

## Evidence from Alan Manning on Channel crossings, migration and asylum-seeking routes

I am a Professor of Economics at LSE but also a previous Chair of the Migration Advisory Committee. This note discusses a range of policies and expresses my view on the issues and trade-offs that arise with each, specifically:

- Security measures to make it harder to undertake these journeys.
- Measures to return migrants using this route to 'safe' countries
- Measures to change the process and conditions by which refugee status is granted in the UK, either targeted on this group in particular or more generally.
- Measures to change the alleged attractiveness of claiming asylum in the UK e.g. rights to work and eligibility for benefits
- Increased provision of 'safe and legal' alternative routes to migration
- Reform of the international asylum and refugee system

### Security Measures to Make Journeys Harder

These are primarily security measures designed to make it harder for facilitators to make arrangements for these crossings, and to stop people getting in boats in the first place. A recent cross-country study by Hatton<sup>1</sup> found evidence that what he called "access policies" do affect the number of asylum claims though this considered a broad range of such policies rather than the specific policies that the UK might adopt in this particular case.

Effective security measures necessarily require cooperation and agreement with France. France does not want these activities on their territories but it is likely that the UK wants to stop these crossings more than the French do so a deal needs to be struck.

One disadvantage with increased security measures is that they risk displacing crossings to more dangerous routes. One reason for small boat Channel crossings is the increased security measures at Calais and Coquelles together with reduced traffic on the ferries and through the tunnel. Given the geography of the Channel it is not clear that security measures that prevented small boat crossings would lead to still more dangerous crossings but others would know more about this than me and it is a consideration.

Security measures also put obstacles in the way of those whose claims for asylum in the UK would be accepted as much as those who would be rejected. Of those making these crossings at the moment, for whom the UK takes responsibility, about 2/3rds are reported as having their claim initially accepted.

### Measures to return migrants using this route to 'safe' countries

The aim of most of the crossings is to reach the UK with the hope of being able to remain. If the chances of being able to remain is reduced because those using this route are very likely to be returned elsewhere then the incentives to undertake crossings would be reduced. A 'returns' policy might take different forms e.g. interception at sea and return to France or return to a safe country after landing in the UK. Returns are lawful though have to be to a 'safe' country and there may be disputes about which countries are 'safe'.

International experience suggests that 'returns' policies can be effective in deterring crossings. Part of the 2016 EU-Turkey agreement was that migrants making unauthorized crossings would be

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<sup>1</sup> Hatton, Timothy J. 2017 "Refugees and Asylum Seekers, the Crisis in Europe and the Future of Policy." *Economic Policy* 32 (91): 447-96.

returned to Turkey, in exchange for which the EU would take as many Syrian refugees from Turkey. Australia, controversially, diverted migrants arriving by boat to other countries (Nauru and PNG); arrivals did fall after the introduction of this policy.

Currently, rules on returns to EU countries are part of the Dublin III regulations. The 2018 Immigration White Paper expressed the desire for this to continue in some form but this part of the EU negotiations do not seem to be going anywhere. The EU is having problems in negotiating Dublin IV among its members so is unlikely to want to have a relic of Dublin III covering relations with the UK. The EU typically has little involvement in the migration regimes between member states and third countries and this has been given as the reason why migration should not be part of the exit negotiations. The EU has made agreements with third countries surrounding refugees and asylum (notably the 2016 EU-Turkey agreement) but it has done this only when it has a collective strong interest in doing so which is not the case with Channel crossings where the UK is likely to be far more interested in deterring them than the EU.

It seems almost certain that UK membership of Dublin III will expire at the end of this year. Any replacement would have to be bilateral agreements with individual EU countries. Currently, the main countries to which the UK seeks to return asylum-seekers are France, Spain, Italy and Greece. These are unlikely to happen soon if ever and would require the UK to offer something in return (the EU had to offer a range of incentives to Turkey in the 2016 deal).

Given this, the UK's ability to remove asylum seekers to the EU looks almost certain to disappear at the end of 2020, though the government seems reluctant to admit this. The UK will have the sovereignty and authority to write into legislation any returns policy it likes but not have the power to implement that law. Any returns policy needs an agreement with the country to which the migrants are returned. At the same time the right of EU countries to refer some asylum-seekers to the UK is also likely to expire, including the family reunification provisions of Dublin III. Prior to 2015, the UK returned more people than it received under Dublin though in recent years this has not been the case. The numbers are small – in 2019 the UK received 714 and returned 263. It has been reported to the Committee that the UK is seeking to return 70% of small boat arrivals, but the success rate of UK Dublin requests in 2019 was about 8% according to the latest Home Office figures so it is unclear how many will be accepted (there may be reasons why the success rate would be very different for those crossing by boat).

#### Measures to change the process and conditions by which refugee status is granted in the UK

The belief that making it harder to lodge a successful claim for asylum acts as a deterrence to asylum claims is widespread in many countries, arguably leading to a 'race to the bottom' in which countries compete on making it more difficult to be given protection. The cross-country study of Hatton referred to earlier<sup>2</sup> found some evidence that these 'process' policies do have some effect though the impact is not large relative to other drivers. To give a more specific example, one study<sup>3</sup> found that the Swedish decision in September 2013 to automatically give permanent as opposed to temporary residence to Syrians (giving both greater security of residence and family reunification rights) rapidly led to a tripling in applications to Sweden, falling away only when processing times rose under the pressure of numbers.

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<sup>2</sup> Hatton, Timothy J. 2017 "Refugees and Asylum Seekers, the Crisis in Europe and the Future of Policy." *Economic Policy* 32 (91): 447–96.

<sup>3</sup> Andersson, Henrik, and Kristoffer Jutvik. 2019. "Do Asylum Seekers Respond to Policy Changes? Evidence from the Swedish-Syrian Case." <https://www.dropbox.com/s/bzopi36wjhrs06r/Henrik4.pdf?dl=0>

According to this thinking, one way to deter small boat crossings would be to tighten the rules making it harder for asylum claims to be successful, either for the particular group making these unauthorized crossings or more generally. Although those crossing in small boats are a small share of the totals claiming asylum in the UK views about the appropriate policy often reflect views about the wider asylum system e.g. whether it is too generous or ungenerous.

The fact that small boat crossings are unauthorized, or that they came from a 'safe' country (France) or that they may have claimed asylum in other countries, does not affect the right to claim asylum in the UK and to have that case considered though it may affect the outcome of the claim. Article 31 of the 1951 Convention states that "The Contracting States shall not impose penalties, on account of their illegal entry or presence, on refugees who, coming directly from a territory where their life or freedom was threatened in the sense of Article 1, enter or are present in their territory without authorization, provided they present themselves without delay to the authorities and show good cause for their illegal entry or presence". The exact meaning of phrase "directly" and the definition of a territory where life/freedom are not threatened is contested in law as I understand it.

The effectiveness of these process measures is also likely to depend on what happens to those whose claim for asylum is not accepted. Asylum-seekers whose claims are rejected after all legal process is exhausted do not have leave to remain in the UK and are meant to leave either voluntarily or be removed by the government. Successive governments in the UK have been reluctant to discuss how many leave in practice (it is even unclear if they have internal estimates) but the suspicion is that it is a lot less than 100%. It is much harder to return migrants to other countries (for a variety of reasons) than governments typically admit and, for the UK, is likely to become harder once the transition period ends.

Simply tightening eligibility for granting asylum may not have much effect on the numbers of migrants who came to the UK as asylum-seekers, instead simply increasing the proportion who remain as unauthorized. Policy needs to recognize the fact that, once people are on your territory, they become your responsibility whether you like it or not. Perhaps the clearest example of this is that many of the countries hosting the largest numbers of refugees (e.g. Lebanon, Pakistan) are not signatories to the UN convention so have no legal obligation to provide protection to refugees. This legal position does not help them avoid having to deal with refugees fleeing conflict in neighbouring countries. The problem the UK faces with small boat crossings is trivial compared to the problems these countries face but the underlying issue is the same and needs to be discussed more openly.

Germany has taken the approach of issuing Tolerated Stay Permits ("Duldung") to individuals obliged to leave the country but for whom it is not currently practicable, acknowledging the reality of the situation.

#### Measures to change the alleged attractiveness of claiming asylum in the UK

The belief that fewer rights (to income, employment or freedom) for asylum-seekers acts as a deterrent to asylum claims is also widespread in many countries and an influence on policy. The cross-country study of Hatton referred to earlier found no evidence that these 'welfare' policies affects the number of claims. He concluded that "as asylum seekers are willing to undergo enormous hardships in order to get to the destination in the first place, it is perhaps not surprising that the prospect of further privations have little effect".

There is evidence that making life harder for asylum-seekers while their claim is heard has detrimental long-term impacts on the economic outcomes (employment, earnings and occupation)

of those whose claims are successful<sup>4</sup>. A recent review by Brell, Dustmann and Preston<sup>5</sup> concluded that “keeping the asylum process short, providing early support to address health issues, and facilitating refugees to join the labor market at the earliest possible stage are of key importance”. Given these findings it may be a false economy to focus on trying to reduce the costs of the asylum system if the consequence is worse outcomes later on, leading to higher benefit payments and lower tax receipts from refugees.

#### Increased provision of ‘safe and legal’ alternative routes for migration

No migrant would risk their life in a small boat crossing or pay a people smuggler if there was a safe and legal way for them to come to the UK (many are currently paying more to a facilitator than a business class airfare from their destination to the UK). Increased provision of ‘safe and legal’ routes would be expected to reduce the incentive to make small boat crossings.

This might be something like an expansion of existing schemes like the Syrian Vulnerable Persons Resettlement Scheme Vulnerable Children’s Resettlement Scheme and the Gateway Protection Programme (currently suspended due to Covid but, prior, to that, planned to be part of a new single resettlement programme). Or continuation or expansion of family reunion policies (which may lapse if UK membership of Dublin lapses).

The difficulty with this approach is whether the scale at which they can operate can effectively address those who are crossing the Channel. If those currently crossing the Channel have a low probability of being selected for these programmes it is unlikely to stop many crossings. For example, it has been reported that few of the unaccompanied children currently crossing have family in the UK so would not be potential beneficiaries of expanded family reunification programmes.

The UK is currently one of the more generous countries in resettlement programmes – ranking 3<sup>rd</sup> in 2019 in absolute terms according to UNHCR figures, though less highly in per capita terms (though the UK share of asylum-seekers is much lower than in most other comparable countries, largely because of geography). But, globally less than 1% of the world’s refugees are resettled annually so the chance of being selected is very small. A massive increase in the scale of existing programmes would be needed for this policy to be expected to have much impact on Channel crossings. Conceivably, one could target eligibility on those at the Channel but this would be a pull factor giving an advantage to this group who are not necessarily the most deserving refugees in the world.

In linking the case for continued or expanded resettlement programmes to limiting channel crossings there is a risk that this undermines support for the programmes if, as is possible, they are ineffective in deterring crossings. The case for expanded programmes should be based on other arguments.

All existing resettlement programmes are capped and access to them controlled. Some have argued for a ‘humanitarian’ visa that anyone can apply for. This would effectively allow asylum seekers to declare they want to seek asylum in the UK at some places outside the UK (perhaps consulates/embassies) and be given a visa for that purpose. A main concern with this proposal is about the numbers who would apply if the UK did this on its own. This is hard to know because no country has explicitly tried this but experience of some other countries suggests the numbers could be very large. For example, in August 2017, Serbia abolished visas for Iranians, a move designed to

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<sup>4</sup> It should perhaps be noted that the economic outcomes for refugees in the UK and other countries are generally worse than those for other migrants.

<sup>5</sup> Brell, Courtney, Christian Dustmann, and Ian Preston. 2020. "The Labor Market Integration of Refugee Migrants in High-Income Countries." *Journal of Economic Perspectives*, 34 (1): 94-121.

encourage tourism and investment. While not a humanitarian visa this gave Iranians the chance to buy a ticket to Belgrade from where they could claim asylum if they wanted. The numbers who claimed asylum in Serbia or who sought to move (unauthorized) into the EU where they would then lodge an asylum claim led to the cancellation of the visa-free policy in October 2018. Countries that are the origins of large numbers of asylum-seekers very rarely have visa-free access to other countries that are attractive destinations for asylum-seekers because of this fear about the number of claims that would result.

It should also be noted that increased 'safe and legal' routes for asylum-seekers would not address those who would prefer to remain unauthorized in the UK and not claim asylum. It is said that currently small boat crossings are almost always detected, and virtually all the migrants on them claim asylum. But I am not sure this is true of all those making unauthorized entries to the UK but reliable figures are hard to come by; again the government does not publish such figures even if they collect them.

### Reform of the international asylum and refugee system

The international system for asylum and refugees is widely acknowledged to be broken, designed for a world very different from today but incapable of evolution<sup>6</sup>. The process ends up as disorderly because of the failure to set up an effective orderly global system. Amongst other problems, there is too tight a link between the country where your asylum claim is considered and where you will end up both if your asylum claim is accepted and if it is not. This leads to a race to the bottom among countries in making it harder to claim asylum. In spite of this, the resources spent on refugees who make it to countries like the UK far exceed that spent on those who do not make long, often dangerous, journeys (100 to 1 according to estimates in Betts and Collier) yet these are not necessarily the most deserving refugees in the world. Resettlement schemes break the link between country of claim and eventual country of settlement but operate on too small a scale to make much of a difference. A single country like the UK can do more but not rectify all the problems; a system of responsibility-sharing is required. But the UK could be taking a more pro-active role in trying to improve the international system, though this is unlikely to be quick or easy. The UK has taken the lead on some refugee policies in the past e.g. the 2015 Jordan Compact and could do so again.

### Conclusion

The increased numbers of migrants crossing the channel in small boats is not a crisis and the numbers need to be put in perspective but it is something that should not be ignored as the route is very dangerous (at least one person has already died) and they are unauthorized entries to the UK. Devising a policy for small boat crossings is likely to involve difficult, often uncomfortable trade-offs and I have tried to outline these. It is an area where it is often much easier to say what you don't like – unauthorised entries on the one hand, obstacles to the claims of genuine refugees on the other - than to say what you would put in its place that is the realistic, effective policy that is needed.

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<sup>6</sup> See Betts and Collier "Refuge: Transforming a Broken Refugee System" for a much more detailed critique of the system and suggestions for reform than can be discussed here. Or Hatton, T.J., (2020). Asylum Migration to the Developed World: Persecution, Incentives, and Policy. *Journal of Economic Perspectives*. 34 (1), 75-93