



Recent change in the UK asylum grant rate

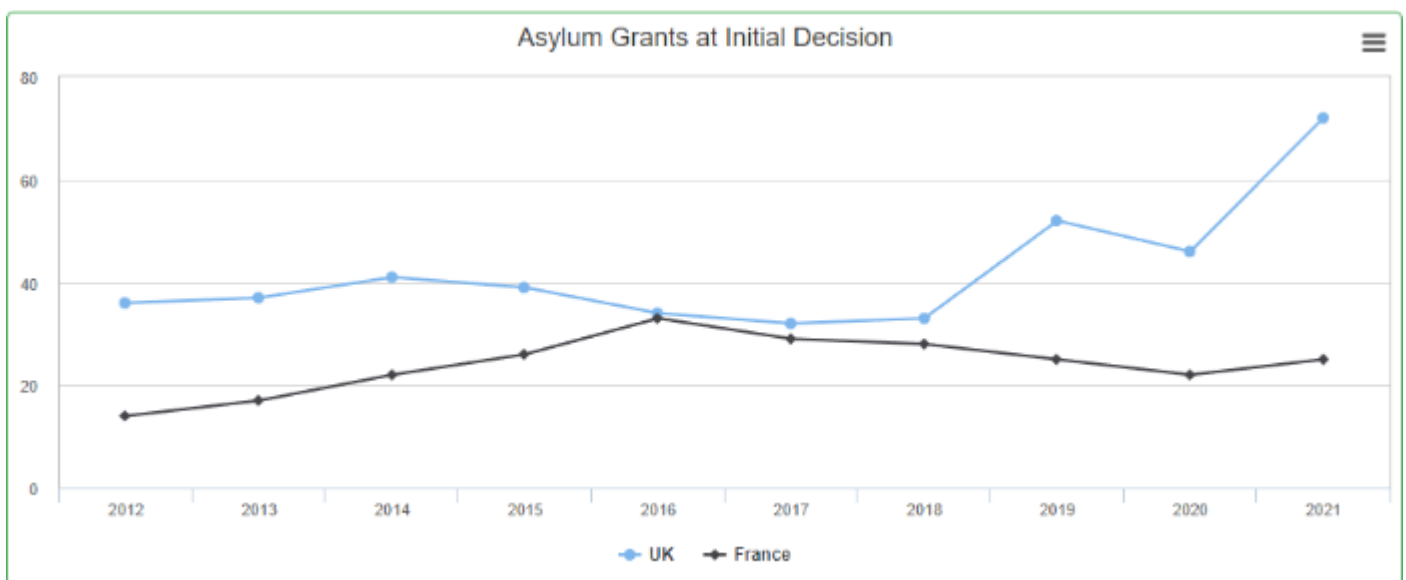
Asylum: MW 511

22 December 2022

Summary

1. The UK's asylum grant rate at the initial decision stage was nearly **three times** that of France (72% compared with 25%) in 2021, a year during which 28,500 people came to the UK from France in boats. The UK grant rate is now **a permissive outlier compared with most of Europe** and, by September 2022, had risen by more than 40 percentage points since 2016, when just a third of applications were approved at first instance. In contrast, France's grant rate fell from a third in 2016 to a quarter in 2021. The recent rise in the UK grant rate may be motivating a rising number of boat crossings from France. 94% of arrivals then claim asylum. A sensitive, internal Home Office study found that the decision to come here *'may reflect an unsuccessful asylum application in France'* and secondary movement from Europe -including from Greece and Germany – is an increasingly important factor. The Home Office research also noted that social networks and diaspora populations are likely to spur migrants to reach certain destinations. This suggests that if a claimant is rejected in one place, and another (adjacent) country has a higher grant rate then anecdotal information to this effect may spread via social / familial networks, helping to drive illegal immigration.

Figure 1: UK initial asylum / protection grant rate compared with France, 2012-2021. Sources: UK (Home Office asylum data), France (Eurostat).



More detail

2. There has been much speculation as to why the number of migrants travelling to the UK in small boats has increased significantly in recent years. A record 45,100 people have been recorded crossing the English Channel illegally in over 1,000 boats since the start of the year to 15 December 2022. This is 1.6 times the 2021's then-record total (of 28,501) and 151 times the number of people who crossed in 2018.

3. One reason for the rise in arrivals has clearly been the failure of the government to take early decisive action that would have deterred deadly crossings. This was noted by the former Independent Chief Inspector of Borders and Immigration in a damning report on the government's small boat response published in 2020.

4. However, a recently revealed sensitive, internal Home Office document has also admitted that *'secondary movement of those who have already applied for asylum elsewhere in Europe is an important aspect of the UK's asylum intake'*. It adds that, in terms of hits on the European Union's Eurodac fingerprint database showing prior asylum applications in other European countries, the UK ranked 5th only behind Germany, France, Italy and Greece. In 2019, for example, there were around 13,000 Eurodac hits for UK asylum applications linked to previous claims in other European countries. In 2019, UK applications linked to prior claims in Europe included 55% of Eritreans, 44% of Afghans, 38% of Sudanese nationals and 27% of Iraqis.

5. The report also suggests that a decision by small boat migrants to come here *'may reflect an unsuccessful asylum application in France'*. Of particular interest, in light of the fact that more than 11,000 Albanians have crossed by boat to the UK in the past year, the document says that France was *'the top destination country for Albanians'* between 2017 and 2020 (averaging 11,000 per year) despite having a relatively low grant rate (9%). The document adds that Albanians, as well as Sudanese and Afghan nationals (who also account for major small boat nationalities) *'apply for asylum in France in large numbers'*. This surely suggests Albanians are choosing to travel in boats to the UK after being rejected in France.

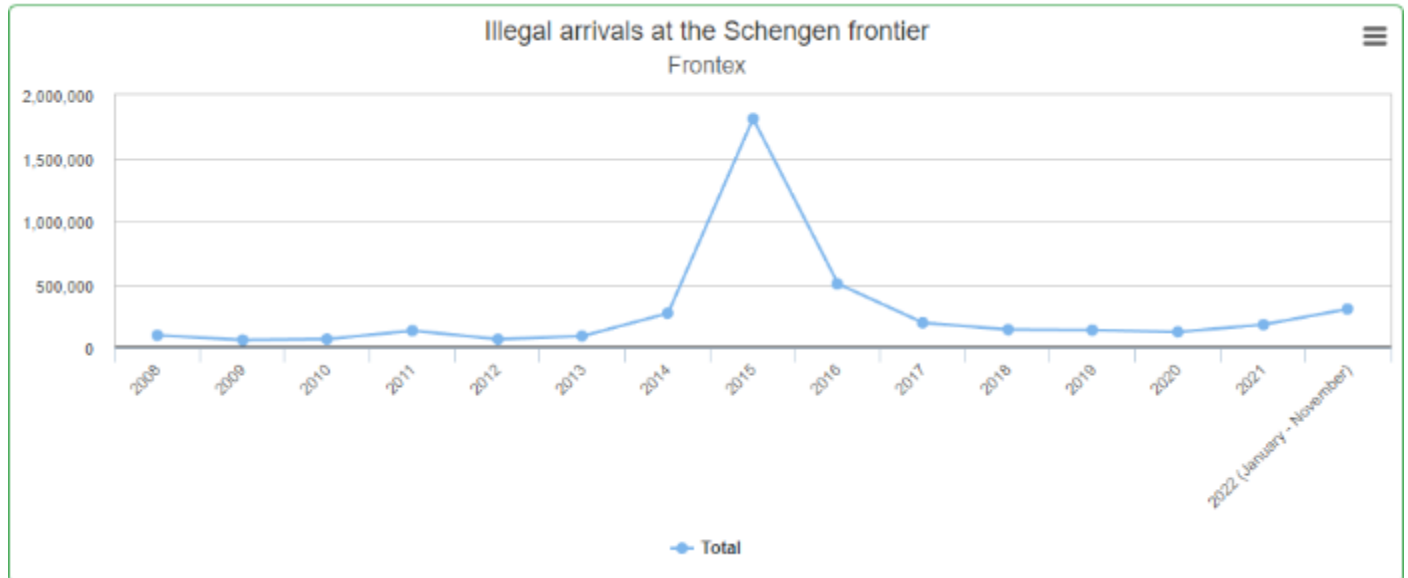
6. Finally, the document notes that *'Eurodac data suggests an important portion of Sudanese and Afghan applicants to the UK have previously applied for asylum in France: of the 2019 UK asylum intake, at least a quarter (24%) of Sudanese asylum applicants had previously applied in France as had at least 1 in 10 (9%) Afghan nationals'*

How many people have been recorded illegally entering Europe since 2008?

7. In 2016, Migration Watch UK said that the illegal migration crisis which engulfed the EU from 2014-15 onwards would lead to significant secondary movement to the UK should the UK remain part of the EU. Indeed, we suggested that large numbers of irregular migrants to Europe could subsequently arrive in the UK in the years following 2020 should we remain subject to free movement rules. Now, even despite the UK's departure of the EU and the end of free movement, it appears that major secondary movement is occurring. The government's own data suggests that 80,000 people have come here by boat or lorry since the end of the Brexit transition period.

8. Meanwhile, Frontex data suggest that more than four million people have been recorded entering the EU without permission since 2008. Such arrivals are now at a five-year high, with more than 300,000 such entries during the first 11 months of 2022 - 68% higher than in 2021 when the total was just over 180,000. However, this is much lower than in 2015 when more than a million people entered illegally, an event unprecedented in European history (see Figure 2 below).

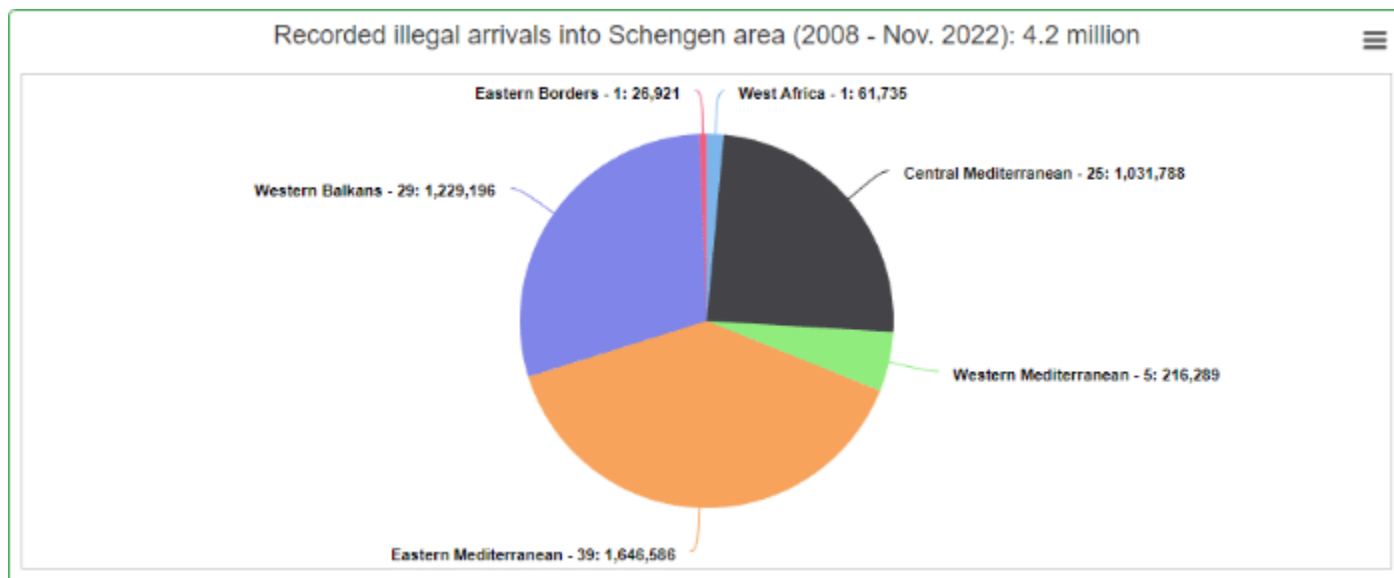
Figure 2: Illegal arrivals at the Schengen frontier (Source: Frontex).



9. The most heavily used route since 2018 has been in the Eastern Mediterranean, between Greece and Turkey. This route was particularly prominent in 2015/16. However, use of that route has fallen from 885,000 in 2015 to just 40,000 this year. In contrast, the most heavily used route in the past year has been the Western Balkan route, with migrants attempting to cross the southern common borders with Greece and Bulgaria before heading north and trying to exit the region largely at the northern common borders of Hungary, Romania, Croatia or with Serbia. 140,000 people have used the route in 2022.

10. The chart shows that, since 2008, the Eastern Mediterranean route represented 39% of arrivals, the Western Balkan route 29% of arrivals. Use of the Central Mediterranean route – between Libya and Italy - has also expanded in recent years, from 24,000 in 2017 to 94,000 in 2022. The latter figure included 50,800 people from Egypt, Tunisia and Bangladesh – all major sources of economic migration.

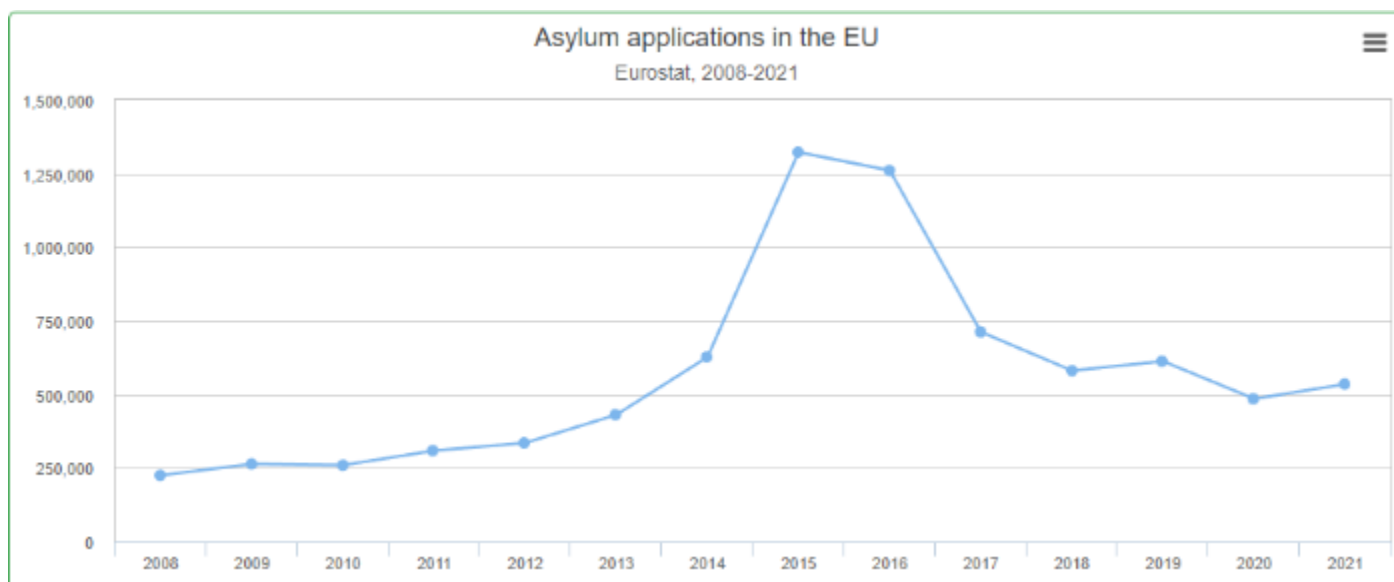
Figure 3: Use of different illegal routes into the EU, 2008 to 2022.



How many people have made asylum claims in Europe since 2008?

11. Eight million people have made asylum applications in the EU since 2008. This compares with around 4 million recorded illegal arrivals. One reason why the asylum figure is so much higher than recorded illegal arrivals is that a number of arrivals may go undetected, while many people also claim asylum after coming to Europe via legal routes e.g. on work or study visas, or Albanians on visa-free travel etc.

Figure 4: Asylum applications in the EU, Eurostat, 2008-2021.



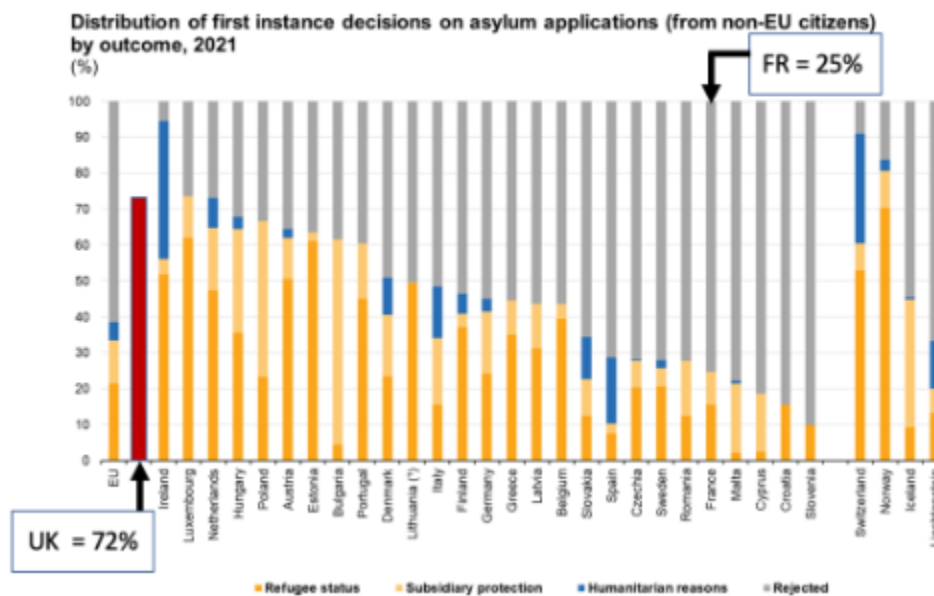
12. The EU+ recognition rate (for initial applications) was 37% in September 2022, compared with 77% in the UK. Recognition rates at the EU level were especially high for Ukrainians, Syrians, Yemenis, Eritreans, Belarusians and Malians. This compared with 77% in the UK in the year to September 2022.

Onward movement to the UK by illegal migrants in the EU

13. Nearly three million asylum applications have been rejected in the EU since 2012. One factor is the scale of illegal economic immigration which the continent is facing. It was Ylva Johansson, the EU home affairs commissioner, who said: *“The huge majority applying for asylum are not refugees”*. She echoed Frans Timmermans, a vice-president of the European Commission, who said something similar in 2016. A portion of those rejected will have made the onward journey to the UK, with those rejected in France now likely forming a significant share of these. The increase in travel by Albanians to the UK (who claim asylum in France in large numbers according to the government) suggests this is a growing phenomenon. In contrast Home Office data shows that those who previously applied in Germany and Greece accounted for thousands of those subsequently claiming asylum here in 2018/19.

14. The UK’s grant rate of 72% in 2021 at the initial stage was one of the highest in Europe. Meanwhile, France’s was fifth lowest. Why has the UK rate risen so much recently? The government has said that the grant rate *‘increased following changes in the Asylum system service standards. This has led to changes in the way cases are prioritised to help reduce support costs. As a result, more decisions are being made on cases with a higher chance of success.’*

Figure 5: Distribution of first-instance asylum decisions (from non-EU citizens) by outcome, 2021. Source: Migration Watch UK adaptation of Eurostat graphic



British and French asylum decisions compared

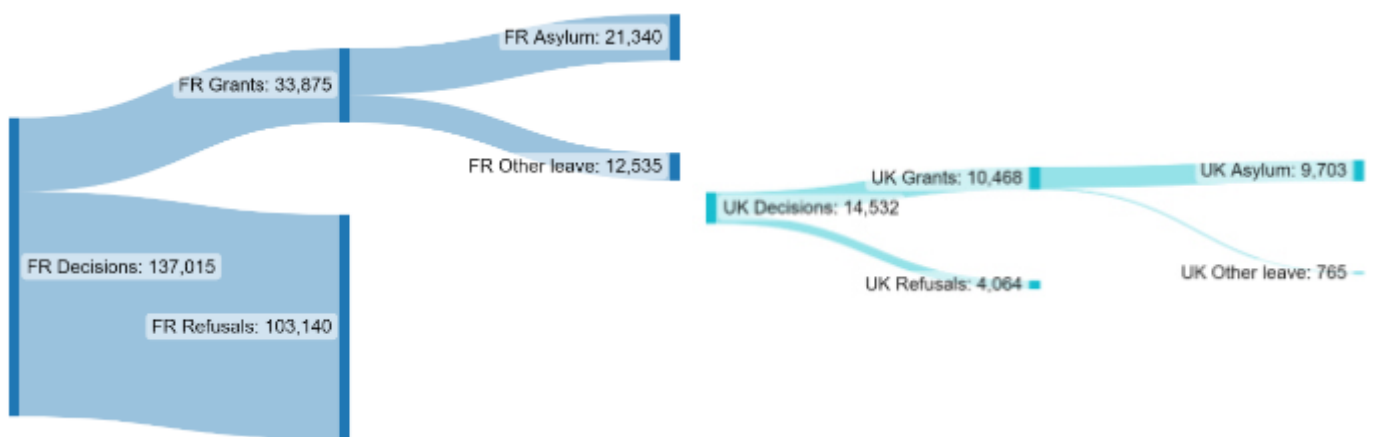
15. A country's acceptance rate for asylum claims depends upon how it interprets and implements the wording of the Refugee Convention. France interprets it more stringently than the UK as, for instance, does Japan, which takes less than 100 refugees per year (but both are signed up to the Convention). Of around

three million rejections in the EU between 2012 and 2021, 1.9 million were in just France, Germany and Greece (the three top countries of prior residence for those subsequently coming to the UK). It is unknown how many rejected asylum claimants in these countries have subsequently travelled to the UK but they are likely to form a large portion of the 84,000 who have come in boats since January 2018.

16. In 2021, France received 120,685 asylum applications, of which 103,790 were applying for the first time. In the same time, France made a total of 137,015 decisions on outstanding asylum applications. As detailed below, of those 137,015 decisions, 33,875 ended in grants of asylum or some other form of leave. This equates to 24 per cent being granted asylum and 76 per cent being refused at initial decision.

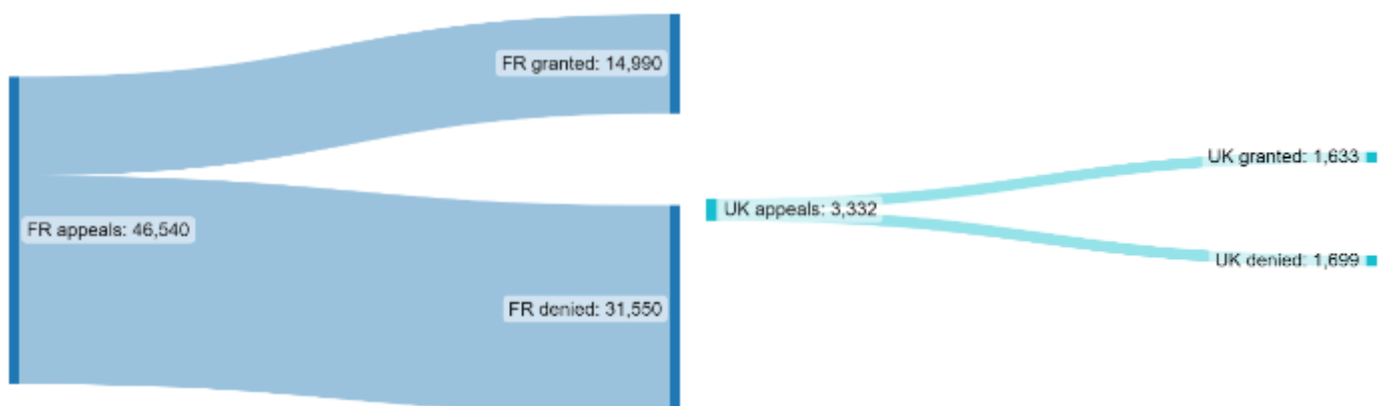
17. In contrast, of the 14,532 asylum applications processed in the UK in the same year, 10,468 of them were granted asylum or another form of leave. In contrast to France, this equates to 72 per cent being granted asylum and 28 per cent being refused.

Figure 6: Initial asylum decisions compared in France and UK, 2021



18. Taking the total appeals decisions from 2021, in France of 46,540 appeals, 14,990 resulted in a grant of asylum or other leave equating to 32 per cent of the total. In the UK, of 3,332 appeals made (excluding 564 withdrawn appeals), 1,633 resulted in a grant of asylum or other leave, equating to 49 per cent.

Figure 7: Asylum appeal outcomes compared in France and UK (excluding withdrawn appeals), 2021



19. It may be that the most recent data from the UK is unreliable thanks to a backlog of well over 100,000 applications. With that in mind, in 2019, 52 per cent of applications were approved alongside 44 per cent of appeals. In that year, 25 per cent of applications were initially approved in France alongside 21 per cent of appeals.

Table 1: Grants at initial and appeal stage, UK and France.

	Initial grant rate 2019	Appeal grant rate 2019	Grant rate 2021	Appeal grant 2021
UK	52	44	72	49
France	25	21	24	32

20. Despite these differences between 2019 and 2021 grant rates, it is clear that a far greater proportion of asylum claims are being approved in the United Kingdom. This begs the question, why are two countries, both signatories to the 1951 Refugee Convention, accepting such significantly divergent proportions of those applying for asylum in their countries?

21. Is it the case that, rather than the UK being particularly lenient, that France is instead especially strict? Such a suggestion is easily rebutted. The grant rate in Germany in 2021 was 45 per cent, in Italy 42 per cent and in Spain and Sweden it was 29 per cent. Regardless of minor differences that may be symptoms of the UK backlog, the country still approves far more asylum claims than many other countries.

How do the UK and French asylum systems differ?

22. There are a few clear differences between the asylum systems in France and the UK, some relatively minor and others more pronounced. The process by which asylum interview recordings are handled differ significantly. In the UK, recordings are provided as soon as possible. In contrast, in France audio recordings generally are not provided until a claim is rejected and an appeal lodged, and even then can only be listened to in a specific government office in Fontenay-Sous-Blois. While minor might on the face of it, this means asylum seekers cannot check their wording in the interview which could later make the difference between a grant or a rejection.

23. In the UK, it is the applicant who has the burden of establishing the veracity of his/her claim and the accuracy of the facts on which the refugee claim is based. The burden of proving the asylum claim lies on the person seeking asylum, but the standard of proof is relatively low. The Home Office is meant to assess whether there is a **“reasonable degree of likelihood”** the person seeking asylum is telling the truth, also described as a “real possibility” or “real risk”. ‘Reasonable degree of likelihood’ is less than the civil standard of ‘the balance of probabilities’ (i.e. ‘more likely than not’).’ Indeed, as the government admitted in 2021, ‘under current case law the standard to which a claim must be assessed is low’.

24. The Nationality and Borders Act 2022 raises the standard of proof for which an asylum seeker must satisfy for certain elements of the test of whether they face a ‘well founded fear of persecution’ in their place of origin. However, only the first part of the new 2-limb test (the characteristic test) is assessed to the higher balance of probabilities standard, while the vital second stage (the likelihood of persecution element) is still assessed to the lower ‘reasonable degree of likelihood’ standard.

25. Decision-makers are required to take into account a claimant's conduct when applying the benefit of the doubt to unsubstantiated material facts. However, lying is common in asylum applications and Home Office staff are even told that, if an applicant tells untruths, it does not mean that their claim for protection should be rejected. As Home Office asylum guidance has stated: "A claimant's testimony may include lies or exaggerations for a variety of reasons, **not all of which need reflect adversely on other areas.. Falsehoods... do not mean that everything the claimant has said must be dismissed as unreliable.**"

26. In contrast, the French Office for the Protection of refugees and stateless persons (Ofpra) and the National Court of Asylum (CNDA - the specialised administrative court handling appeals on asylum decisions) interpret the Geneva Convention more restrictively than the UK. A 2018 bill in France shortened asylum application deadlines - shortening the time asylum seekers have to submit an application after entering France from 120 to 90 days, and made changes to speed up the processing of claims.

27. This more rigorous fast-track procedure expedites claims by asylum seekers under a number of certain other conditions which are listed below:

- Automatic fast-tracking if the asylum seeker originates from a safe country or a prior application is not inadmissible (having, for example, withdrawn a claim in the past).
- Refusal to be fingerprinted
- The presentation of false identity documents
- Not having made a claim within 90 days of entering France
- Made a claim in order to prevent or obstruct a removal order
- The claimant presents serious threat to public order, safety or national security.

28. The UK did have a Detained Fast Track procedure whereby it was decided the claim could be decided quickly, but this has been suspended since 2015. Although the Nationality and Borders Act does provide for an expedited detailed appeals procedure, the present UK fast-track arrangements do not compare with France's in their effectiveness at dealing with bogus claims.

29. There are also Non-Suspensive Appeals in the UK, whereby, the appellant can be returned to their country while an appeal takes place. This can happen when the claim is clearly unfounded, or their home country is considered safe. Generally speaking, however, very few UK claims are non-suspensive. In contrast, in France appeals that have resulted from an inadmissibility decision (such as making their claim after 90 days in-country) or ones made from detention are not suspensive and mean the appellant can be issued an expulsion order immediately with the appeal decision continuing despite their potential deportation.

30. The advantage of this accelerated procedure is that it allows French authorities to expedite cases that are likely to be unfounded and expel those with no right to refuge much more quickly than would otherwise be the case. This makes France a less appealing destination for those who would try to gain refuge illegitimately as their expulsion is likely to happen sooner. It also means that taxpayers' money is not being spent on those with frivolous applications any longer than necessary.

31. Furthermore, the 90 day window in France, mentioned at paragraph 26 and 27 above, has the dual effect of encouraging claims to be made quickly while ensuring any who apply for asylum after that period are penalised for failing to do so.

Asylum handouts

32. The UK is presently spending more than £2 billion per year on asylum support including accommodation in more than 400 hotels, some of which are four-star establishments. The UK and France offer seemingly similar packages of support to asylum seekers who are awaiting the processing of their claim, although there are distinct differences. However, those on section 95 support (the main form of UK support for pending and failed claimants with children) are given cash cards (called ASPEN cards) with which to withdraw money (about £40 per week per person). The most recently available information shows that the number of Aspen Cards in use in the UK had risen from 23,800 in Q2 2017 to 41,274 in Q1 2021. However, the rules regarding cash withdrawals by people awaiting an asylum decision are also stricter in France - claimants in France also get about £40 per week to support themselves (as here) but cannot withdraw it as cash as people can here using Aspen Cards.

33. The UK government also suggested that the differential rates by which the UK and France provide accommodation to asylum seekers may be one of the root causes of people choosing to leave the safe country of France and cross the Channel to claim asylum here. In the sensitive internal document referred to above, the Home Office noted that only 52% of eligible asylum seekers were accommodated in housing at the end of 2019: *“Many asylum seekers are forced to live in informal makeshift camps in the absence of access to official accommodation.”*

Dublin Regulation

34. Being a member of the European Union and a signatory to the Dublin Regulation, France has the right to transfer asylum seekers to the EU member state found responsible for relevant asylum seekers. Although occasional landings by boat have been made in France, these are rare (compared with Italy and Greece). This may contribute to the fact that France typically is a net transferer of asylum seekers under the Dublin Regulation.

35. In 2021, for instance, of the 4,157 total inbound and outbound transfers to/from France, 75 per cent of them were outbound. It is common to blame absence from the Dublin Regulation since leaving the European Union for the UK's failure to return rejected asylum seekers and illegal immigrants. However, as data shows, the UK's use of the Dublin Regulation to remove asylum claimants to the first country of entry was never as effective as France's. In the latter years of Britain's EU membership, the UK generally accepted more transfers inwards than it sent outwards.

Conclusion

36. France has one of the lowest asylum grant rates amongst EU member states while the UK has one of the highest grant rates in Europe. France's rate at the initial decision stage has fallen since 2016 while the UK's has risen significantly. The latter now stands at 77%, with the final grant rate after appeal being even higher.

37. Given the growing pressure of secondary migration by asylum seekers in Europe, including 2.9 million people asylum rejects in EU countries since 2012 (not including the UK) – of which there have been 680,000 in France since 2012 - ***there is a strong likelihood that the significant recent increase in asylum grant rates in the UK has added to the powerful magnetising effect of UK asylum and enforcement chaos, drawing more and more people across the English Channel.*** This factor may have boosted the likelihood of migrants being enticed to take dangerous and indeed deadly dinghy voyages, in the process paying criminal smugglers, risking the lives of children and breaking UK laws to get here. In the midst of overwhelmed services and an increasingly costly asylum system that is riddled with backlogs and abuse, the UK government must urgently address this worsening problem by toughening up UK asylum procedures to restore common sense and root out and deter more bogus claims, and align our rules more closely with the European norm.

22 December 2022

Notes

1. Home Office, 'International asylum comparisons report', September 2020, URL: <https://freemovement.org.uk/wp-content/uploads/2022/11/Annex-A-Sovereign-Borders-International-Asylum-Comparisons-Report-Section-1-Drivers-and-impact-on-asylum-migration-journeys.pdf>
2. Home Office, Asylum Outcome Analysis, September 2022, URL: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1098062/outcome-analysis-asylum-applications-datasets-jun-2022.xlsx
3. Eurostat, 2012-2021. URL: https://ec.europa.eu/eurostat/databrowser/view/migr_asydcfsta/default/table?lang=en
4. Migration Watch UK, Channel Tracking Station, URL: <https://www.migrationwatchuk.org/news/2020/05/11/arrivals-via-deadly-and-illegal-channel-crossing-from-safe-countries>
5. Independent Chief Inspector of Borders and Immigration, 'An inspection of the Home Office's response to in-country clandestine arrivals ('lorry drops') and to irregular migrants arriving via 'small boats', 2020, URL: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/933953/An_inspection_of_the_Home_Office_s_response_to_in-country_clandestine_arrivals_lorry_drops_and_to_irregular_migrants_arriving_via_small_boats_.pdf Also see our summary of the report here: <https://www.migrationwatchuk.org/news/2020/12/10/the-type-of-report-after-which-heads-should-roll>
6. Home Office, 'International asylum comparisons', 2020.
7. Home Office, 'International asylum comparisons', 2020.
8. Home Office, 'International asylum comparisons', 2020.
9. Migration Watch UK, 'The Refugee and Migrant Crisis in the EU – The Potential Implications for the UK', May 2016, URL: <https://www.migrationwatchuk.org/briefing-paper/382>
10. Data taken from Home Office, Irregular Migration in year to September 2022, in combination with Migration Watch UK Channel Tracker. URL: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1117119/irregular-migration-to-the-UK-data-tables-year-ending-september-2022.ods
11. Frontex data compiled from 'migratory map' and associated spreadsheet, URL: <https://frontex.europa.eu/we-know/migratory-map/>
12. European Union Agency for Asylum, September 2022, URL: <https://euaa.europa.eu/latest-asylum-trends-asylum>
13. Home Office asylum data, year to September 2022.
14. Home Office, 'International asylum comparisons', 2020.
15. Eurostat, URL: [https://ec.europa.eu/eurostat/statistics-explained/index.php?title=File:F8_n_Distribution_of_first_instance_decisions_on_asylum_applications_\(from_non-EU_citizens\)_by_outcome,_2021_\(%25\).png](https://ec.europa.eu/eurostat/statistics-explained/index.php?title=File:F8_n_Distribution_of_first_instance_decisions_on_asylum_applications_(from_non-EU_citizens)_by_outcome,_2021_(%25).png)
16. Japan granted refugee status to a record 74 individuals in 2021, nearly half of whom had fled the military coup in Myanmar that year. <https://www.asahi.com/ajw/articles/14621141> In contrast, the UK offered protection, in the form of asylum, humanitarian protection, alternative forms of leave and resettlement, to 14,734 people (including dependants) in 2021, in addition to providing a direct immigration route to around 90,000 refugees fleeing Hong Kong and Afghanistan.
17. Eurostat, 2012-2021. URL: https://ec.europa.eu/eurostat/databrowser/view/migr_asydcfsta/default/table?lang=en
18. Home Office guidance on testing asylum credibility, p. 2011, URL: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/397778/ASSESSING_CREDIBILITY_AND_REFUGEE_STATUS_V9_0.pdf
19. The relevant provision is at s.32 of the new legislation - Article 1(A)(2): well-founded fear.
20. Nationality and Borders Bill Explanatory Note, p.41. URL: <https://publications.parliament.uk/pa/bills/cbill/58-02/0141/en/210141en.pdf>
21. There is a general requirement under section 8(1) of the Asylum and Immigration (Treatment of Claimants etc) Act 2004 (as specified in Paragraph 339N of the Immigration Rules) to take into account as damaging to the claimant's credibility any behaviour that appears to have been intended to conceal information, mislead, or to obstruct the resolution of the claim. That applies to immigration-related conduct on the part of the claimant prior to making the asylum claim as well as during it. A person's 'general credibility' is considered to be potentially damaged by behaviour that falls within the scope of s.8.
22. BBC News report, April 2018, URL: <https://www.bbc.co.uk/news/world-europe-43860880>
23. Home Office, 'International asylum comparisons', 2020.
24. Statistics on countries responsible for asylum applications (Dublin Regulation) - Statistics Explained (europa.eu)
25. MW444 : Transfers of asylum seekers from the UK under the Dublin system | Migration Watch UK