

Rethinking Indefinite Leave to Remain: A Route to Settlement?

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Introduction

Consider two people who today hold British passports.

The first arrived from the Philippines fifteen years ago on a skilled worker visa. She paid thousands of pounds in visa fees, renewed her leave after her initial three years expired, sat the Life in the UK test, learned about the country's history, culture and values, met the English language requirements, and spent five years teaching in classrooms across England before qualifying for Indefinite Leave to Remain (ILR). A year later she became a British citizen. Every step cost her something. Every step required her to demonstrate that she was committed to this country and that this country was her home. That she was not simply residing here, but contributing to Britain's civic and economic fabric.

The second broke the law to get here, arriving illegally on a small boat across the Channel, and like 95 per cent of small boat arrivals, claimed asylum.¹ He was granted protection, and paid nothing. He sat no test. There was no requirement to demonstrate contribution or integration. After five years his application for Indefinite Leave to Remain was, in the government's own words, 'fee free and essentially automatic'.² A year later, having met the same twelve-month qualifying period that applies to any settled person, he was granted British citizenship, with full access to the welfare state, public housing, and the ballot box. The country he fled has since changed beyond recognition. Nobody asked him to return. The system he navigated made no provision for it. This is simply the outcome it created: a British citizen.

Both outcomes are the product of the same system. That is the problem.

Indefinite Leave to Remain, the status that sits at the heart of both journeys, was never designed to work this way. Created by the Immigration Act 1971,³ it was intended as a reward for lawful, long-term settlement: a recognition that a person had built a life in Britain, contributed to it, and earned the right to stay permanently. It was never designed as the automatic endpoint of an asylum claim, available regardless of how someone arrived, what they contributed, or whether the danger that justified their protection still exists.

This is not to argue that asylum seekers should be turned away. The obligation to offer refuge to those fleeing genuine persecution is a moral one, and Britain should honour it. But protection and permanence are not the same thing. Asylum was always meant to be shelter for as long as the danger lasted, not a cheaper and easier route to the same British passport that others have earned through years of hard work, personal sacrifice, and considerable financial cost.

This report examines what Indefinite Leave to Remain has become, who it affects, and what it costs, both financially and in terms of fairness. It considers the arguments for and against reform or abolition, and makes the case that whilst ILR remains a defensible and valuable status for those who have earned it through lawful economic and family routes, its extension to the asylum route is indefensible. Britain

¹ HM Government (2026) 'Summary of latest statistics', Immigration System Statistics, year ending March 2026, updated 16th July 2026. Available at: <https://www.gov.uk/government/statistics/immigration-system-statistics-year-ending-march-2026/summary-of-latest-statistics> (accessed: 25/08/26).

² HM Government (2026) Explanatory memorandum to the statement of changes in the Immigration Rules HC 1691, 5th March 2026. Available at: <https://www.gov.uk/government/publications/statement-of-changes-to-the-immigration-rules-hc-1619-5-march-2026/explanatory-memorandum-to-the-statement-of-changes-in-the-immigration-rules-hc-1691-5-march-2026-accessible> (accessed: 20/07/26).

³ Legislation.gov.uk (n.d.) *Immigration Act 1971*. Available at: <https://www.legislation.gov.uk/ukpga/1971/77> (accessed: 20/07/26).

should offer genuine refugees shelter, dignity, and the right to contribute. It does not owe them a British passport.

Worth stating at the outset is the approach taken here to the European Convention on Human Rights. Much of the current debate treats reform as a binary choice: defend it as it stands, or leave it altogether. What follows favours neither side, focusing instead on what actually delivers the outcome needed. As currently applied, the Convention is not working for Britain, and the system is failing now, today, unable to wait for the years of political and diplomatic negotiation that full withdrawal would likely require, with no guaranteed outcome at the end of it. Britain can achieve the reform it needs from within the existing framework instead.

1. What is Indefinite Leave to Remain?

Indefinite Leave to Remain is defined in Section 33(1) of the Immigration Act 1971⁴ as leave to enter or remain in the United Kingdom which is not limited to duration. Unlike a standard visa, it carries no expiry date, no conditions on employment or study, and no requirement for renewal. A person holding ILR may live, work, study, and access public funds without restriction. After a minimum of twelve months⁵ they become eligible to apply for British citizenship by naturalisation, making ILR in practical terms the final step before receiving full British citizenship.

There are three primary routes through which ILR can be obtained. The economic route covers skilled workers, investors and those on a points based system, branded 'Australian-style' by then Home Secretary Priti Patel when announced in February 2020.⁶ Following reforms introduced in the May 2025 immigration white paper, applicants on this route are proposed to qualify after ten years of continuous lawful residence, extended from the current five year qualifying period. The family route is available to spouses and dependents of British citizens who have already settled in the UK, currently after five years; the same white paper proposes extending this route to ten years as well. The asylum route is available for those who are granted refugee status or humanitarian protection. Until March 2026, asylum seekers received five years of limited leave before becoming eligible to apply for ILR. Following reforms introduced that month,⁷ the system was replaced with a renewable core protection status lasting two and a half years. This means that rather than receiving a single five year period of leave leading automatically to ILR, a person granted asylum now receives protection for two and a half years at a time, at the end of which the government reviews whether the circumstances that originally justified their protection still exist.

⁴ legislation.gov.uk (n.d.) *Immigration Act 1971*, s. 33(1). Available at: <https://www.legislation.gov.uk/ukpga/1971/77/section/33> (accessed: 21/07/26).

⁵ legislation.gov.uk (n.d.) *British Nationality Act 1981*, Schedule 1, requirements for naturalisation under section 6(1). Available at: <https://www.legislation.gov.uk/ukpga/1981/61/schedule/1/crossheading/naturalisation-as-a-british-citizen-under-section-61> (accessed: 25/08/26).

⁶ UK Parliament (2020) 'Home Secretary Priti Patel updates MPs on new points-based immigration system', 18th February 2020. Available at: <https://www.parliament.uk/business/news/2020/february/statement-on-points-based-immigration-system/> (accessed: 27/08/26). Despite the branding, subsequent academic analysis found the resulting Skilled Worker route bears little structural resemblance to Australia's own points-based system: see Migration Observatory (2021) 'Policy primer: the UK's 2021 points-based immigration system'. Available at: <https://migrationobservatory.ox.ac.uk/resources/primers/policy-primer-the-uks-2021-points-based-immigration-system/> (accessed: 27/08/26).

⁷ HM Government (2026) *Explanatory memorandum to the statement of changes in the Immigration Rules HC 1691*, 5th March 2026. Available at: <https://www.gov.uk/government/publications/statement-of-changes-to-the-immigration-rules-hc-1619-5-march-2026/explanatory-memorandum-to-the-statement-of-changes-in-the-immigration-rules-hc-1691-5-march-2026-accessible> (accessed: 21/07/26).

The government's own stated rationale for reform was that the previous system had made settlement too automatic and too disconnected from ongoing need. Whether the new framework goes far enough is a question this analysis returns to throughout. If the danger that originally justified protection has ended, the expectation is that the person returns. If the danger persists, protection is renewed for a further two and a half years. Under this new framework, those on the asylum route must wait a minimum of twenty years before becoming eligible for ILR, compared to five years previously.

Economic route applicants must demonstrate continuous lawful residence, pass the Life in the UK test, meet English language requirements, and pay the application fee of £3,226⁸, in addition to further mandatory costs discussed below. Family route applicants face similar requirements, though English language exemptions apply in limited circumstances. Until reforms in March 2026, the asylum route carried none of these requirements. There was no fee, no language test, no Life in the UK test, and no distinction made on the basis of how the applicant had entered the country. The reforms introduced that month did not add a fee, language test, or Life in the UK test to the route itself; instead, they replaced automatic settlement after five years with the renewable core protection status and twenty-year pathway described above, tying continued presence to an ongoing safe return review rather than to a one-off test or payment.

2. Who benefits and who Costs: The fiscal reality of settlement

Not all immigration is equal, and not all settlement produces the same outcome for British society. Understanding the difference is essential to any serious discussion of ILR reform. The data, where it exists, tells a clear story. Where it does not exist, that absence is the most significant finding of all.

Between 2020 and 2025, 668,246 people were granted settlement in the UK across these three routes: 251,657 through work, 224,932 through family, and 191,657 through the asylum route.⁹ The economic route presents the strongest fiscal case for settled status. According to the Migration Advisory Committee, skilled workers who arrived in the UK in 2022–23 and remain long enough to qualify for ILR are projected to contribute a net £689,000 each to the public finances over their lifetimes.¹⁰ That figure falls to approximately £174,000 for those who leave before qualifying for ILR, still a positive contribution but considerably less, underlining that the fiscal benefit of economic migration is maximised specifically by those who stay and settle.¹¹ Higher-paid health and care professionals meeting the full skilled worker salary threshold (then £25,600 for the 2022–23 cohort this projection is based on) contribute a net £166,000 over their lifetimes.¹² The Office for Budget Responsibility projects a net lifetime contribution of £341,000 for a migrant arriving at age 25 on average UK wages.¹³

⁸ Home Office, 'Indefinite leave to remain: how to apply', GOV.UK, updated 2026. Available at: <https://www.gov.uk/indefinite-leave-to-remain> (accessed: 21/07/26).

⁹ Home Office (2026) *Se_D02: Grants of settlement by category, nationality, type of applicant and in-country refusals of settlement, 2020 to Q2 2026*, Immigration System Statistics data tables. Available at: <https://www.gov.uk/government/statistical-data-sets/immigration-system-statistics-data-tables#settlement> (accessed: 25/08/26). These figures categorise individuals by the type of leave held immediately prior to being granted settlement, not necessarily their original route of entry to the UK.

¹⁰ Migration Observatory (2026) *The fiscal impact of immigration in the UK*. Available at: <https://migrationobservatory.ox.ac.uk/resources/briefings/the-fiscal-impact-of-immigration-in-the-uk/> (accessed: 21/07/26).

¹¹ Migration Observatory (2026) *The fiscal impact of immigration in the UK*. Available at: <https://migrationobservatory.ox.ac.uk/resources/briefings/the-fiscal-impact-of-immigration-in-the-uk/> (accessed: 21/07/26).

¹² Migration Observatory (2026) *The fiscal impact of immigration in the UK*. Available at: <https://migrationobservatory.ox.ac.uk/resources/briefings/the-fiscal-impact-of-immigration-in-the-uk/> (accessed: 21/07/26).

¹³ Office for Budget Responsibility (2024) *Fiscal risks and sustainability*, September 2024. Available at: https://obr.uk/docs/dlm_uploads/Fiscal-risks-and-sustainability-report-September-2024-1.pdf (accessed: 25/08/26).

These are projections rather than confirmed outcomes, dependent on assumptions about earnings trajectories, economic forecasts, length of stay and benefit receipt, and were calculated under the five-year qualifying period. The extension to ten-years under the earned settlement model may affect future projections, as a longer qualifying period is likely to result in more people leaving before reaching settlement, potentially reducing the average lifetime contribution figure. The salary threshold itself has since risen sharply, reaching £41,700 by mid-2025,¹⁴ and settlement itself now requires meeting the current threshold rather than the rate an applicant may have originally qualified under.¹⁵ Since the fiscal projection is driven directly by earnings, those who do reach ILR today are likely, individually, to contribute more over their lifetimes than this figure suggests, a reminder that a more selective bar tends to produce a more economically beneficial settled population. The NHS figures illustrate the point concretely. As of June 2025, approximately 325,000 NHS staff in England, around 20 per cent¹⁶ of the total workforce, are non-British nationals,¹⁷ with one in three doctors and nurses having trained overseas, saving the NHS an estimated £14 billion in training costs.¹⁸ The prospect of settled status is a meaningful part of what attracts and retains those workers. Removing it would materially weaken Britain's ability to compete internationally for skilled talent.

The family route presents a more complicated picture. Its scope is worth clarifying first. Contrary to the impression sometimes given in public debate, it does not offer a route for importing whole families but is limited to spouses, partners and dependent children. There is no ordinary route for a British or settled adult to bring parents, grandparent, sibling, or adult child to live with them permanently; the only option is the Adult Dependent Relative route, which requires proving a genuine long-term care need.¹⁹ Home Office figures covering 2017 to 2020 showed that only 35 of 908 applications were approved at first attempt, a refusal rate of over 96 per cent, demonstrating the limited scope of this route.²⁰ Spouses and dependents of British citizens and settled persons who obtain ILR have demonstrated five years of lawful residence and genuine family ties to this country, and there is a strong social and civil case for recognising those bonds through settled status.

The value of a family unit, in stability, care and mutual support, is not one a fiscal calculation is designed to capture, and no attempt is made here to pretend otherwise. However, the fiscal data on its own terms is less favourable. The Migration Advisory Committee's analysis of net lifetime fiscal impact by visa route finds that family migrants cost the taxpayer an average of £109,000 each over their lifetime, accounting for both tax contributions and benefits received.²¹ This is a net cost and a figure that honest policy discussion cannot ignore. The family route to ILR is defensible on social grounds whilst remaining

¹⁴ UK Parliament (2025) 'Statement of Changes in Immigration Rules', Written Statement HCWS759, 1st July 2025. Available at: <https://questions-statements.parliament.uk/written-statements/detail/2025-07-01/hcws759> (accessed: 25/08/26).

¹⁵ HM Government (2025) 'Statement of changes to the Immigration Rules: HC 997, 1 July 2025 (accessible version)', updated 9th December 2025. Available at: [https://www.gov.uk/government/publications/statement-of-changes-to-the-immigration-rules-hc-997-1-july-2025-accessible-version](https://www.gov.uk/government/publications/statement-of-changes-to-the-immigration-rules-hc-997-1-july-2025/statement-of-changes-to-the-immigration-rules-hc-997-1-july-2025-accessible-version) (accessed: 25/08/26).

¹⁶ Harker, R. (2025) *NHS staff from overseas: statistics*, CBP-7783, House of Commons Library, 26th November 2025. Available at: <https://commonslibrary.parliament.uk/research-briefings/cbp-7783/> (accessed: 21/07/26).

¹⁷ House of Commons Library (2026) *NHS staff from overseas: statistics*. Available at: <https://commonslibrary.parliament.uk/research-briefings/cbp-7783/> (accessed: 21/07/26).

¹⁸ Centre for Global Development (2025) 'How foreign-trained health workers saved the NHS £14 billion', 2025. Available at: <https://www.cgdev.org/blog/how-foreign-trained-health-workers-saved-nhs-ps14-billion> (accessed: 21/07/26).

¹⁹ HM Government (n.d.) 'Family life (as a partner or parent) and exceptional circumstances (accessible)'. Available at: <https://www.gov.uk/government/publications/family-life-as-a-partner-or-parent-private-life-and-exceptional-circumstance/family-life-as-a-partner-or-parent-and-exceptional-circumstances-accessible> (accessed: 25/08/26).

²⁰ Hansard HC Deb, 'Adult Dependent Relative Visas', 3rd November 2021. Available at: <https://hansard.parliament.uk/commons/2021-11-03/debates/EAAE3C28-2875-45F2-8EC7-A77AF5266230/AdultDependentRelativeVisas> (accessed: 25/08/26).

²¹ Migration Observatory (2026) *The fiscal impact of immigration in the UK*. Available at: <https://migrationobservatory.ox.ac.uk/resources/briefings/the-fiscal-impact-of-immigration-in-the-uk/> (accessed: 21/07/26).

a net fiscal liability, and any serious reform programme must grapple with that tension rather than pretend it does not exist.

The asylum route tells a different story, and not because the data is unflattering. The data simply does not exist. The Migration Observatory at the University of Oxford, one of the most authoritative sources on immigration economics, notes that the Migration Advisory Committee has not yet evaluated the net lifetime fiscal impact of refugees specifically, unlike the economic and family routes examined above.²² Refugees, the Observatory notes, have lower employment rates and earn less than work migrants.²³ Beyond that, no government analysis offers a systematic lifetime fiscal assessment of those who obtained ILR and subsequent citizenship via the asylum route. What is known, however, is how reliably that route converts into settlement: of those granted refugee status (or humanitarian protection) in 2014, 95 per cent had obtained ILR within ten years.²⁴ Refugee status functions in practice as a near-automatic pathway to permanent settlement. This absence of fiscal data is not an isolated case; the Conservative MP Neil O'Brien has separately argued that officials have deleted or withheld immigration statistics more broadly, data essential to informed public debate.²⁵

What can be measured is the cost of the process itself, and the contrast between different ILR routes is stark. An economic route applicant pays approximately £3,475 in application fees and mandatory extras to obtain ILR,²⁶ and has contributed £5,175 to the public finances through the Immigration Health Surcharge paid across their five year qualifying period.²⁷ An asylum seeker's claim by contrast, costs the taxpayer £18,700 before ILR is even granted, according to Home Office figures published as background papers to the Immigration and Asylum Bill 2026.²⁸ That figure covers accommodation, living expenses, processing and legal appeals. The applicant contributes nothing to that cost, though the Bill itself proposes a partial remedy: a flat-rate charge, expected to total around £10,000, recoverable from adult asylum recipients once they are earning above a threshold set by the Home Secretary, repayable in full before settlement is granted.²⁹ The precise income threshold at which repayment begins has not yet been published; the Bill leaves it to be set later by regulation.

What we do know is the cost of the system itself. In 2024–25, the Home Office and Ministry of Justice spent a combined £4.9 billion on the asylum system, of which £2.7 billion was spent on accommodation alone.³⁰ To put that in context, 100,600 people claimed asylum in the UK in the year ending December 2025, more than double the figure for 2019, and costs have risen in step.³¹ In 2024,

²² Migration Observatory (2026) *The fiscal impact of immigration in the UK*. Available at: <https://migrationobservatory.ox.ac.uk/resources/briefings/the-fiscal-impact-of-immigration-in-the-uk/> (accessed: 21/07/26).

²³ Migration Observatory (2026) *The fiscal impact of immigration in the UK*. Available at: <https://migrationobservatory.ox.ac.uk/resources/briefings/the-fiscal-impact-of-immigration-in-the-uk/> (accessed: 21/07/26).

²⁴ HM Government (2025) *Migrant journey: 2024 report*. Available at: <https://www.gov.uk/government/statistics/migrant-journey-2024-report/migrant-journey-2024-report> (accessed: 25/08/26).

²⁵ O'Brien, N. (2024) 'The great immigration data disaster', *The Critic*, 4th March 2024. Available at: <https://thecritic.co.uk/the-great-immigration-data-disaster/> (accessed: 25/08/26).

²⁶ HM Government (2026) *Home Office immigration and nationality fees*, 8th April 2026. Available at: <https://www.gov.uk/government/publications/visa-regulations-revised-table/home-office-immigration-and-nationality-fees-8-april-2026> (accessed: 24/07/26).

²⁷ HM Government (n.d.) *Pay for UK healthcare as part of your immigration application*. Available at: <https://www.gov.uk/healthcare-immigration-application/pay> (accessed: 24/07/26).

²⁸ HM Government (2026) *Immigration and Asylum Bill 2026: impact assessment*, 30th June 2026. Available at: <https://www.gov.uk/government/publications/immigration-and-asylum-bill-2026-impact-assessment> (accessed: 26/07/26).

²⁹ HM Government (2026) 'Asylum seekers will pay towards costs of accommodation', Home Office, 30th June 2026, updated 2nd July 2026. Available at: <https://www.gov.uk/government/news/asylum-seekers-will-pay-towards-costs-of-accommodation> (accessed: 28/08/26).

³⁰ National Audit Office (2025) *An analysis of the asylum system*, December 2025. Available at: <https://www.nao.org.uk/wp-content/uploads/2025/12/an-analysis-of-the-asylum-system.pdf> (accessed: 26/07/26).

³¹ HM Government (2026) *Immigration system statistics, year ending December 2025*. Available at: <https://www.gov.uk/government/statistics/immigration-system-statistics-year-ending-december-2025> (accessed: 28/07/26).

£2.8 billion, one pound in every five of Britain's entire foreign aid budget was spent supporting asylum seekers domestically. This is not a quirk of British accounting: under OECD rules dating to 1988, the first-year cost of sustaining refugees and asylum seekers within a donor country's own borders can be counted towards that country's official aid budget.³² The effect is that money nominally allocated to reducing poverty overseas is instead absorbed by domestic asylum costs, more than Britain spent that year on bilateral assistance to the whole of Africa.³³ Once ILR is granted, those individuals gain full access to the welfare state, public housing, tax credits and the full range of benefits available to any settled person. What that costs over a lifetime has never been measured. That knowledge gap is not accidental. Despite the profound policy implications of what that data might reveal, it is a choice that every party inhabiting government has made consistently and without explanation. When the state offers accommodation, financial support, free legal representation, and ultimately permanent settlement and citizenship at no personal cost, it should not be surprised to find the welcome mat rather worn.

3. The political history: How we got here

The status now at the centre of Britain's asylum debate was not created with asylum in mind at all. Indefinite Leave to Remain emerged from the Immigration Act 1971, introduced by a Conservative government under Home Secretary Reginald Maudling.³⁴ The historian Erica Consterdine's archival research into the Act's passage found that its primary driver was Britain's impending accession to the European Economic Community. The government needed to restrict the previously largely unrestricted rights of Commonwealth citizens to settle in Britain, partly to manage the diplomatic consequences of that accession for Australia and New Zealand, and partly as the final legal step in dismantling the idea of universal Commonwealth citizenship as the Empire wound down.³⁵ Refugees, persecution and humanitarian protection played little part in its design.

ILR has not always been a political battleground. For most of its fifty year existence it was an administrative instrument that conferred permanence on those who had completed the prescribed qualifying period. Few questioned it, fewer still understood it. It took record net migration, a surge in small boat crossings, and a growing public awareness of what settlement actually entails to drag it into the centre of British politics. Once it arrived there, every major party felt compelled to have a position. Those positions reveal as much about each party's negotiating tactics as their ambitions.

The Conservatives

The Conservative Party's relationship with immigration over the past fifteen years has been marked by a persistent gap between rhetoric and outcome. In 2010 they entered government with an explicit pledge to reduce net migration from the hundreds of thousands to the tens of thousands. Fourteen

³² OECD (2026) 'In-donor refugee costs in official development assistance (ODA)'. Available at: <https://www.oecd.org/en/topics/sub-issues/oda-eligibility-and-conditions/in-donor-refugee-costs-in-official-development-assistance-oda.html> (accessed: 28/08/26).

³³ Bond (2025) 'UK continues to spend 20% of the UK aid budget on asylum seeker costs in the UK despite planned cuts', 3rd April 2025. Available at: <https://www.bond.org.uk/press-releases/2025/04/uk-continues-to-spend-20-of-the-uk-aid-budget-on-asylum-seeker-costs-in-the-uk-despite-planned-cuts/> (accessed: 28/07/26).

³⁴ Hansard HC Deb, 'Bills Presented', 23rd February 1971. Available at: <https://hansard.parliament.uk/commons/1971-02-23/debates/1fcc2fa4-68a3-4bfa-9dc0-caecaeb4ee56/BillsPresented> (accessed: 25/08/26).

³⁵ Consterdine, E. (2016) 'Community versus Commonwealth: reappraising the 1971 Immigration Act', *Immigrants & Minorities*, 35(1), pp. 1–20. Available at: <http://sro.sussex.ac.uk/id/eprint/64776/> (accessed: 25/08/26).

years later, when they left office, net migration stood at approximately 685,000, a near historic high.³⁶ That combination of rhetorical rigidity and practical intransigence defined Conservative immigration policy across five prime ministers.

The policy dubbed the ‘hostile environment’³⁷ by some on the left, introduced under Theresa May as Home Secretary was designed to make life in Britain sufficiently difficult for people here illegally that they would choose to leave voluntarily. Despite the rhetoric, it did little to reduce the overall numbers settling permanently. Net migration continued to rise throughout the period, and the number of people on a path to settlement grew in step with it. Analysis by the Centre for Policy Studies found that between January 2021 and June 2024 alone, over 2 million legal visas were issued on routes that lead, after five years, to ILR eligibility, spanning work visas and their dependents alongside family, humanitarian and other settlement-track categories.³⁸ Not every visa holder stays long enough or meets the conditions to apply: the CPS’s own central projection suggested around 801,000, roughly 40 per cent, would eventually be granted ILR.³⁹ Even on that more conservative estimate, a very significant proportion of the visas issued during this period were generating a future settlement claim.

Boris Johnson’s post-Brexit points-based system, introduced in January 2021, opened Britain to a scale and composition of immigration quite different from anything free movement had produced. In the year ending June 2023, 1.3 million people arrived in the UK to stay for the long term, with non-EU nationals accounting for 85 per cent of that total, and net migration reaching a revised record high of 906,000.⁴⁰ Brexit ended free movement, exactly as promised. What followed was a different, larger, and overwhelmingly non-European wave, driven by a points-based system the Conservative government had designed, opened, and never closed.

Their current position in opposition has hardened considerably. The Conservatives’ own ‘Borders Plan,’ published by the party in 2025, sets out a total ban on asylum claims for illegal entrants, withdrawal from the European Convention on Human Rights and repeal of the Human Rights Act, a new Removals Force to deport 150,000 people a year, and deportation of all foreign national offenders regardless of the severity of their offence.⁴¹ The plan also builds on the party’s separate pledge to double the qualifying period for Indefinite Leave to Remain from five to ten years.⁴² Together these proposals represent a harder line than the party took in government, and a recognition, implicit if not explicit, that the system it presided over was not working.

³⁶ Office for National Statistics (2024) *Long-term international migration, provisional: year ending December 2023*, 23rd May 2024.

Available at:

<https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/internationalmigration/bulletins/internationalmigrationprovisional/yearendingdecember2023> (accessed: 28/07/26).

³⁷ Whitehead, T. (2012) ‘Theresa May interview: “We’re going to give illegal migrants a really hostile reception”’, *The Telegraph*, 25th May 2012. Available at: <https://www.telegraph.co.uk/news/uknews/immigration/9291483/Theresa-May-interview-Were-going-to-give-illegal-migrants-a-really-hostile-reception.html> (accessed: 25/08/26).

³⁸ Williams, K. (2025) *Here to stay? Estimating the scale and cost of long-term migration*. London: Centre for Policy Studies. Available at: <https://cps.org.uk/research/here-to-stay-estimating-the-scale-and-cost-of-long-term-migration/> (accessed: 26/07/26).

³⁹ Williams, K. (2025) *Here to stay? Estimating the scale and cost of long-term migration*. London: Centre for Policy Studies. Available at: <https://cps.org.uk/research/here-to-stay-estimating-the-scale-and-cost-of-long-term-migration/> (accessed: 26/07/26).

⁴⁰ Office for National Statistics (2024) ‘Long-term international migration, provisional: year ending June 2024’, 28th November 2024.

Available at:

<https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/internationalmigration/bulletins/longterminternationalmigrationprovisional/yearendingjune2024> (accessed: 25/08/26).

⁴¹ Conservative Party (2025) *Conference 2025: Stronger Borders — The BORDERS Plan*. Available at:

https://public.conservatives.com/publicweb/Conservative_Borders_Plan.pdf (accessed: 25/08/26).

⁴² The Spectator (2025) ‘Badenoch is leading her party in the right direction on migration’, 7th February 2025. Available at:

<https://spectator.com/article/kemi-badenoch-is-leading-her-party-in-the-right-direction-on-migration/> (accessed: 28/08/26).

Labour — then and now

Labour's relationship with ILR is longer and more complicated. Section 7 of the Immigration Act 1971 included a transitional provision protecting Commonwealth citizens already resident in Britain when the Act came into force from deportation, regardless of any crimes committed decades later.⁴³ In 2002, during Tony Blair's second term, the Nationality, Immigration and Asylum Act repealed one part of that provision, Section 7(1)(a), as redundant, while re-enacting the substance of its core protection, Section 7(1)(b), the part still shielding people from deportation today, essentially unchanged.⁴⁴ Parliament knew the 1971 Act needed updating but only went halfway.

Under Labour between 1997 and 2010, net migration rose substantially as the party pursued a pro-globalisation agenda through what it characterised as a managed migration approach, combining a relatively open approach to economic immigration with stricter asylum policies in theory, if not always in practice. The backlog that built up during that period was driven substantially by global conflicts, including in Kosovo, Somalia, Afghanistan and Iraq, which pushed asylum claims to record levels that Home Office processing capacity could not match.⁴⁵ That backlog, inherited and compounded by successive governments since, is a direct ancestor of the crisis visible today.

When Labour returned to government in 2024, they inherited a system under severe pressure: record asylum claims,⁴⁶ a £4.9 billion annual cost,⁴⁷ and a growing number of people approaching ILR eligibility, created in part by their predecessors' points-based system. Faced with electoral pressure posed by Reform in 2024–2026, their response has been the most ambitious restructuring of immigration policy in over a decade.

The proposals also included restricting ILR holders' access to public funds,⁴⁸ reserving these entitlements for British citizens only. The House of Lords Justice and Home Affairs Committee has since recommended separating settlement from that access entirely, suggesting that new arrivals should remain subject to no recourse to public funds until they have resided in the UK for ten years or obtained citizenship, whilst opposing the government's proposed ten-year extension to the qualifying period itself.⁴⁹ The government has deferred its formal response, stating it will address the Committee's recommendations alongside the outcome of its separate earned settlement consultation, expected in autumn 2026.⁵⁰ As of the time of writing, no change to the current immigration rules has taken effect.

⁴³ legislation.gov.uk (n.d.) *Immigration Act 1971*, s. 7. Available at: <https://www.legislation.gov.uk/ukpga/1971/77/section/7> (accessed: 25/08/26).

⁴⁴ legislation.gov.uk (n.d.) *Nationality, Immigration and Asylum Act 2002: Explanatory Notes*, para. 205. Available at: <https://www.legislation.gov.uk/ukpga/2002/41/notes/paragraph/205> (accessed: 25/08/26).

⁴⁵ Migration Observatory (2026) 'Asylum in the UK', 14th July 2026. Available at: <https://migrationobservatory.ox.ac.uk/resources/briefings/asylum-in-the-uk/> (accessed: 25/08/26).

⁴⁶ In 2024, around 105,000 people claimed asylum in the UK, the highest number since records began in 1979: Migration Observatory (2026) 'Asylum in the UK', 14th July 2026. Available at: <https://migrationobservatory.ox.ac.uk/resources/briefings/asylum-in-the-uk/> (accessed: 25/08/26).

⁴⁷ £4.9 billion figure covers combined Home Office and Ministry of Justice spending on the asylum system in 2024–25, including asylum accommodation and support, grants to local authorities for the care of unaccompanied asylum-seeking children, casework processing, and tribunal and appeals costs. National Audit Office (2025) *An analysis of the asylum system*, December 2025. Available at: <https://www.nao.org.uk/wp-content/uploads/2025/12/an-analysis-of-the-asylum-system.pdf> (accessed: 25/08/26).

⁴⁸ 'Public funds' is the legal term used throughout UK immigration law for a defined list of benefits and services, including Universal Credit, Child Benefit, Housing Benefit, council housing, and homelessness assistance. Migrants subject to a 'no recourse to public funds' condition are not entitled to claim any of these.

⁴⁹ House of Lords Justice and Home Affairs Committee (2026) *Settlement, Citizenship and Integration*, HL Paper 13, 1st Report of Session 2026–27, 23rd June 2026. Available at: <https://publications.parliament.uk/pa/ld5902/ldselect/ldjusthom/13/13.pdf> (accessed: 28/08/26).

⁵⁰ Tapp, M. (2026) Letter to Lord Foster, Chair of the Justice and Home Affairs Committee, 17th July 2026. Available at: <https://committees.parliament.uk/publications/54395/documents/302163/default/> (accessed: 28/08/26).

In March 2026, the government reformed the asylum route specifically. The previous system, under which asylum seekers received five years of limited leave before an essentially automatic ILR application, was replaced with a renewable two and a half year core protection status.⁵¹ At the end of each period, the government conducts a safe return review to assess whether the circumstances that justified protection still exist. If those circumstances have ended, the expectation is that the person returns to their country of origin. If they have not, protection is renewed. Settlement is no longer automatic. Under the new framework, those on the asylum route must wait a minimum of twenty years before becoming eligible for ILR, compared to five years previously. Sustained work or study however may earn some reduction from that twenty-year baseline,⁵² though the exact mechanism has not been finalised and remains subject to the outcome of the earned settlement consultation.

These are real changes and the government deserves some credit. The March 2026 reforms in particular represent an implicit admission that the old system, fee free, automatic, requiring nothing, was indefensible. Whether they go far enough is a question addressed later.

There is a further irony buried in the reforms. By extending the qualifying period from five to twenty years without reducing the caseload, the new system may cost the taxpayer considerably more, not less. Each renewal requires caseworker processing, each safe return review requires Home Office resources, and each appeal against a negative review generates legal aid costs and tribunal time. Under the old system, for all its faults, those costs were incurred once over five years; under the new one they are incurred repeatedly over twenty. Nor does the white paper set any hard limit on annual numbers; its various mechanisms are intended to reduce the flow, not cap it, leaving the system's total cost dependent on how effectively those mechanisms work in practice rather than on any fixed ceiling. The only scenario in which the reforms deliver a net saving is if safe return reviews actually result in people returning home, which depends entirely on something Labour has not yet built: a functioning returns infrastructure. Without it, the reforms extend the cost as surely as they extend the timeline.

In September 2026, the Home Secretary announced a further complication. A reopened UK Resettlement Scheme, delivered through community and university sponsorship and, from 2027, employer sponsorship, offers a small, capped number of refugees a five-year path to permanent settlement, no safe return review, no renewable status, and no link between continued presence and continued danger. That is precisely the model the March 2026 reforms were introduced to move away from: the government's own stated rationale for that reform was that automatic settlement had become too disconnected from ongoing need. Five months later, the government created a new route that restores exactly that disconnection for a different category of refugee. The inconsistency did not go unnoticed within government itself: the Deputy Prime Minister publicly questioned how the scheme squared with the parallel proposal, from the same white paper that produced the March reforms, to extend the standard qualifying period from five to ten years. Even as Labour lengthens one route to settlement, it has opened another that runs on the automatic logic already identified as the underlying problem.

⁵¹ HM Government (2026) *Explanatory memorandum to the statement of changes in the Immigration Rules HC 1691*, 5th March 2026. Available at: <https://www.gov.uk/government/publications/statement-of-changes-to-the-immigration-rules-hc-1619-5-march-2026/explanatory-memorandum-to-the-statement-of-changes-in-the-immigration-rules-hc-1691-5-march-2026-accessible> (accessed: 27/07/26).

⁵² House of Commons Library (2026) *Changes to UK visa and settlement rules after the 2025 immigration white paper*, CBP-10267. Available at: <https://commonslibrary.parliament.uk/research-briefings/cbp-10267/> (accessed: 28/09/26).

The Reform Party

Reform UK's position is the most far-reaching of any major party, other than Restore Britain led by Rupert Lowe MP, which has proposed abolishing ILR outright and cancelling existing holders' associated benefits immediately.⁵³ Reform would abolish ILR and rescind existing awards, replacing it with a renewable five-year visa subject to higher salary thresholds, mandatory fluency in English, and stricter good character requirements, with no recourse to benefits for foreign nationals. Shortage visas would be issued in limited and capped numbers only where there is clear evidence of acute shortages in national-critical roles, with each visa sponsor required to train up a British worker on a one-for-one basis.⁵⁴

Reform's Spokesperson for Home Affairs, Zia Yusuf, has warned that the long-term fiscal consequences of inaction would be severe, stating that the 'Boriswave', the full 3.8 million people (96 per cent non-EU) who arrived in Britain on long-term visas between 2021 and 2024, will cost the taxpayer £622 billion over their lifetimes, equivalent to £20,000 for every household in Britain.⁵⁵ This is a considerably larger figure than the £234 billion Reform has separately cited elsewhere, drawn from Centre for Policy Studies research covering only the 801,000 of that cohort projected to actually obtain ILR.⁵⁶ The CPS itself has since queried the continual use of that figure, issuing a public clarification that revisions to Office for Budget Responsibility data meant its overall cost estimates 'should no longer be used.'⁵⁷ The underlying volume concern, however, is not without foundation. The number of people approaching ILR eligibility in the coming years is real, even if the precise cost estimates attached to it remain contested.

The legal obstacles to Reform's full proposal are substantial. Retrospective revocation of settled status would face significant challenge under domestic and international human rights law, and legal analysts have questioned whether it could survive judicial review. Reform's own answer to that obstacle is to leave the European Convention on Human Rights entirely, the same position taken by the Conservatives. A different view is taken here, not on principle but on timing: withdrawal would take years to negotiate with no guaranteed outcome, at a moment when reform is needed now. The case for working within the existing framework is set out in the recommendations. The proposal also makes no distinction between economic migrants who have contributed substantially over many years and asylum seekers who arrived under a different set of circumstances entirely, a blanket approach that seems both unnecessary and counterproductive.

In early August 2026, Reform went further still. Nigel Farage has proposed a plan to deploy a joint Royal Navy, Royal Marines, RAF and Army command to intercept every small boat in the Channel and return occupants to France or Belgium, which he described as the largest military operation in the Channel since the Second World War.⁵⁸ The French interior ministry responded within hours, stating the

⁵³ Restore Britain (2026) 'Reverse Mass Immigration', 13th February 2026. Available at: https://www.restorebritain.org.uk/immigration_border_control (accessed: 28/08/26).

⁵⁴ Reform UK (2026) 'Policies'. Available at: <https://www.reformparty.uk/policies> (accessed: 28/08/26).

⁵⁵ Reform UK (2026) 'Zia Yusuf: Open-borders Burnham will help the Boriswave bankrupt Britain'. Available at: <https://www.reformparty.uk/news/zia-yusuf-open-borders-burnham-will-help-the-boriswave-bankrupt-britain> (accessed: 28/08/26).

⁵⁶ Reform UK (2026) 'Policies'. Available at: <https://www.reformparty.uk/policies> (accessed: 28/08/26).

⁵⁷ Centre for Policy Studies (2025) 'Centre for Policy Studies issues clarification on Indefinite Leave to Remain statistics', 22nd September 2025. Available at: <https://cps.org.uk/media/post/2025/centre-for-policy-studies-issues-clarification-on-indefinite-leave-to-remain-statistics/> (accessed: 28/08/26).

⁵⁸ Reform UK (2026) *Operation Fortress: Stopping the Invasion of Britain*. Available at: <https://www.reformparty.uk/policies/operation-fortress/pdf> (accessed: 28/08/26).

proposal 'would constitute a violation of French sovereignty, as well as a violation of the law of the sea and international law.'⁵⁹ The proposal illustrates the central tension in Reform's approach: the promise of total control without the legal or operational framework to deliver it.

Across the Conservatives, Labour and Reform, the direction of travel is the same: settlement is becoming harder to obtain, not easier. Whether that shift goes far enough, and whether it targets the right part of the system, is the question we turn to next.

4. The legal architecture of irremovability

Britain currently holds approximately 10,400 foreign national offenders in its prisons, accounting for 12 per cent of the entire prison population.⁶⁰ In 2024, around 5,600 were removed from the country.⁶¹ That figure sounds substantial, but it conceals more than it reveals: the easy cases. Those removed tend to be people without settled status, on temporary visas or without leave entirely, for whom the legal path to removal is relatively straightforward. The harder cases are the ones who have already left prison. As of September 2023, approximately 11,800 people liable to deportation had been released into the community after completing their sentences, a figure that has roughly doubled over five years.⁶² They are not being removed. They remain here, deportation orders outstanding, with the state unable to enforce them. That backlog has grown precisely because the annual rate of removal has been falling. In 2015 to 2017, over 6,000 foreign offenders were removed per year; by 2023 that figure had dropped to around 4,000.⁶³ The government points to a recent recovery: foreign national offender returns reached 5,962 in the year to June 2026, up 12 per cent on the previous year and the highest figure since 2017, part of a wider 8 per cent rise in total returns to 40,605.⁶⁴ Most of that wider increase, however, is voluntary departures, which made up three-quarters of the total, rather than the enforced deportation of offenders who have already exhausted the legal process, which itself rose only 7 per cent.⁶⁵ The core problem, a backlog of released offenders that has roughly doubled in five years, has not been reversed by this improvement. The longer a person has lived in Britain, the harder the state finds it to remove them, however serious their offending. That capacity has been hollowed out gradually through judicial interpretation, and a political unwillingness to confront what permanence should actually require. At the heart of that sits Indefinite Leave to Remain.

⁵⁹ LBC (2026) "'Violation of our sovereignty': France hits back at Reform's plan to use Royal Navy to stop small boat crossings", 3rd August 2026. Available at: https://www.lbc.co.uk/article/france-reform-royal-navy-migrants-channel-5HjdfYd_2/ (accessed: 28/08/26).

⁶⁰ House of Commons Library (2026) *Deportation of foreign national offenders*, updated 2026. Available at: <https://commonslibrary.parliament.uk/research-briefings/cbp-8062/> (accessed: 10/08/26).

⁶¹ House of Commons Library (2026) *Deportation of foreign national offenders*, updated 2026. Available at: <https://commonslibrary.parliament.uk/research-briefings/cbp-8062/> (accessed: 10/08/26).

⁶² House of Commons Library (2026) *Deportation of foreign national offenders*, updated 2026. Available at: <https://commonslibrary.parliament.uk/research-briefings/cbp-8062/> (accessed: 10/08/26).

⁶³ House of Commons Library (2026) *Deportation of foreign national offenders*, updated 2026. Available at: <https://commonslibrary.parliament.uk/research-briefings/cbp-8062/> (accessed: 10/08/26).

⁶⁴ HM Government (2026) 'How many people are returned from the UK?', Immigration System Statistics, year ending June 2026, 27th August 2026. Available at: <https://www.gov.uk/government/statistics/immigration-system-statistics-year-ending-june-2026/how-many-people-are-returned-from-the-uk> (accessed: 28/09/26).

⁶⁵ HM Government (2026) 'How many people are returned from the UK?', Immigration System Statistics, year ending June 2026, 27th August 2026. Available at: <https://www.gov.uk/government/statistics/immigration-system-statistics-year-ending-june-2026/how-many-people-are-returned-from-the-uk> (accessed: 28/09/26).

ILR is not itself a legal bar to deportation. A person holding ILR can in principle be deported where they have committed serious crimes or received a custodial sentence of twelve months or more.⁶⁶ However, ILR is the mechanism that enables someone to remain long enough to build the very family ties, private life, and length of residence that Article 8 of the European Convention on Human Rights (ECHR) then makes almost impossible to unravel.⁶⁷ ILR is not the obstacle itself. It is what allows the obstacles, over years, to accumulate. Once granted, and once family life takes root, the practical ability to remove becomes extraordinarily limited regardless of how the person arrived, what route they came through, or what they have done since. The cases that make headlines are not anomalies. They are the predictable endpoint of a system that hands out near-permanent settlement and then discovers it cannot take it back.

One might assume that where settlement or citizenship has been granted and then abused, the answer is straightforward: revoke it. In principle, citizenship obtained through any route can be stripped where it was obtained by fraud or deception, or where the holder poses a serious threat to the public.⁶⁸ In practice, revocation changes almost nothing. Stripping someone of citizenship does not make them removable. It makes them stateless in Britain rather than British in Britain. The legal obstacles to physical removal remain almost entirely intact.

The chain from settlement to irremovability

The connection between ILR and irremovability runs through Article 8 of the European Convention on Human Rights, which protects the right to respect for private and family life.⁶⁹ Article 8 is a qualified right, meaning it can in principle be overridden where removal is proportionate and in the public interest. Since 2014, Parliament has set out its own view of that balance in statute, requiring that a foreign national sentenced to twelve months or more show ‘very compelling circumstances’ before an Article 8 claim can outweigh the public interest in their deportation, a threshold the Supreme Court has described as demanding a case that is ‘very strong indeed.’⁷⁰ In practice, however, length of residence, the strength of family ties, and the presence of children remain the central factors weighed in that assessment. ILR accelerates the accumulation of those factors by signalling that the state has formally accepted a person’s permanent presence, embedding the ties that a future Article 8 claim would draw upon. It does not matter whether that person arrived on a skilled worker visa, a family visa, or an asylum claim: once ILR has been granted, the clock starts running on the residence and family life a future claim would depend on.

The practical result is that Britain has less control over who it can remove from its own territory as a consequence of its obligations under the ECHR. From 2015/16 to 2024/25, immigration judges upheld 61,000 of 115,000 human rights appeals brought against the Home Office, a success rate of 53 per

⁶⁶ UK in a Changing Europe (2025) ‘Does the European Convention on Human Rights stop foreign criminals being removed from the UK?’, September 2025. Available at: <https://ukandeu.ac.uk/explainers/does-the-european-convention-on-human-rights-stop-foreign-criminals-being-removed-from-the-uk/> (accessed: 10/08/26).

⁶⁷ UK in a Changing Europe (2025) ‘Does the European Convention on Human Rights stop foreign criminals being removed from the UK?’, September 2025. Available at: <https://ukandeu.ac.uk/explainers/does-the-european-convention-on-human-rights-stop-foreign-criminals-being-removed-from-the-uk/> (accessed: 10/08/26).

⁶⁸ UK in a Changing Europe (2025) ‘Does the European Convention on Human Rights stop foreign criminals being removed from the UK?’, September 2025. Available at: <https://ukandeu.ac.uk/explainers/does-the-european-convention-on-human-rights-stop-foreign-criminals-being-removed-from-the-uk/> (accessed: 10/08/26).

⁶⁹ UK Visas and Immigration (2026) *Criminality: Article 8 ECHR cases (accessible)*, version 10.0, updated 22 March 2026. Available at: <https://www.gov.uk/government/publications/criminality-guidance-in-article-8-echr-cases/criminality-article-8-echr-cases-accessible> (accessed: 28/08/26).

⁷⁰ *Hesham Ali (Iraq) v Secretary of State for the Home Department* [2016] UKSC 60. Available at: <http://www.bailii.org/uk/cases/UKSC/2016/60.html> (accessed: 28/08/26).

cent.⁷¹ Legislation now before Parliament proposes to tighten the framework further still; the extent of that change, and what more is needed, are addressed later in the recommendations of this paper.

What makes the asylum route distinct, and distinctly problematic, is not that it produces a different kind of irremovability once ILR is granted. It is that it produces that irremovability at the lowest possible cost of entry. A skilled worker who obtained ILR and later committed a crime had at least paid fees, met a salary threshold, and demonstrated contribution before those protections began to accumulate. The asylum route, prior to the March 2026 reforms, asked for none of those requirements. Over half of all asylum claims follow illegal entry to the UK.⁷² The irremovability it produced was identical regardless of how someone arrived. The price paid for it was nothing.

The cases

The case of Klevis Disha illustrates where this logic leads. Disha entered Britain illegally in 2001 as an unaccompanied minor, gave a false name, and falsely claimed to have been born in the former Yugoslavia.⁷³ He was subsequently caught in possession of over €300,000 in cash, known to be the proceeds of crime, jailed for two years, and stripped of the British citizenship he had obtained through deception.⁷⁴ The then Home Secretary sought his deportation. A First-tier Tribunal in 2024 ruled it would be unduly harsh to separate Disha from his son, citing among a plethora of sensory and developmental needs the boy's refusal to eat the type of chicken nuggets available abroad.⁷⁵ The Upper Tribunal, hearing the government's appeal, found this reasoning inadequate to meet the 'unduly harsh' threshold and remitted the case to a different judge for reconsideration. A subsequent tribunal again found in Disha's favour.⁷⁶ As of the time of writing, Disha remains in Britain. His citizenship is gone. He remains here on human rights grounds.

In April 2025, a Nigerian fraudster avoided deportation on the basis that he had two autistic children.⁷⁷ The public interest in his removal was judged less compelling than the disruption to his family life. Both cases are the predictable product of a system that enables long-term residence, grants permanent settlement, waits for family life to be established, and then discovers it cannot undo what it has done.

The domestic legislative patchwork

The problem is not confined to Strasbourg. Britain's domestic immigration legislation is itself a patchwork of overlapping and outdated Acts, none of which were designed with the modern caseload in mind. Section 7 of the Immigration Act 1971, for example, renders certain Commonwealth citizens who arrived before 1973 legally irremovable by domestic statute alone, a provision drafted for a

⁷¹ McKinney, C.J., Gower, M. and Dawson, J. (2025) *Immigration and the ECHR*, House of Commons Library, CBP-10376, 27th October 2025, section 3.4. Available at: <https://researchbriefings.files.parliament.uk/documents/CBP-10376/CBP-10376.pdf> (accessed: 28/08/26).

⁷² HM Government (2026) 'How many people claim asylum in the UK?', Immigration System Statistics, year ending June 2026, published 27th August 2026. Available at: <https://www.gov.uk/government/statistics/immigration-system-statistics-year-ending-june-2026/how-many-people-claim-asylum-in-the-uk> (accessed: 28/08/26).

⁷³ Upper Tribunal (Immigration and Asylum Chamber) (2025) *Secretary of State for the Home Department v Klevis Disha*, UI-2024-004546, decision issued 9th January 2025. Available at: <https://tribunalsdecisions.service.gov.uk/utiac/ui-2024-004546> (accessed: 28/08/26).

⁷⁴ Upper Tribunal (Immigration and Asylum Chamber) (2025) *Secretary of State for the Home Department v Klevis Disha*, UI-2024-004546, decision issued 9th January 2025. Available at: <https://tribunalsdecisions.service.gov.uk/utiac/ui-2024-004546> (accessed: 28/08/26).

⁷⁵ Upper Tribunal (Immigration and Asylum Chamber) (2025) *Secretary of State for the Home Department v Klevis Disha*, UI-2024-004546, decision issued 9th January 2025. Available at: <https://tribunalsdecisions.service.gov.uk/utiac/ui-2024-004546> (accessed: 25/08/26).

⁷⁶ Judiciary of England and Wales (2026) *Klevis Disha v Secretary of State for the Home Department*, HU/60457/2023, First-tier Tribunal (Immigration and Asylum Chamber), Judge L. Veloso, 12th March 2026. Available at: <https://www.judiciary.uk/wp-content/uploads/2026/03/HU604572023.pdf> (accessed: 25/08/26).

⁷⁷ Upper Tribunal (Immigration and Asylum Chamber) (2025) *Secretary of State for the Home Department v Olufemi Adeniyi Ojaleye*, UI-2024-005901, decision issued 28th March 2025. Available at: <https://tribunalsdecisions.service.gov.uk/utiac/ui-2024-005901> (accessed: 28/08/26).

different Britain that Parliament never repealed.⁷⁸ It was personally introduced by the Conservative Home Secretary of the day, Reginald Maudling, who told the House he did not intend ‘in any way to prejudice the position of people already here.’⁷⁹

The consequences of that provision are visible today. Shabir Ahmed, the Pakistan born ringleader of the Rochdale grooming gang, jailed for 22 years for child sexual offences and stripped of his British citizenship, has not been deported. The government’s own position, confirmed to Parliament, is that Section 7 exempts him.⁸⁰ A fix has now been proposed and is discussed in the recommendations. Even the government’s own legal basis for Ahmed’s case has not gone unchallenged, however: at least one legal commentator has questioned whether Section 7 applies to him at all, noting that the provision requires the person to have held Commonwealth citizenship ‘at the coming into force of this Act’ on 1 January 1973, and that Pakistan had in fact left the Commonwealth in January 1972, only rejoining in 1989.⁸¹ Whether or not that argument ultimately succeeds, its very existence says something about the state of a provision that neither Parliament nor, evidently, the Home Office itself has fully grasped.

It is one illustration of a broader problem. ILR sits across multiple overlapping Acts, none of which anticipated the scale or composition of today’s immigration system. The House of Lords Justice and Home Affairs Committee has itself called for a national recruitment drive for immigration caseworkers, warning that current capacity is not adequate for the caseload the system now generates.⁸² The cumulative effect is a legal architecture that has institutionalised permanence and marginalised the prospect of removal. It is the accumulated consequence of legislative inertia and political reluctance to ask the hard questions. ILR is not the only problem, but it is the beginning of the chain. Once granted, it sets in motion a process that the state has proved almost entirely incapable of reversing.

5. What the Refugee Convention actually says

The case for reforming the asylum route to ILR is routinely framed as a breach of international law. It is the opposite. The 1951 Refugee Convention, the foundational document of modern refugee protection, contains its own limits, its own exit clauses, and its own provisions for the removal of serious criminals.⁸³ Britain has spent decades ignoring all of them. Understanding what the Convention actually says, rather than what successive governments have chosen to make of it, is essential to understanding why the reform proposed here is not a departure from our international commitments, but a return to them.

⁷⁸ legislation.gov.uk (n.d.) *Immigration Act 1971*, s. 7. Available at: <https://www.legislation.gov.uk/ukpga/1971/77/section/7> (accessed: 09/08/26).

⁷⁹ Hansard HC Deb, ‘Clause 7’, 16th June 1971. Available at: <https://hansard.parliament.uk/Commons/1971-06-16/debates/1d848b9e-95fa-40c2-8d3a-396527419770/Clause7>

⁸⁰ Hansard HC Deb, *Rochdale Grooming Gang: Offender Deportation*, 6th July 2026. Available at: <https://hansard.parliament.uk/commons/2026-07-06/debates/CEFC8710-993E-4A34-A505-F3AECF4407F6/RochdaleGroomingGangOffenderDeportation> (accessed: 15/07/26).

⁸¹ Reiss, J. (2026) ‘Are the Government wrong to state that they cannot deport Shabir Ahmed, the leader of the Rochdale grooming gang?’, *Latitude Law*, 2nd July 2026. Available at: <https://latitudelaw.com/news/are-the-government-wrong-to-state-that-they-cannot-deport-shabir-ahmed-the-leader-of-the-rochdale-grooming-gang> (accessed: 18/08/26).

⁸² House of Lords Justice and Home Affairs Committee (2026) *Settlement, Citizenship and Integration*, HL Paper 13, 23rd June 2026, cited in Electronic Immigration Network (2026) ‘Lords committee opposes restrictive “earned settlement” plans’. Available at: <https://www.ein.org.uk/news/lords-committee-opposes-restrictive-earned-settlement-plans-and-questions-home-office-capacity> (accessed: 28/08/26).

⁸³ UNHCR (1951) *Convention Relating to the Status of Refugees*, 28th July 1951. Available at: <https://www.unhcr.org/what-we-do/protect-human-rights/preventing-statelessness/1951-refugee-convention> (accessed: 24/08/26).

What the Convention was designed for

The 1951 Refugee Convention was drafted in Geneva in the immediate aftermath of the Second World War, at a moment when Europe was dealing with millions of displaced persons, many of them survivors of the Holocaust and those fleeing the advancing Soviet sphere of influence.⁸⁴ Its purpose was specific and its scope deliberately limited. It was designed to protect individuals fleeing persecution, to ensure they could not be returned to face torture or death, and to provide them with a framework of basic rights whilst displaced. It was not designed as a permanent resettlement programme, it was not designed as a pathway to citizenship, and it was not designed with the assumption that the danger justifying protection would never end.

The Convention's own test for who qualifies is precise. Article 1A(2) defines a refugee as someone with a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion, who is outside their country of nationality and unable, or owing to that fear, unwilling to avail themselves of its protection.⁸⁵ Every reference to a 'genuine refugee' that follows should be read against this standard. The problem, as the following section sets out, is not the definition itself but the low evidential standard Britain has come to apply when deciding whether someone actually meets it.

The original 1951 text was in fact limited both geographically, applying only to events occurring in Europe, and temporally, applying only to events occurring before 1 January 1951.⁸⁶ Those limitations were removed sixteen years later when the 1967 Protocol extended the Convention's reach globally and indefinitely.⁸⁷ That extension was necessary and right, although it is worth noting what it did not change: the Convention's fundamental premise that protection is granted in response to a specific danger, and that when the danger ends, so does the basis for protection. That premise has never been amended. Britain has simply chosen to ignore or misinterpret important aspects of it.

Cessation clauses: Article 1C

Article 1C of the Convention sets out the conditions under which refugee status ceases.⁸⁸ There are six cessation clauses in total, covering circumstances ranging from voluntary re-availment of national protection (where a refugee chooses to make use of the protection of their own country again, for example by renewing a national passport) to re-acquisition of nationality. Most relevant here is Article 1C(5): refugee status ceases where the circumstances which justified its recognition have ceased to exist. In plain terms: when the danger ends, so does the protection.

Leaving when the danger ends is not a hard-right position. It is not a modern invention. It is the original wording of the Convention, drafted in 1951, never amended, and reflecting a principle as old as the concept of sanctuary itself. The Convention's drafters did not invent this idea. They formalised it.

⁸⁴ Gatrell, P. (2021) '10-Minute Talks: The 1951 UN Refugee Convention: its origins and significance', The British Academy, 28th July 2021. Available at: <https://www.thebritishacademy.ac.uk/podcasts/10-minute-talks-the-1951-un-refugee-convention-its-origins-and-significance/> (accessed: 28/08/26).

⁸⁵ UNHCR (1951) *Convention Relating to the Status of Refugees*, 28th July 1951. Available at: <https://www.unhcr.org/what-we-do/protect-human-rights/preventing-statelessness/1951-refugee-convention> (accessed: 24/08/26).

⁸⁶ UNHCR (1951) *Convention Relating to the Status of Refugees*, 28th July 1951. Available at: <https://www.unhcr.org/what-we-do/protect-human-rights/preventing-statelessness/1951-refugee-convention> (accessed: 24/08/26).

⁸⁷ UNHCR (1967) *Protocol Relating to the Status of Refugees*, 31st January 1967. Available at: <https://www.unhcr.org/what-we-do/protect-human-rights/preventing-statelessness/1967-protocol-relating-status-refugees> (accessed: 24/08/26).

⁸⁸ UNHCR (1951) *Convention Relating to the Status of Refugees*, 28th July 1951. Available at: <https://www.unhcr.org/what-we-do/protect-human-rights/preventing-statelessness/1951-refugee-convention> (accessed: 24/08/26).

There is one important qualification. Article 1C(5) contains what is sometimes called the humanitarian exception: even where circumstances have changed, a refugee who has suffered particularly severe past persecution may not be required to return if they can demonstrate compelling reasons arising from that previous persecution.⁸⁹ It does not, however, provide a justification for treating every refugee as entitled to permanent settlement regardless of whether the danger that justified their protection still exists.

The exception is narrow, but Britain has treated it as the rule. Why this happened is worth asking directly. Partly, the answer lies in how far human rights protection has drifted from the specific, bounded context it was designed for, a framework built for defined post-war crises now applied as though suffering itself were limitless and undefined. Partly, it reflects how loosely ‘compelling reasons’ and ‘severe past persecution’ have come to be interpreted, extending a provision meant for the most extreme cases to circumstances that fall well short of it.

Article 33(2) and Article 1F

Article 33(1) of the Convention enshrines the cornerstone of refugee protection: no state shall return a refugee to a territory where their life or freedom would be threatened.⁹⁰ It was never, however, meant to be unconditional. Article 33(2) is explicit: a refugee who constitutes a danger to the security of their country of refuge, or who has been convicted of a particularly serious crime and so constitutes a danger to its community, forfeits that protection.⁹¹ The Convention’s drafters were not naive. They understood that the protection they were creating could be exploited, and built in a mechanism for removing those responsible.

Article 1F goes further still. It excludes from protection entirely those who have committed a crime against peace, a war crime, a crime against humanity, or a serious non-political crime outside the country of refuge before their admission.⁹² Those responsible for acts contrary to the purposes and principles of the United Nations are similarly excluded. The Convention therefore does not unconditionally protect everyone who claims asylum. At least, it was never intended for that purpose.

Article 31

One further provision is directly relevant to how a claim should be made, not just what it protects. Article 31 of the Convention provides that a refugee should not be penalised for illegal entry, but only where they come ‘directly’ from the territory where they were threatened, present themselves without delay, and can show good cause for their illegal entry.⁹³ A person who has already reached safety in one country, and only then travels on to another, does not meet that condition. The Convention is clear on this point, though the reading is not universally accepted: some case law has

⁸⁹ UNHCR (1951) *Convention Relating to the Status of Refugees*, 28th July 1951. Available at: <https://www.unhcr.org/what-we-do/protect-human-rights/preventing-statelessness/1951-refugee-convention> (accessed: 24/08/26).

⁹⁰ UNHCR (1951) *Convention Relating to the Status of Refugees*, 28th July 1951. Available at: <https://www.unhcr.org/what-we-do/protect-human-rights/preventing-statelessness/1951-refugee-convention> (accessed: 24/08/26).

⁹¹ UNHCR (1951) *Convention Relating to the Status of Refugees*, 28th July 1951. Available at: <https://www.unhcr.org/what-we-do/protect-human-rights/preventing-statelessness/1951-refugee-convention> (accessed: 24/08/26).

⁹² UNHCR (1951) *Convention Relating to the Status of Refugees*, 28th July 1951. Available at: <https://www.unhcr.org/what-we-do/protect-human-rights/preventing-statelessness/1951-refugee-convention> (accessed: 24/08/26).

⁹³ HM Government (n.d.) ‘Section 31 of Immigration and Asylum Act 1999 and Article 31 of the 1951 Refugee Convention: interim guidance’. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/257378/article31.pdf (accessed: 28/08/26).

held that a short stopover in another country does not itself forfeit Article 31 protection.⁹⁴ That interpretation stretches the word ‘directly’ well beyond its ordinary meaning, and it is not the one followed here. The Convention was never intended to let a person shop between safe states for the most favourable place to settle; it was designed to ensure that wherever danger is fled, safety is found without delay.

The Convention misinterpreted

Britain’s interpretation and application of the Convention has, over the decades, departed so far from what the document actually says that the two are barely recognisable as related. The cessation clauses have rarely been applied in practice: review of a person’s continued need for protection is not a routine consideration, reserved for criminal cases or where a refugee has spent extended periods outside the UK, rather than a standard check on whether the danger that justified their protection still exists.⁹⁵ The Article 33(2) crime exception has been effectively superseded by the absolute interpretation of Article 3 ECHR in removal cases, itself the product of the Strasbourg court’s ‘living instrument’ doctrine, which permits no balancing against criminality however serious.⁹⁶ And the asylum route to ILR has transformed what the Convention conceived as temporary protection into a near-automatic pathway to permanent settlement and citizenship that the Convention’s drafters never envisaged and never intended.

Abolishing the asylum route to ILR and replacing it with a renewable protected status tied to the continuation of the danger that justified it is not radical. It does not require Britain to leave the Convention, breach its obligations, or turn away genuine refugees. It requires only that Britain applies the Convention as written, not the more permissive interpretation layered on top of it over the decades. Protection while the danger remains, a route home once it has passed, and removal for anyone who exploits the shelter offered along the way. That is what the Convention says, and it is what Britain should do.

6. The case for abolishing the asylum route to ILR

Labour’s March 2026 reforms represent the most significant restructuring of the asylum route in recent years. The renewable core protection status, the safe return reviews, the extension of the qualifying period to twenty years are not cosmetic changes.⁹⁷ They reflect a genuine, if belated, acknowledgement that the old system was becoming indefensible. That acknowledgement should not be dismissed, although the reforms do not go far enough.

⁹⁴ See *R v Uxbridge Magistrates’ Court, ex parte Adimi* [1999] EWHC Admin 765, and *R (Asfaw) v Secretary of State for the Home Department* [2008] UKHL 31.

⁹⁵ Asylum Information Database / European Council on Refugees and Exiles (2025) ‘Cessation and review of protection status: United Kingdom’. Available at: <https://asylumineurope.org/reports/country/united-kingdom/content-international-protection/status-and-residence/cessation-and-review-protection-status/> (accessed: 28/08/26).

⁹⁶ UK in a Changing Europe (2025) ‘Does the European Convention on Human Rights stop foreign criminals being removed from the UK?’, September 2025. Available at: <https://ukandeu.ac.uk/explainers/does-the-european-convention-on-human-rights-stop-foreign-criminals-being-removed-from-the-uk/> (accessed: 10/08/26).

⁹⁷ HM Government (2026) *Explanatory memorandum to the statement of changes in the Immigration Rules HC 1691*, 5th March 2026. Available at: <https://www.gov.uk/government/publications/statement-of-changes-to-the-immigration-rules-hc-1619-5-march-2026/explanatory-memorandum-to-the-statement-of-changes-in-the-immigration-rules-hc-1691-5-march-2026-accessible> (accessed: 26/07/26).

The fundamental problem with the asylum route to ILR is not the length of the qualifying period, but the destination. Whether someone waits five years or twenty, if settlement and citizenship remain the endpoint then the system retains the same core flaw: it treats temporary protection as a stepping stone to permanent residence, conflates refuge with belonging, and creates the conditions for irremovability before the state has any reliable basis for judging whether permanence is warranted. Extending the timeline does not fix that, it merely postpones it.

Consider what Labour's existing reforms actually produce in practice. A person arrives, claims asylum, and receives two and a half years of core protection. The safe return review finds that conditions in their country of origin have not sufficiently improved and protection is renewed. Another two and a half years pass. Another review. Another renewal. This continues, potentially for two decades, at each stage generating processing costs, caseworker time, legal appeals, and administrative overheads that the old five-year system, for all its faults, only incurred once. At the end of twenty years, if the person has not been returned, they qualify for ILR and a year later for citizenship. The destination has not changed. The journey has simply been made longer and more expensive for everyone involved.

The argument for reform rather than abolition rests on the assumption that a longer qualifying period substantially changes the nature of what is being offered. It does not. A twenty-year path to citizenship is still a path to citizenship. Britain is still telling every person who claims asylum that if they remain here long enough, a British passport awaits them. That signal does not change the incentive structure. It does not distinguish between those whose protection is still genuinely needed and those whose circumstances have changed, nor between those fleeing genuine persecution and those drawn as much by the promise of permanent settlement and generous welfare entitlements as by any fear of return. It does not restore the distinction between refuge and residence that the Convention itself was built upon. It merely adds years to a journey whose destination was never in question. If the destination is the problem, reform is not the answer. Abolition of the asylum route to ILR is.

What abolition would look like in practice

Abolishing the asylum route to ILR does not mean abolishing protection. It means separating protection from permanence, which the current system has collapsed into a single outcome. A person who arrives in Britain and claims asylum would continue to receive protection if their claim is genuine. That protection would take the form of a renewable protected status, reviewed annually, and tied explicitly to the continuation of the danger that justified it. During that period they would have the right to work, to pay tax and National Insurance, and to contribute to the economy and the communities in which they live. What they would not have is automatic access to the full welfare state, social housing waiting lists,⁹⁸ or the range of entitlements that settled status confers. Crucially, they would have no automatic pathway to permanent settlement and citizenship. The clock would not be running towards a British passport. It would be running towards the point at which it is safe to go home.

Temporary accommodation would be provided for an initial period, consistent with current practice, while a claim is processed. Once protected status is granted, that accommodation would continue, but on a time-limited basis, renewable only where the recipient can show they are working or actively seeking work, mirroring the conditionality already applied to Universal Credit claimants who are fit for

⁹⁸ Temporary accommodation, provided while a person's status is active and its cost recoverable once they are earning, is distinct from the social housing system referred to above, which offers long-term, unconditional tenancies and would remain unavailable under this status.

work.⁹⁹ Where someone does not meet that condition without good reason, support should reduce, in a similar way a Universal Credit claimant's does, rather than continue indefinitely regardless of engagement. The protected status itself, tied to the danger the person still faces, would not be affected by this: what changes is the level of support provided alongside it, not the underlying protection.

To ensure the work condition is genuinely achievable from day one, local authorities should be funded to expand access to entry-level, publicly useful paid work, such as environmental maintenance and grounds work, giving those with limited English or no recognised UK qualifications an immediate, legitimate route into paid employment while they establish themselves. This is not unpaid labour exchanged for shelter; it is ordinary employment, paid at the statutory minimum wage. It gives the individual a genuine stake in their own situation while it is resolved, and it gives the public a visible, tangible return for the support provided, rather than a cost with nothing asked in return.

One further detail of how this status would work in practice is worth setting out. A child born in the United Kingdom during a parent's period of protection would remain on that same status alongside them, reviewed annually and tied to the same danger, rather than qualifying independently for British citizenship after ten years' residence under Section 1(4) of the British Nationality Act 1981.¹⁰⁰ Their position would resolve exactly as their parents' would: through safe return, or through a parent earning settlement in their own right via the ordinary economic or family route. Parliament has already legislated a comparable distinction previously, in the Nationality and Borders Act 2022, narrowing a separate registration route for stateless children specifically to prevent it being used to secure citizenship where a child could reasonably acquire a parent's nationality instead.¹⁰¹ The safeguard against genuine statelessness, entirely distinct from Section 1(4) and unaffected by this recommendation, remains fully in place: a child who is, and always has been, stateless, and who cannot reasonably acquire any other nationality, would retain their existing right to register as British after five years' residence.¹⁰²

Where a safe return review determines that the circumstances which justified protection have materially changed, the expectation would be return. Not immediate forced removal in every case, but a clear and enforceable presumption that when the danger has ended, so does the basis for remaining. That is to a great extent what the Refugee Convention's own cessation clauses provide for, and precisely what Britain has spent decades declining to apply.

Where a person on protected status commits a serious crime or receives a custodial sentence of twelve months or more, their status would be revoked and deportation would follow. Article 33(2) of the Convention permits exactly this.¹⁰³ A system that offers real protection to those who need it, withdraws that protection when it is no longer needed, and removes those who abuse it, is not a harsh system. It is a coherent one.

⁹⁹ legislation.gov.uk (n.d.) *Welfare Reform Act 2012*, s. 26, Explanatory Notes. Available at: <https://www.legislation.gov.uk/ukpga/2012/5/section/26/notes> (accessed: 28/08/26).

¹⁰⁰ legislation.gov.uk (n.d.) *British Nationality Act 1981*, s. 1(4). Available at: <https://www.legislation.gov.uk/ukpga/1981/61/section/1> (accessed: 28/08/26).

¹⁰¹ legislation.gov.uk (n.d.) *Nationality and Borders Act 2022*, s. 11. Available at: <https://www.legislation.gov.uk/ukpga/2022/36/section/11/data.html> (accessed: 28/08/26).

¹⁰² legislation.gov.uk (n.d.) *British Nationality Act 1981*, Schedule 2, para. 3–3A. Available at: <https://www.legislation.gov.uk/ukpga/1981/61/schedule/2> (accessed: 28/08/26).

¹⁰³ UNHCR (1951) *Convention Relating to the Status of Refugees*, 28th July 1951. Available at: <https://www.unhcr.org/what-we-do/protect-human-rights/preventing-statelessness/1951-refugee-convention> (accessed: 24/08/26).

The fairness argument

The system proposed here treats people differently because their situations are different. A Filipino teacher who arrives on a skilled worker visa, pays thousands of pounds in fees, sits tests, meets contribution thresholds, and spends years demonstrating genuine commitment to this country, is not in the same position as someone who arrived through illegal channels, claimed asylum, and has been waiting for a review. The current system offers both the same endpoint regardless. The equal treatment of unequal circumstances is not fairness; it is the opposite.

Citizenship should mean something. It should emerge from genuine embeddedness in a community, from contribution, from demonstrated commitment to the country and its values, not simply from the passage of time. In Western political thought, citizenship was never simply a matter of residence: those who live within a community and contribute to its economy without taking on its fuller responsibilities remain, on Aristotle's account, something closer to a resident alien than a citizen in the full sense.¹⁰⁴ Laws only retain their authority when people believe they apply equally to everyone. A settlement system that offers identical endpoints to those who have paid and contributed and those who have not corrodes that belief. It is not merely unfair to the Filipino teacher, it is damaging to the social fabric that makes a functioning civil society possible at all.

The moral argument

The introduction set out the position that Britain should offer genuine refugees shelter, dignity, and the right to contribute. Nothing here retreats from that. The proposal is not to turn refugees away, to detain them, or to treat them with anything less than the basic dignity that genuine refuge requires. It is to be honest about what refuge is and what it is not.

Refuge is protection from danger. It is the right to be safe, to work, to live with dignity whilst the danger persists. It is not, and has never been, a guaranteed path to permanent settlement in the country that offered shelter. The moral case for protection is powerful precisely because it is tied to the existence of the danger that necessitated it. When that danger ends, the moral case for their remaining here permanently does not automatically follow. They have every right to the protection they were given. They do not have an automatic right to convert that protection into citizenship.

Britain should offer genuine refugees shelter for as long as the danger lasts, work and dignity while they are here, and safe return when it is over. That is a generous, humane, and morally serious commitment. It is also, as Section 5 has shown, exactly what the Refugee Convention requires. Nothing more, and nothing less.

Addressing the counterarguments

Several objections to this proposal are worth addressing directly.

The first is that some may deem it unfair to refugees. The system proposed here offers everything a genuine refugee needs: safety, the right to work, dignity, and protection for as long as it is needed. What it withholds is a British passport that was never part of the original offer and that the Convention itself never required Britain to provide.

¹⁰⁴ Batey, C.A. (2026) 'Citizenship and Participation in Aristotle's Politics, Book III, Chapter 5'. Available at: <https://cliffordangellbatesjr240849.substack.com/p/citizenship-and-political-participation> (accessed: 28/08/26)

The second is that integration requires certainty of settlement. Sweden and Denmark, examined in Section 7, have each operated temporary, renewable protection systems without an automatic path to citizenship, without those systems collapsing or producing the crisis their critics predicted.

The third is that this will deter those with legitimate claims from seeking asylum in Britain. The obligation to offer refuge is a moral one that Britain should honour regardless of the pull factors it creates. A system that offers safety, the right to work, and protection for as long as it is needed is still offering something of real value to someone fleeing real danger. If the prospect of a British passport rather than mere safety is what drives a claim across the Channel, that is itself a signal that the incentive structure needs reform, not a reason to preserve it.

The fourth is that deciding when it is safe to return is too complex or too politically difficult. The Refugee Convention's own cessation clauses already provide the framework. Article 1C(5) is clear: when the circumstances which justified protection have ceased to exist, so does the protection. Britain has the legal framework. What it has lacked is the political will to apply it.

A fifth objection is sometimes raised in defence of the status quo: that asylum claims should be taken at face value because persecution is difficult to disprove. The claimant bears the burden of proof, but the standard they must meet is deliberately low: a 'reasonable degree of likelihood' of persecution if returned, far below the ordinary civil standard of 'more likely than not'.¹⁰⁵ That low threshold exists precisely because evidential difficulty is already built into the system. In categories where persecution is by definition difficult to verify, whether on grounds of sexual orientation, religious conversion, or political opinion, that combination, a low threshold and an unverifiable account, creates real scope for claims that cannot be disproved to succeed regardless of whether they are true. A reformed system must maintain the Convention definition of a genuine refugee whilst applying that low threshold rigorously and consistently, rather than treating the difficulty of disproof as a reason to relax scrutiny further still. Taking claims seriously is not the same as taking them uncritically.

7. The practical problem: Returns and international comparisons

The case for abolishing the asylum route to ILR is both principled and legitimately grounded, although principle without practicality is gesture politics. The most important lesson from the international experience of asylum reform is not about legal frameworks or policy design. It is about what happens when you change the rules without building the infrastructure to enforce them. Denmark learned this the hard way.

In 2021, Denmark began revoking the temporary protection status of Syrian refugees from Damascus and its surrounding province, on the grounds that conditions there had sufficiently improved to permit safe return. The Danish Refugee Appeals Board upheld the Immigration Service's revocation decisions in 50 per cent of the cases brought before it that year.¹⁰⁶ The decision was legally grounded in the same

¹⁰⁵ Home Office (2023) *Assessing credibility and refugee status in asylum claims lodged on or after 28 June 2022*, version 13.0, 28th September 2023. Available at: <https://assets.publishing.service.gov.uk/media/650c698227d43b0014375b40/Assessing+credibility+and+refugee+status+post+28+June+2022.pdf> (accessed: 28/08/26).

¹⁰⁶ European Union Agency for Asylum (2022) *Asylum Report 2022: Review, cessation and revocation of international protection status*. Available at: <https://www.euaa.europa.eu/asylum-report-2022/41422-review-cessation-and-revocation-international-protection-status> (accessed: 24/08/26).

kind of cessation clause proposed here. Revocation of status, however, did not translate into removal. Many of those stripped of protection were placed in departure centres rather than actually returned to Syria, with human rights organisations reporting that removals to Syria did not, in practice, follow.¹⁰⁷ The lesson is not that cessation clauses do not work, but that they only work when the practical infrastructure exists to enforce them. Revocation without removal is not reform, only the appearance of it.

International models that show it can work

The United States, Sweden, and Denmark each offer a version of what temporary protected status without automatic settlement looks like in practice, and each demonstrates that the model is deliverable when designed carefully.

The United States has operated a Temporary Protected Status (TPS) system since 1990 under which nationals of designated countries receive the right to live and work in the US for a defined period, subject to periodic renewal by the Secretary of Homeland Security.¹⁰⁸ TPS does not lead automatically to permanent residence or citizenship. For three decades the system demonstrated that temporary, renewable protection without an automatic path to settlement could operate stably: as of March 2025, approximately 1.3 million people held TPS in the United States from 17 designated countries, many having lived and worked there for years without producing the humanitarian catastrophe that critics of temporary status invariably predict.¹⁰⁹ Since then, the second Trump administration has terminated TPS designations for the great majority of these countries (including Haiti, Syria, Yemen, Afghanistan, Cameroon, Nepal, Honduras, Nicaragua, Venezuela, South Sudan, Myanmar, Somalia, and Ethiopia), reducing the number retaining protection to a small handful by August 2026, with further terminations contested in ongoing litigation.¹¹⁰

That reversal is itself instructive, though for a different reason: Congress created the TPS framework by statute in 1990, but the protection any individual country actually receives has always depended on a designation the Secretary of Homeland Security can revoke at will, with no judicial review of that decision. The safeguard was legislatively created; the protection itself was never legislatively guaranteed. What the American model shows, both in its stable decades and its current unravelling, is that temporary status without an automatic passport is workable, but only for as long as whoever holds executive power chooses to keep extending it. This kind of discretion is not unusual in British law either; ministers hold similar latitude across many areas of immigration policy. The distinction that matters is not discretion itself but what constrains it: the US Secretary of Homeland Security can revoke a designation at will, with no criteria and no judicial review, whereas the model proposed here ties renewal to a specific, reviewable test, whether the danger has ended, so a Home Secretary designating responsibly is guided by more than their own judgement alone.

¹⁰⁷ Human Rights Watch (2023) 'Syrian refugees in Denmark at risk of forced return', 13th March 2023. Available at: <https://www.hrw.org/news/2023/03/13/syrian-refugees-denmark-risk-forced-return> (accessed: 24/08/26).

¹⁰⁸ Congressional Research Service (2025) *Temporary Protected Status and Deferred Enforced Departure*, RS20844. Available at: <https://www.congress.gov/crs-product/RS20844> (accessed: 24/08/26).

¹⁰⁹ American Immigration Council (2026) *Temporary Protected Status (TPS): An Overview*. Available at: <https://www.americanimmigrationcouncil.org/fact-sheet/temporary-protected-status-tps-overview/> (accessed: 24/08/26).

¹¹⁰ Pew Research Center (2026) 'Second Trump administration has ended Temporary Protected Status for most immigrants who had it', 12th August 2026. Available at: <https://www.pewresearch.org/short-reads/2026/08/12/second-trump-administration-has-ended-temporary-protected-status-for-most-immigrants-who-had-it/> (accessed: 28/08/26).

Sweden's experience is instructive from a different perspective. In July 2016, facing acute pressure from the 2015 migration crisis, Sweden introduced a temporary law making residence permits for recognised refugees time-limited rather than automatically permanent: three years for refugees, thirteen months for those granted subsidiary protection.¹¹¹ The explicit purpose, in the government's own words, was to make Sweden less attractive as a destination for asylum seekers.¹¹² In 2021 these temporary provisions were made permanent, alongside a new requirement that applicants demonstrate self-sufficiency before qualifying for eventual settlement.¹¹³ The reform remains contested: in September 2025, a government inquiry went further still, proposing a law that could strip up to 180,000 people of permanent residence already granted, requiring them to reapply for citizenship or a temporary permit or leave the country.¹¹⁴ Sweden's experience over the past decade demonstrates that a country can shift from automatic permanent protection to conditional, temporary status without ceasing to be a functioning liberal democracy.

Denmark's approach has been the most systematic. Its Finance Ministry has published some of the most detailed immigration fiscal data of any country in the world, breaking down net fiscal contributions by country of origin.¹¹⁵ The findings are striking. In 2019, Western immigrants and their descendants contributed a net positive 11 billion Danish kroner (approximately £1.26 billion) to public finances, whilst non-Western immigrants and their descendants cost 27 billion kroner (approximately £3.09 billion).¹¹⁶ Critically, Denmark's Finance Ministry itself attributes much of this gap to labour market attachment and country of origin patterns, noting that immigrants from countries with historically lower rates of employment drive a disproportionate share of the net cost.¹¹⁷ Australia's points-based system tells a similar story. Its own Treasury modelling, known as Fiscal Impact of New Australians model (FIONA), found that the average migrant on the Humanitarian visa stream has a negative lifetime fiscal impact of approximately AU\$400,000 per person (roughly equivalent to £200,000), compared to strongly positive outcomes for skilled economic migrants.¹¹⁸ Britain has never published equivalent data. As Section 2 noted, that absence is a choice. Denmark and Australia's experience suggests it is also a costly one both politically and economically.

Building the infrastructure

The international evidence points to one conclusion: the policy without the infrastructure is worthless. Britain needs three things to make the model proposed in Section 6 function in practice:

¹¹¹ European Council on Refugees and Exiles (2019) 'Sweden: Parliament extends the temporary law'. Available at: <https://ecre.org/sweden-parliament-extends-the-temporary-law/> (accessed: 28/08/26).

¹¹² European Council on Refugees and Exiles (2019) 'Sweden: Parliament extends the temporary law'. Available at: <https://ecre.org/sweden-parliament-extends-the-temporary-law/> (accessed: 28/08/26).

¹¹³ Asylum Information Database / European Council on Refugees and Exiles (2025) 'Sweden: Residence permit'. Available at: <https://asylumineurope.org/reports/country/sweden/content-international-protection/status-and-residence/residence-permit/> (accessed: 28/08/26).

¹¹⁴ KPMG (2025) 'Sweden – Proposed Revocation of Certain Permanent Residence Permits', 26th September 2025. Available at: <https://kpmg.com/xx/en/our-insights/gms-flash-alert/flash-alert-2025-242.html> (accessed: 28/08/26).

¹¹⁵ Finansministeriet (2023) Økonomisk analyse: Indvandreres nettobidrag til de offentlige finanser i 2019 (revideret version), September 2023. Available at: <https://fm.dk/udgivelser/2023/september/oekonomisk-analyse-indvandreres-nettobidrag-til-de-offentlige-finanser-i-2019-revideret-version-september-2023/> (accessed: 24/08/26).

¹¹⁶ Finansministeriet (2023) Økonomisk analyse: Indvandreres nettobidrag til de offentlige finanser i 2019 (revideret version), September 2023. Available at: <https://fm.dk/udgivelser/2023/september/oekonomisk-analyse-indvandreres-nettobidrag-til-de-offentlige-finanser-i-2019-revideret-version-september-2023/> (accessed: 24/08/26).

¹¹⁷ Finansministeriet (2023) Økonomisk analyse: Indvandreres nettobidrag til de offentlige finanser i 2019 (revideret version), September 2023. Available at: <https://fm.dk/udgivelser/2023/september/oekonomisk-analyse-indvandreres-nettobidrag-til-de-offentlige-finanser-i-2019-revideret-version-september-2023/> (accessed: 24/08/26).

¹¹⁸ Australian Government Treasury (2021) *The lifetime fiscal impact of the Australian permanent migration program*, December 2021. Available at: <https://treasury.gov.au/publication/p2021-220773> (accessed: 24/08/26).

Bilateral returns agreements

The first is bilateral returns agreements with the primary countries of origin for asylum claims. Without a receiving state willing to take nationals back, revocation of protected status produces limbo rather than return. Returns agreements require diplomatic effort, political will, and in some cases financial incentives. Britain's own experience shows what a well-designed agreement can achieve: following the UK-Albania returns agreement signed in December 2022, Albanian small boat crossings fell sharply, and Albania now accounts for 71 per cent of all small boat returns from the UK, more than any other nationality.¹¹⁹ Not every country will prove as straightforward as Albania.

Several European countries have attempted to build bilateral or regional returns frameworks within the EU's own more complex legal system in recent years, with mixed results. The EU's new Migration and Asylum Pact, which entered full application in June 2026, was intended to make transfers between member states more workable, and Germany, Italy and Greece reached bilateral understandings in late 2025 to reactivate the system.¹²⁰ In practice, even this arrangement between two of the EU's largest and most cooperative member states has, at the time of writing, run into immediate difficulty: Italy formally refused Germany's first transfer request under the new rules in August 2026, reigniting a diplomatic dispute over who bears responsibility for returns.¹²¹ This is a live and rapidly developing situation, and the position between Berlin and Rome may well have shifted, but the underlying lesson does not depend on how that particular dispute is resolved.

If agreements between willing European partners, operating under a shared legal framework built for exactly this purpose, can prove this difficult to implement, the scale of the diplomatic and administrative effort required for Britain to build equivalent bilateral returns agreements with non-EU countries of origin, many with far less institutional alignment or incentive to cooperate, should not be underestimated. It is achievable, though not simple. Britain has the diplomatic relationships and the economic leverage to attempt it.

A visa penalty mechanism

The second is a visa penalty mechanism for states that refuse to accept the return of their own nationals. If a country's government will not cooperate with returns, the cost of that non-cooperation should fall on the government, not on the British taxpayer. Restricting or suspending visa access for nationals of non-cooperative states is a proportionate and legitimate lever that several countries have deployed with measurable effect. It makes cooperation the price of access.

Soft power conditionality

The third is soft power conditionality that goes beyond visas alone. Britain has significant trade, aid, and diplomatic relationships with many of the countries whose nationals are currently claiming asylum in large numbers, and those relationships represent leverage that has historically gone unused in the immigration context. Where the visa penalty mechanism above targets non-cooperation on returns

¹¹⁹ Migration Observatory (2026) 'Deportation and returns of unauthorised migrants from the UK', 31st March 2026. Available at: <https://migrationobservatory.ox.ac.uk/resources/briefings/returns-of-unauthorised-migrants-from-the-uk/> (accessed: 28/08/26).

¹²⁰ Brussels Signal (2026) 'Germany is set to deport migrants to Italy amid Dublin rules reset', August 2026. Available at: <https://brusselssignal.eu/2026/08/germany-is-set-to-deport-migrants-to-italy-amid-dublin-rules-reset/> (accessed: 24/08/26).

¹²¹ The Epoch Times (2026) 'Italy blocks Germany's first illegal immigrant returns under new EU asylum rules', August 2026. Available at: <https://www.theepochtimes.com/world/italy-blocks-germanys-first-illegal-immigrant-returns-under-new-eu-asylum-rules-6077409> (accessed: 24/08/26).

specifically, this broader conditionality would extend to aid, trade preferences, and diplomatic cooperation more widely, tied to demonstrable progress on returns and on safe country designations. This would align Britain's foreign policy with its domestic immigration objectives in a way that has never been attempted systematically. The countries fuelling the largest asylum claims are often the same countries most dependent on British trade and aid relationships. That asymmetry should be working in Britain's favour. It currently is not.

Recommendations

The reforms proposed here do not require Britain to leave international treaties or turn away those fleeing genuine persecution. This is a matter of urgency rather than principle: withdrawal from the European Convention on Human Rights would take years to negotiate and deliver, through a political and diplomatic process with no guaranteed outcome, at a moment when the current system is failing now. Reform from within, using the mechanisms and leverage Britain already has, is simply faster, and faster is what the situation demands. They require political will, legislative focus, and the administrative infrastructure to ensure new rules mean something in practice.

1. Abolish the asylum route to ILR and replace it with renewable protected status

This is the central recommendation and the one from which everything else flows. Parliament should legislate to remove the asylum route to ILR entirely, replacing it with a renewable protected status tied to the continuation of the danger that justified the original claim. That protection would apply equally and consistently to everyone it covers, without becoming, through the passage of time alone, a route to something more than protection was ever meant to provide. The status should carry the right to work, pay tax and National Insurance, and access NHS treatment. It should carry no automatic entitlement to public funds¹²² available to settled persons. Temporary accommodation¹²³ and support to find paid work would continue during this period, on a conditional, cost-recoverable basis, going further than the partial charge proposed in the Immigration and Asylum Bill 2026 by recovering the full cost, not merely a contribution to it; the detail is set out in Section 6. Those entitlements should remain conditional on settled status. Permanence would no longer be the default outcome of protection. Safety would be.

2. Build the returns infrastructure

Safe return reviews are meaningless without the practical machinery to enforce them. The government should prioritise the negotiation of bilateral returns agreements with the primary countries of origin for asylum claims, using trade access, aid relationships, and visa arrangements as leverage where necessary. Countries that refuse to accept the return of their own nationals should face visa restrictions as a direct consequence. Britain's significant diplomatic and economic relationships with many of the countries generating the largest asylum claim volumes represent leverage that has historically gone unused. It should be deployed systematically and without apology.

¹²² Benefits and services including: Universal Credit, Child Benefit, Housing Benefit, council housing, and homelessness assistance.

¹²³ Temporary accommodation, provided while a person's status is active and its cost recoverable once they are earning, is distinct from the social housing system, which offers long-term, unconditional tenancies and would remain unavailable under this status.

3. Pass the Section 7 amendment in the Immigration and Asylum Bill

The government has already committed to an amendment to the Immigration and Asylum Bill giving the Home Secretary power to disapply Section 7 of the Immigration Act 1971 for serious criminals.¹²⁴ This is the provision that has rendered certain Commonwealth citizens, including those convicted of the most serious offences, legally irremovable despite their crimes and despite the stripping of their citizenship. The amendment should be passed without delay. It is a narrow but necessary fix to an outdated statutory provision that no Parliament sitting today would have intended to protect serious criminals from deportation.

4. Use existing law more boldly before seeking new powers

Much of what is recommended does not require new legislation. Article 33(2) of the Refugee Convention already permits the removal of refugees who constitute a danger to the community.¹²⁵ The cessation clauses of Article 1C already provide the legal basis for ending protection when circumstances change.¹²⁶ The Secretary of State already has the power to deport foreign nationals where it is conducive to the public good.¹²⁷ What has been lacking is not legal authority but the willingness to use it. Government should issue clear policy guidance directing caseworkers and decision makers to apply existing powers more robustly, reducing dependence on legislative reform that takes years to produce and longer still to bed in.

5. Build on Britain's participation in the Strasbourg coalition

In December 2025, 27 Council of Europe member states including the United Kingdom signed a joint declaration calling for a new and open-minded conversation about the interpretation of the Convention in migration cases, with particular concern directed at Article 8 rights in deportation proceedings.¹²⁸ That pressure produced results. On 15 May 2026, Council of Europe foreign ministers formally adopted the Chişinău Declaration, calling for Article 8 to be interpreted so that more weight is placed on the seriousness of an offence and less on a foreign criminal's family and social ties to the host country.¹²⁹ Britain has used this lever before: the 2012 Brighton Declaration, secured under its own chairmanship of the Council of Europe, produced a measurable shift in how the Court applies Article 8.¹³⁰ Britain should build on that precedent now, pressing for Chişinău's principles to be reflected in the Court's actual case law and using it explicitly to justify a stricter domestic interpretation of Article 8 in immigration appeals. A shift in Strasbourg's interpretation of Article 8 in deportation cases could flow into domestic judicial interpretation without needing further legislation of its own,

¹²⁴ GOV.UK (2026) *Immigration and Asylum Bill: second reading opening speech*, 13th July 2026. Available at:

<https://www.gov.uk/government/speeches/immigration-and-asylum-bill-second-reading-opening-speech> (accessed: 24/08/26).

¹²⁵ UNHCR (1951) *Convention Relating to the Status of Refugees*, 28th July 1951. Available at: <https://www.unhcr.org/what-we-do/protect-human-rights/preventing-statelessness/1951-refugee-convention> (accessed: 24/08/26).

¹²⁶ UNHCR (1951) *Convention Relating to the Status of Refugees*, 28th July 1951. Available at: <https://www.unhcr.org/what-we-do/protect-human-rights/preventing-statelessness/1951-refugee-convention> (accessed: 24/08/26).

¹²⁷ legislation.gov.uk (n.d.) *Immigration Act 1971*, s. 3(5)(a). Available at: <https://www.legislation.gov.uk/ukpga/1971/77/section/3> (accessed: 28/08/26).

¹²⁸ Malta Government (2025) 'Malta joins 27 states in joint declaration on the European Convention on Human Rights and migration', 12th December 2025. Available at: <https://eno.ombudsman.europa.eu/home/news/archives-2025/maincontent/malta-joins-27-states-in-joint-d.html> (accessed: 24/08/26).

¹²⁹ Council of Europe (2026) 'Council of Europe foreign ministers adopt political declaration on the ECHR and migration', 15th May 2026. Available at: <https://www.coe.int/en/web/portal/-/council-of-europe-foreign-ministers-adopt-political-declaration-on-the-echr-and-migration> (accessed: 24/08/26).

¹³⁰ Madsen, M.R. (2018) 'Rebalancing European Human Rights: Has the Brighton Declaration Engendered a New Deal on Human Rights in Europe?', *Journal of International Dispute Settlement*, 9(2), 199–222. Available at: <https://academic.oup.com/jids/article-abstract/9/2/199/4582357> (accessed: 25/08/26).

though, as the 2014 reforms show, sustained change is best secured when diplomatic pressure at Strasbourg is paired with domestic legislation, the further step proposed in Recommendation 6. This is nonetheless among the more probable and effective routes to restoring the state's practical ability to remove those who have committed serious crimes.

6. Amend the domestic Article 8 framework

The Immigration and Asylum Bill 2026 already contains provisions tightening the domestic interpretation of Article 8 rights in immigration appeals. Clause 20 amends section 117C of the Nationality, Immigration and Asylum Act 2002, removing the current sentence-based thresholds and establishing that where a person is liable to deportation, the public interest requires deportation unless its effect on them or their family would be disproportionate.¹³¹ Clause 19 tightens the public interest test itself, requiring courts to weigh the economic impact on the taxpayer and directing that no weight be given to family or private life formed while a person was in the country unlawfully, in breach of their visa conditions, or obtained through deception.¹³² The government's own impact assessment suggests these changes could result in around 11,700 more Article 8 cases being refused each year.¹³³ Parliament should go further, legislating to establish a clear statutory presumption that the public interest in removing foreign national criminals outweighs Article 8 family life considerations except in genuinely exceptional circumstances, and defining those circumstances extremely narrowly. This does not wholly override Strasbourg but it narrows the domestic discretion that has produced outcomes like the Disha ruling and the Nigerian fraudster case.

7. Commission the missing fiscal data

No British government has ever published a systematic lifetime fiscal assessment of those who obtained ILR and subsequent citizenship via the asylum route. As Section 2 has shown, that absence is not accidental, and, as Neil O'Brien has separately argued, it is far from unique. The Treasury and Home Office should jointly commission a comprehensive fiscal analysis of the asylum route to settlement, covering the full lifetime cost per person including welfare access, public housing, healthcare, and tax contributions. Denmark has done this.¹³⁴ Australia has done this.¹³⁵ Without that data, the fiscal case for reform rests on comparative evidence from other countries rather than a direct measurement of Britain's own system. With it, the case will surely become unanswerable.

8. Designate France and other safe third countries and bar claims from those arriving via safe routes

Parliament should legislate to establish that a person who arrives in the United Kingdom having passed through or resided in a safe third country, including France, is not eligible to claim asylum here. This is not a departure from the Refugee Convention. Article 31 of the Convention prohibits penalising refugees for illegal entry only where they come directly from a territory where they were

¹³¹ House of Commons (2026) *Immigration and Asylum Bill: Explanatory Notes*, Bill 105–EN, 30th June 2026. Available at: <https://publications.parliament.uk/pa/bills/cbill/59-02/0105/en/260105en.pdf> (accessed: 24/08/26).

¹³² House of Commons (2026) *Immigration and Asylum Bill: Explanatory Notes*, Bill 105–EN, 30th June 2026. Available at: <https://publications.parliament.uk/pa/bills/cbill/59-02/0105/en/260105en.pdf> (accessed: 24/08/26).

¹³³ House of Commons Library (2026) *Immigration and Asylum Bill 2026*, CBP-10940. Available at: <https://commonslibrary.parliament.uk/research-briefings/cbp-10940/> (accessed: 24/08/26).

¹³⁴ Finansministeriet (2023) *Økonomisk analyse: Indvanderes nettobidrag til de offentlige finanser i 2019 (revideret version)*, September 2023. Available at: <https://fm.dk/udgivelser/2023/september/oekonomisk-analyse-indvanderes-nettobidrag-til-de-offentlige-finanser-i-2019-revideret-version-september-2023/> (accessed: 24/08/26).

¹³⁵ Australian Government Treasury (2021) *The lifetime fiscal impact of the Australian permanent migration program*, December 2021. Available at: <https://treasury.gov.au/publication/p2021-220773> (accessed: 24/08/26).

threatened.¹³⁶ A person crossing the Channel from France cannot satisfy that condition. France has signed the same Convention and operates a functioning asylum system of its own. The choice to leave France for Britain is not flight from persecution. It is asylum shopping, and Britain is under no international obligation to reward it.

Conclusion

Two people, introduced at the start, today hold British passports. One earned hers through years of fees, tests, and demonstrated commitment to a country she chose to make her home. The other was handed his, having paid nothing, proved nothing, and arrived illegally on a small boat. Both are the product of the same system, and that system was not designed with fairness in mind. It was not designed with the Refugee Convention in mind. It accumulated, without democratic mandate, across decades of legislative inertia, partial reform, and a persistent reluctance to finish what earlier changes started.

The question at the heart of all this is simple: should asylum still be a path to British citizenship? The answer is no, not because genuine refugees do not deserve protection, but because protection and permanence are not the same thing. Conflating them has been costly, unfair, and legally unnecessary in equal measure.

As Section 6 has argued, laws only retain their authority when people believe they apply equally to everyone. That belief has been corroded by a system that cannot distinguish between earned settlement and temporary protection, and that has lost the ability to mean what it says.

Indefinite Leave to Remain was not created with asylum in mind. It emerged from Cold War-era diplomacy over Commonwealth citizenship and Britain's accession to the European Economic Community, a purpose that had little to do with persecution or refuge. That a status built for one purpose should, over time, have become the automatic destination of a system built for an entirely different one, is not a design choice anyone can point to. It is the result of drift, not intention, and it is proposed here, finally, to correct.

What is proposed here is not radical. It is a restoration: shelter for as long as the danger lasts, the right to work and contribute whilst here, safe return when it is over, and removal for those who abuse the protection they were given. That is what asylum was always meant to be, what the Convention says, and what basic fairness to those who earn their place in this country requires. It is also, as the reforms gathering momentum across Europe demonstrate, what an increasing number of governments are beginning to recognise as the only sustainable answer.

The obstacles are real. The legal architecture is entrenched, the returns infrastructure does not yet exist, and the fiscal data has never been collected. But none of these are arguments against reform. They are arguments for urgency. Parliament can finish what successive reforms have only half-completed, the diplomatic groundwork for a shift in Strasbourg's own interpretation has already been

¹³⁶ UNHCR (1951) *Convention Relating to the Status of Refugees*, 28th July 1951. Available at: <https://www.unhcr.org/what-we-do/protect-human-rights/preventing-statelessness/1951-refugee-convention> (accessed: 24/08/26).

laid through the Chişinău Declaration, and returns agreements can be built where the political will exists to build them.

Britain's instinct to help those who cannot help themselves is real, and nothing here seeks to diminish it. Genuine compassion, however, requires moral seriousness, not moral sentimentality. A system built on dignity, reciprocity, and the rule of law is not a harsh one; it is a coherent one. Britain's asylum system, as currently constituted, honours none of those principles. It is generous to those who game it and indifferent to those who play by the rules. Reforming it is not a betrayal of British values. It is their restoration.

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