

**ECRE COUNTRY REPORT 2002: UNITED KINGDOM**

**ARRIVALS**

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

Table 1:

<b>Month</b>	<b>2001</b>	<b>2002</b>	<b>Variation +/- (%)</b>
January	6,850	6,575	-4.0
February	5,935	6,415	+8.1
March	6,120	6,530	+6.7
April	5,050	6,475	+28.2
May	5,315	7,510	+41.3
June	5,525	6,415	+16.1
July	6,155	7,575	+23.1
August	6,590	7,050	+7.0
September	6,120	7,935	+29.7
October	6,480	8,900	+37.3
November	5,770	7,815	+35.4
December	5,455	6,670	+22.3
<b>TOTAL</b>	<b>71,365</b>	<b>85,865</b>	<b>+20.3</b>

Source: Home Office, Research Development Statistics.

Comments: Figures (other than percentages) rounded to the nearest five persons and do not include dependents (principal applicants only).

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

Table 2:

<b>Country of origin</b>	<b>2001</b>	<b>2002</b>	<b>Variation +/- (%)</b>
Iraq	6,705	14,940	+122.8
Zimbabwe	2,115	7,695	+263.8
Afghanistan	9,000	7,380	-18.0
Somalia	6,465	6,680	+3.3
China	2,390	3,735	+56.3
Sri Lanka	5,510	3,180	-42.3
Turkey	3,700	2,890	-21.9
Iran	3,415	2,685	-21.4
Pakistan	2,860	2,440	-14.7
DR Congo	1,395	2,315	+65.9
FRY	3,190	2,270	-28.8
India	1,850	1,880	+1.6
Angola	1,025	1,440	+40.5
Czech Republic	880	1,425	+61.9
Jamaica	480	1,320	+175.0
Romania	1,415	1,235	-12.7
Albania	1,065	1,205	+13.1
Eritrea	620	1,190	+91.9
Sierra Leone	1,930	1,160	-39.9
Nigeria	870	1,125	+29.3

Poland	630	1,085	+72.2
Algeria	1,145	1,060	-7.4
Uganda	475	730	+53.7
Bangladesh	500	725	+45.0
Ethiopia	610	725	+18.9
Burundi	615	700	+13.8
Rwanda	540	680	+25.9
Sudan	390	675	+73.1
Republic of Congo	520	555	+6.7
Nepal	640	510	-20.3
Colombia	360	440	+22.2
Kenya	310	365	+17.7
Ukraine	440	365	-17.0
Ecuador	245	330	+34.7
FYROM	745	315	-57.7
Ivory Coast	280	315	+12.5
Russian Federation	455	300	-34.1
Ghana	200	280	+40.0
Gambia	65	130	+100.0
Tanzania	80	45	-43.8
<i>Others</i>	<i>5,240</i>	<i>7,345</i>	<i>+40.2</i>
<b>TOTAL</b>	<b>71,365</b>	<b>85,865</b>	<b>+20.3</b>

Source: Home Office, Research Development Statistics.

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

**3. Persons arriving under family reunification procedure:** Figures unavailable.

**4. Refugees arriving as part of a resettlement programme:**

The United Kingdom is establishing a new resettlement programme in 2003, with selection missions to Sierra Leone and Guinea-Conakry. There exists a quota of 500 persons annually, although further programmes are maintained outside the quota (see paragraph 26 below).

**5. Unaccompanied minors:** Figure unavailable (2001: 3,469).

The main countries of origin in 2001 were Afghanistan (19%), FR Yugoslavia (13%), Somalia (6%) and Iraq (5%).

Source: Home Office, Research Development Statistics.

## 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:

Status	2001				2002			
	First instance		Appeal		First instance		Appeal	
	Number	%	Number	%	Number	%	Number	%
No status awarded	65,535	55.5	34,440	79.3	41,405	50.1	48,845	75.8
Otherwise closed	22,165	18.8	825	1.9	13,240	16.0	1,685	2.6
Convention status	10,955	9.3	8,155	18.8	8,110	9.8	13,875	21.5
Exceptional leave to remain	19,505	16.5	-	-	19,955	24.1	-	-
<b>TOTAL</b>	<b>118,195</b>	<b>100</b>	<b>43,415</b>	<b>100</b>	<b>82,715</b>	<b>100</b>	<b>64,405</b>	<b>100</b>

Source: UNHCR, Population Data Unit.

### 7. Refugee recognition rates (1951 Convention: as an absolute number and as a percentage of total decisions) according to country of origin, at first instance:

Table 4:

Country of origin	2001		2002	
	Number	%	Number	%
Somalia	2,805	34.0	2,480	37.1
Zimbabwe	105	5.0	2,245	36.0
Rwanda	200	20.6	125	18.2
Burundi	-	-	110	16.4
Iran	550	9.4	385	13.1
Eritrea	-	-	140	12.9
Sudan	105	13.9	65	11.8
Tanzania	5	4.0	5	11.1
Colombia	30	4.2	40	8.4
Sri Lanka	1,385	13.7	325	7.7
Republic of Congo	-	-	40	7.5
DR Congo	300	12.5	140	6.7
Ethiopia	75	6.6	45	6.4
FRY	330	3.1	220	6.4
Ecuador	10	2.0	20	6.3
Ghana	45	11.3	15	5.9
Iraq	805	9.1	700	5.9
Uganda	50	4.7	35	5.3
Pakistan	205	4.9	125	5.0
Angola	100	8.1	65	4.9
Ivory Coast	15	3.2	10	4.4
Russian Federation	20	2.3	15	4.3
Turkey	180	2.7	135	3.9
Sierra Leone	160	6.0	50	3.4
Kenya	20	2.2	10	2.9
Algeria	55	2.1	20	1.8
Nigeria	20	1.7	20	1.8
Nepal	-	-	10	1.8
Ukraine	5	0.4	5	1.7

Jamaica	-	-	15	1.7
Afghanistan	2,230	18.5	110	1.4
Albania	30	1.8	15	1.2
FYROM	-	-	5	1.1
India	20	0.7	10	0.5
Czech Republic	-	-	5	0.4
Romania	-	-	5	0.4
China	20	0.5	10	0.3
Gambia	5	5.6	-	-
Bangladesh	5	0.5	-	-
<i>Others</i>	<i>1,065</i>	<i>6.8</i>	<i>335</i>	<i>5.1</i>
<b>TOTAL</b>	<b>10,955</b>	<b>9.3</b>	<b>8,110</b>	<b>9.8</b>

Source: Home Office, Research Development Statistics.

Comments: Appeal stage statistics according to country of origin were unavailable.

## RETURNS, REMOVALS, DETENTION AND DISMISSED CLAIMS

8. **Persons returned on safe third country grounds:** Figures unavailable.
9. **Persons returned on safe country of origin grounds:** Figures unavailable.
10. **Number of applications determined inadmissible:** Figures unavailable.
11. **Number of asylum seekers denied entry to the territory:** Figures unavailable.
12. **Number of asylum seekers detained, the maximum length of and grounds for detention:** Figures unavailable.
13. **Deportations of rejected asylum seekers:** Figures unavailable.
14. **Details of assisted return programmes in 2002, and numbers of those returned:** Figures unavailable.
15. **Dublin Convention practice comments:**

No information was provided.

## SPECIFIC REFUGEE GROUPS

16. **Developments regarding refugee groups of particular concern:**

### Zimbabwe

On 15 January 2002 removals of failed asylum seekers to Zimbabwe were suspended until after the March elections. From 9 November 2002 the Home Secretary imposed visa restrictions on all Zimbabwean nationals wanting to enter the UK.

### Afghanistan

On 20 August 2002 the Government began a six-month trial period of voluntary assisted returns to Afghanistan. The package was opened to Afghan asylum seekers awaiting initial decisions or appeal or

who have been granted exceptional leave to enter or remain, and involved a cash contribution of £600 (c. €850) for singles and up to £2,500 (c. €3,540) for families.

### Iraq

On 21 March 2003 the Home Office suspended decision-making on asylum applications from Iraqi nationals. According to the Asylum and Policy Directorate of the Immigration and Nationality Directorate, this decision was made in the light of military action against Iraq. From this date there have been no substantive asylum interviews of Iraqis. The screening process continued and Iraqi asylum applicants were still required to complete the Statement of Evidence forms within the usual deadlines. The Home Office also requested that appeals in Iraqi cases be adjourned.

#### **17. New legislation passed:**

No new immigration or asylum legislation was passed, although a Bill to abolish the Immigration Appeal Tribunal (the second level of appeal) is expected in the autumn of 2003. There is strong opposition to this proposal, not on account of opposition to the principle of a simplified appeal process, but because there is concern that the poor quality of initial decision-making requires a two-stage appeal process. If the initial decision-making process was substantially reformed and improved there would be fewer objections voiced.

Various provisions of the Nationality, Immigration and Asylum Act 2002 came into force or were extended. 'Non-suspensive' asylum appeals (where removal directions are not suspended for the duration of the appeal, so that the claimant is removed from the UK before the appeal hearing itself) were extended to countries where human rights violations are commonplace, including Bangladesh. The denial of welfare support and accommodation to new arrivals who do not claim immediately on arrival began to take effect early in the year, leaving many asylum seekers destitute and homeless.

Several pieces of secondary legislation have also been passed, including significant changes to the Procedure Rules governing asylum appeals.

#### **18. Changes in refugee determination procedure, appeal or deportation procedures:**

A new fast-track process was piloted then continued (without any known evaluation of the pilot) at Harmondsworth Detention Centre in London. The entire application and appeal process takes place in less than thirty days, during which time the applicant is detained throughout. An issue of great concern is that the speed of the process does not allow for good quality decision-making and seriously prejudices the applicant's opportunity to prepare and present the case and to gather supporting evidence or expert country or medical evidence.

For normal asylum appeals, several changes were introduced by new procedural rules. The most detrimental and regressive of these is the 'closure date' imposed on an appeal to prevent further adjournments, regardless of the reasons for which adjournments are granted in the first place. The time limit for lodging appeals was shortened to five days for detainees, effectively preventing them from acquiring new representatives in detention.

#### **19. Important case-law relating to the qualification for refugee status and other forms of protection:**

- The case law on Article 3 of the ECHR (European Convention on Human Rights) relating to destitution and welfare support has significantly developed, broadly in favour of the claimants and against the Government. See *R (on the app. of Q and Others) v. Secretary of State for the Home Department* [2003] EWCA Civ 364 and the more recent case of *R (on the app. of S, D and T) v. Secretary of State for the Home Department* [2003] EWHC 1941 (Admin).

- The case law on the applicability of human rights law in removal appeals has developed in a very restrictive manner. *Ullah v. Special Adjudicator and Do v. Secretary of State for the Home Department* [2002] EWCA Civ 1856 was very restrictive indeed, but subsequent cases have retrenched slightly from this position (see *Razgar v. Secretary of State for the Home Department* [2003] EWCA Civ 840 and *Januzi v. Secretary of State for the Home Department* [2003] EWCA Civ 1187) and now allow for the applicability of Article 8 of the ECHR in removal cases where family life is not engaged, that is in physical and moral integrity cases involving issues such as medical treatment in the receiving country.
- The case law on internal relocation has developed in a very restrictive way. The Immigration Appeal Tribunal's highly restrictive determination of *Secretary of State for the Home Department v. AE and FE* [2003] Imm AR 152 was upheld by the Court of Appeal as *AE and FE v. Secretary of State for the Home Department* [2003] EWCA Civ 1032. This judgment rejects the Michigan Guidelines and imposes a very limited test on the words 'unduly harsh', a test incompatible with UNHCR guidelines that were issued only a few weeks later. It is also worrying that the judgment suggests human rights considerations are not justifiable under the Refugee Convention, a retrenchment from previous case law such as the leading case of *Gashi and Nikshiqi v. Secretary of State for the Home Department* [1997] INLR 96.

**20. Developments in the use of the exclusion clauses of the Refugee Convention in the context of the national security debate:**

The Immigration Appeal Tribunal issued a determination in relation to this debate, in the case of *Gurung v. SSHD* [2003] Imm AR 115. There has been no discernable increase in the use of the exclusion clauses by the Secretary of State, but practitioners and adjudicators are more aware of the existence and terms of the exclusion clauses.

**21. Developments regarding readmission and cooperation agreements:**

There were no significant developments regarding readmission and cooperation agreements in 2002.

**THE SOCIAL DIMENSION**

**22. Changes in the reception system:**

On 31 January 2002 identity cards (called 'Application Registration Cards' - ARC) were introduced. The cards hold a photograph and the fingerprints of asylum seekers in a bid to cut down on fraud and illegal working. ARC cards replace the Standard Acknowledgement Letter (SAL), with the Government aiming to replace 90% of SAL with ARC cards by September 2003.

In February 2002 the Home Office released a white paper entitled *Secure Borders, Safe Havens: Integration with Diversity in Modern Britain*. This paper set out key challenges in the development of nationality, immigration and asylum policy and also set future policy directions. The white paper abandoned bail safeguards introduced (but never implemented) by the 1999 *Immigration and Asylum Act*. The white paper also set out the introduction of a national network of induction centres to provide a comprehensive reception service to all asylum seekers entering the UK. Each centre is to be located near a port and provide accommodation for 200-400 asylum seekers. Asylum applicants are to receive an initial decision and leave the centre within seven days. However, in the face of great public pressure and high levels of media scrutiny the Government has faced great difficulty in finding the properties needed to establish the centres, and applications for planning permission are still being made for the first of them.

Based on the white paper, the *Nationality, Immigration and Asylum Act* (NIA Act) was given Royal Assent on 7 November 2002, introducing sweeping changes to the UK asylum system. Section 69 of

the NIA Act introduced a reporting requirement to ensure closer contact between asylum seekers and authorities. Asylum seekers are expected to report to a police station or reporting centre up to ninety minutes from or within a twenty-five-mile radius of their accommodation. Reporting is normally weekly, but can be daily, and failure to report can result in detention or loss of National Asylum Support Service (NASS) benefits.

On 15 January 2003 an EU-wide database was launched in the UK which archives the fingerprints of asylum applicants. EURODAC enables fingerprints to be crosschecked against a European database, allowing UK immigration officials to check whether an asylum seeker has already claimed asylum in another European country or if they are a failed asylum seeker or absconder.

### **23. Changes in the social welfare policy relevant to refugees:**

On 8 April 2002 the 'vouchers-for-goods' system was replaced with a system of vouchers exchangeable for cash. A private company, Sodexho, administers the system by which vouchers are exchanged at post offices. Other forms of support such as maternity vouchers are also issued in cash vouchers. On the same date the amount of support available to asylum seekers increased in line with inflation, equal to 70% of income support rates.

Also from 8 April, long-awaited extensions to the 'grace period' for asylum seekers - the period of time during which asylum seekers receive support after a decision is made on their application - came into effect. Asylum seekers granted refugee status or exceptional leave to remain or who receive a negative decision but are given leave to appeal, now receive support for twenty-eight days (previously it had been fourteen days) after receiving their decision in order to give them more time to move into the mainstream support system. Those whose asylum applications are refused now receive support for a further twenty-one days after the decision. These changes apply both to asylum seekers supported by NASS and those supported by local authorities under the Interim Provisions.

As of 23 July 2002 the Government withdrew the concession that allowed asylum seekers to work after they have been waiting six months or more for a decision on their case. This change of policy means that asylum seekers are no longer able to work or undertake vocational training until they are given a positive decision on their asylum case, regardless of how long they await a decision.

Section 55 of the NIA affects asylum applicants' eligibility for NASS support and was implemented on 8 January 2003. Under the Section 55 ruling, asylum applicants are eligible for NASS support if:

- they can prove that they have applied for asylum (this can only happen once they have been through the asylum screening procedure);
- they meet the criteria for destitution;
- they apply for asylum as soon as is 'reasonable and practicable' after their arrival in the UK (usually considered to be approximately forty-eight hours).

The implementation of this section has led to the homelessness, destitution and social exclusion of an already marginalized group. It has also severely impacted upon the demand for financial and practical help from charities which are not funded to provide for this increase.

Section 57 of the NIA Act allows the Home Secretary to introduce secondary legislation to withhold access to NASS support for all in-country asylum seekers who:

- are unable to provide a clear and coherent account of how they came to the UK;
- are unable to provide coherent and accurate information about their circumstances;
- do not cooperate with the authorities' further enquiries.

### **24. Changes in policy relating to refugee integration:**

The white paper highlighted the Government's commitment to promoting the successful integration of refugees, although it contained no specific measures to achieve this. The NIA Act similarly lacks any

specific provisions regarding integration. However, a number of its provisions will have a direct or indirect effect, positive or negative, on integration. Positive effects include:

- an increase in the Challenge Fund from £500,000 (c. €710,000) to £1,000,000 (c. €1.42m);
- organisation of a two-day seminar on integration;
- piloting a skills audit of persons receiving Exceptional Leave to Remain and refugee status;
- an agreement to review the situation with regard to the provision of advice and information on accommodation for persons leaving NASS accommodation to settle in the UK, as well as the resources needed to do this;
- extension of the notice period for termination of NASS support from twenty-one to twenty-eight days for people with a positive decision on their asylum application;
- reduction of the age at which a child can be registered as a British citizen.

On the other hand, the Government has taken negative steps with regards to integration by:

- withdrawing the right of asylum applicants to apply for permission to work;
  - introducing restrictions to NASS support in Sections 55 and 57 of the NIA Act;
- failing to provide the resources needed to implement the national refugee integration strategy entitled *Full and Equal Citizens* developed by the multi-agency National Refugee Integration Forum.

#### **25. Changes in family reunion policy:**

There were no significant changes in family reunion policy in 2002.

### **OTHER POLICY DEVELOPMENTS**

#### **26. Developments in resettlement policy:**

The UK already runs two resettlement programmes with UNHCR, the mandate programme (also referred to as the *ad hoc* programme) and the 'ten or more' programme. In 2002 the Government announced its intention to introduce another resettlement programme, setting an annual quota of approximately 500 places. The programme aims to take a more active role in the selection of candidates and to assist resettled refugees on their arrival in the UK, and is due to begin on 1 April 2003.

#### **27. Developments in return policy:**

Significant changes to removal are contained in the NIA Act regarding Non-Suspensive Appeal (NSA):

- people may be removed if their asylum application is certified as 'clearly unfounded' before they are able to pursue any appeal;
- people may be removed to a safe third country including, but not only to, EU Member States;
- people who have committed a serious crime may be removed if they are sentenced to two or more years imprisonment (this also applies to those with refugee status who would face persecution in their country of origin);
- removal directions apply for the first time to all members of a family, including any child born in the UK;
- detention centres have been formally renamed 'removal centres';
- wider powers are given as to which bodies can detain, and for detainee custody officers to enter and search premises.

On 7 November 2002, NSA rulings applied to nationals from the ten EU accession states: Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, the Slovak Republic and Slovenia. On 6 February 2003 the Home Office announced the Government's intention to extend this



list to nationals from Albania, Bulgaria, Jamaica, the former Yugoslav Republic of Macedonia, Moldova, Romania and Serbia and Montenegro.

**28. Developments in border control measures:**

The NIA Act attempts to curb illegal immigrants and asylum seekers from entering the UK through northern France by increasing security at Frethun rail freight terminal, placing UK immigration controls in Calais, implementing tighter immigration controls at all Channel ports and lending detection equipment to the French authorities (for instance laser heart-beat detectors to check vehicles before being allowed into the Channel tunnel).

In September 2002 the Home Secretary came to an agreement with the Belgian and French Governments that UK immigration officials would be placed in the Eurostar station in Brussels Gare du Midi. They also agreed to work towards joint controls at Zeebrugge. The extension of UK border controls to France and, arguably, the Czech Republic, is a significant development. The French project, referred to as 'juxtaposed controls', could conceivably prevent the entry of genuine refugees and deprive other immigrants of an in-country right of appeal they would otherwise have had against a refusal of leave to enter.

The final closure of the Sangatte Red Cross centre in Calais was complete by December 2002, contributing to reducing the numbers of asylum seekers crossing the Channel from France to the UK. The Centre officially stopped accepting new asylum seekers in October 2002, which the Home Office claims has had the immediate effect of reducing the numbers of ferry passengers claiming asylum in Dover.

Following the NIA Act, on 6 December 2002, new penalties were introduced for hauliers and other carriers who bring illegal immigrants, including asylum seekers, into the UK. Those who fail to properly secure and check their transporters are liable for up to a £2,000 (c. €2,830) penalty for each person found in their vehicle.

**29. Other developments in refugee policy:**

There were no other significant developments in refugee policy.

**POLITICAL CONTEXT**

**30. Government in power during 2002:**

Tony Blair's Labour Government retained power, and the backing of the majority of public opinion, throughout 2002.

**31. Governmental policy vis-à-vis EU developments:**

In June 2002 the Home Secretary David Blunkett published proposals aimed at helping to set the agenda for the European Council meeting held on the 21 June 2002. The two main asylum proposals were:

- setting deadlines for an agreement on a more efficient way of deciding which country should take responsibility for an asylum claim (Dublin II) and the Directive to set a modern EU-wide definition of a refugee;
- examining how the cost of handling border protection and asylum falls between the different countries and whether community funding could play a part in spreading the burden.

The proposals also highlighted the importance of strengthening the borders of the EU by:

- setting up joint operations to tackle weaknesses in the EU border, giving a priority to detecting, disrupting and dismantling trafficking networks;
- extending the Immigration Liaison Officer network to ensure the improved exchange of intelligence including work with accession countries.

On 27 March 2003 the Home Office published *New International Approaches to Asylum Processing and Protection*, which details proposals for a 'new vision of refugee protection fit for the twenty-first century'. These proposals include short- and long-term developments as well as the introduction of a EU-wide managed resettlement programme.

Government plans to introduce 'transit processing centres' (TPCs) outside the territory of the EU by the end of 2003 were rejected by the EU, although plans to create 'zones of protection' may still go ahead. These 'Regional Protection Areas' (RPAs), once referred to as 'safe havens', will be located in refugee-producing regions.

Long-term proposals focus on improving protection in regions of origin. This includes proposals to address the root causes of displacement, to establish regional protection areas (RPAs) in refugee-producing regions and to develop managed resettlement routes from source regions to Europe. Unsuccessful asylum applicants from TPCs may be returned to RPAs in their region of origin if their country of origin remains unsafe.

EU-wide managed resettlement programmes are also proposed whereby EU Member States would accept a quota of recognised refugees for resettlement. Those refugees accepted for resettlement would be brought from an RPA or TPC into a EU Member State and provided with the support necessary to rebuild their lives.

### **32. Asylum in the national political agenda:**

Asylum was a priority area in the national political agenda during 2002, with the introduction and implementation of the NIA Act, and the proposals of *Secure Borders, Safe Havens: Integration with Diversity in Modern Britain* and *New International Approaches to Asylum Processing and Protection*. The introduction of new eligibility thresholds for NASS support aims to tackle the Government's perception of abuse of the financial and accommodation support available to asylum seekers. Also a Government priority was the restriction of fraudulent asylum claims, which the Home Office hopes will be affected by EURODAC. Refugee charities expressed great concern over the year at the UK's apparent determination to strengthen UK and EU borders, effectively restricting the ability of asylum seekers to reach safe countries.