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## **A Quarter of a Million Failed Asylum Seekers Granted Amnesty Since the Early 1990s**

### **Summary**

1 The latest (and largest) exercise in granting settlement to failed asylum seekers is the continuation of a sorry tradition of amnesties that has resulted in over 250,000 failed asylum seekers being granted settlement since the early 1990s. Once settlement is achieved additional dependants can then join the person in the UK so the total number is likely to be much higher. It is now essential for the integrity of the immigration system that no more backlogs are allowed to develop.

### **Current Amnesty**

2 During the late 1990s and early 2000s the Home Office allowed the build up of a backlog of around 400,000 cases. The exercises to clear these legacy cases resulted in 161,000 grants of settlement (ILR)[1].

### **Previous amnesties in the UK**

3 There have been three previous amnesties in Britain in recent years, all of which applied to failed asylum seekers rather than to those who had entered illegally or overstayed their visas. In 1993/4 the Conservative Government granted "Exceptional Leave to Remain (ELR)" to 14,785 applicants involving 32,000 adults[2]. ELR has now been replaced by Humanitarian Protection and Discretionary Leave. Humanitarian Protection is granted when the asylum applicant does not qualify for refugee status under the terms of the United Nations Refugee Convention but does qualify under the rather wider provisions of the European Convention on Human Rights. Discretionary Leave cases, on the other hand, are cases where the applicant does not qualify as a refugee under either convention.

4 In 1999/2000, the Labour Government granted Indefinite Leave to Remain (ILR) to 21,000 applicants involving 29,200 people altogether[3], under what was described as a "backlog clearance exercise".

5 On 24 October 2003 the Government announced that ILR would be granted to those families which had sought asylum in the UK before 2 October 2000, had children before that date and who had experienced delays in the system. Those who had committed a criminal offence or lodged multiple asylum applications were excluded. The Government appears to have concluded that these applicants would have had grounds for appeal against removal on human rights grounds. 25,000 main applicants were granted ILR and an estimated 37,000 dependants[4].

The numbers are summarised in the table below

	Applicants
ELR Exercise 1993-94	32,000
Backlog Clearance Exercise 1999-2000	37,000
Family ILR Exercise 2003-06	25,000
Legacy Cases 2006-11	161,000
	<b>256,000</b>

This only includes dependants who applied with the main applicant. Once someone has settlement rights they can then bring in further family.

### **The cost to the taxpayer**

6 A person granted ILR is, by the same token, granted full access to the welfare state. This includes education, health, housing and welfare benefits. Once ILR has been granted the person can bring in further dependants and can also apply for British citizenship. Thus the apparently neutral term, Indefinite Leave to Remain, is in practice a bonanza for an illegal immigrant. The cost to the taxpayer is very substantial, offset to some extent by the contribution which the person concerned might make to the economy.

### **The effect of amnesty**

7 The granting of amnesties encourages further illegal immigration. This has been shown by the experience of Italy which has granted five amnesties in the past 20 years and Spain which has granted six. In nearly every case the number of applicants was higher than on the previous occasion. 8 In January 2004 the Home Affairs Select Committee of the House of Commons reviewed these amnesties and concluded, in words that are still relevant today[5], that:

“Amnesties set up a vicious circle which should be broken by discouragement of unfounded claims, fast and efficient processing of those claims when made, and rapid removals when claims have failed.”

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### **NOTES**

- 1 Home Affairs Committee The Work of the UK Border Agency 2010-March 2011
- 2 Statement by Mr Blunkett, Home Secretary, reported in The Guardian on 25 October 2003
- 3 <http://www.publications.parliament.uk/.../cm081112/text/81112w0015.htm>
- 4 [http://www.publications.parliament.uk/.../corrtext/80613c0001.htm#column\\_6MC](http://www.publications.parliament.uk/.../corrtext/80613c0001.htm#column_6MC)
- 5 Times online report 26 Jan 2004