

The *Illegal Migration Bill*: key points for writing to your MP

July 2023

“You shall treat the stranger who sojourns with you as the native among you, and you shall love him as yourself, for you were strangers in the land of Egypt.”

Leviticus 19.34

The *Illegal Migration Bill* is a government Bill currently going through parliament. If the Bill as drafted by the government is made law, it would:

- Ban refugees from claiming asylum in most circumstances;
- Hugely expand the use of immigration detention, so that refugees arriving here to seek sanctuary are locked up indefinitely as the norm; reduce oversight of detention; and reintroduce the indefinite detention of children and pregnant women.
- Strip modern slavery survivors of protection.
- Trap thousands in limbo, at risk of destitution and exploitation, with no way of resolving their status ever, even if removing them proves impossible.

This Bill is cruel. It makes it all but impossible for refugees to secure sanctuary in the UK. And it would not do any good. Far from solving the asylum backlog, it will mean huge numbers of people in limbo for years; and by driving people underground, it will empower traffickers. Catholics should be deeply troubled by the *Illegal Migration Bill*.

The Bill is currently in the House of Lords, where peers are suggesting amendments for the Commons to consider. Many of the peers' amendments are aimed at protecting vulnerable people from the impact of the Bill, and trying to make the Bill better. The Bill will return to the House of Commons shortly. There, MPs will have the chance to consider changes suggested by the House of Lords, and will have to vote on the Bill as a whole for it to become law. **It is really important that MPs know their constituents don't want the *Illegal Migration Bill*, but instead want a system that welcomes, protects, promotes and integrates refugees.**

“Every stranger who knocks at our door is an opportunity for an encounter with Jesus Christ, who identifies with the welcomed and rejected strangers of every age ...The Lord entrusts to the Church's motherly love every person forced to leave their homeland in search of a better future.”ⁱ

Please write to your MP, tell them your concerns with the *Illegal Migration Bill*, and ask them to vote against it!

A default ban on asylum

The Bill would mean that:

- 1) The government won't even look at asylum claims from anyone who has entered the UK without leave, or with leave obtained by deception, and has not come directly from a territory where their life and liberty was threatened, making them 'inadmissible' to the asylum system.
- 2) The Home Secretary **has to** make arrangements to remove any adult deemed inadmissible this way – and can make arrangements to remove children as well. **These clauses would block from protection the vast majority of those seeking sanctuary in the UK.**
 - **Most refugees have no choice of how they travel.** To ban them from seeking asylum on this basis is unjust and dishonest. Additionally, it is important to be clear that this clause would affect asylum seekers arriving in a wide range of different ways, to the extent that it would act as a default ban on asylum. To enter the country with leave, you would have to obtain a visa or have the visa waived – for example, as the UK does for tourists from some foreign countries. But **there is no asylum visa**, and if one entered the UK on another visa and then claimed asylum, this would be deemed deception and render the asylum claim inadmissible.ⁱⁱ This would, for example, impact most people arriving by plane to seek asylum.
 - **Global provision for refugees could not function if all refugees claimed asylum in the first safe country they came to.** Most refugees are hosted in developing countries, and the UK receives fewer asylum applications than most other European countries.ⁱⁱⁱ
 - **Not punishing refugees who arrive irregularly is a central aim of the Refugee Convention.**^{iv} The Refugee Convention also does not state that refugees must claim asylum in the first safe country they come to and permits refugees to cross borders irregularly to claim asylum. These principles were enshrined in the Convention in recognition of the reality that people seeking safety have to travel however they can, often have no structured routes available, and would struggle to get to an embassy or have time to apply for a visa even if there were one available. These are basic realities this Bill refuses to acknowledge.

Refugees incarcerated as a matter of course

This Bill is key to a massive expansion of immigration detention, reversing previous government policy of trying to reduce the use detention.^v Already, people seeking asylum are sometimes detained in prison-like conditions, via the administrative decision of a civil servant, without time limit. This Bill hugely expands powers of detention, and the government says it needs this to deal with all the people it will ban from claiming asylum. The Bill creates the framework to incarcerate people who seek safety here as the default option. As the Bill stood when it was set to the House of Lords from the House of Commons:

- **The Bill would create sweeping new powers to detain people arbitrarily.** For example, anyone an immigration officer "suspects" of being subject to removal under the Bill could be detained.^{vi} Furthermore, the Bill would allow the government to detain someone even if there are barriers to progressing their removal or examination.^{vii} That is, barriers to the purpose of detention would not render detention illegal. This constitutes a significant move towards enshrining arbitrary detention in law.
- **The Bill allows both children and pregnant women to be detained indefinitely**, stripping away safeguards that have been put in place to protect them. It would place children at risk of profound, life-long trauma.

- **The Bill allows detention to occur “in any place that the Secretary of State considers appropriate.”^{viii}** This poses an increased risk of detention in inhumane conditions, as detention will no longer be subject to clear guidelines. Furthermore, it risks elision between asylum accommodation and detention,^{ix} and could allow scenarios where people go to sleep in ‘accommodation’ to wake up and be told they are now in detention.
- **The Bill would mean even less oversight of detention**, for example by preventing people from applying to the court for bail for the first 28 days.^x Detention has serious and long-term human consequences. For detention to have even fewer safeguards and scrutiny than it currently does is deeply worrying.

“Putting someone in detention is a kind of torture...[in detention] torture is worse, because it’s psychological... you take it with you all your life.”^{xi}

Detention is profoundly traumatic. JRS UK know from our work with torture survivors that they regularly compare it to torture and describe facing re-trauma from detention. Even those without specific pre-existing vulnerabilities suffer serious deterioration in mental health in detention. Even a short period in detention can cause long-term trauma.^{xii} Detention is cruel practice and violates human dignity and its cavalier expansion through this Bill is a matter of deep concern.

“We call upon the government to avoid the use of immigration detention, arbitrary expulsion and other practices which violate human dignity.”^{xiii}

Modern Slavery

The Bill would strip modern slavery survivors of support. It would disqualify foreign national victims of modern slavery and human trafficking from support if they entered the UK irregularly, by deception from anyone involved, or both. Not only is this gratuitously cruel: many victims of trafficking are trafficked across borders either irregularly, by deception, or both.^{xiv} That is, it is the very facts of their exploitation that would make them subject to removal and deny them support under this Bill.

Destitution and limbo

Most people subject to removal under this Bill will probably be impossible to remove but the Bill says there will still never be a route to settling legally in the UK for them. They will then be indefinitely in limbo in the UK with no way to resolve their status. As a result, they will be at long-term risk of destitution, which has serious negative consequences for physical and mental health, and similarly at risk of exploitation, forced to accept a roof over their heads on whatever terms are available, and afraid to ask for help.^{xv}

Conclusion

The ‘Illegal Migration Bill’ would all but ban refugees from claiming asylum in the UK. It would mean people arriving to seek asylum in the UK, **including children**, being locked up indefinitely in detention as the norm, and being profoundly traumatised as a result; and it would strip survivors of modern slavery of vital support. This Bill shows no regard for the duty that we owe to each other, and our particular duty to those who are vulnerable. Its purpose is to bar human persons in need from protection, and it would cause widespread suffering.

About JRS UK

The Jesuit Refugee Service (JRS) is an international Catholic organisation at work in 50 countries around the world to accompany, serve and advocate on behalf of refugees and other forcibly displaced persons. JRS in the UK has a special ministry to those seeking asylum who are destitute as a consequence of government policies and those held in immigration detention. JRS UK runs a drop in, activities, hosting scheme (At Home), and legal advice project for destitute asylum seekers, most of whom are pursuing fresh claims, and destitute newly recognised refugees; and detention outreach services to Heathrow IRC. JRS UK ran an outreach service to Napier barracks for two years from Autumn 2020.

About St Vincent de Paul Society (England and Wales)

The St Vincent de Paul Society (England & Wales) is part of an international Christian voluntary network dedicated to tackling poverty in all its forms by providing practical assistance to people in need regardless of faith, gender, ethnicity, or sexual orientation. Our 10,000 members, motivated by their faith, visit vulnerable or isolated people across England and Wales and offer them friendship and practical support. We have worked and supported refugees, people seeking asylum and migrants for decades, providing advice, advocacy and essential support to thousands of people and families.

ⁱ Pope Francis, [Message](#) for the 104th World Day of Migrants and Refugees 2018.

ⁱⁱ For further analysis see Colin Yeo's Oral evidence to the Joint Committee on Human Rights, JCHR, Oral evidence: Legislative Scrutiny: Illegal Migration Bill, [HC 1241](#), p.5.

ⁱⁱⁱ In 2022, France registered 137,510 asylum claims ([Eurostat](#)) whereas the UK received 74,751 (Home Office, Immigration [Statistics](#) year ending December 2022).

^{iv} Dr Cathryn Costello, "Article 31 of the 1951 Convention Relating to the Status of Refugees", UNHCR Legal and Protection Policy Research Series (July 2007), p.5.

^v "[Government response to the review on welfare in detention of vulnerable persons](#)" (14th January 2016).

^{vi} [Illegal Migration Bill](#), Clause 10.

^{vii} [Illegal Migration Bill](#), Clause 11

^{viii} [Illegal Migration Bill](#), Clause 10.

^{ix} This has occurred in several instances over the last few years. For instance, in 2021, Tinsley House IRC was briefly 'de-designated' as detention, and used ostensibly as asylum accommodation. However, when a JRS UK staff member attempted to visit men 'accommodated' there, she was initially told this was impossible because they were detained.

^x [Illegal Migration Bill](#), clause 12.

^{xi} These are the words of Malik, a refugee who was tortured in his country of origin and then put in immigration detention in the UK. Malik is a pseudonym used to protect his identity.

^{xii} See JRS UK, [Detained and Dehumanised: the impact of immigration detention](#) (2020).

^{xiii} Catholic Bishops' Conference of England and Wales, Love the Stranger, principle 14.

^{xiv} For examples see JRS UK's [Topical Briefing](#) "Survivors of Trafficking in Immigration Detention" (2019).

^{xv} See JRS UK, [Out in the Cold: homelessness among destitute refugee in London](#) (2018) to learn more about the experience of refugees living in destitution.