



Stopping the Crossings

How Britain can take back control of
its immigration and asylum system

BY NICK TIMOTHY AND KARL WILLIAMS

**WITH FOREWORD BY
THE RT HON SUELLA BRAVERMAN MP**



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Foreword

A secure border is the foundation of a fair and prosperous nation. It is also a necessary requirement of national sovereignty. Without such security, community cohesion and public safety is undermined, and the value of citizenship is diminished.

We are less likely to trust our neighbours, and make the sacrifices and compromises which sustain communities, if we do not have confidence that those who live among us do so lawfully. And we are less likely to see equity in our contributions to public services like the NHS, or in taxation that sustains the welfare state, if people can come here illegally and access those services and benefits without paying their fair share.

The British public are fair-minded, tolerant, and generous in spirit. But we are fed up with the continued flouting of our laws and immigration rules to game our asylum system. And we've had enough of the persistent abuse of human rights laws to thwart the removal of those with no right to be in the UK. This must end. Saying so is not xenophobic or anti-immigration. It is the reality acknowledged and felt by the vast majority of the British public. To pretend otherwise is to insult them.

Deciding who can come to our country and on what terms is a fundamental responsibility of government. That means controlling immigration. It means ensuring that people who are offered the opportunity to study, work, and ultimately build their lives here, are chosen because they will make a positive contribution to our economy and society. And it means making sure that those who obtain our humanitarian protection, are genuinely in need of sanctuary, not exploiting our generosity and abusing our system.

I recognise, along with majority of the public, that the number of people crossing the Channel to illegally enter the UK is wholly unacceptable and unsustainable. As is accommodating tens of thousands of illegal arrivals in hotels at a cost of millions of pounds per day to the taxpayer. This cannot go on. That's why I've dedicated more time to this issue than any other since becoming Home Secretary.

We already have in place an agreement that - pending the outcome of judicial review - will enable the detention of small boat arrivals and their swift removal to Rwanda for asylum processing and resettlement. And in November, I signed a new deal to strengthen our cooperation with France and ensure that more small boats are disrupted before they can start their journey to our shores. These are necessary but, on their own, not sufficient measures.

I know that to deliver the Rwanda partnership at scale, to disrupt the organised gangs who facilitate these illegal journeys, to remove the incentive for people to illegally cross the Channel, and to ensure we have an asylum framework that is fit for purpose, requires further work. The Prime Minister and I are committed to doing whatever it takes. We are finalising our plan, and we will deliver the operational and legislative changes necessary to comprehensively tackle this problem.



While I do not agree with everything in this report, I welcome it as a vital and necessary contribution to the policy debate about what can be done to tackle the crossings. It is correct to recognise the complexity of the problem, and the intersection of several policy challenges: human rights laws, international conventions, diplomatic relationships with third countries, operational effectiveness, and the various push and pull factors that cause people to want to come to live here.

As the report makes clear, none of this is easy. There are no silver bullets. But nor is it the case this problem cannot be solved. There are a range of policy options. And with clear thinking, political will, and determination, we can prevail against the smuggling gangs, against those who abuse our system, and we will comprehensively tackle the small boats problem.



**The Rt Hon
Suella Braverman MP**



Executive Summary

So far this year, 44,000 irregular maritime entrants have made it across the Channel to Britain in small boats. On the current trend, around 47,000 individuals are expected to make the crossing in 2022, up by over 160% on last year and bringing the total since 2018 up to almost 90,000 – enough people to populate a settlement like Redditch, Stevenage or Hastings, or to fill Wembley Stadium. Without a radical policy shift and decisive action, the numbers are only going to continue to grow.

The crossings are being facilitated by an intricate network of criminal gangs whose business models are built on human misery. Those making the crossings are generally not vulnerable refugees fleeing from war, torture or persecution, but economic migrants in all but name, engaged in ‘asylum shopping’. Most of these migrants are fit, young men, affluent enough to pay the fees extorted by the people smugglers. In 2021, 74% of those making the crossing were adult males, the vast majority under the age of 40. And so far in 2022, ‘between 1% and 2% of the entire adult male population of Albania has travelled to the UK in small boats’, according to Clandestine Channel Threat Commander Dan O’Mahoney.

‘ Fully 74% of voters think the UK government is handling the situation in the Channel badly, while 68% of these voters – and so a majority of voters overall – think it is not being restrictive enough on migrants attempting to cross the English Channel by boat ’

As new polling for this report shows, the British people are fed up with this state of affairs. Fully 74% of voters think the UK government is handling the situation in the Channel badly, while 68% of these voters - and so a majority of voters overall - think it is not being restrictive enough on migrants attempting to cross the English Channel by boat.

The crisis in the Channel is also putting an immense strain on Britain’s asylum resources. Since the crossings started, the annual asylum processing bill has more than tripled to £2.1 billion. And it is still rising. Hotel and B&B accommodation alone for asylum seekers (excluding Afghan refugees from the fall of Kabul) is now costing the taxpayer £5.6 million a day. All of this distracts us from better helping those genuinely in need of our aid.

Yet the crisis in the Channel is also symptomatic of a broader breakdown of Britain’s immigration and asylum system. Border and immigration officials are under-resourced and hobbled by convoluted laws. The asylum case backlog has risen to over 160,000 and the share of new cases processed within six months has fallen to just 10%. Removals of people without a right to be here have plummeted. Endless legal appeals, often launched on spurious grounds and aided by pro-immigration activists and lawyers, have gummed up the system.



The Modern Slavery Act 2015, via its National Referral Mechanism (NRM), has increasingly become the first line of defence for illegal entrants in Britain, not least those brought over the Channel in small boats by Albanian gangs. But beyond this, all attempts to resolve the legal tangle of our immigration and asylum system eventually run into the European Convention on Human Rights (ECHR) and the court that enforces the Convention in Strasbourg.

On top of this, the 1951 Refugee Convention now confers the notional right to move to another country upon at least 780 million people. For as well as internationally displaced refugees and modern slaves, there are all those who could potentially face a 'well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion' who may flee their home country.

Irregular migrants know that if they can make it to Britain and claim asylum, they are unlikely ever to be removed. This understanding underpins the business model of the people smugglers and is the root cause of the Channel crisis.

Fixing our broken immigration and asylum system and breaking the business model of the people smugglers requires solutions to a complex set of interlinked problems. Fortunately, some of the groundwork is already in place, not least the Migration and Economic Development Partnership (MEDP) with Rwanda – a real achievement for former Home Secretary Priti Patel.

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Yet pro-immigration campaigners remain resolutely opposed to finding solutions. They invariably seek to block any specific attempt to reduce illegal or legal immigration as a matter of principle – albeit often cloaked in specific justifications. There is always a spurious reason by which border control can be implicitly cast as impossible, even irrelevant, in the modern world. Ultimately, the only solution to the Channel crisis most of them will entertain is the establishment of undefined 'safe and legal routes' for asylum seekers to reach the UK. This is obviously absurd: the illegal crossings would stop only if such routes were completely unrestricted and unlimited in scope. But it is by such sophistries that they advance their cause.

The first chapter of this report is therefore a standalone essay on **The Case for Control**. Not only do the British people expect immigration (by whatever route) to be controlled, but there are unanswerable arguments in principle for doing so. **This case for control is built on five pillars: social, cultural, economic, practical and democratic.**

In the second chapter, **Losing Control**, we look at how control over legal and more especially illegal immigration has weakened over the last two and a half decades, and how this has culminated in the chaos in the Channel. Tighter security at ports and the Channel Tunnel has had the unintended side-effect of diverting migrant flows to the seaborne route – but this is only a part of the story. Broader operational failings, Britain's capacious human rights regime and a failure of policy coordination have led to a loss of control of both legal and illegal immigration. There has also been a refusal to face up to the reality that the global factors driving increased international migration are only going to intensify over coming decades. Things are going to get worse unless we change direction.



As the exclusive polling set out in this chapter shows, the British people are already deeply discontented, disillusioned and distrustful of politicians for having failed to secure our borders and for not having reduced immigration. Some 59% of people think that immigration has been too high over the last ten years; just 9% that it has been too low. A quarter of voters now trust no political party to handle the issue of immigration. Indeed, it is starting to filter through to the public that total net migration is higher than ever before, despite the end of EU free movement rules after Brexit.

In the third chapter, **Regaining Control**, we therefore look at how to address the problems identified in the preceding chapter, particularly around stopping the small boats (though a number of our proposals to this end will give us better control over legal immigration too). **A radical overhaul of the entire system is needed, with deterrence suffused throughout. Ultimately, we need to make the UK a significantly less attractive destination for illegal immigration than our EU neighbours.**

Contrary to the claims of pro-immigration campaigners, policy levers have reduced and can reduce illegal immigration. The example of Australia's 'Operation Sovereign Borders' policy under the Abbott government is instructive here. In the British context, the Rwanda programme and further offshore relocation schemes along similar lines will be indispensable. But we also need to be firmer on access to public services, accommodation, detention, bail, and enforcement powers and resourcing, in order to embed a system-wide deterrent effect. And we need to advertise this posture loud and clear, so that migrants upstream know that the UK is no longer a soft touch. But this should be coupled, we argue, with a more generous system of resettlement for those in genuine need. The deal should be that if you need Britain's help, you have a good chance of getting it. But if you arrive in this country illegally, especially from a safe country, there is zero chance that we will let you settle here in the long term.

‘ This agenda will entail a series of legal, operation and administrative reforms: ultimately, we set out 41 specific recommendations designed to solve a complicated and interlocking set of problems’

This agenda will entail a series of legal, operation and administrative reforms: **ultimately, we set out 41 specific recommendations designed to solve a complicated and interlocking set of problems.** However, these can be summarised by three core policy pillars that should constitute the foundations of a new and much more robust immigration and asylum system for the UK. In summary, these are:

1. Dedicated resettlement schemes

- Future grants of asylum should be handled exclusively through resettlement routes – as during the Syrian crisis – so that we can choose who comes to Britain and how.
- There should be a statutory cap on the numbers we take – we suggest no more than 20,000 a year – with any change to those limits subject to Parliamentary debate and scrutiny.
- This will allow us to prioritise resources using the criteria of vulnerability, geography, urgency, availability of alternative support and domestic capacity.

2. Offshoring asylum seekers

- It should be impossible in law to claim asylum in the UK after travelling from a safe country, and no migrant who arrives here illegally should ever be allowed to settle here. Relevant provisions in the Nationality and Borders Act need to be given teeth.



- The Rwanda scheme must be implemented at scale, along with follow-up agreements with at least two other third countries (or British Oversea Territories). That may mean relocating tens of thousands of irregular maritime entrants every year until crossings cease.
- If the European Convention on Human Rights (ECHR) means offshoring is blocked, then we need to consider leaving the Convention and legislating to onshore our human rights framework, with Parliament deciding how we protect human rights in general and UK judges applying this framework to particular cases.
- Contrary to the claims of critics, such a system would save the country money via the deterrent effect. Our modelling shows that this approach could feasibly yield savings of c.£8 billion over five years.

3. Better enforcement

- We need to make it harder for illegal migrants and failed asylum seekers to live and work in Britain, including by increasing penalties on landlords and employers who facilitate their activities, and toughening up access to public services.
- Conversely, we need to make it easier for immigration enforcement officials to do their jobs, including by increasing the enforcement budget and enhancing, through legislation where necessary, powers of investigation and detention.
- Open-ended detention in communal accommodation, such as Napier Barracks, should be made the norm for asylum seekers and illegal entrants awaiting relocation to Rwanda or their country of origin.
- We need to continue working with France and other European partners on interdiction and breaking up the people-smuggling gangs, to complement the broader system of deterrence.

All three pillars also need to be accompanied by better data and greater accountability than has been usual in immigration policy. We need to ensure that government databases are able to talk to each other, so we know who is entering and leaving the country and what services they are using. We need better research on the socio-economic and fiscal impacts of different profiles of immigrants, along with more precision on definitions and categories. We need to review how immigration targets and caps can be linked to metrics such as housebuilding. And we need to bundle all of this together so we can have an informed standard of public debate on immigration.

**‘ Our modelling shows that offshoring
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We therefore propose that the Government publishes an annual report on immigration and asylum, setting out detailed performance data and future policy plans, which would be discussed in a set-piece Parliamentary debate led by the Home Secretary. Repeated year in, year out, this would improve accountability and keep up the pressure to secure the border and control immigration.

If we radically reconstructed our immigration and asylum system on these foundations, we would have a system comprehensively based on control and deterring migrants from entering the UK illegally. We would undermine the motivation to cross the



Channel, collapsing the business model of the people smugglers and thus reducing the means of entering Britain illegally. We would also have a better grip on the facets of legal immigration, from deporting foreign-born criminals faster to understanding migration flows and being able to plan and resource accordingly.

We would also be doing exactly what a large majority of voters want their politicians to do.

To test whether our proposals were in tune with public sentiment, we commissioned BMG to carry out comprehensive polling on attitudes to immigration and asylum. Our polling, carried out on early October, was complicated by the extraordinary fall in the Tory vote in those weeks: it showed the Conservatives polling in the low 20s, having lost around half of their 2019 voters.

‘ Around half of ‘Conservative switchers’ consider legal and illegal immigration a crucial issue, and around four fifths are critical of how immigration is being handled ’

Strikingly, our polling found not just broad support for our proposals among the public, but that these issues were particularly salient for those who had defected from the Conservative Party. In fact, 48% of ‘Conservative Switchers’ consider legal and illegal immigration to be a crucial issue, and consistently across a range of questions, around four fifths of switchers were explicitly or implicitly critical of how immigration is being handled: 75% think it has been too high over the past decade; 83% think the Government is handling the Channel crossings badly; 80% that immigration has stayed the same or increased since we left the EU; 79% that we should introduce a cap on the number of asylum claims we allow per year; and 84% that we should be able to deport foreign national offenders (FNOs) irrespective of human rights law.

The implication is that decisive action to regain control of our borders is not just popular with all voters, but a vital part of the policy mix needed to win back the voters who delivered a Conservative majority in 2019. Conversely, if things continue along their current trajectory, then public faith in the Tory party in particular and politicians in general to deliver on their promises will be further eroded.



1. The Case for Control

Our debate about immigration, legal and illegal, has never been honest. Advocates of mass immigration pretend we have always been 'a country of immigrants' and engage in countless forms of evasion and sophistry.

The bulk of this report will address concerns over the asylum system, and in particular the numbers arriving via the Channel boats. But it is worth examining the broader policy environment, and the bad (and bad faith) arguments that are often made on this issue.

In terms of legal immigration, some say the numbers are irrelevant and all that matters is control. Others insist that the public simply want the system to work, even as they oppose every specific reform proposed to make it do so.

Most common, however, are those who pay lip service to the notion of overall control, while opposing it via every particular visa route going, with each application via each route into the country apparently of vital national interest.

‘The majority of foreign students (65% in the year to September 2022) attend institutions outside the Russell Group of top universities, and over 80% of the increase in student visas from 2019 comes from applicants to lower quality universities’¹

It is important to say here that immigration can bring great benefits to the country, from bringing skills and enterprise to adding to the cultural capital of the country. The fact that Britain has just appointed its first British Asian Prime Minister has, rightly, been a cause of celebration.

But often, the arguments made in favour of mass immigration are not quite what they seem. Indeed, it is easy to make such a position sound reassuring. Who could reasonably oppose skilled workers coming here to contribute? Well, under the Government's points-based system, skilled workers are not only astrophysicists and doctors; they might also be bricklayers and shopkeepers. Who could oppose the brightest and the best coming to use their talents here? Well, the majority of foreign students (65% in the year to September 2022) attend institutions outside the Russell Group of top universities, and over 80% of the increase in student visas from 2019 comes from applicants to lower quality universities.¹ All have the right to work here afterwards, whatever their qualification and job, and many have the right to bring dependents, which they are doing in increasing numbers.

¹ Home Office, 'Sponsorship summary tables, year ending September 2022', *Immigration statistics data tables, year ending September 2022 (24 November 2022)*. [Link](#)



Likewise, on illegal immigration, advocates of mass immigration uphold the conceit that each and every person crossing the Channel to enter Britain without permission has a legitimate and equal claim on our resources. Any proposal to stem the tide is met with confected outrage. Again, it is easy to make their position sound reassuring: migrants only cross the Channel, they maintain, for want of 'safe and legal routes' to claim asylum the UK – so the fault is ours.

But if we followed their prescriptions, then under our capacious human rights framework we could be throwing wide the doors to millions of asylum claimants every year.

In fact, our polling shows that for those voters who say the Government is handling the situation in the Channel badly, 68% think it is not being restrictive enough, whereas just 16% think it is being too restrictive. Similarly, a solid majority, 59%, think immigration has been too high over the last ten years; only 9% think it has been too low.²

“ A solid majority of voters, 59%, think immigration has been too high over the last ten years; only 9% think it has been too low ”

Supporters of mass immigration might not care. Every day the current policies continue, they get what they want. But nobody has ever made the argument for such rapid population change as we have seen over the last 25 years and won an election. The British people expect immigration to be controlled, and for good reason. That case for control is built on five pillars: social, cultural, economic, practical and democratic.

The social case

The social case for immigration control rests on the importance of stability and the gradual nature of change. Of course it is possible to integrate newcomers into our society, but such integration takes time. The rate at which immigrants come to Britain is therefore important.

In many respects, Britain has a good story to tell, especially compared with other European countries. We are an increasingly open and tolerant society. One in ten households in England and Wales now includes more than one ethnic group. In London, the number rises to more than one in five.³ Among those younger than 50, 12% of couples are inter-ethnic, compared to 6% for older couples.⁴

Asian, black, Chinese and mixed-race young people are all far more likely to attend university than their white counterparts.⁵ In business, academia and public services, leaders are increasingly drawn from diverse backgrounds. Rishi Sunak was born in Southampton to parents of Indian descent who came to Britain from East Africa in the 1960s. The Cabinet is the most diverse in British history, and the most diverse in Europe.

² Polling commissioned by the Centre for Policy Studies from BMG Research. Fieldwork carried out 29 September – 3 October 2022; nationally representative poll, n=1,838. All polling data quoted in this report is drawn from this poll, unless otherwise indicated.

³ ONS, 'Ethnic group, England and Wales: Census 2021', *Census 2021* (29 November 2022). [Link](#)

⁴ E. Kaufmann, *Whiteshift: Populism, Immigration and the Future of White Majorities* (2018), p.139.

⁵ HMG, *Entry rates into higher education* (9 March 2022). [Link](#)



But these statistics cloak serious challenges – in particular, the existence of segregated communities. In 2018, a government study reported that densely concentrated minority communities are growing in number. In 2001, 199 council wards were ‘minority majority’. By 2011, 429 wards were majority non-white.⁶ According to other government reports, segregation is more prevalent among Muslims and people of Pakistani and Bangladeshi ethnicity. Birmingham, Blackburn, Bradford and Burnley all have wards with Muslim populations of between 70% and 85%.⁷

When it comes to education, school segregation is even more pronounced than segregation of children in the broader population. Among ethnic minority children, 60% attend schools where minorities form the majority of pupils.⁸ In 2015, there were 511 schools across 43 local authorities in which more than half the pupils were from Pakistani and Bangladeshi backgrounds.⁹

‘The many success stories around immigration and integration cloak serious challenges – in particular, the existence of segregated communities’

This might not seem like a problem in and of itself. But there is significant evidence that such segregation is bad for those communities, and for national cohesion. Across England, 880,000 adults cannot speak English well and 161,000 cannot speak it at all. In Birmingham, England’s second city, 9% of residents (102,000), cannot speak English well or at all.¹⁰ According to earlier research, around one in five adults from Pakistani (18.9%) and Bangladeshi (21.9%) backgrounds either speak English poorly or not at all.¹¹ That number rises to 30% for women with Bangladeshi backgrounds.¹² Meanwhile, 57.2% of Pakistani and Bangladeshi women are economically inactive. Of Pakistani men with jobs, one in four work as taxi drivers, while two in five Bangladeshi men in employment work in restaurants.¹³

We have been aware of these problems for many years. Following riots in northern English towns in 2001, the then Labour government commissioned Ted Cante to review the circumstances of the communities where the riots occurred. He reported that: ‘Separate educational arrangements, community and voluntary bodies, employment, places of worship, language, social and cultural networks, means that many communities operate on the basis of a series of parallel lives.’¹⁴

Fifteen years later, Dame Louise Casey reviewed the integration of Britain’s various communities and cultural groups. Her findings were no better than Cante’s. She identified ‘discrimination and disadvantage feeding a sense of grievance and unfairness, isolating communities from modern British society’. But she also found ‘high levels of social and economic isolation in some places’ and ‘cultural and religious practices’ that not only held citizens back but also ‘run contrary to British values and sometimes our laws’.¹⁵ Recent events in Leicester and elsewhere in the Midlands suggest that six years later, these problems have not gone away – far from it.

6 DCLG, *Integrated Communities Strategy Green Paper* (March 2018), p12. [Link](#)

7 L. Casey, *The Casey Review: A review into opportunity and integration* (December 2016), p.11. [Link](#)

8 DCLG, *Integrated Communities Strategy Green Paper*, p.11.

9 Casey, *The Casey Review*, p.11.

10 ONS, ‘Language, England and Wales: Census 2021’, *Census 2021* (29 November 2022). [Link](#)

11 DCLG, *Integrated Communities Strategy Green Paper*, p.35.

12 DCLG, *Integrated Communities Strategy Green Paper*, p.36.

13 Casey, *The Casey Review*, pp.13-14.

14 T. Cante, *Community Cohesion: A Report of the Independent Review Team* (December 2001), p.9. [Link](#)

15 Casey, *The Casey Review*, p.5.



The cultural case

There is a cultural case for immigration control, too, although it is rarely discussed by politicians and in the media. For the cultural case is controversial.

Many progressive politicians and pundits believe their values are universal, shared the world over by people who want to become just like us. But they ignore or underestimate the significance of the cultural and institutional historical contexts in which we live. They do not accept that radical diversity can undermine a common identity, and the social trust and solidarity that make community and commitment to others possible. They reduce people to economic units and the nation to little more than a platform upon which the whole world can come to live and work, regardless of what that does to the cultural identity of its people.

‘Studies from across Europe have shown that support for redistributive taxation falls as immigration increases’

This is quite wrong. Our culture and history – now under attack from campaigners who want to ‘decolonise the curriculum’ or reinterpret classical literature and historical events to the extent that they are unrecognisable – matter in their own right. But they matter too because, while human values and instincts are unavoidably and perpetually in conflict with one another, the best solution to these conflicts is the acceptance of pluralism within a common culture and single legal framework – in our case, that of the British nation state. Our common culture is what helps us to recognise familiarity in strangers, and to accept the need to compromise with and make sacrifices for our fellow citizens.

As Jonathan Haidt, the moral psychologist, has written, humans are a strange combination of ‘selfish and groupish’. Our evolutionary history has taught us to compete with other individuals within communities, but also to cooperate and come together within our communities to defend ourselves and defeat others. The most cohesive and cooperative groups tended to overcome the more selfish and individualistic groups, so cooperation gave us an evolutionary advantage. As Haidt shows, this means we have it within us to be ‘profoundly altruistic, but that altruism is mostly aimed at members of our own groups’.¹⁶ We need a common culture and national institutions to allow us all, despite our differences, to recognise one another as members of the same group.

Similarly, many academic papers have confirmed the existence of what David Willetts calls the ‘progressive dilemma’: that diversity and solidarity are negatively correlated.¹⁷ Studies from across Europe, for example, have shown that support for redistributive taxation falls as immigration increases.¹⁸ Similar studies in the United States, Canada, Britain, Europe and Australasia have shown that communities that become more diverse experience a reduction in trust in strangers, and even between neighbours and among residents of the same ethnicity.¹⁹

16 J. Haidt, *The Righteous Mind: Why Good People are divided by Politics and Religion* (2013), p.xvi.

17 D. Willetts, quoted in RSA/Prospect Political Debate, *Diversity versus Solidarity* (28 January 2003).

18 P. Collier, *The Future of Capitalism: Facing the New Anxieties* (2018), p.197.

19 Kaufmann, *Whiteshift*, pp.419-420.



Academics such as Robert Putnam argue that trends like declining social trust can be overcome with time and effort. But ‘in the short to medium run’, he accepts, ‘immigration and ethnic diversity challenge social solidarity and inhibit social capital’.²⁰ And this is something upon which the voters agree. Research by Eric Kaufmann suggests people are less hostile to skilled immigration than unskilled immigration. But when they believe that skilled immigration will bring faster ethnic change, they oppose it by a margin of around three to one. ‘Skill mix matters,’ reports Kaufmann, ‘but [it] is overridden by concerns about cultural change.’²¹

The economic case

On both left and right, advocates of mass immigration claim it makes us better off. But while it is easy to point to the contribution of specific migrants, or migrant groups, to the economy or to public services such as the NHS, many academic studies suggest it makes little economic difference overall. According to the OECD, ‘the [fiscal] impact of the cumulative waves of migration that arrived over the past 50 years in OECD countries is on average close to zero.’²² Yes, mass immigration increases the size of our economy – but it largely does so by increasing the size of the population. On a per capita basis, studies show the effect is broadly neutral. As the Cambridge economist Robert Rowthorn has said, depending on the profile of immigration, its effect on GDP per capita ‘could be positive or negative, but either way it is unlikely to be very large’.²³

‘One study by the Migration Advisory Committee found that for every 100 non-European workers employed between 1995 and 2010, 23 British workers were displaced from the labour market’

For some workers, the effects of immigration are certainly negative. While there is no fixed number of jobs in the economy – an idea economists reject as the ‘lump of labour fallacy’ – there is evidence that mass immigration can force down wages for workers with lower skills and training, and squeeze some people out of work altogether.²⁴ One study by the Migration Advisory Committee found that for every 100 non-European workers employed between 1995 and 2010, 23 British workers were displaced from the labour market.²⁵

Because it can provide a ready-made supply of trained workers, willing to live on low wages, mass immigration also removes incentives for businesses to train local workers and invest in productivity-enhancing technologies, or for government to provide widely available decent technical education. According to the International Federation of Robotics, Britain has less robotic automation than any other major manufacturing nation, with just 101 industrial robots per 10,000 workers – a third of Japan’s number.²⁶ Mass migration has been a major factor holding back automation and in some cases – as with automatic versus hand carwashes – even throwing it into reverse.

20 R. Putnam, ‘E Pluribus Unum: Diversity and Community in the Twenty-First Century’, *Scandinavian Political Studies* 30 (2007), p.138. [Link](#).

21 Kaufmann, *Whiteshift*, p.204.

22 OECD, *Is Migration Good for the Economy?* (May 2014), p.2.

23 R. Rowthorn, *The Costs and Benefits of Large-Scale Immigration* (December 2015), p.71. See also: A. Manning, *The link between growth and immigration: unpicking the confusion* (3 October 2022). [Link](#)

24 Migration Observatory, C. Vargas-Silva, *The Labour Market Effects of Immigration* (14 December 2018). [Link](#)

25 Migration Advisory Committee, *Analysis of the Impacts of Migration* (January 2012), p.2. [Link](#)

26 R.C. Whitton, ‘Britain’s exceptional lack of automation’, *Doctoy Syn* (27 June 2022). [Link](#)



The most zealous advocates of mass immigration claim not just that a limited level of migration makes the economy more competitive, or even that a large level does, but that the effect is universal. But of course, this cannot be true of every migrant of every profile. Professor Alan Manning, the chairman of the Government's independent Migration Advisory Committee, told Parliament towards the end of 2018 that the impact of lower-skilled migrants has been 'fiscally negative... they make the UK a slightly lower wages, lower productivity kind of economy... if you say, "What has been the benefit of this lower-skilled migration?" there is not very much on the positive side of the ledger.'²⁷

Some proponents of mass immigration argue that Britain nevertheless needs young migrants to offset falling birth rates and generate the economic growth needed to support our ageing population. But this does not take into account the factors driving declining fertility rates, such as the housing shortage – to which immigration pressures are contributing significantly. The ageing population argument also ignores the very high rates of female economic inactivity in some immigrant communities and downplays the fact that, as noted by the ONS, 'over time, second-generation migrant patterns of fertility tend to converge to those of the UK'.²⁸

‘ A 2018 study by Oxford Economics estimated the net fiscal contribution of EEA migrants in the UK in 2016/17 at £4.7bn, compared to a net cost of £9bn for non-EEA migrants ’

In Denmark, the finance ministry produces an annual report on the fiscal effects of different profiles of migrant. Its last such report estimated that in 2018, immigrants from non-Western countries and their descendants cost the public finances 31 billion kroner (£3.59 billion), the equivalent of 1.4% of GDP. Immigrants from Western countries, by contrast, contributed 7 billion kroner (£810 million). Migrants from 'MENAPT', or the Middle East, North Africa, Pakistan and Turkey, accounted for 55% of the non-Western migrants and 77% of the costs – the equivalent of 85,000 kroner (£9,846) per migrant.²⁹

Similarly, a 2018 study by Oxford Economics commissioned by the Migration Advisory Committee estimated the net fiscal contribution of EEA migrants in the UK in 2016/17 at £4.7bn, compared to a net cost of £9bn for non-EEA migrants.³⁰ But even this did not capture the full picture, as the non-EEA category includes migrants from countries such as Canada, Singapore and Australia, who on average pay between five and eight times as much income tax in the UK as migrants from countries such as Somalia, Afghanistan and Pakistan.³¹ And of course, when we distinguish migrants moving here legally to take up job offers from asylum claimants who have arrived in the UK without permission, the fiscal disparity is likely to be even greater. Government is unable to produce a reasonable estimate for the life-time cost to the UK of the average asylum seeker, but there is little doubt that it would be a net fiscal negative.

27 Home Affairs Select Committee, *Oral Evidence: Post-Brexit Migration* (9 October 2018). [Link](#)

28 ONS, *Living longer: how our population is changing and why it matters* (13 August 2018). [Link](#)

29 Danish Finance Ministry, *Economic analysis: Immigrants' net contribution to the public sector finances in 2018* (October 2021). [Link](#)

30 Migration Observatory, C. Vargas-Silva, *The Fiscal Impact of Immigration in the UK* (20 March 2022). [Link](#)

31 N. O'Brien, 'Challenges for the new Prime Minister – immigration', *Conservative Home* (15 August 2022). [Link](#)



The practical case

The fourth case against mass immigration is the practical case – that is, the pressure mass immigration can place on infrastructure and public services. For even if you accept that legal immigrants contribute to an increased tax take, you have to accept there will be a congestion effect. There is after all a significant lag between the increased pressure on infrastructure and demand for services and the fair geographical distribution of any new funds raised. And services in parts of the country that experience the most sudden and sustained increases in immigration will suffer the most.

The most obvious example, as indicated above, is housing. According to one government study, immigration is behind 37% of demand for new housing in England. But even this is an under-estimate, as it is based on assumptions about annual net migration that have since been exceeded. Using the study's high immigration scenario – which still represents an under-estimate compared to the eventual reality – immigration was the cause of 45% of new housing demand.³² A further government study suggests that immigration led to an increase in house prices of 21% between 1991 and 2016 – although this was of course only part of a wider surge in prices.³³

‘ Due to immigration and high birth rates among foreign-born mothers, English secondary schools will need to find an extra 213,000 places by 2026 compared to a 2020 baseline ’

With public services, the facts are complicated. It is well-known that immigrants make a significant contribution to the NHS, due in large part to the under-supply of domestically trained doctors and nurses. Some studies show that around one in 10 healthcare workers in Britain were born overseas. And while immigration puts pressure on maternity services – more than one in five births are to foreign-born mothers – the Migration Advisory Committee estimates that 89% of health expenditure goes on people born in the UK and Ireland, even though 86% of the population was born here and in the Republic.³⁴ (This is largely because immigrants tend to be of working age, though of course those that stay here will eventually incur much larger health and care costs in their old age, just as with those born in the UK.)

Schools and council services are a different matter, however. Due to immigration and high birth rates among foreign-born mothers, English secondary schools will need to find an extra 213,000 places by 2026 compared to a 2020 baseline.³⁵ For councils, increases in the population caused by immigration create more demand for social housing, contributing to shortages, and more demand for private rental accommodation, contributing to increases in rents. There is also pressure on social services: estimates suggest half of all rough sleepers are migrants from other European countries.³⁶

32 DCLG, *2014-based housing projections: England, 2014-2039* (12 July 2016), p.9. [Link](#)

33 MHCLG, *Analysis of the determinants of house price changes* (13 April 2018), p.4. [Link](#)

34 Migration Advisory Committee, *EEA Migration in the UK* (September 2018), p.85. [Link](#)

35 DfE, *National Pupil Projections* (22 July 2021). [Link](#)

36 Parliamentary Office of Science and Technology, *Migrants and Housing* (August 2017), p.4. [Link](#)



The democratic case

The fifth and final argument for immigration control is democratic. For the public want control. In every general election since 2010, and the Brexit referendum, the winning side promised to reduce overall immigration.

It has become fashionable now to claim that since that referendum in 2016, concern about immigration has disappeared. Certainly it is true that its salience has fallen, relative to other concerns such as high energy prices, inflation and the economy. And certainly the research shows that pro-immigration voters are likely to be even more enthusiastic about it now.

But it is equally clear that many of those who always demanded control grew calmer in recent years mostly because they believed that Brexit, and the end of free movement, meant they would get what they wanted. The evidence suggests that this period of calm has passed, as the Channel crossings continue and the effects of the new points-based system become apparent.

‘ Net migration in the year ending June 2022 smashed all previous records, coming in at 504,000 ’

Indeed, polling – not least for this report – shows that people are starting to appreciate the gap between the rhetoric of control and the reality of even greater immigration. A third of voters now believe that immigration has increased significantly since we left the EU, while another quarter think it has increased slightly. Fully 80% of those who voted Conservative in 2019 but who would now vote for another party or are unsure how they would vote if a general election were held today think that immigration has stayed the same or gone up since Brexit.³⁷

It is not sustainable for mainstream politicians to continue to promise to reduce immigration, only to preside over sustained mass immigration. In 1997, Tony Blair’s election manifesto promised ‘firm control over immigration’.³⁸ A year into his first term as Prime Minister, net migration leapt to 140,000 – and since then the annual inflow has always, pandemics excepted, been higher. Yet unlike the majority of the public, many of our political elites have been very relaxed about this trend. As former Cabinet Secretary (2005-11) Gus O’Donnell said in 2011: ‘When I was at the Treasury I argued for the most open door possible to immigration... I think it’s my job to maximise global welfare, not national welfare.’³⁹

In 2010, David Cameron promised to get annual net migration back to the ‘tens of thousands a year’.⁴⁰ But by 2015, the numbers had reached more than three times the promised level – 332,000. This was then a record high.⁴¹ In 2017, Theresa May repeated the Cameron promise, but the numbers stayed high. And in 2019, Boris Johnson’s manifesto promised that ‘overall numbers will come down... we will ensure that the British people are always in control’. Yet the latest data shows that net migration in the year ending June 2022 smashed all previous records, coming in at 504,000.⁴²

37 CPS/BMG Research polling.

38 Labour Party, *Because Britain Deserves Better* (April 1997). [Link](#)

39 As quoted in D. Goodhart, *The Road to Somewhere: The New Tribes Shaping British Politics* (2017), p.15.

40 Conservative Party, *An Invitation to Join the Government of Britain* (April 2010), p.21. [Link](#)

41 ONS, *Long-term international migration 2.00, citizenship*, UK (26 November 2020). [Link](#)

42 ONS, *Long-term international migration, provisional: year ending June 2022* (24 November 2022). [Link](#)



The first tranches of 2021 census data confirm the overall picture. The population of England and Wales increased by more than 3.5 million (6.3%) between 2011 and 2021, with some areas such as Tower Hamlets experiencing population growth in excess of 20%.⁴³ As the ONS notes, positive net migration accounted for 57.5% of the population growth in England and Wales between 2011 and 2021. The size of the non-UK born population in England and Wales was around 10 million people by 2021 – 17% of the total.⁴⁴ And of course this excludes the small boat arrivals and those coming here through the 2021/22 resettlement schemes for Ukraine, Afghanistan and Hong Kong, which the ONS now believes may have helped bring the non-UK born population in England and Wales up to 10.4 million people by June 2022.⁴⁵

As one experienced pollster puts it, ‘Britain never had a Pentagon Papers moment, a single event that destroyed trust in government, like America did. But the repeated failure to control immigration, and the broken promises to bring the numbers down, are the British equivalent. Immigration obliterated trust in politics in this country.’⁴⁶

If we want to keep our politics mainstream, and deter the populist forces we have seen rise elsewhere in Europe, politicians should respect what the voters tell them. Already 25% of voters do not trust any political party to handle immigration well.⁴⁷

‘ The size of the non-UK born population in England and Wales was around 10 million people by 2021 – 17% of the total ’

Cutting through the complexity

From the application of human rights laws to the analysis of labour market statistics, immigration can be a complex subject, and the public debate about it can be both confusing and often deeply dishonest. But most of us ought to be able to agree on some common-sense principles.

Immigration can bring great benefits. But in large numbers it can also bring great challenges – so the flows must be controlled. This control must mean clear laws, strong enforcement and tough but intelligent border security. Decisions ought to be made not in the interests of foreign nationals, immigration lawyers or supranational organisations, but of the British people. And the decision-makers must be politicians, directly accountable to those who elect them.

There is of course huge scope for disagreement on the practical implementation of these principles. We can differ over the extent of the need for foreign workers, for example. We can argue about the desirability of allowing colleges and universities the right to sell long-term immigration, not just education, to hundreds of thousands of foreign students. And we can debate – as this report does – the appropriate response to the Channel crossings.

43 ONS, ‘How the population changed in Tower Hamlets: Census 2021’, *Census 2021* (28 June 2022). [Link](#)

44 ONS, ‘International migration, England and Wales: Census 2021’, *Census 2021* (2 November 2022). [Link](#)

45 ONS, *How world events have led to rising immigration* (24 November 2022). [Link](#)

46 Private conversation

47 CPS/BMG Research polling.



Cutting through the dishonesty

Supporters of mass immigration often say it is futile trying to control the numbers. In the modern world, with relatively cheap international travel and easy communications, they argue that it is simply impossible to hold back the tide – ‘pie in the sky’, according to the *Guardian*.⁴⁸ But this is not true. Internationally, Australia has showed it is possible to deal with illegal maritime entrants, while Denmark, governed by Social Democrats, has adopted a policy goal of ‘zero asylum seekers’.⁴⁹

When Belarus tried to weaponise immigration by moving thousands of migrants to the border with Poland and Lithuania in 2021, the gambit failed as the Poles and Lithuanians held firm. Indeed, rather than sitting back and accepting the migrants being funnelled to their borders by a hostile state, the Polish and Lithuanian governments declared states of emergency, overrode legal barriers to border control, and rushed additional border guards to the affected areas.⁵⁰ Six months after the Belarusian weaponisation of illegal immigration began in earnest, the tactic was abandoned, as it was apparent that Poland and Lithuania were not going to budge.

‘When Poland and seven other countries joined the EU in 2004, the UK chose not to apply transitional immigration controls, as was allowed under European law. Instead of adding 13,000 per year to net migration, as the government predicted, more than 1.5 million people came’

In Britain, we have shown that where levers exist to control immigration, and ministers have been prepared to pull them, the numbers come down. The number of student visas issued, for example, fell dramatically after bogus colleges were closed and foreign students were expected to prove their eligibility for higher education. The number of family visas issued fell after the government toughened up the requirements. As a result of these changes, and a cap on the number of work permits issued, net migration to Britain fell by almost one third between 2010 and 2012.⁵¹ The numbers have risen again since because governments have not taken action to keep them down.

So it is possible to control the numbers: it is just that ministers rarely try to do so. Tony Blair’s government liberalised family, work and student visas and the numbers went up. It introduced the Human Rights Act, which made it harder to enforce immigration law. When Poland and seven other countries joined the EU in 2004, it chose not to apply transitional immigration controls, as was allowed under European law. Instead of adding 13,000 per year to net migration, as the government predicted, more than 1.5 million people came.⁵² These were all deliberate policy choices that contributed to the huge rise in immigration after 1998. The Johnson government introduced our current points-based system that, like the Australian model it is based upon, will see the numbers increase.

48 M. Townsend, ‘Revealed: Suella Braverman sets Home Office ‘No boats crossing the Channel’ target’, *The Guardian* (10 September 2022). [Link](#)

49 The Economist, ‘Why have Danes turned against immigration?’, *The Economist* (18 December 2021). [Link](#)

50 Reuters, ‘Poland declares state of emergency on Belarus border amid migrant surge’, *Reuters* (2 September 2021). [Link](#)

51 ONS, *Long-term international migration 2.00, citizenship*, UK (26 November 2020). [Link](#)

52 D. Goodhart, *The British Dream: Successes and Failures of Post-War Immigration* (2013), p.215.



Western governments need an honest conversation about the nature of international migration, how it is likely to change, and the treaties that govern how we handle refugees and other migrants. According to the United Nations, there are around 89 million forcibly displaced people globally, with 27 million officially counting as refugees.⁵³

‘According to the United Nations, there are around 89 million forcibly displaced people globally, with 27 million officially counting as refugees’

If we add to these numbers the 40 million people the UN estimates to be in modern slavery, and all those who could face (as per the 1951 Refugee Convention) a ‘well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion’ and so flee their home country, then the number of people who could plausibly come to the UK and claim refugee status rises to 780 million at a very conservative estimate (see p.74 for more details). This includes, for example, the entire population of Afghanistan, apart possibly from members of the Taliban, Al-Qaeda or ISIS, and the entire male population of Eritrea.

There are many different ways to help people in need. And there are ways to make sure our asylum system helps not only the young men who are strong, healthy and prosperous enough to make it to Britain via illegal routes, but also those vulnerable people who need our help the most. If we need to control immigration overall, we also need control as we handle refugees, asylum seekers and those who seek to abuse the system. The subsequent chapters will set out how we can do that.

53 UNHCR, ‘Figures at a Glance’, *UNHCR Global Trends 2021* (16 June 2022). [Link](#)



2. Losing Control

The Strange Case of Britain's Liberal Immigration Policy

Even in these polarised times, few issues divide opinion like immigration policy. And of all immigration policies, few are as contentious as our treatment of refugees and those who claim asylum here.

Yet screaming headlines and furious newspaper columns cloak a truth that many find surprising: Boris Johnson's Conservative government pursued a remarkably liberal immigration policy. European free movement rules were abolished as Britain left the European Union, but immigration policy has since been curiously loose.

‘The salary threshold, supposedly to ensure only high-skilled immigration, was set at £25,600, 23% below the national full-time median salary – and for some workers, it was only £20,400’

Limits on work permits were abolished, and the definition of ‘skilled work’ watered down. The shortage occupation list was extended to allow the recruitment of foreign workers in yet more trades. Employers were no longer compelled to seek workers from the resident population before recruiting from overseas. The salary threshold, supposedly brought in to ensure only high-skilled immigration, was set at £25,600, 23% below the national full-time median salary – and for some workers, it was only £20,400.⁵⁴ A series of exemptions were carved out for particular occupations and sectors to placate vested interests. And foreign students in higher education – whatever their subject, grade or institution – were given the right to stay and work in Britain at the end of their courses.

The new points-based system, as the Government likes to point out, is inspired by the Australian model. As they know from focus groups, this is widely believed to be synonymous with a tough approach. But while Australia is uncompromising on illegal immigration, its policy on legal immigration has been remarkably liberal for decades, with per capita immigration higher even than ours. (However, this was a conscious political choice, enabled as we shall see by a firm deterrence posture on illegal immigration.)

Just as Australia's points-based system was designed to increase immigration, so too was the new British one – but without, as the Channel crossings show, the quid pro quo of border control.

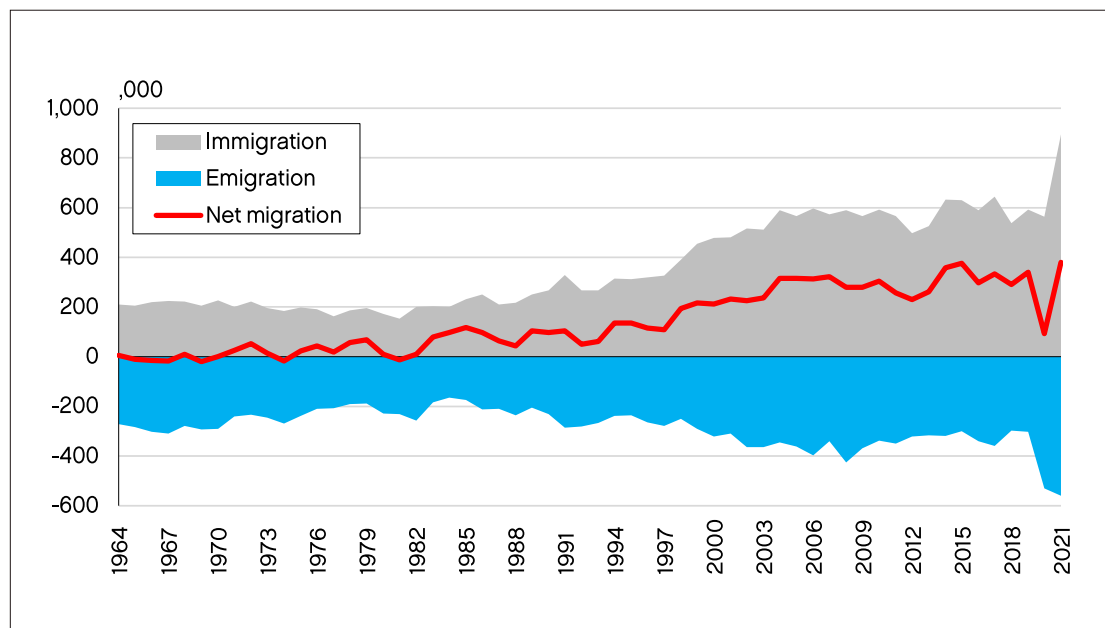
⁵⁴ ONS, ‘Employee earnings and hours worked’, *Employee earnings in the UK: 2022* (26 October 2022). [Link](#)



Without radical change, our numbers will keep on going up. Indeed, there was a row in the final days of the Truss government between the Prime Minister and Suella Braverman, her Home Secretary, about just how far they should rise. There are constant calls from vested interests to exempt further jobs and sectors from the immigration rules everyone else has to follow.⁵⁵ It has been widely reported that India wants a youth mobility scheme to be part of any new trade deal with the UK – though the population of 18- to 24-year-olds in India exceeds 400 million, compared to the seven million covered by comparable deals with Australia and New Zealand.⁵⁶

In 2019, net migration was 293,000 – high, but not unusual for the past couple of decades, as the graph below illustrates. Indeed, in the decade before the pandemic, net migration averaged 256,000 per annum, with a record high of 332,000 seen in 2015.⁵⁷

Annual international migration to and from the UK



Source: ONS

In 2020, thanks to the pandemic, net migration fell by almost 90% to just 34,000.⁵⁸ But we are now starting to see meaningful post-pandemic and post-Brexit migration statistics, and the numbers are alarming. According to the most up-to-date ONS long-term statistics, net migration in the year ending June 2022 soared to an unprecedented 504,000. Even taking out 89,000 Ukrainians and 28,000 Hong Kongers, this still breaks all previous records.⁵⁹

55 N. Hoffman, N. Clark & H. Cole, 'Migrant Snub: Suella Braverman cut out of immigration reform planning as PM prepares to relax visa rules', *The Sun* (12 October 2022). [Link](#)

56 M. Dathan, 'Indian trade deal in peril after Suella Braverman migrant comments', *The Times* (12 October 2022). [Link](#)

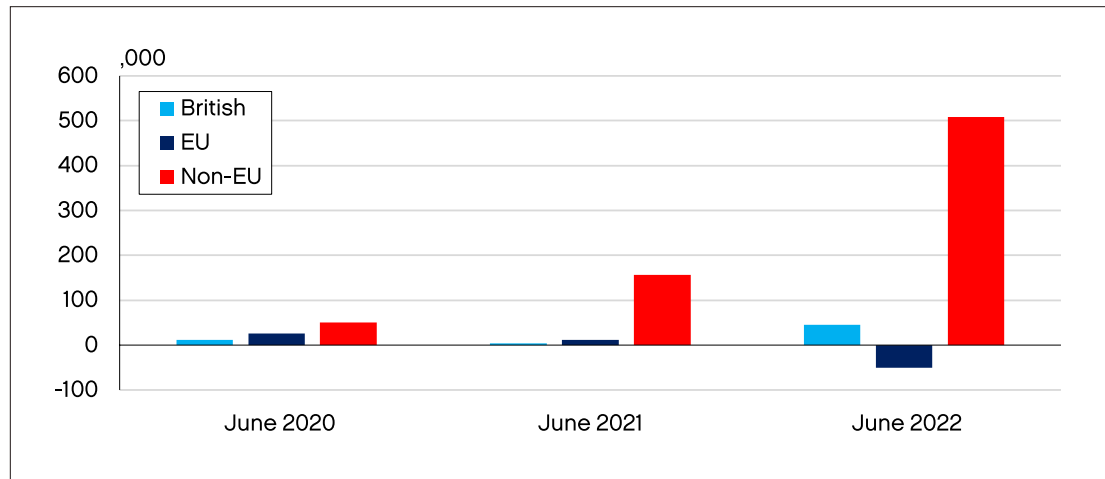
57 ONS, *Long-term international migration 2.00, citizenship, UK* (26 November 2020). [Link](#)

58 ONS, *Long-term international migration, provisional: year ending June 2022* (24 November 2022). [Link](#)

59 ONS, *Long-term international migration, provisional: year ending June 2022* (24 November 2022). [Link](#)



Net international migration to the UK by nationality, year ending June



Source: ONS

Net migration looks likely to remain at very high levels, based on more recent visa data from the Home Office. Comparing the year ending September 2022 to the year ending September 2021, work visas (381,459) were up by 87% and sponsored study visas (592,710) by 39%. Non-EU migration accounts for almost all net migration to the UK in this period. For example, student visa numbers for Nigeria (102,608), Pakistan (32,002) and India (160,970) are up by 180%, 116% and 78% respectively.⁶⁰ The trend here is even starker against pre-Brexit, pre-pandemic levels, with student visa numbers from Nigeria, Pakistan and India up by 1,305%, 700% and 525% compared to the year ending September 2019. Work visa numbers from these countries have increased by similar magnitudes too.

On the question of refugees, meanwhile, the Government has been inconsistent: sometimes generous, and sometimes cautious. The Cameron and May governments responded to the civil war in Syria by granting record bilateral aid to the region, supporting the governments of Jordan, Lebanon and Turkey to help the huge numbers of refugees in the region. More than 25,000 Syrians were also brought to Britain through specific resettlement schemes.

‘ Student visa numbers from Nigeria, Pakistan and India are up by 1,305%, 700% and 525% compared to the year ending September 2019 ’

The Johnson government invited thousands of Afghans and – at least notionally – millions of Hong Kongers to build new lives in Britain. But it was tardy when the war in Ukraine began, and scrambled to create a community sponsorship programme. When it did so, there was no limit on numbers – so far, 201,300 visas have been issued.⁶¹ In total, over 290,000 visas were granted as part of refugee resettlement schemes in the year to September 2022. On one level, this is heart-warming – and we would certainly not argue against taking such refugees in principle. Yet little or nothing has been done to square

60 Home Office, ‘Entry Clearance Visas – Applications and Outcomes’, *Immigration statistics data tables, year ending September 2022* (24 November 2022). [Link](#)

61 Home Office, ‘Ukraine Family Scheme, Ukraine Sponsorship Scheme (Homes for Ukraine) and Ukraine Extension Scheme visa data’, *Transparency data* (24 November 2022). [Link](#). An additional 21,500 in-country or extension visa for Ukrainian nationals who were already in the UK have also been granted.



these unprecedented numbers with other policy pressures, such as access to housing and public services such as schools and GPs.⁶²

Events at home have also complicated things. From 2013, the UK Border Agency was split into the three directorates: UK Border Force (UKBF), UK Visas and Immigration (UKVI), and Immigration Enforcement (IE). Since then, the UK Visas and Immigration budget, which includes asylum processing, has soared from £801m to £1,898m – a real terms increase of around 108%, which is partly due to visa revenues increasing following Brexit. At the same time, however, the budget for Immigration Enforcement has fallen from £440m to £420m – a real terms decrease of around 16%.⁶³ On top of this, personnel have been diverted from enforcement activities to help take up the slack elsewhere in the system, for example in helping process people fresh off the boats, rather than carrying out raids on employers or landlords abusing the system.

‘ The budget for Immigration Enforcement has fallen from £440m to £420m – a real terms decrease of around 16% ’

During the same period, the number of asylum cases processed within six months has fallen from 5,000 to 1,500 and the proportion from 90% to just 10%.⁶⁴ As of Q2 2022, there was a backlog of 166,000 cases, of which 101,000 were awaiting an initial decision.⁶⁵ Lockdowns and Covid restrictions made productivity even worse, accelerating the pre-existing trend. During the pandemic, the number of asylum cases processed within six months fell from 2,000 to fewer than 600 (20% to 6%), and productivity has yet to return to pre-pandemic levels.

There is also the impact of the Windrush scandal. This affected a cohort of people who came to Britain between 1948 and 1971 on their parents’ passports. When the 1971 Immigration Act granted the Windrush generation indefinite leave to remain, they were given no paperwork to confirm their status and the Home Office kept no records. When immigration laws were updated to require employers, landlords and others to check whether a prospective employee or tenant was in the country legally, many members of the Windrush generation found themselves unable to work, rent a home or go about their lives in other ways. Some might even have been wrongfully deported. They struggled to prove their right to be in the country, since in order to retain indefinite leave to remain, people had to have a continuous record of residence in the UK and no more than two years’ absence, and few had readily to hand a paper trail going back 40 years.

Windrush was a tragic tale. The Home Office is, rightly, in the process of compensating those affected, and responding to the recommendations of the report by Wendy Williams.⁶⁶ But there is little doubt that the administrative response to this awful scandal has caused a further drop in the productivity of the asylum system.

62 On how existing housing policy is predicated on net international migration at around 60% of the prevailing flow, see: A. Morton, ‘Ministers can have more houses or higher immigration. But they won’t be able to get away with both’, *Conservative Home* (21 June 2021). [Link](#)

63 NAO, *Reforming the UK border and immigration system* (July 2014). [Link](#). NAO, *Home Office Departmental financial overview 2020-21* (October 2021). [Link](#). Inflation adjustments basis: ONS, *Consumer price inflation timeseries* (19 October 2022). [Link](#)

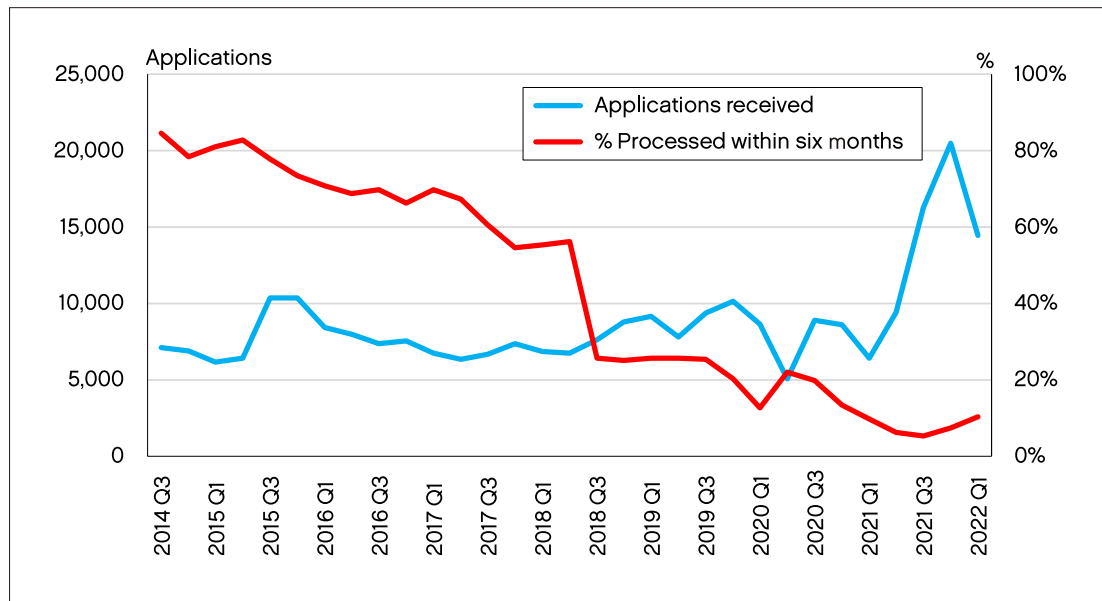
64 Home Office, ‘Percentage of asylum applications processed within six months’, *UKVI Transparency Data Q3 2022* (24 November 2022). [Link](#)

65 Home Office, ‘Asylum work in progress’, *UKVI Transparency Data Q3 2022* (24 November 2022). [Link](#)

66 W. Williams, *Windrush Lessons Learned Review* (March 2020). [Link](#)



Processing of asylum applications



Source: Home Office

In short, UK immigration and asylum policy has tended to be dictated by contingency and crisis at home and abroad, with good intentions, sectoral priorities and piecemeal solutions taking the place of joined-up thinking and long-term planning. A holistic view that takes into account legal and illegal immigration, and their interplay and impact, has long been absent from Government policy.

Trouble in the Channel

Nowhere is the fundamental failure of British immigration and asylum policy more visible than in the ongoing crisis in the English Channel. What began as a trickle of illicit small boat crossings in late 2018 has turned into a great river of illegal migration.

‘ November 2021 witnessed an appalling tragedy, when a boat carrying more than 30 illegal asylum seekers foundered, resulting in the deaths of 27 ’

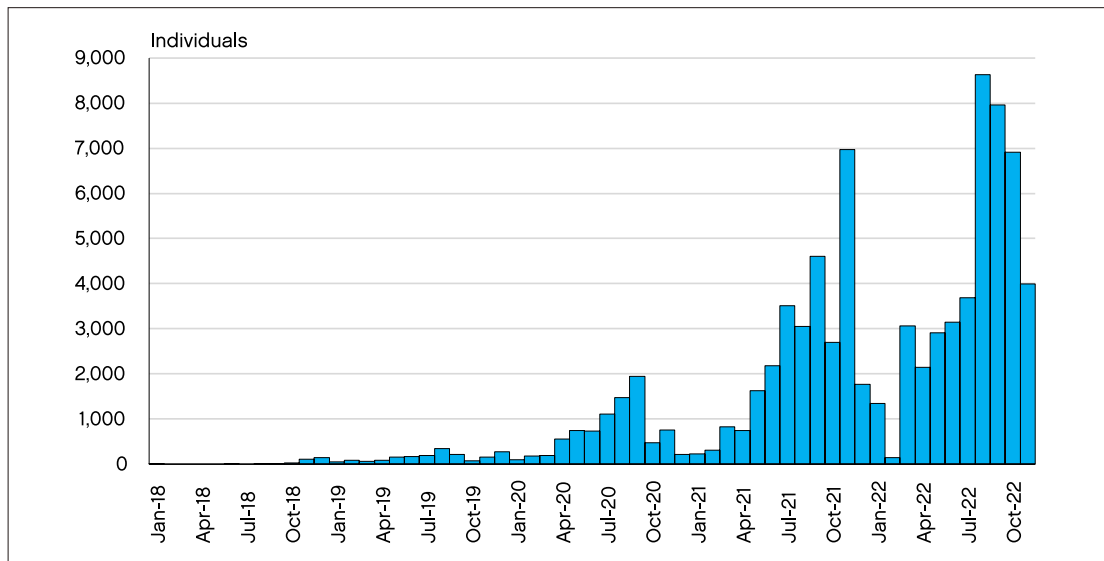
Based on the Home Office’s own statistics, the 299 illegal maritime arrivals of 2018 increased sixfold to 1,843 in 2019, then more than quadrupled again in 2020 to 8,466 (Covid notwithstanding) before tripling to reach a new peak of 28,526 in 2021.⁶⁷

In 2021, almost 7,000 individuals arrived on English shores in just one month, with almost 1,200 of these arriving on a single day – November 11. That month also witnessed an appalling tragedy, when a boat carrying more than 30 illegal asylum seekers foundered, resulting in the deaths of 27. To date, 44 people are known to have died attempting to cross the Channel to England, while countless more are thought to have perished in the Mediterranean or elsewhere, with the UK in mind as their ultimate destination.

⁶⁷ Home Office, ‘Irregular migration to the UK data tables, year ending September 2022’, *Irregular migration to the UK, year ending September 2022* (24 November 2022). [Link](#)



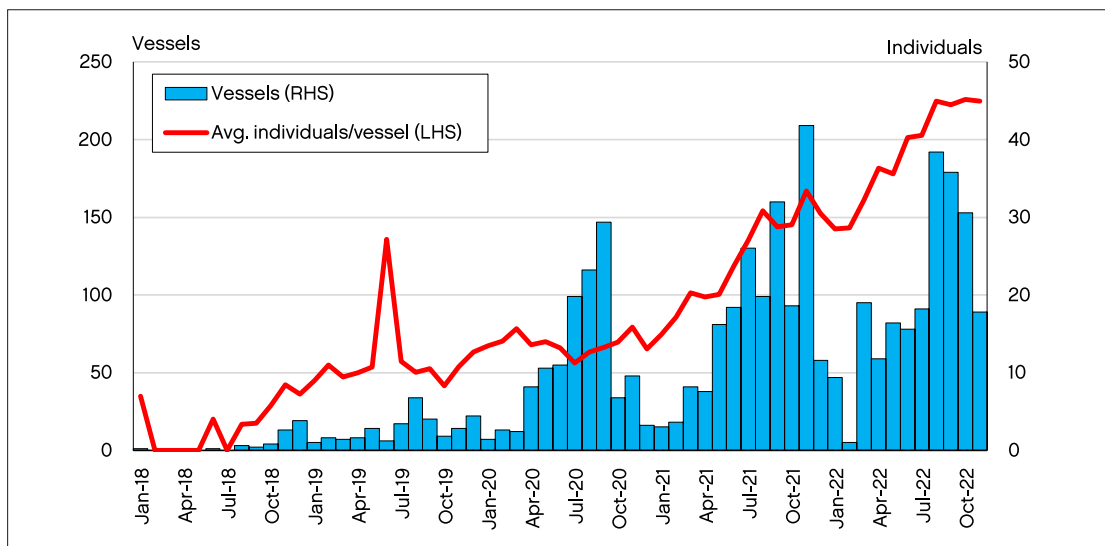
Small boat arrivals by month, no. individuals



Sources: Home Office (to September 2022); Migration Watch UK (Oct-Nov 2022)

The situation is becoming more and more dangerous. As the graph below illustrates, ever greater numbers of migrants are being crammed aboard each of these unseaworthy vessels. The boats, after all, do not need to be in a good enough condition to make it to Britain: the people smugglers can truthfully tell migrants that they will be picked up as soon as they are a few miles from the French coast. In other words, government policy – in this case monitoring boats in the Channel before they make landfall – can create perverse incentives and become a pull factor. If things continue as they are, it will be only a matter of time until there is another tragedy in the Channel.

Small boat arrivals by month, no. vessels



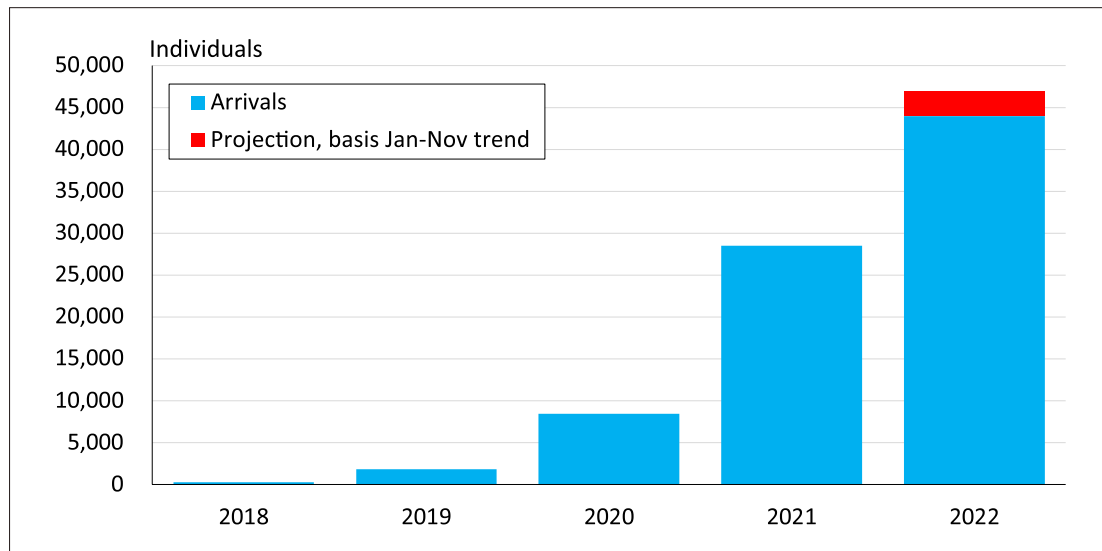
Sources: Home Office (to September 2022); Migration Watch UK (Oct-Nov 2022)

And the Channel crossings are intensifying. About 44,000 illegal maritime arrivals have already been recorded in 2022 – a 164% increase on the same period last year.⁶⁸ The record set last November for the number of crossings in a single month was broken this August, when over 8,600 migrants made it across the Channel. If this trend continues through December, then around 47,000 illegal maritime arrivals can be expected in the full year.

68 Migration Watch UK, *Boat Tracking Station – Illegal Maritime Arrivals From Safe Countries* (1 December 2022). [Link](#)



Illegal maritime arrivals in the UK from safe countries



Sources: Home Office (to September 2022); Migration Watch UK (Oct-Nov 2022)

Pro-migrant activists argue that the Channel migrants are genuine refugees. And it is true that around 60% go on to be granted asylum once they are here. But compared to our European neighbours – who are signatories to the same international agreements (such as the ECHR) – we set remarkably low barriers for accepting asylum claims. Around three quarters of asylum claims are now granted on first decision in the UK, compared to around a third in EU countries. According to analysis produced by the *Times*, when it comes to Albanian asylum seekers, 52% are successful on their first application in the UK, compared to just 8% in France and 0% in Germany or Sweden.⁶⁹

Similarly, analysis attributed to David Davis MP put Britain's acceptance rate for initial asylum applications submitted by Albanians at 55.4%. This was significantly higher than any of our European neighbours – only Italy even had an acceptance rate in the double digits (19.9%). In Ireland, Belgium and France it was 3.5%, 3.1% and 2.3% respectively – between 15 and 25 times lower than in the UK. And in many countries, including Sweden, Norway, Germany, Austria and the Netherlands, it was 0%.⁷⁰

The line between asylum and economic migration might be blurred at times, but our closest neighbours seem able to draw that distinction in most cases. Furthermore, even those cross-Channel migrants who are granted asylum here are by definition engaging in what the European Union calls 'asylum shopping', since they are leaving France, a safe country, to come to Britain – usually having passed through other safe countries to reach France in the first place.

Campaigners say the 1951 Refugee Convention allows migrants who enter the country illegally to still claim asylum. But Article 31 of the Convention says that this should apply only to refugees who come 'directly' from a territory where their life or freedom is threatened, and who 'present themselves without delay to the authorities and show good cause for their illegal entry or presence'.

69 T. Calver & H. Daniel, 'Why can't Britain control migration?', *The Times* (15 October 2022). [Link](#). See also: Migration Watch UK, *What Is The Standard Of Proof Required In Asylum Claims?* (7 December 2021). [Link](#)

70 T. Harwood, *Twitter thread* (28 November 2022). [Link](#)



Telling apart genuine refugees from economic migrants is made more complicated by the tactics of the people smugglers. Migrants making the crossing are told to destroy their identity documents and are coached in what to say to the authorities to game the system. 'Generally speaking, encouraged by the facilitators, [those crossing] will get rid of any sort of documentation or pocket litter, as we call it in law enforcement – phones, SIM cards, anything – before they are intercepted by Border Force,' explains Clandestine Channel Threat Commander Dan O'Mahoney.⁷¹

As the immigration policy think tank Migration Watch UK has pointed out, just 2% of those crossing the Channel via small boats are found with passports.⁷² While destroying identity documents when entering the country is an offence under Section 2 of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004, the Crown Prosecution Service rarely prosecutes offenders. There is no punishment, and no deterrent.

‘ According to analysis produced by the Times, when it comes to Albanian asylum seekers, 52% are successful on their first application in the UK, compared to just 8% in France and 0% in Germany or Sweden ’

This is an important point, because pro-immigration campaigners often claim that the migrants crossing the Channel are not breaking the law and are not, therefore, illegal immigrants. But the migrants are entering the country illegally: not just because they destroy their identity documents, but because it is a criminal offence under section 24(1)(a) of the Immigration Act 1971 for a person who is not a British citizen to knowingly enter the country without leave to do so.

The Crown Prosecution Service, however, has decided that migrants crossing the Channel are 'unlikely' to face prosecution. It prefers to focus instead on the criminals who facilitate the journeys. The CPS also insists that it is 'unlikely' migrants have committed the offence of illegal entry under the 1971 Act in circumstances where their vessel has been intercepted.

This loophole – whereby migrants could claim they were not illegally entering the UK if they were picked up by Border Force in British waters – was, in theory, closed by the Nationality and Borders Act 2022. The Act also raised the sentences for anyone illegally entering the UK, and introduced life sentences for anyone actually piloting a boat. The relevant clauses were drafted in such a way as to apply not only to people smugglers, but also migrants themselves. In practice, though, the CPS has done little so far to increase prosecutions.

Without documentation, establishing the identity of migrants is a time-consuming and costly process, and deception is commonplace. One popular tactic is for adults to claim to be children. This has generated thousands of disputes, of which 11,916 have been resolved since 2010. In 50% of cases, the asylum seeker in question was found to be an adult, not a child.⁷³ The small boat crossings are adding to this caseload substantially,

71 D. O'Mahoney as quoted in House of Commons, Home Affairs Select Committee, 'Oral evidence: Channel crossings, migration and asylum-seeking routes through the EU, HC 705' (3 September 2022), p23. [Link](#)

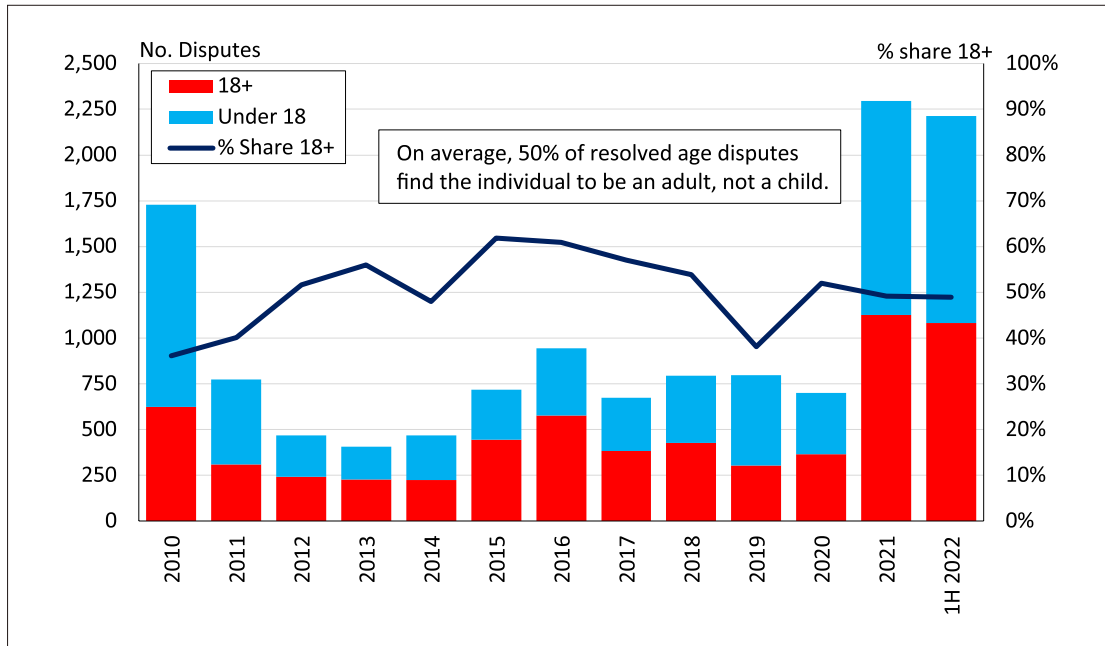
72 Migration Watch UK, *98% Of Channel Boat Migrants Have No Passport* (24 February 2022). [Link](#)

73 Home Office, 'Asylum and resettlement summary tables, year ending September 2022', *Immigration statistics data tables, year ending September 2022* (24 November 2022). [Link](#)



as the graph below indicates. Some 1,954 age disputes have been resolved in the last 12 months alone, with 47% finding the asylum applicant to be an adult.

Adult asylum seekers claiming to be children



Source: Home Office

In summary, the vast majority of those attempting to cross the Channel are young men, fit enough to travel and rich enough to pay people smugglers. Adult males made up 74% of the 2021 arrivals, the vast majority of them aged under 40.⁷⁴

Adult males made up 74% of the 2021 arrivals via the Channel, the vast majority of them aged under 40

Many of these migrants started their journeys in Africa and the Middle East, travelling through Europe’s borderless Schengen Area to reach the English Channel. However, in more recent months the mix has shifted. In the first nine months of the year, 11,241 Albanians accounted for 34% of those who made the crossing, more than any other nationality. Reports suggest that they made up as many as 6 in 10 of those crossing in July and August.⁷⁵

In October, while giving evidence to the Commons Home Affairs Committee, O’Mahoney noted that: ‘Two years ago, 50 Albanians arrived in the UK in small boats. Last year, it was 800. This year, so far, it has been 12,000 – of which about 10,000 are single, adult men.’ He added: ‘To put that in context, that number of 10,000, depending on how you classify that, means that between 1% and 2% of the entire adult male population of Albania has travelled to the UK in small boats.’⁷⁶

74 Home Office, ‘Irregular migration to the UK data tables, year ending September 2022’, *Irregular migration to the UK, year ending September 2022* (24 November 2022). [Link](#)

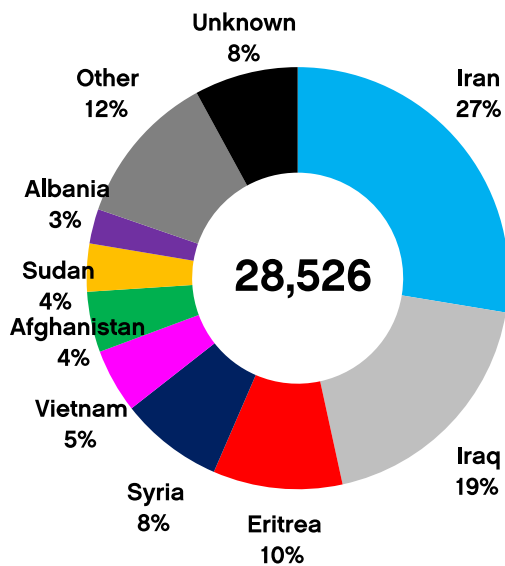
75 C. Hymas, ‘Number of Albanian migrants crossing the Channel up 100-fold in a year’, *The Telegraph* (25 August 2022). [Link](#)

76 D. O’Mahoney, as quoted in: Home Affairs Committee, *Oral evidence: Channel crossings, HC 822* (26 October 2022), p.10. [Link](#)



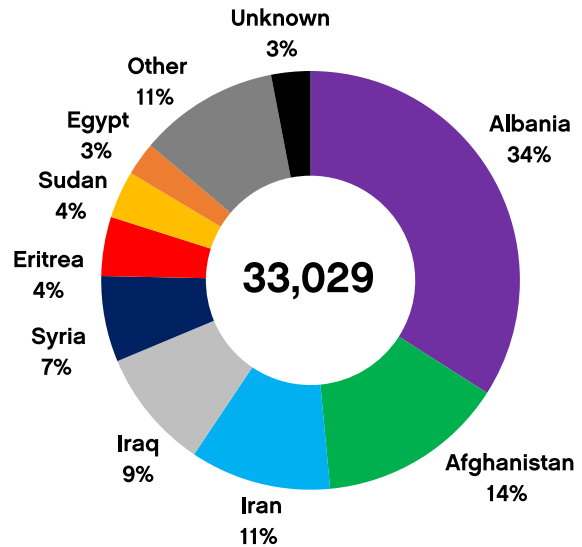
Serious organised crime is at the root of this trend, with the Channel being used as a way to reinforce Albanian gangs and supply illegal workers to the black economy in Britain. According to Lucy Moreton of the Immigration Services Union, which represents Border Force officers, staff are facing increasing violence as a result: 'There are a lot of young males. A lot of prison tattoos and prison haircuts. I have had two staff attacked in the last week and three bitten.'⁷⁷

Small boat arrivals by nationality, 2021



Source: Home Office

Small boat arrivals by nationality, Q1-Q3 2022



Source: Home Office

In theory, French authorities work with their British counterparts to thwart crossings and shut down the people smuggling gangs under the terms of the Sandhurst Treaty, agreed in 2018. This follows in the tradition of other successful border control agreements between Britain and France such as the 1991 Sangatte Protocol and the 2003 Treaty of Le Touquet.

Between 1% and 2% of the entire adult male population of Albania has travelled to the UK in small boats

In practice, however, British officials complain that French cooperation on the Channel crossings is rarely wholehearted or effective. The Government hopes that the new treaty with France, agreed on 14 November, will improve cooperation between law enforcement agencies on both sides of the Channel. The treaty, which saw Britain agree to pay up to £63 million in 2022-23 to France, involves deeper intelligence

⁷⁷ L. Moreton, as quoted in: C. Hymas, 'Migrant Channel crossings may have hit record number this year', *The Telegraph* (22 August 2022). [Link](#)



sharing and more investigations into the smuggling gangs, deployment of more French officers to patrol beaches, and further joint operational work, including to disrupt Albanian gangs and the passage of Albanian nationals to Britain.

Such cooperation is welcome, but ministers accept it will not be a 'silver bullet' as they grapple with the crossings. For their part, French officials and politicians continue to argue that the crisis is caused by British policy. If Britain did not retain so many 'pull factors', they argue, the small boats would not be such a problem. And in this respect, the French have a point.

Asylum and Illegal Immigration

Britain is a highly attractive destination for many migrants, legal and illegal. We have diaspora communities from all around the world. We have the English language. We have an open society, a deregulated labour market and public services that are not only free at the point of use, but which ask few if any questions about the legal status of the patient or pupil. As we have seen, we also have a generous system that grants asylum to more applicants than other countries in Europe.

‘ Since 2004, the number of enforced returns (which in any case is inflated by the inclusion of people simply turned away at the borders) from the UK has declined by almost 90%. There were just 2,760 enforced returns and 7,151 voluntary returns in 2021, despite 28,526 migrants succeeding in crossing the Channel ’

A migrant who enters Britain illegally without detection at the border has two options. First, slip into Britain's substantial shadow economy – risking exploitation and modern slavery – and claim asylum only if caught.⁷⁸ Or second, declare themselves immediately to the authorities and claim asylum, receiving support from the taxpayer while their application is processed and appeals are lodged.

In the case of the small boats, migrants are usually apprehended at sea or as soon as they make landfall. As with all illegal immigrants, they know that once here they are unlikely ever to be removed if they claim asylum – as official statistics show.

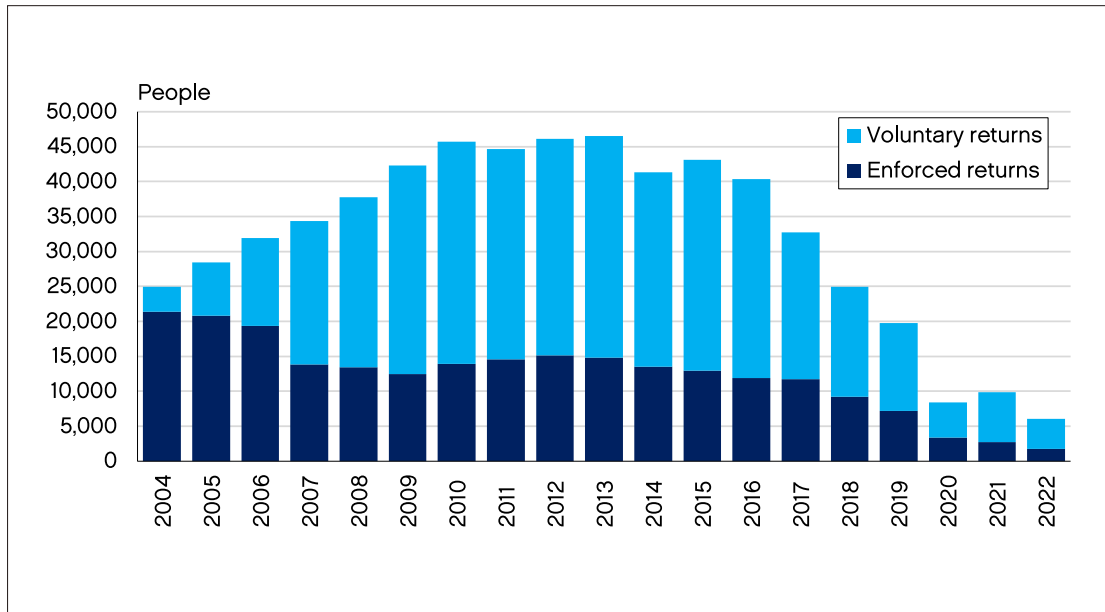
Since 2004, the number of enforced returns from the UK (which in any case is inflated by the inclusion of people simply turned away at the borders) has declined by almost 90%.⁷⁹ There were just 2,760 enforced returns and 7,151 voluntary returns in 2021, despite 28,526 migrants succeeding in crossing the Channel. Thus illegal immigration by small boats alone is running at a rate three times that of returns. Clearly this is unsustainable.

78 By its very nature, estimating the size of the shadow economy is difficult, though the figure of c.10% of GDP seems plausible. See for example: F. Schneider & C. Williams, 'The Shadow Economy', *IEA* (4 June 2013). [Link](#)

79 Home Office, 'Returns summary tables, year ending September 2022', *Immigration statistics data tables, year ending September 2022* (24 November 2022). [Link](#)



Voluntary and enforced returns from the UK

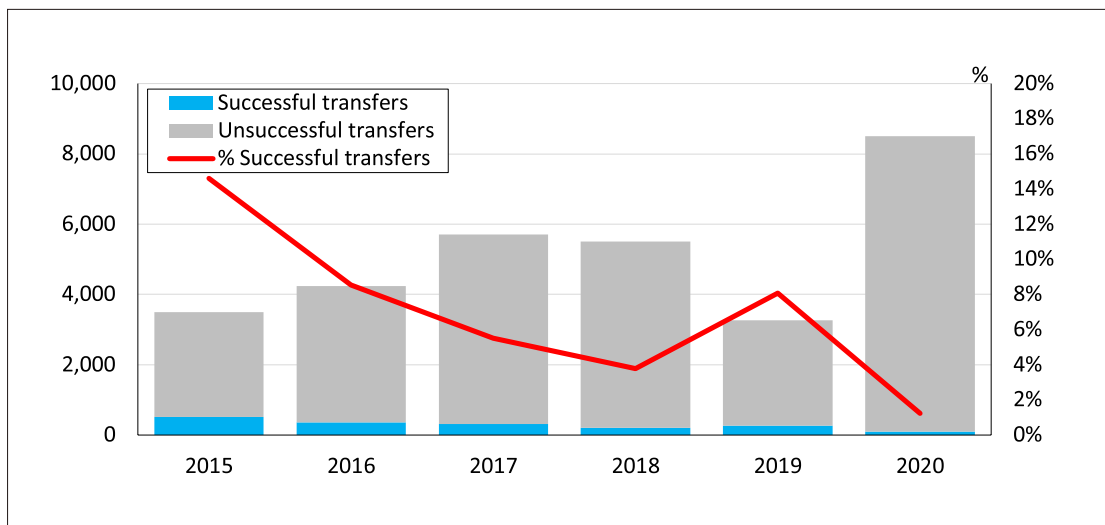


Source: Home Office. 2022 data covers Q1-Q3.

Some argue that this poor record can be explained by the UK leaving the EU, meaning it is no longer able to use the Dublin III Regulation, which is supposed to allow countries to return asylum seekers to the first safe European country they entered.

However, as the graph below shows, only a small fraction of transfer applications under Dublin III were ever successful, even before the EU referendum in 2016. In 2020, when the Brexit transition period still applied, and with the Channel crisis under way, the UK made over 8,500 transfer requests but only 105 were successful – just 1.2% of the total.

Returns from the UK to the EU under the Dublin Regulation



Source: Home Office



Returns are hard because of a series of interlinked problems. Often, an illegal immigrant's home country will deny he or she is a national of that country. This can happen even in cases where the migrant has overstayed at the end of their visa, which means the British authorities have copies of identity documents proving nationality. As Home Secretary, Priti Patel made excellent progress on this front, for example striking a deal with Pakistan to facilitate more and swifter deportation of Pakistani nationals with no right to be in the UK, followed by a deal with Albania.⁸⁰ But while both were significant breakthroughs, the new Home Secretary will need to strike similar deals with many other countries yet – and as recent experience with Albania shows, there is a gap between treaty commitments and delivery.

‘As of June 2022, the total asylum backlog stood at 166,085 cases, having more than tripled in a decade’

We need to ensure the successful execution of the many such agreements and other more informal arrangements we already have in place. As things stand, many countries refuse in practice to abide by such arrangements. Where this is the case we need to be prepared to use diplomatic levers, such as visa penalties, ODA allocations and trade terms to encourage countries to take back their nationals.

Operational enforcement is also difficult: the resources available do not come close to meeting the scale of the problem, especially after years of real-terms cuts to the enforcement budget. The key insight of the ‘hostile environment’ strategy to deter illegal immigration, which began under Labour and continued under the Conservatives, was that it is impossible to identify, locate, arrest, detain and deport every illegal immigrant in the country. In addition to enforcement, the authorities should remove pull factors for people with no legal status here.

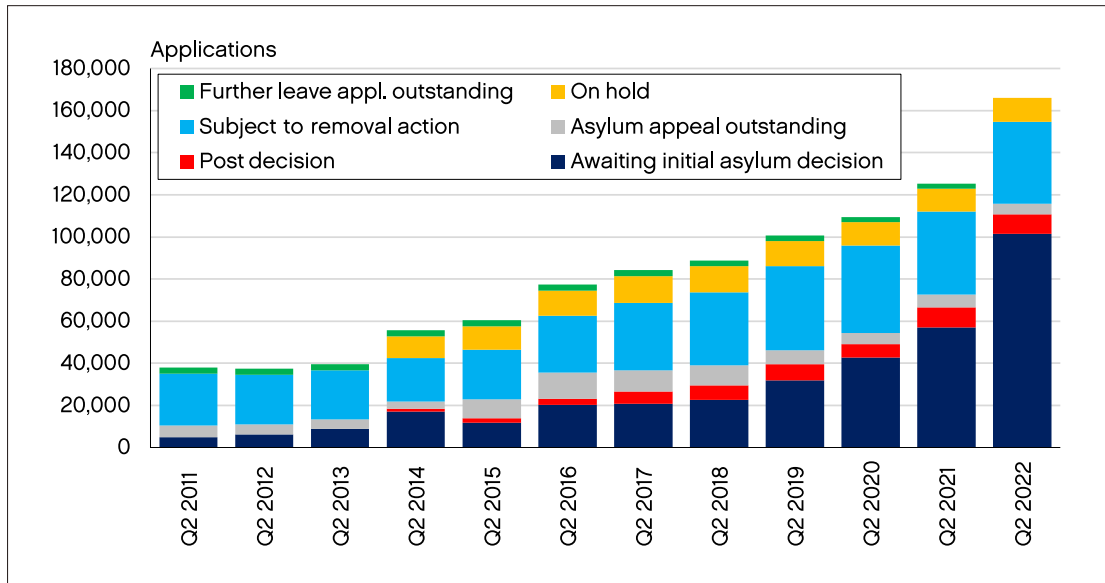
But the greatest problem is Britain's human rights regime. The Human Rights Act 1998 incorporated the ECHR into domestic British law from October 2000. Since then, an accretion of ECHR rulings and related case law has built up, clogging up the system with applications and appeals – often on spurious grounds – submitted by lawyers to draw out the process.

As a result, as of June 2022, the total asylum backlog stood at 166,085 cases, having more than tripled in a decade. The graph on the following page shows a snapshot of the system at the same time of year over the past decade.

⁸⁰ M. Dathan, ‘Pakistan agrees to more and quicker deportations’, *The Times* (18 August 2022). [Link](#)



Asylum applications processing backlog



Source: Home Office

It is not just about asylum cases, however. The human rights regime means that removing foreign national offenders (FNOs) – non-Britons who have been found guilty of committing crimes in the UK – is proving especially challenging. Examples of murders and rapists withdrawn from deportation flights at the last minute are legion. For example, in December 2020, 23 criminals were removed from a flight to Jamaica after lawyers lodged last-minute appeals mere hours before the flights were due to take off. The prison sentences of the 23 who escaped deportation totalled 156 years and one life term, for crimes including murder, rape, child grooming, dealing Class A drugs and possession of firearms.⁸¹

‘In total, there are now almost 12,000 FNOs subject to deportation action living in the community having finished their custodial sentences – almost triple the number 10 years ago’

In some cases, pro-immigration activists or even well-meaning but misguided members of the public have worked to prevent the deportation of FNOs without resort to the courts. In October 2018, a convicted gang rapist called Yaqub Ahmed – a Somali national – was escorted from a Turkish Airways flight at Heathrow after some passengers refused to take their seats upon learning he was being deported. The incident, captured on video and widely reported upon, understandably left his victim distraught.⁸² Two years later, Ahmed was still in the UK. It is not clear if the individuals who prevented his deportation were charged with any offences.

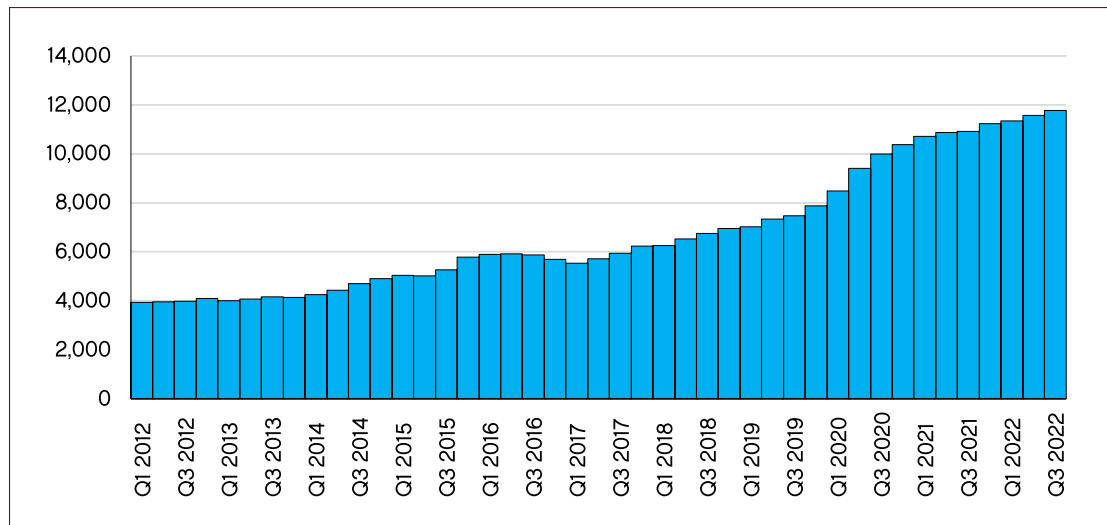
In total, there are now almost 12,000 FNOs subject to deportation action living in the community having finished their custodial sentences – almost triple the number 10 years ago. Partly this is related to Covid. But as the graph on the following page shows, the upwards trend was established well before March 2020.

81 C. Hymas, 'Murderer, would-be killers and rapists among 23 criminals who avoided deportation', *The Telegraph* (2 December 2020). [Link](#)

82 M. Hookham, 'How could 'bleeding heart' plane passengers stop my rapist being deported? Young mum whose 'screaming' Somali attacker was kept in the UK by Heathrow mutiny reveals her fury at their intervention', *The Mail on Sunday* (7 April 2019). [Link](#)



FNOs subject to deportation action living in the community after having served a custodial sentence



Source: Home Office

Yet deporting FNOs is not as complex as deporting failed asylum seekers. The UNHCR's Convention Relating to the Status of Refugees (the 1951 Refugee Convention) and Protocol Relating to the Status of Refugees (the 1967 Protocol) have become gold-plated barriers to controlling Britain's borders and enforcing immigration law. In the UK, unlike in most countries in Europe and further afield, the Convention and Protocol have practically – and quite incorrectly – come to be interpreted as conferring on refugees a right to settle where they choose.⁸³

Modern slavery legislation has become the first line of defence for many illegal immigrants, with the ECHR as their fallback position

A key principle of the 1951 agreement is the 'non-refoulement' of asylum seekers to any place where they might face persecution. If an asylum seeker is able to provide a reason why it would be dangerous to return them to their country of origin, their application will almost certainly be granted. If not, and their case reaches court, they will most likely win their appeal.

Consequently, first coached by people smugglers and then supported by human rights lawyers, asylum seekers will often make spurious claims about their nationality, religion or sexuality to stymie deportation efforts and win the sympathy of activist NGOs. As a result of such practices, conceptual clarity on the difference between genuine refugees and economic migrants has become ever more blurred.

Modern slavery laws are also unscrupulously abused. While this has been happening on a small scale for years, it has now become standard advice to illegal immigrants from Albania to claim to be victims of trafficking. Referrals to the National Referral Mechanism (NRM) have skyrocketed as a result.⁸⁴ In Q1 2022, the three main agencies concerned with immigration and border control together accounted for 45% (1,695) of referrals, up

83 The evolution of the case law around the 1951 Convention has recently been analysed in detail in: Policy Exchange, R. Ekins, J. Finnis & S. Murray, *The Nationality and Borders Bill and the Refugee Convention 1951: Where the Joint Committee on Human Rights goes Wrong* (31 January 2022). [Link](#)

84 For further analysis see: Migration Watch UK, *The Abuse Of Modern Slavery Laws By Asylum Seekers* (20 September 2022). [Link](#)



from 33% in Q1 2019.⁸⁵ Indeed, modern slavery legislation has become the first line of defence for many illegal immigrants, with the ECHR as their fallback position.

These various abuses of the system – and the resulting delays and costs – are not only unfair on genuine refugees and the British taxpayer. They can be dangerous for the general public, as they mean criminals and even terrorists are able to manipulate the system to remain in the UK.

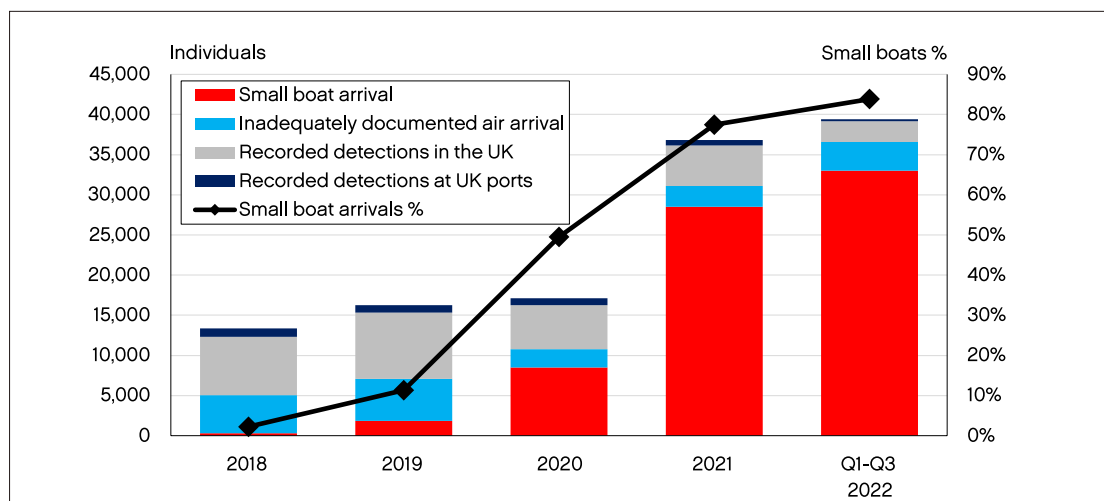
Emad al-Swealmeen, the 32-year-old suicide bomber who attacked the Liverpool Women’s Hospital on Remembrance Sunday in November 2021, is a case in point. Al-Swealmeen arrived in the UK around 2014, and then claimed asylum as a Syrian refugee. His application was denied as officials believed him to be Jordanian – a safe country housing hundreds of thousands of Syrian refugees with financial aid from the UK, USA and others.

‘ Back in 2018, the 299 illegal maritime arrivals accounted for 2% of illegal entries. In 2021, the 28,526 illegal maritime arrivals accounted for 77% of the total. So far this year, they account for 84%’

Having been sectioned for trying to kill himself and waving a knife in Liverpool city centre, al-Swealmeen supposedly converted from Islam to Anglicanism, changing his name to Enzo Almeni. As investigations after the bombing revealed, this was not a genuine conversion. In the words of coroner Andre Rebello: ‘It was fairly evident that he carried out the religious duties of someone who is a follower of Islam, notwithstanding the reported conversion to Christianity.’⁸⁶ It seems likely that his ‘conversion’ was for asylum purposes, as it allowed him to claim there was a risk of persecution if his application was denied.

As the year of al-Swealmeen’s illegal entry indicates, this was a growing problem even before the small boats. But the ongoing crisis in the Channel is loading more and more pressure onto Britain’s asylum system, endangering the public. Back in 2018, the 299 illegal maritime arrivals accounted for 2% of illegal entries. In 2021, the 28,526 illegal maritime arrivals accounted for 77% of the total. So far this year, they account for 84%.

Recorded attempts to enter the UK illegally



Source: Home Office

85 Home Office, ‘Table 8’, *Modern Slavery: National Referral Mechanism and Duty to Notify Statistics: UK, Quarter 1 2022 – January to March* (12 May 2022). [Link](#)

86 BBC News, ‘Liverpool bomber made device with murderous intent, coroner says’, *BBC News* (30 December 2021). [Link](#)

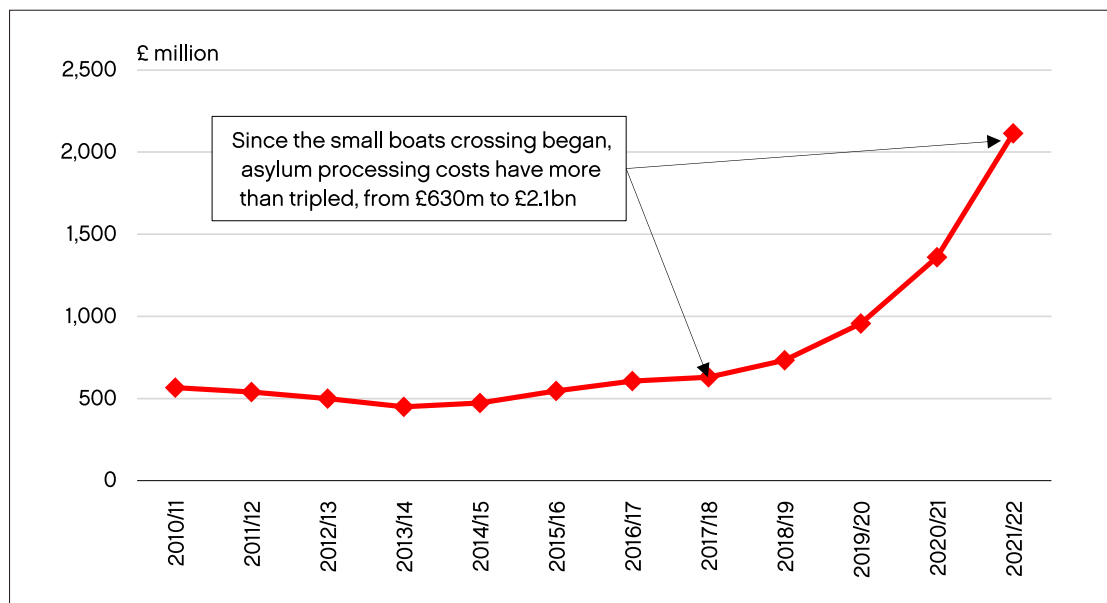


This is causing a steep increase in asylum costs. Even before the small boat crossings began, the asylum system was costing taxpayers over £600m per annum. But mainly thanks to the Channel crossings, such costs have more than tripled since the 2017/18 fiscal year to over £2.1bn in 2020/21 – enough to purchase seven new Type 31 frigates or cover the wages of 62,000 nurses. There are now over 100,000 asylum seekers receiving taxpayer-funded handouts of one form or another.⁸⁷

↳ **Mainly thanks to the Channel crossings, asylum costs have more than tripled since the 2017/18 fiscal year to over £2.1bn in 2020/21 – enough to purchase seven new Type 31 frigates or cover the wages of 62,000 nurses** ↴

Accommodation is a major part of asylum costs – and the annual accommodation bill looks set to soar. Tens of thousands of asylum seekers, many in the UK after crossing the Channel, are housed temporarily in hotels in Britain, at a cost to the taxpayer of around £5.6 million per day.⁸⁸ A further £1.2 million per day is being spent to accommodate Afghans who were evacuated after the fall of Kabul. Absurdly, the Home Office and DLUHC have ended up bidding against each other to secure hotel places for irregular maritime entrants and Afghan refugees, driving up prices. And with Channel arrivals increasing significantly in 2022, the financial burden is only going to grow.

Total asylum costs



Source: Home Office. Total asylum costs include: costs associated with deciding a case (screening clients, interviews and issuing a decision); managing any related appeal; the cost of all asylum operations support (S4, S95, S98); detention costs where detention has been used; enforcement costs (escorting and assisted voluntary returns); costs of department staff and buildings and the proportionate costs of the Home Office building and managerial costs.

87 Home Office, 'Asylum seekers in receipt of support', *Asylum and resettlement datasets* (24 November 2022). [Link](#)

88 Home Affairs Select Committee, *Oral evidence: Channel crossings, HC 822* (26 October 2022), p.20. [Link](#)



A Global Challenge

Britain is not alone in facing the problem of large-scale illegal immigration. The EU has struggled to control its borders ever since the migration crisis of 2015. Under President Biden, illegal crossings from Mexico into the USA have surged once more, with over 1.7 million migrants detained in 2021, setting a new record.⁸⁹ And Australia has had to cope with two major waves of ‘boat people’ – illegal maritime arrivals across the Pacific – in the last two decades.

Common global push factors are part of the reason why many developed countries are experiencing similar border problems. As analysis by the Oxford University-based Migration Observatory and others has shown, the factors driving international migration are complex and shift in relative importance over time.⁹⁰ Natural disasters and wars – notably the Syrian and Libyan civil wars, and endemic cartel warfare in Central America – have been important recent triggers. But there are also long-term, macro trends contributing to increasing international migration around the world.

‘As developing countries continue to get richer, more of their citizens will have the resources, knowledge and incentives to contemplate legal and illegal migration’

Many people, especially on the left, tend to focus on the impact of climate change. But in fact, the evidence suggests that a more important cause is economic development and urbanisation in developing countries. As the American development economist Michael Clemens has noted, the ‘magnitude of the positive relationship’ between rising income levels and emigration from developing countries is ‘statistically significant’ and ‘substantial’.⁹¹ Better education, greater prosperity and access to the internet and international travel does not make it more likely that people living in developing countries want to stay where they are. The evidence suggests it makes it more likely that they will seek a better life in more prosperous developed countries.

On top of this, the demographic make-up of many developing countries – especially in Africa, where the population is projected to double between now and 2050 – is heavily skewed towards youth, and youth unemployment is a major problem in many of these countries. Unsurprisingly, as Home Office data shows, young men – the people most able to make the arduous journey across Asia or up through Africa and across Europe to the Channel – are heavily overrepresented among illegal maritime arrivals.

As developing countries continue to get richer, more of their citizens will have the resources, knowledge and incentives to contemplate legal and illegal migration. This trend has been dubbed ‘The Great Migration’ by some commentators.⁹² This is not an endless process: Clemens found that ‘emigration from a country tends to rise until it reaches a level of income equivalent to about \$10,000 per person at purchasing-power

89 E. Sullivan, ‘Homeland Security Is Making Plans to Handle a Record Surge of Migrants’, *The New York Times* (29 March 2022). [Link](#)

90 See for example: Migration Observatory, M. Czaika & H. de Hass, *Determinants of Migration to the UK* (11 October 2017). [Link](#)

91 M. Clemens, ‘Does Development Reduce Migration?’, *Centre for Global Development Working Paper 359* (March 2014). [Link](#)

92 See for example F. Nelson, ‘Prepare yourselves: The Great Migration will be with us for decades’, *The Telegraph* (3 September 2015). [Link](#)



parity, before declining'.⁹³ Yet according to World Bank data, around 6.5 billion people live in countries where average income is below this threshold.⁹⁴

In short, unless we radically overhaul how we deal with legal and illegal immigration, the pressures on the UK's borders are only going to grow in the coming years and decades. As much as politicians might want the Channel crisis to just go away and for illegal immigration to fall down the agenda, that looks very unlikely to happen. And as our polling shows, the British public are becoming increasingly fed up with this head-in-the-sand approach to immigration and border security.

What Do the Voters Think?

Between 29 September and 3 October, BMG Research polled a representative sample of 1,838 voters on behalf of the Centre for Policy Studies. This included an additional sample of voters who had voted Conservative in 2019 but since abandoned the party – which turned out to be a rather larger number than it would have been a few months previously.

Our findings suggested that much of the switch away from the Conservatives is being driven at least in part by their handling of immigration – or at the very least that those who are leaving the Tories tend to be disproportionately concerned by the issue. But it also showed that these Conservative switchers are very far from the only group who are seriously unhappy with the Government over both high levels of immigration and the chaos in the Channel – and that a robust position on illegal immigration commands extremely strong support among the electorate.

↳ Fully 59% of people think immigration has been either much too high (32%) or somewhat too high (27%) over the last 10 years; only 9% think it has been either much or somewhat too low; while 26% think it has been about right

In terms of the overall picture, immigration remains an abiding source of concern for many people, with 27% of voters citing it as one of the most important issues facing society today. That figure rises to 43% among 2019 Conservative voters and 44% for those who voted to leave the EU in the 2016 referendum. Almost half (48%) of Conservative switchers see immigration as a key issue.

Even among voters who do not put immigration among their foremost concerns, there are many who are discontented. Fully 59% of people think immigration has been either much too high (32%) or somewhat too high (27%) over the last 10 years; only 9% think it has been either much or somewhat too low; while 26% think it has been about right. **So overall, by 59% to 35%, voters think immigration has been too high.** This finding is consistent across regions, age cohorts, household income brackets and levels of educational attainment. Even among 2019 Liberal Democrat voters, 48% think immigration has been too high.

93 As quoted in: The Economist, 'Britain has entered a third phase of post-war immigration', *The Economist* (7 April 2022). [Link](#)

94 World Bank, 'GDP per capita, PPP (current international \$)', *World Bank Group*. [Link](#)



Generally speaking, do you think the level of immigration into Britain over the last 10 years has been too high, too low or about right?

	All Voters	Voted Conservative in 2019	Voted Leave in 2016	Conservative Switchers in 2022
Much too high	32%	44%	52%	45%
Somewhat too high	27%	30%	27%	30%
About right	26%	18%	13%	16%
Somewhat too low	6%	3%	4%	4%
Much too low	2%	1%	1%	1%
Don't know	6%	3%	4%	4%
Net: Too high	59%	74%	79%	75%
Net: Too low	9%	4%	4%	5%

Unsurprisingly, the view that immigration has been too high is most prevalent among the coalition of voters who gave the Conservatives their majority in December 2019. Fully 74% of 2019 Conservative voters think immigration has been too high, versus just 22% saying too low or about right. The figures among voters who have abandoned the Tories since 2019 are near-identical.

Contrary to arguments made by some advocates of mass immigration, it is not just a sense of control that matters. Voters of all stripes care about numbers too.

The reasons why people think numbers have been too high are varied and complex, but our polling fills in at least part of the picture.

On six out of 10 suggested metrics, the public think that immigration to Britain over the last 10 years has had an overall negative impact – on housing, crime, schools, wages, jobs and culture. On two metrics, the NHS and ‘the British economy generally’, opinion is split. The only areas where the perceived positive impact outweighs the negative are ‘availability of high skilled workers’ and ‘the cuisine and food available’.

Overall, do you think that immigrants who have come to Britain over the past 10 years have made a positive, negative or neutral contribution to each of the following?

	Positive	Neutral	Negative	Don't Know
The number of houses available	16%	24%	50%	10%
Crime	16%	32%	41%	11%
Wages for British workers	19%	32%	39%	10%
The number of jobs available	21%	33%	37%	8%
The NHS	36%	21%	36%	7%
Schools	24%	32%	34%	10%
British culture	31%	27%	34%	7%
The British economy generally	33%	25%	33%	8%
Availability of high skilled workers	36%	27%	28%	9%
The cuisine and food available	50%	27%	17%	6%

After housing, the area where people have the most negative perception of immigration is in terms of its impact on crime. This is perhaps fed by high-profile stories of foreign offenders able to abuse human rights laws to stay in the UK, even when they have been convicted of violent crimes and represent a threat to public safety. And as we have seen, we do indeed have a real problem in deporting FNOs.



It should not come as much as a surprise, then, that when asked whether the UK should be able to deport migrants who break the law irrespective of human rights law, fully 68% of voters say the UK should be able to do this and only 18% say it should not. There are solid majorities for this view among not just 2019 Conservatives and 2016 leave voters, but also Labour and Liberal Democrat voters, and Remainers and Rejoiners.

Added to worries about immigration levels over the last decade is continuing alarm over the Channel crossings. Some 74% of voters think that the Government ‘is handling the issue of migrants attempting to cross the English Channel by boat’ badly. Again this is the majority view pretty much however you slice the data, although the majority is much bigger among groups like Conservative switchers, where 83% think the Government is doing badly on this issue. And of course this polling was carried out before the crossings hit the headlines yet again.

‘Concern about the Government’s handling of the Channel crossings is most acute among Leave voters, 2019 Conservative voters and Conservative switchers, of whom 91%, 88% and 85% think the Government is not being restrictive enough’

The Government does not attract the sole blame: a majority of voters, 54%, think that the French and UK authorities bear equal responsibility for stopping the crossings, while another 15% think UK authorities bear the most responsibility. But of course, the British government is responsible for Britain’s problems.

Again, concern about the Government’s handling of the crossings is most acute among Leave voters, 2019 Conservative voters and Conservative switchers, of whom 82%, 77% and 83% think the Government is handling the situation in the Channel badly. In each case, the vast majority of these voters think the Government is not being restrictive enough, as the table below shows. And overall, 68% of the voters who say the Government is handling the situation in the Channel badly think it is not being restrictive enough on the crossings, while just 16% think it is being too restrictive.

Do you think the UK government’s handling of migrants attempting to cross the English Channel by boat is too restrictive or not restrictive enough?

	All Voters	Voted Conservative in 2019	Voted Leave in 2016	Conservative Switchers in 2022
Too restrictive	16%	3%	3%	4%
About right	8%	3%	3%	3%
Not restrictive enough	68%	88%	91%	85%
Don’t Know	8%	5%	3%	8%

Question asked to all respondents (74% of the total) who said the Government was handling the situation in the Channel badly.



On top of the pervasive discontent with the legal and illegal immigration status quo, our polling also detected a worrying level of disillusionment and distrust. A quarter of voters trust no political party to handle immigration well, with this rising to a third among Leave voters. Worryingly for the Conservative Party, more people now trust Labour the most on immigration, by 34% to 22%. In early 2020, in the wake of the 2019 election victory, a similar question asked by YouGov found that 36% of voters thought the Conservatives ‘would handle the problem best’, versus just 16% for Labour at the time.⁹⁵ Today, over four fifths of Conservative switchers do not trust the party on immigration, and two fifths do not trust any party.

Which of the following political parties, if any, do you trust the most to handle each of the following issues? [Immigration]

	All Voters	Voted Conservative in 2019	Voted Leave in 2016	Conservative Switchers in 2022
Labour	34%	16%	26%	26%
Conservatives	22%	44%	27%	16%
Liberal Democrats	7%	2%	3%	3%
Reform UK	5%	8%	8%	13%
Greens	4%	2%	2%	3%
Scottish National Party	3%	-	1%	-
Plaid Cymru	0%	-	-	-
None of the above	25%	28%	33%	39%

It seems likely that this distrust is in part fed by the dawning awareness that Britain has not regained control of its borders following Brexit, or at least has not used that control to restrict the numbers as politicians promised. Among the general public, 33% think the level of immigration per year has increased significantly since Britain left the EU, and 24% slightly. Another 19% think it has stayed the same. Just 11% think it has decreased slightly and 6% significantly. Overall, then, 76% of voters think leaving the EU has made no net impact on immigration levels (which of course is absolutely right, even if the profile of those arriving has changed). In other words, **the reality of the Government’s liberal immigration policy is starting to filter through.**

‘ Overall, 76% of voters think leaving the EU has made no net impact on immigration levels ’

Voters also have strong views about the kind of immigrants they would like to see arriving. As mentioned above, there has been much discussion recently about the prospect of extra visas, for business or youth travel, being included in a trade deal with India. Yet a majority of people in the UK think that we should allow either the present numbers of immigrants from India (27%), slightly fewer (12%), many fewer (14%) or not allow any immigrants from India at all (14%), for a total of 68%. Just 10% think we should allow slightly more, and 7% many more. Among Conservative switchers, 50% want less or no immigration from India, and 26% want it to stay the same. Just 9% want more.

This is not an example of prejudice against India – in fact, it was actually one of the more popular countries of the 18 we suggested. Rather, it reflects a general reluctance to open up our borders further. In fact, of the 18 options it was only immigration from Australia, Germany and the USA that was seen in a strongly positive light, with at least half of the public wanting the same level of or greater immigration from these countries.

⁹⁵ YouGov, ‘Which political party would be the best at handling asylum and immigration?’, *Trackers*. [Link](#)



Thinking about the different countries people come from to live in the UK, to what extent should they be allowed to come and live in Britain?

Country of Origin	More Immigrants	Present Numbers	Fewer Immigrants	No Immigrants	Don't Know	Fewer + None	Same + More
Iraq	17%	18%	28%	21%	14%	50%	35%
Somalia	15%	18%	28%	21%	16%	49%	33%
Albania	12%	21%	30%	19%	16%	49%	33%
China	14%	23%	28%	20%	13%	48%	37%
Morocco	12%	22%	31%	16%	18%	47%	34%
Pakistan	15%	23%	28%	19%	14%	46%	38%
Nigeria	15%	22%	26%	19%	16%	46%	37%
Syria	19%	19%	26%	19%	15%	46%	37%
UAE	15%	23%	28%	17%	15%	45%	38%
Mexico	14%	25%	27%	15%	17%	42%	39%
India	17%	27%	26%	14%	13%	40%	45%
Brazil	15%	27%	27%	13%	17%	39%	42%
South Africa	18%	28%	24%	13%	16%	37%	46%
Poland	21%	27%	27%	9%	14%	36%	48%
Japan	19%	30%	23%	11%	16%	34%	48%
USA	22%	32%	23%	8%	14%	31%	54%
Germany	22%	31%	21%	10%	15%	31%	53%
Australia	27%	31%	19%	7%	15%	25%	58%

So it is not just control that matters to the public, and it is not just total numbers either – it matters to people where immigrants come from. Again, it is important to note that this is not about racial or ethnic discrimination: Japanese immigration is more popular than Polish immigration, and Indian immigration more popular than Mexican. The explanation seems to lie in perceived differences in the likelihood of social integration and fiscal contribution.

“Of the 18 options we presented it was only immigration from Australia, Germany and the USA that was seen in a strongly positive light”

The public also have a better understanding of why we are struggling to control our borders than some experts might realise. From a selection of possible barriers to enforcing immigration law and securing the border, the most common problems identified by voters were: the European Convention on Human Rights (47%), European Court of Human Rights judges (47%), and pro-immigration campaigners/activist groups (40%). By contrast, just 26% and 17% thought UK judges and domestic laws were a barrier, and only 5% thought there were no barriers at all.



What barriers do you think the UK Government faces in enforcing immigration law and securing the border?

	All Voters	Voted Conservative in 2019	Voted Leave in 2016	Conservative Switchers in 2022
The European Convention on Human Rights	47%	60%	62%	63%
European Court of Human Rights judges	47%	61%	63%	63%
Pro-immigration campaigners/activist groups	40%	53%	55%	53%
Lawyers	28%	40%	41%	39%
UK judges	26%	33%	35%	30%
Domestic laws	17%	17%	17%	19%
There are no barriers	5%	2%	2%	3%
Prefer not to say	1%	1%	1%	0%
Other	0%	0%	0%	1%
Don't know	18%	14%	11%	13%

Around half of voters – 49% – believe Britain should leave the ECHR or follow only some of its rights and freedoms. Just 26% believe we should remain signatories to the Convention with no change at all.

The European Convention on Human Rights (ECHR) is an international treaty that the UK is signed up to, and which protects the human rights of people in countries that sign up to it. Some say the ECHR obstructs the UK government in deporting illegal migrants from the UK. Others say leaving the ECHR would undermine the UK's credibility in criticising human rights abuses abroad. Should the UK leave, partially leave, or stay in the European Convention on Human Rights?

	All Voters	Voted Conservative in 2019	Voted Leave in 2016	Conservative Switchers in 2022
The UK should leave the ECHR	24%	37%	38%	34%
The UK should only follow certain ECHR rights and freedoms	25%	26%	31%	27%
The UK should stay in the ECHR	26%	16%	13%	19%
Don't know	22%	21%	17%	19%
Prefer not to say	2%	0%	1%	0%

Overall, there is a clear majority for human rights laws being decided by Parliament and for the application of these laws in specific cases to be decided by UK judges.

Some 55% of voters say that Parliament should have the final say on the legal framework that the UK follows for human rights (versus 27% saying the ECHR), while 54% believe that UK judges should have the final say in the application of that framework (versus 29% for ECHR judges). Even 2016 Remain voters are almost evenly split (42% versus 43%, and 14% don't know) on whether the UK Parliament or the ECHR should be the ultimate legal authority for human rights. Among 2019 Conservative voters and Leave voters, the verdict is however overwhelming, at 77% to 13% (with 10% don't knows).



Which of the following should have the final say on the legal framework the UK follows for human rights? By this we mean who or what sets the rules on human rights for the UK to follow.

	All Voters	Voted Conservative in 2019	Voted Leave in 2016	Conservative Switchers in 2022
The UK Parliament	55%	77%	77%	71%
The European Convention on Human Rights	27%	13%	13%	14%
Don't know	17%	10%	10%	14%
Prefer not to say	1%	0%	0%	0%

And which of the following should have the final say on the application of human rights law in the UK? By this we mean who actually decides cases involving human rights in the UK.

	All Voters	Voted Conservative in 2019	Voted Leave in 2016	Conservative Switchers in 2022
UK judges	54%	71%	75%	72%
European Court of Human Rights judges	29%	15%	13%	15%
Don't know	16%	13%	11%	12%
Prefer not to say	2%	0%	0%	1%

Descending from legal abstraction to the operational level, our polling also shows there is clear public support for a range of practical measures to improve immigration monitoring and enforcement in the UK, from open-ended detention for those subject to immigration control to electronic tagging and reversing budget cuts to immigration enforcement services.

Some 55% of voters say that Parliament should have the final say on the legal framework that the UK follows for human rights (versus 27% saying the ECHR), while a similar proportion believe that UK judges should have the final say in its application

Likewise, there is clear support for the Rwanda policy. In fact, large numbers support it, including clear majorities of 2019 Conservative voters (56%) and Leave voters (60%), vs 19% and 16% opposed. Interestingly, almost a quarter of people neither support nor oppose it. This suggests that for many, the main question is whether or not it will work: 50% of people say it 'will not discourage illegal immigration'. No doubt the failure to actually send anyone to Rwanda since the policy was announced back in April plays into this doubt. Nevertheless, overall, more people support than oppose the policy, by 41% to 28%. And in general, people seem open to being convinced.



In April this year the UK Government announced a new policy for people who arrive in the UK illegally. Those people will now be relocated to Rwanda, and will have to apply for asylum there rather than in the UK. Do you support or oppose this policy?

	All Voters	Voted Conservative in 2019	Voted Leave in 2016	Conservative Switchers in 2022
Strongly support	23%	35%	39%	33%
Somewhat support	18%	21%	21%	22%
Neither support nor oppose	23%	21%	20%	17%
Somewhat oppose	12%	9%	7%	10%
Strongly oppose	16%	10%	9%	11%
Don't know	6%	4%	4%	6%
Prefer not to say	2%	0%	1%	1%
Net: Support	41%	56%	60%	55%
Net: Oppose	28%	19%	16%	21%

If Conservative MPs should take anything away from this polling data, it is that firm and decisive action to regain control of our borders is a vital part of the policy mix needed to win back the voters who delivered the Conservatives a majority in 2019 but who have since drifted away. Other factors and policies – not least economic ones – are important too of course, but if the Conservative Party cannot convince voters on immigration, it will struggle to win the next general election.

‘ There is clear support for the Rwanda policy. In fact, large numbers support it, including clear majorities of 2019 Conservative voters (56%) and Leave voters (60%), vs 19% and 16% opposed ’

But again, our polling makes clear that it is not just Conservative and ex-Conservative voters who are concerned about immigration. A majority of British people have lost faith in the immigration system. They want the Government to regain control over our borders, put an end to illegal immigration and reduce overall levels of legal immigration, especially from those countries that are more culturally and economically distant from the UK.



3. Regaining Control

The essence of our proposal is a grand bargain. Britain should establish legal routes for people who seek refuge in our country: dedicated resettlement schemes for those fleeing war and suffering. But in order to be able to do that, we must aim to reduce the number of people claiming asylum here after entering the country illegally to zero.

If we do not stop the Channel crossings, we will simply be unable to support those who are most deserving of our help. Already, the asylum system is under strain. The accommodation used for asylum seekers is full – hence the poor conditions recently exposed at Manston. And as they watch streams of young men nonchalantly walk ashore from our patrol vessels, the public are becoming increasingly frustrated by the very visible loss of control.

‘ Between 2009 and 2013, more than 50,000 migrants were detained by the Australian authorities for attempting to enter the country illegally by sea ’

The argument that the only way to respond to the Channel crossings is by establishing ‘safe and legal routes’ – and not also by preventing illegal entry to Britain – is clearly a nonsense. Unless we were prepared to accept asylum applications from everybody who wanted to come to Britain, safe and legal routes alone would not stop the crossings.

So alongside dedicated settlement schemes, we need an immigration and asylum system that can swiftly process any illegal immigrants who do make it to our shores – and more importantly, which deters or prevents the vast majority from making the attempt in the first place. This means better monitoring and enforcement. And it means being prepared to relocate immigrants who do arrive here illegally. Deterrence must suffuse the whole system. A good example of how to start going about this is provided by Australia, which we review below.

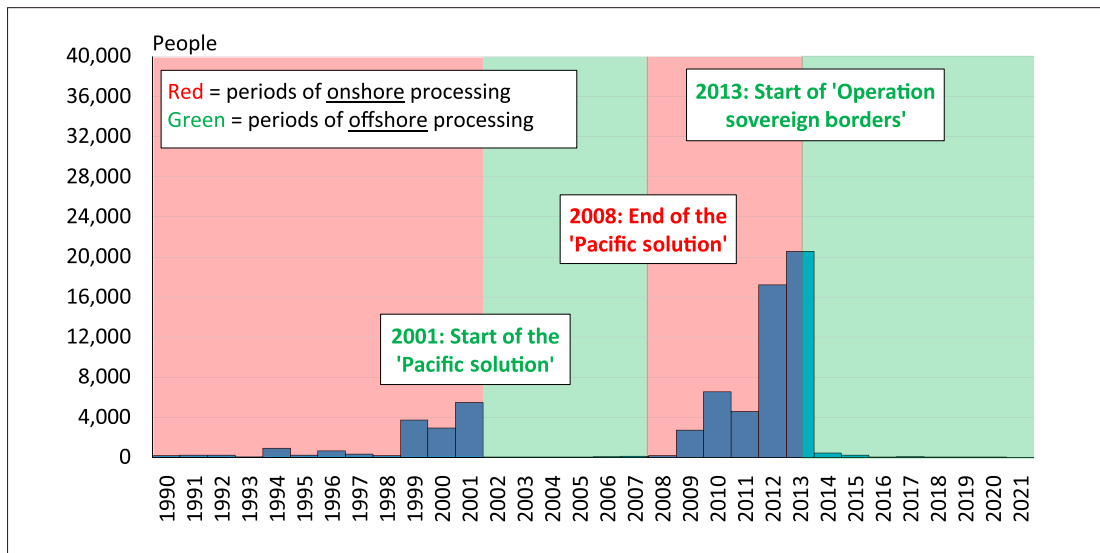
How Australia Regained Control

Between 2009 and 2013 more than 50,000 ‘boat people’, as they were commonly termed in the Australian media, were detained by the Australian authorities for attempting to enter the country illegally by sea. The flow was halted by the Abbott government (2013-15): the number of unauthorised maritime arrivals fell from a peak of over 20,000 in 2013 to under 500 in 2014, and numbers have remained low ever since. A typical year sees fewer than 100 individuals arriving in Australia by boat.

The Australian experience shows that policy can have a dramatic impact on illegal crossings. But how did they do it?



Unauthorised maritime arrivals detained attempting to enter Australia, 1990-2021



Australia's illegal immigration problem first began in the John Howard era, with thousands of Pacific seaborne crossings being attempted from 1999 to 2001. The problem was nipped in the bud by the 'Pacific Solution', which was implemented in September 2001. Asylum seekers were to be intercepted en route and transported to Pacific island nations for processing, rather than being brought to the Australian mainland.

The deterrent effect of these measures was significant, with numbers falling as soon as it became apparent that the Howard government meant what it said. Around 400 Afghan asylum seekers from one vessel were transported to the Republic of Nauru, under intense international media glare. The government declared: 'We will decide who comes to this country and the circumstances in which they come.' The message was heard loud and clear. Some 5,516 asylum seekers had attempted to enter Australia by boat in 2001; in 2002, this fell to just 1. For the remainder of the Howard government through to 2007, annual unauthorised maritime arrivals never exceeded 150.

During the Rudd-Gillard period of liberal border policies, around 1,000 asylum seekers are estimated to have drowned

That trend started to reverse under Kevin Rudd, who became Prime Minister in December 2007. Immigration had been an issue in the election, and the Pacific Solution was described in early 2008 by Rudd's immigration minister as 'a cynical, costly and ultimately unsuccessful exercise'.⁹⁶ The scheme was dismantled and the facilities in Nauru and on Manus Island in Papua New Guinea were mothballed. The number of unauthorised maritime arrivals detained while attempting to reach Australia duly jumped from 161 in 2008 to 2,726 in 2009. Numbers increased to 17,204 in 2012 and 20,587 in 2013.

Initially, Australia returned to conventional onshore processing. But Rudd's successor as Prime Minister and leader of the Labor Party, Julia Gillard, was forced to U-turn by the surging numbers and high-profile tragedies. During the Rudd-Gillard period of liberal border policies, around 1,000 asylum seekers are estimated to have drowned. This is almost certainly an underestimate, since it is impossible to say how many people went missing in the Pacific Ocean.⁹⁷

96 Sydney Morning Herald, 'Flight from Nauru ends Pacific Solution', *Sydney Morning Herald* (8 February 2008). [Link](#)

97 Border Crossing Observatory, 'Australian Border Deaths Database', *Border Crossing Research Brief No.18* (March 2021), p.1. [Link](#)



By 2012 Gillard sought to reopen the shuttered sites, having conceded the deterrent, and hence life-saving, effect of offshoring. The necessary legislation was passed that August with the support of the Opposition under Tony Abbott, while his shadow immigration minister, Scott Morrison, developed what would become 'Operation Sovereign Borders' once the Coalition came back into power in September 2013.

Operation Sovereign Borders has been the bedrock of Australian asylum policy ever since. From the peak in 2013, numbers dropped by 98% in the space of a single year. From 2015 until 2021, the number of asylum seekers attempting to enter Australia illegally by boat averaged just 56 per annum: in other words, just 0.3% of the 2013 peak or 0.5% of the 2009-13 average. There have been zero reported drownings since 2014.⁹⁸

If the UK were to achieve a similar reduction to Australia, then the number of asylum seekers illegally crossing the Channel would fall from around 44,000 to fewer than 200.

Operation Sovereign Borders had three main policy pillars: turn-backs, interdiction and offshoring. These were put in place with determination and proper resourcing, using a military-led multi-agency approach and a multi-billion-dollar spending commitment. So how did it work? And could Britain do the same?

‘ From 2015 until 2021, the number of asylum seekers attempting to enter Australia illegally by boat averaged just 56 per annum: in other words, just 0.3% of the 2013 peak or 0.5% of the 2009-13 average ’

Turn-backs

Turn-backs entailed intercepting boats en route to Australian territory and compelling them to turn around. This had previously proved tricky because the people smugglers transporting the migrants used dilapidated old timber boats. When intercepted, they would sink or set fire to the boats, compelling rescue and thereby making the migrants Australia's responsibility.

Instead, the Australians procured very sturdy, fire-proof lifeboats, and equipped them with enough fuel and provisions to get back to Indonesia – but not as far as Australian territory. That way, Australian police and maritime authorities fulfilled their legal duty to help mariners in distress. Turnback operations began in December 2013, and 10 boats containing 286 would-be unauthorised maritime arrivals were turned back through 2014.

This policy is, however, less applicable to Britain. The shortest distance between Indonesia and the Australian territory of Christmas Island is around 250 miles (400km). By contrast, the shortest distance between France and England is just 22 miles (35km), and there are no international waters between our borders in the Channel. Even if the migrants did turn back to France, they and the people smugglers would simply reuse the taxpayer-funded boats. The first policy pillar of Operation Sovereign Borders, then, would not work in the Channel.

⁹⁸ Ibid, p.1.



Interdiction

The second policy pillar was interdiction: preventing migrants starting their journeys in the first place. With Operation Sovereign Borders, this required bilateral cooperation between the Indonesian police and the Australian intelligence community to disrupt people-smuggling gangs and catch would-be illegal immigrants at the quayside.

In the case of the Channel crossings, cooperation between British, French and other European authorities has had only limited success so far. But interdiction would need to remain part of a successful policy response: operational cooperation will be more successful alongside other policies designed to disincentivise and limit the crossings, and of course can improve if the authorities on both sides of the Channel agree to intensify their efforts, as they recently have.

Offshoring

The third and most important pillar of Operation Sovereign Borders also remains open to Britain: the removal of migrants to third countries. Due mainly to internal political wrangling in Papua New Guinea, the site at Manus Island never properly got going after the Gillard U-turn. But the facility in the Republic of Nauru – located 2,500 miles (4,000km) from the Australian mainland – was successfully reopened. Unlike the Manus Island facility, which was effectively a prison, the Nauru scheme did not restrict the ability of migrants to move about the island. The legal basis of this policy was provided by amendments in 2012 to Australia's 1958 Migration Act. The lawfulness of the approach was challenged in the courts, but the offshoring process was upheld by the High Court of Australia in case M68/2015.⁹⁹

‘ The Australian government was able to rely upon the original Refugee Convention text, which does not create an obligation upon countries to settle asylum seekers, but instead obliges them to ensure that asylum seekers are no longer at risk of persecution ’

Australia is, like Britain, a signatory to the 1951 Refugee Convention, but, unlike Britain, is not a member of the ECHR and has not experienced the same accumulated case law. The Australian government was therefore able to rely upon the original Refugee Convention text, which does not create an obligation upon countries to settle asylum seekers, but instead obliges them to ensure non-refoulement to places where asylum seekers are at risk of persecution. This was not the case in Nauru, and considerable efforts were expended to ensure that this remained the case and could be proven to be the case. Asylum seekers were to be removed to and processed by the Nauruan authorities without threat of persecution, in a safe and legal fashion.

On the Australian side, the police were obliged to transfer asylum seekers to Nauru, pursuant to s.198AD(2) of the Migration Act, which provides that: ‘An officer must, as soon as reasonably practicable, take an unauthorised maritime arrival to whom this section applies from Australia to a regional processing country.’ Primary legislation thus obliged state officials to enforce the government's borders and immigration policy. And being outside the ECHR meant that indefinite detention prior to removal to Nauru was an option for Australia, so absconding from bail was not an issue in the same way it has been in the UK.

⁹⁹ High Court of Australia, *Plaintiff M68/2015 v Minister for Immigration and Border Protection* (3 February 2016). [Link](#)



In the event, 3,127 unauthorised maritime arrivals were transferred offshore, with the first tranche of 2,200 being sent to Nauru in August/September 2013. **Primary legislation was also used to make clear that anybody who arrived in Australia illegally would never, under any circumstances, be allowed to settle there.** The deterrent effect was enhanced through upstream public awareness campaigns in Indonesia and countries of origin such as Vietnam and Sri Lanka. At the same time, the Australian government publicised its legal migration tracks, making known the safe and legal routes by which migrants might gain entry to Australia.

Operation Sovereign Borders closed illegal routes of entry not only by deterring illegal migrants, but by depriving the people smugglers of cashflow and destroying their business model. And far from being an exercise in neo-colonialism, the people of Nauru benefited from their country's agreement with Australia. The tiny island nation has a population of only 11,000 people and a GDP of around \$130m. The money it receives from Australia for asylum processing is around four times that sum – every year. Additionally, in time, many of the migrants removed to Nauru voluntarily departed, accepting financial assistance from the Australian authorities to return to their home countries.

‘ For Australia, the cost of offshoring amounts to around £11,350 per capita per annum. That is in line with cost estimates for onshore processing in Britain ’

Opponents of offshoring have criticised the cost to Australian taxpayers of this policy pillar. They argue that, with a cost of around £4.3bn since 2013 to process 3,127 asylum seekers, Australia's offshoring scheme has had a per capita price tag of £1.38m. Applying this to the numbers crossing the Channel produces some gigantic estimates for emulating that approach in the UK – at least £32bn per annum.¹⁰⁰

But in fact, under any reasonable range of assumptions, the cost estimates used by critics of the Australian scheme are out by two orders of magnitude, for their calculations omit the deterrent aspect of the policy. In other words, we should not count only the 3,127 migrants who travelled to Australia and were sent offshore, but all those who did not make the journey because of the policy.

Seen in this light, the cost-effectiveness of the policy looks radically different – which explains why Australia has chosen to persist with it since the number of migrants arriving illegally collapsed in 2014.

The exact amount Australia spends each year on offshoring, including payments to the government of Nauru and payments to contractors to maintain facilities there, is disputed. But in 2021, the figure was reportedly around £454m (at current exchange rates).¹⁰¹ On the very conservative assumption that there would have been no further growth in annual arrivals from around 20,000 in 2013, then the policy cost amounts to £22,700 (£454m/20,000) per capita per annum. But if we take a more realistic scenario in which the number of unauthorised maritime arrivals continued to grow year-on-year to reach, say, 40,000 per annum, then the policy cost amounts to around about £11,350 per capita per annum. That is in line with cost estimates for onshore processing in Britain.

100 D. Davis, *Twitter thread* (19 November 2021). [Link](#)

101 B. Doherty, 'Budget immigration costs: Australia will spend almost \$3.4m for each person in offshore detention', *The Guardian* (12 May 2021). [Link](#). For another comparable cost estimate, see: Kaldor Centre for International Refugee Law, *The cost of Australia's refugee and asylum policy: A source guide* (26 April 2022). [Link](#)



Resettlement Schemes and Community Sponsorship

The key advantage of establishing dedicated resettlement routes is that Britain can choose who comes here. Whereas those arriving here illegally are mostly fit, strong and prosperous men, with resettlement routes we are able to prioritise those who need our help the most, including more women and children.

This is how the Vulnerable Persons Resettlement Scheme (VPRS) worked when Britain responded to the civil war in Syria. Established in January 2014, the scheme aimed to help those in the greatest need, including people requiring urgent medical treatment, survivors of violence and torture, and women and children at risk.

Alongside providing funding for refugee facilities in the region, Britain took refugees from countries near Syria – Turkey, Jordan, Lebanon, Iraq and Egypt – that had themselves received many refugees. The scheme worked well and was expanded to resettle 20,000 Syrians deemed in need of protection, making it the largest resettlement scheme in Europe. A second programme, the Vulnerable Children's Resettlement Scheme, was launched in 2016, which focused on resettling at-risk children from refugee camps in the region and brought another 5,000 Syrians to Britain.

‘The scheme worked well and was expanded to resettle 20,000 Syrians deemed in need of protection, making it the largest resettlement scheme in Europe’

The more recent policies relating to people in Hong Kong are different. In 1985, Britain created a new citizenship status called British National (Overseas). People living in Hong Kong before the 1997 handover to China could apply to retain a link with the UK. The status could not be passed down through families and did not give its holders any special rights, apart from being able to visit the UK for six months at a time without a visa.

But from January 2021, with China crushing Hong Kong and its freedoms, the Government announced that it would allow BN(O) citizens and their close family to apply to live and work in the UK for two periods of five years. After the first five years, BN(O) citizens would be able to apply for indefinite leave to remain, and after one year with indefinite leave to remain, to apply for full citizenship. Thanks to the change, hundreds of thousands of Hong Kongers are likely to come to live here permanently.

The Ukraine situation is also different. In March 2022, the Government opened a scheme called Homes for Ukraine, under which Ukrainians would be able to apply for a visa to live here if they had named people in the UK willing to sponsor them. Subject to the number of sponsors able to host Ukrainians, there would be no upper limit for the number of visas issued. As of November 2022, 142,000 visas had been issued through this scheme, with another 80,000 issued as part of the parallel Ukraine Family Scheme.

The crises in Hong Kong and Ukraine are unique in their different ways – Hong Kong because of the commitments Britain made to those with British National (Overseas) status before 1997, and Ukraine because it is a European country fighting a war on our own continent. It is not unreasonable, for reasons of identity and geography, to believe that Britain has a duty to help those over whom it once ruled, or to accept larger numbers of refugees fleeing a European war than one fought on a different continent. Just as Middle Eastern countries took the greatest share of the burden during the Syria crisis, so European countries want to help a nation with which they share history and culture. Put simply: if European countries like Britain do not help European refugees, who will?



UK Government Refugee Resettlement Schemes

Resettlement Scheme	Purpose/Target Group	Scope	Period
Mandate Resettlement Scheme	For recognised refugees who have close family members living in the UK.	Open-ended; c.500 to date.	1995 – Ongoing
Gateway Protection Programme (GPP)	For the resettlement of refugees living in a refugee situation for over five years.	Open-ended; 7,403 in total.	March 2004 – March 2020
Syrian Vulnerable Persons Resettlement (SVPR)	For vulnerable Syrian refugees fleeing the conflict in that country	20,000 target; 20,319 actual.	January 2014 – July 2017 (became VPRS)
Vulnerable Children's Resettlement Scheme (VCRS)	For at-risk children and their families from the MENA region.	3,000 target; 1,838 actual.	April 2016 – February 2021
UK Community Sponsorship Scheme	To allow community groups, charities and faith groups to support resettled refugees directly.	Open-ended; 346 to date.	July 2016 – Ongoing
Vulnerable Persons Resettlement Scheme (VPRS)	Extension of the SVPR to encompass vulnerable refugees of any nationality within the MENA region.	See SVPR.	July 2017 – February 2021
Hong Kong BN(O) Scheme	For British National (Overseas) status holders in Hong Kong.	5.4m eligible; c.76,000 visas issued and c.28,000 arrivals to date.	January 2021 – Ongoing
UK Resettlement Scheme (UKRS)	For the resettlement of refugees globally referred by the UNHRC, replacing the VPRS, VCRS and GPP.	Open-ended; 1,882 to date.	February 2021 – Ongoing
Afghan Relocations and Assistance Policy (ARAP)	Relocation or other assistance to former Locally Employed Staff (LES) in Afghanistan.	Open-ended; about 5,000 expected.	April 2021 – Ongoing
Afghan Citizens Resettlement Scheme (ACRS)	For Afghan nationals evacuated in the fall of Kabul, and other at-risk individuals, including referrals from the UNHCR.	5,000 target in first year and 20,000 target longer term, but actual arrivals via ARAP and ACRS total c.21,000 to date.	January 2022 – Ongoing
Homes for Ukraine Sponsorship Scheme	Allowing Ukrainian nationals to come to the UK if they have accommodation with a named sponsor.	Open-ended; c.142,000 visas issued, c.105,100 arrivals to date.	March 2022 – Ongoing
Ukraine Family Scheme	Allowing Ukrainian nationals to join settled family members or to continue their stay in the UK for that purpose.	Open-ended; c.58,900 visas issued, c.41,100 arrivals to date. Also 7,400 in-country visas and 14,100 extensions to date.	March 2022 – Ongoing

Source: Home Office. For ongoing resettlement schemes, both the number of arrivals and the number of visas issued remains open to revision.



We therefore believe that the best model for future resettlement schemes, including the more generous scheme we propose, is that established by Britain for Syrians. That scheme was focused, targeted on vulnerable people, and limited in size. It was also accompanied by significant financial and logistical support from Britain for the countries that neighbour Syria and received huge numbers of refugees. And it came with changes in visa rules to allow Syrians working and studying in Britain to extend their existing visas.

We cannot plan for all possible circumstances in which we might want to establish resettlement schemes in the future. But we can think about the underlying principles which should guide us in the specifics. In particular, future resettlement schemes should be limited in size by law and established on an assessment of need based on the following criteria:

1. **Vulnerability:** how many people need support of a kind that can only be provided in a country like Britain?
2. **Geography:** are there countries in the affected region that are better placed to take large numbers of refugees?
3. **Urgency:** are the refugees in immediate danger, living in a crisis-stricken country or in the affected region, or are they in a safe country?
4. **Alternative support:** what can Britain do in the affected region to provide support that helps greater numbers of people than by simply granting asylum?
5. **Domestic capacity:** how likely are people to integrate and contribute, and what scope does Britain have to support properly the people we bring here?

If Britain is successful at reducing the number of people entering the country illegally to claim asylum to zero, we envisage the number of people brought to Britain through resettlement schemes should be limited to no more than 20,000 per year (and arguably quite a lot less, until we have properly settled the existing schemes and asylum system backlogs). It is important to note that this would be higher than the total number of people granted asylum or resettled here, not including Hong Kongers and Ukrainians, in any year since 2002.¹⁰² And it would mean we were far more generous than most developed countries. Japan, for instance, takes fewer than 100 refugees per year.

‘If Britain is successful at reducing the number of people entering the country illegally to claim asylum to zero, we would be able to take in more truly vulnerable people via resettlement schemes’

Such a statutory limit would allow governments to plan properly, for example by ensuring there was sufficient housing provision, and encourage ministers to consider solutions that might be more effective than simply increasing the percentage of people affected by a crisis coming to Britain from one small fraction to a slightly larger fraction. It would also mean that any proposal to increase (or decrease) the numbers brought to Britain through resettlement schemes would be debated in Parliament, openly and transparently.

A statutory limit on asylum claims would also be hugely popular with voters. In the polling carried out for this report, we asked the question: ‘Should the UK Government introduce a cap on the number of asylum claims granted each year?’ Fully 63% of respondents supported a cap, while only 23% opposed it. Among 2019 Conservative voters, support rose to 78%, with Leave voters and Conservative switchers on 81% and 79%. But even 59% of those who had voted for the Liberal Democrats in 2019 supported the idea of a cap, as did 48% of 2019 Labour voters (versus 40% opposed).

¹⁰² Home Office, ‘Asylum applications, decisions and resettlement’, *Immigration statistics data tables, year ending September 2022* (24 November 2022). [Link](#)



We also propose that such resettlement schemes should be funded through existing foreign aid spending. The Official Development Assistance (ODA) budget – which in law must equate to 0.7% of GDP, but has temporarily been reduced to 0.5% – should be split into a development budget and a refugee aid budget. The refugee aid budget should be spent on supporting refugees living in safe areas within conflict regions and on resettlement.

Of course, getting some number of genuine refugees to safety in Britain is one thing. But we also need a strategy for looking after them while they are here. Here, the Government's response to the Syrian and Ukrainian refugee crises should be our guide.

Alongside resettling 25,000 vulnerable Syrians, the Government – inspired by schemes pioneered in Canada – introduced the idea of a community sponsorship programme. This enabled community groups and volunteers to arrange English lessons and schooling, and help with access to healthcare, employment and training. The programme was supported by the creation of Reset, a government-backed charity that trains and supports volunteers who want to welcome refugees into their communities.

‘ A statutory limit on asylum claims would also be hugely popular with voters ’

This approach has been further developed during the Ukraine crisis, including through the Homes for Ukraine scheme, which allowed Ukrainians to come to Britain if they had named people here willing to sponsor and host them. This sits alongside a broader community sponsorship scheme run along the same lines as in the Syrian crisis, which is again being supported by Reset and others.

Ideally, refugees should be assisted, financially and practically, in returning to their home countries once it is safe for them to do so. But we have to recognise that for some refugees, this might never be possible. In due course, individuals who arrive in the UK through the UKRS may wish to convert their indefinite leave to remain into British citizenship. We should do all we can to encourage all refugees, however long they are here, to integrate into British society.

Recommendations

1.	Future grants of asylum should be handled exclusively through dedicated resettlement routes so that we can choose who comes to Britain and how they arrive here.
2.	Resettlement schemes should have a statutory limit on numbers – ideally capped at up to 20,000 people granted asylum per year.
3.	Assessment of need according to five criteria should be at the heart of all future resettlement schemes: vulnerability, geography, urgency, availability of alternative support and domestic capacity.
4.	People resettled in Britain through resettlement schemes should be supported through community sponsorship schemes.
5.	Resettlement schemes and other support for refugees in Britain or abroad should be funded through the ODA budget, which should be split into a development and a refugee budget.
6.	The Government should commission a new review into integration in the UK, and commit to using this to inform a new strategy on integrating immigrants into British society.



Offshoring Claims by Illegal Entrants

To stop the crossings, we need to break the link between entering Britain illegally and being able to stay and live and work here afterwards. Like in Australia, **we must ensure that nobody who arrives here illegally will ever, under any circumstances, be allowed to settle in Britain.**

If we are to make this a reality, anybody who claims asylum after entering the country illegally must be transferred to a safe third country or British Overseas Territory.¹⁰³ They should of course be treated humanely, and the third country should offer genuine refuge. There should be a duty of care for the British government to ensure that the transfer from Britain to the third country is safe and dignified. Once transferred to the third country, asylum seekers should be free to choose to apply for asylum there or return to their home country – but they should not be allowed to return to Britain.

‘ Like in Australia, we must ensure that nobody who arrives here illegally will ever, under any circumstances, be allowed to settle in Britain ’

In April 2022, after years of debate about ‘offshoring’ asylum claims and with critics arguing that no third country would ever agree such a deal, the UK and Rwanda signed a bilateral ‘Migration and Economic Development Partnership’ (MEDP). At the heart of this agreement was a Memorandum of Understanding (MoU) on a five-year ‘asylum partnership arrangement’.¹⁰⁴

In essence, Rwanda has agreed to host some asylum seekers deemed ‘inadmissible’ to the UK’s asylum system, processing their claims in Rwanda. Individuals are deemed inadmissible by the UK if they have illegally or irregularly entered the UK via a safe country in which they could have claimed asylum, such as France.¹⁰⁵ Individuals will be given the option to voluntarily depart the UK before they are sent to Rwanda, and will be given financial support to do so. If they do not take this option, they will be relocated and supported in settling in Rwanda, or will be returned to a safe country where they have a right to reside, in accordance with the refoulement provisions of the 1951 Refugee Convention, to which Rwanda, like the UK, is a signatory.

In brief, the key features of the MEDP with Rwanda are as follows:

- As part of the MEDP, the UK will invest in the economic development of Rwanda through a £120 million ‘Economic Transformation and Integration Fund’. The UK will also fund the processing costs for each and every person relocated under the MoU, covering caseworkers, legal advice, translators, accommodation, food, healthcare and so on. For those granted protection as refugees or otherwise allowed to settle in Rwanda, the UK will also fund ‘a comprehensive integration package to help them put down roots and start a new life’.¹⁰⁶

103 On the case for using a British Overseas Territory, see: Policy Exchange, *Stopping the Small Boats: a ‘Plan B’* (February 2022). [Link](#)

104 Home Office, *Memorandum of Understanding between the government of the United Kingdom of Great Britain and Northern Ireland and the government of the Republic of Rwanda for the provision of an asylum partnership arrangement* (14 April 2022). [Link](#)

105 Exemptions exist for certain individuals, including unaccompanied children and victims of modern slavery.

106 Home Office, Factsheet: *Migration and Economic Development Partnership* (14 April 2022). [Link](#)



- The asylum partnership arrangement is being implemented by a 'Joint Committee'. The committee consists of representatives of the UK and Rwanda and is co-chaired accordingly. It is envisaged as a forum for exchanging information and views on the workings of the arrangement, in which technical and administrative problems can be resolved. The committee is to meet no less than once every six months, and will be convened at request of either party.
- Independent oversight will be provided by a 'Monitoring Committee', comprising persons independent of both the UK and Rwanda. They will be charged with monitoring the entire relocation and settlement process, from the initial screening in the UK through to conditions in Rwanda. Their remit will include reporting on accommodation standards, the administrative and legal processes in Rwanda, treatment of relocated individuals and the general implementation of the MoU. They will have the authority to make unannounced visits to accommodation, asylum processing centres and other relevant locations.
- The asylum partnership arrangement is initially scheduled to run for five years but can be renewed upon request one year before the end of the period. If the arrangement is not renewed, Rwanda is to continue observing its responsibilities to relocated individuals after the five years. The agreement can be amended at any time with the agreement of both parties.
- It is explicitly agreed that no outside body will have any role in resolving disputes that may arise in the application of the arrangement. It is also explicitly recognised that the MoU is not binding in international law.
- Provision has been made for legal challenges. If courts in either country halt the operation of the asylum partnership arrangement, then the clock is stopped on the five-year period. Once any legal difficulties have been overcome (for example through primary legislation), the clock restarts.

On the operational side, the main features of the agreements are:

- Initial screening will take place in the UK as soon as asylum seekers present themselves or are detained, in order to identify inadmissible individuals suitable for relocation – and to ensure vulnerable individuals such as unaccompanied children are not relocated.
- It is up to the UK to determine the timing and number of requests for relocation; requests need to be approved by Rwanda prior to relocation. To facilitate the process, Britain will share standard passport/biometric data, security information and, with consent, health data.
- Once requests have been accepted, the UK is financially and legally responsible for the transportation of asylum claimants to Rwanda, but once individuals have been relocated to Rwanda, all processing, as well as the settlement or removal of individuals, will be carried out by Rwandan – and not British – authorities.
- Rwandan authorities will have regard to the special needs of victims of modern slavery. Similarly, some portion of Rwanda's most vulnerable refugees will be resettled in the UK.



- Relocated individuals will not be held in detention but rather will be free to come and go as per the laws relating to ‘all residing in Rwanda’. Accommodation and support will be provided that is ‘adequate to ensure the health, security and wellbeing of the relocated individual’.¹⁰⁷
- Each relocated individual will have access to translators and procedural/legal assistance at all stages of their claim in Rwanda, including appeals.
- Rwanda will adhere to the Refugee Convention, to which the country is a signatory, ‘ensuring protection from inhuman and degrading treatment and refoulement’.¹⁰⁸
- There are several outcomes possible for relocated individuals whose claims have been assessed by Rwandan authorities:
 - a. Their claim is recognised as legitimate and they are granted refugee status. They will be provided with continuing accommodation and support to help them integrate into Rwandan society over a period of five years.
 - b. Their claim is not recognised and they are not granted refugee status, but if refoulement might put the individual in danger, they will be given permission to remain and will, in effect, be treated the same as a designated refugee.
 - c. Their claim is not recognised: they are not granted refugee status. Removal to a country where they have a right to reside is considered safe, but the individual may be offered the option to apply to remain in Rwanda on other grounds nevertheless.
 - d. Their claim is not recognised and they are removed to a safe country where they have a right to reside.

This deal with Rwanda – which critics predicted would be impossible to strike – was a real achievement for the former Home Secretary, Priti Patel, and the Home Office. It moves the asylum system towards zero tolerance for illegal entrants while freeing up resources to focus on dedicated resettlement programmes such as those for Syria and Hong Kong. And while important further steps need to be taken to ensure the Rwanda policy works in practice – which we will set out in the next section – overall it is a step in the right direction.

‘ While important further steps need to be taken to ensure the Rwanda policy works in practice – which we will set out in the next section – overall it is a step in the right direction ’

Crucially, the deal is predicated on deterrence. The business model of the people traffickers works because once migrants are smuggled across the Channel, they are effectively guaranteed to remain in the UK. It should be pointed out that this was also the case during our membership of the EU: despite the Dublin Convention theoretically offering a way to return arrivals to the safe countries they had passed through en route to Britain, the numbers so removed were minimal as a percentage of the total arriving. If migrants know that they will most likely end up in Rwanda, the UK will become a less attractive destination, and demand for the services of the people smugglers will reduce. The question is whether the scheme will apply to enough illegal entrants to provide sufficient deterrence – or if it needs to be more ambitious.

¹⁰⁷ Home Office, *Memorandum of Understanding* (14 April 2022). [Link](#)

¹⁰⁸ Home Office, *Memorandum of Understanding* (14 April 2022). [Link](#)



The deal anticipates the inevitable legal wrangling. With a time-limited arrangement, there would be an incentive for pro-immigration campaigners to run down the clock through legal challenges. By allowing the clock to pause when the operation of the arrangement is suspended, it gives the Government breathing room to pass primary legislation as and when the need arises.

The deal includes firm, practical provisions to protect human rights, and complies with the UK's international human rights obligations. Rwanda was chosen as a partner partly because it has a safe record of welcoming and integrating migrants, including more than 500 people evacuated from Libya under the EU's Emergency Transit Mechanism (in partnership with the UN Refugee Agency), and 79,000 Congolese and 30,000 Burundian refugees. Rwanda is a State Party to the 1951 Refugee Convention and the other core UN Human Rights Conventions.

Many opposition MPs, including Shadow Home Secretary Yvette Cooper, have spoken out against the deal with Rwanda. But much of the political opposition to offshoring is opportunism. The legal groundwork for offshoring was laid by Labour in the Asylum and Immigration Act 2004. At the time, the Government – in which Cooper was a junior minister – sought an offshoring agreement in talks with Tanzania, though they came to nothing in the end.¹⁰⁹

‘ Rwanda was chosen as a partner partly because it has a safe record of welcoming and integrating migrants, including more than 500 people evacuated from Libya under the EU's Emergency Transit Mechanism ’

Many criticisms of sending asylum seekers to Rwanda have relied on antiquated stereotypes about undeveloped Africa countries. Yet offshoring is increasingly recognised as a legitimate approach to border control. Others have adopted variations of the policy – notably Australia, the USA, Israel and the EU – or are exploring it as an option now, such as Denmark.

Some opponents of the deal cite the domestic record of the Rwandan government on issues such as free speech. They also point to abuses and the deaths of 12 asylum seekers offshored by Australia. One of the merits of the Rwanda deal, however, is that its architects have learnt from the Australian experience and included safeguarding mechanisms and reassurances, notably the independent Monitoring Committee to identify and prevent any human rights abuses during processing and resettlement.

The deal gives humane incentives for asylum seekers to stay in Rwanda. Nobody sent to Rwanda will be left destitute. They will be aided in building a new life for themselves with five years of financial and practical support while they integrate into society and find work.

Removing illegal entrants to Rwanda is costly, but if implemented at scale, the deal represents value for money compared to the status quo. Pro-immigration activists and other opponents of the Rwanda deal contend that offshoring – whether in Rwanda or anywhere else – will be a huge waste of taxpayers' money. The supposedly exorbitant per person costs of offshoring under Australia's Operation Sovereign Borders are often cited in support of this argument.

¹⁰⁹ BBC News, 'UK plans asylum camp in Tanzania', *BBC News Channel* (26 February 2004). [Link](#)



According to some campaigners, each asylum seeker relocated to Nauru has cost Australia around £1.38 million, whereas official data shows that onshore processing in the UK costs around £12,000 per asylum seeker.¹¹⁰ By that logic, offshoring could increase costs at least a hundred-fold.

But their underlying calculations omit a vital factor – the money saved by deterring migrants from entering the country illegally due to offshoring. We outlined this argument in respect of Australia in the case study above, finding that between £12,000 and £24,000 per asylum seeker was a more realistic estimate of policy costs.

‘If the scheme is implemented rigorously and at scale, it will save money for the British taxpayer – perhaps as much as £8 billion over the five-year MEDP period, or more if there is another migration crisis comparable to 2015’

We have modelled the costs of Rwanda, incorporating the deterrent effect, and it paints a very different picture from that presented by campaigners. In fact, if the scheme is implemented rigorously and at scale, it will save money for the British taxpayer – perhaps as much as £8 billion over the five-year MEDP period, or more if there is another migration crisis comparable to 2015.

The workings of the model, alongside detailed input and output tables for different scenarios, are presented in Annex I. But in essence, we have used the interplay of three variables across five years to generate different cost profiles for the Rwanda plan. These are:

- 1) Trendline of illegal maritime entrants, assuming no policy intervention in the form of Rwanda
- 2) The share of illegal maritime entrants being relocated to Rwanda each year
- 3) The strength of the deterrent effect of relocations

This is not a complex model, but it better captures the nuances of the fiscal calculations than the arguments made by opponents of the Rwanda plan. Our cost assumptions are based on Home Office data and Migration Observatory analysis:

- £12,000 on average to progress an asylum seeker in Britain (this excludes ongoing costs to public services)¹¹¹
- £10,000 on average to relocate an asylum seeker to Rwanda, including pre-screening in the UK and transportation¹¹²
- £12,000 to process an asylum seeker in Rwanda, including all stipulations of the MoU¹¹³
- £120 million Economic Transformation and Integration Fund overhead, spread over five years

110 Calculation basis Home Office, ‘UK Visa & Immigration Transparency Data Q3 2022’, *Migration Transparency Data* (24 November 2022). [Link](#). Others have derived similar figures. See for example: David Davis, *Twitter thread* (19 November 2021). [Link](#). See also: Migration Observatory, Q&A: *The UK’s policy to send asylum seekers to Rwanda* (10 June 2022). [Link](#)

111 Including: costs associated with deciding a case (screening clients, interviews and issuing a decision); managing any related appeal; the cost of all asylum operations support (S4, S95 & S98); detention costs where detention has been used; enforcement costs (escorting and assisted voluntary returns); costs of department staff and buildings and the proportionate costs of the Home Office building and managerial costs.

112 This depends on a reasonable number of inadmissible migrants being on each chartered flight to Rwanda. If large of numbers are removed from flights at the last minute, then the per migrant cost would obviously go up. For similar analysis, see: Migration Observatory, Q&A: *The UK’s policy to send asylum seekers to Rwanda* (10 June 2022). [Link](#)

113 Home Office, *Factsheet: Migration and Economic Development Partnership* (14 April 2022). [Link](#). See also: Migration Observatory, Q&A: *The UK’s policy to send asylum seekers to Rwanda* (10 June 2022). [Link](#)



Value for money under different scenarios

Five-Year Scenario	Rwanda Policy Cost	Status Quo Policy Cost	Net Savings
Scenario 1: After 2022, the Channel crossings fall back and remain at around 2021 levels; a high rate of relocations translates into a slow ramp-up in the deterrence rate.	£753m	£1,680m	£927m
Scenario 2a: From 2023, the Channel crossings plateau at c.60,000; effective deterrence translates to a moderate level of relocations.	£803m	£3,600m	£2,797m
Scenario 2b: From 2023, the Channel crossings plateau at c.60,000; effective deterrence translates to a low level of relocations.	£703m	£3,600m	£2,897m
Scenario 3a: The Channel crossings continue to increase in scale each year; effective deterrence requires a moderate level of relocations.	£1,007m	£8,880m	£7,873m
Scenario 3b: The Channel crossings continue to increase in scale each year; effective deterrence requires a low level of relocations.	£877m	£8,880m	£8,003m
Scenario 4: Channel crossings peak at around 60,000 in 2023 before declining as migrant flows shift to elsewhere; effective deterrence requires a moderate level of relocations.	£718m	£1,620m	£902m
Scenario 5: A new European migration crisis comparable in scale to that of 2015 unfolds; effective deterrence requires a high level of relocations.	£1,545m	£13,920m	£12,375m

In most scenarios, the Rwanda deal has the potential to save billions of pounds over the initial five-year period – and the more intense levels of illegal migration otherwise become, the greater the net savings. And this is without even taking into account the longer-term costs such as the use of public services by claimants in the UK.

In other words, the value for money in the policy lies in its deterrent effect. Regaining control of our borders through offshoring could cost less than the current system of onshore processing.

However, this does all hinge on deterrence. Based on the Australian experience, there are very strong reasons to believe that deterrence through offshoring can work well in bringing down the number of illegal maritime entrants. But merely announcing the policy does not guarantee that would-be immigrants will be deterred. Consistent, determined, rigorous implementation is crucial.



Recommendations

7.	As a matter of principle, no immigrant who arrives here illegally should ever, under any circumstances, be allowed to settle in Britain. In particular, it should be impossible in law to claim asylum in Britain after travelling from a safe country.
8.	Offshoring claims via deals with third countries must become a core pillar of British asylum policy.
9.	The UK should adhere to its human rights duties and use practical measures such as the Monitoring Committee in the Rwanda deal to ensure human rights are observed on the ground.
10.	When undertaking cost-benefit analysis of offshoring, modellers need to incorporate reasonable assumptions about deterrence.

How to Make the Rwanda Deal Work

Although promising, the scheme as envisaged by the Government needs to be developed further if it is to work successfully.

First, Britain needs to strike similar agreements with more countries or territories to prevent our asylum policy being wholly dependent on the politics and policies of Kigali. Under the current arrangements, it is possible to imagine a scenario in which a key pillar of British asylum policy could disappear almost overnight. The risk of this happening can be substantially mitigated through diversification. One option that could be revisited is signing a deal with British Oversea Territories.¹¹⁴ But other third countries should remain on the table. In order to secure new deals and ensure the smooth running of the current deal with Rwanda, the Prime Minister should create a joint FCDO/HO ministerial post, with a mandate to strike such deals with at least two more countries or territories.

If agreements struck with other countries are similar to the MEDP, we can expect the unit cost per illegal entrant relocated to be broadly similar, so the only additional costs will be the overheads. There is also an argument that both unit costs and overheads would be less for new deals, as follow-up countries will not be in as strong a negotiating position as Rwanda was, as the first country to agree an offshoring deal. But even at twice c.£120m over five years – £48m per year – two more deals will not add significantly to the costs of offshoring and will comprise only a small fraction of the annual asylum bill.

Second, the scheme must apply to all migrants who enter Britain illegally. Scale is crucial. If the numbers sent to Rwanda only comprise a small percentage of all those coming to Britain, the scheme will simply not provide enough of a disincentive against travel. It is also important that the scheme is made to apply to women and children, as the Australian scheme did, otherwise we risk creating perverse incentives to smuggle more women and children across the Channel. This may sound callous. But as set out above, there are legal guarantees in the Rwanda deal of humane treatment, which would be replicated in other negotiations. And the point of a zero tolerance policy on the Channel is to ensure that we can offer more help to those we judge to be the most in need from around the world, including women and children.

¹¹⁴ For further analysis of this option, see: Policy Exchange, *Stopping the Small Boats: a 'Plan B'* (16 February 2022). [Link](#)



In theory, the number of people who can be relocated under the terms of the MoU with Rwanda is ‘unlimited’, with all inadmissible individuals from January 2022 onwards eligible for relocation.¹¹⁵ Reportedly, however, Home Office modelling assumes only 300 migrants being relocated per year,¹¹⁶ while reports suggest that accommodation for no more than 200 individuals has so far been prepared in Rwanda.¹¹⁷

By contrast, Australia offshored roughly 2,600-2,800 people in 2014, beginning in September, representing around 12% of authorised maritime arrivals that year, and a further 200-300 in 2014 – roughly 50% of the 2014 total.¹¹⁸ This firm stance showed that they meant it when they said that no individual who entered Australia illegally would ever be allowed to settle there.

If Britain relocated 300 inadmissible migrants to Rwanda, that would represent only 1% of those who illegally entered the country via the small boats in 2021, and far less than 1% of the expected total in 2022. A 1/100 or 1/200 chance of being sent to Rwanda is unlikely to translate into a real deterrent.

Government cheerleaders for the deal argue that these worries are unfounded: the scheme is uncapped, and Rwanda will be able to scale up capacity within weeks once relocations actually start – as was always intended. It will be a real deterrent.

We hope so. But either way, the scheme must apply to all migrants who enter Britain illegally; so in practice, the Government must be prepared to relocate thousands of individuals every year until the numbers making the crossing collapse. And it needs to be very vocal and visible about doing so.

‘ In practice, the Government must be prepared to relocate thousands of individuals every year until the numbers making the Channel crossing collapse ’

In reality, once the relocations start, the numbers attempting the Channel crossing are likely to drop precipitously – as they did in Australia – and we will actually have to resource far fewer removals. But we should be committed to a worst case scenario of sending tens of thousands to Rwanda, if necessary. And based on the Australian precedent, offshoring would have to stay in place even once crossing essentially ceased, otherwise the numbers would just bounce back, as they did when the Rudd government scrapped the Pacific Solution.

Third, the operational capabilities of the immigration enforcement agency need to be improved, so that stopping illegal migrants claiming asylum here does not simply lead to them living in Britain illegally and disappearing into the underground economy. A ‘leaky’ enforcement regime will undermine the deterrent effect of offshoring. The next section of this paper therefore goes into more detail on improving immigration enforcement as a vital complement to the Rwanda deal.

115 Home Office, Factsheet: *Migration and Economic Development Partnership* (14 April 2022). [Link](#)

116 M. Dathan, ‘Only 300 migrants face being sent to Rwanda each year’, *The Times* (6 May 2022). [Link](#)

117 C. Hymas, ‘Rwanda can accommodate just 200 Channel migrants – and can’t stop them returning to Britain’ *The Telegraph* (22 July 2022). [Link](#)

118 Because of the way the Australian data is published, covering stocks rather than flows of immigrants in detention, it is not possible to derive exact numbers.



Fourth, upstream intervention – from financial support through to messaging and interdiction – should be used to multiply the deterrent power of offshoring and tackle the problem of illegal immigration at source. Even with the measures already proposed, we will need to undertake further work ‘upstream’ in other countries. First, we can help more vulnerable people by channelling more support into humanitarian assistance in crisis-affected regions. As noted above, this should be funded through the refugee component of a newly reorganised ODA budget. Second, the best way of controlling migration pressures is not to toughen up our processes and improve enforcement of our laws – necessary though these changes are – but to restrict the flows of people reaching Britain in the first place.

We should therefore do more – as Britain did during the worst of the Syrian civil war – to provide financial and logistical support for the countries that neighbour crisis-stricken places and receive large numbers of refugees. This is not only pragmatic, but compassionate and cost-effective. We can do more to help greater numbers of vulnerable people this way, rather than focusing only on the smaller number of people who might – after a dangerous and illegal journey – make it to Britain to claim asylum.

‘ We need to make it clear to migrants long before they come to Britain that if they arrive via illegal means, they will be relocated to Rwanda for asylum processing, and they will not return here’

We should also do more to protect what immigration officials call the ‘forward border’. Despite the criminal leadership of Muammar Gaddafi, and its many other flaws, Libya for years operated as Europe’s forward border. British and European immigration officials worked there together with their Libyan counterparts to stop illegal immigration from Africa at its source, much as Australian and Indonesian officials did with Operation Sovereign Borders. But since the war in Libya in 2011 and the destruction of its regime, the organised criminals who smuggled people into Europe have been able to work unimpeded. As soon as there is an opportunity to work with a stable Libyan government, Britain and other European countries will need to take it.

But we also need to make it clear to migrants long before they come to Britain that if they arrive via illegal means, they will be relocated to Rwanda for asylum processing, and they will not return here. The Abbott government made every effort to ensure that its measures were known to would-be immigrants through upstream messaging. This included, for example, billboards in cities and ports in Indonesia. This helped to reduce demand for the services of the criminal gangs involved in people smuggling.

Finally, and most important of all, we must secure the legal basis for the policy. No sooner was the Partnership with Rwanda announced, than the first legal challenges against it were lodged. Individuals facing relocation to Rwanda can bring a challenge to the application of the policy to their case, usually citing rights set out in the European Convention on Human Rights, which is incorporated into UK law by the Human Rights Act. But activist groups can also challenge the policy. A judicial review due to be heard in the High Court, originally scheduled for July, has been delayed.

The first removal flight to Rwanda was scheduled to take off on 14 June, but in the days running up to the flight a sequence of appeals meant that the number of people due to be relocated was reduced to single figures. Some had their removal directions cancelled by the courts, and some by the Home Office. Some individuals and activist



groups seeking judicial review of the policy applied for injunctions to prevent the removals going ahead. The Supreme Court refused to grant them, but on the very day of the planned flight, the European Court of Human Rights in Strasbourg issued a Rule 39 injunction, blocking the removals, and causing the Home Office to cancel the flight shortly before departure.

In accordance with both the Refugee Convention and Article 3 of the ECHR (prohibition of torture or inhuman or degrading treatment or punishment), the UK has a responsibility to conduct assessments before relocations occur that confirm the receiving state is 'safe' and will offer decent treatment to and protect the rights of migrants. Even then, the UK must grant claimants the opportunity to rebut the presumption of safety and make representations as to why the receiving state – in this case Rwanda – would not be safe for them as individuals.

The litigation the Government faces challenges the rationality of the ministers' assessment that Rwanda is both generally safe and represents no danger to individuals due to be relocated there on the basis of their specific characteristics. Based on the evidence, the courts should find that Rwanda is generally safe. But even so, there will under existing laws be a requirement to allow appeals based on the individual circumstances of a migrant. The Government could remove the requirement to prove Rwanda is generally safe by adding it to the list of safe countries in Schedule 3 of the 2004 Asylum and Immigration Act. Obviously this would need to be repeated with any subsequent deals with other countries.

‘ The first removal flight to Rwanda was scheduled to take off on 14 June, but a sequence of appeals meant that the number of people due to be relocated was reduced to single figures ’

However, the Government is unable to simply remove the requirement to assess the safety of Rwanda in individual circumstances, for ECHR purposes, without leaving the Convention altogether. We will discuss the desirability of such a decision below, but if the UK remains bound by the Convention and the Court in Strasbourg, ministers could devise policies that seek to define the extent of any individual risk based on established scenarios, such as the sexuality or religious faith of the claimant.

Another option might be to introduce a procedural bar on protection-based or rights-based claims beyond a specified point in the process. This might, for example, require migrants to bring all claims to remain in the UK as soon as they arrive and are in contact with the authorities. Such a policy would be challengeable and may be ruled incompatible with Convention rights. A further option – weaker still – might be to legislate having regard to Article 3 but setting out restrictive rules for what an acceptable appeal might entail.

A further problem is that declaring the claims of all migrants who arrive here legally inadmissible would, if the migrants remained in Britain and met the definition of a 'refugee', breach the Government's treaty obligations under the Refugee Convention. So might a further idea to stop the crossings: that Parliament could make it impossible in law to claim asylum in Britain after travelling from a safe country. The only way to avoid this problem is to ensure that all such migrants are removed to a third country, which means addressing the barriers to removal listed above.



Recommendations

11.	We need to minimise the political risks attached to offshoring through diversification, replicating the Rwanda deal in at least two other countries or territories. This process should be overseen by a dedicated minister holding a joint FCDO/HO portfolio.
12.	Relocation plans under the terms of the Rwanda deal need to be scaled up, if the scheme is to have the desired deterrent effect. We should be prepared to relocate tens of thousands of individuals each year if necessary.
13.	Upstream messaging in countries of origin and transit is needed to ensure prospective migrants know that they face being relocated to Rwanda if they arrive in Britain illegally.
14.	We should use the refugee component of a reorganised ODA budget to provide more humanitarian assistance upstream, in crisis-affected regions, to provide assistance more cost-effectively and forestall illegal immigration at source.
15.	We must engage with international partners on interdiction of immigrants en route and in particular on shoring up Europe's 'forward border' in Libya, once conditions allow.
16.	We need to remove the requirement to allow appeals based on the individual circumstances of a migrant in respect of the 1951 Refugee Convention by adding Rwanda to the list of safe countries in Schedule 3 of the 2004 Asylum and Immigration Act.
17.	If the UK remains bound by the ECHR, ministers should devise policies that define the extent of any individual risk based on established scenarios, such as the sexuality or religious faith of the claimant.
18.	If the UK remains bound by the ECHR, procedural bars on protection-based or rights-based claims beyond a specified point in the process could be introduced.

Improving Enforcement

To make any system work, we need better enforcement. Over the last two decades, the total number of people with no right to be in Britain who have been removed by the authorities has fallen steadily, from over 21,000 in 2004 to only around 3,000 per year today. The number of failed asylum seekers removed has similarly fallen, from over 10,000 to barely 800 in the year ending June 2022 (and in 2019, before Covid, merely 3,300).¹¹⁹

In part, this is because of a straightforward reduction in resources. The budget of Immigration Enforcement has fallen by 16% in real terms since 2013/14, while headcount at the organisation has fallen by 5%.¹²⁰ As the National Audit Office noted in its most

¹¹⁹ Home Office, 'Returns', *Returns and detention datasets* (24 November 2022). [Link](#). Home Office, 'How many people are detained or returned?', *National statistics* (24 November 2022). [Link](#)

¹²⁰ NAO, *Immigration enforcement* (17 June 2020), p.18. [Link](#)



recent assessment of Immigration Enforcement, teams ‘completed fewer visits in 2019 than in the previous four years’ and lack ‘the capacity to undertake all tasks requested of them’.¹²¹ These observations echo the longstanding concerns of the Independent Chief Inspector of Borders and Immigration.¹²²

While we appreciate the reality of the Government’s fiscal position, in the end this funding decline will need to be reversed. As we have seen, spending on asylum processing has tripled in a few short years and is set to rise even further this year. This is happening because we have lost control of our borders. Holding down the budget of Immigration Enforcement represents a false economy. But the problem is about much more than spending. The truth is that we expect the immigration enforcement authorities to police the system with one hand tied behind their back and the other strapped to a desk.

They operate in a world in which illegal immigrants are able to live freely in Britain, working openly, renting housing and using public services. In which those who are caught have countless opportunities to make a variety of often spurious legal appeals. In which if there is no prospect of an immediate removal, illegal immigrants are not allowed to be detained or tagged. In which the home countries of illegal immigrants often refuse to accept identity documents as proof of nationality. And in which politicians, officials and campaigners increasingly refuse to enforce the law to ensure removals go ahead.

Improving the enforcement of immigration law therefore requires us to fix several complex problems simultaneously. If we fix most of these problems, but in the end one or two remain, we will still struggle to enforce the law. We need emphatic change to address all the problems facing immigration enforcement, and move from the existing vicious cycle to a virtuous cycle: making it harder to live here illegally, making it easier to identify illegal immigrants, and making it possible – through legal changes, diplomatic agreements and more effective operations – to detain and deport people with no right to be in Britain.

‘ The truth is that we expect the immigration enforcement authorities to police the system with one hand tied behind their back and the other strapped to a desk ’

Enforcement problems begin right at the start of the asylum process, when illegal entrants are identified or present themselves to the authorities. As we noted in Chapter 2, compared to our European neighbours – who of course are also ECHR and 1951 Refugee Convention signatories – we set remarkably low barriers for accepting asylum claims. The Government should therefore review what we consider to be a fair asylum claim.

Part of the problem is the abuse of the Modern Slavery Act 2015. An internal Home Office review of modern slavery and the NRM is already underway, but legislation will certainly be required to tighten criteria and raise the evidential threshold for making a claim under the Act, along with ouster clauses to limit judicial review for NRM decisions. In any event, we should also look at streamlining the decision-making process and reducing the bureaucracy of the NRM, and introducing exclusions for whole nationalities of claimants where it is clear that there is widespread and organised abuse of the law.

121 NAO, *Immigration enforcement* (17 June 2020), pp.32, 47. [Link](#)

122 D. Bolt, Independent Chief Inspector of Borders and immigration, *An inspection of the Home Office’s response to in-country clandestine arrivals (‘lorry drops’) and to irregular migrants arriving via ‘small boats’* (November 2020), pp.8, 14. [Link](#)



Meanwhile, for those migrants who do not present themselves to the authorities for processing, we should be unembarrassed about making life difficult if they are here illegally. For both legal and illegal migrants, the regulation of the labour market needs to be enforced better, in particular compliance with the national minimum wage. There are some industries where exploitation is particularly rife. As the revelations about the Leicester garment-making industry showed,¹²³ we need better operational performance in stopping the exploitation of migrant workers and the deliberate undercutting of other workers' pay and conditions. We also need far greater penalties for employers who recruit workers with no right to work, and landlords who house illegal immigrants.

Many argue that asylum seekers should be given the right to work until their status is settled. They contend that this will reduce the burden on the taxpayer. They also point to Britain's tight labour market – tight at present at least – and argue that allowing asylum seekers to work will benefit the economy. There are good reasons to reject this economic short-termism, and it is obviously unfair to those who follow the rules and seek to enter Britain through legal routes, obeying our laws. Most important, however, is that allowing asylum seekers to work will draw more migrants to our shores – as even the Blair Government accepted – including by crossing the Channel. Allowing asylum seekers to work is incompatible with reforming our asylum and immigration system so that it is based on control and deterrence.

‘Allowing asylum seekers to work is incompatible with reforming our asylum and immigration system so that it is based on control and deterrence’

Since the Windrush scandal it has become controversial to argue that the authorities should make it difficult for illegal immigrants to live in Britain. But the root cause of the scandal was not the policy goal to remove more illegal immigrants, nor to make it harder for illegal immigrants to access housing or work or obtain official documents like National Insurance numbers and driving licences. The scandal was caused by a lack of official documentation for a specific cohort of people who are British but were born overseas. It could have been avoided, and illegal immigration better policed, with better record keeping by central government. It is not a reason to avoid taking action against illegal immigration.

Crucially, Windrush would have been avoided if, in common with most European countries, the UK had an identity database and system of identity cards. Such a system has long been controversial. Yet in the view of the authors (if not the Centre for Policy Studies), it would improve the enforcement of immigration laws, as well as make it easier to investigate crime, help public services to determine access rights, and help employers and landlords to comply with their legal responsibilities. Britain already has a biometric residence permit system for foreign nationals. But unless everybody living legally in the country – including those who were born here or who have settled here as well as migrants – has such documentation, the utility of identity cards and their equivalents will be limited.

We also need to do more to locate, detain and deport those who are in the country illegally. There should be better data-sharing between employers and landlords and public services on one hand and the immigration enforcement agencies on the other. This should include sensitive services such as schooling and healthcare, which may entail legislative changes to GDPR. There should also be strong legal obligations placed on private and public sector organisations to proactively share information, with serious penalties for those who fail to comply.

¹²³ For an in-depth study of the Leicester garments industry, see: N. Hammer, *A New Industry on a Skewed Playing Field: Supply Chain Relations and Working Conditions in UK Garment Manufacturing, with a case study on Leicester* (February 2015). [Link](#)



Once an illegal immigrant is identified and located, they should ideally be detained until they are relocated. This would require a significant increase in the capacity of detention facilities, reversing the 40% decline between 2015 and 2020,¹²⁴ and require significant extra spending, likely to total £170m a year on top of current annual expenditure.¹²⁵ One solution might be the development of Ministry of Defence estates – not just sites like Napier Barracks, but also modular accommodation on the Otterburn ranges in Northumberland and other Defence Training Estates in Wales or the Scottish Highlands.

‘ Once an illegal immigrant is identified and located, they should ideally be detained until they are relocated. This would require a significant increase in the capacity of detention facilities, reversing the 40% decline between 2015 and 2020, and require significant extra spending, likely to total £170m a year on top of current annual expenditure ’

Under existing law, open-ended detention would be illegal. The *Hardial Singh* principles, derived from domestic case law, hold that an illegal immigrant may only be detained for the purpose of deportation, that the deportee may only be detained for a period that is reasonable in the circumstances, that if it becomes apparent that a deportation may not occur in a reasonable period then detention is not allowed, and that the Government must act with reasonable diligence and expedition to effect removal. Parliament could legislate to overturn these principles, but as long as Britain remains a signatory to the European Convention on Human Rights, the Government cannot not avoid its Article 5 (the right to liberty and security) obligations as established by ECHR case law, and which mirror the *Hardial Singh* principles.

There are, however, alternatives. Parliament could legislate to give the power to grant bail and set bail conditions in immigration cases to the Home Secretary rather than the judiciary. It could change the law to introduce a presumption in favour of detention and against bail except in defined circumstances. It could legislate to ensure illegal immigrants who are not detained should be tagged and subject to an automatic recall to detention where there is evidence of non-compliance with reporting or tagging conditions. It could change the law to allow better tracking of tagged individuals. Again, all such changes would need to comply with *Hardial Singh* principles and the European Convention, and not only Article 5 but Article 8 (the right to respect for private and family life).

In short, there is a paradox in the problem of detention and deportation. Detention aids deportation, but if deportation is not imminent, detention is not allowed. So more must be done to improve the speed and ease of deportation. We have already considered several proposals to limit appeal rights, but more still could be done, including by changing the Modern Slavery Act.

Operational capacity also needs to improve. Partly this is about resources and spending, but new policies need to be implemented to improve performance. For example, following the Nationality and Borders Act 2022, the seizure of mobile phones from irregular entrants to improve intelligence about the smuggling gangs and increase the chances of cooperation should now be a default. But if need be, the Government should consider further legislation to improve operational efficiency.

¹²⁴ NAO, *Immigration enforcement* (17 June 2020), p.37. [Link](#)

¹²⁵ Calculation basis statistics given in: Migration Observatory, S. Silverman, M. Griffiths & P. Walsh, *Immigration Detention in the UK* (16 September 2021). [Link](#). NAO, *Immigration enforcement* (17 June 2020). [Link](#). This assumes problems clogging up asylum processing and relocation of failed asylum seekers are significantly reduced. If existing barriers remain in place and the current asylum processing backlog keeps mounting, total additional detention costs could be £900m or more. However, with over £2bn now being spent on accommodating irregular entrants in hotels, this still represents the more cost-effective option.



Better operational enforcement risks being undermined, however, if the Crown Prosecution Service remains reluctant to prosecute illegal immigrants, legislative changes brought in by the Nationality and Borders Act 2022 notwithstanding. There should therefore be a statutory declaration that it is in the public interest to prosecute illegal immigration and asylum fraud offences under s24 of the Immigration Act 1971 or s2 of the Immigration and Asylum (Treatment of Claimants) Act 2004. This would compel officials to take a tougher approach.

Improving enforcement and increasing penalties against employers using workers who are illegally in the UK was supported by 66% and opposed by just 12% of all voters

Meanwhile, countries that refuse to recognise illegal immigrants as their own nationals should be penalised through reductions in diplomatic and student visas and a tougher approach to aid and other forms of cooperation. And at an appropriate stage, extending the Rwanda scheme, which currently applies only to individuals who arrived in Britain after 1 January 2022, to the existing stock of failed asylum seekers would help to deal with backlogs.

Overall, there is broad public support for the sorts of measures we have outlined above. As our polling found, 2019 Conservative voters, Leave voters and Conservative switchers (i.e. those who have abandoned the Tories since the election) tend to be especially supportive of improving operational capabilities around immigration enforcement. The most popular measure, improving enforcement and increasing penalties against employers using workers who are illegally in the UK, was supported by 66% and opposed by just 12% of all voters.

Do you support or oppose the following proposals/measures to reduce illegal migration to the UK?

		All Voters	Voted Conservative in 2019	Voted Leave in 2016	Conservative Switchers in 2022
Improving enforcement and increasing penalties against employers using workers who are illegally in the UK	Support	66%	80%	76%	81%
	Oppose	12%	7%	10%	6%
Improving enforcement and increasing penalties against landlords renting out property to tenants illegally in the UK	Support	64%	76%	75%	79%
	Oppose	12%	7%	9%	7%
Requiring everybody living in the UK, including citizens and legal immigrants, to possess an ID card	Support	54%	67%	63%	66%
	Oppose	21%	16%	18%	16%
Using GPS tags to track migrants facing deportation	Support	53%	71%	72%	70%
	Oppose	20%	12%	11%	12%
Releasing immigrants from detention but requiring them to obey at least one condition, e.g. remaining in the same geographical location	Support	47%	46%	47%	46%
	Oppose	23%	30%	29%	29%
Detaining people who are subject to immigration control for an unlimited amount of time	Support	46%	56%	63%	56%
	Oppose	24%	16%	13%	20%
Reversing budget cuts to immigration enforcement	Support	39%	48%	37%	50%
	Oppose	21%	16%	21%	17%



We must, however, be wary of enforcement proposals which might run into practical and legal difficulties. One such idea is deploying the Royal Navy to enforce the maritime border, including by pushing back migrant boats. In many instances, pushbacks risk violating international maritime law, and bolstering the number of official vessels in the Channel has proved to be a factor in increased migrant flows. If the Royal Navy is deployed only to pick up migrants attempting to cross the Channel, we are doing little more than spending public money on adding to the problem at home – not to mention distracting our military from tackling other national security threats.

Recommendations

19.	We should review what we consider to be a fair asylum claim, in order to bring our system into line with those of more stringent European states, potentially amending the Modern Slavery Act 2015.
20.	While we appreciate the reality of the Government's fiscal position, in the end the cuts to Immigration Enforcement budgets will need to be reversed.
21.	Operational enforcement of labour market regulations, including compliance with national minimum wage requirements, must be strengthened. Industries known to be rife with exploitation should be prioritised.
22.	Penalties for landlords who house illegal immigrants and employers who recruit workers with no right to work the UK need to be far greater.
23.	We should introduce strong legal obligations on private and public sector organisations – including schools and healthcare providers – to share data with immigration enforcement agencies. Employers, landlords and organisations who fail to comply should face serious penalties.
24.	We should introduce an identity database and system of biometric identity cards to help improve the enforcement of immigration laws and help employers, landlords and public services comply with their legal responsibilities.
25.	Once an illegal immigrant is identified and located, there should be a presumption of detention until deportation. The capacity of detention facilities will need to be increased accordingly, perhaps by the development of Ministry of Defence estates.
26.	Parliament should change the law to permit the open-ended detention of illegal immigrants.
27.	The law should be changed to allow the tagging and better tracking of any illegal immigrants who are not held in detention facilities. They should face automatic recall to detention where there is evidence of non-compliance with reporting or tagging conditions.



28.	Operational capacity needs to be improved, not just through more resources, but also through better policy, such as through the seizure of mobile phones from irregular entrants, and where necessary legislation, to enhance the investigative powers of immigration enforcement agents.
29.	Parliament should pass declaratory legislation that it is in the public interest to prosecute illegal immigration and asylum fraud offences under s24 of the Immigration Act 1971 or s2 of the Immigration and Asylum (Treatment of Claimants) Act 2004, requiring the Crown Prosecution Service to take a tougher approach to immigration offences.
30.	Countries that refuse to recognise illegal immigrants as their own nationals should be penalised through reductions in diplomatic and student visas and a tougher approach to aid and other forms of cooperation.
31.	At an appropriate stage, the Rwanda scheme – or instead any similar agreements struck with other countries – should be extended to the existing stock of failed asylum seekers to deal with the backlog.

Fixing International Frameworks

At the heart of most of the problems preventing the effective enforcement of immigration law are the international frameworks that determine the parameters of state activity. These problems and some possible solutions have already been mapped out by experts for Policy Exchange,¹²⁶ and their analysis has influenced our own thinking.

The 1951 Refugee Convention

For the purposes of our proposal, the Refugee Convention is not an impossible obstacle to overcome. Australia remains a signatory, and it has not stopped its offshoring policy. In some particular ways, as noted above, it might be necessary for Parliament to give its view on the precise interpretation of British obligations under the Convention, but this should not prove too difficult.

‘Australia being a signatory to the 1951 Refugee Convention has not prevented the successful implementation of its offshoring policy’

Similarly, the Council of Europe Convention on Action against Trafficking in Human Beings imposes obligations on Britain, but again, these obligations ought not to interfere with an efficient immigration system. Where there are problems, Parliament can determine how those obligations can be met consistent with the need for control.

With both the Refugee Convention and the Convention on Action against Trafficking in Human Beings, however, the Government should still work with other countries to seek to modernise and improve the content. The Refugee Convention, drafted after the Second World War, originally applied to people affected by events in Europe before 1951.

¹²⁶ Policy Exchange, R. Ekins, J. Finnis & S. Murray, *The Nationality and Borders Bill and the Refugee Convention 1951: Where the Joint Committee on Human Rights goes Wrong* (31 January 2022). [Link](#)



Sixteen years later it was amended to apply to anybody seeking refuge after that date. It now confers the notional right to move to another country upon 780 million people, at a conservative estimate – something that was unthinkable when it was originally drafted.¹²⁷ In effect, the Refugee Convention has become a charter for illegal migration.

For example, the Refugee Convention defines a refugee as somebody who ‘owing to (a) well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country.’¹²⁸ The obligations of the Convention apply once a refugee has entered a signatory country, and they apply only to that country.

The problems with the Convention are clear. It was written many decades before mass communication and mass travel. It offers no rights of assistance until refugees reach a signatory country. It imposes no obligations on other countries – not even those that mistreat their citizens – and proposes no means of burden-sharing. It prioritises the interests of those who are rich and fit enough to travel across continents, not the most vulnerable or needy. It does not reflect the fact that asylum has become a means of organised criminality, people smuggling and illegal immigration. It treats the ability to live in another country as the principal solution to human suffering, and in so doing encourages developed countries to spend more on processing and supporting asylum claims than they do on the global refugee effort and support for crisis-affected regions.

‘ According to Immigration Enforcement’s reports to the NAO, in 2019 only 48% of enforced returns went ahead as planned, due mainly to legal challenges preventing the other 52% ’

For these reasons Western governments will, in the long run, have to reform or replace the Refugee Convention. Other governments, such as Denmark’s, are coming to this conclusion, as are the interior ministers of many other countries.¹²⁹

The European Convention on Human Rights

With the European Convention on Human Rights, however, the question is different. As we have already seen, **legal rights established by the ECHR and its case law repeatedly prevent the removal of illegal immigrants and foreign criminals from Britain.** The Home Office does not publish statistics on the number of returns stopped by ECHR-related legal challenges, but based on reports published by the National Audit Office, we have an understanding of the scale of the challenge.

According to Immigration Enforcement’s reports to the NAO, in 2019 only 48% of enforced returns went ahead as planned, due mainly to legal challenges preventing the other 52%.¹³⁰ So there were 7,198 successful enforced returns, but around 7,800

¹²⁷ Estimate based on World Bank population data, and statistics from various sources on persecuted racial, religious, national, social (including LGBT) and political minorities on a country by country basis; as well as populations in areas of ongoing conflicts including civil wars, insurgencies and invasions; and UN estimates of international refugees and people in modern slavery. See: World Bank, ‘Population, total’, *World Bank Group*. [Link](#)

¹²⁸ UNHCR, *Convention and Protocol Relating to the Status of Refugees*, p.14. [Link](#)

¹²⁹ Indeed, it has been argued that the new immigration legislation passed by the Danish Social Democratic Party in 2021 included an amendment effectively abrogating part of the 1951 Refugee Convention. See for example: A.B. Akal, ‘Denmark leading the race to the bottom: Hostility as a form of migration control’, *Refugee Law Initiative Blog on refugee Law and Forced Migration* (29 September 2021). [Link](#)

¹³⁰ NAO, *Immigration enforcement* (17 June 2020), p.9. [Link](#)



were prevented due to legal challenges, of which a substantial proportion were related to the ECHR. (This excludes the many cases not taken further by officials anticipating ECHR challenges.)

As long as Britain remains a signatory to the Convention and bound by the jurisdiction of the European Court of Human Rights in Strasbourg, governments will be prevented from adequately enforcing immigration laws. Some believe that scrapping the Human Rights Act – which incorporates the ECHR into British law – and replacing it with a British Bill of Rights will allow us to better balance rights and responsibilities. In some cases, they may be right. But we are sceptical that the proposal will work.

There are, as listed above, a variety of measures ministers can take to limit the legal impediments to the implementation of the Rwanda policy. But as long as Britain remains a signatory to the ECHR and subject to the jurisdiction of its court in Strasbourg, such changes will be challenged in the courts. The replacement of the Human Rights Act by a British Bill of Rights will not prevent claimants making Convention-based appeals in British courts, and they will remain free to petition Strasbourg regardless of the content of any domestic legislation. In particular, the Government will be unable to remove the requirement to assess the individual circumstances of all removals to Rwanda without leaving the Convention.

‘As long as Britain remains a signatory to the Convention and bound by the jurisdiction of the European Court of Human Rights in Strasbourg, governments will be prevented from adequately enforcing immigration laws’

This would not be a straightforward process. Article 58 of the ECHR permits signatory nations to withdraw from the Convention after giving six months’ notice. Primary legislation would be needed to repeal the Human Rights Act. There would be ramifications for the Trade and Cooperation Agreement with the EU and for the Good Friday Agreement, which lists the ECHR as one its safeguards. One option is to ensure that the ECHR, and the jurisdiction of the Strasbourg court, continues to apply insofar as it relates to the Good Friday Agreement.

A further option, which would help with the Trade and Cooperation Agreement and Good Friday Agreement, is to produce new legislation replacing the ECHR in British law. This would almost certainly be necessary anyway, given the need to fill the vacuum left by withdrawal from the Convention by providing a clear direction to the courts. This legislation could incorporate all the articles of the ECHR, but make clear that Parliament would be free, when it came to policy, to determine the interpretation of the rights, and the balance between them. British judges would be responsible for interpreting those rights in individual cases.

Another option would be to leave the ECHR and through domestic legislation disapply its provisions only insofar as they relate to immigration removal. This would also limit the ramifications for the Good Friday Agreement and The Trade and Cooperation Agreement with the EU.



If Britain did not withdraw from the ECHR, another option would be to seek derogations from the obligations it imposes. But this is not straightforward. Article 15 states that a signatory country ‘may take measures derogating from its obligations under [the] Convention to the extent strictly required by the exigencies of the situation’, but only ‘in time of war or other public emergency threatening the life of the nation’. Article 15 further rules out derogations under Article 2 (right to life), except in respect of deaths resulting from lawful acts of war, or Articles 3 (prohibition of torture, inhuman or degrading treatment), 4 (prohibition of slavery and forced labour) and 7 (no punishment without law).

‘ Ultimately, we recommend that the Government should be prepared to leave the ECHR if necessary ’

It is extremely unlikely that either the European Court in Strasbourg or the European Council itself would agree that illegal immigration ‘threatens the life of the nation’. So there is no straightforward way of derogating in accordance with the Convention itself. The only way to achieve a meaningful and legal derogation would be to negotiate a withdrawal from the Convention followed by immediate re-entry on terms that secured appropriate qualifications or derogations. This might not, of course, be possible to achieve.

Ultimately, we recommend that the Government should be prepared to leave the ECHR if necessary.

Recommendations

32.	We should repeal the Human Rights Act, leave the ECHR if necessary, and legislate to replace it in British law so that Parliament is free, when it comes to policy, to determine the interpretation of those rights, and the balance between them, and British judges – not judges in Strasbourg – are responsible for interpreting those rights in individual cases.
33.	In the longer term, we need to work with international partners on updating the antiquated 1951 Refugee Convention to better reflect the realities of international migration in the wealthier, globalised world of the 21st century.



Enhancing Cooperation with France

Given the inconsistent nature of Anglo-French relations, cooperation on policing the Channel cannot be a substitute for the three main policy pillars outlined above: resettlement schemes, offshoring and better enforcement. Yet as a complement to the core approach, it has a vital place.

Bilateral cooperation on border control and interdiction has been mutually beneficial in the past, resolving illegal immigration crises in the 1990s, 2000s and 2010s. But in the last few years, the relationship has degraded. Indeed, while a range of push and pull factors are driving the crisis in the Channel, ineffective coordination between British and French authorities has made things worse than they would otherwise be.

‘Bilateral cooperation on border control and interdiction has been mutually beneficial in the past, resolving illegal immigration crises in the 1990s, 2000s and 2010s’

Formal cooperation on border control with France dates back to the 1991 Sangatte Protocol, which provided for juxtaposed controls (French officials in Folkestone and British officials in Calais) ready for the opening of the Channel Tunnel in 1994. This was strengthened first in 2000 with the Additional Protocol to the Sangatte Protocol and again in 2003 with the Treaty of Le Touquet, which provided for juxtaposed controls on cross-Channel ferry routes and expanded the powers of the French and British police at the border. In 2004, an Administrative Arrangement between Belgium, France and the UK was also signed, extending juxtaposed controls to Eurostar services between London, Lille and Brussels.

The agreements were designed to solve the problem of migrants stowing away on lorries, ferries, cars and trains to enter the UK. Stowaways were mostly individuals acting opportunistically, typically based at migrant camps outside Sangatte and subsequently Calais – the original ‘Calais Jungle’. Although largely reactive, the measures significantly reduced the number of illegal entrants – although never quite to zero.

Trouble flared up again at the time of the EU migration crisis. Large numbers of migrants were able to use the borderless Schengen Zone to travel from southern and eastern Europe to the Channel. A new Calais Jungle sprang up, again acting as a base for migrants trying to reach the UK. This time though, migrants were much more assertive in attempting to board vehicles bound for Britain, intimidating and in some cases assaulting lorry drivers and port officials. Attempts to gain illegal entry to the UK were still opportunistic, but now involved mobs, not just individuals.

The difficulties of 2015-16 were eventually addressed through enhanced Anglo-French cooperation and heavy investment in physical security around Calais, largely funded by Britain, including leftover security fencing from the 2012 Olympics. The new Jungle was demolished in October 2016, with migrants being dispersed away from the immediate area. These measures did succeed in reducing the number of attempted lorry and ferry crossings.

But problems persisted, eventually leading to the Sandhurst Treaty, signed by Britain and France in 2018. The UK pledged an extra £44.5m (€50m) for fencing, CCTV and detection technology around Calais. Provision was also made for the establishment of



a Joint Information and Coordination Centre (JICC) to better coordinate policing of the border. While a question mark remains over the effectiveness of the JICC, new security measures stemmed stowaway crossings.

Bolstering security at the Channel Tunnel was at least partly responsible for migrant flows being redirected to the small boats. Before 2018, there were no crossings; in 2018, 299 illegal maritime entrants were recorded, rising sixfold to over 1,843 in 2019. But this time, attempts to enter Britain were not opportunistic but rather premeditated acts orchestrated by criminal gangs. Previously, organised crime had been involved in getting migrants to the Channel, but not, for the most part, in getting them across.

‘ This latest wave of crossings led to the UK pledging another £54m for border security measures, including funding French police operations along the Channel coast, in a new agreement in July 2021. In November 2022, a new deal saw Britain’s annual payment to France rising to £63 million ’

This latest wave of crossings led to the UK pledging another £54m for border security measures, including funding French police operations along the Channel coast, in a new agreement in July 2021. In November 2022, a new deal saw Britain’s annual payment to France rising to £63 million. In return, France has pledged to increase the number of officers patrolling the French coast, and renewed efforts are to be made on intelligence sharing.

In theory, these cumulative bilateral deals should allow French and British authorities to cooperate on preventing immigrants from putting off from France into the Channel. But cooperation has been limited at times and has proved ineffective in stopping the crossings.

Politically, cooperation has been strained at the top because, while Britain and France often cooperate on areas of mutual interest, our strategic interests are not identical. Acrimony around Brexit continues, from the implementation of the Northern Ireland Protocol through to post-Brexit fishing licences. And even on non-Brexit matters, there are clear bones of contention, such as the AUKUS Treaty.

There has been friction at an operational level too. Partly this is because of administrative complexity. Policing the port of Calais is one thing, but policing the entire Channel coast is quite another. Relevant French authorities include arrondissements, prefectures and the Gendarmerie at a local level, as well as the French navy, the Police National and the Ministry of the Interior. For British officials, working out who they need to coordinate with can be tricky.

The JICC set up under the Sandhurst Treaty was supposed to circumvent this problem, but seemingly remains underdeveloped. The French complain that the British do not share intelligence; the British complain that the French do not share debriefings. One expert described the JICC as little more than ‘a couple of British and French police officers in a shed somewhere, not really talking across the divide’.¹³¹

131 Private conversation.



Yet cooperation remains vital, as we saw in July when it was revealed that a massive international police operation – involving not just the UK and France but also Belgium, the Netherlands and Germany – had smashed a people smuggling operation with a criminal network reaching from the Channel through Germany back into Turkey.¹³² Smuggling remains a lucrative business for the gangs. Military intelligence identified eight other major organised crime gangs involved in people smuggling across the Channel.¹³³ So cooperation on intelligence sharing and serious organised crime enforcement needs to be sustained, and the JICC properly resourced. The revised agreement with France inked in November quite rightly recognises this.

‘ Military intelligence identified eight other major organised crime gangs involved in people smuggling across the Channel ’

But we should also continue to seek agreement with the French about deeper operational cooperation to make life more difficult for the people smugglers. More than beach patrols, this should amount to a bilateral campaign to destroy the gangs’ supply chains and business models, using technology to monitor gangs, migrants and equipment, and making it harder and riskier for the gangs to safely procure boats and other material.

Separately, Britain should also engage with France on offshoring, with migrants being sent to Rwanda and other locations from both sides of the Channel simultaneously. This would strengthen the deterrent effect of the Rwanda plan while reducing pressures on British and French taxpayers.

Alongside this, we also need to continue working towards a comprehensive asylum returns agreement with France and the EU more widely. So far the UK has not managed to return a single inadmissible migrant to France under its post-Brexit immigration framework, and only 21 to the rest of Europe.¹³⁴ It would be a mistake to return to the Dublin III Regulation, which as we have seen, did little to enable the UK to return migrants who were in the country illegally. But a new and better agreement is worth pursuing as part of a broader system of deterrence.

Recommendations

34.	We need to keep up the pressure on the criminal gangs behind the people smuggling through sustained cooperation between British law enforcement agencies and their counterparts in France and other European countries.
35.	We should continue to seek deeper operational cooperation with France on policing the Channel coast.
36.	We should consider engagement with France on offshoring schemes.
37.	We need to work with France and other EU partners on creating and implementing a comprehensive asylum returns agreement, while avoiding replication of the ineffectual Dublin Regulation.

132 C. Hymas & D. Wighton, ‘Police smash gang ‘behind quarter of Channel migrant arrivals in UK’, *The Telegraph* (5 July 2022). [Link](#)

133 C. Hymas, ‘Albanians crossing Channel because claim to have been trafficked ‘boosts hopes of staying’, *The Telegraph* (8 August 2022). [Link](#)

134 M. Dathan, ‘No Channel migrants deported to France under post-Brexit returns policy’, *The Times* (25 November 2022). [Link](#)



Improving Data and Accountability

Effective immigration policy continues to be hampered by a lack of good data on who is entering and exiting the country. Without it, there can be no reliable data on the stock of migrants living and working or studying here in Britain at any given date. Not only does this complicate immigration enforcement, but it undermines planning for housing, infrastructure and services. And when official numbers do not seem to tally with people's daily experiences, it also corrodes public trust in politicians' promises on immigration.

Over the last two decades of high net migration, estimates of flows have been based chiefly on the International Passenger Survey (IPS) at points of entry and exit. But as the Oxford-based Migration Observatory and others have noted, the IPS has serious limitations for estimating migration: 'as the number of migrants in the sample is relatively small, estimates for subsets of the sample are subject to substantial uncertainty'.¹³⁵

‘ According to estimates published by the Migration Observatory in September 2020, there are perhaps somewhere between 800,000 and 1.2 million migrants living here without permission, undetected, mostly because they entered thus or overstayed their visas ’

Meanwhile, the stocks of people living and working in the UK are estimated separately through the Annual Population Survey (APS) and the Labour Force Survey (LFS). But these also have serious limitations when it comes to capturing immigrant numbers. The APS, for example, excludes people living in communal establishments like worker dormitories.¹³⁶

These are just the problems with measuring the number of people who are here legally. Given the porosity of Britain's borders and the ease with which people who have overstayed their work visas can disappear into the grey economy, measures such as the 2021 census may underestimate the immigrant population by hundreds of thousands if not millions of people. According to estimates published by the Migration Observatory in September 2020, there are perhaps somewhere between 800,000 and 1.2 million migrants living here without permission, undetected, mostly because they entered thus or overstayed their visas.¹³⁷

The British state has a lot of the data needed for properly tracking legal immigration. But the data is fragmented and siloed across departments and database systems, complicating meaningful analysis and coordination. And as the Migration Observatory has pointed out, how a migrant is defined varies between different official databases.¹³⁸ It was long suspected by many that official statistics on EU nationals resident in Britain were underestimates, given data on tax, National Insurance numbers and benefits held by HMRC and the DWP, and so it proved. Other relevant databases include the NHS Patient Register (PR), the DWP Customer Information System (CIS), and the Higher Education Statistics Agency (HESA).¹³⁹

¹³⁵ Migration Observatory, 'International Passenger Survey', *Data Source Limitations*. [Link](#)

¹³⁶ ONS, *Annual population survey (APS) QMI* (14 September 2012). [Link](#)

¹³⁷ Migration Observatory, P.W. Walsh & M. Sumption, *Recent estimates of the UK's irregular migrant population* (11 September 2020). [Link](#)

¹³⁸ Migration Observatory, *Who Counts as a Migrant? Definitions and their Consequences* (10 July 2019). [Link](#)

¹³⁹ ONS, *Methodology of Statistical Population Dataset V2.0*. [Link](#)



No government has yet managed to get a grip on this problem. Partly this is because of the sheer complexity and scale of integrating data across government, and the poor track record of large-scale government IT projects. Poor IT management has long been a criticism levelled at the Home Office, for example by National Audit Office.¹⁴⁰ This needs to change: better data informs better policy.

First, we need to switch to using administrative data for immigration purposes, rather than the survey methods. This means real entry and exit checks at ports and airports, and making use of the records routinely collected by various branches of the state. Work is underway within the Office for National Statistics already, but the UK is well behind countries such as Sweden, Denmark, Spain, Australia and New Zealand.¹⁴¹

Second, we need to ensure different government databases relevant to border control and immigration enforcement are compatible and able to talk to each other, not least through consistent definitions for different types of migrant. With appropriate privacy protection in place, we need the capability to track immigrants all the way through their interactions with the British state. We also need to place new requirements on all state agencies to share information about illegal immigrants with Immigration Enforcement.

‘ We need to switch to using administrative data for immigration purposes, rather than the survey methods. This means real entry and exit checks at ports and airports, and making use of the records routinely collected by various branches of the state ’

Third, we need more and better research about the economic and social effects of immigration by different profiles of migrant. At present the debate – and supporting evidence – too often treats all migrants as the same, regardless of age, sex, nationality, education level and reason for entering the country. We should be better informed about, for example, the fiscal contribution of different profiles of migrant, and social factors too, such as the extent of integration among existing diaspora groups and the prevalence of organised crime in specific countries.

Ultimately, improving the collection and analysis of immigration data is about equipping policymakers and the public with the tools and information to hold Government to account. But accountability could be further enhanced if these numbers were given due prominence in the Parliamentary calendar.

We therefore propose that there should be an annual report, setting out detailed performance data and future policy plans, alongside a set-piece Parliamentary debate led by the Home Secretary. This would focus on scrutinising government performance across the migration system as a whole, including discussion of overall numbers and rates of immigration, both legal and illegal, and the implications for public services, housing and other policy areas in coming years.

This could entail setting specific net migration targets, and linking migration policy to other metrics such as the rate of housebuilding, the availability of school places and the capacity of key public infrastructure. It could consider congestion effects arising

140 NAO, *Reforming the UK border and immigration system* (22 July 2014). [Link](#)

141 ONS, ‘Admin-based population estimates time-series analysis’, *Admin-based population and migration estimates: research update* (26 November 2021). [Link](#)



from the uneven regional distribution of immigrants to the UK. Such a process would help encourage more joined-up thinking on the consequences of lax border control and the current practice of using the points-based immigration system to increase legal immigration to record highs.

Crucially, this annual process would focus minds on the real costs and benefits of all forms of immigration.

Recommendations

38.	We need to improve data collection for border control and immigration monitoring purposes.
39.	We have to ensure government databases relevant to borders and immigration are able to talk to each other, and place new requirements on all state agencies to share information about illegal immigrants with Immigration Enforcement.
40.	More and better research about the economic and social effects of immigration is needed, including the fiscal contributions of different profiles of migrant.
41.	There should be an annual report published by government, setting out detailed performance data and future policy plans, alongside a set-piece Parliamentary debate led by the Home Secretary.



Summary of Recommendations

Recommendations

1.	Future grants of asylum should be handled exclusively through dedicated resettlement routes so that we can choose who comes to Britain and how they arrive here.
2.	Resettlement schemes should have a statutory limit on numbers – ideally capped at up to 20,000 people granted asylum per year.
3.	Assessment of need according to five criteria should be at the heart of all future resettlement schemes: vulnerability, geography, urgency, availability of alternative support and domestic capacity.
4.	People resettled in Britain through resettlement schemes should be supported through community sponsorship schemes.
5.	Resettlement schemes and other support for refugees in Britain or abroad should be funded through the ODA budget, which should be split into a development and a refugee budget.
6.	The Government should commission a new review into integration in the UK, and commit to using this to inform a new strategy on integrating immigrants into British society.
7.	As a matter of principle, no immigrant who arrives here illegally should ever, under any circumstances, be allowed to settle in Britain. In particular, it should be impossible in law to claim asylum in Britain after travelling from a safe country.
8.	Offshoring via deals with third countries must become a core pillar of British asylum policy.
9.	The UK should adhere to its human rights duties and use practical measures such as the Monitoring Committee in the Rwanda deal to ensure human rights are observed on the ground.
10.	When undertaking cost-benefit analysis of offshoring, modellers need to incorporate reasonable assumptions about deterrence.
11.	We need to minimise the political risks attached to offshoring through diversification, replicating the Rwanda deal in at least two other countries or territories. This process should be overseen by a dedicated minister holding a joint FCDO/HO portfolio.



12.	Relocation plans under the terms of the Rwanda deal need to be scaled up, if the scheme is to have the desired deterrent effect. We should be prepared to relocate tens of thousands of individuals each year if necessary.
13.	Upstream messaging in countries of origin and transit is needed to ensure prospective migrants know that they face being relocated to Rwanda if they arrive in Britain illegally.
14.	We should use the refugee component of a reorganised ODA budget to provide more humanitarian assistance upstream, in crisis-affected regions, to provide assistance more cost-effectively and forestall illegal immigration at source.
15.	We must engage with international partners on interdiction of immigrants en route and in particular on shoring up Europe's 'forward border' in Libya, once conditions allow.
16.	We need to remove the requirement to allow appeals based on the individual circumstances of a migrant in respect of the 1951 Refugee Convention by adding Rwanda to the list of safe countries in Schedule 3 of the 2004 Asylum and Immigration Act.
17.	If the UK remains bound by the ECHR, ministers should devise policies that define the extent of any individual risk based on established scenarios, such as the sexuality or religious faith of the claimant.
18.	If the UK remains bound by the ECHR, procedural bars on protection-based or rights-based claims beyond a specified point in the process could be introduced.
19.	We should review what we consider to be a fair asylum claim, in order to bring our system into line with those of more stringent European states, potentially amending the Modern Slavery Act 2015.
20.	While we appreciate the reality of the Government's fiscal position, in the end the cuts to Immigration Enforcement budgets will need to be reversed.
21.	Operational enforcement of labour market regulations, including compliance with national minimum wage requirements, must be strengthened. Industries known to be rife with exploitation should be prioritised.
22.	Penalties for landlords who house illegal immigrants and employers who recruit workers with no right to work the UK need to be far greater.
23.	We should introduce strong legal obligations on private and public sector organisations – including schools and healthcare providers – to share data with immigration enforcement agencies. Employers, landlords and organisations who fail to comply should face serious penalties.



24.	We should introduce an identity database and system of biometric identity cards to help improve the enforcement of immigration laws and help employers, landlords and public services comply with their legal responsibilities.
25.	Once an illegal immigrant is identified and located, there should be a presumption of detention until deportation. The capacity of detention facilities will need to be increased accordingly, perhaps by the development of Ministry of Defence estates.
26.	Parliament should change the law to permit the open-ended detention of illegal immigrants.
27.	The law should be changed to allow the tagging and better tracking of any illegal immigrants who are not held in detention facilities. They should face automatic recall to detention where there is evidence of non-compliance with reporting or tagging conditions.
28.	Operational capacity needs to be improved, not just through more resources, but also through better policy, such as through the seizure of mobile phones from irregular entrants, and where necessary, legislation, to enhance the investigative powers of immigration enforcement agents.
29.	Parliament should pass declaratory legislation that it is in the public interest to prosecute illegal immigration and asylum fraud offences under s24 of the Immigration Act 1971 or s2 of the Immigration and Asylum (Treatment of Claimants) Act 2004, requiring the Crown Prosecution Service to take a tougher approach to immigration offences.
30.	Countries that refuse to recognise illegal immigrants as their own nationals should be penalised through reductions in diplomatic and student visas and a tougher approach to aid and other forms of cooperation.
31.	At an appropriate stage, the Rwanda scheme – or instead any similar agreements struck with other countries – should be extended to the existing stock of failed asylum seekers to deal with the backlog.
32.	We should repeal the Human Rights Act, leave the ECHR if necessary, and legislate to replace it in British law so that Parliament is free, when it comes to policy, to determine the interpretation of those rights, and the balance between them, and British judges – not judges in Strasbourg – are responsible for interpreting those rights in individual cases.
33.	In the longer term, we need to work with international partners on updating the antiquated 1951 Refugee Convention to better reflect the realities of international migration in the wealthier, globalised world of the 21st century.
34.	We need to keep up the pressure on the criminal gangs behind the people smuggling through sustained cooperation between British law enforcement agencies and their counterparts in France and other European countries.



35.	We should continue to seek deeper operational cooperation with France on policing the Channel coast.
36.	We should consider engagement with France on offshoring schemes.
37.	We need to work with France and other EU partners on creating and implementing a comprehensive asylum returns agreement, while avoiding replication of the ineffectual Dublin Regulation.
38.	We need to improve data collection for border control and immigration monitoring purposes.
39.	We have to ensure government databases relevant to borders and immigration are able to talk to each other, and place new requirements on all state agencies to share information about illegal immigrants with Immigration Enforcement.
40.	More and better research about the economic and social effects of immigration is needed, including the fiscal contributions of different profiles of migrant.
41.	There should be an annual report published by government, setting out detailed performance data and future policy plans, alongside a set-piece Parliamentary debate led by the Home Secretary.



Annex I: Rwanda Fiscal Cost-Benefit Analysis

The potential cost of the Rwanda scheme compared to conventional onshore asylum processing remains an area of controversy. However, as we have argued in this report, most of the criticism of the scheme on this basis is unfounded, for it ignores where the potential cost savings lie – in not having to process all the illegal maritime entrants deterred from coming to the UK by the existence of an offshoring policy.

So if we are to attempt to come up with a net cost estimate for the scheme, we need to bear in mind not just the numbers of immigrants that will actually be sent to Rwanda, but the counterfactual case in which there is no offshoring and so more immigrants to process overall. The crux of modelling the costs of the scheme is the comparison between two parallel pathways, one with policy intervention and one without.

Our core assumption, for which there is strong supporting evidence, is that policy does make a difference to migrant destination choices. We also assume that migrants have access to policy information to at least some degree, and hence that a ‘Channel crossings deterrence rate’ is a legitimate variable to include in our model.

Regarding the operation of the MEDP, we assume that the legal basis is secure, so that it runs uninterrupted for five years; and that facilities are scaled up to take far more than just a few hundred asylum seekers per annum.

The inputs to the model consist in three independent variables:

- 1. Trendline illegal maritime entrants**, i.e. the number of people who would make the crossing each year if we continue as is, without policy intervention in the form of the Rwanda scheme. In real life, this could be influenced by a number of push and pull factors.
- 2. Relocation rate**, i.e. the share of all of those who successfully cross to the UK according to the trendline who are then relocated to Rwanda for asylum processing. In real life, this will be determined by the rigour with which the scheme is enforced by British officials, the capacity of the pre-processing system here, and Rwanda’s willingness to take people.
- 3. Deterrence rate**, i.e. the share of illegal maritime entrants who would decide not to attempt the crossing, if the Rwanda policy were in place and some share of people making the crossing were being relocated to Rwanda.

We have chosen to model the deterrence rate as an independent variable, rather than one dependent on the relocation rate. This is because there is limited empirical evidence from which to derive the precise strength of the relationship in practice, though it does clearly exist. By keeping deterrence as an independent variable, our



model can accommodate a range of assumptions on the strength of this relationship, from weak to strong.

In effect, the relocation rate determines how many immigrants from the trendline are processed in Britain and how many in Rwanda. The deterrence rate determines how many never have to be processed at all. The three intermediate outputs – onshore, offshore, deterred – are then multiplied by appropriate unit cost estimates, and additionally, overheads are spread evenly over the five years. Our cost assumptions for onshore processing and offshoring are as follows, and are taken from official sources and Oxford Migration Observatory estimates for where there are no official numbers:¹⁴²

- £12,000 on average to progress an asylum seeker in Britain
- £10,000 on average to relocate an asylum seeker to Rwanda, including pre-screening in the UK and transportation
- £12,000 to process an asylum seeker in Rwanda, including all stipulations of the MoU
- £120 million Economic Transformation and Integration Fund overhead spread over five years

Comparing the cost of onshore processing when deterrence is zero, versus the combination of onshore and offshoring combined with non-zero deterrence, yields an output: the net cost – or rather cost savings – of the Rwanda scheme.

We have considered seven different scenarios, some of which capture more sceptical views of the relationship between offshoring and deterrence, and some of which reflect the authors' position, based on the Australian experience. These scenarios also model a range of underlying migration patterns. **In all cases, however, offshoring represents a net cost saving versus onshore processing.** The input and output tables are reproduced over the next several pages.

Scenario 1

In this scenario, Channel crossings are assumed to fall back to the levels of 2021 (at c.28,000 people) after this year's peak, a situation that persists across the five years of the MEDP. This is not a likely scenario, as it ignores the record numbers crossing the Mediterranean so far this year, the year-to-date trend in the Channel, and the growing size and sophistication of the criminal gangs facilitating the crossing. But it does give us a baseline from a year in which we have the full data. In this scenario, a high rate of relocations – 75% across the MEDP – translates into gradually stronger deterrence, reducing illegal maritime arrivals down to the low hundreds by the last of the five years.

Scenario 2a

Similar to Scenario 1, but using a plateau of 60,000 crossings from next year for modelling the outcome of the MEDP. The chief limitation of this scenario is that it ignores the upwards trend of Channel crossings over the last five years. This scenario is however closer to the Australian experience, in that a lower level of relocations (though at 50%, still relatively high) translates into a high level of deterrence.

¹⁴² See footnotes 110-113 above, p.61.



Scenario 2b

As with Scenario 2a, 60,000 is used as the plateau for Channel crossings, but effective deterrence requires a relocation rate of just 25% in practice – much closer to the Australian experience.

Scenario 3a

In this scenario, it is assumed that without offshoring, Channel crossings would continue to increase year-on-year for the foreseeable future, to exceed 200,000 in the fifth year of the MEDP. Based on the trend so far, this assumption for Channel crossings is probably the most likely of those used in our modelling. A moderate level of relocations, 50%, is assumed to translate into effective deterrence.

Scenario 3b

The assumptions are the same as for Scenario 3a, but with a lower level of relocations needed to achieve the same rate of deterrence.

Scenario 4

In this scenario, we assume that Channel crossings decline rapidly after peaking at 60,000 due to exogenous factors, for example the EU manages to completely stop the flow of illegal immigrants into its borders and removes the stock of illegal immigrants currently in European countries; or an alternative destination, i.e. another European country, becomes much more attractive. We judge this to be the least likely scenario modelled.

Scenario 5

In this scenario, we assume there is a new European migration crisis comparable to 2015 in scale, beginning in the second year of the MEDP. A massive increase in the flow across the Mediterranean leads to intense pressure on the Channel. At the same time we, assume a high (70%) level of relocations. The result is an extremely costly endeavour – but one which saves billions of pounds versus the onshore processing counterfactual.

Scenario 1

Number of Illegal Maritime Entrants

	Year 1	Year 2	Year 3	Year 4	Year 5	Total Period
Trendline IME	28,000	28,000	28,000	28,000	28,000	140,000
of which:						
Deterred IME	8,400	19,600	25,200	26,600	27,720	107,520
Actual IME	19,600	8,400	2,800	1,400	280	32,480
of which:						
Relocated to Rwanda	14,700	6,300	2,100	1,050	210	24,360
Processed in Britain	4,900	2,100	700	350	70	8,120

Deterrence Rate 0.30 0.70 0.90 0.95 0.99 0.77

Relocation Rate 0.75 0.75 0.75 0.75 0.75 0.75

Cost of Processing Illegal Maritime Entrants

	Year 1	Year 2	Year 3	Year 4	Year 5	Total Period	Annual Avg.
Trendline IME Cost	£336,000,000	£336,000,000	£336,000,000	£336,000,000	£336,000,000	£1,680,000,000	£336,000,000
Deterred IME Savings	-£100,800,000	-£235,200,000	-£302,400,000	-£319,200,000	-£332,640,000	-£1,290,240,000	-£258,048,000
Actual IME Costs	£406,200,000	£187,800,000	£78,600,000	£51,300,000	£29,460,000	£753,360,000	£150,672,000
of which:							
Rwanda Costs	£347,400,000	£162,600,000	£70,200,000	£47,100,000	£28,620,000	£655,920,000	£131,184,000
Britain Costs	£58,800,000	£25,200,000	£8,400,000	£4,200,000	£840,000	£97,440,000	£19,488,000
Savings versus Trendline	-£70,200,000	£148,200,000	£257,400,000	£284,700,000	£306,540,000	£926,640,000	£185,328,000

Processing Costs - Britain £12,000 £12,000 £12,000 £12,000 £12,000

Relocation Costs £10,000 £10,000 £10,000 £10,000 £10,000

Processing Costs - Rwanda £12,000 £12,000 £12,000 £12,000 £12,000

MEDP Funding £24,000,000 £24,000,000 £24,000,000 £24,000,000 £24,000,000 **£120,000,000**

Scenario 2a

Number of Illegal Maritime Entrants

	Year 1	Year 2	Year 3	Year 4	Year 5	Total Period
Trendline IME	60,000	60,000	60,000	60,000	60,000	300,000
of which:						
Deterred IME	30,000	54,000	57,000	59,400	59,400	259,800
Actual IME	30,000	6,000	3,000	600	600	40,200
of which:						
Relocated to Rwanda	15,000	3,000	1,500	300	300	20,100
Processed in Britain	15,000	3,000	1,500	300	300	20,100

Deterrence Rate 0.50 0.90 0.95 0.99 0.99 0.87

Relocation Rate 0.50 0.50 0.50 0.50 0.50 0.50

Cost of Processing Illegal Maritime Entrants

	Year 1	Year 2	Year 3	Year 4	Year 5	Total Period	Annual Avg.
Trendline IME Cost	£720,000,000	£720,000,000	£720,000,000	£720,000,000	£720,000,000	£3,600,000,000	£720,000,000
Deterred IME Savings	-£360,000,000	-£648,000,000	-£684,000,000	-£712,800,000	-£712,800,000	-£3,117,600,000	-£623,520,000
Actual IME Costs	£534,000,000	£126,000,000	£75,000,000	£34,200,000	£34,200,000	£803,400,000	£160,680,000
of which:							
Rwanda Costs	£354,000,000	£90,000,000	£57,000,000	£30,600,000	£30,600,000	£562,200,000	£112,440,000
Britain Costs	£180,000,000	£36,000,000	£18,000,000	£3,600,000	£3,600,000	£241,200,000	£48,240,000
Savings versus Trendline	£186,000,000	£594,000,000	£645,000,000	£685,800,000	£685,800,000	£2,796,600,000	£559,320,000

Processing Costs - Britain £12,000 £12,000 £12,000 £12,000 £12,000

Relocation Costs £10,000 £10,000 £10,000 £10,000 £10,000

Processing Costs - Rwanda £12,000 £12,000 £12,000 £12,000 £12,000

MEDP Funding £24,000,000 £24,000,000 £24,000,000 £24,000,000 £24,000,000 **£120,000,000**

Scenario 2b

Number of Illegal Maritime Entrants

	Year 1	Year 2	Year 3	Year 4	Year 5	Total Period
Trendline IME	60,000	60,000	60,000	60,000	60,000	300,000
of which:						
Deterred IME	30,000	54,000	57,000	59,400	59,400	259,800
Actual IME	30,000	6,000	3,000	600	600	40,200
of which:						
Relocated to Rwanda	7,500	1,500	750	150	150	10,050
Processed in Britain	22,500	4,500	2,250	450	450	30,150

Deterrence Rate 0.50 0.90 0.95 0.99 0.99 0.87

Relocation Rate 0.25 0.25 0.25 0.25 0.25 0.25

Cost of Processing Illegal Maritime Entrants

	Year 1	Year 2	Year 3	Year 4	Year 5	Total Period	Annual Avg.
Trendline IME Cost	£720,000,000	£720,000,000	£720,000,000	£720,000,000	£720,000,000	£3,600,000,000	£720,000,000
Deterred IME Savings	-£360,000,000	-£648,000,000	-£684,000,000	-£712,800,000	-£712,800,000	-£3,117,600,000	-£623,520,000
Actual IME Costs	£459,000,000	£111,000,000	£67,500,000	£32,700,000	£32,700,000	£702,900,000	£140,580,000
of which:							
Rwanda Costs	£189,000,000	£57,000,000	£40,500,000	£27,300,000	£27,300,000	£341,100,000	£68,220,000
Britain Costs	£270,000,000	£54,000,000	£27,000,000	£5,400,000	£5,400,000	£361,800,000	£72,360,000
Savings versus Trendline	£261,000,000	£609,000,000	£652,500,000	£687,300,000	£687,300,000	£2,897,100,000	£579,420,000

Processing Costs - Britain £12,000 £12,000 £12,000 £12,000 £12,000

Relocation Costs £10,000 £10,000 £10,000 £10,000 £10,000

Processing Costs - Rwanda £12,000 £12,000 £12,000 £12,000 £12,000

MEDP Funding £24,000,000 £24,000,000 £24,000,000 £24,000,000 £24,000,000 **£120,000,000**

Scenario 3a

Number of Illegal Maritime Entrants

	Year 1	Year 2	Year 3	Year 4	Year 5	Total Period
Trendline IME	60,000	100,000	160,000	200,000	220,000	740,000
of w hich:						
Deterred IME	30,000	90,000	152,000	198,000	217,800	687,800
Actual IME	30,000	10,000	8,000	2,000	2,200	52,200
of w hich:						
Relocated to Rwanda	15,000	5,000	4,000	1,000	1,100	26,100
Processed in Britain	15,000	5,000	4,000	1,000	1,100	26,100

Deterrence Rate 0.50 0.90 0.95 0.99 0.99 0.87

Relocation Rate 0.50 0.50 0.50 0.50 0.50 0.50

Cost of Processing Illegal Maritime Entrants

	Year 1	Year 2	Year 3	Year 4	Year 5	Total Period	Annual Avg.
Trendline IME Cost	£720,000,000	£1,200,000,000	£1,920,000,000	£2,400,000,000	£2,640,000,000	£8,880,000,000	£1,776,000,000
Deterred IME Savings	-£360,000,000	-£1,080,000,000	-£1,824,000,000	-£2,376,000,000	-£2,613,600,000	-£8,253,600,000	-£1,650,720,000
Actual IME Costs	£534,000,000	£194,000,000	£160,000,000	£58,000,000	£61,400,000	£1,007,400,000	£201,480,000
of w hich:							
Rwanda Costs	£354,000,000	£134,000,000	£112,000,000	£46,000,000	£48,200,000	£694,200,000	£138,840,000
Britain Costs	£180,000,000	£60,000,000	£48,000,000	£12,000,000	£13,200,000	£313,200,000	£62,640,000
Savings versus Trendline	£186,000,000	£1,006,000,000	£1,760,000,000	£2,342,000,000	£2,578,600,000	£7,872,600,000	£1,574,520,000

Processing Costs - Britain £12,000 £12,000 £12,000 £12,000 £12,000

Relocation Costs £10,000 £10,000 £10,000 £10,000 £10,000

Processing Costs - Rwanda £12,000 £12,000 £12,000 £12,000 £12,000

MEDP Funding £24,000,000 £24,000,000 £24,000,000 £24,000,000 £24,000,000 **£120,000,000**

Scenario 3b

Number of Illegal Maritime Entrants

	Year 1	Year 2	Year 3	Year 4	Year 5	Total Period
Trendline IME	60,000	100,000	160,000	200,000	220,000	740,000
of w hich:						
Deterred IME	30,000	90,000	152,000	198,000	217,800	687,800
Actual IME	30,000	10,000	8,000	2,000	2,200	52,200
of w hich:						
Relocated to Rwanda	7,500	2,500	2,000	500	550	13,050
Processed in Britain	22,500	7,500	6,000	1,500	1,650	39,150

Deterrence Rate 0.50 0.90 0.95 0.99 0.99 0.87

Relocation Rate 0.25 0.25 0.25 0.25 0.25 0.25

Cost of Processing Illegal Maritime Entrants

	Year 1	Year 2	Year 3	Year 4	Year 5	Total Period	Annual Avg.
Trendline IME Cost	£720,000,000	£1,200,000,000	£1,920,000,000	£2,400,000,000	£2,640,000,000	£8,880,000,000	£1,776,000,000
Deterred IME Savings	-£360,000,000	-£1,080,000,000	-£1,824,000,000	-£2,376,000,000	-£2,613,600,000	-£8,253,600,000	-£1,650,720,000
Actual IME Costs	£459,000,000	£169,000,000	£140,000,000	£53,000,000	£55,900,000	£876,900,000	£175,380,000
of w hich:							
Rwanda Costs	£189,000,000	£79,000,000	£68,000,000	£35,000,000	£36,100,000	£407,100,000	£81,420,000
Britain Costs	£270,000,000	£90,000,000	£72,000,000	£18,000,000	£19,800,000	£469,800,000	£93,960,000
Savings versus Trendline	£261,000,000	£1,031,000,000	£1,780,000,000	£2,347,000,000	£2,584,100,000	£8,003,100,000	£1,600,620,000

Processing Costs - Britain £12,000 £12,000 £12,000 £12,000 £12,000

Relocation Costs £10,000 £10,000 £10,000 £10,000 £10,000

Processing Costs - Rwanda £12,000 £12,000 £12,000 £12,000 £12,000

MEDP Funding £24,000,000 £24,000,000 £24,000,000 £24,000,000 £24,000,000 **£120,000,000**

Scenario 4

Number of Illegal Maritime Entrants

	Year 1	Year 2	Year 3	Year 4	Year 5	Total Period
Trendline IME	60,000	40,000	20,000	10,000	5,000	135,000
of which:						
Deterred IME	30,000	36,000	19,000	9,900	4,950	99,850
Actual IME	30,000	4,000	1,000	100	50	35,150
of which:						
Relocated to Rwanda	15,000	2,000	500	50	25	17,575
Processed in Britain	15,000	2,000	500	50	25	17,575

Deterrence Rate 0.50 0.90 0.95 0.99 0.99 0.99 **0.87**

Relocation Rate 0.50 0.50 0.50 0.50 0.50 0.50 **0.50**

Cost of Processing Illegal Maritime Entrants

	Year 1	Year 2	Year 3	Year 4	Year 5	Total Period	Annual Avg.
Trendline IME Cost	£720,000,000	£480,000,000	£240,000,000	£120,000,000	£60,000,000	£1,620,000,000	£324,000,000
Deterred IME Savings	-£360,000,000	-£432,000,000	-£228,000,000	-£118,800,000	-£59,400,000	-£1,198,200,000	-£239,640,000
Actual IME Costs	£534,000,000	£92,000,000	£41,000,000	£25,700,000	£24,850,000	£717,550,000	£143,510,000
of which:							
Rwanda Costs	£354,000,000	£68,000,000	£35,000,000	£25,100,000	£24,550,000	£506,650,000	£101,330,000
Britain Costs	£180,000,000	£24,000,000	£6,000,000	£600,000	£300,000	£210,900,000	£42,180,000
Savings versus Trendline	£186,000,000	£388,000,000	£199,000,000	£94,300,000	£35,150,000	£902,450,000	£180,490,000

Processing Costs - Britain £12,000 £12,000 £12,000 £12,000 £12,000

Relocation Costs £10,000 £10,000 £10,000 £10,000 £10,000

Processing Costs - Rwanda £12,000 £12,000 £12,000 £12,000 £12,000

MEDP Funding £24,000,000 £24,000,000 £24,000,000 £24,000,000 £24,000,000 **£120,000,000**

Scenario 5

Number of Illegal Maritime Entrants

	Year 1	Year 2	Year 3	Year 4	Year 5	Total Period
Trendline IME	60,000	200,000	400,000	300,000	200,000	1,160,000
of w hich:						
Deterrer IME	30,000	180,000	380,000	297,000	198,000	1,085,000
Actual IME	30,000	20,000	20,000	3,000	2,000	75,000
of w hich:						
Relocated to Rwanda	21,000	14,000	14,000	2,100	1,400	52,500
Processed in Britain	9,000	6,000	6,000	900	600	22,500

Deterrence Rate 0.50 0.90 0.95 0.99 0.99 0.99 0.87

Relocation Rate 0.70 0.70 0.70 0.70 0.70 0.70 0.70

Cost of Processing Illegal Maritime Entrants

	Year 1	Year 2	Year 3	Year 4	Year 5	Total Period	Annual Avg.
Trendline IME Cost	£720,000,000	£2,400,000,000	£4,800,000,000	£3,600,000,000	£2,400,000,000	£13,920,000,000	£2,784,000,000
Deterrer IME Savings	-£360,000,000	-£2,160,000,000	-£4,560,000,000	-£3,564,000,000	-£2,376,000,000	-£13,020,000,000	-£2,604,000,000
Actual IME Costs	£594,000,000	£404,000,000	£404,000,000	£81,000,000	£62,000,000	£1,545,000,000	£309,000,000
of w hich:							
Rwanda Costs	£486,000,000	£332,000,000	£332,000,000	£70,200,000	£54,800,000	£1,275,000,000	£255,000,000
Britain Costs	£108,000,000	£72,000,000	£72,000,000	£10,800,000	£7,200,000	£270,000,000	£54,000,000
Savings versus Trendline	£126,000,000	£1,996,000,000	£4,396,000,000	£3,519,000,000	£2,338,000,000	£12,375,000,000	£2,475,000,000

Processing Costs - Britain £12,000 £12,000 £12,000 £12,000 £12,000

Relocation Costs £10,000 £10,000 £10,000 £10,000 £10,000

Processing Costs - Rwanda £12,000 £12,000 £12,000 £12,000 £12,000

MEDP Funding £24,000,000 £24,000,000 £24,000,000 £24,000,000 £24,000,000 **£120,000,000**



Annex II: UK Immigration Policy Milestones

July 1948	British Nationality Act 1948 becomes law.
March 1951	The UK accedes to the European Convention on Human Rights (ECHR) .
July 1951	The Convention Relating to the Status of Refugees (also known as the 1951 Refugee Convention), a UN multilateral treaty, is signed by the UK and others. Largely a response to the upheaval in Central and Eastern Europe following the Second World War, the Convention is initially limited to protecting European refugees displaced before 1 January 1951.
March 1954	The 1951 Refugee Convention comes into force.
April 1962	Commonwealth Immigrants Act 1962 becomes law.
January 1967	The Protocol Relating to the Status of Refugees updates the 1951 Refugee Convention, removing geographical and temporal restrictions on its application. This development is a response to migrations in the era of decolonisation. It comes into force in October 1967.
March 1968	Commonwealth Immigrants Act 1968 becomes law.
October 1971	Immigration Act 1971 becomes law.
January 1973	The UK accedes to the European Economic Community (EEC) .
October 1981	British Nationality Act 1981 becomes law, replacing citizenship of the United Kingdom and Colonies with three separate citizenships: British citizenship, British overseas territories citizenship, and British overseas citizenship.
February 1986	The Treaty of Canterbury is signed, paving the way for the construction of the Channel Tunnel.
July 1988	Immigration Act 1988 becomes law.



November 1991	The Sangatte Protocol between the UK and France is signed, providing for juxtaposed controls in Calais and Folkestone ready for the opening of the Channel Tunnel. It comes into effect from the start of 1994.
May 1994	The Channel Tunnel is officially opened.
1995	The Mandate Resettlement Scheme for recognised refugees who have close family members living in the UK is launched.
July 1996	The Asylum and Immigration Act 1996 becomes law, introducing an extension of the accelerated appeals procedure to a wider range of refused asylum applications. It also allows the designation by the Secretary of State, with the approval of Parliament, of safe third countries, restricting and accelerating appeals against return to such countries.
July 1998	Publication of 'Fairer, Faster and Firmer – A Modern Approach to Immigration and Asylum', a Home Office white paper on speeding up asylum processing in order to clear a backlog of cases, including by lowering barriers for grants of settlement to refugees given asylum.
November 1998	Human Rights Act 1998 becomes law, incorporating the ECHR into UK law, coming into force from October 2000.
November 1999	Immigration and Asylum Act 1999 becomes law. Part IV supersedes all previous legislation on asylum appeals, introducing a 'one-stop' appeals process replacing the previous system of multiple appeals. Sections 4, 95 and 98 deal with asylum seekers' eligibility for financial support.
May 2000	Additional Protocol to the Sangatte Protocol between France and the UK is signed, providing for immigration checkpoints to be set up by France in Eurostar stations in the UK and by the UK in Eurostar stations in France. It comes into effect in 2001.
January 2002	' Understanding the decision-making of asylum-seekers ' is published by the Home Office. This document remains a cornerstone of asylum policy debate long after real-world events – including the global spread of the internet – render it obsolete.
November 2002	Nationality, Immigration and Asylum Act 2002 becomes law. Under section 55 of the Act, asylum seekers are required to apply for asylum as soon as reasonably practicable after arriving in the UK in order to be eligible for support under the Immigration and Asylum Act 1999.



February 2003	The Treaty of Le Touquet between the UK and France is signed, providing for juxtaposed controls on a number of cross-Channel ferry routes. It comes into force in March 2005.
September 2003	The Dublin II Regulation pertaining to asylum transfers in the EU comes into effect.
2004	The Labour government waives transition control on labour market migration for eight of 10 new EU members.
July 2004	Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 becomes law. Section 2 makes it illegal to destroy identity documents when trying to enter the UK. Nevertheless, today around 98% of people crossing the Channel do so, and the Crown Prosecution Service declines to prosecute these individuals.
October 2004	An ' Administrative Arrangement ' between Belgium, France and the UK is signed, extending juxtaposed controls to Eurostar services between London and Brussels (which stop in Lille).
March 2006	Immigration, Asylum and Nationality Act 2006 becomes law. It restricts appeals for those refused entry to the United Kingdom to work or study.
May 2007	Immigration Minister Liam Byrne introduces the concept of a 'hostile environment'.
October 2007	UK Borders Act 2007 becomes law.
July 2009	Borders, Citizenship and Immigration Act 2009 becomes law.
May 2010	Formation of the Coalition Government with Theresa May as Home Secretary. The Conservative's 2010 manifesto had included a pledge to reduce net immigration to under 100,000 per annum.
2012	The 'hostile environment' becomes Home Office policy.
April 2012	Formation of the Border Force from the border control division of the UK Border Agency (UKBA).
March 2013	The remainder of UKBA is broken up, with UK Visas and Immigration and Immigration Enforcement moved back into the Home Office.



January 2014	Transitional restrictions on Bulgarian and Romanian nationals are lifted. Launch of the Syrian Vulnerable Persons Resettlement (SVPR) scheme.
May 2014	Immigration Act 2014 becomes law. It includes provisions to prevent illegal immigrants from obtaining driving licences and bank accounts, as well as cracking down on private landlords renting property to illegal immigrants. It also aims to reduce spurious appeals to remain in the UK by cutting the number of appeal rights from 17 to four.
March 2015	Modern Slavery Act 2015 becomes law.
September 2015	Expansion of the SVPR to cover 20,000 people.
January 2016	Shaw Review (Review into the Welfare in Detention of Vulnerable Persons) is published.
April 2016	Launch of the Vulnerable Children's Resettlement Scheme (VCRS) , to resettle at-risk children and their families from the MENA region.
May 2016	Immigration Act 2016 becomes law.
June 2016	The UK votes to leave the European Union.
July 2016	Launch of the UK Community Sponsorship Scheme , allowing charity, community and faith groups to support resettled refugees directly.
July 2017	Policy is changed so that refugees resettled under the SVPR or VCRS will be granted refugee status and five years limited leave to remain on arrival; those already resettled are able to request to change their status from Humanitarian Protection to Refugee status. Eligibility for the SVPR is expanded to make it open, regardless of nationality, to the most vulnerable refugees in the MENA region who have fled the Syrian conflict. The scheme is renamed the Vulnerable Persons Resettlement Scheme (VPRS) .
January 2018	The Sandhurst Summit and Sandhurst Treaty between the UK and France, at which the UK pledges an extra £44.5m (€50m) for fencing, CCTV and detection technology around Calais. The Sandhurst Treaty covers the Dublin III Regulation on unaccompanied children and the establishment of a Joint Information and Coordination Centre to better police the Channel border.



April 2018	Fallout from the Windrush scandal results in the resignation of Amber Rudd as Home Secretary.
November 2018	The Joint Information and Coordination Centre between the UK and France provided for in the Sandhurst Treaty comes into being.
January 2020	The UK leaves the EU.
April 2020	Various temporary concessions are made to mitigate the impact of Covid lockdowns on migrants, taking into account disruption to Home Office functions and the number of migrants in key health roles. Refugee resettlement is temporarily paused due to Covid. The process resumes in December 2020.
June 2020	China passes a sweeping new national security law while the world is distracted by Covid, cracking down on democracy in Hong Kong and violating the 1997 handover treaty with Britain. The UK government responds by announcing a new immigration route for British Nationals in Hong Kong – around 2.5m people and their dependents.
January 2021	With the end of the Brexit transition period on 31 December, the UK ceases to be party to the Dublin II Regulation and all other aspects of the common European asylum system (though even when the UK was in the EU, very few asylum seekers were successfully removed this way). Free movement between the EEA/Switzerland and the UK also ends. The UK's new points-based system for immigration , modelled on the Australian system, comes into effect. A new British National (Overseas) or BN(O) visa for BN(O) status holders in Hong Kong comes into effect from the end of the month, giving 5.4m people – about 70% of the population – the right to live and work in the UK, and eventually to become citizens. Officially, around 0.3-1m people are expected to take up this new visa route within five years.
February 2021	The global UK Resettlement Scheme (UKRS) is launched, to resettle in the UK individuals determined by the UNHCR to be refugees in line with the 1951 Refugee Convention. All resettlement to the UK is to be at the Government's discretion.



March 2021	<p>'New Plan for Immigration' consultation launched, lasting until 6 May 2021. This forms the basis of the Government's New Plan for Immigration policy agenda.</p> <p>'Issues raised by people facing return in immigration detention' is published by the Home Office</p>
April 2021	<p>Afghan Relocations and Assistance Policy (ARAP) is established, offering relocation or other assistance to former Locally Employed Staff (LES) in Afghanistan.</p>
July 2021	<p>The Graduate route is introduced. Eligible students can stay in the UK for two or three years (depending on their qualification) to work or look for work after successfully completing their studies.</p>
November 2021	<p>An inflatable dinghy capsizes on 24 November, killing 27 migrants who were trying to cross the Channel. Monthly crossings reach a record high.</p>
December 2021	<p>The Government's response to the 'New Plan for Immigration' consultation is published, paving the way for the deal with Rwanda.</p>
January 2022	<p>The Afghan Citizens Resettlement Scheme (ACRS) is launched, with the aim of resettling up to 20,000 individuals over the duration of the scheme. This is in addition to the ARAP scheme launched in April 2021.</p>
February 2022	<p>Russian invades Ukraine. Around 7m refugees flee Ukraine by June 2022.</p>
March 2022	<p>The Homes for Ukraine Sponsorship Scheme is launched, allowing Ukrainian nationals and their immediate family members to come to the UK if they have accommodation with a named sponsor. This sits alongside the Ukraine Family Scheme, which allows Ukrainian nationals to join settled family members in the UK or to continue their stay in the UK for that purpose.</p>
April 2022	<p>The UK and Rwanda agree the Migration and Economic Development Partnership (MEDP), which includes a five-year MoU 'asylum partnership arrangement'. This allows the UK to send 'inadmissible' individuals to Rwanda who would otherwise claim asylum in the UK, with the UK providing £120m of funding to Rwanda and paying for processing and integration costs. In theory, the policy is supposed to come into effect from 9 May.</p> <p>The Nationality and Borders Act 2022 becomes law. Among other provisions, this closes loopholes around illegal entry into the UK and raises the sentence for anyone</p>



entering illegally, including putting in place life sentences for anyone with their hand on the tiller of one of the small boats – people smuggler or migrant.

- May 2022 Home Secretary Priti Patel and Rwandan Minister for Foreign Affairs Vincent Biruta carry out a series of joint engagements in Geneva, briefing key figures working in the field of international migration on the MEDP.
- June 2022 The first flight to Rwanda, originally supposed to carrying around 130 people and scheduled for 14 June, is cancelled at the last minute due to an ECHR intervention.
- July 2022 One of the nine main gangs involved in people smuggling in the Channel is smashed in an operation than spans the UK, France, Belgium, the Netherlands and Germany.
- August 2022 New daily and monthly records are set for the number of migrants crossing the Channel in small boats.
- November 2022 Home Secretary Suella Braverman signs a revised deal with France aimed at reducing the Channel crossings, with Britain's annual payments to France to increase by £8m to £63m. In return, France agrees to increase the number of police officers patrolling the French coast. The deal also provides for greater cooperation and intelligence sharing.



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