



House of Commons
Home Affairs Committee

Asylum and migration: Albania: Government Response to the Committee's Second Report

Fifth Special Report of Session
2022–23

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Home Affairs Committee

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Fifth Special Report

The Home Affairs Committee published its Second Report of Session 2022–23, [Asylum and migration: Albania](#) (HC 197) on 12 June 2023. The Government response was received on 11 August 2023 and is appended to this report.

In the Government response the Committee's recommendations are shown in **bold type**; the Government's response is shown in plain type.

Appendix: Government Response

Albania and Channel Crossings

1. **Albania is a safe country and we have seen little evidence that its citizens should need to seek political asylum in the UK or elsewhere as a result of the actions of its Government. We saw no reason why the UK should routinely accept asylum applications from Albanian citizens, as is the case with many EU countries, other than in specific cases such as those that arise from trafficking.** (Paragraph 1)

Asylum policies and systems across countries vary significantly, with different local operational practice (such as prioritisation of different case types). Grant rates should not be read as a measure of the “generosity” of one system vs. another as this depends on the nature of the claims themselves. Some EU countries have a different approach to dealing with migration from the Balkans, including allowing migrants to apply for low-skilled work.

We have issued new guidance for caseworkers making clear that Albania is a safe country. Albania is listed as a ‘designated state’ in Section 94(4) of the Nationality, Immigration and Asylum Act 2002.

When refusing a protection and/or human rights claim from a person entitled to reside in Albania (or any other designated state), the Secretary of State must ‘certify’ the claim unless satisfied that the claim is not clearly unfounded. Any decision which is ‘certified’ will not have a right of appeal against the decision.

To speed up the removal of Albanians with no right to be in the UK, we changed our approach and secured a joint communique with Albania as outlined by the Prime Minister on 13 December 2022. The two governments continue to keep the impact of the agreed measures and their implementation under close review.

This deal will speed up the return of people with no right to be here by tackling the abuses of our system we’ve seen so far, including by:

- expediting claims from Albanians by using over 100 dedicated staff
- regularly updating and issuing new guidance for caseworkers making it clear Albania is a safe country

- working closely with and continually seeking assurances from Albania allowing us to return people with confidence that they will continue to provide the necessary protections for genuine modern slavery victims, in line with our international obligations.

In addition, the Illegal Migration Act changes the law so that people who come to the UK illegally will not be able to stay. Instead, they will be detained and then promptly removed, either to their home country or a safe third country. People who enter the UK illegally will not have access to our asylum system. The Act gives us the power to prevent people who come to the UK through illegal and unnecessary journeys from abusing modern slavery safeguards to block their removal.

2. While claims for political asylum should not normally be entertained, there are unquestionably cases of Albanian citizens being trafficked to the UK, from within Albania or from within other European countries, where appropriate safeguards must be in place before they are returned to Albania. (Paragraph 2)

In December 2022, the UK and Albanian Prime Ministers signed the Joint Communiqué to enhance bilateral cooperation between their two countries which ensured there would be appropriate support for victims of trafficking in Albania.

To ensure that both Albania and the UK continue to meet their international and bilateral obligations to support Victims of Trafficking, the UK commits to:

- support the relevant Albanian structures to bolster mechanisms used to refer victims for appropriate support and increase the existing Albanian Responsible Authority and National Referral Mechanism (NRM) capacity to reinforce processes and decision-making in line with ECAT.
- provide investment in additional protection services, taking into consideration the specific gender aspects of those migrating illegally to United Kingdom.
- provide support to Albania on investigating trafficking in accordance with the obligation under Article 4 ECHR.

The Albanian Government in return assures that it will continue to implement effectively the joint commitments in the framework of the Council of Europe Convention on Action against Trafficking in Human Beings (ECAT) and the European Convention on Human Rights (ECHR) with regard to the treatment of the returnees, the prevention and future identification of trafficking of victims, and taking into consideration the gender specifics of the returnees.

Examples of some of the work taking place in Albania to protect victims includes:

- The Albanian Ministry of Interior are leading the reform of the National Referral Mechanism and Responsible Authority.
- Funding of three primary service providers to provide comprehensive reintegration support to up to 240 individuals between Jan 2023 and March 2025. This includes identified victims of any gender or age, including returnees from overseas who wish to access support.

- Provision of web-based mental health and psychological counselling services to approximately 1000 individuals a year.
- Supporting Albania's capacity to investigate human trafficking.
- A feasibility study for an emergency multifunctional centre in the north of the country, which will include services available to male and female victims, including those returning from overseas.

The ongoing work in-country to tackle modern slavery and human trafficking and provide protection and reintegration services for victims and potential victims has now been reflected in the Country Policy and Information Guidance.

UK Asylum System

3. The Home Office should set out in its response to this report why up to 51% of asylum claims from Albania were given positive initial grounds decisions up to June 2022 and why that rate was much higher than rates in most comparable European countries. (Paragraph 18)

There are a number of reasons why a direct comparison cannot be undertaken with other European countries. As mentioned, the UK has specific country guidance case law that sets out the approach to consideration of Albanian claims. Other countries are not bound by this law.

Since June 2022 we have seen a decrease in the asylum grant rate for Albanians to 34% in the year ending March 2023.

The grant rate can be dependent on various factors such as (but not limited to) the objective situation at the date of decision, the type and range of supporting evidence submitted, the claimant's age and level of maturity, the material facts relating to the particular case, the claimant's overall credibility, who the actors of persecution are, whether or not internal relocation is a reasonable option, the levels of complexity (e.g. vulnerability or safeguarding needs, or a modern slavery claim).

Unlike most nationalities applying for asylum, Albanians have a high rate of withdrawals (84% of outcomes on Albanian claims in the year ending March 2023 were withdrawals, compared to 18% for all other nationalities combined). If withdrawn cases are taken into account, the grant rate at year ending March 2023 drops from 34% to 5% (compared to a reduction from 76% to 63% for other nationalities).

4. The Home Office should explain in its response to this Report why the asylum grant rate for Albanian women is so much higher than the grant rate for men. (Paragraph 20)

All asylum and human rights claims are carefully considered on their individual merits in accordance with our international obligations.

Each individual assessment is made by considering any relevant extant caselaw and the latest available country of origin information. This is based on evidence taken from a wide range of reliable sources, including reputable media outlets; local, national and international organisations, including human rights organisations; and information from the Foreign, Commonwealth and Development Office.

Our country policy and information notes (CPINs) are published on the gov.uk website. They are thematic, based on common claim types received in the UK and our general position on each claim type is set out within them. They are kept under constant review and updated periodically.

The Committee will appreciate there will be factors and specific vulnerabilities relating to claims from Albanian women which are not apparent in claims from Albanian men and which may increase their risk of persecution upon return, which is therefore reflected in the overall grant rate. The country guidance case law [TD and AD \(Trafficked women\) CG \[2016\] UKUT 92 \(IAC\)](#) sets out approach to consider claims in relation to Albanian female victims of trafficking. This outlines the risk of return and availability of sufficiency of protection and internal relocation in Albania.

We are continuing to work with relevant stakeholders and colleagues (including but not limited to the Modern Slavery Unit and the Illegal Migration Operational Command Centre in the Home Office, as well as FCDO, and the British Embassy in Tirana to ensure we are continuing to deliver modern slavery and human trafficking (MSHT) commitments as listed in the Joint Communiqué.

We are working with the Government of Albania to deliver the “New Perspectives” project in Kukës and to be extended to Dibra (Peshkopi) which aims to provide social and economic opportunities to vulnerable communities (both men and women) in the North of Albania, through activities such as training to increase the employability of people who lack skills, or connecting local businesses to finance institutions. The project adopts an inclusive approach to understanding and addressing key issues that influence the decisions of people and families to migrate illegally, and enhance their resilience to external pressures and empowers them to seize local economic and entrepreneurial opportunities. The project also addresses the corresponding social norms, communicates positively about opportunities, facilitates (young) people making informed life choices and promotes gender equality.

In addition, the communication strategy of the Modern Slavery Fund Albania programme aims to bring about behavioural change and address fundamental root causes that enable trafficking, such as gender inequality, misperceptions of masculinity, social norms around domestic servitude and exploitation of children, child marriage, etc. It also includes comprehensive support services provided to women and girls victims of trafficking to recover from their trauma and reintegrate back into society.

In collaborating in this way, we are ensuring we can regularly update relevant Country Policy and Information Notes (which provide information and guidance for asylum and human rights decision makers) to accurately reflect developments aimed at reducing risks posed to female victims of trafficking upon return.

Safe and legal routes

5. The long-term solution to migration from countries such as Albania where emigration is driven not by oppression or war but by absence of jobs and decent incomes lies in supporting such countries to become wealthier. There is no case for special treatment for Albania in provision of work visas: its citizens are as entitled as any others to apply for those available in the UK. There may, though, be a case for

promoting more actively in Albania and elsewhere the provision of short-term work visas in sectors in which the UK needs workers—seasonal agriculture or construction, for example—with the specific aim of enabling some transfer of wealth to countries from which asylum applications should not normally be countenanced but from which substantial numbers of people seek opportunities elsewhere. Such a policy might be an investment to reduce emigration in the longer term from comparatively poor countries that would in turn reduce pressure on asylum systems designed to cope with refugees rather than the economic migrants who will always seek to improve their circumstances. (Paragraph 38)

As the Committee recognises, we operate a global immigration system which does not determine where employers should recruit workers from and covers many economic sectors (including construction) as long as the various rules and requirements of the immigration system are met. We regularly engage with sector representatives to promote the opportunities within the Points Based System.

With regards to the Seasonal Worker route, which covers roles in seasonal agriculture and the poultry processing sectors, this route is not and has never been designed to act as a lever to reduce illegal migration. Nor do we believe it would operate effectively in this capacity. Our operation and experience of such routes has provided no evidence to suggest that such arrangements act as a means of curbing demand of those seeking to enter the UK illegally.

6. We invite the Government to respond to the idea of actively promoting in those countries that have qualified unemployed workers in particular sectors time-limited or short-term visas for seasonal work, such as fruit-picking, or in sectors in which the UK lacks workers, such as construction, as a means of dispersing earned wealth to those countries to aid their long-term economic development. (Paragraph 39)

Please see the response to point 5. It is not the purpose of the UK immigration system to facilitate the international disbursement of wealth.

7. The increase in the number and proportion of Albanian nationals arriving in the UK in small boats in 2022 was both sharp and unexpected. It is inevitable that it would attract comment from politicians and others as explanations were sought. That comment has, regrettably, seemed sometimes to single out Albania as a unique cause of asylum and migration problems that go far wider than a single country. The Government in particular should take care not to use language that may jeopardise the success of welcome recent agreements with the Government of Albania, including on co-operation over illegal migration and organised crime and on the return of irregular migrants and convicted criminals to Albania. (Paragraph 45)

We value the Albanian community in the UK and continue to welcome the many Albanians who travel to the UK legally and contribute significantly to British society.

The UK shares a strong and broad-based relationship with Albania, as a close NATO Ally and partner in the UN Security Council, central to ours and Europe's collective security and prosperity. We have experienced excellent operational collaboration with Albanian law enforcement, and we have a mutual readmissions agreement which has already seen over 1,000 Albanian foreign national offenders and others returned on regular scheduled flights.

We have established a joint communication working group with Government of Albania officials to ensure that our messaging is effective and achieves the right results within the targeted audiences.

Next steps

8. The Prime Minister told the House of Commons Liaison Committee in March that around 4,000 cases had been cleared in the three months since he pledged to clear the backlog outstanding at 28 June last year. We invite the Home Office to set out how it plans rapidly to increase that rate of decision-making if it is not to break the Prime Minister's promise to clear 92,601 cases by the end of 2023. (Paragraph 52)

The Prime Minister pledged to clear the backlog of the 92,601 initial asylum decisions relating to claims made before 28 June 2022 ("legacy claims") by the end of 2023. One way in which we will achieve that is via the Streamlined Asylum Process which is centred around accelerating the processing of manifestly well-founded asylum claims.

We are on track to clear the historic asylum backlog by the end of 2023. Provisional data indicates, at 30 July 2023, there were 136,779 cases in total (main applicants only) awaiting an initial decision and the legacy backlog has been reduced to 62,157 cases. The remaining 74,622 cases awaiting an initial decision were made on or after 28 June 2022 and are referred to as 'flow cases'. Please note, data for April to July 2023 is provisional and has not been cleansed to remove duplicates.

Since 23 February 2023, legacy claims from nationals of Afghanistan, Eritrea, Libya, Syria and Yemen area also considered through the Streamlined Asylum Process and on 8 June 2023, this was extended to include flow claims (those lodged on or after 28 June 2022), including claimants from Sudan.

Since April 2023, legacy children's claims from nationals of Afghanistan, Eritrea, Sudan, Syria and Vietnam have been considered through the Streamlined Asylum Process. This process for Accompanied and Unaccompanied Asylum-seeking Children will enable cases to be progressed more quickly and clear the backlog of outstanding initial asylum decisions.

In addition to the Streamlined Asylum Process, the remaining legacy backlog has been grouped into 'cohorts' based on volume of claims, grant rate, compliance rate and support rate. Iran and Iraq are the two highest volume cohorts within the legacy backlog. From 19 May 2023 onwards, legacy claimants from nationals of Iran and Iraq will be requested to complete a questionnaire in order to provide information ahead of an asylum interview. This will help to decide their asylum claims more efficiently.

We are driving further productivity improvements by simplifying and modernising our system. This includes: shorter, more focused interviews; removing unnecessary interviews; making guidance simpler and more accessible; dealing with cases more swiftly where they can be certified as manifestly unfounded; and recruiting extra decision makers. This will take our expected number of decision makers to 2,500 by September 2023.

There is currently work underway to redesign the training of Asylum decision makers. The focus of the project is to ensure that the right training is given at the right time. The expectation is that by moving to this model it will help decision makers become more

productive in a quicker timeframe as the training will be more focused on the type of cases they are going to work and the tasks they will need to undertake at that time. The current plan will see the initial training reduced from 9 to 2–3 weeks with further training given as the decision maker progresses.

9. We have focused on Albania because of its unexpected emergence as the source of most people trying to cross the English Channel on small boats and the subsequent interest in why that should have happened so suddenly and unpredictably. Albania is not the cause of the UK's current migration concerns. It should not be singled out as such or scapegoated for home-grown failure to process asylum applications quickly and to return to their own or other countries those who do not have a right to be in the UK. That said, the substantial number of Albanians arriving across the Channel last year unquestionably contributed to the overwhelming of the asylum system, and particularly to the overcrowding seen at Manston in October. A new focus on faster decision-making for Albanian and all other applicants is welcome, but we need clear evidence soon that the Home Office is getting a grip on a complex, expensive system. (Paragraph 55)

We have set out how we are aiming to increase asylum decision making and the Committee will recognise that many of the issues we have about returning people from the United Kingdom, including raising last-minute unsubstantiated claims and abusing the Modern Slavery system, are why we have passed the Illegal Migration Act.

But we are going further to implement the Prime Minister's 10 point immigration plan to tackle illegal migration and transform the end-to-end system, reducing its complexity and bringing down the cost to the taxpayer.

The Illegal Migration Act changes the law so that people who come to the UK illegally will not be able to stay. Instead, they will be detained and then promptly removed, either to their home country or a safe third country like Rwanda. People who enter the UK illegally will not have access to our asylum system, and they will never be able to make a life here. If they cannot be returned to their home country, their asylum claim will be considered by a safe third country, such as Rwanda.

We have committed to tackling illegal migration with its strategic plan to stop the boats. Before we launched our plan to stop the boats, the number of people entering the UK illegally in small boats had quadrupled in two years.

Since we launched our plan forced returns are up and the backlog is falling – although there is still more we can do. We are working across the migration system, end to end, to tackle illegal migration. We have:

- Provided significant investment of support for French counter migration operations, law enforcement personnel, facilities and technology (€540m over 3 years – 2023–25).
- Issued a joint communique on enhancing bilateral cooperation in areas of common interest, including security and migration.
- Established a new permanent Small Boats Operational Command with 700 new staff;

- Increased illegal working raids by over 50% and increasing arrests by 130% since last year;
- Doubled funding for the next two financial years for the Organised Immigration Crime (OIC) taskforce (Op Invigor) . The funding package includes:
 - increases in NCA investigative and intelligence resources on OIC
 - Establishing Joint Migration Task Force in Tirana
 - Establishing an Illegal Migration Online Centre
 - Providing Home Office Intelligence with £3m+ of specialist Open Source intelligence tools
- Made significant progress on moving migrants out of expensive hotels, introducing a migrant barge at Portland and making progress on large sites at Wethersfield and Scampton.

10. We recommend that the Government report progress on clearing the asylum backlog to us on a quarterly basis (30 September, 31 December, 30 March and 30 June). The progress reports should include data on:

- a) **the number of pending claims in the backlog (both that to 28 June 2022 and to the nearest available date) including average decision waiting times;**
- b) **how recruitment targets for new asylum decision makers are being met, including retention and attrition rates of current staff; and**
- c) **what progress is being made against targets to triple the number of weekly asylum decisions, including the number of decisions made each week.** (Paragraph 56)

The Home Office publishes data on asylum in the immigration System Statistics Quarterly Release' – available here: <https://www.gov.uk/government/collections/immigration-statistics-quarterly->.

See Annex A for release Data on the total initial decision backlog, legacy' initial decision backlog (relating to claims made before 28 June 2022).

Data up to the end of June 2023 is scheduled to be published on 24 August 2023, and data up to the end of September 2023 is scheduled to be published on 23 November 2023.

Information on future Home Office statistical release dates can be found in the https://www.gov.uk/search/research-and-statistics?keywords=immigration&content_store_document_type=upcoming_statistics&organisations%5B%5D=home-office&order=relevance'.

Official statistics published by the Home Office are kept under review in line with the Code of Practice for Statistics, taking into account a number of factors including user needs, as well as quality and availability of data.

The Home Office publishes data regarding the number of full time equivalent (FTE) asylum caseworkers employed in each month from 01 August 2019–01 July 2023. This provisional data can be found in the IMB_06 tab of the Statistics relating to the Illegal Migration Bill – <https://www.gov.uk/government/statistics/statistics-relating-to-the-illegal-migration-bill>.

Finalised data for April to June 2023 is due to be published on 24 August 2023 in the Migration Transparency release (Immigration and Protection table, Asy_05(M)).

The latest data on the attrition rate of decision makers are not routinely published but information has been provided to this Committee and the Public Accounts Committee in oral evidence.

The Home Office already commits to and routinely publish data on the number of initial decisions on asylum claims, however we do not intend to do this on a weekly basis. See Annex A for data on initial decisions for asylum applications.

Annex A – Data

Total initial decision backlog is published in table Asy_D03 of the 'asylum and resettlement detailed datasets asylum and resettlement detailed datasets' at: <https://www.gov.uk/government/statistical-data-sets/asylum-and-resettlement-datasets#asylum-applications-decisions-and-resettlement>.

Data on the 'legacy' initial decision backlog (relating to claims made before 28 June 2022) is published in table Asy_10 of the 'asylum and resettlement summary tables' at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1157139/asylum-summary-mar-2023-tables.ods.

Data on initial decisions for asylum applications is published in table Asy_D02 of the 'asylum and resettlement detailed datasets' and Asy_02a of the 'asylum and resettlement summary tables' which can be found at: <https://www.gov.uk/government/statistical-data-sets/asylum-and-resettlement-datasets#asylum-applications-decisions-and-resettlement>.

Data on the number of staff in the asylum system is published in the 'Immigration and Protection' data of the 'Migration transparency data' collection at: <https://www.gov.uk/government/collections/migration-transparency-data>.

The latest data relates to 01 March 2023. Provisional data up to July 2023 can be found in table IMB_06 of Statistics relating to the Illegal Migration Bill at: <https://www.gov.uk/government/statistics/statistics-relating-to-the-illegal-migration-bill>