

IMPACT OF UK IMMIGRATION LAWS ON REFUGEES AND ASYLUM SEEKER'S  
MENTAL HEALTH

By (Name)

Course

Professors Name

Institution

Location of Institute

Date

## Introduction

Immigration is a complex process where a person moves to a new country and intends to live there. Some of the reasons people migrate to different countries are to seek employment and education opportunities, to escape conflicts or natural calamities, or to reunite with their families. An asylum seeker is someone who left their country of origin to seek protection from a different country because of a severe human right violation but is yet to be recognized as a refugee. An asylum seeker may be referred to as a refugee while waiting, and the claim must be processed in line with immigration laws.<sup>1</sup> Once the asylum-seeking request has been accepted in a different country and a person is given protection, their status changes, and they are referred to as refugees. As conflicts and national calamities emerge in other countries, nations worldwide set aside migration laws to control the flow of refugees and ensure that the refugees' volume, origin, and composition are manageable. The UK has strict immigration laws, and the person is considered a refugee only after being issued refugee status documentation according to the 1951 Refugee Convention.<sup>2</sup> The lengthy process and thorough screening aspects of the UK immigration laws expose asylum seekers and refugees to untold mental health complications.

## The UK Immigration Laws

The United Kingdom's immigration laws have been evolving to meet the present needs of the nation. For example, after its exit from the European Union, it reviewed its immigration laws to control who enters and lives in the UK. The free entry into the UK was abolished, and the point-based system was introduced. Due to the revised nature of the immigration laws, the

---

<sup>1</sup> Pollard T, Howard N. Mental healthcare for asylum-seekers and refugees residing in the United Kingdom

<sup>2</sup> Isaacs A, Burns N, Macdonald S, O'Donnell CA. 'I don't think I can do anything to keep me healthy.'

process of being approved as a refugee became tougher and required detailed confirmation to improve the safety of the people in the UK. Some of the active laws that are in application in the UK regarding seeking asylum include the Migration Act of 1971, which outlines the qualifications for entry, stay, and deportation of individuals who have access to live in the UK.<sup>3</sup> The Asylum and Immigration Act of 2004 was meant to deter illegal immigration into the country. Illegal immigration had led to increased crimes in the nation, and the government of the UK, through immigration, wanted to reduce crime and improve the quality of life for the people. The Immigration Act of 2014 further elaborated on border security issues to ensure that illegal living and working in the UK is prohibited.<sup>4</sup> It led to the introduction of the title Immigration Enforcement Directorate, which introduced restrictions to undocumented immigrants and led to the introduction of the clause on deportation.

As immigration laws were revised to improve security in the UK, numerous restrictions caused untold suffering and mental health issues to applicants. This essay offers an exploration of the intersection of UK immigration laws, mental health, and reliability, focusing mostly on refugees and asylum seekers.<sup>5</sup> Through the assessment of the legal framework, community support, access to the services, detention practice, waiting time, and legal presentation, the impacts of the laws on the people seeking asylum. The overarching aim of this paper is,

---

<sup>3</sup> Asif Z, Kienzler H. Structural barriers to refugee, asylum seeker, and undocumented migrant healthcare access.

<sup>4</sup> Gleeson C, Frost R, Sherwood L, Shevlin M, Hyland P, Halpin R, Murphy J, Silove D. Post-migration factors and mental health outcomes in asylum-seeking and refugee populations

<sup>5</sup> Pollard T, Howard N. Mental healthcare for asylum-seekers and refugees residing in the United Kingdom

therefore, to investigate the negative effects of the UK immigration laws on the mental health of the vulnerable populations seeking asylum.<sup>6</sup>

### Research Scope and Question

The research scope revolves around how the complexity of the UK immigration laws affects the people seeking asylum in the nation. In general, it will share the mechanism in which the immigration laws have a negative psychological impact on the well-being of asylum seekers and refugees seeking assistance in the UK. It will encompass the relevant legislation, regulations, and policies alongside the policies that guide immigration and the experience from different experiences of the refugees. The research question guiding this essay is:

What are the mental health impacts of the UK immigration laws on refugees and asylum seekers?

### Literature Review

The UK's complex migration system has caused many challenges for people seeking asylum and refugee status. Research by Asif and Kienzler proved that the lengthy process of seeking asylum hindered fair allocation of the status and, therefore, made the asylum seekers suffer mental health breakdown.<sup>7</sup> Further research showed that due to the stringent measures introduced in the changing laws, the eligibility criteria affect the people. As the applicants wait for the lengthy process and their eligibility to be confirmed, the long delay exacerbates their anxiety and feelings of uncertainty, which affect their mental wellbeing. The bureaucratic delay in the process and the multisectoral agencies required to check the applicants confused them and

---

<sup>6</sup> Isaacs A, Burns N, Macdonald S, O'Donnell CA. 'I don't think there's anything I can do which can keep me healthy.

<sup>7</sup> Asif Z, Kienzler H. Structural barriers to refugee, asylum seeker, and undocumented migrant healthcare access.

made them unable to enjoy an improved quality of life in the system. According to a report by the UNHCR in 2020, the waiting time in the process of seeking asylum takes a toll on the applicant's mental health, leading to depression, stress, and feelings of hopelessness.<sup>8</sup>

Support services are part of the immigration process to ensure that asylum seekers get access to the services as they await their applications to be processed. Another research by Pollard and Howard highlighted inadequate access to support services as one of the limiting factors and a significant cause of the mental health issues affecting asylum seekers.<sup>9</sup> Further, barriers to mental healthcare services and culturally sensitive support services create a massive hindrance to feeling accepted. While culture shock may affect asylum seekers, they are likely to feel better if the country has adequate exchange programs. Another research by Isaacs et al. further underscored that the UK programs are culturally insensitive and, therefore, most likely to cause feelings of unease and not being accepted.<sup>10</sup> Other than the systemic challenges that asylum seekers face in the process of seeking asylum, the literature further underscores the impact of uncertainty, isolation, and trauma exposed to the people seeking asylum. Generally, asylum seekers who suffer the effects of long wait and psychological torture leads to factors such as post-traumatic stress disorder, especially the ones who suffered deportation and other challenges.

Despite there being a wide range of research that have been conducted to determine the impact of the UK immigration laws on the mental health of the asylum seekers, there are gaps that arise

---

<sup>8</sup> Asif Z, Kienzler H. Structural barriers to refugee, asylum seeker, and undocumented migrant healthcare access.

<sup>9</sup> Pollard T, Howard N. Mental healthcare for asylum-seekers and refugees residing in the United Kingdom

<sup>10</sup> Isaacs A, Burns N, Macdonald S, O'Donnell CA. 'I don't think there's anything I can do which can keep me healthy.'

and more research need to elucidate the numerous challenges that face the asylum seekers and the people who have acquired the refugee status. Further, the interplay between the legal hurdles, immigration process and the mental health outcome. The next section shows the methodology that will be used to fill in the gaps identified in the research through analysing experiences from the asylum seekers.

### Methodology

The methodology section is an important part of a research as it detail how data is collected, analysed and inferences reached on the outcome of the events. This essay adopts a mixed method of research where both qualitative and quantitative research articles are used to collect data and experiences of the asylum seekers and compile it to be the prerequisite to the formation of policies to streamline the asylum seeking process to reduce the mental health status of the asylum seekers. The review of the existing literature will comprise a set of articles, government publications and other writings from non-governmental organizations and other personal interviews and testimonies affecting the people.<sup>11</sup> Through the synthesis of the different sources and dissecting the provided statistics, this paper will be able to offer a nuanced understanding of the relationship between the UK immigration laws and the mental health of the asylum seekers. The analysis of the sources offered important insights on how the laws ratified to manage immigration in the UK impacted the mental health outcomes of the asylum seekers.

### Reliability and Legal Framework of the UK Immigration Laws

The experiences of the refugees and the asylum seekers in the UK is shaped by the laws that guide the movement of people inside and outside the UK and getting permission to live.

---

<sup>11</sup> Gleeson C, Frost R, Sherwood L, Shevlin M, Hyland P, Halpin R, Murphy J, Silove D. Post-migration factors and mental health outcomes in asylum-seeking and refugee populations

Since the avenues are the only ways through which the asylum seekers solicit protection in the foreign country, they shape the experience in the discourse. The reliability of the process has been questioned by multiple researchers and linked to the worse mental state of the asylum seekers as they seek refuge in the UK. For example, a research by Sen et al., underscored the fact that the ever changing requirements for a person to be granted asylum made it impossible for an asylum seeker to be sure that the request will be granted.<sup>12</sup> The ever evolving nature and the stringent rules make them unreliable and therefore increase the anxiety levels hence affecting the mental health of the refugees' and asylum seekers.

The reliability in the legal process is further questioned based on its fairness, access to justice and transparency further complicate the situation. Interviews by dissatisfied asylum seekers conducted by the UNCHR in 2020 further revealed that the laws are discriminatory and the volume required for each geographical location may not be exceeded and when it does, then some of the people will not be allowed in.<sup>13</sup> Due to the rigidity of the UK immigration laws, it gives hurdles in the immigration process and some of the people end up suffering getting asylum is required. The delays, inconsistency in the decision making process made some of the applicants feel that their applications were deliberately rejected and therefore experienced the feeling of rejection. As the individuals navigating the system are faced with the delays, inconsistencies and discrimination, they are exposed to different feelings of anxiety, depression and trauma.

#### Access to Legal Representation

---

<sup>12</sup> Sen P, Crowley G, Arnell P, Katona C, Pillay M, Waterman LZ, Forrester A. The UK's exportation of asylum obligations

<sup>13</sup> Mladovsky P. Security over health: the effect of security policies on migrant mental health in the UK.

Navigating the legal realm in the process of seeking asylum may be challenging especially if one is not familiar with the UK's legal landscape. For example, in the application process, some of the clauses requires that a person without a criteria may have the alternative. Since most of the asylum seekers have limited or no knowledge about the UK legal landscape, there is need to have access to the legal services.<sup>14</sup> For example, it's mandatory for the unaccompanied minors visiting the UK to be provided with a legal counsel to represent them as they navigate the asylum seeking process. One of the hurdles that affect the asylum seekers is the lack of access to legal representation as they navigate the legal procedures and get the required assistance. Since the free representation is only guaranteed to the unaccompanied minors, the adults seeking asylum may be required to hire their own legal representatives which may be challenging courtesy of the lack of funds.

Accessing legal aid s therefore jeopardized because of factors such as lack of funds, language barrier and lack of awareness regarding the service that are available in the country. As the asylum seekers fail to understand what is provided, they are likely to make legal mistakes and therefore get frustrate in the process of seeking asylum. Generally, the inability to access legal aid and the navigation of the legal space without the knowhow is likely to make them more vulnerable and will suffer mental health issues.<sup>15</sup> It is imperative to note that the inability to access legal representation exacerbate the feelings and emotions of hopelessness thereby increasing the chances of suffering mental health issues. Offering assistance in accessing legal

---

<sup>14</sup> Waterman LZ, Katona C, Katona C. Assessing asylum seekers, refugees and undocumented migrants

<sup>15</sup> Sen P, Crowley G, Arnell P, Katona C, Pillay M, Waterman LZ, Forrester A. The UK's exportation of asylum obligations



representation is likely to help the asylum seekers get confidence and offer better support services in the long run.

#### Uncertainty in Decision Making, Delayed Process and Mental Health

When there is certainly in a particular process, there is confidence, and the mental stress due to anxiety is overcome. When the application has no certain outcome and the applicants are not sure whether their application will be considered, the fear is likely to have a toll on their mental health hence leading to deteriorating mental health condition.<sup>16</sup> Further, when an applicant in the UK request for asylum there are different outcomes such as being accepted which is very tactical, being rejected and detained, being rejected and deported or being accused of being illegal immigrants. The factors are also coupled with the long period of time that is taken before a decision is arrived at. During the waiting process and considering the fact that most of the asylum seekers faced traumatic even in their home countries before proceeding to the UK, their mental health status is worrying and requires comfort and consolation. However, as the application process takes a longer time and the uncertainty of the outcome, their mental health worsens. The analysis are in tandem with the research by Mladovsky which affirmed that over 38% of the asylum seekers in the UK undergo a mental breakdown because of the challenges they face as they await for their application to be received and approved.<sup>17</sup>

The heightened levels of stress, depression and anxiety associated with contemplating the application outcome is likely to have a negative impact on their mental health. Another study by Murphy have also documented the fact that when there is a prolonged waiting time and delays in

---

<sup>16</sup> Mladovsky P. Security over health: the effect of security policies on migrant mental health in the UK.

<sup>17</sup> Murphy F, Vieten UM. Asylum seekers and refugees in Northern Ireland: the impact of post-migration stressors on mental health.

the application processing process, it leads to uncertainty and therefore affect the applicant's mental health.<sup>18</sup> As the individuals psychological wellbeing is affected by the uncertainty, the paper emphasizes the need of having a timely and predictive process where the applicants understand the qualification criteria and be able to predetermine whether or not their application will be accepted. As it is currently constituted, one may not be guaranteed of a positive feedback even if they have followed all the process because of the additional screening set aside to improve the country's safety structure. One may be innocently looking for asylum but when they are from a country considered to be of security threat to the UK, the application may be rejected. Generally, there is no guarantee of being approved and that lack of guarantee and heightened uncertainty is responsible for the challenges affecting the people.

#### Mental Health, Fear of Deportation and Detention

The fear of being deported or detailed as illustrated earlier has a toll on the individual's mental health status as they await for the response for the applications they sent. As they fear whether they will be deported after the rejection, the heightened level of anxiety build up is likely to affect the outcome. The UK immigration laws especially the ones that were recently ratified to control illegal flow of immigrants into the country led to the formation of detention and deportation centres for the people who did not make it during the screening process and therefore expose them to mental health distress.<sup>19</sup> The detention for prolonged period associated with torture has been associated with post-traumatic stress disorder that affects the people's ability to maintain a positive mental health issues.

---

<sup>18</sup> Morris J. The value of refugees: UNHCR and the growth of the global refugee industry

<sup>19</sup> Mladovsky P. Security over health: the effect of security policies on migrant mental health in the UK.

Further, deportation of individual in countries that they were previously traumatized is likely go lead to more challenges in the mental health ream in the discourse.<sup>20</sup> As the individuals fear deportation to regions where they were once traumatized, the fear of re-traumatized takes a different toll on the mental health and therefore improve the outcomes and negatively affects the quality of the studies. Generally, the installation of the deportation and detention facilities amidst the asylum seeking process increases the uncertainty and therefore have a negative impact on the asylum seekers mental health conditions. This section therefore forms the prerequisite of the requirement that here should be clear awareness of what one need to commit to be deported. As the asylum seekers face the legal hurdles by not being aware of the qualification for deportation, their fear will be witnessed in different part of their lives.

#### Past Experience Trauma and Mental Health

The movement into Europe has ballooned especially in the early 21<sup>st</sup> century as the political instability spread-out in different parts of the world. The wars in Israel and Gaza, the Ukraine war and the natural calamities and increased unemployment rate in Africa, a high number of people move in a new region to seek protection from the UK.<sup>21</sup> The past experience has a lot of tram and the traumatized individuals from the past are vulnerable and my even be more susceptible to challenges especially depending on their places of origin. If a person comes from a war torn country where they almost lost their lives are fear deportation to the same country they were first traumatized, their mental health state is likely to be negatively affected. The persecution that happened in the countries of origin coupled with the stressful journey the asylum seekers find during their way to London to seek protection are highly traumatizing and

---

<sup>20</sup> Murphy F, Vieten UM. Asylum seekers and refugees in Northern Ireland: the impact of post-migration stressors on mental health.

<sup>21</sup> Morris J. The value of refugees: UNHCR and the growth of the global refugee industry

therefore affect their mental wellbeing and health status. In a research by Morris, the interviews to the individuals who had once sought asylum revealed that there was need to have better outcomes in the discourse.<sup>22</sup>

The host nations should therefore work on the immigration laws to ensure that the asylum seekers have a place where they are provided support to facilitate the healing process. Temporary comfort should be provided to ensure that the asylum seekers get better services in the long run and have a place to heal before they are subjected to the rigorous screening process and with the right legal assistance. Further, some culturally sensitive services must also be provide ensure that the people are able to get the required services and feel at home. Once the culture shock is avoided through having a better outcome, they are likely to deliver have a lower mental health breakdown. Generally, coupling the past experience and the complex legal process in the UK is likely to offer relief to the asylum seekers and therefor provide better services in the long run.

#### Access to Support Services

Different nations have social services provided by non-governmental organizations and are annexed to the immigration policies provided for in the discourse. Some of the services provided include basic language lessons to end language barrier, a social and cultural exchange programs for the asylum seekers to interact and be at par with their hot is key for improvement of the services. For example, when the asylum seekers are housed in a non-governmental facility and be exposed to language education, exchange programs and cultural training, they are likely to feel at home and therefore be active in other aspects of life. In the UK, access to the services alongside the immigration department is limited with most of the people seeking asylum rely on

---

<sup>22</sup> Sen P, Crowley G, Arnell P, Katona C, Pillay M, Waterman LZ, Forrester A. The UK's exportation of asylum obligations

camps provided by the government which are congested and therefore prone to further mental health issues. In the UK and other parts of the world where there are stringent immigration laws and policies, it is the role of the NGOs to provide social support services to assist in overcoming the challenges.

Since there is lack of these services in the UK it becomes challenging to adapt to the cultural challenges and therefore leads to challenges. Generally, if there were adequate social services facility in the UK, the feeling of isolation among the asylum seekers will be reduced, a feeling of belonging be strengthened and it will also foster resilience among the refugees and therefore improve the mental health of the individuals. Since there is limited access to the services in the UK and the asylum seekers and refugees have no access to them, their mental health status is affected as they have to think on how to make a living independently as they navigate a cultural terrain which they are not familiar with.<sup>23</sup> It is imperative to note that when the social services are available for the integration of the new comers through the promoting wellbeing and integration of the new comer, they are likely to deliver mental relief and reduce the stress. The lack of social support services answers the research question on how the stringent laws has a toll on the asylum seekers welfare and mental wellbeing.

#### Community and the Social Support

The asylum seekers mostly rely and depends on the host for acceptance and being welcomed into the society. In the UK community, the asylum seekers are required to understand the norms and live within the community's expectation. When there are community and social support program, the refugee and asylum seekers are likely to develop better services in the long

---

<sup>23</sup> Sen P, Crowley G, Arnell P, Katona C, Pillay M, Waterman LZ, Forrester A. The UK's exportation of asylum obligations

run. However, since the community support is limited in the UK and the immigration officers are working harder to only allow genuine immigrants and dismiss the fake ones, the process has a negative on the mental health issue.<sup>24</sup> As a person is not accepted, the feelings of being lonely and hapless creeps in hence making the people perform better. Further, as the people get community encouragement and be involved on issues regarding the community, they are likely to experience positive mental health outcomes and therefore lead to better outcomes. This argument forms the basis of the argument that there is need to build cohesive communities to ensure that the immigrants are accepted to live into the society for better outcomes.

Generally, as the asylum seekers get support, they are likely to feel at ease and all the forms of depression and mental health issues will be evaded and their mental health issues will be overcome. Generally, the immigration process in the UK is stressful and is therefore likely to pose a threat to the asylum seekers mental health for better outcomes.<sup>25</sup> The next section of this paper provides the solution, strategies or recommendations that may be used to improve wellbeing in the UK and ensure that the mental health of the asylum seekers is protected at all times. These recommendations may be used by policy makers to revise the policies and ensure that the asylum seekers are accorded easier passage and a seamless process of entering into the UK without hurting their mental health.

#### Policy Recommendations

The challenges that the asylum seekers face in the UK as they navigate the legal realm has been proven to be the key cause of their mental health issues. This section offers the recommendations that needs to be completed to ensure that the asylum seekers get better and

---

<sup>24</sup> Morris J. The value of refugees: UNHCR and the growth of the global refugee industry

<sup>25</sup> Mladovsky P. Security over health: the effect of security policies on migrant mental health in the UK.

seamless service in the discourse. The recommendations are based on the findings on the causes of the mental health distress. For example, since the lack of legal representation has been a challenge and a source of hopelessness in the country, when they are provided, they are likely to assist them navigate the legal landscape with certainty and therefore improve better outcome. Secondly, there should be open and clear procedures in the application process and the eligibility criteria to ensure that they are able to predict the outcome of the application process.<sup>26</sup> The predictability and the reduced waiting time of ensuring that the application process is expedited is key for improving the outcomes in the discourse. Streamlining the asylum seeking process and reducing the waiting time is key for better outcome and improved mental health outcomes.

Enhancing the community based initiatives such as exchange programs for the asylum seekers is key as it will increase the sense of belonging, togetherness and reduce mental health issues affecting the people. Generally, it is imperative to note that the only way to reduce anxiety is not only to expedite the application process but also reduce all the forms of language and cultural barriers through the cultural access programs and social services. Further offering counselling and mental health services is to ensure that the asylum seekers who were traumatized in the pas get better services in the long run.<sup>27</sup> Finally, addressing structural barriers is key to ensure that the asylum seekers get better services and are able to get assistance. Language barrier, lack of awareness on the legal process and other structural boundaries need to be eliminated to ensure that the asylum seekers get better services and that they are able to get seamless services.

## Conclusion

---

<sup>26</sup> Morris J. The value of refugees: UNHCR and the growth of the global refugee industry

<sup>27</sup> Murphy F, Vieten UM. Asylum seekers and refugees in Northern Ireland: the impact of post-migration stressors on mental health.

The immigration laws in the UK have a significant impact on the asylum seekers and refugees mental health. The application complexities, legal hurdles and structural barriers that cause the problems in the asylum process leads to mental health issues among the refugees. As compared to the unaccompanied minors who are accorded special interest in the UK, the adult asylum seekers suffered a complex process. It is recommended that the asylum seeking process should be made seamless and easier to integrate into the society.



## Bibliography

- Asif Z, Kienzler H. Structural barriers to refugee, asylum seeker and undocumented migrant healthcare access. Perceptions of Doctors of the World caseworkers in the UK. *SSM-Mental Health*. [2022] Dec 1;2:100088.
- Gleeson C, Frost R, Sherwood L, Shevlin M, Hyland P, Halpin R, Murphy J, Silove D. Post-migration factors and mental health outcomes in asylum-seeking and refugee populations: a systematic review. *European Journal of Psychotraumatology*. [2020] Dec 31;11(1):1793567.
- Isaacs A, Burns N, Macdonald S, O'Donnell CA. 'I don't think there's anything I can do which can keep me healthy': how the UK immigration and asylum system shapes the health & wellbeing of refugees and asylum seekers in Scotland. *Critical public health*. [2022 May] 27;32(3):422-32.
- Mladovsky P. Security over health: the effect of security policies on migrant mental health in the UK. *Health Policy and Systems Responses to Forced Migration*. [2020]:141-55.
- Morris J. The value of refugees: UNHCR and the growth of the global refugee industry. *Journal of Refugee Studies*. [2021 Sep] 1;34(3):2676-98.
- Murphy F, Vieten UM. Asylum seekers and refugees in Northern Ireland: the impact of post-migration stressors on mental health. *Irish journal of psychological medicine*. [2022 Jun];39(2):163-72.
- Pollard T, Howard N. Mental healthcare for asylum-seekers and refugees residing in the United Kingdom: a scoping review of policies, barriers, and enablers. *International Journal of Mental Health Systems*. [2021] Jun 14;15(1):60.

Sen P, Crowley G, Arnell P, Katona C, Pillay M, Waterman LZ, Forrester A. The UK's exportation of asylum obligations to Rwanda: A challenge to mental health, ethics and the law. *Medicine, Science and the Law*. [2022 Jul];62(3):165-7.

Waterman LZ, Katona C, Katona C. Assessing asylum seekers, refugees and undocumented migrants. *BJPsych Bulletin*. [2020 Apr];44(2):75-80.