UNITED KINGDOM

ARRIVALS

1. Total number of individual asylum seekers who arrived, with monthly breakdown and percentage variation between years

Table 1:
Source: Home Office, Research Development Statistics

Month	2002	2003	Variation +/-(%)
January	6,575	7,175	+9.1
February	6,325	4,255	-32.7
March	6,355	4,565	-28.2
April	6,475	3,695	-42.9
May	7,380	3,280	-55.6
June	6,235	3,610	-42.1
July	7,510	3,945	-47.5
August	6,895	3,785	-45.1
September	7,630	4,225	-44.6
October	8,770	4,030	-54.0
November	7,545	3,265	-56.7
December	6,445	3,535	-45.2
TOTAL	**84,130**	**49,370**	**-41.3**

Figures (other than percentages) are rounded to the nearest five persons and do not include dependants.

2. Breakdown according to the country of origin/nationality, with percentage variation

Table 2:
Source: Home Office, Research Development Statistics

Country	2002	2003	Variation +/-(%)
Somalia	6,540	5,100	-22.0
Iraq	14,570	4,045	-72.2
China	3,675	3,445	-6.3
Zimbabwe	7,655	3,280	-57.2
Iran	2,630	2,875	+9.3
Turkey	2,835	2,395	-15.6
Afghanistan	7,205	2,290	-68.2
India	1,865	2,275	+22.0
Pakistan	2,404	1,905	-20.8
Democratic Republic of Congo	2,215	1,525	-31.2
Vietnam	840	1,130	+34.5
Nigeria	1,125	990	-12.0
Eritrea	1,180	955	-19.1
Sudan	655	930	+42.0
Jamaica	1,310	925	-29.4
Angola	1,420	860	-39.4
Serbia and Montenegro	2,270	805	-64.5

Bangladesh	720	730	+1.4
Uganda	715	710	-0.7
Burundi	700	645	-7.9
Ethiopia	700	640	-8.6
Cameroon	615	495	-19.5
Albania	1,150	595	-48.3
Romania	1,210	545	-55.0
Algeria	1,060	535	-49.5
Ivory Coast	315	395	+25.4
Sierra Leone	1,155	385	-66.7
Congo	600	355	-40.8
Ghana	275	320	+16.4
Ukraine	365	295	-19.2
Russian Federation	295	285	-3.4
Rwanda	655	265	-59.5
Colombia	420	225	-46.4
Kenya	350	220	-37.1
Ecuador	315	145	-54.0
Poland	990	95	-90.4
Gambia	130	95	-26.9
Czech Republic	1,365	75	-94.5
Tanzania	40	30	-25.0
Others	*8,386*	*4,030*	*-52.0*
TOTAL	**84,130**	**49,370**	**-41.3**

Figures (other than percentages) rounded to the nearest five.

3. Persons arriving under family reunification procedure
No figures available.

4. Refugees arriving as part of a resettlement programme
The United Kingdom (UK) has established a new resettlement programme. The first arrivals are expected in Spring 2004. (See Section 26 below for further details)

5. Unaccompanied minors
No figures available (2002: 6,200)
The main countries of origin in 2002 were Iraq (21%), Afghanistan (12%), Serbia and Montenegro (12%) and Somalia (6%).

RECOGNITION RATES

6. The statuses accorded at first instance and appeal stages* as an absolute number and as a percentage of total decisions

Table 3:
Source: Home Office, Research Development Statistics

Statuses	**2002**				**2003**			
	First instance		**Appeal**		**First instance**		**Appeal**	
	Number	**%**	**Number**	**%**	**Number**	**%**	**Number**	**%**
No status awarded	55,130	66	48,845	76	53,510	83	63,810	78
Withdrawn			1,685	3			1,845	2
Convention status	8,270	10	13,875	22	3,880	6	16,070	20

Exceptional leave to remain	20,135	24	-	-	3,971	6	-	-
Humanitarian protection	N/A		-	-	135	0	-	-
Discretionary leave	N/A		-	-	3,105	5	-	-
TOTAL	**83,540**	**100**	**64,405**	**100****	**64,605**	**100**	**81,725**	**100**

Figures include asylum refusals after non-substantive consideration, for example refusals on non-compliance grounds and on safe third country grounds.
* Figures do not include successful appeals at the second appeal stage to the Immigration Appeal Tribunal. These are the percentages of all appeals determined by the Immigration Appellate Authority.
** Figures may not add up due to rounding.

7. Refugee recognition rates (1951 Geneva Convention) according to country of origin, at first instance and appeal stages

Table 4:
Source: Home Office, Research Development Statistics

Country of origin	**2002**				**2003**			
	First instance		**Appeal**		**First instance**		**Appeal**	
	Number	**%**	**Number**	**%**	**Number**	**%**	**Number**	**%**
Somalia	2,515	37	1,065	35	1,660	27	2,055	38
Zimbabwe	2,240	36	925	38	870	21	1,165	29
Sudan	70	13	225	46	130	18	310	38
Burundi	115	16	90	26	115	15	160	23
Iran	395	13	1,430	38	115	4	1,460	30
Turkey	150	4	1,320	24	95	3	1,685	29
Democratic Republic of Congo	155	8	520	31	90	8	710	26
Iraq	715	6	1,130	25	75	1	495	9
Pakistan	135	5	395	15	75	3	550	19
Eritrea	140	13	275	39	65	9	505	33
Afghanistan	115	1	230	11	40	1	710	13
Congo	35	6	180	29	35	7	170	24
Colombia	45	9	160	24	20	6	160	24
Serbia and Montenegro	225	6	890	16	30	2	915	16
Uganda	35	5	155	21	30	4	205	23
Rwanda	125	18	60	22	25	5	130	20
Sri Lanka	340	8	1,455	23	25	2	725	13
Other former USSR	55	5	225	17	25	3	245	13
Angola	65	5	120	21	25	2	165	18
Cameroon	40	7	150	31	20	3	-	-
China	15	-	165	6	20	-	160	6
Sierra Leone	55	4	120	12	15	2	120	12
Others	*435*	*12*	*2,115*	*16*	*270*	*7*	*3,015*	*20*
TOTAL	**8,270**	**9.9**	**13,600**	**21.1**	**3,880**	**6**	**15,815**	**19.4**

RETURNS, REMOVALS, DETENTION AND DISMISSED CLAIMS

8. Persons returned on 'safe third country' grounds
No figures available.

9. Persons returned on 'safe country of origin' grounds
No figures available.

10. Number of applications determined inadmissible
No figures available.

11. Number of asylum seekers denied entry to the territory
No figures available.

12. Number of asylum seekers detained, the maximum length of and grounds for detention
Figures for the total number of asylum seekers detained throughout the year are not available. As at 28 December 2002, there were 795 asylum seekers detained under Immigration Act powers; 250 asylum seekers were detained for less than one month and 35 asylum seekers were detained for more than one year.

13. Deportations of rejected asylum seekers
See Section 14.

14. Details of assisted return programmes, and numbers of those returned
13,005 principal asylum applicants were removed from the UK in 2003 (including assisted returns and some voluntary departures following enforcement action). A further 1,755 principal applicants left under Assisted Voluntary Return Programmes run by the IOM. The nationalities with largest numbers of principal applicants removed or departing voluntarily in 2003 were Serbia and Montenegro (2,300), Czech (1,095), Polish (750), Romanian (725) and Albanian (650).

15. Number of asylum seekers sent back to the Member State responsible for examining the asylum application under the Dublin Convention (Dublin II Regulation)
No figures available.

SPECIFIC REFUGEE GROUPS

16. Developments regarding refugee groups of particular concern
Zimbabwe
Concerns remain in relation to Zimbabwe. The Government continued its policy of no forcible returns but processed and refused asylum claims in the UK. This has meant that a growing number of refused asylum seekers are in limbo, they are no longer entitled to state support, nor can they work, but there is no intention to remove them forcibly, at least at present. The Government argues they can return voluntarily but clearly this would be to a volatile situation that the Government has effectively acknowledged.

Afghanistan
The Government commenced forcible returns to Afghanistan in April 2003. Under a Memorandum of Understanding with the Afghan Transitional Administration and UNHCR, the UK could only remove a maximum of 50 people per month. The profile of the Afghans concerned was generally young, single males, although some heads of household were also removed. Towards the end of 2003, the Government 'established the principle' that families can be returned, but were not planning to do so before April 2004.

Iraq
Following the ousting of the Saddam regime, the Government began to explore the possibility of a voluntary return programme for Iraqis. Both UNHCR and IOM had withdrawn international field staff from Iraq, which hampered their ability to provide accurate assessments on the situation on the ground and reintegration assistance to returnees. UNHCR continued to advocate a ban on forced returns or promotion of voluntary returns, as well as a halt to the determination process for Iraqi asylum claims. The Home Office complied with the first two requests but not the latter, this had implications for the ability of Iraqi asylum applicants to access support. Decisions on Iraqi applications in 2003 were overwhelmingly negative. Refugee agencies expressed concern about the Home Secretary's remarks regarding the situation in Northern Iraq and the possibility of enforcement, stressing that his language was unhelpful and ramped up the rhetoric around numbers and timing, which would have a corrosive effect on relations with the community. UNHCR felt it was very problematic, muddying the waters around voluntary return.

Sri Lanka
The UK government has introduced a procedure of non-suspensive appeals for a list of countries from which it considers applications are 'clearly unfounded'. On 17 June 2003, Sri Lanka was added to this list. With continuing human rights concerns and the fragility of the peace process, it is premature to assume that there can be no basis for a claim from Sri Lanka.

Democratic Republic of Congo
There were allegations from NGOs that a significant number of failed asylum seekers returned to Kinshasa were imprisoned in appalling conditions. They were demanding a cessation of removals and of current detentions in the UK. The Home Office disputes these claims despite the provision of casework evidence that has been sent to Amnesty International.

LEGAL AND PROCEDURAL DEVELOPMENTS

17. New legislation passed
No new primary legislation in relation to asylum was passed during 2003, however the majority of the provisions of the Nationality, Immigration and Asylum Act 2002 (NIA Act 2002) were brought into force. Consequently, secondary legislation was passed to implement these changes. For example, a new set of Procedural Rules for the asylum appeals process was passed: Immigrations and Asylum Appeals (Procedure) Rules 2003 SI 2003 No. 652 (L.16).

In January 2003, the UK government implemented Section 55 of the NIA Act 2002. This denied basic housing and subsistence support to in-country applicants unless the Home Office was satisfied that an application had been made as soon as 'reasonably practicable'. In practice, in-country applicants were refused support unless they had verifiable evidence of the day and manner of their arrival and an application had been made soon after arrival.

A new piece of asylum legislation, the Asylum and Immigration (Treatment of Claimants, etc.) Bill, was introduced in November 2003. It is expected to have completed its passage through Parliament by Autumn 2004. Measures in the Bill include cutting appeal rights, withdrawing support from rejected families unless they commit to cooperate with their removal and establishing lists of safe third countries.

18. Changes in refugee determination procedure, appeal or deportation procedures
Non-suspensive appeals
Following the coming into forces of the Asylum and Immigration Appeals Act 1993, all those who claimed asylum in the UK were entitled to a suspensive appeal against the failure to recognise them as refugees. This right to a suspensive appeal was extended to those who alleged that their removal would violate the European Convention on Human Rights (ECHR). Thus, claimants making such claims would be entitled not to be removed from the UK until any appeal that they had made was finally determined.
The NIA Act 2002 gave the Secretary of State for the Home Department the power to certify claims that an individual's removal would not breach the 1951 Geneva Convention and/or the ECHR on the basis

that the claim is 'clearly unfounded'. In the event that a claim is so certified, the applicant can only make an administrative appeal against the decision once they have been removed from the UK.

Under the relevant provision in the statute, there is a presumption that refugee or human rights claims from all those who have the right to reside in any of the EU accession states ('the white list') are clearly unfounded. The Secretary of State must however still consider the individual case to see if indeed it is clearly unfounded. It should be noted that he also has the power to certify any claim as being clearly unfounded, regardless of the nationality of the claimant.

The Secretary of State has the power by order to add countries or parts of countries to 'the white list' on the basis that he is satisfied that:

- there is in general in that State or part no serious risk of persecution of persons entitled to reside in that State or part, and
- removal to that State or part of persons entitled to reside there will not in general contravene the UK's obligations under the Human Rights Convention.

He also has the power to remove states or parts of states that have been put on 'the white list'. He has not used the power to remove states from 'the white list'. However he has added a number of states to 'the white list' twice by order. Those added are: the Republic of Albania, Bulgaria, Serbia and Montenegro, Jamaica, Macedonia, the Republic of Moldova, Romania, Bangladesh, Bolivia, Brazil, Ecuador, Sri Lanka, South Africa and Ukraine.

The majority of those claimants who are nationals of 'white list' countries have their claims processed in a special detention centre. Claims are supposed to be decided within one week of arrival and removal is supposed to occur immediately after that.

Claimants have the possibility of challenging the Secretary of State's decision to certify their claim as being clearly unfounded by means of judicial review in the High Court. If a claim is lodged before removal, the Court will usually order that removal be suspended pending the resolution of the application. The Court of Appeal has held that a claim is clearly unfounded if on any legitimate view of the claimant's case it is bound to fail.

Non-suspensive appeals are to be considered on the basis that the appellant has not been removed from the UK.

Limitation on the jurisdiction of the Immigration Appeal Tribunal

The system of administrative appeal against an adverse immigration decision in the UK has two tiers, an appeal to an adjudicator and a further appeal, with permission to the Immigration Appeal Tribunal (IAT). Asylum claimants' appeals are considered within this system. The NIA Act 2002, s.101 limits the IAT's jurisdiction to consider appeals arising from adjudicators' determinations to where it can be shown that the adjudicator has erred in law in determining the appeal. Previously, the IAT has retained a factual jurisdiction on appeal.

Statutory Review

As both adjudicators and the IAT are inferior tribunals the High Court retains a supervisory jurisdiction over them that it exercises by way of judicial review. The UK government has long complained that this appeal system takes too long and is open to abuse. In particular, as a result of what are alleged to be unmeritorious applications to the High Court for Judicial Review of the refusal of the IAT to grant permission to the appellant to appeal against the adjudicator's determination.

In an attempt to avoid this the NIA Act 2002, s.101 provides for a special procedure called 'statutory review'. Unlike judicial review, decisions of the high court judge on the paper application are final and cannot be challenged by way of a renewed application to the Court of Appeal. It must be proved that the IAT erred in law in refusing permission to appeal.

The finality of decisions on statutory review were examined by the Administrative Court in 2004. It was held, in a decision under appeal to the Court of Appeal, that, although the jurisdiction of the High

Court to consider applications for Judicial Review in respect of the IAT's refusal of permission to appeal remained, it could only be engaged in exceptional circumstances. Mr Justice Collins concluded that:

'*A failure to use statutory review will certainly prevent any attempt to use judicial review. Equally, a failure to obtain statutory review is almost inevitably a bar to subsequent judicial review. An attempt to pursue judicial review will be regarded as an abuse of process unless capable of showing the necessary very exceptional circumstances and will be summarily dismissed.*'

Fast Track Processing
The UK government has increased the use of fast-track detained determination processes during 2003.

Since 2000, one detention centre at Oakington near Cambridge has processed claims for asylum from nationals of certain listed countries. Claims are supposed to be decided within 1 week of arrival. The refusal rate in Oakington is well over 95%. The lawfulness of the detention of asylum seekers for the purposes of fast track processing was challenged in 'Saadi v SSHD' of 30 October 10 2002 (UKHL 41). The House of Lords found that it was lawful. Oakington was used during 2003 to process those who are nationals of "white list" countries who are particularly vulnerable to losing the right to a suspensive appeal against any negative decision.

In 2003, the UK government set up a pilot scheme at Harmondsworth Removal Centre for processing asylum applications and appeals on, what is termed, a 'super-fast track'. The time limits are even more rapid than at Oakington, with a decision being reached two days after arrival in the UK. Any appeal from those subject to this process is heard within an accelerated procedure. The aim being that, even if all in-country appeal rights are exercised, a final resolution of the claim will occur within one month of arrival. Only nationals of certain listed countries can be subject to this procedure. A challenge to the lawfulness of the Hamondsworth procedure is currently being argued before the UK courts. It is contended that the Harmondsworth procedure is unlawful because it does not give sufficient opportunity for an applicant to fairly put forward their case before the initial decision, as the time limits are too tight. The Administrative Court dismissed the challenge, although permission to appeal against that decision has been granted by the Court of Appeal.

19. Important case-law relating to the qualification for refugee status and other forms of protection
1951 Geneva Convention
The House of Lords gave two judgments during 2003 on the interpretation of Article 1(A) of the 1951 Geneva Convention. In the first, 'R (Sivakumar) v SSHD' (2003, UKHL 14), the issue before their Lordships was the correct approach to evaluating whether an individual, who had been subject to severe torture during investigation into terrorist activity, had been persecuted on account of his/her race or political opinion. Their Lordships concluded that it was an issue that was fact dependent. The fact that an individual was so ill treated in the course of investigation into terrorist activities did not mean that such treatment could not be on account of his/her political opinion or race. Nor did the fact that the investigation was into opposition terrorist activity mean that such persecution had to be on account of race or political opinion.

The second appeal, 'Sepet and another v. SSHD' (2003, UKHL 15), questioned when the fear of the requirement to undertake military service could entitle an applicant to refugee status. The appellants, both Kurds of Turkish nationality, claimed that they objected to performing military service on the grounds that they did not support the Turkish government and were particularly opposed to its failure to recognise the right to self determination of the Kurdish minority in Turkey.

Lord Bingham held: *'There is compelling support for the view that refugee status should be accorded to one who has refused to undertake compulsory military service on the grounds that such service would or might require him to commit atrocities or gross human rights abuses or participate in a conflict condemned by the international community, or where refusal to serve would earn grossly excessive or disproportionate punishment'*, but that the appellants could not bring themselves within either of those categories. The appellants case was that: '*(i) There exists a fundamental right, which is internationally recognised, to refuse to undertake military service on grounds of conscience. (ii) Where an individual,*

motivated by genuine conscientious grounds, refuses to undertake such service and the state offers no civilian or non-combative alternative, the prospect of his prosecution and punishment for evading the draft would if carried into effect amount to persecution for a Convention reason within article 1A(2) (assuming, what is not in contention in these cases, that the nature of the punishment would be sufficiently severe to amount to potential persecution). (iii) Proposition (ii) applies alike to cases of absolute [those who object to any military service per se on grounds of conscience] and partial [those who object to military service in certain circumstances] conscientious grounds; and the [applicants], on the proved or admitted facts, are refugees according to this reasoning'.

The House unanimously dismissed the appeal, Lord Bingham, in the leading speech, held that there was *not yet* a recognised right in international law to conscientious objection against military service. The appellants had failed to establish proposition (i). In this conclusion his reasoning was supported by the other members of the Committee, with Lord Hoffman giving differing reasons.

Lord Bingham also held, *obiter*, that in assessing whether an individual was subjected to persecution 'on account of' a convention reason '*It is necessary for the person who is considering the claim for asylum to assess carefully the real reason for the persecution'*. That is to say that the examiner ought to examine the persecutor's motives or purposes and not the victims view of them, consider all the material and then decide whether the test is met. It is noteworthy that it was accepted that there can be more than one motivating factor or purpose for the persecution. However, Lord Bingham also held that if everyone were treated in the same way then there would be no discrimination and, consequently, no convention reason for any persecution.

The other important decision during 2003 interpreting the 1951 Geneva Convention was given by the Court of Appeal in 'AE and FE' (2003, EWCA Civ1032). The issue on appeal was the correct approach to evaluating the possibility of internal relocation. The Court held unanimously that, in assessing whether it was reasonable for the claimant to internally relocate to a safe area within their country of origin, the focus should be on the consequences for the claimant of settling in the proposed area of relocation instead of his previous home. A comparison between the claimant's position in the country of refuge and what it would be in the proposed area of relocation will not normally be relevant.

European Convention on Human Rights (ECHR)

In a decision of December 2002, 'Ullah and Do v SSHD' (EWCA Civ 1856), the Court of Appeal held that only prospective breaches of Articles 3 and 8 of the ECHR were capable of rendering removal of a claimant unlawful because they violated the ECHR. In a number of cases decided in 2003, the Court of Appeal and the High Court explored the circumstances in which these Articles can render a claimant's removal from the UK unlawful.

In 'Bagdanvicius v SSHD' (2003, EWCA Civ 1605), the Court of Appeal examined, in the context of an applicant's fear from non-state actors, whether there was any difference between the considerations demanded under the 1951 Geneva Convention and under Article 3. The applicants in that case contended that the issue in respect of Article 3 was purely whether there were substantial grounds for believing that there was a real risk that the appellants would be subjected to treatment contrary to Article 3 by non-state actors. The fact that there was a system to criminal justice in place in the country of proposed return, which could be called on to protect the claimant, was not sufficient to displace the UK's obligations under Article 3 from being engaged. This, they contended, was in contrast with the way in which the courts had interpreted the 1951 Geneva Convention (see 'Hovarth v SSHD', 2001, AC 489). The Secretary of State contended that although the applicants' interpretation of the position under the Convention was correct, the same analysis applied to Article 3 in the context of the bar that it places, in certain circumstances, upon removal.

The Court of Appeal held that the same principles in relation to state protection apply in removal cases under Article 3, where the fear of ill-treatment in the receiving state emanates from non-state actors, as under the 1951 Geneva Convention. However, under both Conventions it was still possible for a claimant to succeed even if systemic protection existed in the receiving state, in the event that it could be shown that the authorities there knew, or ought to have known, of the reason for his/her fear, but are unlikely to provide the additional protection his/her particular circumstances reasonably require.

During 2003, the Court of Appeal and the High Court engaged with considering the extent and effect of the ECHR decisions in 'D v UK' (1997, 24 EHRR 423) and 'Bensaid v UK' (2001, 33 EHRR 205) in a number of cases. The common issue was when and to what extent Articles 3 and 8 were engaged when removal from the UK would have a foreseeable and significant adverse impact upon the health of the person removed from the jurisdiction.

In 'N v SSHD' (2003, EWCA Civ1369) the majority of the Court of Appeal specifically noted the 'difficulty' as a matter of principle that it had with D v UK, describing it as 'an extension of an extension'. However, it decided to follow the decision in D v UK, putting forward a high test in an attempt to strictly confine its consequences. The test put forward by Lord Justice Laws was that: '*the application of Article 3 where the complaint in essence is of want of resources in the applicant's home country (in contrast to what has been available to him in the country from which he is to be removed) is only justified where the humanitarian appeal of the case is so powerful that it could not in reason be resisted by the authorities of a civilised State*'.

The effect of that decision was considered in 'R (Kurtolli) v SSHD' (2003, EWHC 2744). The application raised the UK's responsibilities under Article 3 and 8 where removal would have such an adverse effect on the mental health of the deportee that there was a risk that she might take her own life. Following a decision of the Court of Appeal in 'R (Razgar and others) v SSHD' (2003, EWCA Civ 840), the Administrative Court held that it was arguable that removal in such circumstances could violate Article 3. The Court found it unnecessary to decide the issue in respect of Article 8 given its conclusions on Article 3.

In another decision of the Court of Appeal, Djali v SSHD it was decided that the removal of a Kosovan woman suffering from Post Traumatic Stress Disorder and receiving treatment by way of medication in the UK did not even engage Article 8(1). This was because she could not establish that there were:

'*(i) substantial grounds for believing that she would face a real risk of serious harm to her mental health;*
(ii) caused or materially contributed to by the difference between the treatment and support that she is enjoying in the deporting country and that which would be available to her in the receiving country;
(iii) that harm constituting a sufficiently adverse effect on physical and mental integrity and not merely on health as to engage Article 8.'

The Court of Appeal perceived a tension between the approach of cases involving mental health and those involving physical ailments. This tension is likely to be examined by the House of Lords, who have granted the applicant's petition in 'N v SSHD' to have the case considered.

20. Developments in the use of the exclusion clauses of the 1951 Geneva Convention in the context of the national security debate

There were no developments in the use of exclusion clauses in the context of the national security debate in the UK in 2003. Challenges to the UK's derogation from Article 5 of the ECHR to allow the indefinite detention of foreign nationals involved in or linked to international terrorism continued through the courts. In particular the Court of Appeal overturned the Special Immigration Appeals Commission's decision in 'A, X and Y and others' (2002, EWCA Civ 1502) that such discriminatory detention of non-nationals violated Articles 5 and 14 of the ECHR. An appeal on that decision is outstanding before the House of Lords.

21. Developments regarding readmission and cooperation agreements

The UK has Treaty-based readmission agreements with Bulgaria and Romania which were signed in February 2003. A readmission agreement with Albania is pending.

THE SOCIAL DIMENSION

22. Changes in the reception system
The High Court ruled in the Limbuela case that the Home Office's implementation of Section 55 of the NIA Act 2002, which denies destitute asylum seekers access to basic state-support if they fail to apply for asylum as soon as 'reasonably practicable', could lead to a breach of Article 3 of the ECHR. The Home Office have made a significant change to operational policy following Limbuela but still plan to appeal to House of Lords.

Current reception arrangements are to be overhauled in 2005. New arrangements will consist of a national network of induction centres and allocation to an accommodation centre or dispersal accommodation. Reception services are likely to be procured in the first instance through a single contract with the Local Asylum Seekers Consortia.

Currently two induction centres are now open in Kent and Leeds, and a further one to is open imminently in Manchester. Accommodation centre plans were setback due to difficulties with obtaining planning permission. The planning permission for RAF Newton was refused, and the one for Bicester is on hold pending an appeal to the High Court.

23. Changes in the social welfare policy relevant to refugees
The current Immigration and Asylum (Treatment of Claimants, etc) Bill includes proposals to end back-payments to refugees and change local connection provisions.

24. Changes in policy relating to refugee integration
The Scottish Parliament has published its refugee integration strategy and action plan. The UK government is due to publish an Integration strategy for England and Wales. This strategy will include a proposal to introduce a Personal Integration Plan for new refugees (which would encompass advice on housing, welfare, employment and language classes) and a Refugee Integration Loan.

The Citizenship provisions of the NIA Act 2002 have now been enacted (based on the principles developed by the Life in the UK advisory group, chaired by Bernard Crick). Refugees wishing to become UK citizens will have to be tested on their knowledge of the UK and English language skills.

25. Changes in family reunion policy
People with exceptional leave to remain (ELR) are only allowed to apply to have their immediate family members (spouse and any children under 18) join them in the UK after living in the country for four years with ELR. Even then, the person has to show that he/she can house and support his/her family without recourse to public funds. However, after four years the Home Office will normally grant indefinite leave to remain (ILR). Those with ILR do not have to satisfy the public funds requirement.

People with humanitarian protection status (this status effectively replaced ELR with effect from April 2003) do not have any automatic right to family reunion. They may only apply for family reunion after they have been granted ILR, normally after completing three years of humanitarian protection (HP). Those with discretionary leave also have no automatic right to family reunion. They will qualify for family reunion once granted ILR. This is normally after completing six years of discretionary leave. In very exceptional circumstances, the Home Office may grant family reunion before an applicant has ILR, subject to the recourse to public funds requirement.

Prior to 27 March 2003, anybody with ELR could apply to the Home Office for a certificate of identity (CID), which would enable them to travel to any country but that of their origin. (Some countries, including signatories to the Schengen Agreement, do not recognise CIDs.) However, from 27 March, travel document applicants need to show an urgent need to travel and that they cannot obtain a passport from their own embassy in order to qualify for a CID. Urgent needs may include essential business or educational trips or exceptional compassionate grounds, such as illness or the funeral of a close family member. This now applies equally to people with humanitarian protection or discretionary leave.

OTHER POLICY DEVELOPMENTS

26. Developments in resettlement policy
The Government committed itself to offering 500 resettlement places from 1 April 2003 until 31 March 2004 with selected missions in Sierra Leone and Guinea, and was preparing for the running of the first year of the United Kingdom resettlement programme, with resettlement officers due to be based in Accra for interviewing applicants. There were no emergency resettlement procedures in place during 2003.

27. Developments in return policy
The Voluntary Return to Afghanistan Programme
This programme continued throughout 2003. In October, the Government set up the 'Explore & Prepare Programme', which allowed Afghans with some form of status in the UK to return to Afghanistan for up to a year without jeopardising their status in the UK. Iraqis who expressed a strong desire to return were assisted with travel to the Jordanian-Iraqi border. Due to the lack of IOM or UNHCR presence in Iraq, the UK provided returnees with a £100 emergency payment (to a maximum of £300 per family) in lieu of reintegration assistance.

Forcible returns
In the financial year 2001 to 2002, the Government set a target of 30,000 removals a year. This proved to be extremely optimistic and the Government was criticised for this by the Home Affairs Select Committee in its report on removals published in May 2003. The Committee also expressed concern about the quality of the decision-making process that led to these removals. Whilst this sort of target has not been totally abandoned as a long-term aspiration the Government has settled for the more pragmatic approach of 'removing a greater proportion of failed asylum seekers'. In fact the figure was 13,335 in 2002 (including dependants) and 17,040 in 2003.

The Government states that it is still in the process of developing a holistic end-to-end approach to asylum and immigration and hence, despite introducing new legislation in 2002, it introduced a further Bill in 2003, which includes measures designed to reduce numbers and to hasten the process of removal. These include the prosecution of people who destroy their documents prior to arrival and the reduction of the appeal process to a single tier.

28. Developments in border control measures
During 2003 the Home Office intensified its efforts to strengthen border controls, pursuing the movement of border controls abroad as a key part of border control strategy. In April 2003, UK immigration official began working at Brussels-Midi station in an advisory capacity to their Belgian counterparts.

High-technology detection equipment to detect people in vehicles, such as heartbeat monitors, thermal imaging and gamma scanners, was deployed by the UK in Belgium in June 2003, the first time the new detection technology had been deployed outside France. Later in the year UK equipment was also in use in Ireland, on the German border with Poland and the Czech Republic, and at Vlissingen port in Holland. By the end of 2003 the UK had the capacity to check 100% of vehicles travelling to the UK from Calais in France.

In July 2003 a pilot project began in Sri Lanka whereby all Sri Lankans applying for a UK visa were fingerprinted 'as part of a pilot to use biometric data to tackle immigration and asylum abuse'. In August the Home Office announced that visa applicants' biometric data will increasingly be recorded in order to identify those who subsequently apply for asylum.

A three-month pilot project began in April 2003 to use a high-technology document scanner to 'read' the passports and other documents of UK-bound passengers boarding at Madrid and Miami airports. One of the objectives was to identify potential immigration risks.

During 2003 the UK was involved in a range of European border control projects, including: Operation Ulysses, a project to reduce irregular immigration by sea near the coasts of the northern Mediterranean

and the Canary Islands; Operation Triton to combat illegal migration by sea in the south-eastern Mediterranean; and Project Deniz, led by the UK, working with Turkish authorities to disrupt irregular migration across Turkish seas.

29. Other developments in refugee policy

The idea of establishing 'safe havens' in regions or countries of origin was proposed in *A New Vision for Refugees*, a draft UK government paper leaked to the UK media in February 2003. In March 2003 the Prime Minister, Tony Blair, presented a 'concept paper' to the European Council outlining *New International Approaches to Asylum Processing and Protection*, including 'transit processing centres, close to Europe' (TPCs) and 'regional protection zones, close to source countries' (RPZs). By providing 'better protection for genuine refugees close to their own country' the RPZs would allow the UK 'to move those who apply for asylum in the UK back to their home region'. Faced with sharp criticism from other EU countries, the UK dropped the TPC idea for the Thessaloniki European Council in June 2003.

In the second half of the year the UK adopted a slower, lower-profile and multi-pronged approach to taking forward the concept of regional protection. As late as the end of November the Home Secretary, David Blunkett, told the Independent newspaper he was working with Denmark and Holland to open a regional protection zone in Tanzania in 2004. By the end of the year, however, the negotiations with Tanzania were being described as a 'migration partnership', initially involving the return of Tanzanians, but in the longer-term expected to include the return of failed asylum seekers from third countries. Some observers saw a link between the safe third country provisions of the Asylum and Immigration (Treatment of Claimants, etc.) Bill, the regionalisation agenda and the UK position on safe third countries in negotiations on the EC asylum procedures directive. Finally, the UK supported UNHCR's Convention Plus initiative and co-financed EU-funded projects led by UNHCR. One project would take the first steps towards a Comprehensive Action Plan for Somalia, another would analyse the gaps in 'effective protection' in four African countries, including Kenya and Tanzania.

POLITICAL CONTEXT

30. Government in power during 2003

The Labour government was in power throughout 2003, a year dominated by the war in Iraq. The Government's support for the war divided public opinion and the Labour party itself. By the end of the year, the Prime Minister's future was being openly discussed.

31. Governmental policy vis-à-vis EU developments

In January 2003, the Prime Minister, Tony Blair, committed the Government to reducing the number of asylum claims made in the UK by 50 per cent. In May he referred to the Government's relentless focus […] on cutting the number of asylum applications'. Consequently, the UK's approach to EU asylum and immigration policy and its relationships with other EU member states was dominated by four core aims: the desire to reduce the number of asylum seekers arriving in the EU; to deter those who did arrive in the EU from making their way to the UK, including via more returns of unsuccessful asylum seekers; and to deflect asylum seekers to other EU countries or to third countries.

In order to deter asylum seekers, the UK sought to reduce perceived 'pull factors', such as the granting of subsidiary protection to more asylum seekers than other EU countries. As a result, ELR was replaced by the much more restricted statuses of Humanitarian Protection and Discretionary Leave. Deterrence, and reducing 'pull factors' relative to other EU countries, were key factors in the UK's approach to negotiations on the procedures and qualification directives. High standards were seen as less important than securing an agreement and ensuring that the UK's hands were not tied. In July the Government acknowledged that asylum seekers who had not received a decision after 12 months would be allowed to work, a direct consequence of the reception directive.

Finally, because of its situation far from the EU's southern and eastern borders, the UK was a keen supporter of Dublin II. When it came into force in September, Immigration minister Beverley Hughes stated:

'*While the key component in our strategy is to reduce the number of claims, which we are now successfully doing, Dublin II will also boost EU co-operation to deal with asylum shopping*.'

At the end of 2003, the Home Secretary David Blunkett, wrote of the political fears that were behind the UK government's tough policies on asylum and immigration:

'*Across Europe, governments of the Left which fail to address their public's concerns about immigration, security and law and order have been swept from power by the Right, sometimes the far-Right. That, in a nutshell, is why we must have the political courage to press ahead with the further reform of asylum and immigration that we know is needed.*'

32. Asylum in the national political agenda

Asylum was yet again high on the political agenda, although the conflict in Iraq and the 'war on terrorism' took prominence over other issues in 2003. The main development was the introduction of the Asylum and Immigration (Treatment of Claimants, etc.) Bill 2004, the fifth major change in asylum law in the UK in a decade. (See Section 17 above.)

In February 2003, the Prime Minister's pledge to halve the number of asylum applications in a year was achieved. In November 2003, the Bill was introduced. In October 2002, a record 8,770 people applied for asylum in a single month. In September 2003, the figure was down to 4,225. This trend was set to continue and ministers hailed the drop in numbers as a sign that the Government had got a grip on the asylum system. However, opinion polls continued to show that the public still regarded asylum as a major issue and it featured strongly in the May local elections.

Plans by ministers to process asylum applicants outside Britain in 'protection zones' and 'transit camps' were not pursued after protests from many quarters. But the UK government was successful in pushing its agenda of minimum common standards for refugee protection during negotiations between the European Union states. Moreover, there were signals from the Government that it was unhappy with the international conventions governing the rights of refugees. In November, the main opposition party, the Conservatives, changed their leader, with Michael Howard replacing Iain Duncan Smith. However, there was no shift in the Conservatives' policy on asylum, which includes plans to process all asylum applications outside the UK and to make huge savings on benefits to asylum seekers in order to pay for more police officers.