# The Relationship between UK's Refugee Legislation and Policies and the Welfare of Refugees

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**Abstract.** The aggregate of refugees to the UK has been on a sharp increase during recent years. Such a rise would put a strain on government expenditures. This substantial investment in refugees may result in the current limited refugee policy. Therefore, this paper focuses on those limited refugee policies and illustrates how they impact the welfare of refugees by collecting interviews and government documents from the point of view of refugee applications, refugee education, and refugee employment policy. From the research, the so-called "benefiting refugee" policy—Rwanda initiative not only denies refugees their right to asylum but also threatens their personal safety; the unsuitable and stricter education policy has not met the required education level for refugee children; the unfair employment policy for the majority of asylum seekers and would have a negative effect on their near future (after getting refugee status).

**Keywords:** Asylum Seekers Application, Refugee children education, Refugee employment policies.

## 1. Introduction

According to Holly Yan's studies in CNN News, both agreements provided by UNHCR define refugees, ruling their sets of rights: the right to not be expatriated; the right not to receive retribution for illegal entry to treaty countries, and the right to work and accept education [1]. The UK has provided assistance for refugees for a long period of time. It can be identified by the UNHCR statement that the United Kingdom, having participated in and signed the 1951 Convention and the 1967 Protocol, should have assumed their responsibility [2]. Also based on the European Court of Human Rights and the 1999 Immigration and Asylum Act, it is mandatory for the British government to provide accommodation and other support for asylum seekers who would otherwise be impoverished while considering their asylum applications [3]. Consequently, asylum seekers are admittedly, in a lawful way, in the UK. According to data from government documents, the number of people receiving the right to asylum-related protection and resettlement increased dramatically between 2012 and March 2020, from around 9000 to nearly 20,000 [4]. Subsequently, albeit lower ability of the government to keep those without rights to be in the UK caused by the COVID-19 pandemic, the number of refugees rises per year [4]. Moreover, in February 2022, £4.7 million per day were spent on about 37,000 Afghan refugees and asylum seekers in order to cover they stay at The Grand Burstin Hotel in Folkestone, Kent, according to BBC News [5]. There is a daily expenditure of £1.2 million on housing Afghan refugees, with the remaining £3.5 million spent on asylum seekers [5]. From an economic standpoint, some scholars believe accepting refugees is a win-win situation for both the host and home country in the long run, despite increasing the initial financial loaded on the government accepting refugees [6]. This is because new refugees can have a significant impact on their communities' integration into global markets, thereby promoting economic growth in their host countries [7]. Looking at the refugee issue from a social standpoint， some scholars consider that refugees also contribute to the enrichment of their local communities by promoting cultural and social diversity [7]. However, it can be further found that the information about the refugee problem from both a policy and a refugee's perspective is comparably less. As the United Kingdom has less interest and minor commitment in assisting refugees now, the refugee laws and policies of the United Kingdom are limiting their welfare. Therefore, this research study aims at highlighting the influence and relationship between the stringent refugee laws and policies of the

United Kingdom and focusing on the wellbeing of refugees. This paper's study methodology is as follows: first collect the current policy proposal (focusing mostly on the Rwanda initiative), then compare it to the previous policy and assess its impact on asylum seekers; second, the findings from the interviews with refugee children are used to demonstrate the shifting education policy (ESOL) and its impact on refugee children; third, analyse and confirm the persistence of employment refugee policy. All of the research discussed in this paper focuses on the United Kingdom.

## 2. Comparison and Impact of Old and New Refugee Policies

### 2.1 Rwanda Initiative and Security Threats to Refugees

#### 2.1.1 Rwanda Policy Reflects British Government's Denial of Rights to Refugees

In the beginning, visas are not required for refugees [8]. Since refugees may need to escape quickly under hazardous conditions, it is explicitly stipulating in the 1951 Refugee Convention, which now has 149 members, that they should be entitled to crossing borders without the proper travel documentation, such as passports and visas [8]. However, in response to a growth in the total of people requesting asylum in the United Kingdom by across the Channel by boat, the government established stricter immigration procedures and proposed new legislation that would make requesting asylum more difficult [9]. Those who cross the English Channel in quest of asylum seeker will be expelled from the United Kingdom and sent to Rwanda, where they will be able to petition for asylum, according to a new initiative established on April 14, 2022 by Home Secretary Priti Patel [10]. Channel crossings promotes a stricter and more stringent immigration system [10]. In order to confine and discourage migrants in the Global South, successive governments have developed laws (like the Rwanda initiative) depriving them of their human right to apply for asylum [10]. Therefore, Nationality and Borders Bill which rules penalty on asylum seekers as per how they enter the United Kingdom and when they request asylum, further criminalizing the asylum process. The measure contains provisions that empower the government to revoke British citizenship at any time [9].

#### 2.1.2 Problems with Rwanda's Policy

It should be highlighted that this policy is not sensible without considering Rwanda is not a safe destination were assisted by numerous charities, campaign groups, and lawyers representing asylum seekers [11]. Despite the government's intention that the Rwanda policy will prevent those who arrive in the United Kingdom via "illegal, risky, or unnecessary measures," like crossing the English Channel in tiny boats, this policy has not reduced the number of refugees crossing the English Channel [11]. The Home Office's records could identify this statement. As Figure 1 shows, between April and September of

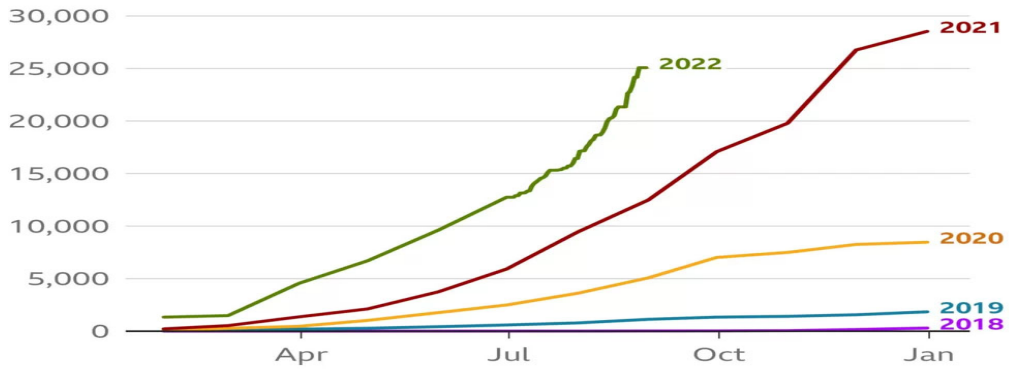



**Figure 1.** People Crossing the English Chanel in Boats [11]

2022, the number of people crossing the English Channel surged from approximately 5,000 to well over 250,000 [11]. This 2022 number is double that of 2021, and it has climbed by a factor of five since 2020. Border Force union leaders have previously speculated that the ultimate figure for 2022 may exceed 60,000, doubling more than the figure for 2021 [11]. According to a report by the Home

Affairs Committee, the plan may make illegal entry into the United Kingdom more difficult rather than prevent it [11]. It issued a warning against "people traffickers' scaremongering that future entry to the UK will be much more difficult due to new rules coming in over the Channel, so they had better get on with it." The high court indicated that this policy posed a security threat to those asylum seekers due to Rwanda unable to brook any political dissent. If there is someone standing in opposition to the local government, they will be imprisoned, repeatedly face torture, police violence, and murder, whether they are refugees or not [12]. Thus, it is clear that this new initiative not only denies refugees their right to asylum but also threatens their personal safety.

## 2.2 Unsuitable and Stricter Educational Policies for Refugee Children

### 2.2.1 The Illustration of Shifting Schooling Policies for Refugee Children

As stated by the Convention on the Right of the child, "States Parties recognise the right of children to access to schooling." The research confirms the entitlement to education enshrined in law [13]. The most recent Global Compact on Refugees indicated the UK should expand and enhance national education systems for the children from both refugee family and host community, and limit the time the former spent after school, ideally the following three month after their arrival [13]. According to the survey, unfortunately, no UK region has managed to enrol every UASC (Unaccompanied Asylum Seeking Children) for 20 school days. In contrast, up to a quarter of secondary and postsecondary students have waited over 3 months for a slot [13]. Additionally, the reducing funds on ESOL worsens the situation. In 2007, ESOL classes exempted the students from tuitions automatically up to August 2007 [14]. However, as the Casey Report stated, there was a 50% decline in the funds for ESOL between 2008 and 2015, with fewer starting subsidised ESOL courses in the next interval 2016-17 [13-14]. Therefore, fees for ESOL classes were introduced in 2007-2008 and automatic fee remission was discontinued. From 2011–12, only those receiving Jobseekers Allowance or Employment Support Allowance were qualified for full funding for ESOL courses, and support for ESOL in the workplace was withdrawn [14]. It was hence discovered that inadequate funding had a detrimental effect on local authorities' willingness to accept children as well as their capacity to deliver crucial integration assistance, such as ESOL support [13]. The National forum surveyed ESOL providers in 2014 and can prove this statement by showing that 80% of them reported that their institution had "substantial waiting lists of up to 1,000 students." [14]. Overall, the welfare benefits that refugee children get have decreased because of restrictive education laws that make it harder for refugees to access a proper education.

### 2.2.2 The Adverse Impact Reported by Refugee Children as a Result of the Education Policy

In the short term, the government’s priority is to provide sanctuary and food for refugees. In the long run, the emphasis on education for refugee children will be significant. Due to the sudden and massive burden on the refugee system and the countries receiving them, education and schooling weren't the main issue at first [15]. Policy gaps, ambiguous bureaucratic requirements, and insufficient infrastructure have left school leaders unable to position newcomers, educate teachers, and provide instructional resources [15]. School leaders and teachers play a crucial role, which makes it harder for them to resolve schooling concerns. These refugee’s children arrive in the United Kingdom, those under 16 are as soon as requiring to enroll in regular schools [16]. However, this refugee children support system neglect prior education and language proficiency of refugee themselves. From the investigation, for a substantial proportion of participants, particularly those who arrived in the mid-teens, these goals for education were neither acknowledged nor satisfied in the United Kingdom [16]. The survey of several refugee children can identify this statement [16]. For instance, a young man named Ahmad Iraq discussed the hardship of his school experiment. When arriving, he was reportedly thrown into a school and given an exam. He didn't know how to speak English nor understand how the GCSE system worked or how it would affect his future at that time, so he performed poorly on his GCSE exam. In his interview, he mentioned that inadequate support of language and academic materials, as well as unfamiliarity with practices and systems, are the

primary obstacles for refugee children in school. Another example comes from a girl named Temara, who was 15 when arriving in the United Kingdom, having poor English skill and unable to acclimate British education system. Temara stated that she was extremely concerned and under pressure throughout this time period. Although she had had part time language provision lessons, education averaged only a few hours each week. No one was available to assist her at the moment. After 5 months of waiting, she was instructed to immediately enroll in college to study the subjects which she doesn't like due to no reaching the entry requirement of her flavorous subjects. There is a lack of care for such groups in the education system. Overall, a proper and transparent education system is needed to ensure the rights and welfare of refugee children.

### 2.3 Unfair Employment Policy for Refugees

#### 2.3.1 The Comparisons between the Past and Current Policies for Refugee Adults

Until 2002, if the length of decision on refugee status claims exceeded six months, asylum seekers were allowed to work [17]. However, this waiting period has been indicated to extend to 12 months in February 2005 [17]. Following a few years, the employment choices for Asylum seeker was restricted on the shortage Occupation List in 2010 [17]. Nowadays, people claiming sanctuary in the UK are generally not permitted to get employed. If they are badly-off, they can make ends meet by receiving the accommodation and other indispensable support from relative organizations [18]. They can only be permitted to work when waiting more than 12 months through no fault of their own [18]. Moreover, they can only do what Shortage Occupation List gives, issued by the Home Office. Furthermore, if they receive rejection on their claim, they will not be granted to work any more, not to mention other appealing rights, such as the subsidies for their residence, because at that point they will be expatriated to their home country [18]. While for those whose claim is being verified, they will be recommended volunteer jobs, including conducting unpaid work such as the jobs related to environmental protection or serving others [18]. This is because such community service can assist with their integration if they are granted to stay in the UK [18]. Obviously, the UK refugee employment policies have been criticized for more than a decade [18]. According to the government document, it is criticized that there are fewer employment choices were provided for asylum seekers as well as the choice on the British shortage occupation list always requiring employees to have a 'graduate level' or above, which is difficult for those refugee to achieve [18].

#### 2.3.2 The Persistence of Refugee Employment Policies is Detrimental to Refugees

This restricted work policy could lead to people seeking asylum being forced to live below the poverty line [19]. This is because the long periods of being unemployed due to waiting for refugee status might lead to their skills being out-of-date [20]. This could affect their future employability after they get refugee status. This statement can be identified by the report from the University of Oxford [21]. The report demonstrates that, in comparison to people born in the UK and other immigrant groups, asylum seekers have a lower employment rate. 51% of asylum migrants are employed, compared to 73% of those born in the UK. This employment gap has existed for more than 25 years, and it does not seem to be decreasing. The report also highlights the income gap between refugees and those born in the United Kingdom, stating that the former earn 33.9% less per hour and 47.7% less per week than the latter [21]. As opposed to average household expenditure per week in the UK, at £588, a single refugee could not afford the daily life by earning £284，£202 less than £486 earned by UK residents weekly [21-22]. To summarise, UK permission to work for refugees is needed to reform and needs insurance for those asylum seekers who get refugee status.

## 3. Summary

From the standpoint of refugees, they are able to enjoy the stipulated refugee rights in terms of entry, educational resources and employment opportunities as before. If reviewing this consequence （these implications） from other actors' perspective, this might be explained as the outcome of

overspending on refugee support. For instance, targeting asylum-seeking refugees crossing the English Channel to lower the pressure on the government to accept refugees, the Rwanda initiative, removing British asylum-seekers and sending them to Rwanda, obviously, could not only deny the rights of refugees but also may increase the risk to their personal safety. However, if the United Kingdom continued to accept refugees without oversight, it may place a significant financial burden on the government and taxpayers. The expense of housing refugees was obviously expensive, especially in February 2022. Even while the research reveals that the right to education is completely recognised in the UK's legal and policy frameworks, it is not fully applied in the education system for refugee children. For example, strict ESOL studies and information failure (many students are unaware of the specifics of their study system) dissatisfy a number of refugee students. This is because this refugee children support system ignores their prior education and language proficiency of refugee's children. However, the testimony of those who were interviewed cannot fully represent all refugee children; there may be variations from the actual situation. Also, the refugees are subjected to stringent refugee employment requirements, since the employment policy for those without refugee status can identify these assertions. It is only permissible for asylum seekers to select paid work from the Shortage Occupation List which demands a higher degree of education if their claim has been pending for more than 12 months due to no fault of their own. Therefore, it was argued that a stringent approach would deprive refugees of choice of selecting occupation. However, this limiting employment policy can also be justified as a means of preventing them from being exploited by some companies before they can fully integrate into UK society.

## References

[1] Yan, Holly. "Why Some Countries Are Obligated to Take in Refugees." CNN, Cable News Network, 29 Dec. 2015, https://edition.cnn.com/2015/09/08/world/refugee-obligation/index.html.

[2] "UNHCR's Position on the Proposal of the European Council Concerning the Treatment of Asylum Applications from Citizens of European Union Member States." Refworld , UN High Commissioner for Refugees (UNHCR), 1 Jan. 1997, https://www.refworld.org/docid/3ae6b31d2b.html.

[3] Home office media, Cost of the asylum system - Home Office in the media, 2022/04/12, https://homeofficemedia.blog.gov.uk/2022/04/14/factsheet-cost-of-asylum-system/

[4] GOV.UK, "How many people do we grant asylum or protection to?" 2022/03/03, https://www.gov.uk/government/statistics/immigration-statistics-year-ending-december-2021/how-many-people-do-we-grant-asylum-or-protection-to

[5] BBC News, UK hotel bill for 37,000 migrants actually £4.7m a day, Home Office says, 2022/03/02, https://www.bbc.co.uk/news/uk-60249130

[6] Bahar, Dany. "Why Accepting Refugees Is A Win-Win-Win Formula". Brookings, 2018, https://www.brookings.edu/blog/up-front/2018/06/19/refugees-are-a-win-win-win-formula-for-economic-development/.

[7] "The Potential Contribution Of Ukrainian Refugees To The Labour Force In European Host Countries". OECD, 2022, https://www.oecd.org/ukraine-hub/policy-responses/the-potential-contribution-of-ukrainian-refugees-to-the-labour-force-in-european-host-countries-e88a6a55/.

[8] Lucy, Mayblin. Refugees and visas: while the UK is entrenched in its longstanding position that all refugees must be kept out, Europe is now at a crossroads, Police | Russia-Ukraine War, 2022/04/11

[9] Amnesty International, Amnesty International Report 2021/22: The state of the world's human rights, 2022/04/29, Page 387-388 https://www.amnesty.org/en/documents/pol10/4870/2022/en/

[10] Raul, Lai. A Cause for Concern: Legislative Threats to Human Rights in the UK, Migration, 2022/04/20

[11] BBC News, What is the UK's plan to send asylum seekers to Rwanda and how many could go? 2022/09/08, https://www.bbc.co.uk/news/explainers-61782866

[12] The guardian, UK ministers ignored evidence Rwanda violated human rights, court told, 2022/09/05, https://www.theguardian.com/uk-news/2022/sep/05/deported-uk-asylum-seekers-human-rights-at-risk-in-rwanda-court-told

[13] UNICEF, UNICEF UK POLICY POSITION: ACCESS TO EDUCATION FOR REFUGEE CHILDREN, 2018/09, Page 1-5 https://www.unicef.org.uk/wp-content/uploads/2018/09/UNICEF-UK-POLICY-POSITION-England.pdf

[14] House of Commons Library, Adult ESOL in England, 2018/04/25, https://commonslibrary.parliament.uk/research-briefings/cbp-7905/

[15] Khalid Arar, Deniz Örücü, Duncan Waite, Understanding leadership for refugee education: introduction to the special issue, Taylor & Francis, Page1-6, 2019/12/19

[16] Linda Morrice, Linda K. Tip, Rupert Brown & Michael Collyer, Resettled refugee youth and education: aspiration and reality, Taylor & Francis, Page 388-405, 02 May 2019

[17] Why people seeking asylum should have the right to work, Life the Ban, 2018/10, Page 6, https://www.refugee-action.org.uk/wp-content/uploads/2018/10/Lift-the-Ban-report.pdf

[18] House of Commons Library, Asylum seekers: the permission to work policy, 2021/01/21, https://commonslibrary.parliament.uk/research-briefings/sn01908/

[19] Refugee Action, Facts about refugees and asylum seekers, https://www.refugee-action.org.uk/about/facts-about-refugees/

[20] Tent, ADDRESSING CHALLENGES TO RECRUITMENT & RETENTION 25, UK EMPLOYERS' GUIDE TO HIRING REFUGEES, Page 25, https://www.tent.org/wp-content/uploads/2018/11/Tent_Guidebook_UK_singlepages.pdf

[21] Zovanga Kone, Isabel Ruiz, Carlos Vargas-Silva, Refugees and the UK Labour Market, Nuffield Foundation, 2019/04/25, Page 22-25,

[22] NimbleFins, Average UK Household Budget 202, 2022/04/10, https://www.nimblefins.co.uk/average-uk-household-budget