Refugees applying to live in UK face being sent home after five years

**Home Office quietly announces new policy where those applying for permanent residency face ‘safe country review’ after five years’ limited leave**

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 Refugees arrive on the Scottish Isle of Bute.

The Home Office has announced a policy that refugees applying to settle permanently in Britain face a ‘safe return review’ after five years.

Photograph: Christopher Furlong/Getty Images

Tens of thousands of refugees who apply to live permanently in Britain are to be required to undergo an official review to see if it is safe for them to be sent back home, under new Home Office instructions.

The new policy of reviewing whether all refugees still require protection five years after they first obtained asylum in Britain was quietly slipped out on Thursday and it is believed to take immediate effect.

The new instructions were foreshadowed by Theresa May in her notorious “chilling and bitter” [2015 Conservative party conference speech](https://www.theguardian.com/uk-news/2015/oct/06/theresa-may-announces-new-plan-to-limit-right-to-claim-asylum-in-uk) when, as home secretary, she made clear that in future those who secured refugee status in Britain were only being given temporary protection.

“We’ll introduce strengthened ‘safe return reviews’ – so when a refugee’s temporary stay of protection in the UK comes to an end, or if there is a clear improvement in the conditions of their own country, we will review their need for protection. If their reason for asylum no longer stands and it is now safe for them to return, we will seek to return them to their home country rather than offer settlement here in Britain,” she told her party conference.

The Home Office instructions make clear that the new safe return reviews will apply in all cases where a refugee applies to settle in Britain after they have completed the required probation period of five years’ limited leave. Those who fail to apply will be declared overstayers and be barred from working or claiming benefits and are liable to be removed from the country.

The Home Office website says the Refugee Leave policy document was last updated on 9 March when “a new section” was “included on settlement and the need for a safe return review when considering settlement applications from those granted refugee status”.

The instruction says the refugee leave policy is primarily to provide protection and a period of limited leave to those who need it.

It says: “The policy is designed to meet our international obligations under the Refugee Convention and EU law by granting refugee status and an appropriate period of leave to those who need our protection. To maintain a fair immigration system that requires all migrants, including those granted refugee status, to earn the right to settlement, and all the benefits that come with it, by completing an appropriate period of limited leave.”

But it adds that the policy is “to ensure that safe return reviews are carried out so that protection is provided for as long as it is needed, but make clear that those who no longer need protection will need to apply to stay on another basis or leave the UK”.

The new policy sparked an immediate warning from the Refugee Council that it threatened the future of refugees in Britain by prolonging the anxious limbo many refugees are forced to endure while their [asylum claims are processed](https://www.theguardian.com/uk-news/2016/feb/04/torture-victims-face-two-year-delays-in-uk-asylum-claims) by a further five years as they worry about their long-term futures.

[Dr Lisa Doyle, of the Refugee Council](https://www.theguardian.com/world/2016/may/20/refugees-facing-homelessness-says-refugee-council-charity), said: “This policy will result in refugees who have demonstrated their need for protection being prevented from being able to properly rebuild their lives and being left with the constant fear of return hanging over their heads.

“Actively reviewing individual cases after five years promises to be a costly, bureaucratic and unnecessary nightmare that completely misunderstands the fact that many refugees desperately want to return home of their own accord anyway when it’s safe to do so,” she said.

Immigration barrister Colin Yeo [said](https://www.freemovement.org.uk/home-office-ends-policy-automatic-settlement-refugees-five-years/)the previous policy, [which had been in place since 2005](https://www.theguardian.com/politics/2005/feb/07/immigrationpolicy.immigration), was that a refugee would be granted an initial period of limited leave and would be automatically granted settlement when they applied at the end of the period.

“The only exceptions under the old policy were if the refugee engaged in criminal activities or similar or if a ministerial level declaration was made that a particular country was now safe, in which case refugee status for all refugees from that country would be reviewed. No such declarations were ever made under that policy,” he said.

More than 59,000 refugees have been granted protection in Britain in the last five years and all will face now face a “safe country review” before they can make a life permanently in Britain.

A Home Office spokesperson said: “There has been no change in our policy. Since 2010, we have granted settlement to more than 100,000 refugees. However, we have never operated a policy of automatic settlement.

“We consider every application for settlement on its individual merits and we’re clear that protection will be granted for as long as it is needed. The UK has a long and proud history of granting protection to those who need it and that is not going to change.”

The Home Office said that safe return reviews were introduced in February 2016 and guidance to staff was published 12 months ago on the department’s website. But the Home Office could not point to when their introduction had been announced to parliament or approved by MPs.

The Home Office instruction says that the right to stay in Britain may now be refused if there has been “a significant and non-temporary change in country situation”, a change in personal circumstances, the refugee has returned to their country of origin or obtained a national passport from that country. [Refugees](https://www.theguardian.com/world/refugees) may also be refused if there is evidence the original decision to recognise refugee status was incorrect or any of their dependents had travelled home.

The instructions say that a change in country situation refers to significant and non-temporary events that remove well-founded fears of persecution. Caseworkers are asked to note that the overthrow of one party by another or the election of a new government may not automatically mean there is no longer a risk of persecution.

They are told: “When someone with limited refugee leave applies to extend that leave a safe return review will be carried out. Where they no longer need protection they will not qualify for further refugee leave or settlement protection and will need to apply to stay on another basis or leave the UK. All those granted refugee leave may also have their case reviewed in light of any criminality and such leave may be revoked if they are no longer entitled to protection.”

Yeo said that the change in personal circumstances may hit female refugees particularly hard and it may prove difficult to show that a risk of domestic violence or female genital mutilation remains five years after their original asylum claim.