



SAFE PASSAGE



ROUTES TO SAFETY:
A NEW APPROACH TO PEOPLE
CROSSING THE CHANNEL

FOREWORD

by Lord Alf Dubs



Aged six, I fled Nazi-occupied Czechoslovakia so I have some understanding of the difficulties many of the children and young people helped by Safe Passage International face, and I feel a bond with them. Whether they are children fleeing torture in Iran, enforced conscription in Afghanistan and Eritrea, or war in Syria and Sudan, like them, I know all too well the importance of a safe route from danger.

This summer we again witnessed the devastating and preventable deaths of refugees crossing the English Channel, in a desperate effort to reach safety and family in the UK. In response, this Government has implemented a draconian set of new laws that seek to deny refugees their rights to have their asylum claims heard, in contravention of international law.

The boats will not be prevented by denying refugees their rights. I share Safe Passage's assessment of the problems outlined in this

report – in my experience people will stop at nothing to reach safety and to hug a loved one, even if that means taking a dangerous journey. The Government claims that refugees should use “legal routes”, but these simply do not exist. Resettlement programmes are stalling, the Dubs scheme was scrapped, the UK has withdrawn from the European Union's Dublin III and the Afghanistan schemes are broken. Family reunion is so restrictive that children wait months after applying whilst separated from their families, living destitute, alone and in danger.

Safe routes are the best way to eradicate people smuggling and save lives. Refugees, including children and families, now have no other choice but to risk their lives to reach sanctuary in the UK, a situation which fuels the activities of people smugglers and traffickers. Unless we provide new safe routes and improve the existing ones, we will not stop the traffickers, indeed, we will only encourage them.

I sincerely endorse this report and its bold call for a new compassionate and practical approach to Channel crossings. Instead of offering unworkable gimmicks, many of which contravene the UK's international humanitarian obligations, the Government must show leadership and a genuine willingness to cooperate with its partners in Europe and beyond.



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To find out more about Safe Passage, please visit www.safepassage.org.uk or contact info@safepassage.org.uk.

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ABOUT US

At Safe Passage International, we champion the rights of refugees and displaced people as they flee persecution, using the law to help them access a safe route to a place of safety. We also campaign alongside refugees to champion refugees' right to safe passage through strategic legal work, advocacy, capacity building and community organising.

Our campaigns are built on the experiences of those that have sought sanctuary, with the Safe Passage Young Leaders at the heart of our campaigning. As a group of young people from refugee backgrounds, the Young Leaders are experts by experience on issues and policies that affect young people seeking safety. They meet most weeks to share their ideas and suggestions, which those in power need to take seriously, and they care passionately about creating safe routes for young people like them.

Our beginnings as a charity centred around a group of volunteers who travelled to Calais, only to find that hundreds of desperate children with family in the UK had a legal right to family reunion that had never been used. Four years later and after much legal work and campaigning, we established into an independent organisation with our own in-house legal team. In 2022 alone, we represented 310 children and families in their family reunion claims and 32 family members were safely reunited.

Now we are the leading family reunion charity assisting unaccompanied child refugees in Europe, with legal teams in the UK, Greece

and France. We provide legal advice and support to refugee children across Europe and beyond, who are looking to access family reunion under the UK's Immigration Rules.

We also have specific projects helping those fleeing Afghanistan and Ukraine:

- Afghan Pro Bono Initiative (APBI), offers pro bono legal advice and representation to Afghan refugees in partnership with Refugee Legal Support and 14 commercial law firms. We help Afghan families reunite, offer support to people trying to access the Afghan Relocation and Assistance Policy (ARAP) scheme and provide information on the Afghan Citizens Resettlement Scheme (ACRS).
- Alliance Française Pro Bono pour les Afghans (AFPBA) launched in February 2022 in France. Volunteer lawyers from commercial law firms are trained and supervised by expert lawyers at Safe Passage to work on humanitarian visa and family reunification applications for Afghan individuals and families seeking a safe route to France.
- The Safe Passage Ukraine response team provides free legal advice to people escaping war in Ukraine and wishing to come to the UK. In collaboration with nine leading law firms, we work in Warsaw to support anyone who needs information and personalised legal advice on the UK's Homes for Ukraine scheme and Ukraine Family Scheme.



SAFE PASSAGE AND WHY IT'S NEEDED

Most of us believe that if we were forced to flee our homes because of persecution or conflict, we should be able to seek asylum safely – to obtain safe passage.¹ Today, however, the vast majority of refugees are forced to make a dangerous journey to reach a place of safety and loved ones. Over 54,000 deaths and disappearances have been recorded worldwide on migration routes since 2014² and two years ago, 27 people, including a pregnant woman and 3 children, horrifically drowned in the Channel as they attempted to reach the UK.

The fundamental right to cross borders to exercise the right to seek asylum was enshrined into international law in the wake of the Holocaust.³ The 1951 Refugee Convention was a promise by nations that 'never again' would they deny persecuted men, women and children refuge, because they lacked the right paperwork, to face near certain death.⁴ This was a seismic change; earlier refugee schemes and bilateral instruments applied only to limited categories of asylum seekers in specific circumstances, such as children. Thanks to the Convention, refugee protection was no longer reliant on the goodwill of governments towards small numbers of people from defined groups, whilst others had to languish in persecution or terror.

It is clear that the Convention did not envisage that every refugee would stop in the first safe country they reached, otherwise island nations such as Britain – a founding drafter and signatory - would likely never be called upon to offer sanctuary to

refugees. However, it is silent on how people can exercise their right safely when crossing borders – in it there is no mention of a 'refugee visa'. And so, in practice, the provision of safe passage for refugees has fallen largely to individual nations, often motivated in response to specific humanitarian crises, such as in Ukraine today.

There has never been a joined-up and comprehensive international approach to ensure that the legal right to apply for asylum can be accessed safely. Just 0.3% of refugees globally were resettled in 2022.⁵ And with refugees forced to travel irregularly, smugglers and traffickers have responded to the business opportunity and monopolised routes to sanctuary for people seeking asylum.

Our organisation, Safe Passage International, began its work with unaccompanied children in Calais in 2015 when over 1 million refugees fled into Europe. The lack of safe routes then forced many to take deadly journeys across the Mediterranean, and subsequently across the Channel by lorry, to reach loved ones, or members of their community and seek asylum. We routinely met children injured by attempting to board moving lorries, those affected by sexual exploitation and debt bondage. Devastatingly some children we met died. However, when safe routes were made to work, we also saw that they could make a dramatic difference to refugees' personal safety and choices.

¹ 75% of people agree 'People should be able to take refuge in other countries, including in Britain, to escape from war or persecution' according to the Ipsos Immigration Attitudes Tracker

² International Organisation for Migration, Missing Migrants Project: <https://missingmigrants.iom.int/>

³ Enshrined in the 1948 Universal Declaration of Human Rights - Article 14 states: Everyone has the right to seek and to enjoy in other countries asylum from persecution.

⁴ Although originally limited in scope to people fleeing events occurring before 1 January 1951 within Europe, the 1967 Protocol removed these limitations to give the Convention universal application.

⁵ UNHCR - Refugee Statistics <https://www.unhcr.org/global-trends>

Any Government serious about putting criminal gangs out of business and ending the tragic loss of life and exploitation that accompanies these dangerous journeys, must radically re-think the current cruel and failed approach.

The European Union (EU) Dublin III Regulation was designed to deliver a joined-up approach to consider asylum claims, including providing safe passage between EU countries to join family members. Before 2015 this safe route had not been functioning effectively to the UK, but through our work we saw a dramatic increase in the numbers using it, from zero in 2014, to 1053 families reunited in 2018. In a clear sign that it was disrupting the business model of the smugglers, people working on these cases were forced to work under the radar away from the camps to avoid being intimidated by the gangs who had thus far monopolised the route across the Channel.

The UK has since left the EU and failed to renegotiate a replacement to Dublin III, and the failure to provide safe passage for most refugees and the increase in cruel and futile 'deterrence' policies have resulted in a deadly escalation of the smugglers' tactics – the move to the use of flimsy unseaworthy dinghies. Where safe routes exist, refugees will take them over dangerous journeys. Safe Passage International's extensive

experience providing legal advice and support to unaccompanied children and families has shown this to be true. There is a reason that, mercifully, only one Ukrainian refugee has had to risk their life crossing the Channel; most have safe passage. And safe routes also enable countries to better plan for and manage the arrival of refugees improving outcomes for both refugees and communities.

Any Government serious about putting criminal gangs out of business and ending the tragic loss of life and exploitation that accompanies these dangerous journeys, must radically re-think the current cruel and failed approach.

In this report, we put forward proposals which would address the immediate needs created by the crisis in the Channel and reckon with the longer-term need for safe passage that is set to grow. A compassionate and competent approach that would save lives, restore public confidence and renew Britain's international reputation.



We recommend three priorities that should form a roadmap for a way forward, based on clear evidence of what prevents people turning to dangerous journeys.



These proposals are intended, not as a detailed policy blueprint, but as a roadmap to outline the principles of a way forward and demonstrate how they could be achieved. They have been shaped by the views of our award-winning Young Leaders, a group of young refugees who have direct experience of seeking safety in the UK.

01. RUIN

smugglers' deadly trade by establishing safe alternatives for those seeking asylum.

The Government must establish long-needed new safe routes, as well as fixing existing failing schemes.

To disrupt smuggling routes, new safe routes must be opened that both immediately prevents Channel crossings and offer longer-term, more sustainable solutions. This could be delivered through an Emergency Protection Scheme operating from within Europe and a pilot Refugee Visa from areas closer to displacement. An independent advisory body could be formed to advise on safe routes and refugee protection.

02. RENEW

Britain's commitment to international cooperation.

Central to this approach must be the pursuit of a new framework deal with the EU on safe routes for refugees, and closer bilateral cooperation with France and other EU member states.

Given negotiation of such a deal is likely to take time, the Government must not delay in opening safe routes. This would provide a near-term alternative to many refugees currently taking dangerous journeys and positively demonstrate Britain's commitment to responsibility sharing, paving the way for a future deal with the EU.

03. RESTORE

the right to seek asylum and rebuild our asylum system.

The Government must ditch punitive deterrence policies and re-affirm Britain's commitment to the Refugee Convention and the rule of law.

A new approach towards the Channel must be rooted in the values that we all expect to underline every aspect of our democratic system: compassion and human dignity. These were given voice and legal articulation by the international conventions agreed following the horrors of WWII and the Holocaust.



"The journey was difficult, it was terrifying because of what I'd seen and what I'd been through, what happened to me and my friends."

-Ali, former Safe Passage Young Leader and Founder of Babylon Migrant Project

JOURNEYS ACROSS THE CHANNEL:

A SMUGGLERS' MONOPOLY

In the last 5 years, the number of people crossing the English Channel by boat has risen sharply from 299 in 2018 to 45,746 in 2022.⁶ Whilst risky journeys across the Channel are not a new phenomenon, the use of flimsy dinghies in the Channel is a dangerous escalation.⁷ The majority of people crossing are seeking asylum, with two thirds likely granted asylum if the Government processed their asylum claims.⁸ Not only are these refugee journeys becoming more frequent, they are also increasing in danger with more people crammed into single vessels, and boats risking longer, increasingly treacherous journeys to avoid police.⁹

⁶Home Office Irregular migration statistics, year ending June 2023

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1179739/irregular-migration-to-the-UK-data-tables-year-ending-june-2023.xlsx

⁷Whilst the number of applications for asylum has increased, this occurred in 2021 and again in 2022. The use of small boat crossings pre-dated this, starting initially in 2018. Prior to this, most refugees travelled to the UK in the back of lorries. Tightened border security reduced the number of people making these more invisible journeys, displacing refugee journeys to other, more dangerous and visible routes – namely small boats.

⁸Refugee Council (2023) Majority of people on small boats crossing Channel last year are refugees

<https://www.refugeecouncil.org.uk/latest/news/majority-of-people-on-small-boats-crossing-channel-last-year-are-refugees-new-analysis-shows/>

⁹Home Office Irregular migration statistics, year ending June 2023 - Migrants detected crossing the English Channel in small boats

<https://www.gov.uk/government/publications/migrants-detected-crossing-the-english-channel-in-small-boats/migrants-detected-crossing-the-english-channel-in-small-boats-last-7-days> BFMTV (2021): Bay of Somme: 30 migrants discovered on beach, two smugglers in custody (in French) https://www.bfmtv.com/police-justice/baie-de-somme-une-trentaine-de-migrants-decouverts-sur-une-plage-deux-passeurs-presumes-en-garde-a-vue_AD-202109260216.html Radio France (2021) More and more migrants are trying to cross the Channel from the Picardy coast' (in French)

"I believe that the only group benefiting from and supporting the government's restrictive approach to safe routes in the UK are the smugglers themselves."

-Abdulrahman, Safe Passage Young Leader and Expert by Experience Consultant

SMUGGLERS: EXPLOITING THE GAP

Only half a per cent (0.54%) of the UK's total population is made up of asylum seekers and refugees¹⁰, and when accounting for population size, the UK ranks 19th overall in Europe for asylum applications received.¹¹ Those that do come to the UK, do so for different but understandable reasons. Many make the journey to reach family and friends, because of cultural ties, in the hopes of feeling safe, or through no choice of their own because of the actions of traffickers.¹² From our work at Safe Passage International, we know that many people struggle to ever feel safe until they are reunited with loved ones. Most of the Ukrainians we have supported at Safe Passage wanted to come to the UK because they saw Britain as a welcoming country that respected human rights.

However, even for the small number who attempt to reach the UK, the vast majority of refugees who end up in Calais and Dunkirk have no access to safe routes. Between 2010 and 2020, our research¹³ found that only 6% of unaccompanied children who got asylum in the UK arrived via a safe route – and that was before the Government closed the two major safe routes for unaccompanied children. Overall, 83% fewer refugees¹⁴ have arrived via a safe route in the 12 months to June 2023 compared to the previous year.¹⁵

To board trains or planes, refugees must have the right documents and permissions – this is enforced by rules and sanctions on airlines and travel companies. However, often refugees are unable to meet the tough visa requirements designed to keep them out of other countries or to get identity documents issued by the very authorities they are fleeing from.

People must reach UK territory to claim asylum here. It is not possible to ask for asylum in the UK from another country, and there is no visa to come to the UK to seek asylum. People seeking asylum must often risk dangerous journeys hidden in the backs of lorries or crammed into small boats because they are prevented from travelling regularly.

Working in Northern France since 2015, at Safe Passage International we have seen how smugglers and traffickers have responded to the lack of safe passage by monopolising routes to sanctuary for people seeking asylum.

The failure of Governments to provide safe passage as part of a compassionate and coherent international approach, has left smugglers and traffickers to fill the gap.

¹⁰ Refugee Action, Facts about refugees: <https://www.refugee-action.org.uk/about/facts-about-refugees/>

¹¹ The Migration Observatory, University of Oxford (2022) <https://migrationobservatory.ox.ac.uk/resources/briefings/migration-to-the-uk-asylum/>

¹² Guardian Newspaper (2021) Home Office 'covering up' its own study of why refugees come to the UK <https://www.theguardian.com/uk-news/2021/nov/20/home-office-covering-up-its-own-study-of-why-refugees-come-to-the-uk>
Institute for Public Policy Research (IPPR) Understanding the rise in Channel crossings <https://www.ippr.org/publications/understanding-the-rise-in-channel-crossings>

¹³ Guardian Newspaper (2020) Revealed: 10,000 child refugees risked their lives to enter Britain <https://www.theguardian.com/world/2020/jan/11/10000-child-refugees-put-lives-at-risk-to-enter-britain>
<https://www.ippr.org/publications/understanding-the-rise-in-channel-crossings>

¹⁴ Excluding Ukrainians and British Overseas Nationals from Hong Kong who exceptionally have uncapped schemes in place.

¹⁵ Gardener, Z (2023) We Need to Confront the Lie That There are 'Safe Routes' for Refugees to Come to the UK <https://bylinetimes.com/2023/08/31/we-need-to-confront-the-lie-that-there-are-safe-routes-for-refugees-to-come-to-the-uk/>

WRONG RESPONSE, WRONG RESULT

The Government's central policy has been to try to deter refugees from travelling irregularly to the UK through increasingly punitive measures. So far, this has included denying refugees protection; criminalising refugees who arrive irregularly; limiting family reunion; and threatening deportation to Rwanda. This is both wrong and ineffective. The Government's own analysis conceded "the academic consensus is that there is little to no evidence suggesting changes in a destination country's policies have an impact on deterring people"¹⁶ and that increasing deterrence measures could force people to take ever more risky journeys.¹⁷

The Government has argued that refugees should instead stay in the "first safe country" they reach. However, this is not required by the Refugee Convention¹⁸ and is illogical – if this was required globally, island nations such as Britain would likely never be called upon to offer sanctuary to refugees whilst other countries would host the entire global population. There is rightly no expectation that all Ukrainian refugees stay in Moldova or Poland. In fact, Ukrainians who have come to the UK via the Ukraine schemes outnumber people crossing the Channel almost five to one¹⁹, with the public and political reaction overwhelmingly positive.



"We did not have a clear plan for our journey – our only rule was to keep going to reach somewhere safe."

-Ridwan, former Safe Passage client and Young Leader

¹⁶ Illegal Migration Bill Impact Assessment (2023)

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1165397/Illegal_Migration_Bill_IA_-_LM_Signed-Final.pdf p. 13, 31, 32

¹⁷ Home Office (2021) The Nationality and Borders Bill: Equality Impact Assessment

<https://www.gov.uk/government/publications/the-nationality-and-borders-bill-equality-impact-assessment-come-to-the-uk/>

¹⁸ There is no legal duty or obligation on the asylum seeker to claim and remain in the first safe country and an asylum seeker who moves on is not breaking the law by doing so or disqualifying themselves from refugee status.

¹⁹ 52, 659 people have crossed the channel since March 2022 - Home Office Irregular migration statistics, year ending June See D02 2023

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/11179739/irregular-migration-to-the-UK-data-tables-year-ending-june-2023.xlsx This compares to 240,000 visas issued to Ukrainians, see Home Office Ukraine data, September 2023

<https://www.gov.uk/government/publications/ukraine-family-scheme-application-data/ukraine-family-scheme-and-ukraine-sponsorship-scheme-homes-for-ukraine-visa-data-2>

“Safe routes” are immigration arrangements that allow access to the UK for humanitarian reasons.²⁰ Such routes are opened by governments so that people can travel officially and safely to the UK for the purpose of getting protection as a refugee. This could be via a visa to come to the UK or permission to come to the UK without a visa.

Examples of safe routes include refugee resettlement, family reunion, talent visas or community sponsorship. Currently most safe routes are confined to specific schemes set up for defined groups of people. This limits their scope, meaning that most people in need of safety do not have any access to safe routes.

THE ALTERNATIVE: SAFE ROUTES

Based on the evidence and our experience at Safe Passage International, the best way to put smugglers out of business is for governments to open safe routes. Safe routes not only save lives and disrupt criminal networks, but they also enable countries to better plan for and manage the arrival of refugees improving outcomes for both refugees and communities.

Before Brexit, at Safe Passage International, we successfully reunited hundreds of unaccompanied children with their families in the UK via the EU’s Dublin III Regulation and linked schemes – with only one child abandoning the official process to travel irregularly. Since Brexit, children have no comparable route to family reunion and can only rely on the UK’s extremely slow and restrictive family reunion rules. Under the UK’s broken Immigration Rules, more than a quarter of the children we have been helping to reunite have lost faith in the legal process and we believe travelled to the UK irregularly.

The UK’s response to the outbreak of war in Ukraine shows that safe routes work. In the first weeks after the Russian invasion, Ukrainians gathered in Calais in the hope of reaching the UK.²¹ After two safe routes to the UK were opened, however, only one Ukrainian made the journey across the Channel, out of a total of 233,771 who were granted visas via the Ukraine schemes.²² The Ukraine schemes clearly demonstrate how streamlined, well-resourced and flexible safe routes can effectively break the business model of the smugglers by cutting demand for dangerous journeys.

“It is extremely difficult having to advise clients knowing that for some there are safe and accessible routes whilst for others the legal journey will be long and challenging, with no guarantee of a successful outcome.”

-Safe Passage Lawyer

²⁰House of Commons Library (2023), Safe and legal routes for people to come to the UK: <https://commonslibrary.parliament.uk/research-briefings/cbp-9630/>

²¹BBC (2022) Ukraine: Refugees to UK turned back at Calais over paperwork: <https://www.bbc.com/news/uk-60659786>

²²Home Office Ukraine data (2023) Ukraine Family Scheme, Ukraine Sponsorship Scheme (Homes for Ukraine) and Ukraine Extension Scheme visa data - GOV.UK (www.gov.uk)



PRIORITY ONE: ESTABLISH SAFE ALTERNATIVES

Ruin the smugglers' deadly trade by establishing safe alternatives for those seeking asylum.

To do this, the Government must:

Open new safe routes such as a new Emergency Protection Scheme and Refugee Visa

Fix existing, failing safe routes, starting with family reunion

Central to this new approach to preventing Channel crossings must be ensuring safe alternatives. The Government must open new safe routes and fix existing routes.

As long as most refugees do not have access to a safe route, they will continue to travel however they can. We have found this time and time again in our experience of working with children and young people fleeing conflict and persecution.

OPEN NEW SAFE ROUTES

A compassionate and competent new approach on Channel crossings must see the Government open new safe routes. The Government should consider options both in the short-term to respond to the situation in the Channel and in the longer-term to establish a more comprehensive sustainable response to the need for safe passage. We suggest an Emergency Protection Scheme to help people who have fled humanitarian and human rights crises who are now in Europe trying to reach the UK, alongside a pilot Refugee Visa to help those fleeing conflict and persecution in areas close to displacement.



EMERGENCY PROTECTION SCHEME

An Emergency Protection Scheme would seek to immediately reduce the need for dangerous journeys from France to the UK by targeting those who have fled humanitarian and human rights crises and are now in Europe trying to reach the UK.

The majority of those crossing the Channel are fleeing such crises, but there are no safe routes for most escaping such situations. For example, between 2021 and 2023, nearly 60 percent of people crossing the Channel came from Afghanistan, Iran, Syria, Iraq and Eritrea.²³

²³ Home Office statistics, ending June 2023 Irregular migration to the UK statistics - GOV.UK (www.gov.uk)



HOW THIS SCHEME WOULD WORK:

- **Prioritise groups fleeing crises**, as recommended by a newly established independent advisory body. Like the Migration Advisory Committee, this body would offer advice and guidance to the Government on safe routes and refugee protection, responding to crises as they occur and subside.
- **Online applications**, as is used for the Ukraine Schemes, with information, signposting and/or support provided through third party organisations and British consulates. Any necessary background and security checks would also be carried out as part of the application process.
- **Cooperation with the EU and EU Member States** to ensure the scheme is an effective alternative for people en route to the UK. Whilst close cooperation with France would be needed to achieve this, we envisage that the scheme be open across the EU to reduce the numbers of people having to travel to France to reach the UK. Cooperation could include opening information centres so refugees can understand their options, whether accessing safe routes to the UK or refugee protection in France.
- **Clear and fast timeframes for decision-making**, with applications processed within four weeks. This is possible, considering the Home Office can process visas for the Hong Kong BN(O) route in just five working days.²⁴ In comparison, family reunion takes months, and we see how the slow processing causes children to abandon the process.
- **Free of charge**, like the Ukrainian schemes. In our experience, high fees present huge barriers to accessing safe routes.
- **Reasonable eligibility criteria, and transparent and consistent decision-making.** In our experience of the Afghan Relocation and Assistance Policy (ARAP), we have found the lack of transparency and inconsistencies in decision-making to severely limit its effectiveness as a safe route.
- **Legal support and information** to be provided and properly resourced.
- **Grant leave to enter the UK**, after which successful applicants should receive temporary leave to remain and post-arrival support with the opportunity to apply for asylum.
- **In cases of refusal, the Home Office must provide their reasoning and offer a reconsideration procedure.** If someone was to later arrive irregularly to the UK having been refused under this Emergency Protection Scheme, they should remain eligible to apply for asylum, within the framework of the Refugee Convention.
- **Monitor and evaluate** this Emergency Protection Scheme, including a full equality impact assessment. The findings should inform the future development of safe routes, for example the proposed Refugee Visa.

²⁴ On 14 August 2023 the Home Office introduced a new Priority Visa service for the Hong Kong BN(O) route which will see visas processed in just 5 working days for those who need to travel urgently <https://twitter.com/ukhomeoffice/status/1691081008093728768/photo/1>

REFUGEE VISA PILOT

The proposed Emergency Protection Scheme focused on the EU would, however, only serve specific groups providing an effective response to the immediate crisis. A more comprehensive global approach to the provision of safe routes beyond Europe, in the form of a Refugee Visa, is also needed.

This would provide protection under the Refugee Convention to groups of refugees who are not just those fleeing war or conflict but who must leave their country of origin to escape persecution for example due to their ethnicity, religious beliefs, sexual orientation or political opinion. A Refugee Visa could therefore offer safe passage to a wider group of refugees expanding beyond well-known or reported emergencies. This could include groups such as Iranian women's rights defenders, Egyptian journalists, young men fleeing forced military recruitment or Somali political activists. To effectively reduce the need for dangerous journeys to the UK and crucially, Europe, this Refugee Visa must be accessible from areas of displacement.

It is important to emphasise that a Refugee Visa can never be considered as a substitute for the rights enshrined within the Refugee Convention. The lesson of World War II is that the right to seek asylum in a country must never be dependent on the discretion of countries to issue visas, however broadly eligibility for that visa is defined.

Our proposals therefore notably incorporate the following two principles:

A REFUGEE VISA IS COMPLEMENTARY, IT SHOULD NEVER REPLACE THE RIGHT TO SEEK ASYLUM FOR THOSE ARRIVING IRREGULARLY.

Those arriving in the UK spontaneously must still have access to the right to apply for asylum under the Refugee Convention.

A REFUGEE VISA MUST NEVER LEAD TO THE CONSIDERATION OF SUBSTANTIVE ASYLUM CLAIMS FROM ABROAD, I.E. THE OFFSHORING OF ASYLUM DECISIONS.

This could otherwise allow the UK to offload its obligations under the Refugee Convention onto third countries risking serious procedural failings in asylum decision-making, as well as prolonged delays and inadequate legal support.





"I think it's only fair to grant someone in need of safety a quick route. It must be within days, weeks at most, not months. People with credible claims should be given a visa to make that trip."

-Joel, campaigner and Safe Passage Young Leader



HOW THIS SCHEME COULD WORK:

- **Applications open to people who have already left the country they are fleeing** to ensure they qualify as a refugee²⁵ and to reduce risks to the individual.
- **Eligibility to be based on defined categories of protection-based need** which are feasible for people to demonstrate through a simple application process, and possible for the Home Office to assess from abroad. The scoping and design phase must consider eligibility criteria in detail, following advice and guidance by the new independent advisory body.
- **Visa permits travel to the UK**, where the person will apply for asylum on arrival.
- **Open to unaccompanied children**, with the decision-making process to consider whether it is in the best interests of the child to come to the UK.
- **Application process should build on the infrastructure already in place** for the Emergency Protection Scheme. The process should include online applications; any necessary security checks; provision of legal support; fast processing; high-quality decision-making and a bespoke reconsideration procedure.

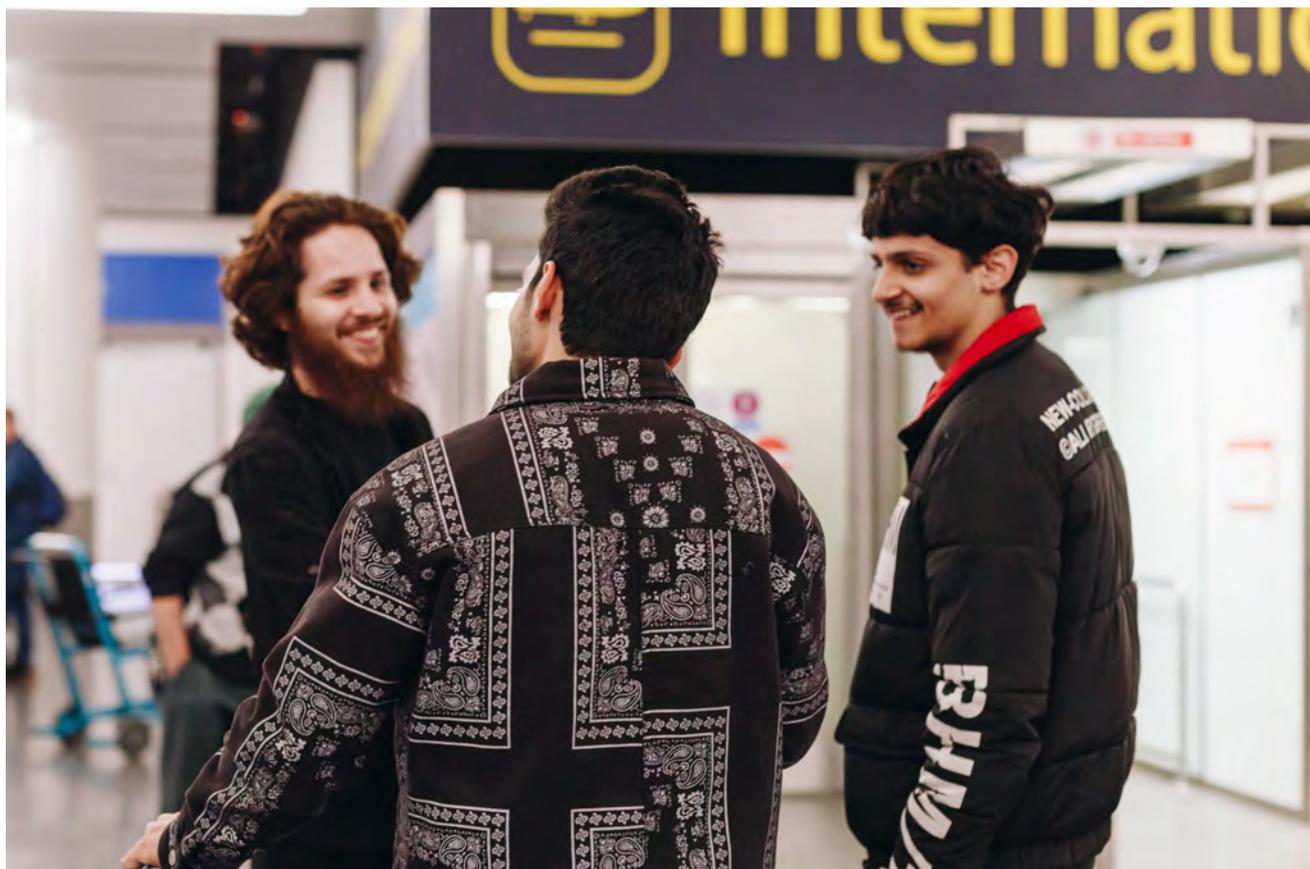
As this would be a new policy, we recommend the Refugee Visa is tested via a pilot before being scaled up. Done right, the opening of a Refugee Visa would be a much-needed, progressive new approach to refugee protection, saving lives and disrupting people smugglers.

²⁵ As per Article 1A(2) of the Refugee Convention

FIX FAILING ROUTES

A compassionate and competent approach to preventing Channel crossings will require a network of safe routes to effectively disrupt smugglers including fixing existing routes, some of which are designed to reach particularly vulnerable groups such as unaccompanied children. A new independent advisory body could, over time, advise on the need for safe routes that are additional to an Emergency Protection Scheme and Refugee Visa.

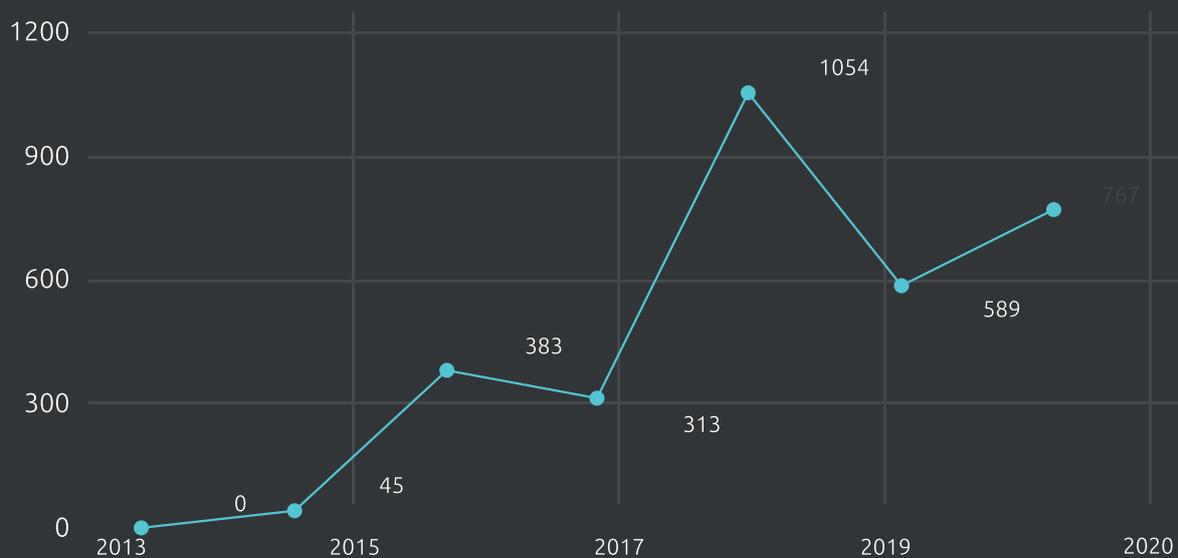
Existing safe routes such as family reunion and refugee resettlement have been under-utilised and poorly implemented by the Government. Improving the operation of existing safe routes would be a fast and effective way for the Government to increase access to safe passage for some refugees who are currently resorting to dangerous journeys across the Channel.



"The safe route was very complicated, very hard, and very long. It took my family two years. If you want to come through the Ukrainian scheme, you can come in three months, and the host gets financial support as well. This shows it is possible to make safe routes for other refugees quicker, and more accessible"

-Abdulrahman, Safe Passage Young Leader and Expert by Experience Consultant

FAMILY REUNION: DUBLIN TRANSFERS FROM EU TO UK



REFERENCE: EUROSTAT

RESTORE FAMILY REUNION

Family is one of the key drivers for refugee journeys.²⁶ Family reunion also serves some of the most vulnerable seeking protection – with over 9 out of 10 granted visas being for women and children.²⁷

Before the UK left the EU, families were able to reunite under the EU's Dublin III Regulation, which included provisions on family reunion.²⁸ After Brexit, however, the Government refused to replace these provisions.

The end of Dublin III left separated families reliant on the UK's restrictive Immigration Rules. Only 5% of the children we supported as an organisation to reunite under Dublin III would be likely to qualify now under the UK's rules.

The need for a bespoke scheme for Ukrainians, the Ukraine Family Scheme, demonstrated the inadequacies of the

existing family reunion rules for refugees. The Ukraine scheme broadened the usually narrow definition of 'family members', removed stringent maintenance and accommodation requirements, waived all application fees and allowed for flexibility with regards to attending a visa application centre.

Refugee Family Reunion under the UK's Immigration Rules is far more restrictive than either the Ukraine Family Scheme or the EU's Dublin III – for example, unaccompanied children are only permitted to reunite with their parents (ie no other family members) and only in certain circumstances.

The Government must reform the Immigration Rules and restore access to family reunion so that unaccompanied children can reunite with a parent, aunt, uncle, grandparent, or sibling in the UK.

²⁶ Guardian Newspaper (2021) Home Office 'covering up' its own study of why refugees come to the UK <https://www.theguardian.com/uk-news/2021/nov/20/home-office-covering-up-its-own-study-of-why-refugees-come-to-the-uk>

²⁷ Home Office Family Reunion Visa grants data, year ending June 2023 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1157195/family-reunion-visa-grants-datasets-mar-2023.xlsx

²⁸ The Dublin III Regulation is a longstanding EU agreement to determine responsibility for assessing asylum claims. As well as enabling returns, it allowed for people seeking asylum in one EU Member State to transfer to another Member State where they had close family

“I feel stronger and happier when I get a hug from my mum...I feel guilty because I am able to get that love...whereas my brothers are not because they are in a different country”

-Nouran, Safe Passage Young Leader

The application process is also slow, unsafe and inaccessible. As well as expanded eligibility, a fit-for-purpose route to family reunion must deliver:

- **Fast processing:** Waiting times doubled in the last year, leaving families facing extremely long delays. In our casework, in August 2023, two thirds of children waiting for an initial decision had waited longer than Home Office’s target processing times. Legally enforceable deadlines were a key strength of the Dublin III process in ensuring children stuck with the process.
- **Flexible biometric policy:** Many of those we work with must make dangerous journeys to Visa Application Centres just to submit biometrics and complete their family reunion application. Whilst new guidance was supposed to enable people to defer or get an exemption from this requirement, in our experience, this guidance is not working.
- **High quality decision-making:** Whilst 55% of children we work with had their family reunion case refused in the first instance, 94% of those are successful at appeal. Most often this is due to poor decision-making, for example, the Home Office applying the wrong criteria.

CARIM'S

STORY

Carim is desperate to join his British uncle in the UK. Having fled Syria, he is now alone in Greece. Under the current Immigration Rules, Carim does not have a way to reunite with his family in the UK, which he would have had under the EU’s Dublin III. Carim’s case to join his family in the UK is reliant on the discretion of the Home Office and is unlikely to succeed. He will probably never see his family again. Carim’s uncle in the UK worries about his safety and mental health. The family want to care for him, but do not want him to attempt a dangerous journey to reach them in the UK.

THE LITTLE S

UNACCOMPANIED CHILDREN

Currently, thousands of unaccompanied children are forced to risk the journey across the Channel because the Government has closed safe routes. Since 2018, 7,563 unaccompanied children have arrived by small boat and claimed asylum in the UK.²⁹

Denied official routes, children will travel however they can, to reach safety and loved ones, and are particularly likely to fall victim to smugglers and traffickers.³⁰

Since the end of both Dublin III and the relocation scheme for unaccompanied children known as the 'Dubs scheme'³¹, it is now increasingly difficult for Safe Passage International's teams in France and Greece to protect children and dissuade them from travelling irregularly. Just the assurance of a safe route was often enough to convince children to go into shelters and access child protection, whilst their case was assessed, with some children subsequently remaining in France.

The current situation is both unsafe and unsustainable. Children who do make it to the UK are often stuck alone in hotels, becoming victims to organised crime, and refused protection in the UK. Nobody can consider that safe for a child. Those still in Europe are equally vulnerable. Having fled war and persecution, child refugees are often stranded on the streets of Calais or in de-facto detention centres³² on Greek islands. Every day at least 17 unaccompanied children in Europe go missing, with many believed to have become victims to violence, exploitation and trafficking.³³

²⁹Home Office Irregular migration statistics, year ending June 2023, See D02
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1179739/irregular-migration-to-the-UK-data-tables-year-ending-june-2023.xlsx

³⁰UNICEF (2016) Neither Safe Nor Sound: Unaccompanied children on the coastline of the English Channel and the North Sea
https://www.unicef.org.uk/wp-content/uploads/2016/06/Unicef_NeitherSafeNorSound.pdf UNHCR (2019) Destination Anywhere
<https://www.unhcr.org/uk/media/destination-anywhere>

³¹Section 67 of the Immigration Act 2016
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/947900/sect-67-of-the-immigration-act-2016-leave-v3.0e.xt.pdf

³²International Rescue Committee (IRC) (2022)
<https://www.rescue.org/eu/statement/one-year-greece-opened-new-prison-refugee-camps-ngos-call-more-humane-approach>

³³Guardian Newspaper (2021): Nearly 17 child migrants a day vanished in Europe since 2018
<https://www.theguardian.com/global-development/2021/apr/21/nearly-17-child-migrants-a-day-vanished-in-europe-since-2018#:~:text=An%20investigation%20by%20the%20Guardian,disappeared%20in%2013%20European%20countries>

"When I finally saw my aunt and got to hug her, I felt a sense of relief. The sense of urgency and fear hanging over me could begin to slowly fade."

-Ridwan, former Safe Passage client and Young Leader

CHILDREN'S EXPERIENCE OF FAMILY REUNION

Children should be safe and in the care of their families, whenever possible, but in our experience, too many are shut out from this by the UK's Immigration Rules.

Almost half of the children we work with are trying to reunite with their sibling in the UK, which is near impossible under the current UK family reunion rules. Two thirds of all the children we worked with who abandoned the process and went missing, were trying to reunite with their sibling.

These are often children whose parents died before they left and are forced to flee alone; or children who set out with family but become unaccompanied because their parents disappear or die on the journey.

Under Dublin III it was possible for children to join their parents or siblings, aunts, uncles or grandparents, however this is no longer the case now that children must rely on the UK's more restrictive family reunion rules. This more restrictive eligibility ignores how vital it is for refugee children to be with family to help them recover from trauma and rebuild their lives.

Faced with such barriers, it is no surprise that many children find the process unworkable, give up and find their own way to join family.



DARIUS AND HASAN'S STORY

Darius and Hasan, two young Afghan siblings, arrived alone in Greece. Having fled kidnapping by the Taliban, they hoped to reunite with their uncle in the UK. After a traumatic journey and with no family to care for them in Greece they were very distressed and at risk of running away from the shelter they were staying in.

Safe Passage International's lawyers made an application for family reunion, providing the comprehensive evidence needed for the family reunion application and outlining our safeguarding concerns. These were ignored and the application was refused. Despite strong grounds for appeal, the children ran away from the shelter the very next day, feeling frustrated and hopeless. Some days later, we found out that the boys had crossed the Channel in a small boat.

"I was fortunate enough to access the Dubs scheme to travel safely to the UK. I think of a friend I met in Calais; we were there together for months. His life is very different to mine. He lives on the street and sometimes doesn't have food to eat."

-Muste, Safe Passage Young Leader

RELOCATE & RESETTLE VULNERABLE GROUPS

Opening safe routes for those who would otherwise risk dangerous Channel crossings must also be matched by a commitment to help those less willing or able to risk dangerous journeys, for example women and children, older and disabled people. The Government re-establishing effective use of resettlement³⁴ would do just that. However, this is not currently the case - in 2022, there was a 75% reduction in the number of people resettled compared to 2019.³⁵

Considering the specific needs and vulnerabilities of unaccompanied children, the Government should also re-open a relocation scheme for unaccompanied children from Europe. The former Dubs scheme demonstrated how such a relocation scheme can successfully stop many unaccompanied child refugees crossing the Channel, as well as encouraging more children into the French child protection system.

UNHCR described how the Dubs scheme "really raised the global leadership of the UK".³⁶ Expanding resettlement and relocation efforts would also see Britain acting in solidarity with our international partners.



³⁴In July 2019, the Government introduced a new UK Resettlement scheme (UKRS) once previous targets had been met: <https://www.gov.uk/government/news/new-global-resettlement-scheme-for-the-most-vulnerable-refugees-announced>

³⁵ UNHCR UK <https://www.unhcr.org/uk/asylum-uk>

³⁶ Oral evidence, Home Affairs Select Committee (Rossella Pagliuchi-Lor, UNHCR Representative to the UK) <https://committees.parliament.uk/oralevidence/1082/html/>

MAHDI'S STORY

Mahdi, his wife and their 15-year-old daughter are living in hiding in Afghanistan - moving between the homes of different family members. Mahdi worked for the Afghan's special forces and assisted MOD missions. Fearing Taliban reprisals, our APBI supported the family to apply for ARAP in 2022, and there has been no response since.

During this time, one family member's house was raided by the Taliban, looking for Mahdi, and their relatives were held at gunpoint. Evidence of this has been sent to the ARAP team but there has still been no response. The family live in constant fear, their mental health fast deteriorating.

REPAIR THE AFGHAN SCHEMES

Afghans have consistently been one of the largest nationality groups crossing the Channel, and have suffered the horrific consequences. In the summer of 2023, six Afghan men tragically drowned trying to reach the UK. Any new approach to preventing Channel crossings must target support to Afghans and deliver on the broken promises made when the Taliban retook control.

The Government has set up two dedicated routes³⁷, but both have fallen far short of what's needed. Both routes are too slow, too restrictive and too few places are available. Over the last 18 months, we have received over 1,250 enquiries to our Afghan Pro Bono Initiative (APBI) from Afghans who are trying to find a safe way to travel to the UK. To date, only 19 people we have helped have been accepted by the UK.

Even those at extreme and imminent risk from the Taliban have been abandoned, with ABPI's research showing that only five people have received a positive decision under Category 1³⁸ of Afghan Relocations and Assistance Policy (ARAP), which deals with 'urgent' relocations.³⁹ Almost 40% of ARAP applicants currently awaiting a decision have been waiting over 2 years for an outcome.⁴⁰

Fixing the Afghan routes would include:

- increasing the pace of resettlement
- widening eligibility
- fast processing
- ensuring transparent, high-quality decision making

³⁷ These are the Afghan Relocations and Assistance Policy (ARAP) and the Afghan Citizens Resettlement Scheme (ACRS)

³⁸ Ministry of Defence (2023) Further Information on eligibility criteria:

<https://www.gov.uk/government/publications/afghan-relocations-and-assistance-policy/afghan-relocations-and-assistance-policy-information-and-guidance>

³⁹FOI received from Home office in 2023

⁴⁰Afghanistan: Refugees, Question for Ministry of Defence, Tabled on 20 July 2023

<https://questions-statements.parliament.uk/written-questions/detail/2023-07-20/195322>



PRIORITY TWO: RENEW INTERNATIONAL COOPERATION

Renew Britain's commitment to international cooperation on refugee protection.

To achieve this, the Government should:

Pursue a new framework deal with the EU that underpins EU-UK cooperation on refugee protection and safe routes.

Seek closer bilateral cooperation with France on family reunion, and a compassionate and responsible approach to the shared border.

Refugees' reliance on dangerous journeys is a global problem and so requires cooperation beyond our immediate neighbours across the Channel. Initially we recommend the UK seeks closer cooperation with the EU, as well as France. However, the growing climate emergency, conflict and instability driving refugee movements globally mean the UK should longer-term be advocating for a new multilateral international response, coordinated by the United Nations, which shares responsibility for this global issue of concern to all humanity.

Whilst there is political consensus on the urgent need to tackle the organised criminal networks behind the smuggling gangs⁴¹, refugee protection is not yet adequately prioritised in international cooperation. Effective provision of safe passage and refugee protection will require international cooperation at both regional and global level.

PURSUE EU-UK COOPERATION ON REFUGEE PROTECTION

The UK should pursue a new bespoke deal with the EU to share responsibility for the provision of safe routes to asylum for refugees. We recommend a new deal with the EU, rather than joining the Common European Asylum System or bilateral agreements with Member States, which have been repeatedly ruled out by Europe.⁴² This new deal would establish principles for sharing responsibility of people seeking asylum and play a vital role in the successful operational delivery of safe routes, which makes refugees are more likely to access them. For example, the Dublin III regulation provides an agreed legal framework for family reunion for refugees in the EU, placing clear legal responsibilities on Member States to facilitate the process. In contrast, there is no legal obligation on France to assist children's access to the UK's domestic Immigration Rules rather than trust the smugglers. Indeed French officials, as in other Member States where safe routes may be possible, are mostly unaware of the process and those refugees who may be eligible.



“As safe routes, Dublin III and the Dubs scheme used to be very useful and efficient child protection tools. Today, the lack of accessible alternatives means we are not able to compete on equal terms with smugglers who make promises to children to cross the Channel within a few days and actually deliver on those promises.”

-Safe Passage Lawyer

⁴¹Independent Newspaper (2023) Keir Starmer launches illegal migration crackdown to woo tory voters <https://www.independent.co.uk/news/uk/politics/keir-starmer-labour-small-boats-rishi-sunak-b2408713.html>
Independent Newspaper (2023) Rishi Sunak steps up war against 'heartless' small boats people smugglers with new push against their business <https://www.independent.co.uk/news/uk/politics/rishi-sunak-small-boats-tik-tok-b2388206.html>

⁴²The EU and Member States have argued that competency on immigration sits at the EU-level, rather than with individual States.

Despite its importance, we have seen no progress towards a new strategic relationship on asylum with the EU since Brexit.⁴³ The UK, for example, has so far declined negotiations on an EU relocation mechanism.⁴⁴ This is a missed opportunity considering successful EU/UK cooperation will rely on a willingness from the UK to cooperate on safe routes and be an active partner in responsibility sharing.

As part of a new approach, the Government should seek a new framework deal with the EU that ensures EU-UK cooperation on refugee protection and safe routes. Such a bespoke agreement should cover:

- An inter-state mechanism enabling the transfer of people to and from the UK to rejoin family, following the precedence of the Dublin III framework.
- Close cooperation on the re-opened Dubs scheme, new Emergency Protection Scheme and Refugee Visa.
- Relocation of a defined number of people seeking asylum, drawing on the principles of the EU's solidarity mechanism, which is currently being negotiated as part of the Common European Asylum System (CEAS).

CLOSER BILATERAL COOPERATION WITH FRANCE

Whilst securing an EU/UK deal is likely to take time, especially whilst the EU is still in internal negotiations on the reform of its CEAS, the UK can seek closer bilateral cooperation with France to assist refugees' access to safe passage.

Cooperation must be two-fold:

PRACTICAL ARRANGEMENTS ON FAMILY REUNION

Most refugees, particularly children, do not have a detailed understanding of countries' asylum systems and the options available to them, relying instead on inaccurate information provided by smugglers and traffickers. Outreach and information sharing in France about safe alternatives such as family reunion, as well as asylum in France is vital to counter the spread of dangerous misinformation.

The UK set out their intention to pursue discussions on practical arrangements for family reunion for unaccompanied children with key EU Member States in December 2020, and this was recognised by the EU.⁴⁵ However no progress has been made to date.

Closer cooperation with France offers a key opportunity to improve access to family reunion and significantly speed up the process. Cooperation should cover:

- Information about family reunion being provided to those trying to reach the UK.
- Referrals of potential applicants identified by French authorities.
- Minimising delays and streamlining applications from vulnerable people, including unaccompanied children.⁴⁶

⁴³ Whilst the UK Government does want to negotiate a returns agreement with the EU, there have been no serious developments on securing such a deal. In August 2023, it was reported that the EU has ruled out a returns agreement with the UK but this was later denied by the EU.

⁴⁴ Letter from the Security Minister to Lord Jay of Ewelme, 10 September 2019 https://publications.parliament.uk/pa/ld201719/ldselect/lddeucom/428/42816.htm#_idTextAnchor131

⁴⁵ In December 2020, the UK and EU issued a Joint Political Declaration, which stated that "the Parties take note of the United Kingdom's intention to engage in bilateral discussions with the most concerned Member States to discuss suitable practical arrangements on... family reunion for unaccompanied minors."

⁴⁶ This follows the precedent of the Treaty of Sandhurst which sped up family reunion processing and cut waiting times under Dublin III

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/674885/Treaty_Concerning_the_Reinforcement_of_Cooperation_For_The_Coordinated_Management_Of_Their_Shared_Border.pdf

“Life in a camp is not a life - it is a true tragedy. It is a nightmare, with no privacy, no care and no humanity”

-Muste, Safe Passage Young Leader

A NEW APPROACH TO MANAGING THE SHARED BORDER

The UK and France’s long and expensive history of border cooperation has focused on increasing security, deterring irregular journeys and implementing hostile anti-migrant policies. This type of bilateral cooperation has had a profoundly negative impact on refugees in northern France.⁴⁷

Many people at the UK border have described the brutality they have experienced, including regular evictions, police violence and harassment⁴⁸, as well as a denial of access to water, sanitation and shelter.⁴⁹ This causes widespread mistrust against the authorities, furthering the likelihood of children falling into the hands of smugglers and traffickers.⁵⁰

In contrast the joint approach by UK and French authorities to Ukrainian refugees who arrived in Calais⁵¹ should serve as an example of better practice. Ukrainians were accommodated in hotels, provided with hot meals and offered visa support from British officials on the ground in locations near Calais.

The UK should seek a new responsible approach to the shared border with France, respecting the rights of people on the move and based on compassion, fairness and dignity including:

- Opening information centres in France to advise refugees on their options, including on refugee protection in France, safe routes to the UK and about life in Britain.
- Facilitating access to protection in both the UK and France.
- Ensuring people’s safety, including ending the use of evictions, and stopping police violence.
- Increasing support at the border, starting by ensuring access to shelter, adequate food, and access to sanitary facilities.



⁴⁷Human Rights Watch (2022) <https://www.hrw.org/world-report/2022/country-chapters/france#39f1f6>

⁴⁸Ibid

⁴⁹Refugee Rights Europe (2021) Five Years On Report https://refugee-rights.eu/wp-content/uploads/2021/08/RRE_FiveYearsOn.pdf

⁵⁰Human Trafficking Foundation (2017) https://www.infomie.net/IMG/pdf/htf_separated_unaccompanied_minors_report_hi-res_.pdf

⁵¹Info migrant (2022) Ukrainian refugees receive warm welcome in Calais – while other migrants remain marginalized <https://www.infomigrants.net/en/post/39095/ukrainian-refugees-receive-warm-welcome-in-calais-while-other-migrants-remain-marginalized>



PRIORITY THREE: RESTORE THE RIGHT TO ASYLUM

Renew Britain's commitment to international cooperation on refugee protection.

To achieve this, the Government must:

Re-commit the UK to its international obligations in an effort to renew the UK's standing as a global leader in refugee rights

Repeal punitive, deterrence-based legislation and policies, starting with the Illegal Migration Act, and scrap the Rwanda plan

Clear the asylum backlog and ensure fair and fast decision-making



To try to prevent Channel crossings, the Government has waged an escalating attack on the fundamental human right to seek asylum, flouting the UK's international obligations and threatening Britain's international standing. In particular, the Illegal Migration Act amounts to an effective 'asylum ban' which according to the UNHCR effectively "extinguishes access to asylum in the UK for anyone who arrives irregularly".⁵² The Illegal Migration Act followed the draconian Nationality and Borders Act 2022 as well as ongoing attempts to remove refugees who arrive irregularly to Rwanda through the Government's UK-Rwanda Migration and Economic Development Partnership.⁵³

In an unprecedented intervention, the United Nations has recently warned that the UK risks undermining the whole international framework of refugee protection by leading a race to the bottom.⁵⁴ A new policy approach on Channel crossings must incorporate rebuilding our asylum system, otherwise it will fail in three fundamental ways: to help vulnerable people; respect the rule of law; and lay the ground for international cooperation.

"We are not coming here for a holiday...Everyone comes for safety - this is paramount. We are vulnerable. We need protection...By not allowing asylum, they won't give us a chance to state our case."

-Anonymous young person during passage of
Illegal Migration Act

⁵² UNHCR Legal Observations on the Illegal Migration Bill (2023) <https://www.unhcr.org/uk/sites/uk/files/legacy-pdf/641d7b664.pdf>

⁵³ UK-Rwanda Migration and Economic Development Partnership: <https://commonslibrary.parliament.uk/research-briefings/cbp-9568/>

⁵⁴ Office of the High Commissioner for Human Rights (OHCHR) (2023) UN Secretary Generals joint statement on Royal Assent of Illegal Migration Act

<https://www.ohchr.org/en/press-releases/2023/07/uk-illegal-migration-bill-un-refugee-agency-and-un-human-rights-office-warn>

“In the media we hear constantly and in great volume how we as refugees are nothing but trouble... we are human and deserve a decent and dignified life like anybody else.”

-Tekle, former Safe Passage client and Young Leader

RE-COMMIT TO THE RIGHT TO ASYLUM

The UK’s recent regressive laws and policies will not only cause untold human suffering and be unworkable, but they are also likely to pose a fundamental issue in the negotiation of any framework deal with the EU.⁵⁵

The EU Commission, for example, took the unusual step of criticising the Government’s deal with Rwanda for its violation of international law.⁵⁶ The British Government will need to bridge this political gap between the EU and UK if it wishes to agree a new deal with the EU.

Recent UK policies all aim to deter refugees from travelling irregularly to the UK – but this wrong response yields the wrong results. Having to risk dangerous

and irregular journeys to seek asylum is a common refugee experience – often an inevitable part of having to flee authorities who are meant to protect you and ask for refuge from countries whose border policies are designed to keep people out. International law recognises this, with the Refugee Convention stating that refugees must not be penalised for travelling irregularly.

As a first and immediate step, the UK Government must re-commit itself to the letter and spirit of the relevant international laws to which it is a signatory by repealing and removing the legislative and policy framework that has removed these rights in the UK.



⁵⁵ Neidhardt (2022) Post-Brexit EU-UK cooperation on migration and asylum: How to live apart, together https://www.epc.eu/content/PDF/2022/EU-UK_post_Brexit_DP_v4.pdf

⁵⁶ Politico (2023) EU tells UK its asylum plan 'violating international law' <https://www.politico.eu/article/ylva-johansson-eu-tells-uk-suella-braverman-its-asylum-plan-violating-international-law/>

BILAL'S

STORY

Bilal came to the UK irregularly when he was 12. He'd fled Afghanistan following the brutal murder of his parents and sister by the Taliban.

It took ten years for Bilal to be granted humanitarian protection – tragically his asylum claim was not initially believed. Bilal faced a life in limbo, was homeless and destitute before getting protection and finally being able to rebuild his life.

The system at the time did not work for Bilal – but the new Illegal Migration Act would have been much, much worse. Bilal would never have been granted protection – instead, even as a child, his asylum case would never even have been heard and he would have lived under the permanent, terrifying threat of removal from the UK.

CLEAR THE ASYLUM BACKLOG

Whilst priority has been given to this profoundly regressive and ineffective policy agenda, the number of people waiting for a decision on their asylum claim has increased by 406%.⁵⁷Not only does this have an extremely negative impact on those waiting for a decision, but it has also created serious issues around housing, support and refugee integration.⁵⁸For children, the effect is extreme – they're left feeling forgotten and hopeless, unable to get on with their lives and struggling to

engage with their education.⁵⁹Legal representatives and social workers say leaving children in limbo about their future for so long risks suicide, self-harm and persistent insomnia.⁶⁰

To rebuild the UK's asylum system, the Government must repeal punitive, deterrence-based legislation and policies, starting with the Illegal Migration Act, and fix asylum decision-making.

⁵⁷ Institute for Government (2023) Asylum Backlog explainer <https://www.instituteforgovernment.org.uk/article/explainer/asylum-backlog>

⁵⁸The Migration Observatory, University of Oxford (2023) <https://migrationobservatory.ox.ac.uk/resources/briefings/the-uks-asylum-backlog/>

⁵⁹Greater Manchester Immigration Adi Unit (2023) <https://gmiau.org/new-report-children-in-the-uk-asylum-system/>

⁶⁰Guardian Newspaper (2023) <https://www.theguardian.com/world/2023/jun/27/home-office-delays-have-devastating-effect-on-child-asylum-seekers-report>

TIME FOR CHANGE

People fleeing war and persecution have a right under international law to seek asylum but in practice, the vast majority of refugees are forced to risk dangerous journeys to do so. Denied safe passage, smugglers and traffickers have monopolised routes to sanctuary. This reality has been made visible through the recent, preventable increase in people crossing the Channel.

In this report, we have set out a roadmap for any Government serious about addressing this issue. We propose they must:

- **ruin** smugglers' deadly trade by establishing new safe routes and fixing existing ones.
- **renew** Britain's commitment to international cooperation through a new deal with the EU on safe routes.
- **restore** our asylum system by ditching punitive deterrence policies.

At Safe Passage International, we have seen first-hand how safe routes make a dramatic difference to refugees' lives. But we have also seen time and again how governments have failed to provide safe passage as part of a compassionate and coherent international approach – focused instead on punishment and deterrence. This has left smugglers and traffickers to fill the gap.

Now is the time for real leadership and change. The time to save lives, restore public confidence and renew Britain's international reputation.

