



Dame Angela Eagle DBE MP
Minister for Border Security and Asylum
Home Office
2 Marsham Street
London
SW1P 4DF

16 June 2025

Dear Minister,

Re: Asylum decision-making

I am writing to you concerning the sharp decline in asylum recognition rates in Home Office decision-making under this Government and the related matter of asylum backlogs.

In our view, this decline and the impact it will have emphasises the urgent need for repeals of related provisions in the Nationality and Borders Act 2022 and a new focus on fairly and efficiently handling and deciding people's asylum claims.

Previous administrations have failed to fulfil this country's human rights obligations by attempting to use the asylum system, including decision-making, to deter people seeking asylum in the UK. We believe that the UK government should put an end to this moral, but ironically also practical, error.

Trend in asylum decision-making towards refusals

We have noted the overall trend in asylum decision-making towards refusals. This includes sharp declines in recognition rates on claims of Afghans, Eritreans and Iranians among others.

The decline in Afghan recognition rates is especially dramatic. It has accelerated from the early part of 2024, the first quarter of which saw 794 grants of asylum against 94 refusals of main applicants. The first quarter of 2025 has however seen 1,094 grants of asylum against 1,764 refusals. That is a refusal rate approaching two-thirds (62%), an extraordinary change in respect of nationals whose grant rate in 2023 and 2024 was 98% with no improvement in relevant country conditions. The number of people affected by refusals is, of course, higher because it includes dependents (generally women and children), of whom there were five refused in the first quarter of 2024 and 196 in the first quarter of 2025. As for women who are main applicants, there were none refused in the first quarter of 2024 compared to 20 refused in the first quarter of 2025 (26 women were also refused in the previous quarter). This is notwithstanding that since 2021, women and girls in Afghanistan have endured human rights violations of especial severity and systemic nature.

Causes of this trend towards refusal (Nationality and Borders Act 2022)

We are grateful to your officials for offering some response to questions about this trend at the regular Asylum Stakeholder Engagement Group ("ASEG"). They acknowledged that a significant reason for the trend is the impact of provisions of the Nationality and Borders Act 2022 ("NABA 2022") that have altered the application of the Refugee Convention definition of 'refugee' in UK asylum decision-making. We have long warned about that – its immediate impact (on recognition rates), its impropriety (as contrary to the Refugee Convention), and its long-term consequences (e.g., on the asylum system, backlogs and limbo).

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We note that officials did draw attention to lower refusal rates in years prior to 2021-2022. Of course, there have been significant changes since that time, not least for Afghans with the Taliban completing their return to power across the country in August 2021. In any event, we must assume that it is not the department's thinking or contention that the decline in refusals can be accounted for by a simple comparison with earlier years in which the NABA 2022 had no application.

As regards Afghans, we also note that officials referred to a change late last year to the Country Policy Information Notes ("CPIN") concerning generalised fear of the Taliban. However, they also emphasised that the change to the CPIN did not constitute a change in policy. The dramatic decline in Afghan recognition rates began much earlier, though it has been most pronounced in the first quarter of 2025 and final quarter of 2024. In any event, if the policy has not changed, this too would seem incapable of explaining what has happened. However, if it is a change of policy or policy guidance that has led to the declining recognition rates, that raises separate concerns about the policy and guidance given the clearly dreadful human rights and humanitarian conditions in Afghanistan. Similar observations may be made in respect of Eritrea and Iran among others.

Backlogs, limbo and other impact

We raised concerns about these matters at the last ASEG meeting. In doing so, we drew attention to the impact of refusing thousands of people of whom, as we understand the matter, the department makes no suggestion that it can or should enforce their return. We must make clear our assessment that doing so would be unsafe and contrary to the UK's international obligations (including under the Refugee Convention). Officials replied that the decision to refuse asylum and the decision to return must be distinguished. That is correct but raises more questions than it answers.

We recall, for example, the very large number of 'unresolved' cases in the asylum system when the Rt Hon John Reid, then Home Secretary, announced a 'legacy' of around 400,000-450,000 people in late 2006. We acknowledge that this number was inflated by inadequate administrative recording and data (duplications, unrecorded resolutions and people who had left). However, the scale of that backlog (largely concerning people with fresh claims and/or 'appeal rights exhausted') was nonetheless large with years required for its ultimate resolution by a substantial dedicated team established to undertake that. Nobody should be refused asylum if it is not safe to return them to their home country (unless there is some safe and legitimate alternative destination, which are constituted neither by 'returns hubs' nor schemes like the previous administration's Rwanda proposal). Nobody should be simply left in limbo if there are other practical reasons that prevent their return. This concerns both the safety and wellbeing of people, including refugees, and the fair and efficient running of the immigration and asylum system, which should not waste resources attempting to do things it should not do or cannot do.

Our primary concern is that the NABA 2022 – and/or other policy decision – is improperly causing many refugees to be refused asylum.

This is to both fail in this country's international law obligations and to fail these people, leaving them in a severely impoverished state of extremely anxious limbo in fear of removal (whether or not that is a real prospect).

The risk that people in such a state suffer exploitation is significantly increased. The prospects for their integration, if and when their claims may be properly addressed or they may otherwise be permitted to stay, is significantly reduced by their ongoing marginalisation, including prohibition from work, and mental health impacts. None of this is to the good of the asylum system or wider society.

Meanwhile, the appeals system will now be backing up with excess numbers of appellants even as Government legislation is passing through Parliament to distort the appeal process by prioritising appeals of people in receipt of asylum support or people facing deportation who are not in detention – clauses 46 and 47 of the Border Security, Asylum and Immigration Bill (“the Bill”) respectively. It would be far better to simply avoid appeals by people wrongly refused asylum under the NABA 2022 or other policy. Presumably, some of the people wrongly refused asylum will succeed with their appeal although the NABA 2022 will distort appeal decisions in the same or a similar way that it distorts Home Office decision-making. Its impact on the Refugee Convention definition of ‘refugee’ applies equally to judicial decisions.

Reconsideration of NABA 2022 urgently needed

We must urge you to reconsider the position. The Government has, thus far, chosen to retain the asylum and other provisions of the NABA 2022 rather than repeal these alongside repeal by the Bill of the Safety of Rwanda (Asylum and Immigration Act 2024 and much (though we regret not all) of the Illegal Migration Act 2023.

If this continues, as we have warned and as the data is now showing, the Government will consign many thousands of people to a new limbo – no longer waiting for a decision which the last administration refused to make but now wrongly refused with nowhere safe to go and the prospect of destitution, homelessness and the constant fear of immigration enforcement (whether or not there is any practical let alone safe prospect of that).

We had been encouraged by the appearance of understanding within this Government of the serious dangers of backlogs and the inadequacy of simply moving people from one backlog to another (e.g., from the initial decision-making onto appeals; or from the active asylum system to ‘appeal rights exhausted’). This does harm to people, to the system itself, and to wider public confidence. However, retaining the relevant provisions of the NABA 2022 and refusing thousands of people, who cannot safely or practically return, shows no such understanding.

Pause on Syrian claims and other international comparisons

We also take this opportunity to again emphasise our objection to the continued and now protracted limbo imposed by the pause on Syrian asylum claims. At the last ASEG meeting, officials indicated no prospect of a change to this and drew attention to similar approaches across the EU. We are all for considering the practices of others, but for following good practice and avoiding bad, not adopting the bad or mutual reinforcement of it. The same goes for misguided policies designed to reduce recognition rates contrary to Refugee Convention obligations.

The Government should look beyond the EU and consider the wider impact of these approaches. The response of the UK to refugees from countries such as Afghanistan and Syria can either encourage or discourage responsibility taking elsewhere – such as in places like Pakistan or Lebanon. Discouraging responsibility harms tens or even hundreds of thousands

of people and risks triggering more movement of people with more business for those who will offer to smuggle them.

Wider inconsistency

The Prime Minister and Foreign Secretary have each made statements expressing this country's profound human rights and humanitarian concerns regarding the conditions faced by people around the world (e.g. the Prime Minister's September 2024 speech to the UN General Assembly; and the Foreign Secretary's statement on human rights defenders on Human Rights Day 2024). The Government has condemned the Taliban and expressly recognised the humanitarian crisis and "*appalling human rights situation, particularly for women and girls*" in Afghanistan (e.g., *Hansard HC*, 31 October 2024: Col 44-45WS). It is surely apparent to the Government that the UK has a special responsibility to Afghans, who continue to endure a human rights and humanitarian catastrophe, given its significant military and political interventions in the country over many years.

We also note, by way of example, that barely three months have passed since the UK's statement at the 58 Human Rights Council on 27 February 2025 concerning Eritrea, specifically noting the absence of any improvement in that country's human rights record; and even less time since the UK's statement also at the 58 Human Rights Council on 18 March 2025 noting the human rights record of Iran to be appalling.

In September 2024, the Prime Minister addressed the UN General Assembly. He made a powerful and personal declaration of commitment to human rights for speaking directly to human dignity and the very essence of what it means to be human. With respect, such statements are only valuable if they are matched by actions, otherwise they are too readily dismissed by others as mere cant and hypocrisy – undermining respect for both human rights and the UK.

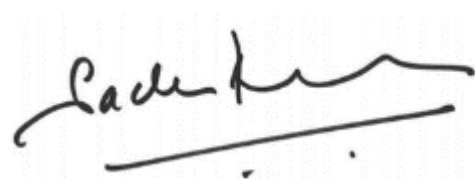
Conclusion

We have previously written to the department concerning the need for a fair and efficient asylum system and with specific proposals for how to achieve that. That involves reducing the department's workload and improving the lives of refugees.

We very much regret that it seems that the Government has begun on the wrong foot; but emphasise that it is not too late to change. However, we urge that change is made now before the harmful impact on both people and the system becomes much harder to repair. A good start would be the repeal of asylum provisions of the Nationality and Borders Act 2022 by the Border Security, Asylum and Immigration Bill currently before Parliament.

I look forward to your response and would be happy to meet with you to discuss these important issues.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Radek', is written over a horizontal line. The signature is fluid and cursive.

Sacha Deshmukh
Chief Executive, Amnesty International UK