



Seema Malhotra MP  
Parliamentary Under-Secretary of State  
Home Office  
**BY EMAIL**

8 May 2025

Dear Minister

**Re: Follow-up to meeting – Simplification and Safe Routes**

Thank you for meeting me and Amnesty UK's refugee and migrant rights programme director, Steve Valdez-Symonds, on 23 April 2025. As emphasised at the meeting, we remain available to you and your officials to offer our experience and expertise in what we acknowledge to be complex matters of policy that often attract public and political heat.

It seems especially useful to share further thoughts in writing on two matters discussed at the meeting – simplification (including as this may relate to your imminent White Paper) and safe routes. We address these under separate headings.

Before addressing those two matters, may we please take this opportunity to reaffirm our wide interest in matters spanning asylum, immigration and nationality. While our interest in asylum is likely obvious, significant human rights concerns arise in relation to each of the other two areas. These often concern matters of respect for private and family life, which we know the Government to be actively considering. Other human rights issues arise in these areas. Moreover, as recent media and political discussion affirms, the immigration and asylum systems generally tend towards calming or agitating wider concerns regarding respect for human rights depending on how well or poorly these systems function.

We turn to the two matters we have highlighted.

**Simplification**

We were grateful to be introduced to your lead on simplifying the immigration rules. We have long supported simplification ambitions. We recall the department's consultations on simplification from 2007, including on the rules. Regrettably, since that time the rules have carried on getting far more complicated and inaccessible. As we stated in response to the Law Commission's 2019 consultation, this is as at least as much a problem of policy and policy-making as it is one of drafting and formatting.

The rules were once a relatively concise statement of policy setting out relevant criteria and related matters concerning the circumstances in which someone may be eligible to come or stay in the UK. Until around 20 years ago, changes tended to be relatively infrequent and modest. Since then, it has become routine to make masses of amendments, often at short notice, several times a year. The rules have been made extremely long, complicated and inaccessible, and this problem has kept getting worse. It includes the difficulty of maintaining an eye on how the effect that changes made to one part of the rules may have on other parts.



We acknowledge that maintaining a coherent and adequate statement of immigration rules is more complicated than on 1 January 1973 when today's immigration system was first established. This makes it more important to reflect on what is needed from those rules and why, and how this relates to simplification.

***The purpose of simplification:***

Simplification concerns the ease with which the rules can be understood, complied with and/or applied. The primary audiences are migrants, sponsors, their advisers, and Home Office and judicial decision-makers. Parliamentarians, the general public and others (including those like us who do or may advocate for policy change) are also relevant audiences. However, adequately catering for the primary audiences will satisfy these additional audiences (but not necessarily *vice versa*).

***How this relates to people's journeys under the rules:***

The simplicity of the immigration rules – by which we mean, their relative accessibility and workability – is not merely a matter of plain English, important though that is. It is a matter of whether the rules are truly understandable and work over the periods (not mere moments in time) for which they are to apply. Those periods are the journeys of people from at least the point of first application to either becoming settled or leaving the UK.

In this context, 'journey' does not mean travel from another country to this one. The journeys we are concerned with are under the rules. With the general exception of visitors, people who come to the UK under the rules are on a journey. That is most emphatically the case with people on 'routes' to settlement, but also the case for many people not on such a route. On the one hand, some not now on a route to settlement may later switch onto such a route. On the other, many people's lives in the UK, even without switching, are likely to be relatively protracted over periods measured in years not mere days or even months.

Sadly, too much discussion of the immigration rules tends to overlook how these journeys are integral to the rules' purpose – controlling who is permitted to come, stay and settle in the UK (and of course who may not) and on what conditions. That may mean managing someone's life for a period of 5, 10, 20 or, in some cases, even more years. The person may make several applications over this period. The rules must cater for the full period of that journey. They must cater for both the stages at which further applications are required; and the periods between stages during which the person's life may change in various ways relevant to the rules.

***Home Office fees and other reasons it is necessary to consider journeys:***

It is incumbent on Government to recognise and show sensitivity to people's true circumstances. People's lives in the UK are dramatically affected by changes to the rules (also fee increases). People who come to the UK make substantial investments in doing so – financial, familial, and other. Many now pay very high Home Office application fees and the very high health surcharge. The need to make further applications on a journey mean these are not one-off costs. The Home Office charges these fees generally at above or far above the cost to it of dealing with someone's application on the basis, in significant part, that these fees are said to reflect the benefit to people of making applications.



We have considerable reservations about the number, scale and purpose of Home Office fees – their legitimacy, ethics, and practical impact. We would be pleased to discuss these reservations with you, but for now it is sufficient to emphasise that charging such high fees for the purposes that are given should come with some greater sense of obligation to provide a good ‘service’. That must include consideration of the journey ahead not merely the moment of application for which a particular fee is charged. Any ‘benefit’ arises from the journey not merely the moment of decision on the application. The need to consider that journey is emphasised by the cost of legal advice (made more necessary by the rules’ complexity and the consequences of falling foul of them), additional costs (including costs passed on by sponsoring employers and educational institutions who are also charged Home Office fees), and the financial and other human costs of moving (including sometimes with family) from another country to this one.

In broad terms, it is not human rights-respecting to fail to acknowledge and account for these matters. Not doing so is also impractical and costly. Many people on these journeys have invested far too much (sometimes borrowed or promised far too much) to readily abandon their investment in moving here. If the rules are insensitive to this, this will lead people into overstaying with all the costs of that – increased work and disruption to the system; destitution, homelessness and exploitation of people; and wider social harms.

### ***Recommendations:***

In addition, therefore, to producing a coherent, consistent, and simply formatted set of rules in plain English, the Government should make the following three commitments:

- Achieving and maintaining simplification should be a primary consideration in policy-making. When changes to the rules are proposed, ministers should give specific consideration to whether any change would promote or harm simplification. To the extent it may harm that aim, this should count against making any change.
- Facilitating the journeys of people under the rules should be a primary aim. People who begin a journey should normally be able to foresee how the rules are to affect them throughout that journey. There should not normally be changes that affect whether they may complete it. If exceptional circumstances necessitate change, sufficient notice should be given to ensure people have reasonable opportunity to adjust to that.
- The journeys of people on routes to settlement based on private and family life should be given particular attention. These are people whom it is already accepted – when first admitting the person onto the route in question – that their future lies in this country for reasons of particular human rights and wider social importance. Their journeys should be, as far as possible, eased and certainly not obstructed by immigration policy. This is in the interests of them and the wider immigration system – and indeed of other people, such as family, friends, colleagues, employers, communities, etc. In short, once it is accepted that people will be staying, there is nothing useful to creating more work for the Home Office and making life more difficult for people, including by increasing the risk that they cannot maintain their regular status under the rules. The routes for these purposes should be made shorter not longer. The number of applications needed along the way should be fewer and less frequent, not more so. There should be especial attention to avoiding changes that affect people already on a journey. There should be increased sensitivity and flexibility for people whose personal circumstances may change through no fault or choice of theirs – such as injury, illness and redundancy – including permitting



access to public funds to complete a journey, rather than either continuing to bar such access or penalising access by extending the journey under the rules.

A key measure of the immigration system is, therefore, the degree to which it is made to fulfil these three commitments, which are vital to ensuring the rules can be understood and complied with. We acknowledge the latitude given to ministers to devise and maintain the rules. However, managing those responsibilities fairly and efficiently requires understanding and sensitivity to people's real lives, including how the rules affect them. Respect for human rights requires this. It is also what is needed for the system to function well.

### **Safe routes**

Thank you for your interest in safe routes (sometimes referred to as safe and legal routes). In considering these, it is necessary to clearly distinguish these as routes for people to seek and/or receive asylum. Of course, it would be possible to make many immigration routes accessible to refugees – e.g., work or student visas – but, at least as presently constructed, these routes are not available for someone seeking asylum. That is not a purpose permitted by the rules. Anyone who applies or comes on such a route is liable to be refused a visa or have any visa cancelled. If you wished to consider opening these routes to refugees, we would be pleased to discuss this with you. Further questions would arise about how best to do so to ensure a significant and equitable contribution to refugee protection is made. We do not address these questions here.

### ***Responsibility sharing and how this relates to safe routes:***

As emphasised at the meeting, it is vitally important that safe routes are understood as a means to share responsibility and reduce dependence on people smugglers and dangerous journeys. Effective and accessible safe routes provide an alternative for refugees to seek and/or receive asylum. They are not an alternative to governments' asylum obligations. Those obligations arise not because of how people arrive, but rather because of the risk of persecution people face.

Relatively rich countries, such as the UK and EU Member States, have for decades sought to avoid obligations that fall disproportionately to many far poorer and often less stable countries to provide asylum to large populations of refugees. That has proved unsustainable. However, rather than developing means to share responsibility, thereby encouraging others to meet their asylum obligations, the UK and others have opted to create ever more barriers to people seeking asylum on their territories. The result has been more people compelled to depend on people smugglers, a large expansion of organised criminal activity engaged in people-smuggling, and an increase in danger, death, exploitation, and other harms on journeys largely controlled by these smugglers. Regrettably, but not surprisingly, this has undermined commitment to providing asylum with immediate risks of more people being compelled to move further in search of asylum. The current threat to Afghan refugees in Pakistan is one current example of this.

### ***Basic considerations for establishing a safe route:***

As discussed at the meeting, a safe route generally requires some degree of cooperation by two or more governments. This is, firstly, because it concerns a journey from the territory of



one or more countries to that of another. Secondly, to be real and effective, access to that safe route must be safe and practical. These factors, in the context of any safe route to the UK, require consideration of the circumstances of people fleeing war and persecution in places of access. Depending on the type and purpose of any particular safe route, the relevant circumstances of people are likely to be different.

Some of the relevant differences are shown by the following real and hypothetical examples:

- Save for people eligible for conscription, Ukraine has generally permitted or enabled people to leave to escape war. However, people fleeing persecution elsewhere may have no safe or practical means to access a safe route, even if one were to exist, direct from the country in which they are at risk. It may, for example, be too dangerous to travel to any place or places necessary to access the route (such as an airport or consulate), pass through a port or other departure point, or obtain or travel with a passport or other documentation required for that route.
- Refugees who have fled to another country will be in various circumstances. Some may be relatively safe and/or settled in a host country, often neighbouring or in the region of the country they have fled. Among these people may be those with age, health or disability-related needs that cannot be met. A long-established purpose of resettlement has been to enable such people to move to a country that can meet those needs. Resettlement may also provide a broader means for other countries to share responsibility with that host country. However, some people may be significantly less safe or settled. This may be because of transnational repression or the risk of refoulement. It may also be that some refugees remain at risk of persecution that arises from widespread political, religious, or other social prejudice. That prejudice may be a reality in the country to which people have fled as well as from where they have fled. It may also be prevalent among a population among whom they have fled. These considerations have implications for how accessible any safe route from the host country, if it exists, can be. It may matter how much time a refugee must spend in that country to access any safe route, if one exists, or whether or how seeking to access it may identify the person to others – for example, to access a resettlement scheme created for people with a particular characteristic (e.g., being LGBTQI+), the act of accessing the programme may identify the person as having that characteristic.
- A safe route can be established for people already identified to be refugees or for people whose claims to be refugees are yet to be determined. If for the latter, the route may require consideration of people's claims before the route is accessed or may enable people to come to the UK for their claims to be considered here. Resettlement schemes are, for example, generally for people individually identified as refugees (often with some role of UNHCR in this) or for people accepted as among a group of persons acknowledged or presumed to be refugees. The UK's Afghan scheme is an example of the former, its Ukrainian scheme of the latter. These distinctions raise important issues both for refugees and for countries from which any safe route is to operate. Where a safe route is based on people remaining where they are while a determination of their refugee status is made, this raises several questions. These include, how safe and sustainable is it for someone to stay where they are to access that route? How reliable is any decision-making process conducted from distance? How willing and capable is the current host country to continue to host the affected refugees pending a decision? What is likely to be the consequence of a refusal of asylum in practice – what responsibilities does this place on the host country and is it willing or capable of receiving these; will those refused be likely to then commence an onward journey that has in effect merely





been delayed? Related to these concerns is the prospect that people smuggling gangs may target populations of people in places where they may gather for the purpose of their claims being considered.

### ***The role of smugglers in people's journeys:***

The discussion of people smugglers in the UK tends to focus on how people get into the UK. This is much like the discussion in other countries across Europe. However, it is rarely considered how vital smugglers may be for people who need to get out of a country. There are four critically important, interrelated and, in some ways, discomfiting aspects to this that are important to effective consideration of safe routes (or the right to asylum more generally).

- Some people simply cannot get out of the country in which they face conflict or persecution without the assistance of smugglers. This may not only apply to their home country. It may include other countries to which they have fled or through which they wish or need to pass.
- Some people may need to make decisions about their intended destination at a point at which they cannot avoid engaging smugglers. Engaging smugglers entails more than getting away from one place. It involves identifying a destination to which someone wishes or needs to reach.
- The decision about destination may be complicated by various considerations. These include financial considerations. Someone may need to raise or borrow money, or enter some form of debt bondage. If so, this may have an immediate impact on the question of destination. It may be they must reach somewhere which they, or those to whom they are beholden, identify as having potential to enable them to repay debt (and any interest or further extortion). In some instances, someone may simply be trafficked to a destination for their exploitation. Alternatively, someone may need to consider the likely depletion of their financial resources over time. The act of choosing one destination (perhaps a near or neighbouring country) may itself reduce or close other options because it may be costly to stay there (access to work, accommodation and/or children's education may be unavailable or exploited; generalised violence, discrimination or other insecurity may exist or develop, including social and political hostility to refugees). If there is concern as to how secure or durable a destination may prove to be, it may be necessary to choose a more promising or distant destination before that is no longer an option (or has become a significantly more costly one).
- A further consideration is how families in conditions of deprivation, insecurity and/or vulnerability to exploitation can sustain themselves. Someone may be required to travel further to a destination from which that person is expected to support the family by sending remittances.

Amnesty shares the Government's and others' concern about the exploitation and cruelty perpetrated by people smuggling gangs, the wider social harms in which these gangs engage and support, and the related risks of human trafficking to which people dependent on these gangs are vulnerable. However, addressing these concerns requires far more nuance than current policy permits. The reality for many refugees is that people smugglers are a necessity. The reasonable and rational response should be to develop ways to reduce that need rather than simply attempting to prevent the need being met.

While Government policy, in the UK and elsewhere, continues to pursue the latter it will continue to have harmful effects. This is because simply attempting to end people smuggling



is not removing people's need for it; and increased costs (financial costs, physical dangers, other risks, etc.) are simply being passed on to those who remain dependent on it. Smugglers will and do charge more, utilise more dangerous means of smuggling people, and force more people being smuggled to incur the greater risks of prosecution and punishment.

The policies adopted by many governments target people smuggling without providing for the people who are smuggled. This is not reducing people smuggling. It is increasing harms and dangers experienced by the people who depend on it.

### ***Recommendations:***

Having regard to these various matters, Government should make the following six commitments:

- Resettlement should be used as a means for the UK to share responsibility with many poorer countries that continue to do the heavy lifting of hosting the global refugee population. This should include resettling refugees, whose conditions in those countries are least secure and sustainable for reasons of their age, health, disability, or other personal characteristics.
- Resettlement should also be used as a means for the UK to share responsibility in response to particular crises. However, when doing so, the UK should not limit its response to establishing a safe route from merely one country or location. This is particularly so where people are identified based on some connection to the UK. The harm of limiting access to the route to one country or location is that it will be likely to render that route inaccessible to many for whom the route is at least notionally created.
- Family reunion ought to be prioritised as a focus for safe routes. There are several advantages to promoting family reunion in this way. It assists a group of people who have an obvious connection, and who have compelling reason to seek to reach the UK even if a safe route is not available. It, therefore, reduces opportunity for people smuggling gangs. Family reunion schemes entail some tangible and intangible support for the people who come. There is some similarity with community sponsorship. This does not mean that no Government support is needed, though what is needed may be less and in some cases none. Family reunion also offers practical comfort and support from the country to the family members here (including British nationals), who are relieved of anxiety about the fate of their loved ones.
- Safe routes ought to be a key part of all international discussion and cooperation on migration. The UK is generally distant from places of war and persecution. It receives significantly less demand to host refugees than many of its near neighbours, let alone many poorer countries elsewhere. It should encourage others to take their asylum responsibilities by demonstrating it will share directly with these countries.
- Policies intended to reduce the activities, profits and cruelties of people smuggling gangs ought to be devised in ways that do not directly penalise the people they smuggle. These policies should operate alongside tangible efforts to mitigate the harms done to people seeking asylum and people being trafficked. That must include international cooperation to avoid enforcement action that either punishes the victims of exploitation or prolongs people's exploitation, such as by preventing their completion of one journey only to leave them in conditions that will compel them to attempt another.
- In any event, the UK must fulfil its obligations to refugees. That includes operating a fair and efficient asylum system for people seeking asylum in the UK and ensuring that



refugees in the UK receive the asylum to which they are entitled. That is also a matter of sharing responsibility and showing leadership to others to fulfil their obligations.

We have set out key considerations that relate to safe routes. If there is desire to consider any particular type or proposal for a safe route, we would be pleased to engage in further discussion. As we have indicated, different routes and different circumstances entail different considerations.

However, we would most immediately urge the Government to discuss with France and other EU partners how to establish safe routes for people seeking asylum with connection in the UK, such as people with close family here. That should coincide with greater encouragement for many of those partners to fulfil their asylum obligations to people on their territories. The ambition ought not to be merely reducing the number of people seeking asylum in the UK (or elsewhere). Rather, it ought to be on reducing the dangerous journeys and control of smuggling gangs by establishing conditions in which people can find safety more quickly; in more countries; with less need to be smuggled; and via more managed, less disruptive, and less exploited means.

Of course, we understand the desire to deter people who do not qualify for asylum from seeking it. We must caution that it does not follow that because someone is properly found not to be entitled to asylum that they did not have good reason to seek it or were attempting to do anything in bad faith. The harms and risks that many people endure ought to lend some emphasis to the seriousness of circumstances that lead people to seek asylum. A fair and efficient system that properly distinguishes between those who can and cannot be safely returned would assist your department's efficiency in carrying out its removals objectives and, in turn, provide some significant and legitimate deterrent. However, improperly obstructing either people seeking asylum and/or fair and efficient decision-making on their claims aids nobody. It makes unnecessary work for the Home Office, include work it cannot fulfil. It harms refugees. It undermines the UK asylum system and, by example, others' will to fulfil their own asylum obligations. It profits people smugglers too.

Thank you again for meeting with us. We hope we may maintain a dialogue with you and your department and help towards the delivery of fair and efficient immigration, asylum and nationality systems that uphold human rights obligations and promote wider human rights respect.

Yours sincerely

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cc: Jodie Sharma, Simplification – Immigration Rules  
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