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Dear Ed

I am writing to you, in my capacity as Shadow Minister for Immigration, regarding recent claims made by government Ministers, including the Prime Minister, about the size of the backlog of unresolved asylum claims over time. As you will be aware, this is a matter of great concern to members of the public and it is therefore especially important that government statements do not use statistics in a misleading way.

I understand that an important part of your role relates to ensuring compliance with the Code of Practice for Statistics. I am concerned that recent statements by members of the government fall short of the code's stipulations that statistics 'should be based on the most appropriate data' and that they 'should be presented clearly, explained meaningfully and provide authoritative insights that serve the public good.' I have set out the reasons for these concerns below.

1. Conflicting claims by government Ministers:

As you are no doubt aware already, various Ministers have recently made statements comparing the size of the current backlog of asylum claims to the number of cases which were unresolved at the time the last Labour government left office in 2010.

For instance, on Tuesday 13 December the Prime Minister said in response to questions from MPs that: 'Difficult though the backlog is, it is half the size that it was when Labour was in office'.ⁱ

Given that the asylum backlog stood at 121,307 as of September 2022,ⁱⁱ the Prime Minister appeared to be arguing that the number of unresolved cases at the time of the 2010 general election was around 240,000. That claim was directly contradicted by subsequent claims by Home Office Ministers, which gave much larger figures (between 450,000 and 500,000) for what they described as the asylum backlog the government 'inherited' in 2010.

Last week, the day after the Prime Minister's statement in the Commons, I spoke in a debate in Westminster Hall on delays in the asylum system. During this debate the Minister for Safeguarding, Sarah Dines MP, said that 'the Home Affairs Committee reported – I think in 2011 – that over half a million legacy cases had been left by the Labour government'.ⁱⁱⁱ The Minister for Immigration, Robert

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Jenrick MP, made a similar claim earlier today, telling MPs that: ‘The backlog of cases was 450,000 when the last Labour government handed over to us’.^{iv}

These conflicting claims do not inspire confidence in Ministers’ grasp of the facts and figures most relevant to this debate. This may be an issue you’ll want to look into further, with a view to ensuring that MPs and members of the public receive consistent, reliable data from the members of the government.

2. Relevance of specific figures used by Ministers:

At the same time, what seems to me the more important question is whether the use of figures in the range of 450,000-500,000 are helpful or even relevant to a full and accurate understanding of the relative size of the asylum backlog in 2010 and 2022. Having investigated a range of publicly-available information on this, it seems clear to me that claims by Ministers based on those figures provide a wholly misleading view of the reality.

Following Ms. Dines’s remarks in last week’s debate, I looked back at the relevant reports published by the Home Affairs Committee in 2011. Both reports do refer to the roughly 500,000 ‘legacy’ asylum cases identified by then-Home Secretary John Reid in 2006. But the Minister’s use of that figure failed to acknowledge that a number of issues, highlighted in the very reports Ms. Dines was citing, appear to indicate that those ‘legacy’ cases do not provide a relevant comparator to the current backlog as it is measured by independent experts and by the government itself.

One such issue relates to the fact that, as the committee explained in 2011, the ‘legacy’ caseload encompassed a number of ‘electronic and paper-based records’ that were ‘riddled with duplication and errors,’ including those of ‘individuals who have since died or left the country’.^v

Even if the ‘legacy’ caseload in 2010 were accepted as a relevant comparator to today’s backlog, Ministers’ use of the 450,000-500,000 figures would still be inaccurate. This is demonstrated by the statement made by the then-Minister for Immigration, Damian Green MP, in July 2010, that around 277,000 of the 450,000 ‘legacy’ cases identified in 2006 had already been resolved by May 2010.^{vi}

3. Failure of Ministers to use more relevant figures on the relative size of asylum backlogs:

Meanwhile, as explained below, Ministers’ recent statements have repeatedly ignored data which seems to me both more accurate and more relevant to the issue at hand.

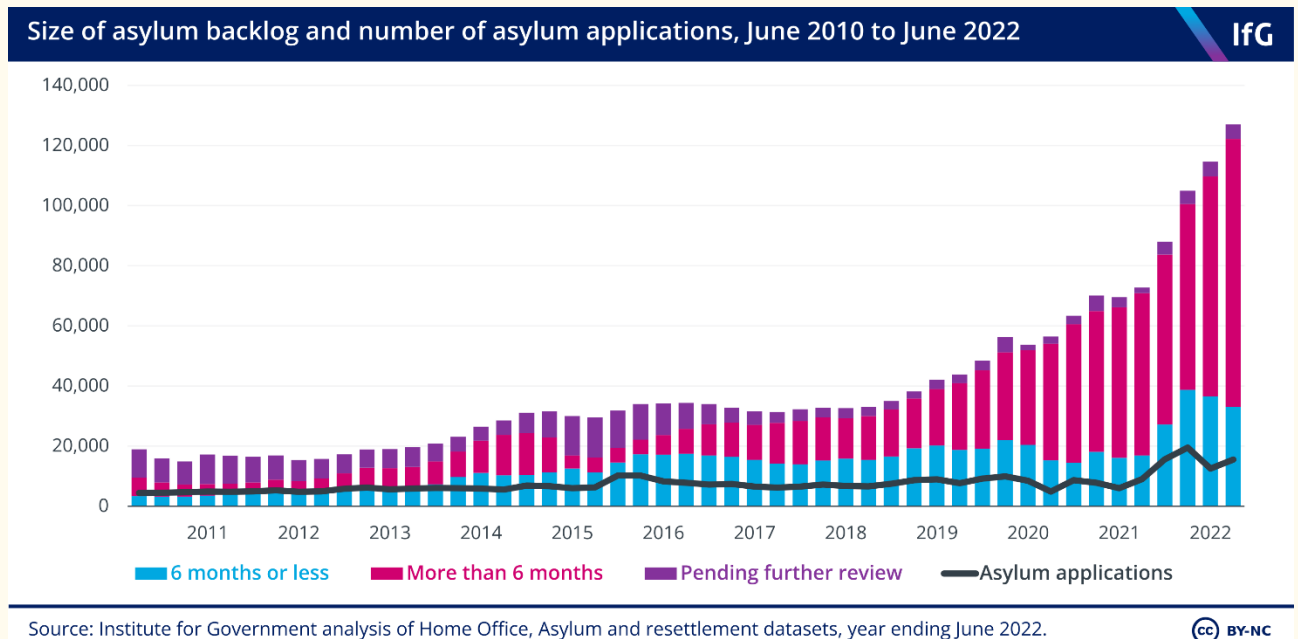
For instance, the well-respected and impartial House of Commons Library uses the number of asylum cases classified as ‘work in progress’ as a measure of unresolved asylum claims. In its analysis of the most recent official statistics, the library notes both that this measure was introduced by the Conservative-led government in 2011 and that the number of outstanding cases as of June 2022

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(166,100) was the highest since the Home Office began publishing these figures more than 10 years ago.^{vii}

Research by the Institute for Government, published just last month, provides further evidence that the asylum backlog comprised fewer than 20,000 at the time the Labour government left office in June 2010, as the following table illustrates:^{viii}



Final comments:

It seems clear to me that Ministers' statements are providing an inaccurate and wholly misleading picture of reality, and that (whether intentionally or not) the effect of these statements is to minimise the seriousness of the asylum backlog as it currently stands.

I would therefore be grateful if you could investigate these matters and send me a response, outlining your views as to whether the number of 'legacy' cases resolved between 2006 and 2011 provides an accurate or meaningful picture of the number of unresolved asylum claims in 2010, in comparison to the current number, or whether the statistics used by the House of Commons Library, the Institute for Government and others provide a more accurate comparison which should be used by Ministers instead.

Thank you in advance for your assistance, and I look forward to hearing back from you. I would be very grateful for a response by 9 January 2023, if possible.

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Kind regards,

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Shadow Minister for Immigration

ⁱ HC Deb, [13 December 2022](#), column 903.

ⁱⁱ Georgina Sturge, [Asylum Statistics](#), House of Commons Library, 5 December 2022, p19.

ⁱⁱⁱ HC Deb, [14 December 2022](#), column 343WH.

^{iv} HC Deb, 19 December 2022, (uncorrected Hansard, no column numbers).

^v Home Affairs Committee, [The work of the UK Border Agency \(April-July 2011\)](#), HC 1497-I, 1 November 2011, paragraphs 12-26. See also Home Affairs Committee, [The work of the UK Border Agency \(November 2010-March 2011\)](#), HC 929, 24 May 2011.

^{vi} HC Deb, [6 September 2010](#), c64W.

^{vii} Georgina Sturge, [Asylum Statistics](#), House of Commons Library, 5 December 2022, pp14-15.

^{viii} Sachin Savur, Tom Sasse and Rhys Cline, [‘Asylum backlog’](#), Institute for Government, 8 November 2022.

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