

## The Truth about Channel crossings and the impact of the Illegal Migration Act

October 2023

### Summary:

Analysis of new Home Office statistics shows that **three in every four** of the people who have crossed the channel so far this year would be recognised as refugees if the UK Government processed their asylum applications. This is higher than the Refugee's Council previous analysis of those who made the journey in 2022, which found it was almost two-thirds.

The statistics also show that:

- More than half (54 per cent) of those who have made the perilous crossing come from just five countries – Afghanistan, Iran, Eritrea, Syria and Sudan.
- With the exception of Albanians, the number of people crossing the channel is higher in 2023 compared to 2022.

Analysis based on the data shows that once the Illegal Migration Act 2023 comes into force:

- Each year, over 27,000 refugees who cross the channel will be denied status in the UK.
- As few as 3.5 per cent of those people arriving by small boat, 1,297 people, will be removed from the UK to their own country.
- 35,409 people who arrive in the UK by small boat could be left in limbo each year, having had their asylum claim deemed permanently inadmissible but not having been removed.
- Even with a safe third country agreement in place with Rwanda which allows for up to 10,000 people to be removed there annually at least 25,409 people will be left in a state of permanent limbo each year.

### The Illegal Migration Act

The [Illegal Migration Act](#) became law on 20 July. The main elements of the Act include the creation of a duty for the Home Secretary to arrange for the removal of anyone who arrives irregularly into the UK – including, but not limited to, those who arrive by small boat.

Anyone who is covered by the duty to remove will also have any asylum application or relevant human rights claim deemed automatically inadmissible. There is a temporary reprieve for

separated children, for whom the Home Secretary won't have to remove until they turn 18. The Act makes connected provisions relating to the detention of those arriving irregularly, and banning them from ever getting immigration status or citizenship in the UK.

On 15 September, the Home Office published what they refer to as "[statistics relating to the Illegal Migration Act](#)". Despite that title, the statistics don't give any indication as to the impact of the Act as nearly none of its provisions are in force yet.<sup>i</sup> There is currently no timeline for the main elements of the Act – including the duty to remove people and the automatic inadmissibility of asylum applications – to be implemented.

## Which nationalities are coming across the Channel and how many would be granted asylum?

The statistics provide updated information on the nationalities of people who have crossed the channel in a small boat. Using that information, and the current asylum grant rates at initial decision for those nationalities, an estimated **14,648 people (74 per cent) who have crossed the channel so far this year would be granted asylum if the UK Government were to process their claims.**

### Top 10 Nationalities of people crossing the channel in 2023

	2023 to end of August	Asylum grant rate year to June 2023	Predicted grants
Afghanistan	4,069	97	3,947
Iran	2,250	74	1,665
Turkey	2,121	83	1,760
Eritrea	1,862	100	1,862
Iraq	1,774	47	834
Syria	1,401	99	1,387
Sudan	1,204	85	1,023
India	1,095	3	33
Vietnam	1,050	67	704
Egypt	679	43	292
<b>Total</b>	<b>19,876</b>	<b>74</b>	<b>14,648</b>

Chart: Refugee Council • Source: Refugee Council analysis of Home Office data. Channel crossings data from Statistics relating to the Illegal Migration Act, published 15 September 2023 and Irregular Migration Statistics, year ending June 2023. Asylum grant rate data from Home Office Quarterly Statistics year ending June 2023, Asylum and Resettlement - Applications, Initial Decisions and Resettlement. Total doesn't include where nationality is unknown, or where the grant rate information is unavailable. • Created with Datawrapper

Given others would be successful at appeal, that number would be even higher. This is higher than our previous analysis of those who crossed the channel in 2022, which found that 65 per cent would be expected to have successful asylum claims.<sup>ii</sup> Of the small number of asylum claims of people who have arrived by small boat since 2018 that have received a decision, Home Office data shows 64 per cent have been granted some form of leave.<sup>iii</sup>

One in every five of those who have crossed the channel so far this year have been Afghans seeking safety from the Taliban regime. This is despite the Afghan Citizens Relocation Scheme supposedly being a safe route for people from Afghanistan to reach the UK, but has instead proved to be inaccessible and too slow.

The majority of the top nationalities crossing the channel so far this year have very high initial asylum grant rates. **More than half (54 per cent) have come from just five countries – Afghanistan, Iran, Eritrea, Syria and Sudan.** The current grant rates for Afghans, Eritreans and Syrians are 97 per cent and above; for Turkey it is 83 per cent; Iran and Sudan it's 74 per cent and 85 per cent respectively.

## Five high grant nationalities account for more than half of all those who have crossed the channel in 2023

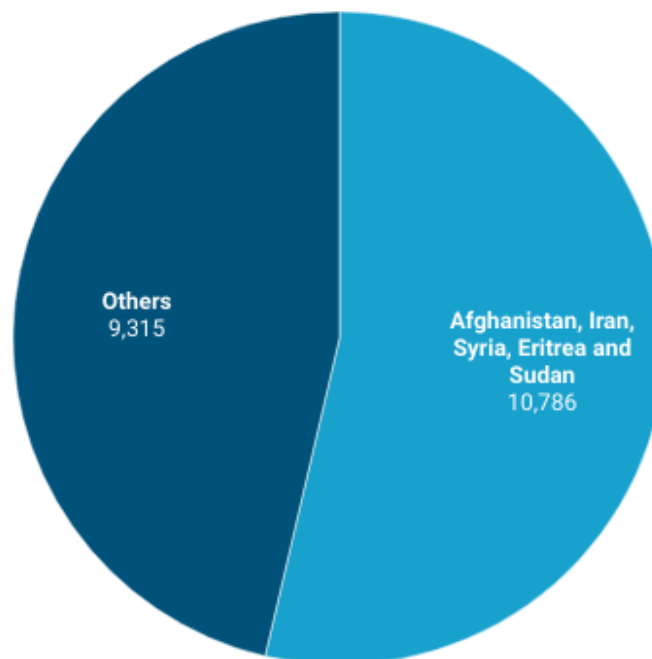


Chart: Refugee Council • Source: Refugee Council analysis of Home Office data. Channel crossings data from Statistics relating to the Illegal Migration Act, published 15 September 2023 and Irregular Migration Statistics, year ending June 2023. • Created with Datawrapper

While channel crossings have reduced by 20 per cent overall from last year, the statistics highlight how this has been driven by the reduction in Albanians making the journey. Between January and August 2022, Albanians accounted for a third (35 per cent) of crossings, compared to three per cent this year.<sup>iv</sup>

**Across other nationalities, there has been an a 19 per cent increase in people crossing the channel in the first eight months of 2023 – 19,441 compared to an 16,275 the year before.**

## Channel crossings to end of August

2022 2023

### Including Albanians



### Excluding Albanians



Chart: Refugee Council • Source: Refugee Council analysis of Home Office data - Statistics relating to the Illegal Migration Act, published 15 September 2023 and Irregular Migration Statistics, year ending June 2023. Figures for 2022 are estimates based on the published data. • Created with Datawrapper

This suggests that while the UK Government has reduced the number of Albanian nationals making the crossing, including as a result of the returns agreement with Albania, the same is not true of other nationalities. The table below shows there has been an increase in arrivals from Afghanistan, Turkey, Eritrea, Sudan, India and Vietnam. As noted above the majority of the top nationalities crossing the channel so far this year have very high initial asylum grant rates.

	Jan-Aug 2022	▼ Jan-Aug 2023	% increase	Change
Afghanistan	3,752	4,069	8	317
Iran	2,874	2,250	-22	-624
Turkey	545	2,121	289	1,576
Eritrea	1,161	1,862	60	701
Syria	1,656	1,401	-15	-255
Sudan	962	1,204	25	242
India	187	1,095	486	908
Vietnam	331	1,050	218	719
Albania	8,719	660	-92	-8,059

Table: Refugee Council • Source: Refugee Council analysis of Home Office data - Statistics relating to the Illegal Migration Act, published 15 September 2023 and Irregular Migration Statistics, year ending June 2023. Figures for 2022 are estimates based on the published data. • Created with Datawrapper

## Lessons for the Illegal Migration Act

Although the statistics don't show anything about the impact the Illegal Migration Act is having, they do give an indication of the human and financial costs the Act will have once fully implemented. Once in force, under the Act the Home Secretary will have a duty to remove anyone who arrives by small boat (with very limited exceptions, including for separated children until they reach 18). For those people, any protection or human rights claim will also be automatically inadmissible. This means the UK Government won't consider its merits at all, no matter how strong or weak it is.

Under the Act, where someone can be removed to depends on their nationality and whether or not they have claimed asylum. If someone has claimed asylum, they can only be removed to their own country if they are from one of 32 countries – the EU27, Iceland, Liechtenstein, Norway, Switzerland or Albania. Anyone else can only be removed to a safe third country.<sup>v</sup>

### People crossing the Channel who can be returned to their own country under the Illegal Migration Act 2023

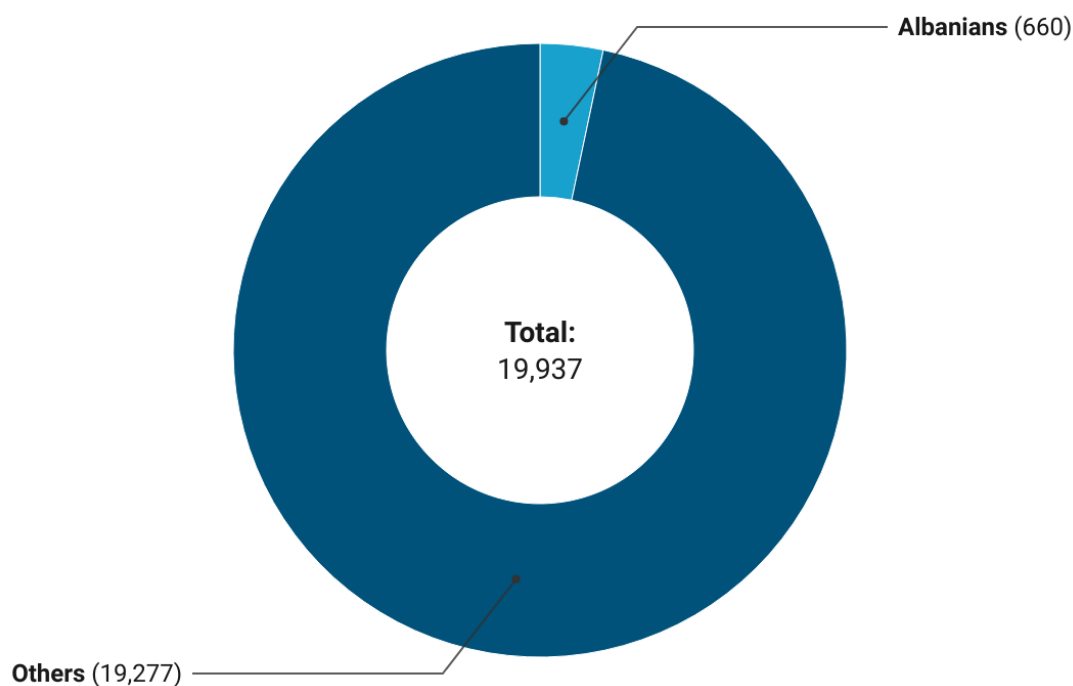


Chart: Refugee Council • Source: Refugee Council analysis of Home Office data - Statistics relating to the Illegal Migration Act, published 15 September 2023 and Irregular Migration Statistics, year ending June 2023. Total only includes where nationality information is provided. • Created with Datawrapper

So far in 2023, 660 of the 19,937 people who have crossed the channel where the nationality data is given have come from one of those 32 countries (all Albanian), while 99 per cent of arrivals have made an application for asylum.<sup>vi</sup> If the breakdown of nationalities crossing the channel remains similar once the Illegal Migration Act comes into force, this would result in only **3.5 per cent of people (1,297 people) crossing the channel being able to be removed to their own country each year.**

Given the current lack of functioning safe third country agreements due to the Government's agreement with Rwanda still facing ongoing legal action, nearly everyone (96.5 per cent) who crosses the channel in a small boat would be stuck in permanent limbo, unable to get on with their lives.

**This could be as many as 35,409 people each year,<sup>vii</sup> assuming the government is unsuccessful with its Supreme Court challenge against the Appeal Court judgment and doesn't put in place a safe third country agreement. This includes 27,153 people who would be expected to be recognised as refugees having fled places such as Afghanistan and Syria if their asylum claim was processed.**

It is highly likely these people will disappear into the margins of communities and be at risk of long-term destitution, exploitation and abuse. Organisations working with people in the asylum system and local authorities have told the Refugee Council they are seriously concerned about this and the impact it will have on very vulnerable people.

This highlights the impact the Act will have by shutting down asylum decision making. If the UK Government instead processed the asylum claims of people arriving by small boat, this would mean that people who either have those claims granted – in which case they can be supported to rebuild their lives in the UK – or have those claims refused – in which case they could be removed to their own country if possible to do so safely. The Illegal Migration Act will prevent either from happening.

## Impact of Illegal Migration Act on potential removal of people arriving by small boat to country of nationality

■ Can be returned to own country ■ Can't be returned to own country

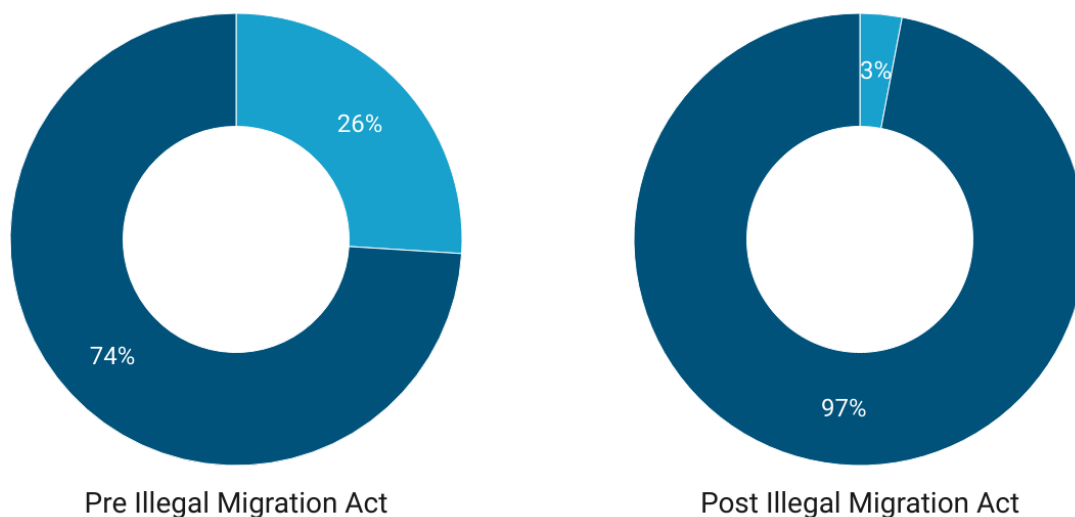


Chart: Refugee Council • Source: Refugee Council analysis of Home Office data. Channel crossings data from Statistics relating to the Illegal Migration Act, published 15 September 2023 and Irregular Migration Statistics, year ending June 2023. Asylum grant rate data from Home Office Quarterly Statistics year ending June 2023, Asylum and Resettlement - Applications, Initial Decisions and Resettlement. • Created with Datawrapper

If the Illegal Migration Act was not in place and the right to asylum remained in place as set out in the UN Convention on Refugees, based on the current grant rates for nationalities crossing the channel, it would mean that up to 26 per cent of people could, if their claims were processed, be

returned to their own country. Based on current numbers of people crossing the channel, this could be up to 9,540 people.

Returns should always be done in a dignified and humane way and there is a need to expand voluntary return as well as implement the learnings from the Government-commissioned alternative to detention pilots.<sup>viii</sup>

Even if the Government wins in the Supreme Court and Rwanda has the capacity to receive as many as 10,000 people every year,<sup>ix</sup> it will still mean that, assuming the numbers crossing the channel remain broadly the same, at least 25,409 people will be left in a state of permanent limbo each year.

## Conclusion

Refugee Council's analysis of the latest Home Office data shows that the vast majority of people who are crossing the channel in small boats are refugees, and would be recognised as such if the Home Office processed their claims. **The Illegal Migration Act will, however, prevent those refugees from having their applications processed in the UK, instead leaving thousands of people in permanent limbo.** We have estimated that this will cost between £8.7bn and £9.6bn in the first three years of the Act being in force.<sup>x</sup> Many could also disappear, leaving them at risk of destitution, exploitation and abuse.

The right to asylum must not be extinguished. At the same time the UK Government should be focusing on creating more safe routes for refugees to reach the UK, increasing international cooperation to reduce the number of people taking dangerous journeys, and running a fair and efficient asylum system.

More detail on the Refugee Council's alternative approach is available in our report '[Towards a National Refugee Strategy](#)' which proposes:

- **Treating people who arrive in the UK fairly and with dignity**, including given them access to a fair and efficient asylum system.
- **An expansion of safe routes**, including the pilot of a refugee visa that allows people to safely travel to the UK for the purpose of claiming asylum.
- **A bespoke agreement between the UK and the EU**, that would include the ability for people currently in the EU to be transferred to the UK to join family members, and for people who arrive in the UK having previously made an asylum application in the EU to be returned.
- **An agreement between the Governments of the UK and France**, that allows for families to be reunited and joint work on expanding safe routes.

## Statistical annex

### 1. Breakdown of arrivals in 2023 by nationality, grant rates at initial decision, and expected grants.

	Nationality	Arrivals by small boat in 2023 to end of August	Asylum grant rate at initial decision year to June 2023	Predicted positive asylum decisions
1	Afghanistan	4,069	97	3,947
2	Iran	2,250	74	1,665
3	Turkey	2,121	83	1,760
4	Eritrea	1,862	100	1,862
5	Iraq	1,774	47	834
6	Syria	1,401	99	1,387
7	Sudan	1,204	85	1,023
8	India	1,095	3	33
9	Vietnam	1,050	67	704
10	Egypt	679	43	292
11	Albania	660	17	112
12	Georgia	405	17	69
13	Sri Lanka	232	60	139
14	Ethiopia	182	75	137
15	Other Nationalities	164	-	-
16	Kuwait	156	82	128
17	Libya	154	97	149
18	South Sudan	146	98	143
19	Somalia	103	72	74
20	Pakistan	78	57	44
21	Kuwait Bedouin	61	-	-
22	Yemen	60	98	59
23	Tunisia	40	24	10
24	Palestinian Territory	38	57	22
25	Chad	29	70	20
26	Guinea	27	56	15
27	Algeria	22	20	4
28	Nigeria	20	50	10
29	Morocco	19	31	6
30	<b>Total (where nationality known)</b>	<b>19,876</b>	<b>74</b>	<b>14,644</b>

Table: Refugee Council • Source: Refugee Council analysis of Home Office data. Channel crossings data for Q2 and Q3 2023 from Statistics relating to the Illegal Migration Act, published 15 September 2023, Q1 2023 data from Irregular Migration Statistics, year ending June 2023. Asylum grant rate data from Home Office Quarterly Statistics year ending June 2023, Asylum and Resettlement - Applications, Initial Decisions and Resettlement. Kuwaiti Bedouin arrivals are recorded in the irregular migration statistics, but are counted within the stateless category for grant rates within the Home Office statistics. Total doesn't include where nationality is unknown, or where the grant rate information is unavailable. • Created with Datawrapper



## 2. Number of Albanian arrivals by small boats compared to other nationalities

<i>Albanian Crossings Q1-Q3 2022</i>	11,473
Estimated Albanian crossings Jan to Aug 2022 (based on 24% of crossings in Q1-Q3 being in September)	8,719
Non-Albanian crossings Jan to Aug 2022	16,275
<b>Total crossings Jan to Aug 2022</b>	<b>24,994</b>
Albanian Crossings Jan to Aug 2023	660
Non-Albanian crossings Jan to Aug 2023	19,441
<b>Total crossings Jan to Aug 2023</b>	<b>20,101</b>

Table: Refugee Council • Source: Refugee Council analysis of Home Office statistics. Data from Statistics relating to the Illegal Migration Act, published 15 September 2023 and Irregular Migration Statistics, year ending June 2023. • Created with Datawrapper

<sup>i</sup> A limited number of provisions came into force on 28 September 2023, as set out in the first commencement order for the Act <https://www.legislation.gov.uk/ukxi/2023/989/regulation/2/made>. This is in addition to the very small number of provisions that came into force when the Act became law – see section 68(3) of the Act.

<sup>ii</sup> See Refugee Council, *The Truth About Channel Crossings*, March 2023

<https://www.refugeecouncil.org.uk/information/resources/the-truth-about-channel-crossings/>

<sup>iii</sup> Home Office Irregular Migration statistics, year ending June 2023, table Irr\_D03. 23 per cent of decisions on these claims were refusals on 3<sup>rd</sup> country grounds. Nearly all of those took place before January 2021 when the UK left the EU's Dublin System. Since then, 81 per cent of asylum decisions for people crossing in small boats have resulted in a grant of protection.

<sup>iv</sup> The published data shows that 11,473 Albanians arrived in the UK by small boat between January and September 2022, out of total of 33,029 during that time. This report assumes that Albanians accounted for the same proportion of crossings between January and August 2022.

<sup>v</sup> See section 6 of the Illegal Migration Act 2023.

<sup>vi</sup> Home Office Irregular Migration Statistics, year ending June 2023, table Irr\_D02

<sup>vii</sup> This is based on the total number of channel crossings in 2023 being 36,693 people, or 80% of the 45,755 crossings in 2022.

<sup>viii</sup> See <https://www.unhcr.org/uk/media/evaluation-action-access-alternatives-detention-pilot> and <https://kingsarmsproject.org/research-demonstrates-pilot-service-is-a-cost-effective-and-humane-alternative-to-detention/#:~:text=About%20The%20Alternative%20to%20Detention%20Pilot&text=The%20service%20provided%20free%2C%20high,by%20Action%20Foundation%20in%20Newcastle>.

<sup>ix</sup> During the litigation on the Rwanda scheme, the High Court was told that the capacity to accommodate people in Rwanda was limited to 100 people. 10,000 places is used here to illustrate that even in the highly unlikely case that the capacity was increased by a factor of 100 there would still not be enough places to transfer the majority of those arriving by small boat.

<sup>x</sup> Refugee Council, *Illegal Migration Bill – Assessment of impact of inadmissibility, removals, detention, accommodation and safe routes* <https://www.refugeecouncil.org.uk/information/resources/illegal-migration-bill-impact-assessment/>