

Alistair Carmichael MP
Liberal Democrat Spokesperson for Home Affairs
(via email)

18 January 2024

Dear Mr Carmichael,

Thank you for your letter of 3 January regarding claims by the Government to have delivered on its 2022 commitment to clear a backlog of asylum claims.

As you noted, the Prime Minister posted on X on 2 January: “I said that this government would clear the backlog of asylum decisions by the end of 2023. That’s exactly what we’ve done.”¹. This was accompanied by a Home Office press release stating that “the legacy backlog asylum target has been met” and that “the Prime Minister’s commitment of clearing the legacy asylum backlog has been delivered”².

The commitment to clear the backlog was made in December 2022. In a letter to the Home Affairs Committee on 29 January 2023³, Suella Braverman, then Home Secretary, confirmed that the commitment referred to ‘legacy’ applications that had been submitted before 28 June 2022 and were still awaiting an initial decision to grant or refuse asylum, rather than to subsequent ‘flow’ applications. This backlog stood at 92,601 in November 2022.

Alongside the press release and the social media post, the Home Office published an ad-hoc statistical release showing that 4,537 of these legacy cases were still awaiting an initial decision on 28 December 2023⁴. The press release explained that these were ‘hard cases’ that had been through an initial review but required additional checks or investigation for a decision to be made. These were said to typically relate to asylum seekers presenting as children (whose ages need to be verified), those with serious medical issues, or those with suspected past convictions where checks may reveal criminality that would bar asylum.

The average member of the public is likely to interpret a claim to have ‘cleared a backlog’ – especially when presented without context on social media – as meaning that it has been eliminated entirely, so it is not surprising that the Government’s claim has been greeted with scepticism and that some people may feel misled when these ‘hard cases’ remain in the official estimates of the legacy backlog. That said, there may be a perfectly good case for excluding cases of this type from any commitment to eliminate the backlog over the timeframe the Government chose, but this argument was not made at the time the target was announced or when it was clarified in the letter to the Home Affairs Committee.

¹ [@RishiSunak on X, 2 January 2024](#)

² ['Legacy backlog cleared as plan to stop the boats delivers', GOV.UK](#)

³ [Home Secretary to Chair, Home Affairs Committee, 29 January 2023](#)

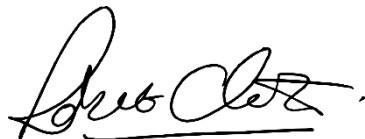
⁴ [Statistics relating to Illegal Migration, GOV.UK](#)

This episode may affect public trust when the Government sets targets and announces whether they have been met in the other policy domains. It highlights the need for ministers and advisers to think carefully about how a reasonable person would interpret a quantitative claim of the sort and to consult the statistical professionals in their department.

It is nonetheless welcome that the Home Office publishes and clearly explains the data in this important policy area and that it publishes ad-hoc releases when ministers wish to bring hitherto unreleased numbers into the public domain. However, we note that this latest supplementary dataset was not provided along with the press statement when it was released to journalists under embargo on 1 January, which prevented them from being able to scrutinise the data when first reporting it. This does not support our expectations around intelligent transparency, and we have raised this with the Home Office.

I have copied this letter to Stephen Kinnock MP who wrote to us on 4 January on this issue.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Robert Chote', with a horizontal line underneath.

Sir Robert Chote
Chair