

Research Briefing

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Safe and legal routes to the UK for people seeking protection



Summary

- 1 Safe and legal routes: Policy debate
- 2 Existing lawful routes for people fearing persecution
- 3 How many people come to the UK through safe and legal routes?
- 4 Should the Government introduce a legal route for Channel migrants?

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Summary

‘Safe and legal’ routes are sanctioned immigration provisions that provide access to the UK for humanitarian reasons. They are often referred to in discussions about how people seeking asylum can come to the UK.

Safe and legal routes take various forms. Successive recent UK governments have expanded UK refugee resettlement schemes. They have also created extra immigration routes in response to deteriorating security and human rights in Hong Kong, Afghanistan, and Ukraine.

The Johnson government committed to providing safe and legal routes of entry as part of a broader programme of asylum reforms outlined in its [New Plan for Immigration policy statement](#) (March 2021). It wanted fewer people to come to the UK as asylum seekers and more to come through safe and legal routes.

A [December 2022 statement by the Prime Minister](#) went further. Rishi Sunak announced that the Government now intends to make further legislative changes so that “the only way to come to the UK for asylum will be through safe and legal routes”. He said that the Government would create additional legal routes “as we get a grip on illegal migration” and would introduce an annual quota for refugee resettlement.

Refugee rights campaigners have previously called for an annual target for refugee resettlement. But they have also cautioned that safe and legal routes are not available to everyone who needs protection. Consequently, they want them to be provided alongside an accessible in-country asylum system.

Existing safe and legal routes to the UK

The boundaries between UK refugee resettlement schemes and other lawful routes have blurred. For example, calculations of the number of people “offered refuge” in the UK sometimes include people coming through routes that do not assess individuals’ needs for protection.

The UK currently operates several safe and legal immigration routes:

- The UK Resettlement Scheme, Community Sponsorship, and the Mandate Scheme are **refugee resettlement programmes**.
- **Refugee family reunion visas** are available to people who were immediate relatives of people granted refuge in the UK, before they left their country of origin (known as pre-flight relatives).

- Nationality-specific **bespoke immigration routes** are available to some Afghans, Ukrainians, and people from Hong Kong.

Each route has eligibility criteria and conditions attached to the permission to stay. Not all the routes give beneficiaries refugee status and the associated rights and entitlements specified in the 1951 Refugee Convention.

How many people use those routes?

There are significantly more applications for asylum than the number of people who come to the UK through organised refugee resettlement schemes or as close family members of recognised refugees.

According to [Home Office quarterly immigration statistics](#), between September 2021 and September 2022:

- 1,391 people came through a refugee resettlement scheme.
- 4,786 people came through refugee family reunion rules.
- 72,027 asylum applications were submitted.
- 15,987 asylum seekers were given permission to stay (rising to 17,658 after appeal).

But in addition to the above, significant numbers of people have come through the bespoke visa routes for people from Hong Kong with British National (Overseas) status (144,576 visas granted between 31 January 2021 – 30 September 2022), and the two Ukraine Schemes (186,893 visas issued since March 2022). And as at 24 November 2022, 12,300 people had been granted indefinite leave to remain under the two schemes for Afghan nationals.

Should the Government provide a legal route for Channel migrants?

Successive recent governments have said it's inappropriate and counterproductive to provide safe and legal routes for migrants who make unauthorised journeys to Europe and want to come to the UK. Advocates of safe and legal routes argue that doing so could help to reduce small boat crossings and other forms of illegal migration.

1 Safe and legal routes: Policy debate

1.1 What are safe and legal routes?

The term ‘safe and legal’ (or ‘safe and lawful’) routes refers to immigration arrangements that provide access to the UK for humanitarian reasons. It is often used in discussions about immigration options available to people seeking protection. A 2021 briefing by Amnesty International provides a detailed definition:

By ‘safe and legal’ route, we mean the formal sanction by the UK of journeys to the UK – e.g. where a visa is granted or available for the journey or the person is permitted to travel to the UK without a visa. A journey under any other circumstances is not by a safe and legal route. However, this does not mean the journey is either unlawful or unsafe, though its being made in circumstances that are not formally sanctioned gives rise to significant risks of exploitation, abuse and other harm.¹

Safe and legal routes can take various forms including refugee resettlement schemes and types of complementary pathways such as family reunion provisions, humanitarian admission programmes, and private sponsorship.²

Over the past decade or so, successive governments have expanded some refugee resettlement schemes. They have also created some additional safe and lawful routes, for example in response to the displacement of people in Afghanistan and Ukraine. But refugee rights campaigners and some other commentators continue to call for further measures to provide for a broader range of people.³

The Johnson government supported the provision of safe and legal routes of entry as part of its broader programme for asylum reform.⁴ However, the Home Office has not been receptive to suggestions to provide safe and legal routes for people who have made unauthorised journeys to Europe and wish to come to the UK (discussed further in section 1.3 below).

¹ Amnesty International UK, Briefing, [Safe and Legal Routes to the UK](#), January 2021

² For an overview of types of complementary pathway, see for example UNHCR UK, [Complementary pathways for admission to third countries](#) (undated; accessed 25 August 2022)

³ Refugee Council, [Safe Routes Save Futures](#) (undated; accessed 16 September 2022); JCWI, [Refugee Protection](#) (undated; accessed 16 September 2022); D Simmonds, Politics Home, [‘Safe and legal routes must be a pillar of our asylum system’](#), 29 November 2021

⁴ HM Government, [New Plan for Immigration: policy statement](#), CP 412, March 2021

The UK's approach: Bespoke immigration routes

Home Office officials recognise that, in practice, “there are safe and legal routes from some places and not from others”.⁵

The rationale for selectively providing lawful routes was explored in a Home Affairs Committee evidence session in June, when committee member Tim Loughton MP questioned the Home Office's Permanent Secretary, Matthew Rycroft:

Tim Loughton: (...) Mr Rycroft, if I am a young person escaping religious persecution in an east African country who has an aunt in the UK, or if I am somebody who is escaping the besieged city of Marib in Yemen—escaping from a warzone—with a distant relative in the UK, what is my best route, safely and legally, to get into the UK?

(...)

Matthew Rycroft: There is no dedicated safe and legal route for either of those conflicts.

Tim Loughton: Why not?

(...)

Matthew Rycroft: Because the Government have not set one up. The best way to think about this is in the round, and different countries do different things in order to contribute overall to the requirement to help support people fleeing persecution.⁶

The eligibility criteria, type of immigration permission granted, and associated entitlements and conditions differ for each nationality-specific safe and legal route. The previous Home Secretary, Priti Patel, justified this approach on the basis that “safe and legal routes should be bespoke because every single crisis is unique.”⁷

⁵ Home Affairs Committee, [Oral evidence: Work of the Home Office, HC 200](#), 22 June 2022, Q400

⁶ Home Affairs Committee, [Oral evidence: Work of the Home Office, HC 200](#), 22 June 2022

⁷ [HC Deb 19 April 2022 c37](#)

1 Claiming asylum if there is no lawful route of entry

People who fear persecution in their country of origin can travel of their own accord and claim asylum when they reach the UK. But they cannot obtain a visa with the explicit purpose of seeking asylum. A statement on GOV.UK explains:

..., our Immigration Rules do not provide for someone to apply to come to the UK to seek asylum, temporary refuge, or humanitarian protection. ... the UK is not required to consider asylum or protection claims from the very large numbers of people overseas who might like to come to the UK to resettle.⁸

Claiming asylum is not illegal but entering or remaining in the UK without the required permission [has been an offence](#) for many years. Recent legislation has expanded the scope of the offences and increased the maximum penalty to four years' imprisonment.⁹

A person who claims asylum has the legal right to remain in the UK while their application is considered, regardless of how they entered the country or what immigration status they had at the point of claiming asylum.

International refugee law does not require people to claim asylum in the first safe country they reach. But several measures in UK asylum law are intended to encourage people to do so. For example, people who travel through other countries can be treated as [inadmissible to the asylum system](#) and removed to another country (such as Rwanda) or, if allowed to stay, be given a [less favourable immigration status](#) compared to refugees who travel directly to the UK.

1.2

Recent policy announcements

New Plan for Immigration: Support for safe and legal routes of entry

In late March 2021 the then Government published its first New Plan for Immigration policy statement.¹⁰ The statement was open to public consultation for six weeks. It was largely concerned with reforming an asylum system which, in successive recent Governments' view, is "broken".¹¹

⁸ GOV.UK, [Guidance, Afghan Citizens Resettlement Scheme Pathway 3](#) (accessed 13 July 2022)

⁹ [s24, Immigration Act 1971](#) (as amended by s40 Nationality and Borders Act 2022)

¹⁰ HM Government, [New Plan for Immigration: policy statement \(PDF\)](#), CP 412, March 2021

¹¹ [PQ UIN HL1925](#), answered on 4 August 2022

The New Plan reflected a preference for people in need of protection to come to the UK via organised safe and lawful routes, such as refugee resettlement schemes, rather than by making irregular journeys and claiming asylum after arrival. It included proposals to strengthen safe and legal routes of entry to the UK and increase support to refugees, alongside measures to deter people who seek to enter the UK by irregular means and prevent abuse of the asylum system.

The consultation document and official Government response confirmed plans to proceed with measures to support safe and legal routes.¹² These included:

- Maintaining the UK’s long-term commitment to **refugee resettlement schemes**, broadening the reach, and encouraging growth of the Community Sponsorship scheme. These routes are discussed in section 2.1 of this briefing.
- Piloting an **Emergency Resettlement Mechanism** “to enable refugees in urgent need to be resettled more quickly so that life-saving protection is provided in weeks rather than months”.¹³ It also suggested the Home Secretary could use discretionary powers to provide rapid assistance “to help people in truly exceptional and compelling circumstances”¹⁴.

The Emergency Resettlement Mechanism was not piloted in autumn 2021 (as the consultation document had suggested). The UK’s bespoke responses to recent displacements in Afghanistan and Ukraine arguably reflect certain elements of the proposals.

- **Reviewing existing safe and legal routes** and the refugee family reunion rules (similar commitments were made during the passage of the Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020).¹⁵

The review of safe and legal routes was published in July 2021.¹⁶ The Government decided against making substantive changes to the rules to widen eligibility for refugee family reunion.

- The consultation document also cited plans to **review support for eligible skilled refugees** to access employment in the UK through a work visa route.

Ministers had previously expressed interest in so-called ‘displaced talent’ visas. There have already been small-scale efforts to help skilled refugees apply for UK work visas, for example through the [‘international](#)

¹² HM Government, [Consultation on New Plan for Immigration: government response \(PDF\)](#), CP 493, July 2021

¹³ As above, p7

¹⁴ As above

¹⁵ [Immigration and Social Security Co-ordination \(EU Withdrawal\) Act 2020](#), s3(5)(b)

¹⁶ Home Office, [Report in relation to legal routes from the EU for protection claimants, including family reunion of unaccompanied children](#), July 2021, paras 29-37

[refugee healthcare pilot](#)' and the ['displaced talent mobility pilot'](#).¹⁷ The NGO [Talent Beyond Boundaries](#) is working with the Home Office on the pilots. It advocates for labour mobility pathways for refugees and has experience of establishing such visa schemes in other jurisdictions.

Prime Minister's statement on illegal immigration

On 13 December 2022, as part of an [oral statement on Illegal Immigration](#), Rishi Sunak said that the Government now intends to make further changes so that "the only way to come to the UK for asylum will be through safe and legal routes".¹⁸

He said the Government will publish new legislative proposals in early 2023 which would "make it unambiguously clear that, if you enter the UK illegally, ... you will be detained and swiftly returned either to your home country or to a safe country where your asylum claim will be considered."¹⁹

Mr Sunak said that more legal routes would be established "as we get a grip on illegal migration" and that the Government would work with UNHCR to identify people most in need.

He also announced that the Government would introduce an annual quota on the number of resettlement places. This would be set by Parliament and in consultation with local authorities. The Prime Minister said it would be amendable in the face of humanitarian emergencies.²⁰

Refugee rights campaigners have been calling for an annual refugee resettlement quota/target for several years. Previous calls were made in the assumption that spontaneous arrivals would still have access to the asylum system. They typically advocated for a commitment to resettle 10,000 refugees per year, equivalent to around 15 refugees per constituency. A non-government amendment to that effect was approved by the Lords during the passage of the Nationality and Borders Act 2022. But it was subsequently rejected by the Commons during the Bill's ping-pong stage.²¹

¹⁷ NHS Employers, ['Supporting skilled refugees into the NHS – new pilot'](#), 20 October 2020

¹⁸ [HC Deb 13 December 2022 c888](#)

¹⁹ [HC Deb 13 December 2022 c888](#)

²⁰ [HC Deb 13 December 2022 c888](#)

²¹ See Commons Library briefing [Nationality and Borders Bill: Progress of the Bill](#), 5 April 2022

2 Preserving access to asylum for spontaneous arrivals

Refugee rights commentators have previously expressed concern about linking support for safe and legal routes with restrictive measures targeted at asylum seekers. They have argued, for example in response to the proposals in the New Plan for Immigration, that increasing the availability of safe and legal routes does not replace the need for accessible asylum procedures for people who travel independently to the UK.²²

The Government's analysis of responses to the New Plan for Immigration consultation noted feedback about asylum seekers' difficulties accessing safe and legal routes:

Participants with experience of the UK asylum system raised the point that for people fleeing persecution, oppression or tyranny, 'legal' routes are often inaccessible. They indicated that more thought should be given to why people were fleeing rather than how they arrived. They felt that people who are being persecuted do not have time to research the safe and legal routes into a particular country.

(...)

Participants, who had themselves fled persecution, noted that resettlement is not a viable route for most asylum seekers, likening the opportunity to enter the UK through the scheme to 'winning the lottery'.²³

²² Guild E, Refugee Law initiative, blog post, [‘The UK’s New Plan for Immigration: “Protecting those Fleeing Persecution, Oppression and Tyranny”](#)’, 11 May 2021; Rob McNeil, COMPAS, blog post, [“‘The Claw is Our Master...’: Toy Story shows us how Priti Patel’s new asylum proposals work’](#), 9 April 2021

²³ Home Office, [Report in relation to legal routes from the EU for protection claimants, including family reunion of unaccompanied children](#), July 2021, para 10-11

2 Existing lawful routes for people fearing persecution

Some people who want to come to the UK for protection may be eligible for a legally sanctioned route to enter the UK.

These routes are separate to, and not directly comparable with, claiming asylum in the UK. They each have distinct eligibility criteria and are only available to certain cohorts of people.

Not everyone granted asylum could have alternatively used a safe and legal route to come to the UK. Also, some schemes require potentially eligible cases to be referred to the Home Office by UK and/or foreign immigration authorities or partner NGOs, rather than allowing individuals to apply directly.

The application processes and outcomes also differ to cases dealt with through the asylum system. Whereas asylum seekers' eligibility for immigration permission is considered after their arrival in the UK, people coming through safe and legal routes are assessed **before travel**. They have a different immigration status, with more favourable conditions, compared to asylum seekers. Their status and entitlements may also be different to people granted asylum in the UK. Safe and legal routes that don't assess individuals' eligibility for asylum (as specified in domestic and international laws) cannot grant refugee status or humanitarian protection to beneficiaries.

Policymakers have blurred the boundaries between refugee resettlement schemes and certain other safe and legal routes over the past couple of years. The term '**resettlement**' has sometimes been used in a more general sense to describe bringing to the UK people (not specifically recognised refugees) in emergency situations or on humanitarian grounds. It is sometimes used interchangeably with other terms such as **relocation** or **transfer**. Likewise, figures quoted for the number of people "offered refuge" in the UK sometimes include people who came to the UK through some non-resettlement routes which do not consider an individual's need for protection as part of the eligibility criteria.²⁴

²⁴ Eg, GOV.UK, [Prime Minister's speech on action to tackle illegal migration](#), 14 April 2022

2.1

Refugee resettlement schemes

Some available safe and legal routes are refugee resettlement schemes.

‘Resettlement’ is the voluntary transfer of recognised refugees from the country that granted them asylum to another state that agrees to grant them permanent residence. It is one of the three ‘[durable solutions](#)’ for refugees pursued by UNHCR.

UNHCR and resettlement in the UK

There is a global shortage of resettlement places. [UNHCR estimated that 1.5 million refugees would need resettlement in 2022](#) (PDF).²⁵ Between January and 30 November 2022 it resettled 53,362 people across 22 countries.²⁶

The UK works with UNHCR to provide resettlement in the UK. It does not currently have a quota or target for the number of places offered. Some previous schemes, such as the Vulnerable Persons Resettlement Scheme for people affected by the Syrian conflict, did have quotas.

UNHCR identifies people eligible for resettlement in the UK from its own registered refugee caseload. People are typically resettled from countries with large refugee populations. UNHCR refers cases to the Home Office which then considers whether to offer the person resettlement in the UK.

People who come through a resettlement scheme have already been recognised as refugees under the 1951 Refugee Convention by UNHCR. Therefore, they do not go through the asylum process in the UK. They are given refugee status with indefinite (ie, permanent) leave to remain. Refugee status gives certain rights and entitlements as specified in the 1951 Geneva Convention on Refugees (eg, to family reunion).

The UK currently operates three refugee resettlement schemes:

- **UK Resettlement Scheme (UKRS)** —for vulnerable refugees in refugee camps neighbouring countries with conflicts and/or instability. Participating local authorities in the UK lead on providing practical integration support upon arrival in the UK (accommodation, access to services, etc).
- **Community Sponsorship** — uses the same criteria as the UKRS, although participants are counted separately. Resettled refugees are matched with a local community group that has volunteered to provide integration support in the UK.
- **Mandate Resettlement Scheme** — a longstanding but little-used scheme for refugees who have a close family member in the UK who is

²⁵ UNHCR, [Projected Global Resettlement Needs 2022](#), p.13

²⁶ The top five destination countries were USA, Canada, Germany, Sweden, France. UNHCR, [Resettlement data finder](#) (accessed 11 January 2023)

willing to accommodate them and has permanent permission to stay or temporary permission with a route to permanent status.²⁷

As discussed below, one of the categories within the **Afghan Citizens Resettlement Scheme** (the UK's referral pathway 2) meets the definition of a refugee resettlement scheme, but the other two do not.

How many people come through resettlement routes?

The number of people resettled in the UK each year depends on several factors, including government funding commitments and local authorities' capacity for supporting refugees.

The [immigration statistics for the 12 months to September 2022 show](#):

- 1,387 people came through one of those three resettlement schemes.
- 1,101 (80%) came to the UK through the UK Resettlement Scheme.
- The most common nationalities resettled in the last year were Syrian (56%), Sudanese (15%) and Iraqi (11%).

Further information

- Home Office, [UK Refugee Resettlement: Policy Guidance](#), August 2021

2.2

Nationality-specific routes

The schemes outlined below and in section 2.3 do not neatly fit within the UNHCR's definition of a refugee resettlement scheme but come within the broader definition of a safe and legal route of entry to the UK.

People who come to the UK under any of the following schemes are given various types of immigration permission (with distinct durations, eligibility criteria and entitlements).²⁸

Routes for Afghan nationals and their family members

Afghan Relocations and Assistance Policy (ARAP) and ex gratia scheme

The [ARAP](#) and [ex gratia](#) schemes cater for former locally employed civilians in Afghanistan. Eligibility is based on the primary applicant's previous

²⁷ The refugee seeking resettlement must be the sponsor's minor child, spouse, or parent or grandparent over 65. Wider family members will only be considered in exceptional circumstances.

²⁸ For a comparison of terms and conditions attached to different routes, see Migration Observatory, [Q&A: The UK and the Ukraine refugee situation](#), 24 August 2022, Table 1

employment in Afghanistan with the UK Government and related risks they may now face.

People who come to the UK under these schemes are immediately given indefinite leave (permission to stay in the UK permanently). They are not recognised refugees (ie, they haven't gone through a refugee status determination process overseas and have not been granted refugee status or international protection on other grounds).

Afghan Citizens Resettlement Scheme (ACRS)

[The Afghan Citizens Resettlement Scheme \(ACRS\)](#) is available to some Afghan nationals and dependant relatives who are in Afghanistan or neighbouring countries (or who have already been evacuated to the UK) and are at risk due to the situation in Afghanistan. The ACRS is not a pure resettlement scheme because it does not only cater for people who have been recognised as refugees.

The scheme has been partly operational from January 2022 and opened to further eligible categories of people in mid-June.

The Government has pledged to resettle up to 20,000 people through the ACRS over the coming years.²⁹ People coming under this route are given indefinite leave.

Individuals cannot apply directly for a visa to come to the UK under the ACRS. Rather, there are three 'referral pathways' that identify eligible people:

- **Pathway 1** is for vulnerable and at-risk individuals (including some British citizens) who have already been evacuated and brought to the UK or who had been identified for evacuation at the time of the UK's withdrawal from Afghanistan.
- **Pathway 2** is for vulnerable Afghans who have fled to a neighbouring country and are identified for resettlement by UNHCR. This route falls within the parameters of a resettlement scheme because it involves people who have been recognised as refugees. People in this group will be granted refugee status, unlike those who come through either of the other referral pathways. The Government anticipates that UNHCR will refer up to 2,000 refugees during the pathway's first year, although the number will be kept under review. It has not confirmed expected numbers for subsequent years.³⁰
- **Pathway 3** is for people at risk – initially, British Council workers, GardaWorld contractors or Chevening alumni. There are 1,500 places available under this route in the first year (principal applicants and family members). The Government has said that the number of places available in the first year for each of the three eligible cohorts will be

²⁹ [PQ UIN 5184](#), answered on 23 September 2022

³⁰ [PQ UIN HI2169](#), answered on 21 September 2022

kept under review.³¹ Interested eligible people were given an eight-week window to submit an expression of interest to the Foreign Commonwealth and Development Office (ending on 15 August 2022). FCDO staff consider their eligibility and refer qualifying cases to the Home Office to arrange resettlement. Over 11,000 expressions of interest were received. The Government has said that many do not meet the eligibility criteria for the pathway's first year. The FCDO was notifying individuals of the outcome of their application throughout autumn 2022.³²

How many people have come to the UK under the Afghan schemes?

The Home Office has not yet published full data on the ACRS and ARAP cases in its quarterly immigration statistics because it is still reconciling information held across IT systems. It has published some [provisional operational data](#). This shows that, as of 4 November 2022:

- Around 2,000 people were relocated from Afghanistan to the UK under the ARAP scheme before the August 2021 evacuation exercise ('Operation Pitting').
- Around 15,000 people were evacuated from Afghanistan to the UK during Operation Pitting (this figure includes British citizens).
- Around 6,000 people have arrived in the UK as ARAP or ACRS pathway 1 cases since Operation Pitting.
- 12,296 individuals have been granted indefinite leave to remain under either ARAP or ACRS pathway 1:
 - 5,982 ARAP grants
 - 6,314 ACRS Pathway 1 grants.³³

Separately, [the immigration statistics for the year ending September 2022](#) showed that:

- 4 people were resettled in the UK under ACRS Pathway 2 in Q3 2022.

Further information

- Commons Library, [UK immigration routes for Afghan nationals](#)³⁴
- GOV.UK, [Afghan citizens resettlement scheme](#), 13 June 2022

³¹ [PQ UIN49607](#), answered on 22 September 2022

³² [PQ UIN 49607](#), answered on 22 September 2022

³³ Home Office, Transparency data, [Afghan Resettlement Programme: operational data](#), 25 August 2022

³⁴ CBP 9307

- GOV.UK, [Afghan relocations and Assistance Policy: further information on eligibility criteria, offer details and how to apply](#), 27 April 2022
- Home Office, Transparency data, [Afghan Resettlement Programme: operational data](#)

Routes for Ukrainian nationals and family members

In March 2022 the UK established two visa routes for Ukrainian nationals who were living in Ukraine on or immediately before 1 January 2022: the Ukraine Family Scheme and the Ukraine Sponsorship Scheme.³⁵ The visa applications are free of charge.

There is no limit on the number of visas available under either scheme.

Eligibility for the visas does not depend on an assessment of the individual's need for protection, and consequently successful applicants are not given refugee permission or another type of protection status in the UK. Rather, both visas give temporary ('limited') permission to stay in the UK for up to three years, with permission to work and access welfare benefits and public services.

Ukraine Family Scheme

[The Ukraine Family Scheme visa route](#) is for Ukrainians (and their family) who have a UK-based family member with a qualifying immigration status. Eligibility is based on family ties in the UK.

Ukraine Sponsorship Scheme ('Homes for Ukraine')

[The Ukraine Sponsorship Scheme](#) is for Ukrainians who have a sponsor in the UK willing to provide them accommodation for at least six months.

How many people have come to the UK under the Ukraine schemes?

[Home Office transparency data](#) shows that, as of 9 January 2023:

- 155,500 people have arrived in the UK under either Ukraine visa scheme:
 - 44,500 under the Ukraine Family Scheme
 - 111,000 under the Ukraine Sponsorship Scheme³⁶

Home Office [quarterly immigration statistics](#) provide more detailed figures on visas granted to Ukrainians, under various immigration routes. They are gross

³⁵ Separately, the [Ukraine Extension Scheme](#) (not considered in this briefing) allows Ukrainians already in the UK to extend their permission to stay.

³⁶ Home Office, Transparency data, [Ukraine Family Scheme, Ukraine Sponsorship Scheme \(Homes for Ukraine\) and Ukraine Extension Scheme](#), 15 September 2022

figures so do not reflect the number of Ukrainians who may have subsequently left the UK.

Further information

- Commons Library, [Ukraine: UK immigration concessions](#)³⁷
- GOV.UK, [UK visa support for Ukrainian nationals](#), 13 June 2022
- Home Office, [Transparency data, Ukraine Family Scheme, Ukraine Sponsorship Scheme \(Homes for Ukraine\) and Ukraine Extension Scheme](#)

Hong Kong British National (Overseas) visa

The Hong Kong BN(O) scheme was developed following concerns about erosion of human rights protections in Hong Kong, but it is not an explicitly protection-based scheme. Eligibility is not based on the person's risk of persecution in Hong Kong. Rather, it is a way of making it easier for Hong Kong BN(O) status holders to migrate to the UK compared to the general work, study, and family visa rules.

[The visa](#) launched in January 2021. It is open to people from Hong Kong with [British National \(Overseas\) nationality status](#) and dependant family members. Eligibility is due to be extended in autumn 2022 to enable non-BN(O) nationals aged 18 or over who have at least one BN(O) parent to apply independently of their parent.³⁸

First-time visa applicants must demonstrate they have sufficient funds to support themselves and any dependant family members for six months in the UK. Visa applicants can choose whether to apply for permission to stay for two and a half years or five years initially. They can apply for further visa extensions and for permanent settlement (ie, indefinite leave) after five years in the UK. Visa holders can work and study in the UK and may be given permission to claim public funds. There is [a fee for the visa application](#) and the Immigration Healthcare Surcharge and biometric enrolment fees also apply.

How many BNO visa holders have come to the UK?

According to the [immigration statistics for the year ending September 2022](#),

- 144,576 BN(O) visas have been granted since the visa was launched.
 - 121,193 visas were granted to people applying from overseas.

³⁷ CBP 9473

³⁸ [HCWS635](#), 24 February 2022

Further information

- GOV.UK, [British National \(Overseas\) visa](#)
- Commons Library, [Hong Kong British National \(Overseas\) visa](#)³⁹

2.3

Arrangements available to all nationalities

Refugee family reunion

The refugee family reunion route is available to close relatives of people who have already been granted protection in the UK through claiming asylum or being resettled in the UK.⁴⁰ Specifically, adult refugees can be joined by **immediate family members** (partner and dependent children) who formed part of their family unit before they came to the UK.

Relatives of asylum seekers and child refugees (under 18s), and adult refugees' other relatives (eg, siblings or parents) are **not** eligible under the family reunion rules.

The route has a significant impact on the overall gender balance of people granted protection in the UK. Whereas more men than women apply for and are granted asylum, the refugee family reunion route is used by women more than men.⁴¹ Consequently, between 2011 and 2021, around 45% of people granted immigration permission through either the asylum process or refugee family reunion rules were women.⁴²

Refugee family reunion applications are free of charge. Successful applicants are not given refugee status but are given leave in line with the refugee sponsor (ie, immigration permission for the same length of time and with the same conditions and entitlements).

Changes in eligibility for family reunion from 2022

Recent asylum reforms have narrowed automatic eligibility for refugee family reunion.

Previously, anyone granted refugee status or humanitarian protection could sponsor immediate relatives under the refugee family reunion rules.⁴³ But new categories of immigration permission, which apply to people who apply for

³⁹ CBP 8939

⁴⁰ Immigration Rules, Part 11, paragraphs 352A-352FJ

⁴¹ Between 2011 and 2021, 80% of adult visas in this category were issued to women. Migration Observatory, [Asylum and refugee resettlement in the UK](#), 19 August 2022, Table 1

⁴² Migration Observatory, [Asylum and refugee resettlement in the UK](#), 19 August 2022, Table 1; Immigration statistics quarterly release, [How many people do we grant asylum or protection to?](#) 25 August 2022

⁴³ This still applies to people who claimed asylum before 28 June 2022 but are granted refugee status or humanitarian protection after that date.

asylum on or after 28 June 2022, have changed refugees' entitlements under the refugee family reunion rules.⁴⁴ In short:

- Adults granted refugee status will only automatically be entitled to sponsor someone applying for refugee family reunion if they are granted “refugee permission to stay” as a Group 1 refugee (ie they travelled directly to the UK from the country they were fleeing, claimed asylum without delay and, if applicable, can show “good cause” for unlawful entry or presence).
- Adults granted “temporary refugee permission to stay” as a Group 2 refugee (ie, refugees not meeting the definition for Group 1), and people granted “temporary humanitarian protection permission”, will only be able to use the refugee family reunion rules if refusing would breach the UK’s international obligations (eg, under the ECHR).

If a relative is ineligible under the refugee family reunion rules, and there are no grounds to ask for a discretionary grant of leave ‘outside the rules’, the sponsor and/or applicant must look to the broader family visa provisions that apply to relatives of British citizens and people with indefinite leave to remain.

The eligibility criteria for the family visa are more onerous than for refugee family reunion. For example, the UK-based sponsor must demonstrate that they can adequately accommodate and maintain the family members without recourse to public funds, and the family members must have some English language skills before coming to the UK. Also, significant [application fees](#) apply.

How many people come to the UK under the refugee family reunion rules?

4,786 refugee family members were granted entry under the refugee family reunion rules in the year ending September 2022.⁴⁵

Further information

- GOV.UK, [Family reunion: for refugees and those with humanitarian protection](#), v7.0

⁴⁴ s12, [Nationality and Borders Act 2022](#)

⁴⁵ Immigration statistics year ending September 2022, [How many people do we grant asylum or protection to?](#), 24 November 2022

3 How many people come to the UK through safe and legal routes?

3.1 Refugee resettlement

Recent UK governments have emphasised the UK's recent track record in providing refugee resettlement places. [UNHCR data on resettlement](#) shows that from 2016 to August 2022, the UK resettled over 26,000 people. This was the third highest number in the world (after the United States and Canada), and more than any other European country.⁴⁶

This contribution is largely due to the UK's Vulnerable Persons Relocation Scheme (VPRS) for people displaced by the conflict in Syria. The VPRS was launched in 2015 with a view to resettling 20,000 people in the UK over the following five years. Most resettlements took place between 2016 and 2019.

The Covid-19 pandemic disrupted the functioning of the UK's refugee resettlement schemes. The VPRS eventually closed in 2021, when its 20,000 target had been met. This delayed the launch of its replacement, the UK Resettlement Scheme (UKRS), which does not have a quota for the number of resettlement places.

Resettlements have now resumed but at levels substantially below those seen in 2019. UNHCR resettlement data shows that the UK resettled 1,133 people between January and 30 November 2022, putting it tenth position out of 22 resettlement countries.

3.2 All safe and legal routes

In the year ending September 2022, as in previous years, the number of successful in-country asylum applicants was much greater than the number of people arriving under one of the three non-nationality-specific refugee resettlement schemes or through the refugee family reunion rules. The Home Office's September 2022 quarterly immigration statistics show:

⁴⁶ [UNHCR Resettlement Data Finder](#). The total given by UNHCR appears not to include Afghans resettled under ARAP and the ACRS, although it may also exclude certain schemes in other countries and adding Afghans into the UK figure would not change its global ranking.

The UK offered protection, in the form of asylum, humanitarian protection, alternative forms of leave and resettlement, to **17,378 people** (including dependants) in the year ending September 2022. Of these:

- 14,773 were granted refugee status following an asylum application
- 956 were granted humanitarian protection
- 258 were granted alternative forms of leave (such as discretionary leave, UASC leave)
- 1,391 were resettled to the UK through resettlement schemes

Additionally, 4,786 partners and children of refugees living in the UK were granted entry to the UK through family reunion visas, around a third (36%) fewer than the number in 2019, the year prior to the pandemic.⁴⁷

These routes together would typically account for most people being given protection in the UK. However, 2022 was unusual in having three additional country-specific routes through which a great number of people came. These were the Afghanistan ACRS and ARAP schemes, the Ukraine schemes and the Hong Kong British National (Overseas) visa route.

In the year ending September 2022,

- Around 64,000 people were granted entry clearance ('visas') to come to the UK under the Hong Kong BN(O) route, and
- Around 189,000 people were granted entry clearance to come to the UK under the Ukraine schemes.⁴⁸

Furthermore, as at 24 November 2022,

- 12,300 people had been granted indefinite leave to remain under the Afghanistan schemes (ARAP and the ACRS pathways 1 and 2).⁴⁹

The Migration Observatory, an independent research unit based at the University of Oxford, has noted the Ukraine and Hong Kong schemes are significantly contributing to overall migration levels. Together, they accounted for 40% of entry clearances (visas) granted for any purpose in the second quarter of 2022 (excluding tourist visas).⁵⁰

⁴⁷ Home Office, [How many people do we grant asylum or protection to?](#), 24 November 2022. These figures exclude the number of people granted asylum after the initial decision stage.

⁴⁸ Home Office, [Immigration statistics quarterly September 2022](#), table Vis_D02

⁴⁹ Note that this is for the slightly longer time period between the start of ARAP in April 2021 and late November 2022: Home Office, Transparency data, [Afghan resettlement programme: operational data](#), 24 November 2022.

⁵⁰ Migration Observatory, press release, [‘A tale of two protection systems: Afghan refugees turn to small boats while Ukrainians use “safe and legal routes” to reach UK’](#), 25 August 2022

Asylum applications by people arriving without authorisation

There is no comprehensive count of the number of people who apply for asylum after arriving via non-safe-and-legal routes. However, we do know that in the year ending September 2022, 35,345 people arrived in small boats across the English Channel and 90% (31,891) claimed asylum or were recorded as a dependant on an asylum application.⁵¹

⁵¹ Home Office, [Irregular migration to the UK, year ending September 2022](#)

4

Should the Government introduce a legal route for Channel migrants?

Recent UK governments have rejected calls to provide safe and legal routes to migrants who make unauthorised journeys to Europe and wish to come to the UK. Among other things, they have argued that people who travel by irregular means are unfairly ‘jumping the queue’ ahead of people who are waiting overseas to be resettled or for permission to come to the UK through one of the other existing pathways.⁵²

Refugee rights advocates and some other stakeholders have taken a different view, suggesting the problem of people travelling by irregular means to the UK, often facilitated by people smugglers, in part reflects the limited availability and accessibility of legal routes of entry.⁵³ They have highlighted, for example, that Ukrainians (who have been given expansive safe and legal routes since the Russian invasion) do not feature in the common nationalities of people crossing the Channel.⁵⁴

The UN Refugee Agency, UNHCR, has commented:

There is no ‘queue.’ The number of resettlement places (the main route for regular arrival) offered by states, though important, pales in comparison to needs. (...)

(...) Refugees cannot simply apply for resettlement (the list would be unmanageable and run into decades), and people who are displaced or being persecuted within their own country are not eligible.⁵⁵

⁵² [HC Deb 15 June 2022 c291](#); [HC Deb 13 June 2022 c37](#); [HL Deb 8 February 2022 c1508](#)

⁵³ Migration Observatory, press release, ‘[A tale of two protection systems: Afghan refugees turn to small boats while Ukrainians use “safe and legal routes” to reach UK](#)’, 25 August 2022; Home Affairs Committee, [Channel crossings, migration and asylum](#), 18 July 2022; Joint Council for the Welfare of Immigrants, [Safe and Legal Routes of Entry to the UK](#), 12 August 2020; Foreign Affairs Committee, [Responding to irregular migration: a diplomatic route](#), HC 107, 4 November 2019

⁵⁴ Migration Observatory, press release, ‘[A tale of two protection systems: Afghan refugees turn to small boats while Ukrainians use “safe and legal routes” to reach UK](#)’, 25 August 2022

⁵⁵ UNHCR UK, [UK Immigration and Asylum Plans – Some Questions answered by UNHCR](#) (undated; accessed 26 August 2022)

4.1

Proposed amendment to Nationality and Borders Bill

During the passage of the Nationality and Borders Act 2022, parliamentarians considered an amendment which would have provided a legal route of entry to the UK for unaccompanied children and certain other migrants in Europe with relatives in the UK.⁵⁶ The provision would have enabled eligible individuals to enter the UK to claim asylum. It was initially approved by the Lords but was rejected by the Commons.

Baroness Williams, then Home Office Minister, outlined the Government's principled objections to the proposal at Lords report stage:

This new clause would encourage asylum seekers ... to make dangerous journeys to Europe to benefit from its provisions. By the same token, it would discourage asylum seekers, when in Europe, ...to interact with the case and support mechanisms of those safe European countries which should provide them with the safety and protection they are entitled to under the same international legal obligations that the UK abides by.⁵⁷

4.2

Recommendation by Home Affairs Committee

The Home Affairs Committee considered the potential contribution of safe and legal routes to deterring irregular cross-Channel migration as part of its two-year [inquiry into Channel crossings, migration and asylum](#).

Its report, published in July 2022, acknowledged that no single measure would stop migrants trying to reach the UK without prior authorisation. But it recommended that providing safe and legal routes should be a key part of the Government's strategy to counter the influence of people smugglers. The Committee noted that the National Crime Agency, in common with UNHCR, had endorsed providing positive alternatives to irregular migration.⁵⁸

The Committee suggested a pilot to locate some UK asylum assessment facilities on French territory, to enable "juxtaposed consideration of claims in the same way that juxtaposed checks of passports and customs are carried out".⁵⁹

Challenges and practical issues not considered in the Committee's report include deciding which migrants would be eligible for juxtaposed consideration; how to facilitate their access to legal advice and

⁵⁶ Lords amendment 10 at Lords report stage; see sections 4 and 5 of Library briefing [Nationality and Borders Bill: Progress of the Bill](#), CBP 9386 for further details

⁵⁷ [HL Deb 2 March 2022 c881](#)

⁵⁸ Home Affairs Committee, [Channel crossings, migration and asylum](#), 18 July 2022, paras 77-79; 146-7

⁵⁹ Home Affairs Committee, [Channel crossings, migration and asylum](#), 18 July 2022, para 33

representation for the UK system; what legal status and protections they would have in France while their claims were being considered by the UK; how quickly their asylum applications and appeals could be processed in the UK; which country would be responsible for accommodating and supporting people with outstanding applications in the UK; and how cases of people ineligible for asylum in the UK would be resolved.

The Government's response to the report, published on 28 October 2022, rejected the recommendation.⁶⁰ Its arguments against juxtaposed consideration of asylum claims include:

- That the UK would not have the capacity to consider asylum claims from the very large number of people overseas who might like to come to the UK.
- That people should seek protection in the first safe country they reach.
- That, in line with international law, responsibility for asylum seekers lies with the authorities in the host country.
- That France may not support any scheme operated by the UK which encouraged more migrants to enter its territory.
- That establishing UK asylum assessment facilities in France would potentially cause more harm and create a new pull factor encouraging dangerous journeys to France and services from people smugglers.

Ministers have previously similarly argued against calls to introduce 'humanitarian visas' or other arrangements to enable people to lodge asylum claims at diplomatic posts overseas.⁶¹ They have said, for example, that "we would find very considerable numbers of people arrive at embassies and consulates to do so and, of course, individuals who are not granted asylum would, in all likelihood, still seek to come to the United Kingdom through small boat crossings."⁶²

⁶⁰ Home Affairs Committee, [Government's response to the Committee's first report](#), HC 706, 28 October 2022, p.5-7

⁶¹ Eg recently advocated in Tony Blair Institute for Global Change: [Fixing the Asylum System: A Workable Plan](#), July 2022

⁶² [HC Deb 20 April 2022 c238](#)

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