

The future is safe and legal

Policy
Exchange 

David Goodhart



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Foreword

Hon Alexander Downer AC

Former Australian Minister for Foreign Affairs and Chairman of Policy Exchange.

Immigration is likely to become one of the most contentious issues of the era in both Europe and the United States. The flood of migrants, both legal and illegal, coming into Europe and the United States is generating considerable political controversy. In particular, uncontrolled immigration, including migrants facilitated by people smugglers provides impetus to new political movements, some of which hold quite extreme views.

The challenge for both Europe and the United States is to find a way to manage immigration policy more effectively. Every country which wants to build its economy and broaden its society needs migrants. The numbers have to bear a relationship to the capacity to absorb migrants. If too many migrants come to any particular country, this will force up housing and rental prices, put pressure on health services, cause overcrowding in schools and generate social unrest.

Put simply, there are two things which need to be done. First, governments need to make a clear headed assessment of the types of migrants they need and the numbers they can accommodate.

As for illegal immigration, which does include gaming government's obligations under the Refugee Convention, this also needs to be carefully managed. Governments must make it clear that paying people smugglers to gain access to developed countries is unacceptable. Instead, governments should resettle a fixed number of refugees, the numbers being dependent on what any particular country can reasonably accommodate. As for the rest, their boats should be turned back and the asylum seekers be processed in offshore processing centres.

All of these policies are controversial and have very clear downsides. The alternative, which is to maintain the status quo, is to exacerbate public unrest about this issue and in turn feed votes to extremist political movements. The public will want the problem solved, and if mainstream political parties are unable to solve it, they will look elsewhere .

David Goodhart has written a fascinating paper about this issue, examining the problems and proffering some practical solutions.

Executive summary

There is an emerging consensus across Europe on the need to replace an asylum free-for-all of irregular entry to a system of refugee selection via safe and legal routes. If irregular routes are to be minimised then for both political and moral reasons they need to be replaced with both country specific schemes, such as that for the Ukraine crisis, and a more generic safe and legal route.

Host countries must select those most in need of protection instead of self-selection by asylum seekers themselves, meaning usually young men from families with the ability to pay people smugglers. They should also call on willing citizens, including refugee co-nationals, to share more of the costs of accommodating the new arrivals, as in the Homes for Ukraine scheme.

- In the UK the model for a generic safe and legal route is the Vulnerable Persons Resettlement Scheme which, with the cooperation of the UNHCR, brought 20,000-plus Syrian refugees here between 2015 and 2020. Any generic safe and legal route, like the Syria scheme, would need to target the most vulnerable, be limited in scale and require intense cooperation between central and local government.
- Once the number crossing the Channel has been brought down below about 10,000 a year the Government should announce an annual safe and legal route target of, say, 20,000 a year to be drawn from people across different regions who are registered with the UNHCR and particularly in need of being resettled in a safe western country.
- The other source of safe and legal entry should be via expanded community and family sponsorship schemes. Canada takes in about 8,000 people a year through such routes, the UK (excluding Ukraine) currently only a few hundred. The Homes for Ukraine scheme has shown that willing citizens can play a bigger role in the refugee/asylum system than the state has hitherto believed possible.
- A bigger role for concerned citizens in the absorption of refugees helps to mitigate three of the public's biggest anxieties about irregular entry—its cost (currently running at £3.5bn a year, more than half taken from the overseas aid budget), the lack of integration associated with it, and the fact that it is harder to screen for security risks. The security risk appears to be rising after some

recent asylum seeker murders plus the possibility of a new wave of Gazan refugees crossing the Channel.

- Government should do more to encourage established diaspora communities such as that from Iran or Afghanistan to step up to offer more assistance and accommodation for their co-nationals.
- The UNHCR should be encouraged to establish more registration/safety zones from which the refugees in greatest need could be resettled. To deal with the exceptional case of channel crossings there might even be a case for such a registration centre in France, away from the coast, where channel crossers could be returned to, with the UK Government agreeing to take a certain number of the hardest cases or those with links to the UK.
- The UK's geographical position means that nobody arriving from continental Europe is in immediate danger. But there are many such people around the world, such as the 53 year old female Afghan judge who has been in hiding in Pakistan and was recently granted asylum in the UK. We cannot save all such people but we should have a special route—a *red route*—overseen by an ad hoc committee of relevant people from the Home Office, the security services, a local UK diplomat and responsible NGOs, that can be appealed to, including by third parties on behalf of endangered persons.
- Clamping down on irregular entry and establishing safe and legal routes sponsored by Government, community groups or families will not completely eradicate other forms of entry. There were almost 90,000 asylum applications in 2022 of which only about half came on small boats. About 9,000 came by other irregular routes, most likely cars and lorries, and around 25,000 came on a legal visa and then claimed asylum. This means the Government must keep up the effort to make the swift removal of those who don't qualify for asylum a priority by appropriate detention measures and establishing returns agreements with as many countries as possible—where relevant, in return for aid and liberalised visa regimes for work, visit and study.
- Refugee organisations complain that there are currently no generic safe and legal routes and that there is no “queue” for asylum seekers to jump, but the establishment of safe and legal routes as proposed here would put such organisations in a much weaker moral position if they continued to support mass irregular entry. In the longer run an effort should be made to recruit such organisations as allies not adversaries by helping in the selection process for safe and legal entry and deterring people from coming by other means.

Introduction

There has been so much focus on stopping small boat arrivals across the Channel in recent years that the public conversation has overlooked some other key developments in the UK's refugee and asylum practice. These developments provide templates for a fairer, safer and more controlled system in which rich countries *select* those most in need of refuge, and also share more of the burden of doing so with willing citizens.

Those templates are to be found in the UK's Vulnerable Persons Resettlement Scheme designed for 20,000 mainly Syrian refugees between 2015 and 2020 and the ongoing Homes for Ukraine scheme launched in 2022.

A refugee and asylum system based around "safe and legal routes", rather than the free for all and irregular entry of the current system, is now a real possibility with other European countries, including Austria, Greece, Italy and Sweden, seeking fundamental reform. Most significantly, for the future, the opposition CDU in Germany has expressed an interest in the UK's Rwanda initiative and Michael Kretschmer, deputy chair of the party and prime minister of Saxony, has called for an amendment to the German constitution to restrict irregular entry. Even in the US there is an ongoing attempt by the Biden administration to halt irregular crossing of the Mexican border and replace it with something more ordered.

And UK Government ministers have acknowledged that in order to win legitimacy for what seems to many people like unusual, even draconian, methods for preventing irregular entry there must be a parallel story about what the country is doing to shoulder its share of the global refugee problem.

As Robert Jenrick, the Immigration Minister, told a Policy Exchange audience at the end of April: "We have a coherent vision for a humanitarian system fit for the 21st century... where a zero-tolerance approach to illegal migration is coupled with generous resettlement routes and grounded in control and democratic consent. Instead of taking those that have travelled through, and left, safe European countries, we will bypass the smugglers to focus our finite resources on those coming through our dedicated safe and legal routes for those directly in conflict zones."

Jenrick went on to point out that the UK has actually taken around 500,000 refugees through safe and legal routes since 2015, mainly through four specific schemes for Ukraine, Hong Kong, Afghanistan and Syria. And on the special, limited category of UNHCR resettlement routes, including the Syria scheme, the UK took more than 26,000 people from 2016 to 2022, the third highest in the world after US and Canada and the highest

of any European country (though since Covid we have slipped back). But, say the critics, what about the gay activist in Iran or the Christian in Pakistan and all those who do not qualify for country specific programmes? The refugee organisations essentially want humanitarian visas for anyone who has a potential claim for refuge under existing regulations to be handed out at British embassies or at relevant “hot spots” in Northern France. The Home Affairs select committee also proposed a more limited plan of asylum assessment facilities in France for coming to the UK.

The problem with all these proposals is that they just displace the selection problem—who decides who has a good claim?—and they also place no limit on numbers. But thanks to the extension of the grounds for claiming protection in recent decades—mainly through more flexible interpretations of the European Convention on Human Rights, and particularly the definition of “inhuman and degrading treatment”—the number of people who have a good case for asylum, who come from an authoritarian, homophobic or conflict-ridden country, and can get themselves to Northern France, runs in to the tens of millions. Any embassy or hot spot within travelling distance of a conflict zone would be overwhelmed if they were offering potential entry tickets to the UK.

This problem did not exist when the 1951 Refugee Convention was drawn up. Global mobility was much lower and there were only a couple of million people classified as refugees. The number is now about 35m mainly living in poor countries, usually countries neighbouring where people have fled from.

Today, not only are rich country borders more permeable, and the grounds for claiming refuge more generous, but even if your claim is rejected you have a very good chance of staying. According to Gerald Knaus of the European Stability Initiative less than 20% of failed asylum seekers across Europe were deported last year, and the proportion is even lower in the UK, probably less than 5%.

The demand is potentially so large that rich countries, especially in Europe, are condemned to an immense, ongoing act of hypocrisy. They pay lip service to the idea of the right to claim asylum but then Governments, of all political colours, spend millions of pounds each year doing their best to stop people coming, by both regular and irregular routes, to claim asylum.

On regular routes people from poor countries must have visas to come to the UK and airlines and other carriers are fined large sums if they allow people through without them. And on irregular routes into the UK immigration officials are armed with expensive X-ray equipment, among other things, to detect people smuggling themselves on lorries.

Seeking refuge or asylum has thus become a game of cat and mouse between the border authorities and would-be asylum seekers, or a survival of the fittest free for all, mainly undertaken by fit young men from families rich enough to pay the smugglers (of the 89,000 small boat arrivals from January 2018 to March 2023 about 70 per cent were men under 40).

When the numbers are low and the method of entry, via visa over-

staying or coming on lorries is invisible, the issue excites little attention. But when a highly visible new route opens up, like the Channel crossings, and numbers escalate, the Government invents new ways, such as deportation to Rwanda, to try to close it down.

The visibility and accessibility of the rich world, combined with a world beyond full of misery, creates a huge magnet for the young and energetic from unhappy places, often the very people needed for those places to become successful countries. Of course, we should feel sympathy for such people, but we should not hand over to them the decision about who gets to safety and who doesn't.

Most people arriving on a Kent beach in a dinghy look bedraggled and desperate—including an Iranian doctor fed up with living in a theocracy—and compared with those of us lucky enough to live comfortably in a free society they have often been living tough or restricted lives. But unease about our own good fortune should not be an excuse for moral short-termism and the incentivising of an unfair, survival of the fittest entry system.

For, to repeat, refugee policy is essentially a selection problem. And, currently, it is refugees/asylum seekers themselves and the people smuggler organisations that enable their journey who do the selecting, aside from the country-specific Government resettlement schemes. In 2022 almost 46,000 people came across the Channel to claim asylum, 87% were men, most of them young, and the majority would have paid people smugglers between \$5,000 and \$10,000 to get here. The top nationalities were Iran, Iraq, Afghanistan, Syria and Albania (though the Albanian flow has now been largely halted).

The Channel had been considered a protective wall for the UK which is why, with the exception of the Balkan flow at the beginning of this century, the country has usually had a lower asylum seeker number than comparable large countries like Germany and France. (Though it should be noted that the UK is solely a destination, and not a transit, country. Italy has many more asylum applications than the UK but a large proportion pass through after a few weeks and it has bedspace for only 35,000 arrivals compared with around 110,000 in the UK.)

Now, without an agreement with France to return all small boats, the Channel has become a magnet rather than a wall, as legal and humanitarian priorities make it very hard to turn back the boats once in the water and the coastline is too long to prevent a large proportion of successful crossings.

It is thought that 64 people have died in the channel since 2018 during which time around 100,000 have crossed successfully, making it considerably safer than the Mediterranean where an estimated 27,000-plus have died trying to make the crossing since 2014.

According to Gerald Knaus more people left France for the UK last year than crossed from Africa into Spain or Turkey into Greece. So, the UK Channel crossings have become a significant part of the wider European problem, not just an Anglo-French one.

The number of asylum seekers entering the EU is already running at

over 500,000 this year and is expected to pass 1m, not far behind the 1.3m claims lodged in 2015 the year of the Syria crisis. And the sheer pressure of numbers, combined with security concerns, is impacting politics in many key EU countries.

The Austrian Chancellor, Karl Nehammer, recently told a German newspaper: “Austria will continue to do its utmost in the EU to create the political and legal conditions for asylum procedures to be carried out outside the EU.” Germany, the biggest asylum receiver in the EU, is expected to reach about 300,000 irregular arrivals this year. The current Berlin coalition, and especially the Green party, remains a staunch opponent of EU-wide reform. But the main centre-right opposition, the CDU/CSU, is open to new ideas as exasperation grows among German voters, expressed in growing support for the radical right AfD party, and the CDU has expressed interest in the UK’s Rwanda scheme.

Disincentivising irregular entry via a Rwanda-type scheme has big implications for the current international agreements governing the refugee and asylum process. This paper does not concern itself with how to prevent uncontrolled Channel arrivals, whether through an automatic returns deal with France (still the most sensible option) or off-shoring or outsourcing (Rwanda). It is concerned with the sort of safe and legal routes, controlled by national authorities, that could replace the current system once irregular arrivals fall sufficiently.

In particular, it is concerned to try to answer the reasonable complaint of refugee organisations that there may be country-specific safe and legal routes but there is no “generic” safe and legal route that someone facing serious persecution or danger could at least in principle apply to, having left their own country. When the UK Government accuses the Channel crossers of queue jumping the refugee organisations, including the UNHCR, respond that there is no queue. So, what might a queue look like?

The Syria model

The model for a more universal safe and legal route is to be found in the UK's Vulnerable Persons Resettlement Scheme (VPRS) for Syria that was launched in January 2014. It was built on earlier schemes such as the Gateway Protection Programme, in collaboration with the EU and UNHCR, under which NGOs, including the Red Cross and Refugee Council, volunteered to help resettle a few hundred people who had been living as refugees for more than five years. The VPRS for Syria was similarly designed for a few hundred people.

Then as the war intensified in 2015 there was a sudden surge of Syrians out of the country with 1.3m making their way to Europe. And when, in September 2015, the picture of the limp dead body of the two year old Alan Kurdi, being carried by a Turkish policeman on a beach near Bodrum, was flashed around the world, it created a wave of emotion that prompted the UK Government to expand the VPRS scheme. Prime Minister David Cameron made a pledge to resettle 20,000 by 2020. Which is more or less what happened.

How did it work? By selecting people from among those in the region who were already registered as refugees with the UNHCR. Priority was given to the most vulnerable and the VPRS scheme, at least initially, was open only to Syrian nationals who had fled Syria after 2011 and who were resident in one of the five 'host' countries: Turkey, Iraq, Lebanon, Jordan and Egypt.

The Home Office decided that it was not qualified to assess vulnerability and therefore asked the UNHCR to select those for whom permanent settlement in the West would be in their best interests. The UNHCR used its established vulnerability criteria to identify suitable cases from among families living in mainstream society, not in the main from camps, in those five countries. The UNHCR criteria were:

- Women and girls at risk
- survivors of violence and/or torture
- refugees with legal and/or physical protection needs
- individuals with medical needs or disabilities
- children and adolescents at risk
- persons at risk due to their sexual orientation or gender identity
- refugees in need of family reunification

At the end of 2017 Home Office data recorded that for 80% of UNHCR referrals the primary vulnerability was either "legal and/or physical

protection needs” or “survivors of torture and/or violence”.

For those referred to the UK group, the UNHCR was responsible for collecting relevant documentation on identity and nationality at assessment centres, establishing the truth of people’s stories, and collating all relevant information onto a Resettlement Registration Form (RRF), which was sent electronically to the Home Office.

Although the Home Office was not directly involved in the first stage of selection it did lay down some criteria such as families no larger than six. It also undertook security screening and commissioned the International Organisation for Migration (IOM) to conduct health assessments.

Once refugees were accepted onto the scheme they were allocated to a local authority in the UK and IOM arranged visas and flights. It also ran two day pre-departure cultural orientation workshops for refugees. The whole process from referral to settlement was meant to take no more than 13 weeks. People coming on the resettlement scheme were initially granted residence for 5 years but in 2017 it became permanent refugee status.

The Vulnerable Persons Resettlement scheme (VPRS) also had an exemplary degree of institutional co-operation in the UK, with three departments working in tandem—DFID, the Home Office and DCLG—plus a local authority voice involved from the start. There is normally a somewhat adversarial relationship between the Home Office and local authorities when it comes to the distribution of asylum seekers. But this was different.

Of the 20,000-plus Syria arrivals—roughly 4,000 a year over 6 years (2015 to 2020), with fewer at the start and finish—a small number came through community or family sponsorship. But the large majority became the responsibility of the 275 local authorities (about two-thirds of the total) which pledged to resettle 22,716 people with significant Government funding attached. Each refugee attracted £8,520 of funding in the first year, falling to £5,000 in year two and £1,000 in year five.

The local authorities collected them from the airport, housed them, mainly in private rented accommodation, helped them to register with schools, Job Centres and GPs. There was also some extra money for language lessons and other integration assistance.

No Government assessment of the VPRS scheme has ever been published but it is widely regarded as a success story. David Bolt, the then Chief Inspector of Borders and Immigration, published a report in May 2018 that was mainly complimentary but had some criticisms of the scheme’s inflexibilities and, along with the UNHCR, pointed to the limitations of the integration aspect of the programme.

The scheme was expensive, total cost was predicted by the National Audit Office to be £1.2bn in 2016, and because the Syrian refugees were deliberately chosen for their vulnerability, and often ill-health—unlike the healthy young men who are the majority of irregular entrants—the ongoing cost to the British state is quite large and the number of Syrians who work outside the home and speak good enough English for an office

job remains relatively small. Selecting many of the most vulnerable means that the integration process takes longer, though having young children in school is usually an enabler of integration.

Thanks to the involvement of so many local authorities there was a healthy spread of Syrian refugees around the country often in small towns and the countryside, places, as with the Homes for Ukraine scheme, not accustomed to the presence of dependent foreigners.

This did not always work out. A few Syrian families were warmly welcomed far away in Scotland's Western Isles but they soon drifted back to Glasgow where there was a familiar Syrian community. Jacqui Broadhead, Director of the Global Exchange on Migration and Diversity at Oxford University, said there could have been more proactive matching of people and places which would have reduced such secondary migration.

The VPRS scheme was wound up in February 2021 having accepted 20,319 people. A Vulnerable Children Resettlement Scheme that had been separately established in 2016 with the aim of resettling 3,000 children from middle east and north Africa was also wound up at that time having accepted 1,838 children.

There was a plan, announced in June 2019, to create something called the UK Resettlement Scheme, to replace the VPRS, designed as a smaller but generic safe and legal route aiming to resettle about 5,000 people in 2020-21 from a range of conflict regions. But thanks in part to Covid this happened on a much smaller scale resettling just 2,192 by March 2023.

Nevertheless, the VPRS scheme had the three key factors for a generic safe and legal route: selecting of those in most need of refuge, a limit on numbers and a high degree of cooperation between the UK and the UNHCR and among the various UK authorities.

Lord Richard Harrington, the former Minister of State for Refugees, who was a key figure in both the VPRS and the Homes for Ukraine scheme, says it is a great pity that the Whitehall-local authority machine that had worked so well in the case of the VPRS was not retained "at least in skeleton form". It meant there was no mechanism in place to deal with the Afghan evacuation of August 2021, one reason that so many Afghans were placed in hotels.

There are other kinds of safe and legal route, in particular sponsorship by communities and families, that can in principle achieve the best combination of control/selection and burden sharing with concerned citizens. But first I want to consider how the VPRS scheme might be adapted in future.

Cooperation with the UNHCR is clearly important to any significant safe and legal route. The organisation says there were 108m forcibly displaced people at the end of 2022, of whom 63m were internally displaced and 35m are refugees usually in a neighbouring country.

About 24m of the 35m are said to be under the UNHCR mandate—more than half from just three countries: Syria, Ukraine and Afghanistan—meaning the organisation believes they are in need of resettlement. A much smaller number, 1.5m, are described as part of the UNHCR case

load, meaning in urgent need of resettlement, of whom only about 55,000 were resettled by the organisation last year (though overall 339,000 returned to their country of origin and another 65,000 were resettled by other means).

As we have seen the UNHCR played a key role in selecting candidates for resettlement in the UK from among those Syrians who were registered with it in neighbouring countries. Canada, by contrast, did much more of the selection itself and used its own selection criteria which overlapped with the UNHCR's but was not identical to them. The UK, according to Richard Harrington, just did not have the people trained for the task.

There is the belief in some quarters that the UNHCR is too swayed in its selection criteria by local political or religious forces and that, for example, not enough Christians were selected for the VPRS scheme. In any case the UK might want a distinctive selection criteria of its own, combining different priorities: the physically vulnerable, but also those in most danger of political persecution and, perhaps, those with family connections to the UK. (Any such selection that departs from a purely needs based criterion could find itself challenged by human rights legislation but that does not seem to have been a problem in Canada.)

A more universal version of the VPRS would, by definition, also want to spread itself more widely across all the main regions where refugees are congregating either in camps—in North Africa, the Middle East, South Asia—or in mainstream society.

A generic resettlement route cannot be limitless. Decisions would need to be made each year about how many refugees to take and where to take them from. The Illegal Migration Bill—and Rishi Sunak himself in his first campaign to become Tory leader—has proposed an annual quota to be “set by Parliament in consultation with local authorities to determine our capacity, and amendable in the face of humanitarian emergencies”.

The level of the cap would depend, as the Bill says, on the scale of flows elsewhere in the system, including country specific programmes like Ukraine and continuing irregular entry, but a reasonable target would be 20,000, a bit less than twice the average annual number granted asylum via irregular entry in the past 10 years.

Sponsorship

The other potential strand of safe and legal entry is through expanding non-state sponsorship. Refugee sponsorship has been a major part of the Canadian system for several decades, with around 8,000 coming through this route every year, but until the UK's Homes for Ukraine scheme of 2022, most individual, family or community sponsorship programmes in this country have been very small scale.

The success of the Ukraine scheme, however, and the mass willingness of concerned citizens to share with the British state the burden of providing a refuge opens up important new perspectives for refugee flows and management.

Not only does sponsorship reduce the cost to the state of the current irregular entry asylum system—now running at around £3.5bn a year, partly thanks to the cost of housing the large backlog of irregular entry asylum claimants—but it should also improve the integration process of new arrivals (something being considered by the current [Commission on the Integration of Refugees](#), of which I am a member, due to report its findings early next year).

Anxiety about immigration levels in general declined after Brexit and the ending of free movement, though it has been creeping up again in recent months in the light of unprecedented levels of legal migration. But aside from the persistent feeling of at least half the public that overall inflow numbers are too high, and society is therefore changing too fast, there are usually two other legitimate worries about immigration (and especially those coming on the irregular entry asylum route): the cost/contribution of newcomers and their ability/willingness to integrate into British society.

These anxieties are largely absent with both the Hong Kongers, with British National Overseas (BNO) status, and the Ukrainians. In the case of the latter there is a general understanding that the UK is a temporary refuge and more than three-quarters of the refugees are women (often with children) many of whom speak decent English and therefore have little problem finding work. Similarly, the Hong Kongers almost all work and speak good English.

The advantage of the various sponsorship routes is that, at least in principle, they address both anxieties about cost to the taxpayer and integration. And there is clearly an appetite, from at least a section of the public, to provide support.

Half of British people said they would be happy to take part in some welcoming activity for refugees, according to polling by British Future

at the time that Homes for Ukraine was being launched in 2022. That may not be much of a commitment but 8% said they would be happy to host a refugee in their own home. The polling was conducted a month after the invasion of Ukraine and the actual number of people who have come forward to host so far is more like 0.3%. Nonetheless with the right framework and inducements that number could clearly be substantially bigger.

And there are other ways of offering support short of housing somebody that could contribute to smoothing the refugee experience and aiding integration. According to the British Future polling 22% said they would be willing to be part of a local group offering practical support to settling in and 25% said they would be happy to join a conversation club to help improve someone's English.

Another poll by More in Common of actual hosts of Ukrainian refugees last November found that 88% were glad they had done it, and most would do it again. Moreover, 96% were people who had never been involved in any refugee activity before and the hosts represented a wider spread of political opinion than might have been expected with 27% Conservative voters at the last election, 37% Labour and 25% Liberal Democrat.

So, what has been the recent story of sponsorship schemes in the UK and what is their potential? Leaving aside the UK Resettlement Scheme (UKRS), the successor to the VPRS, that is best described as a local authority sponsorship scheme, there are three types of sponsorship: individual household sponsorship, as in the Homes for Ukraine scheme, community sponsorship, and family sponsorship.

It is the Ukraine scheme that has, of course, completely transformed the UK's refugee story. Some aspects of the Ukraine story are unlikely to be replicated. It is a country in our European neighbourhood whose independence we saw being threatened by Russian tanks and missiles every night on our TVs. Sympathy, as we saw in the British Future numbers above, was sky high in the month after the invasion when the polling took place. And the majority of refugees, as noted, are women most of whom speak some, and many good, English.

Nevertheless, the scale of the response from March 2022 and the relatively unbureaucratic way that refugees and a named host were connected, initially online, are an indication of what can be achieved in a safe and legal way. About 69,000 visas have now been granted under the Ukraine Family Scheme and 164,000 under the Homes for Ukraine Scheme (technically known as the Ukraine Sponsorship Scheme), though only about 175,000 visas have actually been used.

About 200,000 people volunteered for the Homes for Ukraine Scheme within the first few weeks though the actual number who have hosted is thought to be a bit less than 120,000. People had to agree to host for a minimum of six months and agree to submit to a DBS criminal record check and a property inspection. In return they got £500 a month to cover extra costs. For their part the Ukrainians needed just a visa and a passport and no criminal record (the Ukrainian authorities made their databases

available to check).

Ukrainians have been granted three years full residency rights meaning they can work and use public services and the welfare state, and about 60% are in jobs. According to a Social Market Foundation/Fragomen report one in five larger employers have hired Ukrainians since the war began and 12% have hired Hong Kong British nationals.

Lord Harrington, who had been heavily involved in the Syrian VPRS scheme, was called back in by Boris Johnson, and came up with the idea of Homes for Ukraine. He recalls that he first floated the idea of asking concerned citizens to step up to offer accommodation during brainstorming over the VPRS scheme.

“We were determined,” he says of Homes for Ukraine, “to keep it as unbureaucratic as possible.” It was also chaotic in places and, naturally, not all the hostings were happy ones. Nevertheless, 90% of hosts agreed to extend for a further 6 months, though about 30% have now dropped out.

Although per head the Ukraine scheme has been less costly than the VPRS scheme, thanks to some of the cost being carried by individual citizens, it is not cheap, as on top of the payment to sponsors there has been a £10,000 per head payment to local authorities to cover relevant costs (reduced to £5,900 in 2023), mainly housing, as sponsor fatigue sets in. The local authority payments came to just over £1bn in January so the total cost of the scheme to date is likely to be at least £2bn.

The other two ongoing sponsorship schemes, in addition to UKRS, are anaemic by comparison, but the example set by Homes for Ukraine and the relatively smooth way it has run should provide inspiration to expand them.

The current form of community sponsorship called (unsurprisingly) the Community Sponsorship Scheme (CSS) was established by the then Home Secretary, Amber Rudd, in 2016. And the Mandate Resettlement Scheme for families is the long standing but little used scheme for refugees who have a close relative in the UK. In the year to September 2022 just 1,387 people came through the three refugee resettlement schemes—the UK Resettlement Scheme (the VPRS successor), the CSS and the Mandate—but for reasons that are not entirely clear just a few hundred came through the latter two community and family sponsorship routes.

The CSS is a collaboration between the Home Office, civil society and faith groups. The idea is to take people who are already classified as refugees by the UNHCR, as was the case with the VPRS, which means that they do not have to go through the asylum system. Community sponsors, such as Citizens UK or Caritas, are then responsible for supporting newly settled families for the first year, though it invariably extends beyond that.

Community sponsors get some support from the Government but they have to show they have £9000 available and access to decent accommodation. This is usually normal rented accommodation, covered by housing benefit, and seldom Ukraine style residence in a sponsor’s home, as most CSS arrivals are here to stay. Sponsors are mainly responsible for navigating people through the health, education and welfare systems,

and providing general moral support and often help with learning English. In 2019 the CSS was extended for another 5 years.

The Mandate family reunion scheme similarly draws people from the UNHCR refugee list and is restricted to immediate family, meaning child, spouse, parent or grandparent.

Why have these two schemes been so little used? Both are relatively bureaucratic. In the case of the CSS the sponsor must either be a charity or a community interest company. This seems an unnecessary restriction, though clearly some kind of status check is necessary. They also need consent from their local authority to participate in the scheme, which can take time. In fact, it usually takes at least one year to set up a successful sponsorship scheme.

Moreover, if you are able to select refugees there is good reason to select those most in need of rescue, but so long as the selection for these schemes is focused on UNHCR vulnerability criteria then many of the cases are likely to be people with complicated needs that might be hard for community sponsors to handle. It is difficult to imagine a Homes for Ukraine scheme working so smoothly with 200,000 UNHCR refugees from the middle east or Afghanistan. Afghans are a particular challenge because of the size of their families.

Nonetheless, there is no reason why private, or community, or family sponsorship should not become a much bigger part of the refugee landscape. Official sentiment has long assumed that ordinary citizens cannot take responsibility for refugees, something now comprehensively disproved by Homes for Ukraine. Moreover, so long as irregular entry has been so large there has been no incentive on governments to encourage a new wave of sponsorship inflows.

The process of qualifying to be a sponsor needs to be streamlined and the selection of refugees needs to be better aligned to who is hosting them. In fact, this already happens to some extent with the most vulnerable refugees usually taken through the more local authority based UKRS scheme with easier cases going through the family/community route. The single biggest constraint on expanding these latter schemes is the lack of affordable rented housing but if more sponsors were ready to take people into their own homes, in the manner of Homes for Ukraine, that could help to mitigate the problem.

Paul Morrison, the former Home Office civil servant who was in charge of the UK's sponsorship schemes, agrees that the UK schemes have been too bureaucratic but also worries that private sponsors are not always well prepared and need more training and structure around them. The Home Office did in fact help to set up a charity called Reset to help such capacity building in communities.

There is also a noticeable absence currently from the refugee sponsorship story in the UK—that is the co-nationals of the big refugee/asylum seeker groups from Syria, Iraq, Iran, Afghanistan, Eritrea, Somalia and so on. Why is the British Iranian Association or the British Iraqi Association or Afghan Council of Britain, and similar organisations, not playing a much

bigger role in sponsoring and accommodating refugees? Why is there not more community and family sponsorship from those groups that have large diasporas already here? This is surely another major source of the safe and legal routes of the future and part of the answer to the “Tim Loughton question”.

Last November the Conservative MP Tim Loughton asked Suella Braverman this question: “I’m a 16 year old orphan from an African country escaping war and religious persecution and I have a sibling living legally in the UK. What is the safe and legal route for me to come to the UK?” Braverman had no answer but there is an answer in the shape of an expanded, and better known, Mandate family sponsorship scheme.

If the Mandate scheme was expanded as proposed it would still take time to bring someone over, and the family route, like all sponsorship routes, would need to be capped. So, Loughton’s imagined young African might never get to the UK, but at least there would be a *potential* route for them to seek out.

Many of the more recent refugee arrivals, such as Syrians, do not have the resources or know-how to offer themselves as family or community sponsors but some more established, and affluent, groups such as British Iranians, surely have the motivation and ability to provide more support if encouraged to, or indeed allowed to, by the Government.

Currently, community sponsors have very little choice about the refugee or refugees they receive, though they can reject them if they are unsuitable. But with a more established, ongoing, safe and legal selection system the UK Government could volunteer to the UNHCR to take, for example, 2,000 Iranians each year from camps in Turkey or Pakistan. Iranian refugees could then be linked up with British Iranian sponsors. Canada’s sponsorship system allows this sort of linking.

The Canadian system also has broader lessons for the UK, though it should be noted that Canada does not have the European problem of large-scale irregular entry and, unlike most of Europe, has a national consensus that still broadly favours high levels of legal migration. The country’s safe and legal routes have three strands:

- Government-Assisted Refugees (GARs). Refugees who are referred for resettlement by the UNHCR and whose initial settlement is supported by the Canadian Government for one year.
- Privately Sponsored Refugees (PSRs). Refugees who meet the 1951 Convention definition and are referred for resettlement by a private sponsor, or in many cases a group of 5 private sponsors, who agree to provide full support for one year.
- Blended Visa Office-Referred refugees (BVORs). Refugees referred by the UNHCR with six months support provided by the Canadian Government and private sponsors providing another six months.

The GARs are equivalent to the UKRS scheme, PSRs are more like the Homes for Ukraine scheme and the BVORs are the model that was adopted

for the small CSS scheme. In the past 44 years Canada has accepted around 350,000 refugees through the private sponsorship routes, working out at around 8,000 a year.

Paul Morrison says we should borrow the Canadian idea of encouraging private sponsors to band together. He thinks that the Homes for Ukraine scheme was if anything too laissez-faire in relation to sponsors, though this was justified because of the urgency required.

For more regular, ongoing sponsorship systems he believes that if sponsors were given more institutional support it would justify asking more from them in return—things such as English language teaching, home adaptations—and thus saving money in payments to local authorities (though currently neither community nor family sponsors get direct local authority support).

The other key factor to replicate in any generic safe and legal route, with or without a private sponsorship dimension, is to create a cross-departmental team of officials who no longer work for their original departments, according to Lord Harrington (the first minister to be attached to three departments at the same time). He believes that such cooperation was key to the success of both the Syrian VPRS scheme and the Homes for Ukraine, and also explains the relative failure of the Afghan scheme which was run solely by the Home Office.

Security and the red route

There is another advantage to a system of refugee selection coupled with community or family sponsorship, and that concerns the security dimension. According to Policy Exchange associate Rakib Ehsan around 25% of foreign nationals convicted of Islamist-related terror offences in recent years have an asylum background. While writing this report four people have been murdered by asylum seekers in two separate incidents in the UK with several more in the rest of Europe.

Through no fault of their own asylum seekers from conflict zones have often experienced serious trauma and have been victims, and sometimes perpetrators, of violence. There is plenty of research on the disproportionate psychiatric problems faced by asylum seekers. This does not mean that we should never welcome, via Syria-style selection, people who are suffering mental dislocation as a result of their experiences, indeed victims of violence and torture is one of the core UNHCR selection principles.

But the safety of UK citizens requires a high degree of caution to be applied when security checks are being made on potential refugees. These are far harder to do with irregular entrants than with those who are already registered with the UNHCR. And a wave of Palestinian refugees from Gaza crossing the Channel could increase the danger.

Also, there is a tendency for irregular entrants to fall through the cracks and disappear from official oversight, especially if people have been refused asylum. With the selection of refugees, combined with various kinds of sponsorship, close contact is maintained and if there was evidence of odd or extreme behaviour it could be reported to the authorities and dealt with.

Security works the other way too. Thanks to the UK's geographical position almost nobody coming here from mainland Europe is in immediate danger. However, there are people around the world whose lives are in danger who could, in some circumstances, be brought to safety in the UK. Think of the gay son of a Taliban leader who has managed to escape to a camp in Pakistan but knows that his father wants him dead or an opposition activist in an African state who fears an accidental death is being arranged for him.

In order to be helped such people would generally need to be out of their country of origin and probably registered with the UNHCR. This final, and much smaller, safe and legal route—maybe call it the *red route*—would be reserved for individuals in quite extreme situations facing life-threatening persecution, the kind of people that the 1951 Refugee

Convention was originally designed for. For example, the recent case of the 53 year old female Afghan judge who was in hiding in Pakistan. Or the attempt by Sajid Javid, when Home Secretary, to bring to the UK Asia Bibi, the Pakistani Christian who had been sentenced to death on blasphemy charges.

In the end Bibi went to Canada, rather than the UK, but it should be possible to establish an ad hoc committee of relevant individuals from the Home Office, responsible NGOs (such as Amnesty), the security services and a local UK diplomat, to oversee cases like Bibi and put forward recommendations, on an individual basis, to the Home Secretary. Applying to be considered for red route refugee status by such an ad hoc committee would not be, and should not be, a simple process, and would usually require representations by a third party. But it could be a life-saver for an endangered few. I would expect only a few dozen cases a year coming through this route.

Ongoing irregular entry and caps

The opening up of more safe and legal routes will, in some cases, be a straight substitute for irregular entry. An academic acquaintance of mine who is married to a Ukrainian had been investigating, after the Russian invasion, the possibility of bringing over some of his wife's relatives by flying them to Ireland, crossing the border into Northern Ireland, and there claiming asylum in the UK. When the UK's Ukraine visa scheme was announced they decided to wait to enter legally.

There are, however, many people coming over now on small boats who either know they would be unlikely ever to be granted asylum or don't want to have to wait what might be years languishing on a UNHCR register before being able to come to the UK, or similar country, under the kind of Europe-wide safe and legal system that this report is envisaging.

It is vital from a public confidence point of view that safe and legal routes are seen as genuinely replacing irregular entry routes, rather than adding to them. But even if the Government does succeed in largely stopping irregular entry there will always be some people who manage to beat the system. In 2022, out of a total of almost 90,000 asylum seekers only just under half arrived by small boat. There were several thousand who arrived by other clandestine irregular routes, most likely cars and lorries.

But according to Peter Walsh of the Oxford-based Migration Observatory there were roughly 25,000 asylum seekers last year who entered *legally* but then over-stayed visas and claimed asylum. So, the Government will still need to continue to work on speeding up the asylum system and overhauling the ability to deport people where necessary, which continues to flounder.

The failure to deport means that under the current free for all tens of thousands of people arrive in the country every year, do not receive permission to stay, and then continue to live here often in a twilight world of exploitation and lawlessness. Despite the best efforts of Immigration Enforcement teams the number of enforced deportations in 2022 was just 3,860 and about three-quarters of them were Foreign National Offenders deported straight from prison. (Deportation numbers are likely to rise in the next few months, but some serious thought should be given to supplementing Home Office staff with private security companies who could identify and track illegal workers and then pass the dossiers to police or Home Office staff in return for a success fee.)

Even if it is possible to switch the emphasis to selection there is no simple solution to the wider refugee/asylum problem. The UK needs to

secure many more workable returns agreements with relevant countries—including India, which provides the largest cohort of visa overstayers and now, in the first quarter of 2023, the second largest cohort of Channel crossers—and must be able to detain more people before deportation.

Poor countries should be incentivised to sign up to returns agreements, or support in stemming irregular migrant flows, in exchange for time-limited legal migration opportunities and support for top students who might not be able to afford to study in the UK without help. This is, of course, easier said than done. Soon after the recent €1bn deal between the EU and Tunisia to stop crossings from North Africa several thousand refugees left Tunisia for Lampedusa.

Paying people to leave voluntarily from the UK has also declined sharply since it was returned in-house at the Home Office, this needs to be reviewed.

Many of the countries that produce the most irregular entrants, like Iran and Afghanistan, will never, under their current regimes, accept a returns agreement. Some people from those countries, who generally get accepted for asylum, will still have a chance of reaching the UK under a selection system, if their cases are deserving enough.

They would need to leave their country of persecution and register with the nearest UNHCR centre, or equivalent. It is true that not everyone can do this but anyone who can get themselves to Northern France can certainly do so. (The Home Office says there are many Afghans currently languishing in UNHCR camps in Pakistan who could be welcomed here under a selection scheme but there is currently nowhere to house them, in part because so much housing has been taken by the Afghans coming over the Channel.)

The UK Government would inform the UNHCR that it wanted to increase the number of people it intends to take, who had already been classified as bona fide refugees, from a certain region or of a certain nationality. (See my previous example of taking 2,000 Iranians a year, until Iran is a less repressive country.)

The level the cap should be set at could be decided either by the Government alone, after relevant consultation, or by the Government and Parliament. One way of doing it would be for the Government to propose the level each year in a statutory instrument to be approved by Parliament under the so-called affirmative procedure.

The level would have to be dependent on what is happening with other refugee inflows and the absorption capacity of local authorities and private sponsors. The average number of people accepted for asylum every year, for the past 10 years, has been about 12,000 (excluding those coming on official resettlement schemes). Almost doubling that to a target of 20,000 refugees a year would be an important signal of intent and would give greater moral legitimacy to the Government's unavoidably controversial attempt to stop uncontrolled entry.

It is not realistic to expect any Government to start implementing a universal, but capped, safe and legal route until the current uncontrolled

entry has been reduced to a far lower level. Some have argued that the cap should be reduced in line with the number of continuing irregular entrants. That could not be done in real time but would mean calculating the cap on the basis of the previous year's irregular inflows.

That begs the question of which type of irregular asylum inflows should be included in the deduction? All of them? Or just the most visible and unpopular irregular inflows, in other words the small boats? Given that it is almost impossible to stop visa over-staying asylum claims, currently running at about 25,000 a year, the generic safe and legal route would be unlikely to ever get started if a deduction system was to apply to all non-selected asylum seekers.

In order to reinforce a special taboo on small boat crossings there might be a case for subtracting any continuing small boat entrants from the annual cap but it is simpler to merely announce that the new generic safe and legal routes will not be opened until irregular entry by boat falls below a certain threshold, say 10,000 a year.

Conclusion

If the Government is to succeed in its aim of effectively stopping irregular entry into the UK, by lorry or boat, in order to claim asylum, it needs an alternative route for refugees, for both political and moral reasons. The alternative to the current free for all is an ordered system of selection and resettlement. This would include both country specific programmes and a more universal scheme, based on a revised version of the Syria VPRS.

Selection must become the new normal, and several other rich countries are starting to think along these lines. Europe now has the highest irregular inflows since 2015 and several countries, including Austria, Sweden and Italy, are open to rethinking the current system. The fatalistic view that there is nothing rich countries can do to stop these uncontrolled flows, with ever rising numbers into the future, must be challenged. It is alienating ordinary voters in rich countries and has become an emblem of political impotence and disillusionment with liberal democracy.

It is unlikely that most refugee organisations, or indeed the UNHCR, would ever accept the logic of a fully controlled, safe and legal, system. But if there were to be any kind of explicit trade-off between the numbers continuing to come via irregular routes and those selected for safe and legal routes, the refugee organisations would be openly promoting queue jumping via irregular entry thus weakening their case in the public debate.

In the longer run the goal should be to make the refugee sector an ally of Governments, not an adversary, in helping to identify and select the most endangered or needy people for the Government's safe and legal routes or related sponsorship schemes. Similarly, with the UNHCR itself. It should be encouraged, and funded, to establish more registration/safety zones where people can be both safe and, if they have a strong case, join a queue to be resettled.

In exceptional cases there might even be a case to establish such registration centres in European countries. In the case of France such a centre, away from the coast, could be where channel crossers are returned to with the UK Government agreeing to take a certain number of the hardest cases (or those with relatives in the UK) through one of its safe and legal routes.

At national level a system of selection would need to be both capped and compatible with a significant degree of sponsorship by individuals, families and community groups, in the light of the possibilities opened up by Homes for Ukraine. This does not rule out selecting a significant proportion of people with the sort of vulnerabilities that would be hard for private sponsors to handle. A balance would have to be struck, as in

Canada, and care taken not to expose selection procedures to challenge under human rights legislation.

Sponsorship was an under-used aspect of the refugee/asylum system, prior to the Ukraine experience, but it should now become part of the new normal, along with selection, not only because of its importance in smoothing integration but also in spreading the burden of cost and making it easier to screen for security risks.

The current free for all, combined with Government failures of asylum processing, is currently costing an estimated £3.5bn a year. More than half of that sum is currently drawn from the foreign aid budget (though it is currently facing legal challenge) which should be directed at some of the world's neediest people. Those arriving by irregular routes divert resources from those, many in greater need, who could be resettled from conflict zones.

Making sponsorship easier—especially with the help of the UK's diaspora groups from hard to return places like Iran, Iraq, Afghanistan and Eritrea—is overdue and would help to substantially reduce the cost of asylum and allow the aid budget to rise again. It would also mitigate the biggest constraint on all these schemes which is the availability of affordable housing.

We will always need to select. We cannot take more than a fraction of the people who would qualify, quite legitimately, for protection under our current UN and European obligations. But we can play our part in making a dent in the refugee mountain with country specific programmes, particularly where we have strong historic connections, and, in the future, with a more generic, but capped, safe and legal selection programme. Achieving this goal, along with stopping the free for all, is, of course, a great deal easier said than done. But it is a goal that people of all political persuasions should be striving for.



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