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Introduction

1. The Illegal Migration Bill proposes radical changes to UK asylum policy. The UNHCR have stated that it amounts to an effective asylum ban and is in violation of the 1951 Refugee Convention. It is also, in its implementation, likely to engage rights under the European Convention on Human Rights, particularly Articles 3, 5, 8 and 13.
2. The Bill sets out a series of proposed measures to effectively end asylum processing in the UK in order to deter migrants from travelling through irregular routes to the UK. This is based on two key claims: first, it is asserted that most people seeking asylum who cross the Channel are not actually refugees, but ‘illegal immigrants’. Second, that removing the right to apply for asylum and threatening deportation to Rwanda or elsewhere will act as a deterrent, and will stop the boats. These claims are unsubstantiated and go against academic research evidence.
3. This document presents an overview of the extensive research demonstrating how and why deterrence policies are ineffective, and how such policies heighten the dangers faced by migrants. As such, three points must be considered:

a) *There is no evidence suggesting that most people travelling irregularly to the UK to claim asylum are ‘illegal immigrants.’*

b) *The role and strength of ‘deterrence effects’ determining where people journey to seek asylum should be questioned.*

c) *Tighter border controls do not deter people from dangerous routes. Research shows this increases deaths and human rights violations, channeling people towards more dangerous routes.*

Destination choice

4. Journeys that end with an application for asylum are usually protracted, complex, dangerous, and are interrupted and altered by a range of actors including smugglers, humanitarian actors, border guards, friends, employers (including in conditions of forced labour), human traffickers, and other contingent and unpredictable factors such as illness, injury, and access to resources. Academics who research asylum migration have produced a large body of work on the motivations, aspirations, and journeys of forced migrants globallyⁱ. It is therefore generally understood amongst refugee and

forced migration scholars that ‘forced’ and ‘voluntary’ migration sit at either end of a spectrumⁱⁱ, that few migrants fit neatly within either category, and that many move between categories at various points in their migration journeyⁱⁱⁱ. **Importantly, then, these are not simple journeys from one country to another, or based on reliable information about host country policies and living conditions.**

5. Research studies consistently find violent conflict to be the single biggest predictor of refugee migration. This is true of studies of single countries^{iv}, all European states^v and in all parts of the world^{vi}. This is why the recent increase in applications for asylum in the UK tracks the increase in nearby European countries: it is caused by displacement, not something special or particular about the asylum regime in a given destination country^{vii}. Data from UNHCR shows that, at the end of 2021, 72% of all forced displaced people were hosted in neighbouring countries and 83% were in low and middle income countries^{viii}.
6. In contrast to the claim that people seeking asylum today are less likely to be ‘genuine’ refugees than those in the past, studies demonstrate the link between refugee migration and persecution in data from the 1970s to the present day. The types of regime and violent conflict that cause refugee flight are well documented. Genocide, political violence, and civil war, especially civil wars that involve foreign military intervention and inter-state war account for the vast majority of refugee migration^{ix}. Persistent conflicts lasting many years create more refugees^x. These findings are buttressed further by qualitative research^{xi}.
7. The most up to date research concludes that factors that one would expect to attract economic migrants seeking to cheat the asylum system such as access to the labour market has little, if any, effect on variations in asylum applications^{xii}. Nor has research found a correlation between welfare provision and destination preference. Asylum applications are not higher in countries which spend a higher proportion of GDP on welfare support^{xiii}. Likewise, applications are not higher in countries that provide asylum seekers with a higher amount of welfare support^{xiv}. Nor are asylum applicants deterred when a country switches to making payments in vouchers rather than cash^{xv}. This goes against many common sense ideas and wider social expectations of how and why people move. Yet evidence on this is clear.
8. Qualitative studies are instructive in gaining a better understanding of the knowledge held by asylum seekers of UK public policy before they arrived. In all of these studies, including one conducted for the Home Office in 2002, asylum seekers have reported having no knowledge of UK specific asylum policy before arriving^{xvi}. Decisions about where and how to travel are reported to often be made ad hoc en route, usually based on information communicated by agents and smugglers^{xvii}.
9. Research in Australia, which has used deterrence messaging campaigns for some years has found that deterrence messaging does not reduce the number of asylum seekers^{xviii}. Analysis of global public information campaigns on the dangers of irregular routes shows that these have largely been ineffective. People are aware of

the dangers, but without viable alternatives they will still resort to travelling through these routes^{xix}.

10. If reception conditions in a particular country do not play a significant role in people's expressed preferences for migrating there to seek sanctuary, which factors are significant? Moving to a new country involves risk and uncertainty. Family members or friends who have already moved to a country can lower these risks by providing information and support. Because of this, so-called 'migration networks' are commonly believed to act as an important pull factor. Multiple statistical studies have found that asylum seekers are more likely to migrate to countries where there are other migrants from their country of origin^{xx}. In fact, no studies reviewed here have failed to find a relationship between refugee migration and the size of migrant populations. This, alongside delays in the French asylum system and police brutality in France, have been found to be key reasons that people who are living in the informal camps around Calais express a wish to travel to the UK ^{xxi}.

Border Controls and Deterrence

11. A small fraction of the global refugee population seek sanctuary in Europe (representing 0.6% of the population of the EU)^{xxii}. The decreasing number of applications for asylum in the UK since 2000 related to the increasing fortification of Europe, the French/British sea border, and measures to externalise British borders to overseas airports. Examples of this include paying foreign powers to quarantine refugees outside of Europe^{xxiii}, increasing border checks and border patrols^{xxiv}, criminalising those who help refugees^{xxv}, and introducing carrier sanctions. In short, the UK is now relatively difficult to get to from regions of displacement. There is no evidence to suggest that those who do manage to travel here are making illegitimate claims for protection.
12. Formal resettlement programmes represent a very small proportion of refugee reception globally. Of the 80 million displaced people globally at the end of 2019, 22,800 were resettled and only 3,560^{xxvi} were resettled to the UK. Therefore, there are many people in genuine need of refuge who have little alternative but to resort to other routes of travel to seek sanctuary. In fact, it is border controls that close down safe and legal routes for asylum, not 'criminal smuggling gangs' who create the conditions for more dangerous journeys. Excessive border controls that seek to prevent all movement of refugees, then, create the smugglers business model, rather than seek to tackle it.
13. While policies of interception and externalisation are often discussed by politicians in relation to humanitarianism and 'saving lives', there is significant body of research evidence showing that increasingly restrictive border controls actually lead to more migrant deaths and human rights violations, particularly as people are diverted to travel through even more dangerous routes^{xxvii}. Statistical analysis of migrant boat losses around the EU between 2006 and 2015, for example, finds a significant and positive correlation in the relationship between increased border enforcement

operations at sea and migrant deaths^{xxviii}. Similar findings have been made in other regional contexts and it is well established amongst expert researchers around the world that border controls are implicated in the production of violence and fatalities^{xxix}.

14. In an early example, the Clinton administration introduced significant investment in border enforcement measures in the US as part of a ‘prevention-through-deterrence’ policy in response to irregular migration across the US-Mexico border. Such policies, however, have failed to curb irregular immigration from Latin America^{xxx}. This policy instead led to a spatial redistribution of irregular entry attempts as people evaded areas with heightened border controls^{xxxi}. It also led to an increase in the use of professional people smugglers and in the fees charged by these smugglers as alternative and riskier routes were used, while this re-routing of migration journeys also led to a sharp increase in the number of people dying trying to gain entry into the US.
15. Despite the failure of the Australian deterrence systems, this example is often deployed to argue for deterrence policies in the UK. An evaluation of Australia’s ‘Pacific Solution’ (which used offshore detention of boat arrivals as a deterrence) by the Kaldor Centre last year found that the policy did not deter irregular maritime migration, it did not ‘stop the boats’ or ‘break the business model’ of people smuggling networks; it did not ‘save lives at sea’ or achieve any other humanitarian objective^{xxxii}. The policy came at enormous financial costs for Australian taxpayers, violated the fundamental rules of international law and human rights of migrants, was subject to numerous legal challenges and resulted in systemic cruelty. Similarly, the EU policy of placing people in overcrowded camps on Greek Islands had no effect on stopping others crossing the Mediterranean.
16. Research on the 2013 Israeli policy to deport asylum seekers to Rwanda (similar to current UK plans) found that when Israel started deporting asylum seekers to Rwanda their asylum application numbers were unaffected. The policy was devastating for the individuals involved, violated guaranteed human rights internationally recognized, and most of the people sent to Rwanda subsequently left and made their way to Europe^{xxxiii}.
17. In short, all the evidence suggests that the policy will not have a deterrent effect and will violate human rights that the UK government has recognised in different international law treaties. This may have significant geopolitical consequences, jepodising the UK's global standing and its ability to exert soft power.

Conclusion

18. Based on our expertise in the field of asylum and refugee research, it is our assessment that the Bill does not reflect what is known from a vast body of research on asylum journeys, asylum policy, deterrence policies and border controls in the UK or globally. We note that no evidence has been presented to support the proposed

plans. This is because there is no evidence that people who make applications for asylum in the UK are doing so disingenuously on any meaningful scale. There is no evidence that applicants have knowledge of the UK asylum system before travelling or that they will be deterred by the policies contained in the new proposals.

19. There is, however, a large body of evidence demonstrating that such policies:

- Induce people to make more dangerous journeys.
- Violate the human rights of people on the move.
- Create business opportunities for smugglers.
- Lead to greater loss of life in every incidence worldwide that they have been employed.

ⁱ For example, Nardone, M. and Correa-Velez, I., 2016. Unpredictability, invisibility and vulnerability: Unaccompanied asylum-seeking minors' journeys to Australia. *Journal of Refugee Studies*, 29(3), pp.295-314; Crawley, H. (2010). *Chance or Choice? Understanding why Asylum Seekers Come to the UK*, London: Refugee Council. Day, K. White, P. (2002) Choice or circumstance: The UK as the location of asylum applications by Bosnian and Somali refugees. *GeoJournal* 56(1): 15–26; Gilbert, A. Koser, K. (2006) Coming to the UK: what do asylum seekers know about the UK before arrival? *Journal of Ethnic and Migration Studies* 32(7): 1209-1225; Havinga, T. and A. Böcker (1999). Country of asylum by choice or by chance, *Journal of Ethnic and Migration Studies* 25(1): 43-61; Middleton, D. (2005). Why asylum seekers seek refuge in particular destination countries. *Global Migration Perspectives Working Paper 34*. Geneva, GCIM; Moore, W.H. Shellman, S.M. (2007), *Whither Will They Go? A Global Study of Refugees' Destinations, 1965–1995*, *International Studies Quarterly*, 51: 811–834; Neumayer, E. (2005) Bogus refugees? The determinants of asylum migration to western Europe, *International Studies Quarterly*, 49(3):389–409; Zimmermann, S. (2011) Reconsidering the Problem of 'Bogus' Refugees with 'Socio-economic Motivations' for Seeking Asylum, *Mobilities*, 6(3):335-352; Valenta, M. (2014) The Nexus of Asylum Seeker Migrations and Asylum Policy: Longitudinal Analysis of Migration Trends in Norway, *International Journal on Minority and Group Rights*, 21:371-394.

ⁱⁱ For example, see Marta Bivand Erdal & Ceri Oeppen (2018) Forced to leave? The discursive and analytical significance of describing migration as forced and voluntary, *Journal of Ethnic and Migration Studies*, 44:6, 981-998; Ottonelli V, Torresi T. When is Migration Voluntary? *International Migration Review*. 2013;47(4):783-813

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