

## Written evidence from David Goodhart [EPA0022]

David Goodhart is Head of Demography, Immigration and Integration at the think tank, Policy Exchange but is writing here in a personal capacity.

Thanks for inviting me to give evidence last week. I know less about the condition of asylum seekers once they are in the UK and more about the overall system, so that is where I have concentrated my comments.

First, a few observations arising from the discussion on Wednesday

1. Asylum Seekers and Work. I do not believe it was mentioned during the brief discussion of asylum seekers and the right to work but, as most of you will know, Priti Patel did recently announce that asylum seekers who have been waiting more than one year can now work in the social care sector. Newspaper reports say this will allow around 32,000 people to work in care homes. This seems a good idea and should perhaps be extended to other shortage sectors. Though the one year rule should not be relaxed. Anything shorter would be yet another pull factor.

2. Scotland. It was implied that Scotland was more generous in its treatment of asylum seekers/refugees. I don't know the details of social policy in Scotland and it may be that housing and Section 95 living allowances are somehow topped up over the border. But while Glasgow has the proud record of accepting more asylum seekers than any other city in the UK, Scotland as a whole does not have an especially good record in accepting asylum seekers. For ordinary asylum seekers (not including resettlement) it comes equal sixth with London out of 12 UK regions, the North East receives the most.

3. Returns Agreements. The chair said at one point that the Home Office is obviously attempting to negotiate returns agreements with relevant countries. Perhaps it is, but given how important removals are to a workable asylum system I am surprised that there is not more urgency in these negotiations. And given how important it has been for so long, how come we have so few such deals with the relevant countries? I think a deal has been reached with India but it is hard to tell whether it will make any difference as there are so few removals overall at present. Surely it should be an important issue as we negotiate trade deals with countries around the world, especially those that are the original home of many illegal entrants?

The case of Iraqi Kurdistan is especially interesting. Many of the people who died in the November channel tragedy were from there. But this is a relatively thriving and liberal part of the middle east as Sir John Jenkins (ex UK ambassador in Saudi Arabia) has written, and should not be losing many of its brightest people to emigration. And given what the UK has done since 1991 to support the Kurds in northern Iraq why don't we have a returns agreement with them? And what about Eritrea? Or Sudan? Should we not make aid dependent on a returns agreement?

4. Payment to Leave and the Illegal Immigration Problem. The issue of paying failed asylum seekers to return was not touched on, but given how difficult and expensive it is to return people against their will it is surely worth reviewing the relatively small sum of £2,000 that is offered to people as reintegration money. This could be substantially raised and still save the Home Office money. There is also a case for drawing on the development aid budget to support people who want, for example, to start a business in their country of origin. Such

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support could help reduce the stock of illegal immigrants living below the radar. That group, which most estimates put at around 1m people, is probably mainly failed asylum seekers. An analysis in 2016 found that 65 per cent of those refused asylum in 2004 were still living here. A concern for equality in the asylum system should surely encompass the vulnerability of those living in the twilight world of illegality and seek to keep that number as low as possible.

There is also a case for a quiet legalisation amnesty for certain groups of people, those with young children for example, who are never going to be deported. There used to be a rule that anyone who could prove they had been living here for 10 years could pay a small fine and apply for legalisation. That was then raised to 20 years. But given the widespread use of the right to family life provision of the Human Rights Act to prevent deportation, combined with nervousness about deporting the wrong people after the Windrush scandal, the vast majority of people living illegally are never going to leave. The case for bringing the amnesty period back down to 10 years is therefore very strong.

**AN ASYLUM QUID PRO QUO: STOP ILLEGAL ENTRY BUT BOOST RESETTLEMENT, SO CONTROLLING NUMBERS AND SELECTING THE MOST VULNERABLE.** (This note is adapted from a correspondence with Mike Adamson, head of the British section of the Red Cross.)

Asylum tends to be seen as a morality tale—the hard versus soft-hearted. Actually it's a wicked, insoluble, problem and will remain so while we retain a legal framework that has created an absolute entitlement that takes no account of numbers. For, thanks to the way that the concept of persecution has been stretched in recent decades, asylum could legitimately be enjoyed by hundreds of millions of people, many of whom are now potentially on the move to an extent unimaginable in the 1950s.

The legal obligation cannot be met because the number of people it potentially embraces is not compatible with a welfare state and a stable democracy. So, in practice, to keep the numbers at a manageable level it has to be made very difficult to get here to claim asylum and then somewhat uncomfortable after you arrive at least until you get a positive result (Section 95 support is pretty basic). We are condemned to hypocrisy and even a degree of brutality and this is the same story in most other European countries.

Without any practical way of creating safe and legal routes that would not be overwhelmed (see below), we have a permanent game of cat and mouse over illegal entry with a Darwinian outcome in which young men from relatively well-off families (at least those able to afford trafficker fees) from poor or oppressive countries (Iran, Iraq, Eritrea, Albania, Sudan) try to beat the blockade and, in effect, jump the queue. Self-selection of the fittest.

Most British people want neither open borders nor a wall around the country, but illegal entry undermines the fairness of the asylum system and a country's right to control its borders, and to protect itself against bad actors. (About one quarter of people involved in Islamist terror in the past 20 years have had an asylum background.)

The system currently is not at all draconian at least for those who do make it to our shores. Almost two-thirds of applicants are being accepted at first application (that may be a temporary aberration up from the normal one third, perhaps driven by a post-Windrush fear

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in the Home Office of taking any action that could generate a negative headline). And very few people are currently being deported (about 1,400 last year not including prisoners).

The asylum processing system is also damn slow with less than a quarter of applicants being dealt with in six months, down from 80 per cent in 2014. Why this is the case is a bit of a mystery. The job of an asylum case officer is a very demanding one and there has long been high churn, a step change in pay and status is overdue. There might be a post-Windrush reluctance to take a negative decision too quickly, and immigration lawyers are ever more skilled at gaming the system and incentivised to slow it down so family life claims can be made for people who are economic migrants. (More than half of all permissions to remain are now granted under human rights law and not asylum.) After the pandemic drop in applications in 2020 there has been a sharp increase in the past year and that has brought extra pressure on a system that seems to be designed for no more than about 20,000 a year.

People from all angles of the debate can agree that the system needs to be quicker both from a humanity and efficiency point of view. We should surely also all be able to agree on the necessity of a swift and efficient removal system. This is prevented partly because of the gaming of the law by immigration lawyers (especially using article 3 and article 8 of the Human Rights Act) but also by the lack of return agreements with key countries like Iran and Iraq. (Why we don't have one with Iraqi Kurdistan is a mystery, indeed why are people coming at all from there, one of the few bright spots in the middle east.)

The current bill probably won't make much difference to the channel boats. As Jonathan Thomas of the SMF pointed out to the Women and Equalities committee what is needed to break the flow across the channel is either an agreement with France (after the election in April) or something really draconian, Australia style, ie if you come on a boat, or some other illegal route, you will be removed somewhere else to have your claim processed or kept in some form of detention until your case is decided.

I think refugee-supporting organisations like the Red Cross should more publicly back an efficient system of removal for those not accepted for asylum, this would not only increase public support for a more generous system but also stop the growth of the stock of illegal immigrants living in a limbo world of fear and exploitation.

But the quid pro quo organisations like the Red Cross would reasonably demand is more safe and legal routes. This is where we need some constructive proposals. The proposal you most often hear from refugee organisations is humanitarian visas. But that is just a slogan, there is no workable version of them. British embassies cannot decide whether someone has a potentially good case for asylum and even if they could they would swiftly get overwhelmed. (They would get overwhelmed because everyone knows that once you set foot on British soil you have a 95% chance of staying, legally or not, and that for many people is worth the risk and cost of the journey. But if people without genuine claims were reliably removed that would whittle down the applicants to serious ones and some sort of humanitarian visa issued by an embassy or at a camp might become more feasible.)

People say those coming in boats are not jumping the queue because there currently is no queue! But there is one and it is called resettlement schemes (on which we top the European league). I think the main answer to the legal routes question is to turbo charge resettlement. Before the Women and Equalities committee last Wednesday I supported the Red Cross

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proposal of 10k a year under resettlement up from the current 2 to 3k a year. It would enable the UK Government or the UNHCR to select the most vulnerable from camps, mainly women and young children, as opposed to the young men who make up the majority of illegals. It also makes it easier to keep families together.

Perhaps it could even be proposed to the UNHCR that the UK will take one genuine refugee from among the millions in their camps, who we or they can select on the basis of need, and in return you will take one illegal entrant from us and process them in a camp somewhere. That would immediately cut the number of people coming here illegally to a trickle as 99 per cent are not in any immediate danger because they are coming from France or Belgium and they would not want to suddenly find themselves in a UNHCR camp in the middle of nowhere.

This idea is unlikely to find favour with the UNHCR but that is no reason not to propose it, it might well find favour with other European countries. A more modest version of it would be to apply it just to refugees from Syria and Afghanistan where there are established camps and resettlement schemes.

There may be other ways in which we could take in maybe 30k or 40k in a normal year in total through safe, legal routes, where we do the selecting. There are various forms of sponsorship that might be considered, Canada takes in about 10k a year in this way i think. Sponsorship has the advantage of weeding out bad actors (though we would need some oversight) and also makes any potential integration issues a lot easier.

A big new generous offer on resettlement would I think be politically possible but only if we sort out removals by cutting out the legal game-playing and getting more return agreements (these should be part of our post-Brexit trade deals). And we also need to stop the boats (and lorry drops) by, at least temporarily, removing the option of staying in the UK to be assessed, because that currently means you will never leave and therefore acts as a huge magnet to illegal entry.

(Any proposal to relocate people for processing claims might be further softened by a quiet legalisation amnesty for certain groups of people, those with young children for example, who are never going to be deported. As noted above, there was a rule that anyone who could prove they had been living here for 10 years could pay a small fine and apply for legalisation. In 2012 that was raised to 20 years. But given the widespread use of the right to family life provision of the Human Rights Act to prevent deportation the vast majority of people living illegally are never going to leave. The case for bringing the amnesty period back down to 10 years is therefore very strong.)

Here is a link to a report I co-wrote which covers some of these issues in more depth <https://policyexchange.org.uk/publication/the-border-audit/>

*January 2022*