



Mr Sacha Deshmukh
Amnesty International UK

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Dear Mr Deshmukh,

Thank you for your letter of 16 June raising your concerns about how asylum claims are currently being processed and provisions in the Nationality and Borders Act (NABA) 2022.

Border Security, Asylum and Immigration (BSAI) Bill

The Border Security, Asylum and Immigration Bill (“the Bill”) continues its consideration and scrutiny by Parliament, currently in Lords Committee stage. The Bill is a key part of the Government’s approach to strengthening the system-wide response to border security threats, including organised immigration crime.

I was pleased to attend the Asylum Strategic Engagement Group on 12 March to discuss the Bill and hear views from the group.

As you note in your letter, the Bill does not amend or repeal provisions in the NABA. It repeals the Safety of Rwanda (Asylum and Immigration) Act 2024 in its entirety and the vast majority of measures in the Illegal Migration Act (IMA) 2023. This Government has always been clear that it would end the previous government’s ineffective and costly Rwanda scheme and these repeals are part of achieving that.

The Government is committed to ensuring a functioning, effective system and, to that end, certain provisions of the IMA have been retained where they have been assessed as offering potential operational benefit.

Provisions of NABA also support that aim. For example, introducing the National Age Assessment Board to achieve greater quality and consistency of age assessment practices, and support of the Council of Europe Convention for Action against Trafficking in Human Beings on a legislative footing for the first time in the UK.

Commitment to our international obligations

Before addressing specific issues raised about provisions in the NABA, I want to reaffirm this Government’s enduring commitment to our international obligations under the 1951 Refugee Convention and the European Convention on Human Rights. It is right that we are proud of our history of offering protection to those fleeing persecution, and that principle remains central to our approach.

Nationality and Borders Act 2022 – standard of proof and asylum decision-making

I want to take this opportunity to reiterate that the provisions of the NABA remain fully aligned with our international obligations. Whilst we keep all of our policies under review, I can confirm that there are no plans to repeal the remaining provisions within NABA at this time.

One of the key reforms introduced by NABA was the structured two-limb test for determining whether an individual has a well-founded fear of persecution. This involves a raised standard of proof in the stage 1 consideration to the 'balance of probabilities'. I understand your concerns regarding the impact of this change on grant rates, particularly for Afghan nationals. While the revised standard of proof may be one contributing factor at play here, it is important to recognise that asylum outcomes are influenced by a wide range of variables, including the nature and basis of individual claims, personal characteristics, evolving country conditions and the credibility of the claimant.

I would also like to point out that although the asylum grant rate at initial decision has declined recently, this does not indicate that the UK is now refusing more cases than ever before. In fact, the current grant rate remains higher than in any year prior to 2019. Between 2001 and 2018, the average grant rate was just 29%, with the highest rate during that period reaching 41% in 2014. Since 2019 grant rates have consistently exceeded these historical figures. Therefore, even with the recent drop, the system continues to grant asylum at a rate that is generous.

Our approach remains robust and ensures that each claimant has the opportunity to present all the reasons why they require international protection. You can be assured that every asylum claim, including those from nationals of Afghanistan, Eritrea and Iran, continues to be assessed on its individual merits in line with published policies. We are aware of the particular difficulties faced by Afghan females under Taliban rule. The Home Office is committed to treating all those who seek refuge with dignity and respect. All decision makers receive mandatory training on managing cases sensitively, including specific guidance on gender-based persecution. This covers issues such as female genital mutilation, sexual exploitation, violence in conflict and domestic violence.

I do not accept the assertion that retaining these provisions will lead to increased backlogs. On the contrary, the Home Office is actively transforming the asylum system to ensure it operates swiftly and fairly at every stage, from border security to case processing, appeals and returns. Reducing the asylum backlog will not only ensure that individuals spend less time in the system, but it will also help to save costs for the taxpayer.

The Home Office is investing in a comprehensive programme of transformation and business improvement. This includes streamlining decision-making processes, reducing waiting times and ensuring that fewer people are left awaiting a decision. We also prioritise cases where appropriate, such as those involving individuals with severe vulnerabilities.

These reforms are designed to maximise capacity, improve efficiency and deliver better outcomes for those seeking protection. We have the resources in place to clear the longest-standing cases while ensuring that no new backlogs are created.

In addition, new measures in the Border Security, Asylum and Immigration Bill will introduce a statutory timeframe for the First-Tier Tribunal Immigration and Asylum

Chamber to determine appeals brought by those receiving accommodation support, or who are non-detained foreign offenders, within 24 weeks unless it is not reasonably practicable to do so. According to the latest statistics, such cases take an average of nearly 50 weeks.

These provisions will help reduce public cost, maintain public order and mitigate the negative health impacts on those housed in temporary asylum accommodation. They form part of the Government's wider efforts to deliver a sustainable, fair and efficient appeals system. The Home Office continues to work closely with the Ministry of Justice to ensure the Immigration and Asylum Tribunal has the resources it needs to address the growing backlog of appeals without compromising access to justice. I can confirm that the Tribunal has received additional funding to increase the number of days it will be sitting in 2025/26 to near maximum capacity.

We also recognise that children who claim asylum are particularly vulnerable and may face greater risks on return. We take our duty of care towards children and young people extremely seriously and prioritise their applications. As part of our transformation programme we have simplified and streamlined children's asylum processes. Two dedicated caseworking hubs have been established to build expertise, improve consistency and deliver quicker outcomes. Where sufficient evidence exists, we continue to decide cases without the need for an interview.

Decision makers are fully aware of the importance of making the right decision based on the evidence available and the consequences of refusing protection to those who need it. Our decisions are well reasoned and made after proper consideration of all relevant information. Where we get decisions wrong we learn from this through improved guidance, training and our established quality audit process.

At the same time, it is important to be clear about the expectations for those whose asylum claims have been refused. Individuals who do not otherwise have permission to stay in the UK are expected to comply with immigration laws. This includes making their own arrangements to leave the UK or seeking permission to remain via another immigration route. Their asylum cases will have been given proper consideration and are subject to legal challenge through the independent courts. Compliance with immigration laws is essential for the benefit of the community and the economy, and we will seek to enforce these laws, including by removing people from the UK if it is required. However, where people leave the UK voluntarily there may be financial assistance available under the Voluntary Returns Scheme.

For those whose circumstances may have changed since their asylum refusal, the further submissions process provides a mechanism to consider any new evidence. This ensures that protection remains available to those who genuinely need it.

Temporary pause on Syrian asylum claims

On 9 December 2024 both the Home Secretary and the Minister of State (Lords Minister) informed Parliament that asylum interviews and decisions for Syrian nationals had been temporarily paused. This followed the fall of the Assad regime in Syria which meant significant change within the country.

I recognise that you may not agree with the continued pause on Syrian claims, and I want to acknowledge how difficult and unsettling this situation may be for those who cannot currently have their claims assessed. Please know that this is not a decision we have taken lightly. It remains a necessary but temporary measure, taken solely because we do

not currently have access to stable, objective and reliable information to assess the risk individuals may face if returned to Syria. Without that clarity we cannot make fair, robust and legally sound decisions on claims for international protection.

Throughout this pause we have continued to register new asylum claims from Syrian nationals in line with published policy. This means that individuals continue to have access to the protections afforded to asylum seekers in the UK. Crucially, we have been clear that no one will be removed to Syria if they would face persecution or serious harm.

The United Nations High Commissioner for Refugees (UNHCR) has publicly supported our approach. In their briefing note of 10 December 2024, they stated:

“In light of the uncertain and highly fluid situation the suspension of processing of asylum applications from Syrians is acceptable as long as people can apply for asylum and are able to lodge asylum applications.”

(UNHCR Briefing Note: <https://www.unhcr.org/news/briefing-notes/syria-unhcr-comment-asylum-processing-suspension-and-returns>.)

We continue to provide appropriate support and accommodation to all asylum claimants who would otherwise be destitute, including those from Syria. Unaccompanied asylum-seeking children from Syria are supported by local authorities in England, Scotland and Wales, and by Health and Social Care Trusts in Northern Ireland, in line with their statutory duties.

Let me reassure you that this pause is under constant and active review. The situation in Syria is evolving rapidly and we are closely monitoring developments. As soon as we have a sufficiently clear and reliable basis for decision making we will resume processing Syrian claims. We are already gathering and assessing relevant information to inform future ‘Country policy and information notes’ which will be published as soon as they are ready.

Asylum support and refugee integration

I would like to assure you that we are committed to helping the most vulnerable to sustain themselves while they are awaiting the outcome of their asylum claims. The Home Office has an obligation to support asylum seekers (including any dependants) who would otherwise be destitute. Asylum seekers can apply for accommodation, subsistence, or both accommodation and subsistence support.

Where supported by the Home Office, asylum seekers are given a full induction which includes information on the asylum and asylum support processes. In addition to this, all asylum claimants are given information on UK culture, values and law.

Support may also be available to failed or inadmissible asylum seekers via section 4 support, providing that they meet at least one of the five conditions set out in the Immigration and Asylum (Provision of Accommodation to Failed Asylum-Seekers) Regulations 2005. Further information is available at: <https://www.legislation.gov.uk/ukSI/2005/930/regulation/3/made>.

Those conditions are broadly that there is a practical or legal obstacle to them leaving the UK.

Not all of those who seek asylum are found to need international protection. Rather than invest more substantially in integration for those who may not qualify for international protection, this Government’s priority is to focus our efforts and resources to support those who most need it.

Those granted refugee status or humanitarian protection, including those who are resettled to the UK, have immediate access to the labour market and to mainstream services that support their integration. This includes benefits and healthcare, and we work across government to ensure these services meet the needs of all refugees.

Immigration White Paper (IWP)

We published an Immigration White Paper on 12 May setting out reforms to legal migration so that we can restore order, control and fairness to the system, bring down net migration and promote economic growth. Later this summer we will set out further reforms to the asylum system and to border security in response to irregular and illegal migration, including plans for new legislation building on the new measures already set out in the Border Security, Asylum and Immigration Bill.

Thank you once again for taking the time to write and I hope my response addresses your concerns.

Yours sincerely,

A handwritten signature in blue ink, reading "Angela Eagle".

Dame Angela Eagle DBE MP
Minister for Border Security & Asylum