



Border Security, Asylum and Immigration Bill, Bill 173

House of Commons Second Reading, 10 February 2025

The Border Security, Asylum and Immigration Bill is an opportunity for the Government and Parliament to set a new approach and tone as regards immigration policy – particularly as this relates to refugees and victims of modern slavery. Regrettably, if the Bill is passed in its present form that opportunity will be missed. The bad consequences of that are further explained below. Parliament should, therefore, seek answers from the Home Secretary on the following matters at Second Reading:

- Why has the Government not expressly ensured the Border Security Commander must have regard to human rights generally, and specifically with regard to the need to share responsibility for guaranteeing the right to asylum and for protecting victims of modern slavery, in the exercise of his functions?
- Why is the Government proposing to retain any provision of the Illegal Migration Act 2023 and, given her predecessor was unable to give Parliament any assurance as to that Act's human rights-compatibility, why has no assessment been made in the Human Rights Memorandum of the human rights-compatibility of the provisions currently to be retained by this Bill?
- Why has the Government not included human rights-incompatible provisions of the Nationality and Borders Act 2022 among those to be repealed by this Bill?
- Will the Government reconsider its position on refusing to develop safe and managed routes for people to seek asylum in the UK, particularly those with family or other strong connection here, or is it determined to perpetuate the current environment in which people smuggling and human trafficking gangs are thriving by exploiting the absence of safe alternatives for people who need and are compelled to make journeys?

The consequences of Government policy on asylum and immigration

Those consequences can be predicted because they have persisted for many years as a result of the same or similar attempts to simply 'smash gangs' and 'stop boats' rather than address the human needs and rights of people who are compelled to rely on those gangs and attempt journeys by those boats and other unsafe, sometimes fatal, means.

Those consequences include the following. Refugees continuing to endure severe hardship and trauma in their search for safety, even when having family in the UK or other strong connection here. Ruthless criminal enterprise continuing to thrive from the increased vulnerability of people compelled to make dangerous journeys for want of any real or safe alternative. Victims of slavery and human trafficking remaining among the people punished and penalised rather than being protected and cared for. Administrative dysfunction and cost will persist because

Government policy pursues impracticable and counter-productive aims¹ – avoiding shared responsibilities (such as the duty to provide asylum)² and ignoring the realities of the people to whom the policy directly relates. Respect for international and domestic human rights law will again be put under strain precisely because the policy is so badly out of touch with people’s realities and its ambitions are incompatible with human dignity and human rights.

What is different and why

The Government vocally presents itself as distinct from its predecessor.³ This Bill, however, does not fit that presentation. It must be acknowledged that the Government has abandoned some worst extremes of recent years. It has scrapped the plan to expel people seeking asylum to an unreliable and, as recently affirmed by *The Times* among others, internally repressive and externally aggressive human rights abusing government in Kigali.⁴ It has scrapped some miserable sites of accommodation including the monolithic Bibby Stockholm barge. It has committed to deciding asylum claims that had previously been placed in indefinite limbo. This Bill would repeal legislation underpinning much of this. Amnesty International welcomes these changes.

However, thus far the Government has given reasons of effectiveness and efficiency for these differences on policy detail.⁵ For all that these are important considerations, they are not in themselves a basis for policy or the ambition of policy. Just as the health service must consider effectiveness and efficiency, but with an aim of promoting health; so any proper asylum system or modern slavery system must aim to provide protection to people.

What is unchanged

The Bill now provides insight into what of principle and ambition underpins immigration and asylum policy. More is revealed by what it would not repeal than what it would.⁶ Among those provisions of the Illegal Migration Act 2023 that are not to be repealed is section 29. That section permits the Home Secretary to withhold protections from victims of slavery and human trafficking on the basis of convictions and sentences, which they may very well have received in connection to their exploitation. For example the Bill would allow the Home Secretary to remove protections from victims of modern slavery who have been convicted of immigration offences – including those introduced by this Bill⁷ – despite their conviction arising from the control or coercion of human traffickers. Also absent from the repeals in this Bill, is any of the harmful asylum, immigration and modern slavery provisions of the Nationality and Borders Act 2022, including measures to permit the Home Secretary to operate a two-tier system of

¹ The human, financial, and administrative consequences of the previous Government’s attempt at pursuing the same policy aim of deterrence and prevention were elaborated in a [February 2024 Amnesty briefing](#).

² The duty to share responsibility is explained in a [November 2024 Amnesty briefing](#).

³ See e.g., *Hansard* HC, 2 December 2024 : Col 41 and 11 December 2024 : Col 901 *per* the Home Secretary.

⁴ [The Times view on conflict in Africa: Rwandan Aggression](#), 3 February 2025

⁵ See, e.g., the Government’s reasons for abandoning its predecessor’s Rwanda plan as set out by the Home Secretary in a statement on ‘Border Security and Asylum’: *Hansard* HC, 22 July 2024 : Col 385.

⁶ A concise analysis of asylum legislation in immediate need of repeal is provided in an [October 2024 Amnesty briefing](#).

⁷ Part 1 and Part 3 each include several provisions to extend criminal offences and powers relating to immigration.

refugee status⁸ and reinterpret the Refugee Convention in ways that are contrary to international law.⁹

Parliament's task ahead

As the present Bill continues its passage, Amnesty will ask that Parliament press the Government closely on these glaring omissions to repeal harmful legislation, which this Government vocally condemned when in opposition not so very long ago.¹⁰

The Bill also provides opportunity to reflect further on the Government's intention – recently affirmed by the Prime Minister – to close down rather than open up safe and managed routes by which some refugees may seek safety in this country.¹¹ While safe routes will never provide an answer to all who must seek safety, it is especially concerning that policy continues to offer ever more deterrence and punishment for people who attempt unsafe journeys when no alternatives are offered to any of them – even those with close family and other strong connections here.¹²

Finally, the Bill provides opportunity to consider much else of immigration policy. That should include consideration of excessive and increasing use of wide powers of detention, deportation, and criminal prosecution in response to migration – often with little independent oversight – that has continued for decades. The outcome of this approach is harmful from almost any perspective, save for that of those who exploit the fear and lack of trust in authorities that this perpetuates. Properly designed and operated asylum and modern slavery systems would clearly prioritise the protection of people escaping persecution or exploitation. Systems that instead threaten the people who ought to be protected with deterrence and punishment inhibit them from seeking assistance, engaging with administrative processes, and assisting authorities to identify and prosecute their abusers.

⁸ Section 12, Nationality and Borders Act 2022

⁹ Sections 30ff, Nationality and Borders Act 2022

¹⁰ On the Nationality and Borders Act 2022, the then Shadow Home Secretary moved that it not be given a Second Reading for reasons including it “breaches the 1951 Refugee Convention” (*Hansard HC*, 19 July 2021 : Col 719). On the Illegal Migration Act 2023, the then Shadow Home Secretary moved that it not be given a Second Reading for reasons including it “leaves victims of modern day slavery without any protections” (*Hansard HC*, 13 March 2023 : Col 582).

¹¹ Oral evidence of Prime Minister before the Liaison Committee, 19 December 2024, in answer to questions from Dame Karen Bradley and the Chair, Q78-Q87. The previous day the Defence Secretary indicated an intention to close the Afghan scheme: *Hansard HC*, 18 December 2024 : Col 37WS.

¹² People seeking asylum in the UK must make a claim on the territory of the UK. However, immigration rules both require a visa to travel to the UK but exclude any visa for someone to come to the UK for that purpose.