

Stephen Kinnock MP  
Shadow Minister for Immigration  
(via email)

23 March 2023

Dear Mr Kinnock,

Thank you for your letter of 19 December. You raised concerns about inconsistent claims made by government Ministers on the size of the backlog of undecided asylum applications. I apologise for the delay in responding, as we were attempting to confirm with Ministers the basis of the figures cited.

You gave three examples of statements made in December 2022:

- On 13 December the Prime Minister said that the current backlog was half the size that it was when Labour was in office.<sup>1</sup>
- Sarah Dines, Minister for Safeguarding, said on 14 December that over half a million legacy cases had been left by the last Labour government.<sup>2</sup>
- On 19 December Robert Jenrick, the Minister for Immigration, said that 450,000 legacy cases had been left by the last Labour government.<sup>3</sup>

In 2006, the Home Office embarked on a clearance exercise that set out to deal with the then backlog of asylum applications. In May 2010, at the time of the General Election, this exercise was still underway. This work is discussed in detail in the April – July 2011 report of the House of Commons Home Affairs Committee<sup>4</sup> which you highlighted in your letter. The Committee took evidence from the Chief Executive of the UK Border Agency that the clearance exercise was completed by March 2011, by which time 500,500 cases had been reviewed<sup>5</sup>. Although the backlog included some current applications, 56% were duplications, errors or applications moved to the ‘controlled archive’. Those moved to this controlled archive often involved applicants who were untraceable, deceased or had become an EU citizen through another channel.

In March 2013, a subsequent report by the Home Affairs Committee<sup>6</sup> criticised the quality of data provided by the UK Border Agency to the Committee. The Committee referred to a 2012 report by the Chief Inspector of Borders and Immigration<sup>7</sup>, which found that during the

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<sup>1</sup> [Illegal Immigration](#), Hansard, 13 December 2022

<sup>2</sup> [Asylum Seeker Employment and the Cost of Living](#), Hansard, 14 December 2022

<sup>3</sup> [Asylum Backlog](#), Hansard, 19 December 2022

<sup>4</sup> [The work of the UK Border Agency \(April–July 2011\)](#) (PDF), Home Affairs Committee, 1 November 2011

<sup>5</sup> [Correspondence from UK Border Agency to the Chair of the Committee](#), Home Affairs Committee, 12 September 2011

<sup>6</sup> [The work of the UK Border Agency \(July–September 2012\)](#) (PDF), Home Affairs Committee, 25 March 2013

<sup>7</sup> [ICIBI report of legacy asylum and migration cases, November 2012](#), Independent Chief Inspector of Borders and Immigration, 22 November 2012

backlog clearance exercise, regular checks were not being carried out on applications before they were moved to the controlled archive. This means that some of the archived applications should have remained live, further reducing the quality of the data.

Given the data quality issues at that time, it would not be reasonable to suggest that this management information from the UK Border Agency accurately represented half a million genuine undecided asylum applications then in the backlog.

The most appropriate source of statistics on asylum applications awaiting a decision are produced by the Home Office and reported quarterly<sup>8</sup>. These tell us that the number of applications awaiting a decision was 18,954 in June 2010<sup>9</sup>. This is the earliest published data and coincides closely with the 2010 general election. The same spreadsheet also provides the latest number of undecided asylum applications which was 166,261 at the end of December 2022. This means that during the period from June 2010 to December 2022 there has been a net increase in undecided asylum applications of 147,307, not a halving.

You cited figures from the Institute for Government, which are drawn from this same source, and from the House of Commons Library, which was using statistics on 'work in progress'. In addition to applications awaiting a decision, the 'work in progress' measure also includes cases awaiting an appeal outcome and awaiting deportation.

The statements by Ministers that you asked about do not reflect the position shown by the Home Office's statistics. I have engaged with their offices to bring this to their attention and share the UK Statistics Authority's expectations for the use of official statistics and data in public debate.

I am copying this letter to the Minister for Immigration.

Yours sincerely,



**Sir Robert Chote**  
Chair

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<sup>8</sup> [Asylum and resettlement datasets, Asy\\_Do3: Asylum applications awaiting a decision](#), Home Office, last updated 23 February 2023

<sup>9</sup> The figure for 2010 is not straightforward to access due the formatting of this spreadsheet. It can be viewed by clearing or adjusting the filter in cell B3 on sheet 'Asy\_d03'.