not they are a child following an initial age assessment, they will be given the benefit of the doubt. They, and those who are accepted as being under the age of 18 will be referred to a local authority social services department which becomes responsible for their care. If it is later determined that they are an adult, they will be moved to adult accommodation, and if a child has been wrongly assessed as adult, when this decision is overturned they will be moved out of adult accommodation.<sup>557</sup> Concerns have been raised about children being wrongly age disputed and inappropriately housed in adult accommodation.<sup>558</sup>

They should be looked after according to the same standards as other young people in the care of local authorities.<sup>559</sup> There is little practical guidance for social workers on the specific needs of these children, although statutory guidance for England and Wales was reissued in 2017 and contains more practical guidance.<sup>560</sup> The joint safeguarding strategy published in November 2017 identified future work such as

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<sup>551</sup> Home Office, *Healthcare needs and pregnancy dispersal policy*, 28 January 2016, available [here](#).

<sup>552</sup> ICIBI, *An inspection of contingency asylum accommodation May 2021 to November 2021*, 12 May 2022, paragraphs 9.19 to 9.22 available [here](#).

<sup>553</sup> *DXK, R (On the Application Of) v Secretary of State for the Home Department (Rev1)* [2024] EWHC 579 (Admin), available [here](#).

<sup>554</sup> Helen Baillot and Elaine Connelly, *Women seeking asylum: safe from violence in the UK?*, 2018, available [here](#).

<sup>555</sup> Home Office, *Responding to reports of domestic abuse from asylum seekers*, 21 January 2022, available [here](#).

<sup>556</sup> Home Office, *Modern Slavery: statutory guidance for England and Wales (under s49 of the Modern Slavery Act 2015) and non-statutory guidance for Scotland and Northern Ireland*, 22 February 2024, available [here](#).

<sup>557</sup> Home Office, *Assessing age*, March 2023, available [here](#).

<sup>558</sup> Refugee Council, "'It's not my real age!' Hundreds of refugee children put at risk", 24 April 2024, available [here](#).

<sup>559</sup> Department of Education, *The Children Act 1989 guidance and regulations Volume 2: care planning, placement and case review*, July 2021, available [here](#).

<sup>560</sup> Department of Education, *Statutory guidance for unaccompanied migrant children and victims of modern slavery*, November 2017, available [here](#).

resources for professionals, guidance and training.<sup>561</sup> An update of this work in 2019 shows that much is still to be completed.<sup>562</sup> As of February 2025, no update has been issued since then.

A mix of accommodation is used; and data is provided for those who are aged 16 to 17. 42% of unaccompanied asylum seeking children were living independently and 45% in semi-independent accommodation, compared to the average of 23%.<sup>563</sup>

In practice the experience of these children varies; some make good relationships with their carer and feel fully supported. Some are very confused and frightened, are not treated well, and do not have a named social worker responsible for them. The named social worker is responsible for the implementation of the care plan which details how the child should be looked after through the process. This includes helping them to find a legal representative. Many discharge this function through referral to the Refugee Council's Independent Unaccompanied Asylum-Seeking Children Support Service (formerly named the Panel of Advisers); funded by the Home Office since 1994 to assist unaccompanied children through the asylum process including finding legal representatives for the children.<sup>564</sup>

Some local authorities, such as those with a port of entry and immigration control within their boundary, have become responsible for a disproportionate number of unaccompanied children, as the responsibility lies with the local authority where the child is first identified. When numbers started to rise in 2015-2016, particularly around the port of **Dover**, some local authorities, particularly **Kent**, reported that they were finding it difficult to look after them appropriately and asked other local authorities to offer placements for them.

The Immigration Act 2016 included provision for the legal transfer of responsibility from the initial local authority to a second local authority that has volunteered to take over the care. Initially possible only in **England**; in 2018 the government extended it to **Scotland, Wales and Northern Ireland**.<sup>565</sup> Funding is provided to local authorities for the care of unaccompanied children and those who have left care but are still the responsibility of the local authority.<sup>566</sup>

The Refugee Children's Consortium produced a briefing note outlining some of its members' concerns about the operation of the transfer scheme, particularly focusing on the difficulties children face when their transfer is uncertain or delayed.<sup>567</sup> There had been a drop in the overall numbers transferred since the scheme began; however, the numbers rose in 2020, largely due to the declaration in August that **Kent** County Council (responsible for children arriving at the port of Dover) had reached their capacity and would not be taking children into its care. Children were transferred directly from the port to local authorities around the country. A report by the Children's Commissioner for **England** was critical of the time some children spent at the port awaiting transfer.<sup>568</sup>

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<sup>561</sup> Government, *Joint Safeguarding Strategy*, November 2017, available [here](#).

<sup>562</sup> Letter to the Chair of the Education Select Committee, June 2019, available [here](#).

<sup>563</sup> Department of Education, 'Looked after children aged 16 to 17 in independent or semi-independent placements, 23 March 2023, available [here](#).

<sup>564</sup> Refugee Council, 'Independent Unaccompanied Asylum-Seeking Children Support Service (IUSS)', available [here](#).

<sup>565</sup> The Transfer of Responsibility for Relevant Children (Extension to Wales, Scotland and Northern Ireland) Regulations 2018, available [here](#).

<sup>566</sup> Home Office, *Unaccompanied asylum-seeking children and leaving care: funding instructions*, 22 September 2023, available [here](#).

<sup>567</sup> Refugee Children's Consortium, Briefing on the National Transfer Scheme, August 2017, available [here](#).

<sup>568</sup> Children's Commissioner, 'Detention of unaccompanied children arriving in Kent during 2020', 5 February 2021, available [here](#).

The situation continued in 2021, during which time the Refugee Council and others wrote to the Children's Minister expressing concerns and urging action to resolve the issue.<sup>569</sup> Kent once again announced that it was no longer prepared to take unaccompanied children into its care. The government announced changes to the way the scheme would be run in July 2021<sup>570</sup> but children were housed in hotels, outside of the local authority care system<sup>571</sup> and the scheme was made mandatory at the end of the year.<sup>572</sup> Further changes were made to the National Transfer Scheme in 2022 relating to the allocation and timings of transfers.<sup>573</sup> However, the use of hotels continued and was the subject of scrutiny by NGOs,<sup>574</sup> parliamentarians<sup>575</sup> and the Independent Chief Inspector of Borders and Immigration, whose inspection between March and May 2022 was assisted by Ofsted, which has responsibility for inspection and scrutiny of statutory services for children. The ICIBI report was damning of the principle of this arrangement and of the standard of care provided. Issues included a lack of security checks carried out on staff, lack of access to full education, only one hotel with an operational kitchen, nurses unable to prescribe basic medication.<sup>576</sup> The Chief Inspector of Ofsted mentioned this issue in her annual speech to Children's Services professionals.<sup>577</sup>

The Home Office's systematic and routine use of hotels as accommodation for unaccompanied asylum seeking children was successfully challenged.<sup>578</sup> As of January 2024 the government reported that there were no unaccompanied children in hotels.<sup>579</sup>

The total number of unaccompanied children seeking asylum cared for by local authorities in England is published regularly. For the year ending March 2024 this figure was 7,380 which is almost 9% of the total population of children cared for by local authorities in **England**.<sup>580</sup> The proportion of looked after children in Wales who are unaccompanied asylum seeking children has increased in recent years, from around 1% over the period 2017 to 2021, to 4.7% of the 7,198 looked after children in the year ending March 2024.<sup>581</sup> The governments of **Scotland** and **Northern Ireland** do not publish statistics of this kind.

Once a claim has been refused and asylum appeal rights have been exhausted the care of young people over 18 is often limited to those for whom a withdrawal of support would breach their human rights. This tends to be a more minimal provision than that provided to other young people. Provisions of the Immigration Act 2016 will restrict further the support that local authorities can provide to those over 18 who are appeal rights exhausted but this has not yet been enacted still in 2023. Those who have leave, as a refugee or otherwise, will receive assistance from the local authority in line with British citizens in the same situation, under the Children (Leaving Care) Act<sup>582</sup> which will include help with accessing housing.

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<sup>569</sup> Refugee Council and others to the Children's Minister, 'Refugee Council and seven national charities call on Children's Minister Vicky Ford to protect every unaccompanied child', 28 January 2021, available [here](#).

<sup>570</sup> Government, Changes to the National Transfer Scheme, 10 June 2021, available [here](#).

<sup>571</sup> Correspondence between the Home Affairs Select Committee and the Home Office on unaccompanied children in hotels, available [here](#).

<sup>572</sup> Department for Education and Home Office, *National Transfer Scheme Protocol for Unaccompanied Asylum Seeking Children – Version 6.0*, 17 August 2023, available [here](#).

<sup>573</sup> Ibid.

<sup>574</sup> ECPAT UK, *Outside the frame: Unaccompanied children denied care and protection*, available [here](#).

<sup>575</sup> Response to a parliamentary question, 'Asylum: Children', answered 21 June 2022, available [here](#) and length of stay October 2022.

<sup>576</sup> ICIBI, *An inspection of the use of hotels for housing unaccompanied asylum-seeking children (UASC) – March-May 2022*, October 2022, available [here](#).

<sup>577</sup> Transcript available [here](#).

<sup>578</sup> High Court, *R (on the application of ECPAT UK) v Kent County Council and another*, [2023] EWHC 1953 (Admin), available [here](#).

<sup>579</sup> Written response, *Asylum: Children Question for Home Office UIN 11353*, 29 January 2024, available [here](#).

<sup>580</sup> Department for Education, 'Children looked after in England including adoptions', 14 November 2024, available [here](#).

<sup>581</sup> Welsh Government, 'Children looked after by local authorities, April 2023 to March 2024', 28 January 2025, available [here](#).

<sup>582</sup> Children (Leaving Care) Act 2000. Devolved governments have similar provisions.

## F. Information for asylum applicants and access to reception centres

### 1. Provision of information on reception

Paragraph 358 of the Immigration Rules is the only provision in law on information concerning reception conditions. It says that asylum applicants should be informed no later than 15 days after their claim is registered of the benefits and services that they are entitled to. They should also be told of the rules and procedures they must comply with, and be provided with information on non-governmental organisations that can provide legal or other assistance. Where possible this should be provided in a language understood by the applicant. Paragraph 344C requires a person who is granted asylum to be provided with access to information, as soon as possible, in a language that they may reasonably be supposed to understand which sets out the rights and obligations relating to refugee status.<sup>583</sup>

The charity Migrant Help has been providing the Asylum Support Applications UK and Asylum Advice and Guidance services since 2013. In 2019 they retained the contract under a new tender, called Advice, Issue Reporting and Eligibility. They provide general information, advice and guidance through a Telephone Advice Centre, or face-to-face appointments at the initial accommodation centres or outreach sessions. In the first few months of the new contract the organisation was heavily criticised for failing to respond to the number of calls they were receiving. A number of NGOs wrote to the government to highlight their concerns in this regard.<sup>584</sup> Migrant Help's regular newsletters have sought to address concerns with regular updates about what action they are taking to improve the access to the service.<sup>585</sup> Multilingual information is given via Migrant Help's website in different forms: web/video presentations, audio briefings and written briefings. These are in 15 languages and may be downloaded.

Asylum applicants are asked at the screening interview if they wish to apply for support. Apart from the difficulties in claiming (see section on [Criteria and Restrictions to Access Reception Conditions](#)), there are no other significant reported problems in obtaining access to initial support including s.95. Initial information appears to be adequate.

### 2. Access to reception centres by third parties

#### Indicators: Access to Reception Centres

1. Do family members, legal advisers, UNHCR and/or NGOs have access to reception centres?  
 Yes       With limitations       No

Contract terms between the Home Office and the private companies provide that there shall be access and facilities in initial accommodation for nominated third parties, including NGOs, UNHCR and legal advisers. Advice and guidance on the asylum process, asylum support applications, welfare and life in the UK is delivered free by the charity Migrant Help, funded by the Home Office. Advice is generally available in person at the initial accommodation centres. There is usually access to an initial health screening, often provided by a local enhanced primary care service, homeless health service or a General Practitioner.

In at least some regions the obligation to give access to legal advisers is met by an electronic appointments system in the initial accommodation centre. Through this, appointments are made with local solicitors or legal representatives who have the legal aid contract and facilities to be able to offer advice in an office that is close enough to the centre to be accessible for the asylum applicant to find their own way there. In 2023 a charity, Care4Calais, was reportedly banned from attending a reception centre at

<sup>583</sup> Para 344C Immigration Rules Part 11.

<sup>584</sup> Letter to Minister of State, 30 October 2019, available [here](#).

<sup>585</sup> Migrant Help, AIRE newsletters, available [here](#).

Napier barracks for encouraging people in there to talk to the media.<sup>586</sup> Reception centres are generally not permitted to have social visitors.<sup>587</sup>

## G. Differential treatment of specific nationalities in reception

There is no differential treatment relating to nationality.

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<sup>586</sup> Peter Walker, 'Home Office barred charity over claims it encouraged asylum seeker 'complaints'', *The Guardian*, 10 November 2023, available [here](#).

<sup>587</sup> ICIBI, *A re-inspection of Napier Barracks*, March 2022, paragraph 4.60, available [here](#).

## Detention of Asylum Applicants

### A. General

#### Indicators: General Information on Detention

1. Total number of people entering detention in 2024: 20,604 (7,332 asylum, 13,272 non-asylum)
2. Number of people in detention at the end of 2024: 1,940<sup>588</sup>
3. Number of detention centres: 10<sup>589</sup>
4. Total capacity of detention centres: 10,728<sup>590</sup>

When asylum applicants are detained, they are detained in immigration removal centres (IRC), usually under the same legal regime and in the same premises as other people subject to immigration detention. The centres consist of 7 IRC and 3 short-term holding facilities (STHF). The published statistics now include immigration detainees held in prisons; there were 107 immigration detainees held in prison at the end of 2024, but it is not known how many of these claimed asylum either prior to being detained or whilst in detention.<sup>591</sup>

Detention during the asylum decision-making process is not usual although those who have arrived via the Channel are likely to be detained on arrival at Manston asylum processing centre while their asylum claim is registered and accommodation found for them.<sup>592</sup> People were supposed to be held there for a maximum of five days but in 2022 were spending considerably longer there, with the ICIBI finding one family who had been there for 32 days.<sup>593</sup>

Most asylum applicants whose claim has not yet been decided are at liberty on a status known as [immigration bail](#). The main exception is in accelerated procedures. In [non-suspensive appeal cases](#), although the individual is not always detained, detention is more common than in the regular procedure.

If the person is already in immigration detention when they claim asylum, whether they are then released will be determined by whether criteria for detention continue to exist after the asylum claim has been made. These are the criteria set out in the section on [Grounds for Detention](#). Making an asylum claim does not of itself secure release.

Former asylum applicants may also be detained after their claim has been refused, in preparation for removal. Most of the content of this chapter therefore refers to former asylum applicants who are detained in preparation for removal, after final refusal of their claim.

The number of people who had sought asylum at some point during their time in the UK and have been detained in recent years is as shown in the table below.

<sup>588</sup> Home Office statistics, 'Detention summary tables, year ending December 2024', table Det\_01, 27 February 2025, available [here](#).

<sup>589</sup> Including three of the short-term holding facilities, available [here](#).

<sup>590</sup> Source; Refugee Council, *Illegal Migration Bill - Assessment of impact of inadmissibility, removals, detention, accommodation and safe route*, March 2023, available [here](#). There is an agreement for an additional 600 immigration detention places in prisons.

<sup>591</sup> Home Office statistics, 'Detention summary tables, year ending December 2024', table Det\_03a, 27 February 2025, available [here](#).

<sup>592</sup> UK government, 'New secure site for processing illegal migrants', 15 December 2021, available [here](#).

<sup>593</sup> ICIBI, *A reinspection of the initial processing of migrants arriving via small boats, including at Western Jet Foil and Manston*, June 2023, available [here](#).

“Asylum detainees” in the United Kingdom: 2017-2024		
	Detentions throughout the year	Detained at the end of the year
2017	12,921	1,508
2018	13,168	1,085
2019	14,465	994
2020	9,806	438
2021	20,166	622
2022	14,227	1,159
2023	8,593	1,782
2024	7,332	1,940

Source: Home Office, *Immigration statistics, Detention summary tables Det\_01*. Note that this does not necessarily mean detention of asylum applicants during the course of the procedure. Also note that the data for those held in detention at the end of the year from 2022 onwards includes asylum and non-asylum applicants.

There is published guidance relating to asylum claims made from detention.<sup>594</sup> It is aimed at those considering asylum claims from people detained at the point of making their claim, as well as considering the detention of people during their claim. It does not replace or replicate other guidance on consideration of asylum claims; it is complementary to other guidance. UNHCR carried out an audit of these processes and published a report in 2023 and found that improvement was required in order to ensure that international standards were being met. They made several recommendations including the improvement of training, ensuring that country of origin information is used correctly, and that full justifications are recorded in support of a decision to detain.<sup>595</sup>

## B. Legal framework of detention

### 1. Grounds of detention

**Indicators: Grounds for Detention**

1. In practice, are most asylum applicants detained

❖ on the territory:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
❖ at the border:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

2. Are asylum applicants detained in practice during the Dublin procedure? N/A

3. Are asylum applicants detained during a regular procedure in practice?

<input type="checkbox"/> Frequently	<input checked="" type="checkbox"/> Rarely	<input type="checkbox"/> Never
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There are no special grounds in legislation for the detention of asylum applicants. They may be detained on the same legal basis as others who are subject to immigration control. There is a power to detain pending examination and a decision as to whether to grant leave to enter or remain; pending a decision as to whether to remove; and pending removal. People who arrive irregularly will often be detained pending initial examination, for example at Manston processing centre for those who arrive via the Channel. The latter two powers are usually used for people who have been unsuccessful in their asylum claim and no longer have permission to be in the UK.

<sup>594</sup> Home Office, *Detained Asylum Casework (DAC) – asylum process*, 20 December 2024, available [here](#).

<sup>595</sup> UNHCR, *A review of decision-making in the Detained Asylum Casework Procedure*, 2023, available [here](#).

This power may only be exercised if there is a policy reason to detain this person. The Illegal Migration Act 2023 amended the detention powers with effect from 28 September 2023, the main changes are that it is now for the Secretary of State to decide what a reasonable period of detention is for a person and where release is deemed appropriate the person can be detained as long as reasonable necessary while arrangements for release are made.<sup>596</sup> The latter change was made in response to the Secretary of State losing a judicial review challenging delays in arranging asylum accommodation for people in detention.<sup>597</sup>

The six reasons a person can be detained are that:

- ❖ The person is likely to abscond if granted immigration bail;
- ❖ There is currently insufficient reliable information to decide whether to release them (for instance their identity cannot be verified);
- ❖ Removal from the United Kingdom is imminent;
- ❖ The person needs to be detained whilst alternative arrangements are made for their care;
- ❖ Release is not considered conducive to the public good;
- ❖ The application may be decided quickly using the fast track procedures.<sup>598</sup>

Whether a person is likely to abscond is decided on the basis of such factors as whether they have absconded before, whether they have a criminal record, whether they have significant relationships in the UK, whether they have reported regularly to the Home Office if required to do so.

Most asylum applicants are not detained for long periods before their claim is decided, although the introduction of a non-residential short-term holding facility at the former military facility in Manston, Kent, resulted in many people being held for longer than allowed in law. The rapid deterioration in the system is illustrated in the difference between the report of the Prison’s Inspectorate visit in August 2022<sup>599</sup> and the evidence given to a parliamentary committee by the Borders Inspectorate in October 2022 (see [short-term holding facilities](#)).<sup>600</sup>

## 2. Alternatives to detention

### Indicators: Alternatives to Detention

1. Which alternatives to detention have been laid down in the law?
  - Reporting duties
  - Surrendering documents
  - Financial guarantee
  - Residence restrictions
  - Other: Tagging
2. Are alternatives to detention used in practice?  Yes  No

Alternatives to detention are permitted by legislation but not required. Permitted are:

- (a) Electronic tagging;<sup>601</sup>
- (b) Regular reporting;<sup>602</sup>
- (c) Bail with sureties;<sup>603</sup>
- (d) Residence restrictions.<sup>604</sup>

<sup>596</sup> Illegal Migration Act 2023, s 12, available [here](#).

<sup>597</sup> *Humnyntskyi & Ors, R (On the Application Of) v Secretary of State for the Home Department* [2020] EWHC 1912 (Admin), available [here](#).

<sup>598</sup> Home Office, *Detention: General Instructions*, September 2023, available [here](#).

<sup>599</sup> HMIP, *Report on an unannounced inspection of the short-term holding facilities at Western Jetfoil, Lydd Airport and Manston*, April 2022, available [here](#).

<sup>600</sup> Evidence to the Home Affairs Select Committee October 2022, available [here](#).

<sup>601</sup> Section 36 AITOCA.

<sup>602</sup> Para 21(2) Schedule 2 Immigration Act 1971.

<sup>603</sup> Section 61 Schedule 10 Immigration Act 2016.

<sup>604</sup> Para 21(2) Schedule 2 Immigration Act 1971.



Guidelines say that detention should only be used as a last resort. However, no proof is required that alternatives are not effective. Residence restrictions is routinely applied to all asylum applicants, and bail will always include residence restrictions and for some, regular reporting. Breach of these conditions may result in detention. Electronic tagging is in frequent use mainly for ex-offenders and may be a bail condition. Numbers of asylum applicants tagged are not available. The guidance on Immigration Bail includes the process for referring detainees for automatic bail consideration, in most cases, four months after the person was first detained and every four months thereafter.<sup>605</sup>

An inquiry by the parliamentary Joint Committee on Human Rights carried out an inquiry into immigration detention and published evidence as it was submitted (oral and written), including evidence from the government.<sup>606</sup> In evidence to the Committee the Immigration Minister stated that in the 10 months since the automatic bail policy was introduced 10% of automatic bail hearings resulted in the detainee being granted bail.<sup>607</sup>

The Committee published its report on 7 February 2019 and made five main recommendations.<sup>608</sup>

1. The decision to detain should not be made by the Home Office but should be made independently.
2. Introduce a 28-day time limit to end the trauma of indefinite detention.
3. Detainees should have better and more consistent access to legal aid to challenge their detention.
4. More needs to be done to identify vulnerable individuals and treat them appropriately.
5. The Home Office should improve the oversight and assurance mechanism in the immigration detention estate to ensure that any ill-treatment or abuse is found out immediately and action is taken. Concerns over the distressing effect of indeterminate detention.

In 2021 the All Party Parliamentary Group on Detention published a report into 'quasi detention which included those held in an Immigration Removal Centre as well as the former military barracks.'<sup>609</sup>

In response to the second report by Stephen Shaw, former Prisons and Probation Ombudsman, on the detention of vulnerable people,<sup>610</sup> the government announced that some specific projects looking at alternatives to detention would be developed in partnership with the voluntary sector.<sup>611</sup> Details of the first of these was announced in December 2018.<sup>612</sup> UNHCR evaluated the pilots<sup>613</sup> and published the first one in January 2022, looking at a project to avoid detaining women.<sup>614</sup> The second and final report was published in 2023 and of the 84 people who participated, six were granted leave to remain and 52 others were advised that they may have grounds to stay in the UK. These were not necessarily asylum cases. One of the main issues highlighted in the report was the inaccessibility of legal aid and the problems this caused people in accessing rights they may be entitled to.<sup>615</sup>

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<sup>605</sup> Home Office, *Immigration bail*, November 2023, available [here](#).

<sup>606</sup> Minister of State for Immigration, 'Use of immigration detention: The Government's strategic approach', 3 December 2018, available [here](#).

<sup>607</sup> Joint Committee on Human Rights, Oral evidence session, HC 1484, 5 December 2018, available [here](#).

<sup>608</sup> Joint Committee on Human Rights, *Immigration Detention Inquiry*, 7 February 2019, available [here](#).

<sup>609</sup> APPG, *Report of the Inquiry into Quasi-Detention*, December 2021, available [here](#).

<sup>610</sup> Stephen Shaw, *Welfare in detention of vulnerable people review: progress report*, July 2018, available [here](#).

<sup>611</sup> Home Office, 'Home Secretary statement on immigration detention and Shaw report', 24 July 2018, available [here](#).

<sup>612</sup> Home Office, 'New pilot schemes to support migrants at risk of detention', 3 December 2018, available [here](#).

<sup>613</sup> UNHCR, *Terms of reference: Evaluation of UK Home Office Alternatives to Detention Community Engagement Pilot Series*, October 2019, available [here](#).

<sup>614</sup> UNHCR, *Evaluation of 'Action Access': an alternatives to detention pilot*, 2022, available [here](#).

<sup>615</sup> UNHCR, *Evaluation of the Refugee and Migrant Advice Service's Alternative to detention pilot*, 2023, available [here](#).

### 3. Detention of vulnerable applicants

#### Indicators: Detention of Vulnerable Applicants

3. Are unaccompanied asylum-seeking children detained in practice?  Frequently  Rarely  Never
- ❖ If frequently or rarely, are they only detained in border/transit zones?  Yes  No
4. Are asylum seeking children in families detained in practice?  Frequently  Rarely  Never

Domestic policy is that vulnerable people are unsuitable for detention, and that they should only be detained exceptionally, or when their care can be satisfactorily managed. The relevant guidance is the ‘Adults at Risk in immigration detention’ and it permits the detention of vulnerable people in certain circumstances as identification as an adult at risk does not automatically result in release. A person will be considered an adult at risk if they say or if medical or other evidence is provided that they are suffering from a health condition or have experienced trauma (such as torture) that would mean they are particularly vulnerable to harm in detention. Alternatively, observations from members of staff that lead to a belief that the person is at risk could also lead to them being classed as an adult at risk under the policy.<sup>616</sup>

Rule 35 of the Detention Centre Rules provides that where there is evidence that a detainee has been tortured, or for any other reason their health would be injuriously affected by detention, a report should be made to the caseworker for release to be considered. Rule 35 guidance was updated in 2019.<sup>617</sup>

Following a review of the treatment of vulnerable people in detention (“the Shaw Review”) in January 2016,<sup>618</sup> NGOs expected that guidance would follow the main message of the report – that fewer people should be detained and that better systems need to be designed to reduce the number of vulnerable people detained. However, the Adults at Risk policy guidance issued in response to the report, which also fulfilled the requirements of section 59 of the Immigration Act 2016, makes it more difficult to secure release based for example on their experiences of torture or of their deteriorating mental health, as the policy expects a heavy evidential burden to be met.<sup>619</sup> As a result, vulnerable people continue to be unlawfully detained.<sup>620</sup>

The definition in the Adults at Risk policy was more limited than that provided in the UN Convention against Torture (UNCAT). In a case brought by Medical Justice the definition in this new policy was challenged; the case was heard in March 2017 and judgment delivered in October 2017.<sup>621</sup> At an early stage of the case the Home Office was ordered to revert to the more generous UNCAT definition, which as the case was successful, remains the policy.

Stephen Shaw, former Prisons and Probation Ombudsman, was asked to review the extent to which his recommendations have been met; this review began in autumn 2017 and was published in July 2018,<sup>622</sup>

<sup>616</sup> Home Office, *Adults at risk in immigration detention*, 16 March 2022, available [here](#) and Home Office, *Offender management: caseworker guidance*, 18 March 2024, available [here](#).

<sup>617</sup> Home Office, Detention services order 09/2016 Detention centre rule 35 and Short term Holding Facility rule 32, March 2019, available [here](#).

<sup>618</sup> Stephen Shaw, *Review into the Welfare in Detention of Vulnerable Persons*, Cm 9186, January 2016, available [here](#).

<sup>619</sup> Medical Justice, *Putting Adults at Risk*, 2018, available [here](#).

<sup>620</sup> See e.g. Duncan Lewis, ‘Home Office Admits Unlawfully Detaining Person with Severe Mental Illness After Legal Claim’, 6 February 2024, available [here](#).

<sup>621</sup> Medical Justice and Others v Secretary of State for the Home Department Equality and Human Rights Commission (Intervener) [2017] EWHC 2461 (Admin), available [here](#).

<sup>622</sup> Stephen Shaw, *Welfare in detention of vulnerable people review: progress report*, July 2018, available [here](#).

alongside a response from the Home Secretary.<sup>623</sup> The government has since then increased its use of detention, including of vulnerable people as a new policy on detaining victims of trafficking was published in November 2021.<sup>624</sup> Oversight of the Adults at Risk Policy forms part of the work of the Independent Chief Inspector of Borders and Immigration.<sup>625</sup> The ICIBI's second report into Adults at Risk<sup>626</sup> concluded that the policy and practice improvements were moving at 'an unacceptably slow pace' even taking into account the difficulties posed by the Covid-19 pandemic. As with other ICIBI reports, the government response is published simultaneously<sup>627</sup> and only accepted the recommendations in part, including not wholly accepting that previous recommendations be implemented. The ICIBI's third annual inspection found that the Rule 35 report process, which is supposed to identify people who will be harmed by detention, was not working as it should, and that there were delays as well as unfounded suspicions of abuse of the system by detention centre staff.<sup>628</sup>

### 3.1. Detention of women

Pregnant women may only be detained where (a) they will shortly be removed from the UK; and (b) there are exceptional circumstances justifying detention.<sup>629</sup>

During the passage of the Immigration Act 2016, the government announced a time limit for the detention of pregnant women.<sup>630</sup> This was in response to amendments proposed to the Bill by various parliamentarians calling for a complete prohibition, a recommendation that had been made in the "Shaw review", published in January 2016. The Home Office published specific guidance concerning the detention of pregnant women in November 2016.<sup>631</sup>

Although there were no official reports of the numbers of pregnant women detained the practice continues, as described in a media article.<sup>632</sup> The only immigration removal centre exclusively for women was Derwentside immigration removal centre which opened in December 2021, and in November 2023 the government announced that in 2024 it would be repurposed and become an all-male facility.<sup>633</sup> Yarl's Wood immigration removal centre was previously for women only but was converted to mixed sex in January 2021, holding mainly male detainees. A 2022 inspection found it "not safe enough".<sup>634</sup>

### 3.2. Detention of children

Where a person is treated after screening as under 18 they are not detained. The published policy of the Home Office is that children may be detained for short periods pending removal if other steps in the family removal procedure do not result in their leaving the UK,<sup>635</sup> and this is the purpose of the family 'Pre

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<sup>623</sup> Home Office, 'Home Secretary statement on immigration detention and Shaw report', 24 July 2018, available [here](#).

<sup>624</sup> Home Office, *Offender management: caseworker guidance*, 18 March 2024, available [here](#).

<sup>625</sup> Independent Chief Inspector of Borders and Immigration, *Call for evidence: 'Adults at Risk' in immigration detention*, 25 January 2019, available [here](#).

<sup>626</sup> ICIBI, *Second annual report into Adults at Risk in Immigration Detention*, 21 October 2021, available [here](#).

<sup>627</sup> Government response to the second ICIBI report on Adults at Risk in Immigration detention available [here](#).

<sup>628</sup> ICIBI, *Third annual inspection of Adults at Risk Immigration Detention June to September 2022*, 12 January 2023, available [here](#).

<sup>629</sup> Section 60 Immigration Act 2016.

<sup>630</sup> Government, 'New time limit planned for pregnant women in detention', 18 April 2016, available [here](#).

<sup>631</sup> Home Office, *Detention Services Order – Pregnant women in detention*, 1 November 2016, available [here](#).

<sup>632</sup> The Guardian, 'Unlawfully detained woman who miscarried receives £50k payout', 19 August 2019, available [here](#).

<sup>633</sup> Home Office, 'Promotional material: Derwentside immigration removal centre: factsheet', 15 January 2024, available [here](#).

<sup>634</sup> HMIP, 'Yarl's Wood – worrying decline in safety for detainees held in prison-like conditions', 3 October 2023, available [here](#).

<sup>635</sup> Home Office, *Family Returns Process operational Guidance*, available [here](#): November 2023.

Departure Accommodation', which has been located at Tinsley House Removal Centre since May 2017. 31 children entered detention in 2022, 47 in 2023 and 4 in 2024.<sup>636</sup>

It is not known how many age disputed children are detained, the guidance states that the threshold for anyone claiming to a child is high and that caution must be exercised against detention.<sup>637</sup>

### 3.3. Detention of seriously ill persons

The High Court has found a number of breaches of Article 3 ECHR in relation to the detention of severely mentally ill people and such detention has also repeatedly been found unlawful under domestic law and in the Court of Appeal.<sup>638</sup> Torture survivors continue to be detained even after Rule 35<sup>639</sup> reports (see section on [Special Procedural Guarantees](#)).<sup>640</sup> Members of Parliament who conducted an inquiry into immigration detention found that people suffering from mental health conditions were detained for prolonged periods and that it was not possible to treat mental health conditions in IRC. They recommended that at the very least the policy around mental health should be changed to that which was in place before August 2010, which stated that individuals with a mental health condition should only be detained under exceptional circumstances.<sup>641</sup> There have been numerous reports on the damage caused to detainees' mental health, including suicidal ideation, self-harm, depression and post-traumatic stress disorders.<sup>642</sup>

## 4. Duration of detention

### Indicators: Duration of Detention

5. What is the maximum detention period set in the law (incl. extensions):	
❖ Pregnant women and children	72 hours, or 7 days
❖ Other groups	None
6. In practice, how long in average are asylum applicants detained?	Not available

The Home Office is responsible for ordering detention of asylum applicants. There is no maximum period set in law, with the exception of detention of pregnant women and children which cannot exceed 72 hours, or 7 days with Ministerial approval. The Illegal Migration Act 2023 contains powers to detain children without a time limit, however these were never commenced and the Border Security, Asylum and Security Bill will repeal these provisions.

During 2024, 7,631 asylum applicants and 12,791 non-asylum applicants left immigration detention.<sup>643</sup> While data on length of immigration detention is available, the figures do not distinguish between asylum applicants and other immigration detainees. Periods of immigration detention including asylum applicants and other foreign nationals vary enormously from a few days to several years.

<sup>636</sup> Home Office statistics, 'Detention summary tables, year ending December 2024', table Det\_02b, 27 February 2025, available [here](#).

<sup>637</sup> Home Office, *Assessing age for asylum applicants: caseworker guidance*, 31 March 2023, available [here](#).

<sup>638</sup> For example, High Court, *R (on the application of Lamari) v Secretary of State for the Home Department* [2012] EWHC 1630, available [here](#) and Court of Appeal, *R (on the application of Das) v Secretary of State for the Home Department* [2014] EWCA Civ 45, available [here](#), High Court, *R (on the application of MD) v Secretary of State for the Home Department* [2014] EWHC 2249 (Admin), available [here](#).

<sup>639</sup> Rule 35 Detention Centre Rules, available [here](#).

<sup>640</sup> ICIBI, *Third annual inspection of Adults at Risk Immigration Detention June to September 2022*, 12 January 2023, available [here](#).

<sup>641</sup> APPG on Refugees & APPG on Migration, *The Report of the Inquiry into the Use of Immigration Detention in the United Kingdom*, 2015, available [here](#).

<sup>642</sup> Helen Bamber Foundation, *The impact of immigration detention on mental health*, September 2022, available [here](#).

<sup>643</sup> Home Office, *Immigration system statistics data tables, Immigration detention detailed datasets, year ending December 2024*, table Det\_01, available [here](#).

Duration of stay in detention 2019 - 2024						
	2019	2020	2021	2022	2023	2024
Less than 29 days	18,076	11,968	21,074	14,150	11,539	13,437
From 29 days to 2 months	3,622	1,770	1,428	2,862	3,151	3,681
From 2 to 4 months	1,869	1,023	1,061	1,610	1,980	2,142
From 4 months to 12 months	849	641	710	735	1,004	1,065
From 1 to 2 years	122	100	79	72	118	85
At least 2 years	6	8	10	18	46	12

Source: Home Office, *Immigration Statistics, Detention*, table Det\_D03.

The longest periods of detention are usually of people awaiting deportation after having served a criminal sentence.

## C. Detention conditions

### 1. Place of detention

#### Indicators: Place of Detention

- Does the law allow for asylum applicants to be detained in prisons for the purpose of the asylum procedure (i.e. not as a result of criminal charges)?  Yes  No
- If so, are asylum applicants ever detained in practice in prisons for the purpose of the asylum procedure?<sup>644</sup>  Yes  No

#### 1.1. Immigration Removal Centres (IRC)

There were 7 Immigration Removal Centres (IRC) during 2022 where immigration detention was implemented:<sup>645</sup>

Immigration Removal Centres					
IRC	Population detained	Capacity	Occupancy end 2022	Occupancy end 2023	Occupancy end 2024
Brook House	Men	450 <sup>646</sup>	161	314	349
Colnbrook	Men; women	330 <sup>647</sup>	185	256	327

<sup>644</sup> If a person claims asylum from prison, they will be kept there.

<sup>645</sup> Home Office, *Immigration system statistics data tables, Immigration detention detailed datasets, year ending December 2023*, table Det\_02, available [here](#).

<sup>646</sup> HMIP, *Report on an unannounced inspection of Brook House Immigration Removal Centre*, September 2022, available [here](#).

<sup>647</sup> HMIP, *Report on an unannounced inspection of Colnbrook Immigration Removal Centre*, June 2022, available [here](#).

Derwentside	Women	84 <sup>648</sup>	29	40	61
Dungavel House	Men; women	125 <sup>649</sup>	38	87	106
Harmondsworth	Men	635	72	507	459
Tinsley House	Men; families	162	39	107	122
Yarl's Wood	Men; women	410 <sup>650</sup>	235	351	383
<b>Total</b>		<b>2,196</b>	<b>759</b>	<b>1,662</b>	<b>1,807</b>

Source: Home Office

## 1.2. Short-Term Holding Facilities (STHF)

There are currently 4 residential Short-Term Holding Facilities (STHF), which can hold detainees for up to seven days, in addition to a small facility in Yarl's Wood, where some people are detained for screening. Many airports or reporting centres have short-term holding facilities where people are held under detention powers for up to 24 hours. An inspection of the facilities receiving those arriving at the port of Dover, drew attention to the poor conditions in which new arrivals were held.<sup>651</sup>

In 2024, it was reported that from January 2022 to October 2023 there were 369 unaccompanied children held in the UK run facilities in France.<sup>652</sup> An inspection of those facilities in November 2024 found that some of the facilities were in poor condition, there were safeguarding issues and that two children had been re-trafficked from the centres.<sup>653</sup>

Short-Term Holding Facilities						
STHF	Capacity	Occupancy end 2020	Occupancy end 2021	Occupancy end 2022	Occupancy end 2023	Occupancy end 2024
Colnbrook	8	6	2	3	0	0
Larne House	19	0	0	0	1	3
Manchester	32	0	6		4	18
Swinderby	39	-	-	3	9	5
<b>Total</b>	<b>59</b>	<b>6</b>	<b>8</b>	<b>6</b>	<b>14</b>	

Source: Home Office, *Immigration system statistics data tables, Immigration detention detailed datasets, year ending December 2024*, table Det\_02, available [here](#).

Manston short term holding facility was opened in early 2022 and concerns were raised about overcrowded accommodation, inadequate sanitation, spread of infectious diseases, inadequate access to healthcare and safeguarding failures, as a result of which there was litigation seeking a public inquiry

<sup>648</sup> HMIP, *Report on an unannounced inspection of Derwentside Immigration Removal Centre*, December 2022, available [here](#).

<sup>649</sup> HMIP, *Report on an unannounced inspection of Dungavel Immigration Removal Centre*, November 2021, available [here](#).

<sup>650</sup> Independent Monitoring Board, *Annual Report*, June 2022, available [here](#).

<sup>651</sup> HMIP, *Report on an unannounced inspection of Tug Haven, Kent Intake Unit and Frontier House*, October 2021, available [here](#).

<sup>652</sup> Camille Corcoran and Rajeev Syal, 'Alarming' number of lone children held in UK-run facilities in France', *The Guardian*, 5 May 2024, available [here](#).

<sup>653</sup> HMIP, 'Short-term holding facilities at France-UK Borders', 24 February 2025, available [here](#).

into the use of the site.<sup>654</sup> In January 2025 the government conceded the litigation and an Article 3 compliant public independent inquiry will take place with funded legal representation for participants.<sup>655</sup>

The Council of Europe<sup>656</sup> and the Independent Monitoring Board raised similar concerns.<sup>657</sup> In November 2022 a man died from suspected diphtheria.<sup>658</sup> Following an inspection from January to February 2023, the Independent Chief Inspector of Borders and Immigration found that conditions had improved but concerns remained about the site's ability to handle large numbers of arrivals.<sup>659</sup> He also reported that the capacity had been increased from 1,600 to 3,200 as at October 2022.

In 2023 the Manston processing centre was designated as new type of short-term holding facility with more restrictive provisions than the other STHFs in areas including visitors, access to the internet and correspondence. It also provided for people to be held there for four days, which can be extended.<sup>660</sup> Concerns were raised by the House of Lords' Secondary Legislation Scrutiny Committee<sup>661</sup> but the changes were passed without amendment.<sup>662</sup>

### 1.3. Prisons

During 2024, 3,023 individuals were detained under Immigration Act powers in prisons in **England** and **Wales**.<sup>663</sup> At the end of 2024 there were 107 people detained in prisons on this basis.<sup>664</sup> It is not recorded whether any and if so how many of these people had at any point claimed asylum. People who have unsuccessfully claimed asylum are normally detained in immigration removal centres (IRC) in preparation for removal together with other third-country nationals who are there for immigration reasons. They are not detained in prisons purely in order to process an asylum claim or to remove them after they have been refused asylum.

If someone who is serving a prison sentence claims asylum, including if they do so in response to a decision to deport them, they may continue to be detained in prison while their asylum claim is processed. There is no data presently available on the extent of this. The practice of holding immigration detainees in prison is problematic, as detainees in prison experience much greater barriers to accessing legal advice and basic information about their rights, particularly in isolated local prisons.

There is no regular advice surgery as there is in the IRC, and detention of a person held under immigration powers in a prison is not governed by the Detention Centre Rules and Orders. This means that the detainee may have legal advice on their asylum claim if they can contact an adviser outside the prison, and if necessary obtain legal aid to fund the advice, but there is no on-site access to asylum advice.

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<sup>654</sup> Wilsons LLP, 'High Court grants permission in Manston Article 3 inquiry judicial review', December 2023, available [here](#).

<sup>655</sup> Jed Pennington, 'Home Office settles Manston inquiry judicial review', *Free Movement*, 17 January 2025, available [here](#).

<sup>656</sup> Council of Europe, 'Council of Europe anti-torture Committee (CPT) published report on its 2022 ad hoc visit to the United Kingdom', 29 June 2023, available [here](#).

<sup>657</sup> Kent Coast Short Term Holding Facilities (STHF) 2022 annual report published, 23 October 2023, available [here](#).

<sup>658</sup> The Guardian, 'Manston asylum centre death may have been caused by diphtheria', 26 November 2022, available [here](#).

<sup>659</sup> Independent Chief Inspector of Borders and Immigration, 'Inspection report published: An inspection of the initial processing of migrants arriving via small boats, including at Western Jet Foil and Manston (January – February 2023)', 15 June 2023, available [here](#).

<sup>660</sup> The Short-term Holding Facility (Amendment) Rules 2022, available [here](#).

<sup>661</sup> Secondary Legislation Scrutiny Committee, *Twenty Fifth Report*, 19 January 2023, available [here](#).

<sup>662</sup> Hansard House of Lords, 'Short-term Holding Facility (Amendment) Rules 2022 Volume 829', 18 April 2023, available [here](#).

<sup>663</sup> Home Office, *Immigration system statistics data tables, Immigration detention detailed datasets, year ending December 2024*, table Det\_D01, 27 February 2025, available [here](#).

<sup>664</sup> Home Office, *Immigration system statistics data tables, Immigration detention detailed datasets, year ending December 2024*, table Det\_02, 27 February 2025, available [here](#).

There is an agreement between the National Offender Management Service and the Home Office for immigration detainees up to a specified limit (presently 600) to be held in the prison estate. Detention policy specifies the criteria for detaining a person in a prison for immigration reasons after they have served their criminal sentence, but the policy allows for people to be detained in prison ‘before’ consideration is given to transferring them to an IRC – thus allowing continued detention in prison without an obligation promptly to transfer to an IRC. It also expressly provides that, if prison beds available for immigration detention are not filled by those in the risk categories, those beds should be filled by immigration detainees who do not meet the criteria for detention in prison.<sup>665</sup>

A court case in 2019 established that it is not necessary for the safeguards for vulnerable immigration detainees in prisons to be equivalent to those in Immigration Removal Centres.<sup>666</sup> This case was overturned (in respect of the safeguards) by the Court of Appeal.<sup>667</sup>

## 2. Conditions in detention facilities

### Indicators: Conditions in Detention Facilities

- |   |   |  |
|---|---|--|
| 1. Do detainees have access to health care in practice? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            |
| ❖ If yes, is it limited to emergency health care?       | <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No |

### 2.1. Overall conditions

The purpose-built IRC (**Colnbrook**, **Brook House** and the later wings at **Harmondsworth**) are built to ‘Category B’ (high security) prison designs, and are run by private security companies. While some efforts are made by contractors to distinguish regimes from those in prisons, in practice the physical environment means that most detainees experience these centres as prisons.<sup>668</sup> The Council of Europe’s Committee for the Prevention of Torture raised concerns about the use of these prison-like facilities.<sup>669</sup> Brook House was built to the specification of a category B prison.<sup>670</sup> **Morton Hall** is a converted prison, albeit with lower security and was criticised for its prison-like physical environment.<sup>671</sup>

Women are detained separately from men<sup>672</sup> except where they are a family. **Tinsley House** has accommodation for one family group at a time<sup>673</sup> and Gatwick pre departure accommodation has capacity for two families.<sup>674</sup> Other than the family units, there are no special facilities for vulnerable people.

In theory health care provided to detainees is not limited to emergency health care; however, in practice detainees have difficulty obtaining access to care. Inspection reports frequently mention issues concerning the care of vulnerable individuals.<sup>675</sup> A report by the British Medical Association expressed

<sup>665</sup> Home Office, *Enforcement Instructions and Guidance*, Chapter 55.10.1.

<sup>666</sup> *MR (Pakistan) and Ors*, EWHC 3567 (Admin), Case No: CO/2701/2018 & CO/4233/2018, 20 December 2020, available [here](#).

<sup>667</sup> *MR (Pakistan) & Anor v Secretary of State for Justice & Orse* [2021] EWCA Civ 541 [2021] EWCA Civ 541, 14 April 2021, available [here](#).

<sup>668</sup> See e.g. Brook House Inquiry Report, 2023, available [here](#).

<sup>669</sup> Council of Europe’s Committee for the Prevention of Torture, ‘Anti-torture committee highlights immigration issues in the UK’, 8 February 2024, available [here](#).

<sup>670</sup> HM Inspector of Prisons, *Report on an unannounced inspection of Brook House Immigration Removal Centre*, September 2019, available [here](#).

<sup>671</sup> HM Inspector of Prisons, *Report of an unannounced inspection of Morton Hall*, March 2020, available [here](#).

<sup>672</sup> Independent Monitoring Boards, ‘The re-purposing of Yarl’s Wood IRC leads to a challenging year’, 7 July 2023, available [here](#).

<sup>673</sup> Independent Monitoring Boards, ‘Tinsley House IRC 2020 annual report’, 26 March 2021, available [here](#).

<sup>674</sup> Home Office, *Gatwick pre-departure accommodation information*, 26 June 2017, available [here](#).

<sup>675</sup> HM Inspector of Prisons, *Report on an unaccounted inspection of Colnbrook Immigration Removal Centre*, 2019, available [here](#).



concern at how health needs were met in detention, as well as commenting that some disabilities are not identified.<sup>676</sup>

Provision of showers, laundry facilities, etc. is usually to an adequate level so that detainees have access, but standards of cleanliness and repair are variable, with some detention centres having a much better maintained environment<sup>677</sup> and others poor. In particular some of the older prison buildings can be poorly maintained and drab.

Detainees normally wear their own clothes.

IRC have made attempts through the provision of 'cultural kitchens' where detainees can occasionally cook food of their choice, but the general provision is still considered to be poor.<sup>678</sup>

In 2017 an employee of **Brook House** IRC worked with the BBC to report undercover, resulting in a documentary broadcast in September 2017.<sup>679</sup> The company that runs the IRC suspended staff and began an internal investigation.<sup>680</sup> The Home Affairs Select Committee opened an Inquiry and took evidence from key individuals.<sup>681</sup> On 5 November 2019 the government announced the conversion of the Prisons and Probation Ombudsman (PPO) investigation of Brook House immigration removal centre to a statutory inquiry, in accordance with the Inquiries Act 2005. This conversion was needed so that the Inquiry would have the statutory powers to compel witnesses and establish the truth of what took place at Brook House.<sup>682</sup> The government announced this conversion following the High Court findings that the Home Secretary's investigation into immigration detention at Brook House was inadequate.<sup>683</sup>

The Inquiry published its report in September 2023.<sup>684</sup> Key findings included 19 credible breaches of article 3 during the five month period examined, and a toxic culture. The report made 33 recommendations, including a 28 day time limit on detention, a review of the use of force, and training for staff and reviews of policies. In response, the government declined to implement a time limit on detention but said that it was carrying out reviews of policies.<sup>685</sup>

An inspection of Scotland's only IRC, **Dungavel**, was one of the more positive of recent inspections although the deteriorating physical environment was noted and concerns expressed about the decision to hold some men with a history of violence against women in a mixed sex centre.<sup>686</sup>

The use of detention fell during 2020 due to Covid-19 and the increased dangers in keeping people confined in close spaces and the difficulty in removing people from the UK due to travel restrictions.

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<sup>676</sup> British Medical Association, *Locked up, locked out*, 2017, available [here](#).

<sup>677</sup> Report on an unannounced inspection of Derwentside Immigration Removal Centre by HM Chief Inspector of Prisons, December 2022, available [here](#).

<sup>678</sup> See e.g. HM Inspector of Prisons, *Report on the unannounced inspection of Yarl's Wood*, October 2023, available [here](#).

<sup>679</sup> BBC, 'What I saw when I went undercover', available [here](#).

<sup>680</sup> The Guardian, 'G4S staff suspended from Brook House immigration centre over abuse claims', 1 September 2017, available [here](#).

<sup>681</sup> House of Commons, *Brook House Immigration Removal Centre inquiry*, available [here](#).

<sup>682</sup> Written statement Home Secretary to Parliament, 5<sup>th</sup> November 2019, available [here](#).

<sup>683</sup> EDAL, 'The United Kingdom: High Court finds Home Secretary's investigation into immigration detention inadequate', 14 June 2019, available [here](#).

<sup>684</sup> The Brook House Inquiry Report, 19 September 2023, available [here](#).

<sup>685</sup> Home Office and Immigration Enforcement, *Government response to the Brook House Inquiry report*, 19 March 2024, available [here](#).

<sup>686</sup> HMIP, *Report on an unannounced inspection of Dungavel Immigration Removal Centre*, November 2021, available [here](#).

However, this began to change in 2022, and an inspection of Brook House IRC found that the increased numbers were hindering any efforts to improve the experience for detainees.<sup>687</sup>

In 2024, a report by HM Inspectorate of Prisons described conditions in Harmondsworth as “decrepit” and that “violence and other unacceptable behaviour such as drug use had substantially increased and there had been numerous serious attempts at suicide”.<sup>688</sup> A separate report from the inspectorate described Brook House as understaffed and said that violence and self-harm had increased since the previous inspection and that detainees moving from prisons to the IRC had created instability. At least 20 detainees had been released from the detention centre to street homelessness in the year preceding the report.<sup>689</sup>

Analysis of HMIP reports showed a trend of a “worrying deterioration in safety” across all of the immigration removal centres.<sup>690</sup> A report from the Jesuit Refugee Service in 2024 also found that across the immigration removal centres immigration detention felt like prison, people were inappropriately segregated, there were large deficiencies in healthcare provision, safeguards for vulnerable people were largely absent, force was used inappropriately and gratuitously and there was a staffing culture of abuse and humiliation.<sup>691</sup>

## 2.2. Activities

The rules require that each detainee should have the opportunity of at least one hour in the open air every day. This can be withdrawn in exceptional circumstances for safety or security.<sup>692</sup> Most IRCs have a gym or fitness suite and outdoor exercise space. Access is variable, ranging from being generally accessible during daylight hours to restricted access.

Detainees have access to the detention centre library and to the internet. Facilities normally include a fax machine. New guidance was issued by the Home Office in 2016, aiming to make the access in detention centres more consistent and ensure that sites were not inappropriately blocked, although it does not apply to those held in prisons. This guidance was updated in 2019.<sup>693</sup>

## 2.3. Health care and special needs in detention

The Detention Centres Rules provide that there must be a medical team in each detention centre, and that each detainee must be medically examined within 24 hours of arrival.<sup>694</sup> The only provision in the rules as to what access to the medical team a detainee can expect or request is that where a detainee asks a detention centre officer for medical attention, the officer must record the request and pass it to the medical team, and the medical practitioner must pay special attention to any detainee whose mental condition appears to require it.<sup>695</sup> The charity Medical Justice has documented the denial of crucial

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<sup>687</sup> HMIP, *Report on an unannounced inspection of Brook House Immigration Removal Centre*, September 2022, available [here](#).

<sup>688</sup> HMIP, *Report on an unannounced inspection of Harmondsworth Immigration Removal Centre by HM Chief Inspector of Prisons (12–29 February 2024)*, 9 July 2024, available [here](#).

<sup>689</sup> HMIP, *Report on an unannounced inspection of Brook House Immigration Removal Centre by HM Chief Inspector of Prisons (5–22 August 2024)*, 18 November 2024, available [here](#).

<sup>690</sup> Andrew Kersley, “Worrying deterioration in safety’ at UK immigration removal centres, warns chief inspector of prisons’, *The Observer*, 4 August 2024, available [here](#).

<sup>691</sup> Jesuit Refugee Service, ‘After Brook House: continued abuse in immigration detention’, May 2024, available [here](#).

<sup>692</sup> The Detention Centre Rules 2001 SI No. 238, Rule 18, available [here](#).

<sup>693</sup> Home Office, *Detention Services Order January 2020*, available [here](#).

<sup>694</sup> The Detention Centre Rules 2001 SI No. 238, available [here](#).

<sup>695</sup> The Detention Centre Rules 2001 SI No. 238, Rules 33 and 35, available [here](#).

medical care for those with HIV<sup>696</sup> as well as more generally.<sup>697</sup> A more recent legal challenge held that the Home Office was in breach of its legal duty towards detainees with HIV.<sup>698</sup> In 2017 the British Medical Association published a report raising several concerns, including how doctors deal with the conflict of interest inherent in providing healthcare to people who are detained and made a number of recommendations.<sup>699</sup> The guidance on 'Rule 35' reports was revised in 2019 although an ICIBI inspection published in 2023 found that the Rule 35 process was not meeting its aim and that safeguards were not working consistently or effectively.<sup>700</sup>

Whilst guidance has been produced for those needing to be taken to hospital from detention,<sup>701</sup> anecdotal reports of last-minute cancellations are common.<sup>702</sup> The follow up Shaw review, published in July 2018,<sup>703</sup> includes a detailed analysis of healthcare provision and contains concerns as well as remarking on improvements. The report includes a description of healthcare in each centre and comments on the physical environment as well as discussing issues with staff, detainees and NGOs. Some improvement from the previous report was identified but concerns remain that healthcare in detention does not match the standards expected in the community.

Health care in **England** has been transferred to the National Health Service (NHS) commissioning provisions.<sup>704</sup> This was a change which had been argued for by medical professionals, Parliamentarians and others.<sup>705</sup> The Home Office does not collect data on the numbers of people with mental illness in immigration detention. NGOs regularly request the numbers of incidents of self-harm in immigration detention which required medical treatment. A Freedom of Information request showed that between January 2018 and September 2023 there were 1,743 self-harm and suicide attempts that were so serious that medical treatment was required. This was across four of the IRCs, Brook House and Tinsley House, Heathrow, and Yarl's Wood.<sup>706</sup> From June 2023 to May 2024 there were 513 incidents of self-harm, an increase from 308 the year before.<sup>707</sup>

Detention centres have a local group of approved visitors, who provide an external point of reference for detainees and the centre. Visitors increasingly report that detainees are experiencing high levels of anxiety and distress, are self-harming, have symptoms of depression or post-traumatic stress disorder (PTSD), or are suffering from severe and enduring mental illness.<sup>708</sup>

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<sup>696</sup> Medical Justice, *Detained and Denied: the clinical care of detainees living with HIV/AIDS*, 2011, available [here](#).

<sup>697</sup> Medical Justice, 'Inadequate healthcare in detention', accessed 24 March 2024, available [here](#).

<sup>698</sup> High Court, *CSM v Secretary of State for the Home Department* [2021] EWHC 2175 (Admin), available [here](#),

<sup>699</sup> British Medical Association, *Locked up, locked out*, 2017, available [here](#).

<sup>700</sup> ICIBI, Third annual inspection of Adults at Risk in Immigration Detention June to September 2022, January 2023, available [here](#).

<sup>701</sup> Detention Services Order – Medical Appointments outside of the detention estate, available [here](#).

<sup>702</sup> E.g. Medical Justice, available [here](#).

<sup>703</sup> Stephen Shaw, *Assessment of government progress in implementing the report on the welfare in detention of vulnerable persons*, July 2018, available [here](#).

<sup>704</sup> National partnership agreement for immigration removal centre (IRC) healthcare in England 2022-2025, available [here](#).

<sup>705</sup> The Detention Forum, 'The national shame that is healthcare in UK immigration detention', 13 October 2014, available [here](#).

<sup>706</sup> The Guardian, *Self-harm incident nearly every day in UK immigration detention, data shows*, 27 November 2023, available [here](#).

<sup>707</sup> Camille Corcoran, 'Self-Harm Rates in UK Immigration Centres Soar Following Report That Found 'Worst Conditions Ever Seen'', *Byline Times*, 19 August 2024, available [here](#).

<sup>708</sup> Ali McGinley and Adeline Trude, *Positive duty of care? The mental health crisis in immigration detention*, AVID and BID, 2012, available [here](#) and [here](#).

### 3. Access to detention facilities

#### Indicators: Access to Detention Facilities

1. Is access to detention centres allowed to
- |                   |                              |   |                             |
|-------------------|------------------------------|---|-----------------------------|
| ❖ Lawyers:        | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> Limited | <input type="checkbox"/> No |
| ❖ NGOs:           | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> Limited | <input type="checkbox"/> No |
| ❖ UNHCR:          | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> Limited | <input type="checkbox"/> No |
| ❖ Family members: | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> Limited | <input type="checkbox"/> No |

Detainees may have visits during visiting hours and there are no limits on the frequency of visits.<sup>709</sup> As long as visitors provide the requested forms of identification there is no obstacle to their visiting.<sup>710</sup> Individual visitors may be prohibited for reasons of security but this cannot be applied to a legal adviser.<sup>711</sup> Media and politicians have no special access but may be treated like other visitors. Detainees are issued with a mobile phone that is not capable of taking photographs.<sup>712</sup> Although the signal may be poor in parts of some IRCs,<sup>713</sup> it is usually possible for detainees to communicate with people outside.

There are NGOs who provide support to detainees. Each IRC has a visitors' group, which is an organisation of volunteer visitors (**AVID**) who provide support, practical help and friendship to detainees. Some visitors' groups such as **Detention Action** engage in policy and advocacy work and research. Bail for Immigration Detainees (**BID**) provides advice and information for detainees generally including self-help packs to make bail applications. The charity **Medical Justice** works for good medical care for immigration detainees and to obtain evidence of torture and the release of those who are ill. UNHCR does not have capacity to represent people in detention; in practice detainees rarely seek help from UNHCR.

BID has carried out surveys twice a year since 2010 and found that, in relation to immigration detainees held in IRCs, usually between 43% and 69% of detainees had legal representatives. The latest figure, published following its survey published in September 2024, was 42%, a very large drop from 55% the year before.<sup>714</sup> Of those, 75% had a legal aid lawyer. The same charity published research in 2024 into the lack of legal advice to immigration detainees in prison and found that 85% of respondents did not have a lawyer and 71% had not received the 30 minutes of free legal advice that they are entitled to under legal aid.<sup>715</sup>

## D. Procedural safeguards

### 1. Judicial review of the detention order

#### Indicators: Judicial Review of Detention

1. Is there an automatic review of the lawfulness of detention?  Yes  No
2. If yes, at what interval is the detention order reviewed? 4 months

Detainees have a right to be informed of the reason for their detention. This is generally done by ticking a box on a standard list of reasons, and sometimes is inaccurate or omitted. The reasons for detention should be subject to regular monthly reviews by detention officers, and a breach of this requirement can

<sup>709</sup> UK government, 'Find an immigration removal centre', accessed 24 March 2024, available [here](#).

<sup>710</sup> Government information on IRCs and information for visitors, available [here](#).

<sup>711</sup> Detention Centre Rule 37, available [here](#).

<sup>712</sup> Home Office, *Detention services order 05/2018 Mobile phones and cameras in immigration removal centres*, 17 December 2018, available [here](#).

<sup>713</sup> Detention Action, 'PRESS RELEASE: Home Office Admits Mobile Phone Outage Affected Hundreds In Immigration Detention, Including Those Facing Jamaica Removal Flight', 7 February 2020, available [here](#).

<sup>714</sup> BID, *Summer Legal Advice Survey*, 19 September 2024, available [here](#).

<sup>715</sup> BID, *Prison Legal Advice Survey*, August 2024, available [here](#).

make the detention unlawful if the effect is that the continued legality of the detention has not been effectively considered.<sup>716</sup>

### **Applications to be released on bail**

Bail applications can be made to the Chief Immigration Officer (CIO),<sup>717</sup> who is part of the Home Office or to the FTT (IAC). Since the decision to detain was made by the Home Office, it is not common for bail to be granted by the CIO. A detainee can apply for bail at any time directly to the Home Office, and directly to the First-tier Tribunal only if they have been in the UK for more than 8 days.

A Tribunal is prevented from granting bail if removal directions are in force for a date less than 14 days from the application, unless the Secretary of State consents to bail. The Immigration Act 2014 also prohibits the Tribunal from granting bail at a hearing within 28 days of a previous refusal of bail unless there is a proven change of circumstances.<sup>718</sup>

A bail application to the Tribunal involves a hearing before an immigration judge. The Home Office is required to provide a summary before the hearing of the reasons for opposing bail. Studies of bail hearings show that in practice the summary may occasionally be late, or non-existent, but the most persistent problem is reliance on standard reasons without evidence that they apply to the particular applicant.<sup>719</sup> First-Tier Tribunal judges hearing bail applications do not have the jurisdiction to consider the lawfulness of detention (see below), and there is no full reasoned decision given by the judge.

Bail hearing centres may be far removed from the detention centre, and the use of video conference systems has become routine. While this avoids long journeys for the detainee, the lack of personal contact with the judge, and problems in quality of sound and visual transmission are also experienced as obstacles to an effective hearing. Detainees in prisons may have video links cut off before the end of the bail hearing if it continues over 60 minutes. Technical problems may compound the difficulty of speaking through an interpreter.<sup>720</sup> Research shows different outcomes for video hearings as opposed to in person hearings, with 50% refused remotely compared with 22% in person.<sup>721</sup>

Bail hearings are timetabled so that several can be heard in one day, and this creates pressure on the proceedings.

Friends or family can stand as sureties for the applicant, which means that they undertake to ensure that the person reports again when they are required to, and they forfeit a sum of money if this does not happen. Sureties are not essential, but having them makes an application more likely to succeed.<sup>722</sup> There is no concept of continuing surety, meaning sureties who wish to continue to stand are required to travel to each hearing, even if bail is refused many times, and even if bail is granted and then applied for again after a further detention without any breach of conditions by the asylum applicant. Repeat detentions can occur for asylum applicants when further submissions are refused, and they are detained with a view to removal, but without giving time for them to challenge the refusal of further submissions, or else when they are detained while further submissions are being prepared but have not yet been made. Removal cannot take place while a challenge or consideration of submissions are pending, and good legal

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<sup>716</sup> Supreme Court, *Kambadzi v Secretary of State for the Home Department* [2011] UKSC 23, available [here](#).

<sup>717</sup> Application form available on the government's website [here](#).

<sup>718</sup> Schedule 10 Immigration Act 2016.

<sup>719</sup> Practice based observation by the expert, January 2024.

<sup>720</sup> Adeline Trude, *The Liberty Deficit*, Bail for Immigration Detainees, 2012, available [here](#), Bail Observation Project, Second report, 2013.

<sup>721</sup> Jo Hynes, "Hello Dungavell!": observations on the use of video link technology in immigration bail hearings', Essex Constitutional and Administrative Justice Initiative, 6 May 2019, available [here](#).

<sup>722</sup> BID, 'How to get out of detention: The Self-help Guide for Detainees', 2018, available [here](#).

representation can mean that they are released while the challenge or consideration of new submissions takes place, only to be re-detained in the same circumstances if there is a further refusal.

Automatic bail referrals were introduced in 2018. Officials make referrals four months after initial detention started and every four months thereafter.

### Challenging the lawfulness of the detention

The lawfulness of detention may be subject to judicial review in the High Court, with the permission of that court. The criteria for lawfulness are, as mentioned above, that it is for a statutory purpose, and for approved policy reasons, and the length of detention must not be unreasonable (see section on [Grounds for Detention](#)). The lack of a statutory limit on the length of detention has consequences for the potential for effective challenge. Case law states that the length of detention must be reasonable to achieve the purpose for which the person is detained.<sup>723</sup> The usual legal issue which affects the length of detention for refused asylum applicants is whether the Home Office can arrange the detainee's removal within a reasonable period. No clear and coherent case law on reasonable periods has emerged. However, the Home Office's own guidance on whether removal is 'imminent' is that 'removal could be said to be imminent where a travel document exists, removal directions are set, there are no outstanding legal barriers and removal is likely to take place in the next four weeks'.<sup>724</sup> Revised guidance that was issued to Immigration Judges in March 2023 advises that it is generally accepted that detention for three months would be considered a substantial period and six months a long period.<sup>725</sup>

Challenges are also made to the lawfulness of detention in civil proceedings for unlawful imprisonment, when damages may be awarded.

The case law and the legal structure of challenge to immigration detention make no distinction between the detention of asylum applicants and the detention of other foreign nationals.

## 2. Legal assistance for review of detention

### Indicators: Legal Assistance for Review of Detention

1. Does the law provide for access to free legal assistance for the review of detention?  
 Yes  No
2. Do asylum applicants have effective access to free legal assistance in practice?  
 Yes  No

Detention centres provide legal surgeries run by different legal aid providers who have exclusive contracts with the Legal Aid Agency to do immigration and asylum work in IRC. The appointment is for 30 minutes and no financial assessment of the detainee is needed for them to access this initial appointment, but if the legal representative takes their case on then a means assessment must be carried out as for all other legal aid work.<sup>726</sup> Detainees cannot obtain legal aid to instruct a lawyer other than those with a contract for that centre. Delays in getting an appointment at a legal surgery mean that in practice they may face removal before they can obtain an appointment, although some centres operate a priority system for people who have removal directions. It is not unusual for it to take weeks to get an appointment.<sup>727</sup> Notice of removal may be as short as 72 hours, and five days is common.

<sup>723</sup> High Court, *R (Hardial Singh) v Governor of Durham Prison* [1983] EWHC 1 (QB) [here](#).

<sup>724</sup> Home Office, *Enforcement Instructions and Guidance – Chapter 55*, para 55.3.2.4.

<sup>725</sup> Tribunals Judiciary, *Guidance on Immigration Bail for Judges of the First-Tier Tribunal*, March 2023, available [here](#).

<sup>726</sup> Legal Aid 2018 Standard Civil Contract Specification: Category Specific Rules Immigration and Asylum, paragraphs 8.157 and 8.160, available [here](#).

<sup>727</sup> BID, *Summer Legal Advice Survey*, August 2023, available [here](#).

Discussions with lawyers are held in private. Lawyers can contact their clients by mobile phone or fax, or they may also be able to speak to them on the IRC's phone, or leave a message for them. Interpreters are used where needed, usually via a telephone interpreting service.<sup>728</sup>

In 2020 it was confirmed by the court that detainees held in prisons should have the same access to legal advice as those held in IRCs.<sup>729</sup> Provision for a half hour of free advice was put in place in November 2021.<sup>730</sup>

HMIP conducted a thematic report into the treatment and experience of immigration detainees held in prisons<sup>731</sup> finding disparities including access to legal advice, progression of the case, leading to prolonged periods of detention, and safeguarding.

## E. Differential treatment of specific nationalities in detention

No differential treatment is reported.

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<sup>728</sup> Practice-based observation by the expert, January 2024.

<sup>729</sup> High Court, *SM, R (On the Application Of) v Bail for Immigration Detainees* [2021] EWHC 418 (Admin), 25 February 2021, available [here](#).

<sup>730</sup> UK government, 'Civil news: immigration and asylum advice in prisons', 1 November 2021, available [here](#).

<sup>731</sup> HMIP, 'The experience of immigration detainees in prisons, 13 October 2022, available [here](#).

## Content of International Protection

### A. Status and residence

#### 1. Residence permit

##### Indicators: Residence Permit

- |  |         |
|--|---------|
| 1. What is the duration of residence permits granted to beneficiaries of protection? |         |
| ○ Refugee status   | 5 years |
| ○ Subsidiary protection  | 5 years |

Beneficiaries of refugee status and subsidiary protection (called “humanitarian protection” in the UK legal system) receive 5 years’ leave to remain. For most people, applying for settlement, also known as Indefinite Leave to Remain (ILR), after the end of the 5-year period of leave is a straightforward process.<sup>732</sup> Difficulties encountered relate to the length of time it takes for the application to be processed, as all documents must be submitted to the authorities. Although legally the period of leave is extended by virtue of the new application,<sup>733</sup> this is difficult to prove to employers and or providers of services who often want to see physical evidence of entitlement to work or rent, for example. This is becoming an increasing problem, as the government seeks to deny more services to those who cannot provide evidence of leave.<sup>734</sup>

#### 2. Civil registration

A child born to any person in the UK is expected to be registered in the same way as any other child and this must be done within 42 days of the child’s birth in England, Wales and Northern Ireland and within 21 days in Scotland.<sup>735</sup> A child born to a refugee who is settled can be registered as a British citizen. If the child is born during the five years limited leave as a refugee, they will be granted ‘leave in line’ to expire on the same date as the parent, and can be included in a subsequent application for settlement.

Beneficiaries are subject to the same rules as UK or EEA nationals if they wish to marry in a register office; notice of the intention to marry must be given at a designated register office.<sup>736</sup> This also applies to non-EEA nationals who wish to marry in a religious ceremony.

The only difficulties, if both parties are in the UK, would arise if one of the parties did not have a Biometric Residence Permit or who didn’t have documentary evidence of a previous divorce, for example.

#### 3. Long-term residence

##### Indicators: Long-Term Residence

- |  |        |
|--|--------|
| 1. Number of indefinite leave to remain issued to beneficiaries in 2024: | 40,278 |
|--|--------|

In order to qualify for indefinite leave to remain, applicants must have held refugee or humanitarian protection leave for a continuous period of 5 years which must not have been revoked or not renewed. The Rules also enable the Home Office to delay granting settlement to those with a criminal history or

<sup>732</sup> See Home Office, *Settlement for people on a protection route (refugee status / humanitarian protection)*, 6 October 2021, available [here](#).

<sup>733</sup> Section 3C Immigration Act 1971, available [here](#).

<sup>734</sup> RAMFEL, *The Hostile Environment remains in place: A study of how thousands of lawfully resident migrants are wrongly deprived of their rights each year*, 3 October 2022, available [here](#).

<sup>735</sup> Government website – applies to England, Wales and Northern Ireland, available [here](#). For Scotland, available [here](#).

<sup>736</sup> A list of designated register offices in England and Wales is available [here](#) and for Scotland [here](#).



where there is any evidence of extremist behaviours that run contrary to British values, either permanently or for set periods of time depending on the severity of the crime or behaviour. In these cases, the application for settlement may be refused but if the applicant is still in need of international protection, additional periods of time limited leave may be granted.<sup>737</sup>

The legal framework for withdrawal of indefinite leave is Section 76 of the NIAA 2002.<sup>738</sup> Indefinite leave (ILR) will be taken from a person or considered to have lapsed when that person:

- ❖ Is liable to deportation or administrative removal but cannot be deported or removed because of the UK's obligations under the Refugee Convention or the ECHR (ILR is revoked);
- ❖ Has obtained leave by deception (ILR is revoked);
- ❖ Is deported from the UK (ILR is invalidated);
- ❖ Ceases to be a refugee because of their own actions (ILR is revoked);
- ❖ Remains outside of the UK for more than two years (ILR lapses).

In 2024, 40,278 people with protection status obtained indefinite leave to remain.<sup>739</sup>

#### 4. Naturalisation

Indicators: Naturalisation	
1. What is the waiting period for obtaining citizenship?	6 years
2. Number of citizenship grants to beneficiaries in 2024:	Not available

Those with refugee status and subsidiary protection may not apply for naturalisation as a British citizen until they have been in receipt of Indefinite Leave to Remain (settlement leave) for 12 months.<sup>740</sup> They are subject to the same test of 'good character' as other applicants and must pass a 'Life in the UK' test and meet the requirements for English language proficiency.<sup>741</sup> There is also a fee, which from 9 April 2025 is £1,605 (EUR 1,928) for the naturalisation application and £130 (EUR 156) for citizenship ceremony.<sup>742</sup>

The requirements that a person be of good character specifically refer to applicants who previously entered the UK unlawfully i.e. through evading immigration control.<sup>743</sup> Where unlawful entry happened in the previous ten years, the application will normally be refused.<sup>744</sup> On 10 February 2025 the guidance was amended to remove the ten year limit, so that anyone applying on or after that date who has entered the UK without permission will normally have their citizenship application refused.<sup>745</sup> This change is subject to at least two legal challenges.<sup>746</sup>

<sup>737</sup> See Home Office, *Settlement for people on a protection route (refugee status / humanitarian protection)*, 6 October 2021, available [here](#) Section 7.

<sup>738</sup> Section 76, Nationality, Immigration and Asylum Act 2002, available [here](#).

<sup>739</sup> Home Office, *Immigration system statistics data tables, Settlement detailed datasets, year ending December 2024*, table Se\_D02, available [here](#).

<sup>740</sup> Schedule 1, paragraph 1(2)(c), British Nationality Act 1981, available [here](#).

<sup>741</sup> UK government, 'Apply for citizenship if you have indefinite leave to remain or 'settled status'', accessed 24 March 2024, available [here](#),

<sup>742</sup> Home Office, Immigration and Nationality fees, available [here](#).

<sup>743</sup> Home Office, Naturalisation as a British citizen: caseworker guidance, 23 August 2023, available [here](#).

<sup>744</sup> Home Office, Naturalisation as a British citizen: caseworker guidance, 23 August 2023, available [here](#).

<sup>745</sup> Home Office, 'Good character: caseworker guidance', 13 February 2025, available [here](#).

<sup>746</sup> Duncan Lewis, 'Duncan Lewis to challenge 'Unlawful' Good Character British Citizenship Requirements', 21 February 2025, available [here](#) and Wilson LLP, 'Challenge to 'good character' citizenship guidance', 5 March 2025, available [here](#).

Applications for naturalisation are made to the Home Office. There are no time limits for decisions to be made. The main obstacle is the fees.<sup>747</sup>

269,621 grants of UK citizenship were made in 2024.<sup>748</sup>

## 5. Cessation and review of protection status

### Indicators: Cessation

1. Is a personal interview of the beneficiary of protection in most cases conducted in practice in the cessation procedure?  Yes  No
2. Does the law provide for an appeal against the first instance decision in the cessation procedure?  Yes  No
3. Do beneficiaries have access to free legal assistance at first instance in practice?  Yes  With difficulty  No

The grounds of cessation for Refugee status are laid out in the Immigration Rules.<sup>749</sup> These are where the Refugee Convention ceases to apply, for one of the following reasons:

- (i) they have voluntarily re-availed themselves of the protection of the country of nationality;
- (ii) having lost their nationality, they have voluntarily re-acquired it;
- (iii) they have acquired a new nationality, and enjoy the protection of the country of their new nationality;
- (iv) they have voluntarily re-established themselves in the country which they left or outside which they remained owing to a fear of persecution;
- (v) they can no longer, because the circumstances in connection with which they have been recognised as a refugee have ceased to exist, continue to refuse to avail themselves of the protection of the country of nationality; or
- (vi) being a stateless person with no nationality, they are able, because the circumstances in connection with which they have been recognised as a refugee have ceased to exist, to return to the country of former habitual residence.

The grounds of cessation for Humanitarian protection are also set out in the Immigration Rules and this can be done where protection is no longer required due to a significant and non-temporary change in circumstances.<sup>750</sup>

The procedure is set out in Home Office guidance. Note that the Home Office uses “revocation” as an umbrella term covering cessation, cancellation and revocation of refugee status.<sup>751</sup>

The beginning of the procedure is not the same in all instances. There may be a different trigger, such as the individual travelling back to the country of origin or being convicted of a serious offence which has led to an investigation of the original grounds for asylum. In all cases the applicant sent a notice of intention to revoke refugee status by the Home Office and invited to submit their view to the caseworker in writing. Access to legal aid is available in the same way it is for initial asylum claims.

<sup>747</sup> UK government, ‘Apply for citizenship if you have indefinite leave to remain or ‘settled status’’, accessed 24 March 2024, available [here](#).

<sup>748</sup> Home Office, *Immigration system statistics data tables, Citizenship summary tables, year ending December 2024*, table Cit\_01, available [here](#).

<sup>749</sup> Immigration Rules, paragraphs 339A to 339AB.

<sup>750</sup> Immigration Rules, paragraph 339GA.

<sup>751</sup> Home Office, *Revocation of protection status*, 24 January 2025, page 6, available [here](#).

Until January 2025, the position was that UNHCR would also be consulted, usually after any submissions from the refugee have been received, and given 10 days to submit its view, which must be taken into consideration.<sup>752</sup> The guidance on revocation was updated in January 2025 and states that as of 1 January 2025 UNHCR and the Home Office have agreed that “UNHCR will no longer carry out individual revocation case reviews and will not provide comments to the Home Office for consideration”.<sup>753</sup>

The applicant would not usually be interviewed, unless there are specific reasons for doing so. It is possible to appeal against the decision to revoke leave if that is accompanied by a decision to remove protection status i.e. the appeal is against the refusal of protection status. Appeal rights are suspensive i.e. the refugee remains in the country whilst the appeal is heard, unless they are outside of the UK. Appeal rights and legal aid entitlement are identical to initial asylum claims.

Review of status and consideration of cessation is not a routine consideration, save in criminal cases and those where the refugee has spent more than 2 years out of the UK or where there is evidence they have availed themselves of the protection of the country of asylum e.g. by obtaining a national passport.

It has not historically been applied to specific groups as a matter of policy, however in December 2024 following the collapse of the Assad regime in Syria, the Home Office paused consideration of applications for settlement from Syrian refugees reaching the end of their five years of refugee leave.<sup>754</sup> This has raised concerns that cessation may in contemplation for this group.

## 6. Withdrawal of protection status

### Indicators: Withdrawal

1. Is a personal interview of the beneficiary of protection in most cases conducted in practice in the withdrawal procedure?  Yes  No
2. Does the law provide for an appeal against the withdrawal decision?  Yes  No
3. Do beneficiaries have access to free legal assistance at first instance in practice?  Yes  With difficulty  No

The grounds for withdrawal / revocation of international protection are set out in the Immigration Rules and include: (a) the grounds for exclusion in the Refugee Convention; (b) misrepresentation of facts to obtain refugee status; and (c) being a danger to the UK.<sup>755</sup>

The definition of someone being a danger to the UK includes where they are convicted of an offence where the sentence is at least twelve months, this is a change brought in by the Nationality and Borders Act 2022.<sup>756</sup> The same provisions are applied to those who have been granted humanitarian protection.<sup>757</sup> A case promulgated in 2021 confirmed that Humanitarian Protection (subsidiary protection) can be revoked in cases of serious criminality (correcting a First Tier Tribunal decision that a higher threshold must be reached).<sup>758</sup>

<sup>752</sup> Home Office, *Revocation of protection status*, 28 June 2022, available [here](#).

<sup>753</sup> Home Office, *Revocation of protection status*, 24 January 2025, page 7, available [here](#).

<sup>754</sup> Hansard, House of Lords debate: Syrian Asylum Applications, 29 January 2025, available [here](#).

<sup>755</sup> Rules 339A to 339AB Immigration Rules.

<sup>756</sup> Section 72 of the Nationality, Immigration and Asylum Act 2002, available [here](#).

<sup>757</sup> Immigration Rules paragraph 339D to 339GD.

<sup>758</sup> Upper Tribunal, *Kakarash (revocation of HP, respondent's policy) Iraq* [2021] UKUT 236 (IAC), available [here](#).

The procedure is the same as the one outlined in the section on [Cessation](#). A case in 2019 confirmed that revocation procedures could not apply to the dependants of refugees unless the dependant had been recognised in their own right.<sup>759</sup>

In January 2025, in a case where refugee status had been revoked on the grounds of national security, the Court of Appeal held that UNHCR's guidance on Article 33(2) cases introduced a proportionality test that went beyond the requirements of the Refugee Convention.<sup>760</sup>

## B. Family reunification

### 1. Criteria and conditions

#### Indicators: Family Reunification

1. Is there a waiting period before a beneficiary can apply for family reunification?  
 Yes  No  
❖ If yes, what is the waiting period?
2. Does the law set a maximum time limit for submitting a family reunification application?  
 Yes  No  
❖ If yes, what is the time limit?
3. Does the law set a minimum income requirement?  
 Yes  No

There is no waiting period for a beneficiary of refugee status or humanitarian protection to apply for family reunification. Nor is there a maximum time limit after which the beneficiaries are no longer entitled, as long as they do not become UK citizens. There is no charge for the application nor requirement for the sponsor to have an income to support their family members. There is no distinction between refugees and those with humanitarian protection.

Eligibility is restricted to the immediate family as it existed prior to the sponsor's flight and the only people automatically eligible to join the refugee in the UK are:

- ❖ Spouse / same sex partner; and
- ❖ Dependent children under the age of 18. Following the introduction of the definition of a 'group 2' refugee as one who is considered not to have 'come directly' to the UK, family reunion is not guaranteed even for these close family members and is subject to an examination of Article 8 rights.<sup>761</sup>

Refugee children are not eligible to sponsor their parents and or siblings. A number of NGOs are collaborating in campaigning for changes to the Immigration Rules on Refugee Family Reunion, including this issue.<sup>762</sup> Two Private Members' Bills, introduced into Parliament ultimately did not proceed.<sup>763</sup> A further Private Member's Bill was introduced in the House of Lords in 2024.<sup>764</sup>

<sup>759</sup> Court of Appeal, *JS (Uganda) v Secretary of State for the Home Department* [2019] EWCA Civ 1670, available [here](#).

<sup>760</sup> *D8 v Secretary of State for the Home Department* [2025] EWCA Civ 33, see paragraphs 21 and 63, available [here](#).

<sup>761</sup> Home Office, *Family reunion: for individuals with protection status in the UK – Version 9.0*, 12 April 2023, available [here](#).

<sup>762</sup> Families Together, available at: <https://tinyurl.com/yh8m7acf>.

<sup>763</sup> See previous updates to this report: AIDA, *Country Report: United Kingdom*, available [here](#).

<sup>764</sup> Refugees (Family Reunion) Bill [HL], available [here](#).

A report published by Amnesty International UK, Refugee Council and Save the Children in 2019 summarised the criticisms made by external scrutineers and parliamentary Committees, as well as providing evidence of the impact of the current policy position.<sup>765</sup> In 2023 a challenge to the refusal to allow refugee children to bring their family to the UK was rejected.<sup>766</sup>

Another report from Refugee Council and Safe Passage in 2024 found that children were being put in dangerous situations such as using people smugglers to cross the Channel because of the delays in processing family reunion applications. The report made several recommendations including that the Immigration Rules were amended to allow children to join refugee non-parent adult relatives in the UK and refugee children in the UK to sponsor parents and siblings.<sup>767</sup>

Data on decisions on family reunion visas are published by the government. In 2024, 19,710 family reunion visas were issued; 10,958 of them to children.<sup>768</sup>

The requirements for a family reunion application are set out in the Immigration Rules.<sup>769</sup> In order to apply using this route, the UK based sponsor must currently have protection status and must not be a British Citizen. A valid application must be made, this is free of charge, and the overseas applicants must provide their biometric information. It may be possible to get the requirement to enrol biometrics waived in certain circumstances.<sup>770</sup> The applicant must be the partner or child of the UK sponsor and they must have been part of a family unit before the sponsor left the country of origin. Children aged 18 or over will need to establish that there are exceptional circumstances in order to make a successful application. Factors that will be considered when deciding whether the circumstances are exceptional include whether the applicant is dependent on the UK sponsor, whether the applicant is leading an independent life, whether they have others to support them where they are and whether they would likely become destitute if not permitted to come to the UK.

Other family members may also be able to apply under these Immigration Rules if they can establish that a refusal would breach Article 8 ECHR. The guidance explains that in these cases the decision maker will consider whether family life exists between the applicant and UK sponsor, whether there is evidence of an unusual or exceptional level of dependency and how frequently they have contact with each other.<sup>771</sup>

There are not specific evidential requirements to establish family relationships and the guidance explicitly says that these applicants may not have documentary evidence due to fleeing conflict zones.<sup>772</sup> The Home Office cannot insist that DNA evidence is provided in order to establish the family relationship.<sup>773</sup>

Legal aid is not automatically available but can be applied for.<sup>774</sup> Refusals can be appealed on human rights grounds.

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<sup>765</sup> Amnesty International, Refugee Council and Save the Children, *Without my Family; the impact of family separation on separated children in the UK*, 2019, available [here](#).

<sup>766</sup> High Court, *DM, R (On the Application Of) v Secretary of State for the Home Department* [2023] EWHC 740 (Admin), available [here](#).

<sup>767</sup> Refugee Council and Safe Passage, 'Families Belong Together: Fixing the UK's broken family reunion system, 13 May 2024, available [here](#).

<sup>768</sup> Home Office, *Immigration system statistics data tables, Family reunion visa grants detailed datasets, year ending December 2024*, 27 February 2025, table Fam\_D01, available [here](#).

<sup>769</sup> Immigration Rules, Appendix Family Reunion.

<sup>770</sup> Home Office, *Unable to travel to a visa Application Centre to enrol biometrics (overseas applications) version 2.0*, 8 February 2024, available [here](#).

<sup>771</sup> Home Office, *Family Reunion*, 17 July 2023, available [here](#).

<sup>772</sup> Home Office, *Family Reunion*, 17 July 2023, available [here](#).

<sup>773</sup> Home Office, *DNA policy guidance, version 4.0*, 19 March 2020, available [here](#).

<sup>774</sup> Dr Sasha Holden, 'Cuts that cost: The Impact of Legal Aid Cuts on Refugee Family Reunion', October 2020, available [here](#).

The ICIBI inspected the family reunion system, including progress against previous recommendations, the report of which was published by the Home Office in September 2020,<sup>775</sup> along with its response.<sup>776</sup> The Inspector had invited the government to explain and justify its position on the eligibility criteria in the light of the Private Members Bills and activities of the Families Together coalition.<sup>777</sup>

The Families Together campaign coalition published research on barriers and challenges faced by refugees attempting to reunite with family members.<sup>778</sup> Findings included that the Rules were unnecessarily complex and insufficiently flexible, poor quality decisions, difficulty in accessing legal aid lawyers, British Red Cross published a report that also highlighted issues with the procedural requirements for making the application, such as difficulties people have in travelling to enrol their biometrics.<sup>779</sup>

A report published in 2023 following a reinspection by the ICIBI found that the situation had deteriorated since the previous inspection and that applicants were waiting unacceptably long for a decision, over double the service standard of 60 days, and there was a backlog of almost 8,000 applications. This was partly a result of staff being diverted to work on the Homes for Ukraine Scheme.<sup>780</sup>

## 2. Status and rights of family members

Family members do not receive the same status as their sponsor. They receive ‘leave in line’ i.e. leave to remain to expire at the same time as their sponsor. If the sponsor has limited leave, the family members all apply for settlement at the same time. There are difficulties for estranged partners in these circumstances.

## C. Movement and mobility

### 1. Freedom of movement

There are no restrictions on freedom of movement for refugees, those with humanitarian protection or their family members. Some difficulties arise when people want to move away from where they have been dispersed and relocate to a place where they have no previous connection as they may be unable to access social housing.<sup>781</sup>

### 2. Travel documents

Refugees and their dependants, including those who are united through the refugee family reunion process, can apply for a ‘Refugee Travel Document’. The cost is the same as a UK national passport. An adult’s travel document will expire after 10 years if they have indefinite leave to remain, or at the same time as the refugee’s limited leave (if during the first 5 years of leave) if that is earlier. A child’s travel document will expire after 5 years or at the expiry of their leave.<sup>782</sup>

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<sup>775</sup> ICIBI, *An inspection of family reunion applications*, October 2020, available [here](#).

<sup>776</sup> Government response to the Inspection of family reunion applications, 8 October 2020, available [here](#).

<sup>777</sup> Families Together, see website [here](#).

<sup>778</sup> CRiL and Families Together, *Refugee Family Reunification in the UK: Challenges and Prospects*, 2021, available [here](#).

<sup>779</sup> British Red Cross, *The Long Road to Reunion: Making Refugee Family Reunion Safer* (2020), available [here](#).

<sup>780</sup> ICIBI, *Inspection report published: A reinspection of family reunion applications September – October 2022*, 21 February 2023, available [here](#).

<sup>781</sup> England Shelter, ‘What is a local connection?’, available [here](#).

<sup>782</sup> Government website, ‘Apply for a Home Office travel document’, available [here](#).

Beneficiaries of subsidiary protection and other forms of leave, including their dependants, are expected to apply to their national authorities for a passport, unless the humanitarian protection is granted following a refusal of asylum and it is accepted that the beneficiary has a fear of their national authorities.<sup>783</sup> This includes those resettled under the Syrian Resettlement Scheme who are granted humanitarian protection. Other than these individuals, including dependants, those with leave following a refusal of asylum, including beneficiaries of subsidiary protection where it is not accepted that the person is in fear of the national authority, are expected to show evidence of refusal to issue a document following contact with their national embassy.<sup>784</sup>

All those who are not entitled to a Refugee Travel Document, including all beneficiaries of subsidiary protection, can apply for a certificate of travel, which costs £280 (€ 336),<sup>785</sup> more than three times that of a Refugee Travel Document which is £82 (€ 99),<sup>786</sup> and a maximum validity of 5 years. It will only be issued when the individual has more than 6 months leave remaining.<sup>787</sup>

The procedure for all travel documents is via an online application.<sup>788</sup> Travel documents that are not CTD, issued by other countries, would often need to be accompanied by a visa.

In 2024, 82,570 travel documents were issued to third country nationals without a passport (this is not exclusively beneficiaries of international protection).<sup>789</sup> There are no specific obstacles to people obtaining these documents.

## D. Housing

### Indicators: Housing

1. For how long are beneficiaries entitled to stay in Home Office accommodation? Until determination of their claim
2. Number of beneficiaries staying in dispersal accommodation as of 31 December 2024: 65,707

The reception centres are designed for short term support, almost all residents will move to 'dispersal accommodation' in self-contained houses or apartments. This is known as 'Section 95' support (see [Reception Conditions: Criteria and Restrictions](#)).

On receipt of a decision to grant asylum or leave that would entitle the individual to work, apply for state welfare benefits and rent, buy or take on a public housing tenancy, under law asylum support can be stopped 28 days after the decision.<sup>790</sup> This is often termed the 'move on period'. People must be given a minimum of seven days' notice that they are being evicted from their asylum accommodation.<sup>791</sup> In practice, as it was not possible to claim public funds without the biometric residence card that is issued as evidence of refugee status, the Home Office would only stop support 28 days or longer following receipt of the biometric residence permit.

<sup>783</sup> Home Office, 'Home Office travel documents: caseworker guidance', published 29 August 2013, available [here](#).

<sup>784</sup> Home Office, 'Apply for a Home Office travel document', available [here](#).

<sup>785</sup> Home Office, 'Apply for a Home Office travel document', available [here](#).

<sup>786</sup> Home Office, 'Apply for a Home Office travel document', available [here](#).

<sup>787</sup> Home Office, 'Home Office travel documents: caseworker guidance', published 29 August 2013, available [here](#), 13.

<sup>788</sup> Home Office, *Apply for a Home Office travel document*, available [here](#).

<sup>789</sup> Resettlement, Asylum Support and Integration Transparency data, Q4 2024, available [here](#).

<sup>790</sup> The Asylum Support Regulations 2000, regulation 22, available [here](#), and the Asylum Support (Amendment) Regulations 2002, available [here](#).

<sup>791</sup> The Asylum Support Regulations 2000, regulation 22, available [here](#).

In August 2023 the Home Office made a change in practice that was not publicly announced. They started counting the 28 days from the date of the decision instead of from receipt of the biometric residence permit. As in many cases the permit would take longer than 28 days to arrive, this meant that many refugees were made street homeless shortly after receiving their grant of refugee leave.<sup>792</sup> This change resulting in a 223% increase in people sleeping rough after leaving asylum housing.<sup>793</sup> The change was later reversed, again no public announcement was made. The period July to September 2024 showed huge decreases in people being put at risk of homelessness because of being required to leave asylum accommodation, compared with the same period the previous year.<sup>794</sup>

Towards the end of 2023 an internal change was made at the Department for Work and Pensions which allowed newly recognised refugees to claim public funds before receiving their biometric residence permit.<sup>795</sup>

This is regardless of whether or not any alternative source of income and accommodation has been secured. Recent issues with this process have been detailed in [Forms and levels of material reception conditions](#). In practice, few refugees find alternative accommodation within this time. The main obstacles they face are the processing times for welfare benefits, the lack of a bank account or online credit history. Public housing is restricted to those with children or who are considered a priority because of ill health or disability and those whose illness is mental rather than physical face particular difficulties. The latter category often finds difficulty persuading the authorities to provide them with public housing. The Refugee Council has written a guide to making and pursuing these applications,<sup>796</sup> as well as translated guides to opening a bank account.<sup>797</sup>

This is in stark contrast to those who arrive in the UK as refugees under resettlement programmes. Although individuals will have to open a bank account, sign a tenancy for housing and make a claim for welfare benefits on arrival, support is usually available to assist with this and a small monetary amount is given by the Home Office to ensure that people have some funds on which to live when they first arrive. The Refugee Council has written a policy briefing on this issue.<sup>798</sup>

The British Red Cross produced a cost benefit analysis of the 28 day 'move-on' period in February 2020, arguing that the UK government could save significant amounts of money including the cost of temporary accommodation, if the 28 days was doubled to 56.<sup>799</sup>

Despite a wealth of evidence, the issue continues to affect many new refugees and other beneficiaries of leave, resulting in homelessness and destitution.<sup>800</sup> The reasons for this are outlined in the research; it is acknowledged that many refugees may not be aware that claims for welfare benefits usually take weeks to process and may not apply as soon as they are eligible, but recent reports show that in many cases the people advising them, employed by the department that processes claims, to advise that refugees are not able to make welfare benefits applications whilst still receiving asylum support. Similar incorrect advice was found to be given regarding eligibility for an advance payment to cover any gap in support. Additional barriers exist for refugees who have not opened a bank account; unable to do this without a regular

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<sup>792</sup> For more details, see [here](#).

<sup>793</sup> Centre for Homelessness Impact, 'Critical links between resettlement in the UK and rising rates of street homelessness' 18 January 2024, available [here](#).

<sup>794</sup> Ministry of Housing, Communities and Local Government, 'Accredited official statistics: Statutory homelessness in England: July to September 2024', 27 February 2025, available [here](#).

<sup>795</sup> Free Movement, Refugees can now claim universal credit without a biometric residence permit, 4 December 2023, available [here](#).

<sup>796</sup> Refugee Council, *Making homelessness applications for refugees in England*, Refugee Council, March 2019, available [here](#).

<sup>797</sup> See the English guide, available [here](#), there are also five translated guides available.

<sup>798</sup> Refugee Council, *Policy briefing: Support for refugees in England*, December 2019, available [here](#).

<sup>799</sup> British Red Cross; The cost of destitution, February 2020, available [here](#).

<sup>800</sup> British Red Cross, *The Cost of Destitution*, 2020, available [here](#).



income, they then face additional delays in welfare benefits payments which are usually made directly into a claimant's bank account.

Unless eligible for public housing, refugees' access to the private rental sector is impeded in practice because of the lack of funds; a refugee will not have been eligible for asylum support payments if they have savings but will need a lump sum in order to pay a deposit. Without specific schemes such as one operated by the Refugee Council in London,<sup>801</sup> refugees are reliant on family, friends, refugee hosting schemes or members of their community to avoid street homelessness.

In November 2024 a pilot scheme was announced to temporarily extend the move on period to 56 days starting on 9 December 2024 and due to end in June 2025. An evaluation of the pilot will be carried out. The Home Office has expressly linked the pilot to the introduction of eVisas (the replacement of hard copy immigration documents with electronic evidence of status).<sup>802</sup>

As mentioned under [Special reception needs of vulnerable people](#), former unaccompanied minors who turn 18 and who have leave, as a refugee or otherwise, will receive assistance from the local authority in line with British citizens in the same situation, under the Children (Leaving Care) Act<sup>803</sup> which will include help with accessing housing.

## E. Employment and education

### 1. Access to the labour market

The law provides for refugees and beneficiaries of humanitarian protection the same access to the labour market as UK citizens.<sup>804</sup> In practice, very few individuals will enter the labour market immediately; some will need to ensure their qualifications allow them to practice their profession and may need to retrain or pass exams to allow them to practice e.g. doctors.<sup>805</sup> These requirements will vary by profession and employer. Many refugees may have had limited language provision when they were seeking asylum so may need to learn English sufficient to access the labour market. Government funded English classes have been criticised as lacking in proper funding meaning that people are unable to access the amount of teaching that they need.<sup>806</sup>

A Home Office initiative is the Refugee Employability Programme which aims to support refugees to find work. This provides CV writing classes, sector specific training and interview practice as well as English language and integration support.<sup>807</sup>

There is little practical support provided by the state although when applying for the main welfare benefit for those fit to work (Job Seekers Allowance) individuals are required to show evidence of applications for jobs they have made and are questioned about this by an adviser.

### 2. Access to education

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<sup>801</sup> Refugee Council, 'Helping refugees find a home', accessed 1 February 2025, available [here](#). See also 'New scheme to fund refugee rental deposits', 5 July 2024, available [here](#).

<sup>802</sup> Sammy Gecsoyler, 'Home Office trial doubles time refugees have to find home before eviction', *The Guardian*, 6 December 2024, available [here](#).

<sup>803</sup> Children (Leaving Care) Act 2000. Devolved governments have similar provisions.

<sup>804</sup> Paragraph 334B Immigration Rules.

<sup>805</sup> UKENIC, 'Statement of comparability', accessed 24 March 2024, available [here](#).

<sup>806</sup> Refugee Action, 'Let Refugees Learn', accessed 24 March 2024, available [here](#).

<sup>807</sup> Home Office, *Refugee employability programme*, 27 October 2023, available [here](#).

Access to compulsory education (up to age 16) is the same for asylum applicants, refugees and UK citizens (see section on [Reception Conditions: Education](#)). Although mid-term admissions may cause additional difficulties, the ease of access to school places is related more to the geographical area in which an individual lives than their immigration status.

In England, Wales and Northern Ireland access to post-18 education is different and one of the distinctions between beneficiaries of refugee status and subsidiary (“humanitarian”) protection is that for the purposes of fees and student support, refugees are considered home students once they receive status, whereas recipients of humanitarian protection are considered as overseas students until they have lived in the UK for 3 years. In Scotland the only requirement is 3 years residence, rather than status.

## F. Social welfare

The law provides access to social welfare for beneficiaries of international protection,<sup>808</sup> although practical difficulties are encountered.

Social welfare is provided to beneficiaries under the same conditions and on the same level as for nationals.<sup>809</sup> Public housing may be restricted to those with a history of living in a particular area, so beneficiaries who move away from dispersal areas may encounter problems.<sup>810</sup> The laws do apply to all. The main authorities responsible for granting social assistance are the Department for Work and Pensions, (national government department) administered by local Job Centres. The provision of social welfare is not tied to a requirement to reside in a specific place or region.

Beneficiaries face various difficulties in accessing social assistance such as difficulties in opening a bank account.<sup>811</sup> The issues relating to opening bank accounts and finding enough money to secure private rented housing (which require an upfront fee) remain unresolved. A parliamentary debate in March 2020 discussed many of the key difficulties experienced by newly recognised refugees in general.<sup>812</sup>

## G. Health care

The entitlement to health care is not affected in law for refugees and beneficiaries of humanitarian protection but in practice there can be difficulties. Although not required in law, registering with a GP practice for primary care often asks for proof of address; if a refugee has moved from asylum support accommodation it may be difficult to obtain this.<sup>813</sup>

Specialist medical support for refugees is patchy; waiting list for mental health services for the population in general in England in particular can be long.<sup>814</sup> The issues in practice are very similar for refugees to those faced by asylum applicants, despite the difference in status (see [Reception conditions – Healthcare](#)).

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<sup>808</sup> Home Office, *Public funds: caseworker guidance*, 5 October 2023, available [here](#).

<sup>809</sup> Department for Work and Pensions, ‘Claiming Universal Credit and other benefits if you are a refugee’, updated 6 December 2024, available [here](#).

<sup>810</sup> Citizens Advice, ‘Getting on the waiting list for a council home’, accessed 24 March 2024, available [here](#).

<sup>811</sup> Refugee Council, ‘Refugee Council launches new guide to help refugees open a bank account’, 6 November 2020, available [here](#).

<sup>812</sup> Asylum decisions (support for refugees) debate, 4 March 2020, available [here](#).

<sup>813</sup> Healthwatch, ‘Registering with your GP: understanding your rights’, 4 October 2023, available [here](#).

<sup>814</sup> National Audit Office, *Progress in improving mental health services in England*, 9 February 2023, available [here](#).

The Advocacy Forum, a group of Refugee led Community Organisations supported by the Refugee Council, published research in 2022 examining the barriers to integration by refugees and people seeking asylum living in London. Refugees reported challenges in integration in areas of employment and housing in particular and many were experiencing mental ill health and worryingly, not accessing appropriate treatment.<sup>815</sup>

A 2024 report found that barriers faced by asylum applicants in accessing healthcare in England included a lack of translation services and difficulty in communicating with staff, lack of understanding of entitlements, digital exclusion, discrimination, destitution and a lack of guidance on how to navigate healthcare services.<sup>816</sup>

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<sup>815</sup> Refugee Council, 'Going Full Circle: The primary needs and experiences of refugees and people seeking asylum living in London', July 2022, available [here](#).

<sup>816</sup> British Red Cross and St George's Hospital Migrant Health Research Group, 'Delivering with dignity: A framework for strengthening commissioning and provision of healthcare services for people seeking asylum', August 2024, available [here](#).