

# House of Commons: Written Statement (HCWS83)

## Home Office

Written Statement made by: **The Minister of State for Immigration (James Brokenshire)** on 02 Jul 2015.

### Asylum

The United Kingdom has a long and proud tradition of providing safe haven to those who genuinely need our protection and this Government takes that commitment very seriously. But for an asylum system to offer help to those who genuinely need it, it must be capable of managing a high volume of applications by making quick decisions wherever possible.

The UK has operated a detained fast track policy for cases that can be decided quickly, including those that have very weak claims, since 2000. The decision to detain a person seeking asylum is never taken lightly, but the courts have been clear over the past decade in upholding the principle that an accelerated process for asylum seekers while detained, operated with certain safeguards, is entirely lawful.

Just over 30,000 asylum claims were made in the UK last year – close to the average for the last 10 years. The majority of applicants are provided with accommodation and support by the Home Office or find their own accommodation. Most decisions on asylum claims are made within 3-6 months. Many, including from countries such as Syria, are accepted as refugees and granted permission to stay.

But a fast track process, including for those that have very weak or spurious claims, with decisions normally made within a matter of weeks and subject to an accelerated appeals process, is an important part of our immigration system and ensuring that our help is rightly focused on those who truly need it.

It is vital that we deal robustly with unfounded or abusive claims in the asylum system. It is also vital, however, that we can identify vulnerable applicants, including victims of trafficking or torture, to ensure that they can receive a fair hearing.

The Government is committed to the underlying principles of the Detained Fast Track (DFT) and believes that for the most part it is operating well and is removing back to their own countries those whose asylum claims are clearly unfounded. But we must be satisfied that our safeguards for dealing with vulnerable applicants throughout the system are working well enough to minimise any risk of unfairness – as we have always striven to do.

Recently the system has come under significant legal challenge, including on the appeals stage of the process. Risks surrounding the safeguards within the system for particularly vulnerable applicants have also been identified to the extent that we cannot be certain of the level of risk of unfairness to certain vulnerable applicants who may enter DFT.

In light of these issues, I have decided to temporarily suspend the operation of the detained fast track policy. I hope this pause to be short in duration, perhaps only a matter of weeks, but I will only resume operation of this policy when I am sure the right structures are in place to minimise any risk of unfairness.

This decision does not mean that we will cease to detain people for immigration reasons. Immigration powers and policies relating to detention remain in place and we will continue to use them across the immigration system, including for removing illegal immigrants and protecting the

public, wherever necessary.

We will continue to exercise the right to detain or keep in detention illegal migrants who have claimed asylum, where their specific circumstances warrant it.

In the meantime, every individual who was detained under the DFT policy and remains detained will have their detention urgently reviewed at senior level. Those who meet the general criteria for detention will not be directly affected by the decision to suspend DFT. Many are already detained under these powers, for example because they are at risk of absconding and face imminent removal. Only if detention can no longer be justified outside a DFT process will applicants be released to continue their asylum claim in the regular asylum system.

Asylum seekers who face removal to a safe third country or who come from a country designated as being generally safe; those who pose a risk to the public; who are foreign national offenders; or those who otherwise face the likely prospect of removal are still liable to be detained or remain detained. Their cases will be prioritised under existing general rules.

We will urgently review all the evidence we have about any possible unfairness in the DFT system and address any shortcomings identified. In the meantime, we will continue to consider all asylum cases very carefully, granting protection to those that need it and refusing and removing those that do not. Asylum must not be used as a means to avoid legitimate immigration control and we will continue to be robust in ensuring that it is not.

This decision is in keeping with the Government's wider work to ensure that we are doing everything we can to safeguard the welfare of those whom we detain. In February this year, the Home Secretary asked Stephen Shaw, the former Prisons and Probation Ombudsman, to conduct a review into the welfare of people detained for immigration purposes, including those detained under the DFT policy. When he reports we will take his findings seriously and use them to continue to improve whatever processes are in place.

It is vital that our asylum policy ensures that safe haven is provided to refugees and that our systems are fair and offer good value to the tax payer. It is also important that if a case can be determined quickly, it should be so determined, and that no immigration advantage can be obtained by making a spurious or opportunistic claim. That is why the Government remains committed to the principles of a detained fast track system and will re-introduce one as soon as we are satisfied the right structures are in place to ensure it operates as it is supposed to.