



Immigration & Asylum in the UK - A Literature Review

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I. Introduction

Immigration and asylum have become a “key political priority” in the UK in recent years.¹ At the Scottish Legal Aid Board (SLAB), immigration and asylum cases account for a large proportion of our annual expenditure.² However, this group of people has not been routinely included in our standard civil legal assistance applicant surveys due to their complex movements across the countries of the UK, lack of correspondence addresses and language barrier. As a result, SLAB has limited first hand understanding of applicants for immigration and asylum cases, apart from some ad-hoc studies conducted since 2009 and high-level annual data on expenditure for those cases. A more updated and thorough understanding of this group will help inform future decisions in this area of work.

This literature review is intended to help bridge the gaps in our knowledge via review the most up-to-date materials available on the subject. Our aims are two-fold: (1) to produce a sophisticated understanding of applicants for immigration and asylum; and (2) to understand the limits of what we can find out via data/literature review and explore potential topics for primary research in the future.

The report is organised as follows. We begin with definitions of key terms used in the report to lay the ground for our discussion, followed by a brief overview of the UK’s immigration and asylum system. We will then provide the readers with up-to-date statistics and figures to help sketch a broad picture of immigration and asylum in the UK in recent years. We then move on to survey the existing data and research that SLAB has on the topic to identify gaps in our existing knowledge. Afterwards, a systematic literature review will be conducted to address the gaps and provide insights into different pathways that people take to arrive and remain in the UK. The discussion will revolve around common themes for the ease of comprehension. The report will be concluded with discussion of the limitations of the literature review, as well as providing some suggestions for future research.

II. Definitions

There is much ambiguity in the use of common terms pertaining to immigration and asylum in legal documents, communication, publication and everyday conversations. Therefore, having clear definitions of the terms used in this report is the first step toward providing a clear account on the subject.

¹ BBC (Dec 2023) “How is the UK stopping Channel crossings and what are the legal routes to the UK?” (www.bbc.co.uk/news/explainers-53734793)

² In 2022-2023, the total gross cost of legal assistance expenditure for immigration and asylum was amounted to nearly £11 million, which was a fifth of SLAB’s total civil legal assistance cost.

Migration & Immigration

The UN defines migration as “the movement by which a person changes his or her country of usual residence”.³ To further clarify this definition, some authors suggest that migration refers to all movement of people regardless of their circumstances, which encompass both voluntary and involuntary displacement.⁴ The most comprehensive definition of “migration”, and how it is different from “immigration”, is provided by Esses in an article titled *‘Immigration, Migration and Culture’*:⁵

“Migration is the movement of people from one location to another, either within a country (internal migration between cities or regions) or between countries (international migration). Migration may be relatively voluntary (e.g., for employment opportunities) or involuntary (e.g., due to armed conflict, persecution, or natural disasters), and it may be temporary (e.g., migrant workers moving back and forth between source and receiving areas) or permanent (e.g., becoming a permanent resident in a new country). The term immigration refers specifically to international migration that is relatively permanent in nature.”

In this report, we adopt Esses’ definitions when we refer to migration and immigration henceforth.

Migrants & Immigrants

The UN defines an international migrant as:

“[A] person who moves to a country other than that of his or her usual residence for a period of at least a year (12 months)”.⁶

This includes all migrants, regardless of their legal status, or the nature, or motive of their movement.⁷ The 12-month period threshold is used to differentiate migrants from other groups, whose movement is more temporary in nature, such as visitors, short-term labourers or movers (namely, those whose moving periods last between three to 12 months). The UK’s Office for National Statistics (ONS) also adopts the UN’s definition of ‘long-term international migrant’ and uses the 12-month threshold as a criteria to compile statistics on migrants.⁸

Since there is no formal definition of ‘migrant’ or of ‘immigrant’ in law, these two terms are often used interchangeably in both public debate and scholarly research.⁹ We will

³ UN Expert Group Meeting (2007) “[Use of Census and Surveys to Measure International Migration](#)”

⁴ Douglas, Cetron, and Spiegel (2019), “[Definitions matter: migrants, immigrants, asylum seekers and refugees](#)”

⁵ Esses (2018), “[Immigration, Migration, and Culture](#)”

⁶ UN Expert Group Meeting (2007), “[Use of Census and Surveys to Measure International Migration](#)”

⁷ United Nations: [Global Issues – International Migration](#)

⁸ Office for National Statistics (2023) “[Population and migration estimates - exploring alternative definitions: May 2023](#)”

⁹ For a detailed discussion on the topic, see Anderson and Blinder (2024), “[Who Counts as a Migrant? Definitions and their Consequences](#)”

adopt the UN's definition of 'migrant' and use the term interchangeably with 'immigrant' in this report.

Migrants are further differentiated by their immigration status (that is, regular and irregular).¹⁰ While regular migrants enter and remain in the UK legally and in accordance with the UK's immigration laws, irregular migrants either enter or remain in the UK illegally, or they are in breach of the UK's immigration laws. The Oxford Migration Observatory has summarised four main ways in which a person can become an irregular migrant:

- (1) Enter the UK regularly and breach the UK's immigration laws (e.g. overstaying, doing work that is not permitted, via criminal conviction)
- (2) Enter the UK irregularly or through deception (such as using small boats or hiding in trucks/lorries, presenting fake documents to enter the UK, etc.)
- (3) Do not leave the country after an application for asylum has been rejected and all rights of appeal exhausted
- (4) Be born in the UK to parents who are irregular migrants (in other words, the UK does not have birthright citizenship).

Irregular migrants, especially those in group (2), (3) and (4), are directly related to a group of people known as asylum seekers, which will be discussed in detail in the next section.

Asylum seekers

The UN Refugee Agency provides the following definition of an asylum seeker:

“An asylum-seeker is someone who is seeking international protection... While they seek asylum and await the outcome of their application, they are referred to as asylum-seekers and should be protected. Not all asylum-seekers will be found to be refugees, but all refugees were once asylum-seekers.”¹¹

Accordingly, a person will be recognised as an asylum seeker when they make their intention known by submitting an asylum claim. However, to submit an asylum claim in the UK, one must be physically present in the country, and there is no visa for the explicit purpose of submitting asylum applications. Therefore, people have to arrive, enter or remain in the UK irregularly before they can submit their claims. All asylum seekers are thus irregular migrants in the UK.

Refugees

A refugee is formally defined in (and universally accepted by 146 signatories of) the UN's 1951 Refugee Convention and its 1967 Protocol.¹²

¹⁰ Walsh (2020) "[Irregular migration in the UK](#)"

¹¹ UNHCR – The UN Refugee Agency - "[Who we protect](#)"

¹² UNHCR – The UN Refugee Agency – "[The 1951 Refugee Convention](#)"

A refugee is defined as:

“someone who is unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion.”¹³

The Convention serves as a status and as rights-based instrument underpinned by fundamental principles:

- (1) Non-discrimination:** provisions of the Convention are to be applied without discrimination as to race, religion, country of origin, and so on.
- (2) Non-penalisation:** refugees should not be penalized for their illegal entry or stay, therefore recognising that seeking asylum can require refugees to breach immigration rules.
- (3) Non-refoulement:** no country shall expel or return a refugee against his will to a territory where he fears threats to life or freedom.

More importantly, the Convention lays down basic minimum standards for the treatment of refugees, which are legally binding and requires the States to uphold. In short, unlike other terminologies, the definition of a refugee is formally defined, universally accepted, legally binding, and guarantees a minimum treatment standards for those who hold the refugee status. In the next section, we will explore the UK’s immigration and asylum system, and the process through which one can apply for asylum, the treatments they receive from the UK government, and the latest legislative developments on the topic, such as the Rwanda Bill.

III. The UK’s immigration and asylum system

Regular, irregular, and bespoke routes of entry to the UK

After the end of free movement to and from the EU on 31 December 2020, all non-citizens arriving in the UK are subjected to immigration control.¹⁴ Those, who enter the country regularly (meaning they are regular migrants), are required to obtain appropriate permissions before they arrive in the UK. Most people enter the UK regularly using visitor, student, or skilled-worker visas. After a certain period, regular migrants are eligible to apply for settlement (known as Indefinite leave to remain in the UK), and eventually British citizenship.¹⁵ Furthermore, regular migrants are allowed to sponsor family members to join them in the UK, provided that they meet all of the requirements. Family migration is the primary route chosen by regular migrants when they decide to settle in the UK (more discussion below).

¹³ UNHCR – The UN Refugee Agency – “[Convention and Protocol Relating to the Status of Refugees](#)”

¹⁴ Home Office (2020) – “[Immigration Act receives Royal Assent: free movement to end on 31 December 2020](#)”

¹⁵ UK Visas and Immigration (2021) “[Guidance - Indefinite leave to remain in the UK: your rights and status](#)”

On the other hand, asylum seekers usually arrive in the UK via irregular routes, such as using fake documents,¹⁶ crossing the Channel using small boats,¹⁷ or hiding in the back of lorries or in containers.¹⁸ This is because there is no visa allowing a person to come to the UK for the explicit purpose of claiming asylum. Furthermore, an asylum application can only be submitted when the person is physically in the UK. This situation makes asylum seekers, who do not have visa-free to travel to the UK, resort to clandestine means to enter the country.¹⁹ Although claiming asylum is legal, entering or arriving in the UK without the required permission constitutes a criminal offence, which would carry a maximum penalty of 4 years' imprisonment.²⁰ An application for asylum will be refused if there are reasonable grounds to regard the asylum seeker as a danger to the security of the United Kingdom (UK Immigration Rules, paragraphs 334 and 336).²¹

Finally, people might arrive in the UK via bespoke immigration routes at the discretion of the UK government. Some of the most notable routes include:

- (1) Refugee resettlement schemes:** Resettlement is the voluntary transfer of recognised refugees from the country they were granted asylum into another state that has agreed to grant them permanent residence. The UK works with the UN Refugee Agency to provide resettlement in the UK.²²

- (2) Refugee family reunion:** The UK allows an adult refugee to be joined in the UK by their spouse or partner, and any children under 18 years old, provided that the family unit had been formed before the refugee fled their country. The right for a refugee to sponsor someone is applicable to those recognised as group 1 refugee. For those in group 2 refugee, the right to sponsor someone will only be applicable if refusing would breach the UK's international obligations (more information about deferential treatments of the two refugee groups below).

- (3) Nationality-specific schemes:** these are bespoke immigration routes available to eligible applicants from Afghanistan, Ukraine, and Hong Kong.

¹⁶ Data shows that nearly 2,000 fraudulent identity documents were presented to Border Force staff per year (totaling 21,256 between 2010 and 2020) - Migration Watch UK (2022), "[Fraudulent documents presented to Border Force](#)"

¹⁷ Home Office data shows that around 46,000 people were found crossing the English Channel in small boats in 2022. This was accounted for 85% of irregular arrivals to the UK in that year. 92% of small boat arrivals from 2018 to March 2023 were reported to make asylum claims - Walsh and Cuibus (2024), "[People crossing the English Channel in small boats](#)"

¹⁸ It was estimated that around 70,000 people have arrived in the UK by hiding in the back of lorries or in containers since 2014. More than 90% of detected clandestine entrants in 2014 and 2015 claimed asylum after being detected - Migration Watch UK (2022), "[Illegal clandestine arrivals by lorry](#)"

¹⁹ Tudor (2022), "[Refugees and asylum-seekers: UK policy](#)"

²⁰ For a detailed discussion on the difference between "enter" and "arrive in" in the legal context, see UK Parliament "[Criminalisation of asylum seekers and those who help them](#)"

²¹ Home Office (2024), "[Immigration Rules part 11: asylum](#)"

²² For more information, see "[UNHCR Resettlement](#)"

Figure 1 shows a snapshot of the UK’s immigration statistics based on different routes of entry between 2006 and 2022.²³

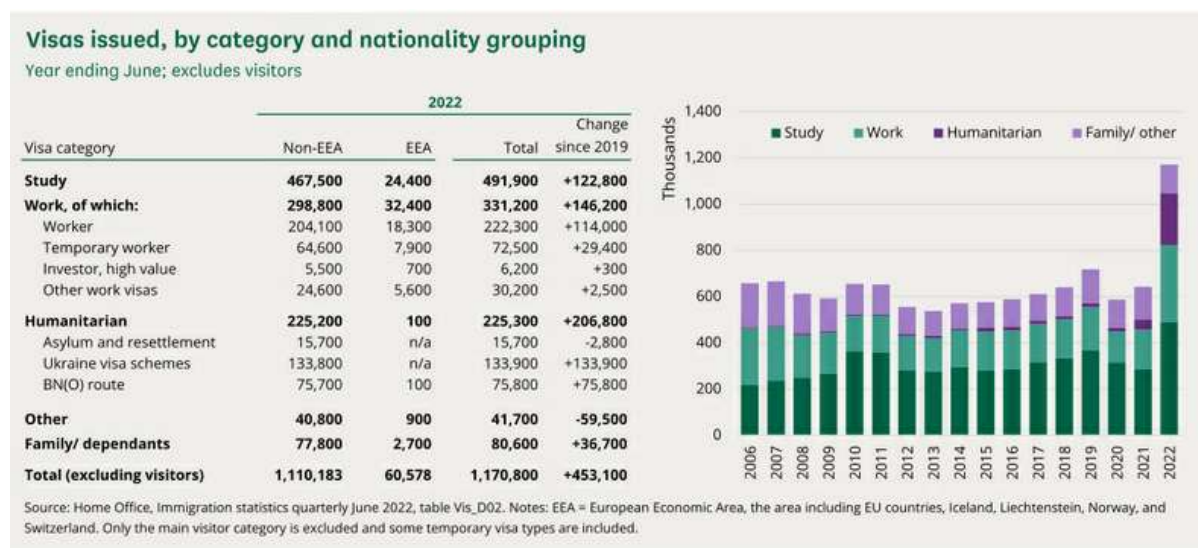


Figure 1: A snapshot of UK’s immigration by different routes of entry from 2006 to 2022

Asylum seekers: processes & support from the UK government

Asylum seekers can apply for support for the period during which their applications and any subsequent appeals are being considered. Applications for asylum support can be submitted via support organisations like Migrant Help – a charity which will assist asylum seekers with making support claims.²⁴

As defined in the Immigration and Asylum Act 1999, there are three types of support available to asylum seekers based on their circumstances:

(1) Section 95 support: available to asylum seekers when their asylum application and any subsequent appeals are being considered. The application could be for accommodation and subsistence, or for subsistence only. To be eligible, applicants must satisfy a ‘destitution’ test,²⁵ and they must accept offer of accommodation in a dispersal area. If an application for Section 95 support is rejected, an appeal is possible. However, in England and Wales, legal aid is only available for applications which included accommodation.²⁶ There is no such restriction for legal aid applied in Scotland.²⁷ The cash value of support received was recorded to be below what

²³ For a detailed discussion, Sturge (2022), “[How has immigration changed under the UK’s new ‘points based’ system?](#)”

²⁴ Migrant Help – “[Asylum Services](#)”

²⁵ A destitution test means that applicants do not have adequate accommodation or money to meet living expenses for themselves and any dependants now or within the next 14 days.

²⁶ Refugee Council (2022), “[Asylum Support: Support for people seeking asylum](#)”

²⁷ s.95 appeals are provided for in s.103 of the 1999 Act. Scottish Ministers issued a determination making ABWOR available for appeals in terms of s.103. Therefore, in Scotland, there is cover for these types of appeal. For more detail, see “[Determination: cover for representation before the First-tier Tribunal \(Asylum Support\)](#)”

people would receive from a mainstream benefit.²⁸ The support will terminate 28 days after the applicant is granted the refugee status. For refused asylum seekers, if they have dependent children, their support will continue at the same rate until they leave or are removed from the UK. For refused asylum seekers without dependants, their support will terminate after 21 days.

(2) Section 98 support: offered to asylum seekers if they are destitute, or are likely to become destitute, while their section 95 application is being considered. Section 98 support is intended to be short-term, in initial accommodation, and covering essential living needs.

(3) Section 4 support: available only to a minority of refused asylum seekers, who can prove that they are making arrangements to depart the UK voluntarily or are waiting because temporary barrier preventing them from leaving the UK. Section 4 support usually provide basic self-catering accommodation and support to the same value per person as Section 95 support. However, the support is not in cash, but is loaded onto the ASPEN support card which can be used like a debit card. If full board accommodation is provided, which includes meals, no card will be provided.

When the Home Office has reached its decision on an asylum application, there were three possible outcomes:²⁹

- (1) An applicant can be recognised as a refugee and granted asylum with five years' permission to stay in the UK, after which they may apply, free of charge for permanent residence.
- (2) The applicant is judged not to qualify for refugee status but granted permission to stay in the UK for humanitarian or other reasons.
- (3) The asylum claim can be refused. If a claim is refused, the applicant can appeal against the initial decision, and if the appeal is successful be granted permission to stay.

Asylum seekers are generally not allowed to work in the UK while their claim is being considered. They are eligible to apply for asylum support, as described above. In exceptional circumstances where the asylum claim has been outstanding for more than 12 months through no fault of the applicant and the job is on the shortage occupation list, the Home Office may grant the asylum seeker permission to work. Asylum seekers are permitted to study while awaiting a decision.

Asylum seekers, who are in receipt of support that includes accommodation, are dispersed across the country to prevent the London and the South East being overburdened with asylum support. Asylum seekers have no say in where they are sent

²⁸ As of August 2024, the level of support for asylum seekers living in self-catered accommodation or receiving subsistence-only support was £49.18 per person/ week. This means that a couple with no children will receive £98.36 per week or £393.44 per month. In comparison, a couple, both under 25 in receipt of universal credit, would get a standard allowance of £489.23 per month

²⁹ Walsh and Jorgensen (2024), "[Asylum and refugee resettlement in the UK](#)"

to live. Negotiations take place between the Home Office, local authorities, and the third-party contractors who are responsible for providing private rental accommodation.

In addition to housing and other material support, the UK government also ensures that asylum seekers and people, who are seeking to remain or settle in the UK via regular routes, receive appropriate legal advice. The regulation of immigration advice and services is carried out by the Office of the Immigration Services Commissioner (OISC) – an arms-length body of the Home Office. OISC’s statutory duties include promoting good practices across the sector, setting standards for immigration advice and services, and ensuring those standards are upheld. In their 2022-23 annual report,³⁰ OISC reported a significant imbalance in the supply of regulated immigration advisers³¹ and the demand for such advice and services. This imbalance led to the proliferation of unregulated advisers and services, which often resulted in the exploitation of vulnerable advice seekers. Nonetheless, OISC confirmed that there was a steady improvement in the quality of advice given by regulated advisers, and the level of complaints was comparable with previous years.

Immigration and asylum in Scotland

Immigration and asylum is a matter that is reserved to the UK government in terms of the Scotland Act 1998 and is handled by the Home Office.³² As a result, some asylum seekers have been moved to Scotland as part of the UK government’s dispersal policy, as introduced by the Immigration and Asylum Act 1999.³³ Glasgow is now the largest dispersal area in Scotland and currently supports approximately 5000 asylum seekers.³⁴

The Scottish government states that a refugee is entitled to the same social and economic rights as any UK citizens, which include full access to medical treatment, education, benefits, housing and employment.³⁵ To set out a vision for a welcoming Scotland, the Scottish government announced the “New Scots: refugee integration strategy 2018-2022” in January 2018. The strategy aims to ensure that people with newly granted refugee status have access to essential services, such as healthcare and education, and that they are integrated well in Scottish communities with the help of local authorities, schools, and other charity organisations.³⁶ The Scottish government announced the “New Scots Refugee Integration Strategy: 2024” in March 2024. This Strategy is not time-limited and is expected to provide “a clear framework and

³⁰ Office of the Immigration Services Commissioner (OISC) (2023) “[Annual Report and Accounts 2022/23](#)”

³¹ OISC regulated 3,326 individual immigration advisers and 1,921 organisations in 2023

³² See Schedule 5, Part 2, B6 “[immigration and nationality](#)” of the Scotland Act 1998

³³ Politowski and McGuinness (2016) “[Policy on the dispersal of asylum seekers](#)”

³⁴ Migration Scotland – “[Asylum Dispersal](#)”

³⁵ Scottish government – “[Policy: Refugees and asylum seekers](#)”

³⁶ Scottish government – “[Policy: Refugees and asylum seekers – New Scots](#)”

governance structure” to help coordinate efforts of organisations and community groups across Scotland to better support refugees’ integration into our society.³⁷

Recent changes to the UK’s immigration and asylum laws

In recent years, the UK government has made several profound changes to its immigration and asylum laws with an intention to reduce net immigration to the UK.³⁸

In March 2023, the UK government introduced the Illegal Migration Bill, the primary purpose of which was to prevent and deter unlawful migration, especially small boat crossing on the English Channel.³⁹ The Bill proposed removing those who enter the country illegally to their home countries, or a safe third country, such as Rwanda. It also blocked irregular migrants’ access to the UK’s modern slavery protections and increased the government’s power for detention for the purposes of removal, including the detention of children. The Law Society – an independent professional body for solicitors in England and Wales – successfully lobbied for the addition of legal aid provisions to the Bill.⁴⁰ In July 2023, the Bill received royal assent and became the Illegal Migration Act 2023.

Not only tackling the influx of irregular migrants, the UK government also announced further changes to visa rules in December 2023, known as the ‘five-point plan’.⁴¹ These changes included (1) revoking social care workers’ rights to sponsor family members to join them in the UK; (2) increasing the minimum salary requirement for sponsoring a Skilled Worker visa from £26,200 to £38,700; (3) restricting the number of jobs for which one can be sponsored as a Skilled Worker at a reduced minimum salary; (4) increasing the minimum income required for someone to sponsor their spouse/partner from £18,600 to £29,000; (5) reviewing the two-year unsponsored work permit known as the Graduate visa. Provided that those policies were in place in September 2023, their impacts were estimated to result in the reduction of approximately 300,000 study and work permits being issued next year to main applicants and their dependants.⁴²

Most recently, on 22 April 2024, the Safety of Rwanda Bill completed its passage through Parliament and became the Safety of Rwanda (Asylum and Immigration) Act 2024.⁴³ The Bill’s passing meant that Rwanda was deemed a safe country for the purposes of relocating asylum seekers. This was expected to prevent legal challenges, which were being used to delay or halt a person’s removal to Rwanda on the grounds that it was generally regarded as an unsafe country. It was expected that the first flight to Rwanda could be delivered in July 2024. However, the Rwanda scheme was eventually scrapped after the Labour government came into power. It was estimated that the scheme had cost taxpayers £700 million, without being able to send a single

³⁷ Scottish government (2024), “[New Scots Refugee Integration Strategy: 2024 – Vision and Purpose](#)”

³⁸ Home Office (2024), “[Reducing Net Migration Factsheet](#)”

³⁹ Evennett (2023), “[Illegal Migration Bill - HL Bill 133 of 2022–23](#)”

⁴⁰ The Law Society (2023), “[Immigration: Illegal Migration Act](#)”

⁴¹ McKinney and Gower (2024), “[Changes to legal migration rules for family and work visas in 2024](#)”

⁴² Home Office (2023), “[Legal Migration Statement: Estimated Immigration Impacts](#)”

⁴³ Home Office (2024), “[Rwanda bill to become law in major illegal migration milestone](#)”

migrant who arrived in small boats to Rwanda.⁴⁴ Instead, the newly-elected government used the Rwanda scheme chartered flight to return failed asylum seekers to Vietnam and Timor-Leste in July 2024.⁴⁵

IV. Reviewing SLAB's data and previous research

This section is dedicated to reviewing previous studies commissioned by SLAB, as well as data routinely collected on applications for immigration and asylum, so as to help us identify gaps in our existing knowledge.

In September 2009, SLAB conducted a scoping study for the Best Value Review on immigration and asylum. The key issues highlighted in this report include:

- (1) All asylum seekers were eligible for Scottish legal aid if they passed the statutory means and relevant merits tests. In practice, most asylum seekers would pass these tests.
- (2) SLAB found anecdotal evidence raising concerns about the quality of legal advice provided by solicitors. However, there were few formal complaints. It was suggested this might be because asylum seekers might not be aware of the complaints process, or they might feel distrustful toward authority.
- (3) There were also some cases where solicitors had used the travel rules to maximise payments from SLAB.
- (4) The main source of applications for legal aid in immigration and asylum cases was from Glasgow. The 2008-2009 figures showed that 93% of applications for civil legal aid, and 88% of applications for A&A, were from Glasgow.
- (5) A survey of the advice sector in 2008 found that 40% of people surveyed had difficulties in finding a solicitor to carry out immigration and asylum work. In addition, the concentration of practitioners in the central belt made it difficult for applicants outwith that area to access legal aid. This situation resulted in inefficiencies in the supply of legal aid in Scotland.
- (6) Solicitors were found to use incorrect code on applications, which resulted in asylum cases being wrongly coded as immigration cases. A re-calculation (conducted by SLAB with the most conservative estimate) showed a stark increase of asylum cases from 26% to 44% of all asylum or immigration legal aid cases. The reasons for solicitors' erroneous use of codes were unclear.

To further support the Best Value Review, SLAB commissioned Progressive Partnership to conduct a qualitative research project to understand asylum seekers' awareness of the legal aid system, their experiences of accessing legal advice and key barriers to

⁴⁴ Rogers (2024), "[Scrapped Rwanda scheme](#)"

⁴⁵ Bancroft (2024) "[Rwanda scheme charter flight used to deport migrants to Vietnam and Timor-Leste](#)"

accessing services in the early stages. The report, published in December 2010, found that:

- (1) **All respondents were going through a difficult process of major life changes.** They might find it stressful to relocate to a new place and adapt to a new culture. They might encounter language barriers that made it more difficult to navigate the UK's complex asylum system. They might be fearful of being arrested or detained based on past experiences in their home countries.
- (2) **The respondents demonstrated varying levels of awareness** and understanding of the application process. It was typical for asylum seekers to have low or incomplete knowledge of the application process. Some of them adopted the fatalistic approach to the process, which meant taking their claims step by step, and only doing what they were instructed to do. Awareness of SLAB was low with only few being aware that SLAB paid for their legal advice.
- (3) **The major (and most influential) source of advice and information for asylum seekers did not come from official channels**, such as the Scottish Induction Service (SIS) briefing or solicitors, but rather from fellow asylum seekers and residents in the same accommodation, who often provided inaccurate or conflicting information.⁴⁶
- (4) **The respondents found the list of solicitors provided by SIS helpful.** However, some had already chosen solicitors before they received the list based on advice from fellow asylum seekers or residents in their accommodation. Some chose solicitors from outside the provided list, whom they had worked with previously or who spoke their native language. Others did not have enough time to think through and picked the first solicitor they were suggested.
- (5) **Most asylum seekers, who were able to see their solicitors, described their experience as “positive, supportive and reassuring”.** However, many felt that greater advice could have been offered. For some, the main concern was around the lack of preparation and advice for the substantive Home Office interview. In many cases, the time constraints often resulted in the fact that it was not possible for solicitors to have extended meetings with asylum seekers to prepare them fully for the Home Office interview.
- (6) **Most respondents were found to be satisfied with the work of their solicitors** and felt that they were a trusted source of advice and assistance.
- (7) **The vast majority of respondents were not aware of the legal aid system**, nor SLAB, but they knew that they would not have to pay for legal advice. The lack of knowledge about the limitations of legal aid was evident by many respondents.
- (8) **Few respondents knew about complaints** or the process to make complaints about their solicitors or the interviews. It was revealed that a generalised fear of

⁴⁶ The advice included whether to lie or be truthful during the Home Office interview, whether it was necessary to see a solicitor, which solicitor to choose, and so on.

authority (from past experiences) and general anxiety about the impact of complaints on their claims would have prevented them from undertaking such action.

- (9) The report suggested that **earlier access to legal advice might help improve asylum seekers' perception and experience of the system**, as well as improving their chances of receiving a positive decision at the outset.

In addition to Progressive Partnership's report, SLAB published the "Best Value Review: Immigration and Asylum" report in 2011. The key findings of this report were grouped into four main themes:

- (1) **Expenditure:** there were significant increases in both expenditure (from £2.7m to £4.5m) and the average cost (from £400 to £498) of immigration and asylum cases between 2006 and 2010. There were 91 firms received payment from the legal aid fund, but only 20 firms earned over £10,000 in that period. The top two firms earned between them over £1.3m. In addition, a further £500,000 was paid to civil legal aid work on judicial and statutory review, suggesting a significant increase in that period.
- (2) **Availability and accessibility to legal services:** as described in detail in the Progressive Partnership's report.
- (3) **Merits Testing:** the report highlights key differences between legal aid systems between Scotland and England and Wales. In Scotland, certain urgent work items (for example, the initiating of urgent appeals and judicial review proceedings) may be undertaken with limited scrutiny by SLAB at the initial application stage. As a result, the report suggested changing the operation of the special urgency provisions to empower SLAB to refuse work, which did not meet the statutory merits tests.
- (4) **Dungavel and the cost of travel:** Dungavel House was where the Immigration Removal Centre was located. Cases emanating from Dungavel were handled mostly by firms from Glasgow and a few providers based in Dundee. It was found that expenditure on Dungavel cases was more than tripled in two years (from £219,000 in 2008 to £713,000 in 2010), of which a significant amount related to travel. To help make it more efficient and cost-effective, SLAB made available a grant, part of which went toward the delivery of an onsite service at Dungavel.

More recently, in 2022, SLAB conducted an Equality Impact Assessment (EqIA) of [Accounts Assessment](#), which incorporated immigration and asylum into the equalities considerations. The report suggested that immigrants and asylum seekers were more likely to need spoken language interpreting and translation, which would mean that meetings were usually longer than otherwise they would be. In addition, this group of people were more likely to be subjected to high levels of traumatic events, which could lead to a wide range of mental health difficulties, such as post-traumatic stress

disorder (PTSD). Consequently, longer meetings (or series of meetings) would be needed to help solicitors build trust and overcome any mental health issues that their clients have. The EqIA report suggested that deviation should be allowed in the funded legal services to accommodate such “unusual” work. This approach would provide leeway for practitioners to adjust their service as needed, but it might also introduce further complications in assessing the legitimacy of those claims.

Apart from conducting and/or commissioning research into immigration and asylum, SLAB also systematically collects data regarding annual expenditures, intimations, accounts paid and average case cost of immigration and asylum cases. The trends of immigration and asylum cases between 2010 and 2023 are summarised in the table below.⁴⁷

Financial Years	Intimation	Expenditure - Total gross cost (£000)	Accounts Paid - A&A and ABWOR (£000)	Average Case Cost (£)
2010 - 2011	9,616	5,096	3,487	435
2011 - 2012	8,560	5,124	4,465	764
2012 - 2013	9,198	5,284	4,787	708
2013 - 2014	9,766	5,352	4,983	663
2014 - 2015	10,008	5,317	4,832	672
2015 - 2016	10,977	6,286	5,590	778
2016 - 2017	11,137	6,922	6,091	865
2017 - 2018	11,735	8,314	7,494	767
2018 - 2019	11,883	8,858	8,261	788
2019 - 2020	12,962	11,323	10,609	950
2020 - 2021	9,980	10,330	9,691	1,011
2021 - 2022	11,206	9,758	9,095	1,067
2022 - 2023	12,652	10,841	10,390	1,273
2023 - 2024	16,328	12,443	11,992	1,815

Table 1: Immigration and Asylum trends between 2010 and 2023

Between 2010 and 2024, there have been significant increases in all metrics with regard to immigration and asylum cases. Intimations have increased more than one and a half times in this period, while expenditure has more than doubled. More interesting, the amount of accounts paid on A&A and ABWOR have been tripled, while the average case cost has been quadrupled, in the same period.

V. Literature Review

In this section, we will explore a wide range of literature published recently by government bodies, research institutes, think tanks, charity and other asylum support organisations on the subject of immigration and asylum in the UK. The first half of this section is dedicated to exploring the lives, journeys and characteristics of four groups

⁴⁷ Data sourced from SLAB’s Annual Reports between 2010 and 2023

of people: (1) regular migrants and their dependants; (2) asylum seekers; (3) dispersal pathway refugees; and (4) resettlement pathway refugees. In the second half, we will discuss key findings from the literature review, which are grouped into common themes for the ease of comprehension.

Regular migrants and their dependants

Decisions to migrate, settle or return are typically made as a part of a household unit, considering the welfare of the family as a whole. The Scottish Government's (SG) population strategy aims to increase net migration to Scotland, and to encourage settlement, especially in areas facing depopulation due to ageing and the decline of migration from EU countries following the end of free movement. Family migration falls into three main categories:

- (1) Family formation:** when a family relationship is formed with an overseas national, who is sponsored to come to the UK.
- (2) Family reunification:** when a family member (also known as a dependant) migrates under the sponsorship of a principal migrant. The family ties must predate the arrival of the principal migrant to the UK.
- (3) Accompanying family:** when dependants admitted together with the principal/main applicant.

In October 2021, an independent Expert Advisory Group on Migration and Population published a report on understanding the drivers, impacts and support needs of migrant families within the Scottish context.⁴⁸ It was found that families and relationships played a crucial role in making migration and settlement decisions. Families often move in sequence: a 'pioneer' migrant might migrate first to find work, housing and better understanding of the destination country before other family members migrate. This may imply a protracted period of separation.

This report also showed that migrant families often face greater challenges in integrating and bear greater financial costs. Affordable childcare was found to be a particular problem, if both parents want to work while being cut off from normal family and friendship networks.⁴⁹ In Scotland, the provision of subsidised childcare for three and four years olds is universal, while migrants with no recourse to public funds in England have access to only half of the hours of subsidised childcare.⁵⁰ Women are most likely to forego employment when people could not find affordable childcare.⁵¹ In cases where women are highly qualified, this may trigger decisions to return to the country of origin where childcare is more accessible. Migration may also create strains in family relationship. Where residence is contingent on sustaining a relationship, people might feel unwilling/unable to leave exploitative or abusive relationship. With all

⁴⁸ Scottish government (2021), "[Family migration: understanding the drivers, impacts and support needs of migrant families – The policy context](#)"

⁴⁹ Close the gap – "[A childcare system for all](#)"

⁵⁰ Scottish government (2021), "[Family migration... Practice in Supporting Migrant Families](#)"

⁵¹ Pinter – "[On the Outside: Enabling parents from migrant backgrounds to access childcare provisions](#)"

the new challenges they must face, migrant families usually find little time or energy for integration and engagement with local communities.

In 2022, compared to other OECD countries, the UK received the second highest number of new family migrants (242,000) and the highest number of family members accompanying migrant workers (154,900).⁵² The UK has relatively generous provisions in terms of who may apply to enter or remain in the UK as a family members, including unmarried partners and children under 18 years old.⁵³ Family members are generally allowed to work in the UK. However, a sponsor must meet a (high) minimum income requirement and pay additional charges to complete their applications before he could be united with his spouse and children. For example:

- (1) The minimum income threshold is expected to increase from £29,000 (April 2024), to about £34,000 (late 2024), and ultimately to £38,700 (early 2025).⁵⁴
- (2) In October 2023, visa fees were increased significantly across the board, e.g. work and visit visa (up 15%); family visas, settlement and citizenship (up 20%); and student visas (up 35%).⁵⁵
- (3) In February 2024, the health surcharge rose 66% to £1,035 per person/year.⁵⁶
- (4) All in, sponsoring a five-year work visa can cost up to £13,000, while a two-and-a-half-year spouse or partner visa costs £5,000; an application to settle in the UK used to be free in 2003, but now cost £2,900.

Successive UK governments have taken the view that regular migrants should bear the costs of the UK's immigration system, and the Home Office is expected to generate a surplus on visa fees to cross-subsidise border security.⁵⁷ It was also reported that the UK Visas and Immigration department, which processes applications, aimed to recover twice as much in fees compared to its expenditure.⁵⁸ Similarly, the immigration health surcharge was introduced in 2015 to raise money from migrants for the National Health Service, which helped in raising £6.9 billion for healthcare spending between 2015 and 2024.⁵⁹

Statistics showed that 60% of migrants in Scotland lived in families, which reflected the younger age structure of migrants. It was also found that migrants were significantly less likely to own homes, and also enjoy less space than the Scottish-born population. They were more than twice likely to move to cities with a disproportionate focus on larger cities and the Central Belt. Consequently, **the contribution of family migration to slowing population decline in rural areas was limited.** In contrast, EU-born

⁵² Migration Data Portal (2024), "[Family migration](#)"

⁵³ UK government - "[Family visas: apply, extend or switch](#)"

⁵⁴ McKinney and Gower (2024), "[Changes to legal migration rules for family and work visas in 2024](#)"

⁵⁵ UK government (2024), "[Home Office immigration and nationality fees: 4 October 2023](#)"

⁵⁶ Electronic Immigration Network (2024), "[66% increase in Immigration Health Surcharge to be implemented on 6th February 2024](#)"

⁵⁷ McKinney and others (2024), "[UK immigration fees](#)"

⁵⁸ Home Office (2023), "[Annual Report and Accounts 2022/23](#)", (see page 198)

⁵⁹ Gower and McKinney (2024), "[The immigration health surcharge](#)"

mothers accounted for a larger share of births in rural areas, which reflected patterns of settlements by EU migrants.

A high percentage of migrants, who arrived after 2000, possessed degrees, and the data suggested that many of them were highly qualified couples. However, the data also revealed that migrant households were less likely to have all members employed, so typically following a male breadwinner and a female staying at home to care for children. This reflected the challenge women had to face between sustaining work and navigating limited childcare possibilities. Migrant households were also less likely to have no-one employed at all, meaning most migrants entered as labour migrants. Migrant households appeared to enjoy slightly lower incomes than non-migrant households.

Asylum seekers

Asylum seekers are involuntarily displaced due to conflict, violence, fear of persecution and instability in their home countries. However, the majority of individuals escaping persecution were found to be internally displaced (57%), and most refugees displaced abroad stayed within their region of displacement or living in countries neighbouring to their countries of origin.⁶⁰ Amongst those who reached Europe, only a small percentage made their way to the UK.⁶¹ Those asylum seekers usually had complicated displacement journeys, involved living in various other countries prior to arriving in the UK.

According to the Home Office,⁶² reasons for asylum seekers to choose to come to the UK include:

- (1) Many asylum seekers were not able to choose a destination country due to human trafficking and the influence of organised crime networks.
- (2) Having family members in the UK, knowing the English language, or having communities of people from the same country or culture were important drivers for asylum seekers to choose the UK
- (3) More asylum applications than expected from Vietnam and Albania could be attributed to organised crime networks.

However, it was also found that a major driver for people to migrate irregularly was to improve their lives and livelihoods, which did not qualify them for refugee status and led to their claims being refused.

It is also interesting to note the demographic of people seeking asylum in the UK. In 2020, 43% of asylum seekers were women and children, with 8% were children arriving unaccompanied.⁶³ This suggested that the majority of asylum seekers in the UK were male. Statistics from early 2000s showed that “most asylum seekers in Britain are

⁶⁰ Home Office (2020) “[Sovereign Borders: International Asylum Comparisons Report](#)”

⁶¹ In 2019, the UK received just 6% of total EU’s asylum applications.

⁶² In the same Home Office’s report as cited above.

⁶³ British Red Cross (ca. 2024), “[Facts about refugees and asylum seekers](#)”

single men, under the age of 40”.⁶⁴ A similar pattern was recently reported: in 2023, 85% of small boat arrivals were male – nearly a fifth aged between 25 and 39 years old.⁶⁵ This was in line with the profile of asylum seekers in the EU-28, Norway and Switzerland, which had become more likely male under the age of 35.⁶⁶ The data suggested that many refugees from key source countries, including Syria, Afghanistan, Iraq, Iran, and Somalia, were young men travelling alone, including young boys travelling unaccompanied.

When making an asylum claim in the UK, an asylum seeker has to wait for an initial decision from the Home Office. It was estimated that, in 2021, an asylum seeker had to wait on average more than 20 months before they receive the decision.⁶⁷ Having to wait an extended period of time with little update about the progress of their applications was reported to take a toll on asylum seekers’ wellbeing.⁶⁸ The delays were also said to have a knock-on effect for other services. Some reported remaining in hotels for extended periods of time, without being able to access suitable accommodation. Others were dispersed to an initial accommodation, only to be re-dispersed again at short notice to another accommodation in a different city. Not being permitted to work for a long period of time also resulted in adverse financial and mental health implications for those waiting for decisions on their asylum claims.⁶⁹

Asylum seekers were also found to be at risk of destitution as an “inevitable consequence” of the immigration system which was “peppered with points at which the risk of destitution becomes likely”.⁷⁰ The Equalities and Human Rights Committee at the Scottish Parliament found that destitution occurred at various points throughout the asylum process, but asylum seekers were most at risk when their claims were refused, and they had no recourse to public funds. Over 60% of asylum applications were refused at the initial decision stage. Once they became destitute, it was much harder for people to re-engage with the asylum process (e.g. whether to get legal advice or to travel to the appointments).

The impact of destitution on this group of vulnerable people was unsurprisingly substantial. Women and children survivors of domestic abuse were at increased risk of destitution. Those who had been victims of human trafficking were more easily falling in the hands of their handlers, as they might choose to be re-trafficked rather than being destitute. It was also found that women with dependent children were struggling to gain access to support because of their “No Recourse to Public Funds” status. Destitution also made it more difficult for people to gain access to healthcare and medical

⁶⁴ Burnett and Peel (2001), “[What brings asylum seekers to the United Kingdom?](#)”

⁶⁵ BBC (ca. 2024), “[How many people cross the Channel in small boats and how many claim asylum?](#)”

⁶⁶ Pew Research Center (2016), “[Asylum seeker demography: Young and male](#)”

⁶⁷ Cuiibus, Walsh and Sumption (2024), “[The UK’s asylum backlog](#)”

⁶⁸ Refugee Action (2020), “[Waiting in the Dark](#)”

⁶⁹ Office for National Statistics (2024), “[Experiences of displaced young people living in England: January to March 2023](#)”

⁷⁰ The Scottish Parliament (2017), “[Hidden Lives - New Beginnings: Destitution, asylum and insecure immigration status in Scotland](#)”

treatment. For people with transmittable diseases, such as Tuberculosis, being destitute not only put themselves at risk, but also exposed the community as they moved between numerous temporary accommodations in a short period. Being destitute also made it challenging to gain employment, which was reported to be the biggest factor that affected the mental health of refugees. Finally, destitute women were at particular risk of poor health during pregnancy, birth and the post-natal period. This significantly increased the health and mortality risks faced by pregnant women, new mothers and their babies.

Asylum seekers also found it difficult to gain access to legal aid. Refugee Action reported that, in 2018, nearly three quarters of organisations supporting asylum seekers in England found it difficult to refer people to legal aid due to the lack of available immigration solicitors to work on their cases.⁷¹ However, this was not new as Asylum Support Partnership had reached a similar conclusion in their 2008 impact report.⁷² This report showed that there was insufficient supply of solicitors for immigration and asylum cases, particularly in the North of England and North Wales.⁷³ Accessing legal advice for initial asylum claims was perceived to be easier compared to later stages. The practice of re-dispersal made it more difficult for asylum seekers to keep contact with their solicitors. Accessing legal advice at a later stage of the asylum process was found to be difficult. For appeals, if an asylum seeker was dropped by their initial solicitor at this stage, it would be hard for them to find another solicitor. It was alleged that the need for solicitors to apply the “merit test” (in England and Wales) before taking up an appeal, as well as proving that they were successful in two fifths of such cases to retain legal aid funding, might act as barrier to access legal advice for those in need. For further representation and fresh claims, solicitors were also found to be unwilling to take on such work due to the long process and the high refusal rate.

It was also found that asylum seekers were severely impacted due to lockdown measures introduced due to Covid-19. At the start of the pandemic, the Home Office placed newly arrived asylum-seekers (along with those in existing serviced accommodation) into hotels in the centre of Glasgow as a public health measure.⁷⁴ People were moved at extremely short notice and cash support was taken away, replaced instead with full board provided by the hotels. The effects of isolation were particularly evident amongst those who were uprooted and placed in temporary accommodation, with many describing the experience as similar to prison. Many expressing frustrations at having to depend on the hotel for anything they needed. Limited or non-existent cooking facilities meant that people had to rely on the food provided by the hotels, which was often reported to be subpar, spoiled, or inappropriate to their needs. People expressed feeling of further isolation because they did not have

⁷¹ Refugee Action (2020), “[Waiting in the Dark](#)”

⁷² Smart (2008) “[Asylum Support Partnership Impact Report - Access to legal advice for dispersed asylum seekers](#)”

⁷³ There was no specific mention about the situation in Scotland in this report.

⁷⁴ Guma and others (2023), “[Are we criminals? – everyday racialisation in temporary asylum accommodation](#)”

reliable internet connection to sustain their interactions with friends and family abroad. Lockdown measures also introduced cashless payment, which created further financial barriers for asylum seekers.

Dispersal pathway refugees

Once an asylum claim has been successful, the Home Office will notify the applicant of the positive decision. At that point, the asylum seeker has become a refugee. Since they are no longer an asylum seeker, their access to accommodation and cash support from the Asylum Support system would be terminated after 28 days of receiving the notification. During this brief period, newly granted refugees are expected to find housing and means to support their new lives in the UK, while preparing to move on to mainstream support system. However, many newly granted refugees were found to experience destitution “persistently and at very high levels”.⁷⁵

To gain a deeper insight into this issue, the Refugee Council conducted a qualitative study in 2014 to explore the experiences of people in their first year of being granted refugee status.⁷⁶ It was revealed that newly granted refugees were often left with little support in the 28-day period, and were faced with many obstacles in the beginning of their new lives in the UK:

- (1) Identity documents and accessing banking services:** a Biometric Residence Permit (BRP) is usually the sole identity document that a refugee has. However, some people did not receive this document at the end of the 28-day period, and in a few occasions, they had to wait for many months to receive their BRPs. Similar delays were found in the case of obtaining National Insurance number (NINO), which was essential for anyone to gain access to welfare benefits. They also encountered difficulties in opening bank accounts, since many banks did not accept BRP as a form of identification.
- (2) Housing:** It was particularly challenging for people to find alternative accommodation after the 28-day period. Consequently, they often had to resort to staying with friends, living in hostels, or sleeping rough on the street.
- (3) Claiming welfare benefits:** newly granted refugees found it challenging to access welfare benefits due to language barrier, lack of knowledge of the complex welfare system, and lack of identity documents. Even when their claims for benefits had been accepted, administrative errors caused by the Home Office and JobCentre Plus would result in long delays in making the payment, which had grave consequences for the refugees.
- (4) Employment:** it was difficult for newly granted refugees to find jobs during the 28-day period because they usually did not have the required experience of working in

⁷⁵ The Scottish Parliament (2017), “[Hidden Lives - New Beginnings: Destitution, asylum and insecure immigration status in Scotland](#)”

⁷⁶ Doyle (2014), “[28 days later: experiences of new refugees in the UK](#)”

the UK. This was mainly because asylum seekers were not allowed to work while waiting for decisions.

- (5) Sources of advice and support:** there was no nationwide coordinated service to support new refugees. It was voluntary sector organisations that helped them navigate the complex UK's systems and provided them with very basic needs such as food or hardship payments.

Resettlement pathway refugees

Refugee resettlement is separate from the asylum process. In the asylum process, people come to the UK as asylum seekers, and they only receive refugee status once their applications have been successful. By contrast, resettlement refugees are chosen by the UN, and they will be transferred to the UK per agreement with the Home Office. Consequently, they receive refugee status on arrival.⁷⁷ The UK government currently offers four main resettlement schemes:⁷⁸

- (1) The UK Resettlement Scheme (UKRS) (2021 – present):** this is a combination of several previous settlement schemes aimed at resettling people impacted by the Syrian conflict, vulnerable children from the Middle East and North Africa, and other refugees from anywhere in the world.
- (2) The Mandate Resettlement Scheme (1995 – present):** is reserved for recognised refugees from anywhere in the world, who have a close family member in the UK who is willing to accommodate them.
- (3) The Community Sponsorship Scheme (2021 – present):** is a way for local communities, civil society organisations, charities, and faith groups to be directly involved in helping refugees settle in the UK.⁷⁹
- (4) The Afghan Resettlement Scheme (2021 – present):** is aimed at resettling Afghans after the withdrawal of British and US troops from Afghanistan and the rise of the Taliban. This scheme was developed based on the Syrian scheme.

Apart from these resettlement schemes, the UK government also offers bespoke visa schemes for:

- (1) Hong Kong British National (Overseas):** under this visa route, it was estimated that 5.4 million Hong Kong residents would be eligible to move to the UK and eventually become British citizens. Like other visa routes, the applicant must pay immigration fees and wait for decision on their visa application.
- (2) Ukraine:** two new visa schemes were opened for people fleeing the war. One is for those who have relatives in the UK, who must be British citizens or have permanent residence, and the other is for those who have a named sponsor, which could be an individual, community group, local authority, or business.

⁷⁷ Walsh and Jorgensen (2024), "[Asylum and refugee resettlement in the UK](#)"

⁷⁸ Sturge (2024), "[Asylum statistics](#)"

⁷⁹ UK government (2024), "[Community sponsorship: guidance for prospective sponsors](#)"

Resettlement pathway refugees are recognised refugees, who flee their country of residence due to wars, persecutions, and other unavoidable circumstances. As a result, they also share some common characteristics with asylum seekers and dispersal pathway refugees. For instance, they might suffer from stress and anxiety, and subsequently develop post-traumatic stress disorder (PTSD) because of witnessing violence, the destruction of wars, or experience of losing loved ones. They also encounter similar barriers to integration to the new communities, such as language proficiency and the lack of understanding of social norms, support and education systems, labour market, and so on.

However, resettlement pathway refugees are different from asylum seekers and dispersal pathway refugees in that they receive refugee status on arrival, and thus, they do not experience the long-waiting time for decisions on asylum claims, nor any feeling of uncertainty, hopelessness, and helplessness which the latter groups usually experience during this waiting period.⁸⁰ Furthermore, they were found to benefit from a far more thorough set of social and institutional support compared to the asylum seekers and dispersal pathway refugees.⁸¹ They also had some difficulty with finding suitable accommodation, but it was mainly due to the general lack of housing in Scotland. They also benefited from ongoing support from local authorities in terms of information, guidance, and involvement in resettlement, including material support. The fact that many refugees in this group have close relatives in the UK, who are willing to accommodate them, make the process of integration to a new community much easier compared with the other refugee groups.

Key findings: Cross-cutting themes amongst the literature

The literature review has helped in revealing several common themes, which are found across the literature.

- (1) Most participants expressed frustration over lengthy waiting periods for decisions to be made regarding their refugee status, which caused stress, fear, and the feeling of hopelessness.**
- (2) The support received by asylum seekers, dispersal pathway refugees and resettlement pathway refugees varied significantly, depending upon their routes of entry to the UK.** Generally, those who arrived through resettlement schemes tended to express more positive experience of integration within their local communities, while the latter expressed high level of anxiety and isolation in their attempt to navigate the asylum process.⁸² Similarly, resettlement pathway refugees were reported to cope better during lockdown due to a more thorough support from the government, and ongoing support from local authorities and charity organisations. On the other hand, asylum seekers recounted their

⁸⁰ Vidal and others (2023), "[Rupture and liminality: Experiences of Scotland's refugee population during a time of COVID-19 lockdown](#)"

⁸¹ All Party Parliamentary Group on Refugees (2017), "[Refugees Welcome? The Experience of New Refugees in the UK](#)"

⁸² Scottish government (2023), "[New Scots Refugee Integration Strategy 2018 to 2022: evaluation](#)"

experience of living in hotels during the lockdown as “prison-like”, and dispersal pathway refugees described their lives as being ‘on hold’ during the pandemic, as they had to navigate this transition with no statutory support and limited support from charity and other organisations.⁸³

(3) Language barrier was one of the most challenging aspects of settling into life in the UK. Not being able to communicate in English had a considerable negative impact on their wellbeing and sense of belonging.⁸⁴

(4) Finding employment was difficult for refugees due to their lack of language proficiency, lack of experience of working in the UK, and unrecognised qualification and education. The Scottish government suggested that refugees would need targeted support to find work. In particular, local councils worked with Jobcentre Plus and other education colleges and charities to help refugees make CVs, prepare for interviews, and connect with employers.⁸⁵

(5) School was an important context for young people to form social connections and friendships. Parents and carers reported to not receive enough information to make informed decisions around schooling and experiencing a lack of choice over the school their children attended.⁸⁶

Although there were still disparities between schools, many were found to make great efforts to welcome refugee children with successful initiatives, such as buddying schemes, induction sessions, and welcome displays made by other children.⁸⁷ The Scottish government acknowledged that there were insufficient school places and insufficient support for children, whose first language was not English. Councils were also found to come up with new and creative ways to teach English to adults because of high demand and limited available funding.⁸⁸

(6) Participants reported mixed experiences regarding quality of accommodation in the UK. Some housed in hotels and council properties reported a range of health and safety concerns, including faulty home appliances, no access to hot water, and unreliable Wi-Fi. Those living in hotels for extended periods of time found it particularly difficult to have all their food prepared by hotel staff, which sometimes was not appropriate for their needs. It was often difficult for local councils to find places for refugees to live due to the significant shortage of housing in the UK in general. The Scottish government admitted that housing was found to be one of the

⁸³ Burns and others (2022), “[Refugees, political bounding and the pandemic: material effects and experiences of categorisations amongst refugees in Scotland](#)”

⁸⁴ Scottish government (2023), “[New Scots Refugee Integration Strategy 2018 to 2022: evaluation](#)”

⁸⁵ Scottish government (2023), “[Refugee integration - role of local authorities: key findings summary](#)”

⁸⁶ Office for National Statistics (2024), “[Experiences of displaced young people living in England: January to March 2023](#)”

⁸⁷ McBride and others (2018), “[Educational needs and experiences of refugee children in Scotland](#)”

⁸⁸ Scottish government (2023), “[Refugee integration - role of local authorities: key findings summary](#)”

biggest challenges for refugee integration, and improvement in this area was clearly needed.⁸⁹

(7) There were mixed experiences and perceptions around accessibility and quality of healthcare in the UK. For those arrived via official routes, such as Ukraine scheme, they reported straightforward and positive experiences.

Waiting time to see health professional was described as much longer than in participants' home countries. Language, again, was a substantial barrier to accessing healthcare and communicating with healthcare professional.

Appointment booking system was described as complex, and procedures were not always well-communicated. Support for translation was provided by charity organisations, but this was not always available, especially in emergencies. As a result, some participants did not seek help when needed as they perceived the process as complicated and not very helpful.

(8) The severe impact of lockdown measures during Covid-19: Previous studies showed that mental health disorders, such as depression, anxiety and post-traumatic stress disorder (PTSD) were found to be prevalent amongst refugees and asylum seekers. They were reliant on social connection and the continuity afforded by such anchors as language classes, casual conversations with neighbours, and interaction with local communities. Such activities offered a sense of continuity and belonging, as well as valuable opportunities for language practice. Therefore, the abrupt interruption brought about by lockdown measures had a greater impact on this group, which made them feel “helplessness, hopelessness, worry, anxiety and despair”.⁹⁰

VI. Colleagues' insights into Immigration & Asylum cases

While compiling this literature review, the researcher also gathered insights and feedback from colleagues, whose work has been closely involved in the management and processing of immigration and asylum applications submitted to SLAB. This section presents a summary of the discussion we had on the contemporary patterns and trends of the applications SLAB receives and changes that colleagues would like to see in the future.

These included:

(1) Our payment policies meet the needs of users and service providers - Refugees and asylum seekers are usually hindered by their traumatic experience, language proficiency, illness and other disabilities. As a result, their meetings with solicitors can vary significantly depending on individual circumstances, so that some might

⁸⁹ In the same source as above.

⁹⁰ Vidal and others (2023), “[Rupture and liminality: Experiences of Scotland’s refugee population during a time of COVID-19 lockdown](#)”

require longer meetings, while others might find a series of shorter meetings more acceptable. Our policy provides solicitors with the flexibility needed to accommodate the wide range of clients' needs.

- (2) **We are increasing our use of technology** to analyse accounts to monitor trends and detect fraud and abuse.
- (3) **Improved data collection, particularly case outcomes** – we do not collect case outcomes. As a result, we have no information on how many cases are successful. Data and statistics on immigration and asylum cases collected for the UK, unfortunately, do not break down into jurisdictional data. Having these additional insights might prove to be useful to SLAB in the long run.
- (4) **When all accounts are sent online, our data quality will be improved.**

VII. Conclusion

This report offers a comprehensive account and an up-to-date review of the existing literature on the topic of immigration and asylum in the UK. In addition, it helps bring attention to contemporary issues about immigration and asylum cases submitted to SLAB. These newly gathered insights suggest a few potential ideas for future research in this domain:

- (1) From the “fee reform” perspective: To study firms and solicitors in England and Wales regarding their patterns of working and costs and compare those findings with data SLAB hold about the counterparts in Scotland, to assess the similarities and differences between different jurisdictions. This, in turn, can be used as evidence to help the Scottish government make informed decisions on fee reform in this domain, such as considering the “block fee” model employed in England and Wales.⁹¹
- (2) From the “quality of service” perspective: To study the quality of advice and services provided by solicitors and firms in Scotland during their meetings with clients. This study is likely to be qualitative in nature, which includes in-depth interviews with legally-aided clients of solicitors/firms based in Scotland on immigration and asylum cases.
- (3) From the “asylum process” perspective: To understand the awareness of, availability and accessibility of legal aid for asylum seekers who are challenging a refusal in Scotland, as well as the needs of this group of applicants (including language barriers, mental health). This study may benefit from mix methods: conducting a survey to gather data on their awareness of, availability and accessibility of legal aid, followed by in-depth interviews with a smaller, selected group of people to gain insights into the particular needs of this group.

⁹¹ The Legal Aid Reform work on fee structure reform had identified a similar research idea, which was included on the list of options prioritised for future consideration.

- (4) From the “welfare/benefits” perspective: To explore whether earlier intervention by specialist advice could assist asylum seekers in gaining access to welfare benefits, and the kind of services that can be developed to facilitate this. The research can be conducted through interviewing asylum seekers in various stages of their application process and other relevant organisations to help understand people’s awareness of the available benefits, barriers to access, what kinds of services are currently available, and whether new kinds of services are needed.
- (5) From the “data” perspective: To explore the factors contributing to increases in grants and average case costs, which may include complexity of cases but also changes in clients and firms’ working practices. The suggested approaches for this research might include interviewing experts/relevant organisations in the field, reviewing literature available on the topic, and analysing secondary data collected by other organisations. This research would help SLAB understand, and possibly anticipate, the trend of applications in terms of volumes, cost per case, and so on.
- (6) From a “planning” perspective: To explore views on how immigration and asylum legal advice services be better planned and co-ordinated to meet the needs of this group, now and in light of future changes. This research suggests close collaboration with relevant agencies, solicitor firms, and the Scottish government to contribute to the delivery of the New Scots refugee integration strategy.
- (7) From an “outcome” perspective: To understand whether applications we fund are successful and any factors contributing to the success of these. Suggested approaches may include bespoke data collection with firms, or receiving data from other justice organisations/administrative data sources. This would contribute to understanding one aspect of the value for money of the public funding allocated to these cases.
- (8) From a “business” perspective: To explore and understand why asylum and immigration work is attractive to firms operating under judicare, in contrast to other social welfare fields (such as housing, debt and welfare benefits). This would help provide advice to the Scottish Government on opportunities to design service provision in these other areas, if desired.