

Migreurop - Fact sheet - The Franco-British border

The situation of exiles on arrival in the UK

April 2022

Investigation at the border from September 2021 to April 2022

After a difficult migratory journey, exiles who have managed to reach the United Kingdom still have to face a lot of obstacles. The UK authorities have put in place a range of mechanisms to control, monitor and constrain exiles whether they are seeking international protection or not. This set of mechanisms and practices form the Hostile Environment policy. This term, used in 2012 by Theresa May, then Home Secretary, characterises the direction taken by Conservative governments since then, which have constantly tightened the legal framework concerning exiles arriving or living "illegally" on British soil,¹ in order to dissuade them from coming and staying on the territory. This hostile environment, fuelled by constant anti-migrant rhetoric from the local and national press and political parties, has also had an impact on asylum seekers for several years. These policy directions taken by Conservative governments are part of a much wider timeframe: the Labour Party itself contributed since the late 1990s to the development of a repressive policy towards exiled people.²

What happens when exiles arrive in the UK ?

When exiles arrive in the UK by routes considered illegal by the UK government, whether by sea in a small boat, or by land in any vehicle that can use the Eurotunnel, they may be intercepted by the authorities.³ They are taken to centres where they will be registered (Screening Interview). Until 1 February 2021, people arriving by sea in the South East were taken to Tug Haven, a Short-Term Holding Facility (STHF), or to a short-term detention unit, for this interview. Since then, Tug Haven has been replaced by former military barracks at Manston, near the town of Ramsgate in Kent.⁴ While awaiting interview, if there is not enough space, other people are regularly placed in two other STHFs, the Kent Intake Unit (KIU) or Frontier House.⁵

The Screening Interview, which lasts between 10 and 20 minutes, is designed to collect personal data from the person - name, surname, age - and to find out whether they want to apply for asylum and on what grounds. The interview, which takes place on the day of arrival (or up to 5 days after arrival) is conducted by Border Force, or Home Office Immigration Enforcement or UK Visas and Immigration officers.⁶ Some people, rescued at sea, have emerged - after more than 48 hours in Tug Haven - with their clothes still completely soaked.⁷ Her Majesty's Inspectorate of Prisons (HMIP) found in December 2021 that "about 2,000 people, including over 700 unaccompanied children, had been held at KIU or Frontier House in the previous three months for an average of more than 26 hours".

¹[The Joint Council for the Welfare of Immigrants, "The Hostile Environment explained"](#)

²[Migration Policy Institute, "The Immigration Legacy of Tony Blair", 10 May 2007](#)

³Border Force officers, Home Office officers, local police.

⁴[Info Migrants, "Asylum accommodation under scrutiny in UK", \\$14\\$15, 4 February 2021](#)

⁵[HM Inspectorate of prisons, "Report on an unannounced inspection of the detention of migrants at Dover and Folkestone", 16 December 2021](#)

⁶[Right to Remain, "Asylum Screening \(First\) Interview"](#)

⁷Interview with Channel Rescue member, 17 February 2022.

Cases of long detention of more than 4 days for adults and 90 hours for minors were noted in these places.⁸

Telephone input and data extraction

The authorities have been forcibly and systematically seizing mobile phones to extract data since early 2020 when people arrived in Tug Haven from small boats.⁹ Following a Judicial Review, the Home Office admitted in January 2022 in the High Court that it had carried out these "unpublished, secret, blanket"¹⁰ data extractions of people arriving by sea.¹¹ After months of denying that such operations were taking place,¹² the Home Office justified the practice by the need to obtain information on smugglers. The police officers, for their part, explained the seizure as a "police investigation", and this practice continued, according to several exiles, until January 2022. In any case, it has been suspended since the January 2022 hearing.¹³ Despite the cessation of the practice, there is currently no assurance that the data thus extracted from asylum seekers' personal phones will not be used against them during the asylum procedure by the Home Office.¹⁴ In addition to this invasion of privacy, the seizure of the phone involves great psychological damage, in that the phones were returned to their owners several months, even almost a year, after they were seized,¹⁵ thus depriving them of contact with their relatives as well as with any external assistance (lawyers, doctors, NGOs, etc.).

Where do exiles have to live after going through the registration procedure?

Following the registration procedure, people are sent to living quarters chosen by the authorities pending further processing. These places, equipped with hotel-type services, originally called Initial Accommodations, were supposed to house asylum seekers for a period of two to three weeks, before being sent elsewhere in the territory, following a second interview (Substantive Interview). The latter focuses on the substance of the asylum application, in order to determine whether people are eligible for protection:¹⁶ refugee status (for people at individual risk of persecution), or humanitarian protection (for people fleeing war or violence targeting a general population).

After this second interview, people are allocated to 'houses' or 'flats' which are normally individual, more commonly referred to as Dispersal Accommodation, pending the final decision of the authorities on their application for protection. Once again, the choice of location is made by the Home

⁸[HM Inspectorate of prisons, "Report on an unannounced inspection of the detention of migrants at Dover and Folkestone", 16 décembre 2021](#)

⁹[Privacy International, "PI intervenes in judicial review to support asylum seekers against the UK Home Secretary's seizure and extraction of their mobile phone", §2, 31 January 2022](#)

¹⁰[The Guardian, "The HO defends right to seize Channel asylum seekers' phones", 27 January 2022](#)

¹¹The appeal was brought by three asylum seekers whose personal phones were seized between April and November 2020.

¹²Cf. supra. The Guardian, 27 January 2022.

¹³Interview with Maddie Harris, Director of Humans for Rights Network, 21 February 2022.

¹⁴[Privacy International, "PI intervenes in judicial review to support asylum seekers against the UK Home Secretary's seizure and extraction of their mobile phone", §12, 31 January 2022](#)

¹⁵[Gold Jennings Solicitors, "High Court to hear asylum seekers' challenge to Home Secretary's policy of seizing mobile phones from boat arrivals and extracting data", 25 January 2022](#)

¹⁶[Right to Remain, "First Decision on Asylum Claim"](#)

Office, not by those affected.¹⁷ However, since the start of the Covid-19 pandemic, the Home Office has changed its accommodation policy and is moving away from its own framework, forcing people to live in collective accommodation for much longer periods. The authorities use these 'Contingency Accommodation', or 'Temporary Accommodation', mostly in hotels or former military barracks,¹⁸ to place people awaiting the outcome of their case. The Home Office subcontracts the management of these places to private companies.¹⁹ Priti Patel, Home Secretary, says that this contingent accommodation, parallel to the Dispersal Accommodation system, are the result of a "series of circumstances"²⁰ and that the use of these hotels is in response to a lack of available space in Dispersal Accommodation. Nevertheless, however temporary the government says this measure is, it has been going on since the start of the pandemic in 2020, and people are being forced to stay in this accommodation for a very long time: 76% of people who have applied for asylum are waiting for more than 6 months before they get a return from the Home Office, even though it says that the decision should not take more than six months.^{21;22} By the end of December 2020, 7 out of 10 people who had waited more than six months had actually been waiting for more than a year, and 5% for more than three years.²³ By February 2022, more than 37,000 people were living in this type of accommodation - most in the 200 or so hotels employed as Contingency Accommodation, the rest in military barracks in Napier -²⁴ and were caught up in this deprivation of liberty policy.²⁵ The number of hotels has more than doubled in one year: in February 2021, 8,700 people were in just over 90 hotels across the country.²⁶

The use of former military barracks by the Home Office

In September 2020, the UK government opened two former military barracks that were deemed to be substandard accommodation:²⁷ Napier, in the town of Folkestone in the county of Kent (near Dover, in South East England), and Penally, in Pembrokeshire, Wales.²⁸ 'Accommodating' a total of 600 people during the UK's imposed lockdown to combat the global Covid-19 pandemic, these two sites, used according to the Home Office because of 'lack of space elsewhere', were visited by HMIP and the Independent Chief Inspector of Borders and Immigration (ICIBI). In a report released on 8 March 2021, the inspectors found "fundamental failures of leadership and planning" of these places for the period November 2020 to March 2021. They also found grossly inadequate medical assessments, extremely poor communication with camp residents, and a failure by contractors working on the sites to meet their obligations.²⁹ While Penally was closed in March 2021, Napier

¹⁷ [Asylum in Europe, United Kingdom: "Freedom of movement", §4, 21 June 2021](#)

¹⁸ [Commons Library, "Asylum accommodations: the use of hotels and military barracks", 24 November 2020](#)

¹⁹ Cf. supra.

²⁰ [Info Migrants, "Asylum accommodation under scrutiny in UK", §20, 4 February 2022](#)

²¹ [Right to Remain, "Delays in asylum and immigration cases", 13 October 2020](#)

²² [GOV.UK, "Claim asylum in the UK"](#)

²³ [Refugee Council, "Living in Limbo: A decade of delays in the UK asylum system", 2 July 2021](#)

²⁴ Cf. infra.

²⁵ [Info Migrants, "Asylum accommodation under scrutiny in UK", §1§2, 4 February 2022](#)

²⁶ [Refugee Council, "The experiences of people seeking asylum living in hotel accommodation", April 2021](#)

²⁷ [The Guardian, "Report condemns HO failures at barracks used to house asylum seekers", §5, 23 April 2021](#)

²⁸ [Sapphire Project, "Napier Barracks Support", §1](#)

²⁹ [Independent Chief Inspector of Borders and Immigration, Rapport: "An inspection of contingency asylum accommodation: HMIP report on Penally Camp and Napier Barracks", 8 March 2021](#)

continues to be used by the Home Office, despite a High Court ruling that the use of the barracks is against the law.³⁰ Detention at Napier lasts between 60 and 90 days.^{31,32} As with other Contingency Accommodation, since the end of Covid restrictions, people are free to come and go during the day, but must stay overnight.



Napier Barracks, near Folkestone. People 'accommodated' in these gloomy facilities are isolated from the outside, as opaque fences are surrounding the area.

Distribution of accommodation

Hotels and residential accommodation are unevenly distributed across the UK. Often sent to the countryside or to urban areas marked by deindustrialisation and poverty, exiled people have no choice of where to live, and find themselves far from large cities where they could more easily find support from their community, legal and psychological help from professionals not mandated by the State. In 2020, there were 1.6 sheltered persons per 1,000 inhabitants in the North-East of England and 1.2 in the North-West, compared to 0.7 in London and 0.1 in the South-East, regions that offer more possibilities of support and follow-up.³³

³⁰ [High Court, "Napier Barracks judgment", 3 June 2021](#)

³¹ [The Guardian, "Asylum seekers told they will stay at Napier barracks for months", 8 April 2021](#)

³² Interview with a member of the Samphire Project, 16 February 2022.

³³ [The Migration Observatory, "Asylum and refugee resettlement in the UK", Fig 8, 11 May 2021](#)

What are the living conditions for asylum seekers awaiting a decision?

Whether in the hotels used for Contingency Accommodation or in the more individual accommodation of the Dispersal Accommodation system, living conditions for asylum seekers are difficult, and Home Office pursues an implicit but deliberate policy of segregating exiles.

Since the beginning of the 2010s, the Conservative government has privatised the accommodation system for people in exile, in a neoliberal logic of limiting public spending.^{34 35} In 2019, the contracts for the management of these places were renewed for 10 years with three companies, whose areas of action were divided as follows: Serco (Midlands, East and North West England), Mears Group (North East, Yorkshire, Humberside, Northern Ireland and Scotland), and Clearsprings/Ready Homes (Wales and South England).³⁶ These companies may themselves use other subcontractors locally. The premises used by these subcontractors are largely unhealthy: numerous parliamentary reports mention "the presence of vermin, asbestos, cleanliness problems, inadequate fixtures and fittings, and faulty heating systems".³⁷ In 2018, the Independent Chief Inspector of Borders and immigration (ICIBI) reported that only 24% of the properties inspected met safety, health and hospitality standards, and 43% did not meet them at all.³⁸

The management by these private companies is constantly criticised for failures in the welfare of individuals, lack of skills and incidents with staff, as well as serious deficiencies in access to health services, legal aid and support from associations and NGOs. Health, legal and other personnel are proposed by the state but are under contract to the Home Office, and their services are unsatisfactory. The state-run information centres take several hours to deal with individuals, and usually only address one of the many problems presented by people. Several cases of physical and sexual abuse by shelter staff were reported by residents.³⁹ Similarly, several testimonies described multiple intimidations by employees against them, threatening to pass on their names to the Home Office in case of complaints to non-governmental organisations (NGOs) or their lawyers about their living conditions.^{40;41} Several NGOs fear that some asylum applications have already been rejected because of these threats.⁴² This has psychological effects on asylum seekers: many do not dare to go to the NGOs, nor testify about their living conditions or share their problems, as this could affect the authorities' decision.

Asylum applications place all categories of people (men, women, minors) in a situation of prolonged insecurity. People are regularly bounced from hotel to hotel while waiting for the second interview. Some people wait for their second interview for more than three years and are moved every two to three months to different places scattered all over the country.⁴³ Effective follow-up by social workers in such conditions cannot be ensured. Without the possibility of paid work, people cannot be

³⁴ David Fée, "The Privatisation of Asylum Accommodation in the UK: Winners and Losers", *Revue Française de Civilisation Britannique*, XXVI-2, 5 January 2021

³⁵ See the work of the [South Yorkshire Migration and Asylum Action Group](#) on privatisation.

³⁶ Cf. supra. David Fée, §26.

³⁷ Cf. supra. David Fée, §32.

³⁸ ICIBI, "An Inspection of the Home Office's Management of Asylum Accommodation Provision", 20 November 2018.

³⁹ Interview with Maddie Harris, Director of Humans for Rights Network, 21 February 2022.

⁴⁰ Ibid.

⁴¹ Cf. supra. David Fée, §29.

⁴² Interview with former HO employee working with people in hotels, 16 February 2022; interview with Samphire Project member, 16 February 2022.

⁴³ See interview with former HO employee. In the course of the interview and by way of example, he mentioned the case of a person whom he had seen again more than three times after first meeting him, and who had been moved to a total nine different places of accommodation every two to three months.

integrated in a sustainable way. People are regularly confronted with new interlocutors who have to start from the beginning. While the government provides £39.63 a week for each person in accommodation (slightly more for young children and pregnant women) to buy basic necessities,⁴⁴ this is little more than a quarter of the UK poverty line income.⁴⁵

The situation is no better for minors, who have a right to education, which is not always respected: many schools claim to have no places, and accommodation staff do not help families with their enquiries. In 2021, 2,517 people had their minority questioned during the HO's Age Assessment Process.⁴⁶ These examinations, conducted at speed and according to subjective criteria (physical assessment, height, voice) by state employees, made it possible to send people deemed to be adults to accommodation for adults without any form of protection in case of error.⁴⁷ These were found to be contrary to the law on 19 January 2022 by the High Court.⁴⁸

While people have the right to come and go during the day, they cannot escape the obligation to stay in overnight in their place of forced residence. If one of them is not present for several days, the Home Office will stop providing accommodation, and the person runs the risk of being considered as a fugitive, which may lead to the rejection of his/her asylum application. Accommodation facilities are thus areas of control over exiles, where - according to testimonies collected in the field - intimidation and pressure from authorities and staff tend to dissuade people from talking about the conditions inside, and where useful information about the rights of asylum seekers is filtered out.⁴⁹ The lack of information is often justified by an overload of tasks by private companies or state services. The overlap of private companies and their own subcontractors with the state makes it difficult to establish responsibility for incidents, with the Home Office often passing on routine matters to accommodation staff. The latter, having only a contract with the Home Office, are not accountable to the local authorities or to the public,⁵⁰ and even less to the people primarily affected by this system of forced housing, which in many ways takes the form of a detention system.

The accommodation system, through the Contingency Accommodation and Dispersal Accommodation mechanisms, is not the only means of control and constraint implemented by the UK authorities on asylum seekers. Control is ensured by regular visits from employees of subcontracting companies and police officers, but also by the obligation to report to Reporting Centres.⁵¹ Forced to go there from twice a week to once every six months, these check-ins with the immigration services take place in distant centres,⁵² and the travel costs are borne by the exiles. Each trip to a Reporting Centre can lead to the person being taken into detention by order of the immigration services. Indeed, the Home Office and its immigration services have full discretion to detain individuals for migration control purposes, which means that they can detain an individual at any stage of the asylum

⁴⁴[GOV.UK, "Asylum Support"](#)

⁴⁵[Trust for London, "Poverty Fresholds"](#)

⁴⁶[GOV.UK, "Asylum and resettlement datasets", 24 February 2022](#)

⁴⁷For more information on the controversy over the method of determining the age of minors in the British case: [Refugies Studies Centre, "Negotiating Childhood : Age Assessment in the UK asylum system", novembre 2010](#) ; and American : [National Library of Medicine, "The Use of Age Assessment in the context of Child Migration", 23 juillet 2019](#)

⁴⁸[Independent, "HO age assessment policy for asylum seekers is unlawful, High Court rules", 19 January 2022](#)

⁴⁹Cf. interviews with former HO employee, Samphire Project member and Maddie Harris.

⁵⁰Cf. supra. David Fée, §30.

⁵¹[Asylum in Europe, United Kingdom: "Freedom of movement", §5, 21 June 2021](#)

⁵²There are only 14 Reporting Centres across the UK : [GOV.UK, "Immigration Reporting Centres"](#)

procedure.^{53;54} By virtue of the administrative powers granted to immigration officers by the Immigration Act 1971 and its subsequent amendments,⁵⁵ the Home Office is not required to justify its decisions on administrative detention.⁵⁶

What are the situations of exiles at the end of the asylum procedure ?

After many months of waiting, the Home Office may decide in favour of the asylum seekers. Several options are then possible. Refugee Status⁵⁷ offers protection in the UK for 5 years for people facing personal persecution: people can work, choose where they want to live, benefit from social rights, and apply for family reunification. After 5 years, people can apply for Indefinite Leave to Remain, provided that the reasons for granting status have not changed. Once granted and after one year, it will then be possible to apply for British nationality. In cases of indiscriminate persecution, the Home Office can grant Humanitarian Protection, which offers the same rights as refugee status.⁵⁸ The Home Office can also refuse to grant asylum but allow people to stay: this is the case for victims of trafficking and smuggling. These authorisations are temporary, and are used for example to protect a person during medical treatment, or when collaborating with the police during investigations.⁵⁹

In 2021, 48,540 asylum applications were made (63% more than in 2020, the highest figure since 2003)⁶⁰, and 14,734 people were granted protection following an asylum application in the UK (81% were refugee status, and 6% humanitarian protection).⁶¹ This is more than in 2020 (9,895) but less than in 2019 (20,703). Between 2015 and 2018, the figures were close to 15,000 a year. 71% of initial decisions - taken on the basis of the elements given at the second interview - issued by the authorities in 2021 resulted in protection being granted.⁶² In case of rejection, exiled persons can under certain conditions appeal, or challenge the refusal of the asylum application by means of an administrative or judicial review.⁶³ Initiating an appeal following a rejection prolongs the endless cycle of waiting and limitations to the development of a normal life for people, as the delays are long and the processes are complex. In 2021, 49% of those who challenged the authorities' refusal on appeal were successful in their claim for asylum.⁶⁴ According to the Home Office, in 2021 more people were granted asylum than in 2020, but at the same time the number of people waiting for a decision also increased. As of 31 December 2021, there were 100,564 people in the state-mandated accommodation system, 81,978 of whom were awaiting an initial decision, 60% more than in 2020 according to government statistics.

For those who are not granted asylum at first instance and do not appeal, for those who have exhausted all avenues of appeal, or for those who have never applied for asylum in the UK, the

⁵³ [Right To Remain, "A guide to the UK immigration and asylum system", §9](#)

⁵⁴ Cf. Migreurop, Fact sheet, "Immigration Detention in the UK".

⁵⁵ Bail for Immigrations Detainees, "About Immigration Detention".

⁵⁶ Ibid.

⁵⁷ Cf. supra Right to Remain (note 14).

⁵⁸ [Free Movement, "What is the difference between refugee status and humanitarian protection ?"](#)

⁵⁹ [Right to Remain, "Change in decision maker for some trafficking cases"](#)

⁶⁰ By comparison, there were 24,324 applications between September 2013 and September 2014, and 29,024 between September 2014 and September 2015, the highest figures for the 2010s.

⁶¹ GOV.UK, "Immigration statistics year ending december 2021".

⁶² [Refugee Council, "Top facts about refugees and people seeking asylum"](#)

⁶³ [Right to Remain, "Submitting an Appeal after a Home Office Refusal"](#)

⁶⁴ Ibid.

government relentlessly applies its hostile environment policy. These people, classified by the authorities as Undocumented Migrants, are subjected to extremely precarious living conditions fuelled by this policy, in order to push them to leave the country. Since 2012, a whole series of laws has been in place to restrict access to public services, such as the National Health Service (NHS) and housing benefits, for people in an 'irregular' situation. The government requires doctors, landlords, employers and education staff to be responsible for enforcing the law by not providing services to these Undocumented Migrants, under penalty of law.⁶⁵ People from outside the European Economic Area⁶⁶ are not eligible for support from local authorities to combat homelessness. But insecurity is not limited to a lack of support from state services. Since 2015, an Immigration Health Surcharge of between £470 and £624 has had to be paid by those without the right of abode in order to gain 'free' access to secondary NHS services.⁶⁷ This means that apart from general practitioner consultations, which remain unconditionally accessible, people with no formal income or state support have to pay a significant amount to access health services. This creates an environment where people in precarious situations take great risks with their health, for fear of going to services that will deny them care, and thus expose themselves to greater mortality.⁶⁸

Throughout the reception and asylum system, the laws in force in the UK have served to create a hostile environment for those exiled within its borders. Whether they are in the asylum process or not, the UK government implements a highly repressive legal and administrative framework for them through policies of control, deterrence and intimidation. This environment contributes to making the lives of those seeking refuge or living in the country without documents extremely precarious. As of April 2022, Brexit and the Nationality and Borders Bill, which is a direct consequence of it, do not augur well for the evolution of the reception of exiles in the United Kingdom.⁶⁹

⁶⁵[University of Portsmouth, "What is the 'Hostile Environment' ? An Introduction to Immigration policy in Britain, §4, 6 January 2021](#)

⁶⁶Economic Union including the European Union, Norway, Iceland, and Liechtenstein.

⁶⁷[GOV.UK, "NHS entitlements: migrant health guide"](#)

⁶⁸[The Guardian, "Upfront fees' deterring immigrants from seeking NHS care", 18 April 2019](#)

⁶⁹Cf. Migreurop, Fact sheet, "Immigration Detention in the UK".