

The Illegal Migration Bill 2023: Costly, Unworkable, and Inhumane

On the 7th March 2023, the Home Secretary published the [“Illegal Migration” Bill](#). **The Home Secretary stated on the Bill that the legislation may not be compatible with Human Rights law.** We, as leading asylum, modern slavery and human trafficking sector organisations, reject this Bill outright. It will needlessly block victims of trafficking and slavery from accessing safety and recovery, place an effective ban on asylum, block the possibility of people challenging wrongful decisions and will not save lives in the channel but drive the system to breaking point. All at great human and financial cost.

Banning asylum and modern slavery and human trafficking support

Measures in this Bill will stop anyone arriving irregularly from having their asylum claim or any other claim to stay, considered. It will also disqualify people from the National Referral Mechanism, the only system to identify, support and protect victims of human trafficking and modern slavery in the UK. **This equates to an effective ban on people claiming asylum and will undoubtedly trap countless victims of modern slavery and human trafficking into indefinite exploitation by denying them the right to say they are a victim of crime.** It prevents victims from accessing mechanisms of safety through which people can escape exploitation; whilst providing traffickers leverage to hold victims in exploitation.

The policy is unworkable

The Illegal Migration Bill 2023 puts a duty on the Home Secretary to remove everyone that arrived in the UK irregularly, including victims of human trafficking and modern slavery. However this is not possible in the absence of safe third country agreements. So far, the UK government has only managed to reach an agreement with Rwanda. However, the Home Secretary will have the power to detain people for 28 days (or more). This means that the government will inevitably need to detain thousands of vulnerable people. The annual financial cost of operating the UK’s detention system for the year ending March 2022 was around £94 million. [The Taskforce on Victims of Trafficking in Immigration Detention](#) has published a briefing ahead of the second reading to analyse this issue in more depth.

People whose claim has been deemed inadmissible won’t be able to regularise their status. **This will result in a group of highly vulnerable people either kept in detention or in unsuitable accommodation for years, at a very high human and financial cost.** No trafficking victim should be held in immigration detention.

Roll back of everyone’s Human Rights

The Bill, if passed, will disapply section 3 of the Human Rights Act - the section which requires courts to read legislation compatibility with human rights provisions. By passing this legislation it will **set the dangerous precedent that a Government can override people’s fundamental Human Rights through primary legislation to meet short term objectives.**

The Government demands overreaching powers

The Bill affords the Home Secretary the power to decide the length of someone’s detention over the UK Courts and gives individuals no right of appeal regardless of their asylum and/or trafficking and modern slavery claim, including an application for judicial review.

The legislation contains a series of measures which allow very limited rights of appeal to people faced with removal to a third country. While people may be able challenge removal to the Upper Tribunal, it is only on the basis of compelling evidence and the Home Secretary can still deport people pending a challenge. **This functionally removes people's ability to reasonably challenge Government decisions. Decisions that determine whether victims of trafficking can or cannot access safety and recovery.**

Furthermore, the Bill allows the Secretary of State to make regulations which apply to Wales, Scotland and Northern Ireland, **encroaching on these devolved nations' authority.** It also removes powers from Scotland and Northern Ireland to support victims of human trafficking and modern slavery, **putting them in breach of their international duties.**

The measures in the Bill are discriminatory against unaccompanied children, by taking responsibility to accommodate them and so breaching the Children's Act 1989. A [briefing](#) from the Refugee and Migrant Children's Consortium analyses this issue in more depth.

We want to see an end to vulnerable people risking their lives making dangerous journeys across the English Channel, but this unworkable legislation will only cause suffering and put further lives at risk. The Government must scrap this Bill. It is immeasurably cruel, costly, and will not work. We urge all the political parties to work towards more humane and practical solutions.

Anti-Slavery International, Anti-Trafficking and Labour Exploitation Unit, Focus on Labour Exploitation, Hope for Justice, JustRight Scotland, Kalayaan, Law Centre Northern Ireland, Scottish Refugee Council, TARA Service, Unseen