



The number of failed asylum seekers remaining in the UK

1. The government have avoided putting a figure on exactly how many asylum seekers whose claims have failed remain in the UK. They say that, as they cannot provide a precise figure, they will not provide one at all.

2. However, it is possible to make an independent estimate based entirely on Home Office data by taking the number of initial decisions made and subtracting those granted asylum (either initially or on appeal) and those granted exceptional leave (or humanitarian protection or discretionary leave). This gives the number of asylum seekers whose claims have failed. From this we can subtract those who have been removed or have left under the Voluntary Return Programme to give the number of asylum seekers whose claims have failed but for whom there is no evidence of departure.

3. This methodology has some minor flaws. It will count as failed asylum seekers those who have not exhausted their rights of appeal or for whom there has been insufficient time to start or complete removal proceedings. But the opposite will obtain at the beginning of the period so, over a long timescale, these two sets of 'problems' should broadly cancel each other out.

4. The following are the resultant numbers for the period 1997-2004:

a. Initial decisions made	499,000
b. Granted asylum at initial hearing	52,000
c. Granted asylum on appeal	61,000
d. Granted exceptional leave, discretionary leave or humanitarian protection	72,000
e. Asylum claim rejected (i.e. a-b-c-d)	314,000
f. Removed	75,000
g. Failed but not removed (e-f)	239,000

All numbers have been rounded to the nearest thousand and all exclude dependants. All data is from the Home Office Asylum Statistics annual volumes for 1997-2003 and quarterly volumes for 2004.

5. A small number of asylum claims will also have been allowed at further appeals to the Tribunal or at judicial review. Data for these is incomplete but the numbers are small – in 2001 for instance there were 475 further appeals accepted at the tribunal and 260 at judicial review. Allowing 1,000 acceptances a year over the 8 year period would reduce the number of failed asylum seekers remaining in the UK down to 231,000.

6. Dependants have only recently been separately counted in Home Office data. They will have added somewhere between 20% and 30% to the claimant count. The total of asylum seekers and their dependants remaining in the UK whose claims have failed will therefore be in the order of 287,000 to 300,000.

7. The Home Office claim that some asylum seekers leave the country after their claim has failed without notifying the authorities and without being picked up in the International Passenger Survey. This is possible but counter-intuitive. When compiling Internal Migration Statistics they assume that 10% of failed claimants leave the country quietly in this manner. Even allowing for this would only reduce the number of failed claimants remaining in the UK from 231,000 excluding dependants by 31,000 (i.e. 10% of 314,000 – see paragraph 4) to 200,000. Adding dependants on to this would give between 240,000 and 260,000 failed asylum seekers and their dependants remaining in the UK.

8. These figures take no account of those whose asylum claims failed prior to 1997 who remain in the UK.

9. Our conclusion therefore is that 250,000 is, if anything, an underestimate of the number of failed asylum seekers remaining in the UK. Furthermore, over the period, only about one in four (24%) of failed cases have been removed.

10. The status of some of those whose claims have failed has since been regularised through the amnesty announced by the former Home Secretary, David Blunkett, on 24 Oct 2003. This granted Indefinite Leave to Remain (ILR – effectively settlement) to all applicants who applied for asylum before 2 October 2000 and had at least one dependant child born before that date and still under 18. The government have declined to say how many people have so far qualified for this amnesty (House of Lords answer 4713 of 11 Nov 2004). Their press briefing at the time mentioned 50,000.

15 April 2004